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REASON, NECESSITY AND GENOCIDE

A dissertation submitted to
the School of Graduate Studies and Research
of the University of Ottawa
in partial fulfillment of the requirements
of the Degree of Doctor of Philosophy

By

Phil Lancaster

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Abstract

This work examines core assumptions of the rationalism that underlies liberal political theory by placing it against the background of a dramatic historical phenomenon - genocide. An attempt is made to draw on historical accounts of two genocides to develop a critique of liberal political theory as it has been articulated during the latter years of the 20th Century by John Rawls. Ultimately, this thesis attempts to sort out the conceptual problems arising at the junction point of normative and descriptive theories of politics and argues that the basic elements of both kinds theories would benefit greatly from closer attention to history.

The first chapter is devoted to a discussion of the ways in which political reason can be adapted to the needs of state and suggests that there are problems associated with the attempt to universalize the notion of human rights across a community of nations lacking the basic contextual requirements for rights.

Chapter two considers the uncomfortable fit between political structure and value in liberal political theory. It argues that the administrative structure of states now exists as an important part of contemporary formal reality and thus ought to be a critical element in any serious study of politics. An argument begins here that works towards the final conclusion that states constitute an arena within which individualist and collectivist values collide.

The third chapter examines the relationship between liberal values and rationality. It

includes a technical discussion of Max Weber's theory of rationality but limits the discussion to political applications. This chapter raises a series of questions about the concept of rationality used in the construction of political theory.

Chapters four, five and six examine the complications that arise when a liberal perspective is taken to issues of ontological existence, community values and the powers inhering in states to shape identity frames in the interests of administrative efficiency. This leads into a more technical discussion of rationality as represented in the theories of John Rawls and Alan Gewirth that is contained in the seventh chapter.

Chapters eight and nine are devoted to discussions of elements of the Holocaust and the Rwandan genocide respectively. Both examples are used as a means of illustrating the complex power relations arising out of the various forms of collective agency needed to sustain state sovereignty and which complicate political theory far beyond the explanatory power of liberal rationalism. The examples are used to argue that theories based on notions of disassociated rational persons just fail to support their normative conclusions.

The final chapter argues for a re-examination of the way in which political theory is read and suggests that liberal theory, in particular, tends towards abstraction in ways that limit its usefulness as either explanatory or normative theory.

Dedication

What began in despair has been finished with at least some hope. For that I must thank two people. To Leslie Armour, who guided this project, I owe far more than can ever be paid. Without his generosity of spirit, patience and encouragement, I would have lost my way completely. To my wife, Lorrie, who had to live with my nightmares and frequent bouts of unreasonable behaviour, I owe even more. I owe a debt as well to General Romeo Dallaire, who made it possible to see a glimmer of humanity in the midst of genocide and who bore a terrible burden alone. I hope all of them will understand why I dedicate this humble work to the survivors of Muganero, Nyarabuyi, Nyamata and countless other massacre sights throughout Rwanda.

Phil Lancaster
Orleans
January 2000

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INTRODUCTION

"No thinking person's attitude to life and the world he lives in can remain unaffected by the daily news of more killing, here, there and everywhere. It is a maelstrom into which the ship of humanity is being drawn by degrees."[1]

"Do human necessities require us to compromise with evil?"[2]

In sleep I sometimes find myself carried back again to the desolate Nyarabuyi[3] churchyard, in south eastern Rwanda. There are mangled bodies scattered everywhere. Overwhelmed by the scale of the carnage, my mind focuses in on one scene, a detail amidst so much death . On the ground not far from where I stand is a slight female form cut in half at the waist with a decapitated infant not far from her outflung arms. I can imagine only too well how it happened and how the blood crazed people who did this thing must have laughed as they tore the baby from the desperate mother's grasp. In my dream I am led once more along a path strewn with corpses between the church and some outbuildings until I reach the scene of final outrage: in the corner of the compound is a pile of bodies. The blood stains reach to my feet several metres away. The bodies lie one atop the other like so many leaves swept by a strong wind; and

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Brian Bailey, *Massacres: an Account of Crimes Against Humanity,* (London: Orion, 1994) p. 3

2

Harvey C. Mansfield, *Machiavelli's Virtue* (Chicago: University of Chicago Press, 1996) p. 8.

3

Some 800 Tutsis were massacred in Nyarabuyi in May 1994. I took part in the first forensic investigation as part of the UN Human Rights Commission to Rwanda in September 1994.

forgotten. This nightmare is not a flashback to a scene from *Schindler's List* or some other graphic movie of events that happened in my father's time. It is a memory of a place I walked through in broad daylight. This event happened. I saw the evidence with my own eyes. No one who cared heard the final scream of that one broken woman in the churchyard. No one who cared saw the agony of the rest who were slaughtered that day nor did they hear the cries of the nearly 800,000 of her compatriots who died in other places and times over the four months of genocide. It falls on we few who saw the immediate aftermath to find words to speak, to bear witness and to try, if such a thing is possible, to make sense of what happened. For surely the most appalling part of this genocide is its seeming incomprehensibility.

I had intended this work as a critique of communitarian theory. In the late spring of 94 I was posted, in a military capacity, to Rwanda where I worked in the midst of genocide. At the end of a year, I could make no sense of the academic project that I had begun. Nor could I make much sense of what I had seen. There just seemed too great a distance between the kinds of theorizing done by Rawls, Nozick, MacIntyre, or any one of a number of other prominent political thinkers whose works I had studied, and the reality of what I had witnessed. Arguments about individual rights, about meaningful political dialectic arising out of public discourse, about meaning, somehow failed to reach the issues; or rather seemed to do so in ways tailored to appeal

to those more interested in formal argument than in actual politics. The very form of the arguments seemed to underline the separation that exists between political theory and political action as manifest in history. Perhaps living an age in which the trend towards specialization has made it increasingly difficult for those involved in the profession of generating theories to understand phenomena occurring beyond the political pale of ordered states may explain the persistence of theories that seem to abstract away from the mess of history. Issues of ego, of prestige, of identity, of the hunger for power and fear of domination all seem to be ignored at times in the search for logical consistency. One finds these things taking up a great deal of space in historical accounts but looks in vain for a satisfactory theoretical explanation of them in politics. Perhaps there is a need for Plato to go to war or for Alexander to pick up the pen or, at the very least, for Aristotle to read Herodotus. Political theory, whether normative or explanatory, that does not take adequate account of the inherent complexity of the world, that does not start with an acknowledgement of how confused the world of action is, will be of little use to those enmeshed in the chaos of historical events.

Solzhenitsyn, in *The Gulag Archipelago*,[4] remarked how quietly millions of Soviet citizens were exterminated and how unaware of their passing his own countrymen had been until the wave of eliminations swept over a segment of the population who were educated and able to make themselves heard. For all one reads or hears about what went on in Rwanda during those horrible months of bloodshed, one could well be persuaded that the massive media coverage at the time reduced to little more than testimony to the ephemeral nature of human concern for events too confusing to understand without serious engagement - or to some form of disengaged voyeurism. The outside world looked at the pictures, wrung hands in sympathetic agony and then turned quickly away with knowing nods and winks communicating all that could not be said openly about the savagery of *that continent and its people*. There have as yet been few artists who have tried to make sense of what happened to the general public outside of Rwanda though some voices are beginning to make themselves heard.[5] In the world of the university, political theorists continue to debate the merits of sterile abstractions as if the sacrifice of nearly one million people in a politically organized mass murder had no significance to their deliberations. Yet this

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[4] Alexander I Solzhenitsyn., The Gulag Archipelago, 1918-1956 (Great Britain: Harper and Row, 1974)

[5] The United Nations enquiry and the Organization of African States' Panel of Eminent Persons are a start but, other than Francois Bugingo's *Africa Mea: le Rwanda et le drame africain* (Montreal: Editions Liber, 1997), the field has been left to historians.

genocide needs to be studied, to be understood. It stands at the moment as an unexplainable action about which normative judgements have already been made. But if the transition between theory and action is to be made in this way, then there is surely work for philosophy to try to elucidate the reasoning that appears to have been used in the process.

In my attempts to make sense of the tension between my too vivid experience and the fascination I continue to feel for political theory, I seem to have been drawn to the many excellent works on the Holocaust as well as to the growing body of historical work on other genocides of this century. It occurred to me early on in this reading that the conceptual distance between the reality of genocide and the language of western political theory, more particularly, of liberal rationalism, is alarmingly large. Yet the language of the Declaration of Human Rights, the Convention on the Rights of the Child and many other of the most cherished instruments of United Nations diplomacy, seem to owe conceptual debts to liberal rationalistic thinking, particularly on theories that suggest that it is possible to ground politics on a universal moral foundation provided only that the moral precept used is grounded on reason.[6] Though I will not

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[6] The Convention on the Rights of the Child (1989) would seem to force every signatory into a liberal form of government in the interests of meeting their obligations to children entailed by the list of rights. That it was ratified by an unprecedented number of states (over 180) is impressive only until one looks closely at the games being played. Sudan, for instance, was one of the early signatories and has subsequently been accused of engaging in genocidal war against the Dinka, Nuba and other southern tribes.

argue the connection between UN instruments and liberal theory here, I will attempt to show that some central common liberal assumptions about the ways in which reason operates in politics lead to theories that just fail to account for some of the observable phenomena. The result, I argue, is a body of work that takes on an air of unreality when considered from the edge of a mass grave site. The sight of mangled bodies is hard to reconcile with the concept of rational politics whose natural tendency is supposed to be to symmetry, to compromise and cooperation. There may indeed be some sort of symmetry involved but it has a decidedly illiberal character. In a sense liberal political theory can be likened to a theory of geology that fails to account for volcanoes or a meteorological theory that ignores tornadoes. Genocide is a major political phenomenon of our times and ought to play a prominent part in our theorizing if only because our condemnation of it needs solid grounding. Normative judgements made without a serious attempt to account for situational factors, including psychological insights, survival imperatives and the effects of instrumental reason on the various institutions that stand, in some way, as the embodiment of reason just confuse the issues further.

After years of trying to tame wild thoughts into something coherent, I no longer know as much as I did when I started. Perhaps I have discovered what must have been frustratingly apparent to many of the Africans with whom I worked during those

terrible months - that the Western perspective can be so thoroughly individualistic that it is blind to the possibility that rational political thought might, under certain identity conditions, lead logically to mass murder. Murder on that scale just does not compute on a liberal calculator for the simple reason that it is calibrated to deal with single digits rather than sets[7]. Yet the actions that led to genocide in Rwanda were political and must have carried within them some germ of rationality that would make them comprehensible to a mind illuminated by liberal precepts.

There is a tendency to simply write off the perpetrators of genocide as persons in some way tainted to a degree that makes debate unnecessary, but we cannot just dismiss the actions of a whole political dynamic as being irredeemably evil and punish everyone involved without emulating the actions of *génocidaires.* If, following lines explored by Wittgenstein[8], we accept the notion that public use of language entails the possibility of particular communally based notions of meaning, and thus of notions of right and wrong and if, following a long tradition of liberal reductionism, we want to

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[7] Discussion of this particular genocide has led too often to the attribution of madness or some collective psychosis. This was not a thoughtless act. It follows that it cannot just be dismissed through glib attribution of cause without blocking completely efforts to understand why it happened. It also follows that the reasons behind it must be carefully and thoughtfully considered, if only in the interests of forensic investigation of a crime scene. " The classic conflicts of moral philosophy cannot be rationally resolved simply by refusing to contend with one of the competing positions." Gewirth, Alan *Reason and Morality* (Chicago: University of Chicago Press, 1978) p.9.

[8] Ludwig Wittgenstein, *Philosophical Investigations* (Oxford: University Press, 1953)

claim as universal a norm of reason against which judgments can be made then we must delve deeply into the dark night of politics to discover why reason seems to fail so spectacularly when communities fall into genocide. In some basic way, this entails exploration of the link between action, as interpreted from historical understanding of events, particularly genocide, and the interpretive power of liberal political theory when applied to those same events. It also entails an examination of the uses to which political theory is put. If political theory is to have normative power, as Rawls and others think it should, then it must also have explanatory power sufficient to allow for a credible normative application to real life politics - to political action. Otherwise, as I will argue later, one is left with normative claims that are meant to apply to impossible conditions.

"Genocide is a denial of the right of existence of entire human groups, as homicide is the denial of the right to live of individual human beings; such denial of the right of existence shocks the conscience of mankind, results in great losses to humanity in the form of cultural and other contributions represented by these groups, and is contrary to moral law and to the spirit and aims of the United Nations...[then, clearly]...The punishment of the crime of genocide is a matter of international

concern.[9]" But there seems something inherently wrong with the idea of punishing people who may not be able to control their actions. The Rwandan government has determined four levels of guilt which include, at the lowest level, those who did nothing to stop the killing. Though this is understandable from the perspective of survivors, it indicates a rather loose understanding of the process that led to the massacres and fails to recognize the survival imperatives facing the accused. To punish is to act and in order to act wisely, we must first understand how our actions are meant and what they are likely to cause. In order to punish genocide effectively, we must grasp the nature of the crime, *and most particularly, its moral status,* with enough clarity to be able to distinguish between spurious justifications and reasonable exculpatory explanations. Though genocide is nearly universally condemned, many central theoretical issues pertaining to it have a tendency to become hopelessly muddled when set in the context of questions of state sovereignty and national identity, as it must when making legal judgements. Nowhere do the fundamental conflicts between theory and action come into sharper contrast than against the background of genocide.

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[9] UN General Assembly Resolution 96-I, quoted in Leo Kuper, *Genocide: Its Political Use in the Twentieth Century* (New Haven and London: Yale University Press, 1982), p. 23.

The aim of this work is to examine the phenomenon of genocide from a liberal theoretical context. Though this work might be construed as a critique of political theory in general, I intend it only as a criticism of a certain kind of theorizing that is based on distinctively liberal rationalist notions. The main problem that I will address is the inadequate appreciation of situational factors and their possible effect on practical reason in a political context. In discussing the possibilities of extending lines of enquiry opened by Karl Popper, John Gray suggests that much more needs to be done in the area of problem definition before political theory can make much headway[10]. This work clings to that notion. I attempt to define a little more clearly one aspect of the political *problématique* that I believe has been over looked by liberals and communitarians alike - the potentially murderous forces existing within every state at the junction of collective identity and instrumental reason. I argue that the tradition of liberal rationalism that has supported late 20thC theories, particularly of John Rawls, is based on a flawed understanding of the limiting effect of states on the freedom of the basic element of Rawlsian theory, the rational individual. The secondary, but perhaps more difficult, aim of this work is to try to reconcile two apparently divergent strands of thinking about politics: optimistic modern liberalism begun by John Stuart Mill and carried on, though in much different language, by contemporary theorists such as

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10 John Gray, *Liberalisms: Essays in Political Thought* (London: Routledge, 1989) p. 25.

Rawls and Gewirth, and political realism as enunciated by Machiavelli and as is apparent in the conduct of actors caught in the flow of dramatic historical events. I will argue that the former is founded on inadequate descriptive premisses that, when considered in full historical context, challenge the basis of the conceit of human dignity that is so fundamental to Western thought.

In order to make my case, I develop an account of the state, discuss certain psychological factors that enter into our understanding of how the state actually works and then discuss the particular problem of the liberal conceptions of rationality in the work of John Rawls and Alan Gewirth. The second part of the work is devoted to a discussion of the Holocaust and the Rwandan genocide. I adopt a narrative method in the second part that attempts to illustrate theory through an interpretation of history and thus to highlight the problems discussed in the theoretical part that precedes it. I acknowledge that there are many weaknesses in this method but believe they are offset to some extent by the clarity that results from careful study of the apparent confusion. What emerges is a clear understanding of just how difficult it is to detach theory from history without, in the process, losing all plausibility for the theory in question. I believe this will provide a better understanding of the problems inherent in any attempt to carry theory into action.

Chapter I

Genocide: Patterns and Rationalizations of Mass Murder

The list of genocides for the last quarter of this century alone is long enough to generate alarm among serious students of politics, as well as nightmares in those who have witnessed them. In Bangladesh in 1970/1, in Cambodia between 1975-79, in Uganda between 1976-79, in Ethiopia in 1984/5, in Burundi in 1972 and 1988 and, finally Rwanda in 1994, the world witnessed genocides; *and did nothing.*[11] While the reasons for inaction by self-interested states might be laid at the door of *realpolitik*[12], or perhaps confusion, the silence of liberal thinkers needs as much serious consideration as the inaction of the states they inhabit. Could it be that part of the reason for hesitation lies in a conceptual clutter in a particularly untidy corner of political thinking?

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This is not to imply that there have not been other cases of mass murder on an international level during this period. The genocides listed here are only the worst in a long litany of politically organized massacres and stand out only because of the relative lack of controversy over the appropriateness of the term genocide in each case. To this list might be added the case of Bosnian Muslims, 1993/4. See David Rieff's *Slaughterhouse: Bosnia and the Failure of the West* (New York: Simon & Schuster, 1995).

12

The American unwillingness to allow the term "genocide" to be used in debate in the General Assembly in connection with Rwanda until well into the month of June 1994 is a case in point.

Let me begin with the admittedly emotional conviction that, no matter how we splice meanings together or how we might construe our terms, the phenomenon of genocide is incompatible with many fundamental tenets of liberalism. Genocide can be understood as the classic case of tyranny of the majority over the very lives of individual members of a sub set of society. Genocide is not possible without the objectification of a target population in ways that mock the very notion of reasoned normative behaviour among informed individuals. The process of deliberate extermination is one in which reason must ignore the concept of human rights, central to a liberal idea of personhood, in order to give a clear field to instrumental rationality; usually working as handmaiden to some form of collective ideology. Finally, and most important in my view, the concept of rationality, used as descriptive premiss by some liberal philosophers[13] to reach relatively benign normative conclusions can also be taken, using the same premisses, to explain genocide; albeit via a grotesque parody of the same self-directed reason that many liberals rely on to ground their own theories[14].

The term *genocide* has been so widely used that it has lost much of its power to evoke the horror that it should. I have in mind the rather restrictive meaning given

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13 Alan Gewirth labels this "the dialectically necessary method" and claims that "every agent logically must give his assent to the argument insofar as he is rational." *Reason and Morality* (Chicago: University of Chicago Press, 1978) p. 42.

14 I will discuss Rawls and Gewirth further on.

the term by Raphael Lemkin; to wit, *"la destruction d'une nation ou d'un groupe ethnique"*.[15] The official United Nations definition, given in Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide, is somewhat more complex but is worth setting out in full:

> "In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial, or religious group, as such:
>
> 1) Killing members of the group;
>
> 2) Causing bodily or mental harm to members of the group;
>
> 3) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part:
>
> 4) Imposing measures intended to prevent birth within the group;
>
> 5) Forcibly transferring children of the group to another group.[16]"

In discussing the meaning of Lemkin's elaboration of the term *genocide,* Kuper writes:

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15 Quoted from Alain Destexhe, *Rwanda: essai sur legénocide* (Brussels: Éditions complexe, 1994) Lemkin proposed the term in debates leading up to drafting of the Universal Declaration of Human Rights.

16 Quoted from Barbara Harff's *Genocide and Human Rights: International Legal and Political Issues* (Denver: University of Denver, 1984) p. 9.

> "It is clear from Lemkin's use of the words a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves, that an essential element of the crime is the intent to destroy."[17]

Kuper goes on to explain how the political process involved in drafting the Convention cited above led to a great deal of discussion and modification of Lemkin's meaning with the result that the list of eligible historic actions was reduced considerably. Stalin's massive elimination of political opponents and other perceived obstacles to his social engineering manias do not, for instance, fit into the UN definition unless the whole is broken into smaller parts.[18] The cultural steamrollering of Canadian media by American counterpart industries would not count since it is a case without blood and choices are not so much coerced as monopolized. The forced removal of Canadian aboriginal children into government-run schools presents a more problematic case though again, without some form of bloodshed or physical coercion, cultural suffocation may be the more apt description. However, despite the arguable extension of the term, the fact that the Convention was drafted at all indicates a fairly

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Leo Kuper, *The Prevention of Genocide* (New Haven & London: Yale University Press, 1985) p. 21.

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Solzhenitsyn, in *The Gulag Archipelago*, Part 1, Chaps 2 & 8, breaks the killing and arrests down into waves [of terror] during the Stalinist years. According to his description, only the wave in which the kulaks of the Ukraine would seem to fit into the UN definition as an instance of genocide as it is the only part aimed at a specific nationality. Similarly, the Cambodian mass murder of its own people would seem to need qualification. The term *auto-genocide* might fit though this would not account for the identification of the target group according to political criteria rather than racial or ethnic. Given the scale of slaughter in both cases, one really ought to be allowed a generous latitude in applying the term.

broad consensus that the word *genocide* could be applied to instances of deliberate effort to annihilate a whole class of persons simply because of their belonging to a particular target group. It is this depersonalizing of individuals, this reduction of individuals to possessors of a set of attributes, usually racial or ethnic, sufficient for their wholesale elimination as a people that seems so utterly beyond the reach of liberal moral comprehension, however it might be construed. Even more disturbing is the political process by which an act of genocide arises, as it invariably does, out of the collective decision making processes of sovereign states.

It is clear that the actions of one person, acting alone, to kill all the members of a particular group out of some strong passion would not fill adequately the intention of the term *genocide* as defined in the Convention. It is only when the calculated extermination of a particular class is the result of political action that the term *genocide* can be considered appropriate. Though this qualification appears nowhere in the text of the Convention, it is implicit in the desire to create a set of agreements that could be applied against groups of *génocidaires* rather than against single individuals. The latter could be accused of mass murder (and would therefore be guilty of homicide for which legislation already exists as part of the legislative system of extant states) but not of complicity in genocide unless part of a political organized action.

It is tempting at this point to try to collapse the difference between collective violence in open war and genocide[19]. The attempt to maintain a distinction between the two rests on the intent to annihilate and the special vulnerability that are unique in their applicability to our idea of genocide. So far in this century, genocides have been carried out with the ultimate goal of the complete destruction of the target group regardless of their combatant status[20]. Terror bombing, for instance, though unquestionably murderous and often planned with the deliberate aim of maximizing civilian deaths, at least aims at a state of affairs that would bring about the end of the bombing before the eradication of a target population; i.e., capitulation[21]. Such action can be seen as an extreme and morally dubious means to a reasonable end while the deaths in genocide are more usually thought of as the unqualified objective of action[22].

19

There continues to be an active debate over the particular classification to be given to mass killings in war. See, for instance, Eric Markusen and David Kopf, *The Holocaust and Strategic Bombing* (Boulder: Westview Press, 1995) for a nice account of the debate that attempts to narrow the moral distance between genocide and other types of mass murder.

20

The cynic resident in most worldly thinkers may want to suggest that it is only in this century we have become concerned with genocide because most of the nations today condemning the crime were busy hiding skeletons in their own closets in the last century. Certainly the colonizing powers of previous eras seemed to find little wrong with eliminating holus bolus resident populations in colonial areas whose economic value was not clear.

21

Markusen and Kopf, op. cit., particularly chapter 8.

22

Daniel Jonah Goldhagen, *Hitler's Willing Executioners* (New York: Alfred A. Knopf, 1996) ch.16. The internal mechanisms designed to focus the energies of the modern state onto the task of killing remain problematic despite Goldhagen's effective criticism of Arendt and Stanley Milgram, continue to present a serious challenge to the liberal principle of individual responsibility. Indeed, the Canadian Land Forces Command and Staff College curriculum of the 1970's and 1980's dedicated a full week to the correct tactical use of nuclear weapons. Differentiating between the assumed function of a soldier tasked with fighting in the defence of his country and the human responsibility for participating in the possible eradication of life on the planet was not part of the curriculum. (Course notes, 1981)

Nothing will satisfy the aims of genocide but the elimination, the complete eradication, of the chosen target group.

While both sides in a full scale industrial age war, a *total war* in the idiom of neo-Clausewitzean terminology[23], may aim at the complete destruction of the enemy military industrial complex, the conflict would not fall under the Genocide Convention unless one side were so vulnerable to the other as to be virtually defenceless. Both sides in a *fair fight* may massacre each other's women and children with complete impunity from the Convention provided that both sides are actually armed[24]. Presumably, however, war would shade into genocide if one side surrendered and the other continued killing after the losing side had put down its weapons. Suffice to say that there have been no widely accepted instances in which war between sovereign

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Von Clausewitz argued that the natural dynamic of violence commits all parties to a conflict to a cycle of escalating retaliation until one party dominates the other. In this theory, inter-state war would, under absolute conditions, drive each party to a full commitment of all national resources until victory had been achieved. More recently, the idea of absolute war has been transformed into the idea of total war meaning commitment of all available resources. See Carl Von Clausewitz, *On War* Anatol Rapoport, (ed) (London: Penguin Books, 1968), for a full discussion of both concepts.

24

The dubious moral status of modern warfare comes into clear relief if one considers that the one widely practised tactic is for the armed forces of each side to devote a large part of their energies to murdering each others vulnerable civilian populations. The US bombing of Hanoi and of the road to Baghdad really ought to give us serious concerns about the internal workings of one of the leading members of the club of liberal nations. Anatol Rapoport's unpublished gem, "The Technological Imperative", attempts to explain how honour is assumed erroneously by armed forces personnel whose sole aim is to apply the most modern technology available to the efficient killing of an enemy without thereby exposing themselves to much risk. As he argues, such actions provoke a reaction against one's own civilian population rather than against the armed forces. This effectively makes the civilian populations in a modern war unwilling and impotent heroes of the unscrupulous actions of their own armies.

states has been labelled genocidal in this century[25]. In each of the non-controversial cases, genocide has been perpetrated by states on their own people.

I will not go into the issue of aggressive wars or wars in which one side so clearly overpowers the other as to make the fight a foregone conclusion. Rather, I want to turn my attention to the argument that genocide is deserving of our special condemnation because it most frequently occurs when its victims have no defence against the perpetrators simply because the perpetrators are those normally expected to protect the victims, those who occupy positions of trust. "It is surely the most monstrous and shameful thing in the world for shepherds to breed the dogs who are to help them with their flocks in such wise and of such nature that from indiscipline or hunger or some other evil condition the dogs themselves shall attack the sheep and injure them and be likened to wolves instead of dogs[26]."

25

Alain Destexhe, Op. Cit., p.p. 28-35, makes a strong argument for the careful use of the term to avoid banalizing the qualitative difference between the intentional mass murder of an ethnic or racial group and such things as letting die a large population through starvation or large scale death as a by-product of brutal enslavement. Though I take his point about the special nature of genocide as opposed to other forms of mass murder, I find it difficult to worry about maintaining the difference between types of evil act. History forces acceptance in this case however, for even when it was abundantly clear that Rwanda was the scene of a genocide in progress, the USA managed to persist in obfuscating the issue of labeling until long after the time for effective action had passed. A clear and narrow definition may be more useful in the long run in binding states to the Convention.

26

Republic III, 416a.

Genocide in this century tends overwhelmingly to be a domestic product. Kuper quotes the French representative to the UN Economic and Social Council (tasked with reviewing the draft Convention) as follows:

> "The theoreticians of nazism and fascism, who had taught the doctrine of the superiority of certain races, could not have committed their crimes if they had not had the support of their rulers....Thus it was history that showed the way; it was inconceivable that human groups should be exterminated while the government remained indifferent....Thus, whether as perpetrator, or as accomplice, the Government's responsibility was in all cases implicated."[27]

If we accept the argument presented further on, in which it is asserted that modern states possess a monopoly on the use of justifiable violence within their borders, and if we also accept that the justifiability of its use ultimately depends on the reason for which it is used, then we have a conceptual hurdle to clear before we can condemn genocide out of hand. If government justification is thought to rest on the will of its people, however curiously that may sometimes be expressed, then a government agenda to eliminate part of the population could conceivably be precisely what the majority of the people want. Where the people's wish arises out of

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[27] U.N. ECOSOC, 26 August 1948, 704-5, 713-14 quoted in Leo Kuper's *Genocide* (New Haven and London: Yale University Press, 1981) p. 37.

reasonably well-founded fear, on what precept does the right to admonish them for taking action rest?

> "There is no way for any man to secure himself, so reasonable, as anticipation; that is force or wiles, to master the persons of all men he can, so long, till he see no other power great enough to endanger him: and this is no more than his conservation requireth, and is generally allowed."[28]

Consider this simplified version of events that is uncomfortably close to historical fact: Two peoples inhabit the same territory. Historically, one has dominated the other though, prior to the arrival of an outside power, the distinction between the peoples was soft in the sense that it allowed some flow between one group and another through intermarriage and other formal measures. Once the arrangement was disrupted and the stronger group's capacity to dominate was perverted to the ends of a colonizing power, the divisions hardened and the arrogance of the dominating group gave rise to deep resentment in the now Helotized group. Over time, this resentment led to a revolution in which the majority overthrew their rulers and expelled large numbers of them. The exiles in turn nurtured their own resentment and fed dreams of a triumphal return home by force. Meanwhile, large numbers of the former dominating ethnie remained in the home country. After several generations, conditions

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[28] Hobbes, op. cit., p. 99.

became ripe for an armed return by the expatriates. The ethnic group who had remained in control since the previous revolution became increasingly easy to convince that invaders would be helped by a large fifth column of the opposing ethnie still within the country. Is there not an ethnic survival imperative here that is understandable from both sides? On the one hand, the desire to return to one's homeland is difficult to characterize fairly as unjustifiable. On the other, the desire to avoid falling back into a system of ethnic domination in which one's own ethnie is the underdog is equally understandable. Given the right circumstances, is it not possible to view the desire to use force to defend against a perceived fifth column population as justifiable? Under certain circumstances, would it not also seem the duty of the existing government to take measures it felt necessary to defence including the elimination of a threat from within?[29]

What ought to terrify us most about genocide is the ease with which it can be made to assume the guise of rationality. What might scare us more is the apparent willingness of whole populations to accept it as both reasonable and necessary. Liberals make heavy demands of reason. Some liberals go so far as to claim that the basis of liberal ideology can, in principle at least, be grounded on objective, or at least

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[29] There is a confusion between the notions of justification and explanation here that I attempt to deal with later. I believe, however, that I fail - largely because the subject matter does not allow for a clear distinction. The explanations I offer seem to rest on value impregnated theory.

disinterested, analysis of the problems of political existence.[30] Yet the persistence of genocide as a phenomenon, in which reason exerts a corrosive influence on rational beings supposedly able to see for themselves the folly of what they engage in, ought to give us pause. If, in theory, reason ought to suffice to prevent particular states from falling into genocide then genocide ought not to occur. Clearly, it does. Though of course the distinction between normative claims and descriptive theory stands in the way of any reasonable suggestion that normative theory is somehow negated by empirical counter examples, the need remains to reconsider theory taking into account as many of the facts as are available. Here theory will be more productive if some attempt is made to link it with histories which illustrate the full complexity of the kinds of problems with which an adequate theory must deal. However, before reaching that point, there are some other elements of the problem that need exploration. In the next section, I will consider some of the possibilities and problems arising out of the concept of human rights.

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John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993). Rawls claims that the "aim of [his concept of] "justice as fairness, then, is practical: it presents itself as a conception of justice that may be shared by citizens as a basis of reasoned, informed, and willing political agreement." (p.9)

The Logic of Human Rights

> *"The appeal to order alone, without concrete specificity, is futile; the appeal to the dissemination of norms, without these ever passing themselves in reality, or before consciousness, is equally futile."*[31]

The underlying premise of the Universal Declaration of Human Rights[32] is that respect for human rights constitutes the most likely hope for global peace. The preamble states that "disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind" and that "it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by law". The general intention here seems to be that contempt for human rights is bad primarily because of the violent reaction that it might provoke. While this might be accepted as the basis for a general negative claim that peace is impossible without respect for rights, it is not strong enough to warrant the more positive claim that respect for human rights necessarily leads to peace.[33] Whatever validity the prescriptive elements of the

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Theodore W. Adorno, "Culture Industry Reconsidered", pp. 275-286 in *Culture and Society: Contemporary Debates*, Jeffry Alexander, Steven Leidman (eds), (Cambridge: Cambridge University Press, 1996).

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General Assembly resolution 217A of 10 December 1948. Quotations immediately following are from this source.

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The International Covenant on Economic and Social Rights adopted by the General Assembly in 1976 expanded on the original set of political rights addressed under the Declaration but does not substantially change the underlying logic of the problem of rights.

Universal Declaration might have as the basis for the achievement of a *perpetual peace* of some kind, there are descriptive issues that seem stubbornly to refuse to yield to abstraction and that indicate a more general problem. Both the Universal Declaration and the International Covenant on Social and Economic Rights are grounded on the hidden premiss that reciprocity of respect is in some way a logically necessary conclusion of reasoning about political realities.[34] But if respect for rights should lead necessarily to peace, why are there so many occasions when it seems not to have? I will argue further on that this is more than a problem of logical entailment in which it might be shown, for instance, that the necessity of human rights might, in combination with the sufficiency of economic and social rights, describe accurately the causal conditions that would bring about world peace.

The negative version of the argument to rights might be framed in Rawlsian terms by considering the list of rights given in the 30 articles of the Universal Declaration as the necessary conclusion of all reasonable beings capable of disinterested rational thought and concerned with their own long run best interests[35].

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One might argue that the material and social rights outlined in the Convenant are in some way pre-requisite to the political rights set out in the Declaration. Certainly they can be understood in some way as necessary manifestations of a concept of distributive justice consistent with the concept of Human Rights outlined in the Declaration. However, for present purposes, I believe it is sufficient to deal with the political concept of rights without trying to work out a full set of economic ramifications.

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John Rawls, *A Theory of Justice*, Cambridge: Harvard University Press, 1971. See particularly section 25.

This would, I believe, mask a descriptive claim of dubious character. Rawls' original argument runs into the standard objection, discussed in detail further on, that people are in fact very interested in their own lives and generally unwilling to abstract away from their own particular interests unless there is some compelling reason to do so. Why, for instance, would any self-interested rational person whom happenstance had placed in a favoured position want to go behind Rawls' veil of ignorance in the first place? Would reason not suggest that she might be taking an unnecessary risk? Unless one truly is behind a veil of ignorance, the argument is compelling, if and only if, one is vulnerable in some way to the actions of all the other parties to the social contract and it is not a foregone conclusion that one is. Nor is it certain that dealing fairly with all is the best way to assure one's own long term interest[36]. Of course, Rawls speaks in a mode adapted from a context of middle class materialism in which personal security is not the primary focus of interest. Under less favourable conditions, where personal security is not guaranteed by effective government, having the courage to be generous towards a foe may just encourage further aggression. There is, of course, a great deal more that needs to be said on this point and I will attempt to say it further on.

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Donald Kagan discusses at great length the deliberations of the Athenians during the Peloponnesian War to deal with the very real threat posed by Spartan military superiority on land. See *The Archidamian War*, (Ithaca and London: Cornell University Press, 1974). It was apparent to both sides that nothing was to be gained from abstracting away to a disembodied notion of justice though both subscribed to similar notions of merit based justice. Both appealed to violence since both saw possibilities for victory, or at least for avoidance of complete defeat in the Athenian case. The Spartans, who clearly held the stronger hand, had no interest in negotiating anything less than terms unacceptable to Athens.

One might state the argument to rights more simply as the common sense claim that reasonable people will inevitably see that there is more to be gained in the long run from cooperation than from conflict. Anatol Rapaport's famous Tit for Tat strategy for the Prisoner's Dilemma game might even be enlisted to provide some theoretical support for this claim; providing, of course, that one is able to match the highly controlled conditions of the game in real life - particularly conditions of rough mutual vulnerability.[37] But again, there seems little hope for achieving cooperation through Tit for Tat if there is an end game strategy open to any player; perhaps a 'final solution' option in which one player annihilates the other. There is ample historical evidence for the power of this kind of thinking over the logic of conflict; Rome's treatment of Carthage is a well known classical example but there are many cases going back into pre-historical times indicating that there have always been times when fortune seems to have favoured the ruthless.[38]

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Rapoport developed a winning strategy in a multi player game by inducing other rational persons to maximize their own scores through cooperation. Mathematically, cooperation maximizes return. The basic strategy called for demonstration of the willingness to cooperate along with a parallel demonstration of the willingness to punish non-cooperation in kind. Over multiple plays, the majority of players were induced to cooperate and thus to maximize their own benefit. See John L.Casti, *Five Golden Rules* (Toronto: John Wiley &Sons, Inc., 1996), pp. 34-37.

38

Lawrence H. Keeley, *War Before Civilization* (New York: Oxford University Press, 1966). Keeley offers plausible testimony from archeological evidence of mass murder as a strategy of war going back to pre-historic times.

The fundamental idea in the Declaration seems to resonate with Aquinas' dictum that law is "an ordinance of reason for the common good" and, indeed with Hobbes' claim that all men have reason to seek peace if only to avoid the greater evil of war. But these claims have a high level of intuitive appeal as general guides to real life actors, if and only if, there is some strong limiting factor on the possibility of victory in any conflict that might arise; a Hobbesian sovereign for instance. After all, why worry about cooperation if one is strong enough not to have to? Perhaps more importantly for my argument, why should one trust in the efficacy of the Declaration to restrain one's enemies if there is no sovereign to ensure that they do?[39] I doubt that Hobbes would see the virtue in putting down one's weapons before the advent of an effective sovereign power. Indeed, he claims that "every man ought to endeavour peace as far as he has hope of obtaining it: and when he cannot obtain it, that he may seek, and use, all helps, and advantages of war[40]."

Here it might well be objected that the concept of human rights is inextricable from background concepts of economic and social rights, and in fact, the United Nations Declaration of Economic and Social Rights recognizes the link between the

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This same question seems appropriate to economics as well. It is interesting that most modern developed states see the dangers of unfettered competition clearly enough to have instituted laws protecting against the possibility of monopolies emerging.

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Thomas Hobbes, *Leviathan* (1651), Michael Oakeshott (ed) (New York: Collier Books, 1962) p. 104.

two. The notion of distributive justice is very old and indeed the debate about how the burdens and benefits of society may be distributed to best preserve order goes to the root of the problem of political association. Jan Narveson has gone so far as to suggest that the language of rights could be reduced to a set of claims about ownership and therefore that rights may be quantified by attaching notions of property to whatever rights are thought to exist.[41] But the fundamental problem remains. We can exchange the idea of reciprocity of respect for moral insights, consistent with Kant, with the idea of reciprocity of respect for property and still have the problem that respect for other persons' property is tied to a perception of need for the order-preserving character of property as an institution. Not to put too fine a point on it, there are indeed times when it is more rational to trample on the property rights of others in the interests of gaining a bigger share of whatever property is in dispute than to recognize the inherent rights of others to property that one wants. When one is strong enough not to have to worry about consequences, one merely takes what one wants, whether it be a small business competitor without the resources to resist or a whole continent in the hands of Amerindians without power to interfere with Manifest Destiny. This is more than a story of ancient robber barons but is part of the inherent logic of money and power. Outfits like Executive Outcomes exist today because of their willingness to employ the

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[41] See Jan Narveson, *The Libertarian Idea* (Philadelphia: Temple University Press, 1988).

latest modern military technology ruthlessly to assist huge conglomerates to take resources from areas where the indigenous populations lack political power to resist. It is simply more profitable to take by force than to pay the development costs associated with legitimate exploitation and, in any case, there is no political structure in place interested in development. The costs of distributive justice may be avoided completely by faceless companies willing to employ the military expertise of a subsidiary, such as Executive Outcomes or Gray Security, to protect the operation. The ultimate rationality of the process of exploitation is preserved by the fact that the interests involved have the power to protect their ill gotten gains; either by moving the wealth internationally or, in the case of national collaborators, by naked military force. In countries where law no longer rules, such as Angola, Democratic Republic of Congo or parts of the former Soviet Union, it is remarkably easy to extract mineral wealth at very low cost by applying this strategy.

Despite these objections, the *reason to rights* argument seemed to enjoy broad support by the signatories of the Universal Declaration who agreed to the positive formulation of the rights argument with the statement that "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world."[42] Suffice to say that the

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10 Dec 48, op.cit

Declaration follows from and feeds into an argument with a long, honourable, and essentially liberal, tradition. But, does the logic of the argument hold up in all cases; say, for example, against the possibility of radical evil? What could be said about a common sense decision to cooperate in the face of an absolutist ideology advocating the annihilation of one's group or in the context of an enemy who has no visible need to cooperate? Cooperation where there is no good reason to expect reciprocity of good will is an inherently risky strategy. Would it not seem in such cases that confidence in the ultimate power of disembodied reason to incline one's opponent to compromise would be groundless and could, under extreme conditions, be suicidal? We have witnessed enough genocide in this century alone to anticipate that, under certain circumstances, the meek may fare badly when the strong believe they can do what they will. We have seen enough war to know that the weak may have good reason to act preemptively on occasion. Even a cursory review of history ought to kindle within us the suspicion that the notion of universal human rights grounded on self-regarding reason may just be a self-deception. Though at this point, I must acknowledge that I have already put off serious examination of a number of key issues, I must add yet another to my list of accounts owing by suggesting that the deception is one which sits at the heart of liberalism without having yet offered any sort of definition to the term "liberalism". I will address this further on. For the present, if liberalism, however we may conceive of it for the moment, has at its core a deception then what gives liberal

theory its apparent strength? What arguments can be mustered in defence of the liberalism that seems, despite its apparent value impregnation, to be better than most possible alternatives?

