

Democratiya

16 | Spring/Summer 2009

Michael Walzer, John Strawson, Ghada Karmi & others

Symposium: Two States After Gaza

Gina Khan

Reading Ayaan Hirsi Ali in Birmingham

Michael J. Thompson

Theorising Social Democracy

Joschka Fischer

Europe and America After Bush

Matthew Omolesky

Milton and the Mark Steyn Affair

Lawrence J. Haas

Letter from Washington: Obama's Four Tests

Kevin Higgins

Poem: Comrades

Susan Green

Archive: Stalinism and World War Three

Reza Aslan

Interview / How to Win a Cosmic War

Also

Choudhury, Higgins, Ezra, Ali, Cottee & more



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2005 Founding Statement

Democratiya aims to contribute to a renewal of the politics of democratic radicalism by providing a forum for serious analysis and debate. We will strive to be non-sectarian and ecumenical, and our pages are open to a wide range of political views, a commitment to pluralism reflected in our advisory editorial board

Democratiya believes that in a radically changed world parts of the left have backed themselves into an incoherent and negativist 'anti-imperialist' corner, losing touch with long-held democratic, egalitarian and humane values. In some quarters, the complexity of the post-cold-war world, and of US foreign policy as it has developed since 9/11, has been reduced to another 'Great Contest': 'The Resistance' (or 'Multitude') against 'Imperialism' (or 'Empire'). This world-view has ushered back in some of the worst habits of mind that dominated parts of the left in the Stalinist period: manicheism, reductionism, apologia, denial, cynicism. Grossly simplifying tendencies of thought, not least the disastrous belief that 'my enemy's enemy is my friend' are once again leading to the abandonment of democrats, workers, women and gays who get on the wrong side of 'anti-imperialists' (who are considered 'progressive' simply because they're anti-American).

We democrats will fare better if we are guided by a positive animating ethic and seek modes of realization through serious discussion and practical reform efforts. Democratiya will stand for the human rights of victims of Genocide and Crimes against Humanity. We will be, everywhere, pro-democracy, pro-labour rights, pro-women's rights, pro-gay rights, pro-liberty, pro-reason and pro-social justice. Against anti-modernism, irrationalism, fear of freedom, loathing of the woman, and the cult of master-slave human relations we stand for the great rallying calls of the democratic revolutions of the seventeenth and eighteenth centuries. Democracy, even for the 'poorest he'. Liberte, egalite, fraternite. The rights of man. Life, liberty and the pursuit of happiness. Those precious ideas were rendered the inheritance of all by the social democratic, feminist and egalitarian revolutions of the nineteenth and twentieth centuries. No one left behind. No one. We are partisans and artisans of this fighting faith and we pit it against what Paul Berman has called 'the paranoid and apocalyptic nature of the totalitarian mindset'.

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Editor's Page

Alan Johnson

Does the two-state solution remain viable after the conflict in Gaza, and if so what are the obstacles to its realisation? We posed these questions to a range of writers. **Michael Walzer** argues that two states is in bad shape, but remains the only viable solution and can be advanced by a combination of 'internal unilateralism' on both sides, and greater support by the US and EU. **John Strawson** argues the time has come for the international community to consider compelling the two parties to reach a compromise. **Ghada Karmi** makes the case for the one-state solution as realistic not utopian, while **Donna Robinson Divine** calls for both sides to go beyond those constitutive narratives around which identities have hardened and which have blocked progress. **Martin Shaw** calls for 1948 to be revisited as well as 1967 and for the idealism of the one-state solution to inform the two-state solution, while **Alex Stein** argues none of the existing 'solutions' remain viable and what's really needed is imagination and radical new ideas. **Menchem Kellner** and **Fred Seigel** and **Sol Stern** warn of the dangers of moving towards two states without a radical change of attitude towards Israel by the Palestinian leaderships, while **Eric Lee** surveys the trade unions reaction to the conflict in Gaza.

We continue our examination of the nature of a progressive response to Islamism and violent extremism with pieces from **Gina Khan**, who has been reading Ayaan Hirsi Ali in Birmingham, and **Rashad Ali** who demolishes a series of Islamist myths about 'Sharia' from a scholarly Islamic perspective. **Simon Cottee** writes in praise of Ian Buruma's book *Murder in Amsterdam*, and **Samuel Helfont** offers a thoughtful critique of Noah Feldman's recent book on the 'Islamic State.' **Reza Aslan**, author of *No god But God* and *How to Win a Cosmic War*, explores the struggle for the soul of Islam, and the need for us to get beyond the 'war on terror,' in a fascinating extended interview. **Tim Stevens** explores the tensions between counterterrorism and liberal democracy.

Will Marshall sets out the 'central drama' of the Obama presidency, while **Lawrence J. Haas** carefully explores the four challenges facing the new administration and the policy options open to the new President. **Joschka Fischer**, the former German Foreign Minister, draws up a 'to do' list for Europeans who wish to preserve the Atlantic Alliance and take forward the European project.

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Michael J. Thompson is provocative and engaged in a way few writers are these days about the future of social democracy. On that note, **Ethan Porter** charts the lunacy of the financial system and the opening it has provided for a social democratic agenda, while **Paul Thompson**, who edited the social democratic journal *Renewal* for fourteen years, offers an appreciation, and a critique, of a new book by *Democratiya* advisory editor Nick Cohen.

Matthew Omolesky explores the contemporary meaning of Miltonic freedom in a comprehensive account of the recent controversy concerning Mark Steyn's encounter with the Canadian courts. **Gary Kent** reviews Henry MacDonald's recent book which seeks to debunk Sinn Fein's account of the Northern Ireland Peace Process, while **Michael Ezra** has gone back to the archives to tell the story of an early post-Leftist, Malcolm Caldwell, whom he indicts as an 'apologist for Pol Pot.' **Eric Litwack** carefully thinks through the arguments for and against reparations for Africa, while **Dick Wilson**, former Director of East European Affairs at the Free Trade Union Institute of the AFL-CIO, writes a fascinating memoir-cum-analysis of the controversial reform programme of Yegor Gaidar in the Yeltsin era.

The Arts section contains a beautiful essay from **Chahandras Choudoury** on Gandhi's *Autobiography*, a plangent poem from **Kevin Higgins**, and a hymn of praise to the eclectic US 'newspaper of the imagination,' *First of the Month*, from **Tom Hale** (which promoted a brief exchange between its editor Benj Demott and Hale)

Our Archive section publishes two documents by the US socialist **Susan Green**, taken from the 1949 dispute on the US left about the attitude socialists should adopt towards military conflicts between democratic and totalitarian forces when they are clear-sighted and honest enough to admit that there is no possibility of a 'third camp' alternative in any relevant time-frame.

The Letters Page carries an appeal from **Richard Greeman** of the Victor Serge Centre concerning the recent spate of attacks on democrats in Russia.

Symposium: The Future of the Two State Solution After Gaza

Editor's Note: We asked a range of writers whether the two-state solution was viable after the recent conflict in Gaza, and if so what they saw as the obstacles to its realisation.

Michael Walzer argues that two states is in bad shape, but remains the only viable solution and can be advanced by a combination of 'internal unilateralism' on both sides, and greater support by the US and EU. **John Strawson** thinks the time has come for the international community to consider compelling the two parties to reach a compromise. **Ghada Karmi** makes the case for the one-state solution while **Donna Robinson Divine** calls for both sides to go beyond those constitutive narratives around which identities have hardened and which have blocked progress. **Martin Shaw** calls for 1948 to be revisited as well as 1967 and for the idealism of the one-state solution to inform the two-state solution, while **Alex Stein** argues none of the existing 'solutions' remain viable and what's really needed is imagination and radical new ideas. **Menchem Kellner**, **Fred Seigel** and **Sol Stern** warn of the dangers of moving towards two states without a radical change of attitude towards Israel by the Palestinian leaderships.

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Michael Walzer, For the Two-State Solution

No one can say with any certainty that the two state solution was viable before the Gaza war. I can imagine arguments that the war made it more viable, and also less viable. But, really, its viability doesn't have a lot to do with the immediate strategic/political situation. There isn't any other solution; its viability derives from its uniqueness. People keep coming back to it because there's no other way to go. It survives, therefore I guess it's viable.

But it isn't in great shape right now, even though everyone knows what each side would have to do to realize this solution. The Palestinians have to end their civil war, and form a provisional government that recognizes Israel and represses all terrorist activity. The Israelis have to form a government that recognizes the

Palestinians' right to a state of their own, defeats the settler movement, and begins the evacuation of the settlements. The nice thing about these two lists of what-ought-to-be-done is that they don't require any mutual engagement. Settling their civil war and repressing terrorism are things that the Palestinians can do, indeed, have to do, by themselves. And Israelis can defeat the settler movement and move the settlers out of the West Bank without a 'partner' on the other side and without handing over territory. Move the settlers out and the army in. That would be a sufficient indication of a readiness to withdraw, just as the repression of terrorist activity by the Palestinians would be a sufficient indication of a readiness to co-exist. The readiness is all. After that, negotiations would not be difficult (well, they would be difficult, but success would be possible, as it isn't now).

Of course, each side would find the necessary moves much more comfortable if the other side was 'readying' itself at the same time and at the same pace. But it is important to insist that both Israel and the Palestinians can and should act independently, whatever the other is doing. Rabin in 1992 and Barak in 1999 should have moved immediately, the day after their electoral victory, to take on the settler movement. They should have provoked a fight, and won it (as they would have done), and begun the process of bringing the settlers home. The argument against doing this was exactly the same as the argument made by many Palestinians against repressing the terrorists: Why should we start a fight among ourselves when there is no near prospect of a final settlement? In fact, all anyone needs in order to act is the idea of a settlement – and the only idea that can motivate the actions I have described is the two state solution.

What is necessary on each side is internal unilateralism. By contrast, external unilateralism, as in Israel's withdrawal from Gaza (and the original Kadima plan to withdraw in a similar way from the West Bank) is not a good idea. The actual establishment of a Palestinian state and the fixing of its boundaries – that has to be negotiated, and the negotiations must wait until the negotiating partners are sure about each other's readiness. At this moment, they are not sure at all, and each of them is right to be unsure. The zealots on both sides are too strong. This might be the result of the Gaza war, except that the situation was so dark before the war. The next Israeli government will stand considerably to the right of the current one, its leaders unwilling to challenge the settler movement (if they aren't actually supporters of the movement). But that's what the polls were already suggesting in the months before the war. The drift rightward is the inevitable result of Hamas's rocketing of Israeli cities. Among Palestinians, the confusion of 'resistance' and

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terrorism seems deeply entrenched, but that was also true, at least in Gaza where the rockets were coming from, before the fighting began.

It seems that everyone who supports the two state solution – the last Israeli government, the Palestine Authority, the Egyptians, the Jordanians, and the Saudis – hoped that Israel would win a decisive victory in Gaza. The failure to win decisively strengthens the opponents of two states. That's not an argument that Israel should have 'finished' the job; there were good reasons for an early cease fire. In any case, the long-term outcome of the war is unknowable right now. If the rocket fire from Gaza stops and if internationally supported mechanisms are put in place to prevent the smuggling of rockets – that may be victory enough to make Israelis more ready to withdraw from the West Bank. And the experience of the war, the way Hamas fought and the way Israel fought, may undercut Palestinian support for terrorism as a political strategy – as the 2006 fighting apparently did in Lebanon, though that didn't look to be the case immediately after the fighting ended.

I have stressed internal unilateralism, but each side needs more than a little help from its friends. Israel and the Palestinians need heavy and continuous pressure to address the obstacles in their own camp. Clinton and his team tried too hard, I now believe, to bring the two sides together before either of them was ready. Arafat, who probably believed in terrorism as a strategy, was less ready than Barak, who apparently was prepared to challenge the settlers – but not quite yet. It would have been better in the 1990s, and it would be better now, to work on each side separately. A division of labor might make sense, with the Americans concentrating on Israel and the Europeans (with help, perhaps, from Egypt, Jordan, and Saudi Arabia) on Palestine, but the interventions would have to be equally strong and the external partners equally committed to their tasks: the repression of terror by the Palestine Authority and the defeat of the settler movement by the Israeli government. Perhaps the awfulness of the Gaza war will produce a new sense of urgency, if not in Israel and Palestine, then in the US and Europe.

Note that this external assistance could have no other goal than two states. In the international system, states can help make new states and give them legitimacy; they can't abolish states to which they have already given legitimacy (as Israel would have to be abolished for the sake of a one state solution). They can recognize and proliferate entities like themselves, and that is the only 'solution' they can offer to the Palestinians. Once there are two states, and a boundary they both accept, then it will be possible to talk, if anyone wants to talk, about confederations and unions.

But not now. Europeans could form their own union only after the post-World War Two settlement had fixed the boundaries of all the European states. Israel and Palestine need a post-war settlement.

A last note: it is critically important right now to address the suffering of the people of Gaza, and no one seems to have figured out a way of doing that – perhaps there is no way – without strengthening Hamas. So be it. But Hamas is obviously not ‘ready’ for negotiations and not ready to get ready. Its refusal to recognize Israel and its commitment to terrorism are, for now at least, central features of its identity. So, I am afraid, is its rabid anti-Semitism: the Hamas Charter reiterates an ancient hatred that long predates the Zionist project and the wars of 1948 and ‘67. It solemnly insists that the Jews as a people are responsible for the French and Russian revolutions and for the two world wars. And that’s part of the message delivered every day and every week in Hamas schools and mosques – which is not a sign of readiness. Perhaps we need to think about a three state solution, with only two of those states preparing themselves for peaceful co-existence.

Michael Walzer is co-editor of Dissent. Since 1980 he has been a member of the faculty at the Institute for Advanced Study, Princeton. His books include *Just and Unjust Wars*, *Spheres of Justice*, *Arguing About War* and *Politics and Passion: Towards a More Egalitarian Liberalism*.

★

John Strawson, Time to Compel the Parties?

The Gaza war has not changed the basic fault-lines of the Palestinian-Israeli conflict. That is the tragedy. Hundreds of innocent Palestinians are dead, large areas of Gaza devastated but Palestinian and Israeli realities remain the same. Palestinians and Israelis remain deeply divided amongst themselves but are unified in their mutual suspicion of each other. The war has certainly added to that sentiment. All opinion surveys in both Palestine and Israel continue to show strong support for a two-state solution. Polls also reveal a lack of confidence in the ability of both Palestinian and Israeli leaders to deliver it. Such findings are a challenge to the international community to develop a more aggressive interventionist policy to create a

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compulsory framework to implement the two-state solution that it opted for more than six decades ago.

The war represents a failure of the policy of a large section of the international community towards Hamas. As soon as the Hamas-led 'reform and change' alliance won the Palestinian Legislative elections in January 2006 the international community reacted as if Palestinians had voted for terrorism and violence and set about to isolate the Hamas government. For over a year the Palestinian Authority was starved of donor-aid. This had no impact on terrorism – which is cheap – but did degrade the public services provided by the Authority (schools, hospitals, social services and the police) and massively increased unemployment. This international policy encouraged the Israeli government to shun all contacts with the Palestinian National Authority and encouraged the view that there were no negotiating partners. The United States and European Union crude designation of Hamas as a terrorist organisation meant that neither understood the politics within Hamas and the opportunities that arose as a result of Hamas's participation in the elections. As a result the pragmatic wing of the organisation lost influence to those who were committed to 'resistance.' In the summer of 2007 the latter bolted from the Authority and opted for a fiefdom in Gaza, for the time being sealing the division of the Palestinian leadership into warring factions.

Unfortunately the international community led by the United States and the European Union failed to understand the lessons of this experience and now turned their attention to supporting Fatah in the West Bank, while maintaining the isolation of Hamas in Gaza. The Israeli government undoubtedly saw this as a green light for imposing the blockage of Gaza – a policy enthusiastically supported by Egypt. But this failed to undermine support for Hamas and actually increased support amongst Palestinians for the provocative rocket attacks on Israeli civilians. The Israeli government resumed discussions with President Abbas and his Fatah government in Ramallah but spun out the talks which have produced very little. Had the Israeli government been more bold and spelt out a realistic timescale for withdrawal for the West Bank – and improved the atmosphere by releasing significant numbers of the 10,000 Palestinian prisoners, removed the checkpoints and dismantled the doubly illegal outpost settlements – then there would have been a political horizon that Palestinians could have gained hope from. Instead the time was wasted and sense of hopelessness nourished support for the Hamas militants. Fatah looked empty-handed compared to the apparent boldness of Hamas.

The policy of isolating Hamas led to war. This should be a salutary lesson to all those who think the way to peace is to isolate Israel. The international community and international civil society have to engage more seriously with all the parties to the conflict, Israeli political parties as well as all Palestinian parties. The United States, the European Union and the Quartet (the US, EU with Russia and the United Nations) must drop their opposition to contacts with Hamas if any movement is to be possible. It is absurd the Quartet envoy Tony Blair and the US mediator George Mitchell are banned from talking with one of the main protagonists.

Clearly the policy of light-touch international involvement has been a failure since Oslo. Israeli and Palestinian leaderships are simply unable, if left to their own devices – and to the pressure of their own constituencies – to resolve the conflict. Mediation has failed because too many central questions of the conflict have been left open. While that remains the case, forces on each side believe they gain more by waiting than by making an agreement. The international community needs to change its entire strategy and foreclose all discussion on the final status issue by producing a detailed plan including a map of the Palestinian state.

The Clinton parameters that emerged in the wake of the failed Camp David talks in 2000 should provide the basis for an international agreement on a clear partition of Palestine and Israel – through a United Nations Security Council resolution under the mandatory powers of Chapter VII. A map which ensures that the Palestinian state recovers the total amount of territory occupied in 1967 and with sovereignty over the Palestinian areas of Jerusalem is a basic requirement. A clear international agreement on the Palestinian refugees which guarantees re-settlement in the Palestinian state and compensation for property lost in 1948 and 1967 is also essential. The failure of Oslo to spell out the destination of the peace process is what has led to the second intifada and the Gaza war. Both Israeli and Palestinians need to be told that there can be no gains by delay and certainly none in yet another round of fighting.

In order to make it clear that this was the will of the international community the areas designated for a Palestinian state should be immediately turned into a United Nations Trust territory. This would clarify the status of the territory and make it clear to Israel and the Palestinians that the scope for negotiations would be the modalities of Israeli withdrawal – the final de-colonisation of Palestine. A United Nations Administration supported by an international implementation force could be deployed in phased manner in coordinating with Israel, the

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Palestinian National Authority and the Hamas government in Gaza. A military implementation force composed of contingents from both NATO and the Arab League would offer confidence to both sides.

A two-state solution remains the only viable way of overcoming the conflict. In 1947 the United Nations adopted such a policy in the teeth of opposition from the Arab League. Since 2002 the League has reversed that policy. The Gaza war undoubtedly has shaken the region and many Arab states could reconsider this position. That is why the international community has to act quickly and decisively while the Arab peace initiative remains on the table. The results of the Israeli elections, and the prospects of a Netanyahu government, make all the more compelling the necessity for reducing the room for manoeuvre of the parties. After over 60 years the time has come for the international community to honor its pledge to both Palestinians and Israelis.

John Strawson is a Reader in Law at the University of East London. He works in the areas of international law, Middle East studies and Islamic jurisprudence. He has held visiting positions at the Institute of Social Studies (The Hague, Netherlands) and Birzeit University (Palestine); and was Visiting Professor of Law at the International Islamic University Malaysia in 2007. His publications include as editor, *Law after Ground Zero* (GlassHouse Press/Routledge-Cavendish, 2002, 2004). His book, *Partitioning Palestine: Legal Fundamentalism in the Palestinian-Israeli Conflict*, is to be published by Pluto Press in 2009. He broadcasts on Middle East politics, International law and Islamic legal issues

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Ghada Karmi, For the One-State Solution

The idea of two states, one Israeli, the other Palestinian, has become the desired end point of the Middle East peace process. Given the Israeli assault on Gaza in late December 2008, which has left hundreds dead and wounded, extensive physical damage, and a legacy of hatred, finding a solution to the conflict is ever more urgent. The search for a two-state solution has accelerated, just as hopes for its realisation have become dimmer. And yet, it is spoken of as the only way forward

and has widespread support at the official level in the West, and amongst Israelis and Palestinians.

It is good to remember that this was not always the case. The two-state solution was first mooted in 1974 when the Palestine National Council voted to install a 'national authority' on any part of Palestine's land which could be liberated. Until then, the Palestinian aim was one of total liberation of the territory under Israel's control and, once liberated, of setting up a single democratic state with equality for all its citizens, whether Jew, Christian or Muslim. Only with the realisation of Israel's power and invincibility did the Palestinian national movement accept that total liberation at the time was impossible to attain. The two-state idea began to take hold, until in 1988 at the Palestinian National Council meeting in Algiers, the Palestine Liberation Organisation (PLO) formally recognised Israel and called for the creation of a Palestinian state alongside. The putative state would occupy all of the 1967 territories with East Jerusalem as its capital.

Israel never accepted this proposal, and does not do so today. The most that has happened is that the outgoing Israeli prime minister, Ehud Olmert, and his foreign minister, Tzipi Livni, have recently voiced support for the aim of a two-state solution. But they do not spell out where the Palestinian state will be and do not accept that the entire West Bank or East Jerusalem should be ceded for such a state. And in any case they have taken no concrete steps to make any of it happen. On the contrary, the expansion of illegal Jewish settlements is ongoing, and there has been no Israeli action on the Arab peace plan, first presented in 2002 and reiterated in 2008. This offers Israel full normalisation with the Arab states in return for its withdrawal from all of the 1967 territories, including East Jerusalem. If Israel had been remotely serious about the two-state solution, it should have adopted the Arab offer.

Anyone today who still talks about the two-state solution has either not looked at the map or is wilfully blind. Most of the West Bank's territory is under Israeli control. It is transected by Jewish settlements, Israeli-only bypass roads, military closed areas and the separation wall. 80 percent of West Bank water flows directly to Israel, and all major agricultural land is farmed by Israelis. Because of the 550 barriers and checkpoints maintained by Israel's army throughout the West Bank, Palestinian towns and villages are cut off from each other. East Jerusalem is almost wholly judaised, host to over 200,000 Jewish settlers, and is in any case 'non-

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negotiable' in Israeli eyes. Gaza is a prison and totally disconnected from the West Bank and Jerusalem.

If this geographical reality were not enough to convince the sceptic, a review of Israelis history since the war of 1967 should make clear Israel's intentions. Right from the moment when the Six-Day war ended, Israeli leaders were agreed that no Palestinian territory would be returned. A plan for settling the occupied territories was approved by the Israeli cabinet in August 1967, just two months after the war. From that time on, the building of settlements and the acquisition of Palestinian land has been relentless. The only anomaly in this story was Ariel Sharon's decision to remove the Gaza settlements in 2005. But his aim was to strengthen Israel's hold on the West Bank and to expand settlements there. Currently, there are half a million Jewish settlers in the West Bank and Jerusalem. The major settlements, like Maale Adumim or Ariel, are now small towns with an air of permanence. They and others like them serve the purpose they were intended for: to act as insurmountable obstacles to the creation of a viable Palestinian state.

In this scenario, the only Palestinian state Israel could offer would be a collection of enclaves within the West Bank, not contiguous, cut off from Gaza, and minus East Jerusalem. As Elliott Abrams, writing in the Israel daily, *Haaretz* on 24 February commented, no Palestinian leadership could accept that. He rates the chances of a solution to the conflict this year as 'zero.' Israel's latest war on Gaza does not worsen the logistical picture, but the ill will it has sown and the potential for more conflict will make a resolution harder.

The Alternatives

In the situation where facts on the ground make a viable Palestinian state impossible, and where no one is willing to force Israel to take the steps needed to change this, further discussion of the two-state solution is futile and a dangerous diversion. So long as the international community is kept busy pursuing this chimera, Israel will be able to continue taking Palestinian land. So what are the alternatives? There are only two: to leave matters as they are, leading to further Israeli colonisation and a worsening conflict, or to consider the creation of one state. The former is clearly unacceptable, which leave the second as the only possible alternative.

The subject of the one-state solution has gained increasing prominence in the few years. Once upon a time, it was ridiculed as utopian and naïve. But this has

changed. Numerous articles discussing the idea have appeared in a variety of leading newspapers and journals. Groups arguing for the one-state solution have sprung up in different parts of the world, and several major conferences have taken place – another will convene in Boston at the end of March. A major reason for this has been the impasse over the two-state solution, with people searching for an alternative. But others, including this writer, have never believed in the two state solutions. The partition of Palestine has always been a problematic idea. On the practical level, this is a tiny land whose resources would be impossible to divide in any equitable way, and would be best shared. The holy places important to three world religions would likewise be freely open to all. The five million Palestinian refugees currently dispersed outside their homeland would be able to return to a common state, but not to a tiny Palestinian segment of the original land.

However, most important of all, the one-state solution would demolish the current, anti-democratic and regressive set-up of a state erected on exclusivist ethnic/religious lines. Israel was established as a Jewish state; one where, by definition, there had to be a Jewish majority. To attain this end in a land largely inhabited by non-Jews as was the case in 1948, a process of ethnic cleansing by various means had to take place. This continues until today in Jerusalem and other parts of the West Bank and several Israeli political leaders advocate expulsion of the Israeli Arab minority within Israel for the same reason. This ideology has not only destroyed Palestine and its society; it has also endangered the surrounding Arab states with wars, occupation and ongoing conflict. A two-state solution, far from dealing with this ideology, will only help preserve it, albeit in defined borders. Israel's proclivity for land acquisition and aggression will remain unaffected, and sooner or later, renewed conflict will break out. The Palestinians who lost their homes and property in 1948 and thereafter, will remain outside their homeland.

The only humane, just and durable solution for this sixty-year old conflict is to re-create Palestine once more as one, integrated state, whose citizens irrespective of their religious or racial origin can enjoy equal rights before the law. This does not mean the destruction of the Israeli Jewish people, but rather their re-integration into a modern, progressive and peaceful society, where they can be as secure as their neighbours. The obstacles to realising this aim are formidable. But the fight for such a state, as opposed to the truncated non-viable entity necessary to realising the two-state solution, is one worth taking on.

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Ghada Karmi is a leading Palestinian activist, academic and writer. She was born in Jerusalem, but was brought up and educated in England. Currently she is a research fellow at the Institute of Arab and Islamic studies at the University of Exeter. Her memoir, *In Search of Fatima; a Palestinian story* was published by Verso Press in 2002. Her views on the one-state solution are set out in *Married to Another Man: Israel's Dilemma in Palestine*, Pluto Press, 2007.

★

Donna Robinson Divine, Beyond the Clash of Narratives

It is tempting to describe the establishment of two states in Palestine as the end of the Middle East conflict. What started as a struggle between two nations over the same territory would be ended by an agreement on the division of this hotly contested land. Tempting, but unrealistic. Two states may very well be created, but if the identities and interests of the protagonists continue to feed off the narrative of armed-resistance-as-salvation, then two states will not end the violence or eliminate its causes.

To view the Palestinian-Israeli confrontation solely through the prism of a struggle for two nation-states ignores the narratives through which both peoples define their aims and interests. For Israelis, the narrative is concrete and narrow: support for a Palestinian state rests on the belief that it will grant them security and dissolve forever the frustrations engendered by the so-called Middle East Conflict. But how likely is it that a formal treaty would produce the kind of tranquillity anticipated by most Israelis? On the Palestinian side, the narrative is as broad as it is ambitious. Palestinians have embraced the idea of statehood as a means of setting right what they see as the wrong done them by Israel's founding as a Jewish state. Living in the shadow of their humiliation as a people who betrayed their national cause by losing their land, Palestinians insist that sovereignty must redeem their lost honor and restore their full national rights. Their armed struggle has become not surprisingly – even for those not themselves directly drenched in its terror and violence – a sacred duty. But no state, whatever its borders, can support the weight of such high expectations.

Ordinary Palestinians and Israelis are thus caught not only in a crossfire of bombs and rockets, but also in a clash of narratives that encases them in a worldview of false expectations and leaves them without a fresh vocabulary to confront their own shortcomings. Narratives produce a more rigid dialectic for adherents than a set of goals. Negotiations can change goals but they have little impact on narratives. Narratives give rise to the supposition that adherents must submit and that no moral grounds for compromise are available. Consider first the outcome of Israel's general election and the reaction of many to the strong showing of Avigdor Lieberman's Israel Our Homeland Party. Notwithstanding his inflammatory rhetoric or rather because of it, Lieberman backs the establishment of a Palestinian state. That so many involved in trying to end the Middle East Conflict cast this political party as an obstacle rather than as a bridge to peace is less revelation than reminder that the dispute is not simply about granting Palestinians national sovereignty.

Also lost in the commotion over the Gaza war is any analysis of how these narratives became the driving force of three weeks of violence. The Gaza Strip actually became the site not of one but rather of three wars.

Hamas and Israel waged war over the terms of a ceasefire that will, at some point, end the fighting. Israel aimed to stun Hamas and its supporters by substantially raising the costs borne by the movement for its campaign of violence against Israel. Israel posited that the shock and awe of its military operation would show Hamas that launching its rockets threatened its own hold on power. For Hamas, the goal was to withstand the onslaught and terrorise Israel into agreeing to its demand for an end to this round of violence by the opening of the Gaza Strip's blockaded border crossings. Hamas has turned national resistance into a religious cause that seems to offer its adherents moral certainty but also much suffering. The question for Hamas leaders was whether or not their spiritual charge could still be summoned with so many lives lost and so much devastation. The question for Israel was security – could its military operations produce the kind of guarantees the country's population expects?

Also shaping military operations in the Gaza Strip was the struggle between Israel and Egypt over how to monitor and control Gaza's borders. Israel's campaign was intended to send as many messages to Egypt as to Hamas about the risks of militancy. Since Israel's withdrawal from Gaza in 2005, Egypt has allowed weapons to reach Hamas. Hoping to regain its once widely recognised regional power, Egypt has both confronted and supported Hamas in order to be able to mediate between

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Palestinian factions and between the Palestinian Authority and Israel. It allowed smuggling, but it opposed rocket attacks against Israel. It wants to remove Hamas from the iron grip of Iran and Syria and soften what it sees as Israel's hard line positions on how to resolve the Middle East conflict. Paradoxically, Israeli military actions were designed to strengthen Egypt in its mediation efforts and weaken its opposition to taking more vigorous actions against the smuggling of weapons and hence to assuming more responsibility for the Gaza Strip.

Finally, this war was another regional eruption of a global confrontation between those countries aligned with the United States and those non-state movements supported by Syria and Iran determined to oppose any settlement of the Middle East Conflict that accommodates Israel and is forged on terms perceived favourable to American interests. Iranian aid flows to Hamas because the organisation is prepared to direct what it sees as its holy wrath against Israel and against a political process that leaves Israel at peace and America ascendant. Thus, these were disparate wars united on a single battlefield but likely to wind down only by separate, complicated, and prolonged calculations.

Because the humanitarian calamity in Gaza is calibrated only insofar as it reinforces several competing narratives on security, redemption, religious purity, or on national liberation and resistance, it not only justifies, but also produces a belief that things can be worked out through violence. Middle East violence, itself, has become ritualised and driven by narratives that tell different stories about history, identity, and about the sacred and the profane. Only when people are liberated from the stranglehold of these narratives will the Middle East have a chance to become the place where peace can be made.

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**Martin Shaw, A viable two-state solution needs the idealism
and utopianism of the one-state idea**

The Israeli assault on Gaza was an affront to humanity. 1338 Palestinians and 13 Israelis were killed, thousands were wounded, and tens of thousands made homeless. The poor and crowded enclave, whose people were already suffering from restrictions on their movement and the entry of food, medicines and other goods, was pulverised by Israel's modern military machine. Although the total number of deaths is not in dispute, political battle is now being waged over the composition of the Palestinian death toll – mostly civilians according to Palestinian sources, mostly Hamas fighters according to Israel's statistical counter-offensive. But even Israel does not dispute that its forces killed hundreds of civilians, many of them children. And whatever the breakdown, it is clear that this assault deliberately threatened and terrorised civilians on a huge scale. Certainly, Hamas' rockets also threaten and terrorise civilians, and they are called terrorists. By this measure, the Israeli government and armed forces are only bigger and better terrorists. Israel boasts rules of engagement that are supposed to avoid civilian harm, but extensive civilian harm was hardly unintended. Israel claims to have attacked Hamas, but it also attacked the Gazan population as a whole, in a clear continuation of the policy of collective punishment for its temerity in supporting the party. Israel's professed regret for civilian deaths is not really more hypocritical than that of the United States as it bombs yet another wedding party in Afghanistan; but the policy of collective punishment, which we also saw two years ago in Lebanon, is something else.

It is tempting to say that this cannot, must not, go on. But it probably will. Israel has hardly been shamed – its electorate has just returned an even more right-wing Knesset, which seems likely to make Binyamin Netanyahu prime minister. Hamas has hardly been crushed. If Barack Obama was horrified, he did a good job of hiding it. Many European leaders and citizens have shown their indignation, but it is unlikely to be directed effectively towards a solution. The Israel-Palestine crisis is six decades old, and leaderships on all sides have interests in things going on as they are, however awful and unjust. This is much easier than changing, and there are no obvious de Klerk, let alone Mandela, to hand. In the short term, the best hope clearly lies in the determination of the Obama administration to achieve a peace in conjunction with a regional settlement between Israel and the Arab states (and

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between the USA and the Muslim world). The US will have to use sticks – threaten to withdraw political and financial support – as well as carrots, to achieve changes.

I have no special insight into the goals and likely methods of team Obama, or the precise compromises that could bring the sides to agreement. However, I think it's important to emphasise that the Palestinians – in their position of undoubted military, political and economic weakness and division, which the Gaza war has reinforced – should not be pressured to accept too little. A viable two-state solution will have to address the fundamental inequities of the situation, revisiting 1948 as well as 1967 and more recent developments. Israel needs to recognise the injustices that it has perpetrated from its inception, which continue to dog its legitimacy and security. Hamas's provocative Gaza stronghold, after all, is partly populated by the descendents of those Israel forced from their homes in 1948. A two-state solution cannot just be a reversion to the borders before the 1967 war, radical as that will be: it must also address the consequences of the original expulsions from within internationally recognised Israeli territory. Anything less will leave the fundamental Palestinian grievances untouched, and will undermine any settlement.

We need therefore to stop thinking of a two-state solution as 'realistic,' and a single-state solution as 'utopian.' A viable two-state solution needs the idealism and apparent utopianism of the single-state option. Just as a single state would need to be a secular, non-ethnic democracy, so should two separate Israeli and Palestinian states have non-sectarian, democratic constitutions. Israel cannot remain the state of the Jewish nation, in which Arabs are second-class citizens. It is not acceptable that there should be a right of 'return' for Jews who (and whose families) have never lived there, but no right of return for the expelled Palestinians and their immediate descendents. The latter right will have to be acknowledged in principle, even if in practice – in many or most cases – it is commuted to financial compensation. Jews whose family property was expropriated by Nazi Germany in the 1930s and early 1940s have rightly reclaimed ownership or been granted compensation; no less can be accorded to Palestinians whose families lost, in the late 1940s, residence and property in what is now Israel.

Particular attention needs to be paid to the positions of the minorities: of Arabs within Israel, because their second-class citizenship in their own land is intolerable; but also of Jews within Palestine, because a viable Palestinian state needs to include the territory occupied by so many illegal settlements housing hundreds of thousands of Israeli Jews. While many Jews will undoubtedly flee any return of the occupied

territories, and Israel will probably encourage their consolidation in Israel proper, the prospect should be entertained, on both sides, of Jewish settlers continuing to live within the Palestinian state. Palestine needs to incorporate the settlements as functioning townships, not torched ruins: it can only do that with cooperation from the settlers as well as the Israeli state. The right of continued residence in Palestine should be offered to Jews, just as that of return to Israel should be offered to Arabs, even if the numbers who actually take up these offers are small. Creating the arrangements that would make these rights meaningful would constitute a small token of human rights and equality in both states – and of the possibility of cooperation between them.

For a functioning two-state solution cannot be based on two entirely separate states, coexisting only in a state of cold war, with a wall between them. Halting the construction of the security fence is a *sine qua non* of meaningful discussions, and tearing down what has been built will be an early task of any solution. Managing change in ways which respect individuals' and families' rights will require a sound infrastructure of bilateral institutions. Recognising the human rights of all, and especially of Palestinian families expelled from Israel decades ago, will require Israel to open up the sealed vault of the 1948 events, acknowledging the obliterated Arab names of long-renamed villages and erecting monuments to civilian victims, maybe even creating a Palestinian Museum in Tel Aviv, so that Arabs, whether as Israeli citizens or Palestinian workers and visitors, can be comfortable in Israel. Would it be a step too far to envisage a joint Israeli-Palestinian truth commission, to achieve closure on the crimes and suffering (on both sides) of the last 60 years?

Moreover it is not only in from a political point of view that the two states will require joint institutions. A Palestinian state will only function if reopened to the Israeli labour market; from this point of view, too, bilateral arrangements too are necessary to the functioning of separate states. The two-state solution should be seen, then, as close to a confederal arrangement, nested within regional security arrangements and guaranteed by the UN and the USA as broker of the agreement, which resolves two-thirds of a century of conflict.

It may be objected that much of what I have proposed is so idealistic as to be utopian. What is truly fantastic, however, is the belief that a Palestinian state should be established, let alone can thrive, in the truncated space left by illegal Israeli settlement-, wall- and road-building. Over the last two decades, Israel has annexed an ever-larger area of Palestine, and forced the Palestinians into ever smaller, more

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fragmented pockets. By the same token, it has steadily undermined the viability of the two-state solution, even as its nominal adherence to this idea has grown. The two-state model is an emperor without clothes, and only a radical policy upheaval, leading to large-scale Israeli withdrawals and the recognition of sixty years of deep injustice, can restore its credibility. It is possible to imagine how it could be done, but there are few signs of imagination in the Israeli – or Palestinian – political universes. The writing is on the wall, but is anyone that matters, in team Obama or elsewhere, reading it? If not, this year's Gaza war will certainly not be Israel's last.

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Alex Stein, We Need More Imagination

'In dreams begin responsibilities.' (William Butler Yeats)

Neither the two-state solution nor its primary alternative, the one-state solution, remain viable in today's climate. This is clear from a cursory look at the consequences of Operation Cast Lead, most significantly the results of the Israeli elections, and the concomitant hardening of Palestinian public opinion. However, this reality cannot be used as an excuse to maintain the status quo. It is precisely during these dark times that the primary moral imperative of political action – imagination – kicks in. As Murakami writes in *Kafka on the Shore*, 'Our responsibility begins with the power to imagine ... where there's no power to imagine, no responsibility can arise.' How can we return the imagination to the heart of the Israeli-Palestinian conflict?

This is the case against the viability of the two-state project: In 1993 there were 109,000 Israeli settlers living in the West Bank (excluding East Jerusalem). Today there are 275,000. There are currently over 600 roadblocks, checkpoints, and other barriers strewn across the Occupied Territories. 200,000 Jews live in East Jerusalem, separating the Palestinian areas of the city from their West Bank hinterland. Israel leaders continue to talk the talk of the two-state solution while creating facts on

the ground in such a way as to make meeting even minimum Palestinian demands impossible. According to this logic, Israel will only give the Palestinians 'fried chicken,' as one Netanyahu aide once famously dubbed the Palestinian 'state' that his boss was prepared to countenance.

But if a house can be built, it can be destroyed, or at least its inhabitants can be – to use the Israeli parlance – 'evacuated.' If an army can be installed, it can be withdrawn. If a city can be 'united,' it can be divided. These are the weary arguments offered by defenders of the two-state solution in the face of the undeniable reality. Just a few more months, at most a year or two, they say. The political reality is about to change! These arguments cannot be repeated forever. At a certain point, surely, a fact on the ground does in fact become irreversible – not because it would be practically impossible to reverse, but because it is clear that nobody has the slightest intention of doing so. It is also now clear that a majority of Israelis now oppose a two-state solution, and nor do they believe that withdrawing from territory brings peace. When you consider that every piece of land Israel has withdrawn from has been transformed into the latest staging-post from which to launch attacks on it, these depressing poll results come as no surprise. [1]

The obstacles to a one-state solution, however, are even greater. The hearts of humans are harder to mould than the bricks of a house. Those who propose a one-state solution would do well to apply the test of desirability to two populations increasingly characterised by mutual hate and loathing. What are the chances, given the present circumstances, of them agreeing to live together in a glorious and bi-national future? Whichever way you look at it, the one-state solution fails the most cursory of viability tests.

What about Operation Cast Lead? How has this affected the situation on the ground? Sadly, it primarily demonstrates that nothing much has changed in 60 years. Whatever one's views on the rights and wrongs of the *jus in bello*, this was clearly a fight about the legitimacy of the State of Israel. It is absurd to suggest, as some have tried to do, that the firing of rockets represented some sort of tactical attempt to liberate more Palestinian territory. Hamas are surely the only 'national liberation' movement in history (apart from Hizbollah in 2006) to succeed in liberating territory, only to proceed to try and goad the occupier back in. This is because they remain ideologically opposed to the very existence of the State of Israel, notwithstanding occasional comments to the contrary, picked up and parroted enthusiastically by useful idiots around the world.

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Israel lacks the political policy to ensure that the gains on the battlefield will improve the country's strategic position. Not being Sri Lanka, the world will never – rightly or wrongly – allow Israel to finish the job and defeat Hamas. So Israel needs to use its brain as much as its muscle, by offering a political alternative to the Palestinian people, one that offers them a genuine way out of this ongoing war of attrition without end. In short, something more compelling than fried chicken. Perhaps predictably, though, Operation Cast Lead has alienated Palestinians from Israel more than ever. According to a poll conducted by the Jerusalem Media & Communication Centre, trust in Hamas has risen from 17 percent to 28 percent, while trust in Fatah has dropped from 31 percent to 26 percent. [2] Last April, 39 percent of Palestinians thought that rockets were helping Palestinians to achieve their national goal; now 51 percent say so. Most worryingly, those opposed to peace negotiations with Israel increased from 35 to 41 percent. In real and substantial terms nothing has changed for the better, in either camp.

The prospects for a two-state solution, then, do not look good. As I noted above, the same can be said for the primary alternative – some sort of one-state solution. Any exercise in problem solving has to start with these simple truths. Unfortunately, this is a point primarily being heard in right-wing circles. A good example is a recent article in *Azure* by Moishe Yaalon. [3] This is an explication of Bibi Netanyahu's vague talk of 'economic peace' and offers useful insight into 'moderate' Likudnik strategic thinking. It is an argument constructed on disingenuousness. No amount of gloss can hide the fact that Yaalon and his Likud cronies are determined to maintain Israeli control over the entire land between the river and the sea, a point emphasised by Netanyahu in a recent talk to American Jewish leaders. Without offering the Palestinians political hope, this just won't cut it.

Another version of Yaalon's 'realism' is the idea of conflict management. The adherents of this approach argue that to encourage optimism when there is none is deeply irresponsible, and is liable to end in more bloodshed. Instead, the difficulties must be managed. Look at Cyprus, for example. The problems of that troubled island are far from resolved, yet nobody dies because of it. Is there not some possibility to agree to disagree? Can't Israel/Palestine be 'managed'?

Perhaps this would be possible in the short term. The problem, though, is that we have arrived at squeaky bum time. All the processes that have been pondered for the past few years are beginning to converge. Palestinians will soon outnumber Israeli-Jews in the land of Israel; settlement expansion will soon prevent Palestinian

contiguity in the West Bank; Iran may soon have a nuclear bomb. Given these circumstances, to shirk responsibility by maintaining the status quo would be deeply irresponsible.

This does not mean that easy answers should be offered. Perhaps the current reality first demands an acknowledgement that we are in uncharted territory, that most of the assumptions of previous peace-making efforts are now redundant. Except for one: the Israeli-Palestinian dispute is a conflict between two warring nationalism each with legitimate claims to the land between the river and the sea. We do not have to weigh up these claims precisely. But we do need to ensure that peacemaking is driven by this understanding. If the national rights of the two peoples are acknowledged throughout every stage of the process, then a modicum of justice can be achieved. If not, then the only possibility is more violence.

There needs to be new thinking and new ideas to take us beyond the one-state/two-state paradigm. These ideas need to be driven by the morality of imagination. Resting on the laurels of the status quo must be anathema. In the Richard Yates' novel *Revolutionary Road*, the depressed suburban housewife April Wheeler chastises her husband for dismissing her dream of moving to Paris as unrealistic. 'In order to agree with that, I'd have to have a very strange and low opinion of reality. Because you see I happen to think *this* is unrealistic.' And so it goes for Israel-Palestine. Accepting the current reality on the basis of realism represents a gross moral failure. What can be more unrealistic than a future without hope? There is nothing wrong with first answering 'I don't know' to the question of what is to be done. Indeed, perhaps this is the prerequisite for imagining a solution. The time has come to rethink the whole problem; to encourage new ideas not constrained by previous assumptions. We have to destroy before we can rebuild; acknowledge the limitations of past approaches and forge new paradigms. Only a radical rethink can renew the prospects for peace.

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Notes

[1] <http://www.israelpolicyforum.org/blog/poll-israelis-oppose-palestinian-state-51-32>

[2] http://www.jmcc.org/publicpoll/results/2009/67_jan_english.pdf. Another poll suggests a

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contrary picture. See here – <http://www.jpost.com/servlet/Satellite?cid=1233304721441&pagename=JPost%2FJPArticle%2FShowFull>

[3] <http://www.azure.org.il/article.php?id=474>

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Menachem Kellner, For Two States, Ultimately

There is no sane and moral alternative to the (albeit difficult) two-state solution. Anyone who supports the so-called one state solution is either a knave or a fool or both. Creating one state of all its citizens between the Jordan River and the Mediterranean Sea can have only one outcome: the creation of yet another authoritarian Islamic ‘Republic.’ The right of national self-determination, it will turn out, will thus be guaranteed to all peoples but the Jews. In the new state Jews and Christians will at best be reduced to the status of dhimmis, tolerated religious (not ethnic) minorities subject to oppressive restrictions. Women will be forced behind the veil, gays will be persecuted. Anyone perceptive enough to realize this and who nonetheless supports the idea is a knave. Anyone who does not realize this is a fool. There is not a single Arab-majority state in the world in which non-Arabs actually enjoy full civil rights. There is not a single Muslim-majority state in the world in which non-Muslims actually enjoy full equality. An Arab-Muslim State born out of a century of conflict is not likely – to put it mildly – to be the only exception to these sad generalizations.

What is to be done? One option is to absorb the West Bank into Israel. This can lead to only one of two consequences: the end of Israel as a democratic state or the end of Israel as a Jewish state. Another option is to dismantle the settlements, withdraw from the West Bank, and allow or encourage the creation of an independent Palestinian state on the West Bank, with or without Gaza. One of my less temperate colleagues predicts the following consequence of such an act:

Here is what will happen: Israel withdraws, then ‘Palestine’ rains rockets down on Tel Aviv in what makes Sderot look like an April shower; every time Israel retaliates the whole world screams Nazi aggressors; the Israeli Left demands the remaining apartheid Israeli state be taken apart, ‘Palestine’ invades the Galilee and Negev with its army reinforced by divisions from all the Arab countries, and the whole sorrow story comes to an end when –

to the cheers of the entire world – ‘Palestine’ gets its first weapons of mass destruction and uses them. It would be so much neater and simpler just to agree voluntarily to hop on the cattle cars to the nice work camps.

Intemperate? Yes. Deluded? I am not so sure any more. The shameful conformism of the Western media during the recent ‘Operation Cast Lead,’ the willingness to take Hamas propaganda at face value, the wholesale rewriting of recent history (how many readers of *the Guardian* and the *New York Times*, not to mention *Ha’aretz*, know that Hamas took power in Gaza in a violent coup? that the Gaza crossings were closed in response to missile attacks, not the other way round, and that if Gaza was occasionally blockaded, it was blockaded by the Egyptians as much as by the Israelis – if Hamas wants to import medicines, food, and building supplies, why not simply import them from Egypt? that Hamas instituted a reign of terror in Gaza, murdering people identified with the PLO? that Hamas used its tunnels to smuggle arms and not medicine, of which there was never really a shortage anyway, etc., etc. – the list of journalistic malfeasance goes on and on). All these lead one to wonder how deranged my colleague really is.

So what can be done? I am led to the sad conclusion that the only realistic option is as follows: the vast majority of the settlements in the West Bank must be dismantled, just as they all were in Gaza (the world takes it as a given that any Palestinian state should be *Judenfrei* and as illiberal as that position is, I do not believe we can argue against the *consensus ominium* on this matter), and some sort elected Palestinian government will provide civil rule (more or less as envisioned in the Camp David accords). But it would be insane for Israel to withdraw its army from the West Bank without long-term demonstrated change in Palestinian behavior. We must remain there militarily as an occupying force for as many years as it takes for the Palestinians to decide that they want to build their own state more than they want to destroy that of the Jews. Just as the Allied Powers occupied Germany and Japan (despite the fact that unlike the Palestinians they posed no threat to the victorious allies) till they became convinced that the Germans and Japanese could be trusted to manage their own affairs without endangering the existence of their neighbours, so must Israel continue the occupation of the West Bank until we can be sure that military withdrawal will not lead to the nightmare scenario sketched out by my colleague above. To elaborate the World War Two analogy, the Palestinians, per capita, have received vastly more money from Europe and the USA than did Europeans under the Marshall Plan. If Palestinians could be encouraged to use that money to build instead of to destroy, to plant rather than bomb, to raise and

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educate their children rather than sending them on suicide missions, then the independent State of Palestine will come into existence. To allow this state true and complete independence before these changes take place is to demand of Israel that it commit national suicide and of Israelis that they place themselves and their children in grave personal danger. Very few Israelis are that crazy.

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Fred Siegel & Sol Stern, There are no 'solutions' for now

The Gaza War and the results of the Israeli elections have set off a good deal of diplomatic hand-wringing about whether time is running out for a two state solution to the Israeli-Palestinian conflict. Even when well intentioned, however, much of this discussion tends to ignore the fundamental reality that for the Palestinians the so-called 'peace process' is not about finding a practical political solution to their current problems. Rather it is about validating their founding national myth of a time before the 'Zionist invasion' when all was right with the world. Even for the 'moderates' among the Palestinian leadership the catastrophe of Israel's founding – what they call their 'Nahkba' – can only be erased from the historical ledger by flooding Israel with their brothers, the 'refugees' from the 1948 war.

That is why the various political alternatives that have been offered, ranging from a one to a three to a five state 'solution,' are all beside the point. From an Israeli perspective any solution involving border swaps leading to a Palestinian state might be reasonably attractive. It's little noticed in the West, but in Israel the left won decisively on the issue of the need for a Palestinian state. In 2006 Kadima won the Israeli general election on a platform which called for the withdrawal from Palestinian areas, beginning with Gaza. In recent years the major figures on the right, from George Bush in the US to the new right wing starlet in Israel Avigdor Lieberman, have adopted the call for a Palestinian state. It's the Palestinians who are at best of mixed-mind on the subject.

Leave aside the split between Hamas and Fatah and the rise of Islamist sentiment among the Palestinians. If the conflict were largely a border dispute then the possibility of renewed negotiation around a two state solution could bear fruit.

But that's not what this conflict is all about. While separation from the Palestinians has become the political byword for a large majority of Israelis, the intifada set off by the failure of the Oslo process and the wars which followed withdrawals from Lebanon and Gaza have also left ordinary Israelis convinced that there's little to be gained by either negotiations or further withdrawals.

And the sentiments on the Israeli 'street' are based on an accurate reading of Palestinian demands. The very notion of 'solutions' is unlikely to be meaningful as long as the Palestinians cling to the central tenet of their collective identity, namely the right of return to Israel for the 'refugees' of 1948. As Faruq Qaddumi, a high ranking PLO official explained in 2002, 'The Right of Return of the refugees to Haifa and Jaffa is more important than statehood.' Similarly, after Arafat's death in 2004 the man hailed by the West as a moderate, Abu Mazen swore to the Palestinian Legislative Council to 'follow in the path' of Arafat's work by 'fulfilling his dream. . . We promise you that our hearts will not rest until the right of return for our people is achieved and the tragedy of the refugees is ended.' This non-negotiable demand guarantees ongoing violence. It means that the best that can be done is to manage the problem that produces Palestinian intransigence.

It was the 'right of return' that transformed the Oslo peace negotiations into a new and more violent intifada. 'To this day,' explained Dennis Ross, one of the key Oslo negotiators, Arafat and his heirs 'have never honestly admitted that what was offered to the Palestinians – a deal that would have resulted in a Palestinian state, with territory in over 97 percent of the West Bank, Gaza, and Jerusalem; with Arab East Jerusalem as the capital of that state (including the holy place of the Haram al-Sharif, the Noble Sanctuary); with an international presence in place of the Israeli Defence Force in the Jordan Valley; and with the unlimited right of return for Palestinian refugees to their state but not to Israel.'

In the wake of the Oslo collapse Abu Mazen explained why the Palestinian leadership had rejected the offer. 'Peace,' he insisted, 'will not be achieved without the refugees getting back their sacred rights, which cannot be touched. It is the individual right of every refugee, and no one can reach an agreement in this matter without his consent.' He explained that 'the right of return means a return to Israel, not to a Palestinian state.'

Every other refugee problem of the 1940s from central Europe to the Indian subcontinent has been resolved. But thanks to the machination of the Arab powers

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and their ability to use the increasingly fetid United Nations as an instrument of their policies, Palestinian refugees became the cat's paws of Middle Eastern power politics. The suffering of the refugees, like the civilian casualties produced by Hamas' aggressions in Gaza became a marketable commodity that could be sold to the supposedly high-minded Western enablers of Arab terrorism. The more miserable the Palestinians the more the Guardian and the BBC were convinced of the virtue of their sacred violence. But the Mussolini-like Egyptian strong man Gamal Abdel Nasser, who was a master of using the squalid refugee camps for his own ends, gave the game away long ago. In 1956 he explained that 'The Palestinians are useful to the Arab states as they are...We will always see that they do not become too powerful.' Today with the resurgence of the Muslim Brotherhood and the danger that they will link up with their cousins in Gaza, some Egyptian leaders, with an eye on the rise of Iran, may have some second thoughts about this strategy but to little effect.

The insistence on the long lost Elysium destroyed in the Nakba by those same evil Jews, castigated in the Koran as the offspring of 'monkeys and pigs,' has frozen Palestinian politics in a permanent rictal smile. A personal note, we were supporters of the Oslo 'Peace' Process. But the closer it came to final negotiations the more our heartfelt hopes began to be shadowed by the reality of an Arafat-controlled Palestinian press which was doing nothing to prepare the public for the necessary compromises to come. Later, some of Arafat's aids hinted that he couldn't do more. If he compromised on the refugee issue they explained, he would have been assassinated. How, it was argued, can you tell people, who have suffered all these years for a redemption born of revenge that their sacrifice had come to nothing. Better to continue the illusion.

What's left need not be total despair. The best that can be achieved for the foreseeable future is to manage the conflict. There are some hopeful signs on the West Bank that the Palestinians under Prime Minister Fayyad are belatedly beginning the process of institution building. That process is undermined not only by the Palestinians mythology of martyrdom and redemption but by the incessant diplomatic focus on final status solutions. With American and Jordanian help Fayyad seems to be building a modern police force of the sort that has provided benefits to Iraq (and hopefully Afghanistan) so that the power of the West Bank's many cliques of gunmen can hopefully be minimised. If this is the beginning of a Palestinian attempt – like the early Zionists – to create the lineaments of a civil society, it should continue to be encouraged. But until this process matures – if

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allowed to by diplomats and gunmen – the best that can be done is to tamp down the conflict as well as possible.

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Reading Ayaan Hirsi Ali in Birmingham

Gina Khan

Personal Trauma and Public Voice

I am not just a woman who was born in a Muslim family; I am also a British citizen who loves her country and stands behind our soldiers who lose their limbs and lives fighting Jihadists and Islamists. I grew up with friends and neighbours from all walks of lives, gays, atheist, Christians, Sikhs, Hindus and Buddhists. My mother never taught me to hate or despise anyone from a different religion or culture.

So I admire Ayaan Hirsi Ali, the Somali-born Muslim woman who fled an arranged marriage to live in Holland where she became famous as an MP, a writer, a fighter for Muslim women's rights and an opponent of terrorism. In her remarkable books *Infidel* and *The Caged Virgin* she tells us important truths that many of us have maybe suppressed. There are men who have written disparagingly about Ayaan who clearly have no idea how much courage that took. Ayaan shows us that personal trauma can be the spur to speak out against patriarchal communities which lock us away and religious preachers who say we are inferior.

Because of my Mum, my Islam was always different to the dry and rigid literalist Islam that indoctrinated Ayaan. But the 'caged virgin syndrome' she writes about resonated powerfully with me. I too was coerced into marrying a first cousin. The marriage was a mental prison, as I lived to a script others had written for me. I set myself free when I broke my silence, but freedom came at a price. I have been called mentally unstable by Islamists and my children have been harassed. But my children will live their lives authentically, and not be what others expect them to be.

After I divorced my husband I spent years believing I was inferior. I felt I had disobeyed my parents and would face the wrath of God. It took years of self-therapy to reclaim my authentic self. My depression was mixed with anger and I had to go back to my childhood experiences of oppression, to get rid of those tapes playing in my head. I redefined myself and my purpose in life, and I don't live in fear anymore. All of us who can say that have to thank Ayaan.

The end of multiculturalism

Ayaan understands what has gone wrong with the policies of multiculturalism. As a young child and teenager I grew up in an area where the majority was English but there were also Greeks, Chinese, Jamaicans and Indians living in the same community. Everybody got on and respected each other. My parents ran supermarkets, so we were integrated, if not allowed to assimilate as females because of the religion. And now the white people are leaving, the area has disintegrated, and it breaks my heart. Most members of my family have moved out.

The area has been Islamised. Mosques, mini-mosques and madrasas rise up on almost every street corner, but there is nothing for the youth. Drugs and crime has made the area unsafe for young girls. Social services and the police know what is going on. I have witnessed anti-west and anti-Jew posters and leaflets appear in shops run by young bearded Muslims. I watched the Islamists mobilise the Muslim community right under my nose. Before 9/11 the time I could not name it, but I knew something was not right, but it was being done in the name of Islam.

I left because there was no way I was going to raise my children as a lone mother in a community where the Imams or mosques did nothing to serve the community or teach a plural Islam. Even the schools were allowing little primary school girls to wear headscarves, and that has nothing to do with religion. The extremists have had over twenty five uncontested years to mobilise the minds of British Muslims and their backwardness now dominates some areas.

Multicultural policies are not working. I have witnessed a lot of appeasement of extremism. No other religion or race made the demands Muslims did in the local area, and I witnessed the friction it caused amongst the white people I worked with, some who were friends of mine and didn't have a racist bone in their bodies. When my son was approached by Islamist radicals and Muslim lads harassed my daughter if she went out, I had to leave.

The rise of Islamism

Ayaan understands why Islamism has arisen in the West. It's inconvenient to say this, but Islamists base their belief on the literal words of the Quran and stress their interpretations of the canonical texts. When extremists indoctrinate British Muslims with anti-Western and anti-Jewish propaganda, they use texts from the Quran, understood in a literalist spirit. Psychologically, they indoctrinate Muslims

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into believing that Jihad is Allah's will, and it is their religious obligation to implement that will on earth, and for doing so they will receive their reward in the afterlife as a martyr. That's how they create human bombs. Much of this goes uncontested and people need to wake up.

Wahhabism and Salafism (the brand of Islam that Osama bin Laden believes in) has gone uncontested for too long in Britain. There is the growing influence of Mawdudi, the theoretical guru of the influential Pakistani Islamist organisation, Jamaat-e-islam. Many British Muslims follow Mawdudi, most notably the leadership of the Muslim Council of Britain. The influence of the Muslim Brotherhood is spreading, and Hizb ut-Tahrir continue to push the extremist teachings of Nabhani and Qutb on campuses. Different brands of radical Islam, but the same ideology: Muslims should return to a 'true Islam,' a Caliphate must be reinstated, and anyone who is not a Muslim is a 'Kuffar.' Muslim communities in Birmingham have been indoctrinated by this backward Islam for decades. The end result is men like Parvez Khan (who planned to murder a Muslim British Soldier in Birmingham).

My own father was indoctrinated in his old age as he attended Jammat-e-islam and Tablighi mosques. They persuaded him to use his money to build a huge madrasa in Pakistan. He was told that if any of the orphans whom he provided for in the madrassah memorised the Quran, then seven generations of his family would go to heaven. My dad totally believed this and was eventually buried within the compound of his Madrasa.

Who speaks for Muslim Women?

Ayaan's books break the silence about Muslim women's plight. I was a victim of domestic violence. I thought I had married a modern thinking British Muslim. My brother had warned me not to marry into a particular group of Muslims, mostly from Mirpur or Kashmir, saying to me 'They will never change. They are controlled by their extended families. They will always be backward in their mindset.' At the time, I dismissed his advice as discrimination, but it turned out to be true in many ways. Firstly, my husband hid our marriage because he was forced to marry a cousin who was only 16 at the time and he was 25. So I became a victim of a polygamous marriage which inevitably turned to domestic violence. When I asked him why he had come home late one night, he slapped me across the face and shouted 'don't question my authority. In our religion you are not allowed to speak to me like that.' It was a defining moment for me. He had used religion to control me. I once said

that it wasn't him I wanted to challenge, it was the Mullahs and Imams who taught him that women were inferior, should be submissive to their husbands, and could be slapped if they displeased. People don't want to hear this, but backward theology is being used to underpin women's oppression in the modern West.

Polygamy is a hidden epidemic. Muslim women who cannot speak English are afraid to approach authorities, Imams and Mullahs ignore our plight, and the community downplays this issue and labels women 'mad' or 'heretic' or 'loose' when they stand up for their rights.

There are some hopeful changes. In 2007 I went on a training course that Hazel Blears, the government minister, initiated to empower Muslim women. It was brilliant. Female professors and teachers taught us how to read the Quran from a gender perspective. We discussed the Quranic verse that has been interpreted as an instruction to 'scourge' the wife when she disobeys. One hijab-wearing woman said 'Oh, that verse only applies to a woman who may commit adultery.' I was very annoyed. I pointed out to her that I had been a victim of domestic violence and was not struck because I had committed adultery and, anyway, the law of the land says no one has the right to hit, slap or punch a woman. Muslims are not an exception. She could not argue back, after all, we had not gathered to apologise for texts that discriminated against us! If the verse doesn't sit right with us as reasonable or humane, we should reject the verse. Every Muslim woman must know that domestic violence, polygamy, and under age marriage of young girls is a crime in this country regardless of what the verse says.

The situation for millions of Muslim women is this: men believe they have the divine right to subjugate and beat them. You only have to watch the debates on Al Jazeera, and this Arabization is really influencing British Muslims. The mullahs or clerics discuss how not to leave bruises, or how lightly a man can hit a woman. But a slap eventually turns into a punch or a kick. Many Muslim women refuse to go to the police for fear of being accused of dishonouring their family or their husband. The UK now offers Muslim women the support of safe houses. (There is so such place for women in many Muslim countries.)

The Prophet was given an Egyptian slave who gave birth to his son Abraham. He didn't marry her but no one labelled the child a 'harami,' a bad term used for a child born out of wedlock. I live in a country where children are protected, valued and have rights. The term 'illegitimate' has been erased. Nevertheless, I know story

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after story of Muslim girls who abort an unwanted child because of the religious doctrine of fear that dominates our lives. This is the kind of hypocrisy that I fight.

A lone woman is more vulnerable in the Middle East or Pakistan. They are told that only marriage alone can protect them and save them from the eyes of vultures. A woman is nothing if she is not married. 'Caged' as a virgin, not allowed a proper education, coerced into a marriage and told to live as a 'good' Muslim woman under the protection of a husband, women come to believe they have no choices. Ayaan is right when she states that Muslim women can be trained to be docile. I have come across many, many Muslim women who have to live that kind of life. It is one of the reasons many Muslim men seek a wife from south Asia. One young girl was treated like a slave, she had no family here and the in-laws wouldn't even allow her to go to local classes to learn English or seek a life of her own but was expected to cook clean and slave for the whole extended family. She was on her feet for long hours in the kitchen whilst pregnant. She eventually collapsed and was taken to hospital. The in-laws were told to allow her to rest for the health of the child – the only time she had a break from household duties. Her husband took another wife (polygamy) and she has no choice but to accept this in silence.

The Imams spend a vast amount of time spelling out how Muslim women should dress, live and behave. Once women step outside this script they may face excommunication, stigma, and, in extreme cases, honour beatings and honour killings. Ayaan is absolutely right to raise the alarm that this oppression doesn't just happen in far-away lands but is right here in Europe. The first case of a (dis) honour killing I remember was in the 1990s, when a 13 year old Muslim school girl in Birmingham was shot to death alongside her mother, just because she was caught talking to a boy in a local park. Half the community held this honour killing over their daughters to terrorise them.

Against Sharia Courts, against Polygamy

I strongly oppose Sharia courts. Only under the British law will Muslim women be treated as equal and full human beings. Under Sharia, Mullahs and Imams in Britain meddle in marriage, family law and inheritance, and women lose out. For goodness sake, one Sharia council in London is run by Suhaib Hasan, a reactionary Wahhabi-trained cleric and another is run by a jihadist mentor Anjum Chaudrey! Extremists are using the divorce plight of Muslim women to create Sharia courts

in order to advance their political agenda. They seek adherence to Sharia to gain power over women and the communities.

Some of these men advocate polygamy as their God-given right. Polygamy is a practice that is growing in our communities because mosques do not regulate Islamic marriages. These illegal marriages are not recognised under the British law hence Muslim men have the prerogative of committing polygamy outside the law. It's a subject I am passionate about because as a child, I watched my sister being sectioned under the mental health act when she found out that her husband already had a wife. She divorced him but never got over it and died a heartbroken woman.

Mosques must be made to stop these illegal marriages. In some Muslim countries, like Tunisia for example, polygamy has been banned. But in Britain, however, the Imams are asking for more privileges! I recently heard of a case in a Birmingham mosque where a husband would only give his wife an Islamic divorce if she signed away her rights to any of his properties. She was coerced by the leader into signing away her rights. If she had gone to a British court she would have been treated with justice.

Muslim women are in a paradox. They can get a civil divorce but they can still remain married 'Islamically.' It is a big mess thanks to mullahs performing marriages outside the law. There's no regulation and we need to be protected by the British law. A woman may need to go to a Sharia court to obtain a divorce against a husband, but it's a myth that we always need a cleric's ruling. A Muslim woman only needs two witnesses and there is no reason why a solicitor and another witness cannot grant her that divorce alongside her civil divorce.

Towards a Western Islam

It was partly through reading Ayaan Hirsi's defence of the West and its values that I began to realise how blessed I was. I was born in a democracy that aspires to treat all human beings equally, regardless of gender, sexuality, religion, creed and race. Here, human relationships are better, human life is valued, and there is more accountability, freedom, choice, educational opportunity, and security. To me Britain is the best place in the world. No one starves here, and there is freedom, fairness and respect for all.

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When I was a young teenager in the early 1980s, my father had started to attend local mosques built by Jamaat-e-islam (a brand of Islam that follows the teachings of Maulana Mauwdudi). One day he said to me ‘there will be mosques everywhere, Islam will spread, and the kaffir and the yahudis (meaning Jews) will go to hell as disbelievers.’ I remember being shocked; I thought of my wonderful school friends and asked myself what kind of God would want these lovely girls to go to hell? The fact is that I don’t think my dad ever met a Jew. He was just indoctrinated in his old age.

The prophet preached a just society where you must give to charity, look after the elderly, and take care of the orphan and the widow. But that is exactly what the West has done, while Muslim countries have failed to live up to this ideal. Islam must adapt to a democracy where the separation of state and religion underpins freedom of expression and freedom of choice, human rights, liberty, justice, and equal rights.

As westerners, we should acknowledge that our liberal civilisation is great because it gives the highest regard to human dignity, autonomy and sanctity. As British Muslims we should reform Islam until it is not at odds with that precious achievement. Islam is living in the past. Our mindset has been frozen and we have been silenced into submission... we can no longer follow our faith blindly without question.

An inspiration for me has been Professor Amina Wadud, author of *Women and the Gender Jihad* and the first female who led the Friday congregation and so created history in America and, recently, in Oxford. Radicals called her a ‘heretic’ but for progressive, liberal and secular Muslims she is an inspiration who opposes the male hierarchy in Islam.

Many Muslims already live as ‘reformed Muslims’ in the West. In Britain, two moderate voices are Dr Ghayasuddin Siddiqui and Dr Taj Hargey, both of whom support equality for women. Dr Hargey told me that he lost half his congregation recently when he supported Amina Wadad to lead the first Friday prayers in Oxford. He also disagrees with Sharia courts. Dr Siddiqui has been involved in finalising a standard Muslim marriage document to be used across the board in all Muslim mosques. It stipulates that the husband cannot commit polygamy. He supports Muslim women who wish to marry a non-Muslim. He has also advocated that the young be given more choice in marriage and should be allowed to seek

their own partners in Britain rather than from south Asia. I have the utmost respect for such men.

What surprises me is why our government turns to men like Tariq Ramadan, or Inayat Bunglawala from the MCB, for advice and not men like Haris Rafiq from the Sufi Council who promotes a modern British Islam.

I take the same view as the US writer Reza Aslan, author of *No God But God*. A Muslim reformation is under way. A Muslim feminism is emerging and the Hadiths that were fabricated by men are being challenged. Interpretations of the Quran are being scrutinised by more enlightened scholars. There are contradictory readings of the Quran but we have a choice about which interpretation we adopt as the Quran is ambiguous and is very difficult to understand or interpret.

Where next?

I recently read the MCB's favourite, Maulana Maududi, on '*Islamic Human rights*.' Well, it's not human rights as we understand it! He avoids the issues of equality between Muslims and non-Muslims, apostasy, equality for women regarding inheritance, legal testimony, and equal rights to divorce or marriage to non-Muslims. He talks of 'Islamic dress,' and advocates the veil and chastity of Muslim women. There is no such thing as 'Islamic dress' of course! Arabic tunics, Burkhas, these are all products of a desert-Islam. Our identity as modern western Muslims is being distorted by these backward doctrines. Why does the Government indulge them? Why are we western Muslims not more energetic in challenging these doctrines?

As I study my religion, and other religions, the more I realise I am not just a Muslim. In a sense I am also a Christian, a Jew, a Sikh, a Hindu, because we all believe in God.

I have dialogue with God directly. My love and faith goes beyond the Quran, or prophets and its rituals. My journey is spiritual. The oppressive dogmas and the reactionary clerics, Jihadists and Islamists have blackened the good name of Islam. But I can choose not to believe what some Imam or scholar tells me by using the brain and heart God gave me to make my own decisions about what is wrong and what is right. It's important to listen to your own voice and not let the loud voices of Islamic extremists drown our humanity away.

I am not an atheist (though I have found atheists to be the most kind, humane and

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decent people compared to those who think they have the right to blow up innocent people in the name of their God). I do not believe in some of the majestic, magical prophecies, but that does not mean I do not believe in a higher power. When I consider nature, from the depths of the seas to the mystery of space, I believe there is a higher power that created us all. My relationship is with Him/Her/It directly, not the messengers.

I refuse to pray behind a man, or be segregated that's why I refuse to go to a mosque, even if they did let us in! I am a secular British Muslim who will believe what I want to believe and what is humanely reasonable and conceivable. My Islam is simple and straightforward to me, I don't need to wear religion on my sleeves to claim who I am. Islam needs to break free from medieval theologies. Only then will Muslim women be emancipated, Muslims should be campaigning against Jihadists and extremists to claim Islam back, only then can Muslims say Islam is a religion of peace. Right now the reality proves otherwise. We need to break our silence collectively against Political and radical Islamists first.

Sadly those who have the courage to speak the truth are often the ones who are intimidated, murdered and live with death threats as Ayaan has experienced. To me, that demonstrates something is seriously wrong with Islam in today's world. That's what I love about Ayaan – she says what she says without fear or apology. She says what many of us think but may never say because of the fear instilled into us. One has to respect her for that.

Gina Khan is a British Muslim woman who lives in Birmingham and campaigns against extremism. She has blogged at *Butterflies and Wheels*.

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Islam, Shari'ah Courts, Islamisation and the Far-Right

Rashad Ali

The controversy sparked off by the Dutch MP Geert Wilders [1] being denied entry to the UK (he boarded a plane and landed in Heathrow only to be sent back), may have generated more publicity for his film, and therefore for his anti-Islam message, than Wilders could have hoped. It has also, arguably, fuelled the propaganda of those on the far-right who say that Muslims are succeeding in their campaign to give Islam a privileged position within British Society. They contrast Wilders' exclusion to those extremist Islamists [2] who have long found in Britain a home. [3]

Anti-Islam and anti-Muslim sentiments have been expressed in various influential quarters across Europe. Extreme factions on the right who hold such views have been gaining much influence in the last few years. In one debate involving the Danish immigration minister and another MP, they decided, for the sake of brevity, that it would just be easier to describe themselves as 'anti-Muslim.' [4] Wilders wrote that 'The core of the problem is fascistic Islam, the sick ideology of Allah and Mohammed as it is set out in the Islamic Mein Kampf: the Koran' and 'I have had enough of Islam in Holland: Not one more Muslim immigrant should be let in. I have had enough of the reverence for Allah and Mohammed in the Netherlands: There should not be even one more mosque. I have had enough of the Koran in the Netherlands. Ban that wretched book.' [5]

The rise of an anti-Islamic right across Europe, and recent debates surrounding the incorporation of Shari'ah and Shari'ah 'courts' [6] into European legal systems, are not unrelated phenomena. Indeed an odd symbiosis has been established. Islamist and extremist ideological movements push, fantastically, what they would describe as an 'Islamisation' agenda, seeking to Islamize Europe. Some on the far-right, equally fantastically, argue this has already taken place, or is about to take place.

At the heart of the fear whipped up by the far-right is the Islamists demand for a separate and parallel legal system based upon 'Shari'ah' or, rather, a number of specific interpretations of the Shari'ah – for there are different 'schools' [8] which have existed for over a millennium, each interpreting the religious code of the Muslims,

traditionally called Fiqh [7], i.e. human interpretations and understandings of the Shari'ah. As this raises the question of who should decide which Fiqh Muslims should follow, or indeed which is acceptable for them to follow, it would plainly be absurd for the British government to seek to define the religious interpretation which should be adopted by a Shari'ah court.

This demand has reinforced existing fears that Muslims cannot exist within non-Muslim legal traditions and political systems, and instead of accommodating themselves, must either have separate legal systems, or change existing legal and political frameworks. In short, all Muslims, especially women wearing a veil, as one MP in Denmark stated, must be fifth columnists [9] seeking to bring down every other political order and take over the world.

In this article I would like to look at some of the arguments surrounding Shari'ah courts and provide a mainstream Islamic perspective, explaining why they are not necessary and why most Muslims, guided by mainstream Islam, do not share the Islamists designs on the UK. Europe, and the UK in particular, can be considered by Muslims as places where they can live and interact as citizens within society, as it is.

Arbitration by Shari'ah: The basic argument

Arbitration by Shari'ah is necessary for matters pertaining to marriage, divorce and conflict resolution, or so it is argued by proponents of Shari'ah courts. These courts, or more accurately 'tribunals,' they say, must have a Muslim scholar of Shari'ah and a legal expert (which even moderate conservatives have insisted should be a Muslim), in order to ensure that the resolution is both legally and 'Shari'ah' compliant. They would issue binding settlements – as the parties have in principle agreed to the binding nature of the decision. Protagonists of Shari'ah courts have argued that these settlements are legally binding according to the Arbitration Act 1996 [10], and thus enforceable. Others have stated that this should be recognized as a parallel and alternative legal system. [11] These arguments are based on a series of flawed assumptions.

Four Flawed assumptions

1. 'Shari'ah courts can operate under the Arbitration Act'

This is the first fundamentally flawed assumption made by the proponents of Shari'ah courts. Firstly, it is not the remit of the Arbitration Act to deal with statutory issues

which are already laid out within family law, or criminal law but within civil law areas. [12] Secondly, the scope of the act does not cover issues which are raised in this regard, which are mainly to do with statutory legislation which cannot be contravened. Any agreement reached through this mediation process (note, not ‘arbitration’ as it would still be subject to a UK court) which is not a just resolution in the view of a UK court would be immediately overturned and not be considered binding.

2. ‘Muslims need Shari’ah Arbitration’

The idea that arbitration is somehow a Shari’ah matter is another error. Since medieval times Muslim scholars have recognised that resolving disputes does not require a Shari’ah expert, or even anyone familiar with the dictates of the Shari’ah. Rather, they cite incidents from the prophetic era that demonstrate that it was acknowledged that wise people who had influence in their respective communities would be able to resolve disputes. [13] In fact, pre-modern Muslims scholars went further in stating explicitly that arbitration did not require a Muslim, but rather someone of sound intellect – whether he [14] or she was a Muslim was not relevant. [15] Arbitration is not about enforcing a ruling from the Shari’ah, so there is no requirement for a either a Muslim Shari’ah expert to apply a judgement, or a Shari’ah court. What is needed is the skilful resolution of disputes by trained mediators.

3. ‘Without Shari’ah, Muslims can’t get an Islamic divorce’

This is a particularly problematic aspect. Muslim women are informed that they cannot get a divorce, and so remain religiously tied to their husbands, until they have either received a divorce from their husbands or from a Shari’ah court. This has left women at the mercy of courts that are not authorized through any legal recognition [16], do not operate according to any explicit standards, and are unregulated. These courts are dominated by the opinions of a man who may refuse to grant a divorce to a woman even after the woman is divorced according to UK law. This has led to many women being trapped in horrible circumstances, their religious sentiments abused for many years before the self-appointed religious authorities sanction a divorce.

And yet the truth is that Muslim scholars have traditionally advised Muslims to seek divorces from courts within the legal system that they live in, and that these would be legitimate divorces both on religious grounds and according to the law of

the land. Pre-modern scholars have long advocated this for Muslims living in areas which have a majority non-Muslim population or even in fact where non-Muslims were judges in Muslim-majority countries. [17]

4. ‘British Law is not binding on Muslims according to mainstream religious edicts, so we Muslims need a parallel legal system’

In fact, the opposite is true. Most Muslim scholars explicitly cite religious edicts making it binding upon Muslims, from a religious as well as a moral and legal perspective, that they should adopt the prevailing legal norms and standards within their own contractual undertakings. Sheikh Abdullah Bin Mahfudh Bin Bayyah, a leading contemporary authority on Shari’ah, explained this from a Shari’ah maxim which states ‘a well known custom is considered similar to a stipulated condition.’ In other words, Muslims in all of their undertakings come within the framework of British law, or the law of whichever country they happen to reside in, and therefore the laws of that country are the rules they should abide by. He explicitly states that you are married and divorced according to the laws of those countries. [18] He also cites the concept of *Maslaha* or public benefit, and that this also necessitates Muslims adopting the laws of the country they reside in.

In our case it would mean that UK law and courts would be binding from a Shari’ah perspective. This should remove the call for a parallel legal system and quash the hysterical idea that ‘Muslims’ are seeking to Islamize the UK. Seeking to Islamize the law is not an inherent aspect of the Islamic faith to do so. [19] As I have shown, quite the opposite is the case.

Final thought

We face an odd situation in which a series of misleading notions – misleading in the eyes of the mainstream Muslim tradition and for most Muslims – are in danger of becoming accepted, pushed by a symbiotic alliance of Islamists and Wilders-types: the notions that Muslims need, and must seek, Shari’ah courts and a parallel legal system, that Islam must seek to establish its own legal and political order, and that Muslims, therefore, are the bearers of a deep-seated desire to achieve their own political hegemony over non-Muslims. [20] The opposite, I have shown, is true. For Muslims, the UK is their homeland where they can practice their faith and live by Islamic principles.

Rashad Ali was a lecturer at King Abdul Aziz University, Jeddah, Saudi Arabia, and Taybah University in Medina. He was a senior leadership figure in Hizb ut-Tahrir Britain, before breaking from that organisation and helping to found the Quilliam Foundation. He currently resides in the UK and now works as an independent consultant, researcher and writer.

Notes

- [1] http://news.bbc.co.uk/1/hi/uk_politics/7885918.stm
- [2] 'Islamist' and 'Islamism' will be used throughout in order to differentiate that phenomenon from mainstream Islam. Islam is a diverse faith with many different traditions contained within it. Islamism is an intolerant political ideology which seeks to establish a global expansionist Islamist State (the *al-Qaeda* vision of a caliphate), with a medieval and single interpretation of Shari'ah. The caliphate would initially be created in Muslim-majority countries, but would then take over other countries through diplomacy and a Jihadist foreign policy. This vision is shared by all Islamists though strategies differ – ranging from entry level political Islamists, such as *Jamat-e-Islam*, revolutionaries like *Hizb ut-Tahrir*, and militants like al-Qaeda.
- [3] The recent invitation to Ibrahim el-Moussaoui, an advocate for suicide bombing in Israel, to lecture on 'Political Islam' at the School of Oriental and African Studies, in London, poignantly makes this point. See: <http://www.lebanonwire.com/0206/02060802DS.asp>
- [4] In a May 2008 debate between Søren Krarup and the Danish Minister for Immigrants, Refugees and Integration: 'We are opponents of Islam's fanatical and fundamentalistic movement towards the West and Christianity. To be a Muslim is to profess to Islam. So, when the journalists demanded a quick response we had to say that we were anti-Muslim.' http://www.danskfolkeparti.dk/S%C3%B8ren_Krarup_MUSLIMER_-_med_hilsen_til_Birthe.asp
- [5] For more of Wilders' opinions, see: <http://www.militantislammonitor.org/article/id/3094>
- [6] Shari'ah is usually translated as 'Islamic Law', which is not an entirely accurate translation and fails to capture the rich understanding of the term within Islam. Literally it means 'a path leading to water' and terminologically refers to 'Gods speech to do with human conduct' by Muslim specialists of Shari'ah. (See Imam Shawkani's *Irshad ul-Fuhul ilaa Tabqiq ul-Haq min ilm ul-Usul* or other classical works of the Principles of Shari'ah (*Usul*) for this definition).
- [7] Fiqh is defined by scholars of *Usul* as 'the knowledge of practical Shari'ah rules' which will range from how a Muslim should wash before prayers to broad principles regarding marriage and divorce. It is defined separately from Shari'ah, as Shari'ah technically refers to the expression contained in the text, and Fiqh to human understandings of the Shari'ah. These understandings are subject to huge disparities, affected as they are by the background, environment and tradition of the scholar. The scholar's judgements are the opinion of an individual and should not be considered sacred and unquestionable.
- [8] The term *Mazhab* literally means 'way' and is used to mean an understanding of the Shari'ah in a given question (small m), or the general method of interpreting Shari'ah or school of fiqh (capital M). Though there are four mainstream orthodox schools within the Sunni sect of Islam, there are also heterodox non-aligned schools such as the Wahhabi movement – a 19th century attempt at a puritanical return to original scriptures without recognizing the authority of the extant schools. Similar different traditions exist within the Shia schools.
- [9] Søren Krarup MP to Politiken.dk in Nyhedsavisen 19-04-2007:

'In so far as one says that the swastika is the symbol for Nazism so is the case of Islam's veil. The veil symbolises a totalitarian ideology's demand that everyone who does not share its points of view and attitudes is an infidel and rightly ought to convert, and if they refuse they must be exterminated.' *For så vidt som man siger, at hagekorset er symbolet på nazismen, så er det jo altså af samme art som Islams tørklæde. Tørklædet symboliserer en totalitær ideologis krav om, at alle der ikke deler dens synspunkter og holdninger, er vantrø, og de bør rettelig omvende sig, og hvis de ikke vil det, så de skal udryddes.*

[10] http://www.opsi.gov.uk/Acts/acts1996/ukpga_19960023_en_1

[11] <http://www.islam21c.com/british-affairs/shariah-courts-given-an-unfair-hearing.html>

[12] As noted by the Conservative Shadow Home Secretary, and lawyer, Dominic Grieve (see his comments in John O'Sullivan's *New York Post* article 'Sharia-UK: Brits Head Towards Islamic Law.' That article made sweeping assumptions about the 'Shari'ah' as monolithic. In fact, there are many interpretations of issues affecting women's rights, whether in relation to political position, religious leadership, testimony, custody, financial maintenance, and domestic roles – all of the mainstream schools have various different views. For some examples, though not exhaustive, see *Forensic Psychiatry in Islamic Jurisprudence* by Kutaiba S Chaleby (International Institute of Islamic Thought).

[13] An incident which demonstrates this point took place when a man (Hani bin Yazid) – known affectionately in his tribe as Aba al-Hakam (the father of wisdom/judgment), a name he gained prior to his embracing Islam – came to the Prophet Muhammad (may peace and blessings be upon him) and said: 'O' Messenger of God! My people, when they dispute about a matter, they bring it to me and I arbitrate between them, and both parties are happy!' To which the Messenger replied, 'what a wonderful thing that is!' (Narrated in *Fat'h al-Qadir*, volume 5, p. 498, by Kamal Ibn al-Hammam, [d. 861H]).

[14] Invariably, Shari'ah courts and arbitrations are led by men in the UK. This is so even though approximately half of the UK Muslim Pakistani population belongs to the Deobandi tradition of Islam, which traces its origins to the Hanafi *Mazhab*, which has held that women can take the position of judge, indeed, according to the one of their leading scholars, Ashraf Ali Thanawi, may take positions of ruling (as mentioned in *Imdad al-Fatawa*). This was also the position advocated by the very first commentator and exegete of the Qur'an, Imam Ibn Jarir al-Tabari (d. 923CE). See *Tafsir al-Tabari: al-musammá Jami' al-bayan fi ta'wil al-Qur'an*, new edition published in 12 volumes by Dar al-Kutub al-'Ilmiyah, Beirut, 1997.

[15] To quote another leading scholar from the Hanafi school: 'It is a condition that the arbitrator possess sound intellect (Aqil) and it is not conditional that he is a Muslim.' (Kamal ibn al-Hammam *Fat'h al-Qadir* volume 5, p. 499.)

[16] This is precisely what the Archbishop Dr Rowan Williams was advocating, i.e. a means of regulating existing practices and subjecting them to the UK legal system, and setting parameters which would not allow abuses within communities to take place. He explicitly stated that he was not supporting the creation of parallel legal systems within our own but regulating existing practices and a debate about how this should take place within a pluralistic society. See: <http://www.archbishopofcanterbury.org/1594> and <http://www.archbishopofcanterbury.org/1575> for the full contents of the speech. Some have mistakenly taken this to mean some kind of accommodation of Shari'ah 'law' into UK law.

[17] Sheikh Abdullah Bin Mahfudh Bin Bayyah, a renowned Muslim scholar who is well respected by almost all traditions of Islam, stated in a Fatwa (religious edict):

This is because when such a Muslim undertakes such a contract of Marriage, he does so in a way that is in harmony with the laws (of that country) other than the Islamic rules ... this

necessitates that he is accepting of the consequences, a part of which are: this contract cannot be repudiated except by a judge ... This is possible from the perspective of what is considered by the scholarly majority (Jumhur) as being permitted in the Shariah, namely delegating this to the Judge – be it by implication and not explicitly. This is because of the Fiqh principle which states, ‘a well known custom is considered similar to a stipulated condition’ (Maruf ‘urfan kal-mashrut shartan’). Also, because executing laws, other than Islamic rules, is permitted [to] bring about interests (masalih) and deterring harms (mafasid)... as is stated by more than one erudite scholar, including al-Izz ibn Abdul-Salam (Shafi *Mazhab*), Ibn Taymiyyah (Hanbali *Mazhab*, and Shatibi (Maliki *Mazhab*). (*The Ruling of seeking a Divorce from a non-Muslim Judge*, pp. 358-9 of *Sana’at ul-Fatawa wa Fiqh ul-Aqaliyyat*, Dar ul-Minhaj, Saudi Arabia).

Imam Izz ibn Abdul-Salam’s Fatwa was actually speaking of the situation within *Muslim-majority* countries, and can be found in his work *al-Qawaid ul-Anam fi-Masalih ul-Abkam*. Sheikh Bin Bayyah cites religious authorities from the main religious schools to which almost all Muslims belong. This should establish there is no need for Shari’ah courts in a Muslim-minority country such as the UK!

- [18] The famous Muslim Hadith master and Polymath Ibn Hajar al-Asqalani states in his collection of Fatawa, that even in countries that have a hostile relationship with other Muslims, ‘though they are hostile peoples (harbiyoun) one may not cheat them nor deal in unjust transactions with them...’ (*al-Fatawa Ibn Hajar al-Asqalani*, volume 5, pp. 245-6).

Muslim scholars from all schools have stated that in any country where Muslims safely reside they are forbidden to break their agreements and the implicit social contract which exists (*aman* – is how it is referred to in traditional literature) and which obliges them to respect the laws of these countries. (See *Kitab al-Umm of Imam Shafi’I*, volume 4, p. 248; Imam al-Shaybani’s *Kitab al-Siyar*, volume 2, p. 507, Ibn Qudama in *al-Mughni* volume 10, pp. 515-6 for a spectrum of the various *Mazhab*’s).

- [19] In fact when Sayyed Ahmad Barelvi of the strict scripturally literal Ahl al-Hadith Mazhab was asked about whether it was necessary to overthrow the British colonial government, he replied,

‘The British Government – although a disbeliever in Islam – does not treat the Muslims with any cruelty or high-handedness, nor does it prevent them from attending to their religious obligations or observing the obligatory acts of worship. I preach and propagate (the Faith) in their kingdom but they never impede or oppose it. Rather, if someone commits any excess against us, they are ready to punish him. Our real task is the propagation of Tauheed – the Unity of God – and the renaissance of the Sunnah –precepts – of the Chief of all the Messengers, which we perform without let or hindrance in this country. So why should we wage a Jihad against the British Government and, contrary to the principles of our Faith, needlessly shed blood on either side.’ [*Swaaneh Ahmadi*, by *Maulvi Muhammad Ja’afar Thanasari*, p. 71.]

Alongside him in his own *Mazhab* was Maulvi Muhammad Hussain Batalvi, who repeatedly made the same point. ‘For Muslims of India, opposition to or rebellion against the British Government is unlawful (haram).’ (*Risaala Isha’at-us-Sunnah*, vol. 6, no. 10, p. 287) in fact he condemned the ‘Mutiny’ stating, ‘Those Muslims who participated in the Mutiny of 1857 A.D., they acted very sinfully and, under the injunctions of the Holy Quran and Ahadith, they were promoters of disorder, and were rebellious and of evil character.’ (*Risaala Isha’at-us-Sunnah*, vol. 9, no. 10) ‘Fighting against this government, or in any way aiding and abetting those who are fighting it (even if they are our Muslim brothers) is clearly mutinous and unlawful (haram).’ (*Risaala Isha’at-us-Sunnah*, vol. 9, no. 10, pp. 38-48).

The Sufi-Beralawi Hanafi Imam, Ahmad Reza Khan Barelvi, gave a similar verdict: ‘This humble one has proved with conclusive arguments in “Talaam-ul-Falaam be-Anna Hindustaan Daar-

us-Salaam” that India is “Dar-us-Salaam” (peaceful territory) and it is certainly not correct to call it “Dar-ul-Harb” (territory under war).’ (*Nusrat-ul-Abraar*, p. 29; Published by Sahafi Publishers, Aitcheson Ganj, 17 Rabi-ul-Awwal, 1306H, 1888 CE.)

- [20] On a final note, Shihab ul-Din Ibn Hajar al-Haytami, one of the leading authorities of one the mainstream Mazhab’s, namely, the Shafi’I school of *Fiqh*, issued a Fatwa stating that when Muslims are allowed to live and practice their faith in a land then the security of such a land is also a responsibility on all of the Muslims worldwide – if an aggressor attacks that land, they are obliged to defend it militarily, a premise for international co-operation and security which tied nations together. (*Fat’h al-Jawad* volume 2, part 2, p. 346, Mustafa al-Bab al-Halabi Edition: Cairo).

The Fall and Rise of the Islamic State

by Noah Feldman, Princeton University Press, 2008, 200 pp.

Samuel Helfont

Noah Feldman is one of the most prolific public intellectuals in the United States today. Fluent in Arabic, with a law degree from Yale and a D.Phil in Islamic thought from Oxford, he is a uniquely qualified participant in the battle of ideas surrounding Islam and the Middle East. Indeed, he is one of the few academics who had the courage to go beyond intellectual debates and offer to help solve America's Middle Eastern woes. At the outset of the Iraq War in 2003, many academics with considerable knowledge and ability refused to have anything to do with the war or its practitioners. They preferred to remain comfortably on the sidelines, offering criticisms but very seldom solutions. There were a handful, however, who recognised that whatever their qualms with the war, they had an obligation to help alleviate the suffering, if not of the American administration, then at least of the Iraqi people. Noah Feldman was one such academic. He worked for the Coalition Provisional Authority in Baghdad and he had an advisory role in the development of Iraq's post-war constitution. Feldman's return to academia after such an endeavour should be heartening to those who argue that supporting American foreign policy is incompatible with the leftist atmosphere on many university campuses. In an incident that should (but almost certainly will not) help to quell the indignation of some parts of the American right, Feldman's return to the halls of academia after serving in Iraq was not met with protests or black-listing. Instead he left his position at NYU to take up a new post at Harvard.

Since leaving Iraq, Feldman has been a powerful voice reminding Americans of the responsibility they have for their nation's foreign policy. On the pages of *The New York Times Magazine*, and in books such as *What We Owe Iraq* (2004), he has highlighted the struggle to stabilise Iraq. In his latest work, *The Fall and Rise of the Islamic State*, Feldman continues with these good intentions. He draws on his considerable knowledge of both legal and Islamic history to outline many of the structural legal problems facing the Middle East. In a long and very detailed analysis of the *Sharia* during the Ottoman period (14th – early 20th centuries), he shows that it was more a system of thought than a codified legal code. Feldman maintains that there were no books in which Islamic scholars could look up precise laws that would have to be followed to the letter. Instead, in handing down legal decisions

the scholars would draw on their vast knowledge of Islamic history. Nevertheless, Feldman maintains the *Sharia* as a legal system was far from the disorderly mayhem that is often portrayed in Western scholarship. The *Sharia* courts had a clear role which was defined by unambiguous and understood principles. Moreover, the absence of a codified law placed further emphasis on scholarship and learning. This in turn furnished the scholars with real power. Not only could they not easily be replaced, their status was determined by the quality of their scholarship and the respect of their peers, not the dictates of the sultan. When one considers that the legitimacy of Islamic rulers was, according both to their populations and their own justifications, based on their upholding the *Sharia*, it is clear that an independent class of scholars offered an important check on the power and legitimacy of the ruler.

According to Feldman, [1] this relationship began to deteriorate in the 19th century. In response to the Ottoman decline vis-à-vis the western powers, the empire instituted a number of military and legal reforms. Some of the legal reforms resulted in the codification of the *Sharia*. This had two larger effects on the status of the Islamic legal institution. First, it reversed the balance of power within the legal philosophy of the Islamic state. Whereas previously the *Sharia* had determined the legitimacy of the state, now it was the state that legitimised the *Sharia*. Second, codification made determining the law as simple as opening a law book. This task could be done by any capable public official and no longer required a lifetime of training. Thus, the scholars lost much of their influence, not only over the *Sharia*, but also as an independent check on the executive. Henceforth, the law would be determined by judges appointed not by their peers, but by the executive they were supposed to regulate. What we find then is that over the past century, the Middle East has been ruled almost exclusively by unchecked executives.

Feldman's mistreatment of Islamist thought

Feldman's legal approach to the development of authoritarianism in the Middle East is both timely and refreshing. It also highlights the deficiencies in approaches that downplay the agency of Middle Eastern peoples. Indeed, Feldman takes issue specifically with the idea that all problems in the Middle East emanate from the experience of colonialism (pp. 79-80, 86). But despite Feldman's solid analysis of early modern legal history in the Islamic world, his depictions of more recent manifestations of *Sharia* and those who want to impose it are problematic.

Feldman makes important distinctions between fringe organisations such as al-Qaeda and other groups, such as the Muslim Brotherhood, which enjoy considerable popular support. Nevertheless his depiction of the ideologies of these more popular groups, and of their understanding of Islamic law, is wanting. In addition to the usual platitudes claiming that these Islamist groups ‘embrace democratic elections and basic rights’ (p. 3), there are deeper problems in the picture that Feldman sketches. [2] He presents contemporary Islamists’ as believing *Sharia* is a loose set of guidelines that will help to guide a democratic state. He asserts that Islamists consider the *Sharia* ‘either as “the source of law” or “a source of law”’ (p. 119). The latter half of this statement is peculiar. One of the main arguments employed by Islamists against states such as Egypt, which indeed uses the *Sharia* as a source of law, is that *Sharia* as ‘a’ and not ‘the’ source of law is completely insufficient. This is a standard claim made by Islamists throughout the Middle East. So, I was curious which Islamists call for the use of the *Sharia* as ‘a’ source of law. I checked Feldman’s endnote only to find that the two examples he gives are Hamas’ Legislative Elections Platform and the Muslim Brotherhood’s 2007 political platform. But neither of these groups would downgrade the *Sharia* to ‘a’ and not ‘the’ source of law. Strangely, Feldman quotes the relevant sections of both of these documents, which both employ the definite article when discussing *Sharia*, as the source of law. I bring this up not as a minor quibble about endnotes that undermine instead of support an argument, but because it highlights an important misrepresentation of modern Islamist thought on Feldman’s part. In his depiction of what Islamists mean when they call for the implementation of *Sharia*, Feldman portrays Islamists as arguing for a more open interpretation of Islamic law than they are actually committed to. He presents the *Sharia*, not as those who call for its implementation present it, but as he would like them to.

In reading *The Fall and Rise of the Islamic State*, one gains the impression that all the Islamists are calling for is, as Feldman puts it, the ‘constitutionalisation’ of the *Sharia* (p. 12) whereby Islamic law is used as a rough framework in which democratic legislation can be passed. The problem is that while Islamists do often use the language of constitutionalism, they rarely stop at that. Most Islamists in fact call for the implementation of *Sharia* not as a general guideline but as an all-encompassing system that regulates every aspect of a Muslim’s life. Take for example Yusuf al-Qaradawi, who is probably the most influential living Islamist thinker. He asserts that Islam ‘is a comprehensive course of life for man’ [3]. Further, as opposed to the idea of the *Sharia* as a constitution, Qaradawi asserts that the *Sharia* is the basis for legislation. [4] So, whereas in a democracy the constitution outlines the framework

in which the people, as the source of legislation, enact laws, in Qaradawi's and indeed most Islamist political thought, legislation is divine. The people act only as the judiciary interpreting a divine law, which can only be given by God. Qaradawi makes the place of Islamic law very clear: 'It goes without saying that it is the responsibility of every Muslim to lead his life in an Islamic state governed by the Qur'an and Sunnah and in a society that is established on the Shari'a.' [5]

Feldman misses one of the key dilemmas facing the implementation of the *Sharia*, namely that it is extremely difficult for a modern Muslim to actually live his life in accordance with the *Sharia*. The problem can only be understood by looking deep into Islamic history.

The *Sharia* in History

Islamists often refer back to a mythical period, early in Islamic history, when the *Sharia* was said to rule all matters, spiritual and political. Hence the commonly heard declaration that in true Islam there is no separation between religion and politics. While Feldman fails to mention Islamists' claims that Islamic law is all encompassing, he shares with them the view that the *Sharia* was in place at the very beginnings of Islamic history. 'From the time of the Prophet Muhammad' Feldman argues, Muslims were ruled by the *Sharia* (pp. 1-2). This assertion ignores some of the most important secular scholarship on early Islamic history to emerge in the past few decades.

In the traditional, religious account of Islamic history, the Prophet Muhammad was both the political and the religious authority. When the Prophet died, political authority was passed to the caliphate but religious authority remained with Muhammad. What this meant was that those who studied Muhammad's sayings and actions (the same scholars who were writing the history) could best lead the Muslims in religious matters. As Feldman correctly notes, the traditional role of the religious scholars therefore has been to provide guidance to the ruler on matters dealing with the *Sharia*. But this telling of Islamic history contains a clear contradiction. On one hand we are told Islamic law governs all aspects of human life, and then on the other we are told that following the death of Muhammad, the scholars inherited religious but not political authority. How can this be?

Over the past several decades, western scholarship on early Islamic history has done a great deal to clear up this dilemma. The research of several prominent historians

has shown that counter to the traditional version of events, both political and religious authority passed from Muhammad to the caliphs. [6] The *Sharia* scholars were not part of the equation until much later. Essentially, this becomes a debate about how and when religious and political authority was separated in Islam.

The first four caliphs were close companions of the Prophet so they were able not only to lead politically, but also to relate the sayings and actions of the Prophet most reliably. Therefore, even the scholars would recognise that they held both political and religious authority. So the problem of a separation between the religious and the political does not arise until the establishment of the Umayyad dynasty in Damascus in the second half of the seventh century. While the traditional Islamic rendition of events states that this was when the scholars gained control of religious matters, secular scholarship has shown that both religious and political authority remained with the caliphs. A good way of understanding the role of the caliphate is to examine the meaning of the word caliph itself. It comes to us from the well-known Arabic title *khalifat Allah*, which the caliphs used to describe themselves. The word *khalifah* means either successor or deputy. Therefore *khalifat Allah* means either Successor of God or Deputy of God. It would be against even a remotely monotheistic view to argue that the caliph was a Successor of God; therefore the only logical definition of this title is Deputy of God. Contrary to the traditional Islamic rendition, the title Deputy of God had obvious religious connotations. Indeed, it appears that the caliphate was viewed in the beginning as possessing both religious and political authority. Thus, like Muhammad, the early caliphs were able to judge both political and religious matters. Because they felt religious authority was bestowed upon them by God as his deputies, they did not feel the need to look to Muhammad's example. Muhammad gave them the Koran, and there his role in religious matters ended. [7]

During the Umayyad Dynasty and its immediate successor the Abbasid Dynasty (8th-13th centuries), scholars gradually became a type of shadow authority on religious matters. The caliph continued to rule on religious matters, but over time the scholars gained popularity and began to demand that the caliph defer to them on religious matters. This conflict came to a head in the ninth century when the Abbasid caliph al-Mamun attempted to crush the scholars' claim of religious authority with a brutal inquisition. However, al-Mamun died before he could accomplish his goals. The scholars emerged victorious and would thus forth be the sole authority on Islamic religious law. [8]

Here we have a situation in the ninth century whereby Islam is supposed to unite religious and political authority, as it did in the time of Muhammad and the early caliphs, but in reality political and religious authority are split between the caliph and the scholars. Essentially this has remained the case until today. The scholars, having gained control of spiritual matters, then wrote themselves back into Islamic history to justify their position. They also reinterpreted the caliphate as a strictly political office with no religious authority. Muhammad, not the caliph, would henceforth be the sole legitimate religious authority in what became Sunni Islam. [9]

Sharia and Qanun

And what does this rendition of a rather obscure topic in early Islamic history have to do with the modern Islamic state? To begin with, it had a tremendous effect on the development of the *Sharia*. The *Sharia* was developed by the scholars in the early centuries of Islam, but because the scholars recognised that political power was in the hands of the caliph they concerned themselves mostly (but not exclusively) with religious matters. Thus there were wide sections of temporal law that the *Sharia* never addressed.

On matters that the *Sharia* did not address, the caliphs, and then their successors in the various Islamic sultanates, emirates, and empires developed another system of law that existed alongside the *Sharia* called the qanun. Unlike the divine *Sharia*, the qanun was administrative law that the ruler enacted by decree. Feldman acknowledges that the *Sharia* was unable to deal with many of the problems of the state and he even asserts that the ‘bulk’ of criminal law in the Ottoman Empire was governed by the qanun not the *Sharia* (p. 49).

Modern Islamists, however, do not recognise the religious role that the early caliphs played, so when they refer to the mythical period when political and religious authority was unified, they assume this must have taken place under the *Sharia*. Islamists take the *Sharia*’s ability to govern all aspects of life during this mythical period as proof of its ability to address all facets of a Muslim’s existence. Unlike Feldman, they believe that the *Sharia*’s ability to do so has remained intact throughout history. Instead of recognising the limitations of the *Sharia*, Islamists argue that the reason Muslims in recent history have not been ruled by the *Sharia* alone is due to inept rulers who were not fit to head Islamic states. Often this leads to the snowball effect that Paul Berman outlined in *Terror and Liberalism*.

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Islamists turn to the *Sharia* as the solution to all their problems. When this proves insufficient, they double down, demanding ever-stricter interpretations. The result is a spiralling extremism. [10]

Feldman does not recognise that modern Islamists are calling for the implementation of *Sharia* not as ‘a’ source of law, but as a comprehensive system that governs all aspects of life. Therefore, he misses a major dilemma that has characterised recent Islamist political philosophy. If Islamic law is supposed to cover all aspects of life, and the scholars are considered best qualified to interpret Islamic law, then why shouldn’t the scholars rule? This is precisely what Khomeini argued in his famous treatise, *Velayat-e Faqih* (usually translated as, *Islamic Government*), and more recently it is what Sunni groups such as the Muslim Brotherhood have suggested in their political tracts.

Feldman ignores this dynamic. He admits that in earlier Islamic history the scholars began to see themselves as the ‘heirs to the prophet’ (p. 26) but he fails to ask what the role of the ruler is if the scholars are the heirs of a prophet who had both religious and political authority. As a legal scholar and an expert on Islamic thought, Feldman would no doubt have much to contribute to our understanding of the dichotomy between scholarly and temporal rule in Islam. Unfortunately this subject is overlooked.

Analytical Acrobatics

Rather than discuss the deficiencies of *Sharia* as an all-encompassing law, Feldman suggests the real problem is that *the scholars do not have enough power*. He avers that when the scholars acted as a check on the executive, the rule of law existed. In order to re-establish the rule of law in the Middle East, therefore, Feldman maintains that the scholars’ place needs to be restored. When Feldman is critical of Sunni Islamists such as the Muslim Brotherhood, it is on this issue. Throughout the work, he repeatedly asserts that Sunni Islamists want to replace the scholars with laymen, and that paradoxically they want *Sharia* without the influence of the scholars (p. 11, pp. 108-9, pp. 116-7). This is a peculiar argument. He is forced to perform analytical acrobatics, brushing aside the two most prominent recent examples of Sunni states with Islamist ideologies, Saudi Arabia, and Afghanistan under the Taliban. In both, scholars played, and in the case of Saudi Arabia still play, an important role in the state. Instead he focuses on the Muslim Brotherhood and its affiliates. This is even more bizarre because the Brotherhood does not call

for marginalising the scholars. In fact they want to empower them to a level that is unprecedented in Sunni Islam.

It is true that the Brotherhood had previously been averse to the rule of scholars. In the 1950s and 1960s, when the Brotherhood turned against the secular regimes in the Middle East, they never went as far as to call for the scholars to take power. Nevertheless, over the past several decades there has been considerable development in the direction of scholarly rule. For example, in the Muslim Brotherhood's 2007 political platform, a document that Feldman refers to repeatedly, the Brotherhood calls for the creation of a '*majles ulema*', or a council of scholars. As in the current Iranian regime, this undemocratic council would probably be responsible for ensuring that all aspects of the state are in accordance with *Sharia*. [11] This, counter to Feldman's assertions, would give the scholars considerable power. As in Iran, they would essentially have control of the state, [12] and one unchecked executive would be replaced by another.

An idealised depiction of Sharia

But let us, for a moment, forget all of this. Let's imagine that Islamists are not calling for the implementation of *Sharia* as a comprehensive system; that all they want is the implementation of the *Sharia* as 'a' source of law. In this scenario, as Feldman outlines it, a case could be brought to court to determine whether a law is in accordance with *Sharia*. In Feldman's idealised depiction, he argues that these cases would not be initiated by the courts. The judges would be asked to rule on a matter and only then would they issue judgement. Feldman maintains that the courts would 'have this responsibility because the constitution says so, not because it inheres in the Shari'a itself' (p. 12). Feldman claims that when understood this way, judgements based on *Sharia* would be in accordance with constitutional democracy.

If we set aside our critical thinking for a moment and accept that this is actually what the Islamists are arguing for, does Feldman really think that this would be beneficial? Yes, *Sharia* may bring the rule of law, but what would be the consequences of such a law? Does he think that this would be a step forward for Islamic societies? Feldman does not ask these questions.

One telling example of what would result from Feldman's proposed arrangement took place in Egypt in the 1990s. As mentioned above, Egypt recognises the *Sharia*

as a source of law, and theoretically it can be used in court. It was, in fact, used in exactly this way against the prominent Egyptian writer and academic Nasr Hamid Abu Zeid and his wife Ibtihal Younis. Because of Abu Zeid's secular scholarship, Egyptian Islamists branded him an apostate. According to the *Sharia*, a Muslim woman cannot remain married to an apostate. Thus, Islamists, citing an obscure Islamic legal principle called *hisba*, whereby any Muslim can seek actions from a court to stop actions deemed harmful to Islamic society, brought a case to the Egyptian courts demanding the divorce of Abu Zeid from his wife. Initially this case was thrown out, but on appeal that decision was overturned. To maintain their marriage, Abu Zeid and his wife were forced to flee the country. [13]

Here we have a case (and there are countless others) where the *Sharia* is used exactly as Feldman proposes it should be. [14] Does Feldman really think that rulings such as this will be productive in opening up Islamic societies? One should consider that, in reality, this case is fairly mild when compared to other dictates found in the *Sharia*. Islamic law after all, can be used to justify domestic violence, public whippings, and the killing of homosexuals and converts. Would Feldman condone these practices if they were implemented under the rule of law? Is the rule of law the only standard we have for escaping authoritarianism and creating a just society?

Feldman has considerable experience and ability, as well as what seems to be a strong moral compass, so one would have expected *The Fall and Rise of the Islamic State* to address many of these issues. One would have hoped that Feldman would have achieved his stated goal to get 'behind the slogans' (p. 3). Unfortunately, in this respect the book is a disappointment.

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Notes

- [1] This view is shared by other reliable scholars as well. See for example, Nathan Brown 1997.
- [2] The problem with depicting the Muslim Brotherhood and its sister movements as democratic is that the Muslim Brotherhood's political platform, released in 2007, excludes women and religious minorities from running for certain offices, including the head of state. Therefore, the most minimal requirement of democracy, that any competent citizen can put himself forward in competition for elected office is not met. Then, of course, there are groups such as Hamas that have armed wings and do not recognise the Weberian ideal of a state holding a monopoly on the use of force. It is hard to imagine a democracy that lacks this basic characteristic.
- [3] Helfont 2009, p. 81.
- [4] Helfont 2009, p. 81 (emphasis added).
- [5] Helfont 2009, p. 82.
- [6] For example, Patricia Crone, Martin Hinds, and Ira Lapidus among others.
- [7] Crone and Hinds 2003, Lapidus 1975, Lapidus 1997.
- [8] For more on al-Mamun and the inquisition see Nawas 1996, Yucesoy 2002, and Cooperson 2005.
- [9] Shia Islam is somewhat different. Theoretically the Imams, similar to the early caliphs, enjoyed both religious and political authority. In mainstream Shiism, the last Imam disappeared in the ninth century. Afterwards a similar dichotomy emerged between the scholars as guardians of the sacred history and the political rulers of various states.
- [10] Berman 2003. A recent example of this occurred in December 2008 when Hamas responded to its failure to improve the life of Palestinians in Gaza by drafting a bill that would authorise, among other things, whippings, hangings, and crucifixions. It also imposes the death penalty on Palestinians who would 'damage Palestinian moral.' See: Fathi Sabah, *al-Hayat*, 24 December 2008 (in Arabic) http://www.alhayat.com/arab_news/levant_news/12-2008/Article-20081223-654db2bc-c0a8-10ed-0088-d0c1183f108f/story.html
- [11] Muslim Brotherhood 2007.

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[12] This manifestation of Islamic rule is very similar to what Khomeini proposed in *Islamic Government*. Only after the revolution was underway did Khomeini introduce the idea of one supreme leader. Previously he had called for a council of scholars to lead the state.

[13] Ajami 1998, pp. 212-21.

[14] It is worth noting that despite cases such as this in Egypt where the *sharia* is used as a source of law, the Egyptian Islamists, including the Muslim Brotherhood are not remotely satisfied. This should dispel Feldman's assertion that all they desire is to be able to go to a court and cite the *sharia* as a source of law.

Murder in Amsterdam: The Death of Theo van Gogh and the Limits of Tolerance

by Ian Buruma, Atlantic Books, 2008, 276 pp.

Simon Cottee

Introduction: The Question of Evil

Despite being a brute and massive fact of human experience, evil is often denatured within liberal-leftist discourse: it is redescribed, recalibrated, recategorised. People do unspeakably terrible things all the time: no liberal-leftist will deny that. But there is a general reluctance on the liberal-left to name these things, still less the *persons* who do them, as evil. Broadly speaking, this reluctance is informed by three lines of argument. The first is that as a concept evil is epistemically unsound: radically insensitive to the various shades, nuances and complexities which shape social and political life. When, in the immediate aftermath of the September 11 attacks, George W. Bush seized upon the word 'evil' to describe the perpetrators, he was assailed on the liberal-left for being crass and reductive. It was further evidence, if any were needed, of his 'cowboy' mentality, of his intellectual nullity. The second argument is that the term evil can be pressed effortlessly into the service of demagoguery and the demonization of vulnerable 'others.' Evil is not just a descriptive term; it is also an evaluative resource of great power. Indeed to characterise an act as 'evil' is to condemn it in the severest terms possible. It is to construct it as something terrible, despicable, and to be fought, destroyed even. Liberals and leftists are acutely aware of this, and are thus reluctant to employ the term for fear that it will be used for inhumane purposes. The third argument is that the concept of evil serves to obstruct or impede any attempt to understand the deeper 'root causes' of the behaviour it vilifies. The argument seems to be that the invocation of the term engenders too much emotional baggage, which gets in the way of neutral, dispassionate analysis.

To be sure, these are perfectly sound reasons for expressing scepticism about the concept of evil, but they scarcely add up to a cogent case for delegitimizing the very concept or banishing it altogether from our moral and political vocabulary. And what salience they do have rapidly vanishes in the face of true or 'radical' evil.

The best case for retaining the concept of evil is that it serves to capture a range of actions which are not just brutal or barbaric but exorbitantly, elaborately and

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uniquely so. As Eve Garrard puts it, the essential value of the concept lies in its ability to discriminate between acts which are merely wrong or even very wrong from those which are ‘specially horrifying.’ [1] Devoid of the concept, our moral awareness would indeed be less alert, ‘blander, and more impoverished than it needs to be.’ [2]

The crucial question, then, is not whether evil exists (it does) or whether it is valid to describe and stigmatise evil acts as ‘evil’ (it is, given their horrific magnitude). The crucial question is how evil can come to exist, thrive even, in certain situations or contexts. The crucial question is *why*? Why do people deliberately inflict horrific pain or cruelty on others? *Murder in Amsterdam*, by Ian Buruma, is a fascinating and profoundly insightful exploration of that fundamental question.

The Murderec

Theo van Gogh, ‘a short fat man with blond curls,’ was a ‘ubiquitous figure’ in Holland, ‘known less for his films than for his provocative statements on radio and television, in newspaper and Internet columns, and in various courts of law, about everything from the alleged exploitation of the Holocaust by Jewish celebrities to the dangerous presence of a Muslim “fifth column” operating in Dutch society’ (p. 2). Buruma reports that from an early age he was a rebel (p. 72). At primary school he wrote a pamphlet called *The Dirty Paper*, the main subject of which was shit and piss. This rebelliousness, this aversion to conformity, seems to have been inscribed into his very DNA: he was born into a family of socialists and secular humanists and anti-fascists (pp. 73-74). Apparently, he was a difficult teenager: ‘At home, he argued endlessly with his parents, dominated every conversation, smashed the neighbours’ windows, and drank his father’s best wines in all-night parties with his friends’ (p. 88). As a young man, he ‘led a drifting bohemian life, drinking, doing drugs, sleeping at different addressees’ (p. 88).

His first film, which he made in 1981, contained two remarkable scenes, ‘one of which shows a man shoot off his gun into a woman’s vagina, and another where the same man stuffs two cats into a washing machine’ (p. 89). Evidently, as Buruma says, Van Gogh liked ‘to shock, to stir things up’ (p. 87). Buruma suggests that what motivated this wasn’t malice, the desire to wound, but rather the need to be seen and heard – at all times (p. 92). Certainly, Van Gogh said, and did, a lot of inane things. Yet, remarks Buruma, he could also be gracious and generous, and possessed a real curiosity about the world and the lives of others (p. 92). It was that curiosity which

attracted him to Ayaan Hirsi Ali, and which led him to direct her controversial film *Submission*, in which lines from the Koran, detailing a man's right to beat his wife, were projected onto the naked bodies of several young women. Perhaps Van Gogh's best quality was his independence of mind. Allied to this was his refusal to hold back, his ability to say exactly what he thought, regardless of the unease or offence it might cause. 'The insistence on total frankness, the idea that tact is a form of hypocrisy, and that everything, no matter how sensitive, should be stated openly, with no holds barred' (p. 94): this was the ethos which Van Gogh lived by and exemplified, and ultimately died for.

The Murder

Unlike Martin Amis, Ian Buruma is not a self-appointed warrior in, as the title of one of Amis's volumes of non-fiction phrases it, *The War Against Cliché*, [3] but he is nonetheless a staunch foe of herd opinions, stock responses and trite formulations. I would be surprised, for example, to hear him say that a murder took place in broad daylight. [4] It was cloudy and raining the morning Van Gogh was murdered, but even if the sky had been preternaturally radiant that day, I don't think Buruma would allow himself to render Van Gogh's murder in this way.

This is how *Murder in Amsterdam* begins, and this is how Buruma in fact allows himself to describe the events of that fateful day in November 2004:

It was the coolness of his manner, the composure of a person who knew precisely what he was doing, that struck those who saw Mohammed Bouyeri, a twenty-six-year-old Moroccan-Dutchman in a gray raincoat and prayer hat, blast the filmmaker Theo van Gogh off his bicycle on a dreary morning in Amsterdam. He shot him calmly in the stomach, and after the victim had staggered to the other side of the street, shot him several more times, pulled out a curved machete, and cut his throat – 'as though slashing a tire,' according to one witness. Leaving the machete planted firmly in Van Gogh's chest, he then pulled a smaller knife from a bag, scribbled something on a piece of paper, folded the letter neatly, and pinned it to the body with this second knife... Bouyeri gave the corpse a few hard kicks and walked away, without hurry, easy as could be, as though he had done nothing more dramatic than fillet a fish. (pp. 2-3)

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That act, its meaning and broader significance, and the reactions and controversies it entrained are the main subjects which Buruma addresses in *Murder in Amsterdam*.

Normalising the Criminal Other

One of the many striking and salutary features of *Murder in Amsterdam* is how vigorously it challenges the massively prevalent and deeply entrenched assumption that criminal wrongdoers are somehow different from the conventional, decent, ordinary, law-abiding members of society. Buruma doesn't buy it for a second. In the pages of *Murder in Amsterdam*, Mohammed Bouyeri is portrayed not as a demonic, wanton killer, but as the apotheosis of Everyman. He is the incarnation not of evil, but of *ordinariness*. He was 'neither poor nor oppressed,' 'had received a decent education,' 'had never had trouble making friends,' and 'enjoyed smoking dope and drinking beer' (p. 192). Buruma instructively recounts the views of two of Van Gogh's close friends: 'Theodor Holman thought it 'was a tragedy that the man who killed Theo was such a lacklustre fellow, so devoid of any spirit.' Theo's producer, Gijs van de Westelaken, added that Mohammed was so small.' (p. 191) He looked like 'a loser,' in the estimation of Anneke van Gogh, Theo's mother (p. 191).

Martin Amis perceptively writes of Mohammed Atta, the 'ringleader' of the nineteen hijackers in the 9/11 attacks, that his face was 'gangrenous,' 'almost comically malevolent': 'The detestation, the detestation of everything, was being sculpted on it, from within. He was amazed that he was still allowed to walk the streets, let alone enter a building or board a plane. Another day, one more day, and they wouldn't let him. Why didn't everybody point, why didn't they cringe, why didn't they run?' [5] Far from inspiring fear or dread, what Mohammed Bouyeri inspired was pity. He was 'a sad loner from an Amsterdam suburb' (p. 17).

Reading Buruma's characterisation of Bouyeri, I was instantly reminded of another young jihadist, the British-Pakistani Omar Sheikh, one of the killers of the American journalist Daniel Pearl. In *Who Killed Daniel Pearl?*, Bernard-Henri Lévy provides a riveting portrait of Sheikh. Surveying a photograph of him, he describes him as 'handsome,' his face showing no 'vice or malice though somewhat veiled.' [6] He looks 'intelligent and rather frank, tortoise-shell glasses, a strong chin under a well-trimmed beard, a good man it would seem, slightly tart smile, an intellectual demeanour, very Westernised – nothing, in any case, that signals the obtuse Islamist, the fanatic.' Clearly, Lévy is fascinated and baffled by Sheikh, this London-

born son of a Pakistani businessman. He is ‘apparently well-mannered and gentle, refined and subtle’; ‘not particularly pious’; intelligent; compassionate; generous; an excellent chess-player; a fearsome arm-wrestler; the beneficiary of an ‘opulent,’ ‘happy’ upbringing and an excellent education: Forest School and the London School of Economics. Omar Sheikh wasn’t, then, a damaged, sordid inadequate. Quite the contrary: he was, as Lévy puts it, ‘a normal young Englishman.’

Though he doesn’t directly acknowledge her, the spectre of Hannah Arendt is unmistakably present in Buruma’s characterisation of Bouyeri. One of Arendt’s many illuminating insights was that ordinary people can do extraordinarily bad things. Her evocative phrase ‘the banality of evil’ [7] was a reference not to the evil which people do (on the contrary: she described the Holocaust as ‘monstrous’ – an ‘unspeakable horror’), but to the human authors of evil, who were often dull and boringly mundane. With reference to Adolf Eichmann, Arendt spoke of the ‘ludicrousness of the man,’ and noted that, like most others implicated in the crimes, he was ‘neither perverted nor sadistic...but terribly and terrifyingly normal,’ and without ‘any diabolical or demonic profundity.’ [8]

‘Yes,’ wrote Elie Wiesel, ‘it is possible to defile life and creation and feel no remorse... To go on vacation, be enthralled by the beauty of a landscape, make children laugh – and still fulfil regularly, day in and day out, the duties of a killer.’ [9] I don’t know if Bouyeri could make children laugh or was able to be enthralled by the beauty of a landscape, and Buruma doesn’t say, but he was certainly capable of kindness, and often went out of his way to help people (p. 199). At the same time, he was also capable of terrible, murderous violence.

Buruma’s emphasis on the banality of Bouyeri also echoes recent historical, sociological, and psychological work on atrocity and genocide. Albert Bandura, whose research on ‘mechanisms of moral disengagement’ is at the cutting edge of this work, writes that it is ‘conducive social conditions rather than monstrous people [which] produce heinous deeds,’ and adds that given ‘appropriate social conditions, decent, ordinary people can be led to do extraordinarily cruel things.’ [10] This is a perception, I think, with which Buruma would wholeheartedly agree.

Not only does this perception, or this way of approaching his subject, allow Buruma to draw a more humanly realistic picture of Bouyeri; it also lends his narrative real drama, and explains why *Murder in Amsterdam* is such a compelling book to read. As Buruma sees it, there was nothing inevitable about Bouyeri’s conversion to the

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death cult of Jihadism (p. 261), and it is fascinating to see the various contingent events and episodes which edged him towards where he ended up. Bouyeri, in Buruma's hands, is not some abstract, lifeless reification, but actually *lives*: he strives, he dreams, he flails, he fucks and fights, and shits and breathes. For this, Buruma must be congratulated. To write about Bouyeri as he does, with real imaginative empathy and sensitivity, is no small feat, since, in the words of Dostoevsky, 'nothing is easier than to denounce the evildoer.' [11] Nothing would be easier than to rail against, or deride, the troglodytic squalor of Bouyeri's radicalised mind and enthusiasms, [12] but Buruma doesn't do that; he doesn't go there.

Nor does Buruma follow the opposite path, and try and excuse or even glamorise Bouyeri. *Murder in Amsterdam* is emphatically not an apologia. Commonly, societies abhor deviance, but there is also a countervailing inclination within them to celebrate or romanticise the deviant or criminal wrongdoer. Portrayals of murderers, terrorists, gangsters, robbers, fraudsters, and tricksters in popular literature, film and television are often tinged with more than a little admiration for the perpetrator. There is also an inclination within certain styles of leftist discourse to romanticise the proletarian wrongdoer, to construct him as some kind of crypto-political freedom fighter against capitalist exploitation and oppression. [13] *Murder in Amsterdam* certainly doesn't go there.

Even after Bouyeri's transformation into a holy warrior, Buruma refuses to see him as wholly alien to the society he chose to reject, and emphasizes the deep parallels between Bouyeri's own 'revolutionary fantasies' (p. 194) and those firmly rooted in the culture of the west. Buruma argues that Bouyeri's fascination with the idea of heroic sacrifice – at his trial he professed that he had wanted to die as a martyr to his faith (p. 3, p. 189) – is a feature of many cultures: '[T]he death wish in the name of a higher cause, a god, or a great leader is something that has appealed to confused and resentful young men through the ages and is certainly not unique to Islam.' (p. 218) Bouyeri and his fellow jihadists, Buruma says, are not so different from the European fascists of the 1930s. Buruma also remarks that Bouyeri's views on America, expressed in a document he posted on the Internet, 'have a deeply European provenance, to be found in the right-wing politics of the 1930s as well as in a long left-wing tradition of anti-Americanism' (p. 218). America, Bouyeri thought, was a 'sick society,' and believed that it was only a matter of time before it would 'collapse into chaos' (p. 219).

This theme – of the resemblance between revolutionary Islamism and the ideologies of European anti-liberalism – serves as the chief focus of Buruma's 2004 book *Occidentalism: A Short History of Anti-Westernism*, which he co-wrote with Avishai Margalit. It is also the recurrent theme in John Gray's *Al Qaeda and What it Means to be Modern* and Paul Berman's *Terror and Liberalism*.

De-theologising the Criminal Other

Murder in Amsterdam is a challenging book in other respects too, for Buruma questions the assumption that jihadist terrorism is overwhelmingly motivated by Islamic beliefs. Buruma is even-handed about many things, but on this question he is uncharacteristically trenchant; he is almost fierce.

Of Bouyeri's 'radicalisation,' Buruma writes that it was astonishingly rapid, and took place over little more than one year (p. 193). His old habits – the beer drinking, the dope smoking, the chasing after Dutch girls – were discarded, and gave way to an 'increasingly moralistic outlook' (p. 208). He refused to shake hands with women, dropped old friends, and changed his appearance: 'Not only had he grown a beard, but a Moroccan djellaba and prayer hat were now part of his usual dress, instead of jeans' (p. 209). By the middle of 2003, Bouyeri had 'retreated into the narrow world of a few like-minded friends' – the Hofstad Group, as Dutch intelligence would brand them (p. 211).

According to Buruma, Bouyeri had embraced the revolutionary doctrine of Takfir, according to which 'Muslims who depart from the true faith and fail to live by divine laws must be declared infidels, and deserve to be killed by true believers' (p. 210). Buruma's account strongly suggests that Bouyeri was wholly sincere in his embrace of this extreme version of Islamism. But Buruma doesn't believe, as Bouyeri himself claimed at his trial, that he 'acted out of faith' (p. 189). He may have murdered in the name of Allah, but it wasn't Islam, as conceived by Bouyeri, which primarily motivated or caused his actions. Bouyeri, Buruma insists, had 'latched onto a religious faith' to 'justify his thirst for violent death' (pp. 32-33). The ideology of violent revolutionary Islamism, then, was the facilitator, the enabler, of Bouyeri's murderous actions, but it wasn't the chief cause of them, or so Buruma argues. This is a point to which I shall return.

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Emotionalising the Criminal Other

If violent revolutionary Islamism didn't decisively motivate or cause Bouyeri's murderous actions, then what did? If the cause wasn't the cause, then what was? Or as Buruma frames the question, 'Why did a young man, who was neither poor nor oppressed, who had received a decent education, a man who had never had trouble making friends, who enjoyed smoking dope and drinking beer, why would such a man turn into a holy warrior whose only wish was to kill, and perhaps more mysteriously, to die?' (p. 192)

Buruma's answer to this question is deeply compelling, and although it can't be fully empirically substantiated, it certainly has the ring of truth to it. Buruma's answer, which I shall examine in greater detail below, is that Bouyeri was a frustrated loser, who found a sense of purpose, meaning, certainty, belonging and power in Jihadism.

There is a marked tendency in sociological thinking about crime to focus on what Jack Katz calls the 'background forces' of criminal offending, and to locate these within the offenders' psychological background or social environment. [14] One corollary of this one-sided focus in criminological theories has been a widespread neglect of the emotions behind offending behaviour: a neglect of the sentiments or feelings which animate people to offend. [15] Buruma, to be sure, contextualises Mohammed Bouyeri against the background of a set of wider social forces, social exclusion and alienation prominent among them, but he never loses sight of the driving force of Bouyeri's emotions. Indeed, they are at the forefront of his analysis.

The killing of Van Gogh, plainly, was not a rational or 'instrumental' act; it wasn't designed to achieve anything other than the murder itself. It wasn't, for example, intended to inspire fear or coerce anyone into doing anything. It was purely symbolic, *a ritual slaughter*; an act of punitive justice, of vengeance *for its own sake*: in Buruma's words, a 'principled murder' (p. 41). And this is exactly how Bouyeri saw his actions: at his trial, he bluntly said that he was divinely 'obligated to "cut off the heads of all those who insult Allah and his prophet"' (p. 189). Bouyeri's killing of Van Gogh was an instance of what Mark Juergensmeyer calls *performance violence*: [16] a public, theatrical 'symbolic statement aimed at providing a sense of empowerment.'

Bouyeri clearly felt dishonoured and demeaned – *humiliated* – by Van Gogh and Hirsi Ali, and believed that the only way to expunge the stain of humiliation was to kill Van Gogh. He saw them, and their actions, as a fundamental personal challenge

to his very moral worth and core identity, and that troubled and enraged him to such an extent that he felt he couldn't ignore it, or back down from it.

In emphasising the causal centrality of Bouyeri's emotions, Buruma's account exposes the limits of the rational choice theory of criminal behaviour, the ruling insight of which states that criminal behaviour is used instrumentally to advance the material interests of the wrongdoer. What caused Bouyeri to murder Van Gogh was not rational self-interest, but a deeply felt sense of humiliation, and the desire to punish the perpetrators of it.

Conceptualising Jihadism: Status-Frustration and Identity-Confusion

In describing Bouyeri's conversion to Jihadism, Buruma stresses the causal centrality of two psycho-social emotional states: status-frustration and identity-confusion.

Speaking of second-generation Moroccan immigrants in Holland, Buruma says that the 'most vulnerable' among them are those 'who find their ambitions blocked despite their attempts to fit in with the mainstream of Dutch life' (p. 22), and adds that 'anything can trigger a mood of violent resentment and self-destruction: a job offer withdrawn, a grant not given, one too many doors shut in one's face' (pp. 22-23). Bouyeri, he says, fitted that profile, and felt excluded from Dutch society. To read the single chapter that Buruma devotes to Bouyeri, entitled 'A Promising Boy,' is to read a catalogue of failures and disappointments: Bouyeri applies for a security job at Schiphol Airport, but is turned down because of a negative police report (p. 200); he dates a half-Dutch, half-Tunisian girl, 'tall and striking in miniskirts,' but the affair doesn't last long (p. 200); on holiday in the Canary Islands, he hits on Spanish girls in the streets, without success (p. 201); his family's apartment is scheduled for renovation, but the housing authority reneges on its promise – 'another disillusion' (p. 201); his seventeen-year old sister Wardia begins to date a boy, named Abdu, from the neighbourhood, and he is outraged that his father doesn't act to put a stop to it (pp. 205-206); he plans to organise a new youth club in his old school, but nothing comes of it (p. 208): these failures and disappointments, one after the other, not only frustrated Bouyeri, but also made him angry and resentful.

In detailing these failures and how Bouyeri responded to them, the figure of the 'radical loser,' as described by Hans Magnus Enzensberger, is ever present. [17] This figure, as Buruma has written elsewhere, is 'the kind of person, usually a young man, who feels victimised by the entire world, and hates himself as much as the forces

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that oppress him.’ [18] The ‘radical loser’ cannot, as Buruma writes at one point in *Murder in Amsterdam*, ‘bear to live with themselves’ and ‘wants to drag the world down with them’ (p. 140).

According to Enzensberger, the ‘radical loser’ self-pityingly thinks that it is not others ‘who are constantly being insulted, humbled and humiliated, but only ever’ themselves. [19] Equally self-pityingly, they blame others for their own sorry predicament. And yet, they can never entirely rid themselves of the suspicion that their predicament is self-inflicted, that they themselves are responsible for their humiliation, and that they don’t merit the esteem they crave. Hence the attraction of homicidal-suicidal violence, which allows the radical loser not only to ‘triumph over others by annihilating them,’ but also to put an end to their own existence, which is subconsciously felt to be worthless. [20]

Drawing on Enzensberger, Buruma suggests that the best way to understand the roots of jihadist violence is not, pace Sam Harris [21] and Hirsi Ali, to look at the life and sayings of the prophet, but rather to look at such figures as those ‘desperados’ which populate the novels of Fyodor Dostoyevsky and Joseph Conrad: those ‘resentful young men’ who ‘imagine themselves as part of a small elite, blessed with moral purity, surrounded by a world of evil. They are obsessed with the idea of violent death as a divinely inspired cleansing agent of worldly corruption.’ (p. 195)

In addition to the theme of failure, there is also the theme of identity-confusion. At many points in *Murder in Amsterdam*, Buruma refers to Bouyeri and his fellow second-generation Dutch-Moroccans as ‘confused,’ and observes that they are doubly alienated – from both the culture of their parents and the culture of their host society (p. 32). He also makes reference to research which shows that ‘a young Moroccan male of the second generation is ten times more likely to be schizophrenic than a native Dutchman from a similar economic background’ (p. 121). About this, he comments: ‘When the process of integration goes too fast, when the son of Moroccan villagers throws himself too quickly into the bewildering maelstrom of Western temptations, his “cognitive wiring” can go badly awry. The desire for strict religious rules is a form of nostalgia, as it were, a way to regain the world of one’s parents, or what people think was the world of their parents. To remain sane, they long for the security of a paradise lost.’ (pp. 221-222)

Jihadism, then, as framed by Buruma, can be seen as a ‘solution’ to the problems that young second-generation Muslim immigrants face in the advanced, secular societies

of the west: problems specifically bound up with status and identity. Rejected by the western society they initially embraced, and torn between two cultures, they are in the market for a solution to their problems. The jihadist subculture not only provides a potent vocabulary for expressing outright contempt for 'western' values – values which humiliatingly scorn and mock the jihadist, since they cannot live up to them; it also confers a heroic status upon its members, and legitimises violent revenge against the sources of their frustration. Moreover, it provides them with a powerful sense of identity, and an unambiguous and infallible guide for negotiating their lives in the face of the vertiginous array of choices and possibilities and temptations that advanced western societies have to offer. Jihadism, Buruma convincingly suggests, offers a ready-at-hand solution to the twin problems of status frustration and identity-confusion.

Seen in this light, the roots of Jihadism lie not in Islam, but in how young Muslim men respond to personal feelings of failure and uncertainty over who or what they are. This doesn't mean that the ideology of violent Islamism is causally unimportant: on the contrary, it provides the justifying and exculpatory narrative which enables jihadists to overcome civilised moral constraints. Buruma clearly recognises this, and gives the ideology its due causal weight as a device for harnessing and unleashing murderous rage. But he also recognises that Jihadism has its roots in the subjective emotional experiences of the actual jihadists.

Murder in Amsterdam: The Fall-Out

Among the many objects of Mohammed Bouyeri's insatiable contempt, Ayaan Hirsi Ali was especially prominent: not that she knew it of course, but she tormented and frustrated him, and drove him mad with murderous thoughts. The letter he stabbed into the chest of Van Gogh was addressed to her, and in it he not only condemned her as an apostate who had rebelled against her childhood faith, but also threatened her with death.

Before the murder of Van Gogh, Hirsi Ali's fame was confined only to the Netherlands. A Somali, a Muslim, a woman and a refugee, she arrived in Holland in 1992, having fled an arranged marriage and the severe limitations imposed on women by her clan, culture and religion. Once in Holland she embarked on an extraordinary journey in which she learned Dutch, attended university, and eventually won a seat in the Dutch parliament. Along the way, she not only renounced but repudiated her Muslim faith, and became a convert to, and a

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vehement proselytizer for, Western liberalism. As an MP, she was an energetic critic and opponent of the violent mistreatment of women within Muslim communities in Holland. This won her many enemies, including not only the Islamic radicals, but also various liberal-left multiculturalists.

Among the many things Mohammed Bouyeri did to Hirsi Ali was to transform her modest fame into something much larger: he made her world-historical; an essential reference-point in the global debate about the ‘civilisational clash’ between Islam and the west.

In *Murder in Amsterdam*, Buruma describes Hirsi Ali as ‘a delicate African beauty,’ [22] who ‘had caught the public imagination by the eloquence and conviction of her public warnings against a religion which already had a sinister reputation’ (p. 5). Her central message, he says, is that Islam is incompatible with secular liberal democracy, and is itself a source of violence, especially against Muslim women (p. 5). She speaks ‘softly, almost self-effacingly,’ but this is ‘deceptive,’ for ‘behind the polite smile and soft voice is a steeliness that deflects all challenges to her convictions’ (p. 148). Buruma also notices in her ‘hints of jealousy, echoes perhaps of her earlier enthusiasm for the Muslim brotherhood, before she was converted to the ideals of the European Enlightenment’ (p. 158). This is a recurring motif in Buruma’s portrayal of Hirsi Ali: ten pages later she is relaying to Buruma the achievements of the Enlightenment, and he detects ‘a spark of almost religious fervour in her eyes’ (p. 168); and earlier in the book, Buruma remarks that what drew Hirsi Ali to the philosophies of the Enlightenment is not so different from what drew Bouyeri to Jihadism: the search for a universal narrative, detached from, and in contention with, local tribal traditions (p. 32). Hirsi Ali, Buruma implies, is prone to fundamentalism: to the allure of universal, transcendental ideals. The person whom she most reminds him of is Margaret Thatcher: ‘the same unyielding intelligence, the same impatience with those from a similar background who lack the wherewithal to “make it”, and the same fascination with America’ (p. 169). And like Thatcher, Hirsi Ali ‘is clearly a radical’ (p. 169).

In his review of *Murder in Amsterdam*, Timothy Garton Ash went even further: he described Hirsi Ali as a ‘slightly simplistic Enlightenment fundamentalist’ and reinforced Buruma’s observation that, like many converts, she had exchanged one absolutist credo for another. [23]

This characterisation of Hirsi Ali as a fervent and dogmatic defender of the Enlightenment provoked a minor controversy within the small community of liberal-leftists to which Buruma belongs, and was largely played out in the pages of *The New York Review of Books* and the German online journal *signandsight.com*. [24]

Pascal Bruckner was especially disgruntled by Buruma's and Garton Ash's portrayals. He opens his *signandsight* article by castigating Buruma and Garton Ash as 'the enemies of freedom,' and asserts that they belong to an 'enlightened elite' who want to 'deny the benefits of democratic rights to the rest of humanity, and more specifically to their compatriots, if they're unfortunate enough to belong to another religion or ethnic group.' [25] He asserts that it is Hirsi Ali's 'wilful, short-fused, enthusiastic, impervious side to which Ian Buruma and Timothy Garton Ash object, in the spirit of the inquisitors who saw devil-possessed witches in every woman too flamboyant for their tastes.' [26] Regarding the claim that Hirsi Ali is fundamentalist in outlook, Bruckner points out that the 'argument of equivalence is not new,' and that the difference between Hirsi Ali and Mohammed Bouyeri 'is that she never advocated murder to further her ideas.' [27]

Nick Cohen, writing in the *New Statesman* was also uneasy at Buruma's characterisation of Hirsi Ali. 'For all his subtlety and seriousness,' Cohen remarked, Buruma in *Murder in Amsterdam* materialises the 'slur that those who believe in the emancipation of women are the moral equivalents of those who would keep them subjugated.' [28] In another article, this time for *The Observer*, Cohen amplifies his critique, and accuses both Buruma and Garton Ash of *attacking* Hirsi Ali, and defaming her as 'bigoted.' [29] Christopher Hitchens similarly rushed to her defence and in a direct riposte to both Buruma and Garton Ash, declared of Hirsi Ali that, in the title of his Slate article, 'She's No Fundamentalist.' [30]

Buruma's most trenchant critic in this debate, though, has been Paul Berman. In his long essay on Tariq Ramadan, published in *The New Republic*, Berman is stringently critical of Buruma's approach to Hirsi Ali. Speaking of *Murder in Amsterdam*, he says that it is:

mostly filled, in connection to Hirsi Ali, with one argument or insult after another, accusing her of being a fanatic, of entertaining intellectual arguments that are substantially no different from those of van Gogh's murderer ("two fundamentalisms"), of retaining the zealotry of the Muslim Brotherhood

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in her own arguments against the principles of the Muslim Brotherhood, of exaggerating the dangers facing her, of being strident and arrogant, of being an aristocratic snob (“It was this wave, this gentle gesture of disdain, this almost aristocratic dismissal of a noisome inferior, that upset her critics more than anything”), and so on: pages written with an unmistakable flash of anger, relative to Buruma’s normally phlegmatic manner. [31]

For Berman, Buruma is guilty of launching ‘a prolonged, inexplicable, and reactionary campaign against arguably the best-known liberal champion of women’s rights ever to come out of Africa.’ [32] In a reply to Buruma in *The New York Review of Books*, Berman indeed calculates that in Buruma’s ‘extraordinary campaign against Ayaan Hirsi Ali,’ he ‘has now deplored, condemned, patronised, sneered at, or otherwise assailed [her] on at least five occasions in print in the last two years – though he has always besprinkled his attacks with enough begrudging compliments and seeming retractions to allow him to pretend that his campaign is loftier than a low vendetta.’ [33]

I shall not speak for Garton Ash, but the responses detailed above are, I think, deeply unfair to Buruma. Certainly, on the evidence of what Buruma says in *Murder in Amsterdam* and elsewhere, it is obvious that he isn’t particularly fond of Hirsi Ali. Indeed she clearly irritates him, and this irritation is evidenced in how he writes about her: though impressed by her courage and audacity, he is sparing in his praise of her other attributes, and is not afraid to point out her shortcomings. This frostiness towards her is partly a consequence of her personally rubbing him up the wrong way: he finds that she can be patronising and high-handed, and he doesn’t like the excessively trenchant way in which she expresses her views. But it is also a result of how he rates her intellectually, which is not very highly: he is especially critical of her view that Islam causes jihadist terror, and is critical of her approach to the question of how Muslims should adapt to secular western societies.

Granted, then, Buruma can be begrudging towards Hirsi Ali, but it is misleading to suppose that his intention is to defame her or that he thinks she and Mohammed Bouyeri are morally equivalent. The real issue, actually, is not whether Hirsi Ali is an ‘Enlightenment fundamentalist’ (she is, a little bit), or whether Buruma is ungracious in his portrayal of her (he is, a little bit). The real issue is how the increasingly diverse and fractured and embittered populations of Europe can coexist peacefully with one another. Hirsi Ali thinks that Islam is antithetical to the foundational values of European societies, and hence views the Islamic religion as a

serious impediment to the integration of Muslims in Europe. Islam, she says, must be frontally challenged, reformed, and ostracised from European public secular life. Buruma, however, profoundly disagrees, and advocates greater recognition for Muslims, in order to help them feel that they properly belong to, and have a stake in, the European societies in which they are living. Who is right? This is one of the many crucial issues which Buruma raises and illuminates in *Murder in Amsterdam*.

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Notes

- [1] Garrard 2004.
- [2] Garrard 2004.
- [3] Amis 2001.
- [4] I am amazed at how frequently this phrase appears in stories or commentaries about Van Gogh's murder: enter into your Google search engine 'Theo van Gogh Murdered in Broad Daylight' and stand to be amazed too.
- [5] Amis 2008.
- [6] Lévy 2003: 82. The quotations which immediately follow are from Part Two of Lévy's book: 77-171.
- [7] Arendt 1963.
- [8] Arendt 1971.

- [9] Quoted in Chase 1980: 1.
- [10] Bandura 1990: 182. See also: Kelman 1973, Bauman 1989, and Browning 1992.
- [11] Quoted in Richardson 2006: 1.
- [12] One of which was an addiction to atrocity porn: p. 4 and p. 212.
- [13] See Thompson 1980: 166-167.
- [14] See Katz 1988.
- [15] See Loader and de Haan 2002: 243-244.
- [16] See Juergensmeyer 2001: 124-128.
- [17] Enzensberger 2005.
- [18] Buruma 2006.
- [19] Buruma 2006.
- [20] Buruma 2006.
- [21] See esp. Harris 2004: 28-36, 108-152.
- [22] I haven't yet read a profile of Hirsi Ali which *doesn't* mention her physical beauty.
- [23] Garton Ash 2006.
- [24] For an useful overview of the controversy, see Collier 2008.
- [25] Bruckner 2007.
- [26] Bruckner 2007.
- [27] Bruckner 2007.
- [28] Cohen 2006.
- [29] Cohen 2007.
- [30] Hitchens 2007.
- [31] Berman 2007a.
- [32] Berman 2007a.
- [33] Berman 2007b.

Obama's Central Drama

Will Marshall

Faced with a collapsing banking system and worsening recession, the United States has embarked on a 'borrow and spend' binge of mind-boggling proportions. That may seem ironic, considering that living beyond our means is what got us into this mess in the first place. Nonetheless, President Obama probably has no alternative than to prescribe a 'hair of the dog that bit you' for America's prostrate economy.

That, however, is only the first act of what is likely to be the central drama of the Obama presidency. The second – assuring the nation's long-term fiscal stability – will be just as important, but a much tougher sell politically. That's because it entails reform of America's biggest and most popular social insurance systems: Social Security and Medicare.

The numbers are stratospheric. Even before counting Obama's \$787 billion stimulus plan, this year's budget deficit is projected at \$1.3 trillion. That is more than 9 percent of GDP, the biggest peacetime deficit ever. In all, the gap between federal income and spending could reach \$2 trillion for the year, atop the \$10 trillion national debt Obama inherited from his profligate predecessor.

These record-shattering deficits also compound America's long-term fiscal crisis. The United States is a rapidly aging society in which health care costs have been growing faster than the economy for three decades. With roughly 4 million baby boomers reaching the legal retirement age each year, the costs of America's big entitlement programs, Social Security, Medicare and Medicaid, are fast becoming unsustainable. According to government actuaries, Social Security and Medicare are underfunded to the tune of over \$40 trillion.

This massive overhang of public debt clouds U.S. economic prospects, both now and in the future. Financing it means imposing a stringent austerity regime on Americans or, more likely, borrowing even more heavily from others, especially the Chinese, who already hold \$600 billion in U.S. Treasury bills. The flood of foreign loans, coupled with today's near-zero interest rates, could lead to new asset bubbles, setting the stage for future financial panics. Our overseas bankers might lose confidence in America's fiscal stability and start dumping dollars. The

Federal Reserve might raise interest rates, at the risk of delaying economic recovery, or simply let inflation whittle away at our mountainous debts. In short, it will be painful to put the United States on a sustainable fiscal course, but the alternatives are worse.

For President Obama, it all adds up to a decidedly mixed economic message. First, he's asking the public to back an unprecedented fiscal surge to bail out homeowners and banks, and to keep the recession from turning into a depression. At the same time, he needs to spell out a fiscal 'exit strategy' – a plan to pivot sharply from prodigality to restraint once the economy starts growing again.

And in fact, Obama has taken an increasingly tough line on fiscal discipline since his inaugural just a month ago. 'We cannot and will not sustain deficits like these without end. Contrary to the prevailing wisdom in Washington these past few years, we cannot simply spend as we please and defer the consequences to the next budget, the next administration or the next generation,' he declared at last week's 'fiscal responsibility summit' at the White House.

A few days later, Obama unveiled his first budget, which promises to cut the federal deficit in half over the next four years. The administration proposes to phase out the Bush tax cuts for wealthy people, raise taxes on businesses and cut spending on the wars in Iraq and Afghanistan.

That's a start, but will it be enough to get spiralling deficits under control? With the situation in Afghanistan deteriorating rapidly, it may prove harder to wind down war spending than White House budgeteers hope. And while Democrats love the idea of killing Bush's tax cuts and reaping a peace dividend, they are going to have to sacrifice too to put the nation's fiscal house in order.

A bipartisan group of Washington fiscal hawks (which includes me) has urged the president to go farther, by adopting strict budget caps and 'paygo' rules that require that any spending increase be offset by cuts or tax hikes elsewhere. These action-forcing devices would not kick in until the economy starts growing.

In addition to federal spending, America's Swiss cheese tax code also needs a thorough scrubbing. The Progressive Policy Institute has called for a military base-closing style commission to cut or reduce \$900 billion in federal tax 'expenditures' – otherwise known as corporate welfare.

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This still leaves the long-term crisis. To his credit, Obama has declared himself 'willing to spend political capital' to reform Medicare, Medicaid and Social Security. What that means in practice, however, is vague.

At the summit, White House budget chief Peter Orszag argued that slowing the growth rate of health care costs is the key to long-term fiscal stability. 'Health care reform is entitlement reform,' he declared. A more efficient health care system is desirable for all sorts of reasons, but U.S. policy makers are a long way from consensus on how to break the back of medical inflation.

Health care reform, however, is not Social Security reform. Social Security's funding gap is relatively modest ('only' about \$4.3 trillion). It's easier to fix, but too many progressives are either in denial about the need to fix it, or have rejected any fixes that restrain future benefit growth. Any plausible political deal for ensuring Social Security's solvency, however, will have to combine tax and spending changes.

Obama hasn't yet specified how he'll modernise the big entitlements. But stay tuned: that debate is likely to be the main event of his presidency.

Will Marshall is President of the Progressive Policy Institute, a think tank affiliated with the Democratic Leadership Council.

Europe and America After Bush

Joschka Fischer

Editor's Note: This speech was given on 25th February, 2009, in the House of Commons at an event organised by the All Parliamentary Group on Transatlantic and International Security with the support of the Henry Jackson Society.

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If we were to have met one year ago, and I would have predicted that in one year we would be in the midst – not in the midst, maybe the *beginning* – of a world economic crisis as severe or maybe more severe than 1929, everybody would have said ‘that’s a little bit too much of a doomsday prophecy.’ To be honest, I did not foresee this big bang. Today I think that all the gloomy assessments of the economic situation were proven by the development of the crisis as too optimistic in light of the reality.

And if you were to ask me today, what are my expectations for Obama, well, if we are honest, the world was never as pro-American as it is today. Even the enemies of the United States – though they will not confess this in public – hope that Obama can fix this very severe crisis. Expectations are extremely high. If he was to walk on water, everyone would applaud and say ‘that’s exactly what we expected.’ There is a certain messianistic hope that reflects the sincerity of the crisis, because, you know, usually, human beings, and definitely politicians, are not designed for messianistic expectations. So from my point of view, we are in a very, very serious situation.

First, there will be a political outcome. I can’t describe to you the impact or the scheme of this political outcome. In the old days, one would say, everything is in place for a major confrontation between the huge powers. Fortunately, this is not a real option nowadays.

Second, I don’t believe that a certain form of protectionism is a serious option. There is a strong drive to protectionism in the US, and within almost every member state of the EU. Of course, people in a serious crisis ask their own government to put the tax payers in the first position. But look at the interconnectivity of our globalised world! When I was born sixty years ago, there were only 2.5 billion

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people living on this globe – without the internet, without the communication revolution. Many states didn't even exist at that time. Today we have more than 190 states and a global reality, with internet and TV, free access of ideas and people, and 6.7 billion people. This new interconnectivity is a strong factor which will at least reduce the threat of a new protectionism.

Thirdly, based on nuclear deterrence, fortunately, I don't see that there will be a major confrontation on the highest level of the international system, because war between world powers is not any longer a serious option.

On the other side – and this is not a result of the crisis, but the crisis will accelerate it – there is a new distribution of wealth and power in the 21st century. It's very interesting to listen carefully in Washington to the ongoing strategic debates. America is turning away its face from Europe. Europe is still important, and the European economies are still key factors, of course. But when they look to the future, they are looking to the North Eastern Pacific rim, to China, Japan, South Korea, and a little further south, to India, Indonesia and other Asian powers. Why is that so? Because there was a transfer of power from West to East. Look to the interconnectivity between the People's Republic of China – in their self definition still a communist power – and the United States today. It's a very odd relationship, which nobody could have predicted twenty years ago.

The big question will be, 'what will happen with the transatlantic relationship?' My position was always very simple; it will always be seen as a – how shall I say – ancient and historic relationship, and it will not disappear. But with a weak Europe it will not have serious impact for the future of the world.

I don't want to discuss the past, and whether Iraq was reasonable or not. Definitely the US has learnt some lessons. Driven by their negative experiences in the Middle East, and by their not so negative but still frustrating experiences with us, the Europeans, and also driven by their interests, the US will be more and more a Pacific power, and less and less an Atlantic power if Europe is not ready to invest more into the future of the transatlantic relationship.

Everybody talks about Europe, but does that Europe exist? It's a political, geographic concept, but in terms of power, it's an entity with very limited capabilities. I'm not in favour of a pro-European ideology, do not misunderstand my position. My first visit to this house was very important because it was the first time I really

understood why there is such a strong hesitation in British politics. The House of Commons reflects the great history of the English, later, British people. So, to hand that over to an abstract body named 'European parliament,' or 'Commission,' or whatever, well, I understood perfectly your hesitation. I'm interested in history and here you can smell all the great history as you walk through! So, my position is very simple. If we could continue in an efficient way with our structures as they exist now, with some minor changes and improvements, I would say 'Yes, I'm fine with that.' But can we? This is the big question, especially as it relates to the transatlantic relationship.

Now, before it ended up in the ruins of Mesopotamia, Tony Blair, the former prime minister, had a great idea. He said the national interest number one of the UK is the special relationship with the United States. But to preserve that special relationship in the twenty first century Britain is not big enough any longer. Britain must be able to deliver Europe more than it has in the past. And to deliver Europe, Britain must move into the centre of the European Union and not sideline itself with opt-outs or whatever. I think the idea was the right one, unfortunately it was not implemented as the former prime minister developed this plan.

But we [Europeans] are now in a very serious situation. America – and this was the decision between McCain and Obama – had to decide whether to go on with its decline (and if you compare the United States in 2000 with 2008, nobody can question the relative decline of American power). The choice was: we can go on with that decline, or, in the midst of the most severe crisis since 1929, we can *reinvent ourselves*. And that was the election of Barack Obama. America will go through a very painful period, but with this decision I think they have a very serious chance to come out of the crisis. Now, if you compare this [decision] in the midst of a crisis, to go for a reinvention of the country, with the reaction of all of us in Europe, the results are very different.

For the first time, ladies and gentleman, I say there is a serious possibility that the Euro zone could collapse. The Euro zone and the Common Market are very closely linked. European member states, and non-member states like Switzerland and Norway or Iceland, have an interest in the success of a Euro zone. The consequence of a collapse of the Euro zone would be disastrous also for the non-members of the Euro zone.

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Secondly, the contradictions between EU member states are growing. The strains are getting stronger and stronger. The integration of the new member states is also at risk, for they are in a situation very different from the end of the bubble in the Western economies. Their refinancing has completely collapsed. That is not a bubble bursting. In Poland, Lithuania, Latvia, Hungary, it's investments in infrastructure, in education, in jobs – the real economy, not a bubble. But with the collapse of the international financial system, and with the threat of the collapse of the European banks, they are now on the brink. These are not very stable democracies. They made tremendous progress, but [it was] based also on economic progress. So the situation might also be very challenging in Eastern Europe. And don't forget the Ukraine, and even Russia.

Our capabilities are very limited. Thank God that we had a European Central Bank and the Euro. Otherwise, I think the attack on several weaker European currencies would have defined our actions and absorbed our energies. What we see today is that while we can make some progress as Europe we are stuck. We are not united enough for decisive action, but we are so united and integrated with our interests, beyond all ideologies, that we have serious problems if we don't act together.

As regards the transatlantic relationship, what we will see is that Obama will confront all of us. He wants a reliable partner on the global stage in Europe. France and Britain – oh, I have to apologise, Britain and France – are the most powerful European nations. Germany has the biggest economy and the biggest population. Italy is in a very, I will use the diplomatic word, complicated situation. Don't laugh, it's the fourth biggest economy, still. And then there is Spain and Poland, not to mention Romania. This is the European reality. If the United States comes to us and asks for a partnership, if we would be honest we would say 'Yes, that's what we need, but unfortunately we are not ready.' And this, in turn, will encourage the US to act on a more unilateral level. The US is by far the most powerful nation, around the globe, and I think it's a big achievement and a definite break with the unilateralism of Bush, that the Obama administration is asking us to contribute not only in discussions, but also in real terms by the implementation of a multilateral approach: 'Let's do it together, let's decide it together, let's implement it together.' But if we can't deliver we will push the US back into a more unilateral approach. We shouldn't fool ourselves.

This has nothing to do with whether I am a pro-European or a 'Euro-Sceptic.' It's about capabilities: 'Can we deliver?' This will be the real question. This is not just

about security policy – it's also about the fight against climate change, terrorism, poverty. In all these issues, the question will be, 'Can you deliver?' From my point of view, we can't deliver as we should. I am not saying we can't do anything, but for a real partnership in the twenty first century between both sides of the Atlantic our capability might be too weak.

If we sum up the situation, I think we face a bumpy road ahead. Look to our neighbourhood. As long as the United States does not apply for membership of the EU, I think the Western border is clearly defined. In the North I used to say Europe ends where the polar bear is running the government, but this has changed. Climate change has a political outfall immediately in that region. Any discussion with the Canadians leads immediately to the Canadian concern with what will happen north of the polar circle. There is now politicisation of this region based on expectations about oil, gas and other resources. We should not underestimate that, and this leads us directly to the East, where our neighbour is Russia.

Russia is a challenge and an opportunity. On the one hand, I think it's good news that the oil price is today closer to forty than to one hundred and forty dollars per barrel of oil. But on the other hand this may lead again to the destabilisation of Russia. Some of you will remember the nineties, when we were directly addressed by these economic and financial disasters in Russia. On the one hand we cannot accept that Russia will go back towards an imperial policy of zones of influence. On the other hand, how will we define the role of Russia in the new Europe? If we will not accept an imperial policy, then what is our view about the role of Russia? It should be seriously thought through. If NATO is a must, and I think NATO *is* a must, and not just because of Russia, was it wise to exclude a different relationship inside NATO between NATO and Russia, something more than keeping Russia on the sidelines? I experienced that for years in the NATO-Russia council, and I understand why the Russians were not happy with that, because this was not a serious structure to integrate them.

Is it possible to integrate them? If yes, I think we should move in that direction. If not, we have a challenge, because we need Russia on the world stage in the Middle East, Iran, climate change, North Korea, whatever. Russia is no longer a 'Superpower,' but it is still a world power which can create a lot of troubles. These are open questions and I think, forty dollars a barrel of oil, offers the west an opportunity for a second beginning with Russia. There is no guarantee for a positive outcome. Don't misunderstand me – my name is Fischer and not Schroeder! But

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the question is whether there are good reasons to invest some strategic thinking in that direction.

I was not happy with the NATO enlargement in the second round. In the end NATO is a military alliance, and if you can call a military alliance's bluff, it's not a good idea to go in that direction. So from my point of view I think this should be reconsidered. We should work very hard to create a common European position which will always be a compromise between different national positions.

Secondly, I think it will be very important to achieve a unified position with the Americans. Now, some steps we could do immediately and nobody could block us. After the cold war ended and Putin took over, in Christmas time usually came Santa Claus, and Christmas night, holy night. Now, with Putin, there is another phenomenon at Christmas time. It's called 'gas prom' and the cutting off of gas deliveries. This never took place during the decades of the cold war. Why are they doing this? The answer is very simple. It's because they think we are weak. They think we depend on them more than they depend on us, us being Europe. They think we are weak and disunited. So to form a common European wide gas market with a European wide pipe-line grid would change the situation a 100 percent. But we are not doing that.

And allow me to say here in the House of Commons, without being banned immediately, that it would be even more efficient to integrate the common gas market if we had one European commissioner for energy security and energy foreign policy. Look, nowadays the EU is not taken seriously in Moscow, and we all pay the price for that.

The Middle East is our neighbourhood not America's neighbourhood. America will stay there, and whether the Middle East explodes or not, it will hurt the United States, but much less than Europe. We are losing Turkey. Turkey is turning away its face from Europe and the West, thanks to the wise policy of the EU. Everybody will immediately say 'Austria,' 'Merkel,' 'Sarkozy,' right? And I add 'Great Britain.' Why? Because from the very beginning it was quite clear, there will never be Turkish membership of the EU without substantial progress in integration. This was a quid pro quo, from the very beginning. Sorry to say that, and I apologise to be so frank. So, we messed it up, and Turkey is now looking more to the East. Not a re-Islamisation but a re-Ottomanisation is taking place. And Turkey is our strongest lever in the region. I don't just mean the Middle East. If you look at the

geopolitics of the Black Sea and Caspian Sea and Iran, Turkey is a key factor in European security. But we were not able, or we lacked the common will to draw the conclusions. And this will be one question the American administration will ask, 'what about Turkey?' And we will hum and haw as usual, the European answer.

The Iraq war has transformed this region in a strange way. It was not the intention of the Bush administration to increase the power of Iran, but it was the result. Today, Iran and its nuclear aspirations, although not only its nuclear aspirations are the core of the crises in the region, including that between Israel and the Palestinians. Iran has moved more eastwards towards Iraq and the Gulf, and this is a very sensitive region. Once again, I think Europe – with a more ambitious and united foreign policy, which was impossible as the Constitution failed and the Lisbon Treaty is in limbo – could have been a key player.

And think about the peace process in Israel. Yes, America will be the driving force and the chief guarantor, but once the parties agree to a compromise, Europe will have to take over, not only in terms of nation-building and the economic integration of the region, but also security.

So we are in the situation where we are in the midst of a deep crisis, and the Europeans are asked to play a much stronger role. But we can't deliver enough, at least not so much as we should. But knowing European history, I remain optimistic. We Europeans have been beaten up many times by history before we reacted decisively in the right direction. I hated to be beaten up, so this is not my first option, but on the other side I think the crisis will give a very severe lesson. I am hopeful that then, whoever might be in the government, they will be forced to do the kind of things which, today, would lead to a party revolt if they were even spoken of. Thank you.

Joschka Fischer was a 68'er, a leading figure in the German Green Party, and German Foreign Minister from 1998-2005.

Counterterrorism

by Ronald Crelinsten, Polity, 2009, 301 pp.

Tim Stevens

Since the end of the Cold War, academics have turned from convoluted iterations of deterrence theory and strategic posture to considerations of the complex security environment engendered by globalisation and multi-polarity, a world populated by a bewildering range of actors and threats. Since the early 1990s this literature has been further swelled by work concerned with the nature of terrorism and, after 9/11 particularly, what can be done about it. Ronald Crelinsten's *Counterterrorism*, the first in Polity's new series, 'Understanding Terrorism,' takes a significant step towards redressing any suspicions that the terrorism industry has merely found a new outlet for expansion and remuneration. His well-measured, original, and humane approach to the theory and practice of counterterrorism is a welcome addition to the academic literature. It addresses the tensions between liberal democracy and counterterrorism and, as such, is in the tradition of scholars such as Paul Wilkinson, to whom Crelinsten acknowledges an intellectual debt, and Seumas Miller. Those tensions are also, of course, at the heart of public concerns over heavy-handed counterterrorism practice, an issue of which all states are aware, even if their pronouncements and actions often belie it.

Crelinsten challenges the notion that 'everything changed on 9/11,' at least as far as the nature of terrorism goes. This is not the same as suggesting that 'nothing changed,' but what principally altered was the discourse, a thesis examined convincingly and in depth by Richard Jackson in *Writing the War on Terrorism: Language, Politics and Counter-Terrorism* (Manchester, 2005). In this environment, we were now fighting a 'new war,' against a 'new' enemy, and therefore 'new' responses were required. What 'new' meant in this context is clear: the suspension of democratic civil liberties at the whim of states caught up in a new discursive paradigm, in which every social issue is increasingly viewed through the lens of securitisation. This 'September 12 thinking' privileges counterterrorism as a military activity at the expense of law enforcement and positive social policy, and challenges deeply entrenched notions of 'democracy' and 'liberty.' Crelinsten argues that effective counterterrorism must move beyond the polarised 'us/them' discourse of the global 'war on terror.' To that end, he devotes one chapter each to five types of counterterrorism – coercive (the assertion of states' monopoly of violence), proactive (the prevention of terrorist

acts), persuasive (propaganda and communication), defensive (risk management and attack mitigation), and long-term (strategic structural analysis). Each has its own benefits and drawbacks but none, Crelinsten contends, is alone sufficient to address terrorism issues, as they arise singly or collectively.

The final chapter is devoted to drawing together the strands from each of these analytical types to provide the bones of a comprehensive counterterrorism strategy, the *raison d'être* of Crelinsten's endeavour. He presents his framework in a series of four tables displaying graph ordered dialectic pairs in four quadrants. For example, his first table addressing 'prevention and counterterrorism' plots suggested measures on a graph of space/time against offensive/defensive. In the offensive/time category we therefore find 'international legal regimes' and 'intelligence sharing and cooperation.' By contrast, the defensive/space category includes 'target hardening' and 'emergency preparedness.' Each of the three remaining binary pairs – criminal justice model/war model, economy/politics, coercive/persuasive – is similarly plotted against space/time. The value of this approach is its clarity, and its visual nature means that planners of counterstrategies need to ensure that all sixteen of the quadrants Crelinsten proposes must be addressed and balanced in order to provide a 'comprehensive' counterterrorism approach mindful of democracy and human rights. It will also appeal to practitioners and policymakers for whom a structuralist prospectus will be far more attractive than convoluted strategies arising from meditations on postmodern terrorism, even if the emergence of the latter is a reality, as Walter Laqueur and others suggest.

Several sections of Crelinsten's analysis are particularly worthy of note. His examination of the role of intelligence in proactive counterterrorism is both subtle and eye-opening. As regards both its generation and its use, he explains its inherent complexities and shortcomings, difficulties in targeting decisions, institutional accountability, and the headaches of surveillance. This is not just in relation to dodgy dossiers or WMD claims but to domestic dilemmas derived from real threats of 'home-grown terrorism,' and the political blowback caused by privileging political expediency over human rights. He is also strong on the communicative functions of counterterrorism, which are gaining more attention as the US in particular renews its focus on both foreign and domestic public diplomacy.

One criticism of Crelinsten's book, and others in this field, is that the current wave of Islamist violence is best characterised as a global insurgency. Folding insurgency into terrorism might actually be the wrong way to address the contemporary

situation. Terrorism remains a tactic, albeit an instrumental and powerful one; insurgency is political and therefore strategic. If we adopt this viewpoint, it is terrorism that is part of insurgency, and not the other way around. Therefore, any counter-measures that privilege terror tactics at the expense of insurgent aims will always fail. To his credit, Crelinsten implicitly understands this, and might respond to this quibble by rightly saying that he is not addressing just Islamist violence. He also includes counterinsurgency practices in his consideration of 'hard power.' The concern is that, whilst practitioners of 'counterterrorism' remark often that they are conducting counterinsurgency, little consideration of this has yet appeared in the terrorism literature. One wonders if a comprehensive approach to the problem can ever be achieved while this disparity continues.

The success of any strategy is, of course, in its execution, so it is too early to tell if Crelinsten's recommendations will be adopted by policymakers and practitioners, let alone prove effective. However, what emerges from his fine-grained and astute analysis is a sober and common-sense assessment of ways forward in a complex world. This eschews a reductionist and reactive mindset in favour of a progressive and inclusive strategy that, with the understanding and consent of all stakeholders, holds forth prospects for a global consensus in tackling very real security threats in the 21st century. Crelinsten offers a wide range of available options; contingent upon real understanding of the threats faced, and moves the counterterrorism debate beyond worldviews dependent on ideological and political fossilisation post-9/11. It is not alone in this field, as Boaz Ganor's *The Counter-Terrorism Puzzle: A Guide for Decision Makers* (Transaction, 2005) attests, although Ganor's book is geared to the Israeli situation and is less accessible generally. As such, *Counterterrorism* is likely to appeal to a wider audience of students, researchers, practitioners and policymakers and deserves global readership. In the context of recent findings by the International Commission of Jurists regarding counterterrorism measures and the degradation of due legal process and human rights, as well as a new US administration looking towards multilateral international engagement, Crelinsten's book is a timely addition to the literature on the complexities of counterterrorism in liberal democracies, as well as a roadmap to their potential solutions.

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The Theory of Social Democracy

by Thomas Meyer with Lewis Hinchman, Polity, 2007, 279 pp.

Michael J. Thompson

I.

For the past 60 years, democratic theory has more than held a central place at the core of political theory. The collapse of European fascism as well as the opposition to Soviet communism produced a robust discourse about the nature of democracy not only as a theory of politics, but as the very ground of legitimacy for modern government and the overall structure of modern society. True, libertarians tried overzealously to fuse political democracy and the ethic of human liberation to the market and to capitalism, but more influential were those thinkers who sought to tame the excesses of laissez faire economics and create a modern, social liberalism – from L. T. Hobhouse, T. H. Green, Walter Weyl, John Dewey, and many others. Today, democratic theory has been largely dominated by a more narrowed liberalism and, on occasion, other rival theories of democratic life such as communitarianism and republicanism. But on the whole, no one doubts that traditions such as socialism have become irrelevant to theoretical justifications of democracy.

As an amalgam of semi-socialistic ideas and theories, social democracy has become a tradition which seeks to hold its own against the Anglo-American brand of liberal capitalism that has come to dominate western political, economic and social life. Of course, social democracy's roots were always revisionist in character. Eduard Bernstein had argued as early as 1898 in his book *The Preconditions of Socialism* that some of the theses most fundamental to Marxism were empirically false. Ideas such as the 'law of the falling rate of profit,' of the increasing immiserisation of the working class, of the large-scale pauperism of capitalist societies, and the irrelevancy of liberal democracy, were all nonsense. Central to the theory of social democracy was the idea that the political, legal, and ethical spheres of modern society had to be developed to counter the harshness of capitalism. But even more, these spheres had gained autonomy precisely because capitalism had developed society to such a large extent, enabling a parallel maturation of civil society. It was not a transformation of the production process or the democratisation of the workplace – the 'republic of the workshop' in Bernstein's words – which should be the ultimate goals of the socialist movement, but the further democratisation of the institutions of modern society. For Bernstein, one could call socialism "organising liberalism," for when

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one examines more closely the organisations that socialism wants and how it wants them, he will find that what distinguishes them above all from the feudalistic organisations, outwardly like them, is just their liberalism, their democratic constitution, their accessibility.' [1]

II.

This revisionism has only continued to drive the theories of social democracy away from its more radical roots in Marxism and its critical account of capital as the source of the contradictions within modernity. But even in its present form, social democracy has been under attack from an ascendant neoliberalism. The pressures of globalisation, the increased dependency of modern societies on capitalist institutions, and the great integration of legal and technological life to the globalisation of these institutions have posed a threat to the older theoretical justifications of social democracy and its institutions. As a response to this, Thomas Meyer's *The Theory of Social Democracy* (written with Lewis Hinchman) is an attempt to organise a theory of social democracy which will speak to the new concerns over globalisation and the threats it poses to social democratic practice. It is a continuation of the notion, also espoused by Bernstein, that liberalism needs to be transcended while also being incorporated into a broader theory of democracy.

This is a book which tackles a plethora of issues, but all within a single theoretical framework. Social democracy, as opposed to liberal democracy, is a theory of democracy which overcomes the contradiction between the theoretical articulation of political and human rights and the means necessary to realise them in the world. Whereas liberal theory provides a framework for civil and human rights, its internal logic by no means makes demands on the state to provide the means necessary – material and otherwise – to make these rights concrete in the world.

For Meyer, social democracy differs from this theoretical paradigm by seeking to overcome two core philosophical contradictions existing within political liberalism: the linking of freedom with property and the distinction between negative and positive liberty. Meyer argues that these constitute two 'dilemmas' within liberal theory. The first derives from Locke's linking of freedom and property. For Meyer, this is problematic – as it was for the entirety of the socialist tradition – for the simple reason that there exist those who depend for their very existence on the property of others, thereby negating their access to freedom. Property becomes the dividing point of modern society rather than its path to universal emancipation,

something which has hardened into an ideology for modern libertarianism. Similarly with the distinction between negative and positive liberty: ownership of private property – itself the province of the minority within society – enables an unequal access to positive liberty, thereby creating a material inequality which itself becomes unequal at the level of rights.

The limitations of classical liberalism therefore need to be transcended because they are inherently inadequate to protect society from the economic forces of capitalism. But more importantly, classical liberalism fails to provide an adequate normative justification for a democratic society. Meyer's argument is therefore organised around 'grounding the normative orientation of the theory of social democracy on the de facto validity of universal basic rights' (p. 21). Given the fact that 'social citizenship is now a positive legal norm' (p. 21) it can serve as a guiding principle for modern social democracy. At its base, what needs to be defended is the ethical-political ideal of '*the free human being, liberated from fear and want*, an ideal that ought to be realised in and for every single person.' (p. 23) For Meyer, this constitutes social democracy's core normative principle and it is one that avoids the problems of competing religious world-views and conceptions of the good. Social democracy provides, in Meyer's reading, a substantive set of social and economic rights which rest on thoroughly democratic principles.

Hence what Meyer calls the 'general theory of social democracy': a theory which orients its statements and conclusions 'to all of the politically optional risks that significantly impair the full enjoyment of the fundamental rights of some members of society' (p. 30). Therefore, the theory of social democracy holds for itself a theoretical justification for individual human freedom, but also at the same time considers the 'empirical-analytic question of what would have to be done so that people could take advantage of their formally guaranteed rights in everyday life' (p. 31). Within a context of deliberative democracy, this becomes a crucial argument for Meyer since it is a way to extend crucial democratic controls to the entire community rather than to elites or to a particular party or class. Workers need to be protected from the warp and woof of the market, the environment needs to be shielded from the destructive forces of expanding industrialisation and consumption, the gap between the first and third worlds needs to be narrowed – in short, there is a real need for social democracy to come to terms with the fact that since capitalism cannot be abolished or overcome, it must be tamed and brought into line with democratic principles. Social democracy should place emphasis on the democratic needs of society; it must protect society from the corrosive effects

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of modern capitalism, reign in its excesses, and find institutional solutions which fit the unstable nexus of modern risk society.

In this sense, Meyer integrates something new to what would otherwise look like a modern, twenty-first-century extension of Bernstein's core philosophical and political arguments from a century ago. Indeed, instead of taking Marx as the core figure in the socialist theoretical framework – something Bernstein did out of necessity – the real sub-theory which gives coherence to Meyer's general treatment of social democracy seems to be that of Karl Polanyi and his concept of the 'double-movement.' In his book, *The Great Transformation*, Polanyi argued that the emergence of the 'self-regulating market' put forth innumerable problems for modern society, chief among them was that it 'could not exist for any length of time without annihilating the human and natural substance of society; it would have physically destroyed man and transformed his surroundings into a wilderness.' [2] As a result of the destructive nature of the modern market economy, society sought to protect itself from this destruction and reel in the excesses of the utopian aspirations toward a 'self-regulating market.' But the pressures of the market system come back again and again to threaten man's social and natural environment, and thus the back and forth between these two tendencies make up the essential nature of the modern world. In many ways, Meyer's theory of social democracy is designed with this 'double-movement' in mind: it is a theory of how social democracy can push back against the tide of neoliberalism and an economic system which has sought to swallow society and nature whole.

But just as Polanyi was ambiguous about overcoming this modern system of economic coordination, Meyer accepts many of the core institutions of modern capitalism. It is not the task of social democracy to overcome capitalism, but to empower the political organs of society to counter its destructive effects. This can be done by re-embedding participatory forms of decision making into the functional spheres of society: 'Social democracy ought to favor a form of participatory decision-making in the functional systems of society that would enable both universalistic criteria and functional logics specific to each case to operate simultaneously' (p. 90). But this poses a crucial problem: what happens when participatory forms of decision-making threaten 'functional logics?' The answer is clear: what is normative about this theory is not the content, but the form: decision-making processes must be democratic and participatory, but only to the point where they do not endanger the functional logics of social institutions. 'What can be legitimised normatively and functionally . . . is a form of participatory decision-making that would not disturb

functional efficiency' (p. 91). As Bernstein more eloquently put it, 'the ultimate aim of socialism is nothing, but the movement is everything.' [3]

III.

Much of this is nothing new for those even mildly versed in the tradition of social democracy. The main aim of this book is the integration of the many themes of modern society into this framework. Put another way, Meyer wants to re-read modern democratic institutions through the lens of this version of social democracy, and it is here that the limits of the theory for actual politics can be sensed. On its own grounds, the theory seems comprehensive and, from a moral point of view, persuasive. Progressive advocates for an expanded role of the state in economic institutions will find a compelling set of moral, legal, and political arguments for expanding the powers of the state to steer the private sector toward more public ends. Social movements – unions in particular – will find a similar set of arguments to make the workplace more democratic and participatory, as well as an appeal to the state to include them in a broader coalition against the excesses of market forces. Environmentalists will also find here a more pragmatic approach to the protection of the natural world. But there is something that fails at both the empirical and theoretical levels and this is ultimately fatal to the overall argument of the book – the underestimation of the extent to which capitalism undermines 'society' as a progressive force against capitalist market imperatives.

To be more precise, I think that the theory of social democracy – and Meyer's account is no exception in this regard – misses what the Critical Theorists saw all too well: that there is a corrosive effect upon the consciousness of individuals as a result of the ways that modern capitalism constitutes society. I use what at first looks like an awkward phrase, 'constitutes society,' on purpose because society and the individuals within it are, in this reading, *constituted by the processes, the institutions and the culture within which they individuate themselves*. This means that we cannot assume that the political will and consciousness will be there to move into the various forms of institutional life supposed by Meyer – and this is because capitalism has more than only political and social effects: it has effects upon consciousness as well. [4] This fact is ignored at the peril of any theory of democracy within the context of modernity. Critical theorists were able to see the various ways in which social domination pervaded modern life not only from Marxian sources, but also by integrating the theories of Max Weber into their various analyses. This was combined with the theory of 'reification' put forth by Georg Lukács in 1923

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in his groundbreaking book, *History and Class Consciousness*. The central thesis of the core essay of that book was that capitalism places the commodity form at the centre of modern society allowing it to penetrate into all aspects of modern culture and consciousness. The problems with modernity could therefore not adequately be addressed by focusing on the structural-functionalist aspects of capitalism alone (as the orthodox Marxists of the time did), but from the ways in which this form of society shaped the consciousness of individuals. Working people no longer saw themselves as possessing the means to free themselves democratically; they began seeing themselves as part of the capitalist system which itself was becoming part of their 'second nature.' Critical political consciousness was therefore hindered since capitalism was ceasing to be an object of critique. As working people were beginning to reconcile themselves to the capitalism, then there could be no reliance on the agency of social actors to join politically for their own social liberation.

Weber made a similar, but also very different argument. For him, modern societies which possessed a complex division of labor also needed a rationalised bureaucracy. This required new forms of domination (*Herrschaft*) – specifically forms of domination which were legitimated by subordinates themselves through the dual processes of routinisation and obedience. This was not coerced as in pre-modern societies, based on charismatic or traditional forms of authority. [5] Instrumental rationality (*Zweckrationalität*) was therefore the core mechanism of modern society, one that held it together even as it eroded individual autonomy and created wholly new forms of obedience and control. This rationality was internalised by social actors, embedded in their consciousness; it was not simply a set of rules obeyed because of external force. Hierarchies were rationalised, individuals within them 'de-individualised,' and there emerges a new form of social relationship: the 'authority relation' (*Herrschaftsverhältnis*) which guaranteed institutional and functional efficiency. [6] Modernity embodies the iron cage within which the individual was imprisoned; it would begin to take away the classical forms of autonomy envisioned by Enlightenment moral philosophers such as Kant, and the ideal of an 'authentic modernity' where individuals could be sovereign over their own choices and be truly autonomous and free was quickly evaporating. [7]

What this means in the present discussion is that two of the core arguments made by Meyer seem to me to be deeply problematic and gloss over these critical accounts I have briefly summarised above. First is the emphasis on the need for participatory decision-making as the means by which social institutions can be democratised; and second, the condition that 'what really matters is finding ways to *institutionalise*

participation that respects functional imperatives.' (p. 92) By resting a broader, more general theory on these assumptions, Meyer runs into a problem if the critical accounts of thinkers such as Weber and Lukács are to be even briefly considered. Declining 'social capital,' the culture of consumption, and the lack of democratic practices in everyday life all conspire to erode not only the will, but the *capacities necessary to produce an adequate form of participation*. In this sense, the production process itself can be, in many senses, to blame: the constant search for opening up new domains for extracting profits means real shifts in economic, sociological and psychological life. For one thing, it means more working hours, less worker organisation (a result of de-industrialisation), less time for political participation, and a more infantilising cultural life. Other institutions crucial for democratic will-formation, such as the educational system and publishing industries, succumb to the forces of commodification. The imperatives of the business community shape the imperatives of those institutions within society. These things gradually rob individuals of democratic capacities and practices. In this sense, I see the two assumptions of both democratic, participatory decision-making and an avoidance of overcoming if not transforming the functional logics of capitalist institutions as contradictory: the lack of the former is produced and reinforced by the proliferation of the latter. [8]

As Meyer lays out his case, it becomes clear that this book is the product of a skilful mind. But it simply reproduces many of the great problems which continue to proliferate in capitalist societies: declining political participation, a cheapening of intellectual and moral debate, the debasing of our educational institutions, and, as a result, a general lack of critique when it comes to the mechanisms of capitalism. Meyer, just as Bernstein did before him, believes that the democratic legacy of social democracy and its moral justification can be conceived separately from the deep structures of the production process under capitalism. But without a full confrontation with the ways that our economic system has shaped and continues to transform modern life, I think that this looks more and more like an increasingly bleak prospect.

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Studies in the Culture and Politics of Antiurbanism is forthcoming in the fall of 2009 from Palgrave Macmillan.

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Notes

- [1] Bernstein 1961 [1898], p. 154.
- [2] Polanyi 1957, p. 3.
- [3] Bernstein 1961 [1898], p. 202.
- [4] For an important discussion in this regard, see Fromm 1955, pp. 22-65.
- [5] For the relevant discussion on domination, see Weber 1978, pp. 212-5.
- [6] For a further discussion, see Marcuse 1972.
- [7] A good discussion of this theme in Weber's work is Lierbersohn 1988, pp. 78-125. For a more in-depth analysis of this problem within modern social psychology, see Fromm 1941, pp. 136-206.
- [8] Meyer is not alone in turning away from the structural-functional critique of modern capitalism. For a similar turn in the area of Critical Theory, see Honneth 1995, pp. 61-91.

Panic: The Story of Modern Financial Insanity

Michael Lewis (Ed.), W.W. Norton & Company, 2009, 391 pp.

Ethan Porter

I.

Bad times can clarify things. Take today's economic crisis. So far, it's put millions of people into unemployment lines, forced almost as many out of their homes, and, before all is said and done, might leave several destabilised nations in its wake. But it's also underscored a truth that was widely unacknowledged beforehand: for at least the past two decades, the centre of global power has resided not in Washington or with any government, but in the corporate boardrooms of Wall Street (as well as its hip, slick cousin, Silicon Valley). The truly momentous decisions, with immediate consequences affecting countless people, have largely been made in the private sector. Government, meanwhile, has endured as mostly a passerby, occasionally a first responder.

Panic: The Story of Modern Financial Insanity tells this tale by clipping together financial news accounts from four recent moments of peril – the crash of the late eighties, the Asian/Russian crisis of the late nineties, the Internet bubble's deflation a few years after, and the ravaged landscape we find ourselves in today. The book is edited by Michael Lewis, the popular financier-turned-writer, who dashes in and out to provide interstitial commentaries on each successive crisis (while also including some of his own articles in the collection). But this isn't merely a scrapbook of horrors; Lewis uses the articles he selects to advance a specific argument. These crises, it turns out, have followed a predictable pattern. First comes the Shiny New Thing. This Shiny New Thing is said to permanently change the rules; henceforth, history will be split in two – when we were aware of the Thing, and when we were not. This is followed by a rush to profit, which occurs without anyone bothering to check under the hood, let alone recognise inherent flaws. Eventually, everything collapses, and 'How could we have been so foolish?' becomes an international rallying cry.

Often, though, the 'we' is altered, and the question is turned to: how could they have been so foolish? The 'they,' of course, depends on who you are. There are the masses, the ignorant hordes that storm the financial beaches at the mere whiff

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of buried treasure. Then there are the financier-alchemists, who really do believe that they have invented a way of turning water into money. And then there are the experts, the economists, who pontificate and propagate conceptual financial models while setting aside the less easily quantifiable question of human emotion.

Our current troubles are owed, certainly somewhat, to the handiwork of such experts. Although Enron collapsed seven years ago, it seems reasonably clear that the Enron model has survived since, in which the ostensibly smartest guys in the room conspire to create profit schemes so complicated no one else can unravel them and figure out that, contrary to rumour, they are worth practically nothing. Some of the financial tools now bedevilling the market are so complicated, so intent on their own obscurity that even titans of the financial world weren't aware of them. Something called a 'liquidity put,' for instance, helped bring Citigroup to its knees. But Bob Rubin, the boss of Citigroup and the legendary former Treasury Secretary, 'had never heard of liquidity puts' (p. 343). And it's understandable why: a liquidity put was an option that 'allowed buyers of complex and presumably safe mortgage securities to hand them back to Citigroup at par if they became hard to finance' (p. 343). Anyone with a modicum of common sense would oppose such a thing.

But liquidity puts, not to mention Collateralised Debt Obligations (CDOs) and 'kilos' – don't ask – are merely the contemporary inheritors of a long tradition of complex financial tools gone awry. The crash of the 1980s was in part owed to the popularity of the Black-Scholes pricing option. Formulated by two economists, one of whom later won a Nobel Prize; Black-Scholes is basically a form of portfolio insurance. 'The model is based on the assumption that a trader can suck all the risk out of the market by taking short a position and increasing that position as the market falls, thus protecting against losses, no matter how steep' (p. 4). What Black-Scholes doesn't account for is the way in which emotion can intrude upon sterile theory. In a panic, no one is looking to buy, and short-selling becomes impossible.

Those most attuned to the winds of emotion, and thus most prone to irrational decision-making, are those who know the least: the small to mid-sized investors outside of the Wall Street/Silicon Valley world. In each boom, they, the people went in blindly – without anyone telling them to slow down – and quickly got in too deep, in financial shenanigans they didn't understand. In our ongoing tragedy, there are people like Joe Carey, a small real estate agent from Ohio, who, in 2002, moved to Florida and bet everything on a series of housing deals. By late 2007, after a few years of wild profits, the housing market was so bad that he had to

close up shop altogether. In the mid-nineties, as the Asian economy was in rapid ascent, a Thai citizen, Sirivat Voravetvuthikun ‘borrowed \$8 million ... to build two condominium towers outside Bangkok, but he went broke and started a small business selling sandwiches on the streets’ (p. 149). These regular investors seemed to have imbibed the optimism of one LA screenwriter and part time investor, who told *Time Magazine* right before the 1980s crash that, ‘It’s so simple, it’s insane. If you do this carefully, it’s like picking money off trees’ (p. 17).

But nothing is ever that easy; money does *not* grow on trees. Such spoonfuls of conventional wisdom would have benefited not just our screenwriter friend, but also the financiers who fall into fevers of irrational exuberance in every bull market. A Lewis piece written for *The New York Times Magazine* during the Internet-fuelled boom of the nineties is downright hilarious in retrospect. ‘New New Money’ showcases the efforts of Jim Clark, a famous Internet entrepreneur overflowing with hubris, to start up a company called Healtheon. Although it was bleeding cash and its business plan seemed to depend more on PR than anything else, Wall Street took Healtheon very seriously. Healtheon’s mission: ‘to slide in and eliminate \$250 billion in waste [in the health care industry] without causing the people who made their living wastefully to raise hell, and it would do this by forming partnerships with the stronger companies (p. 180).’ The intention, in other words: take a few PR gurus and a negative balance sheet, and conquer the notoriously dysfunctional American health care system. Healtheon has since mutated into WebMD, an adequate supplier of online medical advice. But it’s no world-beater.

II.

It may impolite to say it, but it must be said: what all these people have in common is the vast gulf that separates them from reality. The best-trained economists, the most enthusiastic entrepreneurs, and the wizards of Wall Street have all, at various times over the last twenty years, been revealed as tragic know-nothings. Sometimes, it is comforting to laugh at the way in which their arrogance masked their ignorance. James Cayne, the CEO who rode Bear Sterns into the ground, is shown five days before the collapse of Bear’s hedge funds, ‘chatting with visitors over lunch ... less interested in discussing the markets than in talking about a breakfast-cereal allergy and his stash of unlabeled Cuban cigars’ (p. 337). After his company was set aflame by the imploding market, he kept his regular appointments at the golf course, as if nothing had happened.

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But their ignorance is also tragic. While James Cayne is fortunate enough to find refuge on a golf course, many small- and mid-sized investors have no such luxury. Nor, for that matter, do those who never even considered themselves investors, but are caught in the maelstrom of global economics nonetheless, and who are now out of a job or worse. Unpredictability is the mother's milk of capitalism. But inexplicability is something else. When markets become inexplicable – that is, beyond the reach of even financial executives and esteemed economists – there is a grave danger to both the market and the democratic society that exists in tandem with it.

This holds true especially today, when the power of the market seems to trump government. Recall Bill Clinton's furious questioning of top aides in 1993: 'You mean to tell me that the success of my program and my re-election hinges on the Federal Reserve and a bunch of fucking bond traders?' [1] Well, yes, it did. Already, financial commentators, most notably Martin Wolf in *The Financial Times*, are warning that Obama's Administration is on the rocks due to the gyrations of the market. [2]

Political science 101 says that a democratic society depends on the consent of the governed, and the existence of clearly demarcated lines of accountability between citizens and their government. But if the most influential actor is not the government, but the private sector, what then? It seems to me that, at the very least, the private sector's behaviour must meet a threshold of accessibility and accountability. Judging by the contents of *Panic*, as well as the tumult of the past eighteen months, the private sector has clearly failed to meet that threshold. What's occurring now is, in a sense, a problem of delayed understanding: before the recession, too few people understood what was going on in major financial institutions.

The only man in *Panic* who intuited our current crisis before it happened is the one who profited off of it the most. The story of John Paulson, who turned a fortune of about \$100 million into several billions by 'shorting' – betting against – the housing market at precisely the right time, seems distressingly emblematic of pre-crash America. 'Where is the bubble we can short?' he asked the employees at his investment firm (p. 361). Surely he was not alone in forecasting around 2005 that the bubble would burst. And no one ought to begrudge a Wall Street man his profit; after all, making money is why Wall Street exists. But where was the government's John Paulson? In each crisis profiled in *Panic*, government regulation and oversight

function like an absentee parent – vaguely desired, but not really missed until after disaster has already struck.

It's time to reverse the order of things. Government must assert itself, as it has not done for decades. Equally comforting and distressing about Panic is the way it makes the current crisis seem all too familiar. To some extent, we've been here before. Even the protestations that we've never been here before – yes, we've been there, too. If the Herculean efforts now underway to reverse the economic collapse succeed, let's be sure that this is the last time we go through a downturn marked by such uncertainty, defined less by what we know about it than what we don't.

Easier said than done, of course. Moreover, it's a task made doubly hard by acknowledging what we must avoid: the temptation to head back into the mountains, throw away our computers, and abandon everything about the global economy. As liberals, we must not shirk modernity. You simply can't walk back technology. The advancements made in computer science over the past few decades, from the creation and promulgation of the PC to the inescapability of the Internet, are here to stay. These are the tools that gave us the global economy, and they will not evaporate. And they've done a great deal of good. But the global economy must now be matched by a global regulatory regime that prizes accessibility and accountability.

These twin principles of democracy, in other words, must become the twin principles of global regulation. Such a regime, however, must not merely content itself to restrain markets in the name of accessibility and accountability – although there will be times when restraint is clearly in order. What it also must do is promote investor education, and make the financial world explicable. Restoring trust in the market will not be easy, but for the sake of our commitment to democracy, it is essential. One hedge fund trader whose firm has stayed successful even in this down market recently explained their secret to me: 'We only invest in products we can understand.' Let us hope that such a sentiment becomes the guiding light of the next economy.

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PORTER | Panic: Modern Financial Insanity

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Notes

[1] See Harris 2005, p. 5.

[2] See Wolf 2008.

Waiting for the Etonians: Reports from the sickbed of Liberal England

by Nick Cohen, Fourth Estate, 2009, 383 pp.

Paul Thompson

The political trajectory of Nick Cohen is well known, especially to the readers of this journal. Attaining prominence as a columnist for *the Observer* and the *New Statesman*, he moved from being an unrelenting critic of Blairism and New Labour to a leading light of the 'pro-war left' and the scourge of anyone in the 'liberal intelligentsia' who would not stand up for enlightenment values against the threat from Islamic and other fundamentalisms. His 2006 book, *What's Left* made quite an impact and more friends on the right than the left. That was unsurprising given that the answer to his question in those pages was 'not much,' other than himself and others who had alighted at the Euston and equivalent stations.

Considering the crash?

Two years later we have the follow up. So, what's new? From the title and the cover blurb we are given the impression that the new book is about life before, during and after the credit crunch and economic crisis; and, in particular, the Cameron-led Conservative project that looks set to emerge from the political ashes. These expectations are quickly dashed, for up-to-date, this book certainly ain't. There is, admittedly, a hastily written Introduction that addresses 'the Great Crash of 2008' but about these events we learn little that is new or insightful. There is a familiar cast of characters and events – city spivs, orgies of speculation, herd instincts and burst bubbles. The punch-line is the inevitable return of the business cycle (p. 25). Somewhat embarrassingly, in one of the few later pieces in the book that deals with economic issues, Cohen notes that the British have become far too dependent on the property market and that, 'from this perspective, a crash is what we need' (p. 328). That was 2007 and hindsight of course is easy. The more important point is that even after the events, little analysis of their origins is offered.

Cohen is too busy point-scoring to offer any explanations. He argues that there are two differences to this economic crisis and both are in the context rather than the content. First, it was taking place in a 'left wing era' (p. 31) and 'the longest period of left wing government this century' (book jacket). Cohen argues that, 'For all its virtuous intentions, the political left was living off the proceeds of loose financial

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morals. Prostituting itself to be blunt' (p. 24). For 'political left' read New Labour, which had made a bargain with the city and markets to take its money and leave them alone, using the proceeds for public investment. There is a degree of truth in the bargain argument, but the wider one is silly and inaccurate. This is neither a specifically British condition, nor the business cycle as usual, but a systemic crisis of financialised capitalism. Other than Cohen, perhaps only the Daily Mail believes that New Labour is a 'left-wing government' and even he couldn't stretch that label to fit the US and the Bush administration, where the crisis began.

But Cohen is determined to blame 'the left' for this problem and indeed pretty much every other political, social and cultural malaise in the contemporary world. As an aside he says that 'the anti-capitalist movement had nothing interesting to say about high finance,' confining itself to opposition to free trade (p. 25). I don't know who Cohen deems to include in the anti-capitalist movement, but on the left there were some substantial critiques and policy alternatives to financialised capitalism. Whatever their weaknesses, the writings of Naomi Klein, Noreena Hertz, Thomas Frank, Doug Henwood and others had plenty to say on high finance and other pathologies of unregulated markets. Closer to home, in 2006, Compass, the UK left-of-centre group, published *A New Political Economy*, which observed that, 'We are living in a speculative, destructive form of capitalism that is profoundly unhealthy for our global economy and our society, and which benefits only a minority' (p. 26).

The second contextual difference is that the crisis has emerged when Western nations are at war – in Iraq and Afghanistan, and on terror. I'm not sure whether these two circumstances are linked in any significant way, but it allows Cohen to attack the left again, or more specifically the dereliction of duty by the liberal intelligentsia' to oppose 'the most psychopathically anti-liberal ideology since Nazism' (p. 29). The reason for this dereliction? Like New Labour, that intelligentsia has made its own bargain – tolerating tyranny because 'it too wanted the quiet life' (p. 31).

At the end of the Introduction, the measure of this double failure is the rise of the old Etonians. Unconvincing as that causal connection is, I did think it would open up an analysis of Cameron's blue and now apparently red Tories. Wrong – we have to wait until towards the end of the book before these themes reappear. And when it does, like the discussion of the crash, what we get is superficial and lacking insight. In a few short pieces we get the standard analysis of Cameron as an opportunistic Blair clone. By this time, the reader realises just what an inopportune

time it was to publish this book. The world has just been turned upside down by the economic crisis and the election of Obama. On the former, we get a few tagged on commentaries, on the latter virtually nothing. This is, in part, inevitable when a book consists of newspaper and magazine journalism from previous years (in this case 2005-8). But 'Reports from the Sickbed of liberal England' also reveal an author's choices and in this case, obsessions.

Sins of the left revisited

So, what is the book about? Well, across the numerous pieces (again mostly reprints from the *Observer* and the *New Statesman*), Cohen takes post-shots at a variety of targets. These include homeopathic hoaxers, crackpot therapists, clueless criminal profilers and avant-garde artists and curators. These are all efficiently and rightly skewered in the name of science, reason and progress. I enjoyed these pieces first time around and the pleasure has not diminished. But by and large, the themes are the same as the last one – notably how worthless and wayward the left is.

As we've already learned, for Cohen, the left covers a multitude of sins. The most effective and sustained critique is of New Labour because it's specific and accurate. Cohen details its sad and sordid love affair with wealthy and powerful, observing that 'the business with which Gordon Brown can't do business has yet to be founded' (p. 345). For this reason, it is very hard to take seriously the current outrage being expressed by Alistair Darling and chums over City greed and banker's misdeeds. That particular New Labour generation, burnt by their years in the political wilderness genuinely did believe in the virtues of money and markets. In contrast, what Cohen describes as 'Labour's contemptible election trade-off' is even more troubling because Labour's sucking-up to Islamists was a deeply cynical and conscious attempt to win back votes lost on the back of the Iraq war. These casualties were a new set of freedoms of speech and other liberties.

The scope widens when Cohen deals with the left, radical Islam, terror and totalitarianism. And there is certainly something in his case. There are a number of familiar and fair targets from George Galloway, Respect and assorted Trots to Ken Livingstone. The latter's tortuous and ultimately futile courting of dodgy Islamic preachers in search of re-election as London Mayor, is set-out in compelling detail. However, with increasingly indiscriminate fire, Cohen lines up Index on Censorship, CND, Oxfam and various liberal intellectuals for crimes of hypocrisy, victim blaming and cowardice.

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Cohen's most persuasive point concerns the confused attitudes that some liberals and leftists have towards their own societies. Detailing examples of where people did not affirm liberal-democratic values, or refuse to condemn those that violate them, he argues that, 'If liberal secularists... did not have pride and confidence in their principles, why should they expect anyone else to take them seriously' (p. 148). Cohen attributes this trend to a combination of the failure of actually existing socialism and the rise of postmodern relativism. There is truth in both observations. The far left and their ideological fellow travellers only know what they are against, not what kind of society they are for or think is feasible. Most Marxists detest postmodernism, so clearly they are not the same. The latter has acted to reinforce the relativistic streak in liberal discourses and the two strands come together on some common targets, notably a knee-jerk anti-Americanism.

However, Cohen's case is seriously blunted by flawed logic, lazy argumentation and a haphazard relationship to evidence. Everyone and everything is continually thrown into one big, incoherent and unconvincing pot – variously described as 'the left,' 'the political left,' 'the pseudo-left,' 'liberal society,' 'the liberal intelligentsia,' 'the postmodern liberal establishment' and so on. Left and liberal theory, organisation and practice are considerably more varied and in better shape than Cohen gives any hint of. I opposed the war in Iraq, supported the intervention in Afghanistan and hate postmodernists. Which box would Cohen put me in? The new Campaign on Liberty is evidence that liberal 'England' (what happened to the rest of the UK?) is not as sick as the physician's diagnosis infers. Cohen's leftist monster has become an all-purpose bogeyman responsible for pretty much every available thought and other crimes. His methods too often consist of guilt by association; 'random dips' into the pages of offending magazines; using the words and deeds of particular individuals to condemn whole organisations; or un-attributed accusations such as the 'fawning reviews from critics who are nominally of the left' of Damien Hirst's Skull (p. 330).

Cohen needs to get real. Whatever baleful influence some in its ranks have, the left does not run the world. In various places he says things such as 'being a leftist is a lifestyle choice. It carries no costs and obligations' (p. 189). Whilst I have honest and sometimes sharp disagreements with some liberals and leftists, Cohen's persistent attribution of the worst of motives for their actions says more about the poverty of his prejudices. For every idiot action that Cohen highlights, it wouldn't be hard to find left activists (yes, even far left) underpinning difficult and often unfashionable campaigns in the workplace and community.

Class action

If there is a substantive, second theme in the book it is class, which appears and reappears in a variety of contexts. There is even a piece entitled 'In Defence of Class Hatred.' I was looking forward to that, but it turned out to be mainly a critique of David Blunkett's predilection for posh totty. It doesn't get any better or politically clearer. Cohen attacks New Labour for its partiality to the rich, but mainly on the grounds that it leads to neglect of the solid, aspirational middle class, who, Cohen predicts, will make it pay at a forthcoming election (p. 62). In a review of a Julian Baggini book about life amongst the population of Rotherham, Cohen switches attention to a celebration of a kind of working class everyman: '...what he had taken to be idiotic views came from a comprehensible working-class philosophy.... The majority of the English still live within five miles of where they were born, and the attachment to locality keeps England a country where a sense of community underpins national values. The English want local jobs for local people, local radio, local papers and raffles for local good causes' (pp. 66-7). He hits rock bottom in a piece describing his own neighbourhood, which turns into a rant about the evil nature of local government and its passion for parking tickets that seems to have been generated from an incident where his own car had been towed away. This is then linked to a general argument about 'miscarriages of justice' based on 'stories like my neighbour's' (p. 102). Elsewhere, sympathies shift to forgotten parts of the white working class whose support for the BNP apparently shows that they have learnt to play a form of identity politics in protest against society's indulgence of ethnic particularism. Not wanting to leave anyone out, Cohen also criticises the hunting ban as a dictatorial attack on lives of freedom loving country dwellers.

Actually, with Cohen, it can't be everyone. Other than the super rich, the only group that gets it in the neck are 'the bleeding heart middle class' (p. 99) – that must be the *Guardian*-reading bit, rather than the *Daily Mail/Telegraph* section seemingly sympathised with elsewhere. In a piece early in the book, Cohen is belabouring the Government for not doing enough about social mobility. A fair point, but as with many other instances, it turns silly. According to Cohen, the reason for limited mobility is not just economic, but social: 'the left won the cultural war; and it is in the confusions of liberal-dominated cultural life that the second set of explanations for middle-class dominance can be found' (p. 53). The evidence for this turns out to be Michael Young's *Rise of the Meritocracy*, which, in turn, leads to banning of grammar schools, which is then linked to the tendency of liberal cultural elites to turn out faddish nonsense and Big Brother and Ant and Dec, depriving the working

class of self-improvement and high culture. These bizarre and implausible leaps of logic all take place in two short pages.

The price of polemic

Admitting in the book that he is happier when being miserable and firing critical missives, the piece in which Cohen's personal ethos is most likely to be found is the final one – The Reasonableness of Ranters. Likening his outlook to that of Christopher Hitchens, he offers his own broad back for receiving lashes of hate and affirms the highest status in intellectual life for the polemicist.

Such a person 'Produces a respect for argument that those who dismiss all polemic as mere ranting fail to see. If you can feel a need to make an unpopular case, and there is no point in being a political writer if you cannot, you must use your talent to win over a sceptical audience. You must acknowledge doubts and counter-arguments, and above all, you must write clearly' (p. 371). It is a pity that this book does not back up those wise words. The barbs of a polemic have to be sharp and accurate to sting. Too many of these pieces are ill-considered, illogical and repetitive rants that will convince only those already converted.

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‘Reasonable limits on the expression of hatred’: Mark Steyn and the Canadian Human Rights Commissions

Matthew Omolesky

I.

On 20 October 2006, the website of the Canadian weekly current affairs magazine *Maclean’s* featured an article entitled ‘The future belongs to Islam,’ excerpted from the conservative polemicist Mark Steyn’s book *America Alone: The End of the World as We Know It*. [1] This provocative opinion piece presented a vision of European ‘demographic decline; the unsustainability of the social democratic state; and civilisational exhaustion,’ all of which paved the way for the continent’s ‘remorseless transformation into Eurabia.’ [2] Since ‘the salient feature of Europe, Canada, Japan and Russia is that they’re running out of babies,’ Steyn contended, ‘Europe has age and welfare,’ but ‘Islam has youth and will.’ [3] The article ended ominously, with a quotation from the Norwegian imam Mullah Krekar, who had recently told the Oslo newspaper *Dagbladet*: ‘We’re the ones who will change you [Europeans]. Just look at the development within Europe, where the number of Muslims is expanding like mosquitoes. Every Western woman in the EU is producing an average of 1.4 children. Every Muslim woman in the same countries is producing 3.5 children... Our way of thinking will prove more powerful than yours.’ [4] One question of Steyn’s, concerning this allegedly existential demographic and geopolitical threat, was meant to linger: ‘How does the state react?’ Ironically, it would be how the state reacted to Steyn – rather than immigration – that would take centre stage.

One key non-state reaction to Steyn’s article was that of Mohamed Elmasry, president of the Canadian Islamic Congress (CIC), who eventually submitted complaints against *Maclean’s* and its editor, Kenneth Whyte, to the human rights commissions of British Columbia and Ontario, as well as the federal Canadian Human Rights Commission. A CIC press release described ‘The future belongs to Islam’ and other similar articles by Steyn as ‘flagrantly Islamophobic’ works that could subject ‘Canadian Muslims to hatred and contempt,’ while the organisation’s legal counsel Faisal Joseph lamented, ‘In Canada, we have 750,000 law-abiding Muslims. When you read that article, it sounds to some people [like] there’s an attack from the ‘Muslim’ world against the ‘non-Muslim’ world. We take real issue with that type of

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characterisation and the implications of it.’ [5] The magazine’s relatively measured response was that ‘the piece was a commentary on important global political issues’ and ‘not in any sense Islamophobic.’ [6] Steyn, less measured, viewed the complaints procedure as a backdoor attempt at censorship. The cover of the paperback edition of *America Alone* would feature the label ‘Soon to Be Banned in Canada,’ [7] and Steyn would opine that in modern Canada even the cliché ‘You’re entitled to your opinions’ had become ‘obsolescent.’ [8] In a letter to *Maclean’s*, the Canadian Human Rights Commission’s Chief Commissioner Jennifer Lynch soon shot back, ‘History has shown us that hateful words sometimes lead to hurtful actions that undermine freedom and have led to unspeakable crimes. That is why Canada and most other democracies have enacted legislation to place reasonable limits on the expression of hatred.’ [9] The origin, climax, and denouement of this controversy are by no means merely of parochial interest for Canadians. The issue of whether, as Commissioner Lynch argued in the affirmative, it is ‘justifiable to restrict expression to prevent exposing citizens to hatred’ [10] is a matter of immense gravity in this young but tumultuous century.

Anglo-Saxon jurisprudence has long recognised the fundamental importance of ‘Miltonic freedom’ – described by the British scholar Stephen Sedley as ‘the freedom to utter criticism or heresy without fear of suppression or reprisal from those who may be angered or embarrassed by it’ [11] – in fostering a robust marketplace of ideas. It was this marketplace of public opinion that the American Judge Learned Hand described in his 1943 opinion *U.S. v. Associated Press*, wherein he addressed the presupposition that ‘right conclusions are more likely to be gathered out of a multitude of tongues, than through any kind of authoritative selection.’ [12] ‘To many, this is, and always will be, folly,’ Hand acknowledged, ‘but we have staked upon it our all.’ [13] Those in common law countries often take such an attitude for granted, and are frequently shocked by any deviation therefrom, but there are nevertheless profound consequences that result from expansive notions of freedom of speech.

It is not just in the realm of municipal law that the tension between freedom of expression and freedom from the invidious effects of hateful speech are increasingly important; international human rights jurists must simultaneously grapple with the matter. This is, after all, an era in which cartoons lampooning the prophet Mohammed published in the Danish *Morgenavisen Jyllands-Posten* can spark deadly riots from the Levant to Central Asia; in which *Newsweek* reports of (ultimately unfounded) allegations of Koranic desecration at Guantánamo Bay

can adversely impact international relations; and in which the symbolic relocation of a Soviet war memorial in Tallinn can serve to destabilise an entire region of Europe. Given the information revolution of the late twentieth and early twenty-first centuries, the power of words and symbols may never have been greater. For this reason, western democracies are increasingly, as Commissioner Lynch correctly noted, 'enact[ing] legislation to place reasonable limits' on certain kinds of speech. At the international level, to take but one example, the UN Human Rights Council on March 29, 2008 passed (thirty-two to zero, with fifteen abstentions) a resolution calling for the body's free speech expert to police negative comments on Islam so as to, in the words of Egypt's Ambassador Sameh Shoukry, forestall 'some of the worst practices that incite racial and religious hatred.' [14] One of the many hostile western reactions to this vote was that of Canada, whose representative complained that in such a system 'Instead of promoting freedom of expression the Special Rapporteur would be policing its exercise.' [15] Yet Canada's very own national and provincial human rights commissions provide their own policing of free expression, albeit in an adversarial context; the objection to the Special Rapporteur's potential new role was essentially procedural, not philosophical. Similar European objections, given the broad hate speech legislation enacted there, present similar contradictions.

One should not, however, automatically mistake this for a twenty-first century issue of first impression or the internal contradictions of various western approaches as merely the product of decadent modern sensibilities. In the year 1811, for example, Chief Justice James Kent of the Supreme Court of New York, author of the revered *Commentaries on American Law*, was willing to cast 'Miltonic freedom' aside in his opinion in *People v. Ruggles*. Faced with a blasphemer who had uttered 'false, feigned, scandalous, malicious, wicked' words, [16] Justice Kent took it for granted that the 'free, equal, and undisturbed, enjoyment of religious opinion, whatever it may be, and free and decent discussions on any religious subject, is granted and secured.' [17] Still, 'to revile, with malicious and blasphemous contempt, the religion professed by almost the whole community, is an abuse of that right,' [18] and Justice Kent did not stop with this majoritarian analysis. He continued: 'Nor are we bound, by any expressions in the constitution, as some have strangely supposed, either not to punish at all, or to punish indiscriminately the like attacks upon the religion of *Mahomet* or of the grand *Lama*.' [19] (Interestingly, such a solicitous opinion was written at the height of the depredations of the Barbary corsairs). It was concluded, '*the liberty of conscience hereby granted*, shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace and safety of this state.' [20] Justice Kent, at least, thought it clear how the

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state should react to hate speech, though most of his American judicial successors would come to vociferously disagree.

As evidenced by the *Ruggles* case, the dilemma presented by the Mark Steyn-related Canadian human rights commission procedures is an age-old one. The right to express oneself, and the right to be free from the consequences of incitement to ethnic or religious hatred, is often at odds. In such tenebrous scenarios, Adam Smith held in his *Theory of Moral Sentiments* (1759), it is not enough to rely on solely ‘the soft power of humanity’ for solutions, but rather ‘reason, principle, conscience, the inhabitant of the breast, the man within, the great judge and arbiter of our conduct.’ [21] As both sides in the *Maclean’s* dispute appeal to such devices, it is incumbent on the analyst to tread carefully and conscientiously. Section II below will begin generally, addressing broad trends in freedom of expression and its limitation in an international and comparative perspective. Section III is concerned with the origin and current nature of the human rights commissions in Canada, thereby setting the stage for a specific treatment of the Mark Steyn cases (Section IV) and a final consideration of their implications (Section V). Admittedly, the global picture of governmental efforts to ensure both freedom of speech and freedom from incitement of hatred resembles Horace’s ‘sick man’s dream,’ ‘shaped so that neither foot nor head can be assigned to a single shape.’ [22] That being the case, a consideration of the *Maclean’s* controversy and its broader implications is as good a place as any to attempt to make sense of this confounding legal, political, and moral landscape.

II.

In July 1789, shortly after the storming of the Bastille prison, the French National Assembly set up various constitutional committees to prepare a draft of the *Déclaration des droits de l’Homme et du citoyen* (Declaration of the Rights of Man and Citizen). In light of excessive ‘bickering over first principles’ [23] during the 20 August discussion over twenty-four proposed articles, the deputies would, one week later, vote to table further debate and provisionally adopt those seventeen articles which had already been approved. This document, although ‘stunning in its sweep and simplicity,’ [24] was nevertheless a compromise between two ideologically distinct camps, one composed of more ardent revolutionaries, the other adhering to monarchist, Anglophile, and pragmatic principles. The Comte de la Blache belonged to the latter party and, concerned about the legitimacy and workability of the revolutionary cause, stated that ‘Nothing is more dangerous than

to give people ideas of an indeterminate liberty while leaving to one side an account of their obligations and duties.' [25] Try as revolutionary leaders like the Marquis de Lafayette might to follow the American example of 'indeterminate liberty,' La Blache opposed such a project, later adding, 'We should not forget that the French are not a people who have just emerged from the depths of the words to form an original association.' [26] History weighed the pragmatists down, forcing them in the direction of balancing rights and duties, not emulating American individualistic idealism.

Thus the finalised version of the *Déclaration*, as it relates to the relevant matter of freedom of speech, provided in soaring language that '*Nul ne doit être inquiété pour ses opinions* (No one shall be disquieted on account of his opinions)' (Article 10), and that '*La libre communication des pensées et des opinions est un des droits les plus précieux de l'homme; tout citoyen peut donc parler, écrire, imprimer librement* (The free communication of ideas and opinions is one of the most precious of the rights of man; each citizen may, then, speak, write, and print with freedom)' (Article 11). Yet the pragmatists and monarchiens introduced limiting clauses to each right. Article 10 allows opinions '*pourvu que leur manifestation ne trouble pas l'ordre public établi par la loi* (provided their manifestation does not disturb the public order established by the law);' Article 11 allows for individuals to freely communicate '*sauf à répondre de l'abus de cette liberté dans les cas déterminés par la loi* (but [they] shall be responsible for abuses of this freedom as shall be determined by the law).' These limitations distinguished the *Déclaration* from its counterpart across the Atlantic, the Bill of Rights, which came into effect two years later and which provided simply that 'Congress shall make no law...abridging the freedom of speech, or of the press' without any explicit reservations on the part of the state as to the *ordre public*. This French Revolutionary primacy of 'public order,' together with the notion of 'responsibility for abuses of this freedom [of speech],' would have resonance for centuries to come.

When the United Nations adopted the Universal Declaration of Human Rights (UDHR) in 1948, it looked to the French Revolutionary *Déclaration* for inspiration; indeed 'the echo between the two documents is unmistakable.' [27] Article 19 of the UDHR provides that 'Everyone shall have the right to freedom of expression; this right shall include freedom to...impart information and ideas of all kinds, regardless of frontiers,' but later (in Article 29) introduces the caveat that 'In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due

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recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.’ More generally, the UDHR declares, ‘All are entitled to equal protection... against any incitement to...discrimination’ (Article 7).

The International Covenant on Civil and Political Rights (ICCPR), a United Nations treaty (itself based in large part on the UDHR) that came into effect in 1976, includes similar language. Article 19 of the ICCPR lays out ‘the right to hold opinions without interference’ and ‘the right to freedom of expression’ (the latter of which ‘shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.’) The ICCPR is more explicit in its mention of ‘duties’ and ‘responsibilities,’ thereby allowing ‘certain restrictions’ for ‘respect of the rights or reputations of others’ and ‘the protection of national security or of public order (*ordre public*), or of public health or morals’ (Article 19). Article 20 adds: ‘Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.’ With respect to this last provision, the jurist Manfred Nowak has acknowledged that ‘the legal formulation...is not entirely clear,’ but what the delegates likely envisioned was the prevention of ‘public incitement of racial hatred and violence within a State or against other States and peoples.’ [28] Additionally, the Convention on the Elimination of All Forms of Racial Discrimination (which entered into force in 1969) requires through Article 4 that state parties ‘declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin.’ This last treaty, it has been noted, ‘Unlike the more universal human rights instruments... lists freedom of expression in a cursory fashion, seemingly as an afterthought.’ [29]

At the regional level, the European Convention for the Protection of Human Rights and Fundamental Freedoms (adopted under the aegis of the Council of Europe in 1950) in its Article 10 guarantees a ‘right to freedom of expression’ which includes the ‘freedom to hold opinions and to receive and impart information and ideas without interference by public authority,’ but lays out more explicit caveats, allowing for

formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security,

territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

Summa summarum, the legacy of the pragmatist drafters of the *Déclaration des droits de l'Homme et du citoyen* – with their careful balancing of ‘the most precious rights of man’ with the necessities of ordre public, and the emphasis on responsibility for the consequences of an ‘abuse of freedom’ – is clearly evident in today’s international human rights framework as it relates to freedom of speech. That the French Revolution itself descended into Terror, described by Deputy Jean Lambert Tallien in 1794 as ‘a disturbance of all ideas,’ ‘an overthrow of all affections,’ and ‘a veritable disorganisation of the soul,’ [30] wherein thousands of *citoyens* were indeed ‘disquieted on account of [their] opinions,’ is an issue of only tangential relevance here. What matters is the subsequent widespread international acceptance of the normative assumptions of the *Déclaration’s* drafters, particularly in light of the post-World War Two reaction to the enormities of the Holocaust and concerns about the rise of neo-Fascism in Europe. It is now necessary to plumb the legal depths further to see how the conflicting principles of free expression and suppression of invidious hatred are applied at the domestic level, and how these applications are in turn viewed by domestic and international courts.

Numerous western democracies have enacted statutes aimed at controlling expression rising to the level of hate speech. Dominic McGoldrick and Thérèse O’Donnell have pointed out that

Germany and Israel, among other countries, ban the Nazi Party and its descendants, as well as prohibiting other political parties whose programs include racial hatred, racial separation, and racial superiority...Canada, Germany, and France, along with others [including Austria, Belgium, Lithuania, Spain, and Switzerland] permit sanctions against those who would deny the existence of the Holocaust...France imposes fines with some frequency on public utterances espousing the racial or religious inferiority of some groups...The Netherlands outlaws public insults based on race, religion, or sexual preference. [31]

McGoldrick and O’Donnell continue, noting that Commonwealth and common law countries like

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South Africa, New Zealand, Australia, Canada, and the United Kingdom... follow the mandates of Article 20(2) of the International Covenant on Civil and Political Rights, and Articles 4(a) and 4(b) of the Convention on the Elimination of all Forms of Racial Discrimination, by making it a crime to engage in the incitement of racial, religious, or ethnic hatred or hostility. [32]

It was inevitable that these wide-ranging and potentially overbroad laws would be challenged by those running afoul of them; courts would have to determine whether punishments for those engaging in allegedly hostile speech fell within the governments' margin of appreciation.

One such landmark case, which appeared in the European Court of Human Rights, was *Jersild v. Denmark*, dealing with a Danish penal statute that was argued to have impinged on the free expression provisions of the European Convention on Civil Rights' Article 10. [33] In 1985 Jens Olaf Jersild, a journalist who had interviewed three youths with openly racist views about Danes of African descent, found himself subject to a statute requiring fine or imprisonment for 'Any person who, publicly or with the intention of disseminating it to a wide circle ('videre kreds') of people, makes a statement, or other communication, threatening, insulting or degrading a group of persons on account of their race, colour, national or ethnic origin or belief shall be liable to a fine or to simple detention or to imprisonment for a term not exceeding two years.' [34] (The youths themselves were duly convicted.) Jersild's challenge to the conviction failed in the Danish appellate court in 1988 and in front of the Supreme Court in 1989; the European Commission on Human Rights then referred the case to the European Court of Human Rights, which rendered judgment in 1994. The Danish government had 'contended that the applicant had edited the... [news] item in a sensationalist rather than informative manner and that its news or information value was minimal,' [35] but the Court, analysing Article 10, disagreed. The role of the Court in these scenarios is to 'look at the interference complained of in the light of the case as a whole and determine whether the reasons adduced by the national authorities to justify it are relevant and sufficient and whether the means employed were proportionate to the legitimate aim pursued.' [36] In this case, the Court found, Jersild's 'conviction and sentence were not sufficient to establish convincingly that the interference thereby occasioned with the enjoyment of his right to freedom of expression was "necessary in a democratic society"; in particular the means employed were disproportionate to the aim of protecting "the reputation or rights of others."' [37] Given that any 'punishment of a journalist for assisting in the dissemination of statements made by another person

in an interview would seriously hamper the contribution of the press to discussion of matters of public interest,' Jersild's conviction constituted a breach of Article 10. [38] Though of course not directly relevant to the Steyn cases before the various human rights commissions in Canada, the European principle of journalistic freedom to disseminate information from third parties is noteworthy, since some of Steyn's more incendiary passages (e.g. the infamous 'number of Muslims is expanding like mosquitoes' comment) are in fact quotations from various sources. It should also be added that Jersild was not without dissenting opinions. Judges Ryssdal, Bernhardt, Spielmann, and Loizou produced a joint dissent insisting that 'media too can be obliged to take a clear stand in the area of racial discrimination and hatred' [39] and that the 'protection of racial minorities cannot have less weight than the right to impart information.' [40] Another dissent, authored by Judges Gölcüklü, Russo, and Valticos, stood for the proposition that the hate speech by the three young men in the aired interview had 'to be counterbalanced' by a responsible journalist. [41]

Given the rise in neo-Nazism in Western Europe, it was likewise inevitable that free speech issues should arise in the area of specific state prohibition of Holocaust denial. The stand-out case in this area remains *Faurisson v. France*, a 1996 Human Rights Committee opinion that addresses France's 'Gayssot Act,' which 'makes it an offence to contest the existence of the category of crimes against humanity as defined in the London Charter of 8 August 1945, on the basis of which Nazi leaders were tried and convicted by the International Military Tribunal at Nuremberg in 1945-46.' [42] Robert Faurisson, a former professor and Holocaust denier, faced private criminal action in France, with the ensuing judgment upheld in the French Court of Appeal and Court of Cassation. He filed a communication to the Human Rights Committee alleging a violation of the ICCPR (specifically Article 19, though he actually failed to invoke any provision in the communication). The Committee, without much trepidation, found that 'the restriction served the respect of the Jewish community to live free from fear of an atmosphere of anti-Semitism,' [43] 'was intended to serve the struggle against racism and anti-Semitism,' [44] and thus Faurisson's conviction 'did not encroach upon his right to hold and express an opinion in general, rather the court convicted Mr. Faurisson for having violated the rights and reputation of others.' [45] Whereas the European Court of Human Rights was willing to view Jersild's actions as done in good faith, Faurisson was no doubt seen as having unclean hands, and the Gayssot Act was as applicable to him as the Danish hate speech law was to the three racist youths Jersild interviewed.

In the context of offenses against religious sensibilities, the case of *Suskind v. Israel* offers another look at the balancing approach of courts to issues of speech and incitement (though it involves municipal, not international, law). In 1997, the Israeli activist Tatyana Suszkind entered Hebron, carrying with her posters not unlike ‘Danish cartoons’ *avant-la-lettre* (depicting a pig wearing a Muslim head-dress with the Arabic and English caption ‘Mohammed’); she was detained by Israeli police and eventually convicted under Section 173 of the Israeli Penal Code for ‘attempting to hurt religious feelings.’ [46] The conviction was upheld in the Israeli Supreme Court a year later, on the grounds that, as Amnon Reichman put it, ‘it is difficult to see how distribution of such posters in Hebron, given the social context of occupation, would not lead to riots,’ and thus ‘the state can properly treat Suszkin’s actions as an attempt to violate order and peace of the kind that should not be protected by the constitutional order.’ [47] In a straightforward balancing act between individual interests and the *ordre public*, the latter of which was viewed through the prism of social context, the Supreme Court saw itself as determining ‘the outer limits of judicial (and statutory) tolerance to offensive speech’ in Israel. [48]

Cases like *Jersild*, *Faurisson*, and *Suszkin*, though unrelated to the Steyn cases in Canada, illustrate many of the normative justifications for restrictions of incitement to hatred, as well as international attempts to define the outer boundary of acceptable speech. Dealing as they do with the journalistic context (*Jersild*), the application of a statute clearly designed to prevent a specific social harm (*Faurisson*), and the effects of religious insensitivity on public order (*Suszkind*), these cases arguably speak to a broad international trend of balancing the importance of good faith journalism’s requirement of freedom of expression with the potential for socio-political destabilisation created by hate speech. This is an essentially utilitarian approach, involving something not unlike the ‘felicific calculus’ adopted by the British philosophers Jeremy Bentham and William Paley, wherein civil liberty represents ‘the not being restrained by any law, but what conduces in a greater degree to the public welfare’ [49] (in this case, obviating threats to public order).

On the other end of the western democratic free speech spectrum is the United States, where convictions like those in *Faurisson* and *Suszkind* would almost certainly have been quashed. There is thus ‘a gap in systems that presumably are both committed to basic democratic principles.’ [50] The United States, on the other side of that gap, has consistently safeguarded its First Amendment when signing treaties, most notably when ratifying the ICCPR in 1992 with a reservation

to Article 20 stating that it 'does not authorise or require legislation or other action by the United States that would restrict the right to free speech and association protected by the Constitution and laws of the United States.' Although freedom of speech and of the press in America is occasionally (as anywhere) a matter of intense controversy, some overall principles can be delineated.

Given the above outlined international approach to hate speech legislation, it is clear that the 'United States is an exception with its doctrine that speech may not be prohibited, regardless of its offensiveness, unless there is a clear and present danger that it will incite imminent unlawful action.' [51] With few exceptions, [52] the United States Supreme Court has in recent years, to quote Ronald Krotoszynski,

embraced both marketplace [of ideas] metaphor and the notion that political speech is a special concern of the First Amendment. Its decisions also have recognised that the First Amendment protects individual autonomy, even when individuals or corporations elect to exercise that autonomy in ways inconsistent with the best interests of the community (or, for that matter, their own best interests). [53]

Even enactments as seemingly innocuous as university discriminatory harassment policies have been struck down by certain American courts, on the grounds that those institutions could not 'proscribe speech simply because it was found to be offensive, even gravely so, by large numbers of people,' [54] and that it was inappropriate to 'entrust guardianship of the First Amendment to the tender mercies of [the university's] discriminatory harassment/affirmative action enforcer.' [55] In the famous 1977 Skokie controversy, a predominantly Jewish Illinois town's attempts to prevent a National Socialist Party of America demonstration were found to be unconstitutional, [56] a result that would of course be vanishingly unlikely in Europe. This general attitude stems from a concern about governmental ability to control political discourse, and the potential temptation to 'use the law to outlaw all dissent or the expression of minority opinion,' a decidedly 'Orwellian perspective' that 'dominates US thinking about the First Amendment.' [57]

Critics of American First Amendment jurisprudence have predictably asserted that 'the U.S. political system incorporates more than adequate restraints on the power of government and less than adequate attention to the moral project of racial and material equality.' [58] Other international approaches may very well have the inverse deficiencies. What is important at this juncture, rather than to advance

any value judgment, is to recognise the distinct bifurcation in approaches to hate speech between western Europe and Israel on the one hand and the United States on the other, a bifurcation that has been inevitable since the days of the French Revolutionary *Déclaration*, when Comte de la Blache deemed it ‘dangerous...to give people ideas of an indeterminate liberty,’ and eschewed the American constitutional example (excepting Justice Kent, whose *Ruggles* opinion carries little or no weight today). It is now possible to turn to Canada (occupying as it does that liminal space between the United States and Europe, and between common law and civil law), its overall human rights regime, its efforts to restrict hate speech, and then specifically the Mark Steyn cases.

III.

Canada has been described as ‘one of the most distinctive rights cultures in the world,’ [59] one which partakes of a common law heritage shared with the United States, yet which also has developed a jurisprudential approach to freedom of expression that ‘represents a marked – and quite intentional – break from the free speech tradition of the U.S. Supreme Court.’ [60] In the following discussion of the relatively expansive (at least in relation to the United States) restrictions of hate speech in Canada, it is important to keep in mind the country’s so-called ‘four foundational constitutional principles’ described in the landmark 1998 Canadian Supreme Court case *Reference re Secession of Quebec*: ‘federalism, democracy, constitutionalism and the rule of law, and respect for minority rights.’ These are ‘defining principles [that] function in symbiosis,’ and ‘[n]o single principle can be defined in isolation from the others, nor does any one principle trump or exclude the operation of any other.’ [61] The last of these constitutional pillars, ‘respect for minority rights,’ grows out of the ongoing Canadian ‘modern multicultural experiment’ [62] wherein government action ‘designed to advance other social objectives, such as equality and cultural pluralism’ [63] may take precedence over free speech concerns.

It is impossible to understand Canada’s jurisprudence in this field without at least a brief consideration of the legal historical context. Over the course of the twentieth century, Ross Lambertson has observed, the rise of various civil liberties and egalitarian rights groups in Canada effectuated a shift in public discourse from ‘British liberties’ to broader notions of ‘human rights,’ [64] leading to a by now familiar arrangement. The Canadian Charter of Rights and Freedoms (1982), ensures that everyone possesses ‘freedom of thought, belief, opinion and expression,

including freedom of the press and other media of communication' (Section 2), but such fundamental rights are subject to 'reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society' (Section 1). Balancing between individual rights and social interests is thus built in to the constitutional framework. Section 2 has been interpreted broadly by the Supreme Court, most notably in *Dolphin Delivery*, wherein Justice William Rogers McIntyre insisted that freedom of expression 'is one of the fundamental concepts that has formed the basis of the political, social, and educational institutions of western society,' and that representative democracy 'depends upon its maintenance and protection.' [65] Nonetheless, three years later Chief Justice Brian Dickson penned a majority opinion in *Irwin Toy*, which, while acknowledging that free speech is 'little less vital to man's mind and spirit than breathing is to his physical existence,' [66] featured a passage regarding Canada's free speech principles worth quoting at length:

(1) seeking and attaining the truth is an inherently good activity; (2) participation in social and political decision-making is to be fostered and encouraged; and (3) the diversity in forms of individual self-fulfilment and human flourishing ought to be cultivated in an essentially tolerant, indeed welcoming, environment not only for the sake of those who convey a meaning, but also for the sake of those to whom it is conveyed. In showing that the effect of the government's action was to restrict her free expression, a plaintiff must demonstrate that her activity promotes at least one of these principles. [67]

(In a dissent, Justice McIntyre was content to rely on the rather American principle that 'freedom of expression, whether political, religious, artistic or commercial, should not be suppressed except in cases where urgent and compelling reasons exist and then only to the extent and for the time necessary for the protection of the community.') [68] Yet Chief Justice Dickson's reference to a 'tolerant, indeed welcoming, environment' is buttressed by the foundational minority rights pillar and its 'symbiotic' relationship with the constitutionalist pillar. Thus, as Ronald Krotoszynski notes, 'As the social cost of a right increase, the willingness of judges strictly to enforce that right decreases.' [69] Hence the increased potential for restriction of speech in Canada, despite free speech's recognised importance.

This judicial-political social balancing mindset is a product of the wellspring of Canadian history, and the infamous 'Padlock Law' is a standard starting point for any discussion of Canadian speech restrictions. In March of 1937, the Quebecois

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Premier Maurice Duplessis cooperated with the provincial legislature to produce a law entitled 'An Act to Protect the Province against Communistic Propaganda,' commonly known as the 'Padlock Law.' This Act declared it 'illegal for any person, who possesses or occupies a house within the Province, to use it or allow any person to make use of it to propagate communism by any means whatsoever,' and allowed the authorities to 'order the closing of the house for any purpose whatsoever for a period of not more than one year,' something which, in the words of Eugene Forsey, was in fact 'contrary to every principle of British justice' in its inversion of the presumption of innocence. [70] A cabinet minister under Duplessis even went so far as to argue for the Act's application to 'the many who are communists without knowing it.' [71] Initial legal challenges to the Act were unavailing, and the Second World War intervened, prompting the federal government, through the War Measures Act of 1940, to clamp down further on communist groups; the 'Padlock Law' would not be declared unconstitutional until 1957. [72]

The legacy of the 'Padlock Law,' and subsequent concerns about the overall state of civil liberties in Canada, did not necessarily lead to a more American approach to freedom of expression like the one Justice McIntyre would later argue for in *Irwin Toy*. There occurred merely a changing of tack. Thus in 'recent years, Canada Customs has seized books such as Salman Rushdie's *The Satanic Verses* and Marguerite Duras' *The Man Sitting in the Corridor*,' and in the case of a controversial murder trial even 'stopp[ed] American newspapers with articles on the trial at the border' (while universities and internet service providers deleted Usenet newsgroups discussing the story). [73] It was inevitable that such an approach would be challenged, and in a case not unlike France's *Faurisson*, the Supreme Court of Canada was faced with an appeal from a conviction of a Holocaust denier in the 1990 case *R. v. Keegstra*.

James Keegstra, a blatantly anti-Semitic Alberta schoolteacher, had been prosecuted and convicted under Section 319(2) of the Criminal Code, which provided sanctions for 'promoting hatred against an identifiable group.' Section 319(3) disallowed conviction if the defendant 'establishes that the statements communicated were true,' if the defendant 'in good faith...expressed or attempted to establish by argument an opinion on a religious subject,' if 'the statements were relevant to any subject of public interest, the discussion of which was for the public benefit, and if on reasonable grounds he believed them to be true,' or if 'in good faith, he intended to point out, for the purpose of removal, matters producing or tending to produce feelings of hatred towards an identifiable group in Canada.' The Alberta Court of Appeals overruled Keegstra's conviction on free speech grounds, and the

Supreme Court agreed, inasmuch as Section 319(2) represented an abrogation of the rights ensured by Section 2(b) of the Charter. Yet Chief Justice Dickson, in his majority opinion, still found that Section 319(2) was a valid enactment, since the law was rationally related to a pressing governmental concern and only minimally impaired (without disproportionate burden) freedom of speech. [74] Although the potential for harm from Keegstra's speech was basically conjectural, Chief Justice Dickson was content to rely on the proposition that 'the international commitment to eradicate hate propaganda and, most importantly, the special role given equality and multiculturalism in the Canadian Constitution necessitate a departure from the view, reasonably prevalent in America at present, that the suppression of hate propaganda is incompatible with the guarantee of free expression.' [75] It was a further benefit that the

many, many Canadians who belong to identifiable groups surely gain a great deal of comfort from the knowledge that the hate-monger is criminally prosecuted and his or her ideas rejected. Equally, the community as a whole is reminded of the importance of diversity and multiculturalism in Canada, the value of equality and the worth and dignity of each human person being particularly emphasised. [76]

The same values that informed the *Irwin Toy* and *Keegstra* decisions were present back in 1977, when the Canadian federal government passed the Canadian Human Rights Act, a piece of legislation aimed at ensuring

that all individuals should have an opportunity equal with other individuals to make for themselves the lives that they are able and wish to have and to have their needs accommodated, consistent with their duties and obligations as members of society, without being hindered in or prevented from doing so by discriminatory practices based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability or conviction for an offence for which a pardon has been granted (Canadian Human Rights Act, Section 2).

The Canadian Human Rights Act established a Canadian Human Rights Commission to investigate claims of discrimination (Section 26), as well as a Canadian Human Rights Tribunal, a quasi-judicial body independent from the Commission (Section 48). The Act applies to federally regulated activities, but all territorial and provincial jurisdictions possess similar laws and similar rights

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commissions. Moreover, all Canadian ‘governments, and all mainstream parties of both left and right, profess their fidelity to the concepts of justice, fairness, and equality which animate such legislation and provide commissions with their guiding principles,’ and ‘a host of interest groups – ranging from ethnic and minority groups, through religious and civil liberties groups, to groups representing women, the disabled, and aboriginals – have all proclaimed a special “stake” in such legislation.’ [77]

Though the Human Rights Act has encountered some opposition from the political left and right for being either overly individualistic or collectivist in nature, and from business interests for the ‘scope and manner’ of the anti-discrimination legislation, [78] the most controversial aspect of the Act has proven to be Section 13, concerning ‘hate messages.’ Section 13(1) declares that

It is a discriminatory practice for a person or a group of persons acting in concert to communicate telephonically or to cause to be so communicated, repeatedly, in whole or in part by means of the facilities of a telecommunication undertaking within the legislative authority of Parliament, any matter that is likely to expose a person or persons to hatred or contempt by reason of the fact that that person or those persons are identifiable on the basis of a prohibited ground of discrimination.

The drafting of Section 13, with its emphasis on telephonic communication, reveals its age. The Canadian Human Rights Commission and Tribunal struggled to apply the statute to the internet age in *Citron v. Zündel*, wherein the Toronto Mayor’s Committee on Community and Race Relations spearheaded a complaint against the respondent, Ernst Zündel, whose anti-Semitic internet page (‘Zundelsite’) was alleged to have been ‘likely to expose persons of the Jewish faith and ethnic origin to hatred and contempt.’ [79] Whether this was indeed a telephonic communication represented a key question for the Tribunal; further complicating matters was the fact that Zündel ‘hired an American citizen to establish and operate the Zundelsite from California’ and ‘wrote anti-Semitic material in Canada and then faxed the material to his employee in California for posting on the U.S. website.’ [80] As for the latter consideration, the Tribunal relied on the fact that the respondent had repeatedly addressed ‘all Canadian Lawyers and Media Representatives’ and referred to ‘the repressive Canadian government that penalises free expression,’ [81] thereby leading the Tribunal ‘irresistibly to the conclusion that the Respondent exercised a significant measure of control over the website’ from his base in Canada. [82]

Zündel's belief that 'In the United States what I do is legal and I believe what I do in Canada is legal' was unavailing. [83]

A more basic question remained, in the form of the precise nature of telephonic communication. Expert witnesses disagreed on some matters. 'Where Mr. Angus used the term "telephony" to embrace the transmission of a broad range of information including sound, data, video or graphic signals, Mr. Klatt used a more restrictive definition that embraced the transmission of sound only.' [84] Nonetheless, in 'Canada the network access points and the Internet all run over the same circuits or lines that are used for telephone activity.' [85] After noting that human rights legislation should be interpreted purposively – 'in a manner consistent with its overarching goals' [86] – the Tribunal concluded that it was

not persuaded that 'telephonically' implies a limitation on the precise sensory format in which the communication is expressed, nor that it should be defined solely by reference to the particular device used for the communication. Whether a message is communicated aurally, by voice, or visually, by text, has no effect on its capacity to influence the listener, or humiliate the subject. Nor does the specific device used to effect the communication alter the harmful character of the message conveyed. A telephone handset is not uniquely effective in the communication of hate messages. [87]

The final consideration for the Tribunal was whether the respondent's speech was likely to expose the targeted group to 'hatred and contempt' (the language in Section 13). Applying a test from the Supreme Court case *Canada (Human Rights Commission) v. Taylor* (whether the alleged hate speech was likely to arouse 'unusually strong and deep-felt emotions of detestation, calumny or vilification'), [88] the Tribunal considered whether, as a consequence of the speech in question, 'an identifiable group will be subject to hatred, that is extreme ill will, detestation, enmity, or malevolence. Or, might the group be held in contempt, and looked down upon or treated as inferior.' [89] Ultimately, the Tribunal concluded, there existed no basis 'to withdraw our commitment to protecting minority groups from the intolerance and psychological pain caused by the expression of hate propaganda,' [90] and ordered Zündel to cease communicating messages like those 'found on the Zundelsite, or any other messages of a substantially similar form or content that are likely to expose a person or persons to hatred or contempt by reason of the fact that that person or persons are identifiable on the basis of a prohibited ground of discrimination.' [91] This expansion of Section 13 to the internet was not without

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controversy. Margo Langford, a board member of the Canadian Association of Internet Providers, was immediately sceptical of the ability of Canadian internet providers to silence ‘Zundelsiet.’ ‘It’s not on our servers. Clearly you can’t stop one computer from talking to another computer, one telephone caller from speaking to another caller, and that’s what the Internet is.’ [92] Others insisted that ‘Curbing the internet is like trying to nail Jello.’ [93] In *Zündel*, the Tribunal acknowledged the ideological tensions and technological practicalities, but was nevertheless satisfied, adding: ‘There is also a significant symbolic value in the public denunciation of the actions that are the subject of this complaint. Similarly, there is the potential educative and ultimately larger preventative benefit that can be achieved by open discussion of the principles enunciated in this or any Tribunal decision.’ [94] Thus, Melissa Waters has observed, the Tribunal was ‘quite cognisant of the potential power of its decisions not only in translating existing Canadian norms on hate speech to new contexts, but in serving a larger symbolic and educative purpose,’ viewing ‘its role not only as a transnational representative or defender of domestic speech norms, but also as a transnational advocate or champion of domestic norms.’ [95] Observers have long noted the ‘role of Canada’s government (especially its own human rights commission) in helping to diffuse NHRCs [national human rights commissions] abroad.’ [96] Canada’s ‘marked – and quite intentional – break from the free speech tradition’ of the United States, and its pursuit of a ‘distinctive rights culture,’ is therefore a matter of some international importance.

With these wide-ranging intentions, the Canadian Human Rights Commission was liable to overreach, and overreach it did, albeit with the goals of combating hate speech. In March of 2008, during a hearing regarding a Section 13 complaint against Marc Lemire (proprietor of an allegedly racist website), the Commission’s hate speech investigator, Dean Steacy, admitted to the Canadian Human Rights Tribunal that he ‘used pseudonym e-mail addresses to access neo-Nazi and other far-right websites.’ [97] Lemire’s lawyer, Barbara Kulaszka, suggested that Steacy’s pseudonymous messages might be used to ‘entrap or entice’ others into posting incriminating messages, and complained that it ‘was entirely possible that the commission might investigate a webmaster like Mr. Lemire for allowing a posting by a police officer posing as a racist.’ [98] Disastrously, Steacy went on to say that ‘Freedom of speech is an American concept, so I don’t give it any value,’ leading Jonathan Kay of the *National Post* to chide the investigator, writing ‘I guess Section 2 has been excised from his copy of the Canadian Charter of Rights.’ [99] These embarrassing revelations and slips of the tongue helped to release pent up hostility against Canada’s human rights regime as it relates to freedom of expression (despite

the overall political ‘profession of fidelity’ to its overall principles). Perhaps such antagonism had merely gone to ground.

After all, during a 1986 administrative strengthening of Ontario’s provincial human rights Commission, critics like Claire Hoy claimed that the new Code contained provisions ‘which would have made Mussolini smile,’ while the daily newspaper *The Globe and Mail* opined that the revision was ‘intrusive, misguided and unsettling document, giving human rights officials an unjustified amount of power to investigate complaints and to regulate the private domain,’ and the Ontario Commission’s former counsel Ian Hunter criticised the ‘essentially theological nature’ and ‘utopian vision’ of human rights legislation and campaigners respectively, as well as the ‘cost in human freedom which our relentless pursuit of equality exacts.’ [100] These criticisms are, as R. Brian Howe put it, rooted in the ‘conservative liberal ethic,’ and represent ‘forces for restraint.’ [101] The Mark Steyn-driven controversies of 2008 would again bring this divisive issue to the fore, as Canadian human rights commissions and tribunals grappled with the age-old speech-incitement balancing act, and the larger public considered whether it was irresponsible journalism, or Canada’s human rights codes, that represented the thin edge of a wedge between Canadians and their civil liberties.

IV.

In December 2007, the Canadian Islamic Congress (CIC) initiated human rights complaints against *Maclean’s* magazine, seeking remedies from the Canadian Human Rights Commission, Ontario Human Rights Commission, and British Columbia Human Rights Commission. Nine months earlier, the CIC had failed to convince *Maclean’s* to run a full-length article ‘rebuttal’ of Mark Steyn’s article ‘The future belongs to Islam,’ ostensibly leading to official legal action. At the time, lead counsel for the CIC, Faisal Joseph, told the press the ‘kinds of mistruths [in “The future belongs to Islam”] can cause a backlash... [and] deepen divisions between Muslims and non-Muslims.’ [102] A CIC ‘Statement of Concern,’ written by five law students at Osgoode Hall (Khurram Awan, Muneeza Skeikh, Naseem Mithoowani, Ali Ahmed, and Daniel Simard), made the case to the public that Steyn’s article represented incitement to Islamophobic hatred. In its ‘Statement,’ the CIC alleged that Steyn had been engaging in the following eight activities:

- (1) promoting Islamophobia and fear of Muslims;
- (2) representing Muslims as violent people who are prone to engage in violence and are incapable of

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living peacefully in their host societies; (3) casting suspicion on Muslims at large as potential terrorists, extremists, and radicals; (4) representing the presence and growth of Muslims in Western societies as a threat to the Western values of democracy, freedom, and human rights; (5) attempting to import a racist discourse and language into mainstream discourse in Canadian society; (6) attacking multiculturalism and religious freedoms; (7) attacking laws that provide protection to identifiable communities from the type of discriminatory journalism that Macleans [sic] is engaging in; (8) condemning any and all efforts by politicians, law enforcement, media and other institutions to reach out to Muslim communities and to exercise sensitivity. [103]

Steyn's succinct response: 'So the CIC doesn't like my argument? Fine. Argue against it, but don't try to criminalise debate. That's the way they do things in Sudan and Saudi Arabia, not Canada.' [104] (Note that Steyn's use of the word 'criminalise' was more for effect than accuracy; it must be remembered the proceedings were not strictly speaking criminal in nature.)

The complaint to the Ontario Human Rights Commission can be dealt with succinctly, as it never made it before the Tribunal. Ontario's Human Rights Code (the same piece of legislation so reviled Hoy, Hunter, and Howe) has its own version of Section 13(1), but with key differences: 'A right under Part I is infringed by a person who publishes or displays before the public or causes the publication or display before the public of any *notice, sign, symbol, emblem, or other similar representation* that indicates the intention of the person to infringe a right under Part I or that is intended by the person to incite the infringement of a right under Part I [emphasis added].' Any plain reading of this statute would exclude an opinion article, on-line or in print. Stretching from 'telecommunication' to the internet is possible, but 'The future belongs to Islam' cannot be said to constitute a representation similar to a placard. Thus the Ontario Commission acknowledged on April 9, 2008 that 'the Code, which prohibits displaying or publishing a notice, sign, symbol, emblem or other similar representation with the intent to infringe human rights or to incite others to do so, cannot be interpreted to include the content of the magazine article in issue.' [105] As to a claim made in the alternative by the CIC, arguing for Commission jurisdiction on the grounds that the lack of rebuttal space violated Section 1 of the Code ('Every person has a right to equal treatment with respect to services, goods and facilities'), the Commission found that 'the content of the magazine and the *Maclean's* refusal to provide the

complainants with space in the magazine for a rebuttal, are not goods or services within the meaning of the Code.’ [106]

Not content to let the matter rest there, however, the Commission attached to its decision a further consideration of ‘racism and Islamaphobia in the media’ and the matter of ‘freedom of expression and human rights.’ The Commission took issue with the *Maclean’s* alleged portrayal of ‘Muslims as all sharing the same negative characteristics, including being a threat to “the West,” thus perpetuating and promoting ‘prejudice towards Muslims and others.’ [107] Concluding that ‘with rights come responsibilities,’ the Commission lamented the current state of Canadian hate speech laws, noting that

The different approaches in various human rights statutes across Canada can send a confusing message and give rise to inconsistencies, depending on where a complaint is filed. For example, it is possible to initiate complaints about a magazine article in more than one province and, if the article appears on the internet, with the Canadian Human Rights Commission. It is also unclear what matters trigger the application of the hate law provisions of the Criminal Code. Clearly more debate on this issue is required in Canada. A comprehensive approach to the issue should be one of the goals. [108]

Hamstrung by the text of Ontario’s Section 13, the Commission nonetheless felt that ‘it should also be possible to challenge any institution that contributes to the dissemination of destructive, xenophobic opinions.’ [109] This castigation was some small comfort to the CIC complainants; Faisal Joseph professed to be ‘delighted’ with the decision, and claimed victory on the grounds that ‘we thought this would be an excellent way to demonstrate the gaping hole in human rights legislation in Ontario, and the [Commission] has done exactly that.’ [110] When the *Maclean’s* editorial team subsequently wrote, ‘Human rights commissions are undermining the fundamental Charter rights of all Canadians,’ the Ontario Commission’s Chief Commissioner Barbara Hall, invoking Canada’s symbiotic constitutional pillars, responded: ‘No single right is any more or less important than another. And the enjoyment of one depends on the enjoyment of the other. This means if you want to stand up and defend the right to freedom of expression then you must be willing to do the same for the right to freedom from discrimination.’ [111] Typically dismissive, Steyn quipped: ‘Even though they don’t have the guts to hear the case, they might as well find us guilty. Ingenious!’ [112] The Ontario Commission’s

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approach, which split the difference by simultaneously rejecting and applauding the CIC's complaint, did little to settle the issue in the public sphere.

The next decision was to come from the federal Canadian Human Rights Commission, where as we have seen Section 13 could be applied to telecommunications (as of 2001 including internet communications) 'likely to expose a person or persons to hatred or contempt.' In theory the complaint stood a better chance in the federal arena than it had in the Ontario provincial one, since Steyn's article clearly did not fall within the latter's statutory purview. Yet on June 25, 2008 the Canadian Human Rights Commission likewise rejected the CIC complaint without referring it to the Tribunal. In its decision with respect to *Canadian Islamic Congress v. Rogers Media Inc.*, the Commission considered Canadian Supreme Court precedent, such as the aforementioned *Taylor* case, which set the standard for 'hate propaganda' as that which was 'likely to circulate extreme feelings of opprobrium and enmity against a racial or religious group.' [113] A more recent Canadian Human Rights Tribunal case, *Warman v. Kouba* (2006), further refined the test, laying out 'hallmarks' of 'material likely to expose persons to hatred and contempt,' but the Commission distinguished Kouba from the Steyn complaint, since the former was found to have 'use[d] racist epithets and slurs to create a tone of profound denigration and disgust... [and] advocate[d] the exile and segregation of members of the targeted groups.' [114] The Steyn article, on the other hand,

discusses changing global demographics and other factors that the author describes as contributing to an eventual ascendancy of Muslims in the 'developed world,' a prospect that the author fears for various reasons referred to in the article. The writing is polemical, colourful and emphatic, and was obviously calculated to excite discussion and even offend certain readers, Muslim and non-Muslim alike. [115]

For this reason, the Commission found that the article was 'not of an extreme nature,' and, in order to 'be consistent with the [principle of] minimal impairment of free speech,' [116] the complaint was dismissed, not with a bang but a whimper.

Commentators aligned with the CIC, like Haroon Siddiqui, bemoaned the 'media's mostly one-sided discourse on the case of *Maclean's* before the federal, as well as the Ontario and British Columbia, human rights commissions,' [117] but public opinion was mainly on the side of Steyn, who received support from groups not ordinarily ideologically sympathetic to the conservative pundit. The

writers association PEN Canada had issued a statement in February 2008 calling ‘on the federal and provincial governments to change human rights commission legislation to ensure commissions can no longer be used to attempt to restrict freedom of expression in Canada,’ citing the Steyn complaints as well as an earlier Alberta complaint against the journalist Ezra Levant, whose *Western Standard magazine* published the infamous Danish cartoons. [118] Levant himself poked fun at the fact that ‘one single activist – a lawyer named Richard Warman, who used to work at the commission himself – has filed 26 complaints, nearly 50 percent of all complaints under that commission’s “hate messages” section.’ [119] Meanwhile, Alan Borovoy, general counsel for the Canadian Civil Liberties Association, advocated the removal of ‘those [hate speech] sections from the B.C., federal, Alberta and Saskatchewan legislation so they would all desist from attempting to censor the content of print material,’ though he admitted that ‘The Commissions were established to use state coercion against discriminatory deeds, and also to use social persuasion with respect to discriminatory words.’ [120] As early as January 30, 2008, the Liberal MP Keith Martin had introduced a government bill (M-446) ‘That, in the opinion of the House, subsection 13(1) of the Canadian Human Rights Act should be deleted from the Act.’ [121]

Tensions mounted in anticipation of the decision of the British Columbia Human Rights Tribunal, where the complaints had proceeded farther than in Ontario or Ottawa (owing mainly to the fact that, as of March 31, 2008, it is a direct-access tribunal with its own screening process). Hearings had been held in front of the BC Tribunal in early June. Faisal Joseph, arguing for the CIC, had implored the quasi-judicial body: ‘You are the only opportunity to right a terrible wrong to a clearly identifiable group numbering hundreds of thousands in this great country, and tens of thousands in the beautiful province of British Columbia. You are the only thing between racist, hateful, contemptuous Islamophobic and irresponsible journalism, and law-abiding Canadian citizens.’ [122] The Steyn article, Joseph maintained, portrayed Canadian Muslims as ‘a violent people,’ and the photograph accompanying the article (depicting two young Muslim women) ‘could have been the picture of a horror cult movie.’ [123] *Maclean’s*, basically contemptuous of the proceedings, declined to call any witnesses.

On October 10, the Tribunal issued its decision in *Elmasry and Habib v. Roger’s Publishing and MacQueen*. [124] The relevant statute, another provincial variant of Section 13, was British Columbia Human Rights Code (1996) Section 7(b) (‘Discriminatory publication’), which states that ‘A person must not publish, issue

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or display, or cause to be published, issued or displayed, any statement, publication, notice, sign, symbol, emblem or other representation that...is likely to expose a person or a group or class of persons to hatred or contempt.' The Tribunal began by acknowledging that it was 'engaged in balancing two important and potentially competing rights,' namely the 'constitutionally protected right to live in a society that is free from discrimination, and the constitutionally protected right to freedom of speech.' [125] Section 2 of the Charter's free speech guarantees were to be balanced against Section 27's guarantee that the 'Charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians.' Jurisdictional concerns were waived away; though 'Section 92(10) [of the Constitutional Act, 1867] gives the federal parliament, and therefore the federal human rights system, jurisdiction over interprovincial or international modes of communication,' and thus not the internet, the print publication could still be considered by the BC Tribunal. [126] The intervening BC and Canadian Civil Liberties Associations and the Canadian Association of Journalists argued that there was no stand-alone protection against hate speech in British Columbia, and that Section 7(1)(b) 'should be interpreted as extending only to publications which otherwise relate to one of the areas of activity for which protection is provided in the *Code*' (e.g. employment or services), [127] but this contention was rejected due to both the clear wording and purposive interpretation of the Code. [128]

The Tribunal's consideration of the CIC's hate speech complaints again relied on the *Taylor* definitions, the application of which resulted in a two-part test:

a publication must both express hatred or contempt in and of itself, and also make it more acceptable for others to manifest hatred or contempt against the target person or group. Thus, a communication which is not itself hateful or contemptuous, but which has the effect of increasing the risk of exposing the target group to hatred or contempt, does not contravene s. 7(1) (b). [129]

Context was critical, and the Tribunal looked at six factors: 'the vulnerability of the target group; the degree to which the publication on its face contains hateful words or reinforces existing stereotypes; the content and tone of the message; the social and historical background for the publication; the credibility likely to be accorded the publication; and how the publication is presented.' Ultimately, it was concluded, whatever alleged 'historical, religious and factual inaccuracies' were present in the article, the complainants had not succeeded in 'linking the inaccuracies in the Article to the probability that it would expose Muslims in B.C.

to the level of ‘unusually strong feelings and deeply felt emotions of detestation, calumny and vilification’ required by *Taylor*.’ [130] In fact, ‘The Article, with all its inaccuracies and hyperbole, has resulted in political debate which, in our view, s. 7(1)(b) was never intended to suppress...as the evidence in this case amply demonstrates, the debate has not been suppressed and the concerns about the impact of hate speech silencing a minority have not been borne out.’ [131] This last evidentiary shortcoming was enough to put the matter to rest. The final CIC complaint had been dismissed.

The wrangling over the CIC complaints against *Maclean’s* had been entirely unpleasant; the Tribunal’s decision detailed the tense meetings between the complainants and respondents concerning CIC demands for magazine space for a rebuttal, or in the alternative a \$10,000 donation to a race-relation foundation (*Maclean’s* editor-in-chief, Kenneth Whyte, responded that he would rather ‘go bankrupt’). [132] The aftermath was no better. Steyn feigned disappointment: ‘The only reason to go through all this nonsense is to get to the stage where you can appeal it to a real court, and if necessary up to the Supreme Court.’ Faisal Joseph feigned delight: ‘Our objective of exposing *Maclean’s* and Mark Steyn for their falsehoods, and misrepresentation and stereotyping of Muslims has been achieved.’ [133] The National President of the CIC, Mohamed Elmasry, was not as Panglossian, telling a journalist that the ‘three commissions made the wrong decisions because of inappropriate pressure by media and politicians’ and that ‘The first point that I did learn from this exercise is that Islamophobia is alive and well in Canada, in the media and also in politics.’ [134] A Steynian response to Elmasry would no doubt be that freedom of political expression is likewise alive and well, and as such the Canadian human rights commissions felt constrained merely to censure, rather than censor, *Maclean’s* and its star commentator.

Public outcry about this issue led to the commissioning of law professor Richard Moon of the University of Windsor to prepare a report on Section 13 for the Canadian Human Rights Commission. The so-called Moon Report, released in November 2008, made a surprising recommendation: ‘that section 13 of the *CHRA* be repealed, so that the CHRC and the Canadian Human Rights Tribunal (CHRT) no longer deal with hate speech, and in particular hate speech on the Internet. Hate speech should continue to be prohibited under the *Criminal Code* but this prohibition should be confined to expression that advocates, justifies or threatens violence.’ [135] In the alternative, Moon continued, Section 13(1) should be amended ‘to make clear that the section prohibits only the most extreme instances

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of discriminatory expression, and more particularly expression that threatens, advocates or justifies violence against the members of an identifiable group.’ [136] As a sop to those concerned about rolling back protection against incitement to ethnic or religious hatred, Moon urged that internet service providers create a ‘hate speech complaint line’ and associated ‘advisory body’ that could shut down the site [137] (though how this would deal with hate speech on a page like ‘Zundelsite,’ hosted as it was in a foreign country, is unclear). Furthermore, newspapers and news magazines should, Moon wrote, ‘seek to revitalise the provincial/regional press councils... [to] ensure that identifiable groups in the community are able to pursue complaints’ or else face a new ‘national press council’ that could determine ‘whether a newspaper or magazine has breached professional standards’ and then could order the offender to ‘publish the press council’s decision.’ [138] should be added that press councils themselves are far from uncontroversial. In October 2008 a columnist for the *Irish Independent* newspaper, Kevin Myers, was found by the Irish Press Council to have authored an article (opposing ‘sanctimonious’ aid to Africa) that was ‘likely to cause grave offence;’ Myers responded by attacking the ‘infantile banality’ of the ‘gibbering dogma’ of ‘political correctness.’ [139] Newspapers and their staffs may well prefer to shy away from establishing a similar press council oversight system.

All in all, the Moon report represented a distinct change in tone from a 2006 Canadian Human Rights Commission publication, ‘Hate on the Net,’ which crowed: ‘It seems fair to say that the American view is becoming a minority one in the world. Canada is part of what appears to be a growing global consensus, which observes that careful restrictions of some forms of speech are both desirable and necessary.’ [140] The Mark Steyn cases, despite never making it beyond the quasi-judicial human rights commissions and tribunals, have prompted an institutional reconsideration of just where the line should be drawn with respect to those ‘careful restrictions.’ Professor Moon’s proposed Section 13 rewrite, which suggests the American ‘clear and present danger’ standard, has not quite brought down the wide arch of the ‘growing global consensus’ [141] concerning objectionable speech, but it nonetheless represents a development of the first magnitude.

V.

Legal approaches to ‘hate speech’ in the western world vary greatly, from the relatively restrictive French model (typified by the June 2008 fining of Brigitte Bardot for criticising the slaughter of animals for the Muslim festival of Eid al-

Adha, thus ‘inciting racial hatred’) [142] to the liberal American approach, which generally affords political speech the highest level of First Amendment protection, thereby closely adhering to the marketplace of ideas vision of John Milton, who exhorted his countrymen in *Areopagitica* (1644): ‘Let her [Truth] and Falshood [sic] grapple; who ever knew Truth put to the wors [sic] in a free and open encounter?’ [143] (Hence the notion of ‘Miltonic freedom.’) As Canada, through its national and provincial human rights commissions, shifted towards the former approach, the latter came under fire. ‘This notion,’ Ontario Court of Appeal Justice Russell Juriansz wrote in the aforementioned ‘Hate on the Net’ Commission publication, ‘is based on the view that human beings are rational creatures, who can distinguish truth from falsehood.’ [144] Yet, Justice Juriansz continued, ‘Some might argue that history since proves both [US Supreme Court Justice Oliver Wendell] Holmes and Milton wrong. To them, the success of the Joseph Goebbels’ Nazi propaganda machine proves that people will not always choose truth over falsehood, that truth will not always triumph, and that we cannot trust the free “marketplace of ideas” to ensure our security and the continued civility of our society.’ [145] Citing the 1966 Cohen Committee Report (which concerned the tightening up of Canada’s hate speech criminal code provisions), Juriansz concluded that ‘individuals can be persuaded to believe “almost anything” so long as the information or ideas are communicated in the proper circumstances and using the right technique.’ [146] Edmund Burke’s 1790 propositions that ‘We are afraid to put men to live and trade each on his own private stock of reason, because we suspect that this stock in each man is small’ and that ‘Prejudice is of ready application in an emergency’ [147] come to mind, though Canadian conservatives, who tend to view the great British Whig as their ‘ideological touchstone,’ [148] would no doubt dispute Burke’s connection with the likes of Juriansz and Commissioner Lynch.

Of course, the Canadian Supreme Court is on record that free speech is ‘little less vital to man’s mind and spirit than breathing is to his physical existence.’ The freedom to express oneself, and thereby pursue autonomy and self-determination, is in itself a critical human rights issue. One should never lose sight of the immense burden state interference with journalism has on those directly affected. Charles Churchill, colleague of the great eighteenth century civil libertarian John Wilkes, described the effect of government censorship as follows:

Those few, those very few, who are not afraid to take a lover of his country by the hand, congratulate me on being alive and at liberty – They advise circumspection – for, they do not know – they cannot tell – but – the times

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– Liberty is precious – fines – imprisonment – pillory – not indeed that they themselves – but – then in truth – God only knows...letters which used to breathe the genuine spirit of *old English liberty*, are become insipid, tame, and languid. Caution hath got the better of public virtue, and discretion is substituted in the place of true wisdom. [149]

This is not necessarily to imply that ‘The future belongs to Islam’ represents the definition of ‘public virtue,’ but the chilling effect of the threat of continuous adversarial human rights tribunal appearances is real, and carries with it the potential of turning Canadian journalism ‘insipid, tame, and languid,’ cautious, and discrete.

The 2008 Moon Report, and its generally positive public reception, as well as the Section 13 legislation introduced by MP Keith Martin, indicate the possibility of backtracking (at least at the Canadian federal level) towards a concrete harm analysis of hate speech, centered around whether the complained-of expression ‘advocates, justifies or threatens violence.’ Furthermore, Professor Moon’s desire to revitalise press councils looks more like the Irish model than the French. Despite CIC counsel Faisal Joseph’s positive spin after the British Columbia Human Rights Tribunal dismissal, it is the Moon Report that represents the real fruit of the year-long quasi-judicial Steyn cases. In practice, it seems that the hate speech line has been drawn in Canada somewhere between the likes of James Keegstra and Ernst Zündel (who resemble France’s Holocaust-denying Faurisson) on one side and the likes of Mark Steyn, Brigitte Bardot, and Kevin Myers (who were engaged in political speech, however provocative) on the other. This does not discount the possibility of future complaints (well-intentioned or otherwise), but the move towards reforming Section 13 point to a way forward.

In the end, the *Maclean’s* controversy speaks to a very real ‘free and open encounter’ the likes of which John Milton proposed, not only between ‘Truth’ and ‘Falshood,’ and not only between the advocates of freedom of expression and advocates of religious tolerance, but between competing systems of free speech jurisprudence that have existed for centuries. One notes with interest the renewal of this debate in the form of a recent Dutch Labor Party position paper urging that ‘instead of reflexively offering tolerance with the expectation that things would work out in the long run,’ the Dutch government should be ‘bringing our values into confrontation with people who think otherwise,’ [150] indicating that there are still policymakers on the left as well as the right who would prefer open ideological encounters, even at the potential expense of *ordre public*. (Of course, the ongoing

Dutch prosecution of Geert Wilders, the Dutch MP and director of *Fitna*, proves that the enforced-tolerance approach still predominates in many jurisdictions.) This ideological encounter has been occurring in Canada for decades, with the 'modern multicultural experiment' operating alongside an understanding that, as the Canadian human rights scholar Ross Lambertson has written,

no society or political rulers should assume infallibility, and opposition to their received values and the status quo should be regarded as a sort of gift – arguments swimming against the tide may contain at least a portion of truths previously hidden to most of us, they may inspire, through debate, higher truths previously invisible to us, and they at least will ensure that we cleave to our opinions for intelligent reasons, rather than simply holding them as dead dogma. [151]

In light of the Steyn cases and the ensuing Moon report, though Canada will doubtless remain a 'distinctive rights culture' with respect to speech as in other areas, one should not be overly hasty in declaring a 'global consensus' as to just what constitutes a 'reasonable limit on the expression of hatred.' There is still room for considerable 'play in the joints' (as jurists often put it) in either system, and proponents of wide-ranging limitations on speech in the name of tolerance may well come to find 'insipid, tame, and languid' opinion insufficient in increasingly trying times.

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Notes

[1] Steyn 2006. The article subsequently appeared the *Macleans*' October 23 print edition.

[2] Ibid.

[3] Ibid.

[4] Ibid.

[5] Lunau 2007.

[6] Ibid.

[7] Steyn 2008a.

[8] Steyn 2008b.

[9] Lynch 2008.

[10] Ibid.

[11] Sedley 1998, p. 24.

[12] *U.S. v. Associated Press*, 52 F. Supp. 362, 372 (S.D.N.Y. 1943), aff'd, 326 U.S. 1 (1945).

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- [13] Ibid.
- [14] See *Associated Press*, ‘Arabs Battle West Over Free Speech at the UN’ (April 1, 2008).
- [15] Walton 2008.
- [16] Namely, that ‘*Jesus Christ* was a bastard, and his mother must be a whore.’
- [17] *People v. Ruggles*, 8 Johns. R. 290 (N.Y. 1811).
- [18] Ibid.
- [19] Ibid.
- [20] Ibid.
- [21] Smith 1976, p. 137.
- [22] *Ars Poetica*, lines 7-9 (‘*uelut aegri somnia, uanae fingentur species, ut nec pes nec caput uni eddatur formae.*’)
- [23] Schama 1989, p. 442.
- [24] Hunt 2007, p. 16.
- [25] Schama 1989, p. 443.
- [26] Ibid.
- [27] Hunt 2007, p. 17.
- [28] Nowak 1993, p. 365.
- [29] Fogo-Schensul 1997, p. 258.
- [30] Quoted Lajer-Burcharth 1999, p. 16.
- [31] McGoldrick and O’Donnell 1997, p. 457.
- [32] Ibid.
- [33] *Jersild v. Denmark*, Ser. A, No. 298-A (1994).
- [34] Article 266 (b) of the Danish Penal Code.
- [35] *Jersild v. Denmark*, Ser. A. No. 298-A (1994), par. 29.
- [36] Ibid., par. 31.
- [37] Ibid., par. 37.
- [38] Ibid., par. 35.
- [39] *Jersild v. Denmark*, Joint Dissenting Opinion of Judges Ryssdal, Bernhardt, Spielmann, and Loizou, § 4.
- [40] Ibid., par. 5.
- [41] *Jersild v. Denmark*, Joint Dissenting Opinion of Judges Gölcüklü, Russo, and Valticos.
- [42] *Faurisson v. France*, Views of Committee, November 8, 1996, UN Doc. A/52/40 (1999), Vo. II, at 84.
- [43] Ibid., par. 9.6.
- [44] Ibid., par. 9.7.
- [45] Ibid., par. 9.5.
- [46] Reichman 2007, pp. 79-80. See also *Suszkind v. Israel*, IsrSC 52(3) 289 (1998).
- [47] Ibid., pp. 122-3.

- [48] Ibid., p. 124.
- [49] Paley 1819, pp. 392-93.
- [50] Reichman 2007, p. 81.
- [51] Sadurski 1999, p. 180.
- [52] The Supreme Court, in *Beauharnais v. Illinois*, 343 U.S. 250 (1952), upheld a statute prohibiting 'libel of a creed or racial group,' but recent cases have, according to the appellate judge Frank Easterbrook, 'so washed away the foundations of *Beauharnais* that it could not be considered authoritative.' See *American Booksellers Ass'n v. Hudnut*, 771 F.2d 323, 331 n. 3 (7th Cir. 1985).
- [53] Krotoszynski 2006, p. 23.
- [54] *Doe v. University of Michigan*, 721 F. Supp. 852, 863 (E.D. Mich. 1989).
- [55] *Dambrot v. Central Michigan University*, 839 F. Supp. 477, 482 n.7 (E.D. Mich. 1993).
- [56] *National Socialist Party of America v. Village of Skokie*, 432 U.S. 43, 44 (1977).
- [57] Barendt 1998, p. 30.
- [58] Bird 2000, p. 414.
- [59] Michael Ignatieff, quoted in Lambertson 2005, p. 3.
- [60] Krotoszynski 2006, p. 26.
- [61] *Reference re Secession of Quebec*, 2 S.C.R. 217, par. 49 (1998).
- [62] Lambertson 2005, p. 6.
- [63] Krotoszynski 2006, p. 26.
- [64] Lambertson 2005, p. 16.
- [65] *RWDSU v. Dolphin Delivery Ltd*, 2 S.C.R. 573 (1986), par. 12.
- [66] *Irwin Toy Ltd. v. Quebec (Attorney General)*, 1 S.C.R. 927, 968-9 (1989) (internal citation omitted).
- [67] Ibid. at 976.
- [68] Ibid. at 1009.
- [69] Krotoszynski 2006, p. 37.
- [70] Lambertson 2005, p. 45.
- [71] Fogo-Schensul 1997, p. 265.
- [72] Lambertson 2005, p. 67.
- [73] Fogo-Schensul 1997, p. 265.
- [74] For more analysis, see Krotoszynski 2006, p. 54.
- [75] *R. v. Keegstra*, 3 S.C.R. 697, 743 (1990).
- [76] Ibid. at 769.
- [77] Johnson and Howe 1997, p. 2.
- [78] Ibid., p. 3.
- [79] *Citron v. Zündel*, 41 C.H.R.R. D/274, par. 5.
- [80] Waters 2005, p. 536.
- [81] *Citron v. Zündel*, pars. 19, 20.

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- [82] Ibid., par. 41.
- [83] Bueckert 1996.
- [84] *Citron v. Zündel*, par. 54.
- [85] Ibid., par. 66.
- [86] Ibid., par. 74.
- [87] Ibid., par. 85.
- [88] *Canada (Human Rights Commission) v. Taylor*, 3 S.C.R. 892, 928 (1990).
- [89] *Citron v. Zündel*, par. 136.
- [90] Ibid., par. 238.
- [91] Ibid., par. 303.
- [92] Bueckert 1996.
- [93] Fogo-Schensul 1997, p. 267.
- [94] *Citron v. Zündel*, par. 300.
- [95] Waters 2005, p. 538.
- [96] Cardenas 2003, p. 778.
- [97] Butler 2008.
- [98] Ibid.
- [99] Kay 2008.
- [100] Quoted in Howe 1991, p. 799.
- [101] Ibid.
- [102] O'Brien 2007.
- [103] See Canadian Islamic Congress, 'Macleans [sic] Magazine: A Case study of Media-Propagated Islamophobia,' www.canadianislamiccongress.com/ar/Report_on_Macleans_Journalism.pdf.
- [104] O'Brien 2007.
- [105] See Ontario Human Rights Commission, 'Commission Statement Concerning Issues Raised by Complaints Against *Macleans*' Magazine' (April 9, 2008).
- [106] Ibid.
- [107] Ibid.
- [108] Ibid.
- [109] Ibid.
- [110] Brean 2008a.
- [111] Hall 2008.
- [112] Brean 2008a.
- [113] Canadian Human Rights Commission, Decision of the Commission, to *Canadian Islamic Congress v. Rogers Media Inc.* (June 25, 2008), p. 3.
- [114] Ibid.
- [115] Ibid., p. 4.
- [116] Ibid., p. 5.

- [117] Siddiqui 2008.
- [118] See PEN Canada, 'PEN Canada calls for changes to human rights commission legislation,' Press Release (February 4, 2008), p. 1.
- [119] Levant 2007.
- [120] Brean 2008a.
- [121] See Canadian Parliament, Notice Paper No. 41, Private Member's Notices of Motions (January 31, 2008).
- [122] Hutchinson 2008.
- [123] Ibid.
- [124] *Elmasry and Habib v. Roger's Publishing and MacQueen*, 2008 BCHRT 378 (2008).
- [125] Ibid., par. 7.
- [126] Ibid., pars. 47, 50.
- [127] Ibid., par. 54.
- [128] Ibid., par. 61.
- [129] Ibid., par. 75.
- [130] Ibid., par. 140.
- [131] Ibid., par. 159.
- [132] Ibid., par. 104.
- [133] Brean 2008b.
- [134] Brean 2008c.
- [135] Moon 2008, p. 2.
- [136] Ibid.
- [137] Ibid., p. 3.
- [138] Ibid.
- [139] Myers 2008.
- [140] Juriansz 2006, p. 22.
- [141] It can also be added that any notion of a global consensus in these matters is immediately suspect, given the way that, say, the European Court of Human Rights operates. As Colin Warbrick notes, 'the European Court relies on what the States are doing – the creation of a European consensus – as an indication of how the Convention should be interpreted.' Yet, if the principle of 'diversity becomes a more predominant value than equality in Europe, the Court will find it even harder to detect a European consensus to underpin its judgments.' See Warbrick 1998, p. 195. The state of play is thus necessarily more fluid than Canadian commissioners would seem to have it.
- [142] *BBC News*, 'Bardot fined over racial hatred' (June 3, 2008).
- [143] Milton 1898, pp. 51-52.
- [144] Juriansz 2006, p. 19.
- [145] Ibid., p. 20.
- [146] Ibid.
- [147] Burke 1791, pp. 129-30.

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[148] Lambertson 2005, p. 23.

[149] Quoted in Cash 2006, p. 90.

[150] Vinocur 2008.

[152] Lambertson 2005, p. 385.

Gunsmoke and Mirrors: How Sinn Fein Dressed Up Defeat as Victory

by Henry McDonald, Gill & Macmillan, 2008, 256 pp.

Gary Kent

While the 'Northern Ireland model' is increasingly cited as applicable to other conflicts, perhaps especially in the Middle East, the truth about the ending of the Northern Ireland Troubles is misunderstood, not least because a myth has been established by Sinn Fein – 'the polite fiction,' as Henry McDonald puts it, 'that the final outcome had been some sort of honourable draw.'

Why did the Provisional IRA really come to the table?

Henry McDonald is a veteran Ireland correspondent for the Observer and Guardian, with considerable reporting experience in the Middle East too. His slim, commendable, readable but sometimes slapdash book sets the peace process in the context of the complex development of the two IRAs, the Officials and the Provisionals, which split in 1969 over whether to reform or destroy Northern Ireland. The Officials renounced violence and their political wing, the Workers' Party (WP), embarked on a journey on which its most gifted parliamentarians became leaders of the Irish Labour Party. Gangsterism and graft as well as some odd Stalinist connections (such as the North Korean Workers Party) tainted them, but the WP played an important part in weaning members of the British Labour Party and some trade union activists off the primitive anti-partitionist politics that dominated much left thinking in the 1980s.

History could have been very different if the Officials turn to class politics in the 1960s had not been eclipsed in the early 1970s by the more militarist and nationalistic Provisionals, who became 'the most well-armed and sophisticated paramilitary force in the western world,' according to McDonald. The supreme irony, he claims, is that the Provisionals' belief in using spectacular violence to sicken the UK into abandoning Northern Irish Protestants has perhaps permanently deferred Irish unity.

McDonald's central argument is that 'A charade of gunsmoke and mirrors' has subsequently covered a retreat from their early revolutionary rhetoric as Sinn Fein plays catch-up with the Officials and the middle-class nationalist Social Democratic

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and Labour Party. And if we insist on seeing the Northern Ireland peace process through this gunsmoke we will badly misunderstand it.

This passionate polemic is a scathing indictment of murderous republican illusions. McDonald argues that the Provos spent years sending violent messages to 'the wrong address' – to the UK Establishment rather than the local Protestants, although many of them were murdered. They failed to cajole the UK into being a persuader for unification. Instead, London built solid relations with the Irish government and insisted that Irish unity required consent rather than coercion.

In the 1990s, Republicans gradually dumped the 'ballot box and Armalite' strategy for an unarmed strategy to advance a unitary Ireland through an alliance of UK sympathisers, nationalist Ireland in the 26 counties, and American supporters. However, these hopes too evaporated. The United States became less sympathetic after the 9/11, but the IRA's dalliance with FARC narco-terrorists in Colombia had already infuriated the Bush administration, which rounded on Gerry Adams. McDonald quotes the senior US diplomat Richard Haass telling Adams: 'If any American, service personnel or civilian, is killed in Colombia by the technology the IRA supplied then you can fuck off. Don't tell me you know nothing about what's going on there, we know everything about it.'

Other factors missing from the Republican myth-cum-narrative of the peace process are the heavy infiltration of the IRA by British and Irish agents, the allegedly connected elimination of militaristic elements, and the gradual disintegration of the IRA. So when Martin McGuinness was said to have conveyed the message to the British that 'the conflict is over' and asked for help to come in from the cold, he was acknowledging the end of what McDonald calls 'one of the most futile mini-wars of the last century.' A movement which promised to smash Stormont and never decommission was now ready to reverse both commitments.

McDonald is deeply critical of those British left-wingers who swallowed the Provo narrative. He singles out two groups – the Militant and the ILP (Independent Labour Publications, not Party) as having challenged such thinking. I best declare my own interest as one of those who came to take a deep interest in Northern Ireland as a member of the ILP leadership. I had become active in the Labour Party in 1976 when the demand for 'Troops out of Ireland!' was part of the DNA of much of the left. Some of us came to recognise the fact that parts of the British left were more nationalistic than the Irish left – which sought to halt the violence and

unify the North before any type of new Ireland were possible.

What are the real lessons of the peace process?

The Irish peace process is now often prayed in aid by those seeking to resolve seemingly intractable conflicts, especially in the Middle East. The apparent relevance of Northern Ireland is that there were two sets of people who laid claim to the same 'narrow ground' and whose key representatives sought total victory and couldn't talk to or trust each other. Talking, we are told, is all that matters.

McDonald is unconvinced. He compares the pragmatic Provisionals with theocratic fundamentalists and points out the differences between the IRA's nationalist struggle with Hamas' anti-Semitism and search for a caliphate. And there are other differences. The IRA didn't rain down thousands of rockets on Britain, although its atrocities in the UK were horrendous. Britain's existence wasn't threatened and Britain did not bomb or blockade Belfast to tackle the IRA.

There was always an obvious solution to hand in Northern Ireland and the trick was to stand firm until people accepted that solution. The solution was eventually agreed after years of pointless violence. The endgame was that violence should be ended, that any change in the status of Northern Ireland was pursued through peaceful means, and that Ireland and Britain should enjoy deep and co-operative relations along with power-sharing, full equality and economic change in Northern Ireland. It is for this reason that SDLP Deputy Leader Seamus Mallon said caustically, but accurately, that the Belfast Agreement of 1998 was 'Sunningdale for slow learners' – referring to the (failed) power-sharing agreement of 1973.

Political leaders on all sides came to understand that the solution needed to be embraced. They understood that while beginning with the bigger picture, it was important to take baby steps to achieving it, and, critically, it was important to move at a speed which allowed each side to take their supporters with them. (This re-education of its own base is perhaps what can really be learnt from Sinn Féin, by the way).

For example, Irish republicans had long argued that Britain would hang on to Northern Ireland whatever its people thought. The British Government made it plain that they would only stay there if the majority of people wanted that. This declaration of neutrality – that Britain had 'no selfish strategic or economic interest'

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in Northern Ireland – reassured Republicans who were seeking to transform their movement into a political one. The Irish also took back their constitutional claim to reunification. Unionists talked to Republicans who eventually destroyed their arms.

Sir Jeremy Greenstock and others believe that the dialogue between the British state and the IRA is a model for talks with Hamas. However, in *Talking to Terrorists: Making Peace in Northern Ireland and the Basque Country*, John Bew, Dr. Martyn Frampton, and Inigo Gurruchaga rightly argue that, 'the notion that talking to terrorists is a one-size-fits-all solution to every conflict is too simplistic. It is not always good to talk. Sometimes it can do more harm than good.'

Dialogue took a long time to bear fruit. The dialogue with the IRA began in 1972 when a delegation was flown to London to talk to the then Secretary of State for Northern Ireland, Willie Whitelaw. The IRA was convinced that it was on a roll and regularly proclaimed total victory was imminent in the early 1970s when its violent campaign was at its height. The delegation, which included Gerry Adams and Martin McGuinness, merely demanded withdrawal and were unwilling to negotiate. Talking to the Provos at that time probably sustained their illusions of military victory, though the secret backchannels undoubtedly played an increasingly positive role in later years.

By the mid 80s, the IRA had, at the very least, been fought to a stalemate, some say defeated. The rise of a stronger political wing was increasingly in conflict with its military wing – the armalite in the one hand and the ballot box in the other strategy contained severe tensions. Talking to the Republican movement, together with laying down conditions concerning the need for exclusively peaceful and democratic politics, was an altogether different notion in these changed circumstances. Even then it took over a decade before the first ceasefire and a few more before the Provisionals took office in a devolved UK institution without the guarantee of Irish unity and decommissioned its weapons.

McDonald's cautions us against what he calls the 'fallacy of the good example.' I would add that no harm can come from the continuation of contacts between those who were prominent in the Irish peace process and a variety of actors in the Middle East who wish to study the process and draw lessons that can be tailored to their own specific circumstances. There has, for instance, already been a stream of visitors between Iraq and Ireland. Such synergies will undoubtedly be increased

in the wake of the appointment of George Mitchell as President Obama's envoy to Israel/Palestine given his previous vital role as the Chair of the talks that led to the Belfast Agreement of 1998.

The main lesson from Northern Ireland is not just the vague idea that the impossible can happen. It is also the very specific lesson that meaningful dialogue occurs only when those involved are brought to see for themselves the futility of armed struggle. Crucial aspects of the Northern Ireland peace process will be missed if we forget that blunt fact, and instead buy into 'the polite fiction that the final outcome had been some sort of honourable draw.'

Gary Kent has written about Irish affairs since the 1980s, and was an organiser of the Peace Train Organisation. He is now Director of Labour Friends of Iraq.

Notes

- [1] The 1985 Labour Party conference in Bournemouth is best remembered for Neil Kinnock's passionate denunciation of the Militant Tendency, but it was also the first year that the Workers Party organised a presence at the conference. Posters announcing that 'craic' would be found at their nightly Irish social nights were plastered across this Dorset seaside resort. This confused many for whom 'craic' was a new term with some other meanings. They organised these events for several years. The evenings combined the flute and guitar with drink and songs of international solidarity and a varied audience came to see that there were left-wingers who loathed the Provos and promoted 'class politics' rather than physical force.

Malcolm Caldwell: Pol Pot's Apologist

Michael Ezra

I

Malcolm Caldwell, Scottish Marxist academic at the School of Oriental and African Studies, University of London (SOAS) was born in 1931. A lifelong man of the left, he had been the Chairman of the Campaign for Nuclear Disarmament and a long-term member of the Labour Party [1] – even standing as a Labour candidate in the 1977 local elections in Bexley, Kent. [2] He had also been selected by Bertrand Russell to be on the founding board of a radical monthly magazine *The Spokesman* that was supported by the Russell Foundation. [3] He was known to make some absurd and preposterous prophecies, claiming that by the 1990s there would be no oil left in the world [4] and that by the mid-1980s, Scotland would be independent of England. [5] But Caldwell was most in his element when writing about ‘the demonstrated strengths of the communist system.’ [6] With a persuasive ability, he helped to transform at least one person’s ‘anti-authoritarianism – and love of ordinary people – into a fierce and angry communism.’ [7]

Whilst he ultimately became known for his support for the Communist regime in Cambodia, [8] Pol Pot was not the only despotic dictator to garner his approval. Kim Il-Sung’s North Korea, Caldwell believed, was ‘an astonishing tribute not only to the energy, initiative and creativeness of the Korean people, but also to the essential correctness of the Juche line.’ No non-‘free world’ country that he had visited (including China) had ‘impressed’ him more ‘in terms of its all-round economic achievements.’ [9] On a report of a trip he made to North Korea, his astute political analysis included the observation that ‘the female military uniform is quite attractive: fitted tunic and pleated skirt.’ [10]

Caldwell had gone further than vocal critics against the war in Vietnam; he wanted North Vietnam to win. He headed up the South-east London Centre for Socialist Education that staged an event in 1966 to raise money for ‘the purchase of arms’ by the Vietcong for use in ‘their heroic resistance to foreign military aggression.’ [11] His support for Ho Chi Minh’s North Vietnam went so far that in 1967, the *Guardian* reported that Caldwell, along with the 1960s radical Tariq Ali, were considering opening up a North Vietnamese restaurant and that Hanoi had been approached who ‘promised to provide a super-chef.’ [12]

He co-founded the *Journal of Contemporary Asia* [13] that supported revolutionary Marxist movements in the region and in its first issue made clear his position that 'since the vast majority of these people are peasants, the future must lie in their hands.' [14] The essay was also published by International Socialism, the journal of the forerunner to today's Socialist Workers Party. [15] He became infamous for his views on Cambodia and was variously described as 'Democratic Kampuchea's leading academic supporter,' [16] a 'tireless Khmer Rouge defender,' [17] and 'one of the staunchest defenders of the Pol Pot regime in the West.' [18]

II

The Marxist-Leninist Cambodian Communist Party came to power on April 17, 1975 [19] aiming to achieve a pure communist society. Slogans of the regime included: "The former regime must be destroyed, the enemy must be crushed to bits"; "What is infected must be cut out", "what is rotten must be removed", "it isn't enough to cut down a bad plant, it must be uprooted"... "It is better to kill an innocent person than to leave an enemy alive" ... "To keep it, no profit; to destroy it, no loss." [20]

From the moment they took power, the Khmer Rouge started killing people for *Angka Loeu*, The Organisation on High – Pol Pot and his Communist henchmen. They were determined not just to change Cambodian society, but to 'shatter it to bits.' [21] The population were ordered to leave the cities for the countryside. This order applied irrespective of what condition the people were in – the young, the old, the crippled, the bedridden, hospital patients – everyone. Millions of people were evacuated from their homes and forced to walk for days. Numerous people were being pushed in hospital beds by their families. Those that could not make it were simply killed. Lack of food and drinking water, sanitation, healthcare and epidemics breaking out increased the death toll; 'an estimated 100,000 people died in a single cholera epidemic that broke out southwest of Phnom-Penh 15 days after the Exodus.' [22]

Within one day of the Communists taking power, Fernand Scheller, the chief of the United Nations development project in Cambodia's capital Phnom Penh stated, 'What the Khmer Rouge are doing is pure genocide.... What is going on now is an example of demagoguery that makes one vomit.' [23]

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Pol Pot's regime was barbaric. Officers of the previous Lon Nol government were rounded up, taken to fields and executed en masse. But it was not enough to kill the officers, in many cases their whole families were killed as well. The same applied to civil servants who had worked for the Lon Nol government and their families. [24] Whilst this 'Purification Campaign' started with the killing of officers and senior civil servants, by 1976, anyone who had worked for the previous government: 'the lowliest private, the most humble civil servant, the most innocent teacher, even foresters and public health officials, became prey.' [25] Students, teachers and anyone deemed an intellectual were in many cases killed for the simple fact that they had an education. [26] Bodies were strewn everywhere. The method of killing could be being shot, being stabbed, battered to death, bayoneted, having their throat slit, flogged to death, axed to death, decapitated, garrotted, heinous torture methods. [27]

There was a report of a Communist soldier without any warning killing a blind beggar with his bayonet. When asked why, the soldier responded: 'He could never work in the fields. He was useless to society. It is better for him to die.' [28] On the forced exodus into the countryside, meagre rations of rice were handed out. A witness reported seeing one man being riddled with bullets because he had the audacity to ask for extra rice for his three growing children. [29] A whole family could be executed for the minor offence of one family member: 'For example, if you were executed for being late for work, your whole family would be executed too.' [30] If someone was caught trying to escape the regime, they were executed. The possibility existed that the execution could involve a slow and painful death as was the case with Saray Savath:

First the Red Khmers cut off his nose and ears; then they cut a deep gash into his arm. Thus, as he was bleeding to death, his arms were tied behind his back and attached to a tree. The rope was long, so the colonel could dance around the tree with pain.... For two days and two nights the colonel cried for help by his tree, but nobody was allowed to go near him. On the third day, he died. [31]

One officer was recorded as saying, 'In the new Kampuchea, one million is all we need to continue the revolution. We don't need the rest. We prefer to kill ten friends rather than keep one enemy alive.' [32] The journalist Elizabeth Becker reported that refugees from Cambodia described the regime 'as one without justice, one that discouraged free-thinking or intellectual pursuits of any kind.' [33]

With a similar attitude to Communist thought as Mao Zedong, Pol Pot believed that individualism had to be eliminated. [34] Books, bookshops and even libraries were set alight. 'Tens of thousands, perhaps hundreds of thousands, of books were thrown into the Mekong or burned on the river banks.' [35]

Husbands and wives were prohibited from arguing with each other. If they were caught doing so more than twice, they were either separated or executed. One village chieftain announced that if an extramarital affair were discovered, 'the people concerned will be killed.' Separation of the sexes was strictly enforced. A commissar for the regime declared, 'Sexual relations among unmarried couples are strictly forbidden.' According to John Barron and Anthony Paul, in their extraordinary account of the Cambodian genocide, 'The commissar concluded by announcing that henceforth boys and girls caught holding hands would be executed.' [36]

The murder, terror and brutality seemingly knew no bounds. Stories such as the following from 1978 appeared all too frequently in the press:

A Cambodian refugee said today that a Khmer Rouge death squad took 78 Cambodian townspeople; their arms tied behind them, into the forest, forced them to kneel and methodically chopped each of them in the back of a head with a shovel. Three hours later, the only survivor, Yim Sot Tannakit, aged 15, awoke in a shallow ditch full of bodies. He said he crawled out and finding his whole family among the dead, began walking, still dizzy and bleeding, toward the distant Thai border. From the scars on his head and back it appeared he had been hit with the flat of the shovel instead of the killing edge. [37]

The deaths were not just violent ones. Epidemics of malaria, cholera and typhoid killed off many. Dysentery was also responsible for numerous deaths. A severe problem was malnutrition arising from rations of food available that were 'insufficient to sustain life.' Barron and Paul detailed the deaths through starvation. A soldier asked one woman if she had enough food and could take care of all her children. She admitted that it was not the case. The soldier said that he would take care of her daughters and proceeded to take her one-month-old baby and three year old daughter and 'hurled both children in turn against the trunk of a large tree, battering each to death.' [38] People were so desperately hungry that some would 'eat literally anything edible – algae, leaves, tree bark, bindweed, locusts, grasshoppers, lizards, snakes, rats, worms, termites.' [39] Barron and Paul provided

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a number of examples of deaths resulting from these issues. To note just one from 1975: 'Of the approximately 1,000 people inhabiting the New Village of Ta Orng, about 100 adults and the same amount of children died in the month of June.' [40]

There was a serious lack of any proper medicine. According to one account, a doctor 'went to see the Khmer Rouge to ask them for medication for the sick. Because of this, the Khmer Rouge accused him of being against the regime, of contesting it. They condemned the doctor to death through starvation. He was kept a prisoner in one of the huts without food or water until he was dead.' [41] For some who were ill, there became the possibility of being sent to a 'hospital' but that did not necessarily help. Barron and Paul provide a witness description of one 'hospital' in a former school building:

Classrooms and corridors were packed with soiled beds pushed closely to one another, thereby accelerating the spread of contagious diseases. Serum was stored in Coca-Cola and Pepsi-Cola bottles, and liquid potions of every description, including herb medicines, were kept in used penicillin bottles. Most of the 'doctors' and other personnel were illiterate. They made no effort to diagnose the ills of individual patients, treating everyone with the same mishmash of pills, herb concoctions and homemade serum. They administered injections with unsterilised needles so ineptly and brutally that a majority of the patients [the witness] saw had abscesses. Once when [a patient] was shouting in delirious pain, an unnerved 'doctor' bent over him and yelled, 'We can't help you! We don't have any medicine.' [42]

Estimates vary of the amount of excess deaths that the Khmer Rouge were responsible for in less than four years of power from April 1975 through January 1979. According to Craig Etcheson, an expert on the documentation of the Cambodian genocide in the period, the most reliable estimate was provided by the demographer, Patrick Heuveline. This study suggests that the most likely number of deaths due to excess mortality under the Khmer Rouge regime was 2.2 million of which 50 percent were via violent methods. If this figure of 2.2 million is accurate, based on Etcheson's data for the population in advance of the mass killings, the Khmer Rouge were responsible for the deaths of approximately thirty percent of the Cambodian population. [43]

III

Horrors, such as those I have detailed above, were not found in the extensive writings of Malcolm Caldwell. In fact, the opposite was the case. In 1978 he wrote an article for the *Guardian* entitled, 'The Cambodian defence.' Caldwell dismissed accounts of atrocities from Cambodian refugees: 'A refugee may give an honest account (to the best of his own knowledge) without it necessarily being accurate.' He tried to dismiss the stories of refugees that François Ponchaud published in his book, *Cambodia Year Zero* and claimed that 'Testimony by "responsible" refugees does not support the massacre claim.' Caldwell did admit to the fact 'some people did die during the move to the countryside,' but then justified the forced emigration with an argument he provided without any evidence, that if it had not occurred, 'It is certain that many, many more would have succumbed.' He claimed the 'scourge of malaria' in Cambodia occurred because it had been released by Americans. He also attributed deaths from 'disease, malnutrition and injury' to be 'directly attributed to American action' long after the Americans had left. Caldwell regurgitated propaganda from 'Hu Nim, the Kampuchean Information Minister' as if it were accurate. [44] It is possible that Caldwell was not aware that Hu Nim was no longer the Information Minister: the previous year he had been taken to the Tuol Sleng school, Pol Pot's main 'torture and execution centre' where he was executed by being 'lashed' and subsequently 'filled up with water.' [45]

Caldwell's universe, it seems, was a parallel one; when the responsible press were writing about Cambodia being 'ruled by fear' with the whole population subject to 'cruel treatment if not wanton killing,' [46] Caldwell was writing about 'the economic progress' in the country. [47]

In his essay, 'Cambodia: Rationale for a Rural Policy,' Caldwell aimed to refute 'the view that that revolutionary regime is atavistic, anachronistic, barbaric, rustic, ascetic, anarchic, cruel, irrational, and intent upon commanding a forced march back to the Dark Ages.' [48] In order to do this he shamelessly regurgitated the propaganda provided by Pol Pot's regime. For example, he quoted a spokesman for the regime, saying in 1976, 'The masses of the people even now live far better than ever before despite the destruction of war.... for the first time our people feel they are masters of their destiny.' [49] A speech by Pol Pot from 1977 was quoted to illustrate the successful policies of the regime: 'We continue to strive to improve the conditions of life and health of our people, because we hope to increase our population to 15 to 20 million in the course of the next 10 years or more.' [50] Caldwell also extensively quoted from a pamphlet entitled, *Democratic*

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Kampuchea is Moving Forward, [51] neglecting to mention that it was written by The Revolutionary Army of Kampuchea. [52] Caldwell concluded that in time, 'the Kampuchean revolution will appear more and more clearly as one of the most significant early indications of the great and necessary change beginning to convulse the world in the later 20th century and shifting from a disaster-bound course to one holding out the promise of a better future for all.' [53]

So that he could corroborate the information he had provided from official sources, he quoted from a Peking based PLO representative who had travelled around Cambodia 'accompanied by leading Kampuchean figures, including Ieng Sary, Deputy Prime Minister, in charge of Foreign Affairs.' Caldwell reported this representative of a Palestinian terror organisation as saying, 'By the end of 1975 and the beginning of 1976, the government of Kampuchea was able to secure food supply for every citizen and have a surplus.' Caldwell quotes the representative as adding that there was so much rice that by February 1976, 'the government offered 50,000 tons of rice for export and sale.' [54] This can be compared to the fact that in the summer of 1975, Cambodians were dying as a result of food shortages. This was particularly acute by late August and early September and there were areas where no rice was delivered at all. Moreover, by the same February 1976, where the PLO representative claimed that the government was offering rice for sale, there was substantial rice shortages in some areas leading to malnutrition and deaths in the coming months. [55]

Whilst singing the praises of Pol Pot's regime, Caldwell did not lose an opportunity to put down the West. He approvingly cited Thiounn Prasith, Kampuchean Ambassador to the United Nations, saying in April 1976, 'There is more terrorism on the streets of New York than in Cambodia.' [56] He quoted from a 1977 study that argued, 'there are still over 20 million malnourished Americans' and 'the income of the poor in America is declining.' [57]

Caldwell had a long history of atrocious scholarship. In 1973, jointly with Lek Hor Tan, he wrote *Cambodia in the Southeast Asian War*. The book contained a preface by Noam Chomsky. The political stance of the authors was clear from their note at the beginning of their joint work. They dedicated the book to, amongst others, 'the revolutionary masses of the world, in the hope that it will contribute, in however small a way to the ultimate defeat of American imperialism, and thus to opening for all of us – in the West as in the East – the prospect of a better, fuller, and more

human and humane life.’ [58] Scholar of Cambodia, Milton Osborne, carried out a review of the book for *Pacific Affairs* where he stated:

Despite its panoply of academic paraphernalia, this is not a scholarly work. Most charitably, it might be described as a passionate polemic.... much of the book appears tendentious: a determined effort to present facts, and less than facts, for a purpose.... The book’s problems... [include] the consistent bias that shapes all episodes reviewed by the authors, and in their less than acceptable standards of acknowledging sources. [59]

Caldwell and Tan were also accused of plagiarism. Osborne noted ‘a remarkable degree of “parallelism”’ between sections of Caldwell and Tan’s book, and the work of three others, providing a number of examples.[60] Osborne was not the only one to note problems with the book. In a review for *The American Historical Review*, John Cady declared:

Apart from the many historical distortions and omissions that could be cited, the book can be faulted on fundamental grounds. Historical validity derives from the objective examination of available evidence, not by fitting selected items into preconceived theory. The authors in this instance make no effort at detachment, to restrain their emotional involvement in a highly controversial situation. [61]

In the journal *Race & Class*, on which he served on the Editorial Committee, [62] Caldwell, ignoring substantial evidence to the contrary, shamelessly declared: ‘The evacuation of Phnom Penh was not, therefore, an unpremeditated act of savagery (as portrayed in the Western press), but a well-thought-out operation to feed its starving people.’ He referred to the mass slaughters that occurred in Cambodia as ‘alleged,’ arguing that one could ‘dismiss’ estimates of large deaths that were regularly published in press. At the same time, he grossly exaggerated the amount of Cambodian deaths caused ‘as a result of American aggression’ in the period 1970-75 with an estimate of 800,000. [63] Judith Banister and Paige Johnson via modelling ‘the highest mortality [they] can justify’ came out with 275,000 deaths in the period. [64] Marek Sliwinski, in his demographic study, arrives at a comparable estimate of 240,000 war deaths out of which there were 40,000 deaths as a result of American bombings. [65] In any event, the estimate of 800,000 provided by Caldwell is simply ludicrous.

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In *The Times* newspaper in 1977, Caldwell wrote an article where he provided support for the policies of the Khmer Rouge, citing the need for 'profound changes' that 'could be brought about only by revolution,' and urging people 'not to jeer at the social experiment being conducted in Kampuchea.' Despite the fact that the killings were often arbitrary, Caldwell argued that, 'when the Kampuchean's claim that "only the most serious criminals" were executed after liberation, it is worth recalling just how serious – indeed monstrous – their crimes were.' [66] This article led to a stinging response from *The Times* columnist Bernard Levin. Levin thundered that not only was Caldwell 'tireless in his praise for Communist Cambodia,' but also that he was 'inexhaustible in his denials of the truth about it' and 'unsparingly generous of his time in writing to magazines and newspapers which have promulgated that truth, to insist that Cambodia is a peaceful democracy and that the only people killed by its present rulers were justly condemned.' Levin went on to compare Caldwell to the Holocaust Denier, Arthur Butz, and concluded:

Something in Mr Butz needs to believe that the Nazis killed no Jews; something in Dr Caldwell needs to believe that Cambodia under the genocidal dictatorship of the Khmer Rouge is Kampuchea under democracy. Whatever that need is, it is stronger than the facts and more tenacious than the evidence. [67]

Caldwell's enthusiasm for Pol Pot's regime was uncontainable. In his own *Journal of Contemporary Asia*, he referred to the events of April 1975 when the Communists came to power as 'unforgettable and historic.' [68] Even a sympathetic obituary noted 'his systematic attempt to deflate Western journalistic reports of mass executions in Kampuchea.' [69] It was therefore no surprise that at SOAS Caldwell 'met with conservative opposition from both colleagues and the administration, who tried to oust him. They did succeed in halting him at the lecturer's "efficiency bar" for salary increases on the grounds that his work was insufficiently scholarly. After his position was secured he was restricted in his teaching duties, even barred from teaching certain courses.' [70]

IV

In December 1978, Malcolm Caldwell, as a 'friend' of the Communist regime was invited to Cambodia with two American journalists, Elizabeth Becker of *the Washington Post* and Richard Dudman of the *St. Louis Post Dispatch*. [71] Caldwell was 'really keyed up to go' [72] and 'leaped at the chance' [73] to visit the regime that

he had written about so favourably. One of the reasons for this was that he wanted to know whether it would be possible for 'developing countries to have economic development based on total self-reliance and on a "total social revolution" like in the case of Kampuchea.' [74] His view was most aptly described by Sophal Ear, in a remarkable thesis, as one of 'see no evil, hear no evil.' [75] Shortly before departing for Cambodia, Caldwell delivered a speech to the Institute of Race Relations where he provided support for Pol Pot's regime. He concluded that 'the Kampuchean experiment, which may appear to the Western media and to the Vietnamese and Russians as totally irrational, reactionary and backward, is a very valid and valuable experiment.' As far as Caldwell was concerned, 'it would be a great pity' and 'a very great tragedy' if 'the Kampuchean experiment were to be extinguished.' [76]

Whilst they recognised Caldwell as a 'friend,' the Cambodian officials believed Becker and Dudman to be CIA agents. [77] The three Western travellers were guarded on their trip to Cambodia and the doors of their guest house were locked after their first day meaning that they could not venture out alone. [78] What struck Becker and Dudman was the silence of Phnom Penh. Dudman said Phnom-Penh had 'the eerie quiet of a dead place – a Hiroshima without the destruction, a Pompeii without the ashes.' [79] Becker expressed similar sentiments. Discussing one trip through the city, she said, 'There were no food stalls, no families, no young people playing sports, even sidewalk games, no one out on a walk, not even dogs or cats playing in alleyways.' [80] On one occasion when they could see children playing, Becker thought the scene was staged. On the trip they were fed propaganda from senior officials. They were told there was no problem with human rights and that 90 percent of the Cambodian population were 'better off' because of the revolution.' Viewings of propaganda films were on their agenda. Their guides ensured that they would see none of the horrors of the regime, their movements strictly controlled. [81] Caldwell found factory conditions to be 'Dickensian,' but that did not put him off the regime. He commented, 'I have seen the past and it works.' [82]

On December 22, 1978 the day before they were due to leave Cambodia, the three Western visitors were granted an audience with Pol Pot. This was via two separate meetings. In the first meeting were the journalists, Elizabeth Becker and Richard Dudman. The second meeting was with the 'friend' of the regime, Malcolm Caldwell. The meeting with Becker and Dudman was not so much an interview as a lecture by Pol Pot. In her book, *When The War Was Over*, Becker recounted parts of the lecture that Pol Pot had given them. It was mainly a case against Vietnam

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and that if Cambodia did become 'a satellite of Vietnam,' it would be 'a threat and a danger for Southeast Asia and the world.' This was the message that Pol Pot wanted the journalists to deliver to the outside world. Caldwell's meeting was very different. According to Becker, Caldwell and Pol Pot 'spent most of the interview discussing revolutionary economic theory.' At the end of the meeting Pol Pot 'personally invited Caldwell to return the following year to measure how the revolution had prospered.' Caldwell returned from his meeting 'delighted.' [83]

Back at the guest house that evening, Caldwell and Becker had an argument about Cambodia, with, according to Becker, Caldwell arguing that the Cambodian 'revolution was worthy.' Caldwell unsuccessfully attempted to try and get Becker to change her mind on Cambodia, even at one stage comparing the country to Scotland. Ultimately they retired to their rooms.

At just before 1.00am on December 23, Becker was awakened by the sound of gunfire. She was shortly face to face with a Khmer carrying guns and ammunition. He did not shoot at her and she managed to escape to her room and hid in the adjoining bathroom. A gun man found Dudman, shot at the floor and he also ran to his room. The gunman shot twice at his door, but he was unhurt. There were more gunshots. Malcolm Caldwell was subsequently located dead on the floor of the guest house. Nearby was the body of a gunman who Becker thought may be the same Khmer who had pointed a gun at her. This death was an alleged suicide. [84]

In 1977, François Ponchaud published his book, *Cambodia Year Zero*, which detailed the horrors the Khmer Rouge inflicted on the Cambodian population. At the end of the book Ponchaud asked, 'How many of those who say they are unreservedly in support of the Khmer Revolution would consent to endure one hundredth part of the present suffering of the Cambodian people?' [85] A year after the book was originally published in French, Malcolm Caldwell, Pol Pot's apologist, suffered the same fate as a large proportion of the Cambodian people.

On December 25, two days after Malcolm Caldwell was assassinated, the Vietnamese invaded Cambodia and by January 7, 1979 Phnom Penh was under their control. The despotic and murderous regime of Pol Pot came to an end. [86]

Who was responsible for the murder of Caldwell remains a subject of debate. Radio Democratic Kampuchea reported that the murder of Caldwell was 'a political crime committed by the enemy of the Kampuchean revolution aiming at opposing the

activities of the sincere friends of Democratic Kampuchea the world over in order to prevent them from spreading the influence and prestige of the Kampuchean revolution.’ [87] A Cambodian diplomatic source speculated that a pro-Vietnam anti-government group might have carried out the murder. [88]

The Vietnamese denied responsibility and laid blame for the killing on the Cambodian government. Wilfred Burchett, an Australian communist, broadcast on Radio Hanoi of his conviction ‘that Dr. Caldwell was murdered by the Cambodian authorities because he had discovered some facts and had probably made his views known.’ However, the Sunday Telegraph reported, ‘This is discounted by Dr. Caldwell’s colleagues in London. They say he had a list of names about whose fate he wished to inquire, but was completely in support of the Pol Pot government.’ [89] But giving weight to Burchett’s theory was that whilst in Cambodia, he privately told those he travelled with that he did not believe ‘some anti-Vietnamese claims of the Cambodian authorities.’ [90] Caldwell was supportive of both the Vietnamese and Cambodian regimes and believed that the Cambodian-Vietnamese conflict was ‘detrimental to the broader interests of Third World liberation struggles.’ [91] Moreover, Caldwell noted in his diary that he was not sure if some of the scenes he witnessed in Cambodia were ‘spontaneous or staged’; according to Dudman, he said that something he saw on his trip was a ‘charade.’ [92] But Becker dismissed any suggestion that Caldwell changed his mind about Pol Pot during the visit. She was emphatic: ‘He did not. He regularly sided with the Khmer Rouge in arguments.’ Becker added that Caldwell, ‘refused to discuss Vietnam and he brushed away Khmer Rouge suggestions that he openly sided with Cambodia in its war with Vietnam.’ [93] Dudman also confirmed that Caldwell had made no mention of any disagreement with Pol Pot subsequent to his meeting with him. [94]

It can however be noted that Caldwell’s brother, David Caldwell wrote a letter to the *Guardian* in 1982 where he said that the last time he had spoken to Malcolm was ‘a few days before his departure for Kampuchea.’ According to David Caldwell, Malcolm assured him of his ‘determination to seek out the truth about the Pol Pot regime.’ Noting that ‘this can never now be proved,’ David Caldwell believed that this is exactly what Malcolm did but that ‘(a) he dared not admit this to either Becker or Dudman while still in Kampuchea, and (b) he intended to publicise his information on his return to the UK.’ [95] This claim from Caldwell’s brother can be considered in the light of the fact that Caldwell’s personal notebooks that contained ‘copious observations’ made on his trip to Cambodia including notes on his visit to Pol Pot, contained ‘nothing derogatory.’ [96]

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In late 1981, a Japanese newswire reported that two signed 'confessions' by the alleged murderers of Caldwell were housed in a Cambodian prison that Pol Pot's regime used for political prisoners. According to this news report, the confessions to the murder were dated January 5, 1979, the date the alleged assassins were themselves killed. The instructions for the murder of Caldwell were given by Son Sen, the deputy premier in charge of national defence. Son Sen's younger brother, who was a high ranking foreign ministry official, both planned the attack and gave instructions for it to be carried out. The news report explains: 'At the time of his assassination, deputy premier Son Sen had reportedly been involved in a power conflict with Pol Pot and deputy premier Ieng Sary. Son Sen was then demoted in power raking and eliminated from the five-man supreme power body of the regime.' [97]

As these confessions were likely obtained under torture, it is likely that they are what the regime wanted the captured men to say, as opposed to the truth. Elizabeth Becker believed the 'confessions' were 'suspect, full of factual errors and dubious reasoning.' However, whilst unreliable, Stephen Heder, who examined the documents, did believe them to be authentic. One of the confessors, 'the Contemptible Peoun,' said that it did not matter which of the foreign guests were assassinated – any one would do to discredit Pol Pot. 'The Contemptible Chhaan,' the other confessor, said, 'It would be enough to attack the English guest, because the English guest had written in support of our party and the Kampuchean people for a long period of time already . . . We must absolutely succeed in attacking this English guest in order that the American guests would write about it and disseminate the information to the world that the Kampuchean revolution was not loyal to its friends in the world.' As Becker notes, the relevance of these confessions is that the Vietnamese can be ruled out as the killers. If the regime by this time still wanted to implicate the Vietnamese as they had with their immediate reaction, the 'confessions' from 'the Contemptible Chhaan' and 'the Contemptible Peoun' would have been that they were Vietnamese agents. [98]

The journalist Donald Kirk, writing in *The New Leader*, took a different track. He was of the opinion that there was 'a considerable gap between the ideologues and the slaughterers,' stating that 'Pol Pot and his close associates were out of touch with the movement they unleashed. The actual killers were remote, anonymous figures who had been totally denied the riches and comforts of the colonial and postcolonial periods.' Kirk continued: 'During the time Pol Pot was acquiring the trappings of Marxism-Leninism in Paris, they were building up a personal, visceral

hatred toward anyone with a bare modicum of money and education. Revolution presented an opportunity to avenge long-simmering grievances.’ [99]

There have been various other theories. *The Economist* mentioned the possibility that Caldwell ‘was killed by an anti-government guerrilla.’ [100] The new leadership of Cambodia after the end of the Pol Pot regime believed ‘the assassination of Caldwell was a crime by the whole Pol Pot regime.’ [101] There was a theory, emanating from a Khmer Rouge inquiry, that it was a lone gun man, an angry guard who was having problems in his love life and expressed his anger by murdering Caldwell and then committing suicide. British intelligence believed that the murder of Caldwell was carried out on Pol Pot’s orders. Even Pol Pot himself had a theory. According to his biographer, Philip Short, he ‘told aides he believed that Dudman was the killer. The American was a CIA agent, he said, and had murdered Caldwell to discredit the regime.’ Short’s own view of the ‘likeliest explanation’ was that Caldwell was murdered by a ‘Vietnamese commando unit’ because ‘no one else had a comparable interest in showing up Khmer Rouge incompetence and no one else was as well-placed to do so.’ [102] David Chandler, a biographer of Pol Pot, thought the likely guilty party were ‘opponents of Pol Pot’ who carried out the murder ‘to embarrass the regime.’ Chandler also suggests it worth considering the possibility ‘that Caldwell was a casualty in a personal feud among low-ranking cadre.’ [103] Richard Dudman suspects that those responsible were ‘anti-Pol Pot agents’ who were not pleased with Pol Pot’s effort to ‘begin opening his regime to the world.’ [104]

In 2003, Alan Scott-Moncrieff, made the film, ‘The Angry Skies’ that claimed Pol Pot was responsible for the murder. A high-ranking official who was interviewed for the film said that the meeting between Caldwell and Pol Pot was recorded and when the meeting was over, Ieng Sary came into the room and told Pol Pot that too much had been said and that Caldwell had to be eliminated. When asked to comment on this theory, Elizabeth Becker thought that it unlikely. ‘It was an extremely serious decision to kill him and allow us to go back and tell the story and a simple interview does not cut it. Their decisions were based on much more realpolitik.’ [105]

In 2008, the Scottish newspaper, the *Sunday Herald*, published a story that also claimed that Pol Pot was responsible for the murder of Caldwell. As the paper states, ‘According to the classified documents, journalist Wilfred Burchett had seen an official Cambodian report a year [after the murder] which said: “Caldwell was murdered by members of the National Security Force personnel on the instructions

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of the Pol Pot government.” The article repeated the view, dismissed by Becker, that Burchett had expressed previously -that Caldwell may have changed his mind on the Pol Pot regime and that Pol Pot had him murdered to prevent him writing critically on the country. [106]

This author tends to agree with those who claim that Pol Pot was responsible for the murder of Caldwell, but presents a different motive. Pol Pot's main concern at the time was the conflict with the neighbouring Vietnam and he wanted to convince the world that Cambodia was under attack from that country. The visit of Becker, Dudman and Caldwell to Cambodia was sure to get press coverage not least because two of three were there as journalists. In my opinion, Pol Pot believed the best way of demonstrating to the world that Vietnam was a serious threat would be if at least one of the visitors were killed. Killing Becker or Dudman would not have benefitted Pol Pot (he probably realised that he would be the prime suspect for one of their murders). Alternatively, if Caldwell was assassinated, then the world may see Vietnam as the aggressors. In any event, Becker was surely accurate when she stated in her book on Cambodia and the Khmer Rouge revolution, ‘Malcolm Caldwell's death was caused by the madness of the regime he openly admired.’ [107]

V

Despite the fact that Caldwell championed Pol Pot's genocidal regime, his death was a great loss for some. Bob Hering and Ernst Utrecht, who saw to it that some of his work was posthumously published, argued that Caldwell's ‘whole academic work was devoted to the discovery of the truth and the defence of the oppressed,’ and that his death was ‘an irreparable loss for the liberation movements of the third world.’ [108] The editorial board of the *Journal of Contemporary Asia*, a journal still in existence that Caldwell founded, said that Caldwell was ‘an intellectual of considerable calibre and a committed scholar.’ They denounced *The Times*, *the Daily Telegraph* and other newspapers that had attacked Caldwell's work as ‘the reactionary press.’ His death, they claimed, was ‘a tragedy for the Left’ and ‘his many books and articles combine theory and practice in a way that will inspire readers and supporters for many years to come.’ [109] An obituary in the *Bulletin of Concerned Asian Scholars* referred to Caldwell as a ‘tireless critic of imperialism’ and an ‘indefatigable activist’ whose death ‘left a huge gap that cannot easily be filled.’ [110]

After his death, a memorial meeting attended by hundreds was held in his honour in London. [111] Numerous messages of condolences were sent. Labour Member of Parliament Joan Lester wrote expressing her regret of the death of 'a true fighter for socialism.' [112] The Socialist Workers Party said that whilst they had differences with Caldwell, they mourned the death 'of a courageous fighter against imperialism.' [113] The Revolutionary Communist League of Britain said that Caldwell's death was 'a tragedy for all the peoples of Indo-China, and especially the Kampuchean people.' [114] The Cambodian specialists, Ben Kiernan and Chanthou Boua, wrote that 'Malcolm's scholarship and intellectual honesty, and his genuine enthusiasm and sacrifice for the poor and exploited will always be a constant source of inspiration to us.' [115] Noam Chomsky wrote from the USA that 'Malcolm Caldwell was a fine scholar, whose work was distinguished by integrity and passion.' Chomsky added, 'There can be no more fitting memorial to Malcolm ... than the willingness of others to take on the tasks that he confronted.' [116]

A sympathetic obituary in the *Guardian*, noted that with Caldwell's death, 'Cambodia has lost one of the very few people in the West who were sympathetic to its revolution.' John Gittings, who wrote the obituary, compared Caldwell to Noam Chomsky, 'a lone heretic in the academic world of enormous personal charm who was respected internationally for views which many colleagues failed to understand.' Gittings concluded that Caldwell's work would 'undoubtedly' be 'better appreciated after his death.' [117]

The *Daily Telegraph* was more on the mark. In an editorial following Caldwell's death, they noted he was 'Intelligent and, by all accounts, charming' but lamented that 'he lent his energy and scholarship to the defence of one of the darkest totalitarian regimes of even this totalitarian century.' They continued: 'Few horrors of the new rulers of Cambodia seemed too vast for him either to deny that they were happening or to insist that they had all been exaggerated, or to imply that the victims had it coming to them anyway.' They did not doubt his sincerity but noted 'his activities were all the more appalling because of his sincerity.' The editorial concluded, 'no doubt his murderers thought his death necessary to their revolution. Malcolm Caldwell's life thus reaches a dreadfully appropriate apotheosis.' [118]

Malcolm Caldwell was not the only one who whitewashed the crimes of the Khmer Rouge. As Sophal Ear commented, along with Caldwell, there was Laura Summers, Edward Herman and Noam Chomsky, George C. Hildebrand and Gareth Porter,

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as well as Torben Retbøll who were counted among the writers that 'romanticised the Khmer revolution.' [119] David Hawk of the Cambodia Documentation Commission noted, the persistence of Caldwell, Chomsky and others who defended Pol Pot 'diverted attention and refocused discussion from "how should Khmer Rouge bloodlust best be exposed and protested" to "whether or not the refugee accounts were exaggerated and were the accounts of largely politically motivated propaganda."' [120]

'The Truth is,' as Bernard Levin commented in *The Times*, 'there is a Caldwell – or there are several Caldwell's – for every tyrant, every murderer, every oppressor or torturer, who acts in the name of a political creed.' [121] With the behaviour of those on the left who currently support genocidal organisations in the Middle East, Levin's comment is as true today as when he wrote it over thirty years ago.

Michael Ezra lives in London. His essay 'The Eichmann Polemics: Hannah Arendt and her Critics' appeared in *Democratiya* 9 (Summer 2007).

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Notes

- [1] Easey 1979, p. 245.
- [2] Bell and Seldon 1979.
- [3] 'New journal for Left on sale next week,' 1970.
- [4] Windschuttle 2006.
- [5] Becker 1988, p. 427.
- [6] Caldwell 1967.
- [7] Hawkins 1998.
- [8] In this essay, for the period under Pol Pot's leadership, Cambodia and Democratic Kampuchea are used as interchangeable terms.
- [9] Caldwell 1979a, p. 94.

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- [10] Caldwell 1978b, p. 284.
- [11] 'Miscellany,' 1966.
- [12] 'Miscellany,' 1967.
- [13] Easey 1979, p. 245.
- [14] Caldwell 1970, p. 63.
- [15] Caldwell 1969-70.
- [16] Gunn and Lee 1991, p. 75.
- [17] Ear 1995, p. 33.
- [18] Bell and Seldon 1979.
- [19] Karney 1989, p. 13.
- [20] Tan 1984.
- [21] Barron and Paul 1977, p. 40.
- [22] Quinn 1989, p. 183.
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- [24] Barron and Paul 1977, pp. 66-71, p. 82.
- [25] Quinn 1989, p. 190.
- [26] Barron and Paul 1977, p. 77.
- [27] For numerous examples, see throughout Barron and Paul 1977 and Quinn 1989.
- [28] Barron and Paul 1977, p. 76.
- [29] Barron and Paul 1977, p. 114.
- [30] Quinn 1989, p. 202.
- [31] Barron and Paul 1977, p. 147.
- [32] Yathay with Man 1987, p. 148.
- [33] Becker 1978b.
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- [40] Barron and Paul 1977, p. 141.
- [41] Barron and Paul 1977, p. 148.
- [42] Barron and Paul 1977, p. 158.
- [43] Etcheson 2005, pp. 117-19.
- [44] Caldwell 1978a.
- [45] Quinn 1989, p. 198.
- [46] Harris 1977.
- [47] Caldwell 1979a, p. 55.

- [48] Caldwell 1979a, p. 50.
- [49] Caldwell 1979a, p. 54.
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- [51] Caldwell 1979a, p. 57, p. 58, p. 59, p. 61.
- [52] Ross 1987.
- [53] Caldwell 1979a, p. 103.
- [54] Caldwell 1979a, p. 51.
- [55] Barron and Paul 1977, p. 198.
- [56] Caldwell 1979a, p. 54.
- [57] Caldwell 1979a, p. 77.
- [58] Caldwell and Tan 1973, p. xiii.
- [59] Osborne 1973.
- [60] Osborne 1973.
- [61] Cady 1974.
- [62] Bell and Seldon 1979.
- [63] Caldwell 1977b.
- [64] Cited by Heuveline 1998 p. 59.
- [65] Sliwinski, 1995, pp. 41-48 (NB, the author would like to thank Paul Bogdanor for providing this source.) See also Margolin 1999, p. 590.
- [66] Caldwell 1977a.
- [67] Levin 1978.
- [68] Caldwell 1976.
- [69] Bell and Seldon 1979.
- [70] Bell and Seldon 1979.
- [71] Becker 1988, p. 323, p.401.
- [72] Kiernan 2002, p. 443.
- [73] Nossiter 1978.
- [74] Hering and Utrecht 1979, p. 8.
- [75] Ear 1995, p. 22.
- [76] Caldwell 1979b, p. 334.
- [77] Chandler 2008, p. 274.
- [78] Becker 1988, p. 404.
- [79] 'Silence, Subterfuge and Surveillance,' 1979.
- [80] Becker 1988, p. 406.
- [81] Becker 1988, pp.401-9.
- [82] Kiernan 2002, pp. 444-45.
- [83] Becker 1988, pp.425-27.
- [84] Becker 1988, pp. 427-29. See also, Becker 1978a.

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- [85] Ponchaud 1978 p. 215.
- [86] Becker 1988, p. 431.
- [87] 'Radio Democratic Kampuchea on murder of British professor,' 1978. This statement was an official one from the Democratic Kampuchean Press Agency – a copy of the press announcement dated 25 December 1978 is available in the J.A.M. Caldwell file in the SOAS archive.
- [88] 'Western Visitor Slain in Cambodia,' 1978.
- [89] Dobson 1979.
- [90] Chanda 1979.
- [91] Kiernan 2002, p. 446n28.
- [92] Kiernan 2002, p. 445.
- [93] Becker 1982a.
- [94] Day 1998.
- [95] 'Letters to the Editor,' 1982.
- [96] Hillmore 1979.
- [97] Japan Economic Newswire, 1981. NB. In June 1997, Pol Pot denounced Son Sen and his wife as traitors and ordered them to be killed. They, and thirteen others close to Son Sen, were assassinated. According to information Pol Pot gave to an interviewer, he had only ordered the murder of Son Sen and his wife. He declared the others murders 'a mistake.' See Short 2004, p. 440.
- [98] Becker 1982a. See also Becker 1982b.
- [99] Kirk 1986.
- [100] 'Cambodia: Into the heartland,' 1979.
- [101] Japan Economic Newswire, 1981.
- [102] Short 2004, pp. 394-95.
- [103] Chandler 2000, p. 155.
- [104] Dudman 1997.
- [105] Puttick 2003.
- [106] 'Pol Pot murdered Scot in Cambodia,' 2008.
- [107] Becker 1988, p. 430.
- [108] Hering and Utrecht 1979, p. 10.
- [109] Editorial Board, Journal of Contemporary Asia, 1978.
- [110] Bell and Seldon 1979.
- [111] *Malcolm Caldwell 1931-1978: A Tribute and a bibliography*, 1979, p. 7.
- [112] *Malcolm Caldwell 1931-1978: A Tribute and a bibliography*, 1979, p. 50.
- [113] *Malcolm Caldwell 1931-1978: A Tribute and a bibliography*, 1979, pp. 51-2.
- [114] *Malcolm Caldwell 1931-1978: A Tribute and a bibliography*, 1979, p. 51.
- [115] *Malcolm Caldwell 1931-1978: A Tribute and a bibliography*, 1979, p. 63.
- [116] *Malcolm Caldwell 1931-1978: A Tribute and a bibliography*, 1979, p. 60.
- [117] Gittings 1978.

[118] 'Editorial,' 1978.

[119] Ear 1995.

[120] Collier and Horowitz 1989, pp. 254-67.

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Reparations to Africa

by Rhoda E. Howard-Hassmann with Anthony P. Lombardo, University of Pennsylvania Press, 2008, 264 pp.

Eric B. Litwack

Of all the challenges facing civilisation in the aftermath of colonialism, African development is one of the greatest. This populous continent, with its great cultural richness and variety remains grossly underdeveloped, beset by corrupt and authoritarian regimes, and ravaged by disease. Its people have shown admirable courage and resilience in the face of numerous challenges, both external and internal. Most of these challenges relate to three major categories, in historical order: slavery, colonialism, and corrupt and authoritarian post-colonial states. We are long overdue in the search for an effective and just remedial strategy that will allow Africa to move from a tragic past and present to a better future.

It is against this background that Rhoda E. Howard-Hassmann and Anthony Lombardo challenge us to take up the gauntlet, in their generally well-written and cogently argued book. More immediately, Nigerian Chief M.K.O. Abiola's 1991 call for reparations to Africa and the similar claims made at the controversial 2001 UN World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (henceforth Durban) have provided food for thought. The authors draw heavily upon a survey of attitudes they conducted by interviewing seventy-one members of Africa's current elite between 2002 and 2004. This was in keeping with the method known as 'purposeful sampling,' which they acknowledge is not statistically representative of an entire region, but rather seeks the opinions of key figures linked to an area of research. In this case, they have succeeded in putting together a cross-section of opinion among some of Africa's best-educated and most dynamic inhabitants, drawn from twenty-six countries. This book is part of the Pennsylvania Studies in Human Rights series, another volume of which, *The Age of Apology: Facing up to the Past* was co-edited by Howard-Hassmann and was the subject of an earlier review of mine in *Democratika* [Autumn 2008]. The two volumes dovetail nicely in that *Reparations to Africa* might be seen as an important regional application of some of the ideas and proposals contained in its companion volume in the series.

In my review of *The Age of Apology*, I argued that apologies for historic wrongs must satisfy three conditions in order to be just and productive: they must be accurate, constructive, and proportionate. In other words, setting the historical and ethical record straight should involve respect for historical truth and causation, it must be directly and genuinely helpful to the aggrieved populations, and it must be within reasonable boundaries in order to promote reconciliation rather than resentment. All three conditions present particular challenges that are duly noted by Howard-Hassmann and Lombardo in their thought-provoking book, and they must be addressed by all observers of African affairs.

With reference to the first condition, namely accuracy, there is a major and legitimate controversy concerning both the truth of ascribing primary (or even exclusive) responsibility for Africa's woes to the West. The authors devote considerable space to underlining the complexity and multiple causal factors of Africa's ongoing crisis, and this is one of the strengths of the book. With reference to slavery, the existence of three distinct forms of African slavery is appropriately underlined as a matter of historical truth: European, Arab, and intra-African. All three led to the enslavement of many millions of Africans over centuries, and it is by no means clear that the European or trans-Atlantic trade was the largest. It may, however, have been the cruellest, because of the nature of chattel slavery and the horrors of the Middle Passage, as they indicate correctly.

On the subject of colonialism, the variations in colonial rule are stressed. These range from the generally least oppressive cases such as British rule in Ghana, to the worst atrocities, such as Germany's genocide of the Herero people of Namibia between 1904 and 1908, and Belgium's horrific forced labour practices in Congo under King Leopold II (1884-1909). The existence of this range is indeed important in establishing both the particulars and the extent of historical responsibility. Furthermore, as the authors point out, the contribution of a modern infrastructure and the training and enrichment of local elites might have facilitated African countries' advancement in the post-colonial period. That this has often not been the case is no doubt due to a balance of the most damaging aspects of colonial rule, coupled with local corruption and gross violations of international law.

It is on the subject of these latter crimes that the book is forthright in its combination of genuine sympathy for the peoples of Africa with a condemnation of local tyrannies, corruption, and human rights abuses. Howard-Hassmann and Lombardo are right to claim that to ignore such massive problems is to deny maturity and

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autonomy to Africans. To do so in favour of an endorsement of the thesis of unique Western guilt, without any reference to political and social developments in Africa since the 1950s, benefits no one. However, historical support for authoritarian regimes in Africa by a wide range of regimes and institutions must be considered in the balance. These indict not just the West since the early Cold War, but its long-time rival, the USSR. Furthermore, mention must be made of China, notably for its support of contemporary Sudan, which is responsible for ongoing massive atrocities in Darfur. These crimes of state, combined with globalisation at its worst in the form of blood diamonds and the selling of arms to tyrannies, are in some cases indictable offences under international law, as the authors stress.

The authors are also frank in reporting the ambivalence and at times resentment that surfaced in their interviews when dealing with the question of the merits of seeing Germany's reparations to Israel and Holocaust survivors as an appropriate analogy for African reparations. Some of the respondents appeared to respect the ability of Jewish organisations to secure reparations payments to survivors, and sometimes to their immediate descendents as well. Others focussed on what they took to be a colour bias in the securing of these reparations for Europeans without a parallel programme for Africans.

On this topic, the authors point out several genuine differences between the two cases. These include the complexity of the causal chain of responsibility for slavery in particular, and the fact that for many centuries it was virtually universal. It is a tragic fact that no basis existed in international law for condemning this outrage to human decency at the time of its institutionalisation. This, added to the great variation in European colonial practices, the grossly disproportionate claims made by advocates of reparations, and the morally messy causes of bad post-colonial African governance leads Howard-Hassmann and Leopold to a sceptical conclusion on the advisability of Western reparations to Africa. They clearly prefer measures to promote distributive justice, good governance and human rights, especially debt relief tied to expenditures that will benefit local populations, and they endorse Amartya Sen's notion of 'development as freedom.' Thus, the book's conclusion states in summary:

...the call for reparative economic justice to Africa for long-past historical events, or for international policies that some activists and many of our respondents believed harmed Africa, should not take precedence over other

policies or activities that might ameliorate the violations of their human rights that so many Africans now endure. (p. 184)

In keeping with my three conditions of accuracy, constructiveness and proportionality, the case for massive African reparations from the entire West is by no means conclusive, as this book attempts to establish. However, it remains true that slavery, colonialism and support for post-colonial authoritarianism are in no small measure linked to the West's history of racism, the colonial exploitation of indigenous peoples and what might be termed the more ruthless aspect of the cultivation of client states during the Cold War. As such, they are certainly correct to stress the need for both Westerners and Africans to develop a significant new strategy for African development.

Such a strategy would promote foreign investment and economic growth, good local governance and respect for democracy and human rights. As such it is curious that Howard-Hassmann and Lombardo do not devote some attention to the OAU's 2001 New Partnership for African Development (NEPAD), which mirrors their recommendations for trade liberalisation and greater respect for democracy and human rights over reparations. NEPAD adds the important value of women's rights, which would undoubtedly facilitate improvements in human welfare and regional standards. Although its advocacy of greater African integration today is likely more problematic, given the economic and political range and variation between African states, it is an example of a constructive alternative for partnership with the West. This would certainly be preferable to massive lump-sum reparations from the West alone, as advocated by some of the key participants at Durban.

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Collapse of an Empire

by Yegor Gaidar, Brookings Institute Press, 2008, 382 pp.

Dick Wilson

Also under review: *State and Evolution: Russia's Search for a Free Market*, Yegor Gaidar & Jane Ann Miller (Translator), University of Washington Press, 2003 (first published in Russian in 1994), pp. 176; *Days of Defeat and Victory*, Yegor Gaidar & Jane Ann Miller (Translator), University of Washington Press, 2000, pp. 342. [1]

The temptation to action

...like it or not, politics are less a choice between good and evil than between greater or lesser evils. (Yegor Gaidar)

The three books under review vary in content, but are all written to a single purpose. Their task is to explain and defend the actions of a small group of reformers during the upheaval that marked the demise of the Soviet empire. The author, Yegor Gaidar, was one of the principal actors in that drama.

I met Gaidar in the early 1990s, when he was deputy prime minister of the Russian Federation. At my request, he agreed to a meeting so I could inform him as to the depth of anger among the miners over the wage arrears issue, which was driving the miners into poverty. I knew he was aware of the problem. But I wished to give him chapter and verse and a sense of the considerable disaffection with Yeltsin because of this issue. We met at about 11 in the evening at the Kremlin. I was ushered into an 'office' which looked nearly as long as a football field. [2] At first I could not make out the person sitting at the desk at the opposite end, but Gaidar quickly left his work and came up to greet me. It had all the atmosphere of a novel. He was an impressive person, an intellectual turned temporary politician. He flew out the next day to meet with the miners in western Siberia.

Gaidar is probably the best-known economist in Russia, and possibly the least understood. Both appreciations date back nearly eighteen years, when he agreed in October 1991 to become adviser to President Boris Yeltsin. His advice was sought as to how the Russian economy could be repaired. A response was urgently needed because Yeltsin had taken steps to separate Russia from the Soviet Union, effectively ending that empire nearly seventy years after its birth. It was an unceremonious

burial of what Lenin had wrought and Stalin had once ruled. Only the paperwork was left to note its passing.

This extraordinary change had as its immediate cause the events of August 21-22, 1991, when hard-line Communist Party leaders attempted a coup against Mikhail Gorbachev, President of the Soviet Union. Arresting Gorbachev while he was on vacation, the plotters called out army units with orders to take over the Supreme Soviet. Tanks surrounded the 'white house,' headquarters of the Supreme Soviet. The only thing standing in their way was Boris Yeltsin and an outpouring of citizens opposing the coup. From atop Tank No.110, Yeltsin condemned the attempted take-over. He ordered the tanks and troops off the streets of Moscow and back to their barracks. They did as he said. The coup failed, its plotters were arrested. Yeltsin then shut down the Party, confiscated its assets, and declared the Soviet Union finished. Later, Yeltsin along with the Presidents of Ukraine and Belarus declared the Soviet Union 'no longer a geopolitical reality.' The other Republics signed on soon after. Gorbachev at first opposed the break-up of the USSR but came to accept this new reality: he officially resigned his post as President at the end of that month and publicly accepted the fact that the Soviet Union no longer existed. (C 226)

Yeltsin and Gaidar were both convinced that something drastic was needed to restore the economic health of this new Russia. People struggled day after day, trying to find the necessities of life. They stood in lines for hours, and the lines kept growing. Yeltsin turned to Gaidar for advice.

The planned economy, Gaidar argued, was a farce. It failed because the economy was much too complex for bureaucrats in Moscow to make all the decisions. Questions of efficiency, productivity, and technical progress were smothered to maintain domination by the state. There was no possibility of returning to the days of fear and brutal administration to fulfil planned output.

The immediate need, however, was to eliminate the shortages, the empty shelves in the stores, and the long lines waiting for what little was available. That could only be done by the elimination of price controls. Gaidar proposed a radical reform, one which would start Russia on the road to a market economy. It would be harsh at first but he believed it would set the stage for stability, which could then be a platform for growth. Otherwise, Gaidar predicted longer and longer lines, further economic contraction, and runaway inflation. Yeltsin both 'grasped the breathtaking risk

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connected with beginning the reform' and understood that 'passivity or dallying would be suicidal.'

Yegor Gaidar's vision was a market economy where private rather than state enterprises would be the backbone. It would require a massive effort at privatisation. But privatisation would not work without eliminating the existing control of prices by the state. Prices had to reflect the availability of goods and services. Only when prices are set by the market can the real costs and the real opportunities for return on new investment be judged. Yeltsin not only bought the program, in a broadcast on October 28, 1991, he announced that 'We need now a reformist breakthrough... We shall begin in deeds, not just words.' (D 90)

In early November 1991, Gaidar was officially made advisor to the new independent government. But in a matter of only hours, he was no longer just an advisor but was named Vice Premier and Finance Minister. His modest assignment was to fix the economy of the newly independent Russian Federation, which was in shambles.

It was Gaidar's initial understanding that Grigory Yavlinsky was to join the government and it would be Yavlinsky's job to implement the reform, not Gaidar's, who was to be strictly an advisor. '[I]t felt as if I'd just managed to jump out of the way of a speeding train.' Then came the news – 'my information was incorrect, Yavlinsky had refused.' (D 91)

Would the outcome have been any different had Yavlinsky enlisted? Possibly. Yavlinsky was author of several variations of 'The 500 Day Plan' advocating a market economy. This program differed from Gaidar's in that it insisted on a slower, more calibrated effort, starting with privatisation and only later a very gradual release of price controls. Though Yavlinsky had found support initially in the legislature of the Soviet period, and in the West, there were no powerful voices on his side.

The economic reforms were also undertaken without a constitution or clear lines of authority over banks, institutions of various kinds, or state agencies created by the Soviets. All of the powers – and checks and balances – needed to run a government were missing. Everything hinged on the popularity and personality of Boris Yeltsin, who had no political party behind him, a legislature made up of delegates originally picked by the Party and who were now emboldened by being free of all obligations to constituents, Party, or political leaders. Russia was more a name than a country at that point. Even the borders of the new nation were unclear and unguarded.

The response to these extraordinary events needed to be something beyond what is implied in the word 'reform.' It required an answer to what had become a revolution.

For Gaidar, it would have been impossible to just stand by as the country slid further and further into chaos with a real threat of violence hanging over it. One had to take the risk of action, where much would be the product of guesswork and the outcomes unclear. One had to be willing to ignore criticism. So Gaidar stood up, willing to act despite the barrage of criticism brought down on his head. He was that rare intellectual who refuses to breathe in the easy air of the sidelines and who is willing to sacrifice his intellectual virginity to do, if necessary, nothing more than win the lesser evil.

When Yavlinsky said 'no' and Gaidar said 'yes' to a key post in the government, a small crack was made in the already fragile foundation of Russian democracy. That crack would grow as the reform unfolded. At a later point, it would become a significant factor in splitting democratic forces in Russia. (By the 1993 elections, the party Democratic Choice founded by Gaidar, and Yabloko organized by Yavlinsky, were in competition – a division that continues, regardless of party name, to this day.)

As Yeltsin and Gaidar ventured forward in the late autumn of 1991 to begin their remedies for revolution, they were faced with the reality described by Gorbachev a year earlier: 'Our economy and entire social organism are exhausted by chronic diseases. The dilapidation of the village, agriculture, and manufacturing, the woeful state of our ecology; the obsolete structure of production and lagging behind in science and technology.' (C 132)

What all this added up to, in Gaidar's words, was a 'revolution comparable in its effects on the historical process with the Great Revolution in France, the Russian Revolution of 1917, and the Chinese Revolution of 1949.' (D xxii)

At work

Gaidar was barely on the job when he was faced with a crisis of the kind he had not expected – a dire shortage of food and the threat of famine. The reserves of grain were nearly depleted. Without grain, bakeries would close; citizens, who depend on bread as their staple food, would be left hungry. This was a formula for riot.

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Russia could not feed itself and grain had to be purchased in increasing quantities from other countries. Rubles could not be used, so grain from abroad had to be paid for in hard currencies. The supply of hard currencies depended on oil sales, but starting in the mid-1980s and continuing through the 90s there was a sharp fall in oil prices.

Russia turned to loans from foreign banks to pay for the imported grain. By the time Gaidar became Finance Minister, that door was closing. Unpaid loans would soon mean a loss of credit not only for grain but other imported goods as well, such as machinery for oil and gas extraction. Unable to make these investments, productivity started falling in key export industries such as oil.

The oil crisis highlights the essential fault in the Russian economy. The real Russia that had for many years been hidden from public view was deficient in manufacture and stuck with an aging capital stock. It was primarily a supplier of natural resources such as oil, gas and metals. Most of their manufactured products largely failed to sell on the world market because of their poor quality and lagging technology.

Low productivity is a general problem for Russia. The command economy at the peak of its 'success' induced greater output only by threats of violence, jail, induced famine, or transport to the Gulag. Fear was the motivator. Starting on May 5, 1953, with the death of Stalin, the grasp of fear – slowly, almost imperceptibly at first – started to relax. The command economy began to command less successfully, and as it did productivity slowed. In other words, Russia was much more like an overgrown Angola or Venezuela, rather than a Germany or Japan or United States. But what she really had was natural resources in great abundance. The value of these resources was dependent on highly volatile prices in the world market, a situation that continues to this day, as Vladimir Putin attested late last year, when he noted that 'We have still not yet succeeded in breaking away from the inertia of development. Based on energy resources and commodities... we're still only making fragmentary attempts to modernise our economy. This inevitably only increases our dependence on imports of goods and technology and reinforces our role as commodities base for the world economy.' (Putin 2008)

Oil is Russia's largest and most important natural resource but there's a long list of others, including reserves of nickel, copper and cobalt, and iron. The demand for these commodities is tied to the growth and stability of the world economy and

subject to volatile price changes, big swings up and down and back again, following the same path as oil prices.

The importance of commodities to Russia is made clear by the simple fact that they comprise 70 percent of her exports and provide 30 percent of the national budget. Dependence on commodities has too often bred the speculator whose eyes are on the quick investment and fast turnaround, seeking to sell a product made by somebody else, in some other place. As Vladimir Putin made clear last year, Russia desperately needs to modernise. To do so – that is, to go beyond the market for commodities, requires the creation of new and growing entrepreneurial class: business men, who are willing to make long term investments.

Reform midst revolution

The dilemma of price controls is not a new one. In France in 1774 a Deputy remarked from the floor of the French Convention that 'if we destroy the price ceiling, then the price of everything will rise sharply; but if we keep it, there will be nothing to buy.' So, on January 2, 1992, price controls were lifted on most goods, and a few weeks later, on nearly all of the others. The shelves were, after a short delay, well-stocked once again. The lines disappeared. It was exhilarating at first. People started to use their savings. Inflation accelerated, climbing higher each month.

Prior to lifting price controls, savings had grown rapidly due to higher wages, but nothing much to buy. The money was a measure of what Gaidar called 'repressed inflation.' And sure enough, when price controls ended, the money burst out of the bank accounts and went shopping.

Eventually, savings were drawn way down or entirely used up. As that started to happen, inflation continued but at a slower pace. Over all inflation shot up by 2500 percent that first year, but as savings got spent, inflation dropped to 204 percent in 1994 – still not much to brag about.

Gaidar felt there would be 'reserves of optimism' left to move through the reform and then to an upturn that would change the very structure of the economy. The alternative he felt, would be a suicidal revolt. (S 104) No revolt occurred, but frustration grew as inflation continued with no sign of stabilisation yet on the horizon.

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There was, however, in all this difficulty, one very significant change. Once the prices were free and shelves filled up again, there was little chance going back to controls mandated by a central, planned economy. It was undone and difficult to revive.

The second part of the reform was attempts to control the legislative spending, cut military outlays, and end the automatic response by the Central Bank to cover the deficits. The one success was reduced military expenditure. But the legislature and the Bank would continue to fuel inflation.

Gaidar had not been unaware of possible stumbling blocks to a successful reform. There were many reasons to move fast but certainly his temptation to destroy the command economy once and for all was high on his list. He believed his reform package was the only option open. Certainly, had things continued as before in another six months there would have been nothing to get in line for. (During the French Revolution, when the Convention did not lift the controls on prices, famine ensued.)

And the payments crisis continued as reserves of hard currency and gold disappeared. Russia's dependence continues to this day as imports account for 70 percent of the food for her large cities

The push for reform in the 1990s is, even today, a subject of great contention and divides the democratic parties in Russia. Gaidar's pragmatism and willingness to settle for less than the optimum is not acceptable to Yavlinsky and friends.

Privatisation

The necessary complement to setting prices free is private ownership of the means of production. Together, they are a formula for a market economy, a platform for growth and future prosperity, and together they defeat, once and for all, the command economy and its overweening bureaucracy, and insure against its resurrection.

Anatoly Chubais, a member of the team of young economists assembled by Yegor Gaidar, was quickly recognised for his political and administrative skills. He became Vice Premier tasked with prying away the hold of the state on the economy by putting as many state-owned enterprises as possible in the hands of entrepreneurs –

Marxism in reverse. Working from the State Committee on Property, an agency he created, Chubais went to work on privatising state owned enterprises. With fits and starts, he managed, by the end of 1994, to establish 100,000 new companies out of the old. By the end of 1996, 72 percent of the midsize and large state enterprises and 80 percent of the small shops and retail stores were put in private hands. Together these privatised businesses, would account for about 70 percent of the GDP by the end of 1997. [3]

Two serious problems emerged in the privatisation phase. The first had to do with the 'red directors' from some of the largest enterprises, who wished to limit ownership of 'their' enterprises to themselves and, to make it palatable, their employees. With various formulas, some of the shares went to the management and others to employees. The actual split varied. Never the less the enterprise would have to operate in a market economy. The allocation of supplies, sales and purchase of intermediate goods was no longer a function of the state.

The second, and most explosive issue, was the privatisation of a number of large enterprises, in the natural resources sector, which included oil, and in some cases metals like nickel. These enterprises were sold at low prices, given their potential, to a small group of wealthy individuals, the so-called oligarchs. This was to be a grievous political wound for the reform, then and for years afterward.

Critics and criticism

'To censure the result of Russian economic reform has become as fashionable as criticising fatty foods or fighting cholesterol,' said Vladimir Mau, capturing both the extent and the extravagance of the criticism levelled at those who laboured for economic reform. A major source of disparaging comment comes from the Kremlin, which likes nothing more than to compare the Putin prosperity with people's plight in the 1990s. Putin, in an address to the Federal Assembly in 2005, recalled 'Individual savings were depreciated and old ideals were destroyed. Mass poverty began to be seen as the norm ... dramatic downturns, unstable finances, the paralysis of the social sphere.'

However, the most important criticism was uttered by Grigory Yavlinsky. Its importance is to be found not so much in its content but the fact he is a leading voice on behalf of democracy. To leave no doubt as to his view of the failures of Yeltsin-Gaidar reform, Yavlinsky argued in Izvestia (July 12-13, 1995) that 'the

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crisis of the democratic movement began when its future was staked on a minority.' That minority is identified as the 'business interests' – in other words the old nomenklatura.

Gaidar, who had written a detailed description of the machinations of the ruling class, nevertheless recognized that 'Russia could not be wrested from the nomenklatura by force.' (S 82) There would be no market economy until a significant section of the nomenklatura found it in their self interest to support reform.

Gaidar unabashedly worked to keep the old nomenklatura from misuse of state assets, and to convince them to trade away official positions for private property. He was later to work with entrepreneurs helping to form the Union of Right Forces to improve the environment for expansion of private enterprise.

Yavlinsky's hardest hitting criticism of Gaidar & Co. was on the issue of monopolies, where one, or a few large enterprises in a sector are able to avoid competition and innovation. Support for Yavlinsky's critique comes from George Stiglitz, Nobel winning economist, who cites the example Poland where privatisation was delayed until the ground was ready for the market, and monopolies were divided into several smaller competing companies.

But Russia was not really comparable to Poland. For the chance to have their kind of controlled privatization, Poland won the strike at Gdansk, built the Solidarity movement reaching into nearly every work place, launched a struggle underground during martial law, brought all sides to the round table, gave the government an overwhelming defeat in the election and had the inspiration of a Polish Pope. The distance between Warsaw and Moscow is beyond calculation. There was simply no time in Russia. The differences between the Gaidar and Yavlinsky in part concerned their understanding of this. Gaidar felt he was in a revolution where possibilities were measured by days, weeks, and, if lucky, a month or two.

The weak state as harbinger of revolution

One could draw an analogy with February 1917. Gorbachev was Alexander Kerensky trying to represent all from the middle. He failed and his weak government proved unable to hold together the divergent factions. Arrested by his associates on the Central Committee, who tried to topple his government, Gorbachev returned after the coup failed but only to find the radical democrats and the pro-market

economy faction had swept away the USSR. The times required the will to be willing to act, and not stop, or be pushed aside by different new coalitions arising from the revolutionary situation. This was a time when one might have to settle for the lesser evil – a time to act, regardless of the naysayers. [4]

The 1990s were to be marked as a great failure by the Kremlin and by some democrats. There are few defenders of the reforms and political changes of the decade. But the man who stood on tank No. 110, and the small bunch of reformers who were tempted to act with him, do have a few accomplishments to their name. The shortages and the lines went, and with them, the command economy, as nearly one million privately owned businesses were registered. The rule of the nomenklatura's Communist Party was over, and an environment in which people could speak up was created. Russians could travel abroad without permission and did in large numbers, while three in four now owned a piece of land. Overlooked in the dismal figures, thirty one families out of every hundred owned a car, and grain production increased to the point where 10 million tons was exported in 1997. And, this not least in importance, elections meant something, the candidates were not chosen by the Party, and the dream of democracy was kept alive. [5]

Postscript

As this article was being written, Yegor Gaidar resigned his membership in the Union of Right Forces (SPS). He had little choice. The decision was forced on him by a meeting of the SPS on October 3, 2008 which the party to join with two other parties to form a new political organisation. The purposes given by the sponsors of this newly merged party are intentionally vague. However, for most everyone else, it is clear that they seek a safe harbour in the Putin consensus. The Kremlin has pre-approved the merger.

The SPS had attempted to follow a pragmatic course of 'political responsibility.' This meant support for proposals such as the flat tax, or other legislation helpful to the businessman, but opposition to the government when it abused its power. Such a middling position was unacceptable to the Kremlin and the SPS found itself without a single seat in the legislature (Duma). It is assumed that the new party will be allocated representation in the Duma. Of course, United Russia, the party of Vladimir Putin, will continue its position of majority control.

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In a terse statement to the press, Gaidar said, 'I believe my participation in this project would not contribute to its success. That is why I have submitted a letter of resignation.' (October 3, RIA Novsti)

Just prior to Gaidar leaving, the Chairman of the SPS, Nikita Belykh, had also resigned. He made it clear that he had 'no intention of doing deals with the Kremlin.' Belykh started working with Gary Kasparov's very anti-Putin group 'Solidarity.' But on December 5, 2008, he was invited to Vladimir Putin's office and offered the opportunity to work for the Kremlin. He accepted the offer. Belykh was appointed Governor of Kirov on December 9th, 2008.

Chalk one up for the cynics. But don't miss the flickers of light shining from the increased street demos. One comes from 'Da!' (Yes!), a new youth group led by Maria Gaidar, a fighter, like her father.

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Notes

- [1] Henceforth, for referencing purposes, *Collapse of an Empire* is 'C,' *Days of Defeat and Victory* is 'D' and *State and Evolution* is 'S.'
- [2] Gaidar wrote in *Days of Defeat and Victory* of 'that long, long, narrow, absurd room in the Kremlin.'
- [3] Aron 2006, p. 329.
- [4] See Mau and Starodubrovskaya 2002 for a discussion of revolution and the weak state.
- [5] A longer list of examples can be found in Aron 2007.

Letter from Washington: Don't Bet on America's Decline

Lawrence J. Haas

After reviewing the ills that beset America, from a weak economy to a misguided energy policy, from failing schools to costly health care, Barack Obama focused on the nation's mood. 'Less measurable, but no less profound,' the new President suggested in his inaugural address, 'is a sapping of confidence across our land; a nagging fear that America's decline is inevitable, that the next generation must lower its sights.'

If such fear nags at Americans, it may be because of what we so often hear. Journalists, scholars, and diplomats seem to compete for the pithiest way to pronounce that, when it comes to America, as a French foreign minister put it, 'The magic is over... It will never be as it was before.' Pithy enough? How about 'Waving Goodbye to Hegemony' (from a *New York Times* magazine headline) or 'U.S. influence is in steep decline' (from the *Washington Post*) or 'The United States' unipolar moment is over' (from the Council on Foreign Relations' Richard Haass) or 'It will not be the New American Century' (from a French scholar).

We've been here before – not as a nation in decline, mind you, but as one stressing about it. Today, a cursory look at America might justify the fears. But a more serious survey of the global landscape suggests that, despite its current troubles, America will retain its top spot in the world's pecking order, and that it may emerge from today's global downturn even stronger than before relative to its competitors. While, in America, we face serious problems, our would-be challengers – from China to Russia, from Europe to the Middle East to Latin America – are mired in their own problems that may prove even more daunting.

America's path is in America's hands. We have the power to fix every one of our problems, no matter how large any single one may seem. History suggests that we will do so – eventually. What Winston Churchill said of us still rings true: 'Americans can always be counted on to do the right thing... after they have exhausted all other possibilities.'

Declinism of past and present

Declinism, as it applies to America, has a rich tradition but, to date, a history of failed prophecy. Like the cicadas that blanket Washington's trees and sidewalks every 17 years, the declinists rear their heads about once a generation, propagating the latest versions of their thesis, showcasing evidence of America's creeping weakness – from economic stagnation to military setback to diplomatic reversal. From a momentary setback or perhaps a string of them for the United States, the declinists offer visions of long-term corrosion.

The intellectual parlour game is as old as the Republic. Europeans widely expected the 'American experiment' to fail. British contempt for the young nation led to the War of 1812. Nor did America's rise to global behemoth by the late 19th Century deter the doomsday-ers. If anything, they grew bolder. No sooner had the United States emerged victorious from World War II than critics lamented Soviet supremacy in the Cold War that had just begun. 'We've lost the peace,' John Dos Passos wrote in early 1946 in *Life*. 'Friend and foe alike look you accusingly in the face and tell you how bitterly they are disappointed in you as an American.' Mao's victory in China in 1949, America's stalemate in Korea in the early 1950s, Soviet suppression of Hungary in 1956, Moscow's launch of Sputnik in 1957, and candidate John Kennedy's warning of a U.S.-Soviet 'missile gap' in 1960 all seemed to prove that history favoured communism over capitalism.

American prosperity and Kennedy-era optimism provided a short respite from further declinism. The U.S. debacle in Vietnam, North Korea's capture of the USS *Pueblo*, Soviet and Cuban adventurism in Africa, Iran's seizure of the U.S. embassy in Tehran, the Soviet invasion of Afghanistan, and America's economic struggles in the 1970s painted the United States as a helpless giant. President Nixon transformed declinism into national policy, seeking détente with the Soviets to ease U.S. entry into a new world of balance with the Soviet Union, Europe, China, and Japan. President Carter reinforced decline fever, lamenting our 'crisis of confidence' in his 'malaise' speech. After President Reagan sought to reassert U.S. supremacy, launching a military build-up and confronting the Soviets in hotspots the world over, Yale's Paul Kennedy warned (in his best-selling *The Rise and Fall of the Great Powers*) of America's 'imperial overstretch,' in which our global obligations would surpass our ability to finance them. Other declinists of the period included David Calleo (*Beyond American Hegemony*) and Walter Russell Mead, (*Mortal Splendor*).

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America's victory in the Cold War mocked declinism, but recent events have ignited its rebirth. Today's declinists includes veterans of past battles, notably Kennedy, and new players – Fareed Zakaria (*The Post-American World*), Charles Kupchan (*The End of the America Era*), Francis Fukuyama (*America at the Crossroads*), Andrew Bacevich (*The Limits of Power*), and a host of government officials and journalists. They write books and op-eds and appear on TV and radio, reviewing America's missteps while suggesting they presage a more multi-polar world. For some, like Kennedy, declinism is a life's work, as his recent Wall Street Journal op-ed, 'American Power Is on the Wane,' makes clear. For others, it's a step along an intellectual journey. While Fukuyama moved from Western triumphalism (in his *The End of History and the Last Man of 1992*) to declinism, Mead moved the other way, predicting recently in the *New Republic* that America will emerge from today's global economic crisis in a stronger position atop the international power rankings.

Today's declinists do not agree on what will cause America's relative downfall. For some, it's Iraq that strained our military and displayed the limits of U.S. power. For those who acknowledge America's startling turnaround in Iraq, it's Afghanistan that will engulf America in a Vietnam-style quagmire. For others, today's economic crisis exposed the excesses of U.S.-led capitalism. Their prescription – more governmental regulation that will weaken the leader of the free-market pack. For still others, it's China's rise and Russia's resurgence, the first of which will shift global power to the East and the second of which will restrict U.S. activity abroad. And for others, it's no one event or U.S. error but instead the unsustainable nature of U.S. unipolarity and the inevitable rise of nations or blocs to counteract it.

Questions for today's declinists

Well, maybe. But, declinists have a few questions to answer. Why will today's economic distress and military challenge bring America's decline when prior challenges of greater magnitude did not? What would a post-America world look like, and why should we buy the starry-eyed hopes of America's fiercest critics that a U.S. retreat would make the world more peaceful and more just? Who or what will supplant the United States atop the world stage, especially when no alternative nation or bloc seems ready to assume the mantle?

To be sure, the United States faces big challenges, probably the most complex set in decades. On the economic front, businesses are shedding jobs, credit is frozen, financial institutions are teetering, stocks are weak, and consumer confidence is

collapsing. On the military front, America's armed forces are strained, Afghanistan offers no easy solution, and exploding budget deficits will encourage Obama and Congress to seek the first defense cuts of the post-9/11 period. On the diplomatic front, the United States will try to convince Iran to scrap its nuclear program, to improve its relations with Pakistan while targeting the Taliban and al-Qaeda strongholds in the Northwestern territories, and to strengthen its ties to its European allies even as it clashes with them over strategy and military contributions in Afghanistan.

But step back a bit, and prospects for continued U.S. supremacy look brighter. The economy has not reached the depths of the 1981-82 recession and – to state the obvious – it will eventually recover. The issue is how bad things will get and when the recovery will arrive. Economists project unemployment will top nine percent before it's over, the turnaround will not begin until at least the end of 2009, and it may take years to restore strong growth. As for defense, even with cuts, the gap between annual U.S. expenditures and those of any other nation remains huge. Moreover, the United States spends just four percent of its Gross Domestic Product on defense and international affairs, a historically low figure – compared to, for instance, 10 percent under President Kennedy. It has fewer active duty troops than in the 1950s, drawn from a population that's twice as large. The notion that America can't afford its military obligations has never been less true.

Not long ago, nations or blocs that were ready to challenge America seemed plentiful. Today, each is plagued with problems. China is reeling from the global economic crisis, with rising unemployment and smouldering domestic discontent. Russia is suffering from the dramatic drop in oil prices, the resulting squeeze on governmental revenues, and deep-seated social and economic problems. Iran and Venezuela, America's two loudest nemeses, are also reeling from low oil prices, forcing their leaders to address surging economic woes and stabilize their own rule. A united Europe, with a combined military and foreign policy, remains a pipe dream.

Today, despite its problems America remains the world's 'goliath,' in the words of Michael Mandelbaum. It is the go-to power for maintaining peace, ensuring global commerce, and responding to humanitarian disasters. U.S. security treaties encompass more than half of the world. As Robert J. Lieber put it, 'In many instances, and particularly in urgent and dire cases such as the Balkan crises, the

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choice boils down to this: either the United States will act or no one will.' We should not expect that reality to change any time soon.

Retaining supremacy

In the end, America's trajectory is less a product of historical forces than of human decision-making. The United States remains well-placed to retain its place atop the world stage, but it must make the right decisions at home and abroad. 'U.S. primacy is neither inevitable nor a birthright,' wrote Alan W. Dowd. 'It is a burden that must be shouldered anew by each generation in its own way.'

The tasks are huge but achievable. The choices are in our hands. Here's what we must do:

Fiscal challenge

Washington is awash in red ink. With a built-in mismatch between revenues and spending, a weakened economy, and enormous federal spending to revive it, this year's budget deficit will approach \$1.5 trillion – a three-fold increase over the record \$459 billion of 2008 and, at perhaps 10 percent of Gross Domestic Product, the largest peacetime deficit ever. More alarming, realistic projections suggest the nation faces long-term deficits of about \$1 trillion a year even after the economy recovers, and still larger ones as the growing ranks of elderly Americans begin to receive federal retirement and health care benefits.

Such profligacy carries enormous risks. With the United States borrowing so much from China to finance its deficits, it is increasingly dependent and vulnerable. The Chinese and other investors could decide they hold enough U.S. securities and look elsewhere to invest, forcing the United States to raise interest rates to find other investors or entice them back to our market. (Secretary of State Hillary Clinton recently urged the Chinese to keep buying U.S. debt.) More ominously, China could threaten to dump its dollar holdings due to a geopolitical dispute with the United States, stoking a run on the dollar that would send interest rates and inflation soaring. Also, due to concerns that America will reduce its debt burdens by inflating its currency, the nation could eventually lose the Triple-A rating on its debt. At the same time, large deficits will spur continuous cycles of budget-cutting, with expenditures for defense and diplomacy facing the same pressures as domestic priorities. At that point, Kennedy's warning about 'imperial overstretch' could become prophetic.

America can balance its budget, however. After accumulating huge deficits in the 1980s and early 1990s, Washington balanced its budget by 1998. But, today, it faces vexing decisions on how to restructure the pension and, more importantly, health care programs that are absorbing growing shares of the budget. Soaring federal health spending, in turn, reflects soaring health care spending throughout the society. In essence, America must reform its sprawling health care system if it hopes to balance its federal books – and, thus, find the resources to support its long-term defense and diplomatic commitments. Fortunately, Obama seems serious about the task, vowing to cut projected deficits in half in his first term and planning a health care overhaul that will control costs over the long term.

Trade challenge

At Bretton Woods, NH, in 1944, the United States led efforts to build the free trade system that has served the world well, reducing barriers to the flow of goods, lowering prices, creating jobs, and raising living standards across the globe. But economic downturns, such as today's, encourage nations to turn inwards, to construct new barriers to trade in order to protect domestic industries. Nothing better illustrates the dangers than the 1930 Smoot-Hawley law, which raised U.S. tariffs on more than 20,000 imported goods, prompted other nations to retaliate, and helped turn a serious global slowdown into the Great Depression.

Though that history is well known, protectionist fever is again infecting national capitals; