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A Critical Examination of Ethical

Justifications for Political Power

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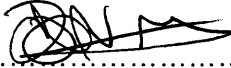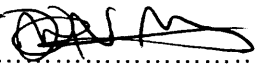
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THESIS SUMMARY

In this thesis I argue that formal political power is a human-created artificiality, erected over previously unfettered lives *for a specific purpose*. As such, the act of establishing and maintaining political power can be assessed like any other person-affecting act, ethically, and must always be *justified* if it is to be considered legitimate.

I show that underlying all such attempted justifications for political power is an implicit, but necessary, ethical contract: that political power X is justified only because it makes life 'better' for 'people' than it would be without it.

Utilizing a form of ethical constructivism, I unpack a plausible account of what this universal *political teleology* can be said to objectively demand, constructing first a reasonable account of which 'people' we can justifiably say *ought* to be considered within the ethical contract (everyone affected), and then, working from that definition, and what we can reasonably claim to know of the shared goals and interests of such people, constructing a plausible account of what could be said to constitute a 'better' life for them (the protection and fulfilment of seven basic and universal 'species-interests').

I use this account as a critical tool, showing that, despite the multiplicity of varied political structures which have historically traded on divergent interpretations of this same underlying contract, once we have unpacked a compellingly *objective* account of its terms by which to judge each interpretation, there appears to be only *one* form of political power seemingly capable of fulfilling its requirements and thus achieving the legitimate goals of an objectively justified politics: a form of federated, small-scale anarchism, which I describe as 'authentic democracy'.

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3. Who Are 'The People', And What Is 'Better' For Them?

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A Critical Examination of Ethical Justifications for Political Power

1. Preliminaries: Power, Meta-ethics, and the Rationally Autonomous Self

'Obedience or subjection becomes so familiar, that most men never make any

enquiry about its origin or cause, more than about the principle of gravity,

resistance, or the most universal laws of nature. Or if curiosity ever move

them; as soon as they learn, that they themselves and their ancestors have, for

several ages, or from time immemorial, been subject to such a form of

government or such a family; they immediately acquiesce, and acknowledge

their obligation to allegiance.'

- David Hume, *Of the Original Contract*[1]

1.1: A Statement of Intent

This thesis has several aims. The first aim is to make clear the understanding that

political power is not a natural and inevitable phenomenon in the world, but rather a

human-created artificiality, erected over previously unfettered lives *for a specific*

purpose. As such, I will argue, the act of establishing political power, and of

maintaining it, always has to be *justified* in some way if it is to be considered

legitimate, and can therefore be judged like any other act we might attempt to

evaluate ethically, in terms of whether or not the act is 'good', 'bad', 'right', or

'wrong' for the people it affects.

Further still, as I shall show, acknowledgement of this often obscured truism is

embedded implicitly within any articulated endeavour to try and justify and legitimate

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[1] Hume, D. *Of The Original Contract*, in, 1987. *Essays Moral, Political and Literary*, p. 470. (Liberty Fund; Indianapolis)

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a political power to the people over whom it has been established. Indeed, underlying all attempted justifications for legitimating the existence of political power over and above pre-political life, is a universal ethical and, specifically, *contractarian* argument: that political power X is justified only because it makes life 'better' for 'people' than it would be without it.

Alongside exposing the necessary existence of this universal ethical contract, I aim to show that such an argument has two important implications. Firstly, it implies the existence, within any legitimate structure of political power, of a necessary justificatory purpose or, as I shall be calling it, a *political teleology*: that is, an ethical *goal* of politics on which its justification rests, and thus a concession that legitimate political power is not natural, absolute and unaccountable, but synthetic, limited and conditional; there to serve a specific and certain purpose – that of making life 'better' for 'people' than it would be without it – and if it fails to authentically fulfill this teleological role, then its legitimacy can no longer be ethically justified.

Secondly, and the reason that the words 'better' and 'people' have thus far been written in scare-quotes; once we have unearthed the terms of the ethical contract – that political power X is justified only because it makes life 'better' for 'people' than it would be without it – then we have the rudimentary apparatus to start developing a plausible account of what fulfilling such a contract must objectively entail.

A coherent political teleology must be built upon an equally coherent teleological conception of the goals and purpose of those people to whom political power is contractually obliged to make life better. By working out who, therefore, must count as 'people' in this context, we can then look at those 'people', so defined, and see what we can claim to objectively know to be true about their goals and interests, in

order to help define what, then, could be reasonably said to make life 'better' for them. [2]

I will attempt to do precisely that, utilizing a form of ethical constructivism to construct first a reasonable account of which 'people' we can justifiably say ought to be considered within this political teleology; and then, working from that definition, and what we can objectively claim to know of the goals and interests of such people, constructing a logical account of what could therefore be reasonably said to construe a 'better' life for them. This process will, in turn, further help confirm or deny our original designation of who should count as 'people', thus further sharpening our depiction of what would make life 'better', and so on, until a harmonization between the two terms is met.

Once the complete picture of political teleology has been plausibly constructed, it will then transform the underlying ethical contract from a mere point of academic interest, into an essential critical tool with which I can objectively assess how the diverse *reality* of existing political systems asserting their authority under its mantle, actually match up to the ethical obligations their justification demands.

This constructivist analysis of the ethical contract will show that, despite the multiplicity of varied political structures which have historically traded on divergent interpretations of the same underlying ethical argument – that they are justified because they make life 'better' for 'people' than it would be without them – once we have unpacked a compelling account of who should objectively count as 'people' and what we can justifiably say would make life 'better' for them, there appears to be only

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[2] The notion of 'objectivity' herein is not being used to denote a completely *absolute* Archimedean point of analysis, but rather to identify a point of independent evaluation of all available facts, as far removed from any undue distorting influences – such as received social conventions or unvindicated bias and prejudice – as is possible. For more on this, see my discussion on facts and values and ethical constructivism below.

one form of political power seemingly capable of truly fulfilling the terms of that contract and thus achieving the legitimate goals of objectively justified politics: a form of federated, small-scale anarchism, which I describe as 'authentic democracy'.

A detailed and critical analysis of the gap between the ideal 'authentic democracy' demanded by the underlying universal political teleology and the real-world democracies of the twenty-first century follows, showing that not only are the sorts of systems we describe as democracies today a far cry from the 'authentic democracy' demanded by the justificatory argument upon which their very existence rests; but that contemporary democratic structures of political power inherently fail to fulfill the ethical obligations of the social contract which ostensibly legitimate them, leaving such systems arguably *illegitimate*, and their citizens, whose consent to such systems ultimately rests on their conscious or unconscious belief in the existence of such a contract, with a forceful and urgent ethical obligation for radical change towards anarchist 'authentic democracy', if they are to truly fulfill the promise of their, already held, political teleology and its justifications.

The concept of a 'social contract' is an old one, and some might even say outdated in terms of the debates of modern political theory, having been traded in for more fashionable ideas such as constitutionalism or legal coherency. But I shall maintain the use of the 'outdated' concept of a social contract, precisely because I am not arguing about historically specific political systems, the justness or un-justness of particular legal frameworks, nor the relativist assumptions of the apparent ethical demands of already constituted societies; but rather about the underlying ethical arguments which I believe must necessarily be used to justify and legitimate the very existence of any kind of external political power over pre-political society *prior* to the creation of any formal constitutional structure – indeed, as you will soon see, by the

terms of my argument, a constitution or coherent legal system can only themselves be said to be legitimate in as far as they fulfill the underlying ethical demands of the universal justificatory contract between a political power and the people over whom it is claiming authority.

Without that initial contract, everything else becomes immediately invalid.

Before we begin this far-reaching examination then, of the ethical justifications for political power, I will start with a few preliminaries on which to lay some theoretical groundwork regarding certain terminologies, methodologies, and foundational assumptions that will be used in the arguments herein.

1.2: Rejecting Abstract Notions of Power for a Concrete Ethical Theory

As the concept of 'political power' is one with a long and diverse theoretical history, to begin with I will make clear exactly what *I* will be meaning by the term throughout my argument, so as to avoid unnecessary confusion with competing historical conceptualizations of this multifaceted idea. The large body of literature in social theory and political philosophy which has attempted to define the concept of political power has had varying degrees of success, and though I shall now briefly review those definitional successes here, ultimately I shall be rejecting such a strong methodological emphasis on passive, abstract, theories of power, for a more concrete and critical *ethical* approach to its analysis, by which the legitimate limits and obligations of such power can be better understood and evaluated.

These traditional theories of political power have been most influentially recorded and analysed by Steven Lukes.[3] Lukes argues that earlier research into

[3] Lukes, S, 2005. *Power: A Radical View, 2nd Edition*, (Palgrave Macmillan; Basingstoke)

conceptualizing power found itself severely lacking by taking only a one or two dimensional approach to a concept which he feels is much more complex.

Starting with the work of Dahl in 1961, theoretical attempts to create a working definition of 'power' were limited to a one-dimensional reliance on only *observable* behaviour and conflict. Dahl put forward what he called an 'intuitive idea' of power as simply: 'A has power over B to the extent that he can get B to do something that B would not otherwise do'[4], and attempted to turn such an explanation into quantifiable research by analysing policy decisions made in areas in which there was conflict, and then tallying the result of who won what, and how often. Essentially for Dahl, political conflict led, eventually, to one side of the conflict winning the argument, with the winning group then said to hold power.

Contrary to previous elite theories which had posited such power as resting only in the hands of a few select and privileged groups, Dahl saw true political power as belonging to different groups at different times, creating an overall 'pluralism' of power within a society. Put succinctly by Lukes: the 'one-dimensional, view of power involves a focus on *behaviour* in the making of *decisions* on *issues* over which there is an observable *conflict* of (subjective) *interests*, seen as express policy preferences, revealed by political participation.'[5]

Problems with such an approach, however, were exposed by Peter Bachrach and Morton Baratz a few years later, when they presented the idea of 'a second face' of power missing from Dahl's account; what Lukes calls the 'two-dimensional view'. Although Dahl was right by identifying power in the concrete political decisions made within a society, this was not the only area in which power resided. As Bachrach and Baratz point out:

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[4] In: Ibid., p. 16
[5] Ibid., p. 19

power is also exercised when *A* devotes his energies to creating or reinforcing social

and political values and institutional practices that limit the scope of the political

process to public consideration of only those issues which are comparatively innocuous

to *A*. To the extent that *A* succeeds in doing this, *B* is prevented, for all practical

purposes, from bringing to the fore any issues that might in their resolution be seriously

detrimental to *A*'s set of preferences.[6]

In other words, as well as the eventual decisions made on conflicting policy issues

showing who holds power –as described by Dahl – there is also the question of who

decides in the first place *what* decisions will ever be brought to public debate *at all*,

and once there, which opinions will be brought forward into public discourse and

which ones will be suppressed.

Whereas Dahl looked only at tangible decision-making behaviour in society, the

two-dimensional approach looks also at *non-decision-making* behaviour. As Lukes

describes, it is a progression from the one-dimensional approach because it increases

the scope of observable behaviour up for analysis, and also allows for the

consideration of *potential* decision-making behaviour, prevented by certain

institutional or cultural practices, within our final conclusions.[7]

Although acknowledging its improvements on Dahl's pluralism, however, Lukes

still saw fundamental flaws in the two-dimensional approach. Firstly, it was still

committed to behaviourism in its methodology, albeit of an extremely qualified form.

Whilst its qualifications allowed a broader focus than Dahl's more limited account of

power-related behaviours, there were still instances of power which could not

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[6] Ibid., p. 20
[7] Ibid., pp., 24-25

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necessarily be exposed by observable behaviour. Such unobservable behaviour can occur in group situations, when it is impossible to pinpoint a specific decision-making-behaviour to any one individual, and also when power has been used to completely nullify the very existence of certain decision-making or non-decision-making behaviours before they even come up. This idea leads to Lukes' second, and most important, objection to previous power theories: 'both Bachrach and Baratz and the pluralists suppose that because power, as they conceptualize it, only shows up in cases of actual conflict, it follows that actual conflict is necessary to power. But this is to ignore the crucial point that the most effective and insidious use of power is to prevent such conflict from arising in the first place.'[8]

Power does not always stem from observable conflict. In fact it could easily be argued that instances of conflict are examples of power *breaking down*. The manipulation and strategies of thought control put in place by certain ideologically-motivated powers are explicitly designed to eliminate areas of probable conflict *before* they arise, and instead create an environment of well-managed, willing and obedient acquiescence.

There is also missing from the conflict-centred account of power the ability to analyse circumstances, such as those ostensibly created in modern democracies and by similar constitutional governments, where there has been a willing acceptance of authority (whether or not that authority can be considered objectively legitimate) by people happily subordinate to it. Conflict with edicts given out by such a well-accepted authority will potentially never *demonstrably* arise, even if they exist in the population's minds.

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[8] Ibid., p. 27

Connected to this idea is Lukes' third and final major objection to the two-dimensional approach. If there are no observable grievances denied entry into the political process as 'issues', then the behaviourist-bound and conflict-dependent Bachrach and Baratz are forced to assume the presence of a consensus (despite there being no more evidence for such a consensus than simply a *lack* of evidence for there being a conflict). Doing this not only rests on the shaky assumption that consensus is the only explanation for a lack of grievances, but it ignores the crucial point that manipulative power, at its most dangerously subtle, can be used to ensure a populace remain completely unaware that they even *have* grievances (one need only look at the centuries of previously socially acceptable repression and subordination of women and people of colour as matter of course, to see that the lack of observable and demonstrable grievances within a society about a particular policy, does not necessarily mean that such grievances do not exist).

Lukes concludes,

> The three-dimensional view of power involves a *thoroughgoing critique of the behavioural focus* of the first two views as too individualistic and allows for consideration of the many ways in which *potential issues* are kept out of politics, whether through the operation of social forces and institutional practices or through individuals' decisions. This, moreover, can occur in the absence of actual, observable conflict, which may have been successfully averted – though there remains here an implicit reference to potential conflict. This potential, however, may never in fact be actualized. What one may have here is a *latent conflict*, which consists in a contradiction between the interests of those exercising power and the *real interests* of those they exclude. These latter may not express or even be conscious of their

interests, but…the identification of those interests ultimately always rests on empirically supportable and refutable hypotheses.[9]

Peter Digeser has argued, however, that even this three-dimensional approach is still not enough to fully define the concept; and that the radical theoretical work of Foucault has in fact revealed a 'fourth face' of power, which could potentially undermine all previous power accounts.[10] Foucault took this idea of 'latent conflict' to the extreme and discovered 'power operating in structures of thinking and behaviour that previously seemed to be devoid of power relations'.[11] Indeed, echoing Nietzsche, who claimed that the entire world is '*will to power – and nothing else besides!*',[12] whereas previous power theorists looked for concrete empirical examples of power (or in Lukes' case, also concrete and empirically justifiable *potentials* of power and latent conflicts), Foucault took his 'ultra-radical' view of power into extreme flourishes of 'Nietzschian rhetoric, within which power excluded both freedom and truth…according to this rhetoric, there can be no liberation from power, either within a given context or across contexts; and there is no way of judging between ways of life, since each imposes its own "regime of truth"'[13]:

In any society, there are manifold relations of power which permeate, characterise and constitute the social body, and these relations of power cannot themselves be established, consolidated nor implemented without the production, accumulation, circulation and functioning of a discourse. There can be no possible exercise of power

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[9] Ibid., pp., 28-29

[10] Digeser, P: *The Fourth Face of Power*, in *The Journal of Politics*. Vol. 54, No.4, (Nov., 1992), pp977-1007

[11] White in Digeser, Ibid., p. 977

[12] Nietzsche, F (translated by Kauffman, W and Hollingdale, R. J), 1968. *The Will To Power*, p. 550, section 1067. (Vintage Books; New York)

[13] In Lukes, S, 2005. *Power: A Radical View, 2nd Edition*, p. 91. (Palgrave Macmillan; Basingstoke)

without a certain economy of discourses of truth which operates through and on the basis of this association. We are subjected to the production of truth through power and we cannot exercise power except through the production of truth...Power never ceases its interrogation, its inquisition, its registration of truth: it institutionalizes, professionalizes and rewards its pursuit...In the end, we are judged, condemned, classified, determined in our undertakings, destined to a certain mode of living or dying, as a function of the true discourses which are the bearers of the specific effects of power.[14]

Foucault looked into the micro-practices of society and saw relations of power in every interaction and event. By illuminating areas of power relations where previously none had been seen, he radicalized previous power conceptions. And by arguing that power within a society could be a productive and positive element of life, necessary for creating people as situated and scrutinized subjects with collective norms and practices, he questioned also the prevailing view that power must be understood as a repressive and negative concept.

Between power theorists the debate rages on, and the conceptual mapping of what exactly is meant by power remains in constant theoretical fluctuation. For my present purpose, however, as I have already stated, I will not be picking one specific side in the debate, and shall instead be rejecting the very idea of power understood merely as a theoretically abstract and hypothetically conceived entity.

Whilst Foucault opened up the definition to include important instances of power relations hitherto ignored, and Lukes gave us the valuable tool of unobservable *latent conflict* alongside traditional observations of more visible behaviour; because of the inherent necessity of an ethical theory of political teleology inseparably connected to

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[14] Foucault, M, in Rosen, M & Wolff, J (eds), 1999. *Political Thought*, p. 361. (Oxford University Press; Oxford)

any structure of *political* power (either in its application or its absence) that I shall be arguing for within this thesis, I believe that a theory of political power on its own, remains severely deficient without an ethical component with which to evaluate the way in which such power operates. Until we have a firm idea *first* of the underlying ethical contract that sets the terms of legitimacy for all political activity (and thus a workable concept of the appropriate limits of justified power), traditional theoretical definitions of political power as X or Y remain merely descriptive distractions, and not altogether helpful. Until we can determine whether the described power relations are 'good' or 'bad', 'acceptable' or 'unacceptable'; no matter how well defined our conceptual map of power may be, our descriptions of who holds it and what counts as a power relationship remain incapable of leading us to any compelling conclusions about the *legitimacy* of that power; which is the purpose of my enquiry.

Although these established views of power each have their respective merits as methodological tools for analysing and describing specific instances of power, political or otherwise, this thesis is primarily concerned with looking at the underlying ethical justifications used by societies to validate the very existence of political power in the first place, and in determining its legitimate distribution. I am more interested, therefore, in ascertaining a concrete *moral* theory first, with which we can then consider the ethical legitimacy of existing, historical, and potential, structures of political organization and power, than in simply defining and describing abstract notions of the *concept* of power alone.

Whilst a theory of political power without a theory of ethics remains, I believe, an incomplete (or at least an arguably inconsequential) account of the phenomenon, I believe that a theory of ethics necessarily leads to a consequential theory of political power and the ethics of its distribution. Indeed, I believe that this is the only way in

which we can make sense, or give meaning to, the 'essentially contested' [15] idea of

such power. Power, taken in the abstract, has the potential to define itself into

meaningless ubiquity and those definitions can only be made critically useful again if

applied to an ethical theory which can then define the appropriate limits and

boundaries in which that power is legitimately applied.

What needs to be established for this line of enquiry, therefore, is not what political

power *is* or *has been* described or conceived as, but what political power *ought to be*,

based on the underlying ethical arguments which we must necessarily use to

legitimate it.

Power, as a natural and ever-present multifaceted force in the world, ultimately

exists *regardless* of its context, as an amoral energy and phenomenon that has no

intrinsic concept of being political or non-political, ethical or unethical, *in itself*.

When electrical power is distributed amongst electrical items, for example, the power

itself has no opinion on whether it will be used on a cooker hob to heat up soup to

feed the homeless, or in an electric chair to murder an innocent man. It is only in

power's distribution and utilization by individual moral agents, that we can begin to

make normative judgments about the legitimacy of a specific power's particular

application.

Whether we think that power is observable in an accumulation of votes, the actions

of those with unaired grievances, the controllers of the political agenda, or within

every single social micropractice that occurs in life, the only way that we can make

evaluative sense of those observations and say anything meaningful about them, is by

assessing first the *ethical* context in which power is being used and distributed.

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[15]Gallie in In Lukes, S, 2005. *Power: A Radical View, 2nd Edition*, p. 30. (Palgrave Macmillan; Basingstoke)

The distinction of political power from non-political power within this thesis, therefore, is simply to distinguish an *accountability* between abstract power, natural power, or the power that is utilized by a single moral agent or group of moral agents in an autonomous and individual act, and power that has been communally distributed by those individual moral agents (or taken from them) into a far-reaching political structure, whatever its form, to be utilized for purposes of social organization and ostensibly authoritative force. It is a purely *descriptive* term used to distinguish power used in a political context – that of socially recognized authority claimed through socially recognized political structures and institutions – from all other instances where power of some description (one dimensional, three dimensional, etc) is at play, but can, in itself, get no nearer to answering questions of the *objective legitimacy* of such power through mere description alone.

All individuals hold, to greater or lesser extent, *some* sort of power, and thus power and power relations arguably operate all around us at all times and in every interaction. As such, being able to identify the *source* of a particular operation of power is essential, and this is especially true of political power as, once established, by its very nature, it then becomes a legitimating institution in its own right, and, if its own existence is not itself first justified, can be used to establish pseudo-justifications and apparent license for many other illegitimate powers or acts.

Consider, for example, the crime of rape. Rape is the forcing of non-consensual sexual intercourse by one person onto another, and if an individual ties up another person in their home and rapes them, in a very obvious and very brutal way they are exercising power over their victim. The type of power they exercise is not specifically *political* power, though. That power can become *political* however, when it is sanctioned, or even *ordered*, by a socially recognized structure of authority,

perhaps through giving the rapist some sort of legal protection to commit such acts without reprimand, whilst denying the victim a legal right against them (as occurred, for example, in the Serbian rape camps in Bosnia, or in the acts of sexual humiliation administered by U.S. soldiers to Abu Ghraib prisoners). When this happens, then the exercise of autonomous individual power becomes the exercise of *political* power.

In terms of the metaphysics of power, that it is political power or that it is non-political power makes no essential difference; power, however construed, is power, and the nature of that power does not change dramatically simply because we have used a descriptive prefix in one case concerning the scope of its application. But what it *does* do is allow us to recognize the source of where that power comes from in each situation, which allows us to better judge the *legitimacy* of its use. This, in turn, allows us to hold the wielders of such power to account for their actions.

In the first example for instance, although the rapist clearly has *power* over their victim, it is a power gained through a questionable autonomous decision to commit a particular act, and the legitimacy of that act is immediately dubious, needs significant justification, and, we can see quite clearly, it is the individual attacker who needs to do the justifying. In the second set of examples, however, it is not just the individual rapist who must justify their actions, but also the political institutions which approve and validate them.

The distinction is important because although the questionable nature of the act holds equally true in both scenarios, when extra power is granted politically, and an act, no matter how heinous, is bolstered by the strength of endorsement from a socially recognised authority and protected by a system of laws and institutional norms, then the *perceived* legitimacy of that act is less commonly questioned *despite it being the exact same questionable act in both cases*. A brief reminder that until

very recently forced sexual intercourse between a husband and wife was not legally considered 'rape' illustrates this fact quite starkly, as conventional wisdom held that, in the socially recognized and thus ostensibly legitimated institution of marriage, a husband had the right to demand sexual gratification from his wife whenever he wanted it, regardless of her own particular wants or desires.[16] Such a right, it was believed, and legally enshrined, formed part of the binding agreement of matrimony, and illustrates the limits of a passive definition and description of power without an active evaluative component.

Jeffrey Isaac holds, along with many other power theorists, that 'to locate the sources of power in society is to locate the enablements and constraints that operate on all of us...to locate power is to fix moral responsibility',[17] and whilst on the one hand this is true, I believe that we cannot fix that moral responsibility or comprehend fully the validity of our constraints or enablements, unless we have first a coherent theory of the ethics by which we can assess how the power under question, whatever its source or manifestation, *ought* to be operating.

Whilst the distinction of *political* power from non-political power is necessary for locating the accountability and source of a particular act of power; once located, the social recognition of its perceived authority is not enough to determine any *objective* legitimacy to that authority, and so once we have identified the political source of a particular act of power, we still need something more than its mere distinction from other sorts of power with which to critically assess the *legitimacy* of what has been socially recognized.

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[16] In the UK 'marital rape' was not a crime until 1991, when it was finally deemed so in the case: *R v R [1992] 1 A.C. 599, House of Lords*. It was established by the UN as a human rights violation in 1994 when the High Commissioner for Human Rights published their *Declaration on the Elimination of Violence against Women*: Febuary 23rd, 1994.

[17] Isaac, J in Ball, T, *Power*, in Goodin, R and Pettit, P (eds), 1995. *A Companion to Contemporary Political Philosophy*, p. 549. (Blackwell Publishing; Oxford)

'Authority' here is another contestable term, as it could arguably be used to apply

both to whatever is determined as *legitimate* and consensual political power, and also

de facto political power, coercively claimed and maintained only through the threat of

violence. Whilst famously Max Weber discounted the latter circumstance as being

one of genuine authority, marking the distinction of authority from pure power

precisely in the idea of its legitimacy;[18] I feel that it remains intelligible to speak of

illegitimate circumstances of political power – say, a military coup d'etat which

implements the violent rule of an oppressive dictatorship over a frightened populace –

as, within the context of its illegitimate rule, claiming to have some sort of *authority*

within that society. The authority in question may exist only tenuously, because

people are too scared and endangered to risk resistance, and it may be an authority

that is riddled with conflict and defiance; but it is still intelligible as being somehow

authoritative in that it demands of those over whom it is claiming its authority, what

Joseph Raz calls, 'the duty to obey'.[19] As Raz explains, 'the exercise of coercive or

any other form of power is no exercise of authority unless it includes an appeal for

compliance by the person(s) subject to the authority'[20], and again, this is why the idea

of social recognition of an authority alone does not imply its objective legitimacy. As

Raz astutely notes, it is a mistake 'to think that since there can be political authority

which is not owed a duty of obedience there can also be one which does not claim that

it is owed such a duty.'[21] *All* holders of political power claim authority of some

description, and, importantly, they desire this claim to be *recognized* by the people

over whom they are asserting this declared authority. The important question lies not

[18] In Goodwin, B, 1997. *Using Political Ideas: 4th Edition*, pp., 311-312. (Wiley; Chichester)
[19] Raz, J, 1988. *The Morality of Freedom*, p. 26. (Clarendon Press; Oxford)
[20] Ibid., pp., 25-26
[21] Ibid., p. 26

just in recognizing this, but in asking how we can separate *legitimate* claims to authority from *illegitimate* claims.

It will be this area of legitimacy, and the attempted claims made to *justify* the authority of political power over people, which will be the central concern of my argument, and why I will eschew the limited project of abstract conceptualization, for the more concrete task of attempting to construct an objective account of the ethical arguments that necessarily must underlie all such claims to legitimate political power if they are to be intelligible.

Whilst it will soon become clear that *all* structures of political power ultimately attempt to justify their existence on different variations of the same ethical claim to legitimate authority; we shall also see that, due to the vast possibilities for pervasive ideological manipulation within a population, the *perception* and social recognition of their accomplishments or failures in fulfilling the terms of this necessary ethical contract, do not always map on to the reality of their rule.

1.3: Political Teleology and the Plausible Construction of Fact-Based Values

A second piece of preliminary groundwork must be covered before I enter into my main arguments. As I have already made clear, this thesis will be a work of normative political theory; critically assessing the *ethical* justification for political power, and, as a result, much of the work I will be doing will involve analysing certain known facts about the world, and from those facts, reasonably extrapolating and constructing an in-depth theory of both human and political teleology.

In short, I will be attempting to derive multiple 'ought' statements from a wide variety of 'is' statements, and, as such, and aware of the meta-ethical claim that such a task is impossible due to a presumed unbridgeable chasm between 'facts' and

'values', I shall now attempt to justify my methodological rejection of the alleged fact/value dichotomy.

What follows is not intended as a comprehensive argument by any means; to fully refute this longstanding meta-ethical problem and address all its many complexities would be another thesis in itself. What I do hope to do in this limited space is articulate some of my key doubts about the claim and show enough reasonable scepticism about the alleged impossibility of deriving an 'ought' from an 'is', that we can proceed hereafter on the assumption that such extrapolations can justifiably be made, at least in the context of practical political theory.

This idea that one cannot coherently derive an 'ought' from an 'is', was first attributed to David Hume.

> In every system of morality, which I have hitherto met with, I have always remarked, that the author proceeds for some time in the ordinary way of reasoning...when of a sudden I am surprised to find, that instead of the usual copulations of propositions, *is*, and *is not*, I meet with no proposition that is not connected with an *ought*, or an *ought not*. This change is imperceptible; but is, however, of the last consequence. For as this *ought*, or *ought not*, expresses some new relation or affirmation, 'tis necessary that it should be observed and explained; and at the same time that a reason should be given, for what seems altogether inconceivable, how this new relation can be a deduction from others, which are entirely different from it.[22]

It seemed to Hume, that each time we leave the realm of fact-based 'is' statements and jump into ethical value-statements about what we 'ought' to do, we are making a

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[22] Hume, D, 1985. *A Treatise of Human Nature*, p. 521. (Penguin Classics; London)

leap via a supposed logical connection that simply isn't there. For example; though we might have knowledge of both the *fact* that a person standing in front of us has stated a clear interest in not wanting to die, and the *fact* that by shooting that person point blank in a vital organ, it would kill them; reaching the conclusion from these two *factual* statements that therefore we *ought not* shoot that person point blank in a vital organ does not follow, because we have inexplicably gone from an area of descriptive language, to an area of *prescriptive* language. To borrow Humean terminology: there is no *necessary connection* between the matters of *fact* and their corresponding 'ought' statements.

This is because, although the 'is' facts are observable and demonstrable, the 'ought' obligations we determine from them require some extra independent and implicit *normative* judgment behind them that is not part of the original 'is' statements and so are not empirically verifiable.

When I recount the *facts* that the person does not want to die and that to shoot them in a particular way will kill them, to reach the conclusion that they therefore *ought not* to be shot in that way involves extra normative opinions: that what that person wants *ought* to be taken into account, that life *ought* to be *valued* over death, that the right of the shooter to shoot is *less important* than the right of the person to live, that one *shouldn't* shoot if it will cause certain types of harm, etc. None of these value-statements, it is claimed, can be said to be *facts* though, they can only be *judgements*. There is no demonstrable empirical evidence to emphatically support a statement such as: a person's wants should be taken into account, or that life should be valued over death. There are people, there are wants; there is life and there is death; but the value-statements we conclude from these facts are never anything more than assertions of

personal opinion, smuggled into our conclusions and distorting what can reasonably be said to be true.

However, Alasdair MacIntyre compellingly questioned whether this absolutist conclusion was actually what Hume originally intended. 'It would be odd', he points out, 'if Hume thought that "observations concerning human affairs" necessarily could not lead on to moral judgments since such observations are constantly so used by Hume himself'[23]. Rather than 'trying to say that morality lacks a basis', MacIntyre suggests, Hume was actually 'trying to point out the nature of that basis', arguing that the passage responsible for the conventional error was merely 'asserting that the question of how the factual basis of morality is related to morality is a crucial logical issue, reflection on which will enable one to realize how there are ways in which this transition can be made and ways in which it cannot.'[24] Read not as an isolated passage but in tandem with the entirety of Hume's *Treatise* and other works of philosophy, MacIntyre reminds us that,

> Hume does not actually say that one cannot pass from an "is" to an "ought" but only that it "seems altogether inconceivable"...he may be taken to be suggesting either that it simply cannot be brought about or that it cannot be brought about in the way in which "every system of morality which I have hitherto met with" has brought it about.[25]

Such obfuscation is typical Hume, the total sum of whose arguments often turns out to be more significant than the minor conclusions of its parts;[26] and whether or not Hume actually subscribed to the position which contemporary meta-ethics continues

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[23] MacIntyre, A. C., *Hume on "Is" and "Ought"*, The Philosophical Review, Vol. 68, No. 4. (Oct., 1959), pp. 451-468. (Duke University Press; North Carolina)
[24] Ibid
[25] Ibid
[26] Craig, E, 1996. *The Mind of God and the Works of Man.* (Oxford University Press; Oxford).

to ascribe to him is therefore debateable. What remains irrefutable, however, is that the common interpretation of this passage, and the supposed presence of an intractable 'fact/value' dichotomy has convinced many ethical philosophers for generations that we cannot possibly get a valid 'ought' from an 'is'.

Whilst it is true that the kind of statements we consider *facts* and the kind of statements we consider to be *normative judgments* are, on a superficial level, doing different sorts of things, I don't believe it is possible to fully separate the two; a view championed by Hilary Putnam, who argues that 'if we look at the vocabulary of our language as a *whole*, and not the tiny part that was supposed by logical positivism to be sufficient for the description of "facts", we will find a much deeper entanglement of fact and value'.[27]

Putnam suggests that belief in there being a fact/value dichotomy is a throwback to the once-popular philosophical school of logical positivism and its self-refuting idea that there are only two types of thing that we can possibly call truths – synthetic and analytic – and nothing more. Synthetic truths are those considered empirically verifiable or falsifiable; analytic truths are those considered true or false by the logic of meaning alone; with every other kind of statement that is neither an analytic truth nor a synthetic one, considered by logical positivists to be 'cognitively meaningless'.[28]

The reason I call this position self-refuting, is because its own definition leaves *itself* out in the cold. The claim that statements can only be true if they are empirically verifiable or verified by the rules of logic alone is, *itself*, neither an empirical truth, nor verifiable by the rules of logic alone, and is therefore, *itself*, cognitively meaningless – making logical positivism, on its own terms, a nonsense.

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[27] Putnam, H, 2003. *The Collapse of the Fact/Value Dichotomy and Other Essays*, p. 34. (Harvard University Press; Cambridge)
[28] In Putnam, ibid., p. 10

This criticism is an old and successful one, and a major part of what eventually put an end to logical positivism's fashionable ascent. The other significant nails in the logical positivist coffin were the arguments of Quine, who collapsed the analytic-synthetic dichotomy even further by suggesting it to be impossible to reduce all statements as being either 'factual' or 'conventional' in this way, because in reality meaningful language necessarily interlaces both these components as one. 'It is nonsense,' he argued, 'to speak of a linguistic component and a factual component in the truth of any individual statement.'[29]

It is obvious that truth in general depends on both language and extralinguistic fact. The statement 'Brutus killed Caesar' would be false if the world had been different in certain ways, but it would also be false if the word 'killed' happened rather to have the sense of 'begat'...a boundary between analytic and synthetic statements simply has not been drawn.[30]

It is this aspect of Quine's argument which Putnam incorporates into his meta-ethical theory, asking 'if the whole idea that there is a *clear* notion of fact collapsed with the hopelessly restrictive empiricist picture that gave rise to it, *what happens to the fact/value dichotomy?*'[31]

For Putnam, not only is the logical positivist conception of 'fact' that the fact/value dichotomy rests on outdated and invalid, but the same entanglement Quine found between supposedly distinct synthetic and analytical statements can be found between factual statements and normative statements. Whilst there is certainly a

[29] Quine, W. V, *Main Trends in Recent Philosophy: Two Dogmas of Empiricism*, in *The Philosophical Review*, Vol. 60, No. 1, Jan., 1951, p. 39. (Duke University Press; North Carolina)
[30] Ibid., p. 34.
[31] Putnam, H, 2003. *The Collapse of the Fact/Value Dichotomy and Other Essays*, p. 30. (Harvard University Press; Cambridge)

trivial distinction between 'facts' and 'values' in that we know what we mean when we say that we can distinguish the two, philosophically speaking, this trivial distinction doesn't mean all that much, because facts and values are usually far too intertwined with each other to be meaningfully separated.

Far from a dichotomy, there is only a constant entanglement.

Putnam uses the example of 'cruelty' to show this entanglement (i.e. we may say that a king was 'cruel', but cannot say what we mean by this without describing the *facts* of his reign: the body count left in his wake, the laws he laid down, etc...nor could we describe those particular facts without concluding with the normative judgement that he was cruel). As he puts it; 'to split thick ethical concepts into a "descriptive meaning component" and a "prescriptive meaning component" founders on the impossibility of saying what the "descriptive meaning" of, say, "cruel" is without using the word "cruel" or a synonym.'[32]

Defenders of the fact/value dichotomy however, will tell you that this blatant entanglement does not negate the fact that there are still two separate entities being entangled here, and though they intertwine in our conventional usage, they are both still mutually exclusive categories with no way of intertwining *metaphysically* and therefore any insistence that a value can be a fact or a fact a value, is purely mistaken.

Whilst we could try to say that our judgment of a description of a king's actions leaves us no choice but to determine him 'cruel', and that this is proof that descriptive facts *necessarily* give rise to a normative judgement; it could also arguably be said that such a normative evaluation only takes place if one makes a separate, non-factual, normative evaluation about the facts that they are offered. It is still a *separate* thought-process, and not at all entangled anywhere with the pure *facts* of the matter;

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[32] Ibid., p. 38

reducing the idea's credentials as a 'fact' to the dismissive realm of expressivist emotivism.

When I claim that the facts of a king's reign shows that he was cruel, what I *could* really be saying, is that when I hear those particular facts I have a separate and subjective emotional response that gives rise in me to feelings of negativity and disgust, and so use an appropriately understood word in my language with which to express my arbitrary and individual disapproval: 'cruelty'. It is not inconceivable that someone else could hear the same facts of the king's reign, and, not having the same specific psychological make-up as me, *not* think that he is cruel, remaining unmoved by the descriptions; even applauding them.

However, I would reject this objection, and not simply because I believe that under, to borrow Michael Smith's phrase, 'conditions of full rationality',[33] unclouded by misinformed biases and conditioned prejudice, the only conceivable reaction *would*, as Putnam suggests, be a judgement of cruelty; but also for a more fundamental reason concerning the fallacious but popular, either/or, meta-ethical claim that one can either be a cognitivist or a non-cognitivist, and that moral judgements which rely, in part, on non-cognitivist states such as desire or emotion are somehow to be dismissed as facts.

I would not deny for a second that part of the entanglement Putnam speaks of comes from an emotional response to the facts of the matter that help inform our normative conclusions; I would, however, deny that these emotional aspects to such evaluations are to be bracketed as somehow outside the scope of acceptable rationale when deducing factual conclusions, or that their presence in our judgements necessarily cloud objective cognitive verifiability. Instead, I would say that the presence of

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[33] Smith, M, 2000. *The Moral Problem*, p. 187. (Blackwell Publishers; Oxford)

emotional responses and related attitudes and psychological states is a *crucial* and intractable empirical *fact* of the human experience, necessarily to be accounted for in any serious empirical consideration of an agent's actions. It is not a situation of either/or between cognitivism and non-cognitivism, but rather, as Rachels puts it, that 'our cognitive capacities can play a significant part in forming, shaping, and sustaining our attitudes. They need not merely "serve and obey" whatever attitudes we already happen to have.'[34]

Although the specific emotions, attitudes and psychology of each individual human being might well be very different, what remains a universal fact of *all* human beings is that *all* individuals, all things being equal, have *some sort of* emotional, attitudinal and psychological reaction to states of affairs, and this truism must be taken into account, rather than simply dismissed, when considering the full ramifications of an act. Further still, due to the universally held nature and biological basis for these emotions, attitudes, and psychology, there is an arguable *commonality* and *predictability* of what they might likely be in any given situation, under 'conditions of full rationality'.

For instance, although one *could* hypothetically imagine someone who remains unmoved by the description of a king who, say, killed the children of citizens who refused to pay taxes, cooked up their bodies, and then beat the mother of those children whilst force-feeding her their charred remains, the *likely* human reaction to such information (not the prima facie *right or wrong* reaction, simply the most likely), the most *logical* emotional, attitudinal and psychological reaction under 'conditions of full rationality', would be to agree that such a king was 'cruel' and that such acts were 'wrong'.

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[34] Rachels, J: *Naturalism,* in LaFollette, H (ed), 2000. *The Blackwell Guide to Ethical Theory*, p. 80. (Blackwell Publishers; London)

Importantly, as I am not trying to completely *equate* normative claims to the presence of non-cognitive states, but just simply acknowledge the necessity of incorporating non-cognitive states into our full rational considerations due to their integral place in human consciousness, then the presence of the anomalous few who might *not* immediately see this entanglement between the descriptive facts of the matter and a commonly deduced normative conclusion does not immediately negate the argument of entanglement. It simply means that they have reached different normative conclusions than most, but must still, as thinking and feeling human beings in possession of emotions, attitudes and a psychology of their own, have seen an entanglement of *some* value within the facts, albeit one deduced with a rationale which, for some reason, clearly conflicts with majority opinion on the matter.

Whilst such a rationale might certainly seem questionable, what this at least means is that this area of moral dispute can be meaningfully debated between clashing rational agents on mutually comprehensible grounds – there must be some perceived rational basis ('some reason') as to why one person's rationale determines from a specific set of facts that such acts are cruel, and another's that they are morally acceptable. The conflicting parties can thus enter into a meaningful and logical discourse about their conclusions and the facts which support them, attempting to defend their respective positions; and under 'conditions of full rationality' it is arguable that one view would be proved logically superior to the other based on a complete understanding of all the relevant evidence.[35] As Rachels concludes,

> we need never assume that moral disagreements are expressions of intractable
>
> differences between people. More mundanely, and more frequently, disagreement will

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[35] The concept of 'cruelty', as Putnam acknowledges, is a thicker ethical concept than I would be comfortable calling entirely unproblematic. That said; the above argument could equally apply to the entangled conclusion, made from hearing the facts of the king's rule, that his actions were 'wrong'.

be the result of ignorance, prejudice, self-deceit, and the like. Our working hypothesis may be that we are enough alike that we could be brought to agree about most things, if only the sources of error could be eliminated.[36]

Indeed, I believe that a major source of error in the argument of those who defend the idea of a fact/value dichotomy is a key misunderstanding of what makes something a 'fact'.

An ethical position *not* grounded in some sort of factual belief doesn't make any sense. Critics can reduce moral thought to a series of gut-reactions, prescriptions, and cries of boo or hooray; but to do so misses the crucial point that to have such a gut reaction, or think something worthy enough to prescribe or cheer for, can only come from having *reasons* for doing so; reasons about the *facts* of the matter.

When we say something like 'murder is morally wrong' – regardless of what specific acts one *counts* as murder – it is because in the mind of the moralist, there are strong, fact-based reasons for believing that it is wrong. Some are purely biological facts about the human body and its physical limits, others are psychological facts about possible emotions, feelings and attitudes murder might evoke, both in the victim, and in others affected by the murderer's actions, all plausibly extrapolated from facts known about one's own emotions and attitudes towards the issue.

To say that murder is wrong, or that one *ought not* to murder, makes no sense without the rationale for such a position coming from the facts as the agent sees them, and this is exactly why there can be such discrepancies between people about things like animal rights, abortion or euthanasia: because there is a variance in belief about

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[36] Rachels, J: *Naturalism,* in LaFollette, H (ed), 2000. *The Blackwell Guide to Ethical Theory*, p. 88. (Blackwell Publishers; London)

the *facts* of the situation (including emotional, attitudinal and psychological facts) that support a person's ultimate moral evaluation.

Now, the person could be *wrong* about the facts in question and still hold the ethical beliefs that logically follow from such faulty information – but I do not see why, if the evidence is there, in just the same way that we can say that they are wrong about those facts despite believing them to be true, we can't also say that, therefore, these misinformed ethical beliefs, based on these invalid premises, are also *wrong*.

The fact that we can use normative words like *ought, good, should, right*, etc in entirely uncontroversial ways when discussing incontrovertible fact statements of a *non-moral* nature, shows that the real problem with the supposed fact/value dichotomy is not anything to do with a logical inability to get an 'ought' from an 'is' (we do that all the time), but actually that when it comes to making *ethical* normative statements from what we know factually about the world, we often find it hard to agree on the *facts*.

For example, if I were trying to build a television set, I would base my actions on certain known and agreed upon facts about televisions – because I know what a television set *is* I therefore know how I *ought* to build one. I would need specific parts, I would need to construct them in a certain order, and I would need to ensure that all of my actions in building, led to the creation of something that worked successfully at receiving television signals and allowing me to watch television programmes on it, etc. Within this process, there are many facts about what *is*, but every single one of them leads unproblematically to clear *ought* statements about what I *should* do and what I *should not* do.

When I try to argue for a more controversial normative statement, however – that you *ought not to* kill another human being, for example – there are no definitively

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known and agreed upon 'facts' to support this claim other than by the construction of some sort of reasonable, yet ultimately unverifiable, argument.

Being essentially randomly evolved, sentient, biological organisms with certain particular but finite psychological capacities, capabilities, needs and interests, there is not an inarguable and *authoritative* instruction manual one can point to, clearly stating unquestionably how one categorically *ought* to act as a human being that we could call objectively true in the same way that we could about an instruction manual about how you *ought* to build a television set. There is no emphatic way of objectively verifying the conclusions of any constructed argument on this matter, no matter how convincing; there is only, ultimately, the particular logical force of the argument itself, and the persuasive solidity of the evidence used to support it.

A given position about what one ought or ought not do to another person may be plausible, reasonable, rational and convincing; but there can still be no unassailable answer from an impartial and knowledgeable vantage point as to whether it is *absolutely* objectively true and thus considered an irrefutable *fact*, and this is why ethical evaluations and normative judgments are still seen by some as separate and distinct entities from facts, regardless of claims of an entanglement between the two.

However, I would again reject this objection and contend that the same problem of finding completely objective verifiability is true of *any* so-called fact claim, not simply controversial fact claims positing normative conclusions; and that *all* alleged facts are, in a sense, arguable constructions from foundations of potentially debatable evidence.

Consider once again, for example, the television set I am trying to build. To say even the uncontroversial and empirically verifiable fact that that X *is* a television set, we have to first decide on whether or not the evidence for X being a television set and

fulfilling the necessary requirements of operation and function that define something as a television set as opposed to any other inanimate object, is *good* or *bad* evidence; and this judgement is based on our equally evaluative definition of 'television set' arrived at via a collection of normative considerations about what *should* and *should not* count as being included within that definition.

In other words, an element of evaluation is both linguistically and descriptively necessary to the discovery of any so-called 'objective fact'. We simply cannot say that X *is* the case, without first using our evaluative reason to ascertain that X is true and, importantly, whether or not our reasons for believing that X is true are sound. In short: without using normative judgments; which returns us once again to Putnam's 'entanglement', and the reason Alasdair MacIntyre pejoratively called 'fact' a 'folk-concept', reminding us that,

> If all our experience were to be characterised exclusively in terms of this bare sensory type of description...we would be confronted with not only an uninterpreted, but an uninterpretable world, with not merely a world not yet comprehended by theory but with a world that never could be comprehended by theory.[37]

The assumption that normative conclusions are somehow more evaluative than other non-normative assertions of 'fact' is simply not true. There is not a statement of fact we could utter that is not based, in some part, upon the evaluation of some evidence, and which could not be just as easily rejected should new counter-evidence come to light. This can be true of controversial normative fact claims, such as, say, the claim that there *is* a moral obligation not to murder someone; or of non-controversial empirical fact claims such as, say, the claim that there is a cup of coffee on my desk.

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[37] MacIntyre, A, 1981. *After Virtue*, p. 76. (University of Notre Dame Press; Indiana)

In both cases, new evidence and argument *could* prove such alleged facts to be false; but, *importantly*, until it *does*, then to the best of our knowledge and on the basis of all the relevant information and argument at our disposal: if the evidence that we *do* have supports the conclusion convincingly, then we have to concede that there is no good reason to believe that either alleged fact, normative or non-normative, is not true.

Let us not forget, that there was once a time when it was widely held as *fact* that the earth was flat, or that the sun revolved around it. It is only analysis, constant re-evaluation and the procurement of all the relevant information about something, that allows us to plausibly say that X *is* true; and even then it is only plausible to say it *is* so as a product of tentative evaluation, leaving descriptive facts just as fluid as normative ones.

Ultimately, *any* purported fact-claim, be it normative or non-normative, needs a basis of *reasons and evidence* that support it, and just like any other fact-claim, a normative fact's basis of reasons and evidence can be hard to obtain to complete satisfaction; but if obtained and reasonably supported and sustained, it seems to me to be no different from the conditions we accept as basis for judging any *non*-normative fact-claim to be considered true, and unless we want to deny the validity of *all* fact-claims and speak only ever again in relativist terms or of meaningless subjectivity, then we are committed to also say, therefore, that a normative statement can be considered just as factual as any of our other accepted non-normative facts.

This is not an attempt to denounce the idea of possible objectivity; I am *not* going to take that next step into extreme relativism that the postmodernists insist upon and conclude that, because any attempt at objectivity can only come about via subjective evaluation of evidence, *all* claims to objectivity are therefore subjective and thus there can be no such thing as objective truth or falsehood. I am simply pointing out that our

claims to objectivity must always be supported by evidence and argument, and that any claim about how things *are*, necessarily involves an evaluation of any presented fact, and the reasons that there are for believing it to be true. Truth exists, and so too does non-truth; but most truths and therefore *facts* should always be accompanied with the cautionary proviso: *to the best of our knowledge.*

Though seeming more sceptical of truth-claims than it actually is, the proviso is actually an unspoken assumption in all truth-claims that we make anyway. Without getting too bogged down here in a tangential epistemological discussion that distracts us from the main focus of our *political* discussion; when I turn from my desk and see my girlfriend sitting across the room from me, I have excellent reasons for saying as a *fact* that she is in the room with me; but even with this excellent first-hand observational reason for my belief, I still only know it to be true *to the best of my knowledge.* It *could* be that there is an elaborate system of smoke and mirrors in place and all I am actually seeing is an illusion; it could be that a lifelike mannequin has been set in her place – sometimes you simply can't know everything – but from what you *do* know you can give good and compelling reasons to say that something *is* the case *to the best of your knowledge*; and as the chances of smoke, mirrors, and mannequins are very unlikely, the best of my knowledge in this instance seems pretty complete. If however it *did* turn out that I was merely looking at a wax-work replica of my girlfriend and she was in actual fact *not* sitting across the room from me; I would simply have to say that what I – to the best of my knowledge – previously believed to be a fact, was *wrong.*

The belief that *facts* hold some essential property which *values* do not is misguided. All that facts are, ultimately, are statements which are *true.* And all that we can ever know to be true is that which, once all the evidence is in, it is *reasonable* to believe is

plausible *to the best of our knowledge*. Whilst there might be definitively objective facts and immortal truths 'out there' in the world about *what is*; not being born with an innate encyclopaedic knowledge of exactly what those facts and truths are, the only way we can ever come to have reasonable knowledge about what *is*, is by using our *reason* and assessing whatever relevant evidence we can obtain to make an *evaluative judgment* about whether or not we *ought* to believe that X *is* the case; and the same can be said about the way we make evaluative judgments about certain pieces of evidence which give rise to evaluations that are *ethical*.

A value statement, whilst a *different type* of factual statement from a purely *descriptive* factual one, is in no way necessarily *less factual* simply because it incorporates normative terms; and to speak of normative statements as lacking the noble validating characteristics of factual statements, is to miss the point entirely of what normative statements are: a *certain kind* of factual statement about how a rational and autonomous individual should reasonably *choose* to act when taking into account all the non-normative facts about a situation, considered in conjunction with the acknowledgment of some sort of *goal* that, if it is wished to be achieved, requires certain things to be done, and certain things not to be done.

This idea was noted by Max Black, who used the example of a chess game in progress to illustrate it:

Fischer wants to mate Botwinnik.

The one and only way to mate Botwinnik is for Fischer to move the Queen.

Therefore, Fischer should move the Queen.

As Black puts it, 'here, it seems to me, both premises state matters of fact, while the conclusion is a nonfactual "should"-statement'.[38] Unfortunately Black, ultimately influenced by the meta-ethical debates of the time, concludes rather weakly from this only that 'some nonfactual conclusions do follow and can be shown to follow from factual premises'[39], continually relegating the achieved 'should' statement to the realm of the 'nonfactual'; but I see no real reason to assume that such conclusions cannot be considered as facts. That Fischer *ought* to move the Queen seems inarguable when rationally concluded from all the available information: 1) that Fischer wants to mate Botwinnik (which he does) and 2) that the one and only way to mate Botwinnik is for him to move the Queen. There is nothing within this pattern of logic to suggest that the conclusion is in any way less empirically grounded than any other commonly accepted fact-claim.

Similarly, it is precisely the acknowledged fact of my existing goal *to build a television set*, which allows us to translate the descriptive facts of what a television *is* into prescriptive facts of what I *ought* to do in order to achieve that goal. Without the goal of wanting to build a television set being in place, then the claim that I *ought* to act in a particular way conducive only to the assured creation of a television set, becomes incoherent.

There is no mysterious step of logic here that we cannot comprehend or mystical property of *oughtness* that we should not be able to fathom; just the common meaning of 'ought' in our language as a prescriptive word used in concurrence with a rational goal and a fact-based argument as to what option it would be most logical to choose in order to achieve that goal.

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[38] Black, M: *The Gap Between "Is" and "Should"*, in *The Philosophical Review*, Vol. 73, No. 2. (Apr., 1964), p. 169.
[39] Ibid., p. 180

Put another way, *oughtness* can be reduced to this simple equation: if X *is* the goal of Y, and Z leads to goal X but Q does not, then Y *ought* to do Z not Q. Far from not being able to get an 'ought' from an 'is', without the *is*, the *ought* would make no sense, and further still, as choice-making people with emotions, attitudes, psychology and thus, ultimately *interests*, we can only have so many 'is' statements before an 'ought' conclusion logically follows.

As we experience and evaluate the world, certain supported facts become accepted as true to the best of our knowledge; and when we combine this knowledge of things with the necessity in life to *rationally choose our actions* as autonomous human beings with particular goals and interests amid an infinite variety of choices, then it seems entirely appropriate to say that, all things considered, certain choices make more sense than others in terms of *achieving* those goals and interests, and so, therefore, it becomes a *fact* that in order to achieve those goals and interests we *ought* to make those choices and not other ones.

Of course, one might reasonably argue that such a position solves nothing, as we still have the question of why choose one goal over another? Indeed, Charles Taylor argues that 'an agent who could not evaluate desires at all would lack the minimum degree of reflectiveness which we associate with a human agent, and would also lack a crucial part of the background for what we describe as the exercise of will.'[40]

That we have to choose between options may be true to the point of inconsequence, but that truth leads us no closer to a valid explanation of *why* we ought to choose one goal from another. Whilst the claim that normative statements require their 'ought' component to be in relation to desired goal X might well be accurate, it still leaves the question open as to *why* I *ought* to want goal X?

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[40] Taylor, C, 1996. *Human Agency and Language: Philosophical Papers I*, p. 28. (Cambridge University Press; Cambridge)

In the case of *non*-ethical uses of the normative word 'ought' there is no problem here, as such goals can be completely arbitrary and unjustified. That my goal is to make a television needs no real validation as it is not intended as a moral prescription for anyone else, merely a low-impact personal choice of my own. However, when I say that the goal of 'being moral' necessitates that I ought *not* kill when faced with a particular choice, we have a tautology where one seems to be saying that if your goal is to be moral, you ought to make the moral choice, but without supplying any rationale for *why* being moral should be a desirable goal, what being moral actually means, and leaving us without the necessary tools to make, what Taylor would call, a 'strong evaluation' about our desires. Without an answer to the question 'why be moral?' we are left with little or no compelling rationale for choosing to be moral rather than *im*moral, and the worry that morality itself as a goal, is insufficient, reducing ethics to an arbitrarily chosen instrumentalism whereby we only make moral choices to achieve some sort of randomly selected objective.

This, however, is where the idea of political teleology will come into the equation. As I will soon show, a necessary conception of what I am calling 'political teleology' (an underlying goal and justificatory purpose for which a political system is required) is unavoidably presupposed by any claim to legitimacy in politics, and this *political* teleology cannot be made sensible unless made in syndicate with a correlative theory of *human* teleology (the goals and interests of the people within that society, which a legitimate political system is obligated to fulfill). For politics to be comprehensible therefore, and hold any attempted claim to authority, so too there must be certain ethical claims, and, as such, practical political philosophy *unavoidably* takes place only in circumstances in which the conclusions of certain meta-ethical disputes have already been necessarily decided upon, and in which a pragmatic presupposition of

meaningful ethical language is automatically manifest, regardless of any remaining possibilities of theoretical doubt in other contexts.

When it comes to normative discussion of political power, therefore, the existence of this necessary political *teleology* will fill the X of our equation: in terms of legitimate politics, we will know what is, or is not, justifiable because the necessary fact of this teleology as the presupposed *goal* of political enterprise is inseparable from any further normative consideration about its scope and application, and thus only acts which further those legitimate goals can be plausibly vindicated. Further still, as the existence of this *political* teleology implies – by necessity – a teleological conception of the people in whose interests politics finds its legitimate purpose (the people need X, therefore they establish a political system to ensure X, not Y, in their lives), the admission of the necessary meta-ethical underpinnings of practical political philosophy must also concede a more general intelligibility about everyday ethical discussion; replacing the X of the equation in these circumstances with *human* teleology and allowing us to reasonably say that as this teleology (X) *is* the goal of the individuals who hold it (Y), and Z leads to goal X but Q does not, then Y *ought* to do Z not Q.

Obviously a lot more concrete argumentation must be provided to prove the necessary existence of these posited teleological theories upon which the equation now relies, and I shall do precisely that concrete arguing in the following chapters. For now though we can agree that, regardless of whether or not these human and political teleologies *do* actually exist, what matters is that *if* they exist – and in the context of practical political discussion it appears that such an assumption is a necessity – and some intelligible 'goal' of human or political action can be reasonably deduced or adopted; then we would have no problem answering the question: if X *is*

the goal of Y, and Z leads to goal X but Q does not, then Y *ought* to do Z not Q; but

why ought one choose goal X?

Perhaps that is not as *definitive* an argument as some might like, but it seems to me

that all too often philosophers in the field of meta-ethics are looking for something in

ethical thinking that is unnecessary, irrelevant, and simply not there to be found in our

moral knowledge: absolute certainty. Within most cultures, *moral* laws are depicted

as something deeper and more intrinsically unbreakable than conventional, human-

made, laws. In fact, it is only this sense of absoluteness, of profound and other-

worldly *wrongness* at breaking them, which seems to give the justification for the

extremes of punishment we give to those who do violate their edicts; not only within

the tangible workings of human systems of criminal justice, but in the myths of

human theology. If a person breaks a man-made law and gets away with it (say, by

parking on double yellow lines and not getting a ticket), we have little problem with

their escape from 'justice' and accept that they *got away with it*. If a person breaks a

moral law however, we demand something more; we want the wrongness of their act

to exist independently of observed censure and punishment; we want it to somehow

exist as an absolute wrongness *out there in the world*, to which a blind eye cannot

possibly be turned. To that end we have invented numerous religions that assure their

followers that those who do break such absolute moral laws, whether or not caught

and punished in their life here on earth, will still be unable to escape their final

judgment by an all-seeing, all-knowing god.

If I do not do as I *ought* to do when building my television set, all that happens is

that I do not have a television set. If I do not do as I *ought* to do morally, we want the

repercussions to be much more profound. This is the kind of thing most are looking

for in their theories of ethics, and I believe it is this desired *absolutist* quality that

Mackie was looking for, and could not find, in his famous 'argument from queerness'.[41] Mackie claimed that 'if there were objective values, then they would be entities or qualities or relations of a very strange sort, utterly different from anything else in the universe',[42] and he claimed this because he believed that an ethical truth would need to be 'intrinsically prescriptive',[43] with any wrong action having to have a 'not-to-be-doneness somehow built into it'.[44] Such an entity would certainly be, in Mackie's archaic phraseology, very queer indeed; but this queerness is not a blow to morality itself as Mackie thought – it is simply a blow to Mackie's, and other similarly flawed theories of what morality 'must' be. To look for an intrinsic prescriptive quality within a moral truth, is mistaking the forest for the trees – a moral fact *is* a prescription, and it is its prescriptiveness which constitutes it as a normative fact rather than a non-normative fact; but its prescriptiveness is not a separate part of it, nor something metaphysically significant: a moral fact is simply a truthful prescription made rationally about what one *ought* or *ought not* to do based on all the descriptive facts of the matter, as known to the best of one's knowledge. And just as the truthfulness of a descriptive fact has within it no innate 'truthiness'[45] that makes one compelled to believe it (other than a convincing and reasonable sum of evidence which persuades one of its factuality), neither is there any further innate and magical *compulsion-giving* property within these ethical *prescriptive* facts to ensure that they are actually followed, other than the weight of the available evidence on which the veracity of the prescription has been constructed.

Such a view is similar to Thomas Scanlon's *contractualist* account of ethics, which 'holds that an act is wrong if its performance under the circumstances would be

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[41] Mackie, J. L, 1977. *Ethics.* (Penguin Books; Middlesex)
[42] Ibid., p. 38
[43] Ibid., p. 40
[44] ibid
[45] Colbert, S, 2005. *The Colbert Report*, Comedy Central Television

disallowed by any set of principles for the general regulation of behaviour that no one could reasonably reject as a basis for informed, unforced general agreement.'[46]

The compulsion to follow moral prescriptions, as with *any* proposed law or instruction, can only ultimately come from the rational autonomous agent themselves, individually convinced by the understandable and compelling logical rationale given for what they *ought* to do, over what they *ought not* to do. And if the moral agent is *not* convinced by the given rationale, like our imaginary individual discussed earlier who was not moved to determine our child-killing, mother-beating, cannibalizing king as being 'cruel', then they can either explain in mutually comprehensible terms why they are not convinced, and give a better, more compelling, reason for holding a different conclusion (perhaps utilizing new facts that were unavailable before, or an alternative but viable interpretation of key information) or they can choose to ignore the logic and rationale of the given facts and ignore the edict – but just like those who still believe the earth to be flat and the sun to revolve around it, we can say, quite reasonably and *factually* that these people who do not acquiesce in certain well-supported and reasonably constructed ethical positions without offering us a compelling justification for why they do not are, to the best of our knowledge, *wrong*.

Put bluntly, the quest for an absolute, unarguable and all pervasive complex set of moral laws by which we are to live our lives will always be a folly that is destined to fail; and history shows us a myriad of gruesome examples where certain groups or individuals have attempted to impose such ridiculous fictions on others and nothing but conflict and bloodshed has been achieved. But such mystic absolutism is unnecessary for a persuasive ethical theory, so long as there are rational and

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[46] Scanlon, T. M. 2000. *What We Owe to Each Other*, p. 153. (Harvard University Press; Cambridge)

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compelling fact-based justifications for an ethical position held at any given time. As Renford Bambrough eloquently illustrates:

> My proof that we have moral knowledge consists essentially in saying, 'We know that this child, who is about to undergo what would otherwise be painful surgery, should be given anaesthetic before the operation. Therefore we know at least one moral proposition to be true.' I argue that no proposition that could plausibly be alleged as a reason in favour of doubting the truth of the proposition that the child should be given anaesthetic can possibly be more certainly true than that proposition itself.[47]

Despite the position's analytical appeal, the problem has never really been that we cannot get an 'ought' from an 'is'. The real problem has always been that we simply cannot always agree on exactly what *is*; or even if we do finally agree on it, decide that the obvious and logical *ought* that follows from it *needs something more* to call it an ethical *truth* because we have been told for so long that a viable ethical theory must come from somewhere *external* and transcendent to us, rather than from constructing our own rational and autonomous evaluation of all the relevant facts we have about a particular ethical situation, to the best of our knowledge.

This seeming necessity of there having to be 'something more' to normative truth-claims than we need from non-normative truth-claims, however, is an illusion with no compelling basis; yet it is precisely this illusion that the meta-ethical obsession with this theoretical fact/value dichotomy appears to be chasing, hunting for imaginary absolutist ethical phantoms in the shadows of what is actually a completely mundane and pedestrian use of everyday language.

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[47] Bambrough, R, 1979. *Moral Scepticism and Moral Knowledge*, p. 15. (Routledge and Kegan Paul Ltd; London)

As autonomous and rational individuals constantly faced with a variety of options of how we are to act in any given situation and the intellectual freedom to select from these multiple alternatives whichever option we ultimately decide to be most credible, we are inescapably bound to make *choices* about all that we do. These choices are inexorable, for even to choose *not* to choose is ultimately a decision to opt out of choosing and thus a choice; therefore we are constantly seeking convincing rationales for choosing one thing over another. We have to choose *some*thing, so we try to make sure that we don't just choose *any*thing if certain choices will have evaluatively 'better' outcomes than others. In this way we are intractably condemned to the responsibility of moral realism: not all of our choices will have the same results and so we must work out along some plausible basis, which results we can justifiably choose to bring about over others.

What the methodology of ethical *constructivism* does better than any other ethical theory is recognize this truism, and attempt to rationally construct a practical account of what we can reasonably say would be the 'right' choice or the 'wrong' choice, *to the best of our knowledge*, in any given situation. This is why I shall be utilizing the constructivist approach to ethical justification within this thesis. Whilst rejecting the fact/value dichotomy as a meaningful obstacle to sound ethical theory, I also reject the equally problematic idea that normative conclusions can simply be asserted without any evidence whatsoever, on the spurious grounds of unvindicated claims to knowledge of unknowable metaphysical 'facts' about the world or transcendental ideological assertions of 'reality'.

Until constructivism came along, creating a plausible account of ethics was either an incredibly hard, or incredibly easy, task. If one took a purely linguistic approach to ethical theory, and concerned oneself solely with determining definitive meanings to

words like 'good', or answering questions about how the language of 'ought' could logically be derived from the language of 'is', then speaking sensibly about the very idea of using ethics became a monumental task of analytical endurance, with most attempts to draw up a more substantive account of ethical *content* felled at this first semantic hurdle. Conversely, if one entirely forsook the genuine concerns of the meta-ethicists, and decided that moral language needed no justification at all; then all too often we would find ethical theories resting on metaphysically dubious foundations; claims about the will and nature of an unproveable *god* perhaps, the assertion of an invisible world of perfect *forms* for which there is no evidence, or a reliance upon the unconfirmed abstract idea of an unsubstantiated transcendental self.

As the history of ethical thought evolved and the linguistic turn in philosophy grew in significance, outdated and implausible metaphysics became easily dismissible in modern thinking as unfounded superstitions and baseless assumption; meaning that ethical theories which had previously grounded their strong moral claims in such questionable conjecture were left untenable and simply rejected. This of course gave support for rejecting ethical realism within the philosophy of language and very little intellectual weaponry left over for those wishing to defend ethics from its critics and provide a compelling justificatory basis for normative thought.

A solution to this problem began to unconsciously formulate itself though in ethical writing within political philosophy during the 1970s, primarily with the publication of John Rawls' 1971 book, *A Theory of Justice*. In many ways implicitly acknowledging the idea that there is no irrefutably objective knowledge of anything – simply rationally plausible evaluations of all relevant information that lead to conclusions of fact *to the best of our knowledge* – Rawls boldly attempted to construct an account of political justice without incorporating any unvindicated metaphysical assumptions

into his argument, instead trying to use only plausibly supported foundations of tangibly constructed knowledge to analyse and assess moral intuitions on the subject via a process of 'reflective equilibrium'.[48]

Debate about his perceived success or failure at achieving this ambitious task, and specifically about the particular conclusions of justice Rawls yielded, has shaped political philosophy to this day, and a wealth of literature continues to be produced either criticizing or building from where Rawls left off (including Rawls' own follow-up works).[49] A major legacy of the methodology of *A Theory of Justice*, however, as well as the specific political and theoretical debates it stimulated, was this new constructivist approach to ethical discussion within politics, and the continued application of the idea that whilst a meaningful normative theory mustn't rely upon disputable metaphysical foundations, this did not mean that a meaningful normative theory cannot still be plausibly built from firmer, well-supported, *rational* foundations of reasonably affirmed knowledge.

Robert Nozick said of Rawls' work that 'political philosophers now must either work within Rawls' theory or explain why not',[50] and this remark held true as much about Rawls' methodology as it did of his substantive conclusions about justice. Fittingly, the majority of clashing causes in political theory articulated in the years since *A Theory of Justice*, have thus been framed largely along constructivist grounds; the purest expression of which arguably came from Onora O'Neill in her 1996 book *Towards Justice and Virtue*, which attempted to construct a vindicated account of

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[48] Rawls, J, 2000. *A Theory of Justice: Revised Edition.* (Oxford University Press; Oxford)
[49] Some (but by no means *all*) key names to consider for-or-against Rawls, would be Robert Nozick, Michael Sandel, Ronald Dworkin, Susan Moller Okin, Brian Barry, Alasdair MacIntyre, Michael Walzer, Norman Daniels, Amartya Sen, G. A. Cohen, David Miller, T. M. Scanlon, Thomas Nagel, H. L. A. Hart, Jurgen Habermas, and Joel Feinberg.
[50] Nozick, R, 1974. *Anarchy, State and Utopia*, p. 183. (Basic Books; New York: Basic Books)

practical reason with which to bridge the growing theoretical gap between the competing factions of ethical universalists and ethical particularists.[51]

As O'Neill explains, 'to construct is only to reason with all possible solidity from *available* beginnings, using *available* and *followable* methods to reach *attainable* and *sustainable* conclusions for relevant audiences.'[52]

Ethical constructivism is not designed to show absolutist and definitive moral proofs or grand ethical theories; but simply takes that which we can convincingly claim to know about the ethical subject we are analysing (what *is*) and uses that information to construct a plausible and transparent account of what it seems reasonable to suggest follows from those available facts about what we can justifiably say *ought* to be. It will be this technique that I shall ultimately utilize to construct an account of legitimate political teleology, and to unpack the terms of the universal ethical contract necessarily underlying all attempted justification for political power.

1.4: Confirming the Rational Autonomous Self

To that end, a final piece of preliminary groundwork is essential for the argument that follows. Several claims I have already made in this chapter have suggested that I hold a particular conception of human individuals as being rational and autonomous beings. To ensure that this conception is not groundlessly asserted, I shall briefly attempt to justify this view of humanity, as its role in the argument that follows is significant. Indeed, the very notion of political teleology and idea that externally constructed political power is something artificial to society which needs justifying if it is to be considered legitimate (upon which this thesis rests) relies on it being both true that the individuals within that society have the capacity to autonomously choose

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[51] O'Neill, O, 1996. *Towards Justice and Virtue: A Constructive Account of Practical Reasoning.* (Cambridge University Press; Cambridge)
[52] Ibid., p. 63

not to accept the imposed authority of external governance, and also that the basis of the choices that they do ultimately autonomously make (either to accept the justificatory arguments of political power or reject them) are arguably rational; rooted, either consciously or unconsciously, in coherent and compelling argument rather than unexamined arbitrariness or instinctual obedience.

'Rationality', therefore – another contestable term – herein refers to the way in which a human being *chooses* between A and B; not only in terms of the *method* by which a particular goal can be achieved, but in terms of *what* goal they are ultimately choosing to endorse. It is the psychological requirement that we have comprehensible *reasons* for doing what we do; the capacity and necessity for each choice to be, in some way, motivated by an appeal to logical coherency: a rational interaction with all the available facts of the matter – to the best of one's knowledge – that reaches a defendable conclusion, and is open to revision in light of new evidence.

I believe that the rational autonomy of human beings becomes self-evident as soon as we consider some alternatives. Immediately, for example, we would have to reject the idea of an innate *irrationality* to human thinking. This does not mean rejecting the *potential* for irrationality within human thought; there is clearly much evidence that occasionally people do *not* always act in the most rational manner possible. However, it does mean recognizing that these moments of irrationality can only be plausibly distinguished as *ir*rational if they are set against a background of generally assumed rationality. Indeed, even then, it is arguable that our most irrational moments might actually be motivated by *unconscious* rationalizations: the slit-wrists a seemingly irrational expression of the perfectly rational notion of needing help; the unplanned one-night-stand a way of acknowledging to yourself the long-repressed thought that there are problems in your marriage that must be addressed; the unstoppable binging

of the bulimic an irrational manifestation of rationally construed feelings of inadequacy and low self-esteem.[53]

The position that people are primarily irrational is incompatible with the self-evident reliance on some form of reason all conscious humans depend upon when making the manifold choices that their everyday life confronts them with. In a world of infinite possibilities, we need to have some tool for analysing and assessing the competing strands of motivating input, and that tool is the logic of our rationality. Indeed, the necessity of rationality's existence for this task has evolutionary roots; as Daniel Dennett remarks:

Suppose you just want to be alive on planet Earth. What do you need? Starting at the molecular level, you need not just DNA, but all the molecular tools – proteins – for accomplishing the many steps in DNA replication...These building blocks themselves had to be designed over time. The complete kit, which we share with all life on the planet today, got assembled and refined over several billion years, and it replaces simpler kits for our still simpler ancestors. We are dependant on our kit, and they were dependant on theirs, but we have more possibilities than they did, because the improvements in our kit made possible higher forms of aggregation, and these in turn made possible ever more devious ways of colliding with other things in the world, and exploiting the results of those collisions. When life began, there was just one way of being alive. It was do A or die. Now there are options: do A or B or C or D or...die.[54]

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[53] To pick out any specific recent papers or books from the wealth of psychological literature on unconscious repression, rationalization, displacement, and latency would be entirely arbitrary so I will simply suggest starting at the beginning: James, W, 1957. *The Principles of Psychology volumes 1 & 2.* (Dover Publications; New York); Freud, S, 1965. *The Interpretation of Dreams.* (Avon Books; New York); Freud, S, 1963. *Early Psychoanalytic Writings.* (Collier Books, New York).
[54] Dennett, D, 2003. *Freedom Evolves*, pp., 143-144. (Allen Lane; London)

As life became more complicated and the variety of options before the human animal as to what they should do increased in their complexity, it was the development of reason and logic which allowed us to adapt and survive within these baroque landscapes of choice.

We are the species that discovered doubt. Is there enough food laid by for winter? Have I miscalculated? Is my mate cheating on me? Should we have moved south? Is it safe to enter this cave? Other creatures are often visibly agitated by their own uncertainties about just such questions, but because they cannot actually *ask themselves these questions*, they cannot articulate their predicaments for themselves or take steps to improve their grip on the truth. They are stuck in a world of appearances, making the best they can of how things seem and seldom, if ever, worrying about whether how things seem is how they truly are. We alone can be racked with doubt, and we alone have been provoked by the epistemic itch to seek a remedy: better truth-seeking methods.[55]

Whilst there is much to dispute about the perceived significance of evolution in *all* aspects of human life, and I do not intend to rely upon here, or debate, the more controversial assumptions of specific evolutionary psychiatrists and particular socio-biologists; the basic fact of evolution itself is one, I feel, that there is great evidence to accept, and Dennett's theory simply extrapolates known evolutionary behaviour into a plausible account of our developing and complex consciousness, and thus the evolutionary necessity of rationality in conscious human beings.

Returning to our question of autonomy, we will notice that this evolutionary explanation for rationality also implies an autonomous self: the need to rationally

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[55] Ibid., pp., 165-166.

evaluate the competing options before us only making sense within the context of the choosing agent as an unbound individual, free to make any choice they ultimately decide upon.

When Rawls put forward his theory of justice, he was criticised by Michael Sandel for relying on a similarly construed idea of rational autonomy at work within individuals. Contrary to my own approach, which believes such a conception of humanity is necessary for a theory of political and human *teleology*; Rawls had rejected a teleological view of ethics for a specifically deontological theory 'that either does not specify the good independently from the right, or does not interpret the right as maximizing the good.'[56] This belief in the priority of right was, as Sandel argued,

> both moral and foundational. It is grounded in the concept of a subject given prior to
> its ends, a concept held indispensable to our understanding ourselves as freely
> choosing, autonomous beings. Society is best arranged when it is governed by
> principles that do not presuppose any particular conception of the good, for any other
> arrangement would fail to respect persons as beings capable of choice; it would treat
> them as objects rather than subjects, as means rather than ends in themselves.[57]

For Rawls, the claim that the self was rationally autonomous meant that any ends or goals which that self claimed to hold must be arrived at only as a result of *choice*, and could not be construed as existing with any essentialism, prior to the existence of the rationally autonomous individual themselves and the choices that they make.

But this doesn't necessarily follow.

[56] Rawls, J, 2000. *A Theory of Justice: Revised Edition*, p. 26. (Oxford University Press; Oxford)
[57] Sandel, M, 1998. *Liberalism and the Limits of Justice 2ⁿᵈ edition*, p.9. (Cambridge University Press, Cambridge)

Whilst a rationally autonomous individual would certainly have a freedom to *choose* between alternative ends, the requirements of rationality would cause their choices to be grounded in a foundation of reasons for making one choice over another, and it doesn't seem incoherent to suggest that those reasons might include some notions of a teleological self whereby choice *A* would help one achieve certain rationally endorsed *teleological* goals and choice *B* would not; nor does it seem incoherent to suggest that a teleological self might possess as one of its goals the freedom to autonomously choose a variety of *non*-teleological goals as well, decided upon by the autonomous individual as a reasonable and justifiable self-interested end.

For Sandel though, this abstracted notion of the rationally autonomous self was alien to any conception of self we might recognize.

> If all the self consisted in were a concatenation of various contingent desires, wants, and ends, there would be no non-arbitrary way, either for the self or for some outside observer, to identify *these* desires, interests, and ends, as the desires of any particular subject. Rather than be *of* the subject, they would *be* the subject. But the subject they would *be* would be indistinguishable from the sea of undifferentiated attributes of an unarticulated situation, which is to say it would be no subject at all, at least no subject we could recognize or pick out as resembling a human person.[58]

Evolutionary argument reduces Sandel's complaint to inconsequence, however, by suggesting that the very notion of 'self', as Hume unwittingly exposed when describing it as 'nothing but a bundle or collection of different perceptions',[59] has its origins *precisely* in such contingent concatenation; the development of a situated and enduring 'self' a necessary 'centre of narrative gravity' in a shared social world.

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[58] Ibid., p. 20
[59] Hume, D, 1985. *A Treatise of Human Nature*, p. 300. (Penguin; London)

We wouldn't exist – as Selves...if it weren't for the evolution of social interaction

requiring each human animal to create within itself a subsystem designed for

interacting with others. Once created, it could also interact with itself at different

times. Until we human beings came along, no agent on the planet enjoyed the curious

non-obliviousness we have to the causal links that emerged as salient once we human

beings began to talk about what we were up to.[60]

The idea of a rationally autonomous self does not preclude that self, despite Sandel's

worries, from autonomously making choices in union with others with whom they

live; indeed, within the shared community of a particular social life it is likely that in

certain circumstances the most rational choice to autonomously make will be one

which takes into account the communitarian ramifications of one's actions. The

admission of individual autonomy is not the necessary endorsement of strict

individualism or *egoism*; but simply the claim that, ultimately, on the basis of all

external evidence and input, each individual human being has no choice but to

autonomously decide *internally* how they will act and what they will do in any given

situation.

The self-evidence of humanity's natural autonomy is at its most clear though, when

we consider the opposing thesis; that human beings do not possess such autonomy,

and are instead non-autonomous, instruction-dependent creatures who act only upon

the external direction of others. Such a position would be inherently paradoxical: who

of these non-autonomous and instruction-dependent people could possibly step up and

create the first set of orders such a species would need to follow if they were to do

anything at all? The instruction-maker themselves would either need to follow some

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[60] Dennett, D, 2003. *Freedom Evolves*, pp., 249-253. (Allen Lane, London)

sort of external order to be capable of performing the initial act of creating directions for the others to follow, or else be able to autonomously decide upon them themselves; but if we can allow for one person to hold this capacity for autonomy, then there seems no reason to assume that such a capacity would not be held by others.

In terms of constructing knowledge then from '*available* beginnings, using *available* and *followable* methods to reach *attainable* and *sustainable* conclusions',[61] I would say that the claim of rational autonomy is easily supported. From the available beginnings we have, we can see that a complete denial of human autonomy is paradoxical and untenable, leading to a concession of at least *some* autonomy in an accurate account of humanity. When we combine this concession with what we know about humanity's empirically verifiable continued and successful existence in an unavoidably complex world of choices and decisions, then it seems reasonable to agree (either with evolutionary explanations or any other supportable basis for the same claim) that some criteria for choosing one thing over another seem to have developed within the human creature, and thus concede the existence within each person of a cognitive process of rationality. As this universal rationality implies the autonomous decision-making capacity of the rational individual who possesses it, then there seems no justifiable reason that we cannot then extend our arrived upon concession of there necessarily being *some* autonomous individuals in the world, to the larger claim that, all things being equal, such autonomy is inherently possessed by all such rational human beings, and is thus universal to the human species.

It is precisely the presence of this natural autonomy that requires autonomy-threatening synthetic structures of political power to be justified if they are created.

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[61] O'Neill, O, 1996. *Towards Justice and Virtue: A Constructive Account of Practical Reasoning*, p. 63. (Cambridge University Press; Cambridge)

Autonomous and unfettered, the pre-political person is in possession of a fundamental, and thus arguably intrinsically legitimate, power of authority over their own lives. The artificial creation of external structures of political power erected over and above those previously unfettered lives, therefore, is an unnatural intentional act that can only ever come about as a result of a rational choice to live one way rather than another – be it the coercive choice of the few, or the consenting choice of the many. As it is a choice with significant, life-altering, and far-reaching consequences, demanding the practical forfeit of an essential part of the rational autonomous beings affected by it – their autonomy – to a constructed external authority, it is a choice which therefore requires a great amount of compelling and persuasive justification if it is to be rationally validated and autonomously agreed to by all intended to live under its auspices.

Now that all of our preliminary groundwork has been laid, a critical assessment of the necessary content and consequences of a viable justification of this type will form the ongoing focus of this thesis.

2. Unearthing the Ethical Contract

'The real problem is to infer the core *common to the whole human race from the innumerable* manifestations *of human nature...to recognize the laws inherent in human nature and the inherent goals for its development and unfolding.'*

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- Erich Fromm, <u>*The Sane Society*</u>[62]

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2.1: Why Political Power Must Be Ethically Justified: The Need for an Enduring Contract

It is my contention, then, that legitimate politics is a necessarily ethical business, justifiably established only through an ethical contract which binds political power to the task of achieving certain necessary goals of a legitimating political teleology.

We must never lose sight of the fact that systems and structures of political power are not natural phenomena, but are in fact *artificially created human constructs that affect the lives of all those living within them*; and as such must be submitted to the same ethical evaluation and demand for accountability as the results of any other consciously chosen human action. As O'Neill writes,

> Three rather abstract and deeply interconnected aspects of the countless specific assumptions which structure all activity are particularly relevant for fixing the appropriate scope of ethical consideration. These are the assumptions *that there are others* (seen as *separate from* the agent); *that those others are nevertheless connected*

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[62] Fromm, E, 2002. *The Sane Society*, p. 13. (Routledge; London)

to the agent (either or both can act on the other); and *that those others have limited but determinable powers.*[63]

She reduces this idea pithily as 'plurality', 'connection', and 'finitude', and ultimately it amounts to this: the reasonable and vindicated assumption in all of our actions that there *are* other people in the world who must be taken into account when we choose what to do or not do, because, as we do not operate in a vacuum, our connected actions will affect each other's lives. Each person's decisions will in some way impinge on the life of somebody else and thus all affected persons should be given ethical consideration when determining the viability of a particular decision.

The sentiment is unsurprisingly similar to Kant's categorical imperative that one should '*act only on that maxim through which you can at the same time will that it should become a universal law*',[64] although perhaps less esoteric, relying not so much on intangible projections of imagined universality, but on concrete and observable truisms: there *are* other people and our connection to them means that often our actions *will* affect them and their actions *will* affect us; thus it is an easily supportable minimum request for practical reason that we give those affected others due consideration when acting in such a way as it will affect them.

Such assumptions do not yet attempt to determine the nature of that consideration or the content of our constructed ethics, but they do fix a reasonable framework for working out the relevant *scope* of ethical consideration, and it is this scope which makes the creation of artificial structures of political power a necessarily ethical business: it is an inherently person-affecting act for which there must be a coherent

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[63] O'Neill, O, 1996. *Towards Justice and Virtue: A Constructive Account of Practical Reasoning*, pp., 100-101. (Cambridge University Press; Cambridge)
[64] Kant, I (translated by Patton, H. J), 1956. *Groundwork of the Metaphysic of Morals*, p. 88. (Harper and Row; New York)

and compelling *justification* and convincing reason why rationally autonomous individuals might consent in accepting its *imposed* authority over the natural authority of their own autonomous self-sovereignty.

As soon as we ask the question of how society *ought* to be organized, and deliberately attempt to manufacture a specific set of intentionally designed political circumstances to achieve that end, we are unavoidably asking *ethical* questions about what we would consider to be the *best* way to arrange our lives, what forms of social organization would be the *right* ones to create, and which institutional structures it would be *good* to erect to achieve those ends; all of which are questions ultimately resting on *teleological* notions of both particular endorsed goals of human life, and the notion of politics as a purpose-driven enterprise specifically designed to help its society achieve those goals, however construed. It is only through such an understanding that rationally autonomous individuals could be led to agree to their consent: the external authority of artificial political power is legitimated in otherwise autonomous people's minds, on the basis that it will allow them to better achieve their goals and fulfill their interests than would otherwise be possible. Political power is legitimated upon an understanding, either explicit or implicit, that it makes life 'better' for 'people' than it would be without it.

At its most basic, the claim that some form of justification is necessary for legitimate politics is grounded in the notion of individuals as rationally autonomous selves with an original claim to their own internal authority over how they will choose to live their own lives. The creation of any artificial system of political power that necessarily reduces that innate sovereignty by demanding social recognition and obedience towards a new external authority (the synthetic state) needs a convincing rationale if obedience is to be given freely.

Of course, this is only true of those structures of political power genuinely seeking the mantle of legitimacy and, recognizing this need to validate their artificial character, seeking to provide people a coherent justification for acquiescing to their claim to authority. Those endeavours for power which explicitly and unashamedly make *no* claims to legitimacy and seek *no* justification for their imposed authority other than through the coercive powers of violent brute force, or tyrannical enslavement, have no interest in the consent or impinged autonomy of those over whom they assert the political power that they have forcefully grasped. As such, they cannot possibly base their legitimacy on an underlying ethical argument, for there are no claims of legitimacy being made in the first place. This though, comes at no cost to my overall argument. Indeed, it serves only to support it further: we can determine *illegitimate* politics *precisely* because they are self-serving set-ups which fail to fulfill any legitimating *ethical purpose* which would distinguish them as justified.

Returning briefly to the inherently problematic concept of authority, as well as noting the difference between *internal* and *external* sources of proclaimed authority, it is worth mentioning also that the idea of a naturally autonomous humanity, construed as rationally choosing individuals, originally holding sole legitimate authority over their own lives, brings with it an important distinction to be made between the concepts of *objectively legitimate* authority, and merely *socially-legitimated* authority.

Traditional assumptions about the nature of authority, especially those influenced by Weber, tend to misleadingly equate the latter to the former, assuming that which has been *socially recognized* as being a legitimate authority, as therefore being, de facto, an *objectively* legitimate authority. But as our earlier discussions on both the necessary reliance on *the best of our knowledge* when making our choices, and the sometimes insidious nature of political power discussed by Lukes reminds us,

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sometimes those with power can utilize their monopoly on communications to manipulate public opinion into an ignorance of certain facts and thus into an acceptance of some beliefs which they, under 'conditions of full rationality', might otherwise not accept. What this means therefore, is that sometimes that which has been *socially recognized* as being X, is not always necessarily what it is recognized to be in any objective sense, but might instead simply be born out of mistaken ignorance, or as the product of a concerted propaganda effort.

Weber gives 'three grounds *legitimating* any rule.'[65] Those grounds are either the authority of custom: the idea that something that has always been traditionally accepted as right by the 'eternal past', is to maintain its authority in the present; the authority of the exceptional: the idea of charismatic leadership, to whom willing individuals simply submit; and finally, the authority of legality: the belief in the validity of legal statute and appropriate juridical competence 'founded on rationally devised rules', and acceptance of their virtue.[66]

Whilst all of Weber's examples show clearly the ways in which it is possible that socially-legitimated authority *can* occur, at no point do his 'three grounds legitimating any rule' step outside of the context of social recognition and give any *objective* evaluation as to whether any of the socially-legitimated authorities developed in this way, can be considered objectively legitimate.

As far as the authority of custom goes, it seems hard to grant on any objective level the validity of practices simply because *they are what have always been done*. Such a view would prohibit any kind of social change or ability to independently criticize social practices and, if a source of genuine legitimating power, would have left us still with slavery, subjugation of women, racism, and a wide variety of other questionable

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[65] Lassman, P and Speirs, R (eds), 1994. *Weber: Political Writings*, p. 311. (Cambridge University Press; Cambridge)
[66] Ibid., pp., 311-312

historical practices, simply because they were what had always been done in the past. As Brian Barry asks, 'How could anybody seriously imagine that citing the mere fact of a tradition or custom could ever function as a self-contained justificatory move?'[67] His answer is that they cannot. 'Culture is no excuse...If there are sound reasons against doing something, these cannot be trumped by saying – even if it is true – that doing it is a part of your culture.'[68]

The same is true for the authority of charismatic leadership; one need only look at the abuse of cult leaders and demagogues to draw into question its validity as a legitimate source of political power outside of the deluded minds of those swayed by a particular leader's personal magnetism.

Whilst the authority of legality has more going for it than the other two grounds for legitimacy that Weber highlights; there is still the question of on what basis that system of law is *itself* to be evaluated as legitimate; to paraphrase the old Euthyphro dilemma: do laws hold legitimate authority because they are recognized by the legal statutes, or do the legal statutes recognize the legitimate authority of the laws because their true authority comes from elsewhere? If it is the former, then the laws become the arbitrary whims of each particular society, and their objective legitimacy is questionable; if the latter, then the authority does not lie within the legal structure itself, but somewhere prior to that legal structure, in a realm of validated ethical claims which necessitate the creation of such laws in the first place.

Conceding that there must be more to an objectively legitimate authority than simply its social recognition as such, the distinctions between both *internal* and *external* authority, and *objectively legitimate* and *socially-legitimated* authority, allow us to look beyond the rather limited traditional notions of authority and legitimacy as

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[67] Barry, B, 2001. *Culture and Equality*, p. 253. (Polity Press; Cambridge)
[68] Ibid., p. 258

simply being bestowed by default on the groups or institutions within a society to which the majority of people consent to submit; and to a more critical view of authority, unbound by context, traditions or protocols, that is able to help lead to a compelling account of what would be necessary to provide an external structure of political power with *objectively* legitimate authority over the already objective *internal* authority of a naturally autonomous humanity.

Although Weber gives us three examples in which social-recognition of an authority might occur, he does not ever manage to explain *why* that recognition might occur with his limited approach, or answer what exactly it *is* that society is recognizing, when it recognizes the legitimacy of an external authority.

The answer to that question will lie in an account of political teleology. Although public consent, as we shall see, is *vital* to any account of legitimacy, it will soon become clear that recognition by the public of the legitimacy of any external authority over them, should be granted only on the implicit understanding that some teleological criteria of assumed political purpose, laid out in an underlying ethical contract, is being fulfilled by that authority. If it turns out that these structures of political power are in fact *not* fulfilling those understood criteria, then their claim to objective legitimacy is arguably revocable, regardless of a (potentially manipulated) enduring social *perception* of that legitimacy within some quarters.

The idea that legitimate political power can only be established via a justificatory contract is not a new one; social contract theory has long been a theoretical tool used in philosophy to determine the underlying understanding and obligations between the people in a society and their government. The traditional idea (which implies, without always explicitly stating it, a similar conception of a rationally autonomous humanity to my own) is that before formal societies and specifically designated

structures of political power were formed, pre-political life would have consisted in uncollected groups of autonomous human individuals living life separately and unsystematically in an original state of nature. Then, for a variety of proposed reasons, at some point in history those individuals decided to join together and form an agreed compact of mutual advantage and protection, establishing the rudimentary beginnings of the sorts of political societies we know today.

For some thinkers, this moment of contract was conceived as an actual historical event; a genuine and explicit agreement made between peoples in which clear terms were laid out on which to begin their first attempts at society. For others, myself included, the social contract is more of a metaphorical event – a hypothetical thought experiment which we can utilize to plausibly determine not just historically, but now, as situated beings ourselves living within a formal society, *why* such a society might have justifiably first come about, and under what terms and conditions such a society would have to have been created in order to ensure the existence of the kinds of obligations we believe political power has towards its citizens, and they to it, within these societies today. Indeed, it is a hypothetical thought experiment by which we can rationally ascertain, through a reasoned assessment of justificatory arguments, what the underlying principles must be that would legitimate erecting an externally authoritative artificial structure of political power over a hitherto autonomous people in the first place, in order for that decision to be willingly agreed upon, and entered into consensually by all.

Agreeing, prima facie, that due to the inherent autonomy of people, legitimate politics must be consensual, social contract theory attempts to decipher what, then, the valid grounds would be for achieving such consent and convincing individuals, without threat of coercive violence, to freely forsake the internal self-sovereignty of

their original autonomy for the external rule of constructed political authority. In the words of Hume,

A man's natural force consists only in the vigour of his limbs, and the firmness of his courage; which could never subject multitudes to the command of one. Nothing but their own consent, and their sense of advantages resulting from peace and order, could have had that influence.[69]

Hume, however, was no supporter of the idea of a social contract, claiming that 'no compact or agreement, it is evident, was expressly formed for general submission', because 'each exertion of authority...must have been particular, and called forth by the present exigencies of the case' until 'their frequency gradually produced an habitual, and, if you please to call it so, a voluntary, and therefore precarious, acquiescence in the people.'[70] But I think, as a historian as well as a philosopher, Hume was far too worried about the idea of this contract being an actual historical event. He quite rightly claims that most people simply accept traditional structures of obedience and socially-legitimated authority without even considering the objective basis of its legitimacy, and he also, quite rightly, notes that there is no obvious reason why any *original* social contract, created by the first societies, should bind any future generations to its terms once all of its original signatories are long gone: 'being so ancient, and being obliterated by a thousand changes of government and princes, it cannot now be supposed to retain any authority.'[71] Most importantly, Hume devastatingly rejects the idea that an original contract can be said to retain its prior

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[69] Hume, D. *Of The Original Contract*, in, 1987. *Essays Moral, Political and Literary*, p. 468. (Liberty Fund; Indianapolis)
[70] Ibid., pp., 468-469
[71] Ibid., p. 471

authority through the concept of *tacit consent*; the idea that, although citizens in society today were not a part of any original contract which might have taken their ancestors out of the state of nature and into society, their continued living in the society originally founded upon that contract shows continuing *tacit* consent to its authority. Hume counters this idea by asking if we can

seriously say, that a poor peasant or artisan has a free choice to leave his country, when he knows no foreign language or manners, and lives from day to day, by the small wages which he acquires? We may as well assert, that a man, by remaining in a vessel, freely consents to the dominion of the master; though he was carried on board while asleep, and must leap into the ocean, and perish, the moment he leaves her.[72]

However, these criticisms do not entirely destroy the idea of a social contract, just, again, the idea of that contract being an actual historical event. Furthermore, they serve to weaken the stance of any attempt at basing the legitimacy of a structure of political power simply on its history of arbitrarily agreed consensus, and show the urgent need for a social contract to be drawn up which is timeless, continually re-affirmed, evaluative of institutions past, present and future, and based not simply on the agreed consensus of social recognition, but on objective and universal principles that will remain regardless of specific historical context. In other words, the sort of social contract which I am arguing exists already behind every instance of political power: the underlying *ethical* justification of legitimate politics as a teleological venture; designed with the specific purpose of helping people achieve certain goals they could otherwise not achieve without it.

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[72] Ibid., p. 475

Another reason that such a contract needs to possess a timeless rationale and be capable of its hypothetical application to all emerging circumstances is because I do not believe it is persuasively possible to claim that anyone can ever fully sublimate, ignore or in any other way *lose* their natural autonomy, even when they seemingly do agree to give it up to an agreed external authority.

When agreeing to obey external laws, regardless of the system of social repercussions and punishments in place to back them up, it is never the case that law itself has any intrinsic authority over the individual which makes them obey it, despite their autonomous feelings; ultimately, it can still only be an individual's repeated autonomous *choosing* or *choosing not to* follow a law, or any other kind of external edict, that gives them their power.

Whilst I shall grant that an agreed system of social repercussions and punishments to enforce a particular law is a strong persuader, and indubitably *influences* one's autonomous decisions; ultimately, a formally recognised law or external edict is nothing more than a demand for certain behavioural expectations that, at any given time, the rationally autonomous agent ultimately holds internal power within themselves to choose *not* to follow.[73]

The very fact that as long as we have had laws, the crimes they ostensibly prohibit continue to occur, is a clear example of the interminable nature of our individual autonomy, even within the apparent confines of externally authoritative decrees. External laws that are put over and above human autonomy are only ever as strong as they are *chosen* to be, or in the case of the mentally disordered *able*, to be followed, and can always be broken with relative ease.

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[73]Thoreau, H. D., 1993. *Civil Disobedience and Other Essays*, (Dover; New York)

For the criminal, these imposed laws have the same objective *power* as they have for every other individual, and the law-breaker is fully aware of the system of social repercussions and punishments in place to ensure that the rules are obeyed; the only difference is that the criminal will (to their autonomous rational mind) have some *stronger* reason *not* to obey the law, if only on an unconscious level.

Further still, even when laws *are* being followed by autonomous individuals, this is not because of some special power the law itself holds, or any magical compulsion it intrinsically invokes over people by its very existence; it is followed only because people agree with it and, therefore, autonomously choose to follow it; or, having no compelling reason to break it (living potentially even *unaware* of it), they unthinkingly happen to live in accordance with it.

It is not because we have a law against murder that the majority of people do not kill, it is because the majority of people *do not want to, and have no reason to commit murder*; and so they don't. Further still, those who feel that they *do* have a reason to do so and thus *do* have a desire to murder, often commit the act regardless of the laws against it, which is why the crime of murder still exists.

No matter how much external authority is imposed upon them, human beings remain ineluctably autonomous agents who must make a choice (either conscious or unconscious) *internally* as to whether or not they will agree to obey that external authority each and every time it imposes itself on them. A valid social contract cannot be a one-off historical event of enduring impact, therefore, but must instead be a continuing hypothetical reality; a consistent and well-supported theoretical construct capable of analyzing and assessing the objective legitimacy of all possible claims to external political power at all times, and stating clearly the agreed terms of political obligation for their constant application.

That said; the historical development of traditional social contract argument remains instructive as a way of looking at some of the underlying justificatory arguments that have already been offered to legitimate the existence of structures of external political power in human societies and, through their analysis, will help illustrate successfully the kind of underlying ethical contract which I believe that we ultimately must hold.

2.2: Traditional Social Contract Approaches to Ethical Justification

Whilst rejecting the idea of a singular historical contract, by stating that only humanity's 'own consent, and their sense of advantages resulting from peace and order' could have subjected 'multitudes to the command of one';[74] Hume still alludes to one of the most fundamental social contract arguments used to justify the existence of political power structures; one with clear roots in the work of Thomas Hobbes, who most famously put forward the argument for an original contract.

Hobbes argued 'that during the time men live without a common power to keep them all in awe, they are in that condition which is called war...such a war, as is of every man, against every man', leaving life under such conditions 'nasty, brutish, and short.'[75]

In an attempt to work out why it was that human social groups needed governments, Hobbes attempted to envision how humanity would have been *before* external political power had been imposed upon them, within an original state of nature. Bleakly, Hobbes' conclusion about pre-political life was the inevitability of this brutal war of all against all. Such war occurs without government, Hobbes claimed, because in the state of nature unfettered humanity possesses a dangerous fundamental equality; not in an egalitarian sense, but rather that,

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[74] Hume, D. *Of The Original Contract*, in, 1987. *Essays Moral, Political and Literary*, p. 468. (Liberty Fund; Indianapolis)
[75] Hobbes, T, 1998. *Leviathan*, p. 84. (Oxford University Press; Oxford)

Nature hath made men so equal, in the faculties of the body, and mind; as that…when

all is reckoned together, the difference between man, and man, is not so considerable,

as that one man can thereupon claim to himself any benefit, to which another may not

pretend, as well as he. For as to the strength of body, the weakest has strength enough

to kill the strongest, either by secret machination, or by confederacy with others, that

are in the same danger with himself.[76]

In other words, humanity is equal in as much as everybody has an equal physical or

intellectual ability to *kill* anybody else. Coupled with an innate drive Hobbes also

believed all people held, to endlessly seek an unobtainable state of felicity and

complete fulfillment of all our desires; 'from this equality of ability, ariseth equality

of hope in the attaining of our ends. And therefore if any two men desire the same

thing, which nevertheless they cannot both enjoy, they become enemies'.[77]

Hobbes saw in the state of nature, an autonomous and self-interested humanity

unbound by external laws, driven only by an internal obsession with achieving felicity

at any cost – even at the expense of someone else's life – and as he conceived of this

state as a completely unlegislated domain where 'every man has the right to every

thing; even to one another's body',[78] he quite understandably believed that such a

state would soon be one without security. With anybody able and willing to kill you

at any moment, for any thing, there would be the constant threat of death hanging

over your head. Moreover, living under such constant threat may well lead you,

yourself, to kill potential threats to your own life pre-emptively, or even to killing for

no other reason than to gain a fearful reputation that puts others off the very *idea* of

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[76] Ibid., p. 82
[77] Ibid., p. 83
[78] Ibid., p. 87

attacking you. These were, to Hobbes, the 'three principal causes of quarrel' found in the nature of mankind; 'first, competition; secondly, diffidence; thirdly, glory',[79] and with no authority figure to keep such volatile instincts in line, in the state of nature all three components are exacerbated without end.

Importantly, Hobbes's vision of a purely self-serving and egoistic humanity was not intended to pass *moral* judgement on the individuals living within the warring state of nature. Controversially he believed that in this state, there could be no such thing as ethics because

> The desires, and other passions of man, are in themselves no sin. No more are the actions, that proceed from those passions, till they know a law that forbids them: which till laws be made they cannot know: nor can any law be made, till they have agreed upon the person that shall make it...Nothing can be unjust.[80]

To Hobbes, humanity in the state of nature was, by definition, *necessarily amoral*. It was just brute *fact* that this war of all against all would be the result of pre-political conditions until a suitable power was established, dominant and awe-inspiring enough to keep our innate drives under control through law and order. This awesome power would be something that all people stuck in the warring state of nature would eventually recognise as a necessity for peace and survival and so, to Hobbes' mind, they would agree to make a compact between themselves to create this 'Leviathan', bestowing it with complete authority over them and their lives.

Hobbes would argue that this social contract remains hypothetically binding to this day, legitimating all contemporary structures of political power, because to take such

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[79] Ibid., p. 83
[80] Ibid., p. 85

authority *away* from society would be to descend it back into the undesirable chaos and war of the state of nature.

Hobbes' argument seems to be an intuitively convincing account of the possible justification of political power as a means to security. All of us could well imagine the violence and chaos that would ensue if all laws were suspended and people were immediately and unexpectedly freed from the constraints of formal legal repercussions. By that token, it seems reasonable to agree with both Hobbes and Hume that our structures of political power afford us a luxury of peace, order and security that is unavailable without formal legal restraints to repress our egoistic drives for felicity and punish those who threaten others. A closer look, however, reveals that these compelling intuitions about our current situation are, in fact, arguably disanalogous to the scenario Hobbes is trying to portray, and that Hobbes' vision of the state of nature, the social contract, and his egoistic view of human nature, are fundamentally flawed in several important ways.

Firstly, we have an immediate problem with any position that denies the existence of ethics until it has been formalised into a set of socially recognised laws: our old friend the Euthyphro dilemma. Do we create laws against things because they are already wrong, or are things wrong only because we have created laws against them? This dilemma is highlighted further when we remember what I have been arguing so far: that the construction of those laws and the creation of the artificial political state out of the original state of nature *necessarily presuppose* certain ethical assumptions. As soon as we attempt to justify political power, as Hobbes does on grounds of security, we are giving that power a political teleology (the *goal* of creating peace) that is necessarily bound to some sort of teleological ethical assumptions about humanity

itself (perhaps the *goal* of not being needlessly killed or living a long and fulfilling life).

If there is, as Hobbes suggests, no such thing as right or wrong in the initial state of nature, then how could we ever recognise within that state that the circumstances of all-against-all war are those from which we need to save ourselves through the establishment of suitably protecting power structures? Without some sense that a situation is 'bad' or that there could be a 'better' way (which are ethical claims), there seems no reason why anyone would ever have decided to stop their war of all against all in the first place and create the social contract that forms the necessary political power to end it. Even as a purely egoistic claim – that the social contract is formed from nothing more than mutual *self*-interest in survival – such self-interest can only exist in the shadow of an *ethical* claim that self survival is *'better'* than one's death.

If the circumstances in the state of nature really took place in a pre-moral universe, then the war of all against all, lack of security, and assorted other threats, could never be identified as something that *ought* to be ended. Indeed, it would make much more sense that in such a state, with no sense of right and wrong and driven only by their base desire to gratify themselves, egoistic humanity would simply wage the war of all against all in perpetuity, until the majority of people were dead and the surviving few were able to get what they wanted without interference or interaction with anyone else – with even that shaky peace subject to continued fighting if ever the survivors' paths crossed.

Any position that holds there to be no such thing as morality until formal, socially recognised laws are laid down is immediately met with an impossible chicken-and-egg problem unless it accedes to the idea that the moral argument behind the creation of laws necessarily exists prior to the law itself. Without accepting this idea, we must

ask what exactly it is that society recognise as right or wrong when they decided to create and follow their laws, if they are unable to recognise right and wrong before those laws are made. Surely murder doesn't become wrong only when there is a formal, socially recognised law that says it is wrong – the pre-law wrongness of the act must be the catalyst for the decision to make that law in the first place, or else the legislation is meaningless.[81] It instead seems much more reasonable, then, to posit that the kill-or-be-killed war-zone Hobbes depicts as the state of nature *does* allow for a sense of ethics, and that it is largely on *moral* grounds that the construction of the social contract is justified (because the present circumstances of war are 'bad' and a life without a war-of-all-against-all would be 'better').

The necessity of such an ethics is made clear by the fact that, despite saying that the notions of right and wrong have no place in the state of nature, Hobbes himself allows for what he calls *laws* of nature. Described as 'a precept, or general rule, found out by reason, by which man is forbidden to do, that, which is destructive of his life, or taketh away the means of preserving the same; and to omit, that, by which he thinketh it may be best preserved',[82] these laws claim that 'every man, ought to endeavour peace, as far as he has hope of obtaining it'.[83] But it seems hard to see how this claim can be made without a concurrent notion of such peace being in some way *right* and the destruction of life in some way *wrong* or else why peace over war? Even the most non-moral pragmatic approach, seeing peace as merely a prudential means to survival, and protection as an instrumental good which keeps one alive, can only make sense if

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[81] Thinkers such as Habermas might argue laws are a conversation, not simply arbitrary constructs or the formalization of our ethical beliefs. Whilst an interesting description of how current legislation works in a deliberative democracy, this view does not tell us whether or not legislation *should* work in this way, which is the focus of my enquiry.
[82] Hobbes, T, 1998. *Leviathan*, p. 86. (Oxford University Press; Oxford)
[83] Ibid., p. 87

survival can be said to be a more desirable state of affairs than demise and therefore *better*. And these notions are entirely *moral* ones.

In this context, Hobbes' argument just seems like linguistic smoke and mirrors; the proclamation that X doesn't exist simply because you have renamed it Y. Even his most enthusiastic supporters seem stuck having to explain this apparent contradiction with similarly problematic tactics. Oakeshott for instance, whilst describing the pre-political Hobbesian agent as someone in whose 'thoughts and actions he is answerable to none but himself', must also concede that 'in the pursuit of felicity certain habits of mind and action will be found to be specially serviceable, and these are called Virtues. Other habits will hinder the pursuit, and these are called Defects'.[84] Yet Oakeshott, in his exegesis of Hobbes' position, not only denies that these Virtues and Defects are moral terms, but also denies that the war of all against all can be thought of as either 'good' or 'bad'; it is just a practical obstacle to guaranteeing felicity and thus ending it is simply the most prudent means to ensure that individual felicity can be achieved. Seeking felicity, of course, is denied the status of being a teleological *goal* for people and simply dismissed as a brute, amoral fact of the human condition: we breathe, we eat, we seek felicity, etc. Indeed, to ascribe some sort of morality or ethics to any pre-political thoughts, according to Oakeshott, is 'fruitless until they are transformed from mere theorems into maxims of human conduct and from maxims into laws'.[85] The reason for this is because

> *ad hoc* formal relationships of mutual agreement between assignable persons are evanescent; remotely they may reflect generally accepted theorems about rational conduct, but as rules they are the products of specific and temporary agreements

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[84] Oakeshott, M, 1975. *Hobbes on Civil Association*, pp., 34-35. (Liberty Fund; Indianapolis)
[85] Ibid., p. 39

between the persons concerned. And further, they are always liable to be undermined by the substantial relationship of competitive hostility.[86]

As with Hobbes' own egoistic view of human nature, there are many inbuilt biases and assumptions about human nature within such a statement. Without vindicating these assumptions, the sum of both Hobbes and Oakeshott's argument is ultimately this: for a variety of gut feelings, proven or unproven, we *just do not trust* that people are capable of maintaining a moral agreement unless it is enforced by formal law.

Other objections to the Hobbesian view of human nature have been offered by Rousseau.

Writing in 1755, Rousseau states that 'the philosophers who have examined the foundations of society have all felt it necessary to go back to the state of nature, but none of them have succeeded in getting there',[87] before specifically targeting Hobbes with the charge that 'all these philosophers talking ceaselessly of need, greed, oppression, desire and pride have transported into the state of nature concepts formed in society. They speak of savage man and they depict civilized man.'[88]

What Rousseau points out, is that thinking of *modern* humanity without the laws that currently inform our lives is an entirely different matter from thinking about a *pre-political* humanity who had *never had law*. Living as we do in a world where the specifics of social organization and structures of power mean that even the most basic necessities for life come at great financial cost and competition, it seems fairly uncontroversial to suggest that a sudden abandonment of laws *today* might indeed lead to exactly the sort of egoistic and self-serving war Hobbes talks about, as people

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[86] Ibid., p. 41
[87] Rousseau, J. J (Cranston, M, trans), 1984. *A Discourse On Inequality*, p. 78. (Penguin Books; London)
[88] Ibid

suddenly see an opportunity to get whatever they want without having to pay or struggle for it. However, whether or not such a reaction would be the ineluctable result of an innate human nature or simply a result of historical, cultural, and ideological conditioning is the important question that Rousseau raised. Hobbes' war-zone essentialism did not ring true of what a genuine state of nature would look like, but rather what it would look like if *contemporary* humanity were to suddenly find *ourselves* in a state of sudden lawlessness *today*, after such a long-term dependency on law.

To Rousseau, the state of nature is not the contemporary state of scarcity Hobbes depicts, but rather a place of pre-industrial abundance. Far from having to murder one another for a piece of food or patch of land, if an individual in the state of nature saw another person eating something that they wanted themselves, or living in a place where they would like to live, etc, they would simply go and get their own piece of whatever it is that they desired from the abundance on offer, be it land, food or anything else. It is only once formal society exists and artificially constructed concepts of property and ownership come into play, making things such as food and shelter *commodities* to be hoarded and traded for profit instead of freely available essentials; that the sort of competitive greed Hobbes fears becomes a real problem.

As Rousseau describes it, 'the earth, left to its natural fertility and covered with immense forests that no axe had ever mutilated, would afford on all sides storehouses and places of shelter to every species of animal.'[89]

Contrary to the kill-or-be-killed warring individual of Hobbes' state of nature, for Rousseau, natural humanity is made up of a kind of 'noble savage'. With nature's plentiful bounty to sustain them and no pressing need for social interaction outside of

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[89] Ibid., p81

the base need for sexual pleasure or procreation,[90] these solitary individuals essentially kept to themselves until 'the first man who, having enclosed a piece of land, thought of saying "this is mine" and found people simple enough to believe him'.[91] Such an individual was 'the true founder of civil society'[92] and is responsible for all 'the innumerable sorrows and anxieties that people in all classes suffer, and by which the human soul is constantly tormented'.[93] Ultimately, Rousseau believes that 'most of our ills are of our own making, and that we might have avoided nearly all of them if only we had adhered to the simple, unchanging and solitary way of life that nature ordained for us.'[94]

That the actions of this 'true founder' and the decision of people to accept and give legitimacy to them was the catalyst for this transformation from solitary life to a new, corrupt, social life, is made clear with a rhetorical flourish when Rousseau asks,

> How many crimes, wars, murders; how much misery and horror the human race would have been spared if someone had pulled up the stakes and filled in the ditch and cried out to his fellow men: "Beware of listening to this impostor. You are lost if you forget that the fruits of the earth belong to everyone and that the earth itself belongs to no one!"[95]

But of course nobody did pull up the stakes and cry out a warning to the rest of humanity, and instead, the presumed peace of the state of nature descended into the

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[90] The problem of rape is not one discussed by Rousseau and is conceivably a source of conflict in any state of nature scenario, but as the entire spectrum of human relations would be much different in a pre-political situation; we shall simply assume the problem of rape is just one of the many 'inconveniences' we shall see Locke refer to shortly.
[91] Rousseau, J. J (Cranston, M, trans), 1984. *A Discourse on Inequality*, p. 109. (Penguin Books; London)
[92] Ibid
[93] Ibid., p. 84
[94] Ibid., pp., 84-85
[95] Ibid., p. 109

damaging inequality of what Rousseau recognized as contemporary society. In his opinion, this corruption transformed the human race forever, and, now soiled by it, we can never go back to peaceful origins; an interpretation of contemporary structures of political power very much at odds with the conventional view. Instead of affording us security, peace and order, as is commonly thought, it is actually, Rousseau argues, our ill-thought out and ethically unjustified political structures which have *caused* the insecurity and war that has corrupted us into a manufactured dependence on it; an idea eloquently expressed by the anarchist Malatesta when he asks us to consider how 'someone whose legs had been bound from birth but had managed nevertheless to walk as best he could, might attribute his ability to move to those very bonds which in fact serve only to weaken and paralyse the muscular energy of his legs'.[96]

Whilst I think Rousseau is right to criticize Hobbes' depiction of the state of nature as a *necessary* war of all against all; to question the perceived successes of external structures of political power; and to argue for a radically different conception of humanity than the one of Hobbes' imagining; I do not agree completely with the specifics of his alternative vision of natural humankind.

Although I think Rousseau is correct in his assumption that a pre-political individual living in abundance would have no need to kill another for that which is plentiful, his belief that this kind of person would be entirely non-social seems at odds with the actual evidence of anthropology and the history of human societies both past and present. Human beings have a consistent history of intermingling, working together, living together, and forming long-lasting bonds of friendship and partnership, that, it seems reasonable to say, suggests this social aspect to humanity is not merely due to the random happenstance of geography, scarcity of shared resources, and population

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[96] Malatesta, E (Richards, V, trans), 1974. *Anarchy*, pp., 15-16. (Freedom Press, London)

growth, but is in fact an inherent part of human nature, core to our very constitution as individuals, and central to our everyday lives. This odd refusal to concede a social element to natural humanity is peculiar in such a seemingly social thinker as Rousseau and, in my opinion, is indicative of a confusing dissonance within much of his writing between the natural logic of his ideas and an apparent anti-social bias in his personality which makes that logic escape him.[97] For example, on the one hand, he claims 'savage man, wandering in the forests, without work, without speech, without a home, without war, and without relationships, was equally without any need of his fellow men and without any desire to hurt them, perhaps not even recognizing any one of them individually'[98]; but at the same time he posits that within all noble savages is the innate virtue of *compassion*. If pre-political humans in the state of nature are inherently non-social beings, then it seems hard to understand why they would then possess this innate capacity of feeling for others within them, when such a capacity is *entirely* social, and without a social aspect to one's life, entirely redundant. Such discords in Rousseau's hypothesis become especially noticeable when he asks us to remember 'how many ideas we owe to the use of language' and 'how much grammar exercises and facilitates the operations of the mind',[99] before realizing that within his depiction of the non-social state of nature, where humans rarely interact or need to communicate 'one cannot conceive the necessity of language or its possibility'. As the phenomenon of language *does* exist, and is in fact necessary for Rousseau's own argument, he is left having to explain how this could be so; but his attempts to find a way in which our universal tool for communication could be created without there being any natural desire to communicate are unsatisfactory to say the

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[97] Illustrations of Rousseau's peculiar social attitudes can be found in many places. The best source is his autobiography: Rousseau, J, J (Cohen, J. M., trans), 1978. *The Confessions*. (Penguin; Middlesex)
[98] Rousseau, J. J (Cranston, M, trans), 1984. *A Discourse On Inequality*, p. 104. (Penguin Books; London)
[99] Ibid., p. 91

least. They have also been much better accounted for in alternative conceptions of humanity's social and linguistic evolution, such as the work of Chomsky, for example, who argues that linguistic rules are essentially *hardwired* into human brains and the capacity for language a natural phenomenon indicative of our inherent social nature;[100] or the work of Habermas, who argues that all 'forms of social action...are derivatives of action oriented to reaching understanding' with 'the goal of coming to an understanding' being 'to bring about an agreement...that terminates in the intersubjective mutuality of reciprocal understanding, shared knowledge, mutual trust, and accord with one another...based on recognition of the corresponding validity claims of comprehensibility, truth, truthfulness, and rightness.'[101] Indeed, Habermas goes as far as to argue that the existence of communication presupposes the existence of ethics, because there are certain normative assumptions inherent to the concept of discourse which must be universally accepted for communicative action to be possible in the first place; just as I am arguing that there are certain normative assumptions inherent to the concept of *political* discourse which must be universally accepted for legitimate politics to be comprehensible.

So perhaps Rousseau got it wrong when he could not 'conceive the necessity of language or its possibility' and claimed natural humanity to be non-social; but luckily such an admission affects nothing in his broader argument that the Hobbesian incorporation of contemporary corruption into the state of nature is unfounded – in fact, once a social aspect is added to Rousseau's position, it only helps strengthen it because we now lose the strange jump we find from uncommunicative and isolated individuals to our 'true founder of civil society' suddenly verbally communicating

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[100] Lyons, J, 1970. *Chomsky.* (Fontana; London); Chomsky, N, 1957. *Syntactic Structures.* (Mouton; The Hague)

[101] Habermas, J (McCarthy, T, trans), 1995. *Communication and the Evolution of Society*, pp., 1-3. (Polity Press; Cambridge)

with others and forming some sort of basic, non-familial, social unit. Instead we can say that Rousseau's noble savage in the state of nature not only had plenty and was without any real need to kill or go to war for personal felicity, but also that having an innate sense of compassion regarding the people with whom they shared this abundance, had some sort of rudimentary *moral* sense that such violence would not only be unnecessary but would be in some way *wrong* and thus possessing a correlating *ethical* inclination to seek other 'better' means to satisfy their immediate desires.

Both Hobbes and Rousseau's theories of how humanity in the state of nature might have been lose coherency in places because of the blatant omission of this, hard to deny, *social* aspect to our lives. But whereas the inclusion of this, for Hobbes, makes his entire thesis fall down, for Rousseau it simply bolsters an argument in the places where it was previously lacking.

Ultimately though, both theorists' positions turn on different conceptions of how they imagine a humanity unfettered by the authoritative trappings of external authority structures would behave when left to the devices of their own, individual, internal sense of rational autonomy; and it seems that both views, albeit radically opposed, do more to expose the unique personal fears and neurosis of the respective authors than to truly clear up the question they seek to answer. Hobbes, writing at a time of civil war, saw law and order break down violently all around him, and so posited the seemingly intuitive idea that without law and order, human beings would kill each other. Rousseau, meanwhile, was a socially awkward individual, for whom the dependency on other people was a necessary evil that he wished to minimize as much as possible. As a result, he posits natural humanity as unsocial beings, and even makes clear to stress that, once out of the state of nature and under a social contract,

(although such a contract logically implies the ostensible forfeit of some natural internal autonomy for the gain of what he calls a new 'civil freedom' of being able to 'obey a law we have imposed on ourselves' externally), ultimately, 'each in giving himself to all gives himself to none, and since there are no associates over whom he does not acquire the same rights that he cedes, he gains the equivalent of all that he loses, and greater strength for the conservation of what he possesses.'[102] In other words: even when humanity has created its social contract and agreed to work together towards a common social goal, for Rousseau, dependency on others is to be kept to a minimum.

It is conceivable then, to say that neither individual quite managed to paint a believable picture of humanity in the state of nature. I think it is fair to say, however, that whilst Rousseau's version of events is simply lacking a necessary social component whereby it seems plausible to posit that natural humanity not only wandered around in a peaceful world of natural abundance, but also encountered and interacted with each other, slowly evolving the languages, cultures and communities, which eventually led to the sorts of conflict and obstacles that would have required the formation of a social contract to settle the balance; the Hobbesian picture seems unjustifiably bleak; not only missing out on a necessary social component, but also asserting, without evidence, a natural animosity, violence, and conflict between people that seems far too strong a thesis than can be supported.

Now, one could easily counter my claim that the history of humanity shows significant evidence of an innate sociability with the equally clear history that human social groups so often have of *fighting each other*. Whilst history undeniably shows us many examples of social formation throughout, it often also shows us these

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[102] Rousseau, J. J (Betts, C, trans), 1994. *The Social Contract*, p. 55. (Oxford University Press; Oxford)

societies at war with *other* societies, or between competing factions of groups within those societies. Surely if this social aspect to human nature really exists within all human beings, it should be something universal and inherent to the entire human species, not simply something limited to others only in our immediate living environment?

Claims such as this however, miss the subtlety of the argument. To say human nature has an innate social aspect to it is not to say that humans are *never* unsocial – such a position would be patently untrue, and one of the reasons why Rousseau's almost *too perfect* view of his conflict-free state of nature seems unsustainable. Even without any of the *external* catalysts for inter-personal conflict, absent in Rousseau's natural state (such as scarcity of resources or economic inequalities) there are many other reasons throughout the course of life for people not getting along, and even going so far as to commit violence on one another, but this does not discount the idea that our *preference* might ultimately be for communal harmony and social interaction. There may well be a reason that myself and a colleague can't stand each other; be it personality clash, difference of political opinions, or perhaps because of something they have done which has personally aggrieved me, but that doesn't mean that such dislike is our *desired* state of being. And on a less interpersonal and more global scale, whilst clearly conflict between different groups of people *does* exist in the form of wars both civil and national, usually such conflicts don't come about organically and because of some *instinctual* hostility, but only as a result of there being external policy obstacles distorting the guiding *social* instinct within.[103] Just as Hobbes explains that the state of nature will lead to war because of competition, diffidence and glory; social groups become hostile to one another only when they fear others as

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[103] More on this in Chapter 4

competition for resources or territory, or are required to show strong defence or gain a fearful reputation in order to protect themselves from potential attacks against their own land or resources. Such behaviour, far from being evidence of a *non*-social element to human nature, could actually be argued to stem from precisely the *social* element in question, as it is ultimately *protection* of one's society and maintenance of the safety and security of its citizens or agreed goals which motivates the conflict (or at least a manipulation of motivations so as to make people *believe* that this is the case).

Whilst this is not to say that such wars are necessarily *justified*, it does explain how we can acknowledge the conflictive side of human nature whilst still maintaining the argument for an innate sociability too. Further still, it is quite clear from hearing the accounts of soldiers in battle that once the layers of propaganda and jingoistic mythology have been stripped from their proclaimed group enemy and their common *humanity* exposed, it is much harder to maintain these conflicts. As Michael Walzer articulates, 'armed, he is my enemy; but he isn't *my* enemy in any specific sense; the war itself isn't a relation between persons but between political entities and their human instruments.'[104]

Whether it is in stories such as the famous Christmas Day incident of 1914 when German and French troops dropped their weapons for a few hours and celebrated together instead of fighting, or in the observations and memoirs of soldiers which detail the moments where the cracks between universal reality and nationalist fictions begin to show;[105] it is clear that often the innate *social* instinct overrides the propagated social*ized* one and the recognition of an official 'enemy' as a fellow human being can cause an end to manipulated violence.

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[104] Walzer, M, 2000. *Just and Unjust Wars*, P. 36. (Basic Books; New York)
[105] Ibid., p. 140

Similarly, on a more interpersonal level, when two individuals *within a group* do not like each other, it is only in very rare and obsessive cases where this dislike is nurtured and maintained into an active and violent end, and often such an outcome is the result of copious external factors. Usually, either conflicting individuals will just stop bothering each other and spend time instead with those they *do* get along with, or they will confront each other about their problems and attempt to iron out their differences; the conflict having arisen due to a misunderstanding or identifiable difference of opinion.

The capacity to form social bonds is something we can say is inherent to the entire human species, but this does not mean that the entire human species bond together equally or that sometimes *other*, equally inherent elements to our nature don't take precedence. We form closer bonds with some people than we do with others and even the most peaceful person may kill a stranger in order to protect their immediate family. This doesn't negate the existence of social bonds, it simply shows how strong those bonds can become with those we spend the most time with or those with whom we share DNA, and acknowledges that sometimes – as with *any* holistic system – the social element of our nature will clash with other competing elements, and during such clashes the social aspect sometimes gets overridden.[106]

We do not usually fight with each other in the same way as we befriend or help one another. Our *default* setting at meeting new people, unless one is a sociopath, is usually to put out positive and friendly signals in an attempt to get to know them, not to treat them with immediate dislike, distrust, or suspicion. Whilst we often seem inclined to try and make friends with those we share our lives with as a matter of course, we generally *fight* each other only when, at some point within a social

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[106] See, for example: Lorenz, K (Latzke, M, trans), 1966. *On Aggression.* (Methuen; London)

formation, either (on a small scale) personal social attitudes have clashed into animosity, or (on a larger scale) somebody in a position of power fears others may threaten that power and proclaims these others as 'enemies'. Because humans ultimately want their society to be safe and secure, by creating a climate of fear and paranoia, those in power who make such proclamations often find people 'simple enough to believe them' and willing to fight these 'enemies' in what they perceive as being 'self defence'.

As both Hobbes and Rousseau have shown us, there are alternative ways of living which would have been our preference if our nature were solely individualistic – either kill everybody else, or ignore them. In the majority of cases, we do not do this. We interact, we befriend, and we join our individual lives up together with others to create long-lasting relationships and social networks which shape our own existences to such a significant degree, that it would seem fair to say that it is in our very nature to do so. Although much debated by sociologists, philosophers, psychologists and anthropologists alike, to me there is no either/or on the question of whether or not humanity is an individualistic or communal species. The answer is very clear: we are both, and we are more. We are mutually supportive communities of innately social autonomous individuals who rationally choose to co-exist co-operatively so long as there are no individual conflicts of personality/interest/temperament that make people go their separate ways. We are social, but that is not all that we are and sometimes there are clashes of other innate qualities which mean that individuals or groups of individuals will *not* mesh socially. When there is such conflict, violence is one option, but only as a last resort; usually we attempt to work it out, or decide to just form different social groups.

It is only in the most extreme circumstances (real or imagined) that inter-personal or inter-social conflict leads to the violence or death Hobbes imagines, or that an individual will, as Rousseau suggests, freely choose to isolate themselves from all others and live a self-imposed life of solitude.

But now that we have argued for, and, I believe, must *accept*, an inherent social component to individual human nature and life clearly missing from Hobbes and Rousseau, the question we must ask is this: if humanity in the state of nature had these capacities for peace and sociability, and thus life there was *not* an unavoidable, nasty, brutish and short war of all against all, but had the potential to be an unfettered oasis of self-rule and autonomy – why did we ever come out of it at all? Why did our 'true founder' ever selfishly claim their patch of land and so dangerously decide that the time for peaceful and cooperative sharing had come to an end? And where did these alleged 'corruptions' of modern living come from that make us so easily choose egoistic gain over cooperative mutuality, thus requiring the restraint of a watchful, powerful state?

The key to answering these questions arguably lies in Rousseau's own phrasing when he proclaims those who believed the 'true founder' to be 'simple'. Innate tendencies and capacities are not infallible permanent consistencies; they are only ever potentialities, and can often be overcome by competing instincts, or go unrealized by circumstance. As I have said, an innate instinct to be social can easily be overridden if a person becomes a threat to either yourself or those you love. Why might they become a threat? Perhaps because their equally innate instinct for *survival* might override their social instinct and concern for you if you stand in the way of something they need to survive such as food, shelter, money, etc.

Even the survival instinct, core to Hobbes' 'laws of nature', can be overridden at times. Whilst it would seem hard for anyone to doubt that for most people it is in their interests *not* to die, and that human nature has within it some sort of inherent instinct for its continuing survival, it is still true that sometimes people cross the road without looking and their decision to do so gets them killed; sometimes they get into fights and willingly put themselves in danger; and on other occasions, some individuals go as far as to purposefully and readily take their own lives through suicide. As we are all, at bottom, autonomous individuals, *all* of our innate instincts can be overridden if other instincts, drives, or desires compete with them, or are manipulated into such competition, and we *choose* to follow one motivation over the other. Whilst we may well have certain instincts, they are always ultimately going to be filtered through our capacity for reason and our autonomous decisions on whether to act on those instincts or not.

Just as we use reason to deduce from the car-related deaths of our un-cautious friends that our chances of survival when out and about are increased tremendously when we check the roads for oncoming traffic *before* crossing; our levels of reasoning and ability to act in a way which truly recognises and satisfies our instincts and interests, evolve with time and experience.

Whilst there are no definitive records of exactly who it was who first created formal law and order out of the originally anarchic state of nature, or why they decided to do so, it seems reasonable to posit that although there could have been any number of causes which led to such a creation, none of these potential causes mean that the decision to form the first governments and structures of political power was either necessarily in conflict with the idea that there is an innate social aspect to human nature, or that innately autonomous humans prima facie *need* external structures of

political power to live communally with each other. Nor, importantly, does it mean that the decision was the *right* one or that the evolution into contemporary society from the original state of nature was an evolution most in tune with the objectively legitimate goals and purposes of human life. All it means, is that it happened – perhaps for the better, or perhaps for the worse – and if it was for the worse, then it is up to us now, as continually re-evaluating autonomous agents who have evolved even further, to recognise that mistake and fix it.

Just as once it was commonly believed to be acceptable to ignore the rights of women, to enslave people of a different race or colour, or rape your spouse and not call it rape – with the passage of time and a more reasoned and educated reassessment of received conventional wisdom, opinions evolve and we can see old, illegitimate ideas for the mistaken and flawed pieces of thinking that they are; or confirm existing conventions as the truths that they profess to be. This is what Richard Dawkins describes as the 'manifest phenomenon' of evolutionary moral *Zeitgeist*[107], and is the crux of Habermas' notion of discourse ethics and the evolutionary nature of normative discussion. The more that new ways of thinking about previously accepted moral platitudes are put forward and discussed, dissected and analysed in public discourse, the more our conceptions of what is and is *not* ethically acceptable, will evolve. In the words of Mill, 'complete liberty of contradicting and disproving our opinion, is the very condition which justifies us in assuming its truth for purposes of action; and on no other terms can a being with human faculties have any rational assurance of being right.'[108]

From this more *evolutionary* perspective of our ethical development then, we can agree with Rousseau that those who accepted the harmful ideas of the 'true founder'

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[107] Dawkins, R, 2006. *The God Delusion*, pp., 262-272. (Bantam Press; London)
[108] Mill, J. S, 1998. *On Liberty and Other Essays*, p.24. (Oxford University Press; Oxford)

might well have been evolutionarily 'simple' in that: they just hadn't gotten around to thinking about such matters thoroughly yet. Perhaps the 'true founder', whilst still possessing an innate social instinct, was gripped with more force by an equally innate instinct for rest, and freedom from unnecessary toil? Realising that they could manipulate others into doing things *for* them instead of having to do it for themselves; a purely pragmatic decision to fulfill one goal over-rode another. Perhaps the individual's level of *moral* reasoning was much less evolved than their level of pragmatic thought and so the *ethics* of their idea, and the question of whether or not such goals, and their repercussions on society were *justified*, never even came into their evolutionarily 'simple' cognitions. Nor did it come up in the equally evolutionarily 'simple' minds of their fellow state-of-nature-sharers, who, at the same level of moral evolution equally hadn't stopped to consider whether this shift in the social order and creation of institutions of political power was either *good* or *bad* in far-reaching terms. Like all of evolution, it was simply an accident of circumstance that served some sort of survival purpose for someone or something *at the time*. All we can say for sure is that, at some point along the way, the original state of nature wasn't working very well for someone (or a group of someones) and so they decided to form laws to improve their circumstances and established structures of power to ensure that those laws were obeyed.

That said, as we have rejected Hobbes' depiction of the state of nature for its flawed cynicism, and find Rousseau's vision to be almost too perfect to have ever had reason to change; we are left with no convincing reason thus far, as to why the original state of nature would ever have stopped working successfully and why it would ever have been abandoned for this potential accident in our moral evolution to occur.

John Locke provides an alternative theory as to why the state of nature might have been rejected in favour of civil society that is subtly different from all of the ideas we have heard so far. Instead of perceiving an initial state of lawlessness as a place of violent warfare or misguided evolution, Locke reminds us that although the state of nature is 'a state of liberty' where autonomous humanity were free to choose how they would live their lives, 'it is not a state of licence.'[109] For Locke, although there is no formal *political* law in the state of nature he, like Hobbes, believed there was always an underlying 'law of nature to govern it, which obliges everyone'[110]. Contrary to Hobbes though, for Locke this law was *explicitly* moral and something that all autonomous people willingly acknowledged that they must follow.

The trouble with Locke's law of nature however, and its further distinction from Hobbes' view, is that Locke believed this natural law existed because it was created by god. Arguing theologically from the premise that human beings are god's creations, Locke concludes that, as god would wish to preserve this creation, 'He' has imbued in it certain laws of nature to be found through 'reason, which is that law'[111]. This capacity for reason, given to us by our creator,

Teaches all mankind, who will but consult it, that being all *equal and independent*, no one ought to harm another in his life, health, liberty, or possessions: for men being all the workmanship of one omnipotent, and infinitely wise maker; all the servants of one sovereign master, sent into the world by his order, and about his business; they are his property, whose workmanship they are, made to last during his, not one another's pleasure: and being furnished with like faculties, sharing all in one community of nature, there cannot be supposed any such *subordination* among us, that may order us

[109] Locke, J, (Macpherson, C. B, ed) 1980. *Second Treatise of Government*, p. 9. (Hackett Publishing Company; Indiana)
[110] Ibid
[111] Ibid

to destroy one another...Every one, as he is *bound to preserve himself*, and not to quit his station wilfully, so by the like reason, when his own preservation comes not in competition, ought he, as much as he can, *to preserve the rest of mankind,* and may not, unless it be to do justice on an offender, take away or impair the life, or what tends to the preservation of the life, liberty, health, limb, or goods of another. [112]

Our constructivist position immediately leaves Locke's argument untenable – the reliance on an unvindicated deity to prove his claim is metaphysically problematic – however, I believe that Locke's position can still be maintained even when we take the omnipotent creator out of the equation. Without our being god's creation and it being god's *gift*, our capacity for reason (upon which Locke's position ultimately rests) clearly *does* exist, and by using this capacity for reason to analyse our circumstances we can see, with little controversy, that we do have, on a purely individual level, a desire to preserve our own lives. As all human beings are of the same species and, therefore, arguably share similar desires and interests, it then seems reasonable to extrapolate from this individualistic desire for preservation, the possibility of a similar desire for preservation of life, liberty, health, etc from *all* human beings – not because they are the indebted play-things of a supernatural deity, but because they are similarly interest-holding individuals like ourselves who cannot seek fulfillment of such interests if they are dead; and being innately social individuals, through compassion and empathy, they can recognise that their own situation is the same as the other members of their species and thus apply the same desire for preservation to all. [113]

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[112] Ibid

[113] Such thinking could be conceived as 'speciesist' unless it is extended to *all* interest sharing creatures. Although beyond the scope of this essay, if the ethical arguments contained within this thesis are taken to their logical conclusions vis-à-vis non-human animals, then they should be applied

By using our capacity for reason in conjunction with what we know of ourselves and our species, we *can* discover such 'laws of nature' (if that is what you wish to call them) about what we should and should not do if we want to live the most fulfilling and rewarding life that we can, for both ourselves and the people we share our existence with. Remembering our earlier equation, once we have reasonably ascertained a sufficient account of what a fulfilling and rewarding life would be, we could then coherently determine what ought and ought not be done in order to achieve the goal of that fulfilling and rewarding life.

Locke's theistic appeal to an authoritative god in which to ground the prescriptiveness of rationally derived laws is not uncommon in natural law theory. Although traditionally such approaches to ethics from Aristotle to Cicero to Aquinas could all ultimately be boiled down to the same underlying claim – that we can work out how we ought to live our lives through our reason – just as I discussed in the previous chapter, this idea never quite seemed enough to satisfy the absolutist conception of ethics most people are looking for. As a result, an extra, unsupported, level of reasoning was often brought into the equation: reason was not simply deducing a rational ought from what we knew (as best we could) to be true of the world; it was uncovering moral truths that were fixed in nature itself, laid down by the creator of that nature – god.

But I have already rejected this impulse for absolutism, and see constructivist ethics as a more plausible position than natural law theory. Constructivism denies the necessity of anything more than reason alone in our moral deliberations and uses it not to discover a firm set of unchanging natural *laws*, already in existence, but to determine a well-supported and defendable account of what all the relevant

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(where relevant) to all living creatures, not just human ones. See: Singer, P, 1995. *Animal Liberation,* (Pimlico; London)

information suggests it is reasonable to do, or not do, in any given situation. Whether god gave us our reason or not is irrelevant; regardless of its origins it is clear that by using reason it is possible to construct a plausible account of how we should act; and so we do not need god to understand what Locke meant by calling a state without law one of liberty, but not licence: a rationally autonomous human being in a state of nature is free of external control and at absolute liberty to choose how they will live their lives, but their choices must still always be guided by the conclusions of reason. Within their liberty, therefore, they do not have justifiable license to act in such a way that they transgress their rationally-derived rules of ethics; such an act would still be 'wrong' even without an external authority to enforce its 'wrongness'.

What Locke recognized, crucially, was that any formal laws made within a political society can only come into being if they are grounded *first* in these ethical 'laws of nature' that exist as independently justifiable truths found through reason; objectively determined as right or wrong *regardless of how society recognizes them to be* at any one time.

Still, without a war of all against all or corrupted lawlessness to save ourselves from, how then did this alternative version of the state of nature lead to the formation of external structures of political power? In Locke more than in anyone else it seems an incredibly odd step that humanity takes; from being a people who possess these easily revealed and self-governing laws of nature that demand their peaceful preservation, to a people who suddenly need to be told what to do by someone else to secure peace and security. If the laws of nature are so self-evident and easily revealed, why doesn't the world remain in its initial peaceful and self-governing state forever?

Locke's reasoning for the change from anarchy to statehood is simple and pragmatic. To Locke, an ungoverned state will not lead to a Hobbesian war of all against all or a

Rousseauian manipulation of people's interests, it will simply become a hugely *inconvenient* way of following the very laws of nature it promotes. Whilst '*freedom* from absolute, arbitrary power, is so necessary to, and closely joined with a man's preservation, that he cannot part with it'[114], part of the law of nature designed to preserve such life also includes the 'strange doctrine'[115] of punishment, and this can lead to difficulties in the administration of justice.

In transgressing the law of nature, the offender declares himself to live by another rule than that of reason and common equity, which is that measure God has set to the actions of men, for their mutual security...Every man upon this score, by the right he hath to preserve mankind in general...*hath a right to punish the offender, and be executioner of the law of nature.*[116]

This rationally grounded right to punishment causes problems for Locke because it logically means that not only will each person have to judge the transgressions of others, but they will have to be the judge in any cases against *themselves* too, leading to fears that 'self-love will make men partial to themselves and their friends: and on the other side, that ill nature, passion and revenge will carry them too far in punishing others'[117]. Instead of an objective and purposeful system of law and order that maintains the security of the whole community, you would instead have a hugely biased and futile system of nepotism and personality-politics, making a fair and impartial judicial process impossible; therefore, establishing an external authority by the formation of civil government 'is the proper remedy for the inconveniences of the

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[114] Locke, J, (Macpherson, C. B, ed) 1980. *Second Treatise of Government*, p. 17. (Hackett Publishing Company; Indiana)
[115] Ibid., p. 10
[116] Ibid
[117] Ibid., p. 12

state of nature',[118] and the only way to ensure the kind of safety and equality *demanded* by the *laws* of nature.

Whereas for both Hobbes and Rousseau, the creation of formal structures of political power led to markedly different societies than those which were to be found in the original states of nature, for Locke, the externally governed state is merely a continuation of the original state – just one with all the kinks ironed out. Instead of leading to radical change, the social contract Locke envisages is one whereby

> whoever has the legislative or supreme power of any common-wealth, is bound to govern by established *standing laws*, promulgated and known to the people, and not by extemporary decrees; by *indifferent* and upright *judges*, who are to decide controversies by those laws; and to employ the force of the community at home, *only in the execution of such laws*, or abroad to prevent or redress foreign injuries, and secure the community from inroads and invasion. And all this to be directed to no other *end*, but the *peace, safety*, and *public good* of the people.[119]

In other words, it is a contract that gives power and authority to an external government, but a power and authority that is recognised from the start only as a means to a specific ethical end – the preservation of people as demanded by the laws of nature, which Locke argues is impossible to guarantee amidst the inconveniences of the original state; thus a politics bound by the ethical obligations of a clearly defined political teleology.

Whilst the established government will become the supreme political authority in a society, they are still ultimately bound to follow and enforce the universal laws of *nature*, just as they did before they had political power. As Locke puts it, 'it is a

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[118] Ibid
[119] Ibid., p. 68

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power, that hath no other end but preservation, and therefore can never have a right to destroy, enslave, or designedly to impoverish the subjects...Thus the law of nature stands as an eternal rule to all men, *legislators* as well as others.'[120]

Like any good contract, the Lockeian model has terms and conditions for *both* parties to observe and which they must stick to or face the repercussions. Unlike Hobbes, whose contract bestowed absolute power into the hands of a Leviathan ruler who can never be questioned or held accountable, for Locke,

> Whensoever therefore the *legislative* shall transgress this fundamental rule of society...by this breach of trust they *forfeit the power* the people had put into their hands for quite contrary ends, and it devolves to the people, who have a right to resume their original liberty, and, by the establishment of a new legislative, (such as they shall think fit) provide for their own safety and security, which is the end for which they are in society.[121]

Locke recognises that the authenticity of political power comes only from its being freely given by a rationally autonomous people in possession of natural sovereignty over their own lives. They can never really lose that internal sovereign power they innately possess, but can autonomously agree to concede *political* power to an external, socially-legitimated, authority in order to *serve a specific purpose* (a political teleology) – in Locke's case, the adherence to the laws of nature.

The social contract, therefore, is made only to fulfill pre-existing goals which state of nature circumstances prevent, getting rid of inconveniences and helping to *improve* conditions of life for citizens living under it, not take those conditions away.

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[120] Ibid., p. 71
[121] Ibid., p. 111

Rousseau recognised this too, as we recall from his statement that 'each in giving himself to all gives himself to none, and since there are no associates over whom he does not acquire the same rights as he cedes, he gains the equivalent of all that he loses, and greater strength for the conservation of what he possesses.'[122]

The problem for Hobbes is that the contract he draws up is actually illegitimate by the standards of compact we normally observe. The Leviathan, whom all participants in the social contract agree to obey and submit their own freedom to, becomes an entity *outside* the contract, with no reciprocal obligations in return to its citizens other than the vague notion of stopping the war of all against all. Whilst the people give up everything to the Leviathan in order to escape the brutal state of nature, the Leviathan itself is simply given absolute, unquestionable power, which they are then free to wield however they like under the flimsy justification that *at least it's better than constant war*.

Further ramifications of the Leviathan's unbound rule have been pointed out by Hart, who believed that laws grounded solely in the de facto legal claims of an unquestionable authority figure cannot account for two major features of law as we traditionally understand it: persistence and continuity. In short: if law can only come from the authoritative claims of the Leviathan, then how can those laws persist after the Leviathan's death, under the regime of a new Leviathan?[123]

Even the best effort made at defending Hobbes from this problem, by Robert Ladenson, finds its defence pretty flimsy; recognizing that no sustainable claim to authoritative transfer between Leviathan legislators can plausibly be made, Ladenson appeals simply to custom and tradition as the basis for legal continuity in Hobbes,

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[122] Rousseau, J. J (Cranston, M, trans), 1984. *A Discourse On Inequality*, p. 55. (Penguin Books; London)

[123] In Ladenson, R, *In Defence of a Hobbesian Conception of Law*, in Raz, J (ed), 1990. *Authority*. pp., 32-55. (Basil Blackwell; Oxford)

whilst admitting that 'a Hobbesian analysis of law *per se* cannot account for why the above kinds of traditions should exist in certain circumstances.'[124] Indeed, Ladenson, who has already brushed over the question of appropriate limits to authority as 'an important task for moral philosophers that has not yet been fully addressed',[125] likewise shrugs off this important question as falling 'more appropriately within the province of the sociology of law than analytical jurisprudence', rather than seeing it as a serious failing in the position he is attempting to defend.[126]

However, the question of the appropriate limits of the Leviathan's power (also a concern of Hart's) is not only directly connected to the question of why a community might continue a tradition of deferring their autonomy to an agreed external authority, but also to the basis of legal continuity and persistence: without a clear ethical basis for *why* the Leviathan ought to be established in the first case and detailed reciprocal agreement about its obligations to the people it governs (its political teleology), we have no way of independently judging its legitimacy, measuring its appropriate limits, and thus no way of objectively vindicating the continued existence of either itself or the laws it creates after it is gone.

That these questions remain unanswerable on a Hobbesian account of political power is down to Hobbes' original claim that the state of nature was an amoral environment. If, instead, we were to concede that we needed to escape the war of all against all *not* for abstract strategic reasons but because such circumstances were considered, on some level, *ethically* bad, then the arguments we were using for its abolition would, within them, guarantee some sort of agreed ethical protections and obligations which any contracted solution – the Leviathan – would be compelled to maintain or else lose its status of legitimacy. This would explain why the laws made

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[124] Ibid., p. 41
[125] Ibid., p. 37
[126] Ibid., p. 41

under such an arrangement would persist through time (the justification on which they rested being independent of the legislator themselves), why the citizens would willingly continue to give acquiescence to a new Leviathan (so long as it maintained its part of the agreement) and what the appropriate limits would be to the Leviathan's power.

As illustration, imagine if (as in Locke), in Hobbes' state of nature, what was ultimately important was the preservation of human life. On this view, it is clear that the war of all against all would endanger life rather than preserve it and so must be abolished. In any resulting contract made to achieve that end, the Leviathan would not only have to stop the specific circumstances of the particular war of all against all, but ensure also that the desired ends of preservation of human life were met in all other circumstances too (thus immediately setting limits to its power and certain obligations to its people). Without such ethics there is no specific obligation for the Leviathan to uphold. Yes they must stop the war and achieve continuing peace (which I maintain is an *ethical* goal in its own right) but without an underlying ethical justification for that goal there are no limits on how they are to achieve it. Perhaps the war could conceivably be stopped by the repressive imprisonment of 80% of the citizens, leaving the remaining 20% living in a carefree abundance of easy to find felicity? There is nothing within Hobbes' social contract that could intelligibly call such a strategy 'wrong' because there is no morality prior to the establishment of political power and, once established, the edicts of the Leviathan become self-validating and can be held up to no objective standards of moral understanding. To my mind this makes the agreement of the Hobbesian contract as volatile as the original war it is supposed to end; less of a *contract* and more of a mugging.

2.3: Backing Into the Ethical Contract: The Unavoidability of Political Teleology

An alternative approach to tackling the state of nature problem *without* resort to a social contract was attempted by Robert Nozick: 'if the state did not exist would it be necessary to invent it?'[127]

Regardless of whether or not one believed in the existence of an original social contract, Nozick argued, the question could be reframed from the hypothetical and speculative query as to how the state might have originally come about, to the potentially more important question of whether or not, in the here and now, the state's existence was really justified. By asking the question that way round, the historical arguments about the original social contract's existence or lack thereof, or of how contemporary citizens can be thought to be bound to a contract drawn up by their distant ancestors, lose all force and import. They become irrelevant to the more pressing question: now that the state *is* here, should it be?

As well as turning the traditional assumptions of social contract theory on their head, Nozick's reframing of the question asked something even more radical. The phrase, 'would it be necessary to invent it' does not simply require us to ask whether or not a formal state-structure of political power is necessary for society, but more significantly, it asks whether or not such a state is ever *avoidable*. Would it be necessary to invent it, or would the state simply materialize organically, as the natural inescapable outcome of rational human choice?

To determine his answer, Nozick decided to re-analyse Locke's depiction of the state of nature. As we have already seen, it is Locke's state of nature which seems both the most plausible image of pre-societal humanity, and the most difficult to imagine us ever forsaking for the external authority of a political state, and so Nozick attempted

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[127] Nozick, R, 1974. *Anarchy, State, and Utopia*, p. 3. (Basic Books; New York)

to see if there was any way of sustaining this original perfect anarchy *without* resort to the creation of a formal state; as well as the question of whether or not a formal *social contract* is required to make that transition and 'invent' the state instead of the state just simply *happening*. His conclusions, he would claim, would abandon the necessity of a formal social contract argument and instead posit what he calls, after the economist Adam Smith, an 'invisible-hand explanation of the state'.[128]

Nozick claimed that the sort of inconveniences Locke talks about, instead of leading to the formal creation of a codified social contract, would more likely bring about an accident of circumstance which would inevitably lead to the organic formation of an 'ultraminimal' state within the original state of nature itself. Such a state would not be a specifically devised contractual arrangement, but simply the natural evolution of human self-interest and happenstance.

Nozick imagined that to prevent 'inconveniences', groups of citizens would autonomously come together at first and, via mutual self-interested agreement, form protection agencies which ensure the laws of nature (and the rights that they gain as individuals from those laws) are upheld in society. Eventually, with many of these voluntarily created protection groups popping up and competition forming between them all, 'the self-interested and rational actions of persons in a Lockeian state of nature will lead to single protective agencies dominant over geographic territories',[129] be they one single agency, or a sole federation of many. Eventually, the unintended but ineluctable conclusion of such behaviour will be a de facto monopoly of protection which is, in essence, the basic beginnings of a formal 'state'. Indeed, it is

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[128] Ibid., p. 118
[129] Ibid

the very personification of Weber's definition of the state as the 'monopoly of legitimized violence'.[130]

Nozick's state exists, he claims, with no real social contract, and not by a conscious decision to form it; it just transpires naturally as a result of people's rational, autonomous, and specifically *self-interested* actions within the original state and political power is therefore only ever justified at its most manageably minimal: providing only the basics of security as a dominant monopoly of protection and nothing else.

As radical as Nozick seemed on paper, in reality we have with Nozick the very same underlying idea that informed the social contracts of Hobbes, Locke and Rousseau: that the existence of external political power was necessarily created, and therefore justified, as the only means by which to protect the individual. Whilst Nozick attempts to deny the necessity of a formal social contract by arguing that the minimal state is justified because its monopoly of socially-legitimized violence protects people; he is still relying on an essentially contractarian argument to support his conclusions: that the minimal state is legitimate only because it protects its citizens from harm, thus forming a deal of reciprocity between the governed and their government that minimum obedience shall be granted in return for security.

As well as ultimately trading on the very kind of social contract argument it claims to circumvent, Nozick's invisible-hand explanation of 'backing into' the state via the circumstantial creation of increasingly monopolized protection agencies has other problems. Significantly, there is no compelling reason to imagine the behaviour predicted by Nozick as being obvious, unless one presumes (as did Nozick) several underlying, and unsupported, ideological assumptions about human beings that carry

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[130] Lassman, P and Speirs, R (eds), 1994. *Weber: Political Writings*, p. 310. (Cambridge University Press; Cambridge)

a rather pessimistic view of human nature; views seemingly influenced by discredited game theory,[131] arguably simplistic mathematical models of complex human behaviours such as the 'prisoner's dilemma',[132] and the egoistic neoliberal economic theories of people like Hayek and Friedman which were growing in popularity at the time of Nozick's writing.[133] This dated and Cold War-influenced outlook assumes a humanity whose prime preoccupation is with fighting each other, rationally scheming towards one's advantage and buying into Mafioso protection rackets for safety and mutually assured destruction, whereas it is just as plausible to assume a human nature that is capable of developing alternative strategies to counteract both Nozick and Hobbes' paranoid fear of constant attack and Locke's unworkable inconveniences; strategies of mutual co-operation; autonomously created independent structures of objective adjudication, and stateless forms of secure community building. In other words, strategies with a rich history in the anarchist tradition[134] and which, although far different from the state-dependent societies we have historically known, contrary to Nozick's cynically fatalistic invisible hand conjectures, Hobbes and Rousseau's manifold projected insecurities, and Locke's mistrust of self-legislation; are as arguably plausible and theoretically possible as their more widely-known alternatives.

Still, in all of the social contract approaches we have looked at thus far, despite the difference of specific accounts, one thing has been implicitly agreed upon throughout

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[131] One of Game Theory's major architects, the mathematician John Nash, has since dismissed the principles on which the theory was based as being possibly symptomatic of the then-undiagnosed paranoid schizophrenia he was suffering; asserting groundless suspicion on the behaviour of all players. See: Curtis, A, 2007. *The Trap: What Happened To Our Dream of Freedom* (documentary), BBC, London

[132] Nozick, R, 1974. *Anarchy, State, and Utopia*, pp., 120-133. (Basic Books; New York)

[133] Ibid., pp., 21, 27, 158-159, 173, 218. For more, see also: Hayek, F, 1944. *The Road to Serfdom*. (Routledge; London); Hayek, F, 2006. *The Constitution of Liberty*. (Routledge Classics; London); Friedman, M, 2002. *Capitalism and Freedom*. (The University of Chicago Press; Chicago). Further criticism of neoliberalism is to be found in Chapter 3.

[134] For a broad view of the anarchist tradition see, for example: Guerin, D, 2006. *No Gods No Masters*. (AK Press; Edinburgh); Kinna, R, 2005. *Anarchism: A Beginner's Guide*. (Oneworld Publications; Oxford); Carter, A, 1971. *The Political Theory of Anarchism*. (Routledge; London); Horowitz, I. L, 2005. *The Anarchists*. (Transaction; New Jersey).

from Hobbes to Nozick: the continuing presence of external political power structures in human societies are not, by themselves, prima facie evidence of their legitimacy; instead some other, independent, justification for their existence is needed.

When Hobbes tells us that the social contract exists because it is the only way to stop the war of all against all, and Rousseau tells us that it is the only tool we have to restore some semblance of the natural freedoms we have lost through the corruption and inequality of the non-contractual state, and Locke tells us that we need the contract to cure the many 'inconveniences' of the state of nature, or Nozick tells us that we must ensure our mutual protection through contractarian agreements of mutual advantage; despite all holding a wide array of reasons and arguments for what the exact specifics of this independent justification might actually be, there remains within all of these theories a singular underlying contractarian *über*-argument that links them all: that human beings are, by nature, free and autonomous, internally-authoritative, interest-holding creatures who have the potential, natural disposition and prospective choice in life to live an unfettered existence of stateless self-rule; therefore for them to have chosen to create an artificial structure of external authority and give it political power over their lives is a decision which can only be justified on the understanding that doing so is the only possible way by which certain key interests that they hold can be achieved which, without the creation and maintenance of such politics, would otherwise be thwarted. In other words, that establishing political power X makes life 'better' for 'people' than they would be without it.

At its most base, 'better' for 'people' means as a starting point within all of these arguments, that the 'people' in question are able to *stay alive* longer with the creation of political power than they would do without it. This desire is rudimentary, and is found clearly stated in both Hobbes and Locke's fundamental laws of nature, as well

as implicitly within Nozick's acceptance of protection from harm as a valid justification for a minimal state, and is the crux of Rousseau's entire project: 'the purpose of the social treaty', Rousseau tells us, 'is the preservation of the contracting parties.'[135]

Whilst there is certainly much more to the story (the preservation of life, as we shall see, is by no means the *sole* justificatory purpose for the legitimate creation of external political power), the notion is a necessary prologue to any complete account of political teleology as ultimately, whatever other interests we might wish to fulfill and incorporate into our definitions of what exactly making things 'better' for 'people' might mean, we simply cannot fulfill any desires, goals and needs, or, indeed, *hold any interests at all* when we are dead; and so keeping ourselves alive will always be a key priority, upon which the pursuit of all other interests is made possible. Indeed, it is perhaps this constant awareness of our own fragility which helps motivate many of our other interests in the first place; as finite, self-conscious, and psychologically complex creatures with a conceptual framework of ourselves, others, the past, the present and the future, who live our lives under the constant and impending shadow of an inescapable death, it is possibly this knowledge of life's fleetingness which causes us to place significant value on the time in which we actually *are* alive. With the clock ticking, we strive to fulfill as many of our interests and as much of our potential as we possibly can before succumbing to the ineluctable – but utterly unpredictable and therefore, almost paradoxically, *unexpected* – day that we eventually decease.

Whilst we can prepare for, and accept the fatal dangers of unavoidable killers such as disease, age, decrepitude, etc, we cannot easily accept the *avoidable* hastening of

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[135] Rousseau, J. J (Betts, C, trans), 1999. *The Social Contract*, p. 71. (Oxford University Press; Oxford)

this grim but natural occurrence through circumstances or actions which we have the power to change or prevent. This attitude applies not only towards the conscious and intentional individual act of avoidable *murder* of one person by another – the most immediate and obvious catalyst for seeking inter-social protection we might imagine – but also towards any recognized unnecessary *systemic* killing: deaths caused by changeable conditions of life which, if altered, could have easily prevented certain fatalities.

In our present situation, perhaps that could be the recognition that certain life-threatening conditions of extreme poverty could be alleviated by a differently devised distribution of wealth; but for Hobbes it was changing the circumstances of war between all, for Rousseau it was recognizing 'men as they are, and laws as they can be',[136] for Locke it was getting rid of the 'inconveniences' of the state of nature, and for Nozick it was formalizing random acts of vigilantism into an organized system of security.

Of course, it must be made clear that preserving life, although clearly 'better' for 'people' than hastening their death, cannot be the only goal of a complete political teleology. If that were the case then there would be nothing wrong in calling legitimate a form of political power which ensured that each and every citizen under its auspices was drugged into a state of enduring unconsciousness and hooked up to a piece of medical equipment that kept them alive in this vegetative state for as long as possible.[137] Quite rightly there seems something wrong with equating the value people place on life with the simple biological fact of being *alive*. Yes we value life, but we value equally many other things as well which that life enables us to *do*; without the existence of other interests within our lives, our interest in staying alive

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[136] Ibid., p. 45
[137] An example intentionally similar to Nozick's 'experience-machine' counter-argument against utilitarianism: Nozick, R, 1974. *Anarchy, State, and Utopia*, pp., 42-45. (Basic Books; New York)

loses all rationale, becoming nothing more than the rather odd desire to witlessly experience continued breathing and synaptic activity for as long as possible.

This is why Nozick follows up his establishment of the dominant protection agency with a detailed remit of clauses and criteria to limit the scope of their interference in the lives they protect, and how the Rousseauian and Lockeian peaceful visions of the state of nature still lead to the creation of certain contracted protections *despite* not having the immediate chaotic violence of Hobbes' warring state. All four thinkers believed, to greater or lesser extent, that the preservation of life was only one in a wide array of things which a society required to ensure its citizens the *quality* of life that they desired and fulfill their essential interests both as individuals and as members of a community; making the social contract much more than just an instrumental assurance of one's continued existence, but rather a comprehensive inter-social commitment to certain ethical obligations ostensibly held by all.

2.4: Rawls and Constructing the Hypothetical Contract: Ethics and the Original Position

Dworkin famously stated that 'a hypothetical contract...is no contract at all',[138] and as I have claimed that the kind of social contract I am looking for is one which must be hypothetically applicable at all times and in all circumstances, the claim at first seems quite damaging. However, whilst I think that is arguably true in the *legislative* sense in which Dworkin, a legal scholar, was conceiving of contractual agreements, I think it is important to understand that the hypothetical ethical contract needed for justifying legitimate politics, although possessing a familiar contractual structure to the formal legal model, is not intended to equate exactly with a conventionally

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[138] Dworkin, R. *'The Original Position'*, in Daniels, N (ed), 1976. *Reading Rawls*, pp., 17-18. (Basic Books; New York)

understood legal contract. That sort of legal document, we might normally imagine, is one willingly drawn up between several cooperating parties, for mutually beneficial reasons, in order to agree to certain behaviours or actions which the participants would otherwise, were it not for the contract, have no interest in adopting or undertaking, in order for a particular agreed outcome to be achieved. However, the hypothetical contract we are looking for here is not a contract to *impose* a particular controversial arrangement between peoples, as in the traditional legal case (although it is necessarily framed as such when applied historically, for obvious reasons), but rather one to *assess* an already existing state of affairs that, it has been independently ascertained, requires a consent it does not yet explicitly have.

Once we recognize that the unshakeable natural autonomy of humanity necessitates the existence of a justificatory argument to explain the legitimate deference of individual self-sovereignty to an external social authority, then we are left with two choices: either attempt to work out what a suitable justification would be and see if it applies, or concede that any such justification is impossible and thus that any external authority structure is irresolvably illegitimate. As soon as we attempt to undertake the former task, then the very nature of such an enquiry, centring as it does around the question of consent and what it would take for rational and autonomous individuals to freely sanction an external authority over their own self-rule, leaves us with an inescapably contractarian project: the search for justifiable terms of agreement between individuals and the state regarding the limits and obligations of external political power over individual autonomous life. As there is no historical record of such a contract genuinely existing, and no compelling reason that, even if it had, a previously agreed pact from one generation should bind future generations to its claims, we are left seeking not proof of an actually existing contract, but rather an

empirically vindicated and rationally sustainable set of timeless clauses and criteria that we can apply *hypothetically*, and in perpetuity, to already existing sets of circumstances in order to see if they satisfy these newly-discovered conditions of legitimacy.

Recognizing both this, and the scope within the social contract tradition for agreements that go ethically further than mere preservation of life, John Rawls attempted, in *A Theory of Justice*, to save social contract theory from those critics who had denounced its plausibility or purpose, and reconstruct the idea into precisely this sort of timeless and hypothetical thought experiment, accessible to all, by which he could discover the conditions of justice which *any* political constitution, past, present or future, must operate within if they are to be considered objectively *just*.

Rawls argued that 'justice is the first virtue of social institutions' and that 'laws and institutions no matter how efficient and well-arranged must be reformed or abolished if they are unjust.'[139] To discover what exactly the criteria of 'justice' were though, by which institutions and laws would be assessed, Rawls came up with an ingenious methodology: a rationally constructed social contract argument, which would attempt to discard unsubstantiated speculations about pre-political life and historical states of nature that may, or may not, have happened; and rely only upon what Rawls believed to be rationally constructed principles, extrapolated from already existing verified facts and confirmed intuitions: in other words, by creating hypothetical conditions in which ethical constructivism could flourish.

For Rawls, arguments about the historical accuracy of differing conceptions of the state of nature had missed the point; it wasn't necessary to determine how an actual pre-political state of nature might have been in order to work out viable doctrines of

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[139] Rawls, J, 1999. *A Theory of Justice: Revised Edition*, p. 3. (Oxford University Press; Oxford)

justice and legitimacy, but only to imagine a *hypothetical* place, situated *before* any particular laws or institutions had been devised, which recreated a pre-legal state in which people could reasonably construct, without prejudice, the principles on which legitimate government could be justified, based only on what they could plausibly assume to be true about human interests and unfettered by the biases and influence of distorting social trappings. Rawls called this place 'the original position'; a 'conception of justice which generalizes and carries to a higher abstraction the familiar theory of the social contract'.[140] Essentially, 'the principles of justice for the basic structure of society are the object of the original agreement. They are the principles that free and rational persons concerned to further their own interests would accept in an initial position of equality as defining the fundamental terms of their association' and would 'regulate all further agreements'.[141] The original position attempted to imagine members of a society stripped down to their basic core, as self-interested, rational, and autonomous individuals, and then in this hypothetical 'state of affairs in which the parties are equally represented as moral persons and the outcome is not conditioned by arbitrary contingencies or the relative balance of social forces',[142] envision what it would be likely such people would agree upon as fair principles of justice.

> Among the essential features of this situation is that no one knows his place in society, his class position or social status, nor does he know his fortune in the distribution of natural assets and abilities, his intelligence, strength and the like....the parties do not know their conceptions of the good or their special psychological propensities...This ensures that no one is advantaged or disadvantaged in the choice of principles by the

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[140] Ibid., p. 10
[141] Ibid
[142] Ibid., p. 104

outcome of natural chance or the contingency of social circumstances. Since all are similarly situated and no one is able to design principles to favour his particular condition, the principles of justice are the result of a fair agreement or bargain.[143]

Rawls uses this 'veil of ignorance' because he feels that 'the arbitrariness of the world must be corrected for'.[144] He recognized that despite our common humanity suggesting the logical possibility of the existence of a core set of shared human interests it might be reasonable to assume are universal to all, specific social situations and cultural inheritances have shaped people's individual interests in existing societies towards a biased and distorted relativism, unduly influenced by the particular arbitrary circumstances of their current life situations. The device of the veil is an attempt to combat this, and successfully tackles Rousseau's criticism of Hobbes, or my criticisms of Nozick's unjustifiably cynical conception of humanity, by trying to eliminate from the participants in the contract any contemporary corruptions or ideological distortions that might negatively influence objective deliberation.

Instead of, for example, business leaders deciding only upon *business* friendly principles in the original position, manual workers deciding only upon *labour*-friendly principles, men deciding on *patriarchal* principles, women deciding on *matriarchal* principles and all manner of slanted, self-interested, rationalisations being unwittingly put forward under the guise of universal 'human' interests; by not knowing anything more than the mere generalities of their condition – that they are human beings living in a society and bound to follow whatever principles of justice their agreements shall yield – Rawls posits that participants in such circumstances would be more likely to choose fairly, on universally defensible principles of shared human interest, rather

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[143] Ibid., p. 11
[144] Ibid., p. 122

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than on subjective and unvindicated empirical assumptions or foundations of esoteric and unsubstantiated partisan metaphysics. Further still, once sound conclusions about justice have been derived under these impartial conditions, those principles would be capable of exposing some of the *injustices* of contemporary institutions, creating a comprehensive critical tool against which the legitimacy of existing structures of political power, trading on claims of justice, can be assessed.

Justice, therefore, is 'fairness', according to Rawls, because in such an 'original position' only the most irrational gambler would agree to principles of justice that were hugely biased in favour of a specific social group at the expense of all others, because they would not know on which side of the divide they would be living upon their return to society. In fact, under the veil of ignorance, they wouldn't even know enough about their own individual psychology to know if they *were* such a gambler, and capable of making such an irrational decision in the first place. Each participant, even by voting completely in their own self-interest, could only ever justifiably choose principles that were fair to all, based only on uncontroversial, person-unspecific, universal knowledge of the shared human condition.

For Rawls, therefore, making things 'better' for 'people' means ensuring that the conditions of justice, yielded from the original position, are upheld. If the basic structures of political institutions are organized properly along these universally applicable principles of justice as fairness, then a society could be considered as just, Rawls contended, regardless of how the free individual choices and decisions made by people within such a just society, outside of the parameters of justice, made individual lives ultimately turn out. Rawls took these principles of justice as the foundations for procedural justice within a society, from which all else would follow.

This idea of 'pure procedural justice' was fleshed out and taken further in Rawls' later books, where he devised a unique model of liberal pluralism. As the original position, due to its timeless and universal hypothetical nature, is understandable and obtainable by *anybody* of any creed, religion, or other comprehensive doctrine (because it brackets such individual cultural and ideological differences as being 'arbitrary from a moral point of view',[145] and reduces all people to only their universal and common elements as rational and reasonable individuals); Rawls argued that 'justice as fairness' expresses 'shared and public political reason' and that 'to attain such a shared reason, the conception of justice should be, as far as possible, independent of the opposing and conflicting philosophical and religious doctrines that citizens affirm'.[146] Recognizing societies as 'a fair system of cooperation over time, from one generation to the next'[147] and individual citizens as free, autonomous individuals with the moral power to 'form, revise, and rationally pursue a conception of the good';[148] he claims that in a 'well-ordered' society it is essential to make the distinction between comprehensive individual religious, philosophical and moral doctrines that people may choose to hold in their private lives, and a public philosophy of mutually agreed 'overlapping consensus on a political conception of justice'.[149]

Rawls steps away from the more abstract thought of *A Theory of Justice* in his later work and places his analysis in the specific context of the Western liberal tradition, assuming three 'general facts' which he believes necessitate this 'fact of reasonable pluralism'[150] and justifies an 'overlapping consensus' of public philosophy in Western

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[145] Ibid., p. 63
[146] Rawls, J, 1996. *Political Liberalism*, p. 9. (Columbia University Press; New York)
[147] Ibid., p. 15
[148] Ibid., p. 30
[149] Ibid., p. 65
[150] Ibid., p. 36

democratic societies. Firstly, that the diversity of reasonable comprehensive doctrines is a permanent feature of the public culture of such a democracy, and no one comprehensive view can realistically ever be satisfactorily 'proven' as being *the* comprehensive religious, philosophical or moral *truth*. Indeed, as a second general fact, Rawls believed that 'a continuing shared understanding on one comprehensive religious, philosophical, or moral doctrine can be maintained only by the oppressive use of state power.'[151] As a result of this, the only way to avoid sectarian divisions and factions within a society, or ideological tyranny, is to ensure that the 'public basis of justification for a constitutional regime…must be one that can be endorsed by widely different and opposing though reasonable comprehensive doctrines.'[152] Put succinctly:

> To say that a society is well-ordered conveys three things: first…it is a society in which everyone accepts, and knows that everyone else accepts, the very same principles of justice; and second…its basic structure – that is, its main political and social institutions and how they fit together as one system of cooperation – is publicly known, or with good reason believed, to satisfy these principles. And third, its citizens have a normally effective sense of justice and so they generally comply with society's basic institutions, which they regard as just.[153]

What matters here is this continuing idea found in Rawls, that a social contract does not need to be some long-forgotten document, or actual state of historical agreement, but can simply be defined as the only reasonable conceptual framework by which an institution's legitimacy can be rationally assessed; and that this conceptual

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[151] Ibid., p. 37
[152] Ibid., p. 38
[153] Ibid., p. 35

framework, and the procedural justice of the basic structure of society that such a conceptual framework permits, whilst still allowing for a free pluralist diversity of defensible individually held comprehensive doctrines, must, in the public sphere, take into account only those facts that are universal and applicable to all autonomous individuals when determining externally authoritative rules which are intended to be observed by all.

For Rawls, no matter how socially, or individually, recognized they may be, objectively speaking, reasonably held yet unproven comprehensive social, religious, and philosophical viewpoints and particular cultural contingencies are ultimately 'arbitrary from a moral point of view'.

This idea must be momentarily dwelt on, as it does seem that Rawls is advocating the rather paradoxical notion that morality itself be arbitrary from a moral point of view if one is not allowed to bring their moral convictions into public questions of procedural justice. Indeed, this seeming problem has been highlighted by Sandel as an inherent flaw in liberal political theory as opposed to traditional communitarian republicanism.

> Liberal political theory does not see political life as concerned with the highest human ends or with the moral excellence of its citizens. Rather than promote a particular conception of the good life, liberal political theory insists on toleration, fair procedures, and respect for individual rights – values that respect people's freedom to choose their own values. But this raises a difficult question. If liberal ideals cannot be defended in the name of the highest human good, then in what does their moral basis consist?[154]

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[154] Sandel, M, 1998. *Democracy's Discontent*, p. 8. (Belknap Press; Harvard)

As we have already seen, Sandel, and communitarians like him, see a fundamental problem in the liberal's conception of the self as an abstract and 'unencumbered' entity, not situated in any particular social circumstances or within any of the comprehensive doctrines Rawls rejects. 'Encumbered identities such as these are at odds with the liberal conception of the person as free and independent selves, unbound by prior moral ties, capable of choosing our ends for ourselves',[155] Sandel claims. Further still, Sandel shows that in some hard-case examples, the idea of an unencumbered self obeying public procedural justice, independent of more comprehensive individual moral doctrines, simply *cannot* work as mere independent arbiter of public policy, because the allegedly 'independent' outcome of such decisions are actually unwittingly taking a particular moral side. For example, when the procedural republic deals with the question of controversial medical procedures such as abortion; by disallowing comprehensive religious viewpoints from the public discourse which see abortion as a form of murder, Sandel argues that the procedural republic is forced to discount such claims, and thereby judge on the case of abortion in a way which would not be acceptable to all, but would instead be completely morally unacceptable to holders of those comprehensive doctrines and, in their view, permit horrific acts of murder within their society.[156]

I believe that this critique is a weak one which misses the underlying point of Rawls' argument; a misunderstanding which comes from not recognizing the vital distinction between objective legitimacy and merely socially-recognized legitimacy – a major flaw with the communitarian position as a whole.

Whilst perhaps there are some aspects of the Rawlsian conception of the self which are questionable, and it is arguable that certain pieces of information deemed

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[155] Ibid., p. 12
[156] Ibid., pp., 100-103

expendable by the 'veil of ignorance' could be disputed; luckily, the means to evaluate and reassess the Rawlsian conception exist within the very construction of his theory. If one can vindicate the claim that certain key elements of the self are missing from an abstract liberal account and place a substantiated objection to that account, then it can be rectified and adjusted to the objectively supported standard which has been reasonably argued for. The communitarian alternative, meanwhile, seems much more problematic, positing, as it does, that the self is entirely constituted by the social circumstances of its particular situatedness, with normative values and ethical answers to be found not in rationally constructed abstract universals, but in the concrete conditions, conventions and traditions of already existing societies. Such a view leaves little room for questioning the various relativisms of a particular society's socially-recognized claims, and assessing its norms and values with any objectivity; instead it relies on the extremely troubling idea that, although open to the possibility of slow, gradualist discussion and progressive change, whatever a particular society or social group hold to be right or wrong at any given time, simply *is* right or wrong.

This default assumption that a social group has the indisputable right to define its own moral universe by whatever agreed ethical standards it collectively decides upon, is what leads to Sandel's confusion regarding the non-neutrality of the neutral state. He is confusing Rawls' reasonable demand that conflicting ethical positions be debated publicly in non-controversial terms comprehensible to all, for the demand that holders of certain controversial comprehensive religious, philosophical, or moral claims cannot express their views at all. This is not what Rawls is doing, however, and why Rawls is *not* calling morality itself 'arbitrary from a moral point of view'.

Whilst it *is* true that those who hold, say, comprehensive religious moral doctrines in Rawls' procedural republic cannot bring their religious orthodoxies into public

debates; it is not true that they cannot still argue for their ethical position in *non-religious, publicly understandable* terms of defendable rationale. On the issue of abortion, for example; although the overtly religious argument 'abortion is wrong because god forbids it', is unacceptable in public discourse because it relies upon both an unproven god, and particular unvindicated claims to have accurately interpreted that alleged god's words; what it does *not* forbid, is the holder of an individual comprehensive religious doctrine bringing an anti-abortion argument to the table on universally recognizable, publicly comprehensible terms, such as potential scientific proof of a foetus' status as a person, its capacity to suffer, the strength of its position as a *potential* person, etc. Indeed, the principle which disallows comprehensive religious, philosophical and moral doctrines from public debate is the same principle which ensures public policy is not capriciously decided on equally unsubstantiated, less socially-recognized, beliefs. It seems self-evident that the argument 'abortion is right because the man in the moon said that it is so', or 'abortion is wrong because my imaginary friend Bob says that it is' would not satisfy most people's criteria for reasonable justification, and all Rawls is doing is taking that self-evidence to its logical conclusions, regardless of a particular unvindicated view's social popularity.

The same is true of any other comprehensive philosophical and moral doctrines – whilst one would not be permitted to argue for a particular position because 'it conforms to my hypothetical meta-narrative of dialectical necessity', or 'is the pre-destined function of our historical thrust towards the inner child'; one *would* be permitted to put forward any universally recognizable and publicly comprehensible arguments which would support the same positions on objectively defendable grounds.

All the idea of ethical constructivism and the procedural republic actually does, is force the encumbered self to look beyond the unquestioned platitudes of their encumberment; beyond socialization, indoctrination, and other forms of cultural custom and belief, and put forward rational and factual arguments (to the best of their knowledge) using mutually agreed, objectively verifiable, public language and terms of discourse, to support their positions on a basis more convincing than mere faith or habit. Indeed, it demands analysis of one's presuppositions and moral assumptions in a way which, to borrow and extrapolate on a concept put forward by Dawkins, raises the social consciousness to a level which no longer accepts with prima facie respect, the random assertions of organized superstition.[157]

If any moral position held as a result of a comprehensive religious, philosophical or moral doctrine can be argued for convincingly in secular, publicly comprehensible terms, then it can happily be considered as part of the public discourse; but positions with no intellectual recourse but 'so it is written in the scriptures', or 'I know in my *gut* that it is true', quite reasonably, are exposed as the untenable positions that they are, based not on supportable truth-claims, but only in questionable customs or insubstantial faith; 'beliefs' which when 'formed exclusively in this way have dubious rational credentials.'[158]

What Rawls then is really doing when he calls something 'arbitrary from a moral point of view' is implicitly acknowledging that an underlying ethical contract of political teleology must be understood before we can even begin to analyse the justice of specific political institutions. He is saying that if we were to strip ourselves out of the socially-contextual and circumstantially random collection of comprehensive doctrines, and social, cultural or even *genetic* differences which arbitrarily separate us

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[157] Dawkins, R, 2006. *The God Delusion*, p. 27. (Bantam Press; London)
[158] Smith, M, 2000. *The Moral Problem*, p. 189. (Blackwell Publishers; Oxford)

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from our common humanity (in other words, enter into a *moral* state of nature), we can come to understand our universal core as human beings: rational autonomous individuals who hold certain shared innate and universal interests as a *species* which we need fulfilled, and which it ought to be the legitimate purpose of politics to uphold.

No matter how important they may be socially recognized as being, *all* of those things left behind the veil of ignorance, the trappings of culture, socialization, indoctrination, etc, *are* arbitrary from a moral point of view if we are attempting to obtain an objectively legitimate and unbiased understanding of what particular interests human beings might hold in common, as equal members of a shared species, and on which to base a plausible conception of justice.

Whilst perhaps the validity of Rawls' particular concluded principles of justice could potentially be brought into question, and the specific terms of his original position, veil of ignorance, conception of the unencumbered self, assumptions about the procedural republic, overlapping consensus, and even the question of the primacy of justice and the right as the cornerstone of ethical justification, could all be up for debate; I think the basic methodological idea contained with *A Theory of Justice* is right. The only way in which we can determine the underlying principles of social contract necessary to legitimate external structures of political power (of discovering an objectively defensible account of what making things 'better' for 'people' might sensibly mean) is through the hypothetical establishment of a reasonable and vindicated doctrine about plausibly extrapolated key human interests and social goals, the fulfillment and protection of which must be understood as the sole justifying purpose of politics. Indeed, I think that this is a social contract which must come *prior* to analyzing the abstract nature of justice and the specific principles of a

procedural republic as Rawls did, a contract that answers first the unasked question of *why* we must assure that our political institutions are committed to justice, before we can attempt to work out what shape that justice might take.

2.5: Political Teleology Outside of the Social Contract Tradition: The Universality of the Necessary Contract

What we know then is this: all justifications for the existence of external structures of political power over autonomous human life that we have hitherto seen, have been based on some interpretation of the same underlying idea: that political power X is justified because its existence makes life 'better' for 'people' than it would be without it. My claim is that this same basic argument of political teleology is universal and necessary in justifying *any and all* artificially created structures of external political power over an otherwise autonomous populace. However, the existence of this underlying contractarian argument has only been shown, so far, to be manifest within the justificatory arguments of the social contract tradition. Before we start the important task of deciphering what this claim might reasonably be said to mean, and constructing a comprehensive objective account of what this political teleology implies (who ought to count as 'people' and what, therefore, can we plausibly say would make life 'better' for them) we must look briefly beyond the social contract tradition and to alternative attempts at justifying external political power.

On the one hand, I have already said, the necessity for a vindicated account of political teleology is absent in those coercive political regimes which make no attempt at justifying their existence to their populace; but on the other, it is quite unsurprising that an underlying contractarian argument has been found at the bottom of the social contract tradition. If this political teleology is to truly be considered to apply

universally to *any* form of external power it must be shown to have capital within not only democratic and overtly consensual political systems, but in the justificatory arguments for *any other* type of artificial politics that attempts to claim legitimacy for its rule.

For example; the fascist ideology of a regime such as the Nazis in Germany, on the surface, couldn't seem further away from shared assumptions of traditional social contract theory. But a more nuanced look reveals that even a political system as authoritarian as Nazi fascism, when it attempts to justify its authority, cannot avoid relying on this same implicit ethical contract argument, albeit an incredibly flawed interpretation of it. For Nazis, their contract was simply one which only recognized only a limited group, Aryan Germans, as the 'people' to be given this moral consideration, and therefore ensured a 'better' life only for them, even if that supposedly 'better' life had to be taken through brutality and force from those who were considered *not* worthy of moral consideration (Jews, Blacks, Homosexuals, etc).

We shall soon see exactly why such thinking was rationally untenable, but what must be made clear is that, mistaken as the Nazi interpretation of the argument was, it still bore beneath it the same underlying principle of necessary political teleology whenever articulating its defence. Even an ideology as heinous as that of Nazism needs followers if it is to obtain power and achieve its particular goals, and the reason it managed to get those followers is because it found people 'simple enough to believe' in its uniquely twisted interpretation and cashing out of an underlying ethical argument that *all* of us recognize, in one form or another, as being true: that political

power X is justified if it makes life 'better' for 'people' than they would be without it.[159]

As Erich Fromm observed, after reading *Mein Kampf*:

> Usually Hitler tries to rationalize and justify his wish for power. The main justifications are the following: his domination of other peoples is *for their own good* and *for the good of the culture of the world*; the wish for power is rooted in the eternal laws of nature and he recognizes and follows only these laws; he himself acts under the command of a higher power – God, Fate, History, Nature; his attempts for domination are *only a defence against attempts of others to dominate him and the German people*. He wants *only peace and freedom*.[160]

The extermination of Jews was not sold to the German people as an intentionally evil and morally repugnant policy which could and *should* have been avoided; it was framed to those citizens who Nazi ideologues considered 'people' as being a necessary task on the ostensibly honourable and just road to making life 'better' for them and their families. The same can be said for the atrocities committed under Stalin in the 1930s and '40s. Brutal purges, torturous gulags, and the continuing oppressive infringement on people's freedom of thought, were not explained to the Russian people as the gross human rights violations or unvindicated crimes that they were; they were instead put forward as being regrettable but necessary evils, curbing 'counter-revolutionary' activities in order to ensure the success of the revolutionary

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[159] Hannah Arendt attempted to explain the exact socio-historical circumstances which can lead to a population becoming 'simple enough to believe' such an ideology. See: Arendt, H, 1973. *The Origins of Totalitarianism: 5th Edition.* (Harcourt Brace Jovanovich; New York), whilst Adorno and Milgram investigated the *psychological* conditions that might cause such thinking. See: Adorno, T (et al), 1950. *The Authoritarian Personality.* (Harper; New York); Milgram, S, 1974. *Obedience to Authority: an Experimental View.* (Tavistock Publications; London)

[160] Fromm, E, 2003. *The Fear of Freedom*, p. 195. (Routledge Classics; London) (emphasis added)

project and achieve the industrialization that would, so it was claimed, make life 'better' for those non-bourgeois proletarians his regime considered as the 'people'.

Indeed, all totalitarian regimes justify their practices *explicitly* by using the exact same underlying ethical argument that we have seen is used within liberal, social contract democracies, albeit a strictly defined (and as we shall soon see, untenable) interpretation of it. The very nature of totalitarianism requires at its core an overriding official ideology which justifies the coercive centralized control of all other aspects of political life. In the 1960s, Friedrich and Brzezinski identified six phenomenological characteristics of totalitarianism that, until recent years, became a standard textbook classification of the subject.[161] Whilst their purely descriptive approach has rightly been criticized as not being a viable tool for sufficiently detailing the full complexities of the issue for social research, and for failing to offer much more in its 'analysis' than a fairly flimsy, politically motivated, check-list of potentially arbitrary circumstances seemingly common to societies *already* designated as 'totalitarian', within even this flawed and basic model lies an important, though understated, point: whatever the specific totalitarian characteristics might be of a particular system of government, what is unmistakable within them all is the necessary presence *first* of 'an official ideology incorporating a vision of the ideal state, belief in which is compulsory',[162] and the trend for severe punishment of any unorthodoxy that strays from that ideological dogma. In other words, a professed and explicit belief from those claiming political power that they know *precisely* what making things 'better' for 'people' must entail; an *absolutist* political teleology based in an absolutist conception of human purpose, from which everything else is, theoretically, justified.

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[161] Friedrich, C and Brzezinski, Z, 1969. *Totalitarian Dictatorship and Autocracy: 2nd Edition.* (Praeger; New York).
[162] Goodwin, B, 1997. *Using Political Ideas: 4th Edition*, p. 170. (Wiley; Chichester)

The same thing can be said about theocratic political systems which demand strict adherence to fundamentalist interpretations of certain religious texts and punish, or even execute, those members of their society who disobey them. Instead of a *political* ideology guiding their actions, they gain their absolutist vision of what they believe, unquestioningly, *is* 'better' for 'people' from similarly devotedly held *religious* beliefs, but the underlying argument remains the same: they do not justify their actions to citizens by saying that they are impinging on their freedom of thought or attempting to repress their choices; they believe their actions are legitimate because they believe that what they are doing will ultimately lead to salvation, and that the real harm to the citizenry is being caused by those individuals who ignore what they, their religious leaders, understand as being 'god's will'. It is on this basis that they attempt to claim their legitimacy: they make life 'better' for 'people' because they ensure that the people they rule over do what god wants them to do, which, they believe, is the sole purpose of life and thus the only valid basis for a justified political teleology.

What these examples have hopefully shown is that whilst the underlying argument is universal and necessary, the *cashed out conclusions* of that argument are not. For an artificial construct of political power to be erected by people over and above their previously unfettered existence *legitimately*, an argument must always be made, unavoidably utilizing both a teleological theory of the valuable goals of human life, and a teleological idea that it is politics' purpose to help its citizens achieve those goals – that political power X is justified because it makes life 'better' for 'people' than they would be without it. However, such a vague and unformed argument can allow for a variety of controversial interpretations about who counts as 'people' and what, therefore, would be 'better' for them, and there seems something terribly wrong about an allegedly *ethical* argument, which at the same time as it can be used to

legitimate, say, a consensual democratic structure, can also seem to work as a justificatory argument for Nazi fascism or oppressive ideological fundamentalism. Without a more objective account of political teleology and a clearer and compelling argument about who ought to count as the 'people' for whom politics is to make things 'better', there is nothing by which to assess each particular authority's unique interpretation on which their particular claims to legitimacy are grounded. Unable to do this, the underlying ethical argument on its own seems not only toothless, but capable of allowing potentially cruel and dangerous regimes to establish themselves, under misleading mantles of perceived legitimacy.

In other words, unearthing the universal structure of the underlying ethical contract gives us only half of the picture regarding the ethical justification for external political power: we still need to analyse and assess the *terms* of the contract we have discovered. Until we can plausibly construct an objectively valid interpretation of what exactly making life 'better' for 'people' can reasonably be said to mean, awareness alone of this underlying argument is not enough. Indeed, one doesn't even have to look to the extremes of totalitarian dictatorships to see the potential for interpretative abuse of the contract's undefined clauses. Famously, the U.S. Constitution begins 'we the people', but as historian Charles Beard points out; four groups are not included within this definition of 'people': 'slaves, indentured servants, women, men without property. And so the Constitution did not reflect the interests of those groups.'[163] Let us never forget also, how earlier in America's history, native Indians too, were discounted as 'people', as those who were not massacred were herded into reservations and ousted from their homes to make room for the invading settlers searching for a 'better' life for their 'people' on newly discovered shores.

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[163] Beard, C in Zinn, H, 1995. *A People's History of The United States*, pp., 89-90. (Harper Collins; New York)

Meanwhile, one need not look far into Britain's colonial past to see similarly brutal denials of the moral standing of certain groups of people living in invaded countries renounced as ignorant savages, or as Mark Curtis has termed them, 'unpeople'[164].

Once we have reached a defensibly constructed account of *objective* political teleology, however, and ascertained who we can justifiably say ought to count as 'people' and what we can reasonably claim to know would make life 'better' for them, then the underlying ethical contract can finally become a comprehensively critical tool with which to meaningfully evaluate the validity of each competing interpretation, and offer a complete account of the justificatory minimum number of ethical obligations a legitimate structure of political power must have to its citizens.

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[164] Curtis, M, 2004. *Unpeople*. (Vintage; London)

3. Who Are 'The People', And What Is 'Better' For Them?

'The point of judgements of right and wrong is not to make claims about what the spatiotemporal world is like. The point of such judgements is, rather, a practical one: they make claims about what we have reason to do...In order to show that questions of right and wrong have correct answers, it is enough to show that we have good grounds for taking certain conclusions that actions are right or are wrong to be correct, understood as conclusions about morality, and that we therefore have good grounds for giving these conclusions the particular importance that we normally attach to moral judgements.'

- Thomas Scanlon, *What We Owe To Each Other*[165]

3.1: An Inclusive Definition of 'People'

Political power X is justified on the basis that its existence makes life 'better' for 'people' than it would be without it. That is the essence of political teleology; an intractable basis of contract which lays out the essential justificatory goal underlying all artificially constructed structures of external political power, without which such institutions cannot be called legitimate. Without this basic teleological underpinning to the endeavor of formal politics, there is no reason why rationally autonomous individuals would opt to sacrifice their self-sovereignty for external governance; as soon as there *is* good reason for such a move to be made, then that reason ineluctably becomes the purpose of their politics, making all such politics necessarily teleological.

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[165] Scanlon, T. M, 1998. *What We Owe to Each Other*, pp., 2-3. (Harvard University Press; Cambridge)

Whilst the contractualist structure of this political teleology is the same in every case, the *individual interpretations* made by the citizens and government of each particular society regarding the meaning of this necessary contract, however, can differ radically . The contract, therefore, whilst universal in its necessity, is not so in its application, which means that there is now an urgent necessity to construct an objectively defensible account of what the terms of this ethical obligation *ought* to mean *universally*; an objective account of political teleology beyond its basic contractualist structure which tells us more than vagaries; not simply *that* political power X is justified on the basis that its existence makes life 'better' for 'people' than it would be without it, but who we can plausibly claim ought to count as 'people' within such an agreement, and what, then, we can therefore reasonably say would entail making life 'better' for them.

The answers to both of these questions will be logically interlinked. Returning briefly to our dictatorships and fundamentalist theocracies; it seems clear that an account of what might plausibly be said to make life 'better' for 'people' becomes a radically different thing depending on whether or not the 'people' in question means *all* people within a given community, or simply refers only to members of a specific ethnic, economic, or religious group. Likewise, once our definition of 'people' has been determined, the sort of things we then attempt to define as being 'better' for them cannot help but reflect back upon our original definition of who counts, and either confirm its assumptions, or expose its faults.

If an exclusionary social contract recognizes as 'better' for its narrowly-defined group of 'people', protection from X, but does not offer that same protection to similarly affected members of the society *not* recognized as 'people', but equally in danger from X; then the argumentative basis for offering such protections must be re-

assessed and, if the given argument applies equally to those individuals who are not currently considered as counting within the accepted definition of 'people', then either the scope of the original definition will have to be extended, or the argument for protection in the first place must be rejected.

In short: in a process similar to Rawls' 'reflective equilibrium', each section of the argument informs the other until a final, balanced, account is eventually achieved.

We must begin this account, then, with what we know to be the case so far: that this is an ethical social contract which is used *universally*, in all instances of human governance, to attempt to justify any artificially created external structure of political power erected over a naturally autonomous, and thus self-sovereign, humanity. This fact, combined with the subsequent fact that what we are looking for here is an *objective* and *universally applicable* account of that contract's terms, immediately suggests that the definition of 'people' which we are looking for might well be one inclusive of *all*. Further evidence of this comes from the fact that the ethical contract itself is predicated on a claim about a universal feature possessed by all human beings: their natural autonomy and ability for self-rule. It is the apparent universal tension between this natural individual sovereignty and the ability for such sovereign-selves to successfully fulfill all of their competing needs and interests by themselves (both individually and as a community) that is the core justificatory basis for establishing an institutional framework of externally authoritative political power over natural society in the first place. It follows, therefore, that objective political teleology must be equally universal in scope, based on a similarly derived understanding about the plausible goals and purpose of *human* teleology that are apparently frustrated in the pre-political state and which lead to the creation of a purpose-built politics to enable their fulfillment.

One cannot sensibly imply that a government must be established to facilitate X, Y, and Z for its citizens if it has not first been shown that X, Y, and Z are the endorsed goals and interests of the citizens in question.[166] Likewise, if X, Y, and Z are the endorsed goals and interests of *all* citizens, but the government established to supposedly facilitate those goals and interests only promotes and supports the special interests P, Q, and R, of a particular *group* of citizens, with P, Q, and R benefiting that one group greatly whilst serving only to damage the possibility of anyone else achieving the X, Y, and Z that they require; then it would be impossible to call such a government legitimate under the justificatory terms of the underlying ethical contract.

That said, we must briefly ask whether or not there *might* be a justifiable reason to discriminate between certain groups of people. Although its justificatory basis is not immediately obvious, *could* there be suitable grounds for a legitimate political power to aid only the goals and interests of a certain 'elite' group of people rather than only those endorsed goals and interests which are universal to all over whom they are demanding political authority?

I believe that this question can be answered by recognizing that the essential appeal to universality within the very foundations of the ethical contract has certain necessary ramifications regarding the legitimate cashing out of its terms. If we agree that, all things being equal,[167] human beings *are* the rationally autonomous individuals depicted in the framework of the ethical contract, then we must also agree then, that any legitimate interpretation of that contract must also be one which can be

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[166] Nor, in fact, if it hasn't first been established also that X, Y, and Z are impossible to achieve *without* such help.

[167] The mentally-handicapped or incapacitated, whilst *theoretically* capable of rational autonomy due to their biological and psychological heritage, might not have the same faculties for utilizing those capacities as the fully-abled, but this does negate the argument for universality; it simply adds an interesting question about the possible need for paternalism regarding those genuinely incapable of making their own rational autonomous choices, which does not – in itself – legitimate external *political* authority.

understood and approved by *all* such autonomous individuals, or else they will have no basis on which to supply their necessary consent to the compact, without which, its arrangement becomes moot. Furthermore, due to the necessary role of political teleology within the ethical contract, there comes also the requisite consequence that anyone who does not recognize the facilitation of *their own* goals and interests within the proclaimed purpose and actions of synthetically erected political institutions allegedly there to do just that, will equally not recognize any compelling reasons to award such institutions with their willing acquiescence.

It is for this reason then, that it seems hard to deny the scope of the validating ethical contract as being one which must necessarily be inclusive of *all* people; both those within the immediate legal auspices of an established political power, and also those whose lives will in any way be affected by the actions of said power. Returning to O'Neill's 'plurality, connection, and finitude'; on the basis of political power's inherent person-affecting nature, not just within its own agreed territorial boundaries but potentially anywhere across the *world* where the effects of its various acts and policies will be felt, there seems no plausible way to pick out any potentially affected individual, or group of individuals, as being justifiably excluded from our ethical consideration without such an exclusion being completely arbitrary.

Although there are many differences between individuals, the basis of the legitimate social contract lies not in a claim about making life 'better' only for a select few 'people', but on a claim about *all* people and a feature of their shared humanity: their rational autonomy. Superficial differences make no difference to the initial claim that *as a species* all human beings are naturally rational and autonomous beings with the capability for their own self-rule, for whom the creation of external structures of authoritative political power must be compellingly justified if they are to be

legitimate. As such, to exclude any members of that rationally autonomous species from our moral consideration would be to exclude them from *the contract itself* and return them to their original state of self-sovereignty, unbound to the edicts of the external power.

It seems fair to say then that, at this point, we can reasonably assume that the 'people' for whom a legitimate structure of political power must make life 'better' if its existence is to be justified, must mean *all* people who will be affected by its actions. Perhaps we will find during the course of our investigation that this current definition *is* too broad and there actually *are* justifiable reasons for excluding certain groups or individuals from the ethical consideration of external politics; but until we do we have no good reason to assume the exclusion of *anyone* from our definition of 'people' and so shall begin our enquiry into what making life 'better' for 'people' might plausibly mean, on this universalist understanding that the 'people' we are referring to is a definition inclusive of all.

3.2: From Species-Facts to Species-Interests: Making Life 'Better' for All

If the 'people' the ethical contract is concerned with includes everyone over whom the political power in question is seeking to claim authority, then our account of what would plausibly make life 'better' for them must be equally universal in its scope.

To work out the ethical obligations of an objectively constructed political teleology we cannot look at the problem in terms of *individual* goals and interests which are contextually different from person to person, but must look instead at what we can reasonably claim to be the universally held goals and interests of *all*.

The precise problem of the pre-political state is the assumption that each autonomous individual has their own rationally-derived goals and interests which they

wish to achieve and fulfill in their life, but that the unrestricted attempts made by each

rationally autonomous individual to do that by themselves will lead to conflict, chaos,

and, ultimately, the continued frustration of those needs and desires. The claim that

life under the authority of an external political power will be 'better' than a life of

self-rule is, therefore, at its core, the claim that achievement and fulfillment of these

goals and interests will be better facilitated. But it is important to note that 'better'

facilitated is not necessarily a guarantee that any and all goal or interest will be

facilitated unquestioningly; the task for legitimate politics is not to perform the

impossible, but to find a way of ensuring that *all* people manage to achieve and fulfill

their goals and interests *as much as is possible compatible with a system of equal*

achievement and fulfillment for all.

There are many types of goal and interest; some might be communal or group

interests, such as a shared but context-specific interest held only by members of a

particular community or group; others are individual-specific, the arbitrary whims and

desires of each singular person based on the contingencies of their own particular life-

situation.

Whilst the ability to achieve and fulfill all of these sorts of goals and interests would

certainly make life 'better' for people than it would be without there being such an

opportunity available to them, a *universalist* understanding of the underlying ethical

obligations which bind legitimate political power cannot be grounded in the

particularist details of the specific goals and interests of individual communities,

groups or persons; it must instead seek its foundational framework only within a third

category of interests: those which I shall be calling universal *species-interests.*

To objectively construct a defensible account of what would make life 'better' for *all*

people, as demanded by the agreed terms of the ethical contract, a legitimate political

teleology must be understood, at its bare minimum, as the obligation to protect and

facilitate first and foremost those core goals and interests which are held universally

by all: goals and interests innate to our very being. To do this, and ascertain exactly

what these universal interests might be, we must construct our account of those goals

from an almost 'original position' understanding of the human individual, stripped of

their various contingencies and the prejudices of their own particular individual-

specific and communal goals and interests, and ignoring the manifold differences

between people which are 'arbitrary from a moral point of view'. However, as my

aim here is not to then discover an abstract theory of political justice as Rawls did, but

to work out from this original position the very criteria of the 'moral point of view'

itself and discover what universally held ethical principles, if any, we can extrapolate

from any universally-shared interests we can reasonably claim to be common to the

whole of humanity, I do not think that the best way to achieve this original position is

by prematurely placing people under a theoretical 'veil of ignorance', because until

we know the full criteria of what is and is not important ethically, an arbitrarily

chosen veil would potentially be at risk of excluding from the original position

important and necessary information; and also of incorporating into it illegitimate

assumptions about human nature which have not been objectively justified.

 Instead of concocting a convoluted thought experiment then, with certain artificially

construed conditions and synthetic criteria, I shall simply be stripping down humanity

hypothetically, to its most uncontroversial and empirically verifiable core: as a

common species of intelligent and sentient self-conscious biological and

psychological organisms; and concentrating solely on only those universal truisms we

can justifiably claim to be common to all: self-evident and immediately demonstrable

universal species-*facts* about the human condition from which we can plausibly

construct and extrapolate a core set of uncontroversial, rationally defensible, universally shared species-*interests*, arguably held by all.

Despite the many things which separate and distinguish them as individuals within their complex societies, *all* human beings share, by mere virtue of their being members of the species *Homo sapiens*, several empirically verifiable species-*facts*; indisputable and universal biological, physiological, and psychological facts about what it is to be a human. These species-facts, of which there will only be a few that we can plausibly establish without controversy, can then be logically translated into a reasonably supported number of universal basic human needs, which, coupled with humanity's distinct inner life of fully sentient consciousness, then become articulated into the universal interests of a shared human teleology of species-*interests*, which we can short-handedly call our human nature.

For example: a human being, purely as a biological organism, needs nourishment to survive; if they do not eat or drink, they will die. Likewise, a human being needs shelter from the elements as their body cannot endure extreme conditions. A human being needs a place to rest and recuperate as, like any other animal, they tire when their energies are depleted. In short, there are a series of easily provable empirical facts that strongly support the conclusion that a human being, as a biological organism, has certain prerequisites necessary to the preservation of its life. When that information is combined with the concurrent psychological species-fact we have previously discussed, that as a conscious and sentient organism, a human being can also be said to have various self-relating thoughts and desires that take the form of interests, the fulfillment of which *relies* on the continuation of their life; it seems quite permissible to conclude that, all things being equal, all such human beings not only plausibly share a universal species-interest in wanting to avoid their unnecessary and

untimely death, but also in obtaining fair and unimpeded access to and procurement of the basic requisite material goods necessary for staying alive, such as food, water, shelter, etc. Any system of political power truly concerned with making life 'better' for such people therefore, would have to ensure that the biological needs essential to human survival are easily satisfied by all.

To concentrate on these basic universal ethical obligations is not to discount the possible need for a richer and more comprehensive account of morality within each individual community that will create special ethical obligations of their own; it is simply to acknowledge these ethically fundamental species-interests which all people share, the fulfillment of which is the necessary task of any legitimate political teleology before any more comprehensive goals can be achieved.

The idea here which I am subscribing to is one of 'thick' and 'thin' moralities, inspired more by Walzer's pluralistic account of this distinction in his book of the same name than Williams' original delineation of the two concepts in moral philosophy.[168] Walzer argues for two types of morality: a 'thin' universalist morality, applicable to all, and a 'thick', particularist, morality, in which the ramifications of the 'thin' ethic have been cashed out in a variety of different ways into the individual cultural and moral conventions of a particular community.[169] I think the basics of this approach are right, although not necessarily Walzer's specific application of it or wider project of social criticism, and believe that our universal species-interests, once found, will form the rational basis for a thin, universally understood morality, from which individuals and communities then have the ability to determine more comprehensive 'thick' moral doctrines, so long as they remain in harmony with, and non-violation of, the thin universal principles they hold.

[168] Williams, B, 1985. Ethics and the Limits of Philosophy, (Fontana; London)
[169] Walzer, M, 1994. *Thick and Thin: Moral Argument At Home and Abroad*, (University of Notre Dame Press; Indiana)

Our sense of ethical obligation to the thin morality though, will not originate in any claims of an absolutist duty to the thin moral principles, or any concurrent theory of their forming inalienable rights or other legally binding edicts; but simply from understanding the fact that as we all share these same species-interests, and are all autonomous individuals with the capacity for rational choice in all of our actions and thus with an arguable *accountability* for the actions we ultimately choose to take, we must be able to compellingly justify any choices that we make. To adapt Scanlon's contractualist approach to ethics; I believe that as we each have a persuasive reason to assume that, as all other people desire as equal a consideration of those core interests that they share with us as we do from them (due to the mutually recognized source of their value), we are rationally bound to choose courses of action which respect those interests when evaluating our autonomous actions; both because we objectively recognize the value of the ethical requirement in question, and also because we subjectively want to promote its continued reciprocal existence between peoples for our own future benefit. I believe such species-interests, although the necessary foundation of any subsequent rights-theories or protective laws that they might inform, and a firm basis for thick concepts such as 'human rights', cannot in themselves be called 'rights' because I believe they go deeper than rights. They are the only logical foundation upon which the very idea of rights can make sense; with rights ultimately being only the socially-legitimated formal recognition of these universal interests and obligations we inherently hold as members of the human species, be they imagined as side-constraints (Nozick)[170], trumps (Dworkin)[171], or pre-emptive exclusionary reasons for action (Raz)[172]; be they claim-rights, liberty-

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[170] Nozick, R, 1974. *Anarchy, State, and Utopia.* (Basic Books; New York)
[171] Dworkin, R, *Rights as Trumps* in: Waldron, J (ed), 1984. *Theories of Rights.* (Oxford University Press; Oxford)
[172] Raz, J, 1988. *The Morality of Freedom.* (Clarendon Press; Oxford)

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rights, power-rights, or immunities (Hohfeld);[173] or be they considered simply a 'dialectically necessary method' of articulating certain human needs (Gewirth):[174] ultimately interests and obligations formally recognized as rights must have a prior basis in these objectively legitimate *species*-interests and obligations, for us to have justifiable reason to accord them any such social-legitimation in the first place.

The number of species-*facts* that we can call truly uncontroversial and from which we can extrapolate related species-interests will be few in number; as will the number of species-interests we can reasonably include in our account. Remembering what I have previously said about ethical enquiry in previous chapters, this should not be a concern. I am not attempting to discover a comprehensive list of moral dos and don'ts to which all political power must adhere, but rather a minimal set of shared human interests from which we can then make the ethical claim of 'making life "better" for people' a comprehensible obligation. Nor am I claiming that this set of revealed interests is necessarily the basis for all moral claims in all possible situations – only those moral claims made in the context of a political teleology which already presupposes the existence of certain normative conclusions (i.e. that there *can* be 'better' ways of organizing a society than others).

The first species-interests, then, that I think we already have reasonable evidence to posit following our discussion thus far, is a universal interest in avoiding unnecessary death and preventable suffering, and the related interest in obtaining fair and unimpeded access to, and procurement of, the basic requisite material goods necessary for staying alive, such as food, water, shelter, etc.

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[173] Hohfeld's four distinctions of rights in: Jones, P, 1994. *Rights*, pp., 12-13. (Macmillan Press; London)
[174] Gewirth, A, *The Basis and Content of Human Rights* in: *Nomos: XXIII: Human Rights,* pp., 119-147 Chapman, J and Pennock, J (eds), 1981. (New York University Press; New York).

The species-facts of humanity's biological fragility and psychological desire for their continued survival (all things being equal), are irrefutable and uncontroversial truisms which we have already examined. I have included the avoidance of 'preventable suffering' alongside the already established interest in avoidance of unnecessary death because I believe that, by definition, *suffering* is something we inherently wish to avoid, however the definition of 'suffering' may be construed in practice. Allowing for the full spectrum of subjectively understood human sensations, differing levels of tolerance for pain, and an understanding of the strange phenomena of masochism, we can still claim as universally true that the psychological state of 'suffering', of experiencing *intolerable* pain and distress, if possible, is one that all people hope to eschew;[175] especially in regards to how this suffering, if the result of physical injury, violence, or disease, might sometimes *lead* to the death they are also seeking to avoid.

The avoidance of preventable suffering also comes from our understanding that the species-interest in avoiding unnecessary death, not being an absolute moral law but simply a logically extrapolated and rationally supported conception of the human condition, as such, *is just one interest among many*, no more or less important than any other. We cannot defensibly argue that human beings value their lives *above all else at all times*, and that the will to stay alive will override all other interests, or else we could not explain the very real, and in many cases perfectly *understandable* phenomena of suicide, of euthanasia, of sacrifice. We value our lives not arbitrarily or on pure instinct alone, but because our being alive is a necessary prerequisite for doing everything else that we value, of achieving and fulfilling all other goals and interests be they universal, communal, or individual-specific. But by the same token, to *not* be able to fulfill those other goals and interests, to simply be alive but nothing

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[175] The definition of 'pain' here must also be understood to mean the distinct psychological state of 'pain', however construed.

else, incapable of movement, communication, or any other essential component of a meaningful existence, diminishes completely the value of life. Therefore, a life of prolonged and preventable suffering that denied you the ability to do anything of value would be no life at all, even if that suffering did not, of itself, kill you.[176]

Indeed, the species-interest in avoiding unnecessary death and preventable suffering is only comprehensible when existing in tandem with another related species-interest, extrapolated from the already established species-*fact* of our highly evolved sentience and rational ability to intelligibly engage with ourselves and the world we live in and shape and form complex articulated goals and desires; that being not only an interest in being able to hold and fulfill one's core *species*-interests but: *in holding general interests (both as an individual and in conjunction with others) and having the reasonable capacity for carrying them out.*

The idea of having a 'reasonable capacity for carrying them out' rather than a blanket guarantee to carry them *all* out, whatever they may be, comes from our earlier acknowledgement of the task for legitimate politics being not to perform the impossible, but to find a way of ensuring that *all* people manage to achieve and fulfill their goals and interests *as much as is possible compatible with a system of equal achievement and fulfillment for all.*

It is simply impossible to demand that all people be able to achieve and fulfill all of their goals and interests on logical grounds alone (we cannot both satisfy our goal of eating the last apple). Further still though, we must remember that our species-interest in holding interests and carrying them out, just like our species-interest in avoiding unnecessary death and preventable suffering, does not exist in a vacuum, but

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[176] This is not to be mistaken for the claim that there is necessarily some objectively knowable level of when a life is no longer worth living; someone could quite happily live a continued existence in a physical and psychological state that another person might find intolerable. The point is that when it *does* become 'suffering', if that suffering is bad enough, if it is prolonged and impossible to relieve, then it may lead one to wish to end their own life.

concurrently alongside all other equally shared interests, and, as such, our capacity to carry them out must both be compatible with ensuring a similar capacity for others, and in non-violation of anyone else's species-interests.

All of this is, of course, connected to another species-fact, closely related to the clear interest we have in avoiding preventable suffering. *Why* do we wish to hold and fulfill our various interests: because ultimately, as human beings, we desire to be *happy*. It is a brute species-fact of the human individual that we all seek some overall sense of happiness and fulfillment in our lives, however it may be individually defined, and wish to avoid its opposite state – misery, discontent and *suffering* – as much as is possible. It is the overall sense of happiness and fulfillment that gives a life its 'quality' and makes it worth living.

I say 'however it may be individually defined' in much the same way as I qualified the idea of 'suffering', because I am not talking about an objectively decided instance of a particular form of happiness, or of one definitively endorsed route towards that goal (that is again for the 'thick' cashing out of individuals and societies), but about the universal human desire to achieve this commonly understood positive psychological state, which can be achieved in a variety of different ways for each individual person. What remains constant for all, though, is that, however it may be defined, what they are seeking is a state of *happiness*. Indeed, a fourth species-interest can be added to our list as a result of this species-fact: *an interest in pursuing and achieving a 'quality of life' which brings levels of individual happiness commensurate with ensuring equal opportunities for happiness and 'quality of life' for all.*

As the long history of utilitarian philosophy and the numerous criticisms levelled at it by its opponents has shown us though, *happiness* can be a problematic idea to work

with ethically and politically. By saying that our underlying ethical social contract must take into account the species-interest in seeking happiness, are we potentially promoting unfettered hedonism as a cornerstone of legitimate political power?

This is where the idea of being *compatible with a system of equal achievement and fulfillment for all* comes in, and the importance of remembering that these species-interests are interconnected, with *no one interest being more important than another*. The problem with utilitarianism is the primacy of 'happiness' as an abstract and singular goal of existence. Despite being a clear species-interest, 'happiness' is not the *only* species-interest, but just one of *many* goods necessary for a completely fulfilling existence. Whilst the pursuit and achievement of happiness is to be desired, so too are all the other species-interests; and recalling that these species-interests are to be protected for *all* 'people', it follows that the legitimate pursuit and achievement of one person's happiness cannot interfere with another's pursuit and achievement of their own happiness; and thus with another's ability to hold and fulfill their own species, communal and individual-specific interests.

The happiness that a sadist might derive from killing an innocent child, therefore, is by no means on a par with the happiness someone else might derive from, say, a good game of chess. Happiness is important, and sought by all human beings; but it is also nuanced and contextual. Although people's *interest* in achieving happiness is never doubted, the happiness they desire must be in line with all other species-interests, or else its attainment can reasonably be deemed illegitimate.

Of course, some pursuits of happiness *require* the possibility of their goal going unfulfilled in order to make the possibility of its achievement rewarding in the first place. Although two football teams can't both achieve their conflicting goals of winning the match, it is only the possibility of *not* winning the match, which gives

winning its value; without its threat the eventual victors would not feel the happiness of true accomplishment.

In all cases of competition, many vying for a specific happiness will go home unhappy; but such risk is part and parcel of that specific pursuit and thus perfectly acceptable: without that risk there would be no joy in the eventual victory or purpose in entering the competition itself. This remains true, however, only if entry into the competition is freely agreed upon by its participants, there is a reasonable opportunity for success, and failure to win the competition does not harm or in any other way impinge upon one's ability to fulfill their other species-interests. This is why it is essential to stress the word 'achieving' found in the species-interest in pursuing and *achieving* 'quality of life' that brings a level of happiness to all, as opposed to, say, the U.S. Declaration of Independence's proclaimed right of all citizens to merely 'the *pursuit* of happiness'. The right to *pursue* happiness acknowledges the species-interest in having that happiness, but gives no guarantee for such a pursuit ever ending fruitfully, and without such a guarantee could lead just as easily to a life of constant, unfulfilled struggle, as much as it could one of happiness achieved.[177]

What we have seen so far then, is an attempted negotiation between the ramifications of individual freedom and a world of 'plurality, connection and finitude.' The necessity of this negotiation, and indeed, the nexus from which species-interests in freely pursuing and achieving various kinds of happiness, and holding and fulfilling a wide array of individually-chosen interests stem, is the existence of another species-*fact* which we have already touched on: that of rational human autonomy.

It is our autonomy which has led us to the ethical contract in the first place and it is an autonomy which is so essential to our nature that I have argued it cannot ever be

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[177] An insight brought to my attention in the 2006 film: *The Pursuit of Happyness*, written by Steve Conrad and distributed by Sony Pictures.

lost. Indeed, that as much of this autonomy is to be preserved as is possible under the social contract has been made clear from the outset: as autonomy can't ever be lost, only coercively repressed, and as policies of overt repression will not gain the willing and autonomous consent of the repressed (that is needed for legitimate agreement), then it stands to reason that as much individual autonomy ought to be maintained as is possible alongside the wider project of making life 'better' for all.

Again, such freedom will have certain inbuilt limits due to the universality of its application, the necessary observance and protection of all other species-interests, and the ramifications of inescapable plurality, connection and finitude to all others with whom this freedom is shared. But it is important to note that these inbuilt limits are the only acceptable restrictions to autonomy and freedom we can plausibly permit without being arbitrary if we are to be truly committed to sustaining *as much natural autonomy and freedom as possible.*

Freedom is also crucial in the fulfillment of another species-interest that we can unearth by looking at yet another uncontroversial species-*fact*: human sociability.

As we have already discussed at length, human beings are undeniably *social* creatures who live their lives in groups; in friendship and family units; in communities made up of friendship and family units; in countries made up of communities, etc.[178]

The certain fact of this innate sociability gives rise to a clear correlative interest, held universally by all, in *freely forming social bonds with others.* Such an interest may seem at first to be trivial, but in terms of its political application we can see that it might form the basis of reasonable arguments against many currently or formerly existing discriminatory practices such as caste systems, divisions of class, the

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[178]There is even recent evidence of human babies making social evaluations from as early as six to ten months old: Kiley, J et al: *Social Evaluation by Preverbal Infants* in: *Nature* #450, pp., 557-559. November 22nd 2007. (Nature Publishing Group; London)

subjugation of one sex/race/religion by another, and any other institutional construct which arbitrarily draws restrictive social boundaries between peoples.

This species-fact of human sociability, combined with the species-fact of human rational autonomy results in one final interest-provoking species-fact that I can see: that of human *creativity*.

As autonomous individuals constantly having to make choices about their actions and how they will fulfill their interests and spend their days, human beings constantly create unique ways of doing things that make tasks both interesting and pleasurable for them. As sociable creatures, they also find creative ways of expressing themselves and their ideas to other people, as well as of *distinguishing* themselves from other people as individuals.

The admission of such universal creativity is not to say that all human beings are innately playwrights and poets; simply that there is a driving *creative* force within these rational and autonomous creatures that inspires and encourages them to act, rather than simply choose to sit still and do nothing. It is an ability to problem solve, to think innovatively, and with originality, away from the confines of only what is empirically known and into a realm of imagination. Faced with a multitude of days before them, and many interests to attempt to fulfill, it is this innate creativity that finds each person a variety of ways of spending those days as effectively and pleasurably as possible in order to achieve as many of their interests as they can.

Creativity means simply an ability to create; not just great works of art, but *anything* and there is no way we can look at the strong and solid historical evidence of human culture, invention and innovation and not say that an innate creativity is clearly evident as a universal species-fact. And as a result of this species-fact there exists an

obvious and concurrent species-interest therefore in *freely using the innovative powers of one's creativity.*

Again highlighting how interlinked these species-interests are, these final three interests all stem from the same idea of ensuring a minimal level of frustration in these essential features of human psychology (autonomy, sociability, and creativity). These three elements of human life, being so core to an individual's existence that they can only ever be curbed through repression and tyranny, mean that if we are to also observe the species-interests in avoiding preventable suffering and pursuing and achieving happiness (which we must), then we are left with no choice but to accept them as essential freedoms, held by all, which must be necessarily protected if we are to speak meaningfully of making life 'better' for them.

To recap then, what we have established is this: first of all there are eight self-evident and empirically verifiable uncontroversial *species-facts* universally true of all human beings *qua* human beings:

- That we are finite, biologically fragile, creatures with a capacity to feel pain.

- That we are sentient and possess great psychological complexity and capacities.

- That we have the cognitive ability to form self-relating desires and interests.

- That we are inescapably choice-making autonomous beings; for the most part behaving on the basis of rationally derived autonomous decisions to do X rather than Y.

- That we hold a desire to continue living for as long as is possible, all things being equal.

- That we seek happiness and avoid unnecessary suffering.

- That we are social creatures.

- That we possess an innate creativity.

These eight species-facts then give rise to seven logically constructed species-*interests*, also universally held by all:

- An interest in avoiding unnecessary death and preventable suffering.

- An interest in obtaining fair and unimpeded access to, and procurement of, the basic requisite material goods necessary for staying alive.

- An interest in pursuing and achieving a 'quality of life' which brings levels of individual happiness commensurate with ensuring equal opportunities for happiness and quality of life for all.

- An interest in being able to hold and fulfill one's species-interests, and in forming and holding other interests (both as an individual, and in conjunction with others) and having the reasonable capacity for carrying them out.

- An interest in sustaining as much natural autonomy and freedom as possible in line with sustaining a similar level of natural autonomy and freedom for all.

- An interest in freely forming social bonds with others.

- An interest in freely using the innovative powers of one's creativity.

The claim that an external structure of political power makes life 'better' for people than it would be without it then, if it is to be objectively legitimate, must therefore be a claim that the existence of such a structure of political power, at a *bare minimum*, must ensure the protection and fulfillment of these seven species-interests for all; with any structures trading upon the necessary contractual justification of making life

'better' for people, but failing to uphold this minimum requirement of ethical

obligation, deemed necessarily *illegitimate.*

Vis-à-vis the 'reflective equilibrium' of the ethical contract's internal logic; we can

see immediately that these seven species-interests further support our original

definition of 'people' as having to mean *all* people; for they are not only interests

universal to *all human beings*, but they are interests which demand an inclusivity of

persons within their edicts; ensuring the interests of all are observed even in the

interests of one, and that all means chosen towards accomplishing any endorsed end

must be such as to ensure the non-violation of the species-interests of everybody else

affected.

With this information, we now have as complete an account as we can achieve of

what a complete political teleology must look like, and thus of the ethical obligations

necessarily demanded through the terms of agreement that must be used to justify and

legitimate the existence, of *any* artificial structure of external political power.

3.3: Rejecting Non-Valid Interpretations of the Universal Contract

As we have seen, this underlying ethical contract is used universally, but without any

objective interpretation of its terms by which to judge its practical application beyond

its mere rhetorical uses, it has long been utilized to ostensibly justify many different

types of political power, from its obvious relevance within the democratic tradition, to

its more dubious appearance in supporting more questionable regimes.

With our complete account of species-interests now drawn up, however, we can

begin to assess the ethical contract's real-world application, and determine which

structures of external political power, if any, *genuinely* fulfill the necessary demands

implied within their justificatory political teleology, rejecting as illegitimate, those which fail to do so.

Immediately, our inclusive definition of 'people' allows us to reject as untenable any political systems designed to explicitly exclude certain groups or individuals from its consideration or, worse, purposefully harm their species-interests. Ideologically totalitarian regimes, standard forms of fascism, and theocratic political systems built on tenets of discriminatory religious fundamentalism, by discounting 'non-Aryans', 'the bourgeoisie', 'infidels', or opposing political groups from their respective definitions of 'people', all fail this test of legitimacy at the very first hurdle. The same thing can be said of less extreme but just as discriminatory examples of political exclusion; such as those democratic social contracts which excluded certain groups of people from political participation, such as women, people of a certain race, etc.

Definitions of who count as 'people' aside; as far as making things 'better' for those people, and ensuring protection and fulfillment of their universal species-interests, again, totalitarian and dictatorial regimes fail to meet the underlying social contract because they inherently violate the majority of those interests: they deny freedom and autonomy; deny the freedom to form social bonds with certain 'others'; fail to allow people to hold and carry out individual-specific interests that conflict with the overriding ideology of the state, or the ability to pursue and achieve similarly non-conforming types of happiness; and in some extreme cases, they even violate the interest in avoiding unnecessary death and preventable suffering through execution and torture. Indeed, *any* political regime established through violence and maintained by threat of force must be considered illegitimate for much the same reasons.

Theocracies too, can coherently be said to violate the interests in freedom and free social bonding, as well as the interest in forming and pursuing individual interests and

achieving happiness for those individuals who attempt to think outside the scriptures of the ruling religion. Similarly, even without Stalinism to corrupt it into full-blown totalitarianism, traditionally construed communist and Marxist ideologues are often so hung up on discriminatory proletariat/bourgeoisie narratives and the crude metaphysics of historical materialism that, as a political system, it all-too-often appears just as parochial, dogmatic, and in danger of violating one's species-interests as any other form of religious fundamentalism; denying important individual freedoms and creativities in some areas for an unvindicated ideal of the community; not to mention the messy problem of how it intends to deal with those bourgeois members of the exploiting ruling classes in the post-revolution world, after being established through such an antagonistically 'us' and 'them' dialectic.

Of course, most of this should come as no surprise. That brutal dictatorships, totalitarian regimes and fundamentalist systems of control can be dismissed as illegitimate, has simply confirmed a major intuition of the prevailing political consensus of our times; that as we see 'the appearance of democratic forces in parts of the world where they were never expected to exist, the instability of authoritarian forms of government, and the complete absence of coherent *theoretical* alternatives to liberal democracy',[179] we have somehow reached what Francis Fukuyama called 'the end of history'; the concluding stage of social evolution finding its final cultural and political destination in the contemporary form of Western capitalist democracy that is spreading so eagerly throughout the world today. Indeed, democracy has become almost universally accepted as the most justified structure of political power that there is.

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[179] Fukuyama, F, 1992. *The End of History and the Last Man*, pp., 69-70. (Penguin; London)

Echoing Fukuyama, the opening gambit from the September 2002 *National Security Strategy* of the United States informs us that 'the great struggles of the twentieth century between liberty and totalitarianism ended with a decisive victory for the forces of freedom—and a single sustainable model for national success: freedom, democracy, and free enterprise'.[180] The sentiment continued in the 2006 restatement of those aims; aims claimed to be based on 'promoting freedom, justice, and human dignity – working to end tyranny, to promote effective democracies, and to extend prosperity through free and fair trade and wise development policies'; a strategy 'built on a foundation of freedom' in order to confront 'the challenges of our time by leading a growing community of democracies.'[181] As President Bush put it; at the start of the twenty-first century 'the trend is clear: Freedom is on the march. Freedom is the birthright and deep desire of every human soul, and spreading freedom's blessings is the calling of our time';[182] and for British Prime Minister Gordon Brown, 'the victory of democracy' marked the end of 'the great struggles of the last century, against the dark night of fascism, Nazism and anti-Semitism' and 'against the shame of apartheid'.[183]

Democracy has the stamp of approval in contemporary political consensus; but is this prevailing political consensus justified? I have already made clear the presence of the social contract theory within the democratic tradition and upon first glance it seems obvious that a system of democracy would be the perfect means to fulfilling the goals of legitimate political teleology. Just as the basis for the social contract's necessity lies in the idea of human autonomy and natural self-sovereignty; democracy

[180] *The National Security Strategy for the United States of America 2002,* http://www.whitehouse.gov/nsc/nssall.html (accessed 11/12/07)
[181] *The National Security Strategy for the United States of America 2006,* http://www.whitehouse.gov/nsc/nss/2006/ (accessed 11/12/07)
[182] http://www.whitehouse.gov/news/releases/2005/03/20050329.html (accessed 11/12/07)
[183] http://www.tuc.org.uk/congress/tuc-13692-f0.cfm (accessed 11/12/07)

is a political system which sees government and political power not as something externally authoritative to the people over whom it governs; but as something to which a naturally autonomous and self-sovereign population must give their willing consent if it is to be legitimate. Democratic political power is intended to be as near to a system of self-rule as is practically possible; with democratic governments explicitly beholden to the will of their citizens and given the power only to do what the people themselves want them to do.

In other words, democracy, as a political idea, imposes nothing on its citizens that they do not wish to be imposed themselves, allowing them to freely form and hold whatever individual-specific and communal interests they may like, have the reasonable capacity to carry them out, pursue and achieve a 'quality of life' which brings levels of individual happiness commensurate with ensuring equal opportunities for happiness and quality of life for all, and sustain as much of their natural autonomy and freedom as possible, including freedom to form social bonds with others and use the innovative powers of their creativity. As violence and coercion by force are not viable options for a government predicated on consent and electoral accountability, democratic citizens are also protected from unnecessary death and preventable suffering at the hands of the state itself.

Protection from unnecessary death and suffering on a wider scale, as well as the related need for fair and unimpeded access to basic requisite goods, as inherent species-interests, will become articulated into a rationally derived 'will of the people' to which democratic government is shaped and beholden, ensuring such protections are preserved and a system of just distribution erected.

At least, that is the *theory*.

Theoretically, democracy seems capable of ticking all the boxes regarding the protection and fulfillment of its citizen's species-interests, and this is why democracy is currently perceived as the holy grail of political civilization, performing the miracle balancing act between ensuring as much freedom and autonomy as is possible for people within the binding legal framework of an external structure of a freely elected political power. But *theoretically* there is also another political alternative to democracy that can guarantee the protection and fulfillment of people's species-interests even more comprehensively; ensuring not just as much freedom and autonomy as is possible within the binding legal framework of an external structure of a freely elected political power, but, just as the species-interest requires, as much freedom and autonomy as *possible* in line with sustaining a similar level of natural autonomy and freedom for all: anarchism.

But freedom alone does not a legitimate political system make. The entire argument of social contract theory rests upon the premise that the unfettered freedoms of a pre-political humanity were unworkable and led only to chaos, violence, and inconvenience. We argue that external structures of political power are created on a universal teleological argument that they will make life 'better' for 'people' than it would be without them, *precisely* because it is believed that the fulfillment of our species-interests is impossible to achieve *without* the creation of such institutions; the assumption being that a system of pure self-rule would be incapable of guaranteeing the relevant protections necessary to achieve them. Anarchism, the idea of a society without a state, can certainly offer people *freedom* from external authorities; but can it offer anything else, such as the *security* offered by democratic structures of law and order against unnecessary death and preventable suffering, or the organized distribution of basic requisite material goods necessary for staying alive that the

structured and complex economic systems of capitalist democracy claim to provide?

In other words, can it offer the protection for the full spectrum of species-interests that

legitimate politics must fulfill; or is advocating anarchism to doom us only into the

sort of dangerous unfettered freedoms found in Hobbes' warring state of nature?

3.4: Anarchism and Political Teleology

Anarchism is potentially the most misunderstood political doctrine in the history of

political thought; largely because it is counter-intuitive to most accepted theories of

politics and governance which assume the unquestionable necessity of an external

state over and above society to carry out the goals of legitimate politics; but also

because, in terms of a specific and identifiable political doctrine, anarchism is,

necessarily, somewhat lacking.

Whilst at their core, all anarchist theories have a family trait agreement on certain

key factors, such as, the necessity of maximum possible political and individual

freedom and the abolition of permanent external structures of political power within

society; the exact specifics of how this is to be accomplished – what such a society

would look like; the reasonable limits of legitimate authority; acceptable forms of

organization; extent of individual autonomy, etc – differ from theorist to theorist,

leaving it, historically, more a rich tapestry of varied interpretations on a similar

theme than a singular and definitive manifesto.

Whilst anarchism has been accused by both nihilists intrigued by its potential for

destructive violence, and conservatives, terrified of its same perceived potential, as a

doctrine of social annihilation; the majority of anarchist thinkers see things quite

differently. Anarchists, Cole tells us, 'were anarchists because they did not believe in

an anarchical world'.[184] Indeed, most anarchists advocate a system of society without external government not as a means to violent chaos and disarray, but precisely because they believe that it is only under such a system that one could truly live the fulfilling life that is so often promised but never delivered under state systems of government.

Anarchists make a fundamental distinction between society and the state, claiming crucially that whilst the external state is, as we have discussed, an artificially created structure erected unnecessarily over an otherwise autonomous society; people, being inherently social creatures, form societies organically. Society, therefore, is an entirely natural phenomenon, perfectly capable of its own self-rule and self-sustenance, were it not for what Proudhon called the existence of a 'governmental prejudice'[185] amongst people: the unwarranted assumption that governments are a de facto necessity to organized life, simply because we have not yet known a society without one.

Anarchists argue that whereas we conventionally see external government as the solution to the problems we have within society, in reality the majority of these problems come as a result of the inherent conflict caused by the needs and interests of natural human society struggling against the artificial influence of illegitimate state structures.

Crime, for example, is the social phenomenon most often cited as an objection to the anarchist claim that a society could flourish successfully without formal laws. Whilst I used the idea earlier – that as long as we have had law, the acts those laws prohibit still continue – as an argument to prove the intractable nature of human autonomy in the face of external constraints; the same idea is often pointed to as evidence that

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[184] Cole in: Horowitz, I, L (ed), 1964. *The Anarchists* , p. 9. (Dell; New York)
[185] Proudhon in Guérin, D (ed) (translated by Sharkey, P), 1998. *No Gods No Masters: An Anthology of Anarchism – Book One*, p. 65. (AK Press; Edinburgh)

humanity *without* the constraints of formal law could be much worse. If we cannot fully tackle crime *within* current democracies, where complex systems of law and punishment are in place; then what hope would we have in a society with no deterrence from committing crimes at all? It is for this reason, the critic of anarchism might respond, that we need external state structures to oversee natural societies.

The anarchists, however, whilst never denying the possibility of crime still existing within a stateless society, perceive the clam that the state *protects* people from crime as a spurious instance of counter-factual 'governmental prejudice'. Anarchists do not deny the importance of such security within their political teleology, but they resist the conclusion that only an external authority can successfully provide such a function, arguing instead that society can not only secure itself capably, but that the state system itself is a major *cause* of much of the crime which plagues societies today.

Criminal acts, the anarchist reminds us, should always be understood in their proper context; as harmful acts committed not by intrinsically evil people, but through attitudes largely exacerbated by the damaging influence of overly authoritarian societal structures on pliable human behaviour. Robbery, for example, is often a result of either need or greed stemming from a competitive and unfairly distributed society. So too are murders or assault for financial gain or social prosperity, with others brought about by psychological problems that even some non-anarchist researchers have linked to the stresses and pressures of contemporary capitalist living, the feeling of struggling in a mindless 'rat-race' for economic survival leading to an urge to lash out in retaliation.[186] Rape too, it has been argued, has been encouraged by the distinctively capitalistic commodification of sex, especially of the female body,

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[186] Wilson, C, 1995. *A Plague of Murder*, p. 527. (Robinson; London)

through advertising and other forms of commercial modelling that reduce women into nothing more than a dehumanized product, there solely to titillate men.[187]

The anarchist argues that the criminal behaviour we see in contemporary humanity is unrelated to any ineluctable and inevitable human nature, nor is it, in and of itself, a legitimate reason for an authoritative society; the human behaviour that we see is rather a *product* of the particular authoritative society we live in. Human beings are not born with an inner essence of greed, competition, betrayal, hatred, possessiveness and all the other terrible qualities so often attributed to our nature, but are born instead with a much more *malleable* nature that is merely moulded this way.[188] It is living life in a greedy, competitive society that encourages only our most negative potentials to flourish. Thus a society with a different emphasis would be able to nurture us in some other way; a society structured to encourage co-operation and mutuality would see an entirely different type of behaviour emerge from the one we posit today, and leave us with no reason to assume autonomous individuals, without the threat of state-enforced-sanctions, would be incapable of making unselfish, socially-minded, choices; yet because a society ruled by an external government is all that we have ever known, we find it difficult to think outside the box of its ubiquity.

This seeming ubiquity, however, and the existence of the external state as dominant political power, is a relatively new trend in human history. As Michael Taylor reminds us, 'anarchic communities did in fact survive for millennia. *Homo sapiens*

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[187] There is a massive amount of feminist, socialist, Marxist, and anarchist literature on this subject, but recognition of the effects of commercial images contributing to gender-based violence has begun to receive attention in more mainstream arenas. In May 2007, for example, the Parliamentary Assembly of the Council of Europe heard a report from the Committee on Equal Opportunities for Women and Men, which noted that women 'are vulgarised in advertisements and commodified or presented as sex objects', and that 'too often, advertising shows women in situations which are humiliating and degrading, or even violent and offensive to human dignity...women are nearly always the ones who are presented in certain advertisements as mere consumer commodities or sex objects.' (Bilgehan, G, May 21 2007. Report to the Parliamentary Assembly of the Council of Europe by the Committee on Equal Opportunities for Women and Men. *The Image of Women in Advertising*. Doc. 11286)
[188] The divergences of opinion in the evolutionary and social theories of Charles Darwin, Herbert Spencer and Peter Kropotkin are instructive here.

lived in such communities for nearly all of his forty or fifty thousand years.'[189] This

is not to suggest anarchism as a 'back to nature' position or necessary advocate of

primitive tribalism, but merely to illustrate that external political power is a relatively

recent historical *creation*, an organizational construct manufactured with no intrinsic

legitimacy or ontological necessity, justified only on the underlying teleological

assumptions of the ethical contract.

> Anarchy appears unnatural only because history has favoured the organization of the
>
> state and because, even in a globalized world where the powers of the state appear to be
>
> challenged, this historical trend is unlikely to be reversed. Yet even though the state
>
> has endured, the study of stateless societies suggest that it is both impermanent and
>
> alien.[190]

As Colin Ward points out, since its intellectual emergence as a distinctly articulated

political theory in the late eighteenth century, anarchist undercurrents have not only

appeared in the *Western* world as an all-too-often-ignored theoretical alternative to

traditional statist politics; but have sprouted up as a theoretical alternative to state

systems all over the globe. Whilst European and American anarchist thinkers often

get exposure within academic discussion about anarchism (usually as an extremist

footnote to the history of democratic thought); in Japan, Kotoku Shusui's translations

and engagement with anarchist philosophy helped spread the idea not only in his

home country, but also to China and Korea. In India, Gandhi famously took

inspiration and ideas from well-known anarchist thinkers like Tolstoy, Kropotkin, and

Thoreau; as did the teachings of his spiritual successor Vinoba Bhave's anarchist-

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[189] Taylor, M, 1982. *Community, Anarchy and Liberty*, p. 3. (Cambridge University Press; Cambridge)
[190] Kinna, R, 2005. *Anarchism: A Beginner's Guide*, p. 93. (Oneworld Publications; Oxford)

inspired *Sarvodaya* movement. Meanwhile, in Africa, Mbah and Igarewey drew

attention to the perceived failures of state socialism in the region with their respective

anarchist critiques.[191]

Despite the illusion of historical permanence and a tradition of its acceptance, the

modern nation-state has no more special privilege of existence than any other

proposed organizational system. Moreover, as Ian Shapiro remarks, 'it is an open

secret that political theorists have yet to come up with a compelling justification for

it.'[192]

Rather than arrangements of vast and isolated nation-states, anarchists propose a

radical restructuring, both domestically and internationally, of social organization

towards a federal system of multiple small-scale and self-governed autonomous

communities as a democratically manageable alternative to the over-reaching state

systems of today.

In the words of Proudhon,

> Solicit men's views in the mass, and they will return stupid, fickle and violent answers;
>
> solicit their views as members of definite group with real solidarity and a distinctive
>
> character, and their answers will be responsible and wise. Expose them to the political
>
> "language" of mass democracy, which represents "the people" as unitary and
>
> undivided, and minorities as traitors, and they will give birth to tyranny; expose them to
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> the political language of federalism, in which the people figures as a diversified
>
> aggregate of real associations, and they will resist tyranny to the end.[193]

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[191] Ward, C, 2004. *Anarchism: A Very Short Introduction*, pp., 10-12. (Oxford University Press; Oxford)

[192] Shapiro, I, 2003. *The Moral Foundations of Politics*, p. 187. (Yale University Press; New Haven)

[193] Proudhon, translated by Vernon, in Ward, C, 2004. *Anarchism: A Very Short Introduction*, pp., 81-82. (Oxford University Press; Oxford)

Of course, the idea of such federalism implies a much more structured level of organization than is commonly attributed to the anarchist position; but this traditional equation of anarchism to chaos lies in stark contrast to actual anarchistic thought. As Bakunin put it, 'although I am a strong supporter of order, I am in the fullest sense of the term, an anarchist.'[194] Anarchists do not reject the idea of authority outright, or necessarily the idea of rules, restraints, and even law; however they do reject all of those things as they are conventionally conceived – as unquestionable, external impositions of coercive obligation. Instead, they support freely chosen and voluntary forms of mutually agreed, non-permanent, organization and authority. 'Anarchy as affirmation, means the "internalisation" of rules to such a high degree as to do away with the need for external constraint all together.'[195]

Does it follow that I reject all authority? Far from me such a thought. In the matter of boots, I refer to the authority of the bootmaker; concerning houses, canals, or railroads, I consult that of the architect or engineer. For such special knowledge I apply to such and such a *savant*. But I allow neither the bootmaker nor the architect nor the *savant* to impose authority upon me. I listen to them freely and with all the respect merited by their intelligence, their character, their knowledge, reserving always my incontestable right of criticism and censure...I bow before the authority of special men because it is imposed upon me by my own reason. I am conscious of my inability to grasp, in all its details and positive developments, any very large portion of human knowledge. The greatest intelligence would not be equal to a comprehension of the whole...Each directs and is directed in his turn. Therefore there is no fixed and constant authority, but a

[194] Bakunin in: Goodwin, B, 1997. *Using Political Ideas: 4th Edition*, p. 121. (Wiley; Chichester)
[195] Horowitz, I, L, 1964. *The Anarchists*, p. 16. (Dell; New York)

continual exchange of mutual, temporary, and, above all, voluntary authority and

subordination.[196]

Similar to Bakunin's position, Kropotkin described the idea of anarchy as

a principle or theory of life and conduct under which society is conceived without

government – harmony in such a society being obtained, not by submission to law, or

by obedience to any authority, but by free agreements concluded between various

groups, territorial and professional, freely constituted for the sake of production and

consumption, as also for the satisfaction of the infinite variety of needs and aspirations

of a civilised being.[197]

Taking the idea of rational autonomy to its logical conclusions, the anarchists simply

concede the intractable nature of human autonomy and *embrace* it, rather than fight it;

arguing that laws 'from above' cannot hold any reasonably supported claim to

authority without their first being autonomously agreed upon and freely entered into

by individuals 'from below'. As such, they seek to abolish formally established

permanent external laws and complex authoritative state systems, *not* to produce the

unlawful chaos and disorder feared by their critics, but because they see such artificial

institutions as *unnecessary* for legitimate forms of rule-following and social

organization. As Kinna puts it, 'in whichever way anarchists choose to describe the

idea, "authority from below" enables them to distinguish between types of

[196] Bakunin, M, 1970. *God and the State*, pp., 32-33. (Dover Publications; New York)
[197] Kropotkin in: Ward, C and Goodway, D, 2003. *Talking Anarchy*, p. 25. (Five Leaves Publications; Nottingham)

commitment and to argue that anarchism is consistent with some forms of binding authority.'[198]

The central difference between anarchist forms of organization and authority, and more traditional forms, is the idea of free agreement. Anarchists argue that once an organization becomes an enduring institution, it can lose sight of its original purpose and become a self-interested and self-perpetuating entity, disconnected from the people it is meant to serve and the aims it is meant to fulfill. As such, organizational agreements need to be short-term, non-hierarchical, purposeful, and mutually agreed upon. Obviously, certain organizations may well need to be long-term – such as, perhaps, a method of political organization for meeting and voting on issues, etc, but even here the problems of entrenched power can be resolved. There is no reason to assume the need, within such enduring organizations, of the presence of an equally enduring 'leadership' to control the proceedings. An alternative *organic* organizational principle can be produced, of freely putting forward suggestions and creating an improvised and non-directed discourse, which generates its own, ever-changing, series of circumstantially-specific individuals chosen in each instance to carry out and implement agreed decisions based on willingness, expertise, competence, etc; or, perhaps, a chairperson could be freely elected, for a short term, and those individuals responsible for carrying out certain democratically decided tasks chosen through mutual discussion and agreement, arbitrated by the freely chosen and mutually agreed upon chair.

Authority in such circumstances though, would be temporary, for use only in that public meeting, garnering neither the voting system nor elected individual any other special rights, privileges or respect in any other area of public life (the chair could

[198] Kinna, R, 2005. *Anarchism: A Beginner's Guide*, p. 71. (Oneworld Publications; Oxford)

justifiably be changed each session, and a different electoral model might be agreed

for different contexts). It is an authority given only on the rationale that the individual

or system bestowed with such authority has been allowed this position of privilege

only to serve the *specific purpose* of ensuring the order and structure of that particular

town meeting is one conducive towards the direct democracy which is its intention.

The authority is *accountable* to its purpose and is *temporary*; a purely *functional*

arrangement as a means to communal ends, rather than enduring, unquestionable and

arbitrary. Indeed, the anarchist acceptance of certain qualified instances of authority

works on the very same assumptions as the underlying ethical contract which bestows

legitimacy only upon those structures of political power which fulfill the specifically

defined functions of political teleology: accepting the natural authority of individual

autonomy, we can still freely choose and mutually agree to certain communally

created curbs to that autonomy if it is necessary for ensuring the fulfillment and

protection of our species-interests that we ultimately autonomously desire.

Still, freely appointing a chairperson at a town meeting, or even a local

representative for a larger federal conference, is hardly the same as freely establishing

international agreement between nations without some overarching authoritative

structure. But as Ward points out, voluntary groups of international cooperation

already do exist in non-political forms, and have done throughout history.

> Kropotkin used to cite the lifeboat institution as an example of the kind of voluntary
>
> and non-coercive organization envisaged by anarchists that could provide a worldwide
>
> service without the principle of authority intervening. Two other examples of the way
>
> in which local groups and associations could combine to provide a complex network of
>
> functions without any central authority are the post office and the railways. You can
>
> post a letter to Chile or China, confident that it will get there, as a result of freely-

arrived-at agreements between different national post offices, without there being any central world postal authority at all. Or you can travel across Europe and Asia over the lines of a dozen different railway systems, public and private, without any kind of central railway authority. Coordination requires neither uniformity nor bureaucracy.[199]

Furthermore, the anarchist system offers a much more substantial ability to not only coexist perfectly with the important ethical idea of 'thick' and 'thin' moralities, allowing for as diverse a range of, what Rawls might call 'reasonable pluralism' between communities as possible; but also to create a promising middle-ground between the traditionally conflicting political theories of communitarianism and cosmopolitanism, allowing individuals and communities to autonomously form and hold as wide an array of thick 'reasonable comprehensive doctrines' as they want whilst rooted in the 'overlapping consensus'[200] of necessary agreement about the thin principles of universal political teleology which legitimate them.

As a theoretical alternative to statist politics therefore, anarchism cannot be dismissed offhand. Indeed, once we allow for the anarchist capacity for mutually agreed voluntary forms of rule-following and binding authority, there is no justified reason to discount anarchism's ability to ensure the protection and fulfillment of *any* of the core species-interests of its citizens. All the anarchist asks is that these species-interests be given no undue absolutist status as unquestionable and definitive categorical laws, which, considering what the constructivist account of ethics has maintained throughout – that ethical prescriptions can only ever be reasonably put forward *to the best of our knowledge*, and are always open to compelling criticisms

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[199] Ward, C, 2004. *Anarchism: A Very Short Introduction*, p. 89. (Oxford University Press; Oxford) 2004
[200] Rawls, J, 1996. *Political Liberalism*, pp., 133-172. (Columbia University Press; New York)

and debate – seems quite compatible with all that we have thus far said about political teleology.

Whilst anarchy, so construed, might sound like an unreachably utopian project, as Rawls reminds us, 'political philosophy is *realistically* utopian when it extends what are ordinarily thought to be the limits of practicable political possibility'.[201] The decentralized and autonomous self-governance of independent, yet inter-related anarchist communities certainly relies on a catalogue of distinct arguments about human nature and the full spectrum of possibilities of voluntary non-hierarchical politics, but these arguments, however removed they may be from our current political norms and practices, are not without substance. The anarchist critique of contemporary systems of power is based in a coherent theoretical argument about human autonomy and political legitimacy, and proposed alternatives to the state-system, whilst innovative and unique, are never posited without evidence to support the case for their application. Whilst such alternatives might well be radically different from what we imagine to be the limits of practical political possibility today, there seems nothing unrealistic or unjustifiable about suggesting that what have hitherto been considered the limits of practicable political possibility might well be mistaken, and that perhaps there *could* be a different way of doing things that we have not yet considered. 'Facts', Bakunin insists, even in the seemingly utopian theories of the anarchists, must always come 'before ideas…the ideal, as Proudhon said, is but a flower, whose root lies in the material conditions of existence.'[202]

That said; anarchism does have much more to prove regarding its realistic viability as a political system than democracy; which currently exists as a functioning political reality in many countries throughout the world. As such, it would be of great

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[201] Rawls, J, 2000. *The Law of Peoples*, p. 11. (Harvard University Press; Cambridge) (emphasis added)
[202] Bakunin, M, 1970. *God and the State*, p. 9. (Dover Publications; New York)

practical benefit if we were simply able to endorse these existing democratic systems as legitimate structures of political power – we could let the world continue on its current course rather than having to endorse the much more substantial social task of creating a whole new workable system of anarchism.

As democracy also seems a theoretically promising means to successfully fulfilling the ethical obligations required for legitimate politics, then it seems wise to enquire first into the possibility of *democracy's* ability to ensure the protection and fulfillment of its citizen's species-interests and truly make life 'better' for 'people', than to risk all our eggs breaking just yet in the anarchist's unproven basket.

3.5: Capitalism, Representative Democracy, and Democracy's Authentic Ideal

The concept of democracy has held many different interpretations since it first came into being, and has been put into practice in a variety of different ways. From the male-oriented direct-democratic Athenian city-state of its intellectual origins, to the first-past-the-post bicameral British parliament, to the systems of proportional representation currently found throughout most of continental Europe and Latin America, to the presidential system of the United States (to name but a few differently construed democratic structures to be found throughout the world today); it is clear that the criteria for what makes a political system democratic are not to be found simply in the *claims* to democracy made by each particular state, but rather by unpacking the common theoretical thread found within all such democratic systems and determining a unifying democratic *ideal*.

Beneath all claims to democracy then, we can find the same underlying idea: as ultimately people are understood to be self-sovereign and rationally autonomous individuals, and this self-sovereignty is seen as the only truly legitimate form of

political power that there is; the authentic democratic ideal is to ensure, as much as is possible, that the people in any given society govern *themselves*.

Instead of erecting a structure of political power over and *above* the citizenry, external from them and in domination; the authentic democratic ideal maintains that political power comes only internally, from the citizenry themselves, with external political institutions legitimately created only if they are to serve as necessary external agents for enacting the internal will of the people into practical action; the conflict between internal human autonomy and external political authority dissolved through what R. P. Wolff calls the 'solution' of democracy.[203]

> Democracy attempts a natural extension of the duty of autonomy to the realm
> of collective action. Just as the truly responsible man gives laws to himself,
> and thereby binds himself to what he conceives to be right, so a society of
> responsible men can collectively bind themselves to laws collectively made,
> and thereby bind themselves to what they have together judged to be right.[204]

Real-world democracies and the authentic democratic ideal, however, are two very different things. As Arblaster tells us, despite contemporary rhapsodizing about having reached an 'end of history' with the widespread achievement of democracy, 'the purposes for which ordinary people wanted political democracy, or the vote, have not yet been completely fulfilled by any means...political democracy itself has not been realised simply by giving every adult person a vote in general and local elections'.[205]

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[203] Wolff, R.P, 1998. *In Defense of Anarchism*, pp., 21-67. (University of California Press; Berkeley)
[204] Ibid., p. 22
[205] Arblaster, A, 2001. *Democracy, 2nd Edition*, p. 98. (Open University Press; Buckingham)

One of democracy's most basic mechanisms utilized to enact its central principle of public participation and self-sovereignty is enfranchisement, but what Arblaster reminds us is that the vote alone remains just that: *a mechanism*, a means to an end. The entitlement of a population to vote is, by itself, not enough to make a political system *authentically* democratic. Indeed, in recent times reporters have exposed substantial evidence to suggest one of the world's largest current 'democracies', the United States, is lacking even this bare minimum, with both the 2000 and 2004 elections intentionally manipulated and tampered with to secure two controversial victories for George W. Bush despite him losing the popular *vote* each time; thus leaving the decisions of the American electorate entirely disconnected from the outcome.[206]

Even without such blatant vote-fixing, in the UK a celebrated 1997 Labour Party 'landslide victory' saw this 'landslide' support for Labour, in reality, come from only 44% of the 71.4% of the population who actually voted. In other words – the majority 56% of voters *didn't* vote for the supposed 'landslide' winning party and 28.6% of the country's population didn't vote at all.[207] In 2001, that proclaimed 'majority' was even less, with support for Labour coming from only 40.7% of a voter turnout of only 59% of the population.[208] Once again, a majority 59.3% of voters and 41% of the population *did not vote* for their professed 'democratic' leaders.

Just because a system of government, and the population it governs, *considers* itself democratic, and its nation a democracy, does not necessarily mean that it is

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[206] Bugliosi, V, 2001. *The Betrayal of America.* (Nation Books; New York); Palast, G, 2003. *The Best Democracy Money Can Buy.* (Robinson Books; London); Palast, G, 2006. *Armed Madhouse.* (Allen Lane; London)

[207] Jones, B (ed), 2001. *Politics UK*, pp., 169-175. (Pearson Education Limited; Essex)

[208] Leader Column: *A Youthful Lack of Enthusiasm*, The Guardian, Wednesday December 28th, 2005 http://www.guardian.co.uk/leaders/story/0,,1674177,00.html (accessed 7/12/07); Statistical Table: *How The Parties Did*, The Guardian: http://politics.guardian.co.uk/election2001/stateofparties/0,10167,495820,00.html (accessed 7/12/07)

objectively so, and since democracy's inception, there has been a consistent and predictable conflict between its authentic *idea* and the actualization of democracy as a working system of political power. As Arblaster explains, one of the major reasons for this is because of class antagonisms inherent to the democratic movement.

> The notion that support for democracy might mean taking sides in a kind of class war will seem absurd to most people today. Yet democracy, both in ancient Greece and in the politics of the past two centuries has never been achieved without a struggle, and that struggle has always been, in good part, a type of class struggle, even if it is very simply characterized, as it was by many Greeks, as a struggle of the many poor against the few who are rich and well-born.[209]

The idea of there being a *class war* between supporters of democracy and its opponents should not be as surprising as Arblaster makes it out to be. When looked at objectively, such conflict seems *inevitably* tied into the idea of democracy. To say that *all* people should be entitled to political power and have control in the running of their own societies, is at the same time to say that those who already hold *non-democratic* power within that society must *give that privilege up* and *share power with those they currently rule over*. As such, it is hardly unexpected that those already benefiting from arguably illegitimate power claims would seek to maintain their dominant social positions and try to crush any attempted usurpations from below that might jeopardize their enjoyed status.

Writing about the early rumblings of democracy in seventeenth century England, Chomsky provides a good example of this inherent conflict at play:

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[209] Arblaster, A, 2001. *Democracy, 2nd Edition*, p. 14. (Open University Press; Buckingham)

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The libertarian ideas of the radical democrats were considered outrageous by

respectable people. They favoured universal education, guaranteed health

care, and democratization of the law...they developed a kind of "liberation

theology" which, as one critic ominously observed, preached "seditious

doctrine to the people" and aimed "to raise the rascal multitude...against the

men of best quality in the kingdom, to draw them into associations and

combinations with one another...against all lords, gentry, ministers, lawyers,

rich and peaceable men" (historian Clement Walker). Particularly

frightening were the itinerant workers and preachers calling for freedom and

democracy, the agitators stirring up the rascal multitude, and the printers

putting out pamphlets questioning authority and its mysteries.[210]

When people holding political power in a society truly believe themselves to be

'men of best quality', and see everybody else as a mere 'rascal multitude' who

couldn't possibly know how to govern *each other* let alone be allowed a say in the

governing of the men of best quality *themselves*, then class lines have already been

drawn deeply, and any attempt to democratize such a society will *ineluctably* take the

form of class warfare. The essential democratic idea that it is actually the *rascal

multitude themselves* who are the people of best quality when it comes to governing

their own affairs, not only *threatens* these existing class lines, but brings their

previously perceived legitimacy into question, inevitably leading to class conflict.

As Arblaster reveals, even in Athens, despite its reputation for being the first

functioning democracy in the world, 'most of the famous Athenian philosophers and

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[210] Chomsky, N, 1992. *Deterring Democracy*, pp., 357-358. (Hill and Wang; New York)

writers were critics and opponents of the democracy'.[211] Looking at the available

texts and documents of the time, Arblaster shows that 'even those who do not

condemn democracy out of hand have often contrived more subtle ways of

disparaging it.'[212]

> The hard struggles to realize democracy, against the entrenched interests of
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> birth and wealth; the deprecation of democracy as the rule of "the mob" or
>
> "the rabble"; the conviction that the poor, or working men, have no
>
> competence in politics; the uneasy coexistence of political equality with
>
> social and economic inequality; the linking of the struggle for democracy
>
> with the struggle for freedom of speech and equality before the law; the
>
> dependence of democracy upon a communal sense of identity – all these are
>
> found in the Greek experience, and all recur in the modern evolution of
>
> democracy [213]

A major clash between the authentic democratic ideal and the attitudes of entrenched

elite power stems from precisely the premise which puts it in possible harmony with

the demands of legitimate political teleology: democracy's commitment to the full

political participation and universal enfranchisement of all. Whilst our discussion so

far has shown the ineluctability of human autonomy, and paired that with several

related species-interests in ensuring people as much freedom as possible in choosing

what they will do with their lives, the following question has been asked by Walker's

'men of best quality' since the time of Plato: what qualifications do ordinary people

have to know how best to run a society? Surely, they ask, despite having shared

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[211] Arblaster, A, 2001. *Democracy, 2ⁿᵈ Edition*, p. 16. (Open University Press; Buckingham)
[212] Ibid
[213] Ibid., p. 23

interests and needs, not everyone is well-equipped for the demands and challenges of

governance? Indeed, in this thesis alone it has taken us quite an abstract route to

unearth what I am claiming to be core species-interests held by all people; if these

interests are as universal as I say they are, then doesn't our general lack of awareness

about them in our everyday life stand as substantial evidence that, for the most part,

the 'people' themselves are not necessarily always the best authority on what their

own interests are?

Plato famously believed that the ability to govern well was such a rarefied skill that

'there will be no end to the troubles of states, or indeed....of humanity itself, till

philosophers become kings'.[214] Believing there to be a particular type of knowledge,

the possession of which was an *essential* prerequisite for good governance, Plato

believed that only a certain elite of philosophers would be capable of governing

because only true philosophers could obtain this objective knowledge of 'the good';

that which 'gives the objects of knowledge their truth and the knower's mind the

power of knowing'.[215] Essentially, Plato was arguing that those who rule a state

cannot simply be *anybody*, but as with any other skilled profession the job must be

undertaken by someone properly able and suited for the role. Having knowledge of

the form of the good meant that a ruler would be able to see more than the visible,

material, *transient appearance* of things that the majority of people mistake for

reality, and be able to see beyond the illusionary veneers of form-hiding particulars to

absolute truth. With this *true* knowledge, a leader would therefore be unerring in their

decisions and infallible in their ruling.

Once all the overly dramatic hyperbole and unvindicated metaphysics is done away

with though, what we find in Plato is simply a re-articulation of the familiar argument

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[214] Plato (Lee, D, trans), 1987. *The Republic*, pp., 202-203. (Penguin Books; London)
[215] Ibid., p. 248

that the only people fit to govern a state are those who truly know what is 'better' for 'people'; our universal ethical contractarian argument. His accompanying claim is that only a philosopher king can possibly possess this knowledge because it is an esoteric metaphysical form revealed only to the most adept of inquiring minds. Democratic thought claims instead, however, that we can *all* be philosopher kings; an idea that gains support from the ethical constructivism of the previous chapters.

As well as forcing us to reject the sort of unsubstantiated metaphysics Plato uses as a sound basis for argument; constructivism suggests that any plausible conception of knowledge of 'the form of the good' that could exist, especially in a political context, must be knowable by *all* once we accept ethics for what ethics really is: as well supported a conclusion about a particular moral truth as we can logically achieve after a rational analysis of all the vindicated relevant facts about a case that are true *to the best of our knowledge*. When we do this, and acknowledge the thin set of universal species-interests and the concurrent moral obligations that they bring to legitimate politics, then we are accepting the most plausible account of any 'knowledge of the form of the good' there might be, and it is clearly one which is potentially available to all.

The claim that ordinary people do not have the sufficient qualifications to govern compared to more educated specialists can be easily rejected, then, when taken as an epistemological claim about the intellectual abilities of people to know their own interests; but the claim becomes debatably true when understood as a practical claim, especially in the complex modern societies we live in today.

Whilst it is arguable that everybody within a particular community knows, either consciously or unconsciously, their own universal needs and species-interests, as well as their own individual-specific and relevant communal interests, better than any

external source, it remains highly unlikely that everybody within that community also grasps equally well the complete gamut of specialist knowledge required for engaging in practical politics: management of large-scale economies, budget-organization, creating and enforcing trade agreements, international law, diplomatic negotiating, criminal justice, military strategy, education, social policy and current affairs both domestic and international; to name but a few areas with which contemporary politicians need an intimate familiarity. An individual may well be able to know their universal needs and species-interests after brief analytic reflection about their common circumstance and nature, but without also having sufficient *technical* knowledge about the complex realities of the political world, they would almost certainly find themselves excluded from capably turning those needs and interests into any practical political action.

Such exclusion of the voting masses from the everyday workings of democracy is praised heartily by Edward Bernays, a former member of the U.S. Committee on Public Information: 'in theory, every citizen makes up his mind on public questions and matters of private conduct…in practice, if all men had to study for themselves the abstruse economic, political, and ethical data involved in every question, they would find it impossible to come to a conclusion'. As a solution to this, Bernays argues, 'we have voluntarily agreed to let an invisible government sift the data and high-spot the outstanding issue so that our field of choice shall be narrowed to practical proportions.'[216]

That such an agreement is voluntary is questionable; but in essence, Bernays is putting forward a similar argument to Plato's: whilst claiming that the decision to leave such complicated matters up to external government is simply a voluntary one

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[216] Bernays, E, 2005. *Propaganda*, p. 38. (Ig Publishing; New York)

motivated by the practical concerns of the majority, ultimately he is predicating his point on the assumption that the majority of citizens would find it 'impossible to come to a conclusion' on the esoteric complexities of real world politics manageable only by a selected elite of career politicians.

Recalling democracy's turbulent history and the perpetual resistance to it by entrenched power though, one must ask if the specialized knowledge of the sort detailed above really is an *essential* component to genuinely democratic politics, or simply a changeable result of historical practice and working convention intended to keep the meddling 'rascal multitude' away from gaining too much political power. Is the claim that successful governing requires specialist skills and knowledge that is unavailable to all *true*, or merely the same sleight of hand tactic which illusionists use when trying to convince an audience that the various techniques of manipulation they have applied in their act are mystifying forces only a gifted magician can harness, instead of what they really are: entirely banal procedures that anybody can learn with a little time and motivation?

Let us not forget; it used to be an established convention that craftsmen and artisans would keep the methods and techniques of their trade a protected secret; not because of any objectively necessary requirement for concealment or reasonable belief that it would be beyond the average layperson to figure out, but simply out of fear that if the general public found out how to do for themselves, the things that they were currently paying the tradesmen good money to do for them, then they would all soon be out of a job.

Are the career politicians of today simply doing the same thing and protecting their own employment opportunities, career prospects and *power*, by alluding to abstruse but spurious tricks of the trade at the possible expense of genuine democracy?

Indeed, is it their very presence which leaves the general populace feeling that they simply have *no need* to know the ins and outs of politics because it is precisely a politician's job to know it for them – not because the public are *incapable* of gaining such knowledge, but just in the same way that all of us could, if pushed, learn how to make tables, fix cars, grow crops, etc *if we needed to*, but as long as there are carpenters, mechanics and farmers in society, to whom such tasks have been delegated, we simply find there is no need?

With class antagonism so *integral* a part of both the democratic idea and its tumultuous history, the question of teleological integrity within actualized incarnations of practical democracy is no small matter. Indeed, the most pressing question we might ask of democracy's current ascendancy in contemporary political consensus is why this previously controversial idea of democracy has become so acceptable today? Has such a change of perception towards democracy occurred because those previously in positions of power and privilege saw the compelling egalitarian logic of the democratic argument and willingly gave up their former claims to private dominance for the overall good of the people; or has democracy gained its political currency only because what remains of the democratic idea in contemporary times is a toothless shadow of its authentic ideal; a misused moniker now lacking in any of its intended substance?

Bernays' idea that the will of the people must certainly guide democratic policy *decisions*, but that it is both impractical and unnecessary for all citizens to engage in the actual formation of those policies and define the political agenda themselves lends itself nicely to the representative system of elected government we equate with democracy today, but is, I believe, at odds with the authentic democratic ideal which demands a much more *direct* notion of democracy than the representative system

allows, in which all citizens within a political community have an equal role in not only voting on, but in shaping and enacting political policy on all matters that affect them.

For obvious reasons though, such direct-democracy requires small-scale communities of citizens if it is to work effectively, and it is argued that in the modern nation-state the sheer size of our societies makes direct-democracy logistically impossible to achieve. Even in a country as relatively small as Britain, for example, if every single person in every single town were to be involved in every political decision that affected them, then the day-to-day running of the country would be a hugely impractical task. Not only would there be the question of where and how the entire citizenry might ever be expected to all meet up and meaningfully discuss matters of political importance in enough detail to knowledgeably engage with them, but there would also be the question of the amount of *time* needed in one's life to be pro-actively involved in the complete minutiae of local and national politics, and whether or not such time would be available on top of all the other time-consuming factors of everyday life like work, family, friends, etc.

On the assumption that such direct-democracy is unworkable in the modern nation-state; the system of representation has been invoked as a seemingly necessary compromise. In Britain, then, instead of the entire population of over sixty million people having to understand and vote on every single issue that faces them, just under 650 Members of Parliament are elected from constituencies around the country to represent the views and interests of their respective constituents and oversee the day to day running of the nation manageably from Westminster. Put eloquently by Mill, although

there is no difficulty in showing that the ideally best form of government is

that in which the sovereignty, or supreme controlling power in the last resort,

is vested in the entire aggregate of the community; every citizen not only

having a voice in the exercise of that ultimate sovereignty, but being, at least

occasionally, called on to take an actual part in the government...since all

cannot, in a community exceeding a single small town, participate personally

in any but some very minor portions of the public business, it follows that the

ideal type of a perfect government must be representative.[217]

Mill's argument is the justificatory basis for the representative systems we call

democratic today; but there is an alternative conclusion to be drawn from the notion

that the directly-democratic ideal cannot function on a scale larger than a small town

that is equally compelling, but not often drawn out: namely, the conclusion that a

legitimate political society, bound as it is by its justificatory terms of political

teleology to ensure the authentic democratic ideal, *cannot*, therefore, be established

over so large a scale that it cannot guarantee the meaningful political participation to

all, on which its legitimacy rests.

Now that we have seen how legitimate politics must be beholden to the ethical

obligations of its justificatory teleology, the default position of compromising

political ideals to fit the perceived limitations of reality becomes untenable; for it

commits the major fallacy of forgetting that political reality is just a synthetically

manufactured creation, artificially designed by societies to perform a specific social

function. As such, political 'reality' in this case, is impermanent, and completely

changeable if such change will help better fulfill that legitimating function. Once we

remember this common oversight, we can suddenly see that it is just as realistic to

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[217] Mill, J. S, 1998. *On Liberty and Other Essays*, pp., 244-256. (Oxford University Press; Oxford)

change current political *circumstances* in order to accommodate the requirements of a justified ideal, as it is to compromise the ideal itself to the restrictive and arbitrary limits of a pre-existing reality. As O'Neill asks, 'why should the boundaries of states be viewed as presuppositions of justice rather than as institutions whose justice is to be assessed?'[218] Our political borders are *created*, not a natural and unchangeable phenomenon, and as such they should be up for as much scrutiny and ethical analysis as any other arrangement we are morally accountable for.

If authentic direct democracy turns out to be the only system of political power which can successfully ensure the protection and fulfillment of people's species-interests, then regardless of the capricious contingencies of contemporary political reality, such as nation size and a population's current levels of political understanding, it is entirely arguable that, rather than rejecting authentic democracy as impossible, we ought instead to *change* what we can in order to *make* it possible.

Representative democracy is certainly a compromised and pragmatic approach to the authentic democratic ideal, but can a single representative really articulate the full spectrum of nuanced and subtle differences in opinion of the large numbers of people they claim to represent? In the British example, for instance, if we divide the total number of the population who must necessarily be represented (60, 587, 300[219]) by the number of representatives available (646), we discover that, on average, each MP must theoretically articulate the interests of over 93, 788 people *each* if all of the 'people's' interests are to be represented in parliament.

Is it realistic to believe that on such a scale meaningful representation is possible, or are the myriad of complex individual interests and ideas simply diluted into easy generalizations that leave many people's true positions without political voice?

[218] O'Neill, O, 2000. *Bounds of Justice*, p. 4. (Cambridge University Press; Cambridge)
[219] Estimated for 2006 UK Population by the *Office for National Statistics*:
http://www.statistics.gov.uk/CCI/nugget.asp?ID=6 (accessed 12/12/07)

Even if we reduced that number considerably and ensured a single representative for, say, every *five* thousand people, it seems hard to imagine the situation making the chances for *meaningful* political representation any better.

The quality of representation gets even worse with the trend for political parties to form under such a system, further limiting the options of available representation for the majority of the public. Such representatives cease to represent individuals, or even communities, but instead represent *parties*, reversing the process of representation from one shaped and beholden to the public will, to one which gives its citizenry *no other choice* but to force their own nuanced and varied political beliefs into the acceptance of a *representative-of-best-fit* from a very narrow selection of available agents that have been *chosen for them* by party members.

With such limited choice, genuine representation of the gradated and myriad personal differences of popular political opinion within a society is severely constricted from the outset, making genuine representation in such systems a rarity. As Wolff suggests,

> When matters have reached this degree of removal from direct democracy, we may seriously doubt whether the legitimacy of the original arrangement has been preserved. I have an obligation to obey the laws which I myself enact. I have as well an obligation to obey the laws which are enacted by my agent in strict accord with my instructions. But on what grounds can it be claimed that I have an obligation to obey the laws which are made in my name by a man who has no obligation to vote as I would, who indeed has no effective way of discovering what my preferences are on the measure before him?[220]

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[220] Wolff, R.P, 1998. *In Defense of Anarchism*, p. 29. (University of California Press; Berkeley)

Whereas those like Bernays claim that 'the conscious and intelligent manipulation of the organized habits and opinions of the masses is an important element in democratic society', with a politician's job being 'by the instrument of propaganda, to mould and form the will of the people', and alongside other important societal group leaders constitute 'an invisible government' who can 'bring order out of chaos' through the 'manipulation of public opinion'[221]; for Wolff, 'men cannot meaningfully be called free if their representatives vote independently of their wishes, or when laws are passed concerning issues which they are not able to understand. Nor can men be called free who are subject to secret decisions, based on secret data, having unannounced consequences for their well-being and their very lives.'[222]

The authentic democratic ideal is not about forsaking individual political perspectives and opinions for the representative-of-best-fit within a meagre pool of choice; nor is it about what Walter Lippmann called the 'manufacture of consent',[223] giving only an illusion of autonomy and freedom to a general public considered 'by and large incapable of lucid thought or clear perception, driven by herd instincts and mere prejudice, and frequently disorientated by external stimuli...not equipped to make decisions or engage in rational discourse';[224] yet it is precisely this flawed conception of democracy that representative democracy appears to give us both in theory, and in practice.

A real alternative to the democratic deficits of representative democracy, however, will not come from simply providing citizens a more participatory enfranchisement. Whilst considered by many political theorists to be the true democratic ideal, direct-

[221] Bernays, E, 2005. *Propaganda*, pp., 37-168. (Ig Publishing; New York)
[222] Wolff, R.P, 1998. *In Defense of Anarchism*, p. 31. (University of California Press; Berkeley)
[223] Lippmann in Bernays, E (Introduction by Mark Crispin Miller), 2005. *Propaganda*, p. 13. (Ig Publishing; New York)
[224] Lippmann paraphrased by Miller, M. C; ibid., p. 16

democracy, with its blueprint being the great city meetings of ancient Athens where every citizen had a voice, is just as liable to democratic failings as its representative cousin, if it is not bolstered beyond the polls by a complete culture of democratic participation and political freedom. Indeed, such a culture was missing even in the Athenian blueprint, for whilst every citizen debated and voted on every issue of government, with no law being passed or political decision made without the direct participation of every single citizen; the title of 'citizen' was denied to a large majority of the Athenian population.

Direct-democracy, when seen only as an emphasis on universal *voting*, removes it from the robustly *ethical* demands of political teleology and thus leaves it without the necessary commitment to protect and fulfill a citizen's species-interests required of legitimate politics. Without this wider *ethical* understanding of the full teleological purpose of direct-democracy as a necessary means to a particular end, there is a danger of advocating only an empty gesture towards democracy rather than authentic democracy itself.

A perfect illustration of this can be found in Ian Budge's book *The New Challenge of Direct Democracy*. Budge begins with the revelation of what he calls 'the startling fact' that direct democracy 'is now technically possible...The existence of electronic communications' meaning that 'physical proximity is no longer required' for mass electoral participation.[225]

This claim is important and, at least superficially, true. Historically, a major argument against the feasibility of direct democracy was the impossibility of large populations realistically being able to learn about and vote on the various political issues facing their country, but in this day and age of internet technology where the

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[225] Budge, I, 1996. *The New Challenge of Direct Democracy*, p. 1. (Polity Press; Cambridge)

mass distribution of information and ability to communicate instantly to people across the globe is possible from the comfort of one's own home, such an argument would appear untenable. As Wolff had already pointed out, and Budge has picked up on, 'the obstacles to direct democracy are merely technical',[226] and now, living in a world in which we have the capability for mass communications via telephone, television and the internet, such obstacles can be overcome.

Despite the new feasibility of direct democratic voting though, Budge then inadvertently illustrates how voting capability alone is not enough to turn a purely procedural direct democracy into an *authentic* democracy.

After his initial revelation about the new technological capacities for achieving direct and universal political participation, Budge then draws a blueprint of direct democracy which barely differs from current representative forms in any important way other than there being a huge increase in public voting.

'It should be made clear' Budge tells us, putting the minds of the 'men of best quality' at ease against fears of a democratizing 'rascal multitude', 'that substituting popular voting on the most important decisions does not necessarily mean that parliaments need to be abolished.' Parliaments of political representatives could, Budge suggests, 'become a committee to debate and set the wording of the policy alternatives to be voted on by citizens' or could 'stage an advisory debate or even an advisory vote on the matter under discussion' as well as 'oversee detailed administration of policies endorsed by the population'.[227] The political party system could also be retained, Budge tells us, as it 'represents a necessary and constructive response to problems of policy consistency and co-ordination in a modern society'.

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[226] Wolff, R, P, 1998. *In Defence of Anarchism*, p. 34. (University of California Press; Berkeley)
[227] Budge, I, 1996. *The New Challenge of Direct Democracy*, p. 36. (Polity Press; Cambridge)

Indeed, he concludes, 'it is practically inconceivable that, under modern conditions, a direct democracy could function without political parties'.[228]

Budge is attempting to ostensibly advocate a system of mass public rule, whilst actually harbouring a fear of what the public might vote for if politics were left entirely up to them. If governance were left only to the self-rule of the citizens themselves, Budge tells us, (despite offering no proof to support this assertion), 'decisions would often be inconsistent with each other and ill-considered'.[229] He continues, equally without evidence, to allege that 'budgetary constraints would not be considered' by the masses as 'everything tends to be regarded as desirable and attainable, rather than any realistic rank-ordering of expensive policies being made',[230] and warns us that 'limits on the energy and time even of an informed electorate would leave them open to manipulation by interest groups and demagogues';[231] an argument which, if true, would be just as applicable to a system of representative democracy, if not more so.

A purely procedural direct democracy has other problems attached to it, even if we did not maintain Budge's democracy-subverting political elites. As long as there is still a significant separation between agenda-setting and decision-making in a democracy, and between decision-making and the implementation of those decisions, there is always room for obstruction, delay, avoidance, and distortion.

Let's imagine that some sort of voting technology *can* be placed in every home and public space which allows citizens to get information about, and vote upon, every single political issue that arises in their society. Immediately there are some glaring questions to be asked. Firstly, *who* sets the political agenda and determines what

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[228] Ibid., p. 40
[229] Ibid., p.37
[230] Ibid
[231] Ibid

content will be transmitted through this technology into the homes of voters? If we are to take the authentic democratic ideal seriously then the only legitimate answer must be the people themselves, yet without placing this purely electoral procedure within the context of a wider programme of democratic reforms, we may find remaining anti-democratic obstacles within society at large. Perhaps, for example, the technological apparatus for direct democracy is implemented in this purely procedural way, whilst no other significant cultural changes are made to a nation, leaving it with, say, the economic framework of contemporary capitalism still in place. Under such conditions, it is not unreasonable to assume that, whilst certainly ensuring the mechanics of universal participatory suffrage for all, those citizens who possessed more money than others would still have the ability to procure many more methods of political influence to advocate policies in their own self-interest, than those available to others, or provided by the voting technology itself. Whilst everybody in such a society may well be *aware* of a certain issue and physically *free* to vote on it however they choose, if their effective framework of choice and understanding about the matter at hand has been ideologically limited by a concerted propaganda effort made by those economically powerful elites with vested interests in a particular political outcome, then that freedom and suffrage becomes meaningless.

Such techniques are unashamedly used in the entertainment world all the time. Whilst, on the one hand, the emergence of competitive 'reality television' programming in recent years has shown vividly that the idea of people sitting around their television screens once a week to watch a specified programme and then place individual votes electronically about its content is something that is both possible and appealing to the general public; on the other hand, the *results* of these reality-television votes have worryingly shown just how well clever editing, slick video

packages, and subtle phrasing and framing of issues towards a programmer's agenda can influence voters into making certain choices under the appearance of freedom, that have in fact been manipulated by a distorted presentation of the facts towards a specifically desired end.[232] Whilst psychologically coercive voter-management like this on a TV show amounts to no more than a slightly cynical ploy to generate extra revenue; for authentic democracy we do not want simply the *veneer* of choice, we want the genuine enactment of our freely chosen and autonomously shaped needs and wants to fashion the political life of the society in which we live.

With vested economic interests maintaining significant power to influence that will, the freedom alone to simply *vote*, does not come close to ensuring the real freedom and autonomy our political teleology demands. Within a purely procedural version of direct-democracy, a very real possibility remains that much of the population would remain passive spectators in their own lives, responding at the ballot mainly to the influence of commercially pleasing sound-bites and substanceless slogans filtered through shallow and limited analysis in a manipulative and privately owned media; leaving them more like members of a multiple-choice focus group than the authentically democratic citizens *legitimate* politics requires.

Even if an equal ability to frame and influence the political agenda were to be held by all though, and the presentation of issues and participation in voting held in common rather than by privileged individuals or private economic interests, there still remains the question of whether or not such deep reliance on technology for the essential functioning of society would lead to an emergence of a new and powerful non-democratic elite despite the best efforts at achieving inclusive egalitarianism – a *technological* elite, comprised of those people who create, build and maintain the

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[232] BBC 4's media show: *Charlie Brooker's Screenwipe* (Zeppotron Productions, 2007) gave multiple examples of the manipulative effects of editing narratives on 'reality' television shows in both seasons 3 and 4 of its run.

necessary machinery of direct democracy and thus, through no fault of their own, possess a powerful and unique knowledge which others do not.

With a certain technological specialism required for effectively recording, counting and transmitting the votes of a multi-million population of a nation-state, it is implausible that all members of the population would have equal knowledge of how this voting technology actually worked, leaving the accuracy of its results and its overall dependability largely unaccountable; for how is anyone to know that the choice they pressed into their electronic keypad at home, is the same choice that the voting machine actually *registered* when they are told the final election results?

These concerns are especially germane when one considers how electronic distortions made by privatized voting machinery undermined the democratic credibility of the U.S. elections in 2004, with privately operated computerized ballots losing, destroying, or simply ignoring, over three *million* votes.[233]

Authentic democracy requires more than the electoral framework of direct democracy alone, because it is more than merely a practical procedure of political resolution, or an arbitrary historic capability made possible through the contingencies of technological progress; it is a principled political idea founded on an underlying commitment to a legitimate political teleology. As well as having an obligation to ensure *as much natural autonomy and freedom as possible in line with sustaining a similar level of natural autonomy and freedom for all* (a requirement necessitating the direct-democratic demand that all people get to vote on all things and have equal say in framing and influencing the political agenda), an *authentic* democracy must ensure more still. It must ensure, for example, that each individual is protected as much as possible from *unnecessary death and preventable suffering*; not simply by providing a

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[233] Palast, G, 2006. *Armed Madhouse*, pp., 187-275. (Allen Lane; London)

framework of protection from the sort of violence found in coercive political regimes, but going deeper than that and allowing citizens to erect similar protections from *any* arbitrary system or practice which they recognize as artificially creating unnecessary and preventable conditions which cause needless suffering or the loss of life. This could mean facilitating the enactment of fairly obvious protections, such as laws against murder and the implementation of clean sewage systems, but it must also mean being able to prohibit less obvious causes of unnecessary death and preventable suffering that might be publicly questioned, such as failing *economic* systems.

It is important to note, that as well as being representative, rather than direct, systems of democracy, contemporary Western democracies today are exclusively *capitalist* economically. This caveat is interesting, because, in line with our species-interests, an authentic democracy must ensure not only freedom and autonomy, but also the ability to make possible *fair and unimpeded access to, and procurement of, the basic requisite material goods necessary for staying alive,* to all of its citizens. This task might well involve the necessity of completely re-shaping hitherto accepted economic relations if they are believed to prevent any groups or individuals from obtaining these basic necessities of life.

Just as external structures of political power are artificial creations made by people to serve a certain purpose, the underlying justification for the very existence of any *economic* system, being itself an equally synthetic and purpose-built human enterprise legitimated only on the basis that it enables a distribution of goods in line with the establishing needs of its accompanying political structure, is itself bound to the exact same ethical obligations of political teleology as the political system which nourishes it. As such, an economic system which *fails* to protect and fulfill its citizen's species-interests, or whose existence becomes an active obstacle to those interests, must be

considered illegitimate, requiring much more change to a society than merely an adjustment in how often, and on what, people vote.

Under capitalism, the prevailing economic framework of contemporary representative democracies, there is immediately an obstacle to the fulfillment of our species-interest in obtaining fair and unimpeded access to, and procurement of, the basic requisite material goods necessary for staying alive; for under such a system, basic requisite material goods come at a cost which must first be met by a citizen if they are to obtain them. Obviously this same seeming impediment would exist under *any* economic system which put a price on basic goods. A successful and legitimate economic system, however, which fulfilled the justificatory obligations of its artificial existence by working out the 'best' arrangement for distributing goods within a society in line with the ethical requirements of political teleology, would be one in which, although such items came at a price, the money to *cover* that price would be easily obtainable by all. Whilst perhaps arguable that on a Keynesian, or Galbraithian, interpretation, the capitalist programme would put in place regulations and protections to ensure such requirements might be met, it has largely been Adam Smith's take on capitalism (or in more recent times, the neoliberal co-opting of Smith by Milton Friedman) that has informed much of Western economic policy, leaving ethical assurances of welfare and protection, for the most part, down to the amoral and unpredictable 'invisible hand' of the free-market.

As a result of this we have a global economic system, created and sustained by capitalist democracies through institutions like the World Bank and the International Monetary Fund, that sees, according to a 2001 report by the World Bank itself, 2.7 *billion* of the world's population living on just two dollars a day, and 1.1 billion living

on just *one* dollar a day. [234] That is 3.8 billion of the world's total of 6.5 billion living

in extreme poverty. In other words: *the majority*; all finding their access to necessary

goods *severely* impeded by neoliberal capitalism.