Kant's Codicil

In working out his logic of rights, Kant argues that the disagreement between morals and politics can be resolved by considering the logic of amoral politics from a purely practical point of view[43]. Kant says that while "he can imagine a moral politician, i.e. someone who conceives of the principles of political expediency in such a way that they can co-exist with morality, he cannot imagine a political moralist, i.e. one who fashions his morality to suit his own advantage as a statesman[44]". To reverse the order in favour of political expediency has, in Kant's view, the unfortunate consequence of locking its exponents into a perpetual contest for dominance. Kant explains that a politician who subordinates his moral behaviour to his political goals necessarily stumbles over the problem of uncertainty[45]. Since no human can have

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43
"Perpetual Peace" in Kant's *Political Writings*, Hans Reiss (ed) and H.B. Nisbet (trans), (Cambridge University Press, 1970), pp. 120-125.

44
Ibid, p. 122.

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Ibid.

perfect knowledge of human nature or of the causal laws of human interaction, no politician can know for sure how his plans will turn out. "On the other hand....political wisdom 'conceived of as respect for right', presents itself as it were, automatically; it is obvious to everyone, it defeats all artifices and leads straight to its goal, so long as we prudently remember that it cannot be realized by violent and precipitate means, **but must be approached as favourable opportunities present themselves**[46]." One interpretation of this work is to view it as the claim that, since there just is no empirically reliable argument for immoral politics, reason necessarily leads to the conclusion that moral principle, rightly conceived according to the categorical imperative, is the only possible guide to perpetual peace left open. But this doesn't quite get Kant to his goal. One could read his argument as a claim that, since we can't predict accurately where an arrow will land, we can only concern ourselves with making sure of where we *will* it to land *given certain conditions of its flight*. While this avoids the near certain miss that results from not aiming carefully, it in no way ensures that the arrow will actually find its mark. Speaking analogically, the important condition of flight in this case is stable wind current. Morality, interpreted as respect for human rights, is for Kant a necessary condition of peaceful politics - provided that it is applied non-violently and under favourable conditions. But it is not sufficient in

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[46] Ibid, p. 124, emphasis mine.

and of itself to bring about those favourable conditions. Once favourable conditions obtain, they might be sustained over time by moral behaviour but prudence suggests that favourable conditions will not always exist. Rather one might say that respect for rights is a better strategy than all others only because it is the best that can be hoped for given the necessary imperfection of empirical knowledge. This clearly throws us back to the world of social contingency and all of its messy consequences for coherent politics. Kant does not claim that respect for rights is sufficient to the task of bringing about lasting peace but at least offers us a good argument for seeing it as a realistic, necessary condition of peace, *faute de mieux*. Still, this seems to leave us with the prospect of trying to treat rights as both values good in and of themselves and as descriptive facts about how the world is under conditions that have yet to obtain.

Now Kant does say that two peoples may enter into conflict with each other without thereby doing each other injustice if both sides accept the rules of the game they play. "For if one party violates his duty towards another who is just as lawlessly disposed towards him, that which actually happens to them in wearing each other out is perfectly just."[47] The only trouble here is that the two parties would not be able to end the war that Kant sees as the necessary result of their manoeuvring for advantage.

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[47] Ibid.

At the very least, he suggests that the two parties may serve as an example to others of the dangers of immoral politics. It is not clear whether Kant thinks that a unilateral decision to recognize rights by any of the parties would accomplish anything though he does say that political wisdom, as such, entails respect for rights.

I would contend that this argument implies far more than the necessity for morality in political dealings aimed at peace. It also suggests the difficulty of reaching towards peace without some pre-existing expectation of reciprocity among political actors. With apologies to Kantian scholars who may be aware of an argument I cannot find, there seems to be no explanation in Kant's work of how the desire for peace is sufficient to quench the hope that, to speak in the mode of game theory, one might win in any given political conflict; or indeed to quell the fear that one might lose. Surely a viable alternative to perpetual struggle is total victory, or its opposite. If that is so, then the logical claim for the universality of human rights as a dictate of self-interested reason is weak. Peace might well be considered a pre-condition of social goods but, under conditions of political conflict, a strong allegiance to a binding concept of social good would seem to be a pre-condition of peace. The trouble with the application of Kantian logic to rights theory might be that Kant's little codicil pertaining to the prudent use of favourable opportunities may have been overlooked. This is not to suggest that there is a viable Hobbesian reading of Kant but only that the textual

evidence does seem to suggest that Kant at least acknowledges some sort of contingency affecting the possibility of attaining peace.

There is one other concern that ought to be stimulated by acknowledgement of the limits of the Kantian argument. The idea that all peoples ought to recognize the rights of all other peoples may have some psychological force where it is anticipated that radical evil will not interfere with the supposedly natural tendency towards cooperation the Declaration proclaims as a dictate of reason. The *reason* in question is not strictly bound by logic but carries other baggage that really does need careful examination. Consider for a moment the plight of highly moral orthodox Jews living in the Warsaw ghetto in the days before it was reduced to rubble and its survivors carted off to extermination camps. Any cooperation shown by Jews just helped their murderers. In this case, the political dynamic of the Third Reich stood as radical evil, as complete negation of the possibility of non-violent reasonableness leading to reciprocal respect. In such conditions, Kantian logic that urges that "the true courage of virtue....does not so much consist...in standing up to the evils and sacrifices which must be encountered , as in facing the evil principle within ourselves and overcoming its wiles" is just a recipe for political suicide.[48] If the right to survive is part of the

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[48] Ibid.

bundle of normal human rights, then there must be legitimate survival imperatives that may arise in any desperate situation that ought to prevail over considerations of long term ideals. Passivity resting on a deep belief in the ultimate good of the other or the ultimate power of self-interested reason to restrain aggression, as in the Jewish case, commonly fails the test of history. Indeed, moral dealings aimed at the moral monsters occasionally produced by political dynamics may just encourage evil. "Vulnerability seems to be an essential element of genocide: the group is an easy prey. The ability of a group to defend itself, and to exact reprisals, is of course some guarantee against genocide."[49]

Sadly, the Holocaust was not the last time that vulnerability played itself out as opportunity for the application of a domination strategy. Janine Chanteur, in a fascinating study of human conflict, attributes to Machiavelli the argument that desire is the basic element behind all human action and that politics is just the arena within which desires compete[50]. That competing desires may lead to violent conflict and subsequently to chaos is beyond serious argument; unless of course one accepts some

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Leo Kuper, *Genocide:Its Political Use in the Twentieth Century* (New Haven and London: Yale University Press,1982), p 43.

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Janine Chanteur, *From War to Peace*, Shirley Ann Weisz (trans), Boulder: Westview Press, 1992, p.p. 23 - 40.

version of Aristotelean metaphysics in which desires naturally aim at some sort of coherent harmony between man and cosmos. Liberalism may hold within itself the best possible means of avoiding conflicts that might result from competing desires, but only if there is some way in which desire might be made to operate according to rules of reason. So often in history, desire has sought victory rather than compromise; desire has borrowed reason to make its own rules. In recent history, we appear to have succeeded, to an impressive degree by some comparisons, in creating islands of apparent political order in the form of the modern state. Indeed, the state seems to have arisen within the chaos of desire as a practical means to bring to heel the destructive elements within our natures and to back up reason's demands with laws, with force. States, to an extent that will be examined further on, stand as manifestation of order, of reasoned response to what we know about ourselves. Yet sometimes the power vested in states turns on its own people with genocidal results.

When states fail, the rights listed in the Universal Declaration are among the first casualties. If the logic of liberalism has force beyond the realm of the merely abstract, if it contains within it a descriptive truth about the human condition, there ought to be evident in the world some connection between respect for human rights and peace. If that were so, one would expect to be able to see operant in political relations a degree of self restraint among the powerful actors on the political stage; if only out

of a vague sense of self-interest. Yet, with few exceptions, where desire has been connected to power, particularly military power, the need for self restraint in the interests of peace has failed.[51] This suggests several things. First, it is possible that reason is a reliable guide to peace only in conditions where discretion has truly become the better part of valour or where conditions favourable to peace have already been established. Only in conditions roughly matching the Hobbesian state of nature; that is, conditions of roughly equal vulnerability, is there any rational restraint on the strongest actor or any compelling reason why the weakest should trust the strongest. Second, it suggests that respect for rights is possible only under certain conditions. In order now to come fully to grips with the reasons why there has been so much blood spilled by agencies of the very institution that is supposed to structure our collective political will in benign ways, we need to embark upon a rather circuitous tour of political theory and its relationship to the administrative expression of power constituted by the state. The guiding question through this voyage will be: how does political principle fair in the *realpolitik* environment of contemporary states?

If reason is, according to the liberal principles supporting the Universal Declaration, the key to political order via some mechanism of social contract or, even

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I accept that reason may have worked precisely as prescribed to restrain the super powers during the Cold War but hasten to add that it worked not out of vague fear of retaliation but rather as a result of a very clear appreciation of the military capabilities on each side. It is the appreciation of one's own vulnerability that is key.

more optimistically, the essential ingredient of any hope of perpetual peace then it follows that we need to examine reason itself to discover why peace eludes us. But a study of disembodied reason, of reason made into some set of objective statements may draw us into a descriptive contest where the best theoretical models compete for our aesthetic allegiance. We might, on the other hand, make some progress by considering the logic of action in historical context and testing carefully the assumptions made by various theoretical models. I propose to try to consider the pathology of political reason as well as its more hopeful manifestations. I will argue that liberal political theory cannot consistently hold to value neutrality and condemn acts of mass murder unless it deals with the tension between individual and collective identity much better than it currently does.

Chapter II

The State as Context of Values

> *"Thus state worship offers an outlet for boundless love and for boundless hate, both passions elevated to sacred duties*[52]*."*

Political theory, in its most general sense, is what we get when we apply reason to certain propositions about human nature to try to explain history. If our propositions are hopeful enough and if we can isolate the domain within which they work, then our theorizing might tend to center on details of the kinds of society necessary to allow human nature to flourish[53]. Alternatively, Hobbesian sets of assumptions might tend to play themselves out in theories that address the need to restrain the evil potential inherent in a much less generous view of human nature[54]. And a thoroughly Machiavellian or Clausewitzean theory of politics might concentrate on survival issues and consider the polity as an association for collective defence whose character is

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52 Rapoport's introduction to *On War, op.cit.*, p.78.

53 John Stuart Mill argues that the aim of good government should be development of its citizens' virtues. J.S. Mill, *Utilitarianism, On Liberty and Considerations on Representative Government* H.B. Acton (ed), (London J.M. Dent and Sons Ltd., 1972, pp. 188-217.

54 Lawrence H. Keeley, Op. Cit, provides a rather alarming challenge to some of the decidedly Roussellian historical images that seem to underlie some common assumptions.

essentially defined by geo-strategic necessity[55]. But if we wanted to be scientific about our political theories surely we would attempt both to describe all the bits of data about human anthropology and history thought relevant to the business of politics and to explain the dynamic relations that obtain among them without putting certain questions about human nature beyond reach at the beginning of our enquiry. An adequate political theory would have to test its first principles carefully against history and, if its central claims are not disproved, really ought to be able to demonstrate at least some predictive power. While it might at least be possible to conceive of a strict behaviourist approach to the problems of political theory, in which all possible causal connections are properly mapped, the result would still challenge the broadly held human conceit that there ought to be some purpose to our existence beyond the requirements of mere order or survival. A truly satisfying political theory ought to provide some sort of justification; it should tell us why a particular mode of political existence is considered good as well as how and under what conditions it might be achieved. But in one branch of liberal theory, discussed in some detail further on, the initial assumptions are themselves an essential part of the justification and thus the notion of dispassionate scientific enquiry suffers from the outset a muddling of

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The difference between Machiavelli's view of the state arranged to deal with its vulnerability to attack and Von Clausewitz's advocacy of war as a tool of political will is significant. The latter opens "military art" to a much wider range of functions covered under the rubric of *raison d'etat*.

descriptive premisses and prescriptive assertions. I will argue that the fundamental assumptions go deep into the core of liberal theory and are problematic.

Sandel makes the point that political theory has, at the very least, to assume a multitude of individuals among whom order of some kind is necessary[56]. Liberal theorists attempt to elaborate workable political systems in which each individual is to have an equal right to live according to individually conceived values[57], provided only that such values do not inhibit similar rights for others. Simply stated, the ultimate value for liberals is meaningful freedom for individual persons.[58] The various ways in which workable societies might be arranged to order the broadest possible range of individual value systems constitute the various versions of liberalism available to us.

I take liberal political theory, in its most general sense, to be the theory that holds the best society to be the society that most successfully conduces to the pursuit of a good life for its individual members. The ultimate objective of the theoretical

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Michael J. Sandel, *Liberalism and the Limits of Justice* (Cambridge: Cambridge University Press, 1982) p 51.

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"no life goes better by being led from the outside according to values the individual doesn't endorse. My life only goes better if I'm leading it from the inside, according to my own beliefs about value." Will Kymlicka, *Liberalism, Community and Culture* (Oxford: Clarendon Press, 1989) p. 12.

58

Gaus, citing Locke and Mill, labels this the Fundamental Liberal Principle. Gerald F. Gaus, *Justificatory Liberalism: an Essay on Epistemology and Political Theory* (New York: Oxford University Press, 1996) pp. 162-166.

liberal state is to enable individuals to realize their own conceptions of the good life and, as Kymlicka stresses, to permit individuals the freedom necessary to revise their life's plans in order to adapt to new understanding about their subjectively conceived goals[59]. Liberal theory ranges over a broad spectrum of sub-theories from the extreme of libertarianism, which argues for minimal government[60], to social liberalism, which holds the political whole responsible for a wide range of activities in support of individual autonomy[61]. All argue from the perspective of what is best for the individual though not all are individualistic in their approach. From the general objective of preserving liberty, contemporary liberals derive values that are to be used in developing the procedures that govern their interaction and serve as guiding principles in the development of administrative institutions. Though I will reserve treatment of the particular values that fall out of liberal thinking for later, I want now to consider some of the constraints on value development and achievement that arise out of the predominant extant form of political collectivity - the state. I want also here to introduce the suggestion that the normative values that follow from the initial

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Kymlicka, op.cit., p.12.

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See, for instance, Robert Nozick, *Anarchy, State and Utopia* (New York: Basic Books, 1974) for an argument for reducing the sphere of state influence to that defined by the figurative functions of a night watchman.

61
T.H. Green suggests, echoing faintly Rousseau's notion of forcing people to be free, that autonomous action requires enabling conditions such as education and basic health. T.H Green, *Prologomena to Ethics*, Third Edition, A.C. Bradley (ed) (Oxford: Clarendon Press, 1890).

assumptions of liberal theory need to be adapted to the reality posed by the existence of the state.

What is of concern here is how contemporary states condition the possibility of achieving liberal core values. States, at least under present conditions, constitute the fundamental political contexts within which political values must operate[62]. Of course individually held values influence the collective action of states as entities and equally obviously there must be some effect on those values emanating from the character of the state itself[63]. Liberal theories can be further differentiated according to the importance that they accord the state. Janna Thompson[64], for instance, suggests a universal application of liberal principles that might enable a supra national liberalism to be achieved along lines familiar to students of Kant's *Perpetual Peace*. John Rawls, at the other end of this spectrum, suggests a less ambitious form of liberalism in which we "formulate a reasonable conception of justice for the basic structure of society

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This may appear to be changing rather dramatically in the case of the European Community but it might also be argued that the development of the EC is in fact the beginning of a new state. The United Nations presents a less compelling case though it might well be observed that the growing international consensus on the importance of human rights and the apparently deepening resolve to do something about them is credible testimony to the power of an international agency to serve as a crucible for the growth of new political values. It might also be observed that the growth of global markets, spearheaded by the emergence of multi-national companies seemingly immune to the normal limits of state sovereignty, indicates further weakening in the power of states.

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See Henry A. Kissinger, "Conditions of World Order" in Daedalus, XCV (Spring 1966) pp. 503-539 for a discussion of the dynamic interplay between structure and value in the actions of key figures within the state.

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Janna Thompson, *Justice and World Order* (London and New York: Routledge, 1992).

conceived for the time being as a closed system isolated from other societies[65]". But we exist in an era of states; a fact of which libertarians are fond of reminding us[66]. Rawls, for instance, seems to want to work out the domestic details of a just political system that ignores one of the most significant factors influencing the character of all extant states - their embeddedness in an international setting. The modern state impinges on all contemporary political action, whether acknowledged or not, simply because the state is currently the most robust manifestation of political and administrative power available to us. It's existence provides the formal paradigm for law, self defense and the myriad mechanisms of internal coordination that make it possible to administer large scale human societies and complex economies. It also provides a focal point for identity, about which I will have more to say further on.

The modern state, considered as a neutral means of administration, could conceivably respond to a wide variety of normative aspirations[67]. But its main

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Rawls, 1971, op.cit., p. 8. Rawls uses the same formulation in *Political Liberalism*, op.cit. 1993, p. 12. I accept his stipulation that creating an hermetically sealed state is necessary to his model but wonder what possible application such a model could have in a world that just doesn't work that way. His more recent attempt (*The Law of Peoples:* Cambridge, MA, Harvard University Press, 1999) to take his theory to an international level deals with peoples rather than states and intentionally ignores the issue of states.

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See, for instance, Nozick, op.cit. This work follows on the idea of negative liberty elaborated so clearly by Isaiah Berlin in "Two Concepts of Liberty", in *Four Essays on Liberty* (Oxford: Oxford University Press, 1969), p. 122.

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In addition to the Aristotelean tradition that I take as fundamental to the liberal approach to states, the apparatuses of state have been adapted to promote religious values, (Sudan, Afghanistan, Iran) to foster communism (the various states of USSR, China) and to project ideological convictions (Nazi Germany). The uses of the idea of statehood are many and varied, yet all have the

structural elements cannot help but have value-shaping effects despite the fact that most departments in a given state bureaucracy exist to carry out specific functions that may seem, at first glance, to have little to do with value. It is my contention however that administrative structures may, and usually do, have value-forming effects, if only as a side effect of their intended purpose.

Max Weber defines the state as "a human community that (successfully) claims the monopoly of the **legitimate** use of physical force within a given territory" [emphasis mine] and politics as the activity of "striving to share power or striving to influence the distribution of power"[68]. The state, for Weber, "is a relation of men dominating men, a relation supported by means of legitimate (i.e. considered to be legitimate) violence[69]". He cites three justifications for systems of domination: tradition, charisma and legal; i.e., "by virtue of the belief in the validity of legal statute and functional 'competence' based on rationally created rules"[70]. Now the interesting

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fundamental basic requirement that they must, in some way, work. At present, we seem well equipped to deal with the economic performance measures of statehood through the IMF and other bodies and have also a crude form of socio-economic measure in the Progress of Nations report published annually by UNICEF. Other performance measures are a little more fluid at present and there continue to be many states, particularly in Africa and the former Soviet Union, in which the state has more in common with a crime scene with national borders standing in for yellow tape, than as a context of benign administration.

68 Max Weber, "Politics as Vocation" in *From Max Weber*, H.H Gerth and C. Wright Mills (trans, eds) (New York: Oxford University Press, 1946,1958, p. 78.

69 Loc.cit.

70 Ibid., p. 79

thing for liberals is that the third category of justification, to which liberal theory quite clearly pays heavy tribute, generates, in Weber's view, a need for obedience "in discharging statutory obligations"[71]. Rules must be obeyed consistently or they simply fail to work to order behaviour in a reliable way. Taken into political praxis, this might be taken as a claim that the effective administration of any government function would require obedience from, at least, those whom the government employs and, often enough to be of concern, those of the public whose activities fall under the jurisdiction of a government department. Rationality of the whole administration is achieved by careful definition of functions and stipulation of the individual behaviors required to carry them out as efficiently as possible.

Now, if this claim is accepted, one has to wonder how the administrative needs of the state can be considered as anything but diametrically opposed to the fundamental value of liberty. There is a great distance between the liberal assumption that individual citizens will, in general, conform to certain rules out of rational self-interest and the requirements of a system which may in its totality be rational but which effectively coerces obedience from its citizens in order to achieve systemic rationality. This argument might not be of great concern if the machinery of state were relatively

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[71] Loc.cit.

small and unobtrusive but, alas, such is seldom the case in contemporary states. Still, the apparent conflict of principles can be dealt with by restricting the need for obedience to those functions that employees of the state are paid to perform as part of their official duties and leaving the individual as much space as possible for the free exercise of reason in his private life. Such a distinction would set a boundary between the private lives of individual state employees and their public functions and should leave liberal principle relatively unsullied provided that obedience to the dictates of the machinery of state does not spill over unduly into the lives of citizens not employed by the state. But it so often does; particularly under conditions of danger.

The state historically has provided the means to organize citizens for collective action in their own defence. In times of danger, the state has stood as more than just an administrative convenience whose logic manifests itself easily to psyches not focused on survival. But in times of threat the need for collective action overrides the logic of rights to some extent. In order for there to be rights at all, there must exist an identifiable political system within which rights are conceived, recognized and guaranteed. Lacking something like Rouseau's state of nature or a post-communist Utopia in which the machinery of state has dissolved itself in its own superfluity, the formal nature of the state seems to have established itself as that which actually works and therefore, to borrow from St. Anselm, as "that than which there can be no greater".

This is not to say that we cannot imagine something better but only that the state has provided existential proof of its own power to preserve the collective identity of groups of peoples who have, from time to time, focused their energies together to preserve whatever they think is of value among them. Unlike Hegel, I do not see this as the result of some disembodied ideal of reason at work behind the scenes. I am more interested in the cold-eyed manipulation of particular historical actors striving to achieve some particular result using the rational machinery of nascent states.

Whatever arguments might be produced in praise of states' ability to serve the interests of liberal or communitarian values, one salient fact about them is that they are not hermetically sealed. States do not exist in a vacuum but are enmeshed in a complex web of relations with other states. The geo-strategic situation that a state finds itself in constitutes the external reality it must face. In order to exist, a state must be able to protect itself as a collective entity, as a political being. Under certain conditions this entails the capacity to project military force effective relatively to any forces that might threaten it. The particular ways in which this might be done are governed by both internal and external factors but usually require, at the very least, the capacity to match the war-making powers of any threatening neighbour[72].

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[72] Don Mixon, "*Obedience and Civilization*", (London: Pluto Press, 1989) quotes Andrew Schmookler's Parable of the Tribes in which '*no one is free to choose peace, but anyone can impose upon all the necessity for power*'. Schmookler argues that

External threats impose necessities that range over internal possibilities; indeed, at the extreme, state boundaries tend to be set by the limits of interaction that states discover in their attempts to apply their own internal rules to an ever larger territory. As Machiavelli argued, whatever the desires of the leaders of states under conditions of war, their power ultimately depends, to some degree, on their ability to field cohesive, effective fighting forces able to defend the state. A state that is able to project physical force successfully must be able to generate both the internal will and the physical means adequate to its geo-strategic situation[73]. The territorial range of particular states in this view would be set through a complex dynamic process of struggle with adjoining states and internal adjustments to maximize external power. Thus inter-state borders, to some extent, represent the limits of power of each state to mobilize its own resources, both human and physical, relative to the others.

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tribes living together in an initial condition of peace would all be forced to defend themselves against anyone of them that opted for a strategy of conquest. This in fact seems to reflect accurately the history of Somali tribes and applies as well to the inter tribal chaos in Southern Sudan following the Dinka rebellion and Reizegat aggression. Peaceful coexistence is no longer a rational option. See Gerald Henshaw's *Warriors and Strangers* (1964) for a more complete discussion of Somali history and Jemera Rone's work on the present Sudanese difficulties in *Famine in Sudan, 1998: The Human Rights Causes* (London, Washington, New York, Brussels: Human Rights Watch, February 1999).

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Machiavelli's *Art of War* is a seldom cited gem. The principal argument is that success in battle depends on the inner cohesion of the battalions entrusted with holding the center of the line and that cohesion depends on mutual trust and common aims as much as on tactical competence and individual skills. "*Mais par dessus tout, on doit porter la plus grande attention aux moeurs du soldat..... jamais il ne faut espérer de vertus d'un homme privé de toute éducation et abruti par le vice.*" Machiavelli, *L'art de la guerre* (Paris: Flammarion, 1991) p. 84. This suggests a moral dimension to the practical business of defence.

Under less bellicose conditions, the military/functional role of the state may switch to an economic mode of competition but, as is clear in the growing power of multinational corporations, the link between collective identity and economic power is not so rooted in time and place and not quite so clearly connected to notions of national, territorial or communal identity as is the case with armies. Economic competition is not quite the same as political competition in that it does not yet carry with it the hazard of changing political borders; though it could well be argued that McDonald's represents a new form of cultural aggression that compares to more traditional forms of war[74]. Suffice to reiterate my earlier point that the parallels between economic and political logic lend themselves to the application of similar observations about the nature of rationality. A multinational corporation relies on an existing political/economic order only to the extent that it lacks power to dictate the terms of relationship.

Jacques Maritain makes a distinction between the functional role of the state and the ethico-social role of the nation that, while I believe may be clear enough at this point in the evolution of political discourse, deserves a brief discussion here for

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[74] A good argument is presented in Benjamin R. Barber's *Jihad vs. McWorld: How Globalism and Tribalism are Reshaping the World* (Toronto: Random House, 1995)

the sake of clarity[75]. I have consistently used the term *state* thus far to put off the necessity of dealing with the vexing concept of *nation*. Nevertheless, as the distinction between nation and state is important to my argument, I must here acknowledge the need to clarify both concepts.

Renan, in his brilliant lecture on the subject delivered near the end of the last century claimed that while one could point to a nation, one would be hard pressed to give a clear definition to what was easily understood as a general concept[76]. In considering a list of viable defining characteristics, he worked his way through ethnicity, language, religion, common interest and military necessity before settling on "a soul, a spiritual principle" based on shared memory and "consent to the present"[77]. He concluded with the somewhat poetic claim that "a great gathering of humans, healthy in mind and warm of heart, creates a moral consciousness we call a nation"[78]. Following this line of reasoning requires a certain generosity of interpretation; however, Renan's intent seems to have been to emphasize the

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Jacques Maritain, *Man and the State* (Chicago: University of Chicago Press, 1951).

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Ernest Renan, *What is a Nation?*, Wanda Romer Taylor, (trans) (Toronto: Tapir Press, 1882, 1996).

77
Ibid, p. 47.

78
Ibid, p. 51.

emotional component of national feeling. The French term *nation* implies something like a collection of people born in the same place and nurtured by the same culture whereas the term 'state' is associated more clearly with governance and administrative control over a certain territory. Sydney Herbert suggests that the difference between state and nation has to do with the fact that "the link which binds the citizens of a state together is that of political allegiance, of submission to a common law whereas, Scotsmen and Englishmen, though bound by law, do not consider themselves the same nation"[79]. The trouble is, as Hobsbawm makes clear, as soon as one attempts to tie this kind of definition to the set of extant political entities recognized as sovereign by cartographers, international lawyers and the various agencies of the United Nations, one quickly discovers that state and national boundaries seldom match. Hobsbawm points out the difficulties attaching to the equation "nation = state" suggesting that the Wilsonian idea of a threshold test would make a lot of sense if we could just come up with a solid set of portals[80]. Without some significant qualifications, the number of nations that could conceivably become states multiplies enormously as does the possibility of conflict.

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[79] Sydney Herbert, *Nationality and its Problems* (London: Olethuen & co., 1920) p. 15.

[80] E.J. Hobsbawm, *Nations and Nationalism since 1780: Programme. Myth, Reality* (Cambridge: Cambridge University Press, 1990). Hobsbawm discusses at length the issues raised by Manzinni's statement "Every nation a state" and "only one state for the entire nation" concluding that it is just impracticable (p. 101).

No less a master of the art of manipulative definition than Josef Stalin tells us that "A nation is a historically evolved, stable community of language, territory, economic life and psychological make-up manifested in a community of culture."[81] This offers a little more clarity but fails to deal with the historical evidence of nations growing out of many languages rather than one (France, Germany, Russia, Great Britain, to name a few). Hobsbawm, during his lengthy discussion of the idea of nationhood, quotes the Polish Colonel Pilsudski to the effect that "It is the state that creates the nation, not the nation the state."[82]

Hobsbawm goes on to argue that the process of state building[83] that occurred in lockstep with the modernization of technology, administration and war, requires students of it to consider the phenomena from the both ends of the social ladder. The crux of the argument is that if states are the concrete expression of some sort of political will and if that will is grounded on a set of beliefs shared among the workers, soldiers and low level administrators of a particular historical community,

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81 Joseph Stalin, *Marxism and the National and Colonial Question*, quoted in E.J. Hobsbawm, op. cit., p. 5, Note 11.

82 Ibid., p. 44.

83 Hobsbawm uses the term nation in this context with the suggestion that, while popular usage has conflated the ideas of state and nation in some respects, it is still clear enough to allow terms like *United Nations* to be understood as referring to states rather than nations. The concepts remain a little fuzzy around the edges and require careful listening skills to determine the sense in which they are meant.

then a satisfactory understanding requires investigation of the reasons for the existence of the set of beliefs that goes beyond the decrees of an elite at the top of the social pile. The way in which common will is manifested by various elements of a particular society to generate collective action is critical to clear understanding. He acknowledges the role of administration in facilitating the achievement of common goals, such as the creation of a state language through selective use of one dialect for administrative functions, but suggests that the reason that this is accepted by the population is as important as the apparent nation-building strategies of particular governments[84]. The gist of this argument is that nation and state affect each other and neither can be considered alone if understanding is to be achieved.

It seems to me that if nations hold a capacity to legitimate the existence of states that rests on their prior existence as historical communities then, unless the formula *state = nation* holds, the state must have within it the resources to deal justly with competing national objectives or it fails even this curious test of legitimacy. To say that an historical nation has a common will that endows it with moral

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[84] One of the important elements of the capacity to project a credible defence is the capacity to unite in a common cause. Pilsudski's claim cited above can be interpreted to mean that the state creates the idea of internal cohesion within borders set by the possibility of effective defence. National spirit is thus analogous to regimental spirit or team spirit in their importance to group identity and collective success. As some Greeks well understood, internal disputes must take second place to survival. Given the value heteronomy that is a feature of liberalism, the task of protecting the state can be understood as derivative of the desire to protect the context of value freedom; freedom is set temporarily aside long enough to protect its domain.

justification whether or not that will has been expressed in the establishment of a particular state is to say that the existence of any type of national community, no matter how internally coercive, has a moral right against the states around it irrespective of its capacity to become a state itself. This raises some rather interesting considerations for communitarians who might want to argue that nations are more nearly the home of community than states. Conversely, if Pilsudski is correct in saying that the character of nations is affected by particular states, then we are left with the distinct possibility that social ethos, in so far as it rests on national identity, may be manipulated to meet the requirements of administrative and military efficiency; at least insofar as a state is able to impose its will to shape national consciousness. In this case, the moral right of nations within multinational states would be subject to the administrative will that established the state in the first place. The logic of liberalism could conceivably allow us to develop an argument justifying the state on the grounds of its capacity to preserve order among its people but surely liberals would be hard-pressed to find reasons why the same logic could not be used to license state oppression in certain cases. While this may not seem to clarify the problem much, it does help to delineate certain areas that we may perhaps be able to clarify somewhat in this essay. For, if nations hold a status very like the moral communities alluded to by contemporary communitarian theorists and, if we believe, with Pilsudski, that states affect the development of those communities, then we need

to examine precisely how the machinery of state operates before we consider whether it might be accorded something like moral status. For the time being, I will consider states to be functional entities responding to a particular set of policy directives developed within each state's power structure, be it nationally based or the result of tension among various nations comprising a single state. Nations I will continue to treat as historical communities with an expandable set of attributes centred on emotional/traditional/linguistic ties but not including the formal institutional structures that characterize the state. There are overlaps and gaps between the two concepts that I hope will become clearer as we proceed.

States then are functional entities. The state manifests as both the structural expression of human reason applied historically to the three main problems of security, justice and power distribution and as the dynamic process by which the interaction of structure and human will are formalized into institutions. It is obvious that the ways in which struggles for internal power play themselves out will generate vastly different political systems determining the modes of co-existence within a particular state. But it seems not always so clear that the need for security, broadly conceived, has a strong effect on the juxtaposition of the second two elements.[85] This

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[85] This is, I will argue later, the main reason why Rawls' project fails. The criterion of choice for the establishment of procedural justice has to be adapted to meet external forces. States exist in a competitive environment.

is a problem with deep philosophical implications suggesting, among other things, the importance of the particular strategic situation of states to political theorizing. The possibilities for justice among the people of a state at a high level of risk from a domineering neighbour may be very different from the possibilities open to the citizens of a fortunate state. For instance, a state which finds itself in a precarious geo-political position may have to pay careful attention to issues of justice in order to foster a strong sense of internal cohesion so as to be able to generate reliable forces to defend itself.[86] In such a case, a successful state might need to condition its internal legislation purposefully to encourage a deep sense of loyalty towards itself or alternatively might introduce oppressive laws to discourage disloyalty. This, as history illustrates quite clearly, can be achieved in a number of different ways but it is worth noting that even Machiavelli believed the prospects for a state which encouraged republican virtues through the judicious use of laws to preserve freedom were much better than those of a state whose soldiers had been coerced into battle or who lacked soldierly qualities.[87] Herodotus, commenting on the poor performance

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[86] This is the essence of Machiavelli's argument in *The Discourses*, Bernard Crick (ed) (Harmondsworth: Penguin Classics, 1970). For instance "all should reflect on the evils that might have ensued in the Roman republic had [Coriolanus] been tumultuously put to death, for this would have given rise to private feuding, which would have aroused fear; and fear would have led to defensive action; this to the procuring of partisans; partisans would have meant the formation of factions in the city; and factions would have brought about its downfall." (pp. 125-6) The gist of the main argument is that external threats condition the modalities of domestic practice.

[87] "[O]ne should put more credence in a Roman republic and in the many first-class generals who were in it than in Hannibal alone." Ibid., p. 329. Machiavelli argues throughout the *Discourses* for the military depth of a republic because of the superior fighting qualities of men who value their freedom and who consequently fight for the glory of their cause rather than mere material reward. See particularly Discourses 50 to 60 and especially 43, which praises the achievements of those who fight

of Persian troops on first day at Thermopoli noted that "The Medes charged and in the struggle that ensued many fell...They made it plain enough to anyone, not least to Xerxes, that he had many men in his army but few soldiers."[88]

Conversely, if there were indeed no external factors to be dealt with, no external political, military, ecological or economic pressures, then the main problem in establishing power sharing arrangements would be competition among various internal interests within a given state.[89] Were it the case that a particularly charismatic leader or gifted group of oligarches figured out how to get and keep its hands on the reins of power, then the unruly masses could be kept in check by higher fences, nastier guards or a stricter religion.[90] Here the limiting factors could probably be reduced to some combination of a minimally efficient set of shared values along with the capacity to exert or resist force held by various components of

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for glory.

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Herodotus, *The Histories*, (London: Penguin Books) p. 514. Herodotus can, of course, be accused of bias in favour of the Greek way of life. There persists, however, a strong argument from history that breaks through the exaggeration. Freedom is a messy construct whose best proof is that it worked when faced with one of the most powerful armies ever assembled. See Emma Thompson, *Herodotus and the Origins of the Political Community: Arion's Leap* (London & New Haven: Yale University Press, 1996) for a penetrating discussion of this and other issues.

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"For discord in a republic is usually due to idleness and peace, and unity to fear and to war." Herodotus, op. cit., p. 360

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Mobutu Sese Seiko enjoyed virtual absolute power for a 30 year period in Zaire. He simply appropriated to himself whatever he wanted and ignored the needs and desires of his own people. Mobutu used his great wealth to create his own praetorian guards and to create a fortress/palace around a jungle airstrip that allowed him near perfect isolation from the misery he created. Field notes, UN assessment mission to Zaire, September 1994.

the state.[91] Hobbes, Rousseau or Marx could serve as equally adequate sources of insight into ways a disconnected state could be built. There would of course remain the classic tension between individual interest and common good but, where there is no external pressure, it is conceivable that the notion of the common good would more easily resist attempts to evoke collective paranoia than seems to be the case when historical states have been faced with war.[92] The case against internal domination strategies would be much harder to make as would the case against the minimal state.[93]

However, placing the state in its real-life context requires that we place it in the competitive realm of multiple states. Thus, some brief comments on how competition could condition a contemporary state's ability to perform its most basic functions is required. First, security is a military and diplomatic challenge which, in

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Much of the population of the Third World exists in this kind of condition. The well-off have high walls around their possessions and hire their own guards to keep the rabble at bay. The idea of equality seems to have no appeal to those on the wealthy side of inequality.

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Waltz writes: "War most often promotes the internal unity of each state involved....Bodin saw this clearly for he concludes that "the best way of preserving a state and guaranteeing it against sedition, rebellion, and civil war is to keep the subjects in amity one with another, and to this end, to find an enemy against whom they can make common cause." Kenneth N. Waltz, *Man, the State and War*, (London and New York: Columbia University Press, 1954) p. 81.

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Nozick's nightwatchman state might well be argued to serve the citizens of a state that faced no external challenge. The problem becomes much more difficult when it is necessary to mount a defence against a determined foe for the simple reason that the state is forced to find people willing to sacrifice themselves for the good of all. If, as Maritain says, "man is by no means for the state. The state is for man." (op.cit., p .13) then the state has a problem defending itself without the will to self-sacrifice of some of its members. Consider the recent difficulties faced by the Mobutu regime when faced with determined military aggression; essentially the Zairean army demonstrated a highly perfected capacity for looting and fleeing just ahead of the Banyamulenge rebel coalition.

contemporary complex states, includes an environmental and economic component.

To take the simplest conceptual issue first, the environment poses challenges, however unevenly, to any political system in that it requires organization to cope effectively. To take an example of the simplest form of environmental challenge, it could be argued that no political system would be adequate to the demands of contemporary life in a northern clime if it did not include at the very least a means to ensure food storage and distribution, winter transportation, assistance to areas affected by severe storms and controls to reduce the danger of spring flooding. The fact that winter is a recurring phenomenon encourages foresight, planning and preparation and renders easier the task of turning social will into political action simply because there is likely to be a pre-existing social demand for political organization to meet commonly perceived challenges. While it is indeed possible to live independently in such an environment if one has huge private resources or is prepared to accept the difficulties of living off the land without help, reason inclines the inhabitants of northern climes to pool their efforts to the extent necessary to meet a common challenge. If the pooled resources are large enough, some formalized administrative system is required. While the need for direct governmental control over any such problem is debatable, the need for reliable service is not. Where there exists a state with sufficient wealth and no competitive pressures from other states,

domestic arrangements need only satisfy the basic survival imperatives of its people. Consequently, only those measures needed to improve individual chances of prosperity in a harsh climate are germane to the state's functional purpose. In a benign international human environment, the only functional requirement of an administrative structure would be to preserve domestic peace while maximizing the efficiency of the efforts of it population to survive.

Similar arguments could be developed for other climates, though the fact that there is a regular reprieve from winter in northern states may explain more than does winter's relative severity. Desert areas, including those in the far north, are not so fortunate. However, it is generally true that the need to overcome some particular environmental challenge helps to create an appreciation of the need for an administrative apparatus to render efficient the organization of response.[94] This argument can be extended over a range of environmental challenges according to the complexity of the social and economic capacities of particular states and the external conditions they must face. However, the historical experience of our species with such challenges has only recently become an issue of concern at a mass level because of the global scale of the threats to water and the atmosphere. Clearly, these sorts of

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[94] See James Lovelock, *Healing Gaia* (New York: Harmony Books, 1991), particularly the chapter entitled "The People Plague", for a discussion of the consequences of environmental factors on human communities.

threats require a level of organization surpassing anything we have currently developed.[95] It is also clear that environmental threats do not lend themselves to the clustering of identities around particular flags in quite the same way that human threats do. Winter and other environmental challenges tend to be indifferent to the trappings of statehood or to symbols of nationality.

It is the need for internal organization to meet the challenges of the human environment constituting the external setting of particular states that is of far greater importance in determining the character of states. At a purely theoretical level, external threat in the form of military aggression is the most significant and most problematic aspect of defence. There are some new developments here that distinguish present conditions from those of the Napoleonic era described by Von Clausewitz and that ought to allow us to avoid the need to discuss aspects of defence that are no longer realistic. First, the nature of contemporary war renders the prospect of a *levée en masse* highly unrealistic. Weapon systems are simply too complex in this day of high technology to allow amateurs to use them effectively.[96]

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[95] Jerzy A. Wojciechowski, "Can Science Bring Us Peace?" Club of Rome Proceedings, Series 1 Number 23, September 1997.

[96] I hope this will not require citation given the recent and uncontroversial advantage to skilled integration of technology and tactics versus the relatively unskilled use of mass in the Gulf War and the Falklands. Admittedly, the counter examples of the USSR's failure in Afghanistan and the USA's failure in Vietnam challenge the notion of an unqualified vote for high technology instead of trained soldiers. That is not my claim; rather that technology placed in the hands of soldiers who can use it effectively offers distinct advantages over mass mobilization.

Second, without a store of up to date weaponry and an industrial capacity to produce more as needed, no nation can defend itself against a serious, well-armed foe. These two factors need to be considered in tandem because neither weapons nor soldiers are of any use separately. Because of problems one and two, either a state retains a large reserve based on mass conscription (Israel) or it depends on a highly trained professional force (Great Britain, USA). If option one is chosen, the state is forced to maintain a long-term hold over its citizens. If option two then a subset of citizens must be found to run risks on behalf of the remainder and, not incidentally, it must be allowed to develop a special capacity for mass violence that could pose a threat to the extant internal power structure. In either case, the state is required to find ways to finance its defence effort.

The methods a state chooses should be consistent with its fundamental values; however, the particular nature of the threat it faces and its own resource base will narrow its range of options and, to some extent, *dictate values*. For instance, Israel is surrounded by unfriendly nations, has a small population and little territorial manoeuvre room. The relative size of its opposing forces and the proximity of state borders to the major population centres, to say nothing of the depth of mutual

animosity, make it necessary to exercise constant vigilance and to retain a rapid deployment capacity of its ground forces. Canada, at the other end of the threat spectrum, faces no historical enemies and consequently finds itself able to live in relative security behind exceptionally effective geographical barriers, the skirts of a super-power ally and a mere token defence capability of its own.

It seems obvious that the state mechanisms for the defence of Canada and Israel will be markedly different based solely on the type of threats they think they face. In order to continue to exist as a state, and indeed as a nation, the Israeli Defence Force (IDF) needs to be able to call up large numbers of soldiers quickly. To be able to make this happen, the state must arrogate to itself the power to select and train citizens as soldiers, to impose taxes to keep them well armed and to exert selective control over border areas that would normally be useful for other purposes; e.g., agriculture. The state must also give itself coercive powers in other spheres, such as control of movement of its civilian population, the power of veto over settlement plans in certain disputed zones, and the need to invade privacy to a degree justifiable only by security needs, in order to coordinate its defence efforts efficiently. Canada, on the other hand, can allow itself the luxury of relegating defence to a minor role and, in point of fact, has a force that would be laughably inadequate in any

serious defence effort.[97] Just how these differences in defence context translate into differences in values is a matter for very serious discussion. At this point it is sufficient to draw the preliminary conclusion that different military contexts will count for a lot in our attempts to determine the fit between state and values. In general, the greater the external threat, the greater the impetus to reduce vulnerability by creating appropriate domestic institutions and procedures.

In his discussion of the emergence of the modern African state, Basil Davidson contrasts the European experience in which states grew up protectively around national identity to Africa as a continent of "states looking for nations".[98] He suggests that one of the main effects of Africa's colonial experience was the forging of states whose boundaries responded to the exploitative interests of imperial powers and yet which have withstood the forty-odd years since independence with remarkably little change. One possible reason for this is that national identities have not yet coalesced around state symbols and thus lines of conflict occur between the junctions points of tribal identities rather than between states, though the recent multi-state intervention in Democratic Republic of Congo (DRC) may indicate a

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Canada's total armed force strength as of March 1997 was 65,000. The army portion of this allows Canada to field no more than 3 lightly equipped brigades.

98

Basil Davidson, *The Black Man's Burden: Africa and the Curse of the Nation State* (London: James Currey Ltd, 1994).

change in this phenomenon. Unlike the European experience in which the French Revolution and the Napoleonic wars inspired a wave of nationalism that grew into states through a kind of state-level Darwinism, African states were forged, to some degree at least, by external administrative imperatives. Uganda was an invention of British economic interests attempting to exploit territory occupied by Baganda, Nubian, Acholi, Lugbara, Iteso, Banyankole, Batoro, Banyoro and other ethnic groups and had little to do with expression of common will of any people wishing to express their sovereignty and inventing a state as manifestation of that will. Zaire, now DRC, was a Belgian invention straddling the huge part of the Congo River basin that fills the whole of west central Africa. Burundi and Rwanda are special cases in that there already existed a geographical territory and a pre-state hierarchy that the colonial powers, Germany then Belgium, found convenient to use for their own purposes.

When liberal ideas are discussed seriously it is common in one branch of thought to begin with the Hobbesian notion of the roughly equal capacity for harm and mayhem spread over a given community and to deduce from this that all persons are equally vulnerable to each other. From here it is possible to proceed by logical steps to the conclusion that it is in every person's interest to cooperate rather than to carry on a struggle for domination that will ultimately result in armed anarchy. As

discussed below in relation to Rawls, this is a flawed perspective. It is also logically possible for a group within a state to dominate the others, as has happened frequently in central Africa in recent years.

Milton Obote and Idi Amin in turn seized power in Uganda and demonstrated the ease with which conflicting power interests within the state, usually ethnically based, could be manipulated to the advantage of a Machiavellian leader.[99] Mamdani suggests that one of the most significant problems of colonial rule was dealing with the *native question.*[100] In order to rule a large population within a colonial structure, colonial powers found it expedient to use both direct and indirect methods of rule. In the case of Uganda, the British found northern tribes to be very effective in policing the southern areas of the country. Both Obote and Amin used the same general approach and, by judicious allocation of privilege, were able to surround themselves with presidential guards beholden solely to the ruler on whom their positions depended. The self-regarding rationality of such behaviour is rather too obviously clear from the perspective of each party to the arrangement and is of little

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[99] See Phares Mutibwa, *Uganda Since Independence: A Story of Unfulfilled Hopes* (Kampala: Fountain Publishers Ltd, 1992) for a complete account. Davidson, op. cit., is clearer though not as detailed. Mahmood Mamdani in *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*, (Princeton: Princeton University Press, 1996) also makes an important contribution to this subject.

[100] Mamdani, Op. Cit., p.16

real interest here. What is more significant however is the instability of the resulting state. As mentioned earlier in reference to Machiavelli, a regime which offered so little to its citizens, as did that of Milton Obote, found itself with little support when challenged and was eventually overthrown by a more progressive leader, Yoweri Museveni.

The story of Mobutu Sese Seiko's thirty-year pillaging of Zaire is one of the best testimonials this century has to offer to the possibility of winning a domination strategy in defiance of liberal logic.[101] Seen in the light of Mobutu's impressive ability to improvise endless new outrages with impunity throughout his regime (until being forced into exile by the Banyamulenge [102] rebellion) the Rawlsian notion of long term self-interest or Gewirth's account of the necessary conclusions of rationality would both have to resort to smuggled in notions of value rationality to make them descriptively apt. If the practical experience of dealing in a world of threat could be counted on to teach its practitioners the value of moderation and law

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[101] The new term *kleptocracy* was coined in Mobutu's honour.

[102] It has become increasingly clear that this was not so much a rebellion as an invasion that took advantage of the internal rot that had taken hold within Zaire to an extent that made it possible for a small band of foot soldiers from Rwanda and Uganda to topple a country many times the size of both their attackers. Though the actual achievements of the Banyamulenge and the relative input of Laurent Kabila is still a matter of speculation outside of the inner group of power brokers in Rwanda, and almost certainly within the CIA, there are grounds for believing that Mobotu would have died in power had it not been for Rwandese interests. See Abbas H. Gnamo "The Rwandan Genocide and the Collapse of Mobutu's Kleptocracy" in *The Path of a Genocide*, Howard Adelman and Astri Suhrke (eds) (Fredericton, Canada: Transaction Publishers, 1999).

out of rational calculation of long term self-interest, then clearly Mobutu is an aberration of the first water. Rather than trust in impartial laws to restrain the others of the Hobbesian world constituted by the colonial territory abandoned by the Belgians, he established a personal power base by playing ethnic interests off against each other, developed his own praetorian guard and then let the country around him fall into complete decay. The contrast between the wealth of his palace in Gbadolite and the utter lack of functioning infrastructure in the rest of the country illustrates the potential of reason to generate a Hobbesian nightmare in which the sovereign only exacerbates his people's troubles.[103] The people may have allowed themselves to submit to such arbitrary rule out of the sort of calculation to self-preservation that commands that "every man ought to endeavour peace, as far as he has hope of attaining it"[104] but reason in no way seems to have exercised any restraint over the actions of those few at the top who would be king. If reasoned self-interest forced different conclusions on each part of the political equation in Zaire then perhaps the supposed universality of liberal political logic can function only when situational factors do not suggest a different reality than that imagined in liberal theory.

103

Michael Ignatief gives a nice description of this contrast in, *The Warrior's Honour: Ethnic War and the Modern Conscience*,(New York: Metropolitan Books, 1997) p. 82. Though I did not see the palace, I can testify to the administrative abandonment evident in the rest of the country from observations made in during a UN Assessment Mission to Zaire, 1994. Ryszard Kapuscinski gives a convincing description of how this same condition played out in Ethiopia in *The Emperor* (New York: Vintage Books, 1983)

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Hobbes, op. cit., p. 104.

Chapter III

Rationality and Liberal Values

Values, according to Milton Rokeach, only become problematic:

> "when men try to fit together their need to be social animals with their need to be free men. There is no problem and there are no values, until men want to do both ... The concepts of value are profound and difficult exactly because they do two things at once: they join men into societies and yet they preserve for them a freedom which makes them single men."[105]

As Rokeach goes on to argue, it is the ordering of these values that is of interest. Rokeach is a social scientist and is more interested in the process by which value ordering is transformed by social interaction than in the rationality of the process.[106] Political theorists in the Western tradition, on the other hand, are heavily committed to rational explanations of political value ordering prompted largely by

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Milton Rokeach, *Understanding Human Values, Individual and Societal* (New York: The Free Press,1979) p. 51, quoting from Bronowski, J. *Science and Human Values* (New York: Free Press, 1956).

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In his most famous experiment, he concludes that there is a strong tendency to adapt individual values to conform to those of one's neighbours. Few people, in his view, have the capacity to resist the urge to conformity, whatever their reasons. Ibid, .. But then again, so few people study philosophy.

the belief that rationality can, under the right conditions, free the will from irrational pressures.[107] Liberal political theory argues that freedom preserving values cannot be commanded but that they may emerge naturally if the correct political and social conditions obtain.[108] The relative weights given to freedom and equality of social and economic conditions constitute the core cluster of beliefs around which dispute among committed liberals occurs.[109] The basis of liberal agreement was, and continues to be, a theory of value ordering which is, in turn, founded on a theory of rationality that is problematic.[110] What is of immediate concern is the liberal understanding of the interrelationship of rationality and value. It is my contention that, while both a distinct version of rationality and a distinguishing set of values may

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I do not mean here to commit recent communitarians such as MacIntyre, Sandel or Charles Taylor to this project.

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Richard Bellamy, *Liberalism and Modern Society* (Pennsylvania, University of Pennsylvania, 1992). Bellamy argues that liberal theory clusters around a core commitment to the creation of the best possible conditions for the emergence of morality. See particularly his comments on Hobhouse, pp. 51-53. Bellamy makes very clear the range of difference among committed liberals in his subsequent chapters on the history of liberal theory in Britain, France, Italy and Germany.

109

See for example the arguments reported by Bellamy, Ibid, between Spencerian Liberals, currently labeled libertarians, (Robert Nozick, Anthony Flew, Tibor Machan, to name but a few) and Millean Liberals (John Rawls, John Gray, Ronald Dworkin, David Gauthier) over the role of the state as arbiter of economic conditions.

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David Gauthier, *Moral Dealing: Contract, Ethics, and Reason* (Ithaca and London: Cornell University Press, 1990) strikes a telling blow against the disassociated rationality found in Rawls. "To conceive of all social relationships as contractual is to suppose that men, with their particular human characteristics, are prior to society...the language of the theory is the language of ideal explanation; the men in the state of nature are not ourselves." (p. 331) He goes on to argue, rather persuasively in my view, that contractarian notions do seem to provide a means of representation to the rational intellect of the function of society and, by extension, the machinery by which it is ordered. The problem is that the process of abstraction that is a necessary part of intelligible discourse about so complex a subject as politics seems to leave out essential bits of the human condition.

be attributed to liberals, the values themselves are not always within reach of the kind of rationality liberals generally espouse.

There are several relevant derivations of political values put forth by political philosophers that may be associated, however loosely, with the liberal tradition. There is, for example, the argument in Aristotle's *Politics* encapsulated in the claim "Man, when perfected, is the best of animals; but if he be isolated from law and justice he is the worst of all."[111] The argument here is that actualizing human potential in accordance with its full natural capacity can only be done within an environment that allows the individual citizen to attain *self-sufficiency;* where that term is meant to imply an ethical state in which the individual is able to think through not only the consequences of particular actions, but also to determine what the goals of her actions ought to be. This of course depends largely, in Aristotle's view, on the capacity to follow nature, to reason and to have the opportunity to debate one's conclusions with other similarly accomplished beings. He argues that these capacities may only be developed within a social structure that nurtures and allows their expression. He also argues that the grounds of judging the success or failure of the arguments used to support a public claim must be learned and practiced and that

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111
The Politics of Aristotle, Ernest Barker (trans, ed) (Oxford: University Press, 1982) p. 7.

this again calls for some sort of extant social structure within which education and practice can be combined in an effective development strategy. That he argued strongly that the nature of the structure ought itself to be conditioned by the ultimate aim of actualizing human potential is perhaps more important to the tradition than the particular form of the institution that he argued for. Suffice to say that, though we live in different times, the basic idea of designing state institutions to support values thought necessary to the actualization of individual human potential continues to enjoy wide popularity.[112]

A second view of the values conditioning the aim of political union can be attributed to Machiavelli.[113] While I do not pretend that it is possible to twist out of Machiavelli's writing any sort of account of a higher purpose of human life[114], there is a curious sense in which his arguments concerning the conduct of political leaders

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The tradition of this approach begins its modern path with J.S. Mill and is advanced to its apogee in philosophical thought by T.H. Green and John Dewey, though with qualitative differences. In recent years, however, it seems that the aims of education are nowhere near as important as the means.

113

The bulk of the interpretation here has been teased out of Bernard Crick's *Machiavelli: The Discourses* (Great Britain: Pelican Books, 1974). I am mindful of Crick's injunction against adding to the voluminous "downright nonsense written" about Machiavelli (p. 13) but believe I have grounds for arguing that most interpretations give insufficient importance to his *Art of War* and thus fail to appreciate sufficiently the importance of the relationship he claims between internal and external elements of political strength.

114

Harvey C. Mansfield makes an authoritative contribution to the debate over the moral status of Machiavelli's politics in *Machiavelli's Virtue* (Chicago: University of Chicago Press,1996)

seems dependent on an approach that is decidedly liberal.[115] While he seems, on the surface at least, to be concerned with the problem of survival, "security for man is impossible unless conjoined with power"[116], his reasoning follows an argument in favour of "safeguarding liberty as one of the most essential things".[117] While this may not at first glance have more than a very tenuous relation to contemporary liberal theory, it stands as a distinct approach to justification that will bear further discussion later in this paper. The point I want to get at here is simply that Machiavelli held a view of the state in which its power to defend itself depended directly on the willingness and capacity of its citizens to fight together. To achieve this goal, the state must recognize that cohesiveness in battle depends on good leadership; which is based on good example rather than coercion (though he certainly felt that necessary too). Since "good examples proceed from good education, good education from good laws, and good laws from tumultuous behaviour of people jealous of their liberties"[118], it follows that laws that preserve freedoms worth defending are critical to the

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There are indeed many different interpretations that compete here for our acceptance. See for instance Isaiah Berlin's essay " The Originality of Machiavelli" in *Against the Current* (London: Hogarth Press, 1979) pp. 25-79. Berlin says that " For Cassirer, Renaudet, Olshki and Keith Hancock, Machiavelli is a cold technician, ethically and politically uncommitted" while "for Herder he is, above all, a marvelous mirror for his age". (pp. 29-30) He goes on to suggest that both Hegel and Fichte understand Machiavelli in the light of their own theories of history. Berlin himself seems to inject a contemporary separation between instrumentality and value to make his case.

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Crick, op. cit. p. 102.

117

Crick, op. cit. p. 115.

118 Loc. cit.

preservation of the state. Though there is a clear sense in which this can be understood as backing into liberal structure, that liberal freedoms are created as an accidental bi-product of survival imperatives that will be clear to the clever prince, the Machiavellian program stands as a model in which individual values are rationalized to achieve a common goal *even if the ultimate goal is the success of the prince.*[119]

Yet a third view of the way in which reason generates values is suggested by Hobbes. Without resorting to the usual citation, it is clear that his overall view was that the only means of controlling the self-serving and fearful nature of humanity is to establish laws that mitigate the general tendency towards murder and mayhem. This argument could, in theory, provide a grounding for the liberal habit of concentrating on the internal rules of the game; though it could also be taken as an argument in support of a system of government antithetical to liberal beliefs.[120] While the argument to order that is so clear in Hobbes is of considerable interest to political

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John Gray, in *Liberalisms: Essays in Political Philosophy*, (London and New York: Routledge, 1989) pp. 89-103, argues that Hayek's best argument for freedom is based on its greater overall expediency. Machiavelli has seldom been accused of liberalism but lays claim to the same expediency for military purposes.

120

David Gauthier argues that Hobbes makes good on his promise to derive rights from self interested reason in *Moral Dealing: Contract, Ethics, and Reason* (Ithica: Cornell University Press, 1990).

theory, I do not intend here to stray from the present project to pursue it further other than to note that the argument begins and ends within the borders of the state.[121]

Finally, the last historical view, and the one which I consider to be most relevant here, begins with J. S. Mill and has been carried forward by contemporary liberal theorists.[122] The general thrust of Mill's argument to the best form of government is that the business of government is the good of citizens and, echoing an Aristotelian theme, this requires participation in the process of government as a means of self-improvement.[123] Politics, in this view, has a normative obligation within the liberal state. To bring the tradition into more recent perspective, in a recent article entitled "Liberalism and Modern Democracy", Chantal Mouffe writes "To take seriously the ethical principle of liberalism is to assert that individuals should have the possibility of organizing their own lives as they wish, of choosing their own ends, and of realizing them as they think best."[124] The assertion would commit liberals to a view of politics framed by the goal of maximizing individual freedom. Here the general

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121
I am referring here to Hobbes, op.cit.

122
T.H Green, op. cit.

123
The case is made quite clearly in chapter 3 of *Considerations on Representative Government.*

124
Taken from *Democracy and Possessive Individualism*, Joseph H. Carens (ed) (Albany, State University of New York Press, 1993) pp. 175-192.

background argument is that, since real freedom is impossible without an order which respects it and, since liberal values require that individual freedoms be maximized, liberal states must concern themselves with the development of state institutions and practices that best preserve the values on which order depends without impinging more than is absolutely necessary on the freedom of individual citizens.

The common assumption of all four approaches mentioned above is that humans are rational beings that will want to apply reason to the design both of structure and process of political collectivities in such a way that the connections between individual happiness, however that may be conceived, and the needs of the whole are taken into account. It is significant that only Machiavelli is concerned with external factors and makes a conscious effort to design his state to withstand outside interference rather than putting the citizen at the front end of his argument.[125] Contemporary liberal theorists tend to argue that the state is an invention worthwhile only insofar as it lends itself to furthering the good of the individual citizen irrespective of the state's conduct towards other states. Current debates about the best way that this might be done have split into innumerable strands; however, they tend to treat rationality as key to whatever course of argument is followed.

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I acknowledge that Rawls makes some attempt to do so in *Political Liberalism*, op.cit., but starts out by disallowing the mention of the state in his discussion. The result is hardly credible from an historical perspective.

Liberal political theory perches on assumptions about the nature of rationality and the way in which it works to preserve political order without unduly limiting the freedom of its citizens.[126] If the state is for the individual and not the other way around, to paraphrase Maritain, then, given the essentially administrative character of the state discussed above, any convincing theory that attempts to explain the political authority surrendered to the state needs to offer a plausible account of how the state actually works to preserve liberty. A Hobbesian citizen might see it as a matter of necessity in view of the depraved nature of his neighbours. An Aristotelian, Lockean or Millean citizen might be drawn to the more optimistic view that political order is the best means of furthering individual aspirations in view of the more or less common objectives that one's reasonable neighbours probably have. The underlying notion is contractarian in both cases. That is to say that individuals, whether they are inclined to Hobbes, Locke or Mill, see the limits of their own powers determined by the reality of others and therefore will agree to the need for cooperation and compromise either to maximize their own advantage or to minimize their disadvantage. This is no more nor less than an acknowledgment of the reality of the existence of other people whose aims and desires may obstruct one's own if the others

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The fundamental epistemic assumptions are both skeptical and pragmatic: ultimate values are subjective and communication about them is inherently problematic. Where values conflict, public decisions required for political action must be based on agreement about what is to be done, not about ultimate values that might block decision.

in one's world are not brought to see the virtue of self restraint. A loose way of phrasing this is that one of the main functions of rationality is to lead its possessors to see the need to compromise out of self-interest and an acknowledgment of the self-interest of others. Rationality in this case simply rests on a commitment to come to terms with the human element of the physical reality within which one finds oneself. At this point, however, a digression to discuss the concept of rationality may serve us well in the attempt to see just how it is meant to work within liberal theory.

Max Weber discusses four kinds of rationality: traditional, affective/emotional, value directed, and instrumental (*zweckrational*).[127] Though he offers us a clear understanding of each kind as if it were a distinct category, he stresses that this is for ease of abstraction only and advises against too rigorous a separation since behaviour usually embodies combinations of kinds. The distinctions are, however, quite significant and therefore need to be considered separately, at least in a preliminary way, before going further.

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Max Weber, "Foundations of Social Theory", in *Weber Selections in Translation*, Eric Mathews (trans) (Cambridge: University Press, 1987) pp. 28-29.

First, Weber labels behaviour which is "simply a dull reaction to accustomed stimuli along lines laid down by settled habits"[128] as traditional. What is important for Weber here is that behaviour of this type may be inherently rational even though the reasons are not evident to the consciousness of the individual concerned. By this I mean that Weber realizes that traditional behaviour may indeed be a kind of structured rationality in which individual persons act to achieve some goal previously conceived by the relevant society but, insofar as the purpose of the action is hidden from the actor's consciousness, the action is unconsciously rational. This is problematic. In one sense, tradition is an efficient mechanism that saves one the intellectual effort required to puzzle out the whys and wherefores of mundane matters, e.g., driving on the right hand side of the road as a traditional practice in North America the historical reason for which no longer seems worthy of much deep thought. Traditional rationality can be a powerful force for order as it allows the members of societies to predict each other's behaviour with relative ease and thus contributes to the mutual confidence necessary to peaceful relations. The trouble is that tradition lends itself to abuse by clever manipulative persons and can even lead to easy acceptance of authority when it is not, strictly speaking, in the best interests of the persons concerned; i.e., irrational obedience. Traditional rationality can also lead to

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Ibid p. 28

absurdities; e.g., standing one's ground in a tight military formation after the introduction of accurate artillery weapons to the battle field or the ancient Japanese custom of committing suicide rather than losing 'face' in an era when 'face' is no longer part of the social fabric.

Weber speaks of affective or emotional behaviour as a distinct kind insofar as it is rational in relation to the emotions that motivate it. Here one might be at a loss to understand just why Weber even bothers to consider this as a type of rationality at all were it not for the fact that he refers to it as a form of reasoning usually found in combination with instrumental or value rationality.[129] The interesting thing here is that Weber seems willing to accept that action which is itself reasonable with respect to the ends to be obtained is rational even if the motivation is not. This leads to several difficulties. First, if A hates B, then a rational way for A to act so as to resolve matters might be to plan B's demise. Weber's thesis would appear to allow him to judge the rationality of the ensuing premeditated murder only on the efficiency with which it deals with the hatred. Weber could say that the act is irrational if, and only if, he could point out a more efficient way of removing hatred. He could, for example, argue that A could deal with his own inner turmoil by seeking counseling or, perhaps,

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Mathews, loc. cit.

by moving away from the source of his hatred. But Weber could not address the question of whether or not the hatred itself is rational. The second and more important problem is that this distinction allows a very small category of action types to confuse the use to which the term *rational* is later put. The difference, I believe, between rational and irrational emotional action is that rational emotional actions would tend to be more consistent with some particular end than irrational emotional actions might be. For instance, an irrational emotional action in response to some deep personal offense may be to attack the offending person in a blind rage without calculating the consequences or the effectiveness of the act. This may be an important and subtle distinction in some cases but it confuses the central issue of whether or not emotional violence is a rational response to irritation. The action itself could be irrational with respect to the irritation so one is left, under this category, with the possibility of an action which is both rational and irrational.[130] Value-rationality, which is Weber's third type, concerns action taken in the attempt to "realize an absolute value."[131] The important point that Weber stresses here is that such actions are characterized by an actor being indifferent to practical consequences, that he or she is concerned only with the value that motivates the act, regardless of the immediate

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See Daniel Goleman, *Emotional Intelligence: Why it can matter more than* IQ, (New York: Bantam Books, 1995) for a very interesting discussion of this issue from a behavioural perspective.

131

Mathews, loc. cit.

consequences that this may have. The values in question usually have some kind of metaphysical, ethical or religious basis which, according to Weber, locks them into a realm of subjectivity.

Last we have instrumental rationality. Here an actor chooses his actions according to **both** value and consequence. The actor does not so much ignore higher values as, realizing that they are subjectively relative, order them in priority so as to try to achieve only what is possible given the range of potential consequences.[132] For Weber, whatever the category, action is irrational from the instrumental point of view if it is unconditional with respect to its consequences. This view has some rather interesting implications for interpretations of the Universal Declaration of Human Rights that follow Kantian reasoning without reference to the codicil that I discuss above.

The four types can be further grouped under the headings of conscious and unconscious rationality. The first two types direct behaviour according to reasons largely hidden from conscious inspection whereas the last two are at least open to inspection and debate. There are obvious psychological issues here that are beyond

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132
Weber includes the whole gamut of side effects such as intentional, accidental and long term collateral along with directly intended results under the term 'consequences'.

my competence so I will content myself with noting only that disinterested reason has at least some chance of understanding the latter two categories whereas the first two would require considerable insight into the subjective make up of individual actors or of cohesive cultural communities for whom tradition or emotion might provide common and well understood political motive.[133]

Weber tells us that the new age "is characterized by rationalization, intellectualization and, above all, by the 'disenchantment of the world'".[134] By 'disenchantment' Weber meant to what he construed as a general trend towards scientific modes of explanation. Intellectualization shakes the basis of claims to special knowledge made by authoritative figures; people now prefer *scientific* explanations rather than appeals to authority based on charisma or the special knowledge of *magicians.* The new magic is science and science is public. Science offers rational explanations; that is, explanations that relate cause to effect in a public manner and that permit the calculation of effects. Weber does not claim that intellectualization and rationalization "indicate an increased general knowledge of the conditions under which one lives but rather that one could, in principle at least,"

133
This would seem to be the direction that Keeley, op.cit., takes in his penetrating discussion of the causes of war.

134
H.H. Gerth and C. Wright Mills, (trans) *From Max Weber: Essays in Sociology* (New York: Oxford University Press, 1958) p. 155. This work will be referred to in the main text hereinafter as (FMW).

master all things by calculation.[135] But there is one important category which, according to Weber, defies calculation - the ultimate purpose or end of action.[136]

The epistemological orientation of contemporary liberalism reflects the conclusions of Weber's practical observation of the difficulties confounding the resolution of ultimate values as well as his disenchantment thesis.[137] While classical liberal theory argues that the main goal of good government is to instantiate a rather narrow conception of civic virtue in its citizens, contemporary liberalism focusses on debate over the conditions that would have to obtain in order to allow the widest possible value heteronomy.[138] The core sub-value common to most versions is an ability to reason that purportedly allows the individual to see the interdependency of self and other in such a way as to be able to live reasonably well and relatively independently; at least insofar as values are concerned. In effect, the core liberal value

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135
Ibid., p.139.

136
Anthony Giddens, *Capitalism and Modern Social Theory*, Cambridge University Press (Cambridge), 1971, pp. 134/5.

137
It is this separation of means/ends rationality and rationality with respect to ends which serves as the focal point of communitarian thinking. As MacIntyre puts it, we are faced with a choice between Nietzsche and Aristotle. (*After Virtue*, pp. 109-120) Precisely because contemporary moral agents find hidden Nietzschean premises whenever they analyze their own moral judgements, either we embrace Nietzsche and accept that reason is an adjunct of will or we choose the more coherent teleological premises of Aristotle. (After Virtue, pp. 103-106) Our choice then, according to MacIntyre, is between the chaos of self-created will and the order of a coherent cosmic account. How could we knowingly choose chaos?

138
Bellamy, op. cit., pp. 22-47.

needed to get the whole project moving is a commitment to properly understood Weberian instrumental reason; an agreement that politics is the art of the possible. It is precisely here that the problems begin.

Now, if liberals claim to value freedom above all else either as a condition which is necessary for an array of higher values or because of the inherent subjectivity of human understanding, and the consequent prohibition on claims to authority derived from metaphysical insight, then the conceptual problem of deriving order through reason from the initial desire for maximum individual freedom is central. The plurality of individuals in the liberal pre-state exist in a kind of value anarchy that might produce order in four possible ways: spontaneously, through coercion, through education, or some combination. The Hobbesian argument aside, the spontaneity thesis can be ruled out by simply counting the victims of value conflict over the past century; always remembering that the precise cause of death will be difficult to separate from the background clutter of other causes when the final body count is made. But when the number of dead is so high, a certain causal clutter must be accepted as the price of trying to discuss intelligently sweeping historical events. Certainly the record of regimes that have attempted to eliminate competing values, the Pol Pot and Stalinist regimes for example, is convincing enough to allow this avenue to be considered as highly unreliable on its own. Moreover, if values really did tend

to converge naturally, then there would be no need to erect the full set of formal constraints on individual behaviour embodied by the institutions that constitute the modern state. States order behaviour and, to the extent that behaviour is derivative from value, states condition value in the interest of order. When no institutions exist to host the development of the required values the probability of a meaningful value convergence seems very low.[139] We, as a species, just aren't that lucky.

Resentment, which seems to be one of the inevitable effects of coercion, sets a kind of natural limit on the effectiveness of naked authority. Coercive authority runs against the grain of the liberal value of freedom but might be justified against the need to prevent excesses among the more successful liberal citizenry who may perhaps enjoy a greater capacity to realize whatever particular values they hold. The basic problem here is that a fully justified system of coercion within a liberal state would have, in principle, to encroach on the domain of instrumental reason; to act as a kind of universal instrumental reason insofar as it would take in all the knowable facts about human nature and the material realities affecting a particular state with the aim of using coercion to maximize the possibilities of value freedom for all. Laws lend themselves to this function under certain circumstances. But, a citizen who behaves

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See Keeley, op. cit., for a compelling catalogue of pre-civilization slaughters that illustrate this claim.

in a certain way because of coercion is denied the possibility of a potentially formative experience that might allow her to learn the importance of considering consequences were she actually forced to face them. Law, when its coercive power has become an effective deterrent, tends to usurp experience by compelling avoidance of the very consequences that might teach the value of cooperation.

Finally, there is the possibility that order in the liberal state might result from the enlightenment of its citizens. An ideal liberal state, on this view, might consist of persons needing no restraint other than their own capacity for Weberian instrumental reason. Such a state would probably be the scene of an inordinate variety of political games played to advance various value positions but the requirement for law to coerce behaviour could, in theory, be eliminated if each citizen could be relied on to reason correctly. Under the right conditions, the freedom to live according to individual derivations of ultimate values should, in principle, aim at stimulating the emergence of Weberian instrumental reason that would tend towards self restraint. If liberals believe that individuals are naturally endowed with the capacity to work out such values on their own, then political arrangements of a liberal polity must incline towards value neutrality in public administration. The main administrative aim of such a polity would be restricted to the establishment of rules that maximize the possibility of value heteronomy; administered value anarchy might be an adequate

phrase to capture the ideal of such a polity.[140] In this sense, only those rules that maximize the possibility for each individual to reach towards his own ideals would satisfy administrative requirements without impinging on the individual's right to freedom from coercion. But such a conception necessarily presupposes both that something like Weberian instrumental reason will impose itself on the consciousness of individual citizens and that the rational behaviour that results will be self-restraining. Let us consider these presuppositions in turn.

Behaviour directed at different values poses few challenges to liberal political order so long as those values do not entail conflict. For example, person A might believe that her happiest life will be achieved by pursuing her musical interests without thereby leading to conflict with person B, who is more interested in hockey. It is even quite possible that both could live in political harmony since the tedious business of day-to-day life might be relegated to a category of relative indifference by both actors. However, if either or both happen to hold strongly diverging views on how their respective children should be educated in the public school system they both support, the athletic values of the one and the musical interests of the other could stand as a cause for disagreement with potentially practical consequences. In the

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"Liberty is not merely one particular value but...the source and condition of most moral values" F.A. Hayek *The Constitution of Liberty*, (Chicago: University of Chicago Press, 1960) p. 6.

event that A wants all children to study music for two hours each day while B wants all children to practice hockey for the same amount of time and neither is willing to change anything else in the curriculum, there is practical problem driven by fundamentally opposing values. The application of Weberian instrumental rationality, in which both see that the achievement of their respective values is limited by the social reality in which they find themselves, would seem to require that both understand the political domain they inhabit to provide an arena for reasoned argument to resolve issues of mutual concern and that the preservation of this domain may at times require each to modify his claims in the interests of order. But this implies a commitment to the ultimate value of order that overrides the desire of each.

Now if either A or B sees their respective interests as requiring the restraint of other but not of self, and if there is no legal coercion involved to restrain either, then there is no point to compromise. Why give up what might possibly be won? Domination becomes an attractive option. Lacking a spirit of compromise prior to the dispute, the internal logic of the situation is unlikely to lead to compromise. Indeed, if A had learned over the years that clever use of the voting power of orchestra supporters at school council meetings would inevitably bring victory, the rational course for A would be to do just that - to win rather than to compromise. Instrumental

reason poses no restraint on the competitive drive to achieve narrowly conceived goals unless it is tempered by a lack of power.

If neither actor possesses the ability to dominate the other, if for instance, A can count on the assistance of as many tough bassoonists as B can on hockey defencemen, then both are forced by circumstance to find some compromise or both suffer from the impasse that develops. Whatever absolute values there are behind the actions of either, both are forced to put some water in their wine. This is essentially the point that Weber tries to advance as the best that instrumental reason can be expected to achieve in the face of competing ultimate values given that the adherents of those values are all possessed of rational capacities that will lead to conflict if not restrained by the power of competing interests and values. But there is no reason why conditions of rough parity among all the adherents of all possible competing values should obtain naturally. Depending on where the scene of action is, there may well be more militant musicians than hockey players and therefore a distinct advantage in power on one side of the struggle. In this case, unless there is more to be feared from conflict than from cooperation, there is no reason to see cooperation as the best way to avoid trouble unless there is a possibility that the hockey players will resort to destabilizing behaviour of some kind. Where either side can win without adverse consequences, instrumental reason ought to favour conflict. It is only when the order

of the overall system is appreciated as a higher value than victory that instrumental rationality will lead to compromise in the interests of order.

Setting aside this trivial example, the fourth way to order in a liberty-loving society is through some combination of coercion and education. Following Weberian thinking, rational liberal order, that is, order for the sake of freedom, could be developed by a combination of legal proscription and education. Minimal laws to preserve the arena of public dispute without preventing completely the sometimes vigorous arguments that may therein occur could be combined with a system of deliberate educational steps, both formal and informal, to preserve both the necessary condition and the public appreciation of freedom through institutions carefully designed to preserve liberal values. The careful balancing of freedom and constraint to awaken the liberal consciousness could, conceivably, achieve the kind of nurturing context favourable to the emergence of ethical consciousness described in Aristotle's *Politics*. However, as I will presently show, even this strategy runs grave risks from the institutions it relies on.

Now, it is said that a dog on a leash is braver than he might be if let free. The proverb claims that the same dog given his freedom tends to learn discretion remarkably quickly. One version of contemporary liberal theory holds that citizens

need to confront one another as freely as possible - without a leash[141]. The more free the terms of association are, the more likely the citizen is to learn the hard lessons of social relationships that make it possible to live freely.[142] This, it is argued, is simply a matter of learning from experience. Of course, in a complex society that includes motorized vehicle traffic, layered taxation and multi-centered commercial activities, the degree of confidence in the expected behaviour of others imposes a need to assure at least some level of predictability over a range of activities and persons that makes the prospect of dependency on individual learning problematic. We cannot wait for every person to learn from personal experience that driving on the wrong side of the road is unwise or that making contracts that one does not intend to keep doesn't pay in the long run of a business life. Liberal societies need mechanisms to organize behaviour into roughly predictable patterns if they are to develop successfully into the kinds of complex societies in which a wide range of aspirations and values can meaningfully co-exist. The quest for the best solution to this problem has led in several directions along which it is now necessary to follow if only to set the groundwork for an illustration of the weaknesses inherent in each. However, given the enormous body of work in this area, I will, somewhat arbitrarily, choose to

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See Jan Narveson's "Justice as the Common Good: The Propriety of Propertarian Libertarianism" forthcoming.

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The example of shootings on the Los Angeles freeway is sometimes cited as the motivation for the sudden improvement in driver courtesy.

concentrate on the main thread that runs through each. This thread is, I believe, constituted by the dual twist of reason and circumstance.

I will begin with an examination of one version of the way in which reason might be structured through a social contract. This is to say that rational actors, another liberal reduction of what are known to mere laymen as human beings, will see the limits of their own political powers set by the existence of other actors and will be willing to agree to limit their own freedom of action in pursuit of their subjectively derived goals if an agreement can be reached with all others to do likewise. There are several basic problems to be overcome in pursuit of the contract. First, in order to maintain the value neutrality so prized by liberals, value must not be allowed to trump instrumental reason. Second, it must be assumed that all parties to the contract are relatively equal in rational competence. Third, it must be assumed that all parties' preferences are accessible to reason. In short, the formula enunciated above must be amended with the addition that a contract to behave rationally can be reached if, and only if, the participants are rational in the way liberals believe them to be.

John Rawls offers the most complete outline of how this might be done but starts, as I shall explain in the next section, with assumptions that make the whole project suspect. Essentially, he wants it to be the case that individuals will behave

according to a version of informed self-interest similar to Weber's description of practical rationality. However, in order for his program to work, the parties to Rawls' contract have to be self-regarding and rational in a very narrow sense. One of the formative insights of liberalism is precisely that a liberal programme cannot get off the ground unless its citizens are educated to fit the requirements of life in a relatively unregulated social system. Education, reason and debate replace coercion. In Rawls' case, the citizen of his procedural state must be rationally self-regarding enough to see that a disinterested calculus of possibilities would in fact maximize his potential overall good or the initial contract cannot be made. So, the fact that the theory cannot be applied in its present form may be attributed to the fact that people are not yet sufficiently well-formed to carry out the project. Lenin had a similar complaint against the frail vessels who failed to prevent national interests from overriding socialist values at the outbreak of the First World War.[143] However, before turning to Rawls, it is necessary to introduce yet another set of complications arising out of a consideration of psychological factors that must be confronted if we are to understand how necessity plays its role alongside reason.

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"There was, they said, nothing wrong with the revisionist tenets except that the *German* socialist party failed to follow them." Waltz, op.cit., p. 148. General Haig is reputed to have made the same claim about the inadequacy of his troops to carry his brilliant plan through to success.

CHAPTER 1V

Community and Political Identity

The term *attribution error* is used by psychologists to describe the fairly commonplace practice of attempting to explain behaviour without giving due consideration to situational factors. In this section, I argue that political theory tends to commit a similar error when it fails, as it so often does, to appreciate the psychological power of states to trap individual citizens in situations that leave them little real moral freedom. I will argue that this is not just a matter of under-valuing the influence of the irrational on the conduct of human affairs but rather that it represents a weak appreciation of the central role states have in shaping self-perception and in defining the set of self-understandings that constitute our political identities. I shall attempt further to illustrate that the process of identity formation lends itself too easily to perversion by the many sources of authority that are integral to modern states. Finally, I will claim that though communities, in the special sense given that term in recent political debate, may indeed have many of the benign characteristics Maritain attributes to the *body politic,*[144] states may not.

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Maritain, op. cit., pp. 9-12, differentiates between *body politic* and *state* suggesting that the former is the whole and the latter is a part; albeit the top part.

The United Nations has made some important steps in the last few years in its efforts to mute some of the evils of the "scourge of war". One significant recent achievement was the institution of tribunals to try war criminals. However, in both Rwanda and the former Yugoslavia, tribunals are hampered by a theoretical difficulty that has been with us since the Nuremberg trials. Stated simply, the problem is to lay the blame for a mass undertaking at the feet of a few individuals without thereby denying the possibility of moral responsibility, so fundamental to our understanding of moral personhood, to the rest of the people who may have taken an active part in the killing. To select but a few from within a political dynamic that has generated a collective agency is, assuming that the international community is not involved in mere scape-goating, to impute to political leaders the power to manoeuvre the moral will of their citizens. At the heart of this is the dispute over whether or not there are social structures which get out of control and influence behaviour in ways which diminish personal responsibility.[145] Though, obviously, there are huge practical issues to be dealt with in any attempt to hold accountable a whole people, the idea that moral responsibility for collective action can be taken on by single individuals is problematic for our understanding of moral agency.

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Hannah Arendt reports that Eichman, at one point during his trial, claimed that he saw no conflict between giving up Kantian principles because of orders. "From the moment he was charged with carrying out the Final Solution he had ceased to live according to Kantian principles, that he had known it, and that he had consoled himself with the thought that he 'was no longer master of his own deeds', that he was 'unable to change anything'". *Eichmann in Jerusalem: A Report on the Banality of Evil* (New York: Penguin Books, 1965) p.136. Hanna Fenichel Pitken has taken the idea of the faceless evil of bureaucracy much further in *The Attack of the Blob: Hannah Arendt's Concept of the Social* (Chicago: University of Chicago Press, 1998.)

In the concluding chapter of his lectures on human nature and conduct, John Dewey claimed that the effect of the efforts by some philosophers working to separate consciousness from its natural embedded context:

> "was to isolate the individual from his connections both with his fellows and with nature, and thus to create an artificial human nature, one not capable of being understood and effectively directed on the basis of analytic understanding. [These efforts] shut out from view, not to say from scientific examination, **the forces which really move human nature**".[146]

Dewey argued that the effectiveness of social forces on the formation of moral character could be demonstrated scientifically . His fundamental argument was similar to the general thrust of arguments by recent political philosophers who claim that the essential motivation to live in relative harmony is the restraint, both affective and effective, arising out of the existence of others[147]. The fact that liberals and communitarians may argue about whether this restraint is attributable to linguistic causes or more practical notions does not concern me here nor does the issue of the

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John Dewey, *Human Nature and Conduct* (New York: Random House, 1922, 1957) p. 294

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Alasdair MacIntyre, *After Virtue* (Notre Dame: University Press, 1981, 1984) and *Whose Justice, Which Rationality?* (Notre Dame: University Press, 1988).

locus of rationality of common notions of right and wrong. I do not intend to dispute the fine distinctions possible within this general line of liberal reasoning but aim instead to point out that the rough equality between self and other that both sides to the debate take as basic does not in fact exist at a political level within contemporary states. I will argue that the game is fixed by the identity attributing power of contemporary states; a power derived from widely recognized common behavioural tendencies.

CHAPTER V

Identity traps, agency and community

I use the term *identity* to mean nothing more than the concept of self that manifests itself in political action. I acknowledge here a certain phenomenological bias in this definition but see no other way of avoiding reliance on Freudian or Jungian perspectives far beyond the scope of this thesis. This somewhat vague notion will do for present purposes without committing us to either liberal or communitarian derivations. However, I take the central issue dividing the two views to be the question of whether consciousness of who one is and what one's values are is derived from the community in which one grows or from subjective evaluation of same; whether one's identity is in some sense ascribed or is taken on voluntarily.

In their attempt to highlight confusions about individual identity that they attribute to communitarian philosophers, Amélie Rorty and David Wong assert that personality traits may influence identity in a number of interesting ways not captured in the works of either MacIntyre or Sandel.[148] They list seven significant factors

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Amélie Oksenberg Rorty and David Wong, "Aspects of Identity and Agency" in *Identity, Character and Morality*, Owen Flanagan and Amélie Oksenberg Rorty (eds) (Cambridge, MA: MIT Press, 1990) pp. 19-36.

affecting the way in which a given trait might be central to a person's self identity[149] all having to do with the relative importance given to the trait according to somatic, proprioceptive and kinaesthetic dispositions or to situational factors. They rightly point out that "central traits (as deft or awkward, excitable or calm, muscularly strong or weak, active or passive, quick or sluggish, slender or heavy, flexible or stiff) are pre-linguistic"[150] and go on to claim that some central traits that contribute importantly to identity may be unacknowledged by the subject. Each of these factors may have an influence on the relative importance of a particular trait in determining the behaviour of any individual. "A trait can be accorded a high degree of centrality by an individual's culture without its having a correspondingly high degree of either subjective or objective centrality in the configuration of her character[151]." Of particular significance to what I shall have to say further on is that one of the important trait factors, for them, is the "extent to which it is dominant in situations that require coping with stress or conflict". [152]

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[149] Ibid., p.20.

[150] Ibid., p. 21.

[151] Ibid.

[152] Ibid., p.20.

Of rather greater interest for the moment is the suggestion that the communitarian argument towards socially ascribed identities is not descriptively adequate. In Rorty and Wong's view, psychological research indicates that individuals stand in ambiguous relationships to their social environments and that the behavioural adaptations they evince tend to be mediated by a number of non-cognitive elements in their deep psychology. The self they describe carries not just a bundle of impressions or normative assumptions as part of her linguistic baggage but also a full range of pre-linguistic vulnerabilities and a complicated , flexible "configuration of identity - the relative centrality allocated to different aspects of identity".[153] As they put it, "If Sandel and Taylor are interpreted as presenting straightforward reports about the unqualified centrality of the social and ideal aspects of identity, their claims are surely radically oversimplified."[154] They go on to acknowledge that both make important normative claims in suggesting the direction that cognitive control, such as it is, ought to nudge us.[155] For the moment, it is sufficient to note that the way in which identity is conditioned by experience is problematic, in their view, but is agreed to be of critical importance to the self understanding of socially embedded beings.

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[153] Ibid., p.32.

[154] Ibid., p.33.

[155] See Alasdair MacIntyre, op.cit., Michael J. Sandel, *Liberalism and the Limits of Justice* (Cambridge, Cambridge University Press, 1982) and Charles Taylor, *Sources of the Self: the Making of Modern Identity* (Cambridge: Harvard University Press, 1989. For a rather interesting discussion of Wittgenstein's position on this issue, see Anthony Holiday, *Normative Powers: Normative Necessity and Language in History* (London and New York: Routledge, 1988).

In trying to account for my own identity as a social being, I might begin with an attempt to understand how my own experiences may have worked to produce the person that I am.[156] The experience is both episodic, in the sense that it includes a series of discrete episodes spanning my formative years, and constant, insofar as it also includes relationships with relatively stable concepts embodied in social and political structures that set the context of my identity. I cannot get very far without considering the immediate context in which I exist. Whatever else I might think myself to be, I must include in my self-definition that I am the father of Tracey, Graham, Devon and d'Arcy, the husband of Lorrie, the son of Graham and Margaret. Each of these connections imposes interpretative obligations on my concept of self, each of them shapes my understanding of who I am and what my place is in relation to those with whom I have intimate connections.[157] My understanding of this connection draws both from my understanding of the ideal concepts of father, of son, of husband and of family and from my direct experience acting on the family stage.[158] Though each of these ideal notions is mediated by language, each is also conditioned

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See L. Kohlberg, "Moral Stages and Moralization: The Cognitive-Development Approach to Socialization" in *Moral Development and Behaviour: Theory Research and Social Issues* (New York: Holt, Rinehart and Winston, 1976) pp. 31-53.

157

I refer here to a concept that Owen Flanagan labels the *intersubjective conception of the self.* See "Identity and Strong and Weak Evaluation" in Owen Flanagan and Amélie Oksenberg Rorty (eds), *Identity, Character and Morality: Essays in Moral Psychology (*Cambridge, MA: MIT Press, 1990) p. 43.

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Reference is to Charles Taylor's account of strong evaluation in *Sources of the Self,* op.cit.

in mysterious but banal ways by non-linguistic events that, in the context of family, need affective interpretation in addition to what is gained with the aid of formal language. Intimate relations allow for direct reciprocity of action that is not generally possible in relationships within larger groups where the meaning of actions relies more on formal structure and symbols.[159] The similarities of the description of family above and the abstract idea of community outlined by Alasdair MacIntyre are quite strong. But as a context for social learning there are two distinguishing features about family *qua* community that are important. First, except in extreme cases, the family tends to constitute a benign environment for the emergence of individual identity. Second, and most important, families today do not normally constitute competitive collectivities. One learns to feel what it means to live within a family from the reflective experience of being in one. The range of identities that actually exist within the close intimacy of the family are privately arrived at through the subtle communication of a meaningful glance across a busy kitchen, a communicative gesture as the toast is passed, an eloquent set of shoulders that speaks only within the most intimate context. One comes to an understanding of the desires and needs of one's family members through empathic communication, through the give and take of mutual affective dependency. One develops an ability to live in close proximity with

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See Martin Hoffman, "Empathy, Social Cognition and Moral Action" in W. Kurtines and J.L. Gewirtz (eds) *Handbook of Moral Behaviour and Development: Vol I.* (Hillsdale, NJ: Lawrence Erlbaum, 1991) pp. 275-301.

one's siblings through the rough and tumble of childhood with bruises and hugs as one gropes towards understanding of self and other. The whole process is a matter of direct daily interaction between parents and children, husband and wife, brother and sister. This is, in the truest sense, the realm of moral freedom insofar as the identity that one acquires is defined by intersubjective factors that leave one free to change and adapt one's self-concept, along with one's behaviour, in order to achieve and maintain familial harmony and in response to well known psychological phenomena of reinforcement. The only rule is that of musical measure, of preventing discordance. One can improvise so long as the result works and one is not overly constrained by externally ascribed instrumental roles.

Now in this sense, the Deweyan version of rational and affective anticipation of approval or disapproval functions well to explain the identity frameworks allowable within a family structure.[160] The father may be an autocrat, the mother domineering or the children rebellious, but each functions in direct relation to the other and therefore retains some direct affective power in relation to the other. In a contemporary normal family setting, that is, one in which outright physical terror is restrained by social custom and law, the possibility that emotional interdependencies

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Dewey, op. cit., pp. 287-302

will serve to provide the setting of rough equality necessary for the kind of flexible identity adaptation envisaged by Dewey and indeed, contemporary psychologists, is good.[161] It would be consistent with such a conception of family to argue that it encourages above all else a broad tendency to conform to the expectations of other family members that is based on empathetic anticipation.

In this context, identity is a matter of give and take, of active participation in the process of identity formation in which reciprocity has a more than even chance. I do not mean by this to claim for social interaction a monopoly on the self as more than an object determined by external forces, that there is a plausible Hegelian character to the emergence of self-understanding that allows for the full range of pre-linguistic influences suggested by Rorty and Wong. In such a setting, the salience of identity traits has a certain plasticity not affected greatly by factors external to the family. One fills family roles according to the internal rules of a particular family. The identities manifested within the protective environment of early childhood tend to be relatively free from the influence of external constraints that figure largely in adult political identity.

161
Hoffman, op. cit.

Political identity is a much more complex notion and opens up the possibility of a whole range of manipulative uses of identity attribution arising out of formalized social structure. For Peter Du Preez, the distinction between self as person and self as a set of socially constituted, that is, political, roles is fundamental - and problematic. "Generally, identity is a broader concept than role, just as person is a broader concept than identity," and there is, in his view, a constant "tension between persona and person, between man as an identity mobilized in a particular, stylized political role and man as a system of many identities, including political identities, mobilized in many roles".[162] He goes on to say that "Locutions such as 'the role of a woman' or 'the role of a Basque' are usually attempts to pre-empt the implications of womanhood or 'Basqueness' for a particular purpose....Questions such as: 'Is that the way a woman (or Basque) behaves?' are identity traps ...Identity is appearance-for-self-and-others; person is a system of identities."[163] One of the basic problems of politics, for Du Preez, is that the particular identities of large groups of single individual people need to be coordinated in order to achieve any sort of collective agency adequate for institutional purposes and the ways in which this is accomplished usually entail hardening of social identity systems into ascriptive devices serving the

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Du Preez, Peter, *The Politics of Identity: Ideology and the Human Image* (New York, St. Martin's Press, 1980), p.5.

163
Ibid., p.6.

interests of power. Though the basic mechanics of this phenomena apply to many institutions, particularly armies, it is perhaps easiest to track "in political movements, where we are mobilized as collective agents with a common identity. There are differences in the degree to which events are structured so as to reduce us to that identity: fragmentation of roles, terror, information control, distance from our victims, anonymity, indoctrination and other factors may contribute to such a reduction. Though these must surely count as mitigating factors in attributing responsibility - to the extent that a man falls into a particular identity trap he is no longer a responsible person."[164] In developing his theory, Du Preez explains that the empirical evidence so far gathered offers a fairly strong case for understanding fully-evolved political identity as arising from the struggle between identity for self and identity for other as conditioned by various social roles. The identity of self is built upon the relations between self and others and the set of reciprocal roles assigned within this process. Identity is negotiated and then monitored to determine its continued validity in relation to those who have a role in forming one's notion of self and therefore the self must be embedded to have a notion of itself as both apart from and a part of a larger whole.

But when the larger whole becomes formalized and is capable of a broad range of manipulations, individual identity for self may be overwhelmed by the assignment

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Ibid., p.9.

of a functional role that reflects obligation to the social whole constituted by a particular group. Under such (common) circumstances, the liberal notion of selfhood as a largely individual construct and the communitarian concept of self as embedded in a community of meaning both miss the limiting character of imposed identity deriving from political associations - particularly political associations under conditions of stress.

There is an ontological aspect of the emergence of a self-concept that needs mention. Part of the experience of individual persons is indeed episodic. Language helps stabilize experience in that it provides a set of linguistic boxes into which the majority of particular experiences of individual persons can generally be slotted. The process of learning the behavioural extension of terms like good and bad begins very early in the life and as a result one's ontological growth begins with a heavy debt to the moral authority of those who apply the terms as they correct one's behaviour. There is a constant traffic in ideas during this process as individual action is translated into communal meaning through the medium of language and then tested in both action and speech. As long as the process is creative and fluid, as long as there is room for ontological testing and modification, the individual has a hope of retaining his own identity as against that of the group or, more importantly, against the authority figures within it.

Competition among groups accentuates certain types of identity. What becomes the dominant characteristic of group identity may depend on external factors imposing, for example, a collective identity adapted for defensive reasons. In this case individual agents are drawn into collective militancy to defend against a threatened aggression of some other group. The power of collective agency is derived from a perceived common threat and this conditions the nature of individual agency by increasing the individual urge to submerge self-identity with that of the group in the interests of self-preservation.

The critical point seems to me not so much the question of whether one's 'narrative sense of self' is necessarily embedded in the history of a particular community so much as whether one can escape the less savoury implications of such embeddedness. The communitarian claim seems to me to be descriptively sound from a social learning perspective despite what Rorty and Wong have to say about the indeterminacy of trait salience. The trouble is that the kinds of historical narrative that set one's ontological bounds can, and too often are, obscured by the identity attributing power embedded within political systems that are both coercive and far too complex for most individuals to resist or even to understand. One's cognitive growth within a modern state follows a path of successive encounters with authority figures, be they parents, elder siblings, school teachers or experts of some kind until one is so enmeshed in hierarchy that one almost instinctively obeys. But where authority within

a family may be construed as essentially loving, such is not necessarily the case outside of the home. The empathy learned in the family helps one to learn above all else the value of deferral to the authority of others in hopes of gaining approval or avoiding disapproval. One simply learns to operate within norms set by the anticipated reaction of others - particularly those in positions of authority. By the time most of us reach the age of political majority within our various states, we tend to have been so well-conditioned by the learning process to avoid conflict with authority figures that it seems both natural and right to obey.[165] In this sense, our identity as citizens and our ontological understanding of what citizenship means derive both from our understanding of the roles that citizens play and the obligations that accrue by virtue of those roles but are also conditioned by the psychological experience of early life within loving environments not at all similar to that constituted by the state.

Now MacIntyre says that growing up as a full fledged member of one's community in no way prevents one from choosing to reject its ethos. "Notice also that

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Of course there is also a normal period of rebellion during adolescence but this tends to fade quickly under constant social, political and economic pressures to conform.

the fact that the self has to find its moral identity in and through its membership in communities such as those of the family, the neighbourhood, the city and the tribe does not entail that the self has to accept the moral limitations of the particularity of those forms of community."[166] He goes on to argue that belonging to some particular community just is a necessary start point towards the universal, that one can begin to grasp wider moral possibilities only if one has some sort of grounded perspective to begin with. Just how such an ontological rebellion might be accomplished when the neighbourhood, city and tribe are part of a state that has extra symbolic power along with the its coercive formal institutional power in addition to the ontological power of community is something of a mystery. As MacIntyre has been at pains to argue, the very semantics of the language that one must use to construct one's ontological sense of Being is bounded, embedded in a communal ontology; which includes language to describe the complex set of behavioural expectations allotted to the holders of various roles within the state. The suggestion that one is bound but not imprisoned seems paradoxical but may perhaps be understood in the same way that one can grasp the meaning of Plato's Allegory of the Cave as alluding to a difficult possibility. The trouble seems to be here that MacIntyre is not taking into account the possibility that refusing to accept communal values entails developing a sense of

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MacIntyre, 1981, op. cit. p. 221

identity as apart from one's community. Does he mean that one can invent one's own language after all?

In a discussion of the moral and practical problems associated with the development of health care policy, Professor Armour argues that we must take the whole person into account. One should not, in his view, try to elaborate health care policy that deals with persons as beings whose valuation depends on some sort of utilitarian calculus that might be externally applied to determine the objective value of lives. Public policy in this area should consider ontological, psychological and social personhood. " [T]he basic notion of an ontological person is that, in a special sense, the person is associated with the coming-to-be of values in the world." [167] The person is the source of all valuation and is therefore not open to classification according to the value of her life as determined by anyone else. But he goes on to argue that the socially embedded person integrates the private, psychological self with the public realm through social interaction and the consequent development of identities that are at once social and private. Key to this idea is the notion of reciprocal recognition. "I am thus part of a fabric which others might deny only, for

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Leslie Armour, "Morality, Economics and Life" in *International Journal of Social Economics* Volume 26, Number 10/11 1999, pp.1199 -1227.

the most part, at the cost of denying their own claims to humanity as well."[168] Identity of self for self and self for other is thus tied up in some deep way with the need for mutual respect of each other's right to ontological freedom. However, as I have been arguing from the beginning of this work, reciprocity is neither historically necessary nor is it a necessary outcome of the logic of ontological freedom in quite the way implied here. Professor Armour's finely tuned argument suggests that it is, that we are bound by our own moral aspirations into a community of moral meaning which is unintelligible without a basis in reciprocity of understanding. In point of historical fact, as I will presently illustrate, and in point of psychological fact, if that term may be used in the loose sense needed to describe the conclusions of experiments of the like of Philip Zimbardo's prison experiment or Stanley Milgram's famous simulated electrocution experiment, the vast majority of human persons find it very difficult indeed to hang on to their own identity under conditions in which their sense of self is tied to an understanding of the obligations stemming from socially assigned roles.[169] If so, it is highly likely that ontological persons may themselves find it relatively easy to adapt the content of their own semantic understanding of moral obligation to fit externally attributed identities. The reasons why this is so are not entirely clear but

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[168] Ibid., p. 1212.

[169] See Mixon, op.cit., for a penetrating critique of Milgram's conclusions. Chapter 5 is particularly enlightening on the subject of authoritarian hierarchies and the ease with which they are established.

it would seem that there is at least one historical fact buried within the complex story of human political association that challenges any possible claim to the primacy of ontological identity within the overall concept of personhood. Identity traps work just because the distinctions separating private from public understanding may be blurred under conditions in which meaning is structured by participation in a community of meaning that has specific aims. The tension between self and others which is critical to the argument developed by Armour tends be strained beyond its limits under certain historically common conditions.

In developing his argument, Professor Armour claims that "there is a clear sense in which I exist as a person if I say I do - saying that one exists is not a way of offering a description of one's state but of making a claim".[170] He goes on to explain that such a claim is intelligible only "because we have already established our claims - had them, that is, woven into the social fabric, and ourselves become individuated through them - that we are not disqualified from the status of human beings".[171] This argument underlines the critical distinction between self-identity and that which arises out of the interplay with other sources of ontological interpretation that is involved in social interaction. Though one might not be describing one's state in making an existential claim, the fact that one is able to make such a claim at all suggests that

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[170] Loc.cit.

[171] Ibid., p.1213.

there must also exist a community capable of understanding it. Here it is very clear that the range of claims which may be intelligibly made depend very much on the nature of the community and this depends on the character of its discourse and the particular nature of its collective experience. In a sense, one's existence is confirmed and, in some sense defined and limited, by one's efforts to share one's ontological discoveries with others. This is a phenomenon very familiar to soldiers who come back from horrible experiences in foreign countries and try to tell their stories to a community simply unable to grasp what has happened without some very artful descriptions well beyond the power of expression of most soldiers.[172] But it also the case that one will have little hope that one's heartfelt claim that waxing one's skis with Klister will provide the best solution to wet snow travel if one is speaking to a group of Dinka people who have never seen snow. More importantly, the claim to moral recognition suggested by the notion of ontological personhood used above seems to require that one makes the claim among a community who understand just what is being claimed.

Finally, psychological variance plays an important part in the emergence of self understanding that seems not to have been acknowledged here. To make a claim

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This point is well made in Johnathon Shay's *Achilles in Vietnam* (New York: Touchstone Books, 1994). Shay cites a passage from Homer's *Odyssey* in which the Sirens sing to Odysseus that, having watched his exploits with their godly powers, they will be able to understand his tales as no other living person can.

of existence that will elicit recognition within a given community requires not only that one is among friends, so to speak, but also that one is able to make good on the claim. That is, that one is able to master the language in which the claim is made to the point that one is able to win respect for the content of one's claim. In any given community, powers of expression are unevenly distributed. There are poets and critics of poetry at one end of the linguistic spectrum and illiterates at the other. Depending on one's relative position within this spectrum, one learns, through the same process of social interaction that develops identity, a certain linguistic discretion. One also learns, through normal behavioural reinforcement, to rely on the authority and guidance of others. The more one relies on others for ontological interpretation and confirmation, the less likely one is to make the difficult and lonely intellectual journey to moral consciousness. Like the inhabitant of Plato's Cave, one is bound both by the capacity of others to understand and by one's own powers of expression. Thus, though we might have an equal obligation to achieve moral understanding, we have unequal chances of achieving it as a direct result of participation in communities which are at the same time systems of ontological and psychological development. Not every community member develops within this moral embryo to the same level of competence. Not to put to fine a point on it, some have the capacity to lead, others can only follow.

CHAPTER VI

Identity, Community and the State

The challenge presented by the structure of states and their various devices for identity attribution constitute significant psychological and linguistic hurdles to individuals wishing to understand themselves as fully human persons, in the sense of the term given it by Professor Armour, rather than as role-determined beings. If participation in a community of meaning is an essential step in the development of ontological consciousness that is prerequisite, in some sense, to moral consciousness then the place of one of the most important institutions in contemporary human experience must be understood fully if one is to understand its effect on consciousness. Social interaction within the state is key to the formation of political identity and is conditioned in all sorts of important ways by the institutions which exist as the structural condition of this interaction in the same way that language forms the main epistemic sub-structural element that conditions ontological consciousness. The meaning of communal dialogue within the state draws heavily on terms associated with the various functions carried out by the state. The main problem is that the primary ordering function of the state requires levels of obedience in the performance of social roles that make the emergence of a sense of freedom and

individual responsibility problematic. Conformity with functional identity breeds a tendency to accept the obligations associated with that identity without serious objection. From a behaviourial perspective, many state institutions seem expressly designed to shape identity by encouraging and rewarding behaviours that are associated with specific functions. In addition to the educational system in most modern states, one could cite traffic systems that in most states condition all drivers to stop at red lights under all circumstances. The effect of police presence, formal legislation and behaviour conditioned by long practice render it possible for most of us to resign, without quibble, the burden of deciding whether it is right to proceed even if we are stopped alone at a red light with no one else in sight. Most of the institutions of state are designed with administrative goals in mind and make sense insofar as they further the goals of harmonizing human behaviour for collective benefit. To achieve the level of administrative efficiency required within complex human societies, states have developed a complex series of interlocking hierarchies designed to rationalize smoothly a wide range of administrative functions, they also include important symbolic elements that lend them the guise of moral authority. Thus functional authority is buttressed by symbolic authority. Respect for the sanctity of national parks, for instance, is maintained by a combination of tangible sanctions and a structured symbolism complete with uniformed rangers, national flags and park logos. Respect for the status of officials of state is often reinforced on formal

occasions with symbolically laden activities including the playing of music associated with national identity, choreographed movement by ceremonial guards and an array of flags, official cars and other decorations of state. Except within a vibrant democracy in which individual freedoms are guarded with a certain individual ferocity, it is very difficult for any single person to avoid the combination of coercive and symbolic power resident in the modern state.

While it may be observed that "the institutions of the state comprise the entire machinery of government ...[and] in many countries, this machinery represents a very substantial proportion of the national substance", it is the sum effect of this administrative structure itself on the communal consciousness that confers its authority on the activities of state.[173] The effectiveness of state apparatuses in assigning identities in the interests of administrative efficiency inhibits the capacity of citizens to determine the political scope of their own identity. Whether one is cast in the role of student driver, prison guard, fisheries officer, soldier or cabinet minister, one takes part of one's identity from the role itself. As Du Preez states, "in any given society there is a relation between social identity and access to social positions."[174]

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[173] Barry Buzan, *People, States and Fear* (Boulder: Lynne Reinner Publishers, 1991) p. 82.

[174] Du Preez, op. cit. p. 69.

The state structure operates to establish clear lines of authority in the interests of order but it also favours those who best exhibit qualities that are consistent with the particular form of order in place. The trouble is that control of the order thus created is a matter of political struggle in which the aim of the game is to win and maintain power which may then be exercised through the establishment of identity frames; for example, when the ascribed identity as patriotic citizen is used as grounds for conscription. The reciprocity needed to maintain mutuality of respect is affected by the existence of differential status within an overall power structure.

On this view, the state is not just a vehicle for preservation of a particular form of collective identity but also functions as an arena of competition in which the struggle to assert particular identities plays on the various possible identity attributions to further individual interests of the most successful players. Consider for example the effective use of a blurred Islamic/nationalist identity frame generated by the current regime in Sudan. Dr. El Tourabi and his associates have succeeded in combining the role assigning powers of Islam and state sovereignty to conscript large numbers of soldiers for a civil war against non-Islamic southerners. Individual citizens who struggle to maintain less militant Islamic identity soon find themselves reduced to virtual non-being by rhetoric praising the proper Islamic role for defenders of the faith. Those who wish to succeed in such a regime can gain positions of

authority within it only by meeting the requirements of their assigned role. Those with a different conception of the identity appropriate to a citizen of an Islamic state are simply ignored while those best able to shape the character of role identities assume the leadership of the resulting collective agency.[175]

The shaping process is insidious and woven into the fabric of states. Consider for instance the effect on the self identity of young people of their first encounters with a state-run school system. The need for classroom control legitimates the exercise of authority of the teacher as it does the authority of the principal for school control, of the bus driver for bus control. Even the crossing guard on the corner exercises some sort of control. A child learns early the wisdom of obedience. Rebellion and independent thought have little scope in the face of rational requirements for order or safety. Even more telling is the prevalence of so called experts in the upper echelons of most school systems with power to establish curricula and thus determine what is important in the intellectual life of the student.[176]

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It is interesting to note the effect of the strong influence of family in Sudanese culture. To an outsider, it sometimes appears that the whole population is somehow related. One curious byproduct of this may be the incredibly low crime rate that has been characteristic of Sudanese culture since well before the introduction of Sharia laws. Another correlation seems to exist between familial empathy, which is very strong in northern Sudan, and the high level of public order in Khartoum.

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Mixon, op.cit., p. 35. "We also learn that increasingly large chunks of the social and physical world can only be understood by experts and that we are dependent on experts".

The process of early identity formation prioritizes obedience as one of the key ingredients of public identity, as a central behavioural trait. There are those in control, whether because of expert knowledge of some kind, specialist ability or a functional role entitling the exercise of authority in the interests of social order - and there are those who are controlled. Again, this is not necessarily inconsistent with either liberal or communitarian theory provided only that the call for obedience stands in reasonable relation with goals that have been arrived at through legitimate political process. To take a banal example, the need for obedience of traffic laws is a reasonable demand in the interests of all citizens arrived at through a political process in which laws are agreed to be necessary for public safety. The state in this case is agent for the collective will of its citizens acting to regulate internal behaviour in a relatively unproblematic situation. Of more interest might be the case of our accepting the expert agency of other bureaucracies, such as the military, whose authority derives from a combination of perceived functional need and special knowledge.

Suffice to say that there is more going on within the state than is apparent from the perspective of disinterested rational actors trying to achieve the best for themselves among a set of other rational actors of roughly equal capacity. At the very least, it can be safely concluded that there remains a problem yet to be addressed between ideas of individual and collective agency that follows from psychological research and from

a brief consideration of the nature of the state. If political liberalism is essentially an attempt to work out ways in which individual freedoms can be maintained within the formal structure of political institutions then the nature of the multiple relationships between individual and state, understood as the paradigmatic political institution of our time, are of critical importance. Reason has a part to play in these relationships but reason itself must be understood in relation to the ontological and historical context that sets its bounds. Psychology also plays a part and it would be a grave mistake, tantamount to an attribution error, to ascribe to individuals a freedom of action that they may not, in fact, have if only because they don't realize they have it. At this point, it will be helpful to consider more carefully the case for reason and free will prior to making an attempt to situate the argument within an appropriate historical context.

Chapter VII

Rationality as Value

In order to make any progress towards the ultimate goal of generating a value-neutral political theory, it is necessary to find a description of the human condition that will support a theory with no normative strings attached. This leaves many theorists gasping with the effort of trying to ground a theory of what ought to be on a description of what is. Whereas Aristotle made a serious attempt to combine inductive observation, of nature in the *Nicomachean Ethics* and of politics in *Politics*, with careful argument to arrive at a politics that took account both of nature and the potential of the state, rightly organized, to foster the actualization of what is best in 'natural' man, more recent theory is trapped, to some extent, by the rejection of any sort of unsubstantiated empirical premisses so that we end up with a body of theories that begin with the smallest number of assumptions possible. This accounts, in part, for the tendency towards individualism. While this has the apparent virtue, for some, of separating politics from metaphysics, it runs into other problems. Such theories begin with the bedrock assumption of free will which is then combined with a concept of rationality that warrants serious investigation for any project seeking to offer wisdom in the form of adequate political theory.

The most credible of such efforts have so failed either because they fudge the descriptive part of their work or because they start at the other end, so to speak, and attempt to impose some sort of implausible reality on Being only after deriving an account of what should be if only the world were other than it is. John Rawls is perhaps the best known of contemporary writers of the first kind in this tradition and serves as the strongest example of the power of thought to seduce itself with dubious abstractions. But he is not alone. Alan Gewirth is a more careful theorist but follows the same essentially ahistorical approach, searching out necessary conclusions from the rules of a clever blend of deductive and inductive logic which he then uses as grounds for deriving normative theory from empirical evidence, or so he claims. But, as is hardly surprising in an age with so many attentive philosophers, neither approach has stood the test of rigorous analysis. These are not simply cases of mistaken analytics illustrative analogously of the tension between theoretical and applied physics but rather are instances that highlight the fundamental slipperiness of the concept of the human condition that plagues all political theory. Atomic particles can be isolated and observed in discrete settings. They seem not, at least according to contemporary thinking, to be endowed with the power to define their own goals. Humans, as well as being embedded in historical communities, have, to a degree that remains the subject of heated debate among liberals and communitarians in philosophy no less than among behaviourists and proponents of free will in

psychology, a complex capacity for self-definition, for plasticity of being that is notoriously difficult to control in any sort of experiment, or even to describe. Perhaps theorists can be forgiven for occasionally being drawn to try to abstract away from the descriptive complexity of fully embedded human actors in the interests of developing at least hypothetical support for normative claims. After all, political theory surely must share with ethics some of the burden of explicating and delineating the tension between what is and what ought to be.

The difficulty, as is abundantly clear in Rawls' *Theory of Justice*, is in making a plausible transition between the theoretical and experiential worlds. Alan Gewirth, following Kant more faithfully than Rawls, offers a more careful theoretical attempt at laying bare the logical political obligations of reason but strips away too much from the picture of the human being to leave us with a blueprint for a satisfactory politics. With apologies to those already fatigued by the idea of yet another discussion of Rawls' *Theory of Justice*, I will try to combine a brief treatment of it with an examination of Gewirth as a step in reaching a conclusion about the paradoxical value of both.

Rawls

A large part of the initial appeal of John Rawls' *Theory of Justice*[177] is that it stood, for a short time, as an interesting contemporary attempt to derive universally acceptable principles of justice from an analysis of common sense intuitions of rational self-interest. It can be read as an honest, though flawed, effort to ground principles of social justice on a vision of the Good that strictly conforms to the logic of *disenchanted,* instrumental reason. The success of the theory depends, in large measure, on Rawls' ability to persuade us that his version of rationality is adequate to the enormity of his project. In broad outline, I will try to show that Rawls' thesis pays too little attention to distinctions between forms of rationality identified by Max Weber, that he glosses over the problem of differing values too quickly and that his dismissal of psychological factors such as uneven distribution of rational competence undermines the strength of his claim to universality. Ultimately, I will want to argue that the veil of ignorance stratagem loses its power to generate consent by exaggerating the potential of abstraction to resolve issues that are stubbornly intermingled in the value heteronomy of real persons living in historical communities.

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John Rawls, 1971, op. cit. Page numbers incorporated into the text of this section refer exclusively to this work.

Rawls starts with the claim that "Justice is the first virtue of social institutions, as truth is of systems of thought." (p. 3) He goes on to say that "Each person possesses an inviability founded on justice that even the welfare of society as a whole cannot override" and "Being first virtues of human activities, truth and justice are uncompromising." (pp. 3-4) He argues that justice is only possible in a *well-ordered society* and that this *well-ordered* condition can only obtain when a society is "effectively regulated by a public conception of justice. That is, it is a society in which (1) everyone accepts and knows that the others accept the same principles of justice, and, (2) the basic social institutions generally satisfy and are generally known to satisfy these principles". (p. 5) Since opinions about the correct principles of justice are manifold, Rawls wants to find the barest minimum conception of justice on which agreement might rest. (p. 5) If properly constructed, the institutions of justice will be such that:

> "Those who hold different conceptions of justice can, then, still agree that the institutions are just when no arbitrary distinction is made between persons in the assigning of basic rights and duties and when the rules determine a proper balance between competing claims to the advantages of social life." (p. 5)

Although Rawls is well aware of the need for attention to problems "of coordination, efficiency and stability" (p. 6), he clearly wants to emphasize the need

for broad agreement on the general nature of justice as the most important of the preconditions of a well ordered society. Moreover, inasmuch as his main interest is social justice, Rawls argues that one needs to begin by examining the structural and dynamic aspects of those major institutions that might be developed to preserve justice in the procedures of state. This he does by weaving strands spun by Locke, Rousseau and Kant into a veil of his own design. In order to get to a working consensus of a theory of justice, Rawls invites us to abstract away from particular states and to consider the structure of a theoretical state from the perspective of what he calls, the *original position.* This vantage point in conceptual space is achieved by placing the citizen in a value-neutral context and looking at the problems of institutional design from a purely rational point of view, from behind a *veil of ignorance* such that one has no knowledge of the particulars of one's position or role in society. From this *appropriate initial status quo,* Rawls claims, a *reflective equilibrium* can be reached by rational persons such that the structure and procedures of the state will be built on a version of distributive justice that is fundamentally fair. (p. 12) At this point, one might be forgiven for leaping to the premature conclusion that Rawls has emptied the concept of man of all its meaningful content as the first step in formulating his abstraction; however, one needs to remember that Rawls is trying to elaborate a universalisable conception of justice and thus cannot be drawn into value impregnated

versions of particular conceptions of the Good without introducing inconsistency[178]. Here one must remember his avowed fidelity to Kantian precepts[179].

Rawls argues that rational persons in the original position would agree to two basic principles of justice: (1) equality, and (2) liberty. It is the effort to bring these two fundamentals into some sort of balanced juxtaposition that generates much of the richness of Rawls' theory. In addition to the deep intuition that social institutions ought to guarantee liberty insofar as is possible without infringing on the freedom of others, Rawls draws heavily on the Kantian premise that freedom is one of the necessary conditions of moral life. In a more practical vein, Rawls plays on an Aristotelian insight about the importance of restraining freedom in the interests of political stability[180]. Rawls proposes to accomplish this by employing the concept of equality judiciously. Thus he says that:

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See Alan Bloom's "Justice: John Rawls Versus the Tradition of Political Philosophy" in *Giants and Dwarfs* (New York: Simon & Schuster, 1990) for some interesting invective aimed at what, in Bloom's mind, seems to be a criminal misreading by Rawls of the main authors in the tradition within which he works.

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See Guy Lafrance, "La Raison pratique dans les théories néo-libérales de la justice" (To be published) for a cogent discussion of the Kantian influence on Rawls' project.

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I refer to Aristotle's *Politics*, Book V, which has a very compelling section on the causes of revolution. The main idea is that all segments of the population who have the potential to disrupt the order of a state should have a share in political power lest they get frustrated and take it through force. This theme is developed further in T.E. Gurr's *Why Men Rebel* (Princeton: Princeton University Press, 1979)

> "persons in the original position would choose two rather different principles: the first requires equality in the assignment of basic rights and duties while the second holds that social and economic inequalities, for example inequalities of wealth and authority, are just only if they result in compensating benefits for everyone, and in particular for the least advantaged members of society." (p. 15)

From the perspective of the original position, since one does not know if one will be strong or weak, advantaged or disadvantaged, the most rational choice of principles would have to be based on what would provide the best possible life for someone in either condition once the veil had been lifted. Since one knows in advance that people will have different capacities, the rational person sitting behind the veil of ignorance will want to set up institutions and rules that ensure that well endowed individuals help the less favoured so that, regardless of who one is, one will have maximized one's share of *primary goods.* Thus Rawls suggests that it would be rational for us to agree to harness the strong to the wagon of society such that they may advance themselves only if they pull the wagon with them, though the wagon does not have to move quite as far as those who pull it. The traces have a certain elasticity such that the strong may move ahead faster and farther but not at a cost to those in the wagon.

We are to assume, in the original position, that we are self-interested and mutually disinterested and thus we are to consider the procedures and structures that we need from the point of view of persons who are highly rational, who know all the relevant facts about psychology and political science, but who have no knowledge whatsoever of the particular roles that will be ours once the agreement has been finalised. (p. 137) This seemingly simple procedure is quite subtle in its effect for it allows us to circumvent contingencies of chance distribution of talents and advantages, as well any historical embeddedness. The arbitrary effects of fortune are mitigated by procedures that distribute benefits and burdens according to an abstract conception of fairness that is based on a *maximin* criterion. The only way to maximize one's minimum gain is to balance the desire for maximum liberty to prosper according to fortune against the odds of finding oneself among the unfortunate once the veil lifts. Ideally, "each person [will] benefit from the permissible inequalities in the basic structure". (p. 64) Thus, while persons in the original position might desire to maximize their own benefit, since they have no foreknowledge of their own conceptions of the Good nor of their lot in life, the attempt to maximize their possible share leads them to hedge their bets through stipulating a certain measure of equality. The effect of the original position, according to Rawls, will be generalized benevolence in the design of institutions. (p. 148)

Though one could easily devote a complete book to the task of analysing the theory further, I want only to consider the rationality of the argument to the two principles of justice sufficient to develop a critique relevant to the theme of this work.[181] One of the immediate difficulties to be dealt with here is that Rawls' use of the term 'rationality' is not immediately clear. The definition he attempts (p.142) just complicates his task. Setting aside the curious and transparent attempt to rig his experiment by ruling out envy and other inconvenient human characteristics, Rawls seems, at times, to embrace the Weberian argument for instrumental rationality but with a single mindedness of usage that blurs over some of the Weberian distinctions[182]. Whereas Max Weber gives us four kinds of rationality: traditional, affective/emotional, value directed, and instrumental (*zweckrational*), Rawls claims to use only a simplified version of the fourth[183]. He says, "the concept of rationality must be interpreted as far as possible in the narrow sense, standard in economic theory, of taking the most effective means to the given ends."[184] (p. 14)

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See, for instance, Brian Barry's *The Liberal Theory of Justice* (Oxford: Clarendon Press, 1973) which is appropriately subtitled: "A critical examination of the principal doctrines in *A Theory of Justice* by John Rawls.

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Rawls does not seem discomfited by his own lack of discussion of the nature of rationality. Given that his reference to Weber is confined to a footnote on page 547, one wonders if Rawls is aware of the potential problems here.

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Mathews, op.cit., pp. 28-29.

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He also says in this context that his reasoning "is highly intuitive throughout". (p. 121) I believe that this indicates imperfect editing rather a serious inconsistency.

Weber suggests that, if one is interested in avoiding violence over different conceptions of the Good, one must get beyond the impasse of competing private convictions that could result from the first three kinds of rationality. Rawls would clearly agree. But, Weber does not deny the importance of these other kinds nor does he suggest that human motivation is intelligible without an understanding of all four general modes of reasoning. Insofar as metaphysical or religious absolutes may be mutually incompatible, they are difficulties that must be dealt with if peace is to be preserved. Weber turns to instrumental rationality as a kind of *faute de mieux* solution to disputes arguing that, since barriers of absolute value around particular political positions cannot be removed through reason, the next best option is to use reason to out flank value. Value, in his eyes, must always be tempered by practical considerations if trouble is to be avoided. But where Weber needs his accounts of value, tradition and emotion to make some sense of his sociology, Rawls gives them short shrift in the belief that persons in the original position would have no means of reaching agreement among themselves unless they put them aside. Intuitions, he says, give us a plurality of first principles with no means of determining their priority. (p. 34) These, in his eyes, lead to irresolvable dilemmas unless and until one begins to consider their consequences. Further, he says that "All ethical doctrines worth our attention take consequences into account when judging rightness. One which did not

would simply be irrational, crazy." (p. 30) One wonders where this leaves his own theory.

Rawls explicitly restricts his argument to closed societies in which rationality has had a chance to impose itself on the consciousness of its citizens. But, if his reasoning is valid, it ought to be valid for any peoples faced with the problem of political association and desirous of finding a peaceful, orderly solution to the challenge of political association. Rawls' limitation fixes the game by stipulating at the outset that it can only be played among people who already accept the basic premiss that order is prerequisite to political freedom.

In his more recent work, *Political Liberalism*, Rawls substitutes a concept of reasonableness in place of the concept of rationality he used in *Theory of Justice*. The citizen of a just society, he says, values political arrangements that maximize freedom and equality and in this sense, political liberalism works as a guarantor of pre-conditions of morality. "Reasonable persons see that the burdens of judgment set limits on what can be reasonably justified to others, and so they endorse some form of liberty of conscience and freedom of thought. It is unreasonable of us to use political power, should we possess it....to repress comprehensive views that are not

unreasonable."[185] When this concept is combined with the idea of reciprocity, which for Rawls is fundamental to the preservation of social justice[186] it is possible to construct the core elements of a stable "well ordered society". Well ordered again means that the society operates through voluntary cooperation rather than coercion, though Rawls admits the need for laws to preserve the careful balance that reason might create.

While one finds this much more compelling as a description of the conditions necessary to an ideal of a harmonious social condition familiar, in concept at least, to students of Aristotle, it still implies the rejection of identity conditions that seem so central to history. But Rawls preserves his notion of the veil of ignorance from *Theory of Justice* with the apparent aim of making clear that he is reasoning towards a useful conceptual model rather than aiming at the transformation of any actual historical state. This is at once its strength and its main weakness.

The argument could be compelling in real world conditions if, and only if, modified to include a few extra premisses and a more explicit conclusion. In simple form, the existing argument might be stated: 1) If one could step outside of history

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[185] Rawls, *Political Liberalism*, op.cit., p. 61.

[186] Ibid, pp. 16-17.

long enough to understand the causes of social disorder, one would want to eliminate the causes by adopting liberal political forms explained by Rawls. 2) Reason allows one to step outside of history, at least in thought. Therefore, 3) reason (Rawlsian public reason) allows one to adopt liberal political forms. But one could object that when a Rwandan Tutsi or a Bosnian Muslim steps outside of history to reach this conclusion, he must forget the identity sets that constitute political realities on the other side of the veil. Knowing how history worked in these cases, the first premiss would have to be modified by substituting the term "permanently" for the phrase "long enough". Otherwise, the identity conditions, and the fear induced desire for domination that led to genocide, would still be in place. These two factors condition reason such that it is not reasonable, in the public sense used by Rawls, to expect reciprocity to take a benign form. In this sense, the normative argument that Rawls wants to make cannot begin from the descriptive premiss constituted by the concept of the veil of ignorance.

The same argument holds against the argument set out in *The Law of Peoples*.[187] Here Rawls uses the same core concepts explained in *Political Liberalism* to suggest that reasonable peoples will want to create the conditions for international cooperation for essentially the same reasons that drive the development of domestic

[187] Rawls, 1999, op.cit.

arrangements. But, interestingly, he uses the idea of peoples rather than states in a way that suggests that he has missed the essential problem that I have been trying to explain. Rawls account only makes sense if the peoples always have control of their collective political identities as independent entities: i.e., if all peoples exist already in some form of sovereignty sufficient to allow them to act independently of larger states. As I explained above, this is not the case. And in fact it has so far been the case that the existence of peoples as integral parts of states has been the necessary condition cause of genocide. Collective identity and fear just are the most significant elements of human history in these cases. Rawls may provide a conceptual model of how things might be different but he does not seem to have included in the model some of the fundamental elements needed to make the it credible. Moreover, his model relies on a notion of reciprocity to preserve the two initial conditions of equality and freedom that is, to say the least, problematic. The factors that determine whether domination is a better strategy than cooperation in any given human dispute are stubbornly historical.

There are several ways of treating Rawls' more recent works. I believe that there are many points within the body of the work that lend themselves to counter-argument, for instance the question of whether the claim that rules must be developed to protect the procedures and structures of the just society from the self interest of its

more successful citizens is contradictory to the principle of liberty.[188] But it is also possible to stand outside the theory and question its usefulness for the world we live in. From this perspective, one could view the liberal political concept Rawls gives us as an emphatic assertion of a bias towards reason as a descriptive premiss in an inductive argument he fails to make.[189]

One can understand Rawls original project as attempting to confine the notion of self-interest such that it preserves order out of a sense of its own vulnerability to chance distribution of social goods. But there are a number of other criteria of instrumental rationality that could serve as lodestone for self-interest. A quick list of such criteria might include a desire for radical intellectual freedom, a preference for the possibility of glory that unfettered competition might allow, an urge to suffer in the service of aesthetic expression or religious belief held so deeply that one would rather suffer disorder than give it up, or an urge to dominate others (or an irrational fear of such domination of self). Rawls' version of rationality must have all of its major premises commence with the conditional phrase "if one wants to establish a well ordered society of a certain [middle class and harmonious] type." It would seem to me that one could exclude alternative values in these cases either by analysing them

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[188] Rawls, 1999, op.cit. P. 42, fn. 52.

[189] Ibid. He uses historical examples in his chapter on " Just War Theory" but, as he has decided at the beginning of his work to talk about peoples rather than states, his argumentation is weak.

against the criterion of order; in which case order becomes a value to which self-interested action must contribute, or against the intuitive appeal of the values in themselves. Since order can result from many forms of government, including many which incorporate coercion, we can reach Rawls' conclusion only by assuming the consequent.

Now in so far as Rawls does not pretend to be offering a complete ethical theory but limits himself to the domain of social justice, there remains something compelling about the suggestion that tolerance of each others' "rational long-term plans" is the necessary precondition of social order in societies comprising heterogeneous belief systems. Heraclitus urged that "we must hold fast to what is shared by all , as a city holds to its law" if chaos is to be avoided.[190] In order to arrange our social interaction in ways that minimize disruption, it seems reasonable to argue that a basis for agreement on the principles of distributive justice by which we will live is critically important. If this is so, then Rawls' contribution of a hypothetical procedure that could conceivably appeal to a broad cross section of sensible inhabitants of any political collectivity may also be critically important.

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Heralcitus fragment 114 in Charles H. Kahn, *The Art and Thought of Heraclitus* (Great Britain: Cambridge University Press, 1971) p. 43.

The trouble is, sovereign states pose special problems to any and all projects that rest on rational hypothetical arguments for the simple reason that states are far more than neutral arbiters of justice or reason. They are also arenas of competition for power within which various interests struggle according to a full range of human motivations. Rawls completes an enlightenment project begun by Kant, a kind of working out of the project outlined in *Perpetual Peace*. It suffers from the same tendency to blur the important distinction between disinterested reason and reason that is grounded in the full range of human passions, frailties and inadequacies. The weakness of such an approach to the problem of political association is evident in the history of the sovereign state. Here, as in all political structures, reason is harnessed to many different chariots and the traffic control pattern is anything but well ordered. At this point it is necessary to consider the impact of history and ask whether the social contract idea does not tend to place much of the necessary business of politics beyond reach of experience. By this I mean that the Rawlsian approach may also reflect a barely hidden continental idealism that blinds it to the reality of experience; that it tends to lend the guise of principle to the business of order without sufficient regard for the effects of order on freedom.

Gewirth

If Rawls' attempt to ground political theory on liberal insights fails because of inadequacies in his concept of rationality then it may be either because the basic concept will not carry its intended load or because the theory could have been better constructed. As we have discussed, the concept of rationality is indeed slippery since it stands as a function that assumes to have certain characteristics by virtue of the purposes it purportedly seeks. The attempt to derive a normative theory from supposed facts about the human condition is taken to a new level by Alan Gewirth.[191] The trouble is that the facts he allows are pulled out of the conceptual space around the idea of individual agency in a way that makes them very hard to recognize as anything other than theoretical artifacts. In the process, the definition of agency is allowed to dictate conditions of human existence in a manner that suggests that human agents have, by virtue of their claim to agency, a right against the world that it be better than it is. The whole procedure is reminiscent of the Cartesian defence of Aristotle's assertion of the impossibility of a vacuum. Blaise Pascal debunked this claim in much the same way that I propose to approach Gewirth's argument - by pointing to a phenomenon whose existence is inconsistent with the conclusions of the

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Alan Gewirth, *Reason and Morality* (Chicago, University of Chicago Press, 1978) Page numbers in this section refer to this volume.

argument. As careful as the argumentation is, the starting premisses betray a startling blindness to political necessity and collective agency in defence of group identity that are fundamental to the political context within which the idea of moral agency is posited. One consequence is the introduction of a tainted conception of rationality which fails to support the weight of the theory he sets on it. With apologies once again to those who, like R.M.Hare, are impatient with the effort of going into the detail of an argument so similar in appearance to the classical ontological argument that it hardly seems worth the trouble, I will briefly reconstruct the main elements of Gewirth's argument relevant to my critique prior to examining the general class of argument to which it belongs.[192] Ultimately, I will argue that, while the argument fails in achieving its stated aim, it may provide the basis for a set of insights that might illuminate the moral status of political systems as a whole.

Professor Gewirth defines morality as "a set of categorically obligatory requirements for action that are addressed at least in part to every actual or prospective agent, and that are concerned with furthering the interests, especially the most important interests, of persons or recipients other than or in addition to the agent or the speaker." (p.1.) In order to work out a theory that fulfills the definition, he states

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R.M. Hare "Do Agents Have to be Moralists" in *Gewirth's Ethical Rationalism: Critical Essays with a Reply by Alan Gewirth*, Edward Regis Jr., (ed) (Chicago, University of Chicago Press, 1984). Professor Hare points out a clear case of equivocation in Gewirth's use of the terms 'prudential' and 'moral' with which I am in agreement. (pp. 52-55)

that it is necessary to find an independent variable against which claims can be made in such a way as to avoid arbitrariness or whimsy. (p.5.) He goes on to say that

> "My thesis is a strong one in that I hold that the rational analysis of this concept is both the necessary and the sufficient condition of solving the central problems of moral philosophy.....and...Because of these powers of reason, reliance on it is not a mere optional or parochial `commitment' parallel to the commitments some persons may make to religious faith, aesthetic rapture, animal instinct, personal authenticity, national glory or tradition, or other variable objects of human allegiance." (p.21.)

No one could accuse Gewirth of having modest goals. His aim is no less than the grounding of a moral theory capable of generating categorically obligatory assertions that do not resort to intuition or any of the other slights of hand that usually attend such projects. In rejecting religious insight or aesthetic rapture, because each fails the crucial test of public justification, he claims that "the logical validity and necessity achieved by deduction and the empirical ineluctableness reflected in induction are directly constitutive of reason, and they give it a cogency and nonarbitrariness that provide a sufficient justification for relying on it". (p.23.)

After acknowledging the need for any deductive argument to incorporate induction to reach beyond mere formal necessity if the result is to be compelling in the strict sense that he wants; "there will have to be a material necessity of the premises themselves. The content as well as the form of the justificatory argument will have

to be necessary and not merely contingent, let alone arbitrary or false". (p.170.) The main justificatory argument is summarized rather neatly by Gewirth:

> "an agent is a person who initiates or controls his behavior through his unforced, informed choice with a view to achieving various purposes; since he wants to fulfill his purposes he regards his freedom and well-being, the necessary conditions of his successful pursuit of purposes, as necessary goods; hence he holds that he has rights to freedom and well-being; to avoid self-contradiction he must hold that he has these generic rights insofar as he is a prospective purposive agent; hence he must admit that all prospective purposive agents have the generic rights; hence he must acknowledge that he ought at least to refrain from interfering with his recipients' freedom and well being, so that he ought to act in accord with their generic rights as well as his own". (p.171.) The argument requires considerable unpacking.

In setting up his initial premisses, Gewirth begins with the inductive claim that all persons, insofar as they are rational, have purposes which seem, to them, good. This he draws from the observation that humans act with purpose. Purposes and intentions however, must be converted into actions before they become truly public in the sense required for moral discourse. Following Aristotle, Gewirth claims that "since action comprises the factual subject matter of moral and other practical precepts, it serves for moral philosophy a function analogous to that which empirical observational data may be held to serve for natural science: that of providing an objective basis or subject matter against which, respectively, moral judgments or rules and empirical statements or laws can be checked for their truth or correctness". (p.26.) Two generic features of action are explained: "Voluntariness and purposiveness hence

comprise what I referred to above as the generic features of action....And it is these generic features that constitute the logical justificatory basis of the supreme principle of morality." (p.27.) It turns out that voluntariness describes the capacity of an agent to choose a means and purposiveness applies to the freedom to choose the ultimate ends towards which action is directed.

The logic of this argument is quite interesting. First, the claim that all rational action indicates intention may be a valid conclusion of his premisses and the semantic meaning of his terms however it is not so obvious that the presence of intention illustrates purposiveness of the human condition in quite the way he thinks it does. To say that a member of the Lord's Resistance Army steal children to further his goal of establishing and maintaining a way of life congenial to him does not necessitate that he has an ultimate goal in mind, only that his action is intentional. There need be not ultimate purpose. That same could be said of a fashion designer in New York City. She may act in order to achieve a certain lifestyle that is aesthetically pleasing to her. In the first case, the claim against others to preserve the conditions of intentional action are very nearly null and, in the second case, the claims reduce to a bundle having to do with the preservation market conditions that make such a lifestyle possible. Neither case of action implies purposiveness in quite the sense Gewirth implies and yet both seem to fulfill the definition of intentional or voluntary action.

His notion of purposiveness suggests that all rational beings act with some sort of ultimate goal in mind and it is not immediately clear that they do. Nor is it possible to determine that they do without deep philosophical debate with them. If all humans have these ultimate goals for their lives then either they are conscious of them or they are not. If they are not conscious of them then they are acting unconsciously and therefore their actions are determined in some mysterious way that must inevitably lead to the kind of irreconcilable value conflicts that Weber sought to avoid and cannot therefore be relied upon to lead to Gewirth's generic principle of consistency.

The claim of conscious purposiveness would seem to apply only to those beings who are conscious of ultimate goals and are prepared to concede that others may have different goals or conceptions of what constitutes a legitimate range of purposiveness. The set of such people, if we are to tie in to real human experience in even a minimal way, reduces to a very small set indeed. Primarily it consists of those persons pursuing the examined life of philosophy.

Professor Armour suggests that Professor Gewirth's principle might be emended to the more general principle that "Everyone has certain rights and duties with respect to the **search for** moral truths, and these rights and duties can be spelled

out."[193] This is a much more satisfactory conclusion from Gewirth's premisses if it limits the range of necessity to those who are engaged in the search for truth - those who are philosophically conscious. As Armour points out, Gewirth's argument really only applies to those conscious of purposiveness and willing to concede a similar consciousness to all other agents. But if one is not conscious of such purposiveness, if one has not examined one's life, one is unlikely to know what one is missing. Thus, Gewirth's argument can be read as universally applicable only if it can be read as a universal obligation to consciousness. This has the awkward consequence of requiring people to know what they don't know; or more precisely, to know that they don't know (in the sense of knowing that they don't know the ultimate purpose of life itself). For anyone who is certain that he has found the correct answer to the great question about the ultimate meaning of life will not be logically bound to grant freedom of consciousness to those who disagree with him.

If we return to the notion of ontological personhood introduced earlier, it seems that the freedom to interpret the meaning of one's own life that is at the center of liberal theory should come into play here. Gewirth seems to think that the result of the effort to think through the consequences of action is that we are bound to

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Leslie Armour, *Gewirth, Maritain & MacIntyre: The Unity & Universalization of Moral Principle* (Maritain Studies / Etudes Maritainiennes, Vol.. VII 1999) pp. 49-78 (emphasis in the original). The main insights in the next few paragraphs came from this source.

understand that all persons have similar rights stemming from the human condition of purposiveness. If we accept that this implies a duty to consciousness and that we are locked by the human condition into a state of perpetual ignorance of ultimate ends, then we must logically conclude that ignorance of ends constitutes the core element of moral knowledge. But surely this is the case if, and only if, moral knowledge actually has this quality and if all persons necessarily discover this as a consequence of reasoning about the necessary conditions of action. It is rather like suggesting that a person standing in a crowd of people in a darkened room will have to conclude that no one knows where the exit is because he can't himself see it. This is not, strictly speaking, an accurate analogy of the human condition but it suggests an error in Gewirth's description. Action aimed at getting out of such a darkened room might easily be prompted by prudence. Prudence would dictate different conclusions depending on where one is in relation to the door and what one is able to attribute plausibly to others in the room in regard to the strength of their desire to leave, the accuracy of their knowledge and the relative position of each. In this case it is clear both that the predicate 'closest to the door' is not universal and that the predicate will make a difference in determining what a reasonable course of action would be for the person to whom it applies. Indeed, it would be immediately obvious under any similar conditions that there might be tension between morality, understood as what is in the common good, and prudence, construed in the singular. This is certainly true in life.

Just because there are a range of predicates that differentiate the actual conditions of persons in the real world, it is not obvious that action in general in real life would generate necessary moral conclusions at all similar to Gewirth's any more than it is obvious that stumbling about in a dark crowded room would lead to the necessary conclusion that one ought to let all other people in the room have equal access to the door. The universalization claim just doesn't hold up.

On a practical level, if Professor Gewirth's argument is empirically valid then it ought to illuminate investigation into a wide range human behaviours. It seems not to help to explain why men run amok in the millions and why they commonly massacre each other, though it does suggest that they ought not to. The problem I see is not with the logic of the argument per se but rather with the basic assumptions that underlie it. Consider his qualification of the notion of agency. If, as Gewirth claims, the possibility of agency necessarily implies the two enabling conditions of *freedom and well being,* then it follows that agency requires a kind of moral and prudential reciprocity in the interests of universalization. Why should this be so? If an agent has purposes and intentions and wishes to act in accordance with them, then, logically, he requires power to effect them. This does not necessarily entail permission from any other agent. The logical pre-condition of prudent agency is not so much that one is allowed to perform a given act, but that one is able to perform it. This can,

logically, be accomplished either because there is no resistance or that one has sufficient power to overcome whatever resistance there might be. If A has purpose P which is blocked by agent B then A may achieve P if either B allows him to or if B's resistance is overcome. To imply that a permissive environment is the necessary condition of prudent agency is to ignore one of the logical options of prudent action. A strong or intelligent agent need not require permission from others to carry out his purposes, he needs only sufficient power relative to the resistance possible by others. To get his argument to work, Gewirth has to import moral intuitions about what counts as a legitimate purpose into his opening premisses; which is precisely what he set out to avoid.

If Gewirth means that freedom and well being are the necessary conditions of agency because of their relatively superior effectiveness in achieving a general context favourable to the achievement of a variety of purposes among a multitude of actors then he is making a different kind of claim altogether. The empirical evidence for such a claim would be much harder to establish, since it relies on the collation of examples in a context where causality is elusive, and would yield a much weaker conclusion to any argument stemming from it. Gewirth is far more ambitious than that. In order to establish the claim that it is prudentially true that non-interference is a necessary condition of free agency for any single person, he must demonstrate that

no agent could reliably hope to achieve his purposes unless there existed a condition of reciprocal non-interference binding on all agents. He doesn't and he couldn't on the basis of any reasonable interpretation of the known or presumed descriptive facts of actual history. The empirical evidence available suggests that there is at least a strong prima facie case to support the claim that some people, under some circumstances, can exercise both free choice and purposiveness by following a policy of militant egoism.

If the exercise of reason to achieve privately conceived ends is an essential part of Gewirth's argument then clearly each actor is free to gage his own prospects for success based on his own strategic assessment of the particularities of his case. A clever and ruthless Machiavellian living in highly competitive conditions could well adapt a strategy of appearing to favour non-interference in the interests of quelling suspicion for his own under-handed ways. The Mafia of Sicily have purportedly followed this path successfully for decades and, though they may have been responsible for the subversion of an entire political system, could not be accused of irrationality on prudential grounds. If rationality is used in the sense of adapting behaviour to achieve self determined goals, then there is no reason why we should agree with Gewirth's claim that non-interference is a necessary condition of rational agency unless there is empirical evidence supporting it. On the contrary, if rational

pursuit of individually determined purposes is the essence of agency then it would seem logically inconsistent with the definition of agency for any agent to concede to any other agent any measure of control over the possibility of achieving his own purposes out of fear that those purposes will thereby become more difficult to achieve.

The universalization procedure used in Gewirth's argument suggests one other line of criticism which I believe may illustrate its inapplicability to politics. The argument must assume that all individual persons stand in relationship to all other individual persons as individuals. This might be plausible as a moral premiss but Gewirth derives it as a conclusion of his notion of action. Under this scheme, it is reasonable to conclude that individual agents will, in a sense, hinder each other unless they agree not to. But this only works if there is some quality that may be predicated of all agents that holds them apart as individuals. What is politics if it is not the story of how agents organize themselves, or allow themselves to be organized, into groups and sets of groups to project power? Gewirth's attempt to universalize a strategy of mutual non-interference requires an original atomistic quality of persons that is simply inconsistent with social and political reality.

If we grant the argument that freedom and well-being are both necessary and sufficient condition causes of all rational agency, then we are obliged also to accept

the conclusion that domination is not a rational strategy. By this I mean that, according to the argument so far put forth, it should not be rational for any agent to want to try to overcome, outwit or otherwise dominate any other rational agent. This might indeed be the case were it categorically true that there existed no single purpose or intention, or set thereof, that conflicts with any other. Where two actors strive for the same thing, be it some material item of which there is a limited amount, or some particular honour open to only one of them, then there will necessarily exist occasions in which the aims of each bring both into competition in which each rationally desires not the maximum amount of freedom commensurate with the freedom of others but rather the maximal amount of freedom for himself through domination of the other's range of freedom. Worse, under certain conditions, where each person, or group of persons, has cause to fear the other, it might not only be rational to seek to dominate the other before the other achieves domination, it might even be considered irrational not to.[194] I will come back to this in some length in the historical portion of this work but want here to enter the further related observation that the world envisaged as the arena of pure rational agency, understood as self-interested prudential agency, seems to have little place in it for the many institutions that already occupy it - particularly the state. For if freedom is a pre-requisite context for rational agency and if

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In his discussion of Machiavelli's account of virtue, Mansfield, op.cit., p.15, explains that, according to Machiavelli, "It is necessary for humans to trust in necessity; necessity is the only trust that fully reflects one's inability to trust."

institutions exist, particularly states, for purposes other than that of guaranteeing a context of rational agency, then they necessarily exist as contexts for asymmetric relationships between individual persons and the institutions that surround them.

The agency argument only holds where all possibility of inhibiting the achievement of individual purposes is held by other individuals, if there exists a state of mutual equal vulnerability among all actors. Otherwise there would be no necessary conclusion to the argument based on the idea of symmetrical relations among the holders of a plurality of individually-held goals because the concept of agency would have to include collective agency in which institutionally derived purposes grant a much stronger position to the institution than is possible for single agents. In such a case, self-interested prudential reason must force the individual agent to seek non-interference from a set of collective agencies that have no self-interested need to grant it unless some formal arrangement exists that redresses the balance. However, on grounds of purely rational self-interest by the agents who are part of any institution of collective agency, the temptation to use collective power for private purposes will persist as an element to be constantly guarded against as long as the institution exists. The necessary conclusion of this argument is that the concept of agency grounded on prudential evaluation of the prospects for freedom and well being among any set of rational agents binds them to prefer anarchy. Any form of

institutionalization would necessarily unbalance the symmetry among individuals that is necessary to Gewirth's argument. Of course, it must be recognized that a major achievement of the western system of political states has been the evolution of a set of institutional restraints that help ensure the possibility of meaningful individual agency under normal conditions, but the reliability of these restraints is questionable under conditions of stress; particularly when connected to questions of collective identity.

There is an interesting case in current affairs that makes digression here useful to illustrate the gap between prudential and moral behaviour that might be derived from Gewirth's argument. There is presently operating in southern Sudan and northern Uganda a rebel group calling themselves the Lord's Resistance Army that has given new meaning to definitions of barbarity and yet seems to be operating according to the requirements of instrumental reason in ways that make it difficult to avoid conceding to necessity ground desired for the concept of moral agency that Gewirth pulls out of the same basic premisses.[195] The LRA is composed of disaffected Ugandans belonging to the Acholi tribe of northern Uganda and southern

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Full accounts of the atrocities and descriptions of the character and methods of the LRA are to be found in *Breaking God's Commands: The destruction of childhood by the Lord's Resistance Army* (London: Amnesty International, 18 September 1997) and in *The Scars of Death: Children Abducted by the Lord's Resistance Army in Uganda* (New York: Human Rights Watch, 1997). Some details of what follows are also taken from my own field notes gathered during 1998/99 while on mission for UNICEF in Juba, Sudan.

Sudan. This tribe had provided the lion's share of soldiers to both the Amin and Obote regimes and, out of fear of reprisal, could not bring themselves to trust the new regime of Yoweri Museveni. The LRA has been active for over ten years now and has succeeded in supporting themselves by terrorizing their own people, particularly by forced recruitment of child soldiers. To summarize present conditions: a) the vast majority of the Acholi people resent the LRA and want the fighting to stop; b) the terror tactics they employ allow them to operate in Acholi territory in spite of local resentment; c) though they may receive logistical and intelligence support from Sudanese military sources, they could continue to operate without it if they kept to their current method of operations - they simply take who and what they need; and, e) there is no other external influence on which they depend. Their tactics give the LRA a degree of independence from both moral and material suasion that makes them extremely hard to reach.

The LRA has no known coherent political objective and seems to be driven not towards any particular positive political vision but rather to be carried along by the strength of their grievances. They may have accepted the fact that they cannot win but they are not prepared to let anyone else win either. Terror and revenge have become the best available means to ensure that pretenders to victory; i.e., the Museveni regime, do not rest easy. Under the present circumstances, if the LRA wish to survive

as a group, they have only two possible survival options: surrender or continued war. Surrender under conditions of general amnesty might allow them to survive but would require them to give up their carefully nurtured bitterness, a lifestyle many seem to find congenial and collective identity that many of them obviously value. Given that the first step on the road they are now traveling began with mistrust of NRA (Museveni's army) intentions following Acholi action in the Luwero triangle under Idi Amin, the idea of the LRA reaching the point of being able to trust Ugandan assurances of amnesty now, after the string of atrocities they have committed, seems exceedingly remote. Continued war, on the other hand, is a viable option and is the far safer of the two choices. But it is safe if, and only if, they can operate independently of any external influence; which they have already demonstrated that they can do.

The identity of the LRA as a group probably owes far more to psychological factors having to do with resentment, bitterness and value rejection than with any clearly thought through political philosophy. Indeed, their style might be characterized as nihilistic, as an absolute rejection of any extant order - an attitude

most often associated with adolescence in normal people.[196] They may not know what they want but they have a clear idea of what they don't want. The use of children as porters, slaves, concubines and warriors is highly indicative of their collective sense of self-identity. There is nothing of the Hegelian notion of dialectic between master and slave leading to the eventual reconcilation of each to the other in the actions of the LRA towards their captives. The master, in this case, gets recognition from third parties rather than from the slaves. Despite the fact that the children captured are of their own tribe, the LRA use them mercilessly. The child sent to attack his own parents acts as both instrument of revenge and shield for the people standing behind him. The child driven to her death beneath a load of loot she can no longer carry is reduced to the status of disposable object. The girl forced into 'marriage' with an LRA warrior has value only as an instrument of labour and sexual satisfaction. It is hard to explain this conduct without resort to highly pejorative terms. To kill, to enslave, to torture with some overall goal in mind is at least explainable in rational terms, no matter how much one might deplore such activities. But to perpetrate atrocities without any externally understandable ultimate goal is to indulge in incomprehensible violence. The pathologies involved are too complex to delve into

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It is also possible that time and success have created for the LRA leaders a rather cosy lifestyle that they could not hope to match through peaceful means. This suggests that there are indeed other alternatives to political existence aimed at ultimate goals. Could the LRA leadership not be understood as a warrior counterpart to the materialistic hedonist familiar to students of western countries?

without much more education that I can claim yet it might just be possible to explain much LRA action as directed at no other objective except their own survival or the preservation of a lifestyle that they have come to enjoy.

The logic of the LRA position rests on the twin assumptions of group identity and instrumental action to preserve it. The identity they wish to preserve as Acholi people distinct from and threatened by the majority Ugandan Baganda tribe was not initially recognized by the Ugandan state. The internal dynamics of reason within the group rest on the perceived need for some sort of power to survive that could not be accomplished except through collective agency. The followers, who are largely captives, are held in place by force and terror. In this case the individual prudential agency of the leaders can be understood as directed at creating and maintaining the power to exercise their own free will in the face of resistance from a fairly wide set of forces. Prudential reason, in this case, works in favour of a domination strategy. Although it is impossible to say what might have happened had they dropped their demands for separate identity in the early days of the Musveni regime, it is clear that the LRA group believed that they would lose their freedom to exist, and to act, as members of a distinct society if they accepted compromise as a premise of freedom in accordance with Gewirth's Principle. What is difficult for sub-groups within a

society is even more difficult for individuals subject to the collective power of a sub-group.

To make his argument work, Gewirth has to claim a level of free will that seems to force an attribution of innately heroic individualism on the citizens of any state who might wish to retain for themselves the possibility of agency in the face of institutional and social impediments. For instance, in discussing the argument of social embeddedness, he claims that even dictatorships that thrive on public calls to action assume free will among citizens when they issue statements. He says that

> "it is assumed that the hearers can control their behaviour through their unforced choice so as to try to achieve the prescribed ends or contents"...and..."it is assumed even in 'social-role' moral precepts that, within limits, action is under the control of the persons or groups addressed by the precepts - that they have knowledge of the relevant circumstances and choose to act in one way rather than in another for purposes or reasons they understand". (p.26.) And "even if moral precepts urge conformity to various social roles or institutions, and even if they assume that such conformity is already exhibited by the persons addressed, the point of setting forth the precepts is at least partly to reinforce obedience...the precepts assume that alternative behavior may be open to the persons addressed so that, to this extent, their behavior is under their control"(p.28)

But this too glib refutation just misses much of what happens in institutional circumstances. Statements such as "*Workers of the World Unite!*" may be issued for a number of reasons but resort to jingoism of this type implies not so much an attribution of free will to the hearers, but rather carries an understanding of the

reasoning carried in the communal discourse that has gone before that makes of the jingo an irrefutable conclusion to active participants of the particular linguistic community. The statement acknowledges the power of an ontological force over the perceptions of its listeners. One could as well argue that jingoistic commands have more in common with drill commands than with statements that assume some measure of free will on the part of the hearers. The drill command *Left Turn!* is a very persuasive argument only after the hearers have been conditioned to accept both the necessity and the appropriateness of the command. The speaker assumes a need to dictate when the movement is made rather than a need to persuade the hearers of the rightness of the command. In fact, the freedom of will that Gewirth argues as a necessary assumption of all such commands is a formal freedom at best. The possibility of disobeying is remote partly because it is part of the diminishing options open under complex conditions of identity in which social roles imply a degree of duty that renders disobedience unimaginable and partly because one is placed in a position in which action is curtailed by the existence of an administrative bureaucracy and an institutionalized ideology. Freedom of choice, given the character that Gewirth wants it to have, would seem to require of rational agents a life-long battle against the institutions of the agents' own community. Yet existence within a particular political structure is part of the core concept of modern human existence. Humans exist in political settings and thus a meaningful discussion of human freedom must take into

account not just the existence of unorganized human collectivities but the consequences of organization.

Gewirth takes this point even further in the context of an attempted refutation of social embeddedness by claiming that the assumption of free will implies that moral precepts "must be presented .....with the implicit assumption that these are the right ways to act because there are sound reasons for doing so (these need not be moral reasons)" and that a "related assumption is that these reasons can be reflectively understood by the persons to whom they are addressed". (p. 28) Here again an assumption is made that is indeed difficult to reconcile with historical experience of human institutions. Gewirth distinguishes between three sorts of control over behaviour:

1) occurrent; i.e., pertaining directly to the action as it occurs,

2) dispositional; and

3) indirectly dispositional

> "in that although the action occurred despite that agent's choosing not to perform it, so that the action was not under his dispositional control of sort (b), still he could have controlled his getting into the situation where he could not thus dispositionally control his performing the action. In all three of these ways the agent's reasoned choice and control

function as necessary and sufficient conditions of his action. Behavior is involuntary if it is not controlled by the agent in any of these three ways". *(p.31)*

But when does a person choose the community into which she is born? According to Gewirth's model of freedom, any soldier attempting to exercise free choice to avoid following an unpalatable order could be considered free if, and only if, he had had the freedom (and foresight) to avoid service in the first place. Since, under conditions of war, Gewirth argues that it is consistent with the Principle of Generic Consistency to be morally obliged to defend the state[197] it would seem that at least one institution of state, according to Gewirth, must have the right to remove the freedom that he argues is essential to moral agency. More importantly, the whole range of linguistic issues raised, after Wittgenstein, by communitarians suggests good reasons for believing that agents lose an important part of their capacity for rationally independent moral choice as a necessary consequence of belonging to a linguistic community.[198] The core argument for communitarians, as discussed earlier, is that consciousness is itself shaped by the semantic content of language to an extent that it limits the possibility of meaningful independent thought. Since few people have a choice of their linguistic community, few people have the range of free will that Gewirth imputes to all of us. This is not to say that

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197
Gewirth, op.cit. Professor Gewirth meets his critics head on in his replies at the end of this volume.

198
MacIntyre, op. cit., *After Virtue*, pp.109-120.

independent agency is thereby rendered impossible but only that it would require of the truly independent agent a ferocity of intellect sufficient to mount and maintain over the course of her life, an heroic defence of a consciousness that she may not realize she has.

What remains of Gewirth's argument to the Principle of Generic Consistency is moot in the context of historically embedded agency simply because it is based on a dubious set of descriptive assumptions about free will and the human condition. The logical structure of the argument may well be sound but there seems little practically applicable wisdom to be derived from a description of logical obligations among entities whose main characteristics seem to lack so many of the qualities needed to make them recognizable as fully human. Humans are born into an imperfect world made more so by the presence of so many other imperfect humans and by their imperfect efforts to accommodate the fact of each others' existence through a wide range of formal and informal institutions. What empirical grounds are there for thinking that any single human could survive for long acting on the assumption that others around him were bound by logical consistency to recognize his right to freedom and well being? The conditions of rationality required to picture this sort of world imply something like a hypothetical `state of nature' similar to that used by Rousseau. But this objection, and indeed the whole thrust of my criticism of Gewirth's argument, suggests another line of thinking altogether.

If liberal projects of this ilk tend to fail as a result of the misconstrual of practical reason and if we remain deeply suspicious of communitarian arguments because of their seeming support ideologies that have led to tragedy in the past then perhaps it might be possible to satisfy a more limited set of liberal objectives. If we give up the liberal project of grounding politics on a universally applicable moral claim, do we thereby give up any hope of ameliorating the political world we inhabit, of employing moral language to effect political change? Surely not. Almost certainly there must be arguments that reach towards a better state than that which exists that can draw inspiration from the liberal sense of the dignity of reason without falling into the impasse that both Rawls and Gewirth lead to. As Karl Popper expressed it, a critical dualism could be achieved which "merely asserts that norms can be made and changed by man....and that it is therefore man who is responsible for them; not perhaps for the norms which he finds to exist in society when he first begins to reflect on them, but for the norms which he is prepared to tolerate once he has found out that he can do something about them."[199] What might be achieved within the general set of concepts normally taken to constitute the liberal project without giving up an historically grounded set of assumptions turns in no small measure on the accuracy of observations.

199
Karl R. Popper, *The Open Society and its Enemies* (Princeton: Princeton University Press, 1962) p. 61.

The next portion of this work will enquire into some of the most dire pathological manifestations of practical reason in an attempt to clear up some of the obstacles to the development of a political theory that aims at some sort of synthesis of communitarian description and liberal insights. The transition from a discussion of logical causality to historical causality is perhaps more abrupt than it could be but serves to highlight the very problem I am trying to get at.

Chapter VIII

The Logic of Mass Murder

Let us consider the logic of genocide as a phenomenon as dispassionately as possible for a moment to try to determine whether there might not be some explanation of it that reasonably competent minds might understand.[200] I stated in the first chapter that genocide is a political act insofar as it requires a political process to carry out. In the most infamous example in this century, persecution of the Jews was made part of the basic fabric of Nazi party ideology and then used as part of a political strategy to take and maintain state power. Ideology soon became an instrument of terror but, as Hannah Arendt argues:

> "Terror, however, is only in the last instance of its development a mere form of government. In order to establish a totalitarian regime, terror must be presented as an instrument for carrying out a specific ideology; and that ideology must have won the adherence of many, and even the majority, before terror can be stabilized. The point for the historian is that the Jews, before becoming the main victims of modern terror, were

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In his study of the psychology of genocide, Israel Charny says: "Whether or not we are driven by deterministic forces, each of us must bear full responsibility for the choices we make whether or not to be destroyers. There can be no forgiveness; there can be no dampening of our outrage and protest against the killing of men. My desire is to understand how these terrible events come to be and what we might do to stop them, not to forgive." Israel W. Charny, *How Can We Commit the Unthinkable?* (Boulder: Westview Press, 1982).

the centre of Nazi ideology. And an ideology which has to persuade and mobilize people cannot choose its victim arbitrarily."[201]

In fact, as Arendt goes on to establish very persuasively, the Holocaust could simply not have been launched without a particular ideological foundation. In her view the ideology was bent by the will of Nazi party leaders to provide stable political power by propagandisation of historical myth in ways that played effectively on deep seated resentment and fear.

A common thread in each of the genocides mentioned above is that each one was presented as a solution to some particular political problem. Pierre Van Den Berghe argues that "Modern state killing...is now an essential and permanent ingredient of state planning and policy involving the continuous integrations and involvement of the system of production and the system of destruction."[202] He goes on to suggest that the process of industrialization has gone hand-in-glove with the militarization of states and with a tendency to internal violence that surpasses anything in pre-industrial society. "One of the main consequences of modern technology has been to accentuate the disparity of power between the state and its citizenry", and

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Hannah Arendt, *The Origins of Totalitarianism*, (Cleveland: Meridian Books, 1958) p. 6.

202
Pierre L. Van Den Berghe (ed), *State Violence and Ethnicity*, (Colorado: University of Colorado Press, 1990) p. 2.

"However one classifies acts of state-sponsored murder, it is clear that, since World War II, about three-quarters of all state-generated fatalities were caused by states butchering their own citizens in genocides or politicides."[203]

Perhaps the most interesting part of Van Den Berghe's work is that it challenge's Arendt's suggestion that some form of totalitarianism is a necessary precondition of genocide. He cites convincing evidence illustrating that the tendency to genocide cuts across all ideologies. according to him, only the preferred methods vary."[204] "It seems clear that much of the lethality of the modern state is due to the confluence of three factors:

1) an unprecedentedly murderous technology of destruction,

2) the capture of states by ethnies, and

3) the legitimation of multinational empires through an ideology of nationalism."[205]

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Ibid., pp. 3-4. Politicide is a derivative term of genocide which I will not discuss in depth here. Suffice to say that the similarity with genocide is disrupted only by the classification of the victim population. The underlying logic of both types of mass murder is disturbingly similar.

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Ibid., pp. 9-15.Though one might indeed take issue with the strong anarchist tone apparent in this work, the arguments themselves are compelling.

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Ibid., p.15.

To put this into analogous terms familiar from the murder mystery genre, the capacity to murder arises out of the confluence of means, opportunity and motive. Here the means are provided by the technology that has arisen within modern states, both in terms of automation of production and the management technology that controls all major activities in complex states. The opportunity, according to Van Den Berghe, arises out of "the capture of the status apparatus by one ethny at the expense of others."[206] Motivation is a little more complicated but can be understood as a consequence of the growth of some sort of ethnocentric ideology developed for self-serving purposes by members of the ruling ethnie. If the general line of this argument is valid, then it follows that the particular political stripe of the nation-state matters little if it contains the necessary ingredients of the crime that concerns us.[207] But if the means and opportunity are both inherent parts of the embedded administrative and technological capacities of modern states then virtually any type of state could give rise to genocide if there were some means by which its internal workings could be corrupted

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206
Ibid.

207
See Irving Louis Horowitz, *Taking Lives: Genocide and State Power* (New Brunswick, USA and London: Transaction Books,1980). Chapter 3 deals with the difficulty of finding a typology of states adequate to serve as common indicator of genocidal potential.

to serve the purposes of an ethnic sub-group.[208] This should, according to Van Den Berghe, suffice to provide the necessary motivation to genocide.

In apparent opposition to this view, Rummel argues that the final finding of his extensive research on the subject is that "the less freedom people have, the more violence; the more freedom, the less violence. Power kills and absolute power kills absolutely."[209] Power in this sense means the executive power required to control the means of administering death to a designated portion of a population. The question then is how this power can be obtained within a non-totalitarian state.

Perhaps the most promising avenue would be to begin with an analysis of the imbalance of power that now exists between state and individual in those states purporting to place the highest value on individuals. However, more, much more, needs still to be said about genocide before we can discuss solutions to a problem whose complexity we have barely begun to explore.

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The Cambodian tragedy gives us grounds for believing that the ethnicity may as easily be replaced by political ideology. Ethnicity has been the most common initial rallying point for genocide however, as the fuzziness of a concept of racial purity that classified Afghanis as Aryans shows, ethnicity itself requires some sort of ideology to give it the power to arbitrate membership.

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R.J. Rummel, *Death by Government* (New Brunswick, USA : Transaction Publishers, 1994) p .xv.

The Holocaust provides an excellent example for the purposes of illustrating the internal logic of ideologically driven mass murder. Considered as a purely technical problem, the genocidal state had first to grow out of the Nazi ideology to become a fully fledged system[210] of administrative death. In order to achieve the ideological fervor necessary to produce a monstrous system actually capable of designing ever more efficient gas chambers, along with a transport system to control the flow of victims efficiently and all the other bits of administrative procedure the Germans showed such genius for, a rationale sufficiently persuasive to overcome all pre-existing ethical and moral constraints was necessary. Second, in order for the program of murder to proceed, there must have been some structure sufficient to overcome the revulsion that actual experience of horrendous acts can cause. In effect, the challenge for the purveyors of this ideology was to come up with a justification sufficiently plausible to subvert an entire political process. Without going into a deep analysis of fascism, lacking broad support for the idea of special sanctions against the Jews, Gypsies, mentally disabled and politically undesirable who became the target of the majority, it simply would not have been possible to overcome the normal restraints in place as part

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I use the term *system* here in Von Bertalanffy's sense of a dynamic interaction that involves structure, input/stimulus, feedback and output explained in Ludwig von Betalanffy, *General System Theory* (New York: George Braziller Inc., 1968).

of the state structure at the time unless a strong ideological argument had done its work.[211]

The justification offered, as implausible as may it now appear, built upon the central fears, hatreds and aspirations of a once proud people still struggling to accept the reality of their defeat in World War I. The combination of skillful manipulation of propaganda and the clever use of the apparatus of state made the actual crime relatively easy to accomplish once a national will had been established. In fact, it was necessary only to convince the German people that the conditions they faced in 1933 could be blamed on someone else and then to convince them of a vision of themselves as possessing special attributes that laid upon them a moral duty to conquer weaker nations. Given the levers of power available to the state and a deep understanding of the national psyche sufficient to the demands of propagandisation, a relatively small group could, and did, put into effect what the rest of the nation then found themselves unwilling to halt; the *final solution* to the *Jewish Question.* The point that I wish to make here is that once the Nazi propaganda machinery had been able to create a sense of inevitable destiny in the minds of the German public, it became relatively easy to convince the many hundreds of thousands of people who must have known what was

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In discussing the religious motivations behind some of the ancient genocides of which we are aware, Kuper says that religion *"is merely one form in which the tyranny of an idea becomes charged with genocidal potential."* (emphasis mine) Kuper, 1981, op. cit., p. 12.

going on that the elimination of the Jews and other *undesirables* was a necessary step on the way to the future. The very term *Jewish Question* is loaded with political meaning in which the real intent is masked by the appearance of objectivity so that the human consequences take on the air of a disinterested policy issue. Similar reasoning was used, though without quite the same rhetorical devices, to convince the young in Cambodia that the way to a glorious future required a complete break with the previous generation. Wholesale murder of the old was the accepted solution in both cases.

My interest here is not so much with the historical facts of the Nazi phenomenon but rather with the way in which the arguments they began with can be understood now. Once the dynamic of genocide had been set in motion, there was probably little that could be done from the inside to halt it. Solzenhitsyn makes the point that the passive acceptance of the inevitability of arrest became a self fulfilling prophecy that allowed the Gulag Archipelago to flourish.[212] Once the dynamic processes of arrest, exile and murder had been set in place, the individual became powerless. Hobbes' sovereign, in the person of Stalin, had already achieved the total power necessary to execute his plan. That, however, is a matter for historical debate. The more pressing question here is how the arguments got a toehold in the national consciousness in the first place. If there

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Solzenhitsyn, op.cit., pp. 3-23.

is any sense in which the action taken against the Jews could be understood as reasonable to a non-German of the 1930s, then perhaps we will have grounds to ask ourselves why our rhetoric has been so virulent after the fact when, at the time, silence and inaction seem to have been the order of the day. Though the excuse of ignorance of the facts is often used, it is also possible that the moral case became clear only after the justifications offered could be considered.

Putting aside questions of good and evil for a moment, is there any way in which the Holocaust can be given a rational explanation? Consider the problem in the perspective of the time. The Treaty of Versailles had placed a heavy burden of reparations on the German people yet the Allied armies had never actually marched into Germany. The Germans had fallen hard both economically and militarily after a period of intense nationalism that had lasted several generations. Convinced of their own national potential and dominated by a set of national myths that portrayed them as the heroic frontline of defence standing between a decadent Europe and the Slavic hordes, the reality of their conditions must have hit hard. A sort of national pouting at the unfairness of it all would have been easily understandable. Under these conditions, displacement of responsibility would have been understandable. Hitler, in his attempt to ride the wave of underlying resentment in the German people, had only to present the

Jews as one of the obstacles between Germany and her rightful place in history to unleash the fervour that swept him into power.

This line of thinking raises too many ethical hackles to want to even discuss at this point but my aim is strictly to enquire into the logic of a history that I fully understand to be analogical. However, given the meagre resources of understanding available to me, I have no other means to try to grasp the internal rationality of the Holocaust. From the perspective of late 20th Century Canada, the image of lines of people whose only crime was to be Jewish (or Polish or Russian or Gypsy), marching into the gas chambers is a little hard to get my mind around without some sort of explanation.

What could have led the German people from general agreement with the underlying thesis that Jews were somehow responsible for the deplorable conditions in 1930's Germany to collusion with the deliberate program of government administered mass murder that followed? Surely it is one thing to be convinced that a given group is a danger to you and quite another to reach the conclusion that they should all be killed. Yet this is precisely the argument that we use to justify killing in war. There is no United Nations convention against war. While we may accept that there is a law of war that precludes combatant forces from taking action that will probably result in high

non-combatant casualties, the logic of total war allows for a very broad definition of *'combatant'*. Since total war requires the mobilization of entire state economies to the war effort and since this in turn requires every citizen to do his or her part in maximizing the output of the state war apparatus, every farmer that grows wheat for bread to feed the factory workers at the munitions plants could be considered a legitimate target; as could his wife if she makes his breakfast. Total war aims at the destruction of the enemy state's capacity to fight: the army, the economy, the agriculture, the medical system, the supply system and even the sewage system can all be considered targets. Total war is not possible without coordination of state resources towards a single aim. It requires a level of administrative efficiency not dissimilar from that required to effect a genocide. If we can justify the leap from the conviction that the inhabitants of town X are key to the war effort of our enemy to the belief that launching missiles to kill them is justified, then on what does our special abhorrence of genocide rest?[213]

I argued earlier that the difference between acts of war and genocide may hang on the increased vulnerability of people to their own governments. Perhaps one could

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This point is explored at book length in Markusen and Kopf, op. cit. They make a very convincing case that there is little moral distance between the mixing of bomb loads to maximize the murder of civilians and the administration of Zyklon B. Both require cooperative action of a large number of persons in the deliberate attempt to murder unarmed civilians as efficiently as possible; both are cold blooded murder.

add here the qualification that genocide entails a special kind of betrayal, similar again to the case of family violence, in that administratively executed mass murder is not possible without first gaining a position of (political) trust which can then be used to grab power over the administrative system of which the victim group is a part.[214] In the German case, many of the Jews who were later murdered were so confident of their legal and political status as citizens that they did not see the danger coming even after *Kristallnacht*. Whether the putative docility of many victims headed down the ramp to their death at was attributable to some mass psychosis or to a level of trust that allowed them to convince themselves that they really were headed to the showers is, in this argument, a moot point. The most likely psychological possibilities would have something to do with a denial of reality that could easily have rested on the quite reasonable belief that a reality that included such inhuman action as mass murder committed by the state was simply not possible. Such a belief could easily be fostered by manipulating the bureaucracy of state deliberately to deceive the conditioned trust in the legitimacy of the actions of those in power of state institutions that I have discussed previously.

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One rather graphic way of seeing the relationship between trust and mass murder is to compare it to the military ambush. The ambusher seeks to catch an enemy formation completely unawares in a position in which all of them can be killed in one short lethal attack. The object is total annihilation of the target group. This is simply not possible without complete surprise. This is achieved most easily by sighting the ambush on a piece of ground that the enemy trusts to be safe. A similar comparison could be made with strategic bombing in that the target nation knows that its civilians are completely exposed but trusts to the ethical restraint of its enemy.

From a purely rational point of view, at least from the perspective of killers, the accountancy of death would show a higher return on an investment in violence to the state that is able to kill large numbers of people without resort to actual war. What more efficient way than to lull a despised population into a false sense of security and then to set about a deliberate programme of mass murder that requires only the mobilization of state internal administrative resources to accomplish?[215] Would such a deception not be made easier if the existing social ethos included strong faith in the rule of law?

In her analysis of the collective behaviourial aspects of genocide, Florence Mazian refers to six identifiable steps in the collective behaviour of the perpetrators.[216] Though the thesis is indeed intended to explain collective behaviour from a psychological perspective, the terms of the discussion pertain to organized collective behaviour; i.e., political behaviour. The first step, in Mazian's view, is a hostile outburst as the collective manifestation of social stress. The harassment of Jews leading up to the crescendo of *Kristallnacht* provides a good example of how such a hostile

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See Raul Hilberg's *Documents of Destruction: Germany and Jewry 1933-1945* (Chicago: Quadrangle Books, 1971) for an overwhelmingly detailed study of the bureaucratization of the holocaust. The point is well amplified in Kuper (1981) op cit., p. 121 and in the first part of Markusen and Kopf, op.cit. See particularly pp. 82-84 for a discussion of amoral rationality in the service of mass murder.

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Florence Mazian, *Why Genocide? The Armenian and Jewish Experience in Perspective* (Ames: Indiana State University Press,1990). The attributions in this paragraph are all taken from chapter 13 of this work.

outburst might be arranged. In Mazian's scheme, the next common step is an increase of alienation by the group that is now designated as *outsider*. This process is usually accompanied by increased internal strife, often reflecting an external threat of war and the deprivation that comes with it. The really interesting part of this step is the curious normative upheaval that usually leads to the creation of a special moral category for the target group. Here again, the special legal status of the Jews legislated under Nazi rule deprived them of their normal rights as citizens and was, arguably, the first official sanction of a changed moral status.[217] It is important to note here that these steps were taken with careful attention to all the legal niceties required by German law. The administration continued to execute the orders of the Reichstag with minute attention.

Though the remaining four steps in Mazian's account of the progress of genocide are interesting enough to warrant further discussion, I want to pause here for a moment to try to develop the problem from a liberal perspective. Lest it be forgotten that Nazism arose out of democratic conditions, it should be remembered that Germany of the late 20s and early 30s was a functioning, though troubled, democracy with liberal academic traditions going back to Kant. This is why, if we are to grant any credence to the historical theory advanced by Mazian, the rapid descent from democratic

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First Ordinance to the Reich Citizenship Law, dated November 14, 1935. Quoted in Hilberg, 1971, op.cit. p. 19.

procedure to steps one and two of her thesis should concern liberals deeply. The betrayal of Jewish trust in their status as citizens of a democratic state was preceded by a betrayal of the fundamental assumptions of democracy and hence of liberal values. The Nazis used democratic processes to win their initial political power and did not really show their hand until the *pusch* of 1933. There are two questions here that concern me: First, and most obvious, why did the Jewish population not react to step one in the process of their destruction more forcefully? Second, what ideological justification could possibly have served to override the normal moral constraints of a whole nation in one of the most civilized parts of the world?

The first question really cannot be answered without a great deal more psychological and historical speculation than would be appropriate here. However, if we accept as a general thesis that collective human action tends to be a rational response to conditions of a particular time and place, an enquiry into the possible reasons for the Jewish docility could still be of interest to political theorists. Here I must say at the outset that the first explanation that springs to mind is that the German Jews of 1933 did not have the benefit of Mazian's study and therefore could not have foreseen events with the clarity that history now gives them.

Though one's imagination is easily caught by the drama of the moment of destruction, the inner reaction to events at the beginning of the nightmare is of deeper concern. The fact that there had been pogroms and persecution almost from the beginning of recorded history of Jewish presence in Europe may well have contributed to a not unreasonable belief that the Nazi ideology was nothing new and that it would eventually blow over as had all previous outbreaks of Jew-hating frenzy. Then again, the near anarchy that Germany had lived through after the First World War and the desperate state of her economy at the time of the Nazi rise to power may have militated against any inner compulsion to disobey the new laws that came out of the Nazi regime, even though they constituted a bare faced rejection of any sort of justification acceptable to even the most conservative of liberals. Law offered a certain security in that it made it possible to hope that the radical elements of Hitlerian ideology could be restrained. In the event, it might have been the very belief in the legitimacy of authority that made it relatively easy to believe in the eventual restoration of citizenship and full moral status. Even without trying to adduce specific reasons for what was essentially a mass phenomenon it remains fairly clear that sufficient numbers of German Jews did not attribute the level of cynicism that was most certainly behind the administrative apparatus that caused their near annihilation to the elected members of the German

government.[218] Between 1933 and 1939, the bureaucratic steps proceeded methodically from a process of Aryanization, by which Jews were excluded from positions of prominence, from professional careers and from educational institutions, expropriation, disenfranchisement, separate identification, ghettoization and finally, liquidation.[219] The question then is how, without the benefit of hindsight, a rational explanation that would square with liberal theory of the general rationality of political behaviour might be constructed for the several hundred thousand German Jews who remained in Germany after this process had begun. Put another way, what should the rational liberal actor have done if she were a Jew in 1930s Germany? Was there a reasonable chance that the political process could have been turned another way?

While it is clear that this kind of question could be interpreted as a crude attempt at grounding historical fiction, it is also clear that something can be learned from questioning the rational alternatives of real life situations in the same way that Rawls' theoretical division of cake or Rousseau's hunting party served as conceptual problems against which the reasonableness of their own theories could be tested. In the present

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It is also clear that a large number of them did take the threat seriously enough to leave the country. Unfortunately, many of them did not get far enough and were swept into the death apparatus as the German army invaded other European countries. Kuper (op.cit., 1981 p. 129) gives the total Jewish population in Germany in 1933 as approximately 500,000. He claims that this figure fell to approximately 210,000 by 1939, largely as a result of forced immigration and pogroms. Suffice to say that a significant number of them voted with their feet.

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Ibid., pp. 126-127. See also Hilberg, op.cit., Van Den Berghe, op.cit., Markusen and Kopf, op.cit. for similar accounts.

case, let us consider the rational alternatives open to any citizen in the victim class of a state suddenly turned totalitarian and threatening. It is obvious that there could be little real expectation that reason would lead those who had taken power to the necessary conclusion that their future success depended on applying liberal values to the process of government. It is also fairly certain that there would be little prospect of expecting to be able to argue on reasonable grounds with a government structure which had abruptly decided that one was no longer human. The case here can be pictured in Hobbesian terms as that of a citizen who had inherited a sovereign in the form of a political structure and administrative process that had been designed to ensure order and to seek to improve the general welfare only to awake one morning to the realization that the sovereign had decided that the way to achieve these goals was to execute the citizen and all her relatives. Now there are at least two clear options here. First, if one truly believed in the rule of law and the fundamental incorruptibility of the political system to which one belonged, then one could hope that the system would right itself. The second, if one had little faith in the self-correcting nature of the political system, one could try to save oneself. There are also several variations on the second option in that one could also decide to fight the system, either violently or using its own apparatus.

Exercising the first option requires the kind of intuitive judgment that is only possible in the historical context of particular times and places. Objectively speaking,

it seems to have been clear from the beginning that the Nazi regime was intent on changing the rules of the game radically and that they possessed a powerful ideology that left little room for hope of anything approaching a liberal notion of fairness. The will in control of the apparatus of state was in fact so perverted by an ideological vision of martial grandeur and ethnic hegemony that liberal scales of value, of humanity, were incomprehensible. However, the apparent hopelessness of the situation would have to have been weighed against the alternatives open to particular individuals and families. There certainly must have been some who believed that even the near certainty of continued persecution held better eventual prospects than a life of exile. But, from the point of view of one of the rational actors familiar from the previous discussion of Rawls and Gewirth, the thought of trying to exist within a political context that stripped one of all ones political rights would have to be considered a bad bargain. What possible purpose could be served by giving over one's property, one's legal rights and one's right to participate in the political process in exchange for near complete powerlessness? Certainly not a purpose of one's choosing; only a purpose chosen by someone else. The most likely explanation for Jewish cooperation is that there was, in general, a disposition among them to believe in the systemic goodness of the state and therefore to disbelieve the evil that eventually manifested itself through the institutions of state.

The second option seems, from a present day perspective at least, to have been the more rational choice for informed actors. Once it was clear that there could be no bargain with forces intent on negating one's political existence, the rational range of response would reduce to a more basic choice of fighting or fleeing. The trouble is that no rational actor can be fully informed about future events. The bloody history of this century and the careful academic research that now alerts us to possibilities should make it easier to see trouble coming and to deal with it. However, as every soldier knows, the next ambush is always a little better planned than the last one. Given the necessary uncertainty of future events, an informed self-interested rational actor would probably see the desirability of being able to minimize the potential for disaster by taking preventative measures as soon as possible. This is not usually possible in historical situations simply because the political game that one joins on reaching the age of reason has generally been going on for a long time with the consequence that one finds oneself obliged to enter into the fray at whatever point chance determines and one generally begins at a disadvantage.

To simplify the problem somewhat, it is instructive to try to pinpoint the optimal moment in the evolution of the Nazi agenda[220] for the defection of a self-interested

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Kuper, op.cit., p. 124, argues that the Final Solution was evolved over a period of years with the final order to bring the full effort of German administration to bear on the problem in 1941.

rational Jewish actor. Given that anti-semitism had been a recognizable part of the German ethos for some time, the change from a stance of quiescent dislike and mistrust to one of active aggression had to have happened at a particular point in time.[221] While the rational agent might consider it in his own best interest to live with the manageable level of persecution that the antecedent conditions to the Holocaust presented, the moment of the beginning of state authorized persecution would have been the beginning of the end. It was at this point that the scales of evidence should have tipped in favour of flight at any cost, for it was at precisely this moment that the rational Jewish actor was denied the possibility of trust in the institutions that stand between the individual and the Hobbesian war of all against all. From that moment on, all bets on the possibility of survival should have been off. The trouble is that the decision point is clear only with the perfect vision of hindsight.

There is an old system of torture described in James Clavel's novel, *Shogun*, in which the victim is forced to choose one of his own limbs for amputation each day. The victim may choose to have his head cut off at any time to end the agony but is encouraged to hope by a traitorous friend who sneaks to his cell every night to assure him that help is on the way and that he should try to hang on. The victim is deluded by

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Goldhagen, op.cit., makes a strongly argued case that anti-semitism had been a central part of German politics for nearly a century before the Holocaust. I would argue that the long history of persecution would have acted as camouflage for the new German determination to transform chauvinism into genocide.

false hope into prolonging his own agony. This analogy is disturbingly apposite to the plight of Jews in Germany leading up to the holocaust. Hope was progressively deceived from the moment of the signing of the regulations on name changes in 1932[222] through the subsequent enactment of the Nuremberg Laws in 1935 to the officially sanctioned plan for the Final Solution developed at the Wansee Conference on 20 Jan 1942.[223] At each step, the German authorities took pains to minimize the possibility of resistance through isolation of the target population and the use of officials who spoke with the authority of the German government. Trust in the humanity of the system combined with belief in the correctness of the official legal apparatus of state combined to create a huge fraud. With the benefit of hindsight, the only moment for defection by rational agents possible would have been at the first blow — the official declaration of the intent to identify as separate those of Jewish blood — 1932.

What was undoubtedly difficult for Jews to accept in this whole tragic performance was the conclusion that there was absolutely no connection between their individual conduct and the treatment they received at the hands of the Germans. That the Germans had reached the conclusion that the Jews were to be eliminated because

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[222] Raul Hilberg, op.cit., pp. 14-16.

[223] Ibid., pp. 85-106.

of the blood in their veins must have led to an exceedingly high level of cognitive dissonance. One can almost grasp the difficulty of arriving at such a conclusion if one tries to render the German strategy into some coherent, rational plan. What rational actor in such a deadly game as this would have begun by assuming that the whole German nation had gone mad?

The delicate question that now needs to be asked is whether the Germans had lost their grip on reason or not. Trying to find a rational explanation for the horrendous acts they committed is, to say the least, challenging. But if there is a way in which the reasons driving the behaviour of a whole nation could be made intelligible to those of us sitting outside of the time and place in which they occurred, then there may be some hope of understanding enough about the phenomenon of genocide to reach a few general conclusions. It must be said here that I accept the broad lines of Goldhagen's thesis that the scope of complicity in genocide renders the outcome of a purely structural investigation highly dubious.[224] Individuals pulled triggers and slammed doors to gas vans, single persons gave orders to move trains full of other human beings to death camps and, perhaps most telling of all, free citizens acting alone cast the votes that projected Hitler into the position of authority that served as the stepping stone to

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Goldhagen, op.cit., see particularly part one, which describes the long development period of what he terms an "eliminationist mentality". This is a radical departure from the traditional explanation in which the social structure is held responsible for the ease with which individuals were conditioned to obey orders.

death for so many. The racial ideology underpinning the Nazi agenda was never secret. Even if one accepts the historical arguments of Hilberg, Kuper and Arendt, as supported by the Milgram experiments, one is still left searching for an explanation of why the Nazi agenda held the appeal that it did to the German people.[225] Goldhagen argues that the Germans' fear of the Jew had reached an obsessive level as early as 1882.[226] "It is incontestable that this racial antisemitism which held the Jews to pose a mortal threat to Germany was pregnant with murder. The only matter that cannot be ascertained is, broadly held though this view of Jews was, precisely how many Germans subscribed to it in 1900, 1920, 1933, or 1941".[227] What seems unarguably clear, however, is that there were enough Germans who were willing to elect Hitler to power.[228] The question is, why? What rational purpose did the German electorate expect the Nazi agenda to serve?

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In his sometimes excessive criticism of the Milgram experiments, Don Mixon argues that the deception was made plausible to the actors by the mere fact that they represented a scientific system whose intent was widely understood as honourable. Mixon argues further that Milgram proves not that there is a high general level of willingness to harm others present in the general population but rather that there is a broad acceptance that scientific experiments are contrived to test hypotheses without actually causing harm to individual persons. I concur with the Mixon's further claim that this finding illustrates the danger of unquestioned authority in any domain. See *Obedience and Civilization: Authorized Crime and the Normality of Evil*, Don Mixon, (London: Pluto Press, 1989).

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Goldhagen, op. cit. p. 73

227

Mixon, op.cit. 75.

228

Ibid, p. 87. Goldhagen puts the percentage of the popular vote given to Hitler's Nazi party in the election of 31 July 1932 at 37.4. This gave them 230 of the 577 seats in the Reichstag; enough that von Hindenburg, then president, would, after the next election in November 1932, ask Hitler to form the government.

While admitting that the reasons for German electoral support for Hitler during the early 1930's owed as much to the strong image that he projected at a time of great social unrest and economic turmoil, Goldhagen finds it significant that the virulent anti-semitism of the Nazi platform seemed to have little deterrent effect on a large percentage of voters[229]. This he attributes to a long *national dialogue* in which the Jews were consistently portrayed as anti-German and were blamed for everything from German losses in WWI to the economic collapse that followed. On this view, the idea that the Reich had to be rid of the Jews in order to fulfil its destiny had ceased to be a matter for debate but rather had become so deeply embedded in the German public ethos that questions of how to bring about an ethnic cleansing had become very public indeed.

> "The central image of the Jews held them to be malevolent, powerful, a principal, if not the principal, source of the ills of that beset Germany, and therefore dangerous to the welfare of Germans. This was different from the medieval Christian view, which deemed the Jews to be evil and the source of great harm, but in which the Jews always remained somewhat peripheral. Modern German anti-Semites, unlike their medieval forebears, could say that there would be no peace on earth until the Jews were destroyed."[230]

229
Ibid., p. 87, see note 22.

230
Ibid.,p. 187, fn. 22.

The inescapable logical prudential conclusion to such a view, however disturbed it might be, is that something had to be done. Convinced that the Jews were a real threat to German survival, the logical thing to do was to remove the threat. Ethical constraints accepted by Germans involved in this project seem to have depended more on the degree of danger believed to be posed by Jewish presence rather than on any humanitarian concerns. A simple justification for murder thus became the conviction that killing was necessary in self-defence. The cunning of reason seems to have worked its magic in this case to convince a sufficient number of Germans that their situation had become one of *them or us.* Given the danger that the Jewish presence inside Germany had become to the tortured national consciousness of the day, it became a matter of duty to protect the Fatherland from a deadly menace to everything good Germans held dear.

Goldhagen's argument that German enthusiastic antisemitism preceded state sponsored mass killings might lead one to deduce that the Holocaust might well have occurred without state intervention were it not for the evidence of a long history of antisemitic violence that preceded the Holocaust. Jews in Germany had been demonized for many decades and there are many documented cases of spontaneous killing but the thoroughness of the extermination efforts throughout German occupied Europe required the kind of structured execution of national will possible only through

the institutional apparatus of the modern state. The mass movement of people, the control of food distribution across the entire occupied area, the massive ghetoization and the controlled round-up and delivery of Jews to death camps could only have been accomplished through a rationalized administrative system. No matter which way one reads the sequence of events, it seems reasonable to see in the Holocaust the combined effect of a nation-wide obsession with the *Judenfrage*, bordering on the delusional, and a highly structured state apparatus designed to preserve a high degree of order through a strict hierarchy of administrative and executive power. Together, these formed a deadly combination capable of overriding all possible ethical or moral objections in the interests of a twisted notion, dare I say paranoia, of a threat that those outside of the area affected could scarcely take seriously.[231]

Markusen and Kopf argue that one of the effects of the political/military adaptation to war throughout the Allied nations led to the development of a similar hierarchy whose calculating capacity was so detached from normal morality that otherwise sane, rational military strategists were able to combine efforts with tacticians

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Milgram suggests that authority figures possess a pronounced psychological power to 'authorize' the behaviour of subordinates that can override individual conscience. This suggests a moral power deriving from psychological factors that is strengthened by the authority structure of most modern states.

and industrialists to produce murderous firestorms in both Dresden and Cologne and later in many Japanese cities.[232]

The care with which the administrative apparatus worked out the ideal mix of incendiary, high explosive and delayed fuse bombs to cause the largest possible number of civilian deaths makes harrowing reading. The cold calculation required to deliver mines by air so that ambulance workers and fire fighters would be immolated as they attempted to come to the rescue of the target population stands in uncomfortably close proximity to the use of reason to figure out the most economically efficient amount of Zyklon - B to use in Hitler's gas chambers. In both cases, an administrative apparatus functioned to enable individual human beings to reduce other human beings to the status of targets for efficient destruction and then served as the means to execute plans to bring the destruction about.[233] The admitted difference in circumstance between a civilian population which has fielded, and is actively supporting a large armed force, and a civilian element of a society that has no force of any kind to protect it shrivels to new invisibility when the death toll of women and children is tallied. In both

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Markusen and Kopf, op. cit., pp. 152-164 and pp. 168-182.

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Charny, op.cit., chapter 2, advances a psychological claim that any normal person has the potential to become a *génocidaires*. Markusen and Kopf, op.cit., argue that the structures that enable collective violence to be focussed on a war enemy are virtually the same as those required for the prosecution of genocide. Charny suggests that the most critical psychological device in the case of genocide is the achievement of a deep belief that evil must be done in a good cause; i.e., the protection of one's nation. Markusen and Kopf draw a similar conclusion in the case of mass murder carried out in pursuit of victory in war.

phenomena violence is bent to the service of political goals to achieve similar ends - mass murder. However, the fact that the one set of victims is part of an enemy force which has the means to defend itself and, not incidentally, to mount retaliatory attacks, while the other set is utterly at the mercy of the very forces that should be providing all the protection normally given to citizens by their own government, makes a qualitative difference that is recognized in international law in the form of the Genocide Convention discussed above.

If war is the continuation of politics by other means, then how does one differentiate between the military and political necessities of a total war? Arguably, the dropping of hydrogen bombs on Hiroshima and Nagasaki was far easier to justify as a political means of convincing an opposing regime that it had no further power to resist than as a means of achieving some real military advantage.[234] In a similar vein, the objectives to be achieved by the slaughter of European Jews were political rather than military. The preamble of the Convention on Genocide describes genocide as an *odious scourge* that the signatories had agreed to take steps to prevent. The trouble is, the odious scourge may satisfy politically conceived objectives. To question the legitimacy

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The strongest argument advanced at the time was the fear of high casualties among Allied troops that would result from an invasion of the home islands of Japan. Even if taken as valid reasoning, the end to be achieved required a demonstration of the effectiveness of the new weapons. Two cities with relatively small military forces and relatively large civilian populations were chosen as targets. Such a strategy stretches the notion of military necessity to its absolute limits.

of such objectives is to question the legitimacy of the political process that gives rise to them.

As Goldhagen makes abundantly clear in his recent book, there can be little doubt that the majority of Germans during the 1930s and 1940s had become obsessed with the Jews. The Germans largely believed that the Jews were powerful, secretive and possessed of a desire to invade the German body politic like some sort of cancer. Whatever the reason, the German public, by the time of Hitler's rise to power, had already lapsed into racial paranoia with Jews as their main object of fear. Goldhagen claims that a virulent strain of antisemitism had become an accepted part of the German common sense world view by the beginning of the century and that, by the time Hitler's forces began systematic killing operations, the prospect of questioning the military requirement to conduct them simply did not arise within the German hierarchy.

> "I would also like to say that it did not at all occur to me that these orders could be unjust. It is true that I know that it is also the duty of the police to protect the innocent, but I was then of the conviction that the Jews were not innocent but guilty. I believed the propaganda that all Jews were criminals and subhumans and that they were the cause of Germany's decline after the First World War. The thought that one

should disobey or evade the order to participate in the extermination of the Jews did not therefore enter my mind at all."[235]

What should concern us here is not just that the speaker quoted above felt it his duty to kill German citizens, but that he claims he could not see the injustice of his acts. So blinded was he, and presumably many thousands of the other Germans who participated in the killing in one way or another, to any concept of humanity that might include Jews that he saw no moral problem in taking any action aimed at eliminating an insidious threat to the achievement of German destiny. This same soldier who would almost certainly have expected to be treated according the rules of the Geneva Convention should he have been captured, and who served in an army that respected those rules in its treatment of its own prisoners, saw absolutely no difficulty in treating Jews as if they were non-human. It simply did not occur to him to conceive of the possibility that German actions against these non-human enemies could be unjust. Such a moral blindness to the basic tenets of humanity, let alone fundamental theories of justice, is so completely beyond reach of liberal powers of conception that there have been a number of attempts by theorists to attribute the Holocaust to some sort of collective insanity,[236] to blame the whole thing on a power structure endowed with a

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Attributed to Kurt Mobius, former police battalion member, as part of his testimony on 8 Nov 1961. Quoted in Goldhagen, op.cit., p. 179.

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See, for instance, Charny, op. cit.

unique capacity to warp the psyche of its adherents or to the special nature of totalitarian systems.[237] Yet none of these possibilities suffices to explain the broad level of murderous antisemitism cited by Goldhagen who argues, rightly I believe, that the scale of the operations conducted by the German state could not have been achieved without the enthusiastic support of a large cross section of the German population. Small wonder that the prevailing image of Nazi Germany for years has been the nightmare image of a complex modern state gone completely mad. How could the elected guardians of a civilized nation succeed in generating so much evil against some of its own people? As the initial shock gave way to more careful scrutiny, the sheer scale of the German ravages became both breathtaking and puzzling. How was it possible for a whole state to be bent to the task of cold, calculating mass murder of its own citizens?

Perhaps the answer can be framed within the bounds of Gewirth's ethical rationalism if one limits the notion of rational agency to members of one's own set. This could be achieved by simple substitution of the term *non-rational* for the term *non-human* in Gewirth's argument to the Principle of Generic Consistency. While this is too obviously an illicit substitution under rules of formal logic, though it might well be

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Arendt, op. cit

argued that Gewirth uses the term *rational* in the same sense that we here use the term *human,* it is typical of the kinds of substitutions that have worked their destructive logic on history for centuries. The logical consequence of such a substitution is to defeat all arguments that attempt to bridge the gap between *'is'* and *'ought';* including Gewirth's. The psychological factors playing on human consciousness in this case overcame with ease the resistance of reason by the process of simple substitution. Under Gewirth's rules, there could be no question of consistency if the other actors in the equation are not rational and therefore not agents deserving of freedom in the name of agency. The Germans saw a need to eliminate the Jews as a means to establishing the conditions for full German agency. Necessity perceived by the dictates of collective agency became duty conceived and the defender of the Fatherland saw his individual duty clearly. The virtuous Jews who listened to Kantian logic and behaved virtuously in evil times acquired a new moral status. They became victims.

German public discourse carried within it convictions of Jewish evil that projected a capacity for duplicity and treachery that, given what followed, one is tempted to see as a collective projection of self. German Jews, though they spoke in the language of the Fatherland, could not reach the ears of the German majority to speak in their own defence. What language can speak to paranoia? But lest this be thought an aberration of history, we must now turn to a more recent example to try to see if

there is something to be added to what is, so far, an indictment of instrumental reason as a basis for normative politics.

Chapter IX

Rwanda and its Special Logic

If making an informed judgement about the guilt or innocence of a whole people accused of genocide is difficult within the general confines of one's own cultural heritage, reaching a similar conclusion about a tragedy that occurs within a completely different culture is even more daunting. Yet if the thesis that I want to advance here is to have any real value in a multivalent world, then it is essential to try to assess its worth as a basis for judging the actions of a foreign community, a community completely different from anything experienced by the inhabitants of 20th Century Europe or North America. Without such a judgement, there can be no hope of morally relevant action. Recent history provides us with a particularly challenging example in the case of Rwanda, 1994. If my argument holds, then it ought to be possible to present the facts in a way that illustrates both the difficulty of making a judgement and the pressing need to make the right one in all future cases.

The details of the Rwandan tragedy are less familiar and so will need more complete treatment here than the Holocaust, about which so much has already been written. I will refer here both to the extant literature on Rwandan history to discuss the

main events leading up to the genocide of 1994 as well as to the evidence of the international machinations that had an external effect on the tragedy. I will, with apologies, also draw on my own field notes and unpublished reports drawn from various offices of the United Nations Assistance Mission for Rwanda (UNAMIR); of which I was a part from mid-May 94 to mid-May 95, and to observations made during my two subsequent visits to Rwanda.

The story of Rwanda's Calvary is not easy to understand without a good deal of anthropological and historical investigation. The country sat hidden in the centre of Africa for centuries until it burst into the living rooms of the world when the shooting down of the presidential airplane provided the spark to ignite a wave of killing that took between 500,000 and 1,000,000 lives in the space of four months of slaughter.[238] The trip from obscurity to notoriety left little time for understanding on the part of those reporting it and even less for those trying to understand from afar. Now that passions have cooled enough to allow sober thought, it might be possible to go back in history to try to piece together some sort of cohesive viewpoint that will stand up to analysis. This in itself is no easy task given the various colonial influences still at work and the myths that have been overlayed on each other as decontextualized interpretations of

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The confusion surrounding the exact number of dead is well explained in Gérard Prunier's *The Rwanda Crisis 1959-1994: History of a Genocide* (London: Hurst & Company, 1995) pp. 261-265.

Rwandan social structure were brought to bear on its reality. Making sense of these requires some careful unpacking but is worth the effort since untangling the complex, and often clumsy, involvement of external powers in the internal affairs of a nation should provide considerable insight into the dangers of intervention and the ways in which these may upset the internal logic of domestic politics. Moreover, there is a strikingly familiar ideology at play here that is not easy to see without careful observation.

The precolonial history of Rwanda is even more difficult to discover than is normally the case with nations which have been victims of colonialism because of the relatively short period of European involvement and the lack prior written records. Although Rwanda had been discovered by Europeans in the mid-1800s, the tiny region was left largely to itself until near the end of the 19th Century.[239] Interestingly, its distance from the slave trading coasts and its military capacity preserved it from the kinds of predation that affected less fortunate African nations in the days of slavery. Prior to the period of active colonization, Rwandan society comprised three main elements which functioned on the basis a rough balance between its two major ethnic

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Ibid., p. 7, attributes the earliest work on Rwanda to the British explorer, John Hanning Speke. Since the citation is dated 1863, it seems reasonable to conclude that the encounter with Rwanda was recent. Alain Destexhe, *Rwanda: Essai sur le génocide* (Brussels: Editions complexe, 1994) p109 claims that, although Rwanda had been awarded to the Germans by the Conference of Berlin, 1885, they did not make a serious attempt at colonial occupation until 1908.

groups; the Batutsi, who owned cattle, and the Bahutu, who farmed..[240] The third element, the Batwa, occupied a curious niche in Rwandan society living largely separate lives as hunter-gatherers in the remaining forests but also serving as shaman and wizard/courtier to the Mwami (king). While there was a definite class division apparent to the eyes of the first rapporteurs, it would appear that the lines of separation were porous. A Hutu could become a Tutsi either through marriage or trade and a Tutsi could regress into the ranks of the Hutu through misfortune. The two groups had developed a symbiosis in which the Tutsi provided leadership in war, contributed meat and milk to the economy and, perhaps most importantly to a farming community, fertilizer.[241] The Hutu filled out the fighting battalions in war, provided farm produce and labour. The former held power over the raising of cattle while the latter had dominion over the growing of crops. While the Batutsi tended to be more martial than the Bahutu, the latter had numbers on their side and could not therefore be dealt with arbitrarily. Though there must certainly have been abuses, the relationship was not that of Spartan to Helot. There were also areas of what is now Rwanda that remained under

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I rely heavily here on Prunier's work as few primary sources are to be found on this side of the Atlantic. This portion is a distillation of Prunier's first chapter. The prefix Ba is added to the terms Hutu, Tutsi and Twa to signify a collective appellation; thus Bahutu means the Hutu people or ethnie.

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Because of the lack of written documentation for the period prior to the arrival of the Europeans, historians continue to advance different interpretations of the nature of the divisions among the three groups. There does, however, appear to be general agreement that the early classifications of Tutsi, Hutu and Twa corresponded to occupational groupings that incorporated flexible ethnic identity. See Steering Committee of the Joint Evaluation of Emergency Assistance to Rwanda report, Historical Perspective, March, 1996 (Hereinafter referred to as Danish Report).

the dominion of Hutu leadership.[242] Prunier reports that the entire population cooperated in its own defence against external foes.[243] It is perhaps the great misfortune of Rwandan history that the first observers simplified the divisions and hardened them in ways that were to have horrifying results.[244]

Given the strength of the influence of social Darwinism on the European world view at the time, it is understandable, though lamentable, that early administrators could not resist interpreting the obvious differences in height and facial features that separated the Batutsi from Bahutu in light of their own beliefs about racial hierarchy.[245] Arguing that "the Batutsi were meant to reign.... [and] that those good Bahutu, less intelligent,

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This last element is seldom noted in publications on the subject but is still abundantly clear to the present inhabitants. The fondest wish of most peasant farmers that I met over the course of many investigations into local farming practices was to acquire their own cow. Though its milk was highly prized, its other gifts were considered far more important to a people who depended on their gardens for survival.

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Ruhengeri region of Rwanda (north west highlands) retained its Hutu independence until subdued by combined German, Tutsi and southern Hutu (*Banyanduga*) forces in the early part of this century. The Kiga, as the northern Hutu were known, considered themselves distinct from the southerners. (Danish Report, p.22) This region became known as the Hutu homeland under the Habyarimana regime and was the centre of the militant Hutuism.

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Prunier, op.cit., p15. Prunier does not explain that the regions of Hutu dominion, the north central region of present day Rwanda, are the least suitable to grazing cattle because of their mountainous terrain. The region of Ruhengari prefecture, around which Hutu power was centered, remains today nearly completely given over crops, mostly potatoes.

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There is beginning to emerge more sound scholarly work on the drastic effect that European world views had on African existence. See, for instance, Basil Davidson, *The Black Man's Burden: Africa and the Curse of the Nation-State* (London: James Currey Ltd., 1992) and Mahmood Mamdani, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism* (Kampala: Fountain Publishers, 1996). Both works argue that there existed a number of complex fully functioning societies in place when the colonial period began. See, particularly, p64 in Davidson's work.

more simple, more spontaneous, more trusting, have let themselves be enslaved,"[246], the Europeans swept aside the careful balance of powers that existed between the sub-chiefs responsible respectively for assigning land and taxes, raising labour and soldiers, and control of pasturage.[247] Prior to the arrival of Europeans, each of the sub-chiefs had held power in his particular sphere under a Mwami, an overall king, who could command them all but was restrained by custom and the intrigues of the competing interests around him. The separation of powers prevented any one of local chiefs from becoming too strong and ensured a fairly constant level of jockeying for influence among them. Given the nature of the divisions, responsibility in at least one of the areas nearly always fell to a Hutu who, as a farmer, was best suited to run agricultural aspects of communal life.

It would appear, at least from Prunier's account, that there had also been a fairly constant struggle among the extant centers of power prior to the arrival of the colonizers. King Rwabugiri, the Mwami of the central region during the last part of the 19th Century, had succeeded in extending his power further than any of his predecessors. In the process, he introduced a form of recruitment for public works

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It should be noted that prominent African thinkers of the day also held strong views on race. See Kwame Anthony Appiah's account of the emergence of Pan-Africanism based on racial concepts in chapter two of *In My Father's House: Africa in the Philosophy of Culture* (Oxford: Oxford University Press, 1992).

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Attributed by Prunier, op.cit., p11, to Pierre Ryckmans, *Dominer pour servir* (Brussels, 1931).

called *ubuletwa*, by which levies could be gathered for work on projects determined by the sub-chief.[248] Needless to say, this was not popular with those who found themselves recruited and could thus be seen as the germ of the resentment against the ruling class that fed a central myth of Tutsi oppression. The fact that the oppressed class consisted of both *petit Tutsi*, or poor ethnic Tutsis, and Bahutu, was forgotten in what followed. Naturally enough, this practice provided the colonial powers with a ready made tool of exploitation which the Belgians, particularly, could not resist abusing.[249]

Life in Rwanda had been, and still is, a largely rural affair.[250] The large majority of folk live in scattered tiny villages or single residences attached to small farms averaging not much more than three acres each. All agricultural work is done by hand and there are no beasts of burden. The land is fertile and well watered but requires care and many hours of hard labour to bring in enough crops to feed a family and to protect the soil from erosion during the frequent rains. Under such conditions, amassing wealth

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This is not surprising given the subtlety of the relationships arranged by the Mwami or sub-mwami of a given region. Prunier reports, p 27, that the Mwami often seemed to take particular care to confuse the lines of authority of his subordinates. Though this was observed and reported on, it appears that the German administration found it more expedient to brush subtlety aside in the interests of colonial control.

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The term can be translated loosely as the "situation of being brought to the disposal of the master" (Prunier, op.cit., p12, note 28).

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Ibid., pp12-13. See also Mamdani, op.cit.,pp 150-153. Danish Report, op.cit., p.23, explains further that Rwabugiri had replaced incumbent chiefs in many districts with younger chiefs who owed their rapid advancement to him. This strengthened central control and made colonial domination easier as a structure of domination was already beginning to emerge.

and power depends on being able to command the labour of others yet the conditions of subsistence farming mean that there does not exist any sort of labour pool that could be tapped without pulling peasants away from their own farms. Of course, before the introduction of a cash economy, cattle herding, which can be accomplished with far less work than raising crops, provided a relative material advantage that the Tutsis, who were the cattle owning class, guarded closely. The precise nature of the relationship between the two main classes prior to the arrival of Europeans remains somewhat controversial with some describing an idyllic pastoral harmony while more critical sources suggest a period of oppression as the cattle owning class pressed home their advantage through the establishment of client relationships of a feudal nature.[251]

At the time of the German occupation, never a very enthusiastic affair,[252] Rwandan internal politics were still unstable after a period of expansion by Mwami Rwabugiri. Prunier sees this period, correctly I believe, as a time of struggle between

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The last census conducted before the genocide put the population at around 8 million with less than 300,000 living in urban settings in the most important towns: Kigali, Gitarama, Butare & Ruhengheri. The remaining towns would scarcely qualify as cities on any normal scale of measurement. There has yet to be a census conducted since the genocide but the capital city remains at about the same size. The current regime does not encourage migration to the cities for security reasons. (Field notes, United Nations Military Observer office, Sector 3, Gitarama, February 1995)

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Apparently, the Germans invested no more than a handful of administrators in the task of running the place. Prunier gives the total of 96 white people in the whole country in 1914. Prunier, op. cit. p. 25

forces of centralization and decentralization.[253] The direction of political development when the Germans arrived had been towards a consolidation of central power restrained only by pre-existing traditions. However, the Germans, fascinated by the differentiating physical characteristics separating the two groups and its correlation in differentiated social status, pronounced the Batutsi to be of Nilo-Hamitic origin.[254] The Germans concluded that the Batutsi must have migrated to Rwanda from somewhere to the north establishing their hegemony in the process.[255] The Belgians[256], bent this myth to their own purposes effectively reducing the Tutsis to the status of trustees in a prison but at the same time increasing their power over the other inmates.[257] Throughout the early part of Belgian rule, the existing power structure was exploited in the interests of easy domination.[258] The previous delicate balance in which the Bahutu had been able to

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Ibid, p. 27. This view also squares with Davidson's argument, op. cit., that the arrival of Europeans stifled natural development that had, in some cases, seemed to lead logically and naturally towards the establishment of states.

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See Guy Vassall-Adams' *Rwanda: An Agenda for International Action*, (UK: Oxfam Publications, 1994) for a succinct and plausible account of colonial effects; particularly p. 7. Prunier, op.cit. pp. 10-11, argues that Sir Harry Johnston, a British explorer who later became the first British administrator in Uganda, had first advanced the theory of an earlier wave of Ethiopian invasion that had carried with it a concept of kingship. Whatever the origins of the theory, it had become an article of faith among both expatriots Europeans living in the area and native Rwandans by about 1930.

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Opinions varied at the time as to the exact point of departure of the so called invaders. As Prunier suggests, the mystery of it all seemed to bring out the creative best in both poet and historian with the resulting myths owing more to the romanticism of the age than to plausible theory. Ibid, p36.

256

Belgium took over the colonial control of Rwanda in 1916 after ejecting the Germans by force. Prunier, op.cit. p. 25, note 64.

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See note 68, p. 27 in Prunier, op. cit.

258

Ibid., p. 26.

protect themselves from heavy handedness by manipulating the competing powers of interlocking chiefs above them was erased when the Belgians replaced the traditional chiefs on each hill by a single, usually Tutsi, chief.[259] This, coupled with a fundamental change in the way labour *corvées* were raised transformed the loose traditional power of the Batutsi into tighter administrative control backed by colonial authority that not only increased resentment of Tutsi power but, perhaps more significantly, encouraged the kind of arrogant behaviour on the part of the Tutsi that was a key ingredient in the recipe of disaster that was brewing.[260] This change had a far more divisive effect than could have been easily visible to European eyes for the simple reason that it permitted the Tutsi power impulse to abuse the system to their own advantage.[261]

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Prunier, op. cit., p 27. Mamdani, op.cit., discusses at length the various ways in which customary and tribal power structures were warped to the aims of colonial powers in other African countries. As Rwanda was one of the last to be occupied, they received the brunt of years of accumulated colonial experience.

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Ibid. Prunier argues that the change from the practice of assigning a labour quota to a whole village, with the consequent sub-allotment to heads of families, to a system of individual assignment effectively disempowered both local chiefs and heads of families. The more profound effect of this was the strengthening of central control and the hierarchy that served it.

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"The following account written in 1942 and found in the national archives of Cameroon makes the point graphically: "The *Office du Travail* said to the head chief: "You must give me forty men." His eyes shining, he called to the village chiefs to pass on the message: "They want sixty men from me. Give them to me quick." The village chiefs decide among themselves how many each should give to supply the sixty men. "I can give ten." Then he calls his messengers and tells them in secret, "Give me fifteen men." Then the messengers, armed with their trusty whips, set upon the villages and seize anybody they meet by day or night. In huts and in fields, they hunt men. Showing no pity, they hit and wound, but so much the better. "You want to be freed? Then give me a chicken. Give me five francs. You haven't got any? Hard luck." They take as many as they can get in order to free as many as possible in exchange for remunerative presents. How they enjoy the recruiting season." Mamdani, op.cit., p. 150.

A fair treatment of the full history of Belgian occupation is far beyond the scope of this work; however, there are several key observations that are necessary to a rudimentary understanding of later events. Most observers agree that the net effect of Belgian rule after 1926, at which time they devoted serious attention to governing Rwanda, contributed to a deepening conviction of the truth of the racial myth invented by the Germans.[262] Throughout the 30s and 40s, Tutsi aristocrats were given special access to advanced education while forced labour became a fact of life for the lower class, predominantly Hutu, as the Belgian administrators pushed through roads and agricultural reforms.[263] Since the burden of such labour fell hardest on the Bahutu (though the *petit Tutsi* were not exempt) and as the vast majority of administrative power lay firmly in the hands of the Batutsi, resentment of the favoured brother turned to hatred of the arrogant overlord.[264] Over three decades of Belgian colonial rule, benevolent support of differentiated social and legal status to the Batutsi encouraged significant changes to customary land use and the system of *ubuhake*[265] to the detriment

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See, Vassall-Adams, op.cit., p.p. 7-11; Prunier, op.cit., p.p.1-40;

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It is also worth noting that the Belgian insistence on racial differentiation was supported by the introduction, in 1933, of identity cards specifying ethnic origin. See *The International Response to Conflict and Genocide: Lessons from the Rwanda Experience*, Historical Perspective, p.10. distributed by the Royal Danish Ministry of Foreign Affairs, March 1996.

264

Prunier, op.cit., p35.

265

Prunier cites a report by the UN Trusteeship Mandate Delegation to Rwanda in 1948 that found that 247 of 250 peasants whom they interviewed had been beaten repeatedly to motivate them to compulsory work. Ibid, note 83. See also p. 39 for reference to the beginning of the "feudal myth".

of the Bahutu and *petit Tutsi*. The result was a growing material distance between the social classes which, with the aid of the Tutsi myth, fractured along ethnic lines. The direction of change can be read as analogous to a reversal of Hegel's master/slave dialectic with the Batutsi becoming increasingly more powerful at the expense of the progressively weakening Bahutu.

In commenting on the effect of external influence in Rwanda, Prunier makes the compelling argument that "although Rwanda was definitely not a land of peace and bucolic harmony before the arrival of the Europeans, there is no trace in its precolonial history of systematic violence between Tutsi and Hutu as such."[266] What had been characterized as *social antagonism* on the arrival of the Europeans had, by the late 1950s, metamorphosed into ethnic hatred complemented by a racial myth which portrayed the Batutsi as essentially superior to the Bahutu.

After WWII, the situation became more complex as the Catholic church, going through changes of its own at the time as more middle class Europeans took up posts formerly occupied by conservative aristocratic clergy, shifted its sympathies to the

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Ubuhake refers to an unequal client-patron relationship involving the rental of cattle. It was used in traditional Rwandese society to secure favour or protection from a stronger party or as a means of initiating a change of social status towards the aristocracy. Under Belgian rule, it provided a vehicle for abuse by Tutsi patrons who took advantage of Belgian benevolence to use it to extract money and goods from their weaker clients. Prunier, op.cit., pp 29-30.

underdog Bahutu.[267] The partial cause of this seems to have been fear of losing control of the Rwandan church to the Tutsi clergy who had, as a result of years of Belgian encouragement, taken over nearly fifty percent of the available positions in the Rwandan church hierarchy. Sensing the winds of change before most, these leaders of Rwandan society wanted very much to achieve independence from Belgian rule on terms that preserved their status quo advantages. As members of the ruling class of Tutsi, they supported the efforts of the Tutsi aristocratic laity to lock in more administrative power before independence.[268] At the same time, the growing interest in democracy within the European community, the increased emphasis on export production of coffee and tea as a result of the war, and the increasing sympathy towards the majority Bahutu on the part of Belgian clerics fostered the creation of a Hutu middle class. This middle class gained economic clout through crop production and, using church support, began the process of awakening Hutu political consciousness. By the late 50's, there had arisen around a core group of Hutu intellectuals, a nascent political

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267
Ibid, p. 39.

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Except where noted, this account is drawn from Prunier, op.cit., chap 2.

party dedicated to the emancipation of the Bahutu from what they believed to be racial domination.[269]

Thus we have a population struggling with deep-seated racial divisions on the eve of independence from colonial rule. At the top of the administrative hierarchy was a relatively small Tutsi elite who had all the advantages that colonial special privilege could provide. They held virtually all the administrative posts, had a strong majority in the church hierarchy, controlled access to education and government and had enjoyed a significant economic advantage for many years. At the other end of the scale existed a large peasant population who had been brutalized by Tutsi intermediaries in the colonial system, and who had virtually no hope of improving their lot peacefully, led from within by their own surviving elite who had somehow managed to hold onto a share of colonial patronage. The third important element in the dynamic was the changing view of the Belgian administrators in response to what they viewed as administrative sabotage by the very Tutsis they had favoured for years. The latter began a desperate attempt to pilot the status quo inequalities through independence. The changed approach of the Catholic church has been mentioned already. This, coupled

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Ibid, p. 43. Prunier claims that an administrative decree, issued by the Belgian administration on 14 July 1952, calling for elective councils at every level had been coopted by the Tutsi favouring system of *ubuhake*, which gave the patron effective control over the public voice of his clients.

with growing doubts within the Belgian administration[270] about the preferred status of the Tutsis and the destabilizing effect of new cash crops on the economy encouraged both Hutu hopes for a better future and Tutsi determination to retain their advantage.[271]

It is at this point tempting to blame the Hutu revolution of 1959-61 on the colonial powers. That would be to oversimplify the complexities of the social and political influences that came into play. It is, however, reasonable to conclude that the general flow of Rwandan history at the time of colonial intervention was given a strong push in only one of its potential directions by the colonial power. Europeans brought with them not just the weight of their own prejudices but also the idea of a cash economy. Prior to their arrival, the only important form of disposable wealth recognized in the Rwandan economic scheme was cattle. Although produce could be bartered, it represented a far less flexible medium of exchange than cattle. Thus, the economic advantage that fell to the cattle-owning class could be retained only as long as cattle remained the central symbol of wealth. Such system worked well within a

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Ibid, p. 45. Prunier is right to see the use of the sentence he quotes here as evidence of the hold the racial myth had on the political consciousness of Rwandans. By declaring themselves to be the victims of a "political monopoly of one race" the Hutu intellectuals were voicing a popular conviction whose strength can not be ignored.

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Some commentators see this not as doubt but as an attempt to atone for past harshness as the post WWII period ushered in a change of political consciousness in Europe. See, for instance, p. 10 of the Danish paper cited above. Indeed, the most important political movement across Africa at the time was towards independence, partly as a result of changing economic conditions but also as a result of decline of support for colonial ideals. Gandhi's ideas had a strong hold on both master and slave.

closed economic system but could not have survived contact with the outside world for long. In making their initial identification of a ruling class, European colonists grafted themselves onto a status quo which had little chance of surviving into a future in which communication and trade with the outside world was to play a key role in the development of the whole region. That it lasted as long as it did is probably attributable to the fact that Rwanda had little in the way of exportable resources to offer and therefore was not drawn into the web of external trade until post-WWII markets for tea and coffee exerted an influence.[272]

More to the point for this work, it is of central importance to understand the depth of Hutu resentment over the loss of their pre-colonial position in a web of mutual economic and military dependence. As C. Newbury put it:

> *Hut* "the salient fact was that virtually all those who controlled the state (before 1959)...were Tutsi....An appeal to Hutu solidarity became, for Hutu leaders, the most effective rallying point for revolutionary activity. Although Hutu could and apparently did distinguish among Tutsi of different types and attitudes, the fact that the chiefs and other African agents of the state were seen as exploiters, and that virtually all of these were Tutsi, made an appeal to ethnic solidarity potent where an appeal

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Prunier sees the Tutsi attacks against the Hutu political parties APROSOMA and PARMEHUTU in October 1959 as part of Tutsi desperation in face of their changed fortunes. He cites figures (p.50) illustrating the narrowing of the gap between family incomes of the Tutsi and Hutu though he does not account for the fact that the differential incomes of the rich Tutsi aristocracy would be averaged downwards by the vast majority of Tutsi who were no better off than the other peasants with whom they lived.

> to "all poor people" may have been less so. Because colonial policies had repeatedly pressed upon Hutu their inferior, excluded status, even poor Tutsi did not experience quite the same forms of discrimination as did those classified as Hutu."[273]

This changed status was achieved at the hands of the Batutsi with the active help of colonial powers. The expedient solution to the administrative problem, invented by the Germans and developed by the Belgians, fed the pre-colonial ambitions of the Tutsi elite and, perhaps more significantly from a human point of view, encouraged their arrogance towards the Bahutu. When the winds of democracy began to blow over Africa, the majority Hutu began to believe themselves unjustly disempowered by an aristocratic minority. Given the changed economic circumstances discussed above and the changing sympathies of the colonial power, it is understandable that a certain desperation crept into Tutsi attempts to hang on to power and that this further exacerbated the divide between the two groups. When Independence finally came in 1962, the power structure in Rwanda had changed drastically through the medium of parliamentary elections in which the Hutu parties gained 83% of the vote.

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While Rwanda had minor deposits of tin, the cost of transport and the relative ease of mining larger deposits in Belgium's most important colony, Zaire, provided little motivation for colonial development. When coffee prices rose dramatically in the post war years, coffee farmers, largely Hutu, found themselves holding a far more important source of wealth than cattle.

Given the depth of built up resentment, Rwandan politics had developed into an all or nothing dynamic in which each side tried to shut the other out completely. What is most significant however is that, on the eve of independence, the Hutu had good reason to fear the Tutsi who, according to the now firmly entrenched, colonial invented, Hamitic myth, had invaded their country, occupied their lands and, with outside assistance, enslaved their people. In Bahatu eyes, the process had been carried out so cleverly and so completely that they had come to fear that any compromise with the Batutsi would inevitably lead back to slavery. In consequence, the revolution began with bloodshed and resulted in the creation of a Tutsi diaspora as Watutsi fled the fear inspired wrath of their former neighbours. Whatever mutual trust had existed in pre-colonial times evaporated quickly under the stress of fear.

While the details of the revolution are of great historical interest, it is sufficient for my purposes to note three major consequences of the revolutionary period:

1) The exile of a large number of Tutsi into Tanzania, Uganda, Zaire and Burundi. The circumstances of their departure left many of them convinced that regaining power would be key to the door to home.
2) The exclusion of Tutsis from public life and administrative posts. The revolt led directly to a large number of individual killings of local Tutsi

chiefs and to their replacement by Hutus. The scale of killings increased with each attempt at forced re-entry by Tutsi exiles, who had formed guerilla forces. "An attack in Bugesera by inyenzi [Tutsi forces] led to a great deal of violence. In the prefecture of Gikongoro alone, it was estimated that between 5,000 and 8,000 Tutsi were killed; that is, about 10-20% of the total Tutsi population of the prefecture."[274]

3) Monopolization of political power, this time in the hands of a small Hutu elite. Rwanda followed the course of many African nations immediately following independence and quickly moved from a multi-party state to a de facto single party rule.

The all or nothing approach to political life that had preceded the first election was applied by the ruling faction to eliminate, literally, its opposition; both Tutsi and moderate Hutu. The end result was achieved by about 1972, by which time the central core of the ruling party had arrogated all political power onto itself. This left those outside the inner group extremely nervous as, in this kind of condition, to attempt to improve one's position was to run the risk of being seen as a threat to someone on the inside. The Minister of Defence, Juvenal Habiyarimana fell into this category and

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[274] From C. Newbury, *The Cohesion of Oppression: Clientship and Ethnicity in Rwanda 1860-1960.* (New York: Columbia University Press, 1988). Also in Danish Report, op.cit., p.30.

found himself forced by his circumstances to choose between fleeing the country or making a grab for total power. He choose the latter and established himself as leader of a single party state in a bloodless coup in 1973. The former leader, and seven of his strongest allies, were executed by the new government shortly thereafter.

There followed a period of relative calm lasting nearly two decades. Habiyarimana secured his position through adroit balancing of interests, taking advantage first of his power over the military, of the international support for his relatively moderate approach to ethnic relations and of the opposing tensions among the various power interests within the Rwandan state. Though power is more diffused during this period, the growing hunger of the elite for material wealth and the continued reliance on subsistence level agriculture creates a slowly building class resentment. The poor continue to walk to market with their few goods balanced on their heads as they always had but now they choke on the dust of the mercedes of the small urban elite. Habiyarimana finds it increasingly difficult to restrain members of his government, or indeed the civil service either. "The myth of an 'egalitarian republic had evaporated: a quaternary bourgeoisie (military, administrative, business and technocratic) embezzles for its own benefit an important part of the national income."[275]

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[275] F. Bezy, *Rwanda:Bilan socio-économique d'un régime. 1962-1989* (Louvain, 1990) in Danish Report, op.cit., p.33.

One of the more important aspects of Independence that continued to develop throughout both regimes was the integrated system of political, social and economic control particular to Rwanda. At the bottom of the hierarchy was the *cellule*, consisting of up to 100 rural households. The *responsable* of each acted as an administrative representative for the peasant families assigned to him. He reported to a *bourgmestre* who presided over a *commune*. The *bourgmestre* had minor judicial authority, including powers of detention and arrest in a communal *cachot*, as well as the power to levy taxes and organize communal labour projects. The *bourgmestre* also held extensive administrative responsibilities including the supervision of health care, the coordination of schools, the organization of markets, agricultural production and, most importantly, communication of government policy to the largely uneducated peasantry. The *bourgmestre* reported to a *préfet*, who had a largely coordinating function within his prefecture. One can think of the prefecture as similar in many respects to a province within a tightly controlled state structure in that, although a gendarmerie existed and operated under civil control, the main power within the countryside resided with the army, who responded directly to the national government. The state government itself was set up on a representative model but, with the dynamics of lower level administration described above, political activity tended to be the sole preserve of the urban elite while government was effected by decree emanating from the top. Thus, a curious mix of a mechanism for healthy political involvement on rural issues at local

level sat uncomfortably amidst a too well organized administrative hierarchy that virtually excluded local input to national level[276]. By the late 1980s, this structure was well entrenched and made of Rwanda a country often described as the Switzerland of Africa. It was well ordered, well policed and hard working. As a nation, it was also remarkably obedient to, and respectful of, its own leaders.

There are several other significant factors worthy of note here prior to discussing the actual genocide. First, Rwanda was, and continues to be, largely isolated by language as well as geography. The Rwandan language, Kinyarwanda, is a relatively obscure language spoken only within Rwanda and Burundi; though with some differences separating even these two similar linguistic communities. Though the flow of refugees over its borders in this century has allowed some penetration of Kiswahili, the majority of the rural population speak only Kinyarwanda. Thus, the majority of Rwandans were, and still are, linguistic prisoners, reliant on their own elites for information about what is happening in the outside world and, indeed, in the further reaches of their own country. Conversely, the outside world has little access to the

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The above paragraph is taken largely from field reports describing the structure of Gitarama Prefecture during late 1994. Though the notes describe the post-genocide period, the government at the time was struggling to rebuild as much of the previous structure as possible. There was no evident attempt to change anything but the identity of the individuals who held positions of responsibility.

inner workings of Rwandan social and political life and therefore cannot easily judge its discourse.

A second factor was the increasing gap between rich and poor, between rural and urban, that began to drive a wedge between the people and their elite.[277] As the country continued its modest but effective economic strategy during an era of international tension between superpowers, Rwanda benefitted from large infusions of international aid as competing superpower interests strove to woo the political elite.[278] Much of this aid began to stick to the pocket linings of the elite through whose hands it flowed. Given the two acres or so that constituted the sole wealth of the large majority of families in Rwanda at this time, their relative inability to earn cash helped to widen the enormous gap between those who could syphon off aid donations and those who depended on land and weather for their livelihood. As Newbury reports, this had begun to feed popular discontent by the second half of the 80s.[279]

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C. Newbury., op.cit., describes the widening gap between rich and poor through the 80s and the emergence of class generated tension. In a twisted way, the advent of a serious threat from the newly revitalized Rwandan Patriotic Front (RPF) had to have been seen as a godsend to those worried about the security of their positions at the top of the Rwandan power structure.

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Rwanda has one of the best road systems in Africa, courtesy of the Chinese, had one of the best trained and equipped armies, courtesy of France, Belgium, and China, had a well organized telephone system, courtesy of the French and Germans, and had numerous minor construction projects courtesy of various Non-governmental and foreign national aid institutions.

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Newbury, Loc.cit.

The final significant factor here is that the integration of the Rwandan economy into the world economy through the medium of coffee and tea exports made it vulnerable to falling prices. During the 70's and the early 80's, rising prices and production had combined to fuel a modest gain in the Rwandese GNP.[280] The collapse of the world demand for coffee in 1986 coupled with closure of Rwanda's last tin mine and with a severe drought in 89-90 weakened the economy and stiffened competition among the elites for a declining public purse. This undermined the regime's support at the top and its popularity at the bottom.

Though ethnic tension continued, there was no large scale ethnic violence in the country during Habiyarimana's regime until 1990. At this point, the exiled Tutsis, in the guise of the Rwandan Patriotic Front (RPF), invaded northern Rwanda from Uganda. One significant immediate effect was the creation of a large population of internally displaced persons (IDPs) within Rwanda as Wahutu fled south.[281] A more insidious effect was the removal of approximately 15% of the countries richest land

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World Bank, World Development Reports, reproduced in part in Danish Report, op.cit., p 34, indicate a steady improvement in Rwanda's GNP relative to surrounding countries.

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This term is insisted upon by the United Nations High Commission for Refugees (UNHCR) in order to avoid blurring the distinction among classes of persons needing international assistance. On the ground, the level of aid provided to refugees and to IDPs in the Great Lakes region of Africa tends to be the same.

from production. This aggravated the economic difficulties and, coupled with poor harvests, led to widespread hunger.

The situation at the end of 1990 can be summed up as one of economic decay complicated by a successful invasion of part of the country by members of its former ruling class.[282] To this must be added the constant example of neighbouring Burundi's extreme treatment of its majority Hutu population[283] and the continued pressure from the International Community to improve human rights throughout the region.[284] Meanwhile, the population continued to expand to the point that Rwanda was considered the most densely populated country in Africa. Habiyarimana found himself increasingly challenged by falling coffee revenues, declining foreign aid, increasing

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According to Alain Destexhe, the RPF attack of May 1992 created over 350,000 IDPs. This was followed in February 1993 by further aggression which generated another million IDPs.(Destexhe, p111) The Danish Report (Synthesis Report, p77) quotes a Red Cross report from April 1993 predicting a major humanitarian disaster as 900,000 IDPs were faced with starvation.

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After taking power in Burundi in a coup in 1987, Major Pierre Buyoya, a Tutsi moderate, allows elections. A Hutu, Melchior Ndadaye, wins (1 June 1993) but is unable to break the Tutsi elite strangle hold on the army. He is overthrown in another coup by hardliners on 21 October 1993. The majority Hutu cried foul and exacted revenge at local levels by killing Tutsis thus provoking a reaction from the Tutsi hardliners that resulted in the killings of tens of thousands of Hutus. The lesson drawn by Rwandan Hutus, and used with devastating effect by demogogues was that Tutsi power would spell death and slavery to Hutus.

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The international community had shown interest in Rwandan affairs since independence. The single party system operated by the Habyarimana regime generated a poor human rights record and drew steady pressure from international agencies to reform. See for example the damning report of the International Human Rights Commission reporting on violations in Rwanda since 1990. The accusations were serious enough that Belgium recalled its ambassador and other nations threatened sanctions unless corrective measures were taken. (Destexhe, p111) This appears to have had two immediate effects: 1) it encouraged the RPF aggression aimed, ostensibly, at stopping human rights abuses, and, 2) it helped to drive a wedge between Habyarimana and the hardline element of his support base.

international pressure to liberalize his regime and, most significantly the growing menace of a Tutsi led invasion.

In describing the choices open to the Adrians immediately after the battle of Salamis, Herodotus has Themosticles say that the Athenians worship two deities, Persuasion and Compulsion.[285] One wonders if Habyarimana was not forced to face the same deities in modern guise. Indeed he might well have pleaded the Adrian answer that fate had settled the useless deities of Poverty and Inability upon him and thus left him unable to respond favourably to either the persuasion of the international community or the compulsion of the RPF.[286] While poverty needs no explanation here, his inability to accede to either form of external pressure stemmed, ultimately, from the paranoia of his people.

In order to grasp the options open to Habyarimana, it is necessary to understand conditions in Rwanda in the 1990s. First and foremost, the country remains

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Herodotus, op.cit., p. 561

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Formed in 1988, the Rwandan Patriotic Front combined both political and military elements and was dedicated to the repatriation of expatriot Rwandan Tutsis. It is worth noting that its leading members included the incumbent Chief of the Ugandan Peoples Defence Force and Paul Kagame who was, at the time, chief of intelligence for the Ugandans. Today Kagame is the Vice-President of Rwanda and is considered by most to be the real power in the country. He commanded the RPF forces during the civil war of 1994.

predominantly rural. The inhabitants can best be described as a struggling peasant class with a highly developed work ethic and a high level of social discipline reflected in the political structure described above. They remain linguistic prisoners and, lacking electricity and good roads, have little or no access to foreign news. However, virtually every Rwandan family, and certainly every teenager, has a transistor radio and is able to listen to broadcasts in his or her own language; which are tightly controlled by the regime. They sometimes live in scattered hilltop villages but the majority live on their small holdings in houses of mud brick. Tutsi and Hutu farmers live cheek by jowl in constant daily contact and as members of the same *cellules*. They attend the same churches and intermarriage is fairly common.

Now, superimpose on this a newly wealthy elite composed of government members and their closest friends and associates. They live in the main cities of Kigali, Butari, Gitarama and Ruhengheri and have a markedly higher standard of living than their peasant countrymen. Faced with the threat of loss of status that the return of the former elite poses and concerned about their ability to continue to control the peasantry if a serious attempt to offer them a political choice should be made, it would seem obvious that the best hope would be to capitalize on the old myths of Tutsi arrogance to invoke a widespread feeling of paranoia towards Batutsi in general. While Habyarimana is caught in the glare of international scrutiny, the rabid element of his

party, fearing perhaps a loss of position or subjugation by the Batutsi, are free to act in the shadowy murk of a linguistic community well equipped by its colonial past to keep outsiders from understanding what is really going on. Thus, the private militias began to grow and were armed quietly against the day when they would be needed to help repel the Tutsi invader. The most infamous, the *Interahamwe*, (those who work together) grew out of the squalid Nyamirambo area of Kigali under the sponsorship of Bugesera. Other militias sprang up in hamlets all over the country. As conditions grew more tense following the successful RPF advances in the early 1990s, it became easier to find recruits willing to listen to inflamed rhetoric warning them of the evils to be endured if the Tutsis ever regained control.

There are now several excellent accounts of the significant events that followed and, as the most spectacular portions were well covered on television, there is little need to draw this out any further beyond the briefest of outlines. As a result of the undeniable power of the RPF, the consequent large population of internally displaced persons and international pressure, Habyarimana was finally brought to agree to the establishment of broad-based government. After the Arusha Accord was signed in 1993, he found himself forced to compromise but still facing stiff opposition from within his own circle to any return of Tutsi refugees. Even his wife, noted for her hardline position and well connected to the Hutu elite, took on sponsorship roles. In October of 1993, a United Nations Assistance Mission in Rwanda (UNAMIR) was

created with the aim of assisting in the creation of a Broad Based Transitional Government (BBTG) which was a power sharing arrangement designed to set up the conditions for a return of the refugees and the establishment of a real, multi-party democracy. Habyarimana stalled and dithered right through until April of 1994 but eventually agreed to take the necessary steps to create what he had agreed to allow. At this point, the stridency of extremism won out over the more moderate voices of compromise and Habyarimana was assassinated. In the confusion that followed, an interim government of hardliners was set up, moderates were rounded up and killed and a wave of killings set in motion that eventually took somewhere between 500,000 and 1,000,000 lives. This prompted the RPF to attack in earnest. Four months later, the country was a mess, the interim government had fled taking nearly 2,000,000 of their people with them and a pseudo BBTG was finally installed under control of the victors. In the course of the action, UNAMIR was rendered completely useless by the hasty withdrawal of troops from contributing nations and by a mandate that effectively kept them in their barracks. Even though committed to action within the borders of a sovereign state, the UN was unable to muster the international support for real action to stop the widely publicized killings. To put it differently, the many individual voices condemning the killing from afar failed to produce meaningful collective action when

it counted. Many liberal voices could be heard, no liberal state sent its soldiers to give meaningful expression to their words.[287]

My point in going over the narrative as I have has been to allow me to make the case that there are grounds for considering the genocide to have been essentially pragmatic. That is to say that the attempted eradication of the Rwandan Tutsi population was a quasi-rational attempt to remove the possibility of enslavement. The fact that the people slaughtered were often neighbours rather than members of the invading army is attributable to a deliberately manipulated hysteria and the insidious effects of an identity trap against which the large majority of Hutu had little defence. When this was coupled with the application of administrative orders that made it possible for many of the peasant perpetrators to construe their own actions as no more than work parties with a different aim, it became possible at an individual level to displace guilt with a sense of obligation. Instead of working together to clear brush from drainage ditches, they merely worked together to slaughter members of an ethnie who had, according to their own myths, enslaved them in the past and could easily do

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Actually, the French sent in approximately 2500 members of their African Legion from Djibouti on Operation Turquoise. Though opinions differ on the real motivation for this operation, the fact remains that it was a case of too little too late and that it exacerbated the long term problem by allowing the remnants of the Rwandan Government Forces, the government, the militias and other purpetrators of the massacres to flee behind the protection of the French Forces. Most of the killing had been done by the time the French landed. Though there are many debateable aspects of this action, the speed with which the French Army acted once the order to deploy was given indicates that they could possibly have done some real good had they wanted to act earlier. Their failure to do so was certainly not due to material or military weakness. Field notes, UNAMIR, July 1994.

so again. The failure of the attempt owed more to incompetent military leadership in the fight against the RPF than to want of zeal or capacity to massacre civilians.

Finding the points in time within this drama at which a rational actor could have brought about the kind of moral universe envisaged by Gewirth or a procedural state imagined by Rawls is difficult indeed. Both Tutsi and Hutu actors found themselves inside history and facing necessity in the form of drastic survival imperatives, caught inside collective agency. The combination of racial myth and beleaguered national consciousness provides a logical skeleton upon which a complex pattern of individual rational agencies brings about a virulent form of identity trap that mitigates against the development of a reasonable context of norm-governed behaviour for any individual. In this case, state institutions became the object of an all or nothing power struggle rather than a means of compromise. In fact, when the Arusha process had finally led to compromise, it was rejected by a Mafia-like elite confident of their power to enlist the help of the people in the execution of a domination strategy.

As in the Holocaust, it is very difficult to find, within the dynamic process of destructive politics, a moment at which it might have been possible for any of the individual agents to have acted prudently without acting suicidally. For one thing, the salience of identity traits was affected deeply by the stress of intercommunity rivalry

and the administrative structuring of important aspects of state ideology. The state, in this instance, helped to organize identity frames into two opposing sets in the interests of successive power elites - first colonial and then indigenous. Once the frames were established, there was little choice between accepting an imposed identity as either defender of the Hutu homeland against a putative tyrant class - or traitor. As in the Holocaust, where identity frames arising out of social conditioning were affected by a state structure that was the object of competition by strong power interests, the social environment was no longer benign and thus the process of identity development was corrupted. It became very difficult indeed for any individual actor within the dynamic to maintain a separation between individual self and collective self. The needs of collective agency had become paramount.

If we try again to find the rational, self-preserving course of action for actors in various places within this dynamic, it may be possible to find choices open that led to a different outcome and that might indeed show that prudence leads naturally to compromise in the sense suggested by my reading of Rawls and Gewirth. There are distinct categories of persons whose perspective we may reasonably reconstruct with the benefit of the account given above aided by sympathetic imagination. Inasmuch as most of the killing was carried out by hand with farm implements, there were a large number of actors involved whose rational will had first to be ordered.

The outline account I have given of the history of Hutu peasantry allows us to see a large segment of the majority population made vulnerable to manipulation by their own memories of recent Tutsi domination, by the example of the Tutsi atrocities in Burundi and the aggressive action of the RPF. In addition, their lack of effective power within the existing political dynamic accentuates their feeling of vulnerability. From their perspective, they had reason to fear a return to Tutsi domination. One could argue that the rational course would then have been to join the army in large numbers to counter the military threat. To this it could be answered that they did and that many more of them joined the various local militias. It could then be observed that the real threat was in fact the Tutsi power elite and that the *petit Tutsi* farming class presented no real threat at all. Here again, it could be answered that the power elite could only justify their military aggression by the claim to be speaking for their own people. Finally, it could be argued that the presence of international monitoring in the form of UNAMIR should have changed the calculation of consequences in favour of compomise. To this it must be objected that the presence of the Belgian army as a significant part of UNAMIR[288] probably played right into the paranoia of the time for it was these same Belgian forces that had supported Tutsi domination for two generations. I do not suggest that genocide was in fact the only rational option but only

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The Belgian contingent consisted of one small battalion of a total of three. Though they had fewer troops than either the Ghanian or Bangladeshi contingents, they projected a larger image because their equipment and communications capacity.

that there seemed very little prudence in a strategy of compromise from the perspective of a Hutu farmer. What is the prudential value in making a compromise with an agent who seems to have no intention to and no need to respect it? We can reasonably view the Hutu farmer perspective as dominated by the perception of a survival imperative in which historical conditions imposed a prudential necessity towards domination rather than compromise. This, coupled with the very powerful identity frame urging collective agency discussed above, make it possible to represent the context of agency in this case as presenting a far different array of choices than are normally considered in liberal political theory.

The Hutu leadership presents a different case, though again, it is difficult to maintain a purely prudential perspective given the horrors that resulted from their actions. In effect, the forces that brought Habiyarimana to power remained strong constraints on his range of action. Knowing that there were extreme forces around him and understanding his tenuous hold on power, making a compromise that was, to say the least, unpopular with his own supporters explains in part the lengthy delay between signing the initial agreement and initialling the final implementing documents in Arusha. From his perspective, compromise with the Tutsi weakened his own position in government if only because it reduced the total amount of power available to share. But for a man who had survived twenty years at the head of an oligarchy, it must have been obvious that letting loose the reins of power even slightly would have threatened

the positions of many people with the capacity to hurt him. Under African political conditions, there is no surer way to bring about a coup than to shake the confidence of oligarchs in the security of their power. Such behaviour is not, speaking from a strictly prudential perspective, rational.

The *petits Tutsis* were in a condition very similar to the large majority of the Jews during the Holocaust in that they had few of the destructive powers attributed to them by those who attacked them. As we now know, the majority of them believed right to the end that the government would protect them, and so followed government directions issued on the radio to congregate for their own safety in churches and public buildings. Like the virtuous Jew who cooperated with his killers, the virtuous Tutsi ended up losing everything but a place in history as a faceless victim to a political process that took no account of his right to moral agency.

The character of the killings was indeed different from what went on during the Holocaust. Absent was the highly structured administrative apparatus described with respect to Germany that might have been able to carry out the dirty work on behalf of the old regime. Africa Watch has compiled convincing graphic testimony of massacres organized as community events in which large numbers of people used farm

implements to dispatch their neighbours.[289] The most significant implication of the method of killing was that, in order to murder and dispose of nearly one million people in such a short period without the aid of high technology, a massive social mobilization was required. The other significant difference from previous genocides is that it was no secret. Yet despite the determined coverage of some of the world's most prominent international journalists and the persistent efforts of the United Nations Assistance Mission in Rwanda, particularly its commander, no international effort was launched to intervene. Only the Rwandan Patriotic Front (RPF) seemed to have both the will and the power to stop the killing.

The problem with a liberal perspective on events in this region is that it rests on an understanding of human motivation that is outside of history. Yet if we take the liberal reliance on the ultimately therapeutic power of prudential reason as a basis for judgement, we are drawn to make normative claims about how the actors should have comported themselves that are wildly irrational from any imaginable perspective inside of history. The need for consistency would commit us to an argument about historical causality in which self-interested reason exercises a restraining influence on the actors of a game whose rules are complicated by the set of collective agencies at work

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[289] Africa Watch, op.cit.

alongside the individual rational actors struggling to maintain some scope for individual agency. Under these conditions, the call to respect human rights falls on ears unable to grasp how they can respect the rights of an Other who is, because of the collective agency of which he is a part, a threat to the maintenance of one's own basic rights. The call to rights becomes not a call to reasonable action by individual agents but rather a call for all concerned to change the context of action completely, to renounce the game completely. In order to fully grasp the absurdity of a call to rights in the midst of the surrealistic nightmare that had become Rwanda, we need to consider the larger context of events that unfolded as the genocide lost way under the onslaught of the RPF.

In mid-June 1994, a French-led coalition established a buffer between the RPF and the remnants of the rapidly crumbling government forces. This had the unfortunate effect of providing a screen behind which the rump government[290] could regroup its forces, both regular and militia. In July of 1994 the Rwandan government, formed largely by Hutu extremists, fled west into Zaire using the army and militia to *persuade* approximately two million citizens to flee with them. The CNN pictures of the horror of the flight into Goma moved the world's humanitarian agencies to a massive effort

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In what had to be one of the most surrealistic moments of my long military career, I took part in a four man mission to try to establish contact with the government after they had left Kigali in May 1994. The Ring of Gyges appeared to have been copied. We could see the effects of some institutional power manifest in the many military check points we passed through but could not find anyone willing to take responsibility for the debacle we witnessed. Long lines of refugees scurrying away from the advancing RPF and the constant stench of death were the effects of whoever still retained some element of control over events.

to succour the refugees, regardless of their possible complicity in a genocide. Meanwhile, the survivors inside Rwanda crawled out of their hiding places and tried to put their lives back together with relatively little outside help.[291] The battle had not been decisively won and there still existed a large number of former government members, regular forces and militia operating inside the refugee camps in Zaire imbued with the belief that they could still win. They were able to control access to food and medical assistance delivered by international agencies.[292] A desperate choice faced them - return to Rwanda to face certain retribution from the survivors of the genocide, flee forever deep into Zaire or fight their way back home. One consequence of this conviction was that a sufficient amount of aid destined for their own people was siphoned off to buy weapons which were then used to execute guerilla raids into Rwanda.[293]

In May of 1998, the United Nations Human Rights Field Operation in Rwanda was suspended by the Rwandan parliament because, in their view, the UN had again

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Field notes, September 94, UN assessment team, Zaire.

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Field notes, September 94, UN assessment team, Zaire.

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Unfortunately, documentation of this allegation is not yet available in unclassified sources. I claim it to be true based on my own limited experience as an erstwhile target of the raids during a period spent on an aid mission south of Kibuye during July 1996. There were regular engagements between security forces and infiltrators coming from UN agency supported camps in Zaire. There are numerous collaborating bits of evidence in anecdotal form from trustworthy sources that have yet to be collated.

failed to understand Rwandan reality.[294] The current regime had been accused by at least one credible agency of gross violations of human rights including extra-judicial executions, arbitrary detention and inhuman treatment of detainees.[295] Indeed, the picture painted by many observers is far from flattering to the regime. Rwandan resentment of external criticism reached a crisis point when the UN spokesman in Rwanda openly condemned the government for publicly executing convicted perpetrators of genocide. The human rights problem at this point is interesting from a number of perspectives. First, there seems no legal or diplomatic mechanism for dealing with the collective actions of stateless groups. They are simply assumed to be in need of international protection because of their lack of a state structure. The refugee populations of the Zairean camps fell into this category and so were seen by the world community as helpless victims and deserving of international protection of their human rights regardless of what they had done or were still doing. That fact that they were able to organize themselves to redirect aid resources to fund military activities inside Rwandan territory seemed to fail to catch the attention of anybody but the victims of

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See "Statement by Mary Robinson, United Nations High Commissioner for Human Rights" 9 May 1998.

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See, for instance, Amnesty International's ringing indictment of the current regime in their report 47/32/97, "Ending the Silence", 25 September 19 97.

their attacks. Sadly, the attacks were often aimed at survivors of the genocide to silence their testimony.[296]

From the new Rwandan perspective, the existence of armed elements just beyond their borders posed a persistent threat to their efforts to rebuild their country. Quite aside from the destabilizing effect of guerilla raids on a country whose entire administrative class had either fled or been killed, the existence of a large group of Rwandan citizens under the coerced control of the perpetrators of the genocide posed a long term risk that could not be ignored; particularly not by people who had left a generation earlier and who had fought their way home. The refugees had already demonstrated their military potential and the Rwandan regime was a long way from having either the administrative efficiency or military force necessary to deal with it. Now this is interesting from a human rights perspective particularly because of the political organization of the refugee community. They did not act as individual stateless victims needing international protection, but as members of a political collectivity prepared to convert international sympathy into military activities. Since they were members of the majority ethnicity, they had already a large potential support base deep within Rwandan borders. There is a whole other debate here on the status of the

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United Nations High Commission for Human Rights report E/CN.4/1997/52 dated 17 March 1997, para 10, gives the figure of 54 genocide survivors killed during the period January to mid-February 1997.

members of such a collectivity in the case, as alleged of the inhabitants of the refugee camps in eastern Zaire, that they may in effect have been captives of their own leaders.

The survival imperatives of the new regime in Rwanda left them little room for manoeuvre. On the one hand, the Rwandan People's Army represented the surviving minority in a country whose majority ethnicity still outnumbered them by about four to one. Few survivors felt safe in the company of any of those they did not know personally from the majority ethnicity as having clean hands. The genocide was a messy affair in every sense with one consequence being that survivors ended up living again cheek by jowl with perpetrators in conditions that offered no physical security and left both sides only two well aware of the possibility of a renewed resort to identity frame manipulation. On the other hand, the defeated regime had shown itself ruthless, cunning and remorseless in the conduct of operations prior to and during the genocide. They had effectively conned the entire world community, along with their Tutsi compatriots, into believing that cooperation was just around the corner.

The situation at the end of 1994 was indeed desperate. In order to survive, the new regime needed international help and therefore could not openly pursue too hard a policy with its own people. But it also needed internal order to deal with the threat of armed revolt. The international community seemed blind to the problems and had

launched a veritable invasion of well meaning humanitarians interested in protecting the rights of all without distinction. This effectively left large numbers of survivors feeling extremely vulnerable to their neighbours, with no reason to trust the international community's willingness to protect them if things went wrong again and no reason whatever to put faith in the good will of the majority.

To add one more chapter to the tale of Rwandan woe, in November of 1996, nearly a million refugees returned in a wave that flooded Rwandan capacity to screen out what they considered to be dangerous elements of the former regime. International agencies in Rwanda documented a significant increase in security problems during the ensuing months and were highly critical of government reaction. The current regime in Rwanda has been widely criticized for its extra-judicial killings, its mistreatment of prisoners, its brutal and sweeping arrest policy, its flawed judicial system and its willingness to execute persons who may not have received fair trials. It must have seemed at times to the current regime as if the classification as victim/refugee excused all past guilt and any present activity of the people against whom their excesses were perpetrated. How else to explain blindness to the fact that the inhabitants of both prisons (with admittedly horrendous living conditions) and refugee camps stood accused of collective and individual complicity in genocide and yet continued to be the subject of international sympathy and aid? How else to account for the fact that

Guerilla raids into Rwanda carried out from internationally supported refugee camps during the period November 1995 through November 1996 caused no interruption in the flow of refugee aid to the base camps.

What prudent course was open to a legitimate authority wanting to protect its people against the predations of an invisible power whose only manifestation seemed to be organized para-military raids? Given the Mafia-like structure and conduct of the militant elements embedded in the refugee community prior to and since their return to Rwanda, there seem few reasonable options open to the Rwandan government that would fit within the spirit of the Universal Declaration or that meet the constrained conditions of the remaining pieces of their state. This brings us back to Kant's codicil.

Survival

There seems at the moment no way of reaching into the Rwandan dynamic to find the kind of *favourable opportunities* for human rights Kant suggested in *Perpetual Peace*. The argument that the current regime should ease up on its repressive measures in favour of a genuine respect for rights seems to ignore the reality both of their recent history and their very reasonable sense of continuing vulnerability to the majority ethnicity with whom they share a country. They had at one point put their faith in the

good intentions of the deposed regime, assured by the good offices of the United Nations, only to fall into a genocidal trap.[297] The deposed regime tried, and failed, an end game strategy that left nearly a million dead and the perpetrators largely free to exploit international sympathy to arm themselves anew. Our judgment of the current actions of the present regime should focus not so much on their apparent inability to respect human rights as on their own insecurity in the face of what they see as a survival imperative. If they let down their guard, if they agree to prioritize respect for individual human rights then they may gain moral superiority in the eyes of the world but leave themselves powerless to deal with what may be the continuation of genocidal policies by other means. Given the history of the past few years, any sign of reasonableness is likely to be read as a sign of weakness by the militant remnants of the former regime. Understanding that these same remnants are drawn from the majority Hutu population and that there were many hands among them holding machetes during the genocide, giving any sort of legitimacy to the eliminationist goals they still seem to espouse is not a reasonable option for the surviving minority.

Kant articulates clearly an argument for the necessity of respect for human rights as a precondition of peace. The argument gets some empirical support from history if

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I refer here to the so called Arusha Accord which had been the blueprint for a negociated return of the RPA to Rwanda agreed to prior to the genocide. Details are given in Jacques Castonguay, *Les Casques bleus au Rwanda*, Montréal: L'Harmattan Inc., 1998, p 34.

one compares the way in which aboriginal peoples on the great plains of Canada and the United States responded to contact with European settlers.[298] But the universality of Kant's argument, and indeed the universality of the Declaration of Human Rights, must give way in practice to pressing survival concerns in cases where the sufficient condition of trust is still too far off for prudence to operate. To persist in expecting a vulnerable people to respect the rights of members of a political collectivity with proven genocidal intentions and the continued, if diminished, capacity to execute them is to ask far more of others than we have a right to ask. In view of the present conditions in Rwanda, such a demand is quite unreasonable.

This case study may well illustrate the central weakness of the Kantian based logic which I believe is the best that can be produced in support of the Universal Declaration but fails to recognize adequately the limitation of historical opportunity that I believe gives the argument its strength under suitable conditions. But if respect for Human Rights is a necessary, but not sufficient, condition cause of peace then we need to consider more carefully how the sufficiency conditions might be met. If, as I have argued above, there are times when the acknowledgment of necessity is overwhelmed by particularly unfavourable circumstance, then we need to turn our attention to the

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Ibid, Keeley, p154.

nature of those circumstances. Perhaps this case illustrates most clearly the troubles that may arise when political agreement based on compromise leads to declarations that are not supported by coercive force of the kind usually considered necessary to maintain the dictates of reason within sovereign states. Perhaps it provides nothing more than the beginnings of an argument for meaningful international law. It will indeed be interesting to see if the current climate of international uncertainty will favour the development of political will among sovereign states to generate the next logical step in the chain of reasoning from the Universal Declaration.

CHAPTER X

Conclusion

> *"You are right in affirming that the finest spirits among the philosophers are of no service to the multitude. But bid him blame for this uselessness, not the finer spirits, but those who do not know how to make use of them."*[299]

> *"We might summarize the modern predicament as a problem of reconciling personal autonomy with community. Autonomy encapsulates the ideas of disengaged reason.... Community expresses the idea of a public order unmediated by creative articulation indexed to a personal vision. The goal is to find the way to balance, even combine, the two."*[300]

> *"And if genocide is not acknowledged as an instance of reason willing evil, then it seems that we have also to concede that there is nothing about any act of wrongdoing that could persuade us that the act might have been done willfully; even worse than this, that we also have to give up all claims for the application of practical reason in defence of the good."*[301]

The idea that there is an ideal solution to the puzzle of political association is nearly as old as philosophy. The belief that an academic analysis of the human condition will provide the key to the puzzle may be an idea with a more recent genesis

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[299] Republic VI, 489b.

[300] Jack Crittenden, *Beyond Individualism: Reconstituting the Liberal Self* (New York and Oxford: Oxford University Press, 1992) p.21.

[301] Berel Lang, "The Concept of Genocide" Philosophical Forum, vol xvi, nos 1-2 Fall/Winter 1984/85, p17.

but it is one that many have found persuasive even in the face of ample evidence of blind spots in the academic field of vision. The trouble with academic solutions is that they have an annoying tendency to solve academic problems. Moreover, academies are divided into disciplines and tend as a consequence to divide phenomena into discrete elements which lend themselves to the particular methods of analysis used within each discipline. The conceptual clarity so sought after in philosophy may just be inappropriate to the analysis of phenomena occurring in an environment in which conceptual clutter seems to constitute reality. Perhaps Aristotle had good reason to hold that it was the mark of the gentleman to seek only that much precision as the subject under discussion allowed.

Actors on the political stage are often confused, ignorant of a wide range of facts or too well attuned to the manipulative potential of ideas when they are stripped down for public discussion. Perceptions rule the public domain and thus reasoned argument often cedes its rightful place to persuasive rhetoric in determining the course of intentional political action. The place of reason in political affairs is problematic in ways that make it difficult to approach the study of politics within bounds set by academic disciplines. For instance, where fear or some other strong human emotion intrudes on the public consciousness, reason struggles against powerful competitors for control of the public will - and generally loses. It is possible to develop an

argument for moral politics based on some conception of disembodied practical reason, such as Alan Gewirth's Principle of Generic Consistency or John Rawls' Veil of Ignorance, but such arguments fail the test of relevance under certain conditions. The most common of these conditions arise within the structure of states insofar as the structure itself creates conditions which favour domination strategies and which might even be more rational, from the perspective of a prudent self-interested agent, than compromise. More dramatically, the reciprocity that is key to the concept of universal rational cooperation is unbalanced when the collective agency needed to assure order among individual agents becomes the focus of collective identity. What counts as a good reason for a given mode of behaviour depends very much on context. Where fear or strong desire directs reason, we may expect citizens of even the most advanced democracies to find it quite reasonable to drop rather large bombs on cities in which the people they fear live or to consider it perfectly acceptable to exploit an economically undeveloped aboriginal culture.

If reason has so far failed to generate a credible universal solution to the problem of normative politics and if we are stuck in the middle of the problem of continuing political life then, pending discovery of the holy grail of liberalism, we need something to be going on with. So far I have suggested that there are no reasonable grounds to expect self-interested rationality to lead to the construction of

a benign political system unless reason is value impregnated to begin with or unless the system is designed to preserve conditions in which individual freedom can flourish. This would require either that the self-interest of all agents, or at least of all those with the power to disrupt the others, agree to establish measures to preserve liberty or that some external power establishes a binding constitution to do the same thing. Even this, however, would create systemic vulnerability to external threat that would require compromise between the values of individual freedom and collective power. Since collective power depends on order and order requires coercion, the state system will be inherently unstable if it tries to preserve strong versions of individual liberty in the context of a hostile international environment. To put the self at the center of any political structure that relies on rational methodology to achieve collective ends is to create a condition in which what constitutes a reasonable course of action may depend on collective identity and may as easily permit pathologically rational forms of behaviour, such as genocide , as might any other form of political structure.

One conclusion to my argument may be summed as the claim that any state carries within it the potential for genocide unless it contains in its structure some vehicle for successful resistance against the identity attributing power which is part of the rational collective agency of its own institutions and some means of curbing the

rational self-interest of agents into whose hands these institutions occasionally fall. This is not just an argument against the overly rational methodology adopted by certain varieties of liberalism but is rather an indictment of any theory building project that begins by reducing the complexity of contemporary political/social/psychological existence to a set of overly simplified observation statements about the necessary conclusions of reason. Reason too narrowly construed carries dangers. Certain types of liberal strategies seem to ignore the danger and are inadequate to the task of generating theories reliable in the world of action - no matter how fascinating the abstractions they generate. Such theories have discussion value and may be useful in training the intellect but are of little help to mere humans struggling to survive. To put the issue rather too bluntly, theories that take no account of the impressive accomplishments of human stupidity are, necessarily, based on inaccurate premisses. This does not require that all theories should start with the assumption that things cannot be improved but is, rather, an argument for the inclusion of many qualifications. At the very least it is an argument against the logical error of assuming the consequent in theories that set out the conditions of rationality in their opening premisses so that their conclusions are necessarily invalid.

The fundamental problem of political association cannot be adequately captured by theories which operate only within a restricted domain or which treat the

range of the particular theory as a closed system. What count as a good reasons for political behaviour by individual members in any polity is dependent as much on external factors governing the political structure they have evolved as on who they think they are and what relative importance they assign to individual and collective values. Political theory should attempt to chart a course connecting individual, community, state and environment according to each the relative importance that particular circumstances allow and navigating with the aid of an understanding of reason that recognizes the importance of human imperfections and the uneven distribution of human capacities. Universal claims based on the necessary attributes of human elements should be regarded with great suspicion.

Communitarian theories offer a tantalizing alternative to the rather narrow interpretation of reason that I have attributed to liberals in this work. Unfortunately, it would appear that rich understanding of self as embedded in a communal narrative history carries with it the unfortunate commonplace consequence of providing a basis for dangerous forms of collective identity that intrude unduly on the epistemic space needed to keep community from transforming into a dangerous form of unity. The elegance and force of arguments that end in conclusions of the greater linguistic wealth of communal understanding must be juxtaposed against historical observations of the power of those same ideas to lend themselves to monstrous purposes when taken up by actors who understand the power of rhetoric, the

manipulative use of identity frames and the difficulty that most humans have maintaining an independent capacity to analyse and judge communal moral norms. The common conception of what is just that arises within a particular communal dialogue may too easily be made into an artifact whose existence must, at all costs, be protected from the outside. Where the basis of communal identity is conjoined with a political entity, such as a state, the rationality of conflict generally leads only as far as the destruction of an enemy state as a political force but where identity of a sub group within a state is grounded on ideology, ethnicity, religion or race, the same rational impulse may be turned inward. The Hobbesian sovereign, before whom all must bow in the interests of preventing the war of all against all, is only to be trusted where he is truly neutral.

What are we left with? If neither dispassionate individual reason, interpreted as self-interested, prudent, rational behaviour, nor community, considered as the locus of collective identity, have within them the capacity to prevent the evolution of normative precepts that provide protection, at the extreme, from genocide then they fail as theoretical bases upon which sensible political theory might be built just because they fail the negative test of protecting against the worst possible outcomes of reason. If reason is the ground on which we must build any structure capable of lifting us out of the mud of historical determinacy then perhaps we must understand

it better. Here it is not enough to recognize only the limits separating man from the mind of God. We must also recognize the psychological and historical factors that come into play in political action. Reason is affected by perceptions of necessity, by communal discourse, by subjective ontological limits and by its uneven distribution among participants of any polity.

Perhaps the best conclusion to be drawn from the considerations above is simply that there are limits to the possibilities of political theory that need to inform would-be theorists. History, at least as far as a quick study of two genocides can show, follows its own logic and is very much at the mercy of chaotic elements which include the possibility of human stupidity and the full range of human virtues and failings. Nevertheless, there would appear to be something like a chaos theory pattern to some large phenomena, such as genocide, in which the general outlines of different events manifest noticeable similarities. The most striking of these is that reason tends to align itself with power according to situational factors rather than according to any particular conception of moral rationality. This suggests that the necessary context of individual prudent agency is not freedom but power. If we agree, with Gewirth, that the necessary context of universal moral agency is freedom with the difference that we accept this as a moral claim, consistent with Western traditions, but having no legitimacy as a universal conclusion of prudential reasoning, then it might be possible

to construct a set of norms that sit not upon a false set of assumptions about the nature of reason but rather upon hypotheses about the general lessons to be drawn from a particular historical experience. But even so we must heed the lesson of our own performance in recent wars in which we have found it consistent with reason to employ weapons of mass destruction. We may indeed argue that we were forced by survival imperatives to take these actions but would also be forced thereby to concede the argument that situational factors had in fact over whelmed normative restraints, that necessity dictated morality. What then remains of the logical status of any claim to universality of normative precept as a political force? Suffice to conclude that any attempt to construct a workable political theory must take into account the power of situational factors to dictate perceptions of what particular actions are obliged by agency.

If reason is susceptible to panic under conditions of threat, it follows that the best means to protect the context of reasoned behaviour is to design the political whole with protection of the space needed for reason at its very core. But here my earlier objections to the concept of rights arise anew. If we acknowledge a right to survival at the core of all rights and if we try to set up a context that preserves such rights for all then necessarily we will be driven to seek Utopian solutions in a world that resists them unless we borrow from Machiavelli some notion of the ferocity

required of freedom seeking citizens. We must accept as part of our original premisses that individual agents will vary in their psychological make up and will therefore have different claims on reason. Some will see the world as a threatening place and take defensive measures which may include a tendency to overreact to the possibility of threat posed by the existence of others. Others may calculate the odds and conclude that their best subjective adjustment to the fact of the existence of other rational beings is to treat all relationships as a game in which winning is more important than cooperation. Still others will exhibit the desired liberal propensity to live and let live. All these and others of the range of possible motivations must be accounted for in an adequate theory.

Ultimately, the practical problem may be much simpler than envisaged by some earlier theorists. If we accept the claim that politics is a speculative domain in which certainty comes only long after the possibility for intervention has passed, we may then understand the place of reason as a guide to generally correct modes of action rather than as the basis of some sort of scientific certainty. Less drastically, we might see that politics depend on forces and actions of individual actors and collective agencies interacting within the context of the particular circumstances they face. Understanding how forces arise within a particular political dynamic then would require study not just of the logic of action but also of the psychology of individual

actors within the particular context of agency in which we find them. Such a beginning would necessitate at the outset recognition of the overwhelming number of variables in politics and seek to lay out a set of maxims as general guides subject to the particularities of time, place and historical circumstances, but might occasionally generate insight about the actions of particular persons.

If liberal theory fails to generate universal moral claims against the behaviour of individual actors bound up in collective agencies, it may instead give us grounds for making moral claims against the collective agencies themselves. The liberal state is sustained by laws which protects individual rights. Rather than providing adequate grounds to suggest that particular persons caught within a dramatic context such as described above have a duty to sacrifice themselves by actions that presume reciprocity, perhaps liberalism's most significant contribution is an historical insight that suggests that there is a duty attaching to collective agency. The Nazi leadership found it expedient to set the Jews outside of the reach of law by withdrawing citizenship and in the process negated their own collective obligation to provide protection to all their people. The Rwandan case is even clearer insofar as state institutions were corrupted to serve the power interests of an oligarchy parasitic on their own people. Under contemporary conditions, it is the state that possesses the administrative power to protect or remove rights. The state is thus the context that is

needed to nurture rights and is therefore a legitimate object of judgement where it fails in its primary duty. Unfortunately, we can get only so far with this line of thinking before we are caught in the glare of our own headlights, so to speak. Insisting that all states be constituted to protect the possibility of individual agency is tantamount to insisting that all states develop liberal institutions that will foster and preserve liberal values. This is in turn tantamount to insisting that all states become fully developed collective agencies with a consciousness of the needs of individual agency regardless of the wishes of their own citizens and without reference to the particular historical necessities they face.

I have argued above that the logical requirement for agency is power, not freedom. This is simply the conclusion of observations made in two particular cases in which agency aimed at domination triumphed over compromise. The only way to derive freedom from the concept of agency is to universalize the opening premiss of the argument such that all persons possess the same power to disrupt the agency of all other persons. But that is not the human condition and arguments that suggest that it ought to be are open to the accusation that they confuse logical and historical causality. The descriptive case resists normative derivation.

The world has continued to turn since my walk through the Rwandan churchyard. The Rwandan tragedy has been superseded by Kosovo, East Timor and Chechnya. Though the United Nations continues to struggle to develop, the ways in which it can be duped and manipulated also continue to be developed. What comes of studying the history of genocide and the curious indifference to it shown by contemporary political theorists may be no more than the conclusion that theorists, being also human, tend to generalize from their own experience. The philosopher able to discuss the moral implications of ontological argument can do so effectively among a restricted community who have made the effort to learn the required vocabulary. If our discussions were carried out in Latin it would not surprise us that the multitudes failed to follow our arguments and yet the language actually used is now so highly technical that our conclusions are incomprehensible outside of a very restricted domain whose bounds are set by academic experience. If the arguments generated within this separate linguistic community, and the theories they support, fail to account for such dramatic phenomena as genocide then perhaps the arguments suffer from self deceptions that might be unmasked by the process I have tried to use here.

In looking back on what has happened since the Rwandan genocide and the way the human race continues to blunder through history in seeming ignorance of its own past, I am reminded of another scene. It unfolded in a room as five tired

Canadian Army officers working on the staff of UNAMIR tried to come to terms with evidence of how little we understood what was going on around us. That day, we had at long last succeeded in completing an exchange of displaced people that both sides said they wanted but which both sides had used as an excuse for target practice on each of the previous attempts to make it happen. On this day, the shooting had stopped long enough for convoys to pass each other without loss. Later in the day we learned that there had been 12 fewer in one convoy than in the other and that the local solution had been to round up a dozen young men from a displacement camp and murder them on the spot to balance the count. At one point in the discussion that evening, an exhausted young captain had asked the classic question "Why us?" Into the silence that followed, an equally exhausted older major had quoted the classic response of the Sergeant Major in the film Zulu to a young private who asked the same question just before the final attack, "Because there is no one else, Son. Just us." With the perspective of distance and time, this answer has remained as the best statement of the political *problematique* I can think of.

Bibliography

Adelman, Howard and Suhrke, Astri (eds) *T he Path of a Genocide,* Fredericton, Canada: Transaction Publishers, 1999.

Adorno, Theodore W., *Culture and Society: Contemporary Debates*, Jeffry Alexander, Steven Leidman (eds) Cambridge: Cambridge University Press, 1996.

African Rights, *Rwanda: Death, Despair and Defiance*, London: African Rights, Sept 1994.

Anyidoho, Henry Kwami, *Guns Over Kigali*, Accra: Woeli Publishing Services, 1997.

Arendt, Hannah, *Eichman in Jerusalem: A Report on the Banality of Evil*, New York: Penguin Books, 1965.

Arendt, Hannah, *The Origins of Totalitarianism*, Cleveland: Meridian Books, 1958.

Aristotle, *Nicomachean Ethics*, J.A.K. Thompson (trans), London: Penguin Classics, 1953, 1969.

Aristotle, *The Politics of Aristotle*, Ernest Barker (trans, ed) Oxford: Oxford University Press, 1946, 1982.

Armour, Leslie, *The Rational and the Real*, The Hague: Martinus Nijhoff, 1962.

Amour....., "Gewirth, Maritain, & MacIntyre: The Unity and Universalization of Moral Principle", Maritain Studies / Etudes Maritainiennes, Vol.. VII, 1991, pp. 49-78.

Armour....., "Morality, Economics and Life" in International Journal of Social Economics, Vol 26, Number 10/11, 1999.

Aron, Raymond, *Politics and History*, Conant, Miriam Bernheim, (trans,ed), London: Macmillan Publishing Co., 1978.

Attfield and Wilkins,(eds), *International Justice and the Third World*, London: Routledge, 1992.

Avineri, Schlomo and de-Shalit, Avner (eds), *Communitarianism and Individualism*, Oxford: Oxford University Press, 1992.

.... *Hegel's Theory of the Modern State*, Cambridge: Cambridge University Press, 1972, 1974.

Bailey, Brian, *Massacres: an Account of Crimes Against Humanity,* London: Orion, 1994, p. 3

Barber, Benjamin R., *Jihad vs. McWorld: How Globalism and Tribalism are Reshaping the World*, Toronto: Random House, 1995

Barker, Ernest, *The Politics of Aristotle*, (trans, ed) Oxford: Oxford University Press, 1982

Barry, Brian, *The Liberal Theory of Justice*, Oxford: Clarendon Press, 1973.

Bartov,Omer, *Murder in Our Midst: The Holocaust, Industrial Killing, and Representation*, New York: The Oxford University Press, 1996.

Bellamy, Richard, *Liberalism and Modern Society: A Historical Argument*, Pennsylvania: The Pennsylvania University Press, 1992.

Berlin, Isaiah, *Against the Current*, New York: The Viking Press, 1980.

Berlin,....*The Crooked Timber of Humanity*, New York: Alfred A. Knopf, Inc., 1991.

Bezy, F., *Rwanda: Bilan socio-économique d'un régime. 1962-1989.* Louvain, 1990.

Blok, Anton, *The Mafia of a Sicilian Village, 1860 - 1960*, New York: Harper & Row, 1974.

Bloom, Alan, *Giants and Dwarfs,* New York: Simon & Schuster, 1990.

Braekman, Colette, *Rwanda: Histoire d'un génocide*, France: Fayard, 1994.

Brauman, Rony, *Devant Le Mal, Rwanda: un génocide en direct*, France: *Arléa*: 1994.

Bronowski, J., *Science and Human Values*, New York: Free Press, 1956.

Browning, Christopher R., *The Path to Genocide: Essays on Launching the Final Solution,* Cambridge: Cambridge University Press, 1992.

Buchanan, Allen, *Secession*, San Francisco: Westview Press, 1991.

Bugingo, François, *Africa Mea: le Rwanda et le drame africain,* Montréal: Éditions Liber, 1997

Buzan, Barry, *People, States and Fear*, Boulder: Lynne Reinner Publishers, 1991.

Castonguay, Jacques, *Les Casques bleus au Rwanda*, Montréal :L'Harmattan Inc., 1998.

Chambers, Simone, *Reasonable Democracy: Jurgen Habermas and the Politics of Discourse*, Ithica and London: Cornell University Press, 1996.

Chanteur, Janine, *From War to Peace,* Shirley Ann Weisz (trans), Boulder: Westview Press, 1992

Charny, Israel W., *How Can We Commit the Unthinkable?* Boulder: Westview Press, 1982.

Cherniak, Christopher, *Minimal Rationality*, Cambridge, MA: MIT Press, 1986, 1992.

Chomsky, Naom, *Some Concepts and Consequences of the Theory of Government and Binding*, Cambridge, MA: MIT Press, 1982.

Chomsky,....., *Necessary Illusions*, Toronto: CBC Enterprises, 1989.

Chomsky, ..., *World Orders Old and New*, New York: Columbia University Press, 1994.

Chrétien, Jean-Pierre, *Rwanda: Les Médias du génocide*, Paris : Karthala, 1995.

Clements, Kevin and Ward, Robin (eds) *Building International Community*, Canberra: Allen and Unwin, 1994.

Crépeau, Pierre, *Rwanda: le kidnapping médiatique*, Hull: Imprimerie Gauvin, 1995.

Crittenden, Jack, *Beyond Individualism: Reconstituting the Liberal Self,* Oxford:Oxford University Press, 1992.

Davidson, Basil, *The Black Man's Burden: Africa and the Curse of the Nation State,* London: James Currey Ltd. 1994

Destexhe, Alain, *Rwanda: Essai sur le génocide*, Belgium: Campin, 1994.

Dewey, John, *Human Nature and Conduct,* New York: Random House, 1922, 1957.

Du Preez, Peter, *Genocide: the Psychology of Mass Murder*, London: Boyars, Bowerdean, 1994.

Du Preez, Peter, *The Politics of Identity: Ideology and the Human Image*, New York: St. Martin's Press, 1980.

Dworkin, Ronald, *Taking Rights Seriously*, Cambridge, MA: Harvard University Press, 1977.

Falk, Johansen and Kim (eds), *The Constitutional Foundations of Peace*, Albany: State University of New York Press, 1993.

Flathman, Richard E., *Willful Liberalism: Voluntarism and Individuality in Political Theory and Practice*, Ithica: Cornell University Press, 1992.

Gauthier, David, *Moral Dealing: Contract, Ethics and Reason*, Ithaca and London: Cornell University Press, 1990.

Gaus, Gerald F., *Justificatory Liberalism: an Essay on Epistemology and Political Theory* New York, Oxford University Press, 1996

Gellner, Ernest, *Plough, Sword and Book*, London: Collins Harvill, 1988.

Gellner, ..., *Conditions of Liberty,* London: Hamish Hamilton, 1994.

Gellner.... *Reason and Culture*, Oxford: Basil Blackwell, 1992.

Gerth, H.H. and Mills, C. Wright, *From Max Weber: Essays in Sociology*, New York: Oxford University Press, 1946.

Gewirth, Alan, *Reason and Morality,* Chicago: University of Chicago Press, 1978, p. 9

Giddens, Anthony, *Capitalism and Modern Social Theory,* Cambridge: Cambridge University Press, 1971

Goldhagen, Daniel Jonah, *Hitler's Willing Executioners*, New York: Alfred A. Knopf, 1996.

Glossop, Ronald J., *Confronting War*, Jefferson, NC: McFarland & Co. Inc., 1983.

Gnamo, Abbas H., *The Path of a Genocide,* Howard Adelman and Astri Suhrke (eds) New Brunswick, Canada: Transaction Publishers, 1999.

Goleman, Daniel, *Emotional Intelligence: Why it can matter more than IQ*, New York: Bantam Books, 1995

Graves, Robert, *Goodbye to All That*, Penguin Books, 1929, 1957.

Gray, John, *Liberalisms: Essays in Political Thought*, London: Routledge, 1989.

....*Post Liberalism: Studies in Political Thought*, London: Routledge, 1993.

Green, Leslie, *The Authority of the State*, Oxford: Clarendon Press, 1990.

Green, T.H. *Prologomena to Ethics*, A.C. Bradley (ed),Oxford:Clarendon Press, 1890, (republished by Ibis), Charlottesville, VA.

Griffiths, A. Phillips, *Of Liberty*, Cambridge: Press Syndicate of the University of Cambridge, 1983.

Guibernau, Montserrat, *Nationalisms: The Nation-State and Nationalism in the 20th Century*, Oxford: Blackwell Publishers, 1996.

Guichaoua, André, (ed) *Les crises politiques au Burundi et au Rwanda (1993-1994)*, de Lille: Université de Lille, 1995.

Gurr, T.E., *Why Men Rebel,* Princeton: Princeton University Press, 1979.

Habermas, Jurgen, *Moral Consciousness and Communicative Action*, Christian Lenhardt and Shierry Weber Nicholsen (trans) Cambridge, MA: The MIT Press, 1991.

Hare, R.M., *Gewirth's Ethical Rationalism: Critical Essays with a Reply by Alan Gewirth,* Edward Regis Jr. (ed) Chicago: University of Chicago Press, 1984.

Harff, Barbara, *Genocide and Human Rights: International Legal and Political Issues*, Boulder: University of Denver, 1984.

Hayek, F.A. *The Constitution of Liberty,* Chicago: University of Chicago Press, 1960.

Hegel, Georg Wilhelm Friedrich, *The Philosophy of History*, J. Sibree, New York: Dover Publications, 1899, 1956.

Herbert, Sydney, *Nationality and its Problems*, London: Olethuen & Co. 1920.

Herodotus, *The Histories*, Aubrey de Sélincourt (trans), London: Penguin Books, 1954.

Hilberg, Raul, *Documents of Destruction: Germany and Jewry 1933-1945*, Chicago: Quadrangle Books, 1971.

Hobbes, Thomas, *Leviathan*, Michael Oakeshott (ed), New York: Collier Books, 1967.

Hobsbawm, E.J., *Nations and Nationalism since 1780: Programme: Myth, Reality*, Cambridge: Cambridge University Press, 1990.

Hoffman, Martin, "Empathy, Social Cognition and Moral Action", in W. Kurtines and J.L. Gewirtz (eds) *Handbook of Moral Behaviour and Development: Vol. 1*, Hillsdale, NJ: Lawrence Erlbaum, 1991.

Holiday, Anthony, *Normative Powers: Normative Necessity and Language in History* London and New York: Routledge, 1988.

Horowitz, Irving Louis, *Taking Lives: Genocide and State Power*, New Brunswick, USA and London: Transaction Books, 1980.

Johnston, David, *The Idea of a Liberal Theory*, Princeton: Princeton University Press, 1994.

Kagan, Donald, *The Archidamian War,* Ithica and London: Cornell University Press, 1974.

Kant, Immanuel, *Political Writings,* Hans Reiss (ed) and H.B. Nisbet (trans), Cambridge University Press, 1970

Keeley, Lawrence H., *War Before Civilization: The Myth of the Peaceful Savage*, New York: Oxford University Press, 1996.

Kendall, Willmoore, *John Locke and the Doctrine of Majority Rule*, Illinois: University of Illinois Press, No date given.

Kessel, Neil J., *Mass Hate: the Global Rise of Genocide and Terror*, New York & London: Plenum Press, 1996.

Kissinger, Henry A., *Condition of World Order*, Daedalus, XCV, Spring 1966.

Kohlberg, L., *Moral Development and Behaviour: Theory Research and Social Issues*, New York: Holt, Rinchart and Winston, 1976.

Knox, T.M. (trans) *Hegel's Philosophy of Right*, London: Oxford University Press, 1967.

Kuper, Leo, *Genocide, Its Policital Use in the Twentieth Century*, New Haven and London: Yale University Press, 1981.

Kuper....., *The Prevention of Genocide*, New Haven and London: Yale University Press, 1985.

Kymlicka, Will, *Liberalism, Community and Culture*, Oxford: Clarendon Press, 1989.

Kymlicka, ..., *Contemporary Political Philosophy*, Oxford:Clarendon Press, 1990.

Kymlicka,...,*Multicultural Citizenship*, Oxford: Clarendon Press, 1995.

Lang, Berel, "The Concept of Genocide", Philosophical Forum, vol xvi, nos 1-2, Fall/Winter 1984/85, p17.

Lasch, Christopher, *The Minimal Self*, New York: W.W. Norton & Co., 1994.

Locke, John, *Two Treatises of Government*, London: J. Dent & Sons, 1690, 1990.

Lovelock, James, *Healing Gaia*, New York: Harmony Books, 1991

Luard, Evan, *Types of International Society*, London: The Free Press, 1976.

Machan, Tibor R., (ed) *The Libertarian Reader*, Totowa, NJ: Rowman & Allanheld, 1982.

Machiavelli, Niccolo, *The Prince*, Christian E. Detmold (trans), New York: Airmont, 1965.

Machiavelli, ..., *L'art de la guerre*, Toussaint Guiraudet (trans), Paris: Flammarion, 1991.

Machiavelli, ..., *The Discourses*, Bernard Crick (ed) Middlesex: Penguin Books, 1970.

MacIntyre, Alasdair, *After Virtue*, Notre Dame: Notre Dame University Press, 1981, 1984.

MacIntyre, ..., *Whose Justice? Which Rationality?*, Notre Dame: Notre Dame University Press, 1988.

Mamdani, Mahmood, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism,* Princeton: Princeton University Press, 1996

Mansfield, Harvey C., *Machiavelli's Virtue*, Chicago: University of Chicago Press, 1996

Marcuse, Herbert, *Reason and Revolution: Hegel and the rise of Social Theory*, New York: Oxford University Press, 1941, 1960.

Maritain, Jacques, *Man and the State*, Chicago: University of Chicago Press, 1951.

Markusen, Eric and Kopf, David, *The Holocaust and Strategic Bombing: Genocide and Total War in the 20th Century,* Boulder, San Francisco and Oxford: Westview Press, 1995.

Mazian, Florence: *Why Genocide? The Armenian and Jewish Experience in Perspective*, Ames: Iowa State University, 1990.

Mill, J.S., *Utilitarianism, On Liberty and Considerations on Representative Government,* H.B. Acton (ed), London: J.M. Dent & Sons, 1972.

Millwood, David (ed), Report on Joint Evaluation of Emergency Assistance to Rwanda, Copenhagen: Steering Committee of the Joint Evaluation of Emergency Assistance to Rwanda, March, 1996.

Mixon, Don, *Obedience and Civilization, Authorized Crime and the Normality of Evil,* London: Pluto Press, 1989.

Mulhall, Stephen & Swift, Adam, *Liberals and Communitarians*, Cambridge, MA: Blackwell Publishers, 1992.

Mutibwa, Phares, *Uganda Since Independence: A Story of Unfulfilled Hopes,* Kampala: Fountain Publishers Ltd., 1992

Narveson, Jan, *The Libertarian Idea*, Philadelphia: Temple University Press, 1988

Newbury, C., *The Cohesion of Oppression: Clientship and Ethnicity in Rwanda 1860-1960* New York: Columbia University Press, 1988.

Nozick, Robert, *Anarchy, State and Utopia*, New York: Basic Books, 1974.

Nozick, Robert, *The Nature of Rationality*, Princeton: Princeton University Press, 1993.

Pitken, Hanna Fenichel, *The Attack of the Blob: Hanna Arendt's Concept of the Social*, Chicago: University of Chicago Press, 1998.

Popper, Karl, *The Open Society and Its Enemies*, New Jersey: Princeton University Press, 1966.

Potter, Ralph B., *War and Moral Discourse*, Richmond: John Knox Press, 1969.

Prunier, Gérard, *The Rwanda Crisis 1959-1994: History of a Genocide*, London: Hurst & Company, 1995.

Rawls, John, *A Theory of Justice*, Cambridge, MA: Harvard University Press, 1971.

Rawls,....., *Political Liberalism*, New York: Columbia University Press, 1993.

Rawls,....., *The Law of Peoples*, Cambridge, MA: Harvard University Press, 1999.

Raynaud, Philippe, *Max Weber et les dilemmes de la raison moderne*, Vendome: Imprimerie des Presses Universitaires de France, 1987.

Renan, Ernest, *What is a Nation?,* Wanda Romer Taylor (trans), Toronto: Tapir Press, 1992, 1996.

Rieff, David, *Slaughterhouse: Bosnia and the Failure of the West*, New York: Simon & Schuster, 1995.

Rodman, John R. (ed) *The Political Theory of T.H. Green*, New York: Meredith Corporation, 1964.

Rokeach, Milton, *Understanding Human Values, Individual and Societal*, New York: The Free Press, 1979.

Rone, Jemera, *Famine in Sudan, 1998: The Human Rights Causes,* London, Washington, New York, Brussels: Human Rights Watch, February 1999

Rorty, Amélie Oksenberg and David Wong, *Identity, Character and Morality,* Owen Flanagan and Amélie Oksenberg Rorty (eds); Cambridge, MA: MIT Press, 1990.

Rummel, R.J., *Death By Government*, New Brunswick, USA: Transaction Publishers, 1994.

Russell, Bertrand, *Authority and the Individual*, London: Unwin, 1977.

Sandel, Michael J., *Liberalism and the Limits of Justice*, Cambridge: Cambridge University Press, 1982.

Saul, John Ralston, *The Doubter's Companion*, Toronto: Penguin Books, 1995.

Saul, ... *Voltaire's Bastards*, Toronto: Penguin Books, 1993.

Saul, ... *The Unconscious Civilization*, Concord, Ontario: Anansi Books, 1995.

Shay, Jonathon, *Achilles in Vietnam: Combat Trauma and the Undoing of Character*,New York: Touchstone Books, 1994.

Smith, Adam, *The Wealth of Nations*, Middlesex: Penguin Books, 1776, 1982.

Solzenhitsyn, Alexander I., *The Gulag Archipelago,* Great Britain: Harper and Row, 1974

:
Strauss, Leo and Cropsey, Joseph, (eds), *History of Political Philosophy*, Chicago: University of Chicago Press, 1963.

Strauss, Leo, *What is Political Philosophy?*, Chicago: University of Chicago Press, 1959, 1988.

Strauss, Leo, *Natural Right and History*, Chicago: University of Chicago Press, 1950.

Sun Tzu, *The Art of War*, Samuel B. Griffith (trans), London: Oxford University Press, 1963.

Taylor, Charles, *Sources of the Self, The Making of Modern Identity*, Cambridge: Harvard University Press, 1976.

Thompson, Emma, *Herodotus and the Origins of the Political Community: Arion's Leap,* London & New Haven: Yale University Press, 1996

Thompson, Janna, *Justice and World Order*, London: Routledge, 1992.

Thucydides, *The Peloponnesian War*, Thomas Hobbes (trans), Chicago: University of Chicago Press, 1989.

Tocqueville, Alexis de, *Democracy in America*, Richard D. Heffner (ed), New York: Mentor Books, 1956.

Tivey, Leonard (ed) *The Nation-State: The Formation of Modern Politics*, Oxford: Martin Robin, 1981

Totten, Samuel, Parsons, William S. & Charny, Israel W., (eds) *Genocide in the Twentieth Century*, New York & London: Garland Publishing, 1995.

Van den Berghe, Pierre L., *State Violence and Ethnicity*, Colorado: University of Colorado Press, 1990.

Vassall-Adams, Guy, *Rwanda: An Agenda for International Action*, United Kingdom: Oxfam Publications, 1994.

Verschave, Francois-Xavier, *Complicité du Génocide?*, Paris: Éditions de la Découverte, 1994.

Von Clausewitz, Carl, *On War*, Anatol Rapoport, (ed) London: Penguin Books, 1968.

Waltz, Kenneth N., *Man, The State and War,* New York: Columbia University Press, 1954.

Walzer, Michael, *Just and Unjust Wars*, New York: Basic Books, 1971.

Warner, Rex (trans) *War Commentaries of Caesar*, Toronto: Mentor Books, 1965.

Warren, Kay B., (ed) *The Violence Within: Cultural and Political Opposition in the Divided Nation*, Boulder: Westview Press, 1993.

Weber, Max, *Weber Selections in Translation*, Eric Mathews (trans) Cambridge: University Press, 1987

Weber, Max, *From Max Weber,* H.H.Gerth and C. Wright Mills (trans, eds) New York: Oxford University Press, 1946

Whimster, Sam and Lash, Scott (eds) *Max Weber, Rationality and Modernity*, London: Allen and Unwin, 1987.

Wojciechowski, Jerzy A., *Can Science Bring Us Peace?,* Club of Rome Proceedings, Series 1, Number 23, September 1997.

Wuthnow, Robert, *Meaning and Moral Order*, Berkeley: University of California Press, 1989.