Edited by **Danielle Poe**
and **Eddy Souffrant**

Parceling
the Globe

*Philosophical Explorations
in Globalization, Global
Behavior, and Peace*

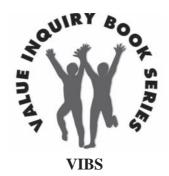VALUE INQUIRY BOOK SERIES **vibs**

PARCELING THE GLOBE
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Rodopi

Philosophy of Peace
(POP)

William C. Gay
Editor

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Assistant Editors of POP

Joseph C. Kunkel
Judith Presler

To the memory of:

Creda Mystal and Marcel Souffrant, indefatigable nurturers of a
global citizenry,
and
our colleagues and fellow travelers in peace,
Rob Gildert and John Bryant.

We try to sustain your vision!

CONTENTS

EDITORIAL FOREWORD

In today's world, we are constantly bombarded with references to globalization—from global connections to global problems. We hear about advocates and critics of both globalism and anti-globalism. From gatherings of world leaders to protests in the streets, issues of globalization spark divided opinions and strong feelings—and, sometimes, violence against persons and property. While the public is exposed to conflicting claims and related actions concerning globalization, the general reader is hard pressed to find reflective, critical overviews of the issues associated with globalization. The present volume helps fill this void.

The contributors to this volume, members of Concerned Philosophers for Peace, also present various viewpoints on the interpretation of globalism. Yet, they do so in a manner that provides coherence and unity. They write theoretical and applied responses to issues of globalization, global behavior, and peace. These authors are versed in political philosophy and in peace studies. Many of their reflections address not only foundational questions but also normative questions concerning global order. The writers in this volume advance alternative interpretations of globalism and advance differing accounts of the implications of globalism for war, peace, and justice. As a result, the reader is put in a position of being able to compare the arguments for a variety of positions on globalization and to make decisions based on reflection on a well-rounded set of analyses.

Danielle Poe and Eddy Souffrant, the editors of this volume, have labored assiduously to provide this excellent representation of thoughtful discussions of globalism. In making available a very timely collection of essays, they have brought together sixteen essays that address the parceling of the globe. The book has sections on globalization, global behavior, and peace. In the first section, the editors bring together essays that seek to locate global movements and to humanize globalization. In the second section, the editors group together essays that address issues of terrorism and security, on the one hand, and alienation, on the other. In the third section, the editors draw together essays that address frameworks for peace, specifically structures needed for peace and issues associated with liberalism and responsibility.

In philosophical terms, the essays in this volume address the socio-political contrast in modern liberalism between the private and the public. The distinctive component of these essays is a focus on globalizing trends that require traditional liberalism to stretch in ways that accommodate diverse groups and individuals. The contributors show how the old private/public dichotomy between individuals and government can be superseded by a new private/public dichotomy between governments and corporations. Such a view is a complex one. It involves not only the traditional challenges posed by competition but also a new one that

introduces a competition among corporations for the favors of governments and allegiances of citizens. In the final analysis, this volume presents the view that corporations are trying to replace governments, especially in the global environment. The private sector is gradually overcoming the public sector.

In arguing that the competition among corporations in liberal societies is to control a large portion of the privatization of the service and technology sector within nation-states, the volume examines philosophically the costs incurred by individuals whose lives are being altered by the increasingly visible and, at times, politically encouraged competitions among corporations. The value that is at stake is democracy itself (whether as participation or decision-making) unfettered by artificial borders.

Taken together, the contributors to this volume provide original and insightful examinations of problems and possibilities for a globalism that respects human rights, economic justice, the environment, and peace. I am grateful for the efforts of these contributors. I am also grateful to members of Concerned Philosopher for Peace for their efforts to sustain an on-going forum for like-minded scholars of peace.

I commend this book to students of philosophy, the humanities, and public affairs, and I thank Danielle Poe and Eddy Souffrant for using their gifted skills in editing for pulling this book together.

William C. Gay
Editor, Philosophy of Peace

ACKNOWLEDGEMENTS

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INTRODUCTION:
PARCELING THE GLOBE

Danielle Poe
Eddy Souffrant

In a copy of the *The Charlotte Observer*, Binyamin Applebaum reported that Wachovia Bank admitted responsibility for profiteering from the enterprise of slavery.[1] The story, interesting on many registers, appeared significant for this book because Wachovia Bank acknowledges that a corporation, not strictly its individual officers, can be an active agent that engages in wrongdoings and can assume responsibility. The responsibility admitted by the bank stopped short of determining how much it benefited and how large the reparation for its misdeeds should be.

Two salient issues appear in this example of corporate responsibility. First, this example illustrates that an entity, or corporation, can be held responsible for its actions and accountable for its associations. The other issue is that corporate agency is firmly in place in our contemporary liberal world of state sovereignty with its emphasis on individual agency and its associated responsibility. Although corporate responsibility and agency may not be new information for some, with Wachovia's revelation we are encouraged to recognize a specific type of collective agency and with it comes the need to establish a network of vigilance to monitor not only actions of collectives but also to parse their incumbent responsibilities across borders.

The Wachovia Bank example provides the practical bases for establishing the domain of corporate actions. Who are the beneficiaries of such actions and who are the benefactors of the corporate acts? The report of accepted responsibility emphasizes the increasing attention that could be paid in policy circles to the transnational or global activities of corporate entities of all sorts, whether they are nation-states, business enterprises or non-governmental agencies.

As offspring of colonialism and liberalism, we are accustomed to pit the private against the public where the public is construed as the domain subjected to the potential intrusion of government and the private is construed as free from government regulations. The conception of the private has been substituted in our view by a contemporary version of ownership. In the contemporary interpretation, the private consists of that which one owns, and the private expects that the public will protect that which is owned from intrusion by others. We have witnessed a shift in the understanding of the private and the public. The contemporary dialogue

between the public and private bypasses the tension between the individual and its artificial construction, the government, in favor of a dialogue between two constructions, one political and the other legal but both are extra-individual. The current collection of essays maintains the contrast between the private and the public with a slight change. It focuses on globalization and globalizing trends to extend our conception of liberalism in the hope of accommodating groups and individuals interacting in a global environment.

In the atmosphere of globalization where the dynamic is one of competition, we caution that the competition involved is not a simple one of government against corporation. It is potentially also one between corporations for the favors of government, corporations competing to privatize the services traditionally offered by government. As the competition between corporations is for the privatization of goods within nation-states, we must examine what is happening to individuals whose lives are being altered by these competitions between corporations. The value that is at stake with the attempt to clarify the forces of globalization is democracy itself unfettered by artificial borders. The forces of globalization are examined in "Taming the Beast," Part One of the book.

William C. Gay, in "Understanding and Assessing Globalization: The Role of Global Studies," emphasizes that globalization as a process is interpreted differently around the world. Gay points out that defining globalism and antiglobalism is difficult because some representatives of each group are advocates of democracy and environmentalism and other representatives of each group are critics of capitalism and militarism. To reduce the confusion, Gay employs a fourfold typology that distinguishes different approaches to globalism and antiglobalism. Then, he makes a case for the relevance of the new international, interdisciplinary field of Global Studies for understanding and assessing globalism. This perspective represents the post-Cold War synthesis of previously independent Global Studies in the Soviet Union and in the West and is epitomized in the recent *Global Studies Encyclopedia*.

Gay anticipates Nathan C. Funk and Meena Sharify-Funk's chapter, "Western-Islamic Hermeneutics as a Dialogical Imperative." Funk and Sharify-Funk focus on processes through which "authentic" identity and authority are constructed and projected in Western and Islamic contexts by clarifying the role of hermeneutics in sustaining or transforming intercultural conflict. By analyzing the interpretive, textual bases of ethnocentric and polarizing rhetoric that posits sharp boundaries between Islam and the West, Funk and Sharify-Funk clarify how authoritative commentators in both contexts seek to accentuate differences between worldviews through ideological closure and attitudes of mutual antagonism. After analyzing solipsistic formulations of Western liberalism and Islamic revivalism, the chapter concludes with an exploration of dialogical practices of

interpretation that seek to reconstruct identity, authority, and cultural meaning in ways that are conducive to intercontextual peace.

In "Globalization and Terror," Robert Paul Churchill gives an in-depth analysis of the challenges of achieving intercontextual peace. Churchill examines the US's role in globalization and how it has contributed to the rise in terrorism around the world. He examines the forces of US life that have led to global practices that incite terrorism, and the ways in which terrorism has entrenched militaristic practices in US life, which in turn provokes further acts of terror against US citizens. The "dance of death," as Churchill calls this deadly cycle, will be difficult to overcome; although, he does find some hope of overcoming this cycle through consistent application of human rights.

Although processes of globalization harbor unique features that are obstacles for peace-making, Tracey Nicholls in "Making It Up as We Go Along" offers improvisation as an instrument for nurturing a global civil society. Nicholls takes up improvised music-making (jazz ensembles, in particular) as a figure through which to articulate a substantively democratic, grassroots model of conflict resolution and community building. Building and maintaining respectful, responsible, and genuinely democratic community is an ongoing task; community, like improvisation, exists in and through dialogical performance. In departing from composed scores, improvisation stresses there is no one right way to do things. Nicholls articulation of an ethos of improvisation offers a pluralistic model for civil society.

Complementing Tracey Nicholls, Ronald Glossop in "Educating for Peace" believes that globalization requires an education for peace that would promote conviviality and active participation to improve our world. According to Glossop, many educators emphasize promoting attitudes of tolerance and opposition to violence plus learning how to resolve conflicts nonviolently. Glossop supports such efforts but, since war consists of large-scale violence by organized groups to gain political power, educating for peace also requires addressing other topics such as learning about other lands, becoming critical thinkers, taking personal responsibility for our actions, considering the rights and needs of others, realizing that we are citizens in a world community, and focusing on the future and on what we ourselves can do to make a better world.

"A Guided Conversation on Global Ethics," by John Bryant, expands on this pedagogical obligation by arguing there are different formulations of the moral guidelines for operating multinational corporations. He insists, however that the universal application of such guidelines is hampered in part by the gap that exists between the formulations and the values of the officers of such corporations. Bryant's essay invites discussion on making these moral formulations into expressions of the values of executives and

managers, instead of externally imposed legalities. Bryant's essay raises the question of what obligations individual citizens and corporations have to one another.

As borders become porous and are at times intentionally disregarded, the question of what we owe our neighbors presses us as the distance between the inhabitants of different sectors of the globe diminishes. *Parceling the Globe* is a study in the processes of global democracy. It also offers an early answer to the question regarding our responsibility to others. Through its organization, it presents a partial understanding of the globalization process. It determines the range of global behaviors and articulates the prospects for peace in a globalizing environment. In short, the book intends to respond to the vexing line of arguments that react to the proposal of someone like Peter Singer who insists that when there exist global conditions disastrous for some population of the globe, we ought to help alleviate those conditions to the extent that the effort to remedy the disaster does not lead us to sacrifice comparable objects of moral importance.[2]

The impetus for this perspective is first a recognition that moral action given our traditional training in moral philosophy rarely concerns itself with the determination of how one should act towards persons beyond one's immediate socially construed vicinity and even rarer is one asked to coalesce with others to act collectively. Global actions and global morality in their challenge to moral philosophers ask us to do both. We are ill equipped philosophically, it would appear, to respond to that challenge. *Parceling the Globe* encounters this challenge and proposes an approximation of the necessary requirements to respond to global disaster, whether they be political, social, or natural.

This book perceives the common thread to all of the instances of disaster despite the initial difference articulated in phrases of the kind human-made and natural disasters. Natural disasters appeal to our human sensitivities and emotional memories. For this reason, some like Peter Singer think that the most appropriate analogy to help justify our responsibilities to aid those in need who through no fault of their own find themselves in the throes of a devastating flood, earthquake, or an oppressive state is the one triggered by memories of an impotent innocent child faced with imminent misfortunes. A drowning child compels us to help her, and it is most often irrelevant whether we are familiar with her or not. To act benevolently toward a stranger obviously does not require that we be self-destructive in the process. With Singer, we would agree that helping others in need constitutes a minimum of social responsibility.

Part Two, "Global Behaviors," treats the obligations of social responsibility with considerable care even as it recognizes the limits in the issues represented. The intention of Part One is to realize the global activities

and determine that they have an integrity of their own warranting an analysis independent of that advance for local and national actors. Part Two unveils some of the many faces of global behaviors including terrorism, concerns about security, and global alienation and marginalization.

Joseph C. Kunkel, in "Neoliberal Freedom as Oppression for the Salvadorans of Third World," uses both his research and his experiences as an observer to El Salvador's municipal and legislative elections to examine the operative neoliberal notions of freedom, security, minimal government, and global free trade as applied to the case of El Salvador. Kunkel argues that the wealthy first world, especially the United States, join economic, political, and military forces with the wealthy of the third world to forcefully oppress the majority poor.

"Racism and the Politics of the War Against Terrorism," by Richard Peterson, continues Kunkel's analysis of oppression by examining the US's war against terror. Peterson argues that in addition to the racist attacks on Arabs and Moslems after 9/11, parallels exist between defining features of racism (ontologizing of difference, suspension of moral and legal universalism, and supplanting discursive politics with identity assertions) and the practice of the war against terrorism. He concludes that a response to terrorism adequate to the challenges of globalization would be one that connects the problem of identity formation to the issues of inequality and powerlessness that have figured in the preconditions of terrorism.

Philosophers, when successful, display in our travails the exigencies of working from limited resources to benefit humanity at large. As Richard Peterson illustrates, we tend to think globally and act locally. The writers in the second subsection of Part Two, "Alienation," display the process of global thinking and local action admirably. Judith Presler in "Simone Weil on Power, Oppression, and Global Capitalism," works from within an analysis of oppression to provide tools applicable to understand the workings of global capital. Presler applies Weil's analyses of power and oppression, and her final moral-political concepts to some conditions arising out of global capitalism. Presler further considers how Weil's conception of rights provides a positive condition for rootedness, which according to Presler is a necessary condition for human flourishing and resisting oppression.

Lori Keleher in "Does Sen's Capability Approach Imply a Form of Deliberative Democracy that is Bad for Women?" uses Amartya Sen's capability approach to human welfare as an approach for combating inequality. Keleher augments Sen's capability approach with Iris Marion Young's principle of democratic participation. According to Keleher, Young's principle is faithful to the spirit of Sen's capability approach in that it allows the deliberative process to be shaped by the values of each community. The institutional mechanisms entailed by Young's principle empower women and ensure heterogeneity in deliberation, which in turn

prevents group polarization and limits policies that contribute to the systematic unequal treatment of women.

The difficulty that globalization presents, which appears in many of the articles in this book, is that allegiance to the dicta of a political environment does not necessarily extend beyond the political borders. Emotional ties may not be valid nor extended to strangers. What then would compel the citizen of political territory A to extend its good will to citizens of territory B, especially if the resources available are limited? Two options are offered in the literature, lifeboat ethics or spaceship earth. In lifeboat ethics, we may agree to be kind and protective of our fellow citizen, but it does not follow that we should be likewise with distant and foreign nationals. The requirements of liberal global polity, may offer that the only prevalent duty is that others be left to pursue freely their conceptions of the good. The acute need of those struck by natural disaster is distinguished, perhaps justifiably, from disasters experienced as a result of political malfeasance.

A limited interpretation of liberal principles would suggest that integrity and independence of political community must be guarded and interference with such communities must be discouraged. The available alternative argument, spaceship earth, may be comprehensive enough to accommodate even the natural disaster relief argument because it takes for granted the inherent interconnectedness of the contemporary global environment. Spaceship earth argues that the rights of persons are the results of our holding in common the resources of earth. It would hold that the resources of earth are the resources of all. In conditions of poverty, for example, some do not have access to enough for survival or a minimum of comfort, it is incumbent upon the resourceful to improve the conditions of those in need.

Unfortunately we do not pursue the full ramifications of this latter alternative and realize that requiring an other-directed comportment without establishing global institutions of justice to guarantee that such demands be temporary and regulated would be foolhardy. Moral and legal global rights without global governance is a recipe for coercion and insecurity detrimental for all involved. Strong national government will hesitate to accept the suggestion of a global overseeing government. Nationalists who benefit from the spoils of a resourceful and strong state will also object to the dilution of private benefits by a global government, even if the government is well-intentioned. However, both government and citizenry recognize an impending threat. The threat that conditions elsewhere will spill over borders and disrupt the cherished conditions of life within supposedly secure borders. Perceived threat to the way of life of portions of the global community reveals the interconnection of the members of that community. Self-preservation suggests that the threat be eliminated or managed. We adapt for our purposes Amartya Sen's analyses of third world hunger and poverty to say that not enough people have access to valuable goods whether

natural or socio-economic.[3] Monopolistic ownership and limited currency to acquire valuable goods create within any society conditions of scarcity, poverty, and need. Access through global media encourages comparison of the conditions of societies and unveils at once the common transgressions suffered by all marginalized persons. Through different political and moral instantiations, Part Three, "Frameworks for Peace" explores the concept of justice.

Rob Gildert in "Towards the Globalization of Restorative Justice," argues that a critical knowledge of the practice of justice anywhere helps strengthen the culturally specific expressions and practice of justice everywhere. For Gildert, the use of restorative justice instead of retributive justice offers a challenge and opportunity to rethink what justice means and how it is best attained. Globalization is for him an enabling process for the spread of global justice.

Danielle Poe's article, "Limitless Ethics and Justice: Levinas' Concept of Justice," analyzes another conception of justice through an analysis of Emmanuel Levinas' conception of justice, which begins with a subject's obligation to others. This concept of justice challenges other perspectives in which obligations of justice arise out of egoistic concerns. A concept of justice that begins with an obligation to others is able to guard against oppressive relationships and to change as necessary because it looks for the good of others, which continually changes. Through her perspective on justice, Poe seeks to find an appropriate model to eliminate oppressive relationships and to establish a social environment in which people and institutions respond to the needs of others.

For his part, Andrew Fitz-Gibbon in "Spiritual Practice as a Foundation for Peacemaking," encourages us to be mindful of the need for spiritual fuel. He argues that the sustenance for the journey of peacemaking and justice is provided by a focused practice of spirituality, which for him means the development of a virtuous character to achieve the end for humans. The chapter does not advocate any particular religion, but instead the general notion that the practice of a spiritual tradition is important in shaping the life of a would-be peacemaker. Fitz-Gibbon's chapter concludes with a discussion of a set of practices drawn from the Christian monastic tradition, the tradition most familiar to the author, and their relevance to issues of peace and justice.

We may disagree about whether virtuous character is the necessary component of global peacemaking and justice, but in an environment of diverse actors potential and actual we are reassured by David T. Ritchie that virtuous character may be one of many necessary conditions for reaching justice and peace in the global environment. Ritchie's chapter, "The Promises and Agendas of Constitutionalism: Modern Constitutionalism and International Violence," argues that nation-states are among the global actors

of the contemporary global environments. Their recognition and public legitimacy depends, however, on their implementation of a liberal constitution. But since modern liberal constitution are rarely freely adopted as a result preview violence, Ritchie advocates a culturally sensitive model of constitutionalism that would, in his view, serve as an antidote for global violence.

Ritchie's critique of the liberal political theory finds resonance with Charles Crittenden's chapter, "Liberal Political Theory, Social Movements, and Globalization," but Crittenden believes that it is not enough to say that culture matters in political developments or global inclusion. It is for him equally important to identify the cultural movements within societies that would motivate the efforts for inclusion. For Crittenden, movements can produce direct action by effected groups and also create world public opinion that can pressure corporations and other entities to change their policies.

We close our exploration in globalization and the contemporary world with a recognition that in the contemporary environment corporations risk eclipsing nations in terms of their transnational clout. If that worry is realized, Eddy Souffrant offers some preliminary thoughts on the meaning of commendable participation in a new era of transnational governance in Souffrant's chapter, "Peace, Corporate Responsibility, Governance." His emphasis on corporate governance and peace delineates the interplay between individuals, nation-states, and corporations.

Parceling the Globe aims to answer some of the challenges of the global environment. The book argues, through its contributors, for the conditions that would support a global ethics and defines the preliminary constituents of such an ethics. The editors hope that its format will guide the reader to realize that ultimately each of the parts that constitute the book supports and strengthens both the next and previous one. But, we hope that it will open the reader to the different forms of globalization.

NOTES

1. Binyamin Applebaum, "Wachovia Details Past Ties to Slavery Report On Predecessor Banks' Direct, Indirect Profits Includes Apology," *The Charlotte Observer*, 2 June 2005, 3rd edition, Main section, p. 1A.

2. Peter Singer, "Famine, Affluence, and Morality," *World Hunger and Morality*, eds. William Aiken and Hugh LaFollette, (Upper Saddle River, N.J.: Prentice Hall, 1996), pp. 26 38.

3. Amartya Sen, "Goods and People," *World Hunger and Morality*, pp. 186 210.

Part One

TAMING THE BEAST

Locating Global Movements

One

UNDERSTANDING AND ASSESSING GLOBALIZATION: THE ROLE OF GLOBAL STUDIES

William C. Gay

1. Difficulties, if not Discontents, in Defining Globalization

The terms "globalization" and "antiglobalization" are used in such a variety of ways that an effort at understanding and assessing these processes is difficult. For example, some who call themselves globalists and some who call themselves antiglobalists view environmentalism and democracy positively. Likewise, some who call themselves globalists and some who call themselves antiglobalists view capitalism and militarism negatively. Also, some globalists and some antiglobalists view globalism as continuous with modernity, while other globalists and antiglobalists regard it as breaking from modernity.

Even though the ideological field is complex, the increased use of a variety of terms connected with globalism can be identified historically. Basically, discussion of issues related to globalism has been explicit for about fifty years. Since the 1960s concepts of ecology, ecological crises, global problems of modernity, globalization, antiglobalization, and so forth have been widely used in scientific and political discourse. These discussions make clear that globalism concerns far more than merely how capitalism has impacted the entire planet economically. Globalism is also closely connected to concerns about the environment and human rights.

In this chapter, I support a specific perspective on understanding and assessing globalism. Initially, I survey the variety of perspectives on globalism. Then, I introduce and utilize the relatively new interdisciplinary field of Global Studies to provide a conceptual and normative framework for considering globalization.

2. Varieties of Globalism and Antiglobalism

Knowing the typology I offer is reductive, I nonetheless want to provide a broad grid for sorting the enormous number of approaches to globalism. Basically, I sketch four views with some indication of a range within each. These are: (1) supporters of globalism who also generally present it as being

or as capable of being humane, (2) critics of globalism who, whether they call themselves antiglobalists, generally favor a grassroots process working from below rather than the elitist globalism that has been imposed from above, (3) scholars who, regardless of whether they support globalism, concede that the future of globalism is indeterminate, and (4) scholars who, regardless of whether they support globalism, advocate a disciplinary approach for understanding and assessing globalism.

A. Globalism as Humane

Not only do vast numbers of capitalists support globalism, many also contend that it is humane. Many prefer to refer to the free market and may couple this economic preference with democracy as a political preference. Regardless, they see prosperity, initially for some and perhaps eventually for the vast majority, as an outcome global capitalism that is sympathetic to democratic political traditions. Proponents sometimes say the West won the Cold War, meaning the global triumph of democracy and market economies.

   This characterization of globalism as humane should not be accepted at face value. Tatiana A. Alekseeva and I analyzed this claim in relation to the post-Soviet Russian Federation and concluded that in Russia capitalism had yet to achieve a humane or human face.[1] This conclusion can be broadened. Throughout most of its history, capitalism has lacked a human face, despite various efforts within capitalist societies to provide some sort of social security or social safety net. Given the historical record, no obvious basis exists for extrapolating that globalized capitalism be any more humane than versions associated with various nation states. Nevertheless, despite my skepticism regarding the humanistic characterization of globalism, I note a few of the advocates of this view.

   In *Globalization and the Poor*, Jay R. Mandle contends:

> Globalization is associated with the economic growth necessary to alleviate poverty. Globalization therefore should be encouraged. At the same time, however, governments must adopt policies that address the needs of those who are victimized by the dislocations caused by the process. [2]

Mandle suggests that, given the supposed demise of socialism, the opposition has been unable to forge a consensus on such humane policies. Perhaps he thinks the poor will simply always be with us. Other writers are more emphatic in claiming that globalism will solve our social problems. For example, Paul Q. Hirst and Grahame Thompson suggest, in *Globalization in Question: The International Economy and the Possibilities of Governance*,

that nationally and internationally market economies can be controlled in ways that promote social goals.[3]

John Micklethwait and Adrian Wooldridge go even further in their book *A Future Perfect: The Essentials of Globalization*. In defending globalization, they contend:

> Yes, it does increase inequality, but it does not create a winner-take-all society, and the winners hugely outnumber the losers. Yes, it leaves some people behind, but it helps millions more to leap ahead. Yes, it can make bad government worse, but the onus should be on crafting better government, not blaming globalization. Yes, it curtails some of the power of nation-states, but they remain the fundamental unit of modern politics.[4]

Peter L. Berger and Samuel P. Huntington tie this argument to advancing democracy and freedom in their edited collection *Many Globalizations: Cultural Diversity in the Contemporary World*. At one point, Berger goes so far as to say:

> If one values freedom, one will be very reluctant to deplore this development, despite its costs. One will then be most interested in the search of middle positions between endless relativization and reactive fanaticism. In the face of the emerging global culture, this means middle positions between acceptance and militant resistance, between global homogeneity and parochial isolation. [5]

Jagdish N. Bhagwati goes about as far as one can with this argument in his book *In Defense of Globalization*. He states:

> In short, I argue that the notion that globalization needs a human face—a staple of popular rhetoric that has become a dangerous cliché—is wrong. It raises a false alarm. Globalization *has* a human face, but we can make that face yet more agreeable. [6]

Antiglobalists do not share these positive to enthusiastic assessments of the humanizing consequences of globalism.

B. Grassroots Antiglobalism

As Alexander V. Buzgalin and Jurii M. Pavlov observe in their chapter "Antiglobalism" that many antiglobalists do not use this term to describe their perspective and many also support a form of globalism from below.[7] These characteristics have become increasingly apparent over the last

decade. One conspicuous form of resistance to globalism has been large public demonstrations staged during international conferences and summits held by the Word Trade Organization (WTO), the International Monetary Fund (IMF), and the World Bank in cities such as Seattle, Washington, D.C., Quebec, Prague, and Brussels.

Kevin Danaher and Roger Burbach provide a typical treatment supporting the protests in Seattle against WTO in their book *Globalize This! The Battle Against the World Trade Organization and Corporate*. They assert:

> November 30, 1999 marked a turning point in history. Tens of thousands of ordinary citizens took to the streets of Seattle to stop the World Trade Organization (WTO from conducting 'business as usual' (i.e. making rules for the entire planet that mainly serve the interests of large corporations).[8]

Danaher and Burbach stress how the protestors want more attention to be paid to environmental and labor concerns, and they claim that these protests led to a total collapse in the talks. In contradistinction to the globalists, these antiglobalists claim that these public protests are "like a huge shot of adrenaline for the global democracy movement."[9] They see the organizations associated with these protests as developing ways to run the global economy in a life-centered way rather than a money-centered way. Likewise, they see a shift occurring away from elitist transnational unity toward grassroots transnational unity.

Some antiglobalist groups focus on specific problems, such as those posed for women and developing countries. In *Women Resist Globalization*, Sheila Rowbotham and Stephanie Linkogle focus on movements, especially women's movements, which stress livelihood needs and issues of rights and democracy for all persons.[10] Third World activist and scholar Walden F. Bello makes the case for developing nations in his book *The Future in the Balance: Chapters on Globalization and Resistance*, where he contends that international financial institutions have created an economic crisis that is the result of "institutions that advocated free market economies based on the principles of liberalization, deregulation, and privatization."[11] He insists that achievement of justice and fairness requires a very different system. Finally, in seeking a different system, some antiglobalists stress the need for more local structures. In *Beyond Globalization: Shaping a Sustainable Global Economy*, Hazel Henderson argues we need more local enterprises that rely on a more holistic approach in order to break away from the current global market system.[12]

C. Indeterminate Future of Globalism

Regardless of our inclinations toward globalism or antiglobalism, we need to be cautious about arguments from the extremes in the debate. Even famous philosophers can fall victim to overdrawing their arguments, as is evidenced in debates between Bertrand Russell and Sidney Hook in which the former relied on the faulty premise that all would die in a nuclear exchange and the latter relied on the equally faulty premise that no freedom exists under communism.[13] Mike Pearson and I also noted the problem of extreme arguments when we cautioned against both denial of and resignation to the prospects for nuclear war.[14] In logical terms, historical possibilities are contingent events and have a probability greater than zero percent and less than one hundred percent; they are neither impossible nor certain. I now wish to note that one is likewise arguing from the extremes when the outcomes of either globalism or antiglobalism are cast as already determined. Fortunately, among both proponents and critics of globalism, some writers are careful to qualify their claims.

In the conclusion to his edited collection *Egalitarian Politics in the Age of Globalization*, Craig N. Murphy notes that the contributors to his volume remain agnostic regarding the Polanyian thesis of a double movement regarding globalization in which one simply assumes that each stage of rapid marketization in which the state retreats from regulating economic forces is followed by a more liberal and socially oriented stage in which egalitarian social movements have increasing success.[15]

A similar caution is voiced by some antiglobalists as well. Jeremy Brecher, Tim Costello, and Brendan Smith do so in *Globalization from Below: The Power of Solidarity* in which they address the results of efforts from below to redirect globalization. They assert:

> What will come after it is far from determined. It could be a war of all against all, world domination by a single superpower, a tyrannical alliance of global elites, global ecological catastrophe, or some combination thereof. Human agency—what people choose to do—can play a role in deciding between these futures and more hopeful ones.[16]

While they know the outcome they favor, they do not promise victory and concede that the final result may be even worse than our present situation.

These qualified arguments by globalists and antiglobalists have in common a view that since the outcome is not predetermined, human action is relevant. What we do can and will make a difference. This message is appropriate regardless of where one falls in political debates on how to

assess globalization. Of course, the identity of this *we* is crucial. For the foreseeable future, this *we* is likely going to be the same power elites—the decision makers who manage the political process and the economy. Nevertheless, this *we* could refer to ordinary people who somehow become empowered to influence global political and economic development. While this more populist approach is not impossible, its feasibility remains largely untested.

D. Specific Specialty for Understanding Globalism

Over thirty years ago, David M. Rasmussen pointed out the need to move beyond the Kantian view of autonomous disciplines.[17] While the need for interdisciplinary approaches is found in many areas, it is especially pertinent to understanding and assessing globalization. Nevertheless, some writers favor a certain discipline or set of disciplines for treating globalism.

Globalization and its Critics: Perspectives from Political Economy, edited by Randall D. Germain, is one among several that stresses the understanding that a specific discipline provides.[18] Not surprisingly, this book, prepared under the auspices of the Political Economy Research Centre (PERC) of the University of Sheffield, argues that the perspective of political economy provides the needed interdisciplinary standpoint for exploring the new issues posed by globalism. Even more narrow is the perspective and conclusion presented by Harold James in his book *The End of Globalization: Lessons from the Great Depression*.[19] He not only argues that gobalism will collapse but that the model for understanding it can be found in the Great Depression.

While broad and even narrow economic analyses can be helpful, they alone cannot provide sufficient understanding. So, instead of turning to one discipline or to a fairly restricted set of disciplines, I favor a broadly multi-disciplinary and value-oriented approach. I find such an approach in Global Studies, and, as a philosopher, I am especially pleased that throughout its history Global Studies has included philosophy as a key component. I now turn to giving my reasons for supporting the role of Global Studies in understanding and assessing globalism.

3. Global Studies and Philosophy

Surprisingly, the field of Global Studies is one closely connected with philosophy, though more outside than inside the United States. Perhaps even more surprising is the connection that Concerned Philosophers for Peace has had within international forums that have helped advance the field of Global Studies. Historically, I wish to suggest that the consideration of Global Studies has gone through three stages. First, during the 1960s the world

scholarly community began to study seriously the consequences of globalization. Second, during the 1970s and 1980s, as a result of the Cold War, Global Studies was advanced separately in the West and in the Soviet Union. Third, over the last fifteen years, since the disintegration of the Soviet Union, a more integrated field of Global Studies has emerged. About forty years separate the emergence, on the one hand, of the first major institutions devoted to the study of globalization and subsequent work of groups like "The Club of Rome" and, on the other hand, the publication of the first integrative and interdisciplinary international encyclopedia devoted to Global Studies.[20]

In my next section, I address the Cold War division and the post-Cold War integration of Global Studies. Then, I address important normative issues.

A. Cold-War Division of Global Studies

We cannot undo the compartmentalization of Global Studies that occurred during the Cold War. Nevertheless, in order to better understand the post-Cold War unification of Global Studies, we can benefit in reviewing the differences in problems, methods, and vocabularies that characterized Global Studies in the Soviet Union and in the West during the Cold War. Of particular value in this regard are two specific chapters, namely, "Global Studies in the Soviet Union," by Viktor A. Los[21] and "Global Studies in the West" by Anatoli I. Utkin.[22] While their chapters provide very useful historical and conceptual overviews, I will not summarize them here.

I, instead, provide some remarks regarding my personal involvement and the involvement of Concerned Philosophers for Peace in the emergence of the third stage of Global Studies. The disintegration of the Soviet Union took most Sovietologists and other political analysts by surprise. In fact, especially during the 1980s and the nuclear buildup of the Reagan Administration, many people in the United States, the Soviet Union, and Europe, as well as elsewhere, feared the possibility that the United States and the Soviet Union would lapse into a nuclear war that might devastate both of these modern technologically advanced societies. Many grass roots and professional organizations emerged that sought to reduce the tensions between the superpowers.

During the late 1980s, as a consequence of the glasnost of Soviet Premier Mikhail S. Gorbachev, more direct contact between American and Soviet philosophers became possible. Pierre Bourdieu has addressed the connection of names of organizations with historical events and how the name of a professional group often "records a particular state of struggles and negotiations over the official designations."[23] In this regard, the inception, the name, and the subsequent development of our organization

illustrate Bourdieu's point. Our group formed in response to the perceived threat of the Reagan nuclear buildup, though, while keeping the same name, our organization has continued to respond to developments within national and global militarism.[24]

Several years after the formation of our organization, I and some other members of Concerned Philosophers for Peace participated in meetings in Moscow that brought us face to face with Soviet colleagues in philosophy.[25] While most of our meetings took place at the Institute of Philosophy, one afternoon in August 1988 we visited the office of the Philosophical Society of the U.S.S.R. where we learned that Soviet philosophers regarded the two most pressing global problems to be war, especially the threat of nuclear war, and ecology, especially the problems of environmental degradation. Some of us were surprised that our Soviet colleagues viewed environmental threats as more serious than the nuclear threat. I think that this difference in assessment reflects very well the distinct paths being taken during the 1970s and 1980s in Western and Soviet Global Studies.

Philosophically, another measure of the attention of philosophers to global issues can be found in the programs of the World Congress of Philosophy, which meets every five years. While globalization was addressed in a variety of panels at the 1988 meeting in Brighton, the 1993 meeting in Moscow, and the 1998 meeting in Boston, globalization was central to the 11th World Congress of Philosophy in Istanbul, Turkey. This congress met in August 2004 and focused on Philosophy Facing Global Problems.[26] At the 11th World Congress, the Russian and English editions of *Global Studies Encyclopedia* were released.

B. Normative Issues in Global Studies

Thomas C. Daffern has stressed the connection of Global Studies to philosophy,[27] and I have tried to show how the former Soviet-style Global Studies and World Order Studies in the West have key values in common.[28] However, for a broad characterization of the field and its value orientation, I find most helpful the chapter on "Global Studies" by Ivan I. Mazour and Alexander N. Chumakov.[29] Also helpful are two chapters by Chumakov on the classification of and criteria for global problems.[30]

What issues does Global Studies address? As Mazour and Chumakov note, three main topics are addressed: (1) globalization processes, (2) the global problems generated by globalization processes, and (3) furthering positive and overcoming negative consequences of these processes for human beings and the biosphere.[31] The focus is on human rights and the environment and leads to anti-militarism since militarism violates both.

Global Studies seeks to address the root causes of global changes and the ensuing problems. Consequently, investigations go back to the history of

the formation of modern civilization. Such investigations include not only the degradation of the environment but also the degradation of human being themselves with world capitalist organization that currently describes itself as the free market.

4. Conclusion: Preserving Our Globe

My remarks suggest that globalism and antiglobalism each have positive and negative components. Likewise, I have taken the position that whether our future is bright or bleak will not be determined solely by whether we augment or diminish the processes of globalization. The point I have stressed is that the complexity of the issues demands a highly interdisciplinary approach and values oriented toward sustaining the planetary eco-system and respecting the rights of human beings with it. On many levels, human beings, whatever they call themselves and their views, continue to threaten both the environment and human life by means of military spending and especially wars. Also, regardless of where one stand in debates on regulating the global economy, to the degree that capitalism is unregulated it contributes to environmental degradation.

Documenting the damages of human activities on the environment and on human beings themselves and analyzing and extrapolating trends are complex interdisciplinary tasks that need to be open ended yet value centered. Increasingly, I find myself more in agreement with the views I heard expressed in Moscow in August 1988. Military and environment threats pose the greatest danger whether we call ourselves globalists or antiglobalists.[32] Global Studies does not settle the political debates, but it does provide a post-Cold War perspective in which past East-West and continuing North-South differences can be set aside in the face of our global challenge to protect our precious human rights and the delicate eco-system upon which the continuation of all life on this planet depends.

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Two

WESTERN-ISLAMIC HERMENEUTICS AS A DIALOGICAL IMPERATIVE

Nathan C. Funk
Meena Sharify-Funk

Why is communication across the boundaries of Islamic and the West cultures so difficult? Why is it that the mere effort to sympathetically represent the views and concerns of a Muslim or Western other is sometimes regarded as an act of disloyalty, or even as a form of treason? For a richer understanding of the bases of conflict between identity groups, we need to recognize that social identities such as Muslim and Western are constituted in part through processes of textual interpretation. To develop, preserve, and police a sense of bounded identity, members of distinct communal and national groups seek to maintain consensus on a set of authoritative texts and assert definitive interpretations of their meaning. The principle of exclusive community, together with the aspiration to maintain independence vis-à-vis adversary groups, is stabilized by efforts to delimit a canon whose meaning cannot be enriched through engagement with the texts of other cultures.

In this essay we seek to understand interpretive processes through which exclusive communities are maintained, while also identifying pathways toward transformation. Starting with the conviction that the art of textual interpretation and understanding is not a narrowly academic enterprise, we argue that discursive strategies for escalating or deescalating intercommunal conflict are grounded in practices of social hermeneutics. As a fundamentally social practice, hermeneutics is influenced as much by the vagaries of international conflict as by the theories of scholars. We read our celebrated texts not only in the light of philosophy and academic method, but also in the light of needs and fears created by our inescapable relationship with cultural otherness.

As Aristotle pointed out in his treatise, *Peri Hermeneias*, hermeneutics is both the theory of human comprehension and the assimilation of that comprehension.[1] In a traditional theoretical sense, hermeneutics evokes rigorous methodologies and abstract philosophies of textual understanding. In a broader sense, hermeneutics is a highly participatory endeavor. Authoritative interpreters of social texts are themselves authors of new understandings, and as such write within—and indeed for—contexts of political contestation. They seek to communicate their comprehension of social texts in ways that are comprehensible to their contemporaries, and that answer fundamental questions of collective identity and purpose: Who are

we? What do we stand for? What are the values that differentiate us from or unite us with others?

To understand how Muslims and Westerners read their preeminent texts in ways that exclude and devalue the cultural other, we must first explore the ways in which prevailing hermeneutic practices reflect and reinforce intercultural conflict. After identifying the interpretive assumptions behind the thinking of key partisans in each cultural context, we will listen to voices that argue for more cooperative and intercultural approaches to the reading of books and the reading of others.

1. Solipsistic Hermeneutics and Intercontextual Conflict

The hermeneutic act is simultaneously textual and contextual. It is textual because we seek understandings of whole books in relation to their parts, with special reference to the expressions of language chosen at a specific time and place. As readers, we explore our relationship with the text and undergo an experience of deciphering, questioning, analyzing, and elucidating meaning from language—from narratives, symbols, metaphors, and analogies. The hermeneutic act is also contextual, because the language of the text and the events to which it refers are derived from a multi-faceted environment that may be distant from our experience. We as interpreters are similarly embedded in a complex environment that surrounds us and penetrates us, often in ways that we cannot fully and consciously articulate. To develop contextual understanding, we negotiate interrelationships among our multiple, overlapping identities and the settings in which the text has been written and subsequently read. We read ourselves into the text and the text into ourselves. The text as we read it reflects our world of our experiences, and our world comes to embody themes from the text.

Important trends in both Western and Islamic hermeneutics acknowledge the role of the interpreter's social or existential context in influencing acts of textual interpretation.[2] We do not read historical texts outside of history; we read them within history, in light of deep assumptions that we have inherited from our culture and language. We interpret texts for reasons other than a simple desire for knowledge of the past. We interpret texts to clarify for ourselves and for others who we are—to discover, assert, or defend our identity and our values. We may also interpret texts to claim social priority for our ideas and interests, to acquire authority and define boundaries.

The social character of the hermeneutic process becomes painfully evident at times of deep conflict within and between cultures. For example, the culture wars that play such a prominent role in United States politics are much concerned with the proper interpretation of foundational texts in

cultural and civic life. How should the Bible be understood, and what is the role of religious texts in a society that affirms separation of church and state? Should the constitution be read as a dynamic or static document? Should the educational curriculum be expanded to reflect new multicultural realities, or should students focus their studies on a narrowly defined canon?

Though the comparison is not welcomed by most citizens of the United States, culture wars in the United States are similar in many respects to cultural conflicts in the Islamic world. Throughout the Islamic world, debates are raging over religion and politics, and over what constitutes an authentic Islamic identity. There exists much deliberation and debate over the status of the Qur'an as a source of law and of Islam as the majority religion, and over the content of educational curricula and the proper conduct of relations between men and women. Traditionalists and revivalists compete with each other and with modernists to claim the hermeneutic high ground and the right to shape social norms.

While it is eminently worthwhile to study the dynamics of hermeneutic contestation within United States and Islamic societies, scholars and analysts should be careful not to overlook that contestation within particular political and cultural contexts does not occur in a vacuum. Efforts to define the identity, values, and interests of one society—to assert hermeneutic authority over the interpretation of social texts—are inseparable from efforts to define the significance of boundaries among societies. Claims to hermeneutic authority are therefore innately political.

The significance of hermeneutics for relations between cultures and societies raises challenging questions about how interpretations should be evaluated. We suggest that analysts differentiate between tendencies that may be characterized as solipsistic (or self-referential) and those that are dialogical in style and content. Where solipsistic hermeneutics perceives contact with other cultures as a threat to established values and prior interpretations of a textual canon, dialogical hermeneutics regards the encounter with other cultures as an opportunity for learning. David E. Linge provides provocative commentary on this possibility, which may be likened to reading from a new book:

> It is precisely in confronting the otherness of the text—in hearing its challenging viewpoint . . . that the reader's own prejudices (i.e., his present horizons) are thrown into relief and thus come to critical self-consciousness. This hermeneutical phenomenon is at work in the history of cultures as well as individuals, for it is in times of intense contact with other cultures (Greece with Persia or Latin Europe with Islam) that a people becomes most acutely aware of the limits and questionableness of its deepest assumptions. Collision

> with the other's horizons makes us aware of assumptions so deep-seated that they would otherwise remain unnoticed.[3]

When a social identity is normatively wedded to practices of conservative hermeneutics that privilege a narrow set of historical texts and past interpretations, an opportunity to test and indeed to rediscover received wisdom within a broader context of human experience is missed. The other is encountered not as a source of knowing or partner in dialogue, but instead as a text that cannot be assimilated without compromising received values. In contrast, when the other is greeted as a bearer of distinctive but not necessarily contradictory truths, dialogue becomes a basis for new discoveries.

A. Solipsism in the West and in Islam

Dialogical hermeneutic positions are influential in Western academic institutions, but especially in the United States more solipsistic (and putatively objectivist) approaches shape public discourse. The dominance of solipsistic approaches to hermeneutics is evident among politically engaged interpreters of the texts in which civic and religious cultures are anchored. Religious conservatives and advocates of what we refer to as neoliberal triumphalism (the belief that the end of the cold war leaves but one ideological alternative for the entire world) contend that their conceptions of Judeo-Christian or Western civilization are objectively and normatively grounded in a canon of influential texts—from the Bible and Plato's *Republi*c to Adam Smith's *Wealth of Nations* and the Constitution of the United States.

The present United States political culture is often represented as the natural historical fruit of these textual sources. Authorities on the United States' cultural patrimony argue that what is good for their country is necessary for others. As they discuss the virtues of the Roman Empire and Pax Britannica, they also seek to justify expansion of America's cultural and geopolitical boundaries, in a purportedly civilizing campaign against international terrorism.

In the Islamic world conservative hermeneutic tendencies are even more deeply entrenched than in the United States, and preoccupation with recovering lost authenticity in the wake of colonialism has helped to ensure that objectivist claims regarding the proper interpretation of a narrowly conceived canon of texts are the mainstay of hermeneutic discourse. In a manner that is not fundamentally different from Western critiques of multiculturalism, Islamic traditionalists and revivalists seek to assert their authority by drawing a boundary between authentic Islamic texts—the

Qur'an, the prophetic Hadith, and texts related to a particular school of law or strain of revivalist thought—and texts purveying Western social values or concepts.

Both in the Islamic world and in the West, prevailing modes of hermeneutic discourse reinforce mutually exclusive social identities. Those who seek to maintain existing boundaries of identity between self and other engage in vigorous efforts to limit the number of texts that are regarded as legitimate sources of social value, and to control the ways in which they are interpreted. Through their hermeneutic practices, they seek to read the other out of history, rejecting dialogue with alien texts and interpreters.

Among the most obvious examples of this tendency in contemporary United States thought is the work of Francis Fukuyama, author of *The End of History and the Last Man*.[4] According to Fukuyama, America's putative victory in the cold war amounts to a resolution of history's Hegelian dialectic. Western liberal practices of free-market economy and representative democracy have become the definitive models for all humankind. Quite speculatively, Fukuyama contends that—in the absence of significant change in human nature—there can be no improvement on capitalism and democracy as practiced in the West. Third world countries must either assimilate to the triumphant Western model or give way to a return of history (history itself being equated with Hobbesian violence, ethnic strife, and war).

Though often regarded as corrective to the liberal triumphalism of Fukuyama's end of history, Samuel P. Huntington's "Clash of Civilizations" thesis offers little guidance for those who would seek to engage in dialogue across the boundaries of cultures and religions. Unlike Fukuyama, Huntington acknowledges the staying power of non-Western, non-Judeo-Christian, and non-Anglo-American cultural traditions, but argues that they constitute a fundamental threat to the well-being and even the territorial integrity of the United States.[5] Multiculturalism is a security threat both within the territorial boundaries of the United States and beyond the enclosure of Judeo-Christian-Protestant cultural space. Huntington is not a triumphalist and counsels "a search for what is common to most civilizations."[6] Yet, his text is far more effective at inculcating pessimism about Western relations with the rest—especially Islam and its supposedly bloody boundaries—than it is at providing guidelines for accepting cultural diversity in the practice of international relations.

Unfortunately, Islamic cultural space is also saturated with arguments that devalue the textual as well as human realities of the other. In Islam as in the West, the most famous interpreters of culturally celebrated texts advocate sharp boundaries between cultures or purvey triumphalist teachings, suggesting that Islam is the solution for Muslims and non-Muslims alike.

Where the cultural pronouncements of authoritative American interpreters favor the hegemonic Realpolitik of the status quo, insurgent Islamic intellectuals and activists articulate principles of Realpolitik that are profoundly revisionist.

Although his writings have seldom been compared to those of Huntington and Fukuyama, the hermeneutic style of pioneering Islamic revivalist Sayyid Qutb (1906–1966) resembles that of contemporary United States pundits in many ways. Like Fukuyama, the controversial historian of Islam, Qutb believed that his cultural counterparts (Westerners in general and citizens of the United States in particular) were living in a deep state of cultural malaise that could only be corrected by the assimilation of a new ideology. For Qutb, the complete, comprehensive and peace-bringing ideology was not Western liberalism, but a particular revivalist conception of Islam. In publications such as *Milestones* and *Islam and Universal Peace*, Qutb argued that human well-being can only be attained within a revolutionary Islamic ideological framework.[7]

Like many other contemporary Islamic revivalists, Qutb interpreted core Islamic sources in a way that used the texts of other cultural systems as foils instead of as sources of insight. In effect, his thinking updated classical Islamic jurisprudence's notion of a domain of Islam and a domain of war for a contemporary world historical context. One of history's more intriguing ironies is that Qutb's followers and fellow travelers in revolutionary Islamic revivalist thought conceive of the world in terms that should be recognizable and familiar to their most committed adversaries, the United States hard Wilsonians who delineate the boundary between a zone of peace and a zone of turmoil on the basis of political ideology (free-market democracy). While crusading Western neoliberals seek to impose Jeffersonian democracy on Muslim nations by undemocratic means, revivalist Muslims seek to eliminate foreign influences from their cultural space and impose a medieval juristic concept on a radically transformed world.

Interpreters competing for political authority seek to polarize identity issues and escalate conflict by promoting decidedly antagonistic and ethnocentric interpretations of an established cultural canon. Such approaches to interpretation tend towards solipsism because they evade dialogue while imposing the logic of a past historical context on a new intercontextual (or intercultural) situation. For Islamic revivalists, the world today is in a state of permanent colonialism or in a recrudescent age of ignorance (*jahiliyya*) and iniquity, analogous to the original age of ignorance in which Muhammad, the prophet, began his mission. For the most assertive defenders of Western liberalism, the world today is always 1683 or 1938: the Ottoman siege of Vienna and the appeasement of Nazi aggression become dominant—and extremely flexible—historical analogies.

Efforts to definitively establish the boundaries of collective identity through reference to favored texts prevent dialogical engagement with the texts of an adversary culture. The result is a solipsistic practice in which dominant narratives mirror each other without intersecting: instead of seeking to know the other on his or her terms, the authoritative interpreter reduces the humanity of the other to categories derived from past historical experiences. Though the narratives differ with respect to their invocation of textualized historical facts, their overarching themes are so similar that we may refer to them as partaking in a single story of intercultural confrontation.

When they engage in solipsistic hermeneutics, Muslims and Westerners view the other as unassimilable—as a mirror on the wall personage who speaks only to confirm their greatness, virtue, and self-sufficiency. Texts are selected and read to perpetuate a culture of conflict in which the other is an inferior rival or shadow of the self. Because relations with the other are mediated by efforts to project a triumphant communal narrative derived from a circumscribed set of cultural texts, interactions take place within a format of rivalry rather than encounter. Dominant images of the other reflect the violent excesses of such low points in Islamic-Western relations as the wholesale slaughter of the Muslim and Jewish inhabitants of Jerusalem by the Crusader army in 1099 C.E., and, more recently, the terrorist attacks that destroyed thousands of lives at the World Trade Center.[8]

B. Consequences of Solipsism

Solipsistic hermeneutic practices have allowed Islam and the West to become dangerously out of touch with each other. Each civilization has transformed symbols of the other into receptacles for their fears. A form of psychopathy is operating at this symbolic level, in which self-referential systems of meaning are constructed around symbols of otherness. These systems of meaning operate independently of larger understandings of the material conditions that heighten conflict and without reference to common spiritual aspirations that unite members of apparently distant cultures. The result is a relationship based on competition for power and control, accompanied by cultural insularity, retreat, and the negativistic tendency to define the self in relation to an adversarial other instead of in relation to autonomously defined values.

In this relationship, a clash of symbols is happening between Islam and the West: Westerners are finding headscarves, turbans and other symbols of Islamic religious expression repellent; similarly fundamentalist Muslims see blue jeans and other manifestations of Western culture as explicit anti-Islamic statements. Belief systems are being simplified into images to be

rejected or absorbed in their entirety, resulting in deeply impoverished notions of both Islam and the West. Muslims are failing to recognize such subtle manifestations of Western morality as regulations to accommodate the handicapped; Westerners are reducing Islam to a set of fundamentalist practices that denigrate women and reject religious tolerance.

In the United States during the post-September 11, 2001, media drama, Taliban and al-Qaeda extremists have been portrayed as strict (observant and authentic) Muslims, yet the beliefs and practices of non-militant Muslims have been left virtually unexplored. This leads the uninformed viewer to conclude that moderates are compromisers and that Islam as a religion is uniquely susceptible to the contagion of militant fundamentalism. Middle Eastern Muslim media commentary, in turn, does little to correct the misguided ideas about Western culture that viewers pick up while watching satellite television.

Under the stress of conflict, people react by reducing their beliefs to a small, workable subset in order to fight and protect themselves, assuming a form of fundamentalism that reads preprogrammed symbolic meanings into all forms of intercultural contact. While fundamentalism is usually understood to have an exclusively religious denotation, we have found it more analytically useful define fundamentalism as a cultural pathology of intergroup conflict in which the ability to hear and communicate with others shuts down. Fundamentalism consists of a politicization of group values and symbols, in which a community takes a subset of basic tenets of a tradition and, under pressure of insecurity or in the pursuit of political dominance, uses them to seal off others or maintain control.

For Muslims, fundamentalist tendencies take on an explicitly religious coloration that rejects compromise with foreign intrusions. For Westerners, the fundamentalist impulse may be seen in a hegemonic outlook that equates order with military dominance, and frames dominant liberal approaches to the practices of democracy and free market economy as the last word on the subjects in question. Both tendencies deny any responsibility for humiliation or suffering that others have experienced and reject the possibility that the meaning of their basic precepts might be expanded. In each case, the world is divided into two opposing camps, with both sides dogmatically representing their practices as righteous and authoritative.[9]

Significantly, both Western and Islamic fundamentalisms are triumphalist. We can argue, though, that Western thinkers should be particularly concerned that their ideological tendencies place non-Western cultural traditions on the defensive, pushing Muslims and other groups to make a false choice between authenticity and adaptation to practices that cannot fully embody their cultural values. This also negates the possibility

that non-Western cultures may yet have something creative to contribute to the advancement of peace and human solidarity.

As they manifest in solipsistic hermeneutical discourse, attitudes of fundamentalism project the idea that goodness, truth, and beauty are scarce and unevenly distributed commodities that a particular privileged community has a comparative advantage in producing. From this assumption it is only a short step to the conclusion that those who are not allies are in fact enemies. Because the virtue of the in-group is presumed to be manifest and self-evident, reflective self-examination becomes unnecessary and listening to sift through the surprising and uncomfortable claims of others becomes superfluous (what is the use, after all, of engaging a barbarian in dialogue?). The complexity of global politics is reduced to a morality play.

2. The Challenge of Dialogical Hermeneutics

Solipsistic hermeneutics seeks to exclude new texts from the communal canon, and to assert the authoritativeness of textual interpretations derived from historical moments of distant glory or communal strife. By insisting on closed intertextuality, solipsistic hermeneutics stipulates that there exists only one valid context for understanding a textual canon. Within this singular context, conservative hermeneutic practices arrive at a consensus concerning presumably static communal values that often serves timely political purposes, such as the polarization of intergroup boundaries. Cultural authority is acquired through custodianship of symbolic cultural values and the texts that embody them, which effectively eliminates competition for political legitimacy and provides power over the collective imagination.

The temptation to engage in solipsistic hermeneutic practices is by no means limited to Western-Islamic relations. We can argue that all human beings have a tendency to view the world in a solipsistic manner, insofar as solipsism is equated with a proclivity for interpreting the unknown in light of that which is known, comfortable, familiar, and congenial to our self-concept. Some of the world's greatest philosophers have underscored the solipsistic nature of human language and experience. As Ludwig Wittgenstein put it in his early work, *Tractatus Logico-Philosophicus*, "[H]ow much truth there is in solipsism . . . The world is *my* world: this is manifest in the fact that the limits of my *language* (of that language which alone I understand) mean the limits of *my* world."[10] But is it possible, through hermeneutic encounters, for members of a culture to develop new insights, bonds, and sympathies—to have their world enlarged through reflection on the truths carried by speakers and texts from another language?

A. Beyond Solipsism

We suggest that, however strong the tendency toward solipsism may be, consciously dialogical approaches to hermeneutics can allow for new experiences of self and other. This can be attempted through interfaith dialogue and through all activities that involve cultural empathy or deep study of texts that have originated outside our communal enclosure.

In contrast to solipsistic hermeneutics, dialogical hermeneutics is based on the assumption that a communal canon is not static, and the specific intertextual fabric from which group identity is woven can change over time. Because they note that practitioners of solipsistic hermeneutics under-represent ideational exchange across cultural boundaries, proponents of dialogical hermeneutics suggest that the boundaries of communal identity are quite porous. By rejecting the idea of past, pure state in favor of a more dynamic reading of collective identity and sacred values, proponents of dialogical hermeneutics insist that the context of textual interpretation is never fixed.

Interpretation cannot end, and a principled openness to the way others read our canon can provide new experiences and insights. Where solipsistic hermeneutics insists on an ethnocentric contextuality that preserves or reinforces boundaries, dialogical hermeneutics aspires toward innovative intercontextual understandings that open identity to new experiences the other. Authority may be derived through including others as well as through exclusion, and the creation of shared meaning across cultural contexts can become the basis for power to solve shared problems.

Dialogical hermeneutics begins with recognition of textual and moral complexity, often in combination with a perception that the assumptions of solipsistic hermeneutics may be too comfortable to be true. What follows is a sincere effort to counteract misperceptions and double standards. This means replacing moral self-images and immoral other-images with perceptions that are closer to reality. It requires putting brakes on habits of contrasting our cultural ideal (be it freedom or faith) with the other's practice. We need not abandon particularism or preference for the value system of our community. What is necessary is recognition that developing a realistic and constructive relationship with the other is impossible without cultural empathy: the ability to suspend our frame of reference long enough to enter and experience the other's world of values, experiences, and meanings.

To gain new insights into the values, identity, and foundational texts of the other, the practitioner of dialogical hermeneutics utilizes cultural empathy as a way of knowing. By regarding the other's texts as sources of knowing that must be interpreted in a dialogical manner, an opening is created for those moments of understanding that Hans Georg Gadamer

described with the phrase, "fusion of horizons."[11] When arrived at through shared inquiry into common problems of human existence, such a hermeneutic process can develop a sense of common, inclusive identity across cultural boundaries. Self and other becomes a nexus instead of a dichotomy—a dynamic relationship that is influenced but not fixed by past assumptions and understandings. The process of inquiry shifts from an insular and retrospective justification of the self toward an open and prospective attitude toward the self-other relationship.

Interpretive dialogue across cultural boundaries makes it possible for members of communities that are in conflict to rediscover their traditions. By questioning past authoritative interpretations and seeking ways of understanding that accommodate present realities and external criticisms, practitioners of dialogue allow their texts to speak to new contexts. In the process, they gain access to sympathetic readings of from other cultural systems, and thereby begin a process of broadening and reconstituting the textual foundations of their identities. Though this need not mean sacrificing our original textual loyalties, at a minimum it does require more intercontextual habits of reading: reading other contexts into the book, instead of out of it.

In the context of Islamic-Western relations, dialogical hermeneutics suggests that cultural rivalry is not the result of cultural essences but of political and cultural relations inspired by solipsism. Although obsession with viscerally evocative symbols and slogans at the expense of disciplined analysis has led to a polarization of identities, the present impasse need not be understood as inevitable or final. If dialogue were preferred to coercive measures, areas of shared meaning might be found.

Dialogical hermeneutics actively seeks to reconceptualize areas of cultural divergence, in order to impose limits on conflicts and prevent the provocations of militants from expanding them. When groups in conflict respond to provocations with unprocessed emotion and self-serving cultural narratives, they allow a narrow contradiction to define an entire relationship. To avoid such an outcome, both words and deeds must communicate cooperative and constructive intent to deal with shared problems on the basis of common standards. Where fundamentalism—the ideological consequence of solipsism—implies a closing off of the ability to listen to the other, the aspiration toward a larger framework of cultural encounter and shared humane values can open up the space for intercontextual understanding.

Employing dialogical hermeneutics as a tool for transforming conflict implies seeking power with the other instead of power over an alien culture. Ideally, such egalitarian cultural engagement should not merely be an elite endeavor, but a more broadly participatory process in which members of estranged cultures reread and rediscover their respective texts, traditions, and

motivations. The focus is not primarily on the negative task of debunking stereotypes (as manifest in tendencies of Orientalism and its opposite, Occidentalism).[12] Dialogical hermeneutics seeks to develop new, mutual understandings on a collaborative basis.

Dialogical hermeneutics involves a vigorous counterpoint to the hubris and disdain associated with triumphalist conceptions of innate cultural superiority. It does not pit one cultural context against another through self versus other value dichotomies, it seeks points of convergence and complementarity. In other words, it seeks to counteract the distortion and devaluation of presumably alien traits without seeking to stigmatize or deconstruct ideas of patterned cultural difference.

One way in which dialogical hermeneutics can seek intercontextual understanding is by reframing the value oppositions that have long colored Western representations of Islamic cultural reality, such as reason versus passion, science versus obscurantism, progress versus stagnation, individuality versus conformism, democracy versus authoritarianism, liberty versus tyranny, and civilization versus barbarism. Such oppositions incline their adherents to locate virtue in the West and vice in the East, just as a contrary set of oppositions (for example, religious values versus materialism, faith versus infidelity, traditional authority versus egocentrism, self-restraint versus self-indulgence, community versus chaos) emerges in an Islamic context when the subject of cultural relations with the West arises.

Dialogical hermeneutics recognizes that, in the mirrors of our solipsistic Western and Islamic imaginations, the other comforts and flatters us. "You are advanced; we are primitive." "You are virtuous; we are degenerate." Such imaginings provide us with a sense of boundaries within which we can pull ourselves together and create a semblance of inner unity by excluding that which we would prefer to disown or that which we, as a group, have deemed contemptible. Others provide us with excuses, and even with reasons for throwing our weight around in the world or denying our power to effect change. Through processes that psychologists define as externalization and projection, they help us to live with blessed illusions and even with lies.

Whenever we slide into the consciousness of solipsistic hermeneutics, we find that it is remarkably easy to become fixated on either/or value dichotomies that split the world into opposing camps—first by positing two pure, abstract qualities, and then by elevating one quality above its presumed opposite. As a result, important aspects of human experience (in the case of the West, spirituality, faith, contentment, and quiescence, and in the case of Islam materiality, science, ambition, and dynamism) are denied or repressed, and regarded largely as distinguishing characteristics of the other. In the absence of effort to reclaim denigrated values, the putative virtues of each culture became vices.

To escape such an interpretive cul-de-sac, dialogical hermeneutics suggests that we need to provide a voice for the other in the process of interpretation. Approaching a culturally foundational text is a never completed process. Our communal identities are never fully formed, and can always be rewoven in ways that include new sources of raw material. When we shift the basis of authority from exclusion to inclusion, we realize that the boundaries of our identities have become porous instead of rigid. We have gained the capacity to be enriched by the other.

B. Dialogical Tendencies in Contemporary "Western-Islamic" Hermeneutics

Although the idea of dialogical hermeneutics as an intercontextual enterprise is still relatively new, emergent trends within Western-Islamic thought indicate the availability of interpretive bridges between cultures. Tendencies toward intercontextual interpretive practice manifest in a variety of ways, and have been undertaken by scholars and social organizations and transnational networks. In this section of the paper we will highlight some of the luminaries of contemporary Western-Islamic scholarship on the subject: Mohammed Arkoun, Fred Dallmayr, Armando Salvatore, and Khaled Abou El Fadl. Through their individual and collective efforts, these scholars are offering new hermeneutical frameworks for explaining Arab-Islamic history and its encounters with the West.

One of the most well known and senior Western-Islamic thinkers advocating dialogical consciousness is Arkoun. In his latest book, *The Unthought in Contemporary Islamic Thought*, Arkoun offers a comprehensive critique of solipsistic tendencies in Islamic thought. He encourages Muslims to think the unthinkable and to transcend the impasse of what he calls "institutionized ignorance" and embrace the full range of intellectual and cultural resources that are available to them. He is especially outspoken on the subject of civil society and pluralism:

> A modern civil society should, of necessity, be pluralist . . . Dichotomous thinking accepts the Aristotelean principles of contradiction and identity: a proposition is true and false, teaches good and evil. But pluralist logic is more flexible, offering a variety of ways and possibilities for expressing religious values and spiritual experiences through secular, political institutions, or philosophical postures. In such a civil society different cultures and world visions are not juxtaposed without significant appropriate interactions in the same space of citizenship, as has been the case so far in many democratic societies in which communities are situated in specific urban locations; *intercreative* activities are made

> possible, even postulated, by the new style of thinking, the new political and legal concept of citizenship and the human subject.[13]

Arkoun's voice is especially noteworthy for its insistence that Muslims engage the Western intellectual heritage, but without uncritical acceptance of its dominant paradigms.

Dallmayr, a contemporary of Arkoun and scholar comparative political theory who writes on boundary-crossing exemplars, has also emphasized the importance of interconnectedness and dialogical exchanges. Gleaning from Martin Heidegger's as well as Gadamer's thoughts on dialogue, Dallmayr argues that life itself is dialogue—constant interactions of being in-between: between self and other, familiarity and strangeness, presence, and absence.[14] Like Arkoun, Dallmayr rejects intellectual isolationism, and seeks enrichment as well as solidarity through engagement with non-native intellectual traditions. In the process, he brings new interpreters and texts within the purview of his original intellectual tradition, and subverts tendencies toward insularity and confrontation.

In his book *Islam and the Political Discourse of Modernity*, Salvatore helps to put the work of authors such as Arkoun and Dallmayr in a broader theoretical context. He insightfully notes that intellectual and cultural interactions between the West and Islam are producing what he calls a "transcultural space." The existence of this space implies that location of an original West or an original Islam is no longer conceivable. Discourses that deny the existence of significant interaction at the cultural level are therefore revisionist in nature. Their attempts to reconstruct a pure culture or past originality result in essentialist discourses and monodimensional hermeneutics.[15]

Another contemporary Western-Islamic scholar is Abou El Fadl. Abou El Fadl's emphasis on the importance of remembering the forgotten provides an interesting contrast to Arkoun's thinking the unthought. Whereas Arkoun seeks to blaze a new trail for Islamic interpretation, Abou El Fadl seeks to uncover the richness and indeterminacy of classical Islamic hermeneutics. Reflecting the tendencies of Heidegger and Gadamer, Abou El Fadl argues that although they have been silenced or overlooked, there have been pluralistic tendencies in hermeneutics throughout Muslim history. These tendencies suggest that the art of understanding requires that the interpreter act as a mediator of multiple textual as well as contextual realities, as reflected in the following questions:

> To what extent do I, as the reader, decide the meaning of the text? To what extent are my sensibilities and subjectivities determinative in constructing the text's meaning? . . . If God chose to

communicate through an objective linguistic medium how will this
medium interact with human subjectivities or even idiosyncrasies?
 . . . Am I bound or limited by the communities of meaning that
have been generated around the text?[16]

By underscoring the multiple meanings that Islamic communities have given
to authoritative texts throughout history, Abou El Fadl seeks to counteract
tendencies toward dogmatic closure and bring the moral spirit of scripture
alive for contemporary Muslim societies. As concerns a key point in his
writings, he says, "Determinations of meaning can never be immutable or
infallible." In other words, the process of interpretation is open-ended, and
must respond to new historical contexts and experiences. "The fact that the
interpretive community might have reached a point of consensus over the
meaning of a text," states Abou El Fadl, "should be given considerable
weight by a reasonable reader, but it can never be decisively determinative of
any issue."[17] For Abou El Fadl, interpretation is a dynamic process of
understanding and mediating the diversity of meanings and their
interrelationships. He is introducing Islamic intertextuality: the study of
Islam's multi-faceted webs of texts, which are embedded in diverse contexts
of social meaning.

3. Toward Intercontextual Peacemaking

From both humanistic and practical standpoints, the current estrangement
between Islam and the West is unsustainable. Recent events have left
Muslims and Westerners increasingly distrustful both of each other and of
the more humanistic and life-affirming values within their traditions. At the
same time, Westerners are finding that they cannot retain a fully Western
way of life without peaceful relations with Muslims—insofar as the term
"Western" is intended to evoke respect for democracy, human dignity, and
human rights. Democracy, after all, cannot be protected or projected through
undemocratic means. Likewise, many Muslims are discovering that they
cannot fully realize the potential of their faith tradition as long as they find
themselves locked in antagonistic relations with a Western other. Such
relations empower extremist factions that are willing to jeopardize the rich
and diverse heritage of Islamic civilization in their pursuit of an elusive ideal
of cultural purity.

Individuals on both sides of the cultural divide have much to gain from
moving toward genuine openness to a new experience of the other. Most
important for both communities at this time is the need to move beyond
reactionary impulses predicated on solipsistic thinking. Narrow-minded
efforts to impose a truncated interpretation of a community's past on the

complex realities of the present is precisely what drove the terrorists who struck at the World Trade Center and the Pentagon: the present realities of the United States cannot be explained within the moral and intellectual horizons of radical revivalist discourse, and destroying external forms does not necessarily damage the spirit that built them.

Arab and Muslim attitudes toward the United States and United States foreign policy cannot be transformed by neutralizing radical interpreters, such as Osama bin Laden. Preoccupation with defeating adversary leaders through practices of Realpolitik can lead to a self-defeating foreign policy that only confirms the ways members of another culture textualize their world. Only active engagement through sustained intercontextual dialogue can help us to discover shared meaning amidst fear, anger, insecurity, and incomprehension.

To move beyond solipsism, Westerners and Muslims must begin to think and interact in new ways. In the modern world, retreat to a textual enclave by any group—be it Muslim, Jewish, Christian, Buddhist, or Hindu—is not only a denial of the rich diversity of the contemporary intercontextual experience, but also a rejection of responsibility for future generations. Instead of retreating into deeply self-referential frameworks, we need to develop processes of communication that produce new insights and understandings. Such processes should involve active listening and a commitment to sustainable dialogue.[18] Participants should not expect complete consensus or an immediate end of conflict. Instead, they should seek to help each side understand how the other community reads its identity into the world, while encouraging both sides work together in the discovery and creation of shared meanings and priorities. Hermeneutic dialogue of this nature would challenge Westerners and Muslims to better understand our values and ideals as we learn to share them in new ways.

Because the present world affords no scope for authenticity in isolation or security through rigid boundaries, Muslims and Westerners need to experience themselves in relationship instead of out of relationship. Fostering relations of peace in the present climate of mutual recrimination and renewed claims of inherent cultural superiority will not be an easy task. Dominant U.S. and Middle Eastern narratives are remarkably similar in the ways they seek to foreclose opportunities for dialogue. As products of solipsistic hermeneutics, such narratives make war appear natural. Peace, in contrast to war, is proactive and requires deliberate effort to move from the superficial to the relational, from morbidity to creativity, from defensiveness to openness, from a competitive focus on the negative to a cooperative affirmation of positive possibilities, and from the politics of fear and projection to the politics of hope. Positive dynamism requires full engagement of the self with the other, together with an awareness that

Islamic and Western texts and contexts bear within themselves not just the burdens of past conflicts but also resources for peacemaking in the present.

NOTES

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11. Hans Georg Gadamer, *Philosophical Hermeneutics*.

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13. Mohammed Arkoun, *The Unthought in Contemporary Islamic Thought* (London: Saqi Books, 2002) p. 324, emphasis in the original.

14. Fred Dallmayr, *Dialogue Among Civilizations: Some Exemplary Voices* (New York: Palgrave Macmillan Publishers, 2002), p. 27.

15. Armando Salvatore, *Islam and the Political Discourse of Modernity* (London: Ithaca Press, 1997).

16. Khaled Abou El Fadl, *Speaking in God's Name: Islamic Law, Authority, and Women* (Oxford: Oneworld Publications, 2001), p. 4.

17. Khaled Abou El Fadl, *Speaking in God's Name*, p. 132.

18. Abdul Aziz Said and Nathan C. Funk, "Making Peace with the Islamic World," *Peace Review*, 15:3 (September 2003), pp. 339 347; Nathan C. Funk and Abdul Aziz Said, "Islam and the West: Narratives of Conflict and Conflict Transformation," *International Journal of Peace Studies*, 9:1 (Summer 2004), pp. 1 28.

Three

GLOBALIZATION AND TERROR

Robert Paul Churchill

There is, I believe, a powerful and symbiotic, but horribly perverse relationship between globalization and terror. Globalization causes terror and it fattens on terrorism. We witness this double process at work as I write. The war on Iraq and current nation building are attempts to inaugurate a newer, cooperative Iraq into global capitalism. Meantime, terrorism is flourishing in the wake of the United States attacks on these countries that have been the best recruitment tools of what Benjamin Barber calls, "malevolent Non-governmental organizations [non-governmental organizations]."[1] According to a report released by the National Intelligence Council in January, 2005 and citing the analysis of 1,000 United States and foreign experts, Iraq "is a magnet for international terrorist activity."[2]

Paradoxically, major beneficiaries of this fear-making process include parties who claim to be most opposed or endangered by it. Despite George W. Bush's harping about "a hidden network of killers," his presidency is itself a beneficiary with its increased power and impunity (for example, the attacks on civil rights made by successive Patriot Acts and assaults on human rights at Guantanamo Bay and elsewhere).[3] Another beneficiary is the cluster of transnational corporations at the forefront of economic globalization that have garnered lucrative defense contracts or no-bid sweetheart reconstruction deals, and that dream of windfall profits once the last holdouts (for example, Cuba, Iran, Iraq, North Korea, and Syria) have been converted to global capitalism.

Numerous hypotheses attempt to account for this link between globalization and terrorism. Predictably, they emphasize the extent to which the Bush administration and an economic plutocracy have exploited the events of 11 September 2001 and continue to benefit from unsettled situations relating to terrorism. Richard Falk, for instance, speaks of the continuing extension of United States military hegemony, which he characterizes as a slide towards "global fascism."[4] Roger Burbach and Jim Tarbell refer to "an aggressive imperial plan driven by neo-conservative hawks . . . fundamentally intent on advancing the narrow interests of an imperial plutocracy that plunders the planet's resources . . . "[5] Tariq Ali proclaims that globalization, "walks on two legs: one is the Washington consensus and all of its institutions, including the International Monetary Fund, the World Bank, and the World Trade Organization, all of which compose a particular sort of economy on the world. And where that does not work they go to war to create it."[6]

Such explanations offer us a perspective from which to make sense of the way events have turned out. Nevertheless, such explanations are partial and overly simplistic. They look rather like the reverse image of the way that Bush, his vice-president Richard Cheney, and his secretary of state Condoleeza Rice view the world: namely a characterization of events following 11 September 2001 as a result of a grand design, amounting almost to a conspiracy, as well as invoking a stark division between the good guys and the bad guys—Us versus Them. The twist is that now the bad guys include the Bush administration and the corporate plutocrats plus the Washington consensus bureaucrats, while all right thinking United States citizens and Europeans are part of Us against Them.[7]

Obviously, any explanation worth its salt must account for what people do and say. Deeds, in contrast to mere descriptions of bodily movements, do not exist as factotums, however. They are laden with interpretive meaning, and I doubt rational actor hypotheses that look only at what people report about their or others' reasons for actions or beliefs, can account for the kind of evil involved in the perverse relationship between globalization and terror.

Events such as those of 11 September 2001, exposing the vulnerability of the United States, are extremely traumatic and highly charged; they imbue ordinary persons and leaders with frightening feelings that one has been overtaken by unintelligible events, things have lurched out of control (all that is solid melts into thin air); and they challenge our sense that we can cope, find direction, and restore meaning to our lives. Traumatic losses fill us with remorse and generate the need to mourn; shattering events reduce us to impotent creatures, humiliating us and often evoking rage. We can think, therefore, of all humans as needing to manage a psychological economy in which functional real-time problem solving is complexly interwoven with time collapsing, irrational urges and expressions that may undermine rational plans, or make ill-advised and risky adventures appear to be viable options.

Theorists and conflict resolution practitioners in the new field of political psychology have made extensive studies of the ways leaders attempt to manage turbulent psychological economies, and the effects of psychological shocks and traumas on collectivities.[8] Experts in this field have shown how historically traumatic events, so-called chosen traumas, imprint themselves on the collective identity of a group, and consequently increase the appeal of narcissistic, single-minded leaders who convey the illusion of strength and destiny, but complicate the group's efforts to resolve its dilemmas.[9]

Unlike rational actor explanations, political psychological accounts are not limited to what principal actors—the Bush administration and corporate plutocrats—solemnly profess as the reasons, beliefs, or motives they had for acting as the did. Nor is this approach based on what critics, making

alternative interpretations of the same evidence, infer or attribute to Bush and his plutocratic allies. Political psychology has the advantage of hypothesizing why decision makers choose to act as they do, even when these agents themselves cannot articulate reasons that seem most apparent to objective observers, because the political actors are in denial, are self-deceived, or are culpably ignorant, or because they are evading guilt or shame, or projecting unwanted bad elements onto outsiders that seem inconsistent with the good identities to which they cling.

My objective is not to discuss political psychology at greater length, although the remainder of my paper will be based on this approach. My project is to examine globalization as part of the psychology of enmity and domination on the part of both key leaders who set and execute policy, and a collusive electorate that offers support. My central thesis is that there is a perverse relationship between globalization, and its principal sponsor—the United States—at least as seen by most of the world—and terror. My thesis is advanced in three parts. In the first part, I argue that globalization, along with the United States' waning power and influence, generates tensions and dissatisfactions among those who are supposedly its beneficiaries—the leaders and citizens of the so-called freest of the free of the world. This tension and malaise lead to deep and pervasive misperceptions of victimization, along with resentment and anger over being denied one's rightful place as winners of the Cold War.

In the second part, I argue that, in response to our spiritual malaise, leaders of the wealthy seek to control access to the goods, or resources, on which our way of life depends, as well as to reassert United States power. These efforts to secure our proper place in the sun are tragically channeled into the victimization of millions of persons in the third world and global South through methods of domination and exploitation inherent in economic globalization itself. Globalization, I argue, results in the terrorization of millions of the Earth's poor and creates enemies.

In the third part, I argue that many acts of violence committed by so-called terrorists, or malevolent Non-governmental organizations, are reactionary; they are reactions to the terror of globalization. I believe that the 11 September 2001 attacks on the United States fall in this category, but even if I am wrong about 11 September 2001, we should expect violent reactions in the future. But, such reactions serve as rationalizations for further enmity and domination, and in turn, the further reach of globalization. This cycle will end only when economic globalization's sponsors recognize it for the evils it perpetrates, and when they join their global brethren to promote genuine economic development and self-determination.

1. Discontent and Heartburn in the United States

 "September 11, the Day of Ignominy, has changed America and the world."[10] This expression of the public humiliation, disgrace, and sense of irretrievable loss is what we must believe Mohammed Atta al-Sayed and the 11 September 2001 attackers hoped to evoke. For its part the Bush administration planned to turn the tables through its own display of overwhelming shock and awe. But, what I will refer to as a deadly dance of death, between the United States and those to be declared its enemies had already begun, in part, through the United States's search for an adversary.

Ever since the demise of its long-standing, reliable opponent, the Soviet Union, the United States desperately needed an opponent against which it could define itself as strong and superior. With the collapse of its former nemesis, the lonely superpower was threatened with exposure, like the emperor who had no clothes. How was the president to be a convincing leader of the free world when, with the end of the specter of nuclear holocaust, real leadership required moral vision instead of the appearance of military might?[11] This was a question the likes of Bush, Cheney, Condoleezza Rice, Donald H. Rumsfeld and Paul D. Wolfowitz were not competent to answer. But immediately following 11 September 2001, they experienced a time collapse, a psychological compulsion to re-enact the past. And then the answer was at hand: A new enemy could be named against whom the United States could once again demonstrate leadership through force.

Bush boasted that they started the war by attacking us. Wittingly or unwittingly, Bush endorsed Samuel Huntington's thesis of a clash of civilizations, according to which they are not like us, and for inexplicable reasons, they hate our way of life.[12] Philosopher Louis P. Pojman added darkly, "there is something in Islamic culture that predisposes it to violence . . . "[13] Aside from its essentialism, what is remarkable about this position is its one-sidedness; its presumption of complete innocence among United States, despite telling evidence to the contrary. Given what we now know about secret strategic meetings in successive Bush administrations, it is hardly surprising that the United States would wage war against Iraq, a country known, contrary to propaganda, not to possess weapons of mass destruction. Nor is it surprising that the United States would designate as new enemies, not only al-Qaeda, but regimes such as the Taliban and Saddam Hussein who were most audacious in challenging our ideology and preeminence.

Claudia Card has noted, quite correctly, that the Bush administration meant the war on terrorism to be taken literally and not metaphorically like the war on drugs or the war on crime.[14] By declaring a war on terrorism,

Bush intentionally spurned the view that persons implicated in violent attacks on the United States were responsible individuals who had committed criminal acts and therefore should be brought before international criminal tribunals. Instead, the United States committed itself to combating a faceless, amorphous, and ambiguous entity. The Bush administration consistently reiterated that this is no ordinary war; the United States does not know who or where the terrorists are.

Precisely this point needs emphasis: it is more important for the regime to have enemies than to hunt them down and bring them to justice. Apprehending, interrogating, confining, and torturing some enemies is important because it confirms their reality. But very few are needed for this purpose; it is more important to have enemies at large, even if, at the end stage, the regime itself has to create suspects from among its citizens.

Making war on an occasional "outlaw" states for harboring terrorists, or even appearing to be supporting terrorists, can seem good for business. The elimination of a hostile regime would open the way for nation building and produce an economically dependent and acquiescent client state. The day that Baghdad fell, Bush had M1-Abrams tanks and humvees put in front of the Energy Ministry, the heavy industries, the oil pipelines, and the defense ministries. None were placed outside the national museum, or in front of universities, schools, or libraries.[15] Even if a war on terrorism cannot make the United States safe, red alerts and war jingoism distracts voters from the underlying, economic and political causes of terrorism, as much as it obscures the government's ulterior motives.

While enemies need not be hated, they are dispensable; they exist to be overcome. Because enemies may be killed or punished, they are not persons with whom we are expected to converse to learn their grievances and what drives them to commit desperate and murderous acts. Instead, we seek to know them only in terms of our sensibilities. We feel strong in proportion to our perception of their weakness. This is why the making of enemies involves cruelty and humiliation, as witnessed at Abu Ghraib. As Jocobo Timerman reports from his experience of torture during Argentina's dirty war, oppressors do not torture or humiliate to know their victim's secrets, but to know the victim, through his pain.[16]

Elaine Scarry demonstrates in her study of torture that regimes aware of their illegitimacy need victims, and they need them in proportion to their illegitimacy. Scarry characterizes torture as a grotesque type of compensatory drama.[17] The intense pain and terror of torture disintegrates the victim's world, and torturers and their regimes need this grotesque drama as a way of re-affirming their sense of reality and the legitimacy of their domination. This can be true of warfare as well, where in place of absolute pain, shock and awe is converted into the fiction of supreme power through a

self-conscious display of agency. (There are strong similarities between this use of violence and the theater of terror discussed in my third part.) But, as Arendt, Foucault, Mohandas K. Gandhi, Schell, and Sharp have all emphasized, violence is not the epitome of power, but its antithesis.[18] Power consists not in physical force, but in collective will.

Yet, in order to bolster the faltering view that fifteen percent of the world's population (including the United States's six percent) are privileged to enjoy a lifestyle that consigns eighty-five percent of humanity to misery, the president proclaims, "Democracy is on the march," meaning that the Bush Doctrine and selected transnational corporations, such as Halliburton and Bechtel, are on the march. He has cast the United States as the champion of economic globalization, and wishes us to believe that we will find the solution to our spiritual malaise through the manifest destiny of globalization, as if it will automatically confer on the globe the blessings of democracy and the United States way of life.

While there is no precise definition of economic globalization, experts widely agree, "[The] driving forces behind economic globalization have been several hundred global corporations and banks that have increasingly woven webs of production, consumption, finance, and culture across borders."[19] Integral parts of economic globalization are an ideology that gives primacy to capitalist values above all others and worldwide bureaucracies that, though increasingly unaccountable to governments and peoples, generate and enforce the rules of free trade. Globalization results in an open, worldwide market economy in which corporate activity and profit-taking are minimally constrained by national laws, regulations, or other local conditions.

Despite the appearance that globalization is a product of free forming and self-perpetuating rules (on the model of Adam Smith's invisible hand), this is mythology. Politics decides who wins and loses economically on the global stage.[20] This is especially true of the differential ability of governments and their corporate sponsors to influence global bureaucracies, notably the World Trade Organization (World Trade Organization), as well as the ability of the world's largest corporations to use technology and to organize efficiently to exploit resources and to dominate markets.

Neither in the short nor long run will average United States citizens reap the disproportionate share they want of the benefits of economic globalization. In the long run, and given an increasingly level playing field, Chief Executive Officers of giant corporations and the wealthiest stockholders are increasingly unlikely to be United States citizens. Consider that the deficit in the United States balance of payments is up to about five trillion dollars a year; the United States federal debt is three times the size of the combined remainder of world government debt; and the United States

lost three million industrial manufacturing jobs in the first years of the Bush administration.[21] This is evidence that the United States is losing global leadership in the production of goods and services and even its traditional edge in technology. There is also comparatively little direct investment being made in the United States except to buy United States companies and their global assets.[22]

 United States economic preeminence is collapsing. And feelings of loss of control and impotence cannot be compensated for through imperial ambitions. The Bush administration's attempts to reimpose itself as the center of power in the world are ironically self-defeating. The Bush administration's clumsy efforts to enrich its friends and closest supporters, while deflecting discontent onto enemies, has led Bush to squander the political capital and opportunities (too numerous to list) needed to respond constructively to global problems.

Many, if not most United States citizens see themselves as victims or potential victims. And United States citizens are victimized. But they are targets of foreign terror far less than the numbing banality and hollowness of their lives. There is a bathetic horror about millions of affluent United States citizens believing that their well being depends on getting a bargain at Target or Wal-Mart, regarding a greasy McDonalds or Wendys as a restaurant, and diverting themselves with television and film spectacles that celebrate humiliation and domination. The bill of goods sold to them by our culture and government backed businesses is that they can fulfill themselves through the endless consumption of disposable goods; that churches like country clubs or twelve-step programs offer the highest expressions of spirituality; and that jingoistic, flag-waving nationalism is the noblest of sentiments. Can it surprise us that such deracinated persons, who nevertheless believe they should be living the good life, feel cheated and are full of resentment?

Instead of identifying as causes of discontent the limits and failings of global capitalism, too many United States citizens make common cause with leaders who commend them for being strong, and good and compassionate. They are enabled by Bush's enemy-making to project their self-loathing outward onto identifiable others who can be feared and regarded as insanely malicious. It is remarkable how voters are able to sustain great cognitive dissonance in this enterprise, continuing to believe, overwhelming evidence to the contrary, that Iraq possessed weapons of mass destruction and that Hussein was directly connected with the 11 September 2001 attacks.[23]

Too many people are primed by our culture to feel their self-esteem increase with awareness of the humiliation of others. It is well known that privileged young people in the United States, exceedingly focused on the attributes of wealth, status, and popularity, are prone to humiliate others who do not have the same designer clothes or are not able to take expensive beach

or ski vacations. They relieve themselves of their feelings of inadequacy by reviling others, and feeling better by comparison. The ultimate outcome of projection and constant humiliation is the Columbine syndrome, and in this sense, at least, terrorism is not so much out there but a "cancer in an immune-deficient body politic."[24]

I do not know whether it makes sense to speak of millions of people and their preferred leaders as suffering from a kind of collective pathological narcissism in which the collectivity demands complete control over all sources of the good and complete self-sufficiency in consequence. But even if it does not, we should be concerned about politicians who exhibit these traits. Already in the 1970s Nancy Chodorow's research showed that narcissistic tendencies colored the socialization of males. The studies of Daniel J. Kindlon and Michael Thompson in their book, *Raising Cain*, have shown that boys have learned from our culture that men should be controlling, self-sufficient, and dominant.[25]

Like our born again president, men should never admit to fear or weakness, and deny that they make mistakes. As Kindlon and Thompson show, the consequence of this deformed expectation is that many men (and women) come to lack an understanding of their vulnerabilities, needs, and fears—weaknesses that all human beings share. "This emotional illiteracy is closely connected to aggression, as fear is turned outward, with little real understanding of the meaning of aggressive acts and words for the feelings of others."[26]

The narcissistic obsession with the welfare of the self demands domination of the sources of the good, and in today's world, these are the apparent goods promised by global capitalism: wealth, status, and fame. The privileged in the global North and West use the manipulative and coercive forces of globalization and try to secure for themselves as many of these goods as possible. In the process, they degrade the lives of millions who are not allowed to share in the wealth created by economic globalization. Victimization results from systemic patterns of deprivation, and consequently, as it presently exists, globalization also creates, and needs, its enemies. I turn now to the second part of my argument.

2. How Economic Globalization Creates Enemies

As noted earlier, there cannot be enemies unless a mentality of us versus them leads to the denigration of collectivities as the enemy on whom it is permissible to wage war. Economic globalization, as presently arranged for the benefit of a small minority, involves such a process of enemy-making. It requires that there be a vast number of losers—that most of humanity suffer

and die from preventable and foreseeable causes—in order for there to be a relatively small number of winners.

By 2002 the world's 475 billionaires had amassed wealth equal to the combined income of the bottom half of humanity.[27] In order for the privileged fifteen percent of the world's population to amass so much wealth, plans and policies are designed to plunder and to pillage so the remaining eighty-five percent of humanity must constantly confront infant mortality, child labor, sexual servitude, hunger, squalor, and disease. Over 2,800 million human beings live below the World Bank's $2.00 a day poverty line, one third of all humans presently alive will die from preventable poverty-related causes, and the "poorest fifth of humankind are today just about as badly off, economically, as human beings could be while still alive."[28]

It needs to be stressed that much, if not most of this human catastrophe does not occur as a result of some fortuitous natural lottery, or as consequences of unalterable economic or demographic laws. It is not an inevitable outcome, occurring despite the best efforts of wealthy states to stave it off. Nor is it a result of the privileged just leaving the poor "well enough alone." On the contrary, corporate plutocrats and their beneficiaries and henchmen—the Chief Executive Officers of transnational corporations, backed by shareholders and the bureaucrats of the World Bank, International Monetary Fund and World Trade Organization—plan and impose policies that cause foreseeable and preventable suffering and death.[29] I take this part of the tragic story to be sufficiently well known, however, that I do not need to present again here.[30]

One might suppose that the poor and suffering are invisible to the very rich, and are therefore not treated as possessing the dignity belonging to members of the human family. But this would be a mistake. On the contrary, the rich and powerful have their eyes wide open. They know where the starving and impoverished are, and they know what needs to be done to shut them up or down, and to break their will to resist.

The continual scheming that results in increasingly vicious regulations, such as the patent system the United States succeeded in forcing onto the World Trade Organization and the World Trade Organization's subsequent Trade-Related Intellectual Property Rights agreement (TRIPs). Under these provisions corporate giants such as Monsanto patent living organisms and life forms that are self-creating. The World Trade Organization has redefined seed saving, once a sacred duty practiced by third world farmers, as the criminal offence of stealing corporate property.[31] Employees of pharmaceutical corporations penetrate the reserves of indigenous peoples surreptitiously extracting blood and scraping buccal mucosa from native

peoples, hoping to find and then patent genes that contain natural resistance to certain maladies.[32]

How can we conceive of the way the Earth's suffering masses are treated by the beneficiaries of globalization, except as enemies? As Mark Juergensmeyer has stressed, and as demonstrated by the United States's response to the 11 September 2001 attacks, the conception of the enemy is socially assembled.[33] Victims are not regarded as possessing individual personalities. Instead the enemy is a virtual representation of a faceless, amorphous collectivity. Enemies are categorically out of place and are therefore a symbol of disorder.[34]

One of the functions of ideological war—whether based on religious vision or free-market capitalism—is to assert the triumph of order over disorder. Just because they live where they do, in regions where major corporations ruthlessly extract resources, or despoil commons through externalizing wastes, the poor are in the way and, therefore, out of order. As well, just because they need what economic globalization thwarts, namely, the fulfillment of their basic needs, the downtrodden are perceived as in opposition to the aspirations of the wealthy. The wealthy and powerful perceive it as permissible to treat the helpless as morally inconsiderable, and as obstructing or resisting their supposedly justifiable demands and therefore, as legitimately vanquished and dominated. To some extent, the mere existence of the poor constitutes a rebuke; for it exposes the lies (such as, a rising tide raises all boats) the rich repeat like mantras to assuage themselves. Because their existence is a rebuke and an insult, the poor deserve their punishment.

I conclude that because the deprivations and harms suffered by millions are foreseeable and preventable consequences of choices made by the very rich and the way they have designed their institutional order, and because these outrages are the result of intentional actions, as often as culpable ignorance or self-deception, they constitute crimes against humanity. Because these crimes are the products of organized and institutional processes, they have a systematic nature, and because they result in plundering, shackling, and breaking the will of the very poor, they also constitute a kind of war waged by the very rich and their new order against the wretched of the earth. It is entirely appropriate, in addition, to regard the war-making apparatuses of economic globalization as inducing terror in the millions who cannot fulfill their most basic human needs with dignity, and who cannot even hope for a day when they can influence their destiny.

In discussing the plight of the global poor, who labor all day for a few dollars a month, Thomas W. Pogge reminds us, "[They are] unable to cause us the slightest inconvenience" adding that, thanks to our superiority, they fall outside of what Rawls has called the circumstances of justice."[35] Pogge

reminds of us of Hume's observation: "Were there a species of creatures intermingled with men, which . . . were possessed of such inferior strength, both of body and mind, that they were incapable of all resistance, and could never . . . make us feel the effects of their resentment . . . the restraints of justice . . . would never have place in so unequal a confederacy."[36] If the desperately poor were able to ponder the injustice of their plight, they would see United States (and the United States) as enemies. They might reasonably suspect that, as Pogge writes, "We will not do a damn thing about their misery until they have the economic and military power to do us serious injury."[37] But lacking such economic and military power, how else might they make us feel their resentment?

They cannot massacre or plunder us, or lay waste to our land, but they might, with a lucky combination of stealth on their part and negligence on ours, send us a potent and hateful message. This brings me to the third and final part of my argument.

3. Violent Resistance and the Dance of Death

Crimes such as the 11 September 2001 attacks and the apprehension and beheadings of civilians in Iraq are examples of real evil. Nothing I say, therefore, should be taken as condoning such evil acts, for it does not follow that what the Bush administrations depicts as terrorism would be exculpated even if it is a reaction to the institutionalized warfare of the wealthy against the poor. Having acknowledged this point, it is difficult to decide whether the attacks of 11 September 2001 were acts of terrorism, as our government claims, or hate crimes, albeit of a dimension great enough to classify them as crimes against humanity.[38] We know that the 11 September 2001 attacks resulted in widespread terror, but we can only speculate about the attackers' motives. Were the deaths inflicted on civilians intended to coerce our government, as in terrorism? Or were the 11 September 2001 attacks hate crimes directed at United States citizens based on our national identity, and intended to punish and humiliate us, and show the world that the United States was not invulnerable?

I believe the 11 September 2001 attacks are best understood as hate crimes intended to humble the United States The strongest evidence for this claim has to do with the highly symbolic and communicative facets of their deeds. First, their weapons of choice were jetliners, enormous petrol guzzling machines that we rely on, as a matter of course, for business and leisure. The attackers converted obvious symbols of our wasteful way of life into lethal weapons. Also they committed acts they knew would hold television and our electronic media enthrall, so that millions world wide would be mesmerized by the lust of the eye, as they watched again and again

the horrific but sensational images of jets flying into the twin towers.[39] The twin towers and the Pentagon are major symbols of triumphant capitalism and United States military might. The sixth jetliner, downed in Pennsylvania, was presumably intended for the White House or Congress, the symbolic head of what the hijackers regarded as our corrupted, out of control, government.

Had the hijackers intended to terrorize us by killing as many United States citizens as possible, then they would have done better to fly all six jumbo jets into capacity filled major league football stadiums on a Sunday afternoon—FedEx Field where the Redskins play itself holds over 60,000 spectators. The total massacre then might have reached over 200,000 resulting in far greater terror throughout the United States.

René Girard spoke of violence, in contrast to the Freudian aggressive impulses, as a mimetic desire.[40] While Girard developed this concept to refer to ritualized, sacrificial, violence in religion, I believe it can be applied to the 11 September 2001 attackers. When one group perceives a rival, in this case United States (and the United States), as able to create victims whose deaths will provoke no reprisal, then that group may form a mimetic desire to imitate the rival, by inflicting death through purifying, sacrificial acts of violence. Such mimetic acts of violence are thought to leave a group's community more united, and therefore, psychologically stronger. The attackers did not target the thousands of persons who died on 11 September 2001 as specific individuals. Their hatred was for the United States they knew only as an abstraction; their enemies were as faceless and amorphous as the poor are to wealthy, and the passengers on the jetliners were seen as an inconvenience, just as Novartis and DuPont regard indigenous peoples in the Amazon basin as an inconvenience.

The hijackers' objective was to create a theater of terror: successive acts of deliberate and savage brutality, intended to be vivid and horrifying, and resulting in mesmerizing theater.[41] As Mark Juergensmeyer indicates, performance violence fulfills three functions. It communicates symbolically about the underlying reality of life. In this case the message was captured by Don DeLillo's comment, "Only the lethal believer, the person who kills and dies for faith" (prophet or manna) is taken seriously in the modern world.[42] Second, performance violence has the character of a public ritual. Because it is so arresting, it inscribes itself on all those who witness it, in person or via media, as part of their lived history. Third, the power of performative acts depends on whether their significance is believed, whether or not we take them seriously.[43]

I have been making the case that the 11 September 2001 attacks were acts of mimetic violence undertaken by men looking for symbolic ways of making their resentment known. Through their theater of terror they sought

to change our consciousness—to initiate us into life experiences they feel we have imposed on them. Their message, if DeLillo captures it accurately, should chill us to the marrow, for we know far too well that there exist those on our side (if we can call it that) who are only too willing to kill for their ideologies. 11 September 2001 cracked the veneer; in taking their message seriously, we distrust the orderliness and coherence of the world around us. Even the most ordinary things on which we depend for life—clean air and drinkable water—can be turned into lethal substances at another's whim. For the first time, our lives become a little more like the wretched of the Earth whose lot in life is determined by unknown Chief Executive Officers and bureaucrats whom they have no hope of influencing.

4. Terrorism and Global Economics

It should now be clear why there will continue to be a cyclical pattern of increasing violence and counter-violence. Because of its need for domination of world resources, and consequently, its war on the downtrodden, globalization causes misery that is identified with the United States, as the leading promoter of global capitalism. Different individuals and malevolent Non-governmental organizations respond to despair and provocation in violent ways. They lash out, or commit crimes against humanity, and are then labeled terrorists by the United States that declares itself justified in making war against terrorism and any state designated as harboring or abetting terrorists. There exist, consequently, a vicious spiral of crimes committed by malevolent Non-governmental organizations followed by state terrorism, or war, and further acts of violent resistance. This is a kind of violently perverse discourse, dramatically enacted as what I have described as a dance of death.

I am not optimistic that this dance of death will end unless economic globalization is humanized through reforms intended to promote the development of all human beings. This would require an overhaul, from top to bottom of the global institutions supporting the Washington consensus, and modification of the rabid ideology of global capitalism.

But those responsible for the on rush of globalization are, after all, ordinary human beings pulling levers like the Wizard of Oz. So, the most fundamental change must be one of consciousness. My analysis portends sweeping changes in the ways we ought to think about the role of the United States in a globalizing world. We must operate with an entirely new paradigm. A miasma shrouds reality. And all those who can must ask new, penetrating questions about the ideological claptrap surrounding the administration's machinations, increasing plutocratic trends, transfers of power to an unaccountable international bureaucracy, and most important,

the ways the politics of identity under globalization requires a universal enemy—the global poor.

On the other side, we need leaders who have a genuinely moral vision. The bravest, most difficult thing a moral leader must do is to help United States citizens understand three fundamental truths. First, the lifestyle the wealthy enjoy, and to which most others aspire, is unsustainable. Second, all unfulfilled human rights have come to be everyone's responsibility, and third, real, lasting security, lies not in controlling and hoarding goods, but in ensuring their equitable distribution to all.

No one can be sanguine about the effects on the United States electorate of new dialogue and debate about globalization or new moral leadership. But we need the right answer to the right question. The question is not whether we can realistically expect to have any political effect. That is simply beyond our control. The question is whether, knowing what we do about the links between globalization and terror, can we continue thinking (or not thinking) and talking (or keeping silent) about terrorism and global economics just as before? And the answer to that question is that we cannot. For moral as well as prudential reasons, we are obligated to become better informed and engaged by speaking out against exploitation, indifference, and national egoism.

NOTES

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15. Benjamin Barber, Interview by Jhally and Earp, *Hijacking Catastrophe*, p. 17.

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35. Pogge, *World Poverty and Human Rights*, p. 127.

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37. Pogge, *World Poverty and Human Rights* p. 214.

38. Card, pp. 172 174.

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Humanizing Globalization

Four

MAKING IT UP AS WE GO ALONG

Tracey Nicholls

> To be a jazz freedom fighter is to attempt to galvanize and energize world-weary people into forms of organization with accountable leadership that promote critical exchange and broad reflection. The interplay of individuality and unity is not one of uniformity and unanimity imposed from above but rather of conflict among diverse groupings that reach a dynamic consensus subject to questioning and criticism . . . [I]ndividuality is promoted in order to sustain and increase the creative tension with the group—a tension that yields higher levels of performance to achieve the aim of the collective project.[1]

I begin my discussion by drawing our attention to this quotation from Cornel R. West's essay "Malcolm X and Black Rage," because it encapsulates the mindset I wish to endorse as a model for political action. West takes up jazz as a metaphor for "a mode of being in the world," which he understands to be characterized by "protean, fluid, and flexible dispositions towards reality."[2] The way he takes up this metaphor and stresses jazz's fluid, ever-changing engagements with the world privileges the creativity that multi-perspectival dialogue can inspire. In his attention to dynamic consensus, which is achieved through negotiation of diverse perspectives instead of through an imposed unanimity, West works with a specific notion of jazz, one which foregrounds improvisatory practices within the jazz tradition.

West draws attention to what we might call principles of improvisation: respect for individuality and difference of viewpoint, open invitation to contribute each person's voice to the performance, and acceptance of the provisional and constructed character of all working alliances. These principles are of particular interest for their ability to promote responsible and respectful community building. This link between musical practice and political position is not West's insight alone; both theorists of, and musicians within, the free jazz movement of the 1960s have responded to the question of what it means to be the figure that West labels as the jazz freedom fighter.

Historian and jazz writer Frank Kofsky examines John W. Coltrane's musical experimentation in the context of understanding free jazz as a protonationalist avant-garde movement, which foreshadows the emergence of the black nationalism represented by Malcolm X.[3] Kofsky takes pains in

his interviews with Coltrane to situate the man's musical commitments within an overarching commitment to a spiritualism that Kofsky terms cosmic mysticism.[4] In his reflections on these interviews, Kofsky asserts a similarity at the level of values between Coltrane and Malcolm X. Kofsky cites such things as their self-imposed standards of excellence; commitments to critical reflection on their beliefs and to using that knowledge to help others; and avoidance of hypocrisy, conventional wisdom, and other easy answers.[5] Coltrane contemporary and fellow saxophonist, Archie Shepp, is more specific about the progressive content of jazz ideals. He declared in a 1966 *Down Beat* panel discussion that, at the level of political values, jazz "is antiwar; it is opposed to Vietnam; it is for Cuba; it is for the liberation of all people."[6]

Political values presuppose political agents, so I propose to take Shepp's comments about the ideals to which jazz is committed one step further and sketch a set of principles of improvisation available to be articulated and practised by political agents (broadly construed) in geo-political situations. This proposal—to make improvisatory musical practices say something about how to build better communities—is not as much of a stretch as it might first seem. Drawing on her experience as a musician and extensive interviews with other musicians active in the New York jazz scene in the 1990s, music theorist Ingrid Monson draws attention in her book *Saying Something* to the simultaneous occurrence of the development of "emotional bonds through musical risk, vulnerability, and trust" and the constructed performance.[7] Implicitly, Monson's analysis of "the activity of music making as something that creates community" reveals community as a performative notion, a conception that is not reducible to shared geography or essentialized social identities (in terms, say, of race, gender, class).[8]

A performative notion of community reminds us that community is not something we have, but something we do—together. From this understanding of community as performed, Monson develops a fundamental principle of improvisation: we ought to have egalitarianism in decision-making and in responsibility.[9] There exists no single composing authority in a jazz ensemble committed to improvised music-making and no player is expected, or permitted, to be the mere instrument of the band leader's will; all performance participants are also compositional participants.[10] The necessity of contributions from each of the performers justifies the egalitarian apportionment of control and responsibility.

On Monson's view, what musicians do when they improvise is introduce fragments of ideas, which get assembled through negotiation.[11] Because there is no unifying perspective imposed on these negotiations (such as, the performance instructions provided by a score), performers may play their way into problematic musical structures, which need to be resolved in the moment. Monson argues that these mistakes are aesthetic values and

cites by way of explanation an observation made by drummer Ralph Peterson Jr. who said, "A lot of times those are the most musical moments, because the desire to compensate for the ... mistake ... often leads to a special moment in music where everybody begins to come to the support" of the idea that is being worked out.[12]

Successful improvisations, then, are those that build tensions through a process of inventive performance strategies and soundings offered up by individual performers in order that these contributions might be considered and contested by the others in the group. The group has the responsibility of listening, and the freedom to reinterpret individual offerings, so that they might creatively resolve the problem situation in such a way that a rich, coherent musical experience issues forth from the collaboration.

For the sake of clarity, I want to recast the overlapping principles put forth by West, Kofsky, and Ingrid Monson before taking up the task of applying them to an example. Monson's principle of egalitarianism is easily reconcilable with West's expectation that all members of the group will contribute their voices, and with Kofsky's commitments to performative excellence and using an individual's knowledge to help others, under a general demand for our best efforts. These acknowledgements that our best efforts are demanded can be labelled "the self principle."

Similarly, West's respect for differences and Kofsky's ruling out of easy answers can be brought together and labelled as "the situation principle," a recognition that the circumstances in which we improvise invite complexity and also a mixing of viewpoints, which carries the potential for both conflict and creativity. We can derive and label "a critique principle" from West's observation of the perpetually open (to scrutiny and revision) character of improvisation and from Kofsky's commitment to critical reflection. In any analysis of how principles of improvisation lend themselves to community building, we need to interrogate the generosity and openness with which we commit ourselves to the project at hand, the extent of our appreciation for complexity of circumstance and standpoint, and the willingness to remain continually open to re-evaluating our interpretations and judgements.

Why should we extend improvising from the club stage to the world stage, from music to politics? This would seem to be a bad idea, naive, if not outright dangerous. But, regardless of whether adequate forethought has taken place in the planning stages, the indisputable fact remains that situations can and do require ongoing negotiations. We can think, for instance, of the rise of resistance in Iraq after major combat operations had been officially declared a successfully completed mission, and the problems of gang violence and small arms proliferation that multinational forces, led by the United States and the United Nations have faced in Haiti since the expulsion of Jean-Bertrand Aristide, then President of Haiti, in February 2004.

In both cases, we see the necessity for rethinking strategies on the ground. Despite conventional political rhetoric about not negotiating with terrorists, we also see the need to remain open to talks with anyone in a position to contribute (positively or negatively) to the community. My goal in this chapter is not to attack planning, but to present two virtues of improvisation: one, it provides a creative resolution strategy where and when it becomes apparent that the advance planning needs to be supplemented or replaced; two, internalizing what I am calling principles of improvisation can make us more sensitive and responsive (more competent) political agents.

I want to turn to the problem of arms proliferation in Haiti and talk about a recent attempt to disarm groups on all sides of the current clash of political interests. This particular attempt involves Brazil's sponsorship of a peace game in which the Haitian soccer team would play an exhibition game against the world renowned Brazilian team on the understanding that guns could be traded in for tickets. The analysis I offer here is not intended to claim that this game, which took place in summer 2004, achieved any success in the overall process of disarmament, but to depict an apparent instance of creativity and openness to negotiation within that process.

Weapons proliferation and political instability are not new problems in Haiti and attempts at things like buy back programs have been tried before (with some success during the 1994 mission authorized by William J. Clinton, then President of the United States). This chronic problem is back on the front burner now because of continuing polarization and mounting violence between pro- and anti-Aristide gangs, and because of the lack of evident effort that United States or United Nations forces have put into realizing the disarmament aims of United Nations Security Council Resolutions 1529 and 1542.

In the weeks leading up to the forced departure of President Jean-Bertrand Aristide on 29 February 2004, spokesmen for rebel military and paramilitary groups tied promises to disarm to demands for his removal. One spokesman, Winter Étienne of the (anti-Aristide) Artibonite Resistance Front (formerly, the pro-Aristide Cannibal Army), indicated his group would form a political party if Aristide were removed from the presidency, a party with "a right-wing economic program and a left-wing social program"—which, ironically, is exactly what Aristide seemed to be committed to in his attempt to reconcile imposed neo-liberal restructuring policies with his social justice platform.[13] Aristide left, but the guns stayed.

More recently (August 2004), armed gangs of former soldiers raised the stakes by demanding ten years' back pay from the Haitian Army, which had been disbanded by Aristide in 1994 when he returned to power after the first coup.[14] The need for immediate disarmament of former soldiers and paramilitaries was clear from the time that United States military forces moved in for their three-month post-coup deployment on 1 March 2004.[15]

However, it was not until United Nations troops were organized to replace the United States-led contingent that the United Nations Security Council drafted a resolution, which included a mandate to assist in "comprehensive and sustainable disarmament."[16]

In June 2004, Brazil took command of the United Nations Stabilization Mission in Haiti (MINUSTAH) and started trying to pick up the pieces of this problem situation. Brazilian President Luiz Inacio Lula da Silva, eager to demonstrate Brazil's ability to play a leadership role in the region, picked up a suggestion, made by Haiti's interim Prime Minister Gerard Latortue, that Brazil's famous soccer team play a peace game against the Haitian team in a guns-for-tickets exchange.[17] Authorities immediately raised security concerns, prompting the Brazilian president to propose going ahead with the game, but without the gun-exchange element.[18]

In picking up and negotiating Latortue's idea fragment, Lula was, as Ingrid Monson's quotation of Peterson suggests, improvising his group's way out of a problem situation, and he was displaying characteristics we might associate with the principles of improvisation I have been talking about. Lula was displaying sensitivity to a situation by using a shared cultural love of soccer generally, and the Brazilian team in particular, to win Haitian hearts and minds, engaging in an activity, if we use jazz terminology, that could be described as improvising on a well loved motif, or standard (the situation principle). He was quick to take up, in an egalitarian way, his part in negotiation of a creative way out of the situational tension, contributing his energy, influence, and credibility (the self principle).

Lula responded to demands for revision of the original idea both in his adaptation of Latortue's idea (dropping the guns for tickets exchange) and in ways that stressed the value of openness and accessibility, declaring, among other things, that television screens needed to be installed across the city of Port-au-Prince to allow for widespread viewing (the critique principle). In playing on the Haitians' love of the Brazilian team, Lula's contribution was arguably a creative step towards the United Nations mission's goal of promoting peace and reducing polarization and violence in Haiti. It promoted a perception among Haitians (the population of Port-au-Prince, at least) of a shared context with Brazilians: Yves Jean-Bart, president of the Haitian Football Association, explains "the Brazilian players are black and they're from the masses. Ronaldo [the Brazilian team's biggest star] washed cars in the street when he was a boy."[19] The game was an unsurprising 6–0 win for Brazil and, in mainstream circles, it went largely uncontested as a symbol of friendship.

A largely uncontested symbol is not at all the same thing as an accepted symbol. An article in the 2 September 2004, issue of *Workers World* newspaper about protests in support of Fanmi Lavalas (the popular political party formed by Aristide) by "thousands of people from the poorest

neighborhoods" of Port-au-Prince (primarily, Bel Air) mentions, in particular, denunciations of the peace game by the demonstrators on the grounds that it was United States-staged propaganda.[20] But, Latortue expressed satisfaction with the overall situation that resulted from the peace game, announcing to the press that he had begun negotiating with ex-military groups.

In the final analysis, any success of the peace game as a creative move towards disarmament talks can only be partial as long as the voices of Lavalas are shut out of the discourse. This is ultimately why I make no claims about this idea being, or leading to, a successful improvisation of community. As long as any voice is being marginalized, the creative strategies employed may open up some interesting performative moments, but cannot count as successful community building. In particular, the close associations between Latortue, supporters of the former Duvalier regime, and the armed ex-military groups provide strong grounds to conclude that the marginalization of Lavalas supporters is part of a larger campaign to create a hostile environment for democracy activists and supporters.[21]

This brings us back to Monson's fundamental principle of egalitarianism, violated in this case, which speaks to the necessity of every voice. But not every voice need be raised in support of the idea being negotiated and at least some performers construe contribution quite broadly. In a recent artists' workshop at the annual Guelph Jazz Colloquium, improvising vocalist Yoon Sun Choi discussed four possible types of responses a performer might offer to a fruitful idea fragment: harmonizing (support), matching (endorsement), challenging (critique), and contrasting (opposition).[22] Regardless of the type of response chosen, the contribution to the negotiation counts as fulfilling the self principle's demand for everyone's best effort provided only that it is a freely given contribution to the continued flourishing of performed community. If Lavalas had chosen silence, this could have counted as their contribution, but any apparent success at peace making in Haiti will remain under a question mark as long as their silence is imposed on them.

It should be apparent that my attention to improvisation as a strategy for peace and constructive dialogue takes up improvisation largely as metaphor. Extending improvisatory practices to international relations is a metaphorical extension, but I am also committed to a more literal extension. I endorse taking the ethical point of view that I have articulated here as principles of improvisation and imposing it as a behavioural constraint on our actions in war-making, peace-keeping, and nation-building.

A good part of the appeal of these principles is that the level of responsibility they place on us for our actions and for our interpretations of the world bears a similarity to Jean Paul Sartre's notion of responsibility. Sartre's existentialism presents each individual as a consciousness

characterized by a radical freedom to choose our projects, large and small. We are responsible for both the self we contribute to our situations and for the situation itself, insofar as the situation takes on meaning only in light of the projects chosen by consciousness. My principles of improvisation take this recognition one step further, combining awareness of our contingency with an appeal to our better selves. Nothing in Sartre's writings constrains us to choosing positive projects that enhance human flourishing, whereas Kofsky's reading of the principles, at least, builds in a prima facie obligation to craft our contributions with a view towards creation instead of destruction, and Monson's egalitarian commitment encourages the contribution of views from all standpoints.

Given situations where a willingness to negotiate shows us a way out of problems in which we might find ourselves, I would like to highlight two ways in which principles of improvisation can be put into practice in a political context. First, we can affirm that we always have available to us the option of rejecting the preconceived instructions of a score or script. Second, we can commit ourselves to the practice of conversing as equals. Improvisation is necessarily and integrally resistant to the perceived authority we attach to planning and tradition, and serves as a model for countering hegemony in all forms. In departing from composed scores, it stresses multiple realizability, the principle that one right way to do things does not exist.

Improvisation can be a liberatory political model at least to the extent of showing that scores (understood here as performance instructions from those who hold power) need not be followed to their bitter end, that creative community-building strategies may be substituted in place of a (partially) determining text. But throwing out scores in favour of a conversational model of conflict resolution—improvising in order to negotiate a narrative—is most obviously about power sharing, about the right of all those who are bound up in a given situation to respond to an idea, and to articulate how the situation appears from their perspective. The best chance we have of coming up with accountable and non-exploitative forms of social organization is a negotiated conversation about possibilities in which everybody affected has both opportunity and motivation to participate.

Internalization of these principles of improvisation can make us better, more capable actors. Improvisation can serve to demonstrate a radically open and pluralist model for living: a commitment to experimentalism and negotiation in social organization, to trying new ideas and structures and seeing how they work. This openness has two results. At the individual level, it promotes empowerment of individuals by reinforcing the necessity and value of their unique contributions. At the collective level, it builds solidarity among those who contribute their views to the building of this shared community. It is precisely this empowerment and solidarity that Chavannes

Jean-Baptiste, founder of the Peasant Movement of Papay, seeks to nurture among poor rural populations in Haiti.[23] These people and the grassroots organizations that support their interests are the key to genuine change in Haiti.

Much like the professional jazz musicians from whom I have developed the principles of improvisation, the people of Haiti share knowledge of traditions, a political vocabulary, and a desire (if not yet a full-fledged commitment) to see improvement in their individual living conditions. Improvisation's expectation that difference will be encountered, its commitment to egalitarianism, and its willingness to question and revise existing ideas all mark an improvisatory attitude as an improvement over the paternalism that characterizes the interventions of today's caretaking nations. If, and to the extent that, the people most directly affected by political chaos are given the opportunity to build solutions on an improvisatory model like the one I describe here, I believe, produces fewer failed states and fewer blind alleys in nation-(re)building. In acknowledging all contributions as necessary for the life of a performed community, the improvising agent sees the other players not as obstacles, but as negotiating partners, people who can help in the process of making up community as we go along.

NOTES

1. Cornel R. West, "Malcolm X and Black Rage," *Race Matters* (New York: Vintage Books, 1994), pp.150 151.

2. Ibid., p. 150.

3. Frank Kofsky, *John Coltrane and the Jazz Revolution* (New York: Pathfinder, 1998), p. 417.

4. *Ibid.*, pp. 435 436, 418.

5. *Ibid.*, pp. 431 432.

6. *Ibid.*, p.464.

7. Ingrid Monson, *Saying Something: Jazz Improvisation and Interaction* (Chicago, Ill.: University of Chicago Press, 1996), p. 9.

8. *Ibid.*, p. 13.

9. *Ibid.*, p. 81.

10. *Ibid.*

11. *Ibid.*, p. 78.

12. *Ibid.*, p. 176.

13. Paul Knox, "Rebels Plot Aristide's Overthrow," *The Globe and Mail* [Toronto, Ont.] ,16 February 2004.

14. *Haïti Progrès* [*This Week in Haiti*], 22:22, pp. 11 17 August 2004.

15. United Nations Security Council, Resolution 1529 (2004), 29 February 2004.

16. United Nations Security Council, Resolution 1542 (2004), 30 April 2004.

17. Andrew Downie, "Keep your Olympics; Haiti's got Brazil," URL http://www.heraldonline.com, 17 August 2004.

18. *Ibid.*

Five

EDUCATING FOR PEACE

Ronald J. Glossop

When we think about educating for peace, the first idea that comes into the minds of many people is to encourage individual people, especially children, and young people, to have particular attitudes, such as tolerance toward those who are different and a disinclination to use violence, as a way of resolving conflict. If all individuals would be more peaceful in their interpersonal relations, we would have less war.

Another popular idea is that we should teach our students the skill to be able to resolve conflicts between people peacefully, by discussing viewpoints and making compromises. Youngsters will learn a new skill, namely, how to deal with disputes without engaging in the types of behavior that will stimulate anger and vengeance. People with this conflict-resolution skill will even be able to show others good techniques to avoid violent battles. As a result we will experience more peace in our everyday lives.

Undoubtedly we would have a quieter, more peaceful world if everyone had these attitudes and skills. As you will see from what I will say later, I completely support efforts to encourage individuals to be more tolerant of differences, more committed to nonviolence, and more skilled in conflict resolution in their everyday lives. But it appears to me that other matters exist that must be addressed when we discuss educating for peace.

Peace is the opposite of war, and war is a different thing from battles between individuals or small groups of young people. Wars are between large groups that have political aims. Wars are large-scale violent conflicts between organized groups that already are governments or that seek to establish their governments over some territory.[1] If we want to inhibit wars by educating individuals, we need to look at other factors such as the widespread acceptance of uncritical loyalty to the leaders of an ethnic group or of a country. What kind of education is needed, not only for children and young people but also for adults, in order to undermine support for wars?

First, people, especially children and the young, should be taught not only about their land (their geography, history, and culture), but also about other lands and about the world community.[2] They should learn about the geography and history of other nations and of the world as whole. They need to be taught about the languages, religions, and cultures of other lands, as well as their language, religion, and culture. They should learn about the special problems confronting people in other parts of the world, as well as about global problems facing humanity as a whole. They should learn about the United Nations and other organizations, both governmental and non-

governmental, which are working to deal with international problems. They should study the specific problem of war as a problem that has plagued humanity since the beginning of civilization.

People's attention should be directed not only to the horrible consequences of war but even more to the different views about the causes of wars and what should be done to abolish them. They should learn about the policies of their government on international issues and the arguments supporting and opposing these policies. As a result of such study, they should be informed about the many facets of the world community and should see themselves as part of the larger world, not just one country.

Second, we should encourage in children and young people attitudes of skepticism toward the correctness of their present knowledge and the information that others (especially their government and the media and their friends) give them. At the same time, they need to learn to be tolerant and open to new viewpoints. Students must learn to think critically. Many different opinions exist about many issues, and young people must realize that the ideas they hear most often might be false and that ideas they have not previously heard may be true. Young people must be introduced to critical thinking in particular and to philosophy in general, including the notion that all claims to knowledge must be examined.

Third, we should teach children about the great importance of always accepting responsibility for their actions They should learn that when they do something wrong, it is not a good excuse to say, "Everyone else was doing it" or "Someone else wanted me to do that." The key moral questions are not, "What are others doing?" or "What do others want me to do?" The key moral questions are, "What did I do?" and "Why did I do that?" We must think before we act. Do not be a sheep that does whatever others are doing or a dog that does whatever its owner orders. Be a moral human being.

Fourth, we should teach children that the use of overwhelming physical force is not a good way to get what we want. For a moment, we will have the power to coerce another person to do what we want them to do, but consider what our reaction would be if another person had similar power to coerce us to do what we do not want to do. We would be quite resentful. Using coercion produces animosity, often animosity that lasts for a long time. We have a right to try to persuade others by arguments, but we do not have a right to use force against others except for self-defense. Even in situations of self-defense, we should seek to use the least amount of force necessary to stop the coercion.

Fifth, children should be taught to think of the rights and needs of others, not just their desires. They need to be encouraged to think long and hard about the fundamental fact that no one chooses when or where they will be born, what race or gender they will be, what kinds of disabilities or special talents they will have, what their parents will be like, and so forth.

We are all thrust by chance into situations that we did not choose. We have no control over these crucial aspects of what we are and can become. Nature is not fair. Human society must intervene so that the unfairness of nature is moderated. Therefore, those who happen to be lucky should be ready to help those who are not so fortunate.

Good fortune obligates, and no people should be discriminated against on the basis of what race or gender they are, what country they are born in, what disabilities they have, whether they are rich or poor, educated or uneducated. Young people should learn that it is not only individuals who can be selfish and indifferent to the plight of others. Groups, families, and countries can be self-centered and indifferent to others. The basic moral principle still applies: those who are more fortunate have an obligation to help those who are less fortunate.[3]

Sixth, we should teach pupils that they belong to the community of all humans. They are members not only of their immediate family, their ethnic group, and their nation but also of the whole of humanity, and have the accompanying responsibilities. They should think of themselves as citizens of the planet Earth who have an overriding loyalty to the whole human community. Teachers should use the same devices and resources that are customarily used to inculcate patriotism and loyalty to the national community, but they should use them additionally to promote globalism and commitment to people everywhere in the world community.

In the schools, we should have flags of the United Nations representing the world community, some kind of world anthem, other songs about the planetary community, celebrations of world holidays such as United Nations Day (24 October) and Human Rights Day (10 December), the teaching of history from a global point of view, and a pledge of allegiance to the whole world community. Here is an example of such a pledge composed by Lillian M. Genser of Wayne State University in Detroit: "I pledge allegiance to the world, To cherish every living thing, To care for earth and seas and air, With peace and justice everywhere." We need to recognize that nationalism is an important attitude supporting war. Consequently, we need to move beyond that poisonous and limited loyalty to the nation-state to a loyalty to the planetary community. It should become a deep part of our consciousness, not easily nullified, that even members of some enemy group are also members of the larger human family.

I would also recommend teaching the whole-world language Esperanto in elementary schools, because it not only promotes the global ideal, but also provides a good introduction to the study of other languages.[4] Esperanto enables English-speaking children to communicate directly with children in other parts of the world without relying on English to do it. The widespread practice of using English in international programs for elementary school

students has the unfortunate effect of reinforcing the view that they do not need to learn languages other than English.

Seventh, we should teach our students to always keep in mind that we cannot change what has happened in the past. We can gain knowledge from studying the past, but we cannot change it. Too often groups think continuously about some despicable act done to their group by some enemy group in the past, but such thinking will not help to deal with the present situation. Perhaps some kind of retributive action should be taken. Perhaps some kind of compensatory payment should be made. The first step in solving any problem or resolving any dispute should be to recognize that the past cannot be changed. Instead, the focus must be, "What should we do now and in the future to solve the problem or resolve the conflict? How can we help one another so that the future will be better for everyone?"

Eighth, we should teach pupils to be optimistic and to focus their attention on what they can do to improve the situation of humanity regardless of the situation at this moment. There will always be some people who say that there are too many insolvable problems. They will complain that too many people are too indifferent. They will say that there will always be wars and misery. Why worry about all these problems that cannot be solved anyway? But, this negative attitude needs to be combatted. We need to think not about what is going to occur if I (and others) do nothing to address the problems, but about how the life of all humans can be improved. The focus of attention should not be on what others are or are not doing, but on what I might be able to do to help.

Our students need to be familiar with these words of Edward Everett Hale: "I am only one, but still I am one. I cannot do everything; but I still can do something. And just because I cannot do everything, I will not refuse to do the something I can do." Likewise, they should be acquainted with this verse "Stubborn Ounces" by Bonaro W. Overstreet:

> You say the little efforts that I make/ will do no good, That they will never prevail/ to tip the hovering scale/ where justice hangs in the balance./ Well, perhaps I never thought they would,/ but, I am prejudiced beyond debate/ in favor of my right to choose which side/ of the scale shall feel the stubborn ounces of my weight.[5]

If everywhere in the world children and young people were educated in accord with these eight principles, we would be taking a giant step forward toward a more peaceful world in which there would be more justice and less injustice.

NOTES

1. Ronald J. Glossop, *Confronting War: An Examination of Humanitys Most Pressing Problem* (Jefferson N.C.: McFarland Press, 4th ed., 2001), p. 10.

2. Edwin O. Reischauer, *Toward the 21st Century: Education for a Changing World* (New York: Alfred A. Knopf Publishing, 1975).

3. Herbert Spiegelberg, "Ethics for Fellows in the Fate of Existence" *Mid Twentieth Century Philosophy*, ed. Peter A. Bertocci (Atlantic City, N.J.: Humanities Press, 1974), pp. 193 210.

4. Ronald J. Glossop, "Integrating Language Study and Global Education" *Language Status in the Post Cold War Era*, ed. Kurt E. Müller (Lanham, Md.: University Press of America, 1996), pp. 109 116.

5. Bonaro W. Overstreet, "Stubborn Ounces: To One Who Doubts the Worth of Doing Anything If You Can't Do Everything," *Hands Laid Upon the Worth* (New York: Norton, 1955).

Six

A GUIDED CONVERSATION
ON GLOBAL ETHICS

John Bryant

1. Assumptions

Officers of global corporations purport to an ethical code, which many philosophers have tried to legitimate and shape these ethical codes as a method for achieving justice in the world. The guiding literature in this essay is mostly of that variety, except for the Parliament of the World's Religions' *Toward a Global Ethic* and its expanded later revision, *A Call to Our Guiding Institutions*.

Since the so-called Enlightenment of the late eighteenth century, moral philosophy has jelled into two apparently competing and incommensurable strands—Immanuel Kant's rationally based deontology or John Stuart Mill's hedonistic utilitarianism. Despite voluminous literature, nothing has been settled in the discourse and arguments of these strands. Alasdair C. MacIntyre has offered a critique of modernist ethical discourse, but university philosophy departments do not seem to have taken notice. Both Kant and Mill express a common assumption of liberal individualism and a method of instrumental reasoning, and both systems have serious logical flaws. Paul Kelly writes, "Modern moral theory cannot even recognize the challenge implicit in MacIntyre's recent work."[1]

Kelly expresses my view in a most astute style, "The interminability and incommensurability of public moral debate is reflected in the similar inconclusiveness of philosophical discussions of ethics."[2] This inconclusiveness is due to the emotivist character of modernity. Emotivism as a philosophical thesis asserts that the authority of moral judgments is derived solely from the personal expression of preference. A detached moral agent, analyzing options out of two radically different rational systems feels good about some action. But, this entire edifice is grounded in a no-system question such as, "What is your favorite color?", and endless logical constructs, finely drawn analyses of justice. As a result, right and rights follow out the inferences of one's favorite ethic.

When this emotivism is transferred to political and corporate institutional systems in the form of commandments, they become no more than any other positive legal restraint, an ineffectual fiction that becomes merely one more public relations issue. Philosophers bent on careful logical analysis fail to distinguish human being from human doing, and so miss the

entire set of questions of ethical cognition. There is such an over-valuation of action and activity (political) as to ignore human being. Only human doing matters. Twentieth century European history should have dispelled any notions of the effectiveness of modernist moral philosophy, but somehow this point also appears to have been unavailable to analytic philosophers.

As MacIntyre and others have noted, diffusion of ethics into moral analysis ignores that only a unity of consciousness, a human person, makes choices and decisions that engender action and reaction in a social context. Most modern literature has studiously ignored this simple idea. The institutional, political character of modernist ethical discourse omits the personal as irrelevant, even as it appeals in its last analysis to the emotion or immediate feeling, psychological happiness, of a moral agent. The mechanical causation in institutions negates individual ethical cognition and precludes inner cognitive response to two questions: (1) What should I do in my present circumstances? (2) What should I become?

This inner dialogue is replaced by the ethics code in the best of circumstances, and the code is ignored in favor of vastly multiplied profits or power in the worst cases. These guiding lists are attempts to obtain some sort of restraint on the culturally, morally, and environmentally destructive large corporations and political tyrants. The Parliament of the World's Religions appears to advocate changes in human consciousness as the only viable hope. My presentation of the other views, global business and public guiding statements, will not entail any symbolic logical analysis, deductive or inductive, of their probability of correcting the suicidal global issues we face at the edge of the twenty-first century.

A Call to Our Guiding Institutions, adopted at the 1999 Parliament of the World's Religions in South Africa is a highly innovative, insightful work addressed to major institutional leaders. Business ethical principles are compiled in the Caux Round Table Principles for Business, addressed to corporate managers. Political guidance is presented by the United Nations' Universal Declaration of Human Rights, addressed to governments and public institutions, and the environmental perspective is represented by the principles of the Coalition for Environmentally Responsible Economies (*CERES*, pronounced "series"), formulated in 1996. The United Nations' proposed guidance for multi-national corporations is the *Global Compact*, formulated in 2001. Taken together, all of these source documents will be referred to in the following essay as the Principles.

The ethics principles governing action in both the business community and the general human community may complement one another, when correctly understood. But, correct understanding is lacking, and is the thesis of this essay. I will try to present the examination in terms that are familiar to

business and political practitioners. First, intricate relations of inter-dependency exist among these Principles. The effectiveness of the implementation and application of each depends upon practice of the others. Second, because of this interdependence, they bear a direct connection to higher-order, metaphysical principles.

Grasping this larger, inherently metaphysical framework allows the participating organizations to adopt these principles and give them lived reality. The Principles may enable us to better see where some of the statements need revision because of potential unintended consequences, or inferential limitations that appear from conflicting end results. Third, the embrace of these Principles provides the sustainability needed to continue economic globalization without destroying the people, cultural and planetary resources upon which business depends.

Several distinctions are necessary to aid in understanding the ethics statements noted above. First, well known in ethical philosophy is the distinction between what is and what ought to be. This is the seminal observation for all ethical questions: what is, is not what ought to be. That there exists a vast abyss on a global scale between these two states of affairs is the implicit assumption in each of the Principles. Without recognition of that gap, none of these principles would have been worked out. We may assume with a high degree of confidence that all parties to the Principles agree on this point. Since the parties assenting to them are recognized leading thinkers and practitioners in their special fields of learning and practice, this gap was not felt to be merely theoretical, but one of compelling experience. Second, there must be a clearly understood distinction between being and doing; and that being is prior to doing.

Actio sequitur esse—action follows being, as the Romans said in their time. Discussion of these statements will necessarily hinge on this precept. The formulation of the Principles considered here demonstrates that those involved in working them out had chosen to live by them: the people involved acted this out. Their concern was fixed in their attitudes and commitment to the actions needed to meet with others, convince them of the need, and then engage in the often painful process of formulating and pub-lishing these statements. Being preceded action.

The problem of moral choice is always present to us as human beings. To be human means to be a chooser. To make a choice means to influence the relation between premise and conclusion of a proposition. Inference is the path taken by implication; some inferences are necessary, and others are contingent, subject to conscious choice and revision.[3] The causal chain linking a true premise to a true conclusion is a linear process in time. We necessarily use this principle constantly in our lives, but seldom reflect upon

its meaning; but the influence of choice upon causal chains is a crucial one for moral philosophy. Recognition of the power of choice necessarily follows the judgment that what is, is not what ought to be. This insight grounds all ethics.

The Principles discussed here seek to halt the destructive actions of global corporations—to interrupt the causal chain of the dehumanizing events that we are presently observing—and hence to lead us toward development of a more humane world. Since political institutions are largely agents of global corporations or major domestic businesses (or both), moral conversion of the managers of multinational corporations, and their commitment to creating more humane institutions, is most crucial to our survival. People must come to understand and appreciate the meaning of being human.

The term "ethics" means, in this discussion, the set of principles that guide every person in making choices. Morality refers to our actions in society. I am convinced that everyone has such a set of organizing and guiding principles, whether or not they are explicitly articulated. Our actions are the moral inferences of our ethical implications. Just as we saw that being precedes doing, we can see that our personal ethics precede and characterize our moral doing. It is this inner set of ethical guides that the Principles hope to bring into focus and correct.

As Leslie Stephen remarks, "Conduct may be regarded as a function of character and circumstance."[4] Stephen analyzes the futility of forbidding or requiring specific conduct. His conclusion is that molding and guiding the character of people is at once effective, simple and exhaustive. Trying to control behavior by external policies, laws, and rules is to be always trying to adjust to novelty in their violation; policies, rules, and laws grow ever more complex, and degenerate to a compliance and enforcement problem; always failing in what they were designed to achieve.

A word is in order here about rules, commands, and questions. When we establish an external prohibition, it is at once socially divisive—those who conform and those who do not—and has the operationalism described above. Commands, while not as ubiquitous as rules and laws, still invite obedience or disobedience, and so are divisive in a more immediate dimension. Commands, rules and laws tend outward, they arebehaviorally directed; thus, they have a judgmental character to them. Questions, however, possess qualities that are much more effective when it comes to modifying (or influencing) behavior. They invite self-examination and reflection upon one's own being and doing. The judgmental character is absent from the experience of moral inquiry, and the prescriptive and categorical dimension of law is unnecessary to it; similarly, moral inquiry does not involve the threatening, adversarial feature of commands, rules, and laws.

2. Examining the Principles: A Call to Our Guiding Institutions

"Earth cannot be changed for the better unless the consciousness of individuals is changed first."[5] For the first time, we find in a work signed by the world's major religious leaders inviting global commitment, a reference to the consciousness of individuals! The four principles in this work imply still another paradigm shift of thought about ethical principle and action, which I examine below. There exists no unity of consciousness that is named Corporation or Nation or Government, and this may be another reason compliance-based ethics (morality) has not worked, and is not likely to work.

The dominant principles in the *Call* are meant to transform relations. First, no new global order will exist without a new global ethic. Second, the fundamental demand of ethics is that every human being must be treated humanely.

> Possessed of reason and conscience, every human is obliged to behave in a genuinely human fashion, to do good and avoid evil. A principle exists that is found and has persisted in many of the world's religions and ethical traditions for thousands of years: What you would not wish done to yourself, do not do to others.[6]

Third, there are irrevocable directives: commitment to a culture of non-violence and respect for life; commitment to a culture of solidarity and a just economic order; commitment to a culture of tolerance and a life of truthfulness; and commitment to a culture of equal rights and partnership between men and women. Fourth, we have a commitment to transformation of consciousness.

This is not just another ethics statement, but a call for conversion from an individualistic dimension to one of community; from freedom alone to freedom irrevocably linked to responsibility. The definition of integrity is, "The quality or state of being undivided; utter sincerity, honesty, and candor: avoidance of deception, expediency, artificiality, or shallowness of any kind."[7] It would seem that the Parliament of the World's Religions has captured the spirit of integrity in the articulation of their principles. Hans Küng, Daniel A. Gomez-Ibañez, and others who signified their support and commitment deserve our sincere gratitude for this profound and excellent gift to the world. But, let us examine more closely the words of these statements, their implications, and inferences.

It has never been the case that a corporation has treated its patrons the same as its owners. Nor has any government ever treated its subjects the

same way as it has treated its powerful wealthy elites. In every historical instance of conflict between the owners of production and the producers, state power—military and police—has defended the owners of production at the expense of the producers. The golden rule is observed more in its violation than guidance for action. The combination of the multinational corporation, the taxing authority, and military power of governments is a co-operative machine of massive human destruction of civilization and the planet, and this combination is as thoroughly as nuclear exchange.

As this destruction has come to be seen for what it is in the last thirty years, we have come to perceive ourselves differently too. We discover that being is prior to doing, and we must attend to our being as the means of adjusting the doing. Being is about principles, and we now have explicit principles again. The principle of integrity is present throughout *A Call to Our Guiding Institutions*. Some might argue that principles are ideals, and will never be achieved, implying that principles are of little or no value. But, actions are guided by principles—it is just a matter of whether those principles are sound or not.

Actions always aim at some goal, and that goal is a principle, a value to be achieved: ever more wealth, ever more power, or the empowerment and well-being of one's fellow humans. The actions can be changed by adopting a different set of principles. The degree of commitment to the principles examined herein is problematic. Here, the concept of integrity becomes critical. If the Principles are ever to matter, there must be a high degree of correlation between these Principles and the choices and actions of powerful people.

3. Caux Round Table Principles for Business

The Caux Round Table (CRT) is a group of senior business and academic leaders from Europe, Japan, and North America who are committed to the promotion of principled business leadership. The CRT believes that business has a crucial role in identifying and promoting sustainable and equitable solutions to key global issues affecting the physical, social, and economic environments. The mission of the CRT is to promote principled business leadership and responsible corporate practice in support of successful and sustainable business activity and the common good of the worldwide communities served.

The role of the CRT is to bring business leaders together for impartial, informed, and off the record consideration, analysis, and debate of key global issues within the framework of its core beliefs. In undertaking of this role, the CRT aims to accomplish five goals: to bring a point of view to all issues based on factual accuracy, non-ideological perspective, and objective-

ity; to achieve consensus on issues where possible, and establish priorities; to act as an advocate on these with other businesses, governments, and institutions; to affect policies and events, and act as a catalyst for pragmatic and constructive action and change; and to provide access to decision makers and to construct working partnerships.

In pursuing this mission, the CRT participants stand for business excellence, advocate business leadership by example, seek to build understanding and trust, and share the following core beliefs. (1) The primary responsibility of the corporation is to conduct its operations proficiently; a corporation should be technologically innovative, competitive, and financially sound. (2) Corporations must be increasingly responsive to issues affecting the physical, social, and economic environments not only because of their impact on business performance, but also out of a proactive sense of responsibility to all constituencies served. (3) Corporations need to consider the balance between the short-term interests of the shareholders and the longer-term interests of the enterprise and its stakeholders. (4) Meeting the traditional objectives and performance criteria is not sufficient. Voluntary standards that exceed the requirements of prevailing law and regulations are necessary to the development of sustainable practices. Society's license or franchise to operate has to be earned. (5) Corporations should lead by example through business practices that are ethical and transparent and that reflect a commitment to human dignity, political and economic freedoms, and preservation of the planet. (6) Corporations cannot act alone, but should seek to address key global issues through cooperative efforts with governments, other institutions and local communities.

In a 1995 mission statement the CRT identified four major socio-economic conditions that threaten world harmony: excessive poverty within countries and regions; growing economic friction arising from enduring trade imbalances, which, if unaddressed, can lead to political strife; the gap between increasing affluence of the developed world and the continuing poverty, concentration of population growth, and despair in less developed countries; generational burdens, such as a polluted world and overwhelming national debts that are passed on to children. The key global issues for business that the CRT presently regards as the priorities to be addressed in its program of work include the employment dilemma, sustainable practices and values, trust, honesty, and transparency, and collaboration and partnership for action.

The foregoing acknowledgements from the Minnesota Center for Corporate Responsibility ground seven general principles and six stakeholder principles. These principles are no more than statements of how

every member of any society is expected to live. But each member of a society is taught some virtues of character that guide their choices and actions in their social setting. Business traditionally desires managers and executives with no character at all (the Harvard Business School calls this moral bleaching) beyond loyalty to the shareholders (and the managers/executives are the largest shareholders).

Concepts like responsibility, honesty, and trust must be explicitly discussed, and will be viewed with no small degree of skepticism and trepidation by most business officers. The design of the legal fiction called a corporation is to permit a concentration of wealth without responsibility.[8] The major socio-economic conditions noted by the CRT in 1995 have been building for centuries, and are the consequence of large corporations maximizing wealth for the shareholders. The overwhelming national debts are ways of creating instant capital for the corporations, and they are to be repaid by the little people over generations of grinding poverty. The Bretton Woods institutions are masters at this.[9]

Global business should acknowledge what they have done and set out to modify traditional business practice. Replacement of the euphemistic term, "accountability with responsibility," is itself a great leap forward. Even the term, trust is now beginning to appear outside an ethics conference. The defining component of trust is reciprocity. Trust is bi-directional or it cannot exist. We can only hope that the meaning the CRT intends in their use of the word corresponds with the description given by Leander E. Keck, "'Trust' is both a verb and a noun . . . for the object of trust shapes the truster. Our identity is constituted by the pattern or network of (our) trusts."[10]

The CRT is attempting to redress some of the suffering and chaos that global capitalism has made of the world. Its current condition was quite well predicted early in the twentieth century by E.A. Preobrazhensky from Russia, in the nineteenth century by Karl Marx from Germany; and also discussed by recent thinkers such as David C. Korten and Alan Downs.[11] While corporations still give primacy to maximization of surplus value, they acknowledge that the plundering of the planet and the destruction of its peoples cannot continue at the pace they were carried out in the last half of the twentieth century. Implicit in this acknowledgement is a movement toward virtue ethics as the fundamental paradigm for action in the world. If such a shift is occurring, then the CRT is calling for a revolution in global business priorities; a change in the mix of violence, wealth and knowledge.[12]

4. United Nations Universal Declaration of Human Rights

The United Nations Universal Declaration of Human Rights is a political statement of good intentions, and recommends to the governments of the

world that these rights are to be granted to citizens. But, the language of rights and tolerance is the language of power. Rights conferred by power are quite easily revoked when the slightest threat to that power is perceived. The perceptual filters of powerful people see citizens' assertions of disagreement as threats to their power (and wealth concentration), and the civil rights of citizens are the first casualties of this perception. It has been demonstrated all too often how easily and quickly political rights can be replaced by genocide, wanton murder, and state sponsored butchery, large scale expulsion, and economic exploitation. We might expect, then, that the United Nations' declaration will continue to be minimally effective in making any real change, and even those changes may come as the result of the application of power.

5. The Coalition for Environmentally Responsible Economies' Principles

The Principles of the Coalition for Environmentally Responsible Economies' (CERES) provide another appeal to corporation owners and managers to change their ways of being. These principles are designed to prevent further destruction of the planet for the enrichment of a few. What has been said about the CRT may be said about the CERES principles: they may also be seen as an extension of *A Call to Our Guiding Institutions*. Their success will depend upon the degree of integrity between the change of being of corporate owners and managers and their concomitant actions in the world.

6. The United Nations Global Compact

The Global Compact as proposed by the United Nations in 2001 was criticized at the Notre Dame meeting both for being too demanding and for being too weak. It is too demanding in that many global corporations, especially American, think they would be perceived as failing because the Compact demands more than they are presently doing. It is too weak in that there are no accountability standards in the Compact. These dichotomous perceptions of the same set of statements, however softly worded, seem to point to the perceptual filter of the reader. Every question or issue has numerous implications within its region of meaning. Each implication has its corresponding path of inference leading to some particular point of view, or consequences. Personal life experience conditions each person's perceptual filter over a lifetime, and the organization of this experience in the subconscious sets up each individual's perceptual filter. Different perceptual filters will condition one person to see implications that another person will not find.

When a set of issues, such as Kofi A. Annan has elucidated, is the subject of a set of remedial statements—the Global Compact—some will perceive judgments within the statements, or anticipate that others who can damage the image of the corporation will use those implicit judgments against the corporation. We saw the reluctance of some global corporations to commit to any of the compact, others to commit to some provisions but not others, and a few willing to commit their corporations and management to the Compact. In the interest of soliciting commitments, one way to accomplish this goal is to remove the implicit judgments from the region of meaning cast by the Global Compact. But removing the judgment must be accomplished without losing the Global Compact's power to guide and compel corporations to consider the needs of humanity in their quest for ever more wealth and power.

There appears to be a vague yet pervasive notion that there is something different about the question as a mode of expression from the statement (I do this) or the command (I must do this). The implicit difference is that the statement or command contains an element of judgment that is missing in the question. To make a statement implies that the maker claims knowledge of an issue, has made a judgment about that knowledge, and now offers the result to the listener. To make a command/imperative is to compel the listener to cleave to the same belief as the commander. When expressed as a question, judgment is missing.

To make a judgment (or law or code list) is divisive. Judgment divides truth from falsity (cognitive); knowledge from information (experiential); keepers of the faith from non-keepers of the faith (a practice of religious and political leaders through the stream of history). A judgment exists about who has truth with a capital "T" and who does not. The Principle of the Excluded Middle (a belief cannot be both true and false at the same time) grounds the assumption that one must be true and the other false. Zealots of differing persuasions have fought and killed one another down through the ages trying to convert one another by the sword. This scene can be avoided by removing the judgment needed to maintain the moral inversion grounding war. (And in the minds of many, the terms are nearly synonymous.) The either/or principle is supplemented by a both/and position that avoids judgment. Hans Küng asserts in *Global Responsibility* that peace in the world requires peace between the religions. The judgment about Truth grounds this observation.[13]

To make a statement or command is an outward, intersubjective, action. To entertain a question points to an inward, or existential, reflection. It is the act of judgment that moves us from the inward focus to the outward focus: from introspection to decision and action; from a search for truth to the authority of Truth; from humility to arrogance.

The participants of the Global Compact Meeting at Notre Dame missed

several inferences. First, Non-Governmental Organizations, popular press, and political criticism would be virtually eliminated by adopting financial transparency. As has been noted by Wall Street professionals, all financial markets, all investment capital, and public confidence is centered in trust of the accounting and reporting of any and every business. Trust is perceived as low or high more as a matter of immediate attention, but never is trust unnecessary. Second, no one trusts people who make more money in ten minutes than they make all year and who are isolated from all the hardships of life they create for others. Third, oligopolistic and monopolistic control of capital and prices has completely undermined collective bargaining and local political autonomy. Some global entity with sufficient bargaining power must regulate the mobility of capital in terms of the mobility of labor and must bring into balance the value of labor and people with capital and prices. Poverty (the newspeak for slavery) in the world will not be moderated until these issues are exposed for their morally inverted character, and corrected.

Since there was some interest at the Notre Dame meeting in adding something to the Compact addressing corruption, I have added two additional principles in this regard. These two are needed in order to address two significant areas of corruption: (10) purchase of local and national legislative and regulatory bodies, and (11) conversion of common good of communities to private gain.

7. Obstacles to the Principles

What are the obstacles to making these Principles work better for our world? Bernard J. F. Lonergan identifies four categories of prejudice that permeate our guiding institutional leaders. He writes:

> It remains that progress is not the sole possibility, for man is subject to bias. There is the latent bias of unconscious motivation. There is the conspicuous bias of individual egoism that endeavors to circumvent public purpose for private gain. There are the shared delusions of group bias, which considers its self-interest a contribution to the well-being of mankind. There is the general bias of all men of common sense, for common sense includes the common nonsense of its omnicompetence and so it insists on short-term gains at the cost of long-term evils.[14]

We must keep these biases before us as we work out the global problems facing all people. It would seem that some honest soul searching is in order for both public and private leaders. Lonergan's biases are lucid, specific, and

pervasive ways of being that the Principles examined herein seek to remedy. The work begins with us.

We have examined the Principles, and found *A Call to Our Guiding Institutions* ontologically prior to and embracing the other three. All four Principles call for a radical revision of the being of decision makers of the world. The principles of the CRT and the CERES group may be viewed as elaborations of *A Call to Our Guiding Institutions*; they are prescriptive and explicitly targeted. Hope exists. It is now apparent that the self-interest of global business is best served by making such a change in priorities.

We must have an inner change of ways of being if the human experiment is to survive. C. S. Lewis tells us, "Courage is not simply one of the virtues—it is the *form* of every virtue at the testing point."[15] Rachel Naomi Remen often quotes Pierre Teilhard de Chardin, "We are not human beings on a spiritual journey; we are spiritual beings on a human journey!"[16] How we see ourselves determines how we see others. Let us hope that global businesses and political power systems have the courage to change their self-image; to realize their unity with, and dependence upon our world and its life forms; change their mode of self-actualization toward life-meaning for their people.

NOTES

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Part Two

GLOBAL BEHAVIORS

Terrorism and Security

Seven

NEOLIBERAL FREEDOM AS OPPRESSION FOR THE SALVADORANS OF THIRD WORLD

Joseph C. Kunkel

Like most of Latin America, El Salvador has a long history of oligarchical rule. A small number of families have controlled the economy of the country, and together with the military and military coups, have controlled the political structure as well.[1] After the Great Depression of 1929, early in 1932 a rural insurrection occurred; the military responded disproportionately with what is known as *la matanza*, the massacre, and killed 25,000 native peasants, wiping out El Salvador's indigenous population. Between then and the 1970s, the landed gentry refused to ameliorate its self-interested money-making policies that kept the majority of the population in poverty. In reaction, for fifteen years from the late 1970s Marxist reformers declared civil war and the oppressed tried to overthrow the oligarchy by force. The United States provided extensive aid to the anti-communist government and its military, producing a stalemate.[2] In 1992, the United Nations brokered the peace accords that are currently in place.

I have visited El Salvador on three recent occasions to learn about their economic and democratic conditions. I went to observe their municipal and legislative elections as part of an international team in 2003, to learn about labor issues in 2004, and to participate in the commemoration activities for the twenty-fifth anniversary of the assassination of Oscar Arnulfo Romero, the Catholic archbishop of San Salvador, in 2005. With the peace accords, the Marxist reformers have been allowed to participate in the government as an independent party. Wealthy families still wield enormous power, and will continue to do so under so-called free trade. The consequences are extensive poverty, a democratic rule by the Salvadoran people as incipient only, continuing illegal migration of poor families to the United States and Canada, and disruptive human violence of all sorts.

In this chapter I argue that neoliberalism, although proclaimed as freedom in some circles of the first world, including successive United States administrations since 1980, is acting to oppress, not liberate the peoples of the third world. While I am not alone in maintaining the oppressive nature of neoliberalism, in this chapter I buttress my theoretical views with factual information involving the case of El Salvador. First, I examine how neoliberalism is embedded in a form of democratic government that stresses security over equality and human rights. By extending restricted financial and military aid, currently in the name of fighting terrorism, the United

States furthers its national interests to the detriment of the basic needs of the peoples of third world. Second, I examine the third-world ramifications of neoliberal capitalism when free trade is pursued under power-dominating rules that greatly favor United States national and domestic interests.

1. Neoliberalism as Protective, Non-Equitable Democracy

Neoliberalism is a political, economic perspective that enshrines a variant of human freedom. As an alternate form of *Realpolitik* it runs contrary to the pejorative Hobbesian view of each being an enemy to each other.[3] Instead it postulates each person as grounded in freedom, even though human beings by birth begin life in vastly unequal situations and circumstances, with many individuals worldwide not having the most basic resources needed to function as free human beings. With this selective advocacy of freedom, the position, as Robert Nozick argues, appears closer to John Locke's than to Thomas Hobbes's.[4]

With freedom abounding, government is needed, according to John Stuart Mill, only to prevent harm that some individuals inflict upon others. "[T]he sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number is self-protection."[5] Security becomes the name of the neoliberal political game, and it has a strong patriotic bond in the United States especially after 11 September 2001. Fear of terrorism today replaces the first world's fear of the revolutionary spread of communism that was rampant during the cold war, and draws us back to the Hobbesian sense of everyone fearing death at the hands of others (strangers and enemies). Fear becomes the cloak that conceals raw power.[6]

To minimize the need for an overbearing state Robert Nozick posits protective associations, which supposedly over time evolve into dominant protective agencies that mirror fortified states covering geographical areas. These security states are mandated to protect citizens while being without any authority to establish positive-rights social legislation. Instead of social legislation Nozick proposes compensation for those whose limited security rights have been violated.

This security state coincides with the view in the United States that everyone has the right to bear arms; in accord with Robert Nozick's views, bearing arms would be advisable as part of the freedom package. In San Salvador, for example, almost every household has metal bars in front and back, and razor-sharp wires on the rooftops. We were advised not to be out alone after 7:30 p.m., and to travel to evening gatherings by taxi.

In Latin America, protective associations are known as paramilitary forces. If a family owns land or a business, then that family hires paramilitary forces for private security. The oligarchic powerful and few

prefer to spend money on their private paramilitary forces than on public security forces that protect the weak and the strong together. In El Salvador, there exists no property tax; instead everyone, rich or poor, pays a regressive thirteen percent sales tax.[7] As the wealthy also dominate national governmental policies, the public security apparatuses of the states, even democratic states, are similarly controlled by those with economic and political power. Most Latin American countries have a publicly organized military, a centralized national police force that is spread out among the different cities, and a privately paid ubiquitous paramilitary collection of forces that solely protects the interests of the wealthy.

In El Salvador, paramilitary forces composed the death squads during the civil war of the late 1970s through the early 1990s, when upward of thirty thousand uninvolved, innocent civilians were killed or disappeared. (Their names are memorialized on the wall in Cuscatlan Park in San Salvador, like the Vietnam Veterans Memorial in Washington, D.C.) These militarized Salvadoran forces did not act alone. Starting with the John F. Kennedy administration, agents of the United States government helped develop and guide these paramilitary forces, as uncovered by Allan Nairn who interviewed dozens of Salvadoran officers, civilians, and official United States sources.[8] (On 8 January 2005, *Newsweek* reported that the United States Pentagon was studying how to bring "The Salvador Option" to Iraq.[9]) The Salvadoran poor, accordingly, were attacked not only by the protective associations of their state, but by the financial and military might of the United States.

Roberto D'Aubuisson, who headed the death squads in the 1980s, was furnished intelligence files from the United States.[10] He also founded the ARENA political party, which still governs El Salvador. When I was in San Salvador, I was part of a group that went to the government center to talk with a representative of the ruling ARENA party. To my disbelief, we met, in 2005, in the ARENA party's D'Aubuisson room, named after this notorious death squad leader! D'Aubuisson's picture hung behind and above the ARENA party deputy who spoke with us. To use a current United States expression, they don't get it! Or maybe in some perverse in-your-face way, they do.

The rich, being powerful, control both public and private security forces, and both legislators and legislation. Even when legislation is passed supposedly for the people, the administrative system is corrupt, and the judicial system is overwhelmingly not neutral. This corruption permeates the system, with the wealthy having little incentive to modify what is to their advantage. At the United States Embassy in El Salvador, we learned that judges are not paid well and only two percent of judicial cases are decided. The judicial system wisely keeps one eye on the demands of the powerful.

Compensating poor individuals whose rights have been violated, while sometimes occurring, is not a high judicial priority.

Under the neoliberal stress on freedom and defense of security, John Locke's view of natural positive rights is dissolved. Locke says human beings share in "one community of nature" wherein one person is not subordinate to another. We are bound not only to preserve our lives but to preserve the rest of humanity, and we may not, "take away, or impair the life, or what tends to be preservation of the life, the liberty, health, limb, or goods of another."[11]

The difference in rights lies in whether, at the core of being human, we stress isolated individuals or community. Hobbes, for instance, views human beings as though they are "even now sprung out of the earth, and suddenly, like mushrooms, come to full maturity, without all kind of engagement to each other."[12] Under a predominance of negative security rights we are like mushrooms with AK-47s. Other thinkers, including most feminist philosophers, begin with our family and community upbringing, which repeats itself when we as adults raise a family in a community.

Under negative rights, family or community needs are designated as possessions or charity, not justice. Under justice or equity, a community oriented thinker and activist such as Mohandas K. Gandhi says, "Everyone must have a balanced diet, a decent house to live in, facilities for the education of one's children, and adequate medical relief."[13] This is a positive rights approach to justice. The role of government becomes looking after the basic needs of human beings and their security, with the view that a loss of basic needs breeds insecurity.

In a slightly different twist on justice and the role of government, John Dewey, following Locke's views, points out that individuals act, whether alone or in associations, in ways that have consequences for others.[14] Some of these consequences directly affect the individuals that are involved in these transactions. A concentration on personal freedom centers on dialoguing among those who are directly affected in private interactions. This is the neoliberal limited approach to government and free trade.

The problem is that other consequences result that indirectly effect individuals who are not freely involved in the interpersonal transactions. The role of the public and government, for Dewey, is to ensure that individuals and communities are not indirectly hurt by otherwise acceptable private transactions. Governments have to be vigilant, Dewey says, about the indirect consequences of freely performed actions. Individuals smoking in public places, for instance, affect the lungs of nonsmokers and smokers alike. Workers paid poverty wages are unable to have their basic needs met. Many substances used by corporations poison the environment for years to come. The purpose of government, according to Dewey, is to remedy the indirect harmful effects of actions taken privately by individuals and groups.

Positive rights need to be protected as much as negative rights, even though neoliberalism only recognizes negative rights. Neoliberalism starts from a position of self-protection, while Locke argues that just as we are obligated to preserve our lives, so also we ought as much as we can to preserve the rest of humanity.[15] All human beings are equal. By positive rights, as I have said, I mean the right to basic necessities for living as human beings, such as, the right to drinkable water, nutritious food, healthcare and necessary prescriptions, decent housing, education, a clean environment, and a job providing a livable wage. When these rights are systematically ignored in a social environment for the benefit of the wealthy few, the disregarded individuals are harmed, and the community suffers.

William Greider, the author of *The Soul of Capitalism*, claims that United States citizens, except for the very poor, "achieved self-sufficiency in basic needs (food, shelter, clothing, and so forth) nearly a half century ago."[16] Greider quotes Clair Brown, an economist at the University of California Berkeley who tracks consumption patterns, as saying since the 1950s United States citizens have been spending less for the basics and more for "goods and services that are increasingly recreational or described as 'variety' or 'status.'"[17] The self-interested drive for "more" in individual citizens has offset an earlier egalitarian spirit, and has begun to pit the wealthy against the poor.

My argument is that harm or violence is not only done by one person directly striking another. These harms are the overt kind. Covert harms also exist.[18] Some harms, as Dewey shows, are indirect consequences of people's actions. No single person is directly responsible for poor people not having food and shelter. Absolute poverty occurs as a social result of people transacting together in an established social order.[19] A truly democratic government, it appears, would have the responsibility not only to watch over harms directly committed by individuals upon other individuals and by security forces upon an insecure population, but also to remedy indirect harms that are perpetrated upon unsuspecting members of our society.

The problem of indirect harms is immensely complicated when we talk about the power of corporations. Erik Assadourian, a staff researcher at Worldwatch, explains that corporations were originally founded to raise large amounts of capital to be used for specific purposes "to create new industries, colonize far-off continents, build new canals and railroads" that were for the common good.[20] This is a mutualistic relationship between corporations and societies. Beginning with the civil war in the United States, corporations were needed to produce war materiel. So the corporate laws were changed to aid these corporations in fulfilling their needed civic duty. Afterwards states weakened their laws in competition with one another to bring in tax revenues.

As corporations went transnational, the richest group rivaled the economies of nations. In 2002, the largest one hundred transnational corporations "accounted for 14 percent of the sales and 13 percent of the employment" of over 61,000 such companies.[21] At this level there exists virtually no internationally elected public institution overseeing the effects of their operations. These companies, accordingly, force nations to pick up the social pieces and in effect to lose money while company profits soar. This is what Erik Assadourian calls the parasitic relationship between corporations and societies. "According to a 2004 report released by United States Representative George Miller, for instance, one 200-employee Wal-Mart store may cost United States federal taxpayers $420,000 per year because of the need for federal aid (such as housing assistance, tax credits, and health insurance assistance) for Wal-Mart's low-wage employees."[22]

While most ethicists find this indirect institutional violence abhorrent, many proponents of neoliberalism delimit morality to whatever is mandated by a social contract. Libertarians, for instance, equate morality with obeying promises; on a state level this translates into consenting to a nation's social contract or constitution, minus social legislation; this minimum social contract is seen as deriving from a mutual desire to preserve one's life in a secure society.[23] This description of democracy is based solely upon the negative right of security, not positive human rights. On the international scene, laws and morality are kept at a minimum. The lack of equitable laws favors powerful corporations and nations.

This contractarian view equates morality with laws. Contractarians claim that no ethical order is distinct from the self-interested use of power. For Hobbes, where no law exists there exists no injustice.[24] If transnational corporations can force nations to have no minimum living wage, and these corporations are allowed to pay no taxes for the use of facilities within these nations, then those coerced laws are claimed to be moral. Individual poor people who are powerless become instruments to be used (abused) by the powerful wealthy. The poor cease to be treated as equal, free, and independent beings.

In keeping with morality by agreement the United States as a nation frequently refuses to sign and pulls out of significant international covenants. No agreement becomes no moral obligation and a vacuum within which a superpower thrives. The boycotted laws relate to worldwide issues, such as, nuclear treaties, universal human rights, global environment, the law of the sea, the international criminal court, and land mines. This dearth of participation in the laws of the global society is nationalistic government without a shared obligation for the international order. Other nations view this approach as the irresponsible use of raw power.

In El Salvador, as I have said, the wealthy have always dominated national politics. The rich control the media. There exists no neutral public

media outlet like BBC or PBS; ownership of the media is entirely private with those in power using this outlet for their advantage. There exist few campaign finance laws to regulate the amounts of money that are contributed to Salvadoran elections, and the wealthy ARENA party historically outspends the other parties ten to one. This figure would be equivalent to the Republican Party in the United States having $200 million to spend on the presidential race, and the Democratic Party only $20 million. Individual freedom stands without public responsibility.

In 2003, the formally rebel political group that has a positive rights agenda, the FMLN, received more votes across the country in mayoral and parliamentary elections than the ARENA party. The major issue was the privatization of the public healthcare system, which would have closed public hospitals and was opposed by unionized doctors and workers, who went out on strike. 71 percent of Salvadorans live below the poverty line.[25] After the 2003 elections the government gave in on privatizing hospitalization and settled with the doctors and workers who had been out on strike for nine months. Then the Central America Free Trade Agreement with the United States (CAFTA), which includes the privatization of Salvadoran public services, became a major issue in the 2004 Salvadoran presidential elections.

All indications pointed to a close election in 2004 between the presidential candidates from ARENA and FMLN vying for power in a runoff election. The United States favored the ARENA party and made that position very clear. The United States National Endowment for Democracy, begun under Ronald W. Reagan as a neoliberal tool, funded various groups among ARENA supporters in the months leading up to the election. Similarly the Bush administration sent to El Salvador several important representatives, including George W. Bush's brother Jeb Bush, who was the governor of Florida, to argue for passage of the Central American Free Trade Agreement (CAFTA) and to explain the consequences in losing international loans, if the FMLN won and CAFTA was defeated.[26] Jeb Bush while in El Salvador met only with the ARENA presidential candidate, ignoring the FMLN candidate. Other United States representatives also refused to meet with the FMLN candidate. Statements by United States emissaries were decidedly one-sided. These one-sided political interferences ran contrary to Salvadoran law, but these laws were not enforced by the ruling ARENA party nor honored by the United States.

The biggest scare for Salvadorans, trumped up by officials of the United States, was the threat delivered by the United States embassy and several members of the United States congress that remittance checks from Salvadoran family members working in the United States would not be permitted to be sent back to El Salvador, and that legalized temporary Salvadoran workers in the United States would be deported.[27] The remittance

checks (*remesas*) represent the largest import item of money into El Salvador, with the wealthy banks taking their cut, as over one-fourth of the poverty-plagued Salvadoran population works in the United States.[28]

The monetary and political threats worked, being stressed in the political coverage of the privately owned media outlets. The ARENA party received 57 percent of the vote to the FMLN's 32 percent, negating any need for a runoff election. Since the wealthy control the presidency, the parliament, the different security forces, the judiciary, the money, and the media in El Salvador, and have ample support from United States political interests, I am not encouraged that future elections will be run any fairer unless the election laws are modified and implemented by Salvadoran politicians, and respected by the United States.

2. Oppression with Neoliberal Economy

The major families of El Salvador, known as the "fourteen families," have historically made their capital off large farms that grew crops for export.[29] In the twentieth century coffee became the major export crop, and these nationally powerful families became very efficient at exporting coffee. Cotton and sugar cane too are grown for export profit, with the large coffee growers becoming the top cotton and sugar cane growers. They are also export processors and manufacturers, and Salvadoran financiers.[30]

As these crops grew in importance the main families, using paramilitary forces, pushed peasant farmers off relatively small plots. Those *campesinos* who did not have sufficient land to grow food crops were coerced into being seasonal laborers, many for only a few months a year. With no land on which to grow needed food and no urban jobs, a large number of Salvadorans were left in poverty.

The United States huge financial and military aid package during the civil war also brought El Salvador into the global economy. The oligarchic hold was transformed, with some land reform, into a broader rich alliance and a modernized market economy. This is continuing the rich-poor divide in the country.[31] Because of the brutal civil war and the intense poverty, over 25 percent of the population has fled the country with a conservative estimate of seven hundred leaving daily.

The neoliberal position on capitalism builds on the private ownership of property, the marketplace that determines product values and who gets what in the economy, and a government that stays out of the market.[32] Such an economy is claimed to be just because it is the most productive, it rewards the deserving, and it does not rob people with taxation.

Does neoliberal capitalism reward the deserving? The argument favoring capitalism says that the market distributes products according to demand, and this demand is assessed in line with what people value.[33]

Making valuable goods and services available in the most efficient way deserves the most reward. Whoever makes the greatest contribution, not in terms of hours worked, toward delivering these products is most deserving of the largest slice of the reward received. The market divides the financial rewards in the fairest manner, say proponents of neoliberal capitalism. Those who produce what is valued deserve the most reward. Those who are not productive do not deserve any reward. The non-productive may in some cases be the objects of charity, but charity goes above and beyond justice. Those who commit crimes are subject to punishment.

The problem with this argument is that it claims fairness approves that large segments of the world's population work in jobs for which they are paid poverty wages. Human beings are treated as objects with no rights of their own. For instance, in the richest country of the United States the bottom fifth of the working force, including many single women with children, do not earn enough money to support a family, and have virtually no hope of getting a better job. A 2004 cover story in *Business Week* reports that the hourly wage for male workers in the bottom 20th percentile was $9.70 in 1973, fell to $8.31 in 1995, and is $9.22 in 2003; all in 2003 dollars.[34] The hourly wage for women workers in the same percentile has risen over these years ($6.62 in 1973, $6.92 in 1995, and $7.94 in 2003), but still lags far behind men. The mean household income received by the bottom fifth in 2002 was a miserable $9,990.

William Greider states, "One-sixth of the population . . . still lacks the means to provide even the minimum essentials of food and shelter for themselves."[35] This number encompasses one-fifth of United States children. Many workers do not have proper healthcare. In the United States 18,000 individuals die each year for lack of medical care.[36] These workers do not deserve to be in poverty and without healthcare. They are neither machines nor slaves. Nevertheless, almost one hundred and fifty years after Abraham Lincoln emancipated slaves in the United States, these poor people find themselves in the clutches of a master-slave relationship

In El Salvador the best land is used for export crops with only wealthy landowners making a profit. The demands of the coffee market are not meeting local nutritional needs as the rich make more money servicing first-world demands. Amid high unemployment table food has to be purchased. As a consequence at least seven hundred leave the country every day on a continuous migration to North America. They enter the United States illegally and spend decades hiding from the police, working in the underground, and sending checks back home.[37] More Salvadorans live in Los Angeles than in any city of El Salvador except San Salvador. So capitalism is not fair in rewarding deserving workers who produce products that people need.

To make matters worse, Peter Davis reports that illegal Salvadorans living in Los Angeles were terrorized by Mexican gangs.[38] In return the Salvadorans organized the Mara Salvatrucha gang, whose leaders were arrested by United States authorities and deported back to El Salvador. This gang that had not previously existed in El Salvador recruited new members from poor barrios to come to the United States, while creating a major gang problem in El Salvador. There currently exists a 100,000 member international gang.

Robert Nozick proposes a different argument for fairness. He says we are all entitled to our original possessions, including our bodies.[39] We are free to transfer our holdings to other individuals as we see fit, except criminally. Anyone who receives holdings from another person in an honest exchange is entitled to these holdings. Fairness is not about guaranteeing all human beings a healthy diet or treating everyone with just deserts, but in transferring holdings justly. If another person's original possessions were acquired criminally, for example through paramilitary attacks on peasant lands, and the *campesinos* can prove that fact, then, Nozick says, compensatory rectification must be made.

In El Salvador, tracking original possessions would be equivalent to requiring the mafia to keep records of their criminal activities. The Salvadoran situation is worse, in that rectification would require that witnesses sacrifice their lives, and that judges rule against corporate oligarchical interests, which would be tantamount to judges signing their death warrants. Judicial compensation is outflanked by the insidious paramilitary forces that protect the rich and oligarchical.

Under entitlement theory, wherein accepted business practice is moral, a wage is just whenever a worker agrees to work for the employer's proposed amount. If, for instance, individuals choose to work for meager wages in a Salvadoran sweatshop because no better jobs are available, the transaction of little money for that physical labor is, under this theory, just. Workers should not expect added benefits. As with Wal-Mart in the United States where the average wage is around $8 per hour, 53 percent of its 1.2 million employees are uncovered by the company health insurance plan, because the plan is "so expensive and so stingy in its coverage."[40]

The unwritten law for business becomes getting the most work for the cheapest price and poorest working conditions. In this regard, labor unions that demand fair pay for a day's work run contrary to accepted business practice. As William Greider says, "In the economic sphere, efficiency trumps community. Maximizing returns comes before family or personal loyalty."[41] The bottom line is the lowest price and the greatest profit. Sherrod Brown, a United States congressperson from Ohio, says, "The combined fortunes of the 400 richest people in the world equals more than the annual

income of the poorest 50 percent of the world's people."[42] Fairness under neoliberal entitlement sanctions economic oppression.

Fairer economic alternatives do exist. Besides the logic of neoliberal capitalism, William Greider says, a more profound morality permeates the culture of the United States. People have a deep feeling for equal treatment. We are raised on a sense of hard work and fairness. Capitalism allows us to make significant gains, but it also has its shortcomings. During the long years of the cold war, we were denied the opportunity to criticize these shortcomings. After 11 September 2001, the Bush administration has used the threat of terrorism and a call for patriotism to silence our resistance. But knowledge is power, and narrow interests are not going to decide our future. Greider says, "The process of self-education is underway."[43] Human beings are entitled to have their basic needs met in exchange for honest work.

A major problem is how to handle capitalism fairly in a global economy that has nations at variant stages of economic growth. Joseph E. Stiglitz, a nobel prize winner in economics, says, "New foreign firms may hurt protected state-owned enterprises but they can also lead to the introduction of new technologies, access to new markets, and the creation of new industries."[44] To aid this process, in 1944, two international financial institutions were created: the World Bank to help with the development of poor countries, and the International Monetary Fund (IMF) to prevent another world depression. These are two potentially equitable global institutions that have in recent years gone awry.

Both governmental institutions were founded on the idea that government actions are needed not only for defense, but to forestall economic depressions and enhance third world development. These institutions are each regulated by boards of directors whose members are mostly appointed by prominent national governments and whose votes are weighted in terms of the economic clout of these wealthy national governments. The director representing the United States, for instance, has a 17.14 percent vote on the IMF board, with 15 percent being sufficient to veto a request for funding.[45] The United States, therefore, alone determines which nations do and do not get international funding from the IMF.

Stiglitz, who worked as the chief economist for the World Bank from 1997 to 2000, says in the 1980s Ronald W. Reagan teamed up with Margaret H. Thatcher to shift globalization to free trade. The IMF and World Bank were made accessories to global free trade or neoliberal capitalism.[46] Walden Bello explains that commercial bank and individual government loans were given freely in the 1960s and 1970s in a concerted Western effort to contain the spread of communism in the third world. In the 1980s, Reagan touted free enterprise supposedly to roll back "big government and big labor from domestic economic life."[47]

Spurred on by the debt crisis of 1982, international IMF and World Bank loans were given to pay back third world debt, but only under conditions of structural adjustment. Exceptions were made for governments fighting communism, but generally third world governments were forced to cut spending on education, healthcare, and welfare, to reduce wages, to liberalize imports and remove restrictions on foreign investments, to devalue local currency, and to privatize state enterprises.[48] Soon the third world was paying back more money in debt reduction to the first world than they were receiving in developmental aid.[49] The trickle down theory became an upward flow. Except for a few oil-rich nations it is still an upward flow.

The hegemony of the North has been guaranteeing world poverty. By 1997, over forty-five percent of the world's population was living on less than United States $2.00 a day.[50] The problem is a one policy fits all program. Third world governments are required to privatize their social programs, and start charging sweatshop workers for water, education, healthcare, and security.

In El Salvador, when the lucrative telephone system was privatized to a Spanish company a few years ago the Salvadoran government lost an important funding source for education and healthcare. After electricity was privatized "electric rates have gone up five times."[51] With CAFTA, which at this writing in mid-2005 has passed the Salvadoran parliament, and is up for vote in the United States congress, El Salvador will not be allowed to subsidize its domestic nutritional agriculture, while the United States protects United States farmers, pharmaceuticals are bought in Central America for inflated United States patented prices, and the Salvadoran public healthcare system is privatized.[52] Salvadoran workers will be entitled to increased poverty for their needed labor. If the majority of Salvadorans revolt, then the military and paramilitary, with training from the United States military, including its flagship, the School of Americas (currently under the name of the Western Hemisphere Institute of Security Cooperation) at Fort Benning in Georgia, will be there to put down the riots.[53]

There exists a fairer international economic system that would take into account the basic needs of the peoples of the third world. Joseph E. Stiglitz says new industry in the third world must be protected initially if it is to survive in competition with the more advanced production methods of the first world. While jobs can easily be destroyed newer jobs are not readily created to offset these job losses. Development loans need to be given that do not penalize nations for going into debt to aid the local economy. I would add that the third world also needs an honest judicial system that is not subject to paramilitary retaliation when judges rule against widespread corruption.

The problem with this alternate approach is that the United States with less than five percent of the world's population would soon find 95 percent of the world's population, and especially the huge populations of the third world, demanding their fair share of resources and equal treatment of human beings. The United States would no longer be allowed to wield a veto in the granting of international loans, nor a veto in the world's government. Problems would not be resolved by national military and paramilitary forces. International courts would assume a larger role in assuring a just economic system. The economy would be free and fair.

Since these equitable ideas run contrary to the self-interested power of Wall Street and international corporations I presume that the present oppressive economic and neoliberal policies will be retained for the foreseeable future. Many Latin Americans have understandably taken pleasure in the democratic elections of a number of leftist leaders in countries like Brazil, Argentina, Chile, and Venezuela. Unfortunately while it is true that these newly elected leaders are left of center in political orientation, their economic policies could hardly be said to be progressive, if by progressive we mean policies that favor the needs of the forty-three percent of the Latin American people who live below the poverty line.[54]

Individual nations cannot default on their international loans or debt payments without severe complications for their national economies. As they tighten their economic belts they have little monies left over for human rights benefits. Unless and until the international financial system is reformed, national progressive political leaders will be beholden to the rules of neoliberal system that are in place. The playing field is still not being leveled.

The poor of the third world are replacing the slaves of yesteryear, the national media is putting a happy spin on the oppressive conditions, and security is overriding fairness as the United States and transnational corporate goal. What is going on in Iraq does not bode well for true freedom.[55] The United States appears intent upon applying the Salvadoran neoliberal oppressive format to the nations of the Middle East. I hope I am wrong.

NOTES

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Eight

RACISM AND THE POLITICS OF THE WAR AGAINST TERRORISM

Richard Peterson

The rise of global terrorist networks has dampened the hopes in some circles that the intensified globalization of recent decades might lead to a more peaceful world. Increased economic and cultural integration has today no more eliminated organized political violence than it did over two centuries ago when Immanuel Kant argued that an era of peace might result from the growth of commerce and cultural interaction.[1] To observe this is not to ignore the significance of recent globalization, nor is it to deny that globalization includes changes that could help bring the dream of a cosmopolitan political culture within practical reach. But today, as in the eighteenth century, commercial relations, travel, and communication must be accompanied by distinctively political transformations if they are to lessen the threat of political violence.

Even in his time Kant did not imagine that increased trade and communication were by themselves enough to instigate an age of perpetual peace. He understood that peace is not simply the absence of conflict, but requires a distinctive and constructive change in institutions and practical outlooks. In this spirit he stated his famous expectation that the emergence of republics would make war less likely, though he based this view mainly on considerations of economically conceived self-interest instead of on thoughts about social restructuring or new ethical understandings.[2]

One of the depressing ironies of intellectual history is that the same philosopher who raised such fundamental considerations about the historical chances for an end to war also contributed to ideas that later informed new and terrible forms of violence. In his reflections on race, Kant introduced ideas about the formation of races in which he used claims about emergent racial differences to explain and justify the power relations of the colonialism and slavery of his time.[3] The theorist of the Enlightenment and its celebration of the interconnection of freedom and reason also pioneered the racist pseudo-sciences and contributed to the ideological understandings of racism and racist violence that cast a shadow over the past hundred and fifty years. Kant's philosophical and historical self-reflection never extended to recognizing the respects in which his work figured in the evolution of new political understandings and practices that helped undermine the potential mutuality that a wider and more extensive interaction among peoples might yield. Today a thoroughgoing critique of racism, both its intellectual and

institutional commitments, is a necessary part of any political engagement with globalization that hopes to reduce armed conflict.

The aim of the following discussion is to show the importance of such a critique of racism for thinking about the politics surrounding contemporary terrorism. In particular, the aim is to see how a concept of racism might figure within a critique of the response to terrorists found in the contemporary war against terrorism. The background assumptions of this paper include the complaint that the primary focus on military response has distracted from an appropriate response to the wider conditions that have led to terrorism and the belief that this focus contributes to militarism in contemporary society. While these assumptions will not be examined here, some of the ideas included in them will become explicit. In any case, bringing in the critique of racism may be helpful for thinking about an alternative politics of terrorism and so about a less violent globalization.

The claim that an analysis of racism must figure in rethinking the politics of terrorism should seem initially plausible given the many racist acts since 11 September, 2001. Not only have there been individual attacks on Arabs and Muslims, but there have been cases of journalistic stereotyping, the promotion of spurious intellectual theories—for example, variants of the Samuel P. Huntington thesis of a deepening clash of civilizations—and many instances of institutional discrimination—for example, by police, airlines, and the military.[4] Nonetheless, the significance of these instances of racism is by no means obvious.

There are both general questions about how to understand racism and its function in politics and more specific questions about the relation between these instances of racism and the politics of anti-terrorism. Drawing from previous work on race and racism, I will offer some general ideas that can then be tried for their application to the political response to global terrorism. At the outset we should acknowledge that it may seem doubtful whether racism should be stressed here at the expense of militarism, nationalism, or some other type of conflict. For example, religious differences are the more obvious cultural articulation of conflicts that have crystallized in terrorist acts. Such doubts about the proper emphasis on racism cannot be resolved in advance, but will have to be considered in light of the argument that follows.

Our focus is on the political understandings of the war on terrorism and we are interested in the concept of racism for thinking about the response to terrorists. Whether the terrorists themselves should be seen as racist is another question. The terrorist acts of 11 September, 2001 occasioned racist hostility against Arabs and Muslims, but our question is whether the idea of racism is useful for thinking about the relation to the terrorist as such. We may consider whether the idea of the terrorist has itself become a racist category or a concept that functions like a racist category.

1. Racism as an Ontological Claim

In the period after the destruction of the World Trade Center, questions about why the terrorists hate us were raised, as if these acts could be understood as a matter of interpersonal hostility. The answers offered to this dubious question included claims about terrorists hating the United States's way of life, its values, its freedom, even its wealth. Quite apart from the Administration's attempt to cast terrorism in terms of a challenge of evil against good, the tenor of these discussions was to cast the terrorists as deeply irrational, as being intrinsically opposed to the being of the West, of the United States, of a so-called us. On this construction, the opposition is between types of people instead of over policies or institutions. The terrorists themselves are seen as existing beyond the reach of normal discourse, and therefore as presenting a danger that can only be met with military force.

The first relation I want to posit between the response to the terrorists and racism concerns this deep difference that this response depicts between those who find themselves to be the targets of terrorism and the terrorists themselves. This includes an incommensurability of understanding and values. Such a difference is typically projected in racism. When posed in racial terms, this incommensurability is not a matter of historical differences in subjectivity or culture, but is rather an ontological fact, one that has to do with the very being of the other who is understood racially.

Frequently, this dimension of racism is tied to the biological under-standing of racial differences that arose in the eighteenth century and is illustrated by Kant's theorizing on this subject. But, it is better to speak in ontological terms, since the same primacy of being over capacity can, and increasingly has been, equated with cultural differences. What appears distinctive of modern racism is the way this primacy is understood as determining differences of capacity which are then taken for all practical purposes to be unchangeable. What is significant is less whether racial/social differences are said to be determined by biology than whether they are taken to be fixed and to be determinative of what we can expect from the racialized group. What we can then expect from members of that group affects how we can legitimately act toward the group.

For understanding racism this point is crucial. The objectively determined differences between groups both explain the posited behavior of the racialized other and provide grounds for denying the applicability to them of otherwise binding universal norms. We see this already in Kant, for whom racially inferior groups lack the same use of reason as Europeans and lack the same claim to autonomy. On these grounds colonial violence against native peoples can, on Kant's view, be justified.[5] One finds a similar

operation in the framing of the United States Constitution when it denies to slaves the rights that otherwise are held to be self-evidently universal. With racism we encounter a limit point of liberal universalism as well as an intellectual and cultural means by which liberalism denies the universalism to which it is otherwise committed.

2. Racism as Recognition Conflict:
Identity Formation and Power Relations

This treatment of the other—whether conceived racially or as a terrorist—as inherently inferior is not exclusively a matter of what the other is, but also has to do with who the other is. By projecting an identity on to others, racism shows that it does not reify the other so completely as to deny agency to it altogether. Indeed, by way of projecting an identity on to the other, the racist posits a quality of agency that is consistent with the ontological inferiority that then is taken to justify restricting ethical and legal requirements that would otherwise apply. This identification can be so dismissive as to render the racially oppressed person invisible to members of the dominant group. But this is less a failure to perceive the other, than to perceive the other as not meriting otherwise prevailing forms of recognition.

The Hegelian treatment of identity as a function of recognition conflict is useful in thinking about racism, since it combines the imposition of an identity on the other with an assertion of a racialized identity for the dominant group as well. In societies like the United States, in which racism is officially repudiated as a matter of principle, this assertion does not typically take the form of an explicit ideology of racial superiority. Instead it often functions as a sense of racially coded normality, where this is confirmed by the differential application of ethical and legal norms we have already discussed. One result is a differential sense of individuality, in which members of the dominant racial group consider themselves to have capacities not shared by the members of the inferior race who lack the same kind of individuality. The ontological differences discussed earlier correspond to differences in agency that in turn correspond to differences in identity, actual and potential.

Parallels with the war against terrorism are evident: the terrorists appear in the rhetoric of this war as one-dimensional beings whose identities are reduced to the expression of fanatical beliefs. Stereotyped with one-dimensional images of Muslims or Arabs, stigmatized as resentful expressions of a backward culture, they cannot occupy the same political or moral universe as we do. If we follow Michel Foucault's analysis of racism, central to this antagonistic relation is the sense of vulnerability on the part of the racist, and a sense of the racial enemy as infiltrating, corrupting, and

undermining the dominant race to which one belongs.[6] In the war against terrorism, as in racist society, threats to the integrity of the dominant group may warrant acts that otherwise would be ruled out by legal, moral, or political considerations.

Further, promoting the sense of a threatened collectivity may include suppression of dissenting voices within the racially dominant group, and introducing considerations of loyalty and betrayal. Here again, collective identity and collective existence may seem to warrant violation of universalist norms. Such a sense of threatened group self has been articulated by politicians leading the war against terrorism. We are frequently told that the terrorists aim to destroy who we are. The Attorney General of the United States notoriously proclaimed that failing to support administration policies effectively aligns one with the terrorists.[7] Frequently one hears that, because of what we are, it is not necessary to be bound by legal norms.[8]

3. Racism and State Power

I have made two general claims about the similarity between racism and the war against terrorism. First, by ontologizing differences with others, both racism and the war against terrorism undercut norms that otherwise are treated as holding universally. Second, in both contexts this statement of the demands of social being coincides with the projection of an identity onto the other along with claims about damaged or threatened identity. It is possible to see these features of racism and the war against terrorism as isolated failures of a kind of liberalism. But, we may instead argue that they embody a characteristic feature of modern state power, one that stands in perpetual tension with the universalism associated with the rule of law.

For analyzing this aspect of state-centered power, it is useful to follow Carl Schmitt's analysis of sovereign power as the ability to declare and impose a state of exception.[9] Even if we do not accept Schmitt's general theory of sovereign power, the idea that state power is asserted and organized around such declarations of a state of exception does seem to grasp part of what takes place in the war against terrorism. Power cuts a distinctive profile in the moment of crisis, and associates itself with the ability to take decisive action. This action is decisive not just in establishing a particular order of social relations. It also bears on another Schmittian theme, the idea that what is decisive politically is the ability to distinguish friend from foe, where this means drawing a line that may have to be defended by use of force.[10]

Whether terrorism represents a crisis of the sort that concerned Schmitt is open to debate, but the United States Administration's rhetoric implies that

it does. The combination of asserting the friend or foe distinction with imposing a state of exception is something we confront in the suspension of constitutional guarantees and the flouting of international law that has become a hallmark of the war against terrorism. Guantanamo Bay and Abu Ghraib have become shorthand for a kind of state power that treats the law as open to manipulation. Terrorists are depicted as embodying a threat that renders the norms of legality ineffective and even irrelevant. The resulting deployment of power is by no means targeted exclusively at the disparaged group for strategic purposes. This contradictory organization of law, extra-legal power, and violence has a much broader effect in intimidating and regulating citizens, a point that has been borne out in applications of the Patriot Act in contexts having nothing directly to do with terrorism.[11]

Though we may think of the state of exception as primarily a response to short term emergencies, in fact there is an instructive parallel with racism, even when it functions systematically within a society. Addressing what may be an intermediary case, Giorgio Agamben conceives this kind of power as being at work in the Nazis' progressive stripping of rights from Jews, reducing them finally to "bare life."[12] Less sweeping in its murderous logic—because more oriented to exploitation than to extermination— American racism has also been inscribed in an ongoing state of exception. Here the state has enforced an order that makes systematic exceptions to the alleged universality of its official legal code. Such was the case in American slavery, but also in the later legalized restriction of rights under the segregation system. The racially oppressed live in an ongoing state of exception.

For Schmitt, imposing the state of exception is an active crystallization of the power that is articulated through the distinction between friend and foe. For him this distinction can be drawn against domestic as well as foreign groups.[13] And reference to the racist sense of threatened identity that we cited in the previous section reminds us that blacks were—and in some quarters still are—seen as inherently threatening and to be treated as standing in an opposition regulated by force. In this light, the war against terrorism develops political habits that have a long history in modern states. Asserting special powers proper to a state of exception and articulating this power on the basis of a friend or foe distinction, the war against terrorism follows a long standing pattern in modern state-centered politics, one that has even achieved a kind of ongoing institutional form of systemic racism.

4. Rethinking Politics in the Context of Ambiguous Globalization

I have drawn parallels between racism and the war against terrorism with respect to three political operations: the ontologization of difference and the corresponding suspension of universal norms, the projection of identity along with the sense of threatened identity, and the imposition of a state of exception required by violent conflict with a foe. My suggestion has been that the critique of racism brings out features of the politics of the war against terrorism. Can we draw from these parallels implications for a politics that responds to globalization in a way that challenges its militarist dimensions? How might we emulate Kant's search for historical conditions that would make it possible to realize the cosmopolitan ideal?

My aim in drawing these parallels with racism has not been to show that the war against terrorism is an instance of racism, though it is important to note the many racist aspects of this policy. Instead, my aim has been to indicate how the kind of operations I have associated with racism have a larger structuring role in modern politics and its organization of power. If these operations have a prominent place within the war against terrorism, then confronting them means seeing the war against terrorism as posing questions about the nature of politics and power. Stressing these general points risks ignoring questions specific to the war against terrorism, but ignoring them risks failing to see all that is at issue in questioning this policy, including what is required of a genuine alternative to it.

Here it is possible only to give a general sense of what I have in mind, but we may now have assembled enough of the needed terms to give this claim about the wider significance of these themes an initial plausibility. I do this by returning to the theme of identity, which is so central to racism and to conflicts over it. The function of identity assertions in the war against terrorism illustrates the important role they play in modern politics, a role Schmitt underlines with his notion of the friend or foe distinction. In the war against terrorism, implicit and explicit identity claims determine how normative principles function and establish the state as arbiter of the balance between identity claims and ethical or legal norms. That this kind of identity politics has roots in the emergence of the modern world itself can be inferred from the way political identities have become both a problem in the modern period and a vehicle for unacknowledged political content.

A. Identity as a Problem

The loss of a relatively stable order of identities tied to social positions in labor, politics, and culture is usually posited as a result of the break with

premodern societies is. The expansion of commodity relations, the rise of cities and secular politics, the increased pace of technical change and the conflictual reordering of the division of labor all contribute to a world in which identities are made, not simply given, and where social struggles are increasingly articulated by the assertion of identities. The issue of identity faces individuals just as it faces the political and cultural articulation of groups, whether in struggles codified as matters of religion, nations, races, genders, or classes.

B. Identities as the Vehicle of Unacknowledged Politics

Issues of power have increasingly turned on identity questions, not least when these identities are the vehicles of obfuscating ideologies and manipulative political movements. While the assertion of identities has sometimes served to unify political forces, it has also suppressed movements and obscured power relations—for example, the fascist suppression of working class organizations and reassertion of patriarchal models in the face of feminist movements. The point is not that this distorting function is inherent in identity assertion, only that the full political dimension of identity questions must be acknowledged if this danger is to be avoided. This point of obfuscation is also the point at which violence enters into the political equation.

Racism may be the most extreme and, therefore, perhaps the most instructive of modern identity assertions since it brings into clearest outline the potential clash between the particularism of identity assertions on the one side and the universalism of modern ethical and legal norms on the other. Identities are not necessarily at odds with universalistic outlooks, as the socialist claim about the universalism inherent in working class interests shows. By the same token, the repeated political defeat of working class identity and interests by nationalist and racist politics shows that identity politics can often trump self-interest, whether or not this is conceived as a collective self.

Whether they are consistent with ethical and legal norms or not, identity assertions represent claims in a different register. They neither result from the application of norms, nor should they be seen as the foundation of norms, however closely aligned some identities and certain norms may be. Identity claims have an irreducible particularity to them and are not the result or expression of practical reason as this is usually conceived by philosophers.

While this point does not get us very far with the way identity maps out the existence of agents in their historical worlds, it does point to the logical reason why identity claims and ethics can come into conflict and it reminds us of ongoing difficulties in balancing the claims to identity and such

normative principles as individual rights and distributive justice. This comes up in conflicts between majorities and minorities, but it is also at work when demagogically orchestrated identity politics leads individuals to support policies that undermine their rights or material interests. This is one way to articulate the place of irrationalism in modern politics, where racist, nationalist, or fundamentalist identities win out over other identities and over normative demands. The history of fascism testifies to the recurring possibility of such typically militaristic identity politics in the modern world.

Such an obfuscating identity politics is the hallmark of racism and finds its parallel, I have been arguing, in the war against terrorism. The parallels I have drawn between racism and the war against terrorism indicate the kind of problem that a careful critique of both raises politically. This is the problem of situating identity struggles in a politics that retains a commitment to discursive process and normative universality. It is the question of finding a democratic politics that grasps identity as a profound and legitimate issue, but one that must be set within a politics governed by democratic norms. One way to develop this point would be to explore the idea of a democratic relation to identity formation.

How we pursue this question must take into account another key issue that arises with the war against terrorism. So far we have discussed the problem of politics and identity without considering the implications of globalization. We have seen that the war against terrorism falls into a dangerous pattern of political obfuscation, but we have not considered whether the context of globalization affects how we should think about this. By reconstructing the war against terrorism in terms of the modern antinomies of identity politics, I have ignored the respects in which globalization changes the terms of modern politics. The terrorist network itself offers a cogent indication: as precisely a network crossing the globe, it is by no means the kind of opponent states have confronted in modern warfare. We are no longer confronted with a conflict between nation states. By itself, this has been one reason critics have questioned the rhetoric of war as applied to this conflict. Not only is there no state or army in the conventional sense, but this opponent functions by means of the connections of globalized society, using modern communications and technology in ways that defy modern conventions of social space.

Making sense of this sea change in international politics is a topic that goes well beyond what I can discuss here. It may be enough for now to take notice of some implications for the response to global terrorism. As I have reconstructed it, the war against terrorism is organized as a state-centered politics that follows the language and strategies of past nation states, including their uses of identity politics. It has become abundantly clear that

neither the undertaking of terrorism nor the kind of collaboration required to combat it are properly understood as the acts of nation states, not as the policy of a superpower that asserts itself through unilateral action. Here, I can only point in a general way to the need for a politics that is not multilateral, if that means an alliance of states, but for a politics that responds to the issues of power and inequality that traverse the networks of economics and culture as well.

In this light, pursuit of a war against terrorism along the pathways of state-centered identity politics not only results in an undemocratic and implicitly militarist politics; it also asserts a political model that is increasingly anachronistic from the standpoint of global power relations. I have two final observations about this.

First, such a politics is even more dangerous than the old state-centered identity politics since it articulates itself in ways that are not appropriate to the evolving conditions of action, even from the standpoint of its own objectives. It would be naive to explain the sidetracking of the war against terrorism into the war against Iraq on the basis of an antiquated ideological framework, but the profound strategic mistakes associated with this war and with the problem of terrorism may well be in part a result of adopting an anachronistic frame of reference. The tendency to revert to the national security state is a mark of contemporary militarism and persists as a grave danger.

Second, if the alternative to militarism lies on the path to a democratic rethinking of identity formation and politics, this too must be posed in terms proper to globalization. And that means a break with state-centered politics, even if this is posed in terms of multilateralism or in terms primarily of international bodies. Rethinking identities and the power relations that go with them requires a political orientation that does not rest with the state even if it cannot pretend that the state or, for that matter, the nation, is a thing of the past. But states must be placed in a relative position alongside Non-governmental Organizations, regional organizations growing out of social movements—ecological, anti-corporate, indigenous peoples— genuinely international organizations and so on. This prescription is vague and abstract, but the need should be clear. Challenges to both the rhetoric and the reality of wars require imagining new institutional possibilities that grapple with the ongoing transformation of capacities and relations on the global scale.

NOTES

1. Immanuel Kant, *Perpetual Peace and Other Essays*, trans. Ted Humphrey (Ind.: Hackett, 1983).

2. Kant, p. 133.

3. Emmanuel Chukwudi Eze, ed., *Race and the Enlightenment* (Cambridge, Mass.: Blackwell Publishing, 1967), pp. 38 64.

4. Samuel P. Huntington, *The Clash of Civilizations* (New York: Simon and Schuster Publishers, 1996).

5. Immanuel Kant, "from *Physical Geography*," *Race and the Enlightenment*, p. 64.

6. Michel Foucault, *Society Must Be Defended*, trans. David Macey (New York: Picador Press, 2003), pp. 50 62.

7. "Ashcroft: Critics of new terror measures undermine effort," CNN (December, 7, 2001).

8. "The White House Papers," *New York Times*, (June 24, 2004).

9. Carl Schmitt, *Political Theology*, trans. George Schwab (Cambridge, Mass.: MIT Press, 1985), p. 5.

10. Carl Schmitt, *The Concept of the Political*, tr. George Schwab (New Brunswick: Rutgers University Press, 1976).

11. Eric Lichtblau, "US Uses Terror Law to Pursue Crimes from Drugs to Swindling," *New York Times* (September 28, 2003).

12. Giorgio Agamben, *Homo Sacer*, trans. Daniel Heller Roazen (Stanford, Calif.: Stanford University Press, 1998).

13. George Schwab, "Introduction" to *Political Theology*, pp. xxi.

Alienation

Nine

WEIL ON POWER, OPPRESSION, AND GLOBAL CAPITALISM

Judith Presler

Simone Weil—classically trained, deeply sympathetic with the poor and oppressed, reflective upon and articulate about the conditions of oppression, and creative in conceiving the spiritual dimension of life—wrote penetrating analyses of power and the occurrence of oppression in human communities. In 1943, the last year of her life, she also wrote three works on her ethical-political conceptions that responded to the problem created by oppression. One of her final works, *The Need for Roots*, was Weil's response to a request of "the Free French in London to write a report on the possibilities of bringing about the regeneration of France."[1] Though she did not live to experience and comment upon globalization, Weil's analyses of power and oppression, and her final moral-political concepts apply to some conditions arising out of global capitalism. In the first section this of chapter, I explicate Weil's analyses of oppression and power.

Weil's report on the possibilities of bringing about the regeneration of France provides an excellent account of a political-economic structure that addresses some conditions arising out of global capitalism. Entailed in the report is her later development of a conception of rights. The early development of her argument concerning rights is a critique of a popular notion of the person and the theory of rights associated with that notion. In my second section I consider her account of rights, beginning with her critique and continuing with her later, positive conception of rights, which is based upon essential human obligation and which provides a positive condition for rootedness. Rootedness in a community is a necessary condition for human flourishing. Its opposite, uprootedness, is the condition of being oppressed. In the third section I explicate her account of workers' needs and rights and how, from her point of view on power, oppression, rootedness, and rights, I would evaluate global capitalism.

1. Oppression

In her essay on the *Iliad*, Weil writes that the true hero or subject of the poem is might or force, the might or force that is unleashed in war.[2] This might turns a human being into a thing. A human being is turned into a thing when, as a result of might, a human is killed, is turned into a corpse, is no longer a living ensouled being. Even under the threat of death at the hand of

another who has the power of life and death over a person—when the soul is bereft of hope and no longer feels like a living human presence, but a thing—that person is turned into a thing. The victor, in a given battle is transformed into a beast and is also no longer a human being.

The *Iliad* is about might or force itself. It is not, on Weil's view, about the might of Achilles or about the rage of Achilles. Even though she selects as some of the *Iliad's* most vivid descriptions of death and objectification through death, descriptions of death and objectification at the hands of Achilles, Weil does not regard Achilles to be the hero or subject of the poem. And even though she begins her essay describing the objectification of a human soul at the hands of a victorious warrior in a moment in a battle, Weil eventually claims that both the victors and the vanquished, and the living and the dead, are all petrified—turned to stone—by might. "Its power to transform man into a thing is double and it cuts both ways," she writes; "it petrifies differently but equally the souls of those who suffer it, and of those who wield it."[3]

The warriors, victors or vanquished, appear in the *Iliad* as beasts or things, not humans or souls. Any given warrior in the *Iliad* is at one time the victor, at another time the vanquished. Might, once unleashed, does not remain the might of the ones who originally thought they had the power and, so, who initiated the war. Power appears now to belong to one, now to the other of the combatants. The might—the force, the power—is never in the control of humans. Human beings mistakenly believe power to be under their control. Power, however, controls them.

In "Analysis of Oppression," Weil describes the manifestation of power within society—not war between one society and another as described in her account of the *Iliad*—but the wielding of power by some individuals in society over others in that society.[4] She focuses upon oppression arising in the economic and political systems in a society. Power of one small set of individuals over the rest in society arises as a result of cooperative activity directed toward the end of the satisfaction of human needs. In what she calls its "primitive" condition, a human being satisfies its individual needs by working in nature, working to wrest the needed nourishment and warmth from nature on a day-to-day basis. The needs are satisfied to the extent that the individual is able to achieve satisfaction as the needs arise. She calls the force imposed upon a human being in this primitive condition "necessity." It is imposed upon the individual by nature, not by other humans.

Once human beings join in cooperative action to satisfy the basic needs of individuals, they form what Weil calls "collectivities" in order to control nature. In collectivities, the source of necessity, that is, of the limitations upon an individual's freedom, changes. Freedom is the state of an individual making decisions and choosing actions, plans, and programs. To join in

cooperative activity in order to provide for needs, the majority of the individuals are no longer free, no longer deciding and choosing. Instead, the thought that precedes action, the deciding and choosing in a given enterprise, must be done by a single leader. An individual must think about the options, make the decisions, and direct the activity of the cooperative group. Weil writes that a collectivity cannot engage in intellection. It is not the case that, for example, one person in a collectivity can think of "2" and another think of "2" in such a way that the collectivity can add the "2s" and come up with "4."[5] Only an individual can do that. A collectivity cannot plan, deliberate, and direct actions toward the goals (such as food and shelter, or more generally consumer goods and services) for the members of the collectivity or for the collectivity as a whole.

In a cooperative activity some individual is the thinker, the one who decides plans, and chooses. The other individuals in the collectivity are the doers of the actions, the facilitators of the activities aiming toward the goal. These others are not acting as free thinkers, deciders, or agents, but as things, tools of another individual. The thinker— the one who decides—is the ruler or master. The ruler is in control. The ruler has power. The rest of the individuals are enslaved, not under the necessity of nature, as they were when each procured individual sustenance from nature, but under the oppressive force of the ruler or master. Oppression of some humans by another human always accompanies higher forms of economy.[6] As the economy becomes more complex, several leaders come into power to accomplish the variety of operations required by the greater complexity of the economy.

Oppression is exercised by force. Force ultimately originates in nature. In developed economic systems, the appearance of freedom from the force of nature arises, but the force of nature has been replaced by the sometimes unrecognized direct oppression of the many individuals by the few. In this system of oppression, the concentration of power is in the hands of the few. Privileged positions and advantages go to the few, while the many suffer from the injustices of their oppressed positions.

Weil writes that this cooperative activity in gaining power over nature, activity that she identifies as "production," by its very nature, must evolve into a struggle for power.[7] The few strong struggle to maintain their power not only against their rivals, but also against the many weak who are struggling to shake off their masters. Not only do the weak fear the strong, but the strong fear the weak.

Power, she suggests, must always tend toward strengthening itself "at home by means of successes gained abroad."[8] These successes give the powerful leaders in the state the appearance of great strength and, so, a more powerful means of coercion at home. It also leads the oppressed at home to

rally behind the powerful and to loyally commit themselves to make personal sacrifices in order to contribute to the cause of the collectivity. The oppressed at home are deluded and they, willingly at first, suffer even greater oppression, under the idea that such oppressive force at home is necessary in order to defend the state from its enemies abroad.

A vicious cycle of endless competition for power arises. Properly speaking, power is a means, not an end, and the conversion of it into an end falsifies all social relations and leads to the attempt on the part of the leaders to exercise power beyond what they are able to successfully impose.[9] Power aims toward endless development. "Every power," she writes, "from the mere fact that it is exercised, extends to the farthest possible limit the social relations on which it is based; military power multiplies wars and commercial capital multiplies exchanges." Power, being unstable, ultimately over-extends itself. Sometimes the extension of power adds new natural resources, manpower, and technological advances that make another new extension possible, but power cannot extend itself endlessly and, ultimately, reaches beyond itself to its destruction.[10]

So long as power attempts to maintain itself beyond its capability, "it becomes most harshly oppressive . . . it crushes human beings under its weight . . . it grinds down body, heart and spirit without mercy."[11] Ultimately, there arises a change in regime, accomplished by a slow transformation. The weak cannot overcome the strong, instead, "the social class that ruled in the name of the old relationships of force manages to keep a part of the power under cover of the new relationships," or, perhaps, a change or partial change of leadership occurs. However, change of leadership or not, the leaders never cease to "grind beneath them the unfortunate race of human beings." The oppression does not change, just its form changes—fascist to communist, for example.[12]

Weil's "Analysis of Oppression" focuses upon oppression that arises within a society, a collectivity formed in order to facilitate the production of goods needed by human beings for physical survival. Once formed, the collectivity becomes oppressive to, ultimately, everyone, both strong and weak, in the collectivity. The role of power in this development is similar to the role of power in war, which she describes in her account of the *Iliad*. I consider the application of her analyses of power and oppression to globalization in section three of this chapter.

2. Rights

Weil first approaches her notion of rights and justice, negatively, in her essay on "Human Personality."[13] Though she is deeply concerned about rights—especially the lack of rights and freedoms for the oppressed—in this essay,

she argues against an account of rights popular in her time, claiming that: (1) this notion of rights is not universally applicable because it is based upon a culturally determined idea of the person—an idea that derives from a negative and oppressive form of collectivity, (2) in practice, the popular notion of rights produces contentious battles, and (3) these popular notions of justice, and rights especially, do not protect the oppressed.

In *The Need for Roots* and her "Draft for a Statement of Human Obligations" she argues positively for a conception of rights that derives from human obligation. She argues that: (1) her understanding of rights is universally applicable because it is based upon our recognized obligation to respect the essential core of every human being, an essential core striving for good, (2) on the basis of our obligations, we can create a constructive form of collectivity that supports rootedness and can explicitly address and guard against oppression, and (3) on the basis of our obligations to respect the specific earthly needs of humans, we can generate a conception of rights that does not lend itself to contention or oppression.

A. Negative Approach

In her essay on "Human Personality," Weil explicates the commonly accepted notion of her time of what a human being is—the modern ground for an ethics of rights and justice, which remains the dominant view into the twenty-first century. The notion of a human being with which she disagrees is that of a person or a personality, which two notions she regards as being interchangeable. Along with this notion of human nature is an accompanying concept of justice that is articulated in terms of a particular conception of rights. This view is shared by personalism and mainline liberal and humanistic political philosophy. Eric O. Springsted explains:

> In many ways Personalism represented simply a focused liberal view of the person. It stressed that persons are not only individuals, but that they possess both an intrinsic dignity and basic rights that are best respected in a free and responsible democratic society.[14]

While it is counterintuitive for a defender of the rights of all persons, including especially the oppressed, to argue against a theory of inalienable rights for all persons, nonetheless Weil attacks this view because she claims that "personality is nothing but a social creation which entitles us to no natural rights."[15] Concerning Weil's negative approach to rights, Springsted writes:

The first achievement of the essay is Weil's reaching a point of great personal clarity on where she disagrees with the assumptions of mainline liberal and humanist political philosophy, the particular object of her criticism. Once this is clear her project will not be confused with another's, once she has washed the terms clean, she is able to use them in a new and far more positive way.[16]

i. Person, Collectivity, and Rights

Weil argues that a person is completely particular, an internal combination of personal past events, feelings, abilities, successes, and failures—to name a few components. A person *qua* person is not the complete individual, only the particular combination of internal components. To regard the individual as a person is to focus upon its particularity and not upon its commonality with others, not upon what runs through the whole of humankind universally. Further, on this view, the group to which persons belong is not humankind, but the collectivity. A collectivity is a deceptively conceived individual, a whole to which belong persons who have some particular characteristic in common—workers or Germans, for example.

A collectivity is wrongly believed to act and think as an individual. Persons believe the collectivity to have an identity that gives them identity as persons belonging to it. They believe it to be capable of thought and action. However, as Weil pointed out in "Analysis of Oppression," a collectivity cannot think, only individuals think.[17] An individual leader of a collectivity does the thinking and is the originator of the acting; the persons who belong to the collectivity are not thinking agents, but instruments of the leader. To the extent that persons identify themselves in terms of collectivities, they tend not to live as free, human, self-directing agents. If they think that they are autonomous or if they think that the collectivity is an individual agent, they are deceived.

A collectivity is, on Weil's view, further removed from the ethical sphere than the persons who identify themselves in terms of their collectivity and further from the person conceived as the particular combination of internal components. This individual person is not the essential core on which justice is founded, on Weil's view. Justice conceived in respect of the person as a member of a collectivity is articulated in terms of personal rights. These personal rights are articulated in terms of the personal identity derived from the collectivity, an identity of the dominant members or the majority. The force necessary to support justice as rights is supplied by the collectivity.[18] The identity derived from the collectivity is oppressive to some, as is the enforcement of rights that pertain to that identity.

Springsted writes:

> Thus for Weil the philosophical problem with Personalism
> specifically, and classical liberalism more generally, is that it fails
> to see that its notion of the essentially free inner person, and the
> inalienable rights he supposedly enjoys, are but historically and
> socially contingent outworkings of social forces that have been
> reified. It is an ideology.[19]

The justice of the collectivity is procedural justice that reflects the interests
of the dominant class, the social personality of that collectivity. The justice
of the collectivity is reflective of the "contingent play of social forces"
within that collectivity. Thus, toward those who do not belong to the
dominant class, even in a democracy, the notions of persons and moral
principles can make collectivity oppressive.[20] The oppressiveness of the
collectivity is exhibited in "the bargaining spirit implicit in the notion of
rights."[21] It is also exhibited in its frequent unjust treatment of the oppressed.
On the connection between rights and force as seen by Weil, Richard H. Bell
writes:

> To have bought into rights language is to believe that power can be
> counter-balanced by power. To say "if we could just achieve equal
> rights . . ." means I must either snatch rights from someone else
> (one who has a disequal amount) or impose an ideology by force of
> persuasion to "guarantee" rights in a more or less coercive way.[22]

ii. Contentiousness

Rights are conceived quantitatively. For myself as a person, what is ethically
or politically significant is my rights and whether they are properly allotted
to me. Weil regards the agitation for our rights to come from the same
"superficial level of the soul" as "the motive which prompts a little boy to
watch jealously to see if his brother has a slightly larger piece of cake."[23]
Weil writes:

> The notion of rights is linked with the notion of sharing out, of
> exchange, of measured quantity. It has a commercial flavor,
> essentially evocative of legal claims and arguments. Rights are
> always asserted in a tone of contention, and when this tone is
> adopted, it must rely upon force in the background. . . . The person
> is subdued to the collectivity, and rights are dependent upon force.[24]

Bell writes, "[I]sn't there something fundamentally askew, in error, about our 'rights' talk when it lies so close to matters of life and death—when it no longer is inked to an exchange and a commodity?"[25] Bell adds, concerning the contentiousness relating to rights in our day:

> In the United States, in April 1989, there was a . . . march in Washington for women's rights. It was part of the backlash to the anti-abortion campaign . . . .Those who went to the Washington march returned satisfied with the thought that a blow had been struck in favour of women's rights. Nothing rankles more than the thought that some basic right may be denied us—"Have I not a fundamental right to choose to do what I want and what is responsible with my own body or with my life?" But then we hear the response to this: "what of the 'rights' of a fetus—an unborn child maturing to term, dependent wholly on a woman's choices? Is life itself a right to be claimed or denied?" A clash of 'rights' erupts—women's rights, right to life! But we are convinced that our hallowed concept of 'rights' should be at the centre of such social conflicts.[26]

We vie for our rights through speech. However, the oppressed cry wordlessly from the depths of their souls, "Why am I being hurt?" They are not demanding rights. The other cry —"Why has somebody else got more that I have?"— refers to rights.[27] "Nothing is more frightful," Weil writes, "than to see some poor wretch in the police court stammering before a magistrate who keeps up an elegant flow of witticisms."[28]

> [W]ords like "I have the right . . ." or "you have no right to . . ." evoke a latent war and awaken the spirit of contention. To place the notion of rights at the centre of social conflicts is to inhibit any possible impulse of charity on both sides. . . . If a young girl is being forced into a brothel she will not talk about her rights. In such a situation the word would sound ludicrously inadequate. . . . Thanks to this word, what should have been a cry of protest from the depth of the heart has become a shrill nagging of claims and counter-claims.[29]

iii. Inadequate for the Oppressed

The use of words in contending for rights is unfair for the inarticulate, untrained, oppressed persons in the collectivity. Weil's disdain for these rights as a foundation for universal ethical or political justice is revealed in

such examples as the girl being forced into a brothel, the poor wretch stammering before a magistrate, or inarticulate workers trying to argue for their rights. The management and the union negotiators are articulate in speech, but the workers are not. The negotiation is usually about wages.

> [F]or men burdened with a fatigue that makes any effort of attention painful it is a relief to contemplate the unproblematic clarity of figures. In this way, they forget that the subject of the bargain, which they complain they are being forced to sell cheap and for less than the just price, is nothing other than their soul.[30]

She writes that such a situation is analogous to:

> The devil bargaining for the soul of some poor wretch and someone, moved by pity, [stepping] in and [saying] to the devil: "It is a shame for you to bid so low; the commodity is worth at least twice as much." Such is the sinister farce which has been played by the working-class movement, its trade unions, its political parties, its leftist intellectuals.[31]

This notion of rights, she argues, is inadequate protection for the oppressed.

B. Positive Approach

i. Human Desire for Good

Interlaced with her criticism of the personalist and liberal conception of person, rights, and justice in "Human Personality," Weil suggests a positive ethical-political approach. In contrast to the related notions of the person, the collectivity, and rights, Weil describes the foundational conception of an individual as including the whole human being—body and soul—and as being sacred. Weil writes, "There is something sacred in every man, but it is not his person. Nor yet is it the human personality. It is this man; no more and no less."[32] She explains this sacredness in respect of the good.

> At the bottom of the heart of every human being, from earliest infancy until the tomb, there is something that goes on indomitably expecting, in the teeth of all experience of crimes committed, suffered, and witnessed, that good and not evil will be done to him. It is this above all that is sacred in every human being.[33]

When evil is done, a cry comes from that core of a human being, "Why are you hurting me?" Though we may engage in disputes under the aegis of rights, about whether an act is unjust, when that cry arises from the bottom of the heart of a human being there is certainly injustice. Weil writes:

> This profound and childlike and unchanging expectation of good in the heart is not what is involved when we agitate for our rights. . . . The word justice means two very different things according to whether it refers to the one or the other level. It is only the former one that matters.[34]

In respect of this expectation of good on the part of human beings, Weil holds that ethically there are no other restraints upon our will than the existence of other human beings around us.[35] The ethical agent recognizes these ethical restraints by directing attention to that core within a sufferer, the cry of that sacred core. Every human being has that inner core that expects good rather than evil. This in a human being attends to the good, which is why it is sacred. One, who through that core has attended to the good, is able to direct attention to that core in another and to the cry within another. This attention to the good and to the sacred in another Weil calls "love." Weil writes, "The good is the only source of the sacred. There is nothing sacred except the good and what pertains to it."[36]

The sacred part of a human being, far from being personal, according to Weil, is impersonal. The impersonal, the realm of the sacred, is not only where the good is found, but also truth and beauty. A mistake made in a person's calculation bears the stamp of that person's personality. That is, error and sin belong to personality. Perfection, on the other hand, is impersonal. "Impersonality is only reached by the practice of a form of attention which is rare in itself and impossible except in solitude . . . . This is never achieved by a man who thinks of himself as a member of a collectivity."[37]

Weil writes, contrasting the impersonal with the personal, "If you say to someone who has ears to hear: 'What you are doing to me is not just,' you may touch and awaken at its source the spirit of attention and love." But it is not the same with the contentious words of rights discourse, which inhibit the impulse to charity. In the context of such contentious discourse, a cry of protest from the depths of the heart is not heard. In its place is heard a contentious exchange of claims about rights. Such an exchange is impure and impractical.[38]

A human being can enter into the impersonal and, having done so, the human being can root the self in the impersonal good and draw energy from it. The ethical responsibility, then, of the human being "who has once touched

the level of the impersonal, is to safeguard" not the persons of other human beings, but to safeguard "whatever frail potentialities are hidden within them for passing over to the impersonal."[39] Such a human being is capable of understanding the appeal to the sacredness of every human being. Such a human being becomes aware of the obligation to respond to the needs of other human beings—the need not to be hurt, the need of the good.

ii. Rootedness and Collectivity

In *The Need for Roots*, Weil develops a positive conception of collectivity. Such a collectivity is one that is governed according to the fundamental obligations that human beings have with respect to other human beings. Collectivities are needed for humans to be rooted, and rootedness is crucial to our well-being. Along with this positive conception of collectivity, she develops, in "Draft for a Statement of Human Obligations," a view on political organization, according to which legitimacy of government is linked to this obligation human beings have to one another. A collectivity so ordered provides roots for the citizens and the latitude between necessity and obligation wherein the citizens are free.

> To be rooted is perhaps the most important and least recognized need of the human soul. . . . A human being has roots by virtue of his real, active, and natural participation in the life of a community . . . This participation is a natural one, in the sense that it is automatically brought about by place, conditions of birth, profession, and social surroundings. Every human being needs to have multiple roots. It is necessary for him to draw well-nigh the whole of his moral, intellectual, and spiritual life by way of the environment of which he forms a natural part.[40]

Weil is aware of a positive notion of collectivities when she writes in "Human Personality":

> Relations between the collectivity and the person should be arranged with the sole purpose of removing whatever is detrimental to the growth and mysterious germination of the impersonal elements in the soul/This means, on the one hand, that for every person there should be enough room, enough freedom to plan the use of one's time, the opportunity to reach ever higher levels of attention, some solitude, some silence. At the same time the person needs warmth, lest it be driven by distress to submerge itself in the collective.[41]

In her "Draft for a Statement of Human Obligations," she wrote that the thought of the obligation we have to one another is present to all human beings, "but in very different forms and in very varying degrees of clarity."[42] Refusal of this obligation is criminal. "Any State whose whole official doctrine constitutes an incitement to this crime [of refusing the obligation] is itself wholly criminal" and illegitimate. The degree to which a state fails in its official doctrine to be against this crime is, to that degree, illegitimate. Power in the hands of someone who "has not given total, sincere, and enlightened consent to this obligation" is misplaced. Any government whose officials commit this crime has betrayed the function of government.[43]

> It is the aim of public life to arrange that all forms of power are entrusted, so far as possible, to men who effectively consent to be bound by the obligation towards all human beings which lies upon everyone, and who understand the obligation. . . . To understand the obligation involves two things: understanding the principle and understanding its application.[44]

The principle is the good, a reality beyond this world.[45] By intelligence we are able to conceive of the needs of soul and body that arise in this world.[46] The reality beyond this world is a reality that is not in space and time and not accessible to the spatially and temporally limited human faculties, physical or mental. It is the object of the longing at the center of every human heart, a longing that cannot be appeased by any object in this world. Objects in this world are the foundation for facts.

> The good is the sole foundation for all good in the world—all beauty, all truth, all justice, all legitimacy, all order, and all human behavior that is mindful of obligations. Those minds whose attention and love are turned towards that reality are the sole intermediary through which good can descend from there and come among men.[47]

Any human being has the ability to apprehend the good and any human being that consents to direct attention and love to the good can do so. Upon such a human being descends a part of the good, "which shines through him upon all that surrounds him." This longing for the good, the power of directing attention and love to it, and the power of receiving good from this reality attach every human being to the good. Once recognizing this link, a human holds every other human being to be something sacred and something to which respect is owed. "This is the only possible motive for universal

respect towards all human beings." This respect is equally merited by all human beings because "all human beings are absolutely identical in so far as they can be thought of as consisting of a centre, which is an unquenchable desire for good, surrounded by an accretion of psychical and bodily matter."[48]

In respect of the variety of circumstances in this world, people are unequal and attract our attention unequally. It is only through the fact of the identical link of all human beings with the good that we can attend to and love equally all human beings.[49] This desire for good is the human essence, according to Weil.[50] Understanding the application of the principle, the good, requires attention to specific human needs.

iii. Rights and Rootedness

In *The Need for Roots* and "Draft for a Statement of Human Obligations" Weil elucidates the rights implied by the universal obligation of all human beings to all human beings, rights that would need to be ensured by a good government. These rights are developed from human needs that we all have an obligation to fulfill. How these obligations are fulfilled differs according to particular circumstances, but the obligations are universal. Rights, conceived of by the personalists and liberals, are conceived in respect of the particular circumstances of the collectivities in which they arise, and are mistakenly regarded as being universal.[51]

The obligations correspond to the vital earthly human needs of the body and the soul. These needs are sacred.[52] Physical needs are concerned with housing, clothing, heating, hygiene, medical attention, and protection against violence. The moral needs, the needs of the soul, are also a necessary condition of life. "[I]f they are not satisfied, we fall little by little into a state more or less resembling death." Cruelty is the deprivation of what is necessary to the life of the soul.[53]

The human soul needs order. The need for order stands above all other needs. Order is comprehended once the other needs of the soul are conceived. Needs are distinguished from desires, fancies, or vices in that needs are limited. Needs are arranged in antithetical pairs and have to combine together to form a balance. In a balanced state, contrary needs are each fully satisfied in turn.[54]

The human soul needs equality and hierarchy. Equality is the public recognition of each individual and that individual's needs. An equal degree of attention is due to the needs of all human beings. Hierarchy is the scale of responsibilities and the positions, not the persons who fulfill those responsibilities. Each individual must fit morally into the position occupied.[55]

The human soul needs consented obedience and liberty. The individual concedes obedience properly to an authority the individual judges to be legitimate and, also, to legitimate laws. Liberty is the power of persons of good will and conscience to choose in the latitude between natural necessity and legitimate authority.[56]

The human soul needs truth and freedom of expression. The need for truth is more sacred than any other need. The need for truth is satisfied when intellectual culture is universally accessible, and not physically remote nor psychologically alien. This need and its satisfaction imply protection against error and lies and a ban on propaganda. The intelligence requires freedom of expression without any control by any authority in the domain of pure intellectual research.[57]

The human soul needs some solitude and privacy as well as some social life.[58] It needs personal property and collective property. Personal property—the ownership of such concrete objects as a house, a field, furniture, and tools, which seem to the soul to be an extension of itself and the body—is inalienable, in the same way as liberty is inalienable. Ownership of collective property is defined by the members of the collectivity, and differs from one to the next. It is the participation in ownership of areas where real civic life exists.[59]

The human soul needs punishment and honor. Punishment is the reintegration of a human being who has been exiled from the good through the commission of a crime. The soul needs to be reintegrated through suffering. Once a human has expiated the guilt, that person's need to be honored should be recognized. All human beings have a need to be honored for that for which they are excellent in the community.[60]

The human soul needs to be responsible for disciplined participation in a common task of public value and to take personal initiative within this participation. Every human being in a community should have opportunities to participate in these ways.[61]

The human soul needs security and risk. The fear of violence, hunger, or any other extreme evil is a sickness of the soul, but the boredom produced by the absence of risk is also a sickness of the soul.[62]

Weil holds that each of these needs entails a corresponding obligation.[63] She holds that these obligations imply rights that must be articulated in the particular collectivity in which the obligations are recognized. Collectivities themselves are necessary for human flourishing. "The human soul needs above all to be rooted in several natural environments and to make contact with the universe through them." These environments are an individual's country, places where that individual's language is spoken, places with the individual's culture or historical past, the individual's professional milieu,

and the individual's neighborhood. The uprooting of an individual is criminal.

Weil concludes her "Draft of a Statement of Human Obligations" saying:

> Any place where the needs of human beings are satisfied can be recognized by the fact that there is a flowering of fraternity, joy, beauty, and happiness. Wherever people are lonely and turned in on themselves, wherever there is sadness or ugliness, there are privations that need remedying.[64]

The Need for Roots and "Draft of a Statement of Human Obligations" explain Weil's practical political program. They, along with "Human Personality," provide the theoretical support for the political program. The three works together explain that the foundation for rights lies in human needs, which are the earthly expressions of our fundamental aspiration for the good. They point to the obligation each human has to respond to these needs and, to the foundational desire for the good in each human being. Her view differs from the Personalist and liberal political view. On her analysis, their concepts of rights are relative, derivative from the social milieu in which they arise, not fundamental, universal, and absolute. Her view differs from theirs in its understanding of rights (which correspond to the needs that we are obliged to satisfy) as pairs of opposites that temper and limit each other.

One of the results of this conception of paired and mutually limiting rights might be compared to the excessiveness, in some applications at least, of the conception of freedom of expression current in our time—a freedom that protects, for example, internet pornographic sites. Her conception of freedom of expression balanced with truth leads to her hold: "The nature and limits of the satisfaction corresponding to" the need of unlimited freedom of expression for every sort of opinion "are inscribed in the very structure of the various faculties of he soul." One way in which intelligence can be exercised is to "provide light when a choice lies before the will." In a soul that is not perfect, the intelligence, in influencing the will, "acts destructively and requires to be reduced to silence immediately it begins to supply arguments to that part of the soul which always places itself on the side of evil."[65]

She explains, for example, that publications that are designed to influence opinion about the conduct of life are acts, and should be restricted as acts are. They ought to be prohibited from causing unlawful harm to human beings or from denying the eternal obligations we have toward human beings. She offers an example, saying that there is no doubt that

Andre Gide knew that his books "exercised an influence on the practical conduct of life of hundreds of young people, and he has been proud of the fact." In Gide's book *Caves du Vatican*, the hero Lafcadio pushes a complete stranger off a fast moving train for no reason whatsoever, as a demonstration of his existential freedom. Weil says, concerning this publication, "There is, then no reason for placing such books behind the inviolable barrier of art for art's sake, and sending to prison a young fellow who pushes somebody off a train in motion."[66]

In *The Need for Roots*, Weil describes the condition of the oppressed as uprootedness. She says that uprootedness occurs when there is military conquest, which is thereby almost always an evil. When conquerors settle in a conquered country and intermarry—take root, themselves—the uprootedness is minimal as compared to condition of the inhabitants when the army remains a stranger possessing the country. But it is not only when there is military conquest that there is uprootedness in a population, it also occurs when a foreign people impose their influence through economic domination. "Money," she writes, "destroys human roots wherever it is able to penetrate, by turning desire for gain into the sole motive."[67]

Her description of oppression as uprootedness and its comparison to being conquered in war ties together her earlier notions of power and oppression. Her later view that "money, power and economic domination" cause uprootedness and her charge that money destroys human roots suggest that Weil would regard global capitalism as a cause of uprootedness, as oppressive.[68] I consider uprootedness and globalization in the following section.

3. Workers' Needs and Global Capitalism

According to Weil, as this chapter has noted, human flourishing depends upon rootedness.[69] Her explication of needs and rights is directed towards the rootedness of the citizens in the society. Her experience of working in factories led her to understand the oppressive conditions of the workers' lives. Workers' needs and workers' rights, though the same as any other citizen's, she thought, required special explicit attention. I first consider Weil's account of workers' sufferings and needs, and workers' rights. Then, I explain how, from her point of view on power, oppression, rootedness, and rights, I would evaluate global capitalism.

A. Workers' Needs

When Weil considers the condition of workers, she suggests that the sufferings of workers of her time amount to "the fear of total uprootedness."

Weil suggests that the different demands that workers and their trade-union representatives make are what they believe would protect them from uprootedness. However, Weil thinks that we have to look, not at what legal or political remedies they believe would solve their problems, but, at the uprooting conditions that they suffer.[70] Weil looks that these sufferings and then develops solutions to the problems of the workers. In what follows, I describe some of these sufferings noted by Weil, their relationship to human needs and rights and her suggestion for alleviating these sufferings.

A worker is treated as "an extra cog in a machine, rather less than a thing." Workers experience the "sensation of no longer existing," a feeling intellectuals and bourgeois "have very rarely had the opportunity of knowing."[71] As Weil notes in her essay on the *Iliad*, power petrifies a human being, turns a human being into a thing. When we consider, in the context of war, the feeling the vanquished experiences as the victor comes in for the kill, one understands what is meant by feeling like a thing, not a human. Weil points out that in a factory the worker is functions a part of a machine, a thing, on a daily basis. The need to function as a human being, a being for whom there is a need for truth and the freedom of expression, is not being fulfilled in a very radical way when one is functioning as a thing. Workers are forced to be obedient in paying attention to their mind-numbing repetitive work for extra pay, or, more likely, out of fear of disciplinary measures or even unemployment.[72] The physical needs of human beings are at issue here. The factory worker works in order to survive physically. The threat of unemployment is a threat against physical survival.

Their work is detrimental to their physical well-being and moral well-being. The machines with which they work are designed and constructed with the objective of only increased production at a cheaper rate. This objective is not only true of the capitalist's factory machines but of the communist's as well. These machines often exhaust the muscles, the nerves, or other organs, and sometimes put the worker physically at risk of injury.[73] The design of the machines, she held, was not made with the workers' needs for health, safety, or freedom from violence in mind.

Operating these machines requires no thought or imagination on the part of the workers. Because the work is repetitive, mind-numbing, and boring, the human needs of the workers for truth and freedom of expression are not fulfilled.[74] The need to be responsible for disciplined participation in a common task of public value and the need to take personal initiative within this participation are not fulfilled, all day long, in the life of the factory worker. In the factory milieu, the worker has no opportunity to receive honor as a human being with needs. Further, the workplace and the home, to which they retire—exhausted mentally and physically after long hours of work—

are completely divorced from one another.[75] This condition means that the need for connection and order in the worker's life is not met.

Weil suggests that for workers not to feel uprooted, the design and development of machinery should aim toward the objective of the well-being of the worker. The machines must be designed not to exhaust the body of the worker or put the worker to unnecessary risk of injury.[76]

If the machines are designed toward the objective of the moral well-being of the workers, the workers will not need to be crowded together in huge prison-like manufacturing plants where they can be disciplined to pay attention to the tasks, the workers will not function as things, as cogs in machinery, the workers will use their intellects and imaginations, they will participate in a task of common value, and make contributions out of their personal initiative. To achieve this objective, Weil recommends that machines be designed to make a number of different products or perform a number of different operations so that the operator is thoughtfully involved in the operation of the machine.

Weil also recommends that the workers be aware of the whole enterprise in which they play a role—its value, its social utility, the destination of the products. In these ways, the worker will have some imaginative share in the work of the enterprise. She suggests that the technological advances of electricity and communication of her time make it possible for workers to work at home or in small workshops, so that workers may experience the order, connection, and rootedness we all need. All of these measures shall contribute to the worker's spiritual well-being.[77]

B. Global Capitalism

Global capitalism is an aspect of globalization to which Weil's conceptions of power, oppression, uprootedness, and workers rights are relevant. Generally the two camps of thinkers concerning global capitalism are those who think it is beneficial and those who think it is detrimental to global citizens.

The view that is favorable toward capitalism favors international economic relationships in investment, ownership, and trade. On this view, international trade, international investment, and multinational companies are ultimately beneficial to the nations and the individuals in the world. Defenders of this view hold that in a growing world economy, every nation and individual ultimately benefits from the increase in wealth—a rising tide raises all boats. Although the poor individuals and nations are poorer than the rich in a growing world economy, they are richer than they previously had been. The poor also are benefited by the state, according to Peter H. Lindert, who writes that the link between a country's openness to

international trade and its reliance on social safety nets is contrary to "what recent intellectual fashion would have predicted." The evidence suggests, he writes, that despite the expectation that businesses would "flee from the tax-burdening welfare states and head for low-tax havens," in reality, "greater openness to international trade (and investment) makes a country use more, not less, taxes for social transfers."[78]

Some thinkers, including George Soros, Yevgeny M. Primakov, and Oskar LaFontaine, are critical of the present form of global capitalism, not of global capitalism *per se*. They hold that the present manner in which free markets operate is flawed. They is too free. These thinkers argue for a modified form of global capitalism, one in which restrictions upon international trade and investment are required to mitigate the extreme conditions that arise when global capitalists are free to do as they please. Their proposals of restrictions vary greatly from national arrangements—price controls, tariffs, restrictions on foreign currency transactions, and different modes of not being completely open to foreign investment—to international arrangements—especially, credit insurance for countries that cannot pay their debts to countries that invested in them.[79] The extreme conditions these restrictions are designed to avoid relate to the broad picture of national and international economic chaos. The effect upon workers would be a part of the broad picture, since if an economy collapses the workers will be in financial straits, yet this broad picture does not address working conditions and fair wages.

Charles Wolf, Jr. regards these restrictions as unnecessary and holds that global capitalism in its present form appears to need restrictions because it is not operating correctly as a free market. It is not free enough. The apparent need for restrictions arises not because of the nature of global free markets, he suggests, but because of morally flawed conduct and arrangements on the part of some capitalists.

The cause of the Asian crisis in July 1997 serves as an example of such morally flawed conduct. Wolf calls such conduct "crony capitalism," which relies "on non-market, personalistic, and governmental backing, instead of on market-based allocative processes."[80] He states:

> For markets to operate effectively, clear and explicit "rules of the game" are essential. These include protection of property rights, legally-binding and enforced contracts, established and reliable modes of resolving disputes, and free and open competition among producers, consumers, lenders, borrowers, and investors.[81]

Examples of departures from free markets, according to Wolf, are the following:

> [P]romotions and provision of excessive amounts of short-term lending and borrowing, and protracted support for overvalued and pegged exchange rates underwritten by a tacit non-market assumption that governments or multilateral aid agencies would intervene if circumstances turned sour and recourse to a non-market bailout were required. . . . Perpetration of massive fraud in the privatization of state-owned assets for the benefit of an insider's clique . . . and the accompanying and ensuing capital flight.[82]

The moral flaws, the flaws of crony capitalism, to which Wolf refers, are not the moral flaws of capitalism as it relates to the conditions of workers in the global economy.

The Marxist conception of global capitalism maintains that the investments of capitalists are directed toward their profit at the expense of labor. On this view, global capitalism is capitalism at its worst. Global capitalists exploit the laborers of countries other than the capitalists' countries, as they previously exploited workers at home until the labor unions won concessions for the workers. Global capitalism entails global economic exploitation of labor. Global capitalism results in international political power residing with the capitalists and serving their interests; propagating the ideology of the capitalist, of the free market and private economy, resulting in the spread of capitalist cultural imperialism. Another cost of global capitalism is environmental destruction. Ultimately, what will come about is social class division leading to the solid division between capitalists and the workers.[83]

Global capitalism, on this view, will lead ultimately to destruction of the capitalist hegemony by a worldwide uprising of the workers. Because the capitalists oppressors are global, so also the oppressed increasingly recognize their commonality in spite national differences. Global consciousness of oppression by the transnational capitalists and of the common cause of the oppressed is arising in the working class throughout the world. Berch Berberoglu writes:

> [D]evelopments engendered by the globalization process lead one to the inescapable conclusion that the contradictions of the global political economy will result in increased class struggles in the years ahead, with the potential developments of radical social transformations that are yet to come.[84]

The Marxist point of view, while aware of the moral flaws of global capitalism as it pertains to the conditions of the workers, is, like the view of the proponents of international capitalism, only concerned with the broad

picture and finds a solution only in the radical social transformations of the future.

The argument between those who think that global capitalism is detrimental and those who think it is beneficial is an argument not about how individuals fare as a result of global capitalism. It is often an abstract discussion of general trends. The grist for the mill of argument is often statistical. One argument is: "Statistics show that the rich are getting richer and the poor are getting poorer. Thus, global capitalism is detrimental to the poor countries and poor peoples." The counter argument is: "Yes, statistics show that the rich are getting richer, but they also show that the poor are getting richer, too. Thus, global capitalism is beneficial to everyone, rich or poor, country or person ."[85]

For individuals in diverse places the conditions are multifarious. Perhaps some are in a better condition economically than they were before the foreign corporations arrived, perhaps, some are in a worse condition. An enormous number of factors enter into determining whether an individual's economic condition is bettered or worsened, including, for example, wages, inflation, medical care, social security, and housing. These aspects change as time goes by. They may improve or deteriorate. Improvement or deterioration may be temporary or long-term. Over time, possibly unforeseen economic changes occur, owing to changes in weather or technology, for example. The opportunities for employment may depend upon whether one is a man or a woman, young or old, single or a family provider.[86] From the point of view of Weil, however, the consideration of the economic conditions of the workers in foreign factories is not sufficient to measure whether individuals are better or worse off. On Weil's view, the economic motive in itself is uprooting.[87]

Weil's analyses of power and oppression apply to many of the conditions of workers in global manufacturing. So also does her criticism of factories and machines that are not designed with the needs of the workers in mind. In the global economy, oppression and power are not features of a single collectivity or of a war as Weil discussed them. Global economic power is controlled by relatively few people over the many workers in many sovereign societies who, through their labor provide resources for manufacturing and products manufactured. Yet the phenomena of global capitalism seem similar to the phenomena of power and oppression that Weil describes. Power transforms human beings into non-humans, into things.[88]

Weil describes working in a factory as having the same effect.[89] According to Weil, the oppressed in collectivities suffer injustice at the hands of the masters. They receive unequal shares of the benefits of the collective enterprise. Worst of all, they are deprived of their freedom to govern their actions through thought in the making of decisions and

choosing of actions, plans, and programs—a most essential feature of our humanity. Third-world workers are wage-slaves for global capitalists in multinational corporations. They perform monotonous actions, engage in sometimes back-breaking labor. Often they egage in dangerous work, or work in places or on machines that have not been made safe. They work long hours for inadequate wages.[90]

She suggests that as power attempts to maintain itself, it over-extends and oppresses persons more and more and in every aspect of life—body, mind, and soul.[91] In the global economy, similarly, economic power has extended itself beyond political boundaries. Weil says that power aims toward endless development.[92] In this time of global capitalism, the extension of power of the economic power of capitalism is reaching the limits of the globe and, just as Weil described, a slow transformation is occurring, a change of regime is being accomplished, the form of oppression is changing from national capitalism to global capitalism.[93] The ruling class is transforming, though perhaps some of the members of the ruling class are new and some of the old ones are still in a position of power.[94]

First-world workers have lost to the third world their jobs that were protected by their unions and fair labor laws. They are unemployed and perhaps unemployable because their skills are no longer needed in the first world. Some have taken minimum wage work.[95] In some cases, owing to consolidation or buy-outs, previous first-world masters, too, have lost their positions, source of wealth, and power.[96] The strong and the weak, the masters and the slaves, suffer, as Weil would say, as power marches on, changing forms, but ever oppressing humanity.

Weil would regard critically the phenomenon of global capitalism, which is a manifestation of power that oppresses the weak and ignores the needs of human beings that we have an obligation to respect. While I should like to suppose that if her conception of a society that provides roots and is organized around the needs of human beings were put in place, then the people of the globe would flourish, I cannot see that that is likely to develop in the global economic system. Perhaps with Weil's conception as a starting point, a project for another day could be to attempt to develop a global application of her conception of a society in which human beings would have roots by virtue of their "real, active, and natural participation in the life of a community . . . brought about by place, conditions of birth, profession, and social surroundings," an environment that would support the cultivation of their moral, intellectual, and spiritual lives.[97] An environment in which, at the same time, every individual would have space, freedom, solitude, and silence, as well as human warmth and social life.[98]

Notes

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3. "The *Iliad*, Poem of Might," p. 173.

4. *Ibid.*, p. 173.

5. Simone Weil, "Analysis of Oppression," The Simone Weil Reader, ed. George A Panichas (Wakefield, R.I.: Moyer Bell, 7th ed., 1999) pp. 126 152; p. 151.

6. *Ibid.*, p. 131.

7. *Ibid.*, p. 134.

8. *Ibid.*, p. 135.

9. *Ibid.*, p. 135.

10. *Ibid.*, pp. 137, 143 145.

11. *Ibid.*, p. 146.

12. *Ibid.*, p. 147.

13. Simone Weil, "Human Personality," *The Weil Reader*, ed. George A Panichas (Wakefield, R.I.: Moyer Bell, 7th ed., 1999), pp. 318 321.

14. Eric O. Springsted, "Rootedness: Culture and Value," *Weil's Philosophy of Culture*, ed. Richard H. Bell (Cambridge: Cambridge University Press, 1993), p.169.

15. *Ibid.*, p.169.

16. *Ibid.*, p. 169.

17. Weil, "Analysis of Oppression, p. 151.

18. Weil, "Human Personality," p. 321.

19. Springsted, p. 170.

20. *Ibid.*, p. 172.

21. Weil, "Human Personality," p. 323.

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23. "Human Personality, p. 315.

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25. Bell, p. 219.

26. *Ibid.*, p. 217.

27. "Human Personality," p. 336.

28. *Ibid.*, p. 316.

29. *Ibid.*, p. 325 326.

30. *Ibid.*, p. 322.

31. *Ibid.*, p. 323.

32. *Ibid.*, p. 314.

33. *Ibid.*, p. 315.

34. *Ibid.*, p. 315.

35. *Ibid.*, p. 315.

36. *Ibid.*, p. 315.

37. *Ibid.*, p. 318.

38. *Ibid.*, pp.325 326.

39. *Ibid.*, p. 320.

40. Weil, *Roots*, pp. 12 15, 43; Weil, "Draft for a Statement of Human Obligations," *Two Moral Essays*, ed. Ronald Hathaway (Wallingford, Penn.: Pendle Hill Publications, n.d.), p. 11.

41. Weil, "Human Personality," p. 321.

42. Weil, "Draft for a Statement of Human Obligations," p. 8.

43. *Ibid.*, pp. 8 9.

44. *Ibid.*,," p. 9.

45. *Ibid.*,p. 6.

46. *Ibid.*,p. 10.

47. *Ibid.*,p. 5.

48. *Ibid.*,," pp. 6 7.

49. *Ibid.*,p. 6.

50. *Ibid.*,p. 7.

51. Weil, *The Need for Roots*, p. 4.

52. Weil, "Draft for a Statement of Human Obligations," p. 10.

53. Weil, *The Need for Roots*, pp. 6 7.

54. *Ibid.*,pp. 10 12.

55. Weil, "Draft for a Statement of Human Obligations," p. 10; and Weil, *The Need for Roots*, pp. 16 19.

56. Weil, "Draft for a Statement of Human Obligations," p. 11; and Weil, *The Need for Roots*, pp. 12 15.

57. Weil, "Draft for a Statement of Human Obligations," p. 11; and Weil, *The Need for Roots*, pp. 22 33, 37 40.

58. Weil, "Draft for a Statement of Human Obligations," p. 11.

59. Weil, "Draft for a Statement of Human Obligations," p. 11 12; and Weil, *The Need for Roots*, pp. 34 36.

60. Weil, "Draft for a Statement of Human Obligations," p. 12; and Weil, *The Need for Roots*, pp. 19 22.

61. Weil, "Draft for a Statement of Human Obligations," p. 12; and Weil, *The Need for Roots*, pp. 15 16.

62. Weil, "Draft for a Statement of Human Obligations," p. 12; and Weil, *The Need for Roots*, pp. 33 34.

63. Weil, "Draft for a Statement of Human Obligations," p. 10.

64. Weil, "Draft for a Statement of Human Obligations," p. 12.

65. Weil, *The Need for Roots*, p. 23.

66. *Ibid.*, p. 24 25.

67. *Ibid.*, pp. 43 44.

68. *Ibid.*, p. 44.

69. *Ibid.*, p. 43; Weil, "Human Personality," p. 321

70. Weil, *The Need for Roots*, pp. 52 53

71. *Ibid.*, p. 54.

72. *Ibid.*, pp. 54 55.

73. *Ibid.*, pp. 56 57.

74. *Ibid.*, pp. 54 56.

75. *Ibid.*, p. 55.

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86. United Nations Development Programme, "Human Development Report 1999: Globalization with a Human Face," *Globalization and the Poor*, pp. 230 240; and Jong Wha Lee and Changyong Rhee, "Social Impact of the Asian Crisis: Policy Challenges and Lessons," *Globalization and the Poor*, pp.241 267.

87. Weil, *The Need for Roots*, p. 44.

88. Weil, "The *Iliad*, Poem of Might," p. 173.

89. *Roots*, p. 54; "Human Personality," p. 322.

90. Berberoglu, *Globalization of Capital*, pp. 7, 23, 136; Berch Berberoglu, "Globalization of Capital and the Imperial State: Global Capitalism in Crisis," *Globalization and Change: The Transformation of Global Captalism*, ed. Berch Berberoglu (Lanham, Md.: Lexington Books, 2005), p. 69; William Driscoll and Julie Clark, "Introduction to Part I: Questions and Criticism," *Globalization and the Poor*, pp. 16 17; Robert Hunter Wade, "Inequality of World Incomes: What Should Be Done?", *Globalization and the Poor*, p. 21; Silvia Borzutsky, "Are Promises All We Can Offer?: Globalization, Poverty, Inequality, and Human Rights," *Globalization and the Poor*, pp. 26 27; and Christian E. Weller, Robert E. Scott, and Adam S. Hersh, "The Unremarkable Record of Liberalized Trade," *Globalization and the Poor*, p. 33.

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93. Berch Berberoglu, *Globalization of Capital an*, pp. 3 7, 14, 17 29, *passim*; and Walda Katz Fishman, Jerome Scott, and Ife Modupe, "Global Capitalism, Class Struggle, and Social Transformation," *Globalization and Change*, p. 124.

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Ten

IS SEN'S APPROACH TO DEVELOPMENT BAD FOR WOMEN?

Lori Keleher

Economic Nobel laureate, Amartya K. Sen's capability approach to human development does a better job of identifying and evaluating systematic unequal treatment of marginalized groups than more traditional approaches to international economic development that focus on income or utility. Sen's approach is linked to an intentionally underdefined form of deliberative democracy.[1] We have good reason to hold that the practice of such open deliberative democracy can generate the unequal treatment of marginalized groups—an injustice the capability approach seeks to eliminate. While people belonging to different marginalized groups—including racial minorities, the disabled, the elderly, members of low castes, homosexuals—are victims of both the unequal treatment assessed through the capability approach and the unequal treatment likely to be generated by the form of deliberative democracy implied by Sen's approach, the treatment of women is the primary concern of this essay.

This essay has four goals: (1) to affirm that the capability approach is a valuable approach to well-being in general and to the well-being of women in particular, (2) to explain the link between Sen's capability approach and underdefined deliberative democracy, (3) to explain how the underdefined deliberative democracy implied by Sen's approach is likely to contribute to the injustices his work strives to remove, and (4) to suggest that the injustices generated by underdefined deliberative democracy can be limited through the use of certain institutional mechanisms. These four goals correspond to sections two through five of this chapter. Section one provides a brief sketch of Sen's capability approach. The implications of this essay are significant both for Sen's theory of human development and for its practical implementations.

1. The Capability Approach

Sen's capability approach is not simply an approach to international economic development; it is an approach to human development. Sen asks us to understand development as "a process of expanding the real freedoms people enjoy."[2] It follows from this understanding that normative evaluations take place in the theoretical space of substantive freedoms, or capabilities. Well-being is assessed not in terms of utility or income as in

traditional approaches to economic development, but in terms of the different things we may value doing or being. Sen calls the different doings and beings a person achieves "functionings." Functionings can be elementary, like the basic physical state of being well-nourished, or complex, like the social achievement of appearing in public without shame.

Sen uses the word "capability" to refer to the different functionings a person can expect to achieve. Capability is a type of substantive freedom: "the substantive freedom to achieve alternate functioning combinations." [3] People's capability set reflects not only what they can achieve—for example, civic participation—but also the extent to which they can achieve —from publicly expressing ideas, to voting, to organizing a political movement, to holding office. People's capability set represents the real opportunities a they have, or the alternative lifestyles they are free to achieve.

The capability approach recognizes the importance of an individual's freedom to choose to achieve certain functionings—and not others—from different real opportunities. This freedom to choose between opportunities is the significant difference between the person who chooses to fast and the person who has no choice but to starve. The capability approach offers two useful focal points for the evaluation of individual freedom and in turn well-being: (1) capabilities, the opportunities people have, for example, to fast or to be well-nourished, and (2) functionings, what people achieve, for example, the state of being well-nourished.

Sen's capability approach facilitates the construction of the evaluative space in which interpersonal comparison of substantive freedoms can take place. Sen does not, however, attempt to dictate what capabilities individuals should value. Instead, he leaves the task of valuation up to individual communities. Matters concerning the value of individual freedoms are to be determined by communities through "public discussion and a democratic understanding and acceptance." [4]

2. Strengths of the Capability Approach

One of the great virtues of the capability approach is its ability to recognize and evaluate the unjust treatment of disadvantaged groups and their individual members. In many countries women are victims of systematic injustice. There is no country in the world in which women enjoy a quality of life equal to that of men. [5] Two distinct but related strengths of the capability approach that powerfully impact the evaluation of individual well-being in general and the well-being of women in particular are (1) the consideration of well-being at the level of the individual, and (2) the evaluation of well-being in terms of capabilities.

The evaluative focus of the capability approach targets the individual. This is a shift from more traditional approaches to development, which tend

to focus on the aggregate well-being—where well-being is equated with income or utility—of a country, a community, or a household. The capability approach can identify deprived individuals even within relatively wealthy countries, communities, and households. As Sen writes: "This shift in perspective is important in giving us a different—and more relevant—view of poverty not only in developing countries, but also in the more affluent societies." [6]

Methods of analysis that do not focus on the individual fail to detect deprivation of individuals, because such methods implicitly assume equal distribution of resources within countries, communities, and households. In reality, goods are not distributed equally within countries, communities, or even households. Women are the primary victims of unequal distribution. They have fewer opportunities and face greater obstacles than men when it comes to securing and enjoying resources. As Martha Nussbaum writes:

> [Women in much of the world] are less well nourished than men, less healthy, more vulnerable to physical violence and sexual abuse. They are much less likely than men to be literate, and still less likely to have professional or technical education. Should they attempt to enter the workplace, they face greater obstacles, including intimidation from family or spouse, sex discrimination in hiring, and sexual harassment in the workplace—all, frequently, without effective legal recourse. Similar obstacles often impede their effective participation in political life. In many nations women are not full equals under the law: they do not have the same property rights as men, the same rights to make a contract, the same rights of association, mobility, and religious liberty. [7]

Women are not only subject to inequality in the public sphere of their communities, they also suffer from unequal distribution in their homes. In many homes, intra-family distributions leave women and girls with much less than men and boys. As Sen observes:

> [D]istributional problems within the family can be serious . . . they are particularly crucial in determining the general undernourishment and hunger of different members of the family in situations of persistent poverty, which is "normal" in many communities. It is in the continued inequality in the division of food—and (perhaps even more) that of health care—that gender inequity manifests itself in most blatantly and persistently in poor societies with strong antifemale bias. [8]

The unequal treatment of women is a serious problem. Inequality between women and men afflicts, and even prematurely ends, the lives of millions of women.[9] Sen estimates that more than one hundred million may be seen as prematurely dead or missing. While sex-selective abortion and female infanticide contribute to these deaths, the main culprit, according to Sen, is a "comparative neglect of female health and nutrition…There is indeed considerable direct evidence that female children are neglected in terms of health care, hospitalization and even feeding." [10]

Any adequate assessment of international poverty should account for the well-being—or more appropriately, the deprivation—of the millions of women affected by strong anti-female bias in communities throughout the world. Unfortunately, traditional approaches to international development focus on aggregate measures of well-being of countries, communities, or households and consequently fail to recognize the widespread deprivation of women in their evaluations. By focusing on individuals, the capability approach is able to identify and account for the millions of disadvantaged women who suffer from inequality; this ability is a powerful strength.

Another virtue of the capability approach is that it evaluates development in terms of capabilities, or freedoms. As I mentioned in section one, the capability approach assesses the well-being of people in terms of their ability to achieve the various things they may value doing or being. This method is superior to approaches that attempt to measure the well-being of individuals solely in terms of income or utility. Understanding poverty as capability deprivation allows us to recognize various aspects of poverty and millions of poor women not accounted for by methods that consider only income or utility.

Economic development assessments concerned only with income are unable to recognize the poverty of millions of women. In much of the world, market participation of women is limited. The average employment participation rates of women in the developing world remain significantly lower than those of men. The average female economic activity rate is sixty seven percent of the male rate in the developing world, and forty one percent in the Arab States.[11] Women in every country continue to face obstacles when entering the workplace—sexual harassment, sex, and pregnancy discrimination—and are still paid only a fraction of the wages men earn.[12] The labor of women in the private sphere is not recognized by traditional economic accounts. In the home women and girls are often the victims of inequitable intra-family distribution of resources.

It is also worth noting that freedom from material need is not the only freedom relevant to well-being. Even wealthy women who have access—but not control over—material goods are often deprived of other basic freedoms that affect their well-being. They may lack, for example, freedom from violence, freedom from childhood marriage, or freedom to divorce.

Income based analysis of well-being also fails to account for the fact that different individuals have different material needs. For example, a pregnant woman may need more income to achieve the same level of well-being than a woman who is not pregnant, while a woman with a serious illness may need even more income to achieve the same level of well-being than the pregnant woman. By focusing on capabilities and not income the capability approach can recognize that different individuals may need different material resources or incomes to be free to achieve the same level of well-being.

None of these issues are revealed when a nation's gross domestic product or a household's income is considered as the determinant of development. "[T]he terrible phenomenon of 'missing women'" Sen explains, "has to be analyzed with demographic, medical and social information, instead of in terms of low incomes, which sometimes tell us rather little about the phenomenon of gender inequality."[13] Any approach that attempts to evaluate well-being solely in terms of income or material resources is ill equipped to assess the needs of individuals in general, especially the needs of women.

Utility is also an inadequate measure of well-being. Any attempt to evaluate individual well-being in terms of utility must involve interpersonal comparisons of mental states. Such comparisons are typically based on reports made by individuals about their well-being. However, such reports can be misleading. Many women condition themselves to expect less from life, and report a higher level of utility than men in the same circumstances. Women seem to make such mental adjustments as a result of social influences that underplay the needs of females relative to the needs of male members of the family. A survey of widows and widowers, carried out by the All-India Institute of Hygiene and Public Health in Singur near Calcutta, in 1944, one year after the Bengal Famine of 1943, illustrates this phenomenon. The survey included questions on the perception of the person's health, in addition to medical examination by doctors. The results were as follows:

> In answer to the question as to whether or not they were "ill" or in "indifferent" health, 48.5 per cent of the widowers (men, that is) confided to being thus afflicted, while the corresponding proportion of widows was merely 2.5 per cent. The contrast is even more interesting when we look at the response to the question as to whether one was in "indifferent" health, leaving out the category of being "ill" for which some clear-cut medical criteria do exist. 45.6 per cent of the widowers confessed to having the perception of

being in indifferent health. In contrast, the proportion of the widows
who had that perception was—it is reported—exactly zero! [14]

The survey results demonstrate that women can be and—at least in some
cases—are conditioned to expect less from life, and in turn, report higher
satisfaction than men in similar circumstances. In such situations, utilitarian
approaches to development that rely on interpersonal comparisons of
reported mental states will generate assessments that fail to properly
represent individual well-being.

Unlike evaluative methods that work solely in the space of income or
utility, the capability approach is able to represent the socially complex
unfreedoms that women experience with regard to market participation,
unrecognized labor in the home, and intra-family distribution. The capability
approach allows us to conduct the interpersonal comparisons necessary to
recognize that different individuals have different needs and consequently
may require different levels of income to achieve the same functionings.

By evaluating well-being in terms of what freedoms people have, the
capability approach is able to recognize even the needs that women
themselves have been mentally conditioned to overlook. By evaluating
development at the level of the individual and in terms of capabilities the
capability approach is able to provide a richer assessment of well-being in
general and the well-being of women in particular. The doubly strong
evaluative focus of individual capabilities renders the capability approach
better equipped to recognize the deprivation of women resulting not only
from low income, but also from gender biases in the public sphere and at
home. Traditional approaches to economic development that understand
well-being in terms of income or utility are incapable of identifying and
evaluating these unfreedoms.

3. Deliberative Democracy

Deliberative democracy can be broadly defined as "decision making by
discussion among free and equal citizens." [15] Deliberative democrats claim
that decisions made by free and equal citizens through deliberation, instead
of the mere aggregation of preferences via simple voting, are richer and more
legitimate representations of the deliberators' needs, desires, and
preferences. This is because deliberation is a rich social process in which
citizens can express their interests, exchange ideas, and allow their
preferences to be transformed. New perspectives on problems can generate
original solutions not represented among a narrow set of ballot options
available to voters. The outcomes of this process are legitimate because they
are products of a procedure in which views are discussed and ultimately
endorsed by the citizens themselves.

Sen makes it clear that his capability approach implies deliberative democracy. He calls for "collaborative comprehension of problems and remedies" and "open dialogue and debate" within and between the different levels of society—including families, towns, nations, and global communities).[16] Sen clearly calls for deliberation in the evaluative space of substantive freedom.

Sen does not, however, make clear several other issues crucial to an account of deliberative democracy. Sen does not provide answers to the following questions: Who should participate in which debates? How should deliberation concerning public policy be conducted? What, if any rules of discussion should guide deliberators? Should discussions end only when a unanimous consensus is reached, or make use of a closure device like voting? Sen intentionally leaves these and many other questions open. He consciously avoids defining the structure of the procedural system or the weights of different capabilities and outcomes. He recognizes that communities might "attach importance to rules and procedures and not just to freedoms and outcomes," and he leaves it to the communities to decide the "issue of how much weight should be placed on the capabilities, compared with any other relevant consideration."[17] As David Crocker explains:

> For Sen, a society has the freedom and responsibility to choose which capabilities and functionings are most valuable and to weight or prioritize them for diverse purposes in different contexts. This additional topic for collective choice is justified because, for Sen, we have reason to want to be free of ex ante priority rule. . . . Such weightings would "lock" a group "prematurely into one specific system for 'weighting' some of these competitive concerns, which would severely restrict the room for democratic decision making."[18]

Sen refuses to dictate what weight should be placed on the various capabilities individuals may value. He does not prescribe any other relevant consideration, such as a system that presupposes, or is designed to generate, certain values. Sen's capability approach requires that valuation be a social exercise that allows communities to "acknowledge the role of social values and prevailing mores, which influence the freedoms that people enjoy and have reason to treasure."[19]

The deliberative democracy implied by Sen's capability approach is an intentionally underdefined social exercise dependent upon the social, cultural and ethical norms of individual communities for both content and structure. This underdefined element of Sen's approach to deliberative democracy aims to ensure that communities experience freedom of opportunity in deciding for themselves every aspect of what to value, how to rank their

values, and what public policies to adopt in light of their values. Any attempt to define or flesh out a form of deliberative democracy that best compliments the capability approach necessarily requires importing new values and limits, and therefore undermines this freedom.

4. The Problem with Underdefined Deliberative Democracy

Sen's underdefined deliberative democracy requires that individual communities decide for themselves what values their public policies should promote. These decisions undoubtedly reflect the prevailing social values and mores of the culture. Unfortunately, the prevailing social values and ethical norms of many societies include a strong anti-female bias. In Sen's version of the deliberative process, "shared [sexist] norms can influence social features such as gender equity, the nature of child care, family size and fertility patterns . . . and many other arrangements and outcomes."[20] Public policy produced within a sexist value system—without importing any limits or values—will reflect sexist values. When the underspecified form of deliberative democracy implied by Sen's capability approach is instantiated within a sexist society it will generate policies that promote the deprivation of women.

It is not clear why Sen allows this result. There is some evidence that suggests that Sen subscribes to the optimistic view that gender inequity and anti-female bias can and will be overcome, even in sexist communities, as women's agency is achieved—directly or indirectly—through deliberative democracy.[21] Unfortunately, to hold this is to overestimate the power of the minimalist form of deliberative democracy his view entails. There is evidence that in sexist societies both women and men fail to recognize the worth of women as equal to that of men.[22] This anti-female bias is especially strong in poor communities with limited education and resources. In such communities, neither men nor women are likely to object to sexist policies that fail to meet the needs of women. Women who participate in deliberation in such gender biased communities are not likely to participate as agents who act to bring about change, but instead as patients, or as echoes of the dominant andocentric voice. While this situation would fail to qualify as deliberative democracy on some accounts, Sen's underspecified account is too weak to exclude it—as long as the community endorses it.[23]

Education and other forms of empowerment—including employment and property rights—can transform women into agents of change. There is little hope, however, that any amount of deliberation among a homogenous group of sexists, informed only by their value system, will place a high value on bringing about institutions that facilitate women's agency. While Sen consistently holds that women's agency through deliberative democracy is the way to overcome gender inequity, he concedes that "[s]uch public

dialogs are . . . hard to achieve . . . despite democracy, because of the low level of elementary education, especially for women."[24]

Although there is little reason to hope that deliberation among a homogenous group of sexists will bring about women's agency, there is good reason to believe it will bring about extreme sexist policies. Sadly, we do not need to imagine a world in which the extreme sexist policies of some governments dictate what women wear, where they go, and with whom they speak. Cass Sunstein calls this phenomenon group polarization, "a process by which groups of like-minded people move one another to increasingly extreme positions."[25] According to Sunstein, group polarization occurs when "members of a deliberating group predictably move toward a more extreme point in the direction indicated by the members' predeliberation tendencies."[26] Accordingly, a group that has relatively mild sexist tendencies before deliberating would be moved to adopt an extreme sexist position as a result of their deliberative process. I do not elaborate on the phenomenon of group polarization here, but it is important to note that Sen's minimalist deliberative democracy is not enough to prevent group polarization, and in turn, the adoption of radical sexist public policies.

5. Some Possible Solutions

Fortunately, institutional mechanisms can limit, if not prevent, the generation and adoption of policies that advance gender inequality. I consider two basic types of such mechanisms. The first lists qualities we should value and requires that the qualities be given some weight in the deliberative process. Nussbaum's list of "Central Human Functional Capabilities" is an example of this type of mechanism.[27] The second type of device is designed to ensure heterogeneity in democratic deliberation through the participation and empowerment of oppressed groups. Iris Marion Young's principle of democratic participation is an example of this sort of institution. The use of either type of institution limits the harm to marginalized groups and is in this way an improvement over Sen's minimalist deliberative democracy. I submit that the second type of institution provides the most appropriate supplement to Sen's conscientiously value neutral approach to valuation. However, it must be acknowledged that both institutions import some values into deliberative democracy—and, in turn, into the valuation process.

Nussbaum's version of the capability approach provides a list of ten capabilities that she considers central requirements of a life with dignity. The list of capabilities includes very detailed descriptions of the following ten items: life, bodily health, bodily integrity, senses, imagination and thought, emotions, practical reason, affiliation, play, concern for other species, and control over our environment.[28] I do not evaluate the items on the list here.

My present purpose is served by noting that, each item on her list is considered an essential part of a minimum account of social justice. While Nussbaum does allow that the list is multiple-realizable in that it can be adapted to meet the needs of individual cultures, she insists that a society that does not guarantee each of these capabilities to each and every one of its citizens, in some form, is not a just society.[29] On this view, ensuring that every person—female and male—has the capabilities on the list would be the principle goal of democratic deliberation. This goal would significantly shape both the process and the outcome of deliberative democracy.

Nussbaum is not alone in using lists to import values into deliberative democracy. Most deliberative democrats use some kind of list, even if they do not expressly acknowledge it. The items on such lists command some weight in the deliberative process, and thereby shape the process, the outcomes, or both. Amy Gutmann and Dennis Thompson's "reciprocity, publicity, and accountability," Henry S. Richardson's "institutions needed to preserve the background justice of democratic deliberation," and James Bohman's "threshold of minimal political functioning" are all examples of such lists. [30]

Some may object to my bringing these different forms of guidelines together as lists in the Nussbaumian sense. However, like Nussbaum's list, each set of guidelines aims to ensure that certain values are represented in deliberation, no matter what other relevant values and social norms play a role. Once this is understood, there may be disagreements over which list or lists to use, or what the exact role of a list should be, but it is clear that most—if not all—deliberative democrats rely on lists to shape deliberation.

Sen rejects the use of lists, even if freely accepted and specified by communities. This rejection stems from Sen's desire to allow communities to experience freedom of opportunity in making value decisions at every level for themselves. It is true that such lists import values and consequently limit the freedom of deliberators and in some cases may even undermine the legitimacy of outcomes. The extent to which freedom is limited and legitimacy is diminished will depend on the list and the role it plays. In spite of these risks, I submit that even a robust use of a well-crafted list, as called for by Nussbaum, is morally preferable to the unjust outcomes generated by Sen's underdefined deliberative democracy.

Most lists are institutional devices that aim to ensure that certain values are represented in deliberation. The second type of institutional mechanism I consider aims to ensure disadvantaged voices are represented in deliberation. Ensuring that disadvantaged groups have a genuine voice in the deliberative process creates a heterogeneous group, which eliminates the threat of group polarization and in turn extremist policies. According to Sunstein:

> Above all, it is important to avoid a situation in which people are exposed only to softer and louder echoes of their own voice. . . . What is necessary is to design approaches ensuring that heterogeneity, far from being a source of social fragmentation, will operate as a creative force, helping to identify problems and even solutions that might otherwise escape notice. [31]

As discussed in section four, the mere requirement of an underdefined deliberative democracy is not enough to ensure that disadvantaged groups, like women in gender biased societies, will have a genuine voice and participate as agents. The transformation from patient to agent requires a source of empowerment. Young's principle of democratic participation provides the framework necessary for such empowerment. The principle states, "a democratic public should provide mechanisms for the effective recognition and representation of the distinct voices and perspectives of those of its constituent groups that are oppressed or disadvantaged."[32] According to Young, such group representation entails institutional mechanisms and public resources that support:

(1) "[S]elf-organization of group members so that they achieve collective empowerment and a reflective understanding of their collective experience and interests in the context of society."[33] In most communities this can be achieved through agency workshops in which women are empowered to recognize and express their needs. The specific content of the workshop need not be determined here, but might include empowerment techniques such as role-playing exercises, literacy acquisition, or direct deliberation about the needs of women within a woman-only space.

(2) "[G]roup analysis and group generation of policy proposals in institutionalized contexts where decision makers are obliged to show that their deliberations have taken group perspectives into consideration."[34] In the context of deliberative democracy, this requirement obliges all members of a deliberating group to demonstrate that their proposals recognize women as free and equal citizens. They can do this by explaining how the proposal respects the interests of women.

(3) "[G]roup veto power regarding specific polices that affect a group directly."[35] Polices that affect women directly include: female genital mutilation, female education, reproductive rights, female access to employment, female mobility, female property ownership, and many others. The collective veto power of women insures that policies that restrict the freedoms of cannot be imposed by a male majority.

The type of institution represented by Young's principle of democratic participation provides ideal supplementation to the underdefined deliberative democracy implied by Sen's capability approach. The adoption of Young's principle is consistent with the spirit of Sen's project, in that the principle and the institutional requirements it implies create a relatively value neutral space, one in which women are free from sexist social influences that underplay the importance of women. The freedom of opportunity experienced in this space allows women to identify their needs, claim their self-worth, and eventually achieve the agency required to act as true participants in the deliberative democratic process. Young's principle can enrich Sen's project by protecting democratic deliberation from the extreme harms of group polarization. Adopting the principle allows Sen to maintain his refusal to accept a robust list and the imported values it requires.

Some may object that unlike Nussbaum's more robust list, Young's principle cannot ensure that deliberation in communities will not generate policies that slight women. Perhaps, but in accordance with Young's principle, women—acting as collective agents—can choose to veto such policies. Others may argue that Young's principle and institutional requirements are simply another list. If this is true, the values Young imports are minimal. More importantly, the principle is designed not to ensure representation of certain values, but of certain voices. These voices are free from deliberating within a framework of imported values, or the dominant social framework of their communities, but within any value system that they, as agents of change, choose to introduce.

6. Concluding Remarks

Sen's capability approach is good for women. Its doubly strong evaluative focus of individual capabilities exposes deprivation overlooked by more traditional economic approaches to international development. Sen's process of capability valuation is linked to an underdefined form of deliberative democracy. Sen holds that the valuation process should not be influenced by outside values, but should reflect the values of the community. Unfortunately, there is good reason to expect that when a sexist community deliberates within a system informed only by its own values, the process and the results of the deliberations will be bad for women. When the deliberative democracy implied by Sen's approach is properly augmented with institutions designed to ensure inclusion it becomes an effective means of empowering women and generating just public policy.

NOTES

1. Amartya K. Sen. "Address at 'Human Rights and Capabilities' Fourth International Conference on the Capability Approach: Enhancing Human Security" (Pavia, Italy: September 7, 2004).

2. Amartya K. Sen. *Development as Freedom* (New York: Anchor Books, 1999), p. 3.

3. *Ibid.,* p. 75.

4. *Ibid.,* p. 79.

5. Martha C. Nussbaum and Jonathan Glover, eds., *Women, Culture, and Development: a Study of Human Capabilities* (Oxford: Clarendon Press, 1995), p. 2.

6. Sen, *Development as Freedom*, p. 20.

7. Martha C. Nussbaum, *Women and Human Development: The Capabilities Approach* (Cambridge: Cambridge University Press, 2000), p. 1.

8. Sen, *Development as Freedom*, p. 194.

9. *Ibid.,* p. 15.

10. *Ibid.,* p. 106.

11. *2003 Human Development Report,* (Oxford: Oxford University Press, 2003), pp. 310 317, pp. 322 325.

12. *Ibid.*

13. Sen, *Development as Freedom*, p. 20.

14. Amartya K. Sen, *Commodities and Capabilities*, (Oxford: Oxford University Press, 1999), p. 53.

15. Jon Elster, ed., *Deliberative Democracy*, (Cambridge: Cambridge University Press, 1998), p. 1.

16. Sen, *Development as Freedom*. pp. 31 and 9.

17. *Ibid.,* p. 77.

18. David Crocker, "Deliberative Participation: The Capability Approach and Deliberative Democracy," *Deliberating Global Development, Ethics, Capability, and Democracy* (Forthcoming).

19. Sen, *Development as Freedom*. p. 9.

20. *Ibid.*

21. *Ibid.*, Chapter 8.

22. *Ibid.*, p. 189.

23. See James Bohman, *Public Deliberation: Pluralism, Complexity, and Democracy* (Cambridge: MIT Press, 1996); and Henry S. Richardson, *Democratic Autonomy: Public Reasoning about the Ends of Policy* (Oxford: Oxford University Press, 2002).

24. Amartya K. Sen, *Rationality and Freedom*, (Cambridge: Belknap Press of Harvard University, 2002), pp. 288 89, n. 49.

25. Cass R Sunstein, *Designing Democracy: What Constitutions Do* (Oxford: Oxford University Press, 2001), p. 8.

26. Sunstein, *Designing Democracy.* p. 15, emphasis original.

27. Nussbaum, *Women and Human Development*, pp. 78 80.

28. *Ibid.*

29. *Ibid.*

30. Amy Gutmann and Dennis Thompson, *Democracy and Disagreement* (Cambridge: Cambridge University Press, 2000); Richardson, *Democratic Autonomy*; and Bohman. *Public Deliberation.*

31. Sunstein, *Designing Democracy.* p. 47.

32. Iris Marion Young, *Justice and the Politics of Difference* (Princeton, N.J.: Princeton University Press, 1990).

33. *Ibid.*

34. *Ibid.*

35. *Ibid.*

Part Three

FRAMEWORKS FOR PEACE

Structures

Eleven

TOWARD THE GLOBALIZATION OF RESTORATIVE JUSTICE

Rob Gildert

Restorative justice is in a very sensitive stage. While it is growing as an accepted alternative to more punitive forms of sentencing, restorative justice must deal with a general public that is often skeptical of corrections alternatives that are perceived to be lenient with offenders. In this chapter, I argue that in order to sustain its growth, theorists must provide a justification of restorative justice that is mindful of what makes it work. I argue that what makes restorative work as an alternative to more punitive corrections responses is restorative justice's emphasis on instilling a sense of fairness and reciprocity among its participants, by both directly taking into account and attempting to accommodate the needs of victims, offenders, and their communities.

If we are not careful in how we proceed with our justification of restorative justice, then we risk setting the movement back by turning public sentiment away from it and other non-punitive sentencing alternatives. The rationale for this is relatively simple. To assume that our justifications of restorative justice will influence the manner in which restorative justice is implemented is not unreasonable. If our justifications of restorative justice are faulty, then the mechanisms we implement to carry it out may be flawed as well, since they will be based on those flawed justifications. In improperly justifying restorative justice, we may begin a process where the public's expectations of what restorative justice will do will not match its results, creating a distrust of the entire process.

Given the relatively limited implementation of restorative justice here in North America, I argue that we must look beyond our shores in order to be truly mindful of what makes restorative justice work. Our justification of restorative justice must be mindful of the model of successful restorative justice practices that are employed in the rest of the world. I contend that the process of globalization has the potential to aid us in this process. To make these arguments, I define what I mean by globalization. I then present an outline of restorative justice that is based on key features of restorative justice that globalization presents. Next, I outline Wesley Cragg's justification of restorative justice as an example of a theory that fails to take into account what works with restorative justice to illustrate the dangers faced by an improperly justified restorative justice.

1. My Use of Globalization

In the common vernacular, the term globalization is often used as a pejorative. Globalization is seen—or at least portrayed by its opponents—as a destructive force, proceeding under the auspices of multinational corporations, limiting the rights of workers, enslaving impoverished peoples, and ruining natural environs. However, there are some positive aspects of globalization. One potentially positive aspect of globalization is the manner in which our planet's geographic and political borders are being breached by technology, the spread of information, and the news of events from other locales. I do not wish to imply by this that everyone is aware of or interested in the affairs of their national neighbors—let alone interested in adopting their practices. Nonetheless, through technology and the quick dissemination of news and ideas, a mingling or awareness of these distant and divergent concepts has an influence, whether small or large, on what happens locally.[1] Generally, this impact is not large or immediately revolutionary. But globalization in this sense stimulates a "process of change" by "linking together and expanding human activity across regions and continents."[2]

When we are exposed to the practices of others, and we take note of the practices of others, we are placed in a position to adopt or emulate those practices that are potentially advantageous in our backyards. This is the sense of globalization with which I am working in this paper: our propensity to copy what works. For example, restorative justice is a practice that is employed in much of the world, however, its implementation into mainstream North American society is relatively new. In exposing restorative justice to mainstream North American society, North Americans are offered a viable substitute for much of our current punitive—and destructive—correctional practices.

2. Restorative Justice Defined

One of the practices that globalization is currently exposing to North Americans—and is in turn exerting an influence on North Americans—is the ancient practice restorative justice. John Braithwaite claims that restorative justice represents the "dominant model of criminal justice throughout most of human history for all the world's peoples."[3] Restorative justice is a non-adversarial form of justice that seeks to restore a harmony among victims, offenders, and their communities where this harmony has been damaged by the offenders' criminal behavior.

The aim of restorative justice is solving problems "rather than any particular desired form of outcome."[4] Because restorative justice seeks to solve problems, it is amenable to a variety of responses to offending. Restorative justice can be described as a type of grab bag of corrections

responses. These corrections responses include, among others: offenders paying restitution to victims (either repaying money, fixing or replacing damaged property), offering apologies, community service work, offenders enhancing their own education, seeking treatment for addictions, taking anger management or life skills classes designed to teach coping measures, and employment.[5]

What is important about this restorative justice approach is that we ought only to implement the responses that will be effective at dealing with the particular crime at hand. If offenders commit crimes while addicted to drugs, then these offenders would be required to take treatment for addiction. These offenders would also apologize to any victims and seek to make direct reparation of any stolen money if possible. These offenders would be required, if needed, to upgrade their education in order to demonstrate an ability to obtain employment. If facilitators deemed a particular measure either inappropriate or unduly cumbersome for a particular offender, then that measure would not be assigned to the offender. For example, if a particular offender is employed, then efforts are made to accommodate that person's employment with the assigned restorative justice measures.

In restorative justice, the requirement to seek treatments aimed at the needs of a particular offender does not mean that sanctions or a sense of responsibility for our actions is lost. In 1989, the Assembly of Manitoba Chiefs passed a resolution stating that offenders should not only accept responsibility for their actions, but also remain in the community to help make restorations to their victims. Ted Wachtel and Paul McCold argue that this approach is more conducive to holding offenders accountable for their crimes. They point out that in more traditional justice measures offenders must wait passively while some verdict or sentence is delivered. In a restorative approach offenders do not merely accept responsibility for their acts, but they also work to seek a remedy for those acts.[6] If an offender loses a job and is unable to find employment as a result of being sentenced to prison, then the chance of that person repaying a victim is slim. Restorative justice measures are designed to help meet the needs of victims in hopes of vindicating the worth of victims.[7]

According to Mark Umbreit, restorative justice as it is currently practiced is a "victim-centred response to crime that gives the individuals most directly affected by a criminal act—the victim, the offender, their families, and representatives of the community—the opportunity to be directly involved in responding to the harm caused by the crime." [8] When a restorative justice initiative is implemented, both the offender and the victim work together to establish an appropriate response to the offense and help re-integrate the offender back into society. The response to the offender's

crime—such as restitution or community service—is necessary to convey to the offender the wrongness of treating people in certain ways.

This does not mean that participants in a restorative justice initiative are entitled to settle for any response.[9] For example, Chris Cunneen argues that for the restorative justice process to work offenders must repair, as best as possible, the harm caused to the victim. This cannot be done by apology alone. Cragg similarily points out that the greater the harm caused by the offender the greater will be the victim's grievance with the offender. If we ignore this fact, then we fail to adequately address the needs of the victim and therefore the victim's grievance with the offender.[10]

Cragg argues that "conflict resolution cannot occur unless those affected by the resolution see it as an adequate response to the harms."[11] For example, muggers cannot get off with a mere apology to their victims. If their victims have lost money as a result of the mugging, then an apology may seem inadequate. The more serious the crime the offender has committed the more serious the basic penalties the offender must face. But these penalties must also be mitigated with what is necessary for the offender. For example, a mugger may receive a restorative justice response that combines stipulations for treatment for substance abuse if needed, repayment of the stolen money, community service work, and apologies. Efforts at reintegrating the offender back into the community and addressing the needs of victims display to those involved that, as human beings, both parties are deserving of respect.

3. The Potential Benefits of Restorative Justice

Aside from retribution, the main goal of punishment is to deter people from committing crimes. The problem with implementing punishment—any punishment—as a deterrent to criminal activity is that it has a very limited scope of effectiveness. No studies indicate punishments such as incarceration are an effective general deterrent when leveled against all citizens in society.[12] To make matters worse, attempts to increase incarceration's ability to deter by increasing the length of prison sentences serves to increase the recidivism rates of current offenders.[13] According to Paul Gendreau, increasing the severity of a punishment for a given crime does not deter offenders from future crimes, but instead serves to increase recidivism rates.

Increasing the likelihood that a person will be apprehended for a crime does decrease an offender's likelihood to re-offend. Increasing the likelihood of apprehension serves to decrease the rates of re-offending even when the punishment for the said crime is relatively mild.[14] When we punish, marginalized people are often singled out and humiliated and a further wedge is driven between them and society. Such a wedge can be most conducive to future incidents of crime.[15] On its own, punishment leaves

unattended the needs of the victim while exacerbating conditions that precipitated the offender's offence.

Restorative justice places an emphasis on both offenders and victims and the repairing of the community. This enables restorative justice to avoid the problems posed by punishment. First, restorative justice works. At a minimum, restorative justice initiatives have been shown to lower recidivism rates on par with other more punitive responses to crime suchas incarceration. Most of the time restorative justice works better than more penal sanctions. Wachtel and McCold point out that in satisfying victims, re-integrating offenders, and reducing recidivism rates the evidence is clear. In the "vast majority of situations, restorative practices work better than punishment or treatment."[16] According to the research, restorative justice initiatives typically lower the recidivism rates of offenders by ten to fifteen percent more than punitive responses. In some instances, these recidivism rates have been lowered by as much as thirty-two percent.[17]

Restorative justice has other benefits as well. Participants claim that they feel a great deal of satisfaction from engaging in a restorative justice process and that the settlement reached between them and the other party is fair. A major impediment to corrections reform is the victims' rights movement. According to victims, in ignoring their needs both offenders and the state rob them of their independence and autonomy. In this manner victims are twice victimized by crime, "first by the criminal and then by the criminal-justice system."[18] One form of victim response has been to seek the implementation of even harsher penalties against their offenders.

With restorative justice, victims and their needs are directly included in the justice proceedings because "the restorative approach allows victims to play a central role in the disposition of their care."[19] A feeling of satisfaction often emerges on the part of victims and offenders. Both groups think that justice is being done as victims feel that their settlements with their offenders as being fair. One study looked at burglary victims in Minnesota. It com-pared the attitudes of victims engaging in restorative justice initiatives with their offenders as opposed to cases handled through more traditional methods. One study found that eighty percent of the victims involved in restorative justice proceedings felt the response to their offender's crime was fair. Only thirty-seven percent of victims whose crimes were dealt with in more traditional courts perceived the response to their offender's crime as fair.[20]

This sense of mutual fairness has profoundly positive implications for corrections. In coming to see the response to their offenders' crimes as fair, victims may no longer seek more punitive responses to crime. This result is important for the creation of communities in which offenders can live and become productive citizens. When we do away with more punitive responses

to crime, we do away with many of the conditions that exacerbate the
tendency of an offender to re-offend—the stigmatization, the
marginalization, the pain, and the reduced opportunities of advancement that
accompany punishment. When we treat offenders and keep them in their
communities, we encourage more than their reintegration into the com-
munity. By reintegrating offenders, we aid in the construction of healthier
more vital.

4. The Link between Restorative Justice and Globalization

My claim that foreign practices of restorative justice are currently being
exposed to United States citizens, thus exerting some influence, may seem
strange to some. Restorative justice is not a new concept in the United
States. The modern origins of restorative justice in the United States began
in the 1970s with the use of victim restitution in juvenile courts. This
practice was later expanded with Victim-Offender Remediation Programs
(VORP) and the ever increasing role and participation of victims in the
criminal justice system.[21] Currently, in the United States, over 300
restorative justice initiatives can be found under a variety of names. Among
these are Native Justice Circles, Healing Circles, Family Group
Conferencing, Victim Offender Mediation Programs, and Community
Justice Circles.[22]

Despite the history and number of restorative justice initiatives
underway in the United States, critics of restorative justice contend that it is
merely a diversion tactic for less serious crimes.[23] Perhaps guided by this
belief, restorative justice is often limited to "small-scale experiments."[24] As
such, restorative justice could definitely be considered the poor cousin when
compared with other, more established, forms of justice. Corrective justice
and retributive justice are well entrenched in the United States mindset.
Commercials for personal injury lawyers are commonplace, and a staple for
the television and print news media is depicting sensational trials, and
gruesome crimes. The only time restorative justice initiatives, or some other
form of alternative measure, receives any news coverage is to highlight some
perceived miscarriage of justice. For example, Canada is a country far less
punitive with its approach to corrections than the United States. However,
the family of Wilfred Shorson was outraged when his murderer, Deanna
Emard, his wife of nine years, was sentenced to two years less a day to be
served in the community plus 240 hours of community service and
probation. According to the court, Emard had led a difficult life and this was
taken into account when passing sentence. However, Shorson's family
decried the sentence "as a slap on the wrist," and claimed that Shorson had
been portrayed as the guilty party.[25]

In other parts of the world, restorative justice is much more common. For example, Europe—with a population similar to that of the United States in diversity and size—has over 1000 restorative justice initiatives. In New Zealand, restorative justice initiatives are available in every jurisdiction.[26] Restorative justice initiatives are behind South Africa's Truth and Justice Reconciliation Commission.[27] With globalization—our exposure to events, news, and information from around the world—these larger scale initiatives could have a positive impact on restorative justice initiatives in North America.

By exposing North Americans to the successes of the wider implementation of restorative justice, we could find empirical reason or emotional support to further expand restorative justice here. Granted, garnering hard evidence to support the implied assumption that North Americans will seek out these other models is not easy. Nevertheless, there is reason to believe that such a search does occur. The reliance of North Americans on the internet to ascertain information from health to the whereabouts of loved ones (real or potential), provides prima facia evidence to support the possibility that we can add restorative justice to that mix.

What we do know for certain is that there is a genuine swell of requests for information on forming restorative justice initiatives. According to Umbriet, thousands of groups across North America have requested information packets aimed at creating new restorative justice initiatives in their communities.[28] In cities like New York City, the demand of victims of crime to participate in already existing programs "far exceeds the resources available to accommodate their desires."[29] What we see here is a reason to be cautiously optimistic about the chances of restorative justice being more widely implemented.

Herein lies the potential for trouble. If restorative justice is expanding and vying for some more established place in the American legal fabric, then we need to be cautious with our support of restorative justice. Errors in the justification for restorative justice, or the role of restorative justice, or the purpose of restorative justice, could seriously undermine public support and setback any effort at its expansion. An example of this can be seen with rehabilitation in corrections. Rehabilitation was once a cornerstone in the justification of corrections. Penal sanctions were widely implemented in the hopes that they could rehabilitate offenders. However, this did not occur. Commentaries on the failure of rehabilitation to effect any meaningful change in the behavior of offenders have cast rehabilitation in a negative light that still lingers.[30]

The role of rehabilitation in corrections is undergoing a switch. Punishment is no longer seen as a rehabilitative tool. Instead, rehabilitative treatments are provided while an offender is incarcerated.[31] Unfortunately,

this switch in emphasis faces serious political challenges in order to compensate for years of negative public sentiment.[32] If restorative justice is a mechanism to reduce crime by producing fully functioning and socially integrated human beings, then we do not want to fall into the same dilemma as rehabilitation. We do not want to incorrectly establish restorative justice and risk turning sentiment against it. We have an added incentive to get things right with restorative justice. Not only do we have a commitment to be philosophically scrupulous, but an added pressure to safeguard—and nurture—a socially beneficial initiative.

5. Restorative Justice and Conformity to the Law

Restorative justice has been utilized by many disparate people because it works. When we examine different restorative justice initiatives around the world, we note an emphasis placed on offenders, victims, and communities, where the needs of all parties involved are considered. According to researchers, this emphasis on the needs of all parties is the key to restorative justice's success. Restorative justice works because its participants "responded more positively for the right reasons: they tended to appreciate the principles of fair reciprocity that community service expresses."[33] Offenders and victims act fairly because they see their re-spective others as acting fairly. The way we safeguard restorative justice is to use it properly.

We give restorative justice the chance to instill the benefits of fairness and reciprocity on its participants. One way to corrupt or undermine restorative justice's ability to instill fairness and reciprocity is to justify it on a foundation that is not mindful of fairness and reciprocity. Unsatisfactory justifications of restorative justice are not simply philosophically problematic. Unsatisfactory justifications of restorative justice may sway public opinion against restorative justice in much the same way that public opinion is against rehabilitation. This may jeopardize the increased implementation of restorative justice initiatives. In the remains of this chapter I flesh out this concern by examining Cragg's justification of restorative justice.

To begin to see the difficulties posed by Cragg's justification of restorative justice, we must first examine his views on retributivism. Retributivists argue that individuals are to be punished because—for whatever reason—they deserve to be punished. Perhaps the archetypal retributivist is Immanuel Kant. According to Kant, our ability to be rational—to choose an option and evaluate actions and not simply react— makes us "free with respect to all laws of nature."[34] For Kant, we are compelled to praise or blame in some manner due to equality. If an individual inflicts a certain amount of pain on another, then an equality of justice demands that an equal amount of pain be inflicted on that person.

Individuals are held accountable for their acts when they get what they deserve.[35]

Cragg says retributivism should not form the foundation for a system of restorative justice because retributivism is out of place in a liberal society. Cragg argues that due to retributivism's preoccupation with desert it must presuppose what is morally permissible and what is not morally permissible.[36] In presupposing what is moral and what is not moral, the retributivist must become situated on one account of what is or is not moral to avoid inconsistencies in the development of laws. But, Cragg contends that such presuppositions are contrary to the good governance of a liberal society. In a liberal society, according to Cragg, a plurality of morals is bound to be expected. Choosing one morality as the basis of our correctional system will alienate a group whose morality is opposed to the chosen morality.[37] This alienation is exacerbated if the chosen morality cannot be objectively shown to be true, but is merely a reflection of the favored group. Cragg implies that no one morality can be shown to be objectively true.

The problem with alienating one segment of the population is that such alienation is not conducive to cooperation. For Cragg, legal systems come to be as a result of a need for cooperation to reduce our vulnerability to violence. The problem with violence is that it "undermines the capacity of those affected to act as responsible moral agents by threatening their security and thereby forcing a shift to a self-interested perspective."[38] However, when we enforce the law, we help instill in the public a sense that their interests matter, that crime is not to be tolerated, and we increase their confidence that others will obey the law, ensuring cooperation.[39] A legal system cannot exist if those under its auspices can choose whether or not to obey the law.[40] To ensure that people obey the law, and safeguard cooperation and help reduce incidences of violence, we cede the authority to others to make, charge, interpret, and enforce laws. Cragg contends that this authority is morally justified if it reduces our need to resort to a morally justified use of force to settle our disputes.

If laws do not live up to people's expectations, then they will create among segments of the public a "distance and tension and invite a re-evaluation of one's relationships with others."[41] In doing so, we jeopardize cooperation and alienate some groups. When we alienate some segments of our society, we can reasonably expect that those groups will fail to cooperate with others. A failure to cooperate with others can lead to a disruption of society and conflict. The problem here is that conflict is inherently destructive, leading to incidences of violence.[42] For Cragg, the possibility of such a disruption and its ensuing violence is contrary to the function of law. On this account, retributivism, due to its propensity to alienate segments of a

society and encourage violence, is precluded as a foundation for restorative justice.[43]

For Cragg, the justification of restorative justice stems in part from the function of law to create a system conducive to cooperation and a minimal force principle. According to the minimal force principle the state is to adopt the coercive measure that is less intrusive into the lives of its citizens.[44] Therefore, punishments such as the death penalty are to be excluded from our corrections' options. We exclude the death penalty because studies do not indicate that it is better at reducing crime and protecting the public than life in prison.[45] Similarly, incarceration may fail the minimal force principle if "custody is not required to provide adequate public protection."[46] But, this does not mean that public protection is focused primarily on offenders.

According to Cragg, to maintain confidence in the law and to help protect society, people must know that the harms committed against them are real harms and that the state is committed to fairness.[47] Since crime takes away a victim's sense of security and denies the victim's rights, our response to crime must address this as well. To do this, our response to crime should denounce the offender's crime to reflect values such as autonomy, liberty, forgiveness, and mercy.[48] Consequently, "respect for basic moral values is one of the conditions which determine how effectively a particular legal system is capable of fulfilling its primary function."[49]

Cragg believes that these conditions will provide the justification for restorative justice. We cannot simply punish offenders for their crimes. Simply punishing offenders does not always resolve the problems that helped spawn the crime creating the climate for more conflict and more crime. According to Cragg, since conflicts are destructive what we need is their resolution.[50] To help achieve resolution, we need to give the parties involved in crime the opportunity to rebuild the trust that the crime has destroyed.[51] Restorative justice allows us to denounce the offender's crime, address the needs of the offender and protect the public by reducing incidences of crime, while ensuring the most minimal invasions of our person. Restorative justice fulfills the function of law in that it instills within citizens a confidence that others will obey the law, which ensures a system conducive to cooperation.

Cragg claims that human beings are not merely morally valuable creatures, but we are also social animals who are vulnerable to violence. This portrayal seems apparently correct. To recognize our worth, Cragg argues that we are to establish the social conditions necessary to ensure cooperation. These conditions help reduce potentially harmful incidences of violence, allowing us, as valuable creatures, to lead valuable lives. On Cragg's account, legal systems are justified when they create the conditions necessary for cooperation using a minimal amount of force. However, such a system is not acceptable as a justification for restorative justice.

For Cragg, as noted, the function of a legal system is to create confidence among people that others will obey the law. This ensures cooperation, and allows valuable creatures to live valuable lives. How much cooperation are we to enforce? How much force is needed to ensure that cooperation? These are fundamental questions that Cragg does not adequately answer. For example, Singapore is a very safe country with a very low crime rate. To ensure the level of cooperation necessary to achieve this safety, penalties for legal infractions are severe with a large police presence to ensure compliance. Such a state of affairs is unacceptable in western society.

Cragg seems to recognize this potential because he adds his moral proviso that a legal system must be balanced with what a state's citizens find morally permissible or impermissible. Nevertheless, there is a difficulty here. According to Cragg, morality is unable to gird a legal system based on retributivism in a pluralistic society. To see this limitation, we must recall that Cragg dispenses with retributivism as a justification for punishment in a pluralistic society because its focus on one morality as its basis for desert is inherently alienating to segments of the society, thus it is not conducive to cooperation. We see that morality plays an important role in Cragg's legal system, but why is morality banned at one point and acceptable at another?

Cragg overstates his case. I argue that even in a morally plural society such as Canada or the United States there is nonetheless a great deal of moral conformity. On the fundamental issues of morality, we are all in agreement. No reasonable person thinks that it is permissible to rape, murder, beat, rob or otherwise harm innocent people. Even when we disagree as to why these acts are prohibited, there is nonetheless a type of Rawlsian overlapping consensus to serve as a grounds to ban these acts. Religious individuals may deem murder impermissible because some divine texts prohibit murder. A secular segment of the public may deem murder impermissible for reasons of a degradation of personal autonomy. In these examples, the moral plurality that Cragg requires to undermine retributivism is not present.[52]

Cragg does not address this objection, and it is reasonable to assume that if morality is potentially alienating with retributivism, then it is potentially alienating here as well. If alienation undermines retributivism, then it must undermine Cragg's account of restorative justice. To understand this implication we must note that not all conflicts are resolvable. Sometimes the law must choose sides despite the fact that one side will be alienated. Such choice is especially pertinent when morality enters the case. For example, imagine a hypothetical case where secularists and theists are in dispute over the education of their children. Imagine that both sides hold that morality requires a particular education system and that their respective systems are opposed. If each side stringently holds to their beliefs and sees the other as

wrong, then it is difficult to see how the dispute will be resolved unless one side capitulates its moral point of view. Failing such a capitulation the state will need to choose between them and as a result one side will be alienated creating a system of potential conflict. In this situation, Cragg would justify the use of the minimal force necessary to ensure compliance with the law.

What is the minimal force required to compel compliance with the law? For most people, it would be impermissible to threaten someone with torture or the death of a child even if such punishments would better ensure compliance with the law. In Cragg's account, he is concerned with creating the best system to ensure cooperation. Consequently, he is not necessarily limited in what punishments may be inflicted even if those punishments ignore the principles of proportionality, treating like cases alike and accountability.

Cragg recognizes the possibility of this objection. He contends that punishment will be limited and in accordance with established principles because acting otherwise would undermine the efficacy of the system.[53] This position entails exactly the same argument utilized by rule utilitarians. According to R.M. Hare, the rule utilitarian would never endorse principles that allowed for the punishment of innocents, or excessive punishments. Since such acts only serve to undermine a penal system, they are not conducive to maximizing utility. Hare gives utilitarian grounds for the implementation of rules that would serve to eliminate unsavory principles and remain true to our more cherished values.[54]

The problem with the rule utilitarian position is that it is contingent. The position espoused by Cragg and Hare is a limit to punishment based on an empirical claim and not a conceptual claim. Imagine that the case can be made that inflicting a certain punishment that is in gross violation of our human rights will better serve compliance—even if this punishment is the minimal force necessary to ensure compliance with the law and social cooperation. Next, imagine that the infliction of this punishment will be kept a secret and never surface to undermine the efficacy of the system.

On Cragg's account, this punishment could potentially be justified, but this justification is ultimately self-defeating. People do not just want to think that their most fundamental rights are protected; they want guarantees and insurances that their fundamental rights will be protected. They want to know that their fundamental rights are protected in more than some contingent fashion. A failure to secure this type of protection may not instill the confidence necessary to establish a sense of fairness and reciprocity, undermining the lynchpins of restorative justice. If our justifications of restorative justice influence how it is implemented, then these fears are not unfounded. A system predicated on maximizing conformity to the law, first and foremost, can ignore or forget its other cherished values, which is contrary to the very spirit of restorative justice.

In this chapter I have argued that in order to sustain the growth of restorative justice, we need to be mindful of what makes it work. When we examine successful restorative justice initiatives in North America and around the world, we see that restorative justice's ability to instill a sense of fairness and reciprocity among its participants is its defining feature. This sense of fairness and reciprocity not only helps to reduce recidivism, and heal victims and communities, it also gives all participants a sense of well being and a feeling that justice has been done. These latter features are essential for the promotion of restorative justice given its marginalized role in the criminal justice system.

If those persons most directly affected by crime can agree to the implementation and expansion of restorative justice, then in time, this acceptance can impact society in general. We need to be mindful that we do not corrupt restorative justice along the way by tying it to a justification that can only serve to undermine the very features that drive its success. Fairness and reciprocity are the hallmarks of restorative justice and not contingencies. A philosophically correct justification of restorative justice is built on fairness and reciprocity and not the byproducts of fairness and reciprocity. If globalization's ability to bring to our attention events from across the planet can further this enterprise, then globalization is not, at least in this one limited sense, the monster it is sometimes portrayed as being.

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Twelve

LIMITLESS ETHICS AND LEVINAS'S CONCEPT OF JUSTICE

Danielle Poe

Philosophers who are interested in cultivating peace and eliminating injustice can turn to a variety of sources for inspiration, including liberal philosophy, theology, and phenomenology. Liberal philosophy has provided us with vast resources for thinking about different aspects of justice and injustice: how much individuals should have, how much inequality is tolerable, the effects of injustice, and the causes of injustice. All these matters are crucial. They teach us to recognize oppression, to critique oppression, and to limit oppression. Nonetheless, they remain focused on fulfilling minimum standards, leaving individuals to pursue their autonomous projects. Theological ethical systems focus on the interrelation of all individuals and the limitless obligation that each person has to others. In the Christian tradition, justice is a limitless concern that asks people to do things, such as loving their enemies that seem impossible and unpalatable. Justice is limitless in this tradition because a person can always do more. Every encounter with injustice demands a response.

While I think that the Christian tradition of justice is praiseworthy, some might argue that limitless ethics is irrational and they might ask whether limitless ethics is possible without the leap of faith that Christianity entails. Is it possible to find a conception of ethics and justice that remains limitless and is grounded in reason? Must we abandon a philosophical project to engage in limitless ethics? Although concerns about limitless justice are usually confined to religion, I argue that limitless ethics can be understood by way of phenomenological analysis of a person's relation to others.

Limitless ethics as a foundation for socio-political institutions provides those institutions with a means for evaluating and strengthening their services. Using a concrete example of a debate that occurred in my neighborhood about whether a St. Vincent De Paul homeless shelter ought to be built, I show how limitless ethics provides insight and challenges for ethical dilemmas at both the local and global levels. Using Emmanuel Levinas's phenomenological analysis of the subject for inspiration, I argue that ethical subjects are not motivated by egoistic concerns, but by an orientation toward others, an orientation sustained by socio-political institutions that help ethical subjects respond to the needs of those who are near and far.

1. Obligation to the Other

The liberal socio-political tradition has long advocated a system of human rights to guarantee justice among people. The basis of this tradition comes from understanding individuals as free, autonomous, and focused on the free pursuit of personal enjoyments. While this tradition includes a great range of perspectives, I offer a brief description of a Hobbesian socio-political conception.[1] From this perspective, each individual recognizes that the best chance to survive entails avoiding other individuals. The less a person interferes with others, the less other people will interfere with him or her, thus heightening everyone's chances for survival. This perspective can be construed highly competitive and aggressive when we understand survival to mean a war of all against all in which a truce is declared. Another reading views Thomas Hobbes's recommendations as more broadly cooperative, so that individual survival is directly dependent on the survival of others. Both conceptions begin with individuals who are concerned primarily with self-promotion.

The assumption is that our primary relationships to the world happen through our bodies and idiosyncrasies, creating a greater sensitivity to actions that will help or harm us as individuals. Individuals reach an ethical standpoint by attributing this same subjective perspective to other people or by realizing that the well-being of one person is directly connected to actions and ideas that help or harm others. Ultimately, the Hobbesian perspective fails because it attributes too much autonomy to individuals. We are not isolated egos in the world, but are always already engaged with others.

Levinas offers a compelling alternative to the Hobbesian perspective. Unlike philosophers who suppose that individual freedom and autonomy is the original condition from which human rights are constructed, Levinas's analysis reveals that our relations to others are prior to our freedom and autonomy. For Levinas, we are obligated to one another, since others are absolutely essential to our individual projects. Throughout his work, Levinas accounts for the autonomy of people who function in a system of human rights, a system that presupposes individual freedom and obligations.

Levinas's philosophy is a systematic critique of patriarchal and egoistic subjectivity.[2] Levinas critiques patriarchal subjectivity in such a way that feminists such as Luce Irigaray, Tina Chanter, and Stella Sanford have questioned whether his analysis is useful for feminist philosophy.[3] Each of these critiques emphasizes that Levinas generalizes the need to overcome patriarchal subjectivity and that those who have been oppressed by patriarchal subjectivity have become ethical through different developmental processes. In any event, the harm that comes from those who master others is in need of serious critique.

For Levinas, subjectivity begins when individuals overcome the meaninglessness of non-being, emerging from a condition of nothingness into a condition of consumption and ownership. According to this account, individuals escape from anonymous existence in which nothing exists so as to give meaning to their projects. People can potentially be generalized into a single category in which only the biological facts have any role. But, people become individuals through their singular projects and relationships to others. Initially, the projects and relationships focus on making objects and other people mine. An object is my computer, my book, and my pen. Other people are my partner, my friend, and my co-worker.

In order to differentiate ourselves from other people, we begin by defining the world as it relates our own projects and desires. Levinas describes this subject in terms of mastery and virility, "The existent is master of existing. It exerts on its existence the virile power of the subject. It has something in its power."[4] For Levinas, this overly masculine subject is highly problematic, and this kind of subjectivity must be overcome in favor of a more ethical subjectivity.

The masculine subject becomes an "I," and everything and everyone around the subject becomes an object for nourishment, enjoyment, and knowledge.[5] Although the subject celebrates its victory and freedom from all external constraint, the victory quickly turns to despair and abandonment because we need ethical relationships with other people. Other people cannot be reduced to their roles in the subject's life. The subject needs something beyond itself to create a lasting identity that is recognized by other people. If the subject's only relationships are with objects and people that become mine, then the subject may find temporary pleasure and enjoyment. The subject is still alone, and we still need an identity that is acknowledged by others.[6]

The force capable of restricting masculine subjectivity without consuming all subjectivity is the feminine. Levinas uses the category of the feminine to make a sharp distinction between the individual who consumes and the ethical individual. The feminine introduces us to ethics and meaning that does not depend upon consuming others for our enjoyment. Instead, she provides the first opportunity for people to put themselves in service to the others by revealing herself as infinite and as someone who will always be a mystery.[7]

Although commentators such as Catherine Chalier deny that the feminine refers to women, Levinas relies on stereotypical images of women to construct an other who introduces the subject to ethics and provides support for the subject to be ethical.[8] Levinas describes the feminine as, "The other whose presence is discreetly an absence, with which is accomplished the primary hospitable welcome which describes the field of intimacy, is the Woman. The woman is the condition for recollection, the

Home, and inhabitation."[9] The feminine's most important role in *Totality and Infinity* is to provide a secure dwelling for individuals so that they can welcome others as they are. This dwelling is a figurative dwelling; it is a safe place for the subject to come back and recover in order to go back into the world and act for others. The dwelling that the feminine provides insures that objects of the world will not overcome the subject, and she provides a safe place where the subject will not overpower others. The subject is safe in the dwelling that the feminine provides because of her refusal to be overpowered or to overpower the subject.

According to Tina Chanter in "Feminism and the Other," when the subject encounters the feminine it exchanges spontaneous enjoyments for a more permanent enjoyment in this dwelling, "The permanence of domesticity eliminates, along with spontaneity, the risk that obtained previously, in the flux of the elemental life. The happy acceptance of enjoyment, so far gratuitous, gives way to a different pleasure."[10] The feminine provides a secure dwelling and secure pleasure. With this security and pleasure, the subject is ready to become ethical and to respond to the needs of others.

We can only become ethical when we have the power to respond to the call of others. Security, dwelling, and identity make subjects both more and less than others, according to Levinas.[11] Ethical individuals become more than others whom they serve because they have the capability of responding to others' needs. Individuals subsequently become less because they must respond to others' needs before their own needs. Ethical individuals must refrain from imposing their projects and priorities on others who call to them and must replace their egoistic concerns into an orientation toward others.[12] Ethical individuals are less than others because they determine their needs and the kinds of action and resources ought to be provided to others. Ethical individuals must respect others as absolutely other.

2. Individual Ethical Responsibility

Recognizing the call of the neighbor, and their ability to respond to that call, ethical subjects also recognize that many others are calling and need a response.[13] As we follow Levinas's argument, ethical subjects may theoretically or experientially understand that obligation extends to others who are far away, others who are not yet born, and others who are the enemy.[14] If we are to continue to follow Levinas's theory of ethics, we must find a way to adequately respond to limitless responsibilities imposed by this expanding host of others. No individual person can respond to all others, and so must rely on a socio-political system that can supplement individual, limited actions. A socio-political system can help address the clear in-

adequacy of assuming a dominant, masculine subjectivity. This system can account for those who are oppressed and in danger of further harm if they do not take their well-being into account.

Human rights at the socio-political level can guarantee that all people are equal by establishing and enforcing a system of laws and principles through which individuals can carry out their obligations to others who are immediately present and those who are geographically and temporally distant. From Levinas's conception of our obligations to others, we can say that human rights comes out of the ethical obligation to others, not by balancing competing egoistic claims, or by competing attempts to satisfy many individual enjoyments. Levinas's conception of subjectivity helps lay the foundation for institutions that protect human rights because his ethics helps minimize the potential for harm in a socio-political system.

If the socio-political system is merely in place to limit the limitless drives of individuals, then those who think they can get away with violence and using others to their advantage will try to do so. My conception of the need for social institutions that protect human rights helps us address the limitless needs of countless others. In a Levinas-inspired socio-political system, the need for justice—understood as meeting our obligations to all others—pervades everyone's identity. If a particular person is unable to help every victim of a tsunami, that person can be certain that institutions exist that can care for those victims.

Subjects have two temptations toward violence. First, autonomous subjects who can respond to the needs of others may put personal, superficial needs on par with others' needs, even if those others' needs are immediate and life-threatening. Second, the socio-political system may not tolerate subjects who place the needs of others above the rights of the community.

The neglect of the immediate and urgent needs of those who live nearby is often based upon prioritizing the needs of distant others, in accordance with an abstract standard, or benefiting only those who can reciprocate care. From this point of view, we justify that neglect by reasoning that we do help people, but cannot help everyone. For example, I live in South Park Historic District in Dayton, Ohio, a stable, working class urban neighborhood in which St. Vincent de Paul wants to build a homeless shelter. In 2005, St. Vincent's proposed this shelter because the current shelter is dilapidated and could not serve all who are homeless. Yet, people do not want homeless shelters in their neighborhoods.

The people involved in the debate as to whether the shelter should be built in their neighborhood are kind, considerate people. They take care of one another's homes while neighbors are on vacation. They pitch in to keep public areas clean and manicured, they give clothes and food to the needy, and they give money when disasters strike people far away. In the above cases, though, most of the people of South Park only help people who can

reciprocate care, such as other neighbors, or they help people who are far away. By limiting their actions to those who can reciprocate and those who are far away, the residents insure that their lifestyles and their comfort cannot be called into question by others.

As the debate about the shelter took place, it became clear that most people's ethical commitments did not extend to their homeless neighbors, who might threaten the residents' security and privilege. The president of the neighborhood association and the president of the neighborhood business district argued that South Park residents and business owners should oppose the shelter because our neighborhood is already "saturated" with services for the poor, including food banks, a Headstart program, low-income housing and two nursing homes. One mother argued at a city council meeting that if the shelter were built the many efforts that she and her neighbors had put into the neighborhood would be destroyed. Another neighbor worried that the people who used the shelter would be made vulnerable to drug dealers, thieves, and abusers.

While all of these people can be kind and generous, they weighed their judgments based on self-interest instead of on the needs of the homeless. These residents considered the needs of a large community compared to the needs of the relatively small community of homeless people. The people of South Park may agree that they should be concerned about the safety, comfort, and health of homeless people, but they still may reason that opposition to a homeless shelter safeguards property value, the quality of life, and the future well-being of others who might find their dwellings in that neighborhood.

The residents worry that in the future their neighborhood could become a haven for drug dealers and addicts, prostitutes, and criminals because homeowners are no longer investing in the security and upkeep of their homes. The demise of another inner-city neighborhood would lead to the further decline of the city in general. South Park residents may contrast the well-being of future residents of their neighborhood and their city against the immediate well-being of homeless people, and they may reasonably decide against immediate assistance to a relatively small population instead of future instability for a potentially large population. The residents' arguments in this instance are reasonable, recognize the equal worth of all people, and do not privilege the most vulnerable and the most immediately needy.

The residents' arguments, though, are far less reasonable from the perspective of their original obligation to others. Those whose needs are greatest and most immediate should return us to our ethical roots, where responding to urgent needs is our primary concern. The needs of some people, in this example the homeless, are greater than the needs of other people, those who are already part of the neighborhood or may be part of the

neighborhood. The difficulty for these individuals is that following this more immediate ethical responsibility to others may put them in conflict with the norms of the neighborhood.

In the case of building a homeless shelter in our neighborhood, residents can oppose the shelter while still meeting the minimum requirements of the law. The shelter could be built elsewhere, and other models of caring for the homeless may offer better care, even though these possibilities are politically unlikely. The residents would transcend the law's minimum requirements if they were to state that the shelter should go in their neighborhood because the homeless must have somewhere to go, even if it may lower property values and the quality of life. In a legalistic society, the duty to justice ends when the shelter could jeopardize the financial well-being of the community and its quality of life.

We could imagine a situation in which the tolerance of the community is challenged further. Consider Dorothy Day, who not only fed the homeless but opened her home to anyone who wanted to come in.[15] When she could not live with those who entered her home, she left the home to them. Day is someone who could not be tolerated in this stable, working class neighborhood since her actions would jeopardize the well-being of those who already live in the neighborhood as well as its future residents.

The link between Levinas's critique of egoistic systems of political rights and the demands of limitless justice becomes clear. An egoistic system of human rights allows people to weigh their potential for future harms against the immediate needs of homeless people. If rights arise from the need to supplement the limited actions of individuals, the immediate, concrete needs of the neighbor must be met before we consider our future needs. We can address our future needs and homeless people's immediate needs by critiquing and actively working to improve institutions that serve homeless people.

While a neighborhood debate may seem out of place in a book on globalization, the link is quite strong because both local ethical debates and global ethical debates require us to place the needs of others in a central position. Residents who are willing to overlook the needs of the homeless in their neighborhood in favor of addressing needs of faceless people far away are caught up in misguided altruism. Instead of assessing aid based on what others need and ask for in our own community, we help those who live across the globe. The needs of the homeless in this community could inconvenience and disrupt the neighborhood. Money that goes to people in far away places can still help people, but it does not have to disrupt our daily lives. By giving money, we still do something to help others, but it does not require any effort or emotional investment on our part. The global becomes an excuse to ignore the needs of local people.

When we respect the alterity of others—especially, those who meet everyday—we will constantly evaluate the effectiveness of institutions according to whether those institutions adequately acknowledge and respond to the needs of others. To summarize, individuals begin the quest for peace and justice with a selfish freedom, the freedom to use objects and people for my own projects. In this selfish freedom, a person believes that all ethical difficulties have been resolved by an appeal to human rights.

From this perspective, people begin with an assumption that we are all autonomous agents interested in personal happiness and enjoyment. We acknowledge being confronted by others who are also autonomous and who are interested in their own happiness and enjoyment. From the desire to be happy and enjoy the world, we agree to a minimal obligation not to interfere with others' pursuits and to a maximum obligation to protect their autonomy. We are willing to let people pursue their autonomy as long as our autonomy is not compromised. This recognition that all people have human rights (in the form of individual autonomy) is crucial, but this conception fails to achieve peace and justice.

We discover a closer approximation of peace and justice when we discover that others cannot be captured and reduced to a means of fulfilling our own need for enjoyment. The call of the other opens us to an original relationship among people, not just specific people, but everyone. Out of a commitment to one other, we come to recognize an obligation to all others, an obligation protected and nourished through formal human rights and laws. In order to move further toward peace and justice, we must recognize that upon closer inspection other people are absolutely different and irreducible to any individual's quest for autonomy.

In our most primary relationships with others and in moments when another person's vulnerability breaks through autonomy, we are confronted with the irreducible alterity of others and can enter into a new relationship that opens a possibility for an authentic peace, not a peace guaranteed by violence, but a peace that protects such irreducibility. The challenge that we encounter is that human rights must be guaranteed by institutions in which every person is equal to every other person. Yet, we must always evaluate, refine, and sometimes abandon these institutions to achieve greater justice and peace, moves which can appear to violate the spirit of existing institutions.

The temptation to return to freedom of autonomy cannot be overcome because the ethics of otherness cannot be universalized and made law. By analyzing the individual's original relationship to the world, we discover that any conception of human rights that begins with a description of an egoistic agent misses the origin of ethics, which is in an original obligation that we have to one other. The notion of ethics as limitless frees people to act in

ways that are beneficial for others and themselves, but ethics requires that people continually evaluate the institutions that they create in order to assess whether they meeting their original obligations.

NOTES

1. See Bettina Bergo, *Levinas between Ethics & Politics: For the Beauty that Adorns the Earth*, (Pittsburgh, Penn.: Duquesne University Press, 2003); Roger Burggraeve, *The Wisdom of Love in the Service of Love: Emmanuel Levinas on Justice, Peace, and Human Rights*, trans. Jeffrey Bloechl (Milwaukee, Wis.: Marquette University Press, 2003); and Catherine Chalier, *What Ought I To Do?: Morality in Kant and Levinas*, trans. Jane Marie Todd (Ithaca, N.Y.: Cornell University Press, 2002).

2. Emmanuel Levinas, *Existence and Existents*, trans. Alphonso Lingis (Pittsburgh, Penn.: Duquesne University Press, 2001).

3. See *Feminist Interpretations of Emmanuel Levinas (Re Reading the Canon)*, ed. Tina Chanter (University Park, Penn.: Pennsylvania State University Press, 2001); Luce Irigaray, "Questions to Emmanuel Levinas," *The Irigaray Reader*, ed. Margaret Whitford (Oxford: Blackwell Publishers, 1991), pp. 178 189; and Stella Sanford, *The Metaphysics of Love: Gender and Transcendence in Levinas*, (New York: Athlone Press, 2001).

4. Emmanuel Levinas, *Time and the Other*, trans. Richard A. Cohen (Pittsburgh, Penn.: Duquesne University Press, 1979.), p. 54.

5. *Ibid* , p. 63.

6. *Ibid.*, p. 66.

7. Emmanuel Levinas, *Time and the Other*, p. 88.

8. Catherine Chalier, *What Ought I To Do?: Morality in Kant and Levinas*.

9. Emmanuel Levinas, *Totality and Infinity*, trans. Alphonso Lingis, (Pittsburgh, Penn.: Duquesne University Press, 1969), p. 155.

10. Tina Chanter, *Feminist Interpretations*, p. 39.

11. Emmanuel Levinas, *Totality and Infinity*, p.215.

12. *Ibid.*

13. *Ibid.*, p.213.

14. *Ibid.*

15. Dorothy Day, *The Long Loneliness*, (San Francisco, Calif.: Harper Collins, 1952).

Thirteen

SPIRITUAL PRACTICE AS A FOUNDATION FOR PEACEMAKING

Andrew Fitz-Gibbon

I begin with the observation that to sustain a life focused on peacemaking and issues of justice—the two are closely related—sustenance for the journey is found, as often as not, within a spiritual tradition. The practice of spirituality in a MacIntyrean and Aristotelian sense, which I will explain below, is profoundly important as a foundation for peacemaking. My intent is not to turn atheists into theists, nor to proselytize for any particular religion. The general notion is that for those of religious persuasion practice is important in shaping the life of a would-be peacemaker. I emphasize practice rather than any beliefs or propositions which a religious person may hold.

The question, "What is spirituality?," remains. In the answer lies the first major problem as any definition will run the gauntlet of being too particularistic or too reductionist. To sidestep the complexity—as did Max Weber in his *Sociology of Religion* refusing to grant a definition before his analysis of substance—I will develop an understanding which is adequate for this paper but which is inadequate, perhaps, in other contexts.

By spirituality, I mean a focus on what we might call the interior life and those religious, ritualistic activities that sustain each of us in our deepest and truest selves. It may be said that spirituality is a movement toward true knowledge of the divine (in whatever way conceived—personal, impersonal, the transcendent, the One) together with the true knowledge of the self.[1] In Neoplatonic terms "the fully real is fully knowable, not fully known here, but fully knowable."[2] James' definition of religion comes close as "the feelings, acts, and experiences of individual men [sic] in their solitude, so far as they apprehend themselves to stand in relation to whatever they may consider the divine."[3] The great Christian mystical theologian Meister Eckhart said:

> All the different religious traditions can be traced back to the experience of communion with the Ultimate by their founders or reformers. Historic circumstances lead then to the great diversity of religious traditions. Yet all those diversities are only so many expressions of one and the same mystical core—expressions of the sense of ultimate belonging. This mystical core needs to bring forth

> so many different myths and teachings, needs to be celebrated in so many different rituals, because it is inexhaustible.[4]

While such an understanding may be too foundationalist for some prag-matists, it does provide a basis for discussion.

My approach cannot be achieved in five minutes each day. Tempting as this approach may be in our instant gratification society, all the great spiritual traditions suggest that a lifetime of discipline and practice is required and such learning does not come easily. Even those focused on grace point in this direction. If this is true, it is possible for most of us to speak only from within our narrative tradition.[5] To be an adept in the spiritual practice of more than one tradition is rare, for it requires an internalizing of both narrative and practice. Though we can only speak from within a particular tradition—there is a certain inevitability to it—we must do so without invalidating other stories. I will address my comments from within my tradition, which is Christianity, but my remarks will apply to other spiritual traditions. In whichever tradition we find ourselves, a disciplined practice is important for any who would be peacemakers.[6]

To move my argument forward I want to utilize the ideas of contemporary philosopher Alasdair MacIntyre and his interpreters. I will then cast a glance—but no more than a glance—in the direction of Mohandas Gandhi and Thich Nhat Hanh as witnesses to my assertion from the perspectives of Hinduism and Buddhism respectively. Finally, I explain the practice of spirituality in my tradition which I perceive to be helpful in becoming a peacemaker.

1. Alasdair MacIntyre and His Interpreters

Philosophically, MacIntyre is a modern day Aristotelian and makes a cogent case for a revitalization of the philosophical tradition of virtue. MacIntyre presents a profound critique of the Enlightenment experiment in which tradition and narrative were cast to one side in favor of what appeared to be a trust in pure reason; as if reason itself can be detached from the tradition of rationality of which it is a part. The appearance was chimeric as, according to MacIntyre, the philosophers of the Enlightenment lived on and pieced together, in a rather haphazard way, fragments of earlier traditions without fully realizing what they were doing. The argument is well worth exploring, but not in this paper.[7] I want to draw attention to MacIntyre's revived Aristotelianism.

In the Aristotelian tradition, morality is understood more in the light of the character of the moral actor than in either duty, and duty's associated rules of conduct, or in the consequences of moral actions. That is not to say

that the backward looking deontology of Immanuel Kant or the forward looking utilitarianism of Jeremy Bentham are completely ignored—duty is a part of character and consequences for human happiness do matter. The Aristotelian suggestion of MacIntyre is that the building of virtue within a community which shares and values the same virtue and tells a story in which such virtue is the goal of human life, may provide us with a more truthful moral tradition. To understand MacIntyre, we need to deal with a few of the ideas that are his common currency: tradition, narrative, *telos* (end or goal), virtue, and practice.

A. Tradition

Since the Enlightenment we, in the west, have been suspicious of tradition. We have assumed that we can easily jettison tradition, detach ourselves from its binding tentacles, and think freely as objective, disinterested observers. Yet, postmodern philosophers such as Hans Georg Gadamer have exposed the falsity of the notion of a rationality that is not based on presuppositions and traditions.[8] MacIntyre further suggests that it is important to recognize the traditions that shape us in the human community, and we should take our part in the development of tradition through internal debate. For a tradition to be a tradition is not static, but subject to change and development in a constant evolutionary process.

B. Narrative

MacIntyre suggests that human life is lived within (and tradition is understood within) a narrative framework. At its most rudimentary level, we each have a beginning (our birth) a middle (our life and its achievements and failures) and an end (we all die). More profoundly, narrative has provided a perennial category for better understanding the grammar of who we are as people rooted in particular communities, which themselves have a tradition told and transmitted in the form of an ongoing narrative. Narrative provides a sense of unity and coherence to life and makes sense of life. For example, a person would learn most about me if I were to tell my story; for who we are is wrapped up in, and cannot be distinguished from, the narrative of which we have been the central character. My personal narrative would tell of a British man who lives in the United States, a happily married, father of three, social philosopher-theologian, and independent Anglican bishop. My narrative would have movement, development, change over time, ups and downs, ins and outs. Each aspect of the narrative would relate to what Daniel Bell has helpfully called "constitutive communities"—nationality, family, work and religion.[9]

It would also not be a narrative in isolation, for every narrative intersects other narratives at many points. My story is now a part of yours and yours mine, for we have met in this paper. Such interaction is another paragraph in each of our ongoing narratives. Each of our narratives is a subplot of some larger narrative—that of our family, this book, our nation, the whole human family. The understanding of human life in a narrative framework gives life shape and sense. In this regard, narrative in MacIntyre is functionally similar to plausibility structure in sociology.[10]

C. *Telos*

Narrative provides us with another important idea: *telos*. Any particular metanarrative will give us a *telos* for human life—an end, a goal, a purpose. Aristotle was concerned with the good of human life; not my particular life or yours, or his own, but with the good of human life, the purpose of all human life. Human life is a metanarrative from which such a good is derived. In the world after 11 September, 2001, metanarratives such as American manifest destiny seem to be alive and well.

D. Virtue

A virtue is that which enables a human being to move toward the achievement of the *telos*, the specifically human *telos*. As this is the case, we need a prior account of human life, the good and the direction of human life. The study and acquisition of virtue is secondary to a prior account of the good life for humanity, which in turn derives from a narrative framework found in a tradition.

E. Practice

A practice is a complex and coherent, established and cooperative human activity, with its own internal rules and standards of excellence, which moves toward the goal of human life as found in its *telos*. To engage in any particular practice requires a certain virtue or set of virtues. To be engaged in the quest for human excellence—defined by a narrative tradition—we must be actively engaged in a certain practice with its concomitant virtues.

MacIntyre is more profound than I have described, but if my analysis is nearly correct, then it is possible to see the interconnectedness of tradition, narrative, *telos*, virtue, and practice in understanding the central human practice.

2. MacIntyre's Aristotelianism, Peacemaking and the Practice of Spirituality

In this section, I link MacIntyre's Aristotelian analysis with my assertion about the practice of spirituality and peacemaking. All the great religions provide adherents with a tradition-based metanarrative, a way of making sense of life. Each narrative suggests a *telos* and a role in which human beings function to fulfill that particular *telos*. In order to do so, human beings must demonstrate a certain virtue or virtues which enables them to perform their function well. The virtues are sustained by the practice of spirituality.

Without being unduly reductionist, Karen Armstrong makes a persuasive argument in her work that the primary virtue of all the major religious traditions is compassion.[11] Compassion is variously described as love, or *ahimsa*—a nonviolent concern for, at least, all human beings and as often as not all sentient beings. Compassion must include notions of peace, not merely as the absence of war, but as something more positive. All major religious traditions maintain that such a compassionate life, the directions of which is toward peace, can only be brought about through the spiritual practice of pursuing inner peace. Two witnesses from the Hindu and Buddhist traditions serves to make the point.

Mahatma Gandhi's life and teaching are well known and he has become an icon of nonviolent resistance and social change. What is not often mentioned is that for Gandhi the *satyagrahi* was a person of regular, dedicated spiritual practice. For Gandhi those who seek peace, first have to become people of peace. Time forbids an adequate consideration of his position, but it can be found easily in his writings on *satyagraha* (nonviolence) and *swaraj* (freedom).[12]

Nhat Hanh—a Vietnamese Buddhist monk, peace activist who was exiled to France during the Vietnam war—has a number of important works on peacemaking and on the dialogue between Christianity and Buddhism, both philosophically and in practices. He is another witness who suggests that to practice peace requires the virtue of peace, which is realized through the practice of spirituality.[13] Two brief quotes suffice to demonstrate the connection Nhat Hanh makes between the practice of peace and spirituality, "The Sanskrit word *ahimsa*, usually translated 'nonviolence,' literally means 'non-harming' or 'harmlessness.' To practice ahimsa, first of all we have to practice it within ourselves."[14] And, "Those who work for peace must have a peaceful heart."[15] Much of Nhat Hanh's writing is concerned with how to practice *ahimsa* through mindfulness, sitting and walking meditation, and other spiritual disciplines.

3. The Practice of Spirituality in the Lindisfarne Community

Now, I focus on my faith tradition. The metanarrative deriving from the Christian tradition tells of a reconciliation of humanity to the divine and of a reconciliation of the divisions within the human family. It is at its heart the grand story of peacemaking. In the Christian tradition words such as redemption, reconciliation, and forgiveness—most clearly focused in the central idea of love—are prominent and each points to a differing aspect of the movement toward peace. This narrative suggests that the *telos* of humanity is to be one people at peace with each other and with the divine. To be at peace is not merely the absence of war, but a fuller idea that includes all aspects of human well-being, such as the very rich suggestive ideas in Hebrew of *shalom* and in Greek *eudaimonia*. The Christian narrative tradition is the notion that a true role for human beings to play is that of peacemaker, reconciler, mediator, to side with the divine in the great quest of seeking peace. To do such requires a certain virtue, the virtue of peace itself. Peace will not be made by those who do not know in a very personal and deep way the virtue of peace. To become a person of peace requires the practice of spirituality.

I conclude by giving examples of the spiritual practice from within the community of which I am the bishop-abbot. *The Lindisfarne Community* is a independent monastic community in the broadly Anglican/Celtic tradition and has, in monastic fashion, a *Rule of Life*. The *Rule of Life* is a commitment to spiritual practice in three aspects: tradition specific practices (the Daily office and the Eucharist) with a connectedness to the wider historical and contemporary Christian community; the inner practices of meditation and mindfulness, with a connectedness to the transcendent; and the outer practices of study and service, with a connectedness to the wider world of people and ideas.

Rootedness within the broader religious tradition is important for a sense of continuity with the past (both its good and its bad), as a counterpoint to the radical individualism of our age and as part of the ongoing dialogue which makes a tradition. *The Daily Office* is a daily and systematic set of readings and prayers, much of which we share in common with Christians of every persuasion. The Eucharist is the central Christian cultic ritual. The Eucharist is the stylized, ceremonial meal based on the last night of Jesus Christ's life when he demonstrated the breaking of bread and drinking of wine as a profoundly deep mystery. The Eucharist has many meanings, none of which exhaust its profundity. In terms of peacemaking, the Eucharist reminds us that the death of Christ is the end of violence: that no more blood should be shed, that the way of the divine is the way of

forgiveness of enemies. Other religions have similar tradition specific practices.

Meditation has many understandings, but in its broadest sweep is about periods of quietness, entering into the inner solitude. and may be both *kataphatic* (discursive)—thinking through issues, using the imagination— and *apophatic* (contemplative)—a form of meditation moving beyond words and images into what has been called the "cloud of unknowing."

Mindfulness is the spiritual discipline of seeking the divine in all things. It involves living gratefully, seeing the best in all and being profoundly aware of each moment, each sensation, each action.

Though we may think of study as, perhaps, the antithesis of spirituality, it has in all religious traditions been an essential spiritual discipline. It is about the quest for understanding, for knowledge, for truth. Study shapes who we are at a deep level of being. Study connects us with the wider world of ideas. Service, in looking to the needs of others, is the spiritual practice that connects us to other people.

These are not the only possibilities for a set of practices that might help shape the life of the peacemaker. Nonetheless, I hope that I have made a case that there is at least the beginnings of a discussion to be held. How this assertion about practice might be interpreted by someone without a theistic worldview or spiritual tradition I must leave for another paper (or to the imagination of the reader).

NOTES

1. Thomas Merton, *Mystics and Zen Masters* (New York: Farrar, Straus and Giroux, 1961, 1967).

2. W. R. Inge, *Mysticism in Religion* (London: Hutchinson, 1947), p. 15.

3. William James, *The Varieties of Religious Experience: A Study in Human Nature* (New York: Penguin Books, 1902, 1982) p. 31. See Stanley Hauerwas, *With the Grain of the Universe: The Church's Witness and Natural Theology* (Grand Rapids, Mich.: Brazos Press, 2001), pp. 43 86.

4. Bernard McGinn, *Meister Eckhart: From Whom God Hid Nothing* (New York: Crossroad Publishing, 2001).

5. See Gerard Loughlin *Telling God's Story: Bible Church and Narrative Theology* (Cambridge: Cambridge University Press, 1996); Stanley Hauerwas, *A Community of Character: Toward a Constructive Christian Social Ethic* (Notre Dame, Ind.: University of Notre Dame Press, 1981), pp. 9 86; and Andrew Fitz Gibbon, *In the World But Not of the World: Christian Social Thinking at the End of the Twentieth Century* (Lanham, Md.: Lexington Books, 2000), pp. 43 62.

6. See Charles Johnson, *Shambhala Sun Buddhism, Culture, Meditation Life* (July 2004), pp. 29 33.

7. See Nancy Murphy, Brad J. Kallenberg, and Mark Thiessen Nation, *Virtues and Practices in the Christian Tradition: Christian Ethics after MacIntyre*

Liberalism and Responsibility

Fourteen

MODERN CONSTITUTIONALISM AND INTERNATIONAL VIOLENCE

David T. Ritchie

Modern constitutionalism plays a prominent role in the evolution of contemporary political and legal conceptions about the nation-state. We can describe at least two narratives about the role of modern constitutionalism. The first narrative, which dominates our shared understanding of constitutionalism (at least from a Western perspective), is one of optimism and progress. This vision is particularly common among lawyers and legal consultants who advise constitutional founders through programs designed to bring order and the rule of law to incipient nations (programs funded, in part, by organizations such as the American Bar Association, the World Bank, and United States Agency for International Development). In this account, newly formed or reformed states will benefit from the legacy of modern constitutionalism by joining the club because membership has its rewards.

Modern constitutionalism has an alternative narrative that can be told; one that is somewhat ominous and frightening. This alternative narrative is one of continuing colonialism and international violence. This narrative tends to be concealed by those of us in developed nations (principally the United States), but is increasingly accepted and disclosed by constitutional founders in the developing nations. In this version, constitutionalism is not the neutral mechanism of progress and development, but is the instrument of control exercised by powerful nations—particularly the United States—who need ever-expanding resources and markets to maintain their international dominance and to quench the continuing thirst for creature comforts by the citizens of these dominant nations. This form of colonialism is a principle cause of much of the international violence that characterizes the twentieth century.

In this chapter, I discuss both of these competing narratives, laying out both the foundations for and implications of each. While the interests and concerns that drive the dominant narrative are plain enough, equally good reasons exist as to why we should discuss the alternative narrative about constitutionalism. In the end, the best way to view the tradition of modern constitutionalism may be some place between these two extremes: modern constitutionalism can promote development and progress, but it can also beget violence and oppression. How constitutionalism is realized is

determined by those who employ it and the context within which it is employed.

Before I begin my discussion of these alternative narratives, I have a couple of prefatory remarks: one definitional, one cautionary. First, lawyers and legal theorists use the term modern constitutionalism frequently. Many possible variants of constitutionalism exist, and the different threads have particular relevance from a genealogical point of view. When I use the term modern constitutionalism, I mean the version of constitutionalism that is derived from enlightenment rationalism. This is the version that lawyers in the United States envision. This is a strain of constitutionalism that refers to a set of formal legal and political concepts that were developed in Western Europe and America during the Enlightenment.

These concepts, which serve as the cornerstones of liberal political and legal theory—and evolved to support that theory—are the division and limitation of governmental power, the recognition and protection of largely economic individual rights, the protection of private property, and the notion of representative or democratic government. Modern constitutionalism is a minimalist, positive notion of constitutionalism that has literally formed our conception of the modern nation-state. Throughout this discussion, then, this is the version of constitutionalism that will occupy my focus.

The alternative narrative that I tell concerning the role modern constitutionalism has played in the calamities of the twentieth century has yet to be conclusively demonstrated from a social scientific prospective. The correlation between the implementation of a modern constitution and the likelihood of intra- or international violence has not been conclusively demonstrated—although projects of this sort are currently under way. Nonetheless, I believe ample anecdotal evidence exists to support the inference that there is some ominous relationship between modern constitutionalism and violence. This evidence is especially compelling when we look at situations that involve the imposition of a modern constitutional scheme. Frequently, a newly formed or re-formed nation is forced to accept such a scheme by outside actors as a precondition to international acceptance. In my view, these situations are ripe for conflict and turmoil.

Preconditioning international acceptance of an emerging or re-emerging nation on their acceptance of a constitutional scheme that fits the model dominant in the West, and which benefits outside actors as much or more than the people in the nation being founded, is misguided and dangerous. This is especially true if we take seriously the values of conceptual heteronomy, multiculturalism, and pluralism. The dominant Western narrative precludes these values because it is a narrative about hegemony. The other story helps illustrate how the values of multiculturalism and pluralism are covered. I hope to reignite the debate about how social structures can promote values such as heteronomy, multiculturalism, and

pluralism. I also hope to show how the fetishization of modern constitutionalism is an ideological act, one that has far reaching consequences. When actors on the international stage perpetuate this fetishization, we should ask why. Perhaps a more in-depth discussion of the competing narratives I set out above can help us illuminate some answers to this question.

1. The Dominant Narrative of Constitutionalism

Anglo-American legal theorists, and in particular the constitutional theorists who populate law schools in the United States, celebrate what is called the "rise of world constitutionalism."[1] The model of constitutionalism that has been exported, like any other commodity, is modern constitutionalism. As Bruce Ackerman puts it, if "we [legal theorists, and in particular law professors in the United States] fail to contribute our fair share to the analysis of world constitutionalism it will be tough for others to fill the void."[2] Ackerman is expressing the notion that Western, principally United States's experts in the law should inform and instruct founders in newly forming or re-forming polities on the proper structures and forms of a modern constitutional state. This view appears to be shared by many in the field. Other legal theorists such as Ronald Dworkin, John Rawls, and Joseph Raz share this view, to at least some extent.[3] Jürgen Habermas has even recently endorsed this view.[4]

The narrative of such a view goes something like this: since we have developed a highly refined conception of constitutionalism that gives social and political agency to individuals and protects important economic and political rights, it stands to reason that others can profit from such a conceptual apparatus. A whole host of normative presumptions are packed into this account. First, such a view prejudges the overall efficacy of a model of liberal legal and political society. Legal theorists widely agree that the model can be used in radically differing conditions. Proponents of this view of constitutionalism start from the presumption that the liberal conceptions of individual rights and economic freedoms associated with modern constitutionalism are necessary and useful. These liberal conceptions depend on enlightenment ideals: rationality, universality, and the foundationalism undergirding a sense of certainty about the economic and political world. These enlightenment ideals make Ackerman sure that the world would be a better place if we were all to accept the dogmas of modern constitutionalism.[5]

Modern liberalism, and the attendant apparatus associated with it, is founded upon a rigidly rationalist account of human social ordering. Countless legal and political theorists (for instance, Hobbes, John Locke, and Immanuel Kant) believe that a rationally ordered, logically structured, and universally constructed civil society would benefit humans across the globe.

across the globe. This was a concerted and deliberate effort to apply the Cartesian worldview to politics, law and social formation. Stephen E. Toulmin, among others, shows the close connection between enlightenment rationalism and the rise of the modern state.[6] According to Toulmin, "[t]he comprehensive system of ideas about nature and humanity that formed the scaffolding of Modernity was thus a social and political, as well as a scientific device: it was seen as conferring Divine legitimacy on the political order of the sovereign nation-state."[7] These sovereign nation-states are supposed to be of a particular form and structure. If we would construct a rational society, just as if we could continue to develop our sciences into rational and discrete areas of human concern, we would progress into ever more refined states of existence. Most political theorists after the seventeenth century had faith that this progress was not only possible, but was inevitable through the spread of Western values.

The enlightenment presumptions of these theorists hinged on a teleological account of human social ordering, and the ability to construct human communities that were amenable to such rational ordering. This teleological account is still present today. The internationalism that we constantly hear about—whether it is related to the activities of the United Nations or the more prevalent activities of members of regional trade blocks such as the European Union and North American Free Trade Agreement—is founded on this sort of teleology. Programs that are designed to help developing nations improve their technologies and their civil societies are an explicit expression of this sort of teleological belief.

These presumptions are infused with optimism about the possibility of progress and rationality. A society that conforms to the rational model will progress out of the darkness and into the light. Assistance to developing countries is related to the West's ability to show them how it is done. This is why Ackerman and others are eager to provide aid in the form of constitutional transplantation. United States citizens, they believe, have the longest history with a written constitution; a constitution drafted and implemented by enlightenment enthusiasts who held a teleological view of progress. Still today, United States lawyers and legal theorists "celebrate the rise of world constitutionalism with an orgy of junketeering to far off places in need of legal lore."[8]

Here, I will not contest these accounts in detail. Such contestations are widespread. Critiques of logocentrism and the foundationalism of the rationalist tradition are commonplace and compelling.[9] Political order and stability, which concern proponents of modern constitutionalism, are important concerns. Progress in places that have experienced human crisis and economic isolation should be a shared human priority. The formal elements and institutions of modern constitutionalism seem try to provide some measure of stability and advancement over chaos and anarchy.

The traditional optimistic account of constitutionalism does not give us a full picture of the effects of transplanting a modern constitutional scheme into a society that is forming or re-forming during the early twenty-first century. What is being left out of the narrative of constitutional transplantation? What stories remain to be told? And, when we know these stories—when we tell and retell these stories—what will our perspective be on the efficacy of modern constitutionalism? Will the optimism of rationality and progress sustain us, or will we reevaluate the impulse to transplant the formal system of modern constitutionalism in places that neither need nor want it?

2. An Alternative Narrative

The mechanisms and structures of modern constitutionalism were forged in the crucible of enlightenment liberalism in order to provide economic, political, and religious freedoms to individuals in the nations that comprised the emerging nation-state system. These enlightenment freedoms did create a new notion of the political that increased the role of the individual in the economic, political, and social life of these new state entities. We may suspect that the freedoms associated with this movement had another design, especially as these freedoms have developed and been implemented over time. Embedded within these individual freedoms is a complex set of power structures that enable dominant interests—principally economically powerful entities—to control the development of less powerful entities, to mold their structure and institutions. Contemporary constitutions are molded by a particular notion of the good that relies on a conception of individual freedom and incorporates the associated power structures. This notion of the good is a form of control that is designed to serve the purposes of the dominant powers, not those of the developing nation.

A notion of the good that benefits powerful countries and weakens other nations is the story of colonialism. In a search for new markets, the Spanish, Dutch, and Portuguese all exported their notions of social and religious organization in order to control their new markets. England is another excellent example. The British constructed their empire on the backs of developing nations by supposedly bringing civilization to the natives. They did this not as an altruistic act designed to enlighten those who had no access to education, health care, and technology, but because they needed the natural resources found in the colonies and the markets that these new countries would provide for corporations in Great Britain. Transplanting British customs, institutions and Western religion were the means of affecting this end.

The same pattern can be seen in the move to export modern constitutionalism beyond its Western roots. During the mid to late twentieth

century, Western countries made a concerted effort to mold the developing nations of the world by insuring that their political entities and institutions, their very social structures, conformed to a predetermined model. Liberal democratic ideology was competing on the world stage with the growth of communist thought. The rush to incorporate forming or re-forming nation-states into the liberal fold was accomplished in part by transplanting the model of modern constitutionalism in these nations. Even in instances where such a constitution was ignored more than it was observed, dominant powers have pressed for an outward showing of liberal institutions in incipient states.

Economic expansion has assumed an ever larger influence on the continuing effort to export modern constitutionalism around the world. Proponents of liberal society in the West are driven by the desire to open markets and fuel the engine of capitalist expansion. A constitution that protects liberal conceptions of economic freedom and property ownership paves the way for such expansion.

Key figures in global politics—from Woodrow Wilson to Boutros Boutros-Ghali—have explicitly endorsed such a view. The principle organs of international development are founded on this notion. The Western conception of aid is immersed in such a view. The International Monetary Fund and World Bank make their recognition of newly formed nations contingent on those nations accepting a particular sort of constitutional arrangement: the modern constitutionalism of the dominant narrative. The hegemony of modern constitutionalism is directly related to and driven by the economic designs of powerful nations who wish to exploit the resources of developing countries, and open the markets in these new nations to goods from powerful nations. It is economic colonialism, and the imposition of a modern constitution makes this colonialism possible.

In some notable cases, Iraq for instance, the United States has used military force to directly impose a regime change that has resulted in the implementation of a modern constitutional structure. These cases are the exception, however. The more common way to implement a modern constitutional structure involves diplomatic, economic, and political extortion. Some may balk at such a characterization, but according to my legal understanding of extortion it is the appropriate term. In these cases, a powerful nation or alliance makes it clear that their protection or assistance is conditioned on the acceptance of a modern constitutionalist scheme.

If the newly formed nation-state accepts a modern constitutional structure, they are extended the benefits of membership. A whole host of arguments for and against the supposed benefits of membership exist. Some of the arguments are persuasive, some are unpersuasive. I would like to bracket these arguments for now and turn to the most controversial part of my argument: the idea that the imposition of a modern constitutional scheme

in newly formed or re-forming states is a contributing factor in the proliferation of intra- and international violence that we have seen during the last century.

Problems inevitably arise when an incipient nation implements a constitution that is not conceptually connected to the values and commitments of its people, nor to the history of and prevailing conditions in the newly formed or re-formed state. As Edward A. Mearns writes, "[nations] like living organs, have mechanisms that reject the transplanting of foreign law into their legal systems."[10] These mechanisms are often violent in nature. Constitutions are not commodities like "Coca-Cola, blue jeans, or rock and roll."[11] Constitutions are situation specific instruments meant to address the needs and designs of the people being constituted.

When a model like modern constitutionalism, which is presumed to be universal in its application, is dropped into a founding where conditions are radically different than those in Western Europe and the United States it is no wonder that chaos often ensues. This is especially the case when the modern constitutional document is imposed by outside forces, either through force of arms or pressure applied by dominant institutions and states. In my view, violence is a natural byproduct of the imposition of a constitutional model that is foreign to many of the cultures engaged in state-building, and inadequate to address the economic issues and human concerns faced by people in these incipient states. Africa, Latin America, and Asia are littered with nations that implemented a modern constitutional document under pressure from Western powers that subsequently experienced violent reactions to that imposition. Frequently, these states experience tremendous humanitarian crises that the aid from the West was supposed to forestall.

Several reasons for this phenomenon exist. First, people in the newly formed state feel disconnected from the structures and institutions of modern constitutionalism when it is imposed from outside. They are not invested in the paradigm. This naturally leads to a legitimacy crisis. It appears as though such a situation is likely in Iraq. When this sort of popular questioning of the institutions of a state is widespread, these newly formed states frequently employ military force to quell the unrest. In effect, the emerging nation must use authoritarian means to implement and prop up the new constitution.

Such situations were common during the cold war. The unrest was frequently attributed, however, not to the lack of investment in the modern liberal constitutional arrangement by the people, but to Marxist insurgents. We have recently shifted our focus from the communist threat to the threat of Islamic fundamentalists. I cannot help wondering whether the propaganda against communism, and now Islam, in the United States is designed to conceal something percolating just under the surface here. I suspect that attaching blame to some insurgent movement helps direct attention away from the colonizing effects of implementing a modern constitutional

arrangement. Ostensibly the fight is not to colonize yet another developing state, but to battle an evil insurgency. This is an effective tool to garner support—both on the international stage, and back home—for the use of force to implement modern constitutional institutions.

The second reason I see a connection between the imposition of a modern constitution and the rise of disorder and violence in the emerging world is related to the interests of the dominant nations in pushing for the exportation of capitalism around the world. If it is true, as I suggested above, that powerful interests and states push the spread of modern constitutionalism for their colonial greed, it should be no wonder that the newly emerging nations are saddled with crisis and violence. The needs of developing nations will naturally take a backseat to the interests of dominant nations, if the designs of global corporate interests are being funded and protected by international organizations and dominant nations (along with their armies). I am convinced that the exportation of a modern constitutional system around the world, Ackerman's so-called world constitutionalism, is designed to give the United States access to the world's natural resources (oil, gold, and minerals necessary for our emerging technologies), and global corporations like Microsoft and Nike new markets in which to sell their goods. Developing nations do not need access to Coca-Cola and McDonalds; they need solutions to grave humanitarian situations involving mass starvation and human immunodeficiency virus transmission. People in these emerging nations know that what we call aid is our own selfish indulgence.

The final reason I believe there is a connection between modern constitutionalism and violence relates to the state of the world today. Nations, states, and regions are marked today by ethnic and religious diversity. Heterogeneity is the watchword of the twenty-first century. Ethnic strife, religious discord and class division lead to conflict in nations—new and old—around the globe. While proponents of modern constitutionalism suggest that their model is the best one for dealing with these multi-faceted conflicts, this cannot be the case.[12] Modern constitutionalism is inherently homogenizing.

In the liberal vision, government structures around the world are supposed to be pretty much the same, guaranteeing economic and political rights in language that is universal. Liberal political theory purports to value pluralism, but its institutions—as they are manifest in modern constitutionalism—undermine that commitment. The hegemony of modern constitutionalism precludes the possibility of developing alternative modes of governing the social and political realms of newly emerging or re-emerging states. Its narrow, formal structures delimit the possibility of employing different power-sharing arrangements, experimenting with differing economic presumptions, and modifying the rift between public and private that modern liberalism has entrenched during the last 500 years.

While there are probably more factors that link the movement of modern constitutionalism to violence around the world than the few I have mentioned, these examples illustrate my point. Modern constitutionalism is not the unrestrained good that many suggest. We have serious cause for concern that the unfettered imposition of modern constitutionalism in circumstances that are not amenable to it can cause more harm than good. We in the West should be cautious in our ardor for the institutions and structures of liberalism and modern constitutionalism. We should be more conscious of the needs and desires of the people in incipient nation-states. We should leave founding up to those who must bear the responsibilities of implementing and perpetuating a system of government. Law professors from the United States go home to their classrooms with advanced technology and paneled offices after they have written a constitution for a developing nation, leaving the people in that nation to negotiate the economic disorder and human tragedy that often follows.

I am not suggesting that the principles ensconced in the liberal tradition and the institutions and structures of modern constitutionalism are inherently flawed and outmoded. These principles, institutions, and structures have had a tremendous impact on the modern world. The way we conceive of the political and social world is formed by this legacy. The liberal political and social tradition still has relevance to the extent that founders in newly forming or re-forming states wish to employ them. If this use is authentic, meaning it is organic to the nation and people being constituted, my critique has no application. Political and legal theorists should be looking not at the principles, institutions, and structures of liberalism and modern constitutionalism in abstract, but in the context in which they might be used. Modern constitutionalism is not a good in itself, it is only useful to the extent that it helps founders affect the goals and desires of their people (and not corporations and interests outside their borders).

3. Conclusion

An analogy may help to illustrate how I view the relationship between modern constitutionalism as an abstract set of institutional arrangements and the unrestrained celebration and transplantation of those institutions. This will serve, I hope, to give us some perspective on the promises of modern constitutionalism vis-à-vis state-building in the twenty-first century.

Not long ago, American consumers were assailed with advertisements that purported to show the unrestrained rewards associated with the technology boom in the United States after the Second World War. Many of us may remember the "better living through technology" commercials on television, and the futurism incorporated so widely in exhibits at fairs around the world and in the smallest communities throughout the country. The

optimism that drove this campaign to sell appliances and gadgets to whoever had the money to pay for them was intoxicating.

Human civilization had been transformed because we had unleashed the scientific laws that made radar ranges, dishwashers, and dalkon shields possible. These technologies, and countless others, have been touted as the cure for the ills of modern civilization. Human civilization has progressed because of the technological innovations developed during what is perhaps the most rapid period of scientific and intellectual advancement in human history. Advancements have been made in chemistry, medicine, and physics (to name but a few) that have changed our world and arguably made it a better place to live.

This story has a dark side as well. We need only flip through any torts casebook, or any large circulation newspaper, to see how the technologies we have unleashed sometimes lead to human tragedy and misery. Our popular literature is filled with narratives about the evils of the technological revolution: Ray D. Bradbury and Kurt Vonnegut Jr. come to mind.[13] For all the benefits that technology provides, serious and calculable harms are associated with these advances. Sometimes the advances (if that is what we want to call them) are not worth the ills associated with them.

Technology is useful insofar as it can be used to address a dilemma or desire of humans in their communities. Viewed in abstract technological advances are stripped away from their uses in a way that conceals their affects. These developments, then, are only useful in the context of their use. There is an element of John Dewey's pragmatism in this view.[14] To the extent that an advance in knowledge is beneficial, it can and ought to be employed.[15] When these progressions spawn undesired and harmful conesquences, they should not be employed.

Herbert Marcuse makes the connection between this critique of technology and the control of political and social institutions. He writes, in *One Dimensional Man*,

> The way [contemporary industrial society] has organized its technological base . . . tends to be totalitarian. For "totalitarian" s not only a terroristic political coordination of society, but also a non-terroristic economic-technical coordination which operates through the manipulation of needs by vested interests.[16]

The implementation of a modern constitutional arrangement can have debilitating social affects in both the imposition (by actual force of arms, or through economic pressures) and the actual application of the model in particular circumstances (due to the focus on dominant interests and not the needs of the people in the incipient state).

The narrative of the goods and evils of technology is the same as the story I told about social organization through the implementation of a modern constitution. When these perceived goods are used in their proper place, with care and caution for the outcomes they beget, they may fulfill their promises. When they are forced situations that are not ripe for their introduction, however, we ought not be surprised at the disorder and harm that follows. Neither should we wonder why violence ensues when a constitutional model is imposed at the barrel of a gun or under economic duress.

NOTES

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2. Ackerman, p. 774.

3. See Ronald Dworkin, "Constitutionalism and Democracy," *European Journal of Philosophy* 3:1 (1995), pp. 2 11; John Rawls, *A Theory of Justice* (Cambridge, Mass.: Harvard University Press, 1973); and Joseph Raz, "The Politics of the Rule of Law," *Ratio Juris* 3 (1990), pp. 331 339.

4. Jürgen Habermas, "On the Internal Relation Between the Rule of Law and Democracy," *European Journal of Philosophy* 3:1 (1995), pp. 12 20.

5. Ackerman, p. 771; Jon Elster, "Forces and Mechanisms in the Constitution Making Process," *Duke Law Journal* 45 (1995), p. 383; and Jan Erik Lane, *Constitutions and Political Theory* (Manchester, U. K.: Manchester University Press, 1996).

6. Stephen E. Toulmin, *Cosmopolis: The Hidden Agenda of Modernity* (Chicago, Ill.: Free Press, 1990).

7. *Ibid.*, p. 128.

8. Ackerman, p. 772.

9. See Michael Oakeshott, "Rational Conduct", *Rationalism in Politics* (New York: Basic Books, 1962), pp.83, 89; Seyla Benhabib, "Modernity and the A Prioris of Critical Theory," *Telos*, no. 49 (Fall 1981): 38 59, and Drucilla Cornell, *The Philosophy of the Limit* (New York: Routledge Press 1992).

10. Edward A Mearns, "Emerging Trends in International Constitutionalism: A Comparative Approach," *Case Western Reserve Journal of International Law*, Vol. 28 (1996), p. 1.

11. *Ibid.*

12. See Rawls, *A Theory of Justice*, Ch. IV.

13. See Ray Bradbury, *The Illustrated Man* (New York: Spectra Books 1983) and Kurt Vonnegut, *Cat's Cradle* (New York: Dell Publishing 1963).

14. John Dewey, *The Quest for Certainty* (New York: Putnum Books 1960).

15. *Ibid.*

16. Herbert Marcuse, *One Dimensional Man* (Boston, Mass.: Beacon Press, 1964), p. 3.

Fifteen

LIBERAL POLITICAL THEORY, SOCIAL MOVEMENTS, AND GLOBALIZATION

Charles Crittenden

My goal in this chapter is to locate social movements within liberal political theory and apply the perspective developed to economic globalization, especially recent massive increase in the flows of goods and services, capital, and people across national borders.[1] I recall relevant aspects of classical liberal thought. Then, in view of social movements such as the women's movement for equality and the civil rights movement, I reflect on the place of social movements in a liberal democracy. Finally, I shift to the global context and compare movements there with those in this country.

1. Classical Liberal Theory

When I talk about liberal theory, I do not mean neoliberalism, but the theories articulated by John Locke and embodied in the United States Declaration of Independence.[2] In classical liberal theory, humans are characterized by conditions that ought to be achieved and protected. What these conditions are is contested, but most would agree that a short list includes life, justice, protection from oppression, community, and opportunities of various kinds, notably to participate in government, and all that maintaining these conditions requires—for example, access to information, freedom to meet and band with like-minded people, and non-interference in expression of our opinion. I take these principles to be obvious and beyond debate.

Liberals believe that individuals have the right to try to realize these conditions in their own lives, individually and collectively. The paradigm goal is to establish a government that defends and promotes these conditions, or of replacing or changing a government that fails to protect them. Locke comments, after listing several types of government failure, "in these and the like cases, when the government is dissolved, the people are at liberty to provide for themselves by erecting a new legislative [body] . . . as they shall find it most for their safety and good."[3]

Citizens have the right to act on their own behalf; this authorization is fundamental to liberal political theory. According to Lock, the citizenry may dissolve government if necessary and form a new one to protect basic human values. Thereafter, government is to deal with social issues as they arise, acting in citizens' behalf to ensure that these values are implemented;

government is the people's instrument for dealing with major social issues, and they do not need to take action apart from it. The people themselves must act directly in establishing government; their joint act is needed if the outcome is to be their government.

2. Social Movements in a Liberal State

What role do social movements play? We might wonder why they are necessary, for problems in society are to be addressed by the appropriate governmental means—government agencies either identifying and dealing with these problems or dealing with the problems after they have been identified. For citizens extra-governmental action appears unnecessary. Yet, the model I have sketched is not how the process unfolds; for too many citizens—the poor, those suffering from prejudice or exploitation, those taking unpopular stands, or who are otherwise powerless—the government is unresponsive or worse. Powerful forces that have no interest in protecting the rights of the afflicted can prevent government from protecting the rights of citizens. Such abuses occur despite measures intended to prevent them.

Nevertheless, liberal government does in theory and often in practice protect rights, for instance, the freedom of assembly, speech, and association. These freedoms provide the background conditions for acting against injustice or exploitation. Time and time again persons suffering have taken action in spite of governmental indifference or even opposition. Well known examples, to cite cases from the United States, are the movement to secure women's rights, the movement for racial justice, and the workers' rights movement.[4]

Even when a liberal democracy has not protected the rights of particular groups of citizens, it still may offer protections for members of these groups or others to work to act independently of the state and to have their rights recognized. The rights of expression of opinion and of assembly, for example, have been crucial in developing movements, allowing activists to build organizations, to develop strategies of resistance, and to protest against repressive conditions and publicize them. The freedoms that liberalism supports are essential to provide a space for non-governmental organizing and acting; governmental action is not the only measure that liberalism offers in promoting progressive change.

A liberal government incorporates procedures designed to realize the basic values to which it is committed. These procedures include the election of officials responsible to the citizenry and subject to recall, a division among the legislative, executive, and judicial branches of government such that these are not in the same hands, and a judiciary empowered to rule on the constitutionality of acts of state. These procedures and institutional

arrangements are often the defining characteristics of government by the people.

But, this portrayal is much less than the full story. These institutional features are in place because of their intended function of representing the best interests of the populace at large. However, these procedures are too often subverted by interests that act for their benefit and in opposition to the general welfare—in a capitalist economy, the interests of wealth oppose the general welfare. Wealth gives power, and many opportunities exist for commercial interests to sway government in their direction. Corporate influence pervades governmental practice and policy in the United States: in elections, in the media, in providing well-financed lobbyists and think-tanks, and in the practice of corporate officials rotating in and out of office and strongly influencing national policies to favor their private interests. Karl Marx argues that the values of the bourgeoisie become dominant in a capitalist society.[5] His point is illustrated by the powerful influence that corporations have on Western liberal democracies.[6]

Inherent in liberalism, however, is the potentiality of defeating these influences or at least strongly moderating them. One source for this potential appears in the very conditions that define a liberal government. I do not have in mind practices such as elections and legislative action—though these procedures are extremely important, since they can be manipulated by special interests. Rather, I am thinking of fundamental liberal ideals and the right of the people in general to act to achieve them. The United States revolutionaries acted on this principle, and United States history has many more examples of successful action initiated outside of government that eventually brought about desired social change.

Regardless of what government officials might have said on one occasion or other, or whatever governmental actions have been taken on particular occasions to repress group activity, the principle that citizens are entitled to act on their own in order to call attention to injustices and to work toward alleviating them is central to liberal theory and practice. Acting on this principle enables groups of committed individuals to struggle against the influence of powerful financial, political, or military elites and often to overcome them. When government is inactive in enforcing rights or when laws or official practices are repressive, liberal thinking holds that action by affected citizens independent of the government is perfectly in order and is warranted.

What are the conditions for such action? When is it appropriate? My examples of the women's movement, the movement for racial justice, and the efforts to establish workers' rights are illuminating. In these cases, injustices affected large numbers of people, denying them privileges accorded other citizens or, in the instance of workers, imposing unfair

working conditions. Highly committed members of these groups and their sympathizers began to organize acts of protest or usually nonviolent resistance; central here were public demonstrations articulating the conditions that affected them and showing how they conflicted with core democratic values. Such acts are in the liberal tradition of informing the public of the existence of unjust conditions so that it can, through a government that represents its opinion, eliminate them.

Over time, the activities of these groups drew affected and sympathetic individuals to participate in protests and nonviolent resistance and to give their activities widespread publicity. Organizations were formed and protest strategies developed, statements were formulated explaining and denouncing the injustices, spokespeople emerged, and other means were taken to publicize the issues and to convince the skeptical and uninformed. Eventually public opinion was aroused and as a consequence forced governmental intervention. These processes were lengthy and difficult and had many stages; those persons committed to them had to endure a long struggle with many set-backs before they achieved success.

These movements have on the whole been successful in bringing about progressive change, even without the government's initial participation and sometimes in the face of its active opposition. They succeeded because they reflected the sense of injustice and exploitation felt by many; they were grassroots causes begun by those outside the power structure. Arguably, we can only achieve deep social change through such means What may have begun as the acts of a few individual s protesting conditions that affected them came to be understood as challenges to injustices felt by people in different parts of the world; these protests led to widespread collective resistance. Despite current law, the power of wealth with its political influence, and entrenched social conditions, these movements became irresistible.

3. Globalization and Social Movements

Let us apply these considerations to global contexts. Economic globalization on the scale currently practiced is a relatively recent phenomenon. It is characterized by the elimination of tariff barriers and policies protecting national industries, the electronic transfer of large sums of finance capital across national borders, the production of goods in countries where wages are relatively low and the transportation of these goods to countries where wages are high.[7] These processes are presided over by international organizations such as the World Trade Organization (WTO), the International Monetary Fund (IMF), and the World Bank. The effects of these practices have been enormous. Local governments have lost autonomy,

as they are under immense pressure to borrow money in order to remain competitive in an international market.

To borrow this money, governments must agree to structural adjustment policies that require eliminating social programs helping the poor, cutting taxes, privatizing services, weakening unions, and reducing environmental protections.[8] Such policies are administered by distant authorities, typically the IMF and the WTO, which have their headquarters in an industrialized country, usually the United States. Because of the financial constraints imposed on them, local authorities have little ability to resist these measures. These countries are forced to accept inexpensive imports and their own production is undercut; even family farms are often no longer viable as mass-produced foods exported from the United States and other countries sell more cheaply in local markets than home-grown products.

Wholesale social disruption is usually the outcome, as family members must move to areas where they can find jobs—sometimes in sweatshops or *maquiladoras*—or people immigrate to wealthy countries in hopes of finding jobs so that they can send money home to their families. In the affected countries, benefits from these free trade policies go to national elites who implement them; abroad the corporations and banks who finance and control these processes are the beneficiaries.[9] Wealth is distributed even more unevenly than before, but without the mitigating effects of government social programs and union protections. Even in wealthy industrial nations, manufacturers send jobs and factories out of the country in search of cheaper wages—the "race to the bottom."[10]

Much here offends our sense of justice and can be rightly opposed by social movements. We must consider, though, that local governments are usually in a weakened position and unable to protect their citizens from these conditions. They are hampered by international agreements such as the North American Free Trade Agreement, and elected officials of these governments are unlikely to resist the provisions of such agreements as this would undermine the interests of the wealthy and powerful that dominate the country, regardless of the general popularity of such resistance. In many cases the most effective means for affected citizens to call attention to problems and create solutions is through collective action, especially through social movements. Groups may be organized to protect a forest against logging, farmers may occupy vacant farm land, workers may take over factories and run the factories themselves, citizens may protest against having a McDonald's or a Wal-Mart in their community. Opportunities for resistance vary with conditions.

4. National and Anti-globalization Movements

I will briefly compare national social movements to those social movements generated by economic globalization may be useful. Globalization is a phenomenon whose characteristics are dictated by the requirements of capitalism: markets, production and transportation costs, availability of workers and natural resources, and above all the potential for profit. These factors cut across national boundaries, geographic conditions, political parties, and ethnic and religious traditions.

The national movements represent issues that were usually thought of in terms of conditions specific to a single country. With the partial exception of the workers' movement, which sometimes had Marxist inspiration, they were defined in terms of local issues. Globalization, by contrast, has many effects—which I shall note later—reflecting the variety of processes inherent in capitalism. During the Seattle protests in 1999, farmers, environ-mentalists, workers' rights advocates, indigenous people protesting the exploitation of their sacred lands, socialists, and many other groups were present. These different causes are best understood as protests against aspects of global capitalism rather than as disparate movements lacking any unifying connection.

While the object of a national movement is specific to that country, globalization is generally recognized as having similar effects in many different countries—for example the wealth gap increases, local production weakens, local communities are disrupted, and foreign corporations exploit native natural resources. A small number of international organizations dictate global economic policies which apply internationally. Protests against causes and conditions in one country are rightly understood as part of a worldwide anti-globalization movement; activists are in solidarity with activists elsewhere. Attempts to develop international organizations, for example an international farmers' movement, are a natural development and are well underway.[11] Local activists have come to realize that they share a common cause with people of races, languages, traditions, cultures, and nationalities other than their own.

Movements internal to the United States, again with the partial exception of the worker's rights movement, did not question capitalism.[12] These movements were directed against a variety of problems only some of which could be directly attributed to economic conditions. Yet, the anti-globalization movement has raised serious questions about capitalism—its varieties and the constraints appropriate to each movement and about alternative economic systems.

Important goals for national movements were usually legal measures relieving the conditions being protested. But, anti-globalization activities are

for the most part not directed at national governments, as the rules governing globalization are defined by international that are not under the direct control of any one government—despite the great influence of the wealthy countries, especially the United States. The movements, which collectively constitute the anti-globalization movement, can each appeal to relevant authorities: to local government where it is in a position to intervene effectively or enact relevant policy, to officials of the company causing the immediate offending condition, to governments and activists in countries where the headquarters of the corporations in question are located, and in any case to world opinion and the United Nations.

Dissent against globalization has taken forms other than local demonstrations. The objects of these demonstrations are sometimes international corporations that have tried to exploit indigenous people—Bechtel in selling water rights in Bolivia and Shell in Nigeria—but the demonstrations are usually against the organizations supervising world trade. The protest in Seattle opposed the policies of the WTO meeting there; this protest was just one of a series of actions at meetings of major organizations such as the IMF, the World Economic Forum, the Group of Eight, and the Group of Seven.

Such occasions draw large numbers of protesters and allow activists representing many causes to publicize their specific issues. Sometimes there are forums and conferences held in conjunction with these demonstrations, giving commentators an opportunity to discuss principles uniting the protest groups and to present analyses of globalization. The annual meetings of the World Social Forum and its more localized meetings have become exciting venues for presenting innovative suggestions on economics, politics, strategies for peace, and other issues.[13] Because of its international scope, globalization has stimulated much interesting work on a broad scale.

Resistance to globalization takes the form of distinct projects each with specific goals, organizations, participants, methods, and locations. Yet, they are united in dealing with different aspects of the same over-all phenomenon, the world-wide expansion of corporate capitalism. This response is indeed a movement of movements, as it has recently been called.[14] The anti-globalization movement's scope and the variety of reactions it includes are what distinguishes it most strongly from movements internal to a single country.

I will close by emphasizing that the varied goals, tactics, and organizations directed against aspects of globalization are within the liberal tradition of self-organized protest and revolt. Democracy is not primarily a matter of formal procedures such as voting and representative assemblies, but more basically an affirmation of peoples' rights to act collectively against repressive and unjust conditions. Liberals ought fully to honor the

world's anti-global movements as part of the tradition of reactions that led to some of the most important Western democracies. We can only hope that governments around the world—as well as world and regional organizations—will support these movements as one of the most important means the oppressed have to react against their oppression.

NOTES

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3. John Locke, *The Second Treatise on Government*, (Cambridge: Cambridge University Press, 1960) p.411, sec. 220.

4. Howard Zinn, *A People's History of the United States: 1492 Present* (New York: Harper Collins, 2003).

5. See Karl Marx and Frederich Engels, 'Manifesto of the Communist Party,' *The Marx Engels Reader*, ed. Robert C. Tucker (New York: W. W. Norton, 2nd ed., 1978), pp. 475, 487.

6. See Robert B. Reich, 'Democracy and Megacorporations May Be Mutually Exclusive,' *Los Angeles Times,* Metro section, p. 9.

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9. *Ibid.*, pp. 292 293.

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Sixteen

PEACE, CORPORATE RESPONSIBILITY, AND GOVERNANCE

Eddy Souffrant

The place of collective responsibility is tenuous in traditional moral theories that rely on a narrow version of individual responsibility. I begin this chapter with an examination of political liberalism, which emphasizes individual equality and autonomy. The rights of individuals are viewed as making up human civil societies. Government is set up to regulate, when needed, the interactions of these individuals.

On the global scene, democracy attempts to bring peace among conflicting nation-states. The actions of corporations become problematic whenever their self-interests vie with community needs. Corporations are not individuals and could be viewed as standing outside individual moral standards. I showcase some of the problems and highlight the need for a standard of corporate moral responsibility.

1. Political Liberalism

In an increasingly global environment, some transnational corporations hold a considerable share of the global market. They likely operate in zones of conflict, and where such operations take place the role of corporate social responsibility is in part one of conflict resolution or peacemaking. I propose to explore the theoretical bases for another correlation: the more effectively a corporate policy works to instill and nurture an economic condition that contributes to a stable political environment, the more viable and profitable its operation will become.

To sustain this claim, I offer a generally accepted understanding of the structure of contemporary governance, political liberalism. Political liberalism provides a theoretically appropriate recourse for the maintenance of civility, extending liberalism as an instrument for peace in traditional societies constituted of individuals of equal status who opt to share a social environment. As the formal structure of the environment through which the freedom and individuality of every equal member is acknowledged and exercised, political liberalism in practice relies on a culturally homogenous society of equal individuals for its monitoring of equality and the management of peace. I expand on this primary interpretation of political liberalism and maintain it as a fruitful pattern for public life in heterogeneous societies, even of unequals. My interpretation of political liberalism con-

strues it as a project rather than the result of a natural contract. I thereby understand the theory to continue to be a relevant instrument for peace in our contemporary environment despite the demands of multiculturalism and new concerns for the welfare of non-human individuals.

A. Liberal Civil Society

The social and economic project of liberalism finds firm footing, according to Bhiku Parekh, when

> [l]iberal individuals seek to run their lives themselves, to make their own choices, to form their own beliefs and judgments, to take nothing for granted or as given. Since they necessarily begin life as socially conditioned beings, their goal is gradually to decondition themselves, to become ontologically transparent, to reconstruct and recreate themselves, and thus to become autonomous and self-determining. . . . Again, in the kind of society imagined by the liberal, individuals must be able to alienate their labour, capacities and skills without alienating themselves and becoming another's property during the period of alienation.[6]

Parekh's suggestion affirms that liberalism aims to remove individuals from a natural condition of conviviality, which harbors, no doubt, its own methods of negotiations when its members experience friction and conflict, and proposes to place them instead in a constructed artificial but novel setting where complete independence is presumed and from which a specific type of social reconstruction is promoted. Notwithstanding the psychic tensions within liberal individuals, a tension that consists in the main in being asked to balance the real theoretical and practical requirements of our natural condition of conviviality (a condition from which we are asked to abstract ourselves) and to live in an artificial social environment, individuals in liberal civil society struggles with these as we are expected to follow at once, the dictates of an isolated liberalism and its associated demands for a novel artificial condition of independent, self-interested and equal individuals.

The artificiality of isolated liberalism challenges the convivial person at both the theoretical and practical levels. It is not significant for us to consider whether the liberal individual can ever be truly independent or equal to its contemporaries. When and if that condition is ever fully achieved, one will need to contend with the conflictual state of affairs produced by the intersection of individual self-interests and the dependence of their satisfaction on social interactions in a limited environment.

In its extreme iterations, that condition will be one of war of all or constant civil unrest. A successful project of liberalism will thus make its primary moral concern the maintenance of the individual's independence and the peaceful coexistence with others. The liberal project will aim to nurture a social environment in which the interests of individuals are potentially satisfied, but above all, the social environment will remain the realm within which our liberty, property, and the development of our reason and autonomy are respected and protected. These are expectations, as they are prospects, sometimes construed as natural rights. In civil society, the liberal contends, these natural rights can be enjoyed. Civil society constitutes the individuals' common bonds and the tool through which they pursue or reach their interests. Like a René Magritte painting the civil society is collection of dangling individuals, civil only in that it is a repository of autonomous individuals and a society only in the sense that it is made up of many such individuals. The dual purposes of civil society in the liberal project reveal this internal structural tension. For its own protection, the liberal society cannot resolve its tension of itself.

If the tension is resolved internally by advocating a prevalence of the common bonds that link individuals and motivate moral actions, liberalism destroys the autonomy of individuals, which is the root source of our individuality. Yet, if liberalism maintains a robust individualism, it realizes at once the futility of the social environment as basis for the intelligibility of autonomous individualism. For its own viability consequently (for the tension is fuel for its longevity), liberalism makes instrumental use of the civil environment, of which liberal individuals are also an instrument of pursuits and as such can be heteronomously self-regulating in our choices of action. The liberal project singles the individual out of morality.

B. Liberal Governance

As a project, liberalism can be redeemed in that it allows for the creation of a governmental structure that regulates the interaction of its members. The resolution of the tension within the project of liberalism between individualism and civil society calls for a public overseer willing and able to exert pressure when needed to keep the balance between the social environment and the pursuit and interests of individuality found in political society. In political society, where peace is sought and tensions monitored, the state as the liberal overseer is, like civil society, an invention. This time, however, it is a potentially deadly invention. It is both coercive and compulsory. It holds the power of life and death over the individual members of its constituency and its membership is automatic, binding and exclusionary. The role of the state in the liberal context is thus to "create and maintain a system of rights."[7] A system of ethics and politics like ours

sprung from this state of affairs and serves as buffer to the inevitable social tensions between civil society and the minimal state in this artificial project.

Liberal democracy, as the political structure within which this system of individual rights is protected and which takes precedence over the civil, communal, and interactive component of society is contrasted with Parekh's offer of a more organic public space where the political community precedes the individual's freedom. In lieu of the liberal democratic polity, Parekh proposes a democratically liberal polity, which in his view, captures the actual forces that underscore the manner in which members of political communities adapt individual freedom and interests to the peculiarity of their actual social environments.

Parekh argues that the liberal project cannot be executed in a vacuum and that the way in which a "polity combines liberalism and democracy or how liberal and democratic it chooses to be depends on its history, traditions, values, problems, and needs."[8] Traditional Moslem society, he reminds us, is one of many societies that believe that certain social bonds are essential to the viability of the community. There are bonds of social responsibility, for example, that require every person ("man" in Parekh's example): "to consider a portion of his property as belonging to others. He has a duty to use it for their benefit and is not allowed to deny food or shelter to a hungry man or to a stranger. The latter [however] does not have a *right* to food or shelter, but the host has a most stringent *duty* to provide these."[9]

C. Moral Governance

This example illustrates an instance in which the interests and viability of the Islamic individual are protected without admitting that the individual has any right to that protection. In other words, we have an instance of a polity that nurtures and protects social responsibility rather than individual rights. Social responsibility supersedes individual rights in these societies without endangering the protection of the individual's freedom. The example is that of a liberalism consistent with the tenets of political liberalism to promote individual freedom and security whilst retaining the organic social environment. Using the principles "social solidarity" and the "ethic of communal obligation" to restrict the rights of atomist individualism, Parekh concludes that the political ideology of liberal democracy derived from the atomist individualism of the seventeenth century and its peculiar infiltration of the democratic state need not lead to an uncritical adoption of liberal democratic institutions.[10]

In Parekh's view, the ideals of democracy and the respect for the "ways of life" of non-liberal societies can simultaneously coexist with a system of governance whose arrangement reflects the integrity afforded those diverse

societies or communities. India is for him an illustration of such a cohabitation of local ways and democratic ideals. It embodies a political environment in which the criminal laws are uniform and supersede all the distinct communities whilst the latter are permitted to control their own civil affairs. The Indian state as a peculiar political entity recognizes and protects both individuals and communities.[11]

Parekh's argument makes explicit the view that the liberal democracy that evolved in the shadow of the individualism of the seventeenth-century resulted from the particularity of the European societies of the time, and that although the project to liberalize election, freedom, and equality proved successful in some sectors, its universalizability is as yet undetermined. This indeterminacy follows from the various experiences that support the belief that liberalism breaks up the community, undermines the shared body of ideas and values, places the isolated individual above the community, encourages the ethos and ethic of aggressive self-assertion, rejects traditional wisdom and common sense in the name of scientific reason, and weakens the spirit of mutual accommodation and adjustment.[12]

2. Democratic Peace

A. Liberal versus Global Polity

The cultural challenge that Parekh poses to liberal democracy's atomist individualism or Eurocentric values as it attempts to promote peace in an environment of conflicting values, is magnified by an increasing recognition that in a globalizing world polity, the area ripe for public policy development and implementation will be construed as larger than that contained within the traditional boundaries of the nation-state and thus requiring much larger political institutions or structures. Second, the global polity, if established, will encompass a membership that is neither strictly individual nor communal (ethnic)/national in nature. To the first of the concerns, Parekh admits that the establishment of a global government would be difficult to achieve despite his acknowledgment that the United Nations Universal Declaration of Human Rights as the expression of a broad cross-cultural consensus commands an increasing universal appeal and support. The likely difficulty of establishing a global government does not preclude the proliferation of the type of members that would be subsumed under such a government, which is my second point.

Liberal democracy as an instrument of peace has been thus far considered from the perspective of civil society. I have spoken above of individuals and cultural groups, and certainly with the United Nations Universal Declaration of Human Rights, we recognize the integrity of nation-states and of ethnic/indigenous groups. We should also be aware of

the influence and increasing agency of transnational corporations. To the extent that we are convinced of the relevance of Parekh's intuition that a democratically liberal polity in which the principles of social responsibility are pursued is more reflective of the exigencies of our times than the liberal democratic version, we shall notice that only one of the elements of this global perspective appears from afar to have implemented his program of adapting liberalism to the society in which it hopes to operate.

B. Corporate Political Responsibility

Corporations, neither liberal nor democratic and, whether local or transnational have at least since 1986 with the United States legislative initiative (the Comprehensive Anti-Apartheid Act) moved to consider moral (social) responsibility in their practice. Although the 1986 initiative was repealed, in 1996 legislation was passed to impose some obligations on United States businesses with transnational aspirations when their practices negatively impacted the plight of workers and also the community at large. Certainly, the legal component enlarged the conception of corporate responsibility, a conception which before 1996 tended to carry with it the connotation of altruism or philanthropy, not one of obligation, even if legal.

The 1996 legislation substituted the practice of informal and voluntary philanthropy with a more socially targeted one that focused on the corporations' involvement in their respective areas of operation. But the idea of a global consensus on the constituents of corporate responsibility for transnational organizations exhibited the tensions inherent in matters that relate to the accumulation of international wealth and power. Carving out ownership of resources, establishing jurisdictions, and levying penalties for encroachment are all potential areas of conflict between transnational corporations that are further exacerbated by a penury of "free and uncontested territories." Transnational corporations rival nation-states, but unlike nation-states that have, by way of the United Nations Declaration of Human Rights, established duties vis-à-vis their constituency and the human community at large, corporations are not as globally restricted as nation-states. The determination of criteria for positive corporate responsibility is a contentious affair and a potential source of conflict between corporations and states.

An example of the corporate responsibility as a generator of international struggle or conflict can be found in the interaction between the United States Council for International Business's (USCIB) response to a European Union's (EU) effort to promote a European conception of corporate social responsibility.[13] In a green paper entitled "Promoting a European Framework for Corporate Social Responsibility," the EU at-

tempted to standardize the criteria of corporate social responsibility.[14] The EU intended to create the framework for such a responsibility and encourage independent monitoring and verification of adherence to labor standards, for an example, of the International Labor Organization.

In response to the EU's standardization efforts, the United States Council for International Business issued various comments in 2001 which ultimately confirmed that the United States and its business community will not agree to be governed by an international body, however well meaning it may presume itself to be. The USCIB commended the EU in its effort to create a framework for corporate responsibility but thought that its leverage should be in convening groups for dialogue and cooperative actions and not as a legislative body. The USCIB contended further that corporate responsibility is best when left to market forces and competition, against the backdrop of the laws and regulations of local national governments whose primary task is the protection of citizens with workers and environment. The Council maintained that corporate responsibility should not substitute for the ineffective delegation of governmental responsibilities even as it recognized that EU's zeal could be used to encourage developing nations and governments to implement and enforce labor and environmental laws.

The Council's apparently nationalist stance vis-à-vis moral or social responsibility does not in any way, like its counterpart in international relations, maintain that there is no role for social responsibility to play in the transnational arena. It simply denies the standardizing tendencies of the recommendations of the EU green paper. In its anti-globalizing argument, the Council maintained that a standardized corporate responsibility framework contradicts the fundamental principle of Corporate Social Responsibility which it understood to mean that individual corporations should determine in their own areas of operation and with the help of particular market forces what corporate behaviors would best promote the well-being of stakeholder, corporation, and business climate. It argued that standardization of the type offered by the EU is antagonistic to innovation and increases operational costs.

Corporate responsibility, in accordance with the Council's interpretation, is a recognition of corporate citizenship and is akin to the self-assigned determination by a corporation to improve its internal workings and its impact on the community at large. The decision and its purported associated actions are best articulated, however, by the corporation. External meddling and interference in the form of a standardized framework is unattractive and potentially harmful to the corporation and its stakeholders.

To consider Parekh's organic democracy as a model, one would notice that consistent with his model, the integrity of the diverse communities is maintained. But that integrity is maintained at the cost of relying at best on an antiquated system of global and corporate anarchic governance and at

worst on a hierarchical structure in which the members of the diverse community participate and are regulated by brute strength and corporate self-interests. Both of these alternative options to the Parekh model are consistent with a Hobbesian model that is to some degree unsympathertic to a normatively regulated polity whether local, national, or global.

We have a liberal component to the conception of corporate responsibility as it is interpreted by the USCIB. The corporate citizen is a self-conscious single entity that determines in the context of its area of operation how to best meet its responsibility to its various stakeholders. From this heteronomous perspective outside interference is unwarranted. The corporate responsibility that follows in those circumstances is particularly unique, singular, even if corporate.

For example, consistent with the conception of corporate responsibility under consideration, a parent company does not assume responsibility for the actions of its subcontractors and cannot impose its principle of social responsibility on the subcontractor whether it be a supplier or one of the franchises Also consistent with the requirement of market forces, and the Council was willing to concede this, companies may opt to signal their position vis-à-vis child labor, for instance, that it does not support the exploitation of children. Such voluntary approaches to corporate responsibility are acceptable, but when such claims are made without scientific support and data, the Council maintained, these dicta cannot be viewed as substitute for seals and mandatory labels and therefore can be misleading. They risk implying in the market place, that companies that do not make such claims are by omission admitting such practices.

3. Corporate Governance and Peace

The general disposition of the USCIB regarding corporate responsibility takes for granted the view of the economist Milton Friedman that "'the one and only social responsibility of business' is to increase its profits."[15] The Council, however, adds to Friedman's view the awareness of the pressures that transnational and local companies have been experiencing over the last two decades. Activists have complained that globalization has nefariously impacted the poor and they have raised questions about the manner in which the profits of companies are amassed. The emphasis on the means to profits has incited companies to pay closer attention than they would have otherwise done to the "'triple bottom line' of economic, social, and environmental outcomes."[16] The USCIB's acceptance of a dialogue on corporate responsibility is a start, but as Bronwen Manby suggests, the "spirit of the time" fueled by the "triple bottom line" has also influenced the conception of a good corporate citizen.

A good corporate reputation impacts positively on the public perception of the company. It influences the attitude of customers and appeals to potential employees. Companies, Manby concurs, "have an interest in taking positive steps to promote social development and minimize negative environmental effects, as well as to maximize profits."[17] The state of affairs called for is a macrocosm of the context projected by the liberal tradition, one of benign self-interested pursuit. In that context, obviously, and if we follow the dicta of liberalism, one pursues a self-defined goal which, when translated in terms of responsibility in the transnational environment, would mean adopting what I consider to be the narrow conception of corporate social responsibility. It is the position that favors self-assigned responsibility over global and institutional ones. This position which resembles the USCIB's exemplifies not only the disposition of governments like the United Staes, but also the attitude of many companies uncomfortable with prematurely ceding power to external review boards. As with civil society, this state of affairs is potentially conflictual. Yet there is room for optimism for those concerned for peace and social responsibility in the global arena.

Consistent with that predilection, well-meaning groups offer a counterweight to positions like that of the USCIB. They acknowledge that the determination of corporate social responsibility be shared, that it be articulated in conjunction with how well nation-states carry out their duties to the citizenry. "[S]tates have an obligation not only to respect human rights themselves but also to enforce human rights law against private actors, including companies."[18]

There is a problem with this position. To the extent that one is dealing with an environment of states of equal status and comparatively equal power, the liberal edict of good governance would suffice. Yet, we have also been witness to imploding states, indebted states, and simply weak states. They defy the command articulated by various human rights groups and the USCIB. The power of transnational corporations coupled with the increasing reality of weak, developing, and vulnerable states, call for a conception of corporate social responsibility stronger than that articulated by the USCIB and the liberal conception of sovereign states. We might advocate in the interest of protecting such vulnerable entities, as Manby does, for an inter-national regime to place and monitor the responsibilities of the companies since to expect companies to carve out their own conception of corporate social responsibility does not directly protect the vulnerable states.[19]

The United Nations Commission on Human Rights, Subcommittee on the Prevention of Discrimination and Protection of Minorities, and the World Bank have independently established, since the late 1990s, working groups aimed at developing guidelines for the practices of transnationals abroad. Despite these efforts, few, if any transnational corporation have allowed an external audit and fewer still have implemented or commissioned a social

responsibility audit, although it is clear that companies have at least begun to consider questions of corporate social responsibility along with their transaction policies regardless of the slow progress to full implementation of such responsibilities. There remains, however, no doubt in my mind that these audits themselves would be more often an exercise in self-promotion given the lack of a justifiable standard or sets of such responsibilities.

4. Constituents of a Moral Standard

I have articulated two versions of a liberal conception of social response-bility. The first is self-assigned, so that corporations draw up their own moral practices. The second conception is protective of the integrity and sovereignty of nation-states and their constituencies. The two views of corporate responsibility point to the recognition that companies, whether local or transnational, do not operate in a vacuum. Their community of operation affects their actions and vice versa. This mutual social impact and the inherent imbalance in the relationship of the parties involved, have, in my view, motivated a third conception of corporate social responsibility more consistent with Parekh's conception of a democratic liberal overseer. In the context of corporate social responsibility, the mirrored democratic political liberalism would suggest that corporations face the prospect of an external imposition of moral standards.

The latter approach, although proposed, has yet to root itself firmly in the transnational global project. In the meantime, we are left with the more likely implementation of a self-generated standard of corporate social responsibility. In an atmosphere of self-interested responsibility where weak states are prevalent, one of the potential sources of restraint or balance to an overly egoist corporation would be the conditions of operation. A company concerned about the triple bottom line would be compelled to accurately gauge the latitude offered by its territory of operation.

Contemporary events and the rapidity with which we cross borders, digitally or otherwise, reveal to interested observers that transnational corporations which exploit natural resources, human or mineral, operate or would do so within conflict-ridden circumstances. As they engage the conditions and confront the circumstances they assume, even if unwittingly, a responsibility for conflict resolution or prevention. In short, they are potential peacemakers. This is a role that social responsibility theorists could not have predicted especially given the reticence of corporations to assume negative responsibility let alone positive ones. Peacemaking as corporate social responsibility is activist.

The developing literature that aims to delineate the role of transnational corporations in conflict-resolution and prevention argues that businesses be

conflict-sensitive and pro-active in nurturing economic climates that pre-empt conflicts. It also maintains that they engage in business diplomacy to change structures that contribute to conflict and tension. The conception of an activist corporate social responsibility is initiated in part by the recognition that the environment in which transnational corporations will implement that social responsibility will be either non-traditional/liberal civil societies or objectively weak states.[20] Unfortunately for the theoretician of peace and social responsibility within corporate governance, these states populate most of the globe.

We must confront this reality and the significance of that recognition resides in pointing out that if our sincere concern for corporate social responsibility were to be activated in truly democratic states, societies in which participation of the populace in governmental affairs was tangible, we would not necessarily be concerned about restraining potentially nefarious policies and actions of transnational corporations. Protection by means of legislation and other such devices to guarantee the well-being of the constituents would have been readily initiated or already in place to prevent instability in the polity. At the very least, insuring the viability of local industries potentially affected by the transnational's presence, would have been in place. Also in such weak states, if we are to believe Thomas Hobbes, security is at a premium. The leaders' egoism and power, circumstances alluded to in the *Leviathan*, breed corruption, oppression and ultimately civil unrest and conflict.

It remains to be determined whether we believe that an activist approach to social responsibility is likely to be implemented in a weak rather than a strong liberal state. Consistent with that determination is the question of whether any infusion of potentially peacemaking social responsibility reiterates the point that transnational actors that invest abroad have a presence in the territory of operation and whether they admit the configuration of the civil society in which they are investing. By virtue of this opportunity to transform the configuration of a particular polity, it would seem that transnational corporations ought to assume a social responsibility even as they are transient, and as such only temporarily local.

In the interest of peace or economic development, transnational corporate social responsibility, when assumed, is commendable. It points out more starkly than first recognized that transnational investments of culture, ideals, or capital are risk-laden for both investor and host. Legislation, even if they were global structural legislation, may not be sufficient when the imbalance of power between transnational corporations and weak states favors the transnational. The focus of a conception of responsibility must hinge on moral agency. In this it appears to me the most recent iteration of corporate social responsibility as activist is closest to a true moral determination of responsibility.

My argument has been to try to construct the bases for assigning political and moral agency to transnational corporations. I have argued that political liberalism in the contemporary period must account for ethnic and culture diversity in its application and that faced with the diversity, moral governance is an instrument of peace. I have at a second level determined that the contemporary global environment is a diverse one lacking a structural legal overseer. Despite this potentially anarchic environment, some of the agents of the global environment have adopted self-determined standards of action in the form of social responsibility. This responsibility when assumed must take heed that corporations interact with weak states and in that interaction specifically, there must be a more stringent conception of social responsibility than the self-assigned one, however commendable that position may be.

My suggestion is that classical moral philosophy does not present a satisfactory justification for the moral agency of corporations. In the concluding section of this paper I shall carve out a road to move us from individual moral agency to a collective corporate responsibility that might buttress the self-assigned conception alluded to above. I thus offer as a result of this state of affairs a motivation for corporate social responsibility that is not contingent on political or economic pursuits.

In moral philosophy, especially one suited for the contemporary social environment, there is a complementary conception of moral agency and responsibility that appears most appropriate for our time. An ethics based on human individuals and our singular principled agency is ill-equipped to accommodate and evaluate the actions of nation-states, transnational corporations, international organizations, technological institutions (surveillance technologies as subject and agents) and the like.[21]

To accommodate such novel agents in the realm of morality and realize their associated responsibilities, we must begin by noticing that as human beings we are each indeed unique individuals but that being moral consists first in an awareness of our social nature and second in acting in a way that cultivates our social responsibility. This intuition is a truism shared by moral theories as they aim for a singular formulation of morality and dictates of moral principles.

In contrast to a conception of morality whose purpose is to reconstruct the social responsibility of an isolated individual agent, I have taken for granted that we do not experience a progressive physical and developmental entry into a social environment with other atomic beings. I believe our humanity is a social one and with that admission comes a conception of responsibility to an organic view more consistent with our human reality. The resultant conception of morality and responsibility from the organic view is one that renders us all collectively responsible for where we are and

how we live in the company of others. In both the isolationist view and my developing collectivist interpretation of morality, the goal is the same.

5. Need for Corporate Responsibility

The traditional liberal approach to ethics promotes an individual human centered environment without an articulated grasp of the changes and diversity in the data of moral philosophy. It also permits non-individual agents and subjects (for example, social and political institutions, animals, the environment, and corporations) to escape the requirements of moral and legal responsibility because individual agency cannot be established. Against this tendency, I explore a more relevant contemporary morality and ethics that articulates a coherent conception of collective responsibility.

The change in focus toward a collective morality is motivated by two guiding assumptions. The first is that traditional human agents are in unfamiliar territories (they are increasingly sharing the social, economic, and natural environments with non-traditional international and transnational agents). They risk pursuing some conceived moral goal independent of the constituents of the environment in which they wish to thrive. This scenario is actual and yet, we cannot accept, Thomas Nagel's resignation that in such a situation our recourse regarding the performance of moral actions relies only on "moral luck."[22] Moral philosophy in that context and as it persists to isolate the individual away from its social environment flirts with thinking itself out of existence.

My second assumption is that non-traditional actors, such as, corporations and entities other than persons or their representatives, do seek credibility as moral agents within the human community. If traditional or classical liberal ethics has guided and tapered human activities to sustain a viable human environment, might there be comparable principles to govern or evaluate the workings of institutions in the manner that classical ethical theories have restrained the scope, even with partial success, of the actions of human agents?

Unlike human and social institutions in our society whose justification are appropriately gauged in accordance with their abilities to enhance or nurture our experiences as humans, transnational agents concerned with profits, production, markets, exploration, cheap labor, and so forth are motivated otherwise than by human concerns. By their very nature, transnational organizations spread across borders, affecting individuals beyond their originating territories and beyond their shareholders. Given such circumstances, adhering to the law of the particular country of operation or of origin, or to their agreement with a particular people is a very minimal requirement indeed. Relying on the observance of law, whether local or international, does not of itself respond to the moral requirements of

these circumstances. Legal rules hold for particular peoples in time and place. Moral dictates differ from legal rules in part in that they should apply to all the relevant members of the human community regardless of time and place.

Transnational organizations employ persons. They have at first sight a social responsibility. Since they also make use of the environment and its resources, they should therefore have as components of their activities some responsibilities vis-à-vis those objects as well, for they share the use of these resources with other agents who are in some instances human beings. While transnationals have a duty to uphold the law of the land of operation and to profit, they also have a responsibility to persons and things held or used in common with others.[23] Yet, these same transnational organizations, agents in the global environment capable of affecting the lives of many, remain a puzzle for theories of ethics.

Traditional theories of ethics do not appropriately provide these pervasive agents of the global arena with suitable codes of actions. My claim is to suggest that they ought not be excluded from the class of moral agents. They ought to be given moral responsibilities while not neglecting at the same time, and like everyone else, their legal and moral duties. Short of the assignment of responsibility to collectives, a responsibility whose constituents I have only cursorily alluded to thus far, I hope that I have expressed why I am leery of conceding the relevance of the traditional liberal approaches to ethics for our contemporary reality.

NOTES

1. Marjorie Kelly, "Holy Grail Found", *Business Ethics,* Winter 2004, (18:4), pp. 4 5.

2. *Ibid.*, p.4.

3. *Ibid.*, p. 5.

4. *Ibid.*

5. *Ibid.*, p.5.

6. Bhikhu Parekh, "The Cultural Particularity of Liberal Democracy", *Prospects for Democracy*, ed. David Held (Stanford, Calif.: Stanford University Press, 1993), p. 158.

7. *Ibid*, p. 159.

8. *Ibid.*, p.167.

9. *Ibid.*, p.169.

10. *Ibid.*, whole essay.

11. *Ibid.*, p. 170.

12. *Ibid.*, p.172.

13. URL: http://europa.eu.int/comm/employment_social/soc_dial/csr/pdf2/044_COMPNETNAT_CIB_US_011220_en.pdf.

14. "Green Paper Promoting a European framework for Corporate Social Responsibility," URL: http://ec.europa.eu/employment_social/soc_dial/csr/ greenpaper.htm

15. Milton Friedman, "The Social Responsibility of Business Is to Increase Its Profits," *Contemporary Moral Problems*, James E. White, ed., (Minneapolis, Minn.: West Publishing Co., 5th ed., 1997), pp. 432.

16. Bronwen Manby, "Shell in Nigeria: Corporate Social Responsibility and the Ogoni Crisis" (New York: Carnegie Council on Ethics and International Affairs, 2000), pp. 8.

17. *Ibid.*

18. *Ibid.*, p.8.

19. *Ibid.*, p.9

20. Stuart E. Eizenstat, John Edward Porter and Jeremy M. Weinstein "Rebuilding Weak States", *Foreign Affairs*, (January/February 2005), pp. 134 146.

21. See Samuel Oluoch Imbo's "Cyberspace: An Effective Virtual Model For Communities," *Community, Diversity, and Difference: Implications for Peace*, ed. Alison Bailey & Paula J. Smithka (Amsterdam: Editions Rodopi, 2002).

22. See Thomas Nagel's assessment of the "problem of moral luck" in Chapter 3 of his *Mortal questions*, (Cambridge: Cambridge University Press, 1979).

23. See Alan Gewirth, *Political Philosophy*, (New York: Macmillan Press, 1965).

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