Domestically, in the United Kingdom, 3.4 million children lived in poverty in the

year 2004/2005 (poverty here being defined as living in households earning less than

60% of the contemporary median UK household income) despite half of those

children living with at least one working parent. And 6.2 million adults of working

age lived in poverty – again, nearly *half* of these people were in households where

someone was in paid employment. In the same period, 17% of UK pensioners lived

below the poverty line, a poverty which in that year alone caused nearly 30,000

'excess winter deaths' amongst the elderly as they found themselves unable to afford

central heating.[235] In the United States, the year 2005 saw 12.6 % of its population

living in poverty according to the U.S. Census Bureau; a figure which incorporated 37

million people and 7.7 million families,[236] whilst a December 2006 study by the

World Institute for Development Economics Research revealed that more than half of

all global household wealth in the world is owned by just 2% of the world's

population, with only 1% of global wealth held by the entire bottom half of the world

adult population.[237]

Even if we ignore the gross disparities between rich and poor that the current

capitalist system has generated, and concentrate only on those who *do* appear to have

the economic means to buy necessary material goods, often we will still find that, in

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[234] *World Bank*:
http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTPOVERTY/EXTPA/0,,contentMDK:2
0153855~menuPK:435040~pagePK:148956~piPK:216618~theSitePK:430367,00.html (accessed
1/2/07)
[235] Palmer, G et al, 2006. *Monitoring Poverty and Social Exclusion*, (Joseph Rowntree Foundation
New Policy Institute; York). ISBN-13: 9781859355350. pdf – http://www.jrf.org.uk
[236] Denavas-Walt, C et al, 2006. *Income, Poverty and Health Insurance in the United States*. (U.S.
Census Bureau, U.S. Government Printing Office; Washington, D.C,)
[237] Shorrocks, A et al, 2006. *The World Distribution of Household Wealth*. (UNU-WIDER; Helsinki)

fact, they only possess *borrowed* credit rather than money of their own; credit which they will be required to pay back with interest. In October 2007 alone, according to Credit Action, a money-education charity in the UK, British consumers owed a total credit debt of two-hundred-and-twenty-two *billion* pounds,[238] and in the U.S., according to the Federal Reserve Bank, American consumers owed over 2.4 *trillion* dollars in credit that same month.[239] This problem is not limited to the *citizens* of these capitalist democracies though; in March 2007 the UK government owed 574.4 billion pounds in national debt,[240] whilst during the same time period the U.S. government owed over 8.7 trillion dollars in their own national debt.[241] Whilst some of this deficit is internal, much of it – especially in the United States – is external, leaving these economies precarious and unstable.[242]

Marx and Engels famously noted that the gross exploitation of labour upon which capitalism relied, allowing a small minority to get rich off the backs of a majority of poor workers, produced 'above all…its own grave-diggers',[243] believing the inequalities and disparity created by such a system, once recognized by the majority of people, would lead to popular revolt. When an economic system leaves half the world's wealth in the hands of just 2% of the world's population, and the majority of the world's population living in conditions of extreme poverty, it would appear safe to say that it is an economic system which is unfit for purpose; yet the capitalist system remains the dominant economic system of contemporary democracy.

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[238] http://www.creditaction.org.uk/debt-statistics.html (accessed 13/12/07)
[239] Federal Reserve Statistical Release G.19: http://www.federalreserve.gov/releases/g19/Current/ (accessed 13/12/07)
[240] http://www.statistics.gov.uk/cci/nugget.asp?id=277 (accessed 13/12/07)
[241] US Treasury: http://www.treasurydirect.gov/NP/BPDLogin?application=np (accessed 13/12/07)
[242] It has even been speculated that this reliance on foreign credit was one possible reasons for the U.S. invasion of Iraq in 2003 – the decision by Iraq to start trading their oil in Euros instead of Dollars causing great concern to an economy which relies on petrodollars: see: Clark, W, 2005. *Petrodollar Warfare*, (New Society; British Columbia)
[243] Marx, K and Engels, F (Moore, S, trans), 1985. *The Communist Manifesto*, p. 94. (Penguin Classics; London)

There are many reasons for this, some of which we shall go into in the next chapter, but a central one stems from the perceived failings of Marxism in Russia and communism's observed compatibility with forms of totalitarianism. Capitalism – especially in its current free-market form – like democracy, has long traded on the claim that it is the only system through which a society can have true freedom, being based in the notion of free individual buyers and sellers, and when the collapse of communism in the Soviet Union brought with it the clamour for free-markets across Eastern Europe and denunciations of dictatorial Soviet control, alongside Fukuyama's 'end of history' pronouncement, it certainly seemed as though free-market ideology had reached unquestionable levels of intellectual piety.

The preachers of the free-market though, have, I believe, committed the same simple fallacy over our species-interest in freedom, as the utilitarians committed regarding happiness.

As I have stressed throughout this chapter, the species-interests which legitimate politics must protect and fulfill, come in no order of priority. The protection and fulfillment of each one is equally necessary for life to truly be 'better' for the people that hold them, and no one particular interest can be held up as higher than any other; they are symbiotic to each other and incomplete in isolation. The rationale for accepting the capitalist economic system put forward by its proponents, however, has been based in the rhetoric of protecting individual freedoms *above all else*.

If one reads Friedman's *Capitalism and Freedom*, Hayek's *The Constitution of Liberty*, or even Nozick's *Anarchy, State and Utopia* purely as tracts about how best to preserve pure and unfettered freedom from unjustified external control, then they read almost like anarchist or socialist critiques of government. 'How can we keep the government we create from becoming a Frankenstein that will destroy the very

freedom we establish it to protect?' Friedman asks. 'Freedom is a rare and delicate plant...and history confirms that the great threat to freedom is the concentration of power.'[244] Indeed, like a slightly watered down version of the anarchist solutions we have already looked at, Friedman claims that to best protect our freedom against external structures of political power we ought to limit government only to matters of security, utilized 'at times to accomplish jointly what we would find it more difficult or expensive to accomplish severally', whilst 'relying primarily on voluntary co-operation and private enterprise, in both economic and other activities.' What government remains, Friedman suggests, ought to be decentralized; 'if government is to exercise power, better in the county than in the state, better in the state than in Washington.'[245] However, the problem with Friedman's neoliberalism begins to arise when we discover that, for Friedman, we are seeking freedom in society as a sole end in itself, rather than as one of many necessary means to a complete fulfilling life.

The lack of any deeper teleological concerns becomes clear when he admits that whilst, 'at any moment in time, by imposing uniform standards in housing, or nutrition, or clothing, government could undoubtedly improve the level of living for many individuals' or 'by imposing uniform standards in schooling, road construction, or sanitation, central government could undoubtedly improve the level of performance in many local areas and perhaps even on the average of all communities'; he concludes that 'in the process, government would replace progress by stagnation' because 'government can never duplicate the variety and diversity of individual action'.[246]

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[244] Friedman, M, 2002. *Capitalism and Freedom: Fortieth Anniversary Edition*, pp., 2-4. (University of Chicago Press; Chicago)
[245] Ibid.
[246] Ibid.

Unlike the anarchists, Friedman actually believes that government *could* improve the quality of life for people, and provide them with various features to protect and fulfill their species-interests; but by doing so he concludes that freedom will suffer, and human ingenuity will be destroyed. As a result, he claims that, to protect freedom, government should *not* interfere in the free functioning of society in this way, and ought to instead leave such provisions up to the 'invisible hand' of the marketplace, *even if it is likely that government interference would be a success.*

The idea of the invisible hand is simple; in the words of Adam Smith, 'every individual...generally, indeed, neither intends to promote the public interest, nor knows how much he is promoting it', however, by following one's own self-interest, an individual may be 'led by an invisible hand to promote an end which was no part of his intention.'[247]

Assuming self-interest to be the sole guarantor of human motivation, Smith believed that an ethical appeal to performing a particular action on the basis that it would help others or serve some sort of public good would be an appeal that was bound to fail. However, he also believed that leaving people to follow their own self-interest would beget a self-regulating economy of needs that would provide benefits to others unintentionally. 'It is not from the benevolence of the butcher, the brewer, or the baker, that we expect our dinner, but from their regard to their own interest. We address ourselves, not to their humanity but to their self-love, and never talk to them of our necessities but of their advantages.'[248]

[247] Smith, A, 1776. *An Enquiry into the Nature and Causes of the Wealth of Nations: Book IV, Chapter II.* (Adam Smith Institute; London): http://www.adamsmith.org/smith/won-b4-c2.htm (accessed 13/12/07)
[248] Ibid., Book I, Chapter II: http://www.adamsmith.org/smith/won-b1-c2.htm (accessed 13/12/07)

If an individual wants economic prosperity for themselves, they must provide a service which somebody else wants to pay for, and so their self-interested desire for income will have the unintended consequence of satisfying the public interest too.

The central feature of the market organization of economic activity is that it prevents one person from interfering with another in respect of most of his activities. The consumer is protected from coercion by the seller because of the presence of other sellers with whom he can deal. The seller is protected from coercion by the consumer because of other consumers to whom he can sell. The employee is protected from coercion by the employer because of other employers for whom he can work, and so on. And the market does this impersonally and without centralized authority.[249]

The invisible hand, then, is a rejection of the very notion of political teleology, for it reduces all question of protecting and fulfilling the species-interests shared by a community to an unintentional by-product of economic freedom, rather than as being the main focus of organized social life. Indeed, for Hayek, the necessary emphasis on freedom comes *precisely* because he believes such teleology to be unknowable. 'The case for individual freedom', Hayek tells us, 'rests chiefly on the recognition of the inevitable ignorance of all of us concerning a great many factors on which the achievement of our ends and welfare depends.'[250]

Hayek rejects completely the viability of my constructivist project of political teleology, rejecting 'rationalist demands' that say 'our action should be guided by a full understanding of the functioning of the social process and that it should be our aim, through conscious assessment of the concrete facts of the situation to produce a

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[249] Friedman, M, 2002. *Capitalism and Freedom: Fortieth Anniversary Edition*, pp., 14-15. (University of Chicago Press; Chicago
[250] Hayek, F, 2006. *The Constitution of Liberty*, p. 27. (Routledge Classics; London)

foreseeable result which they describe as the "social good"', because such endeavours 'require knowledge which exceeds the capacity of the individual human mind'.[251]

But as I hope I have shown, Hayek's claim is simply not true. Such knowledge does not exceed the capacity of the individual human mind, it simply requires the hypothetical analysis of the concrete and fully knowable species-*facts* of the human condition, and the uncontroversial extrapolation of those facts into a limited set of plausibly supported normative universals that should not be beyond the grasp of any rationally autonomous human being familiar with the evidence.

Rather than recognizing economic structures as a purpose-built means only to the specific end of ensuring the legitimate distribution of goods, as dictated by the terms of our justificatory political teleology; neoliberal capitalism sees economics as an end in itself, perceiving 'the basic problem of social organization' not as how to make life 'better' for 'people', but as how to 'co-ordinate the *economic* activities of large numbers of people'[252] whilst retaining as much of their freedom as possible.

But seeing politics as purely an issue of economic freedom alone creates a tendency for disanalogy. 'The great advantage of the market', Friedman tells us, 'is that it permits wide diversity' in the choices and control individual people have over their own lives. 'It is, in political terms, a system of proportional representation. Each man can vote, as it were, for the colour of tie he wants and get it; he does not have to see what colour the majority wants and then, if he is in the minority, submit.'[253] But a life in which the full spectrum of human interests are satisfied, be they species-interests, individual-specific interests, or communal interests, requires a much more nuanced approach to satisfaction of those interests than does the ability to choose one

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[251] Ibid., pp., 58-59
[252] Friedman, M, 2002. *Capitalism and Freedom: Fortieth Anniversary Edition*, p. 12. (University of Chicago Press; Chicago) (emphasis added)
[253] Ibid., p. 15

coloured tie over another. Yes, we can theoretically choose the colour tie we want if

we are in the market for a tie; but where is the correlating assurance that we can

afford a tie in the first place, or more importantly, the price of bread, of water, of

housing, etc?

> To presume that markets and market signals can best determine all allocative decisions
>
> is to presume that everything can in principle be treated as a commodity.
>
> Commodification presumes the existence of property rights over processes, things, and
>
> social relations, that a price can be put on them, and that they can be traded subject to
>
> legal contract.[254]

The free-market might well lead to the freest *economic* outcomes and ensure

unfettered trade between self-interested sellers and buyers, it may also ensure the

most levels of *individual* freedom to those sellers lucky enough to make enough

private profit to afford everything on sale that they need; but the ethical validity of

these outcomes is not de facto obvious. Private profit is not a justified end in itself,

and is no more legitimate an interest for an individual to hold, than is the interest of

the killer to kill if the achievement of that interest comes at the expense of denying

others the ability to meaningfully protect and fulfill their own essential species-

interests.

Unless an argument can be made that free trade of this type can ensure the most

effective distribution of goods in line with achieving the wider goals of the underlying

political teleology from which legitimate economics must originate, then the

desirability of such economic achievement remains in doubt.

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[254] Harvey, D, 2007. *A Brief History of Neoliberalism*, p. 165. (Oxford University Press; Oxford)

Still, for the neoliberal, none of this matters. Freedom alone is the sole good to be protected by legitimate government. Although billions might well die in poverty, all that matters to the neoliberal is that they will be dying of a poverty that has occurred under conditions of economic *freedom*. This attitude is clear when Friedman acknowledges that 'Fascist Italy and Fascist Spain, Germany at various times in the last seventy years, Japan before World Wars I and II, tsarist Russia in the decades before World War I – are all societies that cannot conceivably be described as politically free' but that 'in each, private enterprise was the dominant form of economic organization'. Using this illustration to show that it is 'clearly possible to have economic arrangements that are fundamentally capitalist and political arrangements that are not free', he then crudely attempts to defend the free-market's honour within its repressive circumstances, with the claim that 'even in those societies, the citizenry had a good deal more freedom than citizens of a modern totalitarian state like Russia or Nazi Germany, in which economic totalitarianism is combined with political totalitarianism.' His best example of this freedom: 'Even in Russia under the Tzars, it was possible for some citizens, under some circumstances, to change their jobs without getting permission from political authority'.[255]

That Friedman's economic program is just as compatible with repressive political institutions as its vilified socialist alternatives, if not even more so, has been made clear by Naomi Klein's recent study of what she has dubbed 'disaster capitalism'.[256] The obsession with unfettered market freedom above all else created in Friedman's economics the glaring problem that no such free markets yet existed. Whilst I have pointed to some of capitalism's current failings as reason to doubt its success, Friedman's response to these damning statistics on world poverty would be to simply

[255] Friedman, M, 2002. *Capitalism and Freedom: Fortieth Anniversary Edition*, p. 10. (University of Chicago Press; Chicago)
[256] Klein, N, 2007. *The Shock Doctrine: The Rise of Disaster Capitalism*. (Allen Lane; London)

point out that such inequalities have come about not as a result of the failures of

capitalism, but precisely because of governmental attempts at regulating and

interfering with the market place. With the free-market corrupted by Keynesian

social welfare programmes, capitalism is not operating in a realm of perfect freedom

and so cannot successfully achieve the economic equilibrium of its theoretical

promise. As Klein explains, 'Friedman's mission...rested on a dream of reaching

back to a state of "natural" health, when all was in balance, before human

interferences created distorting patterns.'[257] To achieve as near to this 'natural' state

as possible, Friedman's proposals were threefold: 'governments must remove all rules

and regulations standing in the way of the accumulation of profits...they should sell

off any assets they own that corporations could be running at a profit. And third, they

should dramatically cut back the funding of social programs.'[258]

Such radical reforms could only be made though, and the distorting legacies of social

and economic history wiped away, through a method best known as economic 'shock

therapy'.

As Klein explains, this 'fundamentalist form of capitalism has always needed

disasters to advance.'[259] Because the vast majority of citizens within a democratic

country who benefit from public services are usually opposed to the idea of their

sudden privatization, as well as the deregulation of previously existing government

protections against the self-interest of private enterprise and the proposal of enormous

cuts in social spending that free-market capitalism requires, what Klein calls the

'shock doctrine' of neoliberal capitalism simply circumvents democracy by exploiting

or manufacturing a nation's emotional response to some cataclysmic disaster, such as

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[257] Ibid., p. 50
[258] Ibid., pp., 56-57
[259] Ibid., p. 9

a war, or a coup, and *shocking* people into stunned and disoriented acquiescence of reforms they now feel, amidst such confusion, that they simply cannot resist.

Klein charts the application of the shock doctrine as a necessary centrepiece of Friedman's economic theory and the applied economic programmes of his fellow Chicago School of Economics protégés; first in Chile, after Augusto Pinochet's 1973 coup d'etat, then in Brazil and Argentina under their juntas, in Uruguay under its military dictatorship, in post-coup Bolivia, and in both Poland and Russia during the height of their respective national crises.[260] In each case, economic 'shock therapy' pushed through under conditions of extreme nationwide catastrophe, ensured private investors unqualified wealth, whilst condemning large numbers of citizens to poverty and starvation.

Friedman's free-market principles were even adopted by the ostensibly socialist People's Republic of China, with the imposition of free-market reforms meeting both protest and brutal repression at the Tiananmen Square massacre of 1989.[261]

The list continues right up to the post-war Iraq and post-9/11 America of today, but the point remains the same; an emphasis on economic freedom, or even freedom itself, is no guarantee of the comprehensive package of social obligations that are required by legitimate politics under the terms of its justificatory contract. Indeed, much historical and empirical evidence suggests that, if anything, unfettered capitalism as an economic system has an inherent tendency to partner itself with political systems quite willing to cause unnecessary death and preventable suffering – in great numbers – and leaves many people incapable of obtaining the fair and unimpeded access to, and procurement of, the basic requisite material goods necessary for staying alive.

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[260] Ibid., pp., 77-131
[261] Ibid., pp., 142-193

The idea of freedom "thus degenerates into a mere advocacy of free enterprise", which means "the fullness of freedom for those whose income, leisure and security need no enhancing, and a mere pittance of liberty for the people, who may in vain attempt to make use of their democratic rights to gain shelter from the power of the owners of property".[262]

Friedman claims that the 'central defect' of attempting to ensure anything else but freedom in a society is that any such measures seek 'through government to force people to act against their own immediate interests in order to promote a supposedly general interest.'[263] But just as we have rejected Hayek's similar scepticisms, we must reject Friedman's claim. The general interest a *legitimate* government must promote is the protection and fulfillment only of our *species-interests*, which ultimately amounts to nothing more than the unpacked shared-*self*-interest of all. Although such protection might well lead to the occasional limit being placed upon our freedom in some areas, or certain restrictions in the available choices of action we have before us, what it mainly does is ensure as much natural autonomy and freedom as possible *in line with sustaining a similar level of natural autonomy and freedom for all*; and recognize that we can only fully ensure our own freedoms by simultaneously ensuring the freedoms of others.

It is neoliberal capitalism's major intellectual defect that it fails to recognize the necessary truism that economics are a non-natural phenomena; they are merely synthetically created strategies of distribution, rather than an essential feature of reality. If the true goal of human teleology is, as Friedman claims, ensuring *freedom*

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[262] Polanyi, K in Harvey, D, 2007. *A Brief History of Neoliberalism*, p. 37. (Oxford University Press; Oxford)
[263] Friedman, M, 2002. *Capitalism and Freedom: Fortieth Anniversary Edition*, p. 200. (University of Chicago Press; Chicago

as much as possible, then surely a much freer society than that found under capitalism would be one in which *all* goods were available without impediment; for as soon as we put a price on anything, we have created a barrier to freedom. If we accept the arbitrary barriers to freedom that the creation of an economy brings with it by Friedman's principle that, under free-market conditions, those barriers are a mutually agreed arrangement between buyer and seller, then we must also be able to accept *any other* mutually agreed barriers to freedom that a society might choose to adopt, *including* agreements about ensuring certain levels of welfare for all and the need for making certain changes in approved economic structure to achieve such welfare.

The neoliberal doesn't really want freedom *qua* freedom; they want a certain kind of freedom that exists only within a certain political and economic order. They seek to ensure the maximum potential for private profit because they feel that *within the framework of a capitalist system*, economic freedom is the best guarantor of individual freedoms; but this argument remains circular because the capitalist system itself has not yet been justified, and to justify it we need to explore the requirements of political teleology which, we have seen, demand much more than freedom alone to make life 'better' for 'people'.

An *authentic* democracy, therefore, would require the creation of an economic structure compatible with the protection and fulfillment of *all* species-interests, and, despite its current ascendancy, it is not clear that neoliberal capitalism does this. Further still, the creation of alternative economic arrangements – an undertaking that would require the free use of a citizenry's innovative powers of creativity *in itself* – would have to demand of any replacement system much more scope in which that creativity could flourish, than is currently offered under capitalism.

Despite the free-market rhetoric of neoliberalism's great potential for producing 'a social climate permitting variety and diversity' that will nurture the 'individual genius'[264] of each self-interested citizen and provide them with bountiful opportunities to creatively pursue their freedoms; in reality, as Marx and Engels noted, for all but a few, the creative opportunities on offer to most people are restricted within the confines of creating what they are *told* to create by an employer. Due to the necessity for paid employment in an economic system where everything has a price, individual creativity must either be commodified into something profitable for its owner, or simply subsumed by the urgent need to find whatever work one can, with many jobs repetitive, monotonous, dull, unfulfilling, and done simply for the wage.

Not only does such a system stifle individual creativity, but it ensures that jobs and talent do not always match up, with many people who would be well suited to a particular field or profession sometimes financially unable to break into it, nurture their natural talents, or seize the limited and scarce opportunities available to them for pursuing it. More importantly though, regardless of actual *talent* at doing a particular job, the system also ensures that jobs and *interest in doing them* do not always correlate, with job satisfaction considered a highly sought after rarity rather than the expected norm of one's employment, and *productivity* and *profit* the emphasis of the working environment rather than the human needs of the workers.

As it is convention for people to be paid a certain (and much varied) wage *per hour* for doing a job, the only way to make enough money from those jobs to pay for all essential items, and any other desired expenditures in life, is to amass enough hours of work to cover one's costs, ensuring that the vast majority of one's daily waking life is

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[264] Ibid., p. 4

spent on this endeavour. Jobs must become *careers*, worked at and maintained in order to keep a steady flow of income, *regardless* of whether the job is in any way enjoyable or fulfilling. And people therefore organize their lives in such a way as to maximize the amount of hours that they work in their lifetime above all else, leaving them ensnared in what Marx recognized as a state of profound 'alienation'.[265]

Marx argued that under capitalism, as most workers are motivated in their actions purely by the external requirement of the potential income it might generate and not out of any internal intrinsic desire to perform their required task of their job, the product of that labour becomes seen as something *outside* of them, and thus alien. They work hard to guarantee a wage, but their wage is all that they get – a dubious nominal fee, completely disconnected from the activity of their job. They do not get to keep the fruits of their labour, the profits their effort helped generate for their bosses, or in any other way benefit from their occupation other than its role in granting them a necessary wage. Instead, they are isolated from the end-product of their toil, severed from what becomes 'labour embodied and made material in an object',[266] which belongs to another and not themselves.

The alienated *product* of their labour therefore transforms the *act* of labour itself into something equally alien to them; their work becoming nothing more than the cause of this peculiar sense of perpetual self-estrangement rather than a productive or fulfilling use of their time; it becomes a hostile act *against* themselves.

Marx considered the process of alienation a process of self-estrangement because, much as I have argued vis-à-vis there being certain universal species-*interests* that need to be observed if human life is to be truly fulfilling, Marx perceived in humanity an essential species-*being* that sought necessary expression through productivity and

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[265] Marx, K (Livingstone, R and Benton, G, trans), 1992. *Early Writings*, pp., 322-334. (Penguin Classics; London)
[266] Ibid., p. 324

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creativity. Employment which produces only alienated output but which has not engaged with a worker's creativity and intelligence at all, is employment which alienates the worker from something essential to *themselves* and their core being. Such a worker 'does not confirm himself in his work,' as he should, 'but denies himself, feels miserable and not happy, does not develop free mental and physical energy, but mortifies his flesh and ruins his mind.'[267] This alienation from themselves under capitalist systems of employment, in turn, makes workers ultimately estranged also from *each other*. As the products of their labour are seen as being alien to them and *for* someone else, they become isolated from all other people too, as they perceive others as being somehow responsible for their alienated state and their estrangement from themselves, corroding communal solidarity and the bonds of a flourishing and functioning society (and, furthermore, violating the species-interest in *freely forming social bonds with others*).

In the words of von Humboldt, 'Whatever does not spring from a man's free choice, or is only the result of instruction and guidance, does not enter into his very being, but still remains alien to his true nature...we may admire what he does, but despise what he is.'[268]

The current system of wages-per-hour that causes this, however, is entirely arbitrary; especially when we consider that there are still large numbers of citizens living in capitalist democracies who remain unemployed. Whereas a world where wages of X pounds an hour requires one to work eight hours a day, six days a week just to make ends meet – condemning people to a life-long career simply to ensure a roof over their heads and food in their stomachs – there is no real reason, in a supportive economic system and after some redistribution of wealth, why one could not be paid the same

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[267] Ibid., p. 326
[268] Humboldt, W (Burrow, J, trans), 1969. *The Limits of State Action*, p. 28. (Cambridge University Press; Cambridge)

wage for only, say, *two* hours work each day and for only five days a week. Under such conditions a citizen would not be doomed to a career in something they have no interest in for the rest of their lives, just so that they can continue to afford to *live* that unfulfilling life; but instead would find themselves having thirty-eight extra hours each week in which to do other things that they enjoy. Meanwhile, an eight hour job which once employed only *one* person could now employ *four*.

A more moderate version of this proposal was put forward by Bertrand Russell after observing the 'scientific organization of production' during the First World War that made it 'possible to keep modern populations in fair comfort on a small part of the working capacity of the modern world'. He suggested that 'if the ordinary wage-earner worked four hours a day, there would be enough for everybody, and no unemployment – assuming a certain very moderate amount of sensible organization'.[269]

As Marx once envisioned, considering a future communist society with similarly re-imagined structure to employment: without the necessity of wage-enforced careerism he could 'hunt in the morning, fish in the afternoon, breed cattle in the evening, criticise after dinner, just as I like, without ever becoming a hunter, a fisherman, a herdsman, or a critic';[270] the options and opportunities of life emancipated by the liberation of one's time and energy from the needless shackling of wage-slavery. Russell's view was similar.

In a world where no one is compelled to work more than four hours a day, every person possessed of scientific curiosity will be able to indulge it, and every painter will be able to paint without starving, however excellent his pictures may be. Young writers will

[269] Russell, B. *In Praise of Idleness*, in Richards, V (ed), 1997. *Why Work?* pp., 27-29. (Freedom Press; London)
[270] Marx, in Singer, P, 1980. *Marx*, p. 60. (Oxford University Press; Oxford)

not be obliged to draw attention to themselves by sensational pot-boilers, with a view

to acquiring the economic independence needed for monumental works, for which,

when the time at last comes, they will have lost the taste and the capacity. Men who, in

their professional work, have become interested in some phase of economics of

government, will be able to develop their ideas without the academic detachment that

makes the work of university economists often seem lacking in reality. Medical men

will have time to learn about the progress of medicine, teachers will not be

exasperatedly struggling to teach by routine methods things which they learnt in their

youth, which may, in the interval have been proved to be untrue.

Above all, there will be a happiness and joy of life, instead of frayed nerves,

weariness, and dyspepsia. The work exacted will be enough to make leisure delightful,

but not enough to produce exhaustion.[271]

There would arise an added benefit of such a system for an *authentic* democracy;

namely, that some of those thirty-eight newly freed hours each week could be used by

the individual to better facilitate their necessary involvement in democratic politics –

ensuring that they have time to become well-informed about the issues of the day, to

discuss and debate with others controversial matters in a constructive and meaningful

way, to bring forward issues arising of their own into the political discourse, and to

otherwise participate actively in their democracy, without such participation

encroaching into a limited amount of free-time more appealingly used to relax,

socialize, or otherwise have fun after an exhausting working week.

In the current system, once we take, say, seven hours of sleep into account, an hour

in the morning to get *ready* for work (shower, breakfast, dress, etc), twenty-or-so

minutes each way to get to and from work, and a half an hour each evening to wind

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[271] Russell, B. *In Praise of Idleness*, in Richards, V (ed), 1997. *Why Work?* p. 34. (Freedom Press; London)

down *after* work – not to mention the minimum eight hours a day actually *at* work –

we are left with only six hours and fifty minutes of the day to ourselves with which to

do non-work things. This is of course discounting any overtime, preparation work,

longer than average working hours, or any other accepted convention that increase

one's time of labour. When we realize that those six hours and fifty minutes each day

is all that we have in which to see our family, raise our children, visit with friends,

educate ourselves about the world, pursue our hobbies, and do anything else which

brings us pleasure – not to mention fit in all of our non-work-related chores, eat

meals, use the bathroom, go shopping, do exercise, etc – with this routine continuing

six days a week, every week, until the age of retirement; it becomes clear that a

worker's entire existence is dominated by the external demands of employment.

Under such conditions, the idea of giving up a precious sliver of rare free-time to the

various civic duties required of a properly functioning democracy is unappealing at

best.

Whilst these manufactured circumstances might be a boon to the claims of those

'men of best quality' who portray the 'rascal multitude' as incapable of meaningful

political engagement, to those people seriously concerned with creating legitimate

structures of political power and achieving the necessary demands of political

teleology, the damaging effects of this arbitrary economic system on the democratic

capabilities of the majority of citizens, is a significant concern. As even Adam Smith

noted,

In the progress of the division of labour, the employment of the far greater part of those

who live by labour, that is, of the great body of the people, comes to be confined to a

few very simple operations, frequently to one or two. But the understandings of the

greater part of men are necessarily formed by their ordinary employments. The man

whose whole life is spent in performing a few simple operations, of which the effects

are perhaps always the same, or very nearly the same, has no occasion to exert his

understanding or to exercise his invention in finding out expedients for removing

difficulties which never occur. He naturally loses, therefore, the habit of such exertion,

and generally becomes as stupid and ignorant as it is possible for a human creature to

become.[272]

3.6: Authentic Democracy *is* Anarchism; but is Authentic Democracy Possible?

Thus far, I have been looking at the potential for the authentic democratic ideal to

ensure the protection and fulfillment of its citizens' species-interests. What I have

discovered is that the *authentic* ideal of democracy that can do this, seems not only far

removed from the representative capitalist systems that are commonly called

'democratic' in the world today, but also from any other democratic theories that

place their emphasis on popular political participation in purely procedural terms.

The evidence for democracy's potential here is obvious: in harmony with the

species-fact of rational autonomy, the authentic democratic ideal perceives the self-

sovereignty of the individual as absolute, with all external authorities placed over

them legitimated only by the voluntary consent of the individual themselves, beholden

to serve only the public interest and never their own. By doing so, the democratic

ideal allows people to sustain as much of their natural autonomy and freedoms as

possible in line with sustaining a similar level of natural autonomy and freedom for

all, and through such freedoms, allows a democratic citizenry direct control over

forming and implementing their political life, thus ensuring them the means for

protection from unnecessary death and preventable suffering that they seek and the

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[272] Smith, A, 1776. *An Enquiry into the Nature and Causes of the Wealth of Nations: Book V, Chapter 1, part III, article II.* (Adam Smith Institute; London): http://www.adamsmith.org/smith/won-b5-c1-article-2-ss3.htm (accessed 18/12/07)

ability to orchestrate fair and unimpeded access to, and procurement of, the basic requisite material goods necessary for staying alive for all. By creating their own social and economic framework through the innovative use of creativity and unfettered social dialogue, the individual and communal pursuit and achievement of a variety of goals and interests is made possible, producing an overall 'quality of life' and happiness for all.

Not only does this democratic *ideal* appear frustrated in practical application though, under contemporary conditions of capitalism, but it is an organizing principle which, in its purest form, is indistinguishable from certain forms of anarchism. As such, and as we have seen the many failings that have come from various historical attempts at watering down this authentic ideal into a 'workable' and 'practical' democratic compromise, I believe that we have no choice now but to concede that the authentic democratic ideal is therefore best understood as a version of anarchism.

Only the anarchist ideal fully embodies the democratic notion of political teleology; placing the political power to determine what happens to a community into the hands of the community itself, not a hierarchy of powerful leaders, and requiring the active involvement and agreed consent of all affected citizens within all aspects of political life; providing each individual with the freedom and autonomy to both set their own political agenda, and participate in its enactment, both as individuals and members of a shared community. Further still, it is only within the small-scale autonomous communities of a federated anarchism that genuine direct democracy is a viable possibility and the plurality of reasonable comprehensive 'thick' moral doctrines can meaningfully flourish; the federal system ensuring a connected accountability of overlapping consensus and solidarity regarding the 'thin' universal contract which informs them all.

As we have already seen, the anarchists do not reject the idea of order or binding agreement, but only those orders and agreements coercively enforced by enduring and unquestionable structures of external authority. Whilst anarchism certainly prohibits the creation of *enduring* external structures of political power claiming *sole authority* over the decisions of people and communities; the idea of a community's autonomy and self-rule does not expressly prohibit the idea of some sorts of formal organization (such as a direct-democratic decision-making system for determining group choices), nor even of establishing some sorts of limited 'authority' (such as a federal representative for the community in question) to hold responsibility for carrying out certain pre-defined tasks. By this measure, the democratic operation of each community within the federation is quite clear – through voluntary arrangement and participatory discourse the community *itself* will decide how it will be organized. At the national level, if issues needed to be discussed in a wider context, then representatives from each autonomous community could meet up at a federal level to discuss them. Representative democracy in such circumstances differs from its current incarnation in two vital ways: firstly, being autonomously unbound and committed to this reasonable pluralism, if the decision made at the federal level was, for compelling reasons, not acceptable to the communities at the local level, or in some way violated the underlying ethical contract, then they could still refuse to comply with that decision so long as their own actions remain within the parameters of 'thin' ethical acceptability. Secondly, the chosen representative, being an equal and participating member of their local community democracy and thus also *accountable* to that local group, rather than a detached and removed career politician with their own self-interest in maintaining a certain balance of power, would *genuinely* be able to represent the particular views of that community, rather than

simply being a representative-of-best-fit for them. Importantly, with such societies

being specifically small-scale and, by design, democratically manageable, the

representative would be capable of acquiring a legitimate understanding of their

whole community's needs, instead of just a vague generalized account of a limited

sampling of its members.

The same process can be extended to the international level, with an accountable

representative (or representatives) chosen from the national level coordinating with

similar representatives from other nations to create a global federal system of

international discourse capable of reaching mutual agreement where necessary.

Such radical restructuring of political life could make possible an equally radical

transformation in the structure of human employment. An economy based on human

need and the needs of the community who created it, rather that the pursuit of endless

private profit, would be one that ensured that individuals did not have to sacrifice the

majority of their existence to the artificially necessitated task of 'earning a living', and

an economy structured to facilitate unimpeded access and procurement of essential

material goods could do just that.

There is no objectively necessary reason that the necessities of living have a

financial price put upon them other than ideologically grounded theories of human

motivation which assume hard work will not be done unless a profit can be earned.

Though that might arguably be true of human motivation in a society which imposes a

dependency on obtaining money for survival, it is not so clear that a different set of

social circumstances would not nurture the same sorts of motivation in people through

other means.

Whilst under the current economic set-up money certainly motivates, having long

been established as the object of ultimate social value and the key to access for

everything else one might need (including the freedom that comes with having enough of it to no longer have to waste one's life in the process of earning it); this value exists only because of the contingencies of a specific economic system. Although certainly a person might be motivated to work hard, say, on a farm, to provide food to people other than themselves and their immediate family because of the allure of monetary reward; they might also be motivated to work on a farm to provide food to people other than themselves and their immediate family if such work were enjoyable, engaging, and took up only a few hours of their day. Further still, if given the choice of working within an economic system of purely financial compensation that condemns one to a life-consuming career as a farmer with little or no time left for anything else in their lives; or of working within a system of no *financial* reward nor *monetary* profit, but where one's choosing to work for a few hours each day for free on a farm, alongside other similarly voluntary workers doing the same thing, guarantees themselves, their community, and anyone else who needs it, a *free* supply of food and other essential items at all times *without* the need for a life-consuming career; it is not *a priori* obvious that the first option is any more appealing or motivating than the second.

Whereas right now, under life-consuming conditions of employment, money is valued as being a means to the ends of our species-interests, if the ends themselves were offered as compensation for one's voluntary, free, and minimal contribution to the general productivity of society, then the ends themselves – free-time, free access to essential material goods, time spent with friends and family, ability to pursue non-work interests, etc - would be just as valued and just as motivating as money is now.

Alongside the formal restructuring of employment under a new economy, the practical restructuring of the nature of work itself could also be liberated from

contemporary hierarchical systems of alienating and self-estranging power, with the direct democratic practices of politics brought into the workplace too. The illegitimacy of needless external authorities who become obstacles to human fulfillment in politics, must logically be extended into all other areas of life and inform all other institutional structures with the same principles of free agreement and egalitarianism. Instead of employers and employees, places of work can become cooperatively organized as a mutually beneficial group-project. With work no longer done to generate limitless profits and thus with a mind only to maximize productivity, detached task-masters would no longer be needed, turning the working environment into a communal enterprise between people seeking to achieve a freely agreed upon and reciprocal goal rather than the self-interested organization of privileged owners exploiting others through the continual threat of their unemployment; furthering individual happiness and improving the quality of life for all.

Again, this is not to say that, when needed, certain individuals cannot be elected ostensible 'leaders', 'bosses', or 'supervisors' to serve some clear and agreed upon functional purpose within the workplace. The difference is that the authority given to such individuals would be given only on a reciprocal agreement and understanding between the authority figure and the fellow workers who have bestowed it – a micro social contract balancing the gift of authority with legitimating obligations that make it accountable to the ultimate authority of the entire cooperative. As Bob Black put it, 'what I really want to see is work turned into play... under a system of permanent revelry... there won't be any more jobs, just things to do and people to do them.'[273]

At bottom, one thing is clear: *capitalism*, in its current form, appears incompatible with the ethical obligations of its legitimating teleology, and so an alternative would

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[273] Black, B, 1991. *The Abolition of Work: Revised Pamphlet* (Loompanics Unlimited; Washington)

have to be found. The benefit of the anarchist system over any others is that it provides the necessary room for experimentation within its organizational framework of principled autonomy, so that radical alternatives can be pursued without the assorted obstacles of more systemic structures. It is this same benefit which trumps its democratic potency over that of any other democratic form – by bridging the gap between a people and its government and placing political power *directly* into the hands of the people themselves, there is no greater guarantee that the political reality of each individual community will facilitate the true needs and interests of its own self-governing citizens, whilst simultaneously ensuring the protection and observance of the universal *species*-interests of all; both because the community itself will be in charge of its own destiny, but also because the climate of increased political participation and engagement will bring with it more political and social awareness, both as individuals, and regarding the 'plurality, connection and finitude' of action affecting others.

Still, the endorsement of anarchism as the only ethically legitimate form of political power is a big step, and would ultimately require a momentous level of change and transformation in the world of both its politics and its people. Thus far, the contention that contemporary democracy is incapable of fulfilling the political teleology of the authentic democratic ideal; is exactly that: a contention. Although I believe that I have shown several *theoretical* problems with what the ethical contract of legitimate politics demands of authentic democracy, and how the various compromises that have been made to that authentic ideal in contemporary capitalist representative democracies have impeded its ability to meet them; at this stage our investigation has remained largely speculative and hypothetical. If I am right about what I have been arguing, then its significance is considerable, for it would imply that not only are our

current democratic political systems largely undemocratic, but that they are arguably illegitimate. If that were proven; then, and only then, would it appear justifiable to call for the massive upheaval of current socio-political structures that an endorsement of anarchism would require.

The prospects for capitalist representative democracy's capability of protecting and fulfilling the species-interests of its citizens may seem theoretically bleak right now, but its incumbent existence and historical endurance still gives it an advantage over the purely theoretical possibilities for anarchism. Although I have repeatedly stated that political reality is changeable, for such change to occur a *will* to change must first exist; for without that will the mere possibility is not enough. As Proudhon reminded us earlier, 'the ideal is but a flower, whose root lies in the material conditions of existence', and perhaps the authentic ideal of democracy may never be possible in political reality, despite its theoretical possibility, simply because the material conditions of existence have removed from those of us living in them the sufficient will necessary to achieve such grand ideals.

If that is so, and the account of political legitimacy which we have constructed, though interesting, can never be reached, then perhaps out of the myriad of even *more* illegitimate alternatives available, the existing variant of democracy is just the best of a bad bunch, imperfect, but manageable? Is Tom Athanasiou right when he says that 'our tragedy lies in the richness of the available alternatives and in the fact that so few of them are ever seriously explored'[274] or is George Monbiot closer to the truth when he laments that 'it is the unhappy lot of human kind that an attempt to develop a least-worst system emerges as the highest ideal for which we can strive'?[275]

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[274] Athanasiou in: Danaher, K, 1996. *Corporations are Gonna Get Your Mama*, p. 199. (Common Courage Press; Maine)
[275] Monbiot, G, 2003. *The Age of Consent*, p. 41. (Harper Collins; London)

The only way of fully assessing the legitimacy of currently existing democratic

structures is to turn our enquiry now away from the purely theoretical and instead take

a deeper look into the actual empirical reality of capitalist representative democracy

and see then, all hypothetical ideals aside, if at least some basic standard of

teleological satisfaction of universal species-interests can be obtained within such a

framework of political power.

4. The Illegitimacy of Capitalist Representative Democracy.

'We are experiencing accelerating social and environmental disintegration in nearly every country of the world – as revealed by a rise in poverty, unemployment, inequality, violent crime, failing families, and environmental deterioration...The continued quest for economic growth as the organizing principle of public policy is accelerating the breakdown of the ecosystem's regenerative capacities and the social fabric that sustains human community; at the same time it is intensifying the competitions for resources between rich and poor – a competition the poor invariably lose.'

- David Korten, <u>*When Corporations Rule The World*</u>[276]

4.1: Capitalism and Ideology 1: Corporate Obstacles, Democracy and Education

Knowing now the full terms of political teleology, and thus the necessary obligations required by the justificatory contract of a *legitimate* structure of political power towards its otherwise autonomous citizens; I shall now attempt to determine, through some more *empirical* analysis of these ideas in practice, whether or not the capitalist representative democracies that already exist in the world today, successfully protect and fulfill the species-interests of their citizens as they should; if not completely, then at least to some acceptably minimum standard. I shall concentrate this analysis around the British and American examples as both countries are major architects of capitalist representative democracy, from which all other such systems gain their blueprint.

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[276] Korten, D, 2001. *When Corporations Rule the World, 2nd edition*, p. 21. (Kumarian Press; San Francisco)

At first glance, the prognosis looks bleak. We have already discussed the growing

levels of poverty and financial inequality caused by such a system, as well as the

species-interest violating structures of employment which are a signature of capitalist

representative democracies. With the World Health Organization reporting a 60%

increase in global suicide rates between 1955 and the year 2000,[277] the idea that such

unfulfilling life circumstances might lead to high levels of individual and communal

misery becomes no longer speculative. Indeed, with suicide now being one of the

three leading causes of death amongst men and women aged 15-44 years of age, it

seems that the 'quality of life' promised to citizens by the justificatory contract which

legitimates their political system's authority is far from being fulfilled. But rising

levels of suicide are not the only indicator we have for growing levels of

discontentment within such societies.

In the UK alone, the number of 'alcohol-related deaths' per year have more than

doubled between 1991 and 2005 (from 4,144 people in 1991 to 8,386 in 2005)[278];

with a rising trend in 'binge drinking' (defined by the UK Office for National

Statistics and British Medical Association as drinking eight or more 'units' of alcohol

for men, or six or more 'units' for a women, on at least one day in the week and 'often

associated with drinking with the intention of becoming intoxicated'[279]). Meanwhile,

the British Crime Survey shows that in 2001/2002, 26% of all sixteen to twenty-nine

year olds questioned in England, 14.5 % of the same age-range in Wales, and 17% of

that group in Scotland used illegal drugs;[280] whilst in 2004, 25% of British adults

regularly smoked (and of the 500,755 deaths of adults aged 35 and over, an estimated

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[277] SUPRE (World Health Organization initiative for the prevention of suicide press release: http://www.who.int/mental_health/prevention/suicide/suicideprevent/en/print.html (accessed: 13/07/08)
[278] http://www.statistics.gov.uk/CCI/nugget.asp?ID=1091&Pos=&ColRank=1&Rank=374 (accessed 01/02/07)
[279] http://www.bma.org.uk/ap.nsf/Content/Hubhotpbingedrinking (accessed 01/02/07)
[280] http://www.statistics.gov.uk/STATBASE/Expodata/Spreadsheets/D7806.xls (accessed 01/02/07)

88,800 of them were caused by smoking). In 2005, 9% of children aged 11-15 reported that they were regular smokers.[281]

It should be noted, these statistics suffer from the usual pitfalls of statistical research: the numbers are dictated by only those instances which are *reported* and admitted to (which, especially in the case of *illegal* substance abuse, is not likely to be a complete picture). In reality, the numbers are likely to be much higher; but even at the conservative levels given by the official figures, we can see a large – though by no means majority – percentage of the UK population are heavily involved with regularly using, arguably escapist, stimulants and narcotics in their lives. And these are only the citizens engaging in 'problematic' behaviour (drinking *too much*, or using *illegal* drugs rather than the litany of *legal* mood-enhancing drugs); there are many, many more who regularly drink alcohol without 'binging' on it, but still use it as a quick-fix route to a feeling of happiness they are incapable of achieving without it; whilst, according to government statistics, between 1991 and 2001 alone, the instances of legally prescribed anti-depressant drugs in the United Kingdom increased dramatically from nine million a year in 1991 to *twenty-four* million a decade later.[282]

Even without the use of stimulants and narcotics, according to Broadcasters' Audience Research Board, just under twenty-six million domestic UK households owned television sets in 2007,[283] with the average individual watching between twenty-two to twenty-eight hours of television *per week*.[284] By our earlier estimate of each person having just six hours and fifty minutes a day of free-time, this means that

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[281] http://www.ic.nhs.uk/pubs/smokingeng2006 (accessed 01/02/07)
[282] Social Trends 33, Annual Report, 2003:
https://www.eustatistics.gov.uk/STATBASE/Product.asp?vlnk=9917&More=Y (accessed 05/02/07)
[283] http://www.barb.co.uk/tvfacts.cfm?fullstory=true&includepage=ownership&flag=tvfacts (accessed 01/02/07)
[284]
http://www.barb.co.uk/viewingsummary/trendreports.cfm?report=hours&requesttimeout=500&flag=vi ewingsummary (accessed 01/02/07)

many individuals living in Great Britain spend up to twenty-eight of their total forty-eight hours of weekly free-time simply watching TV.

There are many other forms of easily available escapism, and one must ask, when so much of a person's day is spent working, or in the related service of one's work; why this limited free-time available is not being cherished and utilized in fulfilling and productive ways, and is instead being spent by so many people to indulge in various methods of avoiding the real world.

Even more worrying, are the statistics from a survey conducted by the British Department of Health in 2004 that showed one in ten children aged between five and sixteen in the country already has a clinically recognisable mental health disorder.[285] Indeed, Oliver James, analysing a recent WHO study, has shown quite conclusively that citizens, of all ages, living in those developed industrial nations described as 'selfish capitalist' in their neoliberal economic structures, suffer from notably higher rates of 'emotional distress' and psychological disorder than those who do not.[286]

This is not a happy picture of a truly fulfilled humanity living the 'better' lives promised to them by the social contract they hold with their governments; it is already a picture of a people in turmoil – depressed, suicidal, and desperate to escape from their lives. Yet one would think that in a supposed democracy, where policies ought always to be determined only by the needs of their citizens, such a populace would have elected to change things by now if they were that bad; to *solve* whatever the problems are that are causing them such mental anguish and despondency?

If life were really so unbearable for these citizens, why have they not managed to communicate that to their leaders through the ballot?

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[285] http://www.statistics.gov.uk/CCI/nugget.asp?ID=1229&Pos=&ColRank=2&Rank=224 (accessed 05/02/07)
[286] James, O, 2008. *The Selfish Capitalist: Origins of Affluenza*, (Vermillion; London); James, O, 2007. *Affluenza*, (Vermillion; London).

We have already touched upon some major flaws in the applied practice of capitalist representative democracy vis-à-vis the demands of *authentic* democracy; discussing the problems of superficiality and generalization that come with the representation of so many by so few, as well as the increasing potential for electoral participation to become reduced to a series of empty procedures. But what each of these objections to capitalist representative democracy ultimately boil down to, is a more fundamental claim, starkly illustrated in this growing tendency towards escapism rather than striving for change in real life: that the available forms of political representation on offer within our ostensible democracies, do not necessarily reflect the *actual* views of the people they are meant to represent; leaving representative democracy of this sort *incapable* of fulfilling its justificatory task, and bereft of any recognizable connection to democracy's authentic ideal.

Some might argue that this conclusion is too strong. Pluralist and corporatist sociologists like Dahl, Johnson, Beer, and Smith, have all looked into the various ways in which people's voices still *can* be heard under current conditions through lobbying, pressure groups, economic influence, and NGOs.[287] But I think it must be noted that these concessions to democracy, no matter what their potential to be effective, are exactly that: concessions. They are not the rule, but the exception; loopholes in accepted protocol where, with a lot of struggle, certain 'outsider'[288] interest groups *can* manage to raise their voices loud enough to be heard. They are by no means the driving force of our political institutions though, nor a guarantee that each and every citizen living within a representative democracy shall be sufficiently represented. Indeed, their impact does not come easily or often, and these grassroots

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[287] Baggot, 1995. *Pressure Groups Today*. (Manchester University Press; Manchester); Smith, M, 1993. *Pressure, Power and Policy*. (Harvester Wheatsheaf; New York); Jones, B, et al, 2001. *Politics UK*, p. 224. (Pearson Education Limited; Harlow)
[288] Grant, W, 1989. *Pressure Groups, Politics and Democracy in Britain*. (Phillip Allan; Hemel Hempstead)

movements can take years to finally 'earn' the ears of the political institutions supposedly representing them; years where the issue for which they seek political action continues unabated, and often years wherein the initial position of the group becomes so watered down, that by the time they do gain their political influence, their compromised goals are almost unrecognizable from the group's original intentions.

Even with the existence of these small concessions though, the logistics of finding appropriate political influence to properly represent one's position remains only the surface problem for a citizen seeking genuine representation in modern democracies. The more substantive obstacle in contemporary *capitalist* society that stands in the way of authentic democratic representation lies deeper than that. It lies in the power of ideological manipulation, and the question of who shapes the views of the citizenry *in the first place*.

Recalling Bachrach and Baratz's critique of traditional power theories, and their important conclusions that power, at its most dangerous, can work at 'creating or reinforcing social and political values and institutional practices that limit the scope of the political process to public consideration of only those issues which are comparatively innocuous to' it;[289] and Lukes' claim that 'the most effective and insidious use of power'[290] is to prevent the clashes of interest and conflict that could threaten it from ever arising; the extent of ideological control in contemporary capitalist representative democracies has been frankly stated by Bernays: 'those who manipulate this unseen mechanism of society constitute an invisible government which is the true ruling power'.[291]

'Ideology' was a concept first coined by Tracy in the late eighteenth century, but it was Marx and Engels who began to use the term as it is more conventionally

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[289] In Lukes, S, 2005, *Power: A Radical View, 2nd Edition*, p. 20. (Palgrave Macmillan; Basingstoke)
[290] Ibid., p. 27
[291] Bernays, E, 2005, *Propaganda*, p. 37. (Ig Publishing; New York)

understood today – as a distortion of reality employed by the powerful to propagate

certain false perspectives to the masses in order to create a worldview that quells

dissention and ensures their consent and acquiescence to a certain elite political

agenda that may well go against their true best interests.

As Porter explains,

we are, Marx and Engels want to argue, inevitably caught up in ideology to the extent

that we remain essentially unconscious of the fact that the real material conditions of

social life...actually shape how we think, conceive, feel and ultimately act... Marx and

Engels stress the importance of economic class relations, and, in particular, the power

and influence of the ruling or dominant class in modern capitalist society...to

disseminate and rationalize ideas that are tailored to suit their economic or material

interests. In this way, then, the function of ideology is to give intellectual, moral and

political currency to a deliberately distorted vision of social reality that ensures the

dominance of specific class interests.[292]

As rational and thinking agents, human beings have ideas, and those ideas are shared

and disseminated to others, often in the hope that those shared ideas shall be

persuasive enough to be held as 'true' by those who hear them – but not all shared or

persuasive ideas can be meaningfully defined as ideologies. An *ideological* thought

must be made distinctive from everyday persuasiveness and agreement, by

recognizing it as a thought which is overtly contrary to the actual facts of reality, but

held and perpetuated as real nonetheless; not as a result of reason or compelling

argument, but merely by unquestioning commitment, either consciously or

unconsciously, to an unsubstantiated theoretical agenda.

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[292] Porter, R, 2006. *Ideology: Contemporary Social, Political and Cultural Theory*, p. 4. (University of Wales Press; Cardiff)

Some ideology theorists, such as Ricoeur or Freeden, would deny the very existence of an ideology-free 'reality', but as Porter reminds us, 'a critique of ideology is actually impossible to mount or maintain without intuitively relying on something like a non-ideological or pre-ideological real.'[293] Whilst I shall concede that a reality completely free of any kind of interpretation at all would be difficult to defend, I think that to therefore define *all* interpretation as ideological is misguided. As I said earlier, to speak of the *facts* of how the world is, will *always* require some sort of evaluative interpretation, but so long as the evaluation is based on as much valid evidence as possible then it is fair to say, to the best of one's knowledge, that something *is* the case. Non-ideological reality, therefore, is simply to be understood as that objectively derived empirical reality justifiably known about the world, to the best of our knowledge, when it is stripped of all of unsubstantiated interpretations and established only via well supported evidence. In other words, it is the same sort of reality appealed to throughout the constructivist approach that I have been utilizing.

In our present argument, therefore, we shall understand ideology as the conscious or unconscious manipulation and obfuscating of objectively known facts in order to perpetuate a specific and *false* understanding of the world which suits the specific interests and goals of a particular powerful group or person.

I say conscious or *un*conscious because the most successful use of ideology is not always that which is explicitly and overtly thrown at a population by its leaders, but rather an ideology which has largely become internalized as normality by a citizenry – an ideology that not only goes unquestioned, but unnoticed.

What might once have begun as overt manipulation by ideologues attempting to massage public opinion in a certain direction becomes most successful when it breaks

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[293] Ibid., p. 132

free of its elite origins and becomes a self-perpetuating perspective, possessed and

repeated by the masses themselves without any real awareness that what they have

before them is a deliberately obscured version of the truth.

Such an all-encompassing *hegemonic* ideology was most notably analysed by

Gramsci.

> Ideological hegemony could be exercised by a dominant class...not only through
>
> exerting state force but through various cultural means. Gramsci shifted ideology away
>
> from being solely a tool of the state. Ideology operated and was produced by civil
>
> society, the sphere of non-state individual and group activity...intellectuals surfaced as
>
> the major formulators and conductors of ideology and as non-governmental leaders
>
> wielding cultural authority. Their permeation of social life was characteristically based
>
> on the manufacturing of consent among the population at large, so that the masses
>
> would regard their own assent as spontaneous. That process of forming consent –
>
> which Gramsci termed leadership as distinct from domination – necessarily preceded,
>
> and paved the way for, the dominance wielded through governmental power. Gramsci
>
> was therefore inclined to sharpen the distinction between ideology as a more conscious
>
> creation for its producers, and a more unconscious one for its consumers.[294]

Essentially, what Gramsci tells us is that ideology is not just a one-way system of

communication, where ideologues repeat distortion after distortion and trick the

masses into believing it. It is much more devious than that. What begins as overt

propaganda soon becomes repeated, often innocently, by others; becoming

internalized and institutionalised until soon these propagated norms and ideas, heard

so uniformly by many, are forwarded as *fact* into the national discourse, first *to* and

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[294] Freeden, M, 2003, *Ideology: A Very Short Introduction*, pp., 19-20. (Oxford University Press; Oxford)

then *by* the citizens themselves. Soon this ideological perspective of reality –

perpetuated unwittingly within the very *culture* of a society – becomes an accepted

and self-replicating 'truth'.

What is important to note is that such manipulation does not have to come from the

mouths of that ruling government *itself*, but rather, once the appropriate seeds have

been sown, will generate organically from within the population at large. Indeed,

dissemination in this way is *necessary* for such manipulation to work effectively

within a democratic system because, unlike those totalitarian political enterprises

usually associated with the practice of propaganda, structures of *democratic* political

power do not have available the means of force and violence to assure ideological

conformity in their citizens, nor would a democratic leader last long if they overtly

tried.

Of course, ideological control and the aims of democracy seem at first glance to be

the antithesis of each other; the former a complete violation of the freedoms and

public sovereignty implied by the latter. But when one considers the significant levels

of class conflict we have already documented lying at the very root of the democratic

idea, then, the idea of such propaganda being used by political authorities within a

democracy to control their citizens, should not be too surprising. When 'men of best

quality' are forced to concede the power they believe to be theirs by right, to a 'rascal

multitude' they consider incapable and undeserving, it is not beyond the realm of

possibility to presume that certain tactical strategies might be undertaken to maintain

the privileges they stand to lose.

As the very premise of democracy depends on a free citizenry though, who are

deemed as the ultimate source of all political power, any coercion of that citizenry, if

undertaken, must be a coercion that is effectively hidden from their view; a

manipulation performed so cunningly that the ideas and opinions generated by such means would appear completely natural; perceived and repeated as the entirely spontaneous and autonomous beliefs of the individual citizens themselves.

Whilst the political power offered to citizens by democratic enfranchisement can be a significant route to self-governance, alone, it is not enough to constitute complete political control of their lives. As Dahl explains,

> Because of inequalities in political resources, some citizens gain significantly more influence than others over the government's policies, decisions, and actions...Consequently, citizens are not political equals – far from it – and thus the moral foundation of democracy, political equality among citizens, is seriously violated.[295]

Political power is largely economic, and under twenty-first century capitalism, economic power is split with great international disparity between a hugely wealthy minority and an impoverished majority. Further still; significant amounts of economic power are held not simply by individuals or countries, but in the collective coffers of abstract, multinational, *corporations.*

First created in the early years of the American republic; David Korten explains how 'much of America's history has been shaped by a long and continuing struggle for sovereignty between people and corporations'.[296] In their early stages, corporations were a way within the burgeoning new capitalist economy to 'combine the capital,

[295] Dahl, R, 2000. *On Democracy*, p. 178. (Yale University Press; New Haven)
[296] Korten, D, 2001. *When Corporations Rule the World, 2ⁿᵈ edition*, p.61. (Kumarian Press; San Francisco)

and thus the economic power, of unlimited numbers of people.'[297] They were created

only through government issued charters and strictly guarded. As Korten explains,

> The corporations that were chartered were kept under watchful citizen and
>
> governmental control. The power to issue corporate charters was retained by
>
> the individual states rather than being given to the federal government so that
>
> it would remain as close as possible to citizen control. Many provisions were
>
> included in corporate charters and related laws that limited use of the
>
> corporate vehicle to amass excessive personal power.[298]

But this strict guardianship soon ended as 'gradually...corporations gained sufficient

control over key state legislative bodies to virtually rewrite the laws governing their

own creation.'[299] Eventually, in 1886, the U.S. Supreme Court declared that a private

corporation should be legally recognised as a *person*, and, following the decision,

repeated Supreme Court rulings helped strengthen corporate rights and weaken the

controls put in place by local communities and governments at their inception,

essentially weakening the power of those citizens in the face of the growing

collectivist power of these expanding corporate structures.

> The subsequent claim by corporations that they have the same right as any
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> individual to influence the government in their own interest pits the
>
> individual citizen against the vast financial and communications resources of

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[297] Bakan, J, 2004. *The Corporation*, p. 8. (Constable and Robinson; London)
[298] Korten, D, 2001. *When Corporations Rule the World, 2ⁿᵈ edition*, p. 63. (Kumarian Press; San Francisco)
[299] Ibid., p. 65

the corporation and mocks the constitutional intent that all citizens have an

equal voice in the political debates surrounding important issues.[300]

After the Second World War, this mass domestic deregulation became *international*

deregulation. In July of 1941, memorandum E-B34 issued to the president and State

Department, outlined the idea of a post-war economic 'Grand Area' consisting of the

UK, remaining British commonwealth and empire nations, the Dutch East Indies,

China and Japan, dominated by the U.S. both economically and militarily and

regulated by U.S.-dominated global financial institutions ostensibly to stabilize

currencies and enable the investment of capital into underdeveloped regions.[301]

As the war's end drew near, in July of 1944, elite representatives of forty-four

nations gathered together in Bretton Woods, New Hampshire, to reach an agreement

on how this post-war global economy would work and decided upon an institutional

framework that created the World Bank, and International Monetary Fund, as well as

establish the General Agreement on Trade and Tariffs, which would eventually evolve

into the World Trade Organization in 1995. All of these institutions were autonomous

of, and separate from, both the United Nations and their member-states, and all of

them were essentially *business* institutions.

After the war, the U.S.-dominated World Bank and IMF 'in their capacity as

international receivers...imposed packages of policy prescriptions on indebted nations

under the rubric of *structural adjustment*', with each structural adjustment package

calling for 'sweeping economic policy reforms intended to channel more of the

adjusted country's resources and productive activity toward debt repayment, privatize

public assets and services, and further open national economies to the global

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[300] Ibid., p. 66
[301] ibid

economy.'[302] If desperate countries needed the money, they had no choice but to do what they were told and deregulate protections to allow foreign corporations into their countries.

As Susan George points out,

> If the goals of official debt managers were to squeeze the debtors dry, to transfer enormous resources from South to North and to wage undeclared war on the poor continents and their people, then their policies have been an unqualified success. If, however, their strategies were intended – as these institutions always claim – to promote development beneficial to all members of society, to preserve the planet's unique environment and gradually to reduce the debt burden itself, then their failure is easily demonstrated.[303]

George describes a 'debt boomerang' that the World Bank and IMF created through their promotion of corporate interests over human interests, a boomerang of effects in the West, (such as environmental destruction, drugs, massive costs to taxpayers, lost jobs, immigration pressures, and heightened conflict and war) caused by neoliberal policies forced on the developing world. Meanwhile due to Article XVI in the GATT agreement that created the WTO during its Uruguay round in 1994, which states that 'each member shall ensure the conformity of its laws, regulations and administrative procedures with its obligations as provided in the annexed agreements',[304] WTO member countries can now 'challenge any law of another member country that it believes deprives it of the benefits it expected to receive from the new trade rules. This includes virtually any law that requires imported goods to meet local or national

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[302] Ibid., p. 163
[303] George, S, 1992. *The Debt Boomerang*, pp., xiii-xiv. (Pluto Press; London)
[304] http://www.wto.org/English/docs_e/legal_e/04-wto.pdf (accessed: 07/02/08)

health, safety, labour, or environmental standards that exceed WTO-accepted

international standards.'[305] In other words, no matter what laws a *democratic*

government might put in place, the immense power of transnational capitalist

corporations and the institutions they control can reject these laws and demand that

they change if they are considered a barrier to trade, with any appeal to such rulings

performed in secret and presented to a panel of three anonymous judges selected by

the WTO itself.

As a result of this clear and defined plan put in place since Bretton Woods to

globalise the world's economy and open up the world's markets to a U.S. dominated

corporate system, the corporation has become an effectively stateless legal unit with

more political and financial power than any individual citizen or nation and all the

rights of a human 'person', operating across national borders and influencing both

domestic and international laws through the transnational business organizations

corporate architects have created, and trade 'liberalizing' treaties such as NAFTA,

GATS, and TRIPS, with few constraints and little accountability over their actions.

In a 2004 study of the corporation's destructive influence within modern

democracies, Joel Bakan conducted a simple test on this all-pervasive institution.

Recognizing that the corporation 'remains, as it was at the time of its origins as a

modern business institution in the middle of the nineteenth century, a legally

designated "person"'[306], he decided to treat it as such and see what kind of a 'person'

this powerful and dominant institution in our lives actually is? Asking the

psychologist, Robert Hare, to 'apply his diagnostic checklist of psychopathic

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[305] Korten, D, 2001. *When Corporations Rule the World, 2nd edition*, p. 167. (Kumarian Press; San Francisco)
[306] Bakan, J, 2004. *The Corporation*, p. 28. (Constable and Robinson; London)

traits...to the corporation's institutional character, he found there was a close match.'[307]

> The corporation is *singularly* self-interested and unable to feel genuine concern for others in any context...The corporation is *irresponsible*, Dr. Hare said, because "in an attempt to satisfy the corporate goal, everybody else is put at risk." Corporations try to "*manipulate* everything, including public opinion," and they are *grandiose*, always insisting "that we're number one, we're the best." A *lack of empathy* and *asocial tendencies* are also key characteristics of the corporation, says Hare – "their behaviour indicates they don't really concern themselves with their victims"; and corporations often *refuse to accept responsibility for their own actions* and are *unable to feel remorse*: "if [corporations] get caught [breaking the law], they pay big fines and they...continue doing what they did before anyway. And in fact in many cases the fines and the penalties paid by the organization are trivial compared to the profits that they rake in."
>
> Finally, according to Dr. Hare, corporations relate to others *superficially* – "their whole goal is to present themselves to the public in a way that is appealing to the public [but] in fact may not be representative of what th[e] organization is really like.[308]

And yet the psychopathic corporation remains the prevailing economic institution of our time and, as a result of its massive economic power, a prevailing *political* institution, capable of undermining democratically endorsed laws and regulations both

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[307] Ibid., pp., 56-57
[308] ibid

minor and major, and influencing our perceptions and assumptions about the world in which we live.

When the historical 'men of best quality' in revolutionary England worried about the 'rascal multitude' getting too much democratic power, they worried not only about losing their authority, but, crucially, their *property*. Chomsky reminds us that framers of the *American* constitution were similarly concerned about the transition to democracy being able to 'protect the minority of the opulent against the majority'.[309] When one considers the impotence of procedural political power in the face of the concentrated economic power found within modern capitalist democracies, it appears that the way chosen to allay such concerns is clear, and consisted of two concomitant elements: the 'rascal multitude' would be given just enough power to feel democratized, but not enough to cause any real damage to the established systems of control; and corporate entities would be created and empowered as the Trojan horse of the ongoing class war.

Knowing full well that in a capitalist system true political power would always still be held by those with the most economic might; the realm of formal politics was finally allowed to be infiltrated by the 'rascal multitude', but this extension of the franchise was a hollow and empty gesture, made whilst the 'men of best quality' quietly slipped away to concentrate more fully on their finances, and thus their enduring source of real political power. Indeed, regarding specifically the particular form of 'selfish capitalism' advanced through neoliberal economic theory since the 1970s, David Harvey backs up this claim regarding our present circumstances. After the second world war, there was not only a '*political* threat to economic elites and ruling classes everywhere' found in the persistent 'conjoining of labour and urban

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[309] James Madison in: Chomsky, N, 2006. *Failed States*, p. 207. (Hamish Hamilton; London)

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social movements throughout much of the advanced capitalist world' (movements

which grew increasingly discontented as rising unemployment and inflation plagued

their lives in the 1970s); but also an 'economic threat to the position of ruling elites

and classes...One condition of the post-war settlement in almost all countries was that

the economic power of the upper classes be restrained and that labour be accorded a

much larger share of the economic pie.'[310]

Neoliberalism, Harvey argues, was the theoretical foundation for restoring a

diminishing class power shaken by two world wars. The weakened ruling classes,

through the philosophy of neoliberalism, undermined the sorts of Keynesian social

welfare projects that had helped erode their dominance, transforming the cultural

attitudes that had supported the post-war consensus, and giving intellectual

justification for the privatization of basic social goods and services, under the

questionable, but highly appealing, conjecture that the free-market meant real

freedom.

The evidence of a concerted attempt by economic elites to perpetuate this specific

economic ideology is irrefutable. Through various professional organizations,

members of the business classes of America spent nearly $900 million annually,

throughout the 1970s and beyond, actively promoting the neoliberal agenda via think-

tanks, academia, books, television, schools, churches, and other media outlets, in a

concerted effort to saturate both the general public and other forgers of popular

opinion with the image of neoliberalism as the economic solution to all the world's

problems.[311]

As Harvey explains,

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[310] Harvey, D, 2007. *A Brief History of Neoliberalism*, p. 15. (Oxford University Press; Oxford)
[311] Ibid., pp., 43-44

An open project around the restoration of economic power to a small elite would probably not gain much popular support. But a programmatic attempt to advance the cause of individual freedoms could appeal to a mass base and so disguise the drive to restore class power...It has been part of the genius of neoliberal theory to provide a benevolent mask full of wonderful-sounding words like freedom, liberty, choice, and rights, to hide the grim realities of the restoration or reconstitution of naked class power, locally as well as transnationally, but most particularly in the main financial centres of global capitalism.[312]

On the understanding then, that the domain of political power has *two* necessary components essential to it – both social *and* economic control – we can see that within a distinctly capitalist system, the inherent conflict between the authentic democratic ideal and the entrenched interests of pre-existing power and privilege was never fully resolved. Instead of the full transfer of political power from the 'men of best quality' to the masses that authentic democracy demands, *capitalist* representative democracy ensured that pre-existing power and privilege could still be maintained through exclusive possession of economic capital; conceding only *one* of the two components necessary for political power over to the 'rascal multitude'.

Being themselves part of the citizenry as well as holders of capital, and thus also entitled to their own share of democratic participation *as well as* their private ability for financial influence, the 'men of best quality' therefore ended up possessing both components necessary for real political power, whilst the masses remained only half-way there, achieving only a necessary, but not sufficient, victory towards their political emancipation.

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[312] Ibid., p.40...p.119

It is in this unresolved conflict at the heart of capitalist representative democracy then, that methods of ideological control find their origin; as the interests of powerful elites continued to clash with the interests of ordinary citizens a method was found by which to coerce acquiescence from those citizens without ever shattering their illusion of democratic freedom.

Whilst perhaps once the product of an overt intent, once this capitalist ideology has gained hegemony within a society, its assumptions and distortions simply become the accepted intellectual currency of everyday life. I have already spoken at length about one such widely-held hegemonic assumption: Proudhon's 'governmental prejudice'; the belief that external structures of political power are a permanent and necessary feature of human existence rather than a purpose-built, and ultimately *changeable* synthetic construct we have created for ourselves; but one can find many other deeply ingrained ideological assumptions and instances of propagandistic manipulation underlying even the most basic routines and activities of everyday life.

For instance, all citizens living in UK and U.S. democracies are required by law to attend school from an early age. At first look this seems a wonderfully democratic notion – educating the public to give them what Dahl calls the 'enlightened understanding' necessary for democracy's proper functioning.[313] But further inspection of this universal education reveals that such hyperbole is only a surface justification for a school's real aims within capitalist societies.

There are many ways in which people can be educated, and many ways in which knowledge can be shared to captivate, engage and empower a people, but in both the UK and the U.S., the prime educational emphasis is on tightly quantifiable *testing*, rather than anything else. Immediately we can ascertain two things from this. Firstly,

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[313] Dahl, R, 2000. *On Democracy*, p. 37. (Yale University Press; New Haven)

that the student is therefore not being taught to learn information for the sole sake of gaining knowledge. If the aim was to create thinking, intelligent and empowered citizens, the students would not necessarily need to be tested; they would be taught *why* the learning of certain things is important *in themselves*, and encouraged to develop a healthy inquisitive attitude and self-interest in their own education and their own questions. Instead, they are taught that they must learn certain preordained (and often arbitrary) facts by rote and repetition in preparation for regurgitation at the appropriate time or else they will be punished.

Punishment takes the form of either specific disciplinary action, or the long-scarring psychological abuse of being told that if you fail a certain test, you will fail your course, your year, your schooling, your *life*...the threat of failure instilled in students by their teachers to form the second thing that we can ascertain as a real aim of contemporary education: obedience.

From their very first day, students are told that they must respect and obey their teachers and do what they are told without question, or fear punishment: detentions, exclusions, and, ultimately, *failure*. This respect is not earned as genuine respect should be; it is instead expected regardless of whether or not it is deserved, and it is exacted not through mutual reciprocity, but through fear; the underlying lesson taught, whatever the class: obey your superiors, or fail.

There is no compelling or necessary reason for education to be this way, and there is certainly no body of evidence to suggest that it is the *only* way to educate a population, or even the *best* way,[314] but such a system *is* the best way for capitalist

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[314] Indeed, experimental educational institutions like Summerhill which reject these conventional methods have been proven to work incredibly effectively by both independent adjudicators and grudging government inspectors alike. See: Ofsted Report, November, 2007: http://www.ofsted.gov.uk/reports/pdf/?inspectionNumber=301621&providerCategoryID=16384&fileName=\\school\\124\\s163_124870_20071129.pdf (accessed: 24/01/08)

democracies to ensure each young citizen becomes properly *indoctrinated* into the prevailing ideology of the day.

As Bowles and Gintis explained in 1976, the main function of education under capitalism is 'to reproduce the labour force,' and to do this 'the schools are destined to legitimate inequality, limit personal development to forms compatible with submission to arbitrary authority, and aid in the process whereby youth are resigned to their fate.'[315] With the key to getting ahead in school being to listen to the teachers' instructions and obey them without question; those who use their own minds and ask questions, don't adhere to rules, demand individual attention, get things wrong or seek better reasons than 'because you're told to' as to why they should do a certain piece of work, are told off, punished, and threatened with jeopardizing their entire future if they do not learn to conform and obey.

This serves an important ideological function in wider society: do not question authority, do as you are told, perform all tasks demanded of you by superiors *regardless* of whether or not you can see their value, assume that you only need to know the things that the experts tell you that you need to know, *believe as true* all information given to you by authority sources, and do all of this, even if you think it is wrong, out of a crippling fear of failure.

The very idea of 'failing' as a person is, of course, a purely ideological construct in itself. As Erich Fromm wrote in 1955,

> A new question has arisen in modern man's mind, the question, namely,
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> whether "life is worth living," and correspondingly, the feeling that one's life
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> "is a failure," or is "a success." This idea is based on the concept of life as an

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[315] Bowles, S and Gintis, H, 1976. *Schooling in Capitalist America*, p. 266. (Routledge and Jegan Paul; London)

enterprise which should show a profit....This concept is nonsensical. We may be happy or unhappy, achieve some aims, and not achieve others; yet there is no sensible balance which could show whether life is worth while living. Maybe from the standpoint of a balance life is never worth while living. It ends necessarily in death; many of our hopes are disappointed; it involves suffering and effort; from a standpoint of balance it would seem to make more sense not to have been born at all, or to die in infancy....Life is a unique gift and challenge, not to be measured in terms of anything else, and no sensible answer can be given to the question whether it is "worth while" living, because the question does not make any sense.[316]

The 'failure' implied by the educational system is not that of failing as a human being in any meaningful way, but of failing along the arbitrary and contingent, socially constructed parameters of 'success' within that society, i.e. not getting a qualification and thus not getting a job; yet despite such a concept of failure being 'nonsensical', it is a failure embedded deep into one's psychology, and thus the *fear* of such failure becomes the central motivating focus in all students' actions both in school and once out of it.

As the entire process of living becomes repackaged as a grand-scale *competition* between oneself and everybody else, all vying for elusive success in the face of failure, any natural solidarity felt between people is eroded away into a highly individualist and competitive dog-eat-dog perception that *if I do not do all that I can to benefit myself, regardless of others; I may lose and others will win.* The idea that working together cooperatively could mean *everyone* winning doesn't even come into it, and soon we can begin to understand perhaps what Rousseau meant when he spoke

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[316] Fromm, E, 2002. *The Sane Society*, pp., 145-146. (Routledge Classics; London)

of contemporary society's 'corrupting' influence on our malleable human nature: the foundations for Hobbes' war are not inherent to us, they are *taught*.

Some theorists, such as Bourdieu, dispute such claims. Although agreeing that 'pedagogical processes were certainly the mechanisms adopted by different interest groups to reproduce themselves,' and that 'the motivation for reproduction was that of sustaining the pre-existing distinctions between culturally arbitrary groups', Bourdieu believed that 'autonomous fields strategically assimilate aspects of other fields in order to strengthen their resistance to the absolute threat which other fields might pose.'[317] In other words, although there is a social structure attempting to mould and reproduce individuals in a particular fashion, 'nevertheless, free human agents would devise their own strategies within the framework of the structures',[318] by which they could express an individuality and rebellion of sorts.

Now I would certainly agree with some aspects of that theory; human beings, as we have discussed at length, are not passive and obedient drones, awaiting instruction and incapable of autonomously rejecting the attempted manipulation of their interests, indeed, the body of literature written about the effects of ideology in education would not exist if the propaganda were that infallible – no one would have ever identified it to write about it in the first place. That said though, such resistance is rare, and, when it does occur, it is importantly still *resistance*, rather than somebody experiencing the intended process of education.

A fitting analogy would be that of advertising. Advertising is unashamed and explicit propaganda, wilfully distorting reality into a specific perception aimed at glorifying an advertised product and luring the consumer into wanting to buy it. We know this. And we also know that for many people, such advertising does not work;

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[317] Robbins, D, 2006. *On Bourdieu, Education and Society*, p. 343. (The Bardwell Press; Oxford)
[318] Ibid., p. 295

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such individuals *resist* the commercials and propaganda and devise their own strategies within the framework of a world saturated with advertising, to ignore it and overcome its attempt at indoctrination.

At the same time though, from sales and marketing statistics we know that many more people do *not* resist such propaganda, and there is a close correlation between successful brands and the marketing campaign that went into promoting it into public awareness. We know that, despite the resistance of the few, the advertising still works on the many, and we also know that the resistance of the few is, although possible in anybody with a certain level of self-awareness, an anomaly rather than the norm; a concerted effort *against* indoctrination, rather than the intended effect of the advertising they have been exposed to.

Yes, ideological manipulation is not impossible to overcome, and not all of those subjected to it will be susceptible to its attempt to distort their way of thinking, but these instances of individual rebellion and resistance do not negate the claim that the structural and systematic *intent* of education, albeit for the most part unconsciously internalized by its perpetrators as simply 'how things are done', is an ideological one.

4.2: Capitalism and Ideology 2: Authentic Democracy and the Media

A wider understanding of ideology, as a dominant hegemonic understanding of the world found within *all* social institutions, not just from specific ideologues, is another reason why theories of individual rebellion in education such as Bourdieu's are too simplistic; they do not take into account how the ideological assumptions of the classroom are reinforced in all other areas of social life and how a classroom rebellion in one instance, does not necessarily translate into a complete rejection of that ideology in other areas of life. Ideology through education simply provides the

development at a young age of an *intellectual framework* through which all other ideological input is filtered in the future. The ideological assumptions of our education become combined with the life-consuming and equally ideological system of employment which that education prepares us for; operating in tandem to limit the parameters of acceptable thought and activity citizens believe to be realistic or possible within their capitalistic society, and creating a wider social culture of unquestioning obedience in which more specific methods of propaganda can operate effectively.

We began this discussion by questioning the ability of a citizen living within a capitalist representative democracy, to truly know what it is that they want their political representatives to represent for them. Already then we can see; taught ideological assumptions about 'how things are' create logical barriers to asking for any changes which have been artificially made to seem like impossible demands.

Within these already stifled ideological parameters of thought though, another obstacle to political representation occurs: for one to elect a representative successfully, one has to understand fully both what it is that they want represented and whether or not the representative in question concurs with their view. Therefore an authentically democratic citizen must be as *informed* as they possibly can.

If I am to vote for a representative in government, I need to know what their position is on the issues that I care about, as well as every available and relevant piece of information *about* the issues so that I can know which ones I *do* care about, and that my reasons for holding my political opinions are soundly based.

I may believe that a tax increase is the best possible way to inject more money into healthcare and education and place my vote accordingly, put perhaps I would have voted much differently if more facts had been revealed to me that showed how much

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of the currently available tax revenue was being spent on projects that I don't agree with, say, (for the sake of example) the £851.91 million per year spent currently by the British government on subsidizing the arms industry.[319] I might have instead opted to vote for a representative or law which banned arms-trade subsidies rather than advocating tax increases, freeing up an extra eight hundred and fifty million pounds or so for schools and hospitals without affecting a single person's income.

Without accurate information to analyse and assess in my decision making, my democratic right to vote is a meaningless and hollow gesture. It would seem a very minimal requirement, therefore, for the full participation in the running of their society that a citizenry of an *authentic* democracy be able to know what exactly is going on within it. Indeed, this is the proclaimed and expected function of the news media in contemporary democracies, be it in print, on TV or online: the news media is supposed to be the societal tool used to give crucial political information to the public so that they can gain 'enlightened understanding' and intelligently involve themselves in the democratic process.

The availability of alternative and relatively independent sources of information is required by several of the basic democratic criteria...How can citizens acquire the information they need in order to understand the issues if the government controls all the important sources of information? Or, for that matter, if any single group enjoys a monopoly in providing information? Citizens must have access then, to alternative sources of information that are not under the control of the government or dominated by any other group or point of view.[320]

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[319] Thomas, M, 2006. *As Used on the Famous Nelson Mandela*, p. 147. (Ebury Press; London)
[320] Dahl, R, 2000. *On Democracy*, p. 97. (Yale University Press; New Haven)

Yet in capitalist democracies, the news media does not work this way. As Colin

Crouch warns,

Control over politically relevant news and information, a resource vital to democratic

citizenship, is coming under the control of a very small number of extremely wealthy

individuals. And wealthy individuals, however much they might compete against each

other, tend to share certain political perspectives, and have a very strong interest in

using the resources at their command to fight for these.[321]

As Harvey has already shown,

While this disparate group of individuals embedded in the corporate, financial, trading,

and developer worlds do not necessarily conspire as a class, and while there may be

frequent tensions between them, they nevertheless possess a certain accordance of

interests...they also possess, through organizations like the World Economic Forum at

Davos, means of exchanging ideas and of consorting and consulting with political

leaders. They exercise immense influence over global affairs and possess a freedom of

action that no ordinary citizen possesses.[322]

Such corporate control of the media, especially in the United States, has led to a

newsroom rife with ideological bias and doctrinal dogmas, with reporting

systematically showing evidence of what Noam Chomsky and Edward Herman have

described as a hegemonic, 'propaganda model',[323] serving only 'the interests of state

and corporate power, which are closely interlinked, framing their reporting and

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[321] Crouch, C, 2004. *Post-Democracy*, p. 50. (Polity Press; Cambridge)
[322] Harvey, D, 2007. *A Brief History of Neoliberalism*, p. 36. (Oxford University Press; Oxford)
[323] Chomsky, N and Herman, E, 1994. *Manufacturing Consent: the political economy of the mass media.* (Vintage; London)

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analysis in a manner supportive of established privilege and limiting discussion and debate accordingly.'[324]

When we recall the list of species-interests which legitimate structures of political power are obliged to protect and fulfill as the basic minimum requirement of their justificatory political teleology, capitalist representative democracy already seems profoundly incapable of satisfying these ethical obligations to its citizens. We have already seen in great depth how the capitalist structures of economy and work act as frequent obstacles towards fair and unimpeded access to, and procurement of, the basic requisite material goods; to citizens' ability to pursue and achieve 'quality of life' and happiness; to freely form social bonds with one another; to freely use the innovative powers of their own creativity; and to meaningfully sustain as much of their natural autonomy and freedom as possible. We have also started to see how, through ideological control and doctrinal education, there is a pervasive impediment put in place against individuals freely forming and holding interests that conflict with the dominant ideological narrative of entrenched power.

Once we begin to expose the greater ideological distortions at play within such a society, however, and separate what is a *truly* unavoidable result of unchangeable circumstance from what is, in fact, a completely *avoidable* outcome, brought about through the influence of distorting propaganda; then the fulfillment of yet another species-interest comes under scrutiny: the avoidance of unnecessary death and preventable suffering.

At its most basic, as we have seen from Hobbes, down to Hume, down to Nozick, to make life 'better' for 'people' than it would be without formal politics, is to ensure people some security that will protect them from avoidable forms of death and

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[324] Chomsky, N, 1989. *Necessary Illusions*, p. 10. (Pluto Press; London)

preventable causes of suffering. Even if we accept that perfection in politics will always be too utopian a task, and that the job of *completely* fulfilling the demands of political teleology is one which will forever be impossible; the bare *minimum* ethical obligation a legitimate structure of political power must make to its people is the offer of security and the promise that its citizens will not be unnecessarily killed or made to suffer.

In the discussion that follows, however, utilizing Chomsky and Herman's 'propaganda model' of mass media, I will show that ideological manipulation of relevant political information within contemporary capitalist democracies often leads, intentionally and consistently, to the widespread death and suffering of both citizens and non-citizens alike, through the promotion and engagement of illegitimate, entirely avoidable, and entirely preventable, economically motivated wars.

As Chomsky explains; the propaganda model of commercial mass media 'does not assert that the media parrot the line of the current state managers in the manner of a totalitarian regime; rather, that the media reflects the consensus of powerful elites of the state-corporation nexus generally, including those who object to some aspects of government policy, typically on tactical grounds.'[325] It does this through a process of hegemony; a system of internalized self-censorship whereby, just as at school when the way to get ahead was to do what was expected of you by teachers without question, for a journalist to be a 'success' in their job they must recognize that 'conformity is the easy way, and the path to privilege and prestige; dissidence carries personal costs that may be severe'.[326]

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[325] Chomsky, N, 1989. *Necessary Illusions*, p. 149. (Pluto Press; London)
[326] Ibid., p. 10

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The very structure of the media is designed to induce conformity to

established doctrine. In a three-minute stretch between commercials, or in

seven hundred words, it is impossible to present unfamiliar thoughts or

surprising conclusions with the argument and evidence required to afford

them some credibility. Regurgitation of welcome pieties faces no such

problem...the media serves the interests of state and corporate

power...framing their reporting and analysis in a manner supportive of

established privilege and limiting debate and discussion accordingly.[327]

It is not so much that journalists necessarily *lie* outright about the things they report;

but rather that, through their underlying hegemonic ideological assumptions, they

unthinkingly, yet consistently, limit their parameters of discourse and thus artificially

establish an ideologically restrictive framework of acceptable debate.

The propaganda model argues that there are five 'filters' which work to limit and

shape the news-media's content, and that these filters become internalized within the

mind of any working journalist who wishes to be 'successful' in their careers, leading

to an unconscious self-censorship which pervades most major media outlets.

The first filter relates to the 'size, ownership and profit orientation'[328] of dominant

media companies. Put simply, as the major media organizations are themselves

owned by powerful elites there is an immediate clash between their business interests

and their roles as democracy-enhancing watchdogs of elite power, and yet, as the

dominant resource for most news information, they have an inescapable influence in

shaping many people's views. This filter has been studied comprehensively by Ben

Bagdikian in his book, *The Media Monopoly*, which shows how, in America, with an

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[327] ibid
[328] Chomsky, N and Herman, E, 1994. *Manufacturing Consent: the political economy of the mass media*, pp., 3-14. (Vintage; London)

ever-decreasing number of powerful corporations owning the vast majority of the nation's media, 'with that power comes the ability to exert influence that in many ways is greater than that of schools, religion, parents, and even government itself'.[329] This filter ensures that many stories which could harm the business interests of the owning conglomerate are either under-reported, under-played, or sometimes not mentioned at all; with journalists working for the company preferring to drop a controversial story and look elsewhere for news, rather than risk rocking the boat and jeopardizing their careers.[330]

The second filter is that of advertising.[331] With the majority of media revenue relying on advertising income as its main source of profit, the news media's role as a democratic tool with which all citizens can inform and educate themselves is increasingly compromised as it becomes merely a conduit for income-generating commercials, creating 'a programme environment that reinforces our corporate messages',[332] and therefore aiming not at educating all people, but only at selling products to an economically desirable demographic of the more affluent sectors of society. Further still, news stories which *conflict* with the commercial interests of advertisers are more likely to be pulled than those which do not, directly affecting the news which is being reported. This includes, of course, the commercial interests of any of the myriad affiliate companies of the original *owning* conglomerate, again placing the interests of economic power over and above the interests of authentic democracy and its corporate role over and above its duty to public service.

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[329] Bagdikian, B, 1997. *The Media Monopoly*, p. ix. (Beacon Press; Boston)
[330] Sanders, B and Baker, R, 1998. *Fear and Favour in the Newsroom*, in: Phillips, P (ed), 1998. *Censored: 1998: The News That Didn't Make The News*, pp., 165-174. (Seven Stories Press; New York)
[331] Chomsky, N and Herman, E, 1994. *Manufacturing Consent: the political economy of the mass media*, pp., 14-18. (Vintage; London)
[332] Manager of corporate communications for General Electric (owners of NBC) in Bagdikian, B, 1997. *The Media Monopoly*, p. 160. (Beacon Press; Boston)

Since 1976, Sonoma State University's 'Project Censored', has been researching annually into how important news stories are often under-reported or simply not covered in corporate-owned news media organizations because of such conflicts, and have shown, each year, 'a congruence of attitudes and interests on the part of the owners and managers of mass media organizations' that creates a 'non-conspiracy conspiracy, when combined with a variety of other factors' which leads to 'the systematic failure of the news media to fully inform the public.'[333]

The third filter concerns the *sourcing* of the news that is reported, and the reliance by journalists on 'official' elite sources.[334] Essentially this is the consistent prioritizing of official press releases and public relations materials as primary source material over alternative information outlets and the assumption that such items are always valid and free from self-interest, without the need for fact-checking. As Chomsky and Herman explain, 'the mass media are drawn into a symbiotic relationship with powerful sources of information by economic necessity and reciprocity of interest.'[335] Put simply: access becomes key. The media needs regular access to official sources if it is to consistently turn out product on demand, especially in the day and age of twenty-four hour rolling news; and a journalist needs to maintain such access or else miss out on stories, and risk losing their job.

Access can be cut off by officials if the reporting generated is consistently negative, and so critical stories are avoided or played-down in order to preserve a good working relationship with the source.[336] Once the 'official' version of events has been reported and repeated though, expressing views which run *counter* to the agreed 'facts' of the

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[333] Jensen, C, 1997. *20 Years of Censored News*, pp., 14-15. (Seven Stories Press; New York)
[334] Chomsky, N and Herman, E, 1994. *Manufacturing Consent: the political economy of the mass media*, pp., 18-25. (Vintage; London)
[335] Ibid., p. 18
[336] See: Goodman, A, 2004. *The Exception to the Rulers*, pp., 169-180. (Arrow Books; London); Rampton, S, and Stauber, J, 2003. *Weapons of Mass Deception*, p. 185-187. (Robinson Books; London)

matter becomes a Herculean task, especially when coupled with the expected

'concision' of commodified reporting in an age where airtime and column inches are

seen simply as necessary 'filler' sandwiched between the main content of

advertisements.

As Chomsky explains, 'if you're marching in a parade, you don't need any

evidence…Either you repeat the same conventional doctrines that everybody else is

saying, for which you don't need any proof…or else you say something which in fact

is true and it will sound like it's from Neptune,'[337] the repetition of agreed and

familiar pieties becoming much easier than the hard work of mounting an

impenetrably evidenced case for an alternative perspective.

The fourth filter of the propaganda model is related to the difficulties of straying

from the official version of events. Called by Chomsky and Herman 'flak and the

enforcers',[338] what it ultimately means is that 'controversial' statements made in the

media, that counter the dominant narrative of events, will receive a negative backlash.

Such flak can be letters, phone-calls and petitions against a network or organ for

allowing such things to be broadcast or published, but other forms of flak can include

withdrawal of advertising from offended sponsors and boycotts of networks, papers or

specific programming as a result of their broadcasting or publishing 'controversial'

thoughts.

When someone puts forward a 'Neptunian' idea, therefore, they will often receive

flak, and this flak is often generated disproportionately from groups and individuals

with powerful elite interests, often via dedicated organisations designed for the job

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[337] Chomsky, N and Barsamian, D, 2001. *Propaganda and the Public Mind*, p. 50. (Pluto Press; London)
[338] Chomsky, N and Herman, E, 1994. *Manufacturing Consent: the political economy of the mass media*, pp., 26-28. (Vintage; London)

such as the *Media Research Centre, Accuracy in Media* and the *Centre for Media and Public Affairs*, funded by business and industry.

A prime example of flak was served up en masse to the people of France by the United States' media after the French government's unwillingness to join the so-called 'coalition of the willing' and go to war against Iraq in 2003. Instead of accepting the position as a perfectly arguable, logically justifiable, and rationally based one that, as a sovereign nation, un-beholden to American power, it was entirely their right to hold; there was the encouragement of national anti-French feeling across both broadcast and printed media in the United States that, at its most absurd moments, led to the U.S. Congressional Cafeteria re-naming French Fries, 'Freedom Fries'.[339] Another example from around that time would be the firing of U.S. political talk show host Bill Maher from his *Politically Incorrect* programme after he disagreed with the President and other commentators' opinions that the terrorists who attacked New York's World Trade Centre on 9/11, were cowards. 'We have been the cowards, lobbing cruise missiles from 2,000 miles away', he said. 'That's cowardly. Staying in the airplane when it hits the building, say what you want about it, it's not cowardly.'[340]

The statement was meant as a joke, is arguably true, and certainly wasn't saying anything that should be considered too controversial in a country rooted in freedom of speech, yet his saying it led to so much flak that his job and his show were both axed as a result.

He was not the only such casualty.[341]

The fifth and final filter was originally described by Chomsky and Herman as 'anti-communism as a control mechanism';[342] an ideological filter which allowed

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[339] French Fries remained 'Freedom Fries' in the Congressional Cafeteria until July of 2006.
[340] Goodman, A, 2004. *The Exception to the Rulers*, pp., 192-195. (Arrow Books; London)
[341] Ibid.

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journalists to see the world in a certain way and tell a certain story (i.e. America versus Communists, with communist countries and their satellites depicted, as a matter of course, as evil and their actions sinister, whilst America and its allies are painted as the good guys, with all of their actions undertaken only for the noblest of causes). Though *Manufacturing Consent*, and the research which led up to it, was written at a time when the Cold War was still ongoing and thus under a historical backdrop of decades of media framed in such a way, and whilst such terminology might seem out of date now; despite the collapse of Soviet communism and cessation of the traditional America versus communism Cold War narrative, Chomsky argues that this ideological filter is still very much in place. Although the nineties saw a variety of different demons take the place of communism as official state enemy once the Cold War had ended – drugs, terrorists, welfare mothers, immigrants etc – there was always *some* threat of which the country should be scared, and since 9/11 and the declaration of a 'war on terror' that followed, we can simply replace the word 'communism' with 'terrorism' and see how anti-*terrorism* now works as a control mechanism in media reporting.

Although Chomsky, with and without Herman, documented in great detail various U.S. and UK atrocities committed during the Cold War and beyond, right up to September eleventh 2001 – all of which were kept hidden and distorted in the media through this final filter of the propaganda model – for reasons of space and political relevancy, I shall concentrate my own analysis in this thesis only to the ongoing 'war on terror'. Because of the overwhelming empirical evidence to support it, I subscribe to what Doug Stokes calls Chomsky's 'continuity theory' of U.S. foreign policy. 'For Chomsky, post-Cold War U.S. foreign policy is characterised by overwhelming

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[342] Chomsky, N and Herman, E, 1994. *Manufacturing Consent: the political economy of the mass media*, pp., 29-31. (Vintage; London)

continuities with its earlier Cold War concerns, and continues to be malign and anti-democratic when U.S. elite demands are opposed'.[343] This is a viewpoint consistent with that of Stephen Kinzer, who details a century of U.S.-sponsored regime-change from Hawaii in 1893 to Iraq in 2003 which, in all cases, has 'cloaked its intervention in the rhetoric of national security and liberation', whilst in reality acting 'mainly for economic reasons – specifically, to establish, promote, and defend the right of Americans to do business around the world without interference.'[344]

This perspective of ideological continuity is echoed vis-à-vis UK foreign policy by Mark Curtis, who argues that 'British interests and priorities have changed very little over time; essentially, the only variation has been the tactics used to achieve them', and that 'foreign policy is made by a secretive elite protected even from any serious democratic scrutiny, let alone any systematic influence over that policy by the public', with there being 'no fundamental difference between the Labour and Conservative parties in foreign policy.'[345]

When one separates fact from ideology and propaganda, then the historical evidence paints a compelling picture of consistent foreign policy aims within these two countries – the aims of contemporary capitalism and elite power – sought over the years by a variety of different governments and political actors, ostensibly claiming in public to be pursuing new and different goals, whilst in reality achieving only the same consistent ideological objectives time and time again.

Through an analysis of the propaganda which helped justify the 'war on terror', I shall show clearly how media manipulation and the ideological manufacturing of consent within these capitalist representative democracies between 2001 and 2003

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[343] Stokes, D, *Why The End Of The Cold War Doesn't Matter: The US War Of Terror In Columbia*, in *Review of International Studies*, 2003, issue 29, p570
[344] Kinzer, S, 2006. *Overthrow: America's Century of Regime Change From Hawaii to Iraq*, p. 3. (Times Books; New York)
[345] Curtis, M, 2004. *Unpeople*, p. 3; p. 318. (Vintage; London)

severely impeded the informed democratic functioning of their citizens, and paved the way for a series of illegitimate and unjustified wars of aggression that have, at the time of this writing, already caused the unnecessary death and preventable suffering, as well as the violation of many other species-interests, of hundreds of thousands of people; in strict contravention of the justificatory terms of contract on which legitimate political power is based.

4.3: Demystifying the 'War on Terror'

The 'war on terror' began in September of 2001 and has been sustained ever since through a news-media unwittingly, but consistently, conforming to the propaganda model, and thus a democratic public made purposefully unfamiliar of important facts.

Although mainly conceived as an *American* foreign policy initiative; the UK's own foreign policy since 9/11 has been largely determined by 'war on terror' rhetoric; and through British support and involvement in the war, established through repetition of the same ideological distortions of reality on both sides of the ocean, the war gained a perception of legitimacy it might otherwise have lacked, endangering British lives alongside their American counterparts. The treatment of the media contained herein, therefore, has significant ramifications for both U.S. *and* UK democracies.

When terrorist attacks occurred across the United States on September 11th, 2001, they were quickly reported as being the work of Islamic militant group, al-Qaeda, and less than a month later, on October 7th, the new 'war on terror' got underway with a castigatory battle declared against Afghanistan, the country heralded as al-Qaeda's home-base.

As an immediate consequence, 'between 3,125 and 3,620 Afghan civilians were killed by US bombing' and 'between 10,000 and 20,000 people died as an 'indirect'

result'.[346] This is not to mention that 'according to the UN in March 2002, Afghanistan had become littered with 14,000 unexploded bomblets',[347] landmine-like devices left behind by cluster-bombs with the potential to go off at any time.

The way these two events were reported at the time in the commercial news media and by the politicians in charge of it, made it appear that the attack on Afghanistan was an entirely justified response to an initial aggressive act, and fully permitted under traditional just war theory and international law. America was attacked, the papers said, and al-Qaeda did it. Al-Qaeda must be destroyed, the TV newscasters told us, and so too therefore must *Afghanistan* because, the politicians told us, that's where al-Qaeda is based and, in the words of President Bush, 'if you harbour terrorists, you are terrorists. If you train or arm a terrorist, you are a terrorist. If you feed a terrorist or fund a terrorist, you're a terrorist, and you will be held accountable by the United States and our friends.'[348]

Closer inspection of the full context and total body of evidence surrounding these events outside of the five filters of the propaganda model, however, show us a very different picture indeed, and a clear example of how the news media misinformed the public and crippled their ability to democratically function.

The most immediate difference between reality and perception concerning 9/11 was the very idea that a retaliatory war needed to be fought at all, especially against Afghanistan. America had been attacked, but one cannot call the suicidal acts of an autonomous terrorist cell, no matter how well-orchestrated, a war-declaring act of international aggression from an enemy nation.

It was a *crime*, without a doubt, but it was a crime committed by one autonomous cell of *individuals* in a loosely affiliated network of cells with no overall leadership

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[346] Curtis, M, 2003. *Web of Deceit*, p. 49. (Vintage; London)
[347] Ibid., p. 54
[348] http://www.whitehouse.gov/news/releases/2001/11/20011121-3.html (accessed: 07/02/08)

structure. Whilst Osama bin Laden made a perfect personification of the Jihadist bogeyman for front-page photographs, and certainly provides key *funding* for al-Qaeda activities; in reality, as each cell runs its own operations independently, without any overarching authority, the group cannot be tied down to one individual *leader*, let alone any single 'base' country of operations.

As a *crime*, a criminal investigation of the 9/11 attacks should have been undertaken immediately and the perpetrators brought to justice as soon as possible. Of course, that is hard when the perpetrators themselves are as dead as their victims, but if the claim that it was al-Qaeda and bin Laden was true, as was repeatedly and unquestioningly reported, there should have still been many leads to go on for finding the terrorist group *legally*. A good start would be basic intelligence gathering from those with connections to the terrorists responsible, but within hours of the attacks 'top White House officials authorized planes to pick up 140 Saudis, including two dozen members of the bin Laden family, from ten cities and spirit them back to Saudi Arabia' without interrogation – this at a time when all commercial flights in the country had been suspended until further notice.[349]

Fifteen of the nineteen 9/11 hijackers, like bin Laden, were Saudi Arabian. They also had legal visas to enter the U.S., gained from the Saudi Arabian government. The other hijackers received their visas to enter the U.S. legally from both Germany and the United Arab Emirates. According to the 9/11 Commission's report on the attacks (a report from which twenty-eight pages relating to Saudi Arabia's role in the attacks were withheld by the Bush administration[350]), 'beginning in 1997, the 19 hijackers submitted 24 applications and received 23 visas...the 19 hijackers entered the United States a total of 33 times. They arrived through ten different airports, though more

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[349] Goodman, A, 2004. *The Exception to the Rulers*, p. 43. (Arrow Books; London)
[350] Ibid., p. 47

than half came in through Miami, JFK, or Newark'.[351] Why then, with no seeming

connection to the crime, was *Afghanistan* bombed and not, say, Saudi Arabia?

Possibly, because Saudi Arabia is an American ally, to which the indebted U.S.

economy is intricately tied, or perhaps because of the Bush administration and Bush

family's longstanding business connections to the bin Laden family and Saudi

Arabian oil industry?[352] There are many possibilities, but none that were raised by the

press at the time. Instead Afghanistan's culpability was simply asserted, without

evidence or argument, and its legitimacy as a military target was never seriously

brought into question. The official fiction was repeated and repeated as fact: bin

Laden (a Saudi) runs al-Qaeda (not strictly true) and has been hiding out in

Afghanistan (as I write this, over half a decade since Afghanistan was invaded, bin

Laden has yet to be found there) so Afghanistan must be bombed (not the only logical

conclusion if the 9/11 attacks are considered the *crime* that they were instead of an act

of war).

The rationale repeated and repeated until considered unchallengeable was that al-

Qaeda had committed the attacks and 'if you harbour terrorists, you are terrorists',

therefore Afghanistan, who is harbouring bin Laden, is a viable target of war.

Except that the Afghani Taliban government were *not* harbouring terrorists. Before

the October 7th strikes, they had offered to give bin Laden over to American

authorities several times, so long as the U.S. government could provide evidence to

back up their accusations about bin Laden's involvement; a common legal convention

in preparation for extradition, especially to a country where it is unlikely that the

extradited individual will receive a fair trial. Yet the Taliban requests were not only

rebuffed; the Taliban *themselves* became equated with al-Qaeda in both governmental

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[351] http://www.9-11commission.gov/staff_statements/staff_statement_1.pdf (accessed: 07/02/08)
[352] Unger, C, 2007. *House of Bush House of Saud.* (Gibson Square Books; London)

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speeches and the news. 'For their part, the media effectively suppressed evidence of the Taliban's offers to extradite Mr bin Laden, and distorted the Taliban's position, thereby making war seem natural and inevitable.'[353]

As Chomsky reminds us, the assertion that al-Qaeda was responsible *at all* was itself still questionable as the first bombs dropped on Afghani soil.

> Support for the bombing was based on a crucial presupposition: that those responsible for 9-11 were known. But they were not, as the government quietly informed us eight months after the bombing. In June 2002, FBI director Robert Mueller testified before a Senate committee...Mueller informed the Senate that "investigators *believe* the idea of the Sept. 11 attacks on the World Trade Centre and Pentagon came from al Qaeda leaders in Afghanistan," though the plotting and financing may trace to Germany and the United Arab Emirates. "We *think* the masterminds of it were in Afghanistan, high in the al Qaeda leadership,"...If the indirect responsibility of Afghanistan could only be surmised in June 2002, it evidently could not have been *known* eight months before, when President Bush ordered the bombing of Afghanistan.[354]

In Peter Singer's words, it is 'possible that the horrendous nature of the attacks of September 11, still fresh in everyone's memory, swayed people's judgment and prevented the kind of calm reasoning that is desirable before making a momentous decision that puts at risk the lives of many people, including innocents.'[355] But I think such an opinion is too charitable. It ignores the wealth of evidence for a 'continuity theory' of Western foreign policy, and its history of ideological manipulation, and

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[353] Rai, M, 2002. *War Plan Iraq*, p. 38. (Verso; London)
[354] Chomsky, N, 2004. *Hegemony or Survival*, p. 200. (Penguin; London)
[355] Singer, P, 2004. *The President of Good and Evil*, p. 147. (Granta Books; London)

leaves out the notion that such grief and horror might also sway people's judgement if it is used *to do precisely that*; which is exactly what it seems the media unwittingly but methodically did after 9/11.

The media also neglected to give important context to the attacks, preferring to repeat the President's hollow platitudes that the hijackings happened out of the blue, because the terrorists were irrational 'evil-doers' who 'hate our freedoms'.[356] Even if we are to accept al-Qaeda's responsibility for the attacks, important questions about who al-Qaeda are, how they came into existence and why they did what they did were not answered until long after it was too late.

As John Cooley remarks, the 'Soviet invasion of Afghanistan in 1979 was the event which was the fateful first link in the chain of dark destiny which led the United States to its present serious crisis.'[357] When Russia invaded, America's CIA, together with Pakistan's Interservices Intelligence Directorate (ISI), funded, trained and armed 'a mercenary army of Islamist volunteers'[358]called the mojahidin, to repel the Soviets in what they called 'jihad' or 'holy war'. The holy war took a decade and it was not until 1989 that the Russians were defeated. By this time, 'Afghanistan lay in ruins, wasted by the jihad. Its society and people were ravaged by drugs, poverty and horrific war injuries from fighting and land mines.'[359] Worse still, as government funding for the extremist army ran out whilst the war took its course, the anti-Soviet jihad was forced to find private money from wealthy individuals like Osama bin Laden to fund it, who 'was paying with his own money to recruit and train the Arab volunteers who flocked to Pakistan and Afghanistan…the CIA even helped bin Laden

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[356] http://www.whitehouse.gov/news/releases/2001/09/20010920-8.html (accessed: 07/02/08)
[357] Cooley, J, 2002. *Unholy Wars*, p. xiv. (Pluto Press; London)
[358] Ibid., p. xv
[359] Ibid

build an underground camp in Khost, where he was to train recruits from across the Islamic world.'[360]

Britain too was involved in the genesis of al-Qaeda. As well as supplying weapons to the jihad,

> A British private "security" company, KMS, undertook training of small
> numbers of mojahidin commando units in Afghanistan and at an MI6 base in
> Oman, cleared by the Foreign Office. Ex-SAS men took over the KMS
> training programmes while a few other SAS veterans also trained Pakistani
> forces...selected Afghan fighters were smuggled into Britain disguised as
> tourists and trained in three-week cycles at secret camps in Scotland. Some
> SAS officers' role went beyond that of trainers and they were involved in
> scouting and back-up roles with the mojahidin.[361]

This U.S./UK-created jihad eventually, and inevitably, turned against its masters once the war with the Soviets was over and they could turn their attention towards other enemies of Islam. Similarly the Taliban, created and manipulated only to serve U.S. and Pakistani power interests in the region, eventually, and predictably, grew out of control.

Was America targeted because 'they hate our freedoms' as the President told us? No. As Palast states, 'there should be no confusion' over bin Laden's aims because, 'Al Qaeda states its mission, like most enterprises, on its Web site'.[362] The reason bin Laden declared his holy war on his former American masters was not because he hates freedoms, but because of his opposition to the presence of U.S. military bases in

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[360] Curtis, M, 2003. *Web of Deceit*, p. 61. (Vintage; London)
[361] Ibid., pp., 62-63
[362] Palast, G, 2006. *Armed Madhouse*, p. 10. (Allen Lane; London)

the holy Islamic cities of Mecca and Medina in Saudi Arabia.[363] Also because, as we

have been discussing vis-à-vis power protecting power, bin Laden does not want to

damage his *own* economic interests and power in the region, claiming that 'the

presence of the U.S.A. Crusader military forces on land, sea and air in the states of the

Islamic Gulf is the greatest danger threatening the largest oil reserve in the world.'[364]

The idea that the terrorists might have had rational aims and a defined agenda, no

matter how flawed their chosen method of obtaining them, or misguided their ultimate

goals may be, and were not simply raving madmen was seldom, if at all, mentioned in

the mainstream media. But even with this new perspective on things and the

revelation of U.S. and UK complicity in the original genesis of al-Qaeda, we still do

not yet entirely have the full story. Another essential piece of information, relevant to

a true contextual understanding of 9/11 is that the group known as *al-Qaeda* 'was

barely mentioned in U.S. intelligence reports until 1998.' [365] In that year, U.S.

embassy buildings in Kenya and Tanzania were blown up by a terrorist group linked

to Osama bin Laden. U.S. President, Bill Clinton, responded to the attacks by

unilaterally bombing Sudan and Afghanistan despite there being little or no evidence

that the countries were involved, and destroying the El Shifa Pharmaceutical

Industries factory in the process, a major supplier of medicines and veterinary drugs

to Sudan and other third world countries that had no military connections at all.

This 'bombing of Sudan and Afghanistan in 1998 effectively created Al Qaeda, both

as a known entity in the intelligence world and also in the Muslim world', says

Chomsky. 'In fact, the bombings created Osama bin Laden as a major symbol, led to

a very sharp increase in recruitment and financing for Al Qaeda style networks, and

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[363] Fukuyama, F, 2007. *After the Neocons*, p. 79. (Profile Books; London)
[364] Palast, G, 2006. *Armed Madhouse*, p. 12. (Allen Lane; London)
[365] Chomsky, N, 2005. *Imperial Ambitions*, p. 108. (Hamish Hamilton; London)

tightened relations between bin Laden and the Taliban, which previously had been

quite hostile to him.'[366]

This fact was echoed by Adam Curtis in his 2005 documentary *The Power of*

Nightmares,

> Al Qaeda as an organisation did not exist. The attacks on America had been
>
> planned by a small group that had come together around bin Laden in the late
>
> 90s. What united them was an idea: an extreme interpretation of Islamism
>
> developed by Ayman Zawahiri. With the American invasion, that group had
>
> been destroyed, killed or scattered. What was left was the idea, and the real
>
> danger was the way this idea could inspire groups and individuals around the
>
> world who had no relationship to each other. In looking for an organisation,
>
> the Americans and the British were chasing a phantom enemy and missing
>
> the real threat.[367]

Curtis explains that 'In January, 2001, a trial began in a Manhattan courtroom of four

men accused of the embassy bombings in east Africa. But the Americans had also

decided to prosecute bin Laden in his absence...to do this under American law, the

prosecutors needed evidence of a criminal organisation...that would allow them to

prosecute the head of the organisation even if he could not be linked directly to the

crime.' In other words, the idea of a definite and cohesive *organization* was essential

in order to achieve the criminal prosecution of bin Laden under American law and so

the FBI, alongside an ex-associate of bin Laden's, Jamal al-Fadl, strung intelligence

together in such a way as to *create* the necessary organization as a useful fiction.

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[366] ibid

[367] Curtis, A, 2005. *The Power of Nightmares: The Rise in the Politics of Fear*, BBC

Although terrorism and terrorist groups clearly did exist, 'the American and other governments…transformed this complex and disparate threat into a simplistic fantasy of an organised web of uniquely powerful terrorists who may strike anywhere and at any moment', and as time went on, 'the scale of this fantasy just kept growing as more and more groups realised the power it gave them', be it the small-scale terrorist groups who could utilize the identity of the U.S.-created al-Qaeda monster to boost their own image, or the Western governments using the al-Qaeda idea and 'war on terror' to forward their own agenda and fill the ideological gap left by the end of the Cold War.

The pure invention of the 'al-Qaeda' name was even admitted by former UK foreign secretary Robin Cook, a month before his death in 2005, when he explained, 'Al-Qaida, literally "the database", was originally the computer file of the thousands of mujahideen who were recruited and trained with help from the CIA to defeat the Russians.'[368]

In short, there is 'no evidence that bin Laden used the term "Al Qaeda" to refer to the name of a group until after September the 11th, when he realized that this was the term the Americans have given it.'[369] Al-Qaeda was merely a self-fulfilling prophecy, an idea created by the U.S. government to name a phantom enemy but, oft repeated in the media's echo chamber; eventually this fantasy became a reality.

Despite governmental reaction and mass media reporting, the idea that the atrocities of 9/11 were committed for inexplicable, freedom-hating reasons by a clear-cut *organized* enemy led by Osama bin Laden and called al-Qaeda, based in the definitive territorial location of Afghanistan and criminally harboured by the Taliban regime is very far removed from the truth. It is an entirely ideological construct. In actual fact,

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[368] Cook, R, *The Struggle Against Terrorism Cannot Be Won By Military Means: The Guardian*, July 8th, 2005: http://www.guardian.co.uk/terrorism/story/0,12780,1523838,00.html (accessed 10/9/07)
[369] Curtis, A, 2005. *The Power of Nightmares: The Rise in the Politics of Fear*, BBC

America was attacked by an autonomous and independent group of mostly Saudi Arabian individuals, largely trained and created by the U.S. themselves, who had come into the country legally from a variety of destinations and been accepted by U.S. immigration services. They may, or may not have had, financial backing from Osama bin Laden, but not enough information is known – possibly because 'the Bush administration blocked key [FBI] investigations into allegations that top Saudi Arabian royals and some members of the bin Laden family, not just Osama, funded and supported al-Qaeda and other terrorist organizations' in the months *before* 9/11[370] - and they certainly did not attack the World *Trade* Centre and Pentagon because they hated freedom; they did it because they were clear and symbolic targets of American militarism and economic imperialism, and their problem with the U.S., clearly stated for those who cared to listen, was its continued unwanted military and economic presence on Islamic holy lands in Saudi Arabia.

But the 'war on terror', and its ideological support from a compliant mass media, did not end with the invasion of Afghanistan. Its next phase was the invasion of Iraq in March 2003, a country which had already once before fallen victim to the ideological propaganda of Western capitalist mass media.[371]

A spurious connection between al-Qaeda and Saddam Hussein was posited and repeated, without any credible evidence, within *days* of 9/11 by Dick Cheney and other senior members of the Bush administration. Citing the crime of gassing his own people at Halabja in 1988 as proof of Saddam's tyranny (whilst neglecting to mention the U.S. / UK support for it at the time), with the war in Afghanistan already raging, it was alleged that Iraq was in possession of 'weapons of mass destruction' (WMDs), and thus a threat to international security which had to be thwarted.

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[370] Palast, G, 2002. *The Best Democracy Money Can Buy*, pp., 91-92. (Robinson; London)
[371] See Appendix

Such claims, since proven to be entirely unsubstantiated despite their furious repetition and unqualified assertion in the mass news media in the run up to war, were surprising to anyone actually familiar with the facts. As long ago as 2001, the man who would conversely *later* try to convince the UN of Saddam's WMD threat, former U.S. Secretary of State Colin Powell, had admitted publicly that Saddam Hussein 'has not developed any significant capability with respect to weapons of mass destruction.'[372] Similarly, former UNSCOM inspector Scott Ritter claimed in 2002 'a 90 to 95 percent level of verified disarmament'[373] from when he and his team of inspectors left the country in 1998.

Two years previously, Ritter had reported that 'as long as monitoring inspections remained in place, Iraq presented a WMD-based threat to no one',[374] and it should be noted that the only reason these recommended monitoring inspections did *not* remain in place, was because inspectors were pulled out by the *U.S. themselves* in 1998 in order to allow the increased U.S. bombing of the country.

The increase in bombing was in alleged response to Iraqi non-cooperation, but in Ritter's own words, in 1998 UNSCOM became compromised from fulfilling its original task of seeking out weapons of mass destruction, and instead of cooperating with Iraq on disarmament, 'inspectors were sent in to carry out sensitive inspections that had nothing to do with disarmament but had everything to do with provoking the Iraqis.'[375] As soon as Iraq *was* provoked, and questioned the reasoning behind these new demands for the inspection of sensitive sites; instead of seeking diplomatic negotiation with them, the U.S. decided to immediately use force and pulled out the inspectors in preparation for bombardment. This lack of serious concern at

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[372] In Singer, P, 2004. *The President of Good and Evil*, p. 162. (Granta Books; London)
[373] In Rampton S and Stauber J, 2003. *Weapons of Mass Deception*, p. 85. (Robinson Books; London)
[374] Rai, M, 2002. *War Plan Iraq*, p. 72. (Verso; London)
[375] Ritter , S and Rivers Pitt, W, 2002. *War On Iraq*, p. 52. (Profile Books; London)

attempting *peaceful* disarmament, coupled with the fact that the American CIA had

largely taken over the supposedly multilateral UNSCOM and had began using it as a

means to *spy* on Iraq for the U.S., led to Ritter's eventual resignation.

The contempt for the inspection process did not end there however. When a new

inspection team, UNMOVIC headed by Hans Blix, was formed in late 1999, it was

immediately undermined by the United States and the UK through opposition in the

UN security council; unreasonable demands for access in Iraq which immediately

antagonized the country instead of gaining its cooperation; strategic leaks of

Washington war plans and CIA plots to assassinate Saddam which led to Iraqi distrust

of the already once-infiltrated inspection team; a refusal to answer Iraq's questions

about the inspectors in the security council; and attempts at smearing Blix himself,

thus discrediting both him and his team.[376]

The final undermining came just before the 2003 invasion, when UNMOVIC's

reports of finding *no* weapons of mass destruction in Iraq, and needing more time to

inspect, were systematically ignored and war was declared anyway, despite there

being no definite evidence of a clear and present threat and no grounding in UN

resolutions or international law to justify it.[377]

A democratic media truly concerned with holding power to account, might well have

brought all of this up when governmental leaders began their talk of fantasy WMDs

and spurious Iraqi non-cooperation, but in both the UK and the U.S., just as it had

with Afghanistan, the ideologically *capitalist* media – whilst offering the occasional

superficial critique – stuck close to the propaganda model; keeping the general public

misinformed by repeating, unedited, the words of official sources, without searching

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[376] Rai, M, 2002. *War Plan Iraq*, pp., 57-63. (Verso; London)
[377] Sands, P, 2006. *Lawless World*, (Penguin; London); see also: Norton-Taylor, R, 2005. *Attorney General Told Blair War Could Be Illegal*; *Guardian.co.uk*, April 27th, 2005: http://www.guardian.co.uk/world/2005/apr/27/iraq.iraq1 (accessed: 13/07/08)

any further for proof; perpetuating ideological fictions that sent many of their citizens off to die.

4.4: Democracy Without the Demos: Continuity Theory, Corporate-Interests and Species-Interests

Even though the ideological assumptions of both media and elite power kept the public largely uninformed about the facts of both Afghanistan and Iraq, many still found out the truth, or at least disbelieved the reporting, and attempted to exercise their democratic right to raise questions and oppose these proposed wars. Although many people are heavily affected by the constant repetition of propaganda as fact and the intellectual climate created by ideological manipulation; as we have already discussed, human beings are ultimately autonomous creatures who make their own minds up about everything they are exposed to and so, for some, the information being presented to them was further scrutinized.

Those individuals on whom the propaganda model had failed, intending for their opposition to their government's dubious and dishonest foreign policies to be made clear, protested the proposed wars in record numbers. On October 13th, 2001, less than a week after the bombing of Afghanistan began, between 20,000 to 50,000 people took to the streets of London to demonstrate against the war, while at the same time in New York, thousands also protested that day. These mass-protests had all followed a variety of smaller localized actions across both countries in the run up to war, including marches, vigils and demonstrations, and represented a growing tide of public opinion *against* the declared 'war on terror'.

Afghanistan, of course, was invaded anyway, the voices of these citizens ignored by the leaders supposedly beholden to them. But undeterred, on February 15th, 2003, as

the invasion of Iraq loomed ahead, over one *million* people took to the streets of London in one of the largest anti-war protests the country had ever seen. With the revolution of modern communications technology, these protests were a *global* phenomenon; 400,000 demonstrated in New York city, despite a court order *banning* the march, and by February 17th it was reported that 'huge waves of demonstrations not seen since the Vietnam war jammed more than 600 towns and cities around the world over the weekend as protesters from Tasmania to Iceland marched against war in Iraq. Up to 30 million people demonstrated worldwide, including around 6 million in Europe, according to figures from organisers and police'.[378]

The difference between this new wave of anti-war protests and the oft-referenced Vietnam War protests that pre-dated them was that the 30 million people demonstrating worldwide that February weekend were demonstrating *before* the war took place. As Chomsky reminds us, for Vietnam, 'the protests came only after years and years of war. By then, hundreds of thousands of people had been killed and much of Vietnam had been destroyed.'[379] This time, the citizens of the world's democracies were stating their position as loud as they possibly could *before* anybody had been killed and a country destroyed, in the hope that their democratic representatives would hear them and *represent* them effectively, calling off this unwanted war before it began.

According to polls conducted by the Pew Research Centre, public opinion in March 2001 in the UK was 51% opposed to the war. German public opinion also had an even larger majority opposing the war with 69%. Poland and France saw public opinion oppose the war in higher numbers still, at 73% and 75% respectively, while Spain and Italy saw an incredible opposition at 81%, and both Russian and Turkish

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[378] Chrisafis, A, et al, 2003. *Millions Worlwide Rally For Peace*:
http://www.guardian.co.uk/antiwar/story/0,,897098,00.html (accessed: 07/02/08)
[379] Chomsky, N, 2005. *Imperial Ambitions*, p. 41. (Hamish Hamilton; London)

public opinion opposed the war by massive majorities of 87% and 86%. Meanwhile,

U.S. public opinion was completely different, with a 59% majority *supporting* the

war.[380]

Propaganda played a massive part in such disparity, as Chomsky explains:

> Abroad, "public diplomacy…failed badly," the international press reported,
>
> but "at home it has succeeded brilliantly in linking the war on Iraq with the
>
> trauma of September 11…[N]early 90 percent believe [Saddam's] regime is
>
> aiding and abetting terrorists who are planning future strikes against the
>
> US."…It is immaterial that the alleged link between Saddam Hussein and
>
> Osama bin Laden, in fact, his bitter enemy, was based on no credible
>
> evidence and largely dismissed by competent observers.[381]

With such numbers of people radically misinformed about the true facts of the

matter, and with a small majority supporting the war throughout the U.S. and loudly

calling non-supporters unpatriotic traitors, it only makes the relatively large numbers

of those who actually *did* protest the war within that country even more impressive.

Combined with the prevalent public opinion worldwide in opposition to the war, one

would have thought a democratic media would somehow find access to these readily

available facts, and that a democratic government would have listened to the people it

claimed to be representing – and the international institutions it was signed up to –

and put a cease to its unilateral drive to unjustified and unpopular war.

Instead though, the American public were given rhetorical flourishes about 'standing

strong', 'firm and decisive leadership' and how the President was 'driven with a

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[380] http://www.pewtrusts.org/pdf/vf_pew_research_war.pdf (accessed: 09/04/07)
[381] Chomsky, N, 2004. *Hegemony or Survival*, pp., 18-19. (Penguin; London)

mission from God'[382] to invade Iraq. And when the increasingly unpopular war translated into outraged protest votes in the 2006 mid-term elections and President Bush's Republican party lost control of both the House of Representatives and the Senate, forcing then Defence Secretary, Donald Rumsfeld to resign from his administration position in response, the 'firm and decisive' leader's reaction – rather than listen to the loud and clear voice of public opinion – was to send a further 20,000 troop 'surge' into Iraq and escalate the war.

Rather than operate on the understood tenets of authentic democracy and remark that good democratic leadership means informing and listening to the people, representing their views, and adapting one's position accordingly, the British public too, were told to 'trust in the prime minister's "courage, integrity and honesty"'[383] in the prelude to war, and that he does 'not seek unpopularity as a badge of honour. But sometimes it is the price of leadership and the cost of conviction.'[384] Indeed, Tony Blair's conviction continued in direct disregard for genuine democracy, even as 122 of his own MPs revolted against him in a February, 2003, Commons vote, arguing that the case for war in Iraq was 'unproven'; and even after the resignation of former Foreign Secretary, Robin Cook, from his cabinet position because he refused to accept collective cabinet responsibility when 'Britain is being asked to embark on a war without agreement in any of the international bodies of which we are a leading partner'. As former Foreign Secretary, Cook clearly had relevant credentials to give his comments compelling weight when stating that 'on Iraq...the prevailing mood of

[382] http://www.bbc.co.uk/pressoffice/pressreleases/stories/2005/10_october/06/bush.shtml (accessed: 07/02/08)
[383] White, M and Maguire, K, 2003. *Trust PM's Courage, Prescott Urges*:
http://www.guardian.co.uk/guardianpolitics/story/0,,897030,00.html (accessed: 07/02/08)
[384] Blair, T, 2003. *The Price of My Conviction*:
http://www.guardian.co.uk/Iraq/Story/0,,896708,00.html (accessed: 22/02/08)

the British people is sound',[385] so it seems hard to follow why that prevailing mood, as demanded by the allegedly accepted protocols of democracy, was not listened to?

An answer can be found, however, once we look at what *was* gained from the Iraqi invasion. Whilst much was lost for ordinary people; indeed, the 'war on terror' cost American taxpayers over $430 *billion* and UK taxpayers nearly five billion pounds in its first five years alone,[386] whilst economists Linda Bilmes and Joseph Stiglitz have projected that the total cost to present and future tax-payers of paying for the war in Iraq, including the price of looking after the 23,000-50,000 (estimates vary) severely *wounded* but living, soldiers returning from battle will be around $2.5 *trillion*.[387] This is not to mention the 4,430 coalition soldiers who have been killed in Iraq at the time of this writing,[388] nor the, conservative, estimate of 85,862 – 93, 672 excess civilian deaths the invasion has caused.[389]

Whilst much was lost for ordinary people, for neoliberal capitalism and the small minority of corporations and individuals who benefit from it, the Iraqi invasion led to great gains in wealth and power.

Whilst much has been made in the public arena about a distinctly *neoconservative* philosophy guiding the policies of the Bush administration, I believe this notion is just another ideological distraction from the true 'continuity theory' of U.S. foreign policy. Whilst the neoconservative outlook of the Bush administration certainly

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[385] http://news.bbc.co.uk/1/hi/uk_politics/2859431.stm (accessed: 22/02/08)
[386] Randall, D and Gosden, E, 2006. *62, 006 – the number killed in the 'war on terror'* in: *Independent on Sunday*, Sunday, September 10th, 2006, p. 19:
http://news.independent.co.uk/world/politics/article1433404.ece (accessed: 07/02/08)
[387] In Stephen, A, 2007. *Iraq: The Hidden Cost of the War: New Statesman*, 12th March, 2007, pp., 26-29
[388] http://icasualties.org/oif/ (accessed 10/07/08)
[389] http://www.iraqbodycount.org/ (accessed 10/07/08) A 'controversial' study by the *Lancet* in October 2006 placed the numbers much higher, at 650,000 excess deaths (see: Burnham, G, et al, *Mortality after the 2003 invasion of Iraq: a cross-sectional cluster sample survey, The Lancet*, Volume 368, Issue 9545, 21 October 2006-27 October 2006, pp., 1421-1428.) The controversy regarding this study is another example of 'flak' and seems to have little real methodological substance to its complaint, but as Iraq Body Count point out, 'totals of the magnitude generated by this study are unnecessary to brand the invasion and occupation of Iraq a human and strategic tragedy', so even without the *Lancet* figures, the point remains the same.

shaped the 'war on terror' into the particular *apocalyptic* 'us against them' narrative

in which it was ultimately executed; what caused the war was not neoconservativism,

but neo*liberalism*; the extreme and unfettered fundamentalist version of the same

enduring capitalist ideology which has informed all major U.S. foreign policy

decisions since at least the 1940s.

Neoconservativism was born out of the Cold War, as a response to Stalin's atrocities

in the name of communism. It was created and fleshed out by thinkers such as Irving

Kristol, Daniel Bell, Seymour Martin Lipset, and Nathan Glazer in the 1930s and

'40s; taken up in the fifties and sixties by people such as Daniel Patrick Moynihan

and Charles Murray; merged with the philosophy of Leo Strauss in the seventies and

eighties by his students Allan Bloom and Harry Jaffa; and took on an overtly

militarized tone through the teachings of Albert Wohlstetter; but through all of its

many incarnations, four underlying principles remained unanimous:

A belief that the internal character of regimes matters and that foreign policy must

reflect the deepest values of liberal democratic societies...A belief that American

power has been and could be used for moral purposes, and that...as the world's

dominant power, the United States has special responsibilities in the realm of

security...A distrust of ambitious social engineering projects...And finally, scepticism

about the legitimacy and effectiveness of international law and institutions to achieve

either security or justice.[390]

However, it was a later version of neoconservativism, founded by Robert Kagan and

Iriving Kristol's son, William, which became linked most closely with the Bush

Presidency, largely due to members of that administration's involvement in Kagan

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[390] Fukuyama, F, 2007. *After the Neocons*, pp., 48-49. (Profile Books; London)

and Kristol's neoconservative group, *The Project for a New American Century* (PNAC), prior to taking office. In a pre-9/11 strategic paper entitled *Rebuilding America's Defences*, the PNAC advised that the goals of U.S. foreign policy ought to be the ability to 'fight and decisively win multiple, simultaneous major theatre wars' against regimes like Iraq, North Korea, Syria, Iran, which they believed threatened U.S. interests.

Helping fan the conspiratorial flames of a neoconservative coup in the White House, this document made clear that the radical changes in foreign policy which it had proposed, would take a very long time to be implemented 'absent some catastrophic and catalyzing event – like a new Pearl Harbor'; an idea which gained uncanny prescience after the tragedy of the 9/11 attacks *was* ultimately used by former members of PNAC, to push through their sweeping programme of foreign policy reforms.[391]

But neoconservative philosophy, though distinct in superficial ways from other mainstream schools of thought in conventional debate about American foreign policy, still ultimately conforms to the same basic ideological parameters of acceptable political discourse; with its aims, objectives and expectations, though perhaps presenting a different *approach* to achieving conventional goals, differing in no substantive way from any other mainstream position. Whilst the neoconservative vision may wrap up its own attempted promotion of those conventional goals in the specific rhetorical narrative of a newly derived moral vision, that of America's benevolent hegemony; this technique is not uncommon. Called by Chomsky 'the doctrine of "change of course"',[392] this ideological tool is the simple shielding of the

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[391] Donnelly, T, Kagan, D, and Schmitt, G, 2000. *Rebuilding America's Defences: Strategy, Forces and Resources For a New Century*:
http://www.newamericancentury.org/RebuildingAmericasDefenses.pdf (accessed: 5/2/08)
[392] Chomsky, N, 1988. *The Culture of Terrorism*, p. 16. (South End Press; Boston)

public's eyes from the truism of policy continuity through the unproven and artificial

assertion that *that was then, this is now*, ignoring the *systemic* problems present within

established power structures and the 'continuity theory' of their policy aims, by

concentrating only on the transient variables of its current players. As Chomsky

explains, it is a technique 'invoked in the United States every two or three years'[393]

which allows 'any past horror to be cheerfully dismissed'.[394] But the claim of

'change of course' is one that the actual historical record of U.S. foreign policy

simply does not bear out.

So whilst it is true that many of the major architects of the war in Iraq, and the 'war

on terror' in general were, for the most part, committed neoconservatives; their

particular subscription to one set of intellectual justifications for their actions over

another is really not as important as the question of what those justifications were

ultimately being used to justify: yet another economically motivated war, consistent

with foreign policy objectives that have remained largely unchanged throughout

recent history; a foreign policy which, regardless of the particular character of

neoconservative language used to justify it during the years of its current incarnation,

is ultimately, as it always has been, systemically beholden to the economic and

strategic interests of elite power.

To that end, the real significance of the 'war on terror' was not the transient *political*

ideology which created it, but the enduring *economic* one. This war, more than any

other war which came before it, was about more than its singular goals within the

targeted countries of Afghanistan and Iraq, but rather about a broader economic

project: establishing a brand new way of thinking about warfare and national security

itself; as a business run for private profit.

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[393] Chomsky, N, December 21st, 2003. *Selective Memory and False Doctrine.* On ZNet:
http://www.zmag.org/content/showarticle.cfm?ItemID=4736 (accessed 6/2/08)
[394] Chomsky, N, 1988. *The Culture of Terrorism*, p. 16. (South End Press; Boston)

Before becoming president, George W. Bush, whilst showing no great commitment to the neoconservative agenda, was certainly a staunch neo*liberal* ideologue, and had long been an advocate of privatising any state-run service which he believed could be outsourced from public hands to private subcontractors. As governor of Texas he oversaw the large-scale privatization of Texan jails, and attempted (unsuccessfully) to put Texan social services completely into private hands. As president, he took this same pro-privatization approach to state-run services on a national scale, and by September 11th, 2001, amongst many other newly privatized areas of public service, the Bush administration had subcontracted out many aspects of the military and security services in America; from privately hired mercenary groups like Blackwater supplementing traditional armed forces in battle, to subcontracted army bases, owned and operated by Halliburton and catered for by McDonalds and Pizza Hut. So when the 'war on terror' was declared, there were many private companies who now stood to gain a lot of money from a sudden boom in this newly created private defence and security market. Indeed, as Naomi Klein observes,

Every aspect of the way the Bush administration has defined the parameters of the War on Terror has served to maximize its profitability and sustainability as a market – from the definition of the enemy to the rules of engagement to the ever-expanding scale of battle...From a military perspective, these sprawling and amorphous traits make the War on Terror an unwinnable proposition. But from an economic perspective, they make it an unbeatable one: not a flash-in-the-pan war that could potentially be won but a new and permanent fixture in the global economic architecture.[395]

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[395] Klein, N, 2007. *The Shock Doctrine: The Rise of Disaster Capitalism*, pp., 300-301. (Allen Lane; London)

Not only did the invasion of Iraq allow the growing private sector of the military

continue to cash in on the emergent market created by the 'war on terror', as well as

send billions of dollars in reconstruction money back to American owned companies

awarded the contracts to rebuild the ravaged country without competition; but once

Iraq had been invaded, the interim Coalition Provisional Authority established by the

occupying troops, enacted an even more serious business proposal. Paul Bremner, as

leader of this de facto government, concentrated his efforts in office solely on opening

up Iraq to the many foreign investors hungry to make money out of this previously

closed market. In a series of economic laws put in place even before electricity or

clean running water had returned to the country, Bremner auctioned off a vast

quantity of previously nationalized industries to foreign bidders, with no guarantee –

or even request – for their profits to be reinvested into Iraq. He also lowered

corporate tax to a flat rate of 15% and took away *all* tax on company profits, further

ensuring that as much money as possible could be taken out of the country and placed

into private hands. These tax laws were setting Iraq's economic future in stone, with

Bremner's economic order 37 announcing that these new rules would stand 'for 2004

and all subsequent years.'[396] Likewise, contracts and leases for Iraqi resources and

industries sold to these foreign investors 'would last for forty years and then be

eligible for renewal, which meant that future elected governments would be saddled

with deals signed by their occupiers.'[397]

The only national industry which wasn't sold off immediately by Bremner for

private profit in Iraq, was the nation's oil, but the hesitation here was mainly tactical;

as the simplistic notion of the war's real motives being purely for oil had gained some

popular credence in the absence of WMDs, confirming that theory so blatantly would

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[396] In Palast, G, 2006. *Armed Madhouse*, p. 71. (Allen Lane; London)
[397] Klein, N, 2007. *The Shock Doctrine: The Rise of Disaster Capitalism*, p. 345. (Allen Lane; London)

be a public relations disaster. The oil revenue, in the meantime, could also help offset the costs of the war. But eventually, and inevitably, even Iraqi oil finally succumbed to the free-market, and in 2007 became yet another commodity in the Iraqi fire-sale, sold into private hands.

As Klein reminds us, invoking Kinzer; during the ideologically distorted build up to war, 'Saddam did not pose a threat to U.S. security', but what he did pose was 'a threat to U.S. energy companies, since he had recently signed contracts with a Russian oil giant and was in negotiation with France's Total, leaving U.S. and British oil firms with nothing'.[398]

Whilst the invasion of Iraq did great damage to the lives of the Iraqi people and the coalition soldiers, and whilst, according to consecutive leaked National Intelligence Estimates from the U.S. government, far from protecting the world from terror attacks, the invasion of Iraq 'has made the overall terrorism problem worse',[399] what *is* clear is that 'Saddam's removal from power has opened up vistas of opportunities for the oil giants, including ExxonMobil, Chevron, Shell and BP'.[400]

As Klein concludes,

Made possible by the September 11 attacks, the war in Iraq represented nothing less than the violent birth of a new economy...since every possible aspect of both destruction and reconstruction has been outsourced and privatised, there's an economic boom when the bombs start falling, when they stop and when they start up again – a closed profit-loop of destruction and reconstruction, of tearing down and building up.

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[398] Klein, N, 2007. *The Shock Doctrine: The Rise of Disaster Capitalism*, p. 313. (Allen Lane; London). See also: Clark, W, 2005. *Petrodollar Warfare*, (New Society; British Columbia).
[399] Mazzetti, M, 2006. *Spy Agencies Say Iraq War Worsens Terrorism Threat: The New York Times*, Sunday, September 24th, 2006, p. 1
[400] Klein, N, 2007. *The Shock Doctrine: The Rise of Disaster Capitalism*, p. 313. (Allen Lane; London)

For companies that are clever and farsighted, like Halliburton and the Carlyle Group, the destroyers and rebuilders are different divisions of the same corporations.[401]

During the creation of this new economy, any pretence of a distinction between business and government was hard to find. Whilst holding the office of Vice President, Dick Cheney maintained a large quantity of his increasingly lucrative shares in the Halliburton corporation of which he was previously C.E.O.; even as he helped wage the wars from which they benefited financially. Indeed, it was Cheney himself who commissioned Halliburton subsidiary Brown & Root back in 1991 to study private military outsourcing as a possible Pentagon policy in the first place; the very same outsourcing which he then helped implement in 2001.[402] Meanwhile, his wife remained on the board of directors at Lockheed Martin, a weapons and technologies company which has also done very well from the privatization of war and the subsequent 'war on terror'.

Similar to Cheney, Defence Secretary until 2006, Donald Rumsfeld failed to divest many of his own shares in security and defence companies he owned stock in, allowing himself to profit nicely from the wars he helped create. As did Henry Kissinger who, as both a long-time foreign policy advisor to the Bush/Cheney White House and, through his company Kissinger Associates, the representative of engineering company Fluor; profited greatly from the reconstruction contracts Fluor received in Iraq.

So too did The Carlyle Group, a business with longstanding ties to the Bush family which profited not only through sales of its robotics and defence communications systems; but was awarded a major contract to train Iraqi police through its holding

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[401] Ibid., p. 381
[402] Goodman, A, 2004. *The Exception to the Rulers*, p. 66. (Arrow Books; London)

USIS. Likewise, there is George Schultz, a member of the Bechtel corporation's board of directors who, whilst still on the board, was subcontracted by the Bush administration in 2002 to head the Committee for the Liberation of Iraq. This Committee, which also counted representatives from Lockheed among its members, was formed to help publicly build the case for war at the request of the White House; a war in which both Bechtel and Lockheed made a lot of money.

The conflicts of interest present in the Committee are similar to that of the Defence Policy Board, a group chaired by Richard Perle, who was a very vocal advocate of the Iraqi invasion and, through his venture capitalist group Trireme Partners, had major investments in homeland security and defence firms that stood to gain from the invasion he was hired to promote.

Once the war in Iraq began, Perle stepped down from the Defence Policy Board to reap the rewards of the war he had helped create, continuing an emerging pattern of war-profiteering from the business-minded lawmakers in charge of the 'war on terror'.[403]

John Ashcroft, former attorney general and prime mover behind the Patriot Act, now heads up the Ashcroft Group, specializing in helping homeland security firms procure federal contracts. Tom Ridge, the first head of the Department of Homeland Security, is now at Ridge Global and an advisor to the communication technology company Lucent, which is active in the security sector...Richard Clarke, counterterrorism czar under Clinton and Bush...is now chairman of Good Harbor Consulting, specializing in homeland security and counterterrorism...Joe Allbaugh, head of FEMA on September 11, cashed out just eighteen months later to start New Bridge Strategies, promising to be the "bridge" between business and the lucrative world of government contracts and

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[403] Ibid., pp., 48-69 for even more details.

investment opportunities in Iraq. He was replaced by Michael Brown, who bolted after

only two years to start Michael D. Brown LLC, specializing in disaster preparedness.[404]

Whilst taken to grotesque new levels by the Bush administration, government

complicity in war profiteering and disregard for the species-interests of their citizens

over the interests of private corporations is not new, nor is it limited to the U.S. In

2002, as India and Pakistan balanced on the precipice of a potential nuclear

confrontation and British citizens were being evacuated from the region, half of

Britain's democratically elected Cabinet 'set about a series of high profile lobbying

visits to India in order to sell £1 billion worth of Hawk jets' for British arms

manufacturers, BAE systems, with which to attack Pakistan and *increase* the potential

for hostilities instead of trying to end them. This coming after they had already sold

India the very Jaguar combat aircraft with which they were threatening to drop their

nuclear bombs.[405] Likewise, a cursory look at the UK government's relationship with

the arms trade, shows that its ongoing compliance with the corporate agenda over the

rights of its citizenry has led to repeated instances of weaponry and torture equipment

being made in the UK, and sold by UK companies, only to be ultimately used on UK

citizens in foreign countries, most noticeably in the first Gulf War where not only

were many of the Iraqi army's weapons that were used against British and American

soldiers originally *sold* to them by UK and U.S. arms manufacturers; but where the

UK tax-payer even footed some of the bill for the assault on their own army under the

government's system of Export Credit Guarantees, which underwrites private arms-

[404] Klein, N, 2007. *The Shock Doctrine: The Rise of Disaster Capitalism*, p. 315. (Allen Lane; London)
[405] Thomas, M, 2006. *As Used on the Famous Nelson Mandela*, pp., 120-122. (Ebury Press; London)

deals with public money wherever there is a high likelihood of a client's non-payment, to ensure that no private profit is lost in any transaction.[406]

In short, the war in Iraq, and the 'war on terror' in general – all conflicts willingly entered into by these ostensibly democratic governments either in defiance of the will of their citizens, or – due to the persistent ideological manipulation of that citizenry's will – without any opposition at all; whilst causing the preventable and avoidable suffering and death of hundreds of thousands of innocent people, and decreasing global security exponentially, have benefited *tremendously* the economic interests of elite power and the neoliberal system which sustains it.

There has also been another ideological victory scored by the 'war on terror'.

After nearly a decade without the distraction of the Cold War, and after suffering the domestic effects of a 1980s full of mass privatization and job insecurity, and a 1990s of constant downsizing, outsourcing, further job insecurity, increased privatization, and the WTO; in the latter years of the twentieth century, people living within the capitalist representative democracies of the West were finally beginning to meaningfully question the economic system that dominated their lives. With technological advances like the internet opening up new frontiers of global communication, workers on one half of the globe were no longer detached from their plurality, connection and finitude with workers on the other half; and the fact that the poor were getting poorer and the rich richer became no longer an abstract concept; the damaging effects of a globalized economy structurally re-adjusting desperate third world countries into exploitation was no longer hidden from view.

On June 18th, 1999, over six thousand people protested in the city of London in what was dubbed a 'carnival against capital', engaging in the first major mass

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[406] Ibid., pp., 118-177

demonstration of its kind on Western soil – specifically against neoliberal capitalism – and firing the opening salvo of a burgeoning new international anti-capitalism movement. Around the world on that day, simultaneous protests against capitalism occurred in forty different countries.

Later that year, a Seattle meeting of the WTO in November that intended to push forward a new round of free-market trade negotiations was disrupted and made unworkable due to the mass protesting of over a hundred thousand members of this new movement. This was followed by similar actions against the IMF and World Bank in April of 2000, when ten thousand anti-capitalist protesters demonstrated outside their Washington headquarters.

Importantly, this ten month period of protest and action led to major cracks in the ideological veneer of contemporary capitalism as the mainstream media were forced not only to report, but to *explain*, why this phenomenon was occurring across the globe, and suddenly a radical anti-corporate agenda was beginning to break through into the public discourse.

A search for the phrase 'anti-capitalism' mentioned in any major English-language newspaper in the period between March 18th 1997 and June 18th 1999 on the Lexis Nexis database, gives a grand total of only twenty-three mentions of the concept in this entire two-year and three months period preceding the 'carnival against capital'. But that same search in the two years and three months *after* the London protests sees the number of references to 'anti-capitalism' rise dramatically to 371.

During this period of intense public scrutiny of previously ignored economic policies and the widespread publicizing of reclusive financial meetings, the OECD's three-year long attempt at passing a Multilateral Agreement on Investment collapsed; a trade agreement which, if adopted, would have ceded sovereignty of domestic law

further away from signatory countries to an unelected authority legally bound to promote the needs of international trade and investment over those of the domestic populace.[407]

Clearly beginning to affect real policy decisions, this growing anti-capitalist movement was starting to seriously worry – at least one – capitalist government. In the wake of rioting between police and protesters on both June 18th and the following May in London, the *Terrorism Act* of 2000 was fast-tracked through British Parliament to change the legal definition of 'terrorism' to include protest groups. Claiming to be concerned about 'domestic terrorism' from both groups who had already 'mounted, and continue to pursue, persistent and destructive campaigns' and the 'possibility that new groups espousing different causes will be set up and adopt violent methods to impose their will on the rest of society';[408] the definition of 'terrorism' was changed from its previous incarnations as action 'directed towards the overthrowing or influencing, by force or violence, of Her Majesty's government in the United Kingdom or any other government de jure or de facto'[409] and 'the use of violence for political ends';[410] to the more wide-ranging definition of any 'use or threat...made for the purpose of advancing a political, religious or ideological cause', and included, for the first time, amongst its list of arrestable offences, 'serious damage to property'; whether or not any people were harmed as a result of that damage.[411]

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[407] Chomsky, N, 1999. *Profit Over People*, pp., 131-155. (Seven Stories Press; New York)
[408] *Legislation Against Terrorism* CM 4178 Home Office & Northern Ireland Office December 1998 paragraphs 3.8-3.13: http://www.parliament.uk/commons/lib/research/rp99/rp99-101.pdf (accessed: 7/2/08)
[409] Reinsurance (Acts of Terrorism) Act 1993, Chapter 18, Section 2: http://www.opsi.gov.uk/acts/acts1993/Ukpga_19930018_en_1 (accessed: 7/02/08)
[410] Prevention of Terrorism (Temporary Provisions) Act 1989, Part Five, Section 20: http://www.opsi.gov.uk/acts/acts1989/ukpga_19890004_en_6#pt5-l1g20 (accessed: 7/02/08)
[411] Terrorism Act 2000, Part 1, Section 1: http://www.opsi.gov.uk/acts/acts2000/ukpga_20000011_en_2#pt1-l1g1 (accessed: 7/02/08)

With symbolically smashed McDonalds and Starbucks shop-fronts a repeated feature

of these anti-capitalist actions due to a militant minority of troublemakers,[412] and the

inclusion of *ideological* causes appearing alongside traditional political and religious

causes of terrorism, it was clear that the growing anti-capitalist movement within

Britain was one of the Terrorism Act's new targets and the law was strongly opposed

by both protest and civil liberty groups in the country.

Confirming their worst fears, once passed, new police powers granted in the Act

were quickly utilized by the authorities to make impotent any attempts at anti-

capitalist protesting that occurred thereafter. Peaceful protest groups deemed possible

'terrorist threats', were detained in closed-off areas, away from the public they were

trying to influence, and kept engaged in lengthy stop and search operations;[413] but the

more that this happened, the more protesters fought against the new law, laughing at

the absurdity of being arrested as a 'terrorist' for simply holding a placard and

shouting slogans at a protest.

After 9/11, however, being called a 'terrorist' by authorities and risking the wrath of

increasingly draconian anti-terror laws was no longer such an appealing prospect. It

was one thing to be inconvenienced by a politically motivated stop and search on the

streets of London, but quite another to be taken, through extraordinary rendition, to be

tortured in Guantanamo Bay after being arrested on terrorist charges.

More importantly, the series of unjustified wars the September attacks heralded

made the continued protesting of abstract economic ideals no longer as important a

mission as the more pressing concerns of impending military violence, and so the

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[412] Unconfirmed reports from both Seattle and London protests make claims that some, if not all of this anti-corporate vandalism, was largely instigated by undercover police who had infiltrated the movement.
[413] Liberty: http://www.liberty-human-rights.org.uk/issues/6-free-speech/s44-terrorism-act/index.shtml (accessed: 7/02/08)

anti-capitalist movement soon dropped their long-term revolutionary goals for the more immediate crisis, logically evolving into an anti-war movement.

By concentrating their collected energies on stopping the multiple illegitimate wars that were now being fought across the globe; the anti-capitalists were ultimately silenced from their more systemic critique of prevailing economic structures, and focused instead on the specific task of opposing an unjust war. This form of protest, though still important, was one which Western capitalist governments had dealt with successfully since Vietnam, and although damaging to the ideology of the 'war on terror' itself, no longer threatened the deeper economic structures which had created it.

Our Lexis Nexis research supports this conclusion. From the rise to 371 references of 'anti-capitalism' in major world newspapers between June 18th 1999 and September 11th 2001; in the following two years and three months after the 'war on terror' had been declared, that number dropped to only 208 mentions; and by the end of the next two year and three month period in February 2006, it was down to just 133. Though still a much higher number than it had been *before* the anti-capitalist movement began due to their lasting legacy of their conscious-raising efforts, it is clear that a sustained conversation about opposing the capitalist system and seeking better alternatives had been successfully taken off the public agenda by the 'war on terror'.[414]

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[414] The number of references may also have dropped because of the ideologically motivated mainstream media name-change of the movement from 'anti-capitalist' to the more confusing 'anti-globalization' moniker; a name which no longer makes clear precisely what it is about globalization that is being opposed: *capitalism.*

4.5: A Critical Examination of Ethical Justifications for Political Power: A Conclusion

I began this far-reaching enquiry by looking first at plausible justifications for the erection of synthetic structures of external political power over autonomous human life. Acknowledging the state's artificial nature and the self-sovereignty of people, it became clear that some form of independent justificatory argument was needed to legitimate its existence and claim to authority; and by unpacking the underlying principles upon which all attempted justifications for the external state are necessarily made, I unearthed a universal and enduring social contract argument of political teleology and ethical obligation. This necessary contract, simply put, was the agreement that artificial structures of external political power are given their justification only on the basis that they make life 'better' for 'people' than it would be without them.

I then analysed what, exactly, such a contract must entail and what a deeper unpacking of this political teleology must mean if we are to take its demands seriously: who are the 'people', and what can we reasonably say would be 'better' for them.

After determining a universally inclusive definition of the term 'people', I constructed a vindicated account of seven innate *species-interests* arguably held by all, by looking at human beings from their most uncontroversial and fundamental perspective: as shared members of the same biological species. This basic requirement of political teleology, stemming from a constructivist account of its foundational *human* teleology, gave us the most reasonably supported account we could plausibly construct of the ethical obligations demanded of justified political power if it is to truly make life 'better' for 'people': *all* human beings, as members of

the same biologically fragile, sentient, and psychologically complex species, share

these same seven core interests inherent to their being, and the legitimacy of external

political structures is based on the notion that such structures are necessary for

ensuring the fulfillment and protection of those essential interests when they have

otherwise been thwarted in a pre-political state of nature.

What this conclusion importantly showed is that the legitimacy of an external

structure of political power is not a de facto given, but is entirely conditional on its

commitment to and capability of fulfilling the justificatory tasks demanded by

political teleology. If a structure of political power *fails* to protect and fulfill the

species-interests of its citizens and others affected by its actions, then it has no claim

to legitimacy. Further still, legitimacy being conditional in this way, it follows that if

the teleological tasks can be fulfilled *without* an external structure of political power

in place, by the actions and agreements of self-governing autonomous people alone,

then there appears to be *no* justification whatsoever for such structures to legitimately

exist.

It was with this in mind that I did not immediately equate the *authentic democracy*

that the conditions of political teleology appeared to require of legitimate politics,

with traditionally understood democratic structures. Instead, I attempted to show that

the *authentic* democracy demanded by legitimate political teleology was far better

understood to be a form of *anarchism* rather than the distorted compromises of the

democratic ideal found within democratic systems today.

Conceding the possible criticism that advocating anarchism as the only ethically

justified form of political power would require too many radical changes in existing

social structures to be a workable solution though, I decided to give contemporary

democracy its due, and further assess its capabilities at realistically protecting and fulfilling the species-interests of its citizens.

As we have now seen from this empirical analysis, it appears that such systems are, as predicted in chapter three, incapable of providing the authentic democracy that the justificatory contract requires, as the central guiding principle which informs the majority of political decisions within such a regime is *not* human need or the true interests of its populace, but instead only the interests of small minority of powerful individuals who benefit greatly from the inequality and exploitation of a questionable system of capitalist economics.

This capitalist system remaining largely unjustified in terms of political teleology, far from making life 'better' for either its own 'people' or those affected through plurality, connection and finitude to the consequences of its actions, the species-interests of those who live in capitalist representative democracies have long been forsaken in the pursuit of private profit for a privileged and powerful few, leaving the majority, for the most part, as the unfulfilled, psychologically damaged populace illustrated at the start of this chapter; a people desperate to escape from the dissatisfying reality of their everyday lives, and a circumstance which is entirely avoidable and unnecessary were the political and economical structures which encouraged such disengagement and despondency to be changed.

Foreshadowing Bakan, fifty years earlier Erich Fromm remarked that the very structure of society in capitalist democracies, due to the psychosis of its economic framework, is psychologically sick; a state of affairs which creates an entirely alienated and psychologically damaged citizenry, and the prognosis that 'mental health can be attained only by simultaneous changes in the sphere of industrial and political organization, of spiritual and philosophical orientation, of character structure,

and of cultural activities.'[415] A similar need for change was posed by E. F. Schumacher:

What is the meaning of democracy, freedom, human dignity, standard of living, self-realisation, fulfillment? Is it a matter of goods, or of people? Of course it is a matter of people. But people can be themselves only in small comprehensible groups. Therefore we must learn to think in terms of an articulated structure that can cope with the multiplicity of small-scale units. If economic thinking cannot grasp that it is useless. If it cannot get beyond its vast abstractions, the national income, the rate of growth, capital/output ratio, input-output analysis, labour mobility, capital accumulation; if it cannot get beyond all this and make contact with the human realities of poverty, frustration, alienation, despair, breakdown, crime, escapism, stress, congestion, ugliness, and spiritual death, then let us scrap economics and start afresh.[416]

By unpacking the underlying ethical argument upon which a political power must base its foundational claim to legitimacy, if it is to have one, we have discovered that which Marx once eloquently expressed: 'that all forms of state have democracy for their truth and that they are untrue to the extent that they are not democracy.'[417] But the democracy legitimacy demands is not the lobotomized democracy of everyday parlance, but democracy's authentic ideal; an active and participatory democratic system which gives each individual within a society true political power by obliterating false lines of distinction between government and governed; enabling the people *themselves* to protect and fulfill their shared species-interests together, as a democratic community of social, yet *autonomous*, individuals.

[415] Fromm, E, 2002. *The Sane Society*, p. 264. (Routledge Classics; London)
[416] Schumacher, E. F, 1974. *Small is Beautiful*, p. 62. (Abacus; London)
[417] Marx, K (Livingstone, R and Benton, G, trans), 1992. *Early Writings*, p. 89. (Penguin Books; London)

The obstacles that the prevailing capitalist economic system presents for fully realizing this authentic democracy are not mere theoretical possibilities; they are demonstrably real. More importantly, they are arbitrary and unnecessary. Yet worryingly, it is only this corrupted and illegitimate form of democracy which we can find in contemporary existence.

As I have shown over the past two chapters; time and time again in capitalist representative democracies, the interests of capitalism significantly clash with the species-interests of democratic populations, but due to the vast economic power of the small number of elites who control them, it is the species-interests of the 'people' which invariably lose out. Through this rapacious economic system, innocent people suffer and die needlessly each day from preventable wars and unnecessary poverty; billions of people around the world find themselves without access to, or means to procure, the abundance of food, water, shelter and other necessary material goods for survival that exist but cannot be afforded; lives are sold on an alienating job-market into existence-consuming careers which limit one's freedoms, creativity, solidarity, and ability to meaningfully pursue any other interests; and individual thought and opinion is meticulously controlled and manipulated through pervasive systems of hegemonic propaganda. All of which leaves these contemporary democracies incapable of fulfilling the political teleology for which they were built, and on which their claims to legitimacy rest.

That the radical change from such state systems to anarchism *ought* to be made, therefore, now has a compelling ethical basis; for what unearthing the underlying principles of social compact has shown us is that the creation of external structures of political power is ineluctably predicated on a specific ethical objective; justified only

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as a purpose-driven instrument to help achieve a specific set of goals, universal to all, which are necessary for living a fulfilling human life.

In these ostensibly democratic societies the existing power structures have not been given their authority simply because they are *there*, or because they have demanded their obedience by the barrel of a gun; they have it because their citizens believe, either consciously or unconsciously, that their existence and authority serves this necessary ethical *purpose*: to protect them from unnecessary death and preventable suffering; to ensure access to, and procurement of, the basic requisite material goods necessary for staying alive; to offer sufficient 'quality of life' and opportunities for individual happiness; to keep people as free and autonomous as they possibly can be; to not needlessly restrict their movements, thoughts, relationships or activities; and to better enable people to fulfill their manifold interests, be they individual, communal, or universal. In other words: to make life 'better' than it would be without them.

If the structures specifically created to do this task *do not* fulfill the ethical obligations on which their existence is predicated, indeed, if they actively work only to impede and obstruct them, then, being changeable constructs that have failed to achieve the goals for which they were constructed (necessary goals essential to our ability to live meaningful and fulfilling lives), then the same argument by which they were first created becomes the strongest argument for their demolition: alternative arrangements must be found to better fulfill this enduring political teleology.

Owing to the evident failings of traditional democratic structures in achieving, in practice, the authentic democracy of its promise, we are therefore left looking towards the only remaining form of social organization theoretically capable of achieving the authentically democratic goals necessary for political legitimacy: the stateless and radically decentralized system of federated democratic anarchism.

As well as requiring a radically different economic structure from capitalism, authentic democracy requires other fundamental changes in our current political arrangements. As the demand for democracy is fundamental to fulfilling our species-interests as autonomous human beings, we must recognize that the needs of democracy must be serviced over and above not only economies, but also the arbitrary circumstances of history and geography: democracy cannot function over too large-scale a society but must remain manageably participatory.

Anarchism acknowledges this by advocating small-scale democratic communities as the self-governing building blocks of a loosely-federated world; but also by normalizing those principles of democracy into everyday life, so that be it at work, at school, or at play, there is constant participation and involvement in every aspect of one's own life; creating a profoundly democratic culture throughout all of society that is not limited solely to politics.

The advocacy of anarchism in this conclusion therefore, is not based in unfounded ideology or arbitrary choice, or by abstract metaphysics or unvindicated argument. It comes from the reasoned and publicly comprehensible drawing out of the same underlying arguments we already use to justify current systems of power, taken beyond ideology and to their logical conclusions. It is not *replacing* our current political beliefs with new and untested anarchist principles; but rather to recognize that once we have looked objectively at the current political beliefs that we already *do* hold, then it becomes clear that the justificatory arguments we presently use to legitimate existing structures of political power are, *by necessity*, anarchist in nature; that the ethical goals of our political teleology in which all legitimate politics is based, demand of our politics an authentic democracy which only anarchism can provide if we are to finally get *right*, what we have been trying to achieve all along.

Of course anarchism still has lots to prove in practice, having not had much application beyond the theoretical in recent history. To make such radical changes in our current situation will certainly take a great amount of work, dedication, and experiment. But in the words of John Dewey, the intellectual traits necessary for true social and moral democracy 'do not grow spontaneously on bushes. They have to planted and nurtured';[418] and this does not mean that such planting and nurturing is *impossible*, simply that radical changes will take time.

As I have already said, Rawls reminds us all that 'political philosophy is *realistically utopian* when it extends what are ordinarily thought to be the limits of practicable political possibility'.[419] By coherently unpacking the underlying ethical justifications for political power necessarily present in all such legitimating arguments, I hope I have shown that what we ordinarily think about justified politics is, in reality, a demand for something much more than we are currently getting; and that the illegitimate structures of political power currently masquerading under the mantle of legitimacy, therefore ought to be transformed, if we are to ever fulfill the teleological purpose for which they were originally built.

The history of human progress is not one of hopelessness, or of settling for 'least-worst', but one of constant political evolution, and we are no more ineluctably bound to the current political and economic conditions of our society today, than medieval peasants were bound to their own repressive feudal systems.

To realistically achieve such radical changes in our societies would, without a doubt, be a slow process, requiring a lot of hard work – to unlearn the ingrained assumptions and teachings of generations is a difficult task that will most likely take generations in itself. But to say that such change is unattainable or impractical, is to ignore

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[418] Dewey, J, 1993. *The Political Writings*, p. 122. (Hackett Publishing Company, Inc; Indianapolis)
[419] Rawls, J, 2000. *The Law of Peoples*, p. 11. (Harvard University Press; Cambridge) (emphasis added)

humanity's rich social record of cultural, attitudinal and ethical *progression* that has already brought social organization this far; and with no small amount of struggle, might yet take us further still.

Perhaps, in time, we may discover that anarchism might *not* be the perfect political system to fulfill our political teleology; it might *not* work and, in the end, it might well fall foul of all the problems its critics have predicted. But we will not know this for sure until we have meaningfully tried it out, and until we *do* have such clear-cut knowledge, then anarchism's theoretical potential to *fail* is no more or less convincing than anarchism's theoretical potential to *succeed*. Importantly though, whilst any possible failings that could be encountered by such an experiment remain now purely speculative, anarchism's untested but strong theoretical possibilities for teleological success still make it a much more viable proposition for legitimate politics than our empirically discredited contemporary democracies, whose concrete and demonstrable failures to fulfill even the most minimal of justificatory ethical obligations necessary for political legitimacy, are now only all too clear.

APPENDIX

As important background to the 2003 invasion, and further evidence of the propaganda model in action, I felt it necessary to include the following account of the 1991 U.S. and UK invasion of Iraq, removed from my main argument for the sake of brevity and focus.

Ideology and the First Gulf War

Back in 1991 U.S. and UK troops were deployed to Iraq to fight the *first* post-Cold War Gulf War. The story was, as usual, seemingly clear-cut: Iraq had invaded its neighbouring country Kuwait, proving that its tyrannical leader, Saddam Hussein was a loose cannon capable of anything who must be stopped before he attacked anyone else.

That Iraq invaded Kuwait was indeed true, but once again there is necessary contextual information, unreported, that throws a shadow of doubt onto the official version of events.

A year before they invaded Kuwait, Iraq was a country economically crippled by its long-time, U.S.-sponsored war with Iran. It was so broke in fact, that its economy 'was in worse condition than during the war, with inflation at 40 percent and its currency plummeting'.[420] It is important to note the U.S. sponsorship here. Iraq's actions had been aided and supported by America throughout this entire period with no concern for the atrocities being committed by Hussein. This included the use of chemical warfare against some of his own Kurdish citizens in the town of Halabja in March of 1988, using weaponry sold to him by America itself. It is important because

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[420] Edwards, D, 1998. *Free To Be Human*, p. 25. (Resurgence Books; Devon)

it was this incident of gassing his own population that was put forward by the United

States and UK governments in 1991, and again in 2003, as a key example in

attempting to justify the war against Iraq, as to why Hussein was such a threat to the

world at large and not just countries in the Middle East. As Chomsky suggests, if this

given reason were genuine though, America wouldn't have responded to this terrible

act the way that it did *when it actually happened* back in 1988 – by increasing aid to

the country and further supporting Saddam Hussein.[421]

Such moral hypocrisy is not limited to the United States. As Mark Curtis explains:

> Many military-related exports were approved to Iraq after March 1988; in
>
> fact, London deepened its military support for Saddam after Halabja. First
>
> the government expressed its outrage over the use of chemical weapons by
>
> doubling export credits for Baghdad, which rose from £175 million in 1987
>
> to £340 million in 1988…Second, the government made it easier to sell arms
>
> to Iraq by relaxing the export guidelines.[422]

With Iraq economically crippled, the overproduction of oil by its neighbouring

country Kuwait forced down Iraqi oil prices to such a low level that it could not begin

to recover financially from its U.S.-funded war with Iran, but Kuwait refused to

negotiate with Iraq about it, much to the confusion of the international community,

leaving Iraq (in its opinion) with little option but to invade. According to analysts in

the region, including former U.S. Attorney General, Ramsey Clark; Iraq's plan was

never to stay and occupy the country forever, but to get the world's attention and

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[421] Chomsky, N, 2000. *Case Studies in Hypocrisy: U.S. Human Rights Policy* (lecture). (AK Audio; Edinburgh)
[422] Curtis, M, 2003. *Web of Deceit*, p. 36. (Vintage; London)

force negotiations with Kuwait before drawing out again with an improved financial situation.[423]

That did not happen. Instead, the invasion was seen as an act of aggression, not simply against Kuwait, but as a possible threat towards all other nations; a notion Chomsky points out is ridiculous when one considers that even when the Iraqi army was at its strongest and had full U.S. support, it couldn't even defeat neighbouring Iran, let alone the rest of the world.[424] It is also important to note, that just as the Taliban *did* offer to extradite bin Laden in 2001; in both August and October of 1990, before the January war began, Saddam *did* offer a diplomatic deal 'to pull Iraqi forces out of the country in return for sole control of the Rumaila oil field, guaranteed access to the Persian Gulf, the lifting of sanctions, and resolution of the oil price/production problem.'[425]

By December he had released all foreign citizens caught in Iraq or Kuwait during the invasion, but there was still no deal. Finally, four days before the January 15th deadline given by the U.S.,

> Arab diplomats at the UN said that they had received reports from Algeria,
>
> Jordan and Yemen, all on close terms with Iraq, that Saddam planned an
>
> initiative soon after the 15th that would express his willingness "in principle"
>
> to pull out of Kuwait in return for international guarantees that Iraq would not
>
> be attacked, an international conference to address Palestinian grievances,
>
> and negotiations on disputes between Iraq and Kuwait. The Iraqi leader, the

[423] Edwards, D, 1998. *Free To Be Human*, p. 27. (Resurgence Books; Devon)
[424] Chomsky, N, 2000. *Case Studies in Hypocrisy: U.S. Human Rights Policy* (lecture). (AK Audio; Edinburgh)
[425] Blum, W, 1995. *Killing Hope*, p. 327. (Common Courage Press; Maine)

diplomats said, wanted to wait a day or two after the deadline had passed to

demonstrate that he had not been intimidated.[426]

These were obviously not unconditional offers of withdrawal, and it is fair to say

that had Saddam's post-January 15th request been granted, whilst making Saddam

look strong to his neighbours it would have made America look a little weaker to the

world, but still – there were clear, face-saving roads of diplomacy left to travel and

deals that could have been made before war was declared. The U.S. government were

certainly willing fifteen years later to allow its long-time ally Israel weeks and weeks

of time to invade Lebanon and kill over a thousand civilians in its battle with

Hezbollah, despite single-handedly having the power to call for a ceasefire in the UN

– so why not the same luxury for Iraq in Kuwait in 1991?[427]

There are many theories, most centring around control of Iraqi oil and other strategic

resources; but, regardless of its true causes, the war went ahead and propaganda

played an essential part in the process, most famously when the U.S. government

hired public relations firm, Hill & Knowlton, to sell the case for war with fabricated

accounts of Iraqi soldiers throwing babies from incubators.[428]

Soon after it started, media coverage eventually ended and it seemed the war was

shortly over.

It was not.

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[426] Ibid., p. 329
[427] Seymour Hersh uncovered that the US helped Israel *plan* its assault on Lebanon, long before Israeli soldiers were kidnapped – the officially given justification for Israel's actions. Ref: Hersh, S, *Watching Lebanon: Washington's Interests in Israel's War. The New Yorker*, August 21st, 2006, p. 28.
[428] Rampton, S, and Stauber, J, 2003. *Weapons of Mass Deception*, pp., 71-74. (Robinson Books; London)

The region was put under severe economic sanctions which Mark Curtis points out,

writing in 2003, 'helped to kill more children *per month* in Iraq than were killed on

September 11th.'[429]

> The UN estimates that 500,000 Iraqi children under five have died since
>
> 1990, as a result both of the sanctions and the effects of the Gulf War in
>
> 1990-1. Former UN humanitarian coordinator for Iraq, Denis Halliday, has
>
> said that the death toll is "probably closer now to 600, 000 and that's over the
>
> period 1990-98. If you include adults, it's well over 1 million people." An
>
> August 1999 Unicef report found that under-five mortality had more than
>
> doubled since the imposition of sanctions.[430]

As well as sanctions,

> From 1991 to December 1998, the RAF flew 15,500 sorties in the northern
>
> and southern [No Fly Zones]. By November 1999, US and British forces had
>
> flown 28,000 sorties, dropping over 1,800 bombs and missiles on 450 targets.
>
> The bombing was secretly stepped up in 1998: 150 bombs were dropped on
>
> southern Iraq between December 1998 and June 2000.[431]

The war continued right up until the renewed attack in 2003, only the reporting of it

did not.

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[429] Curtis, M, 2003. *Web of Deceit*, p. 29. (Vintage; London)
[430] ibid
[431] Ibid., pp., 25-26

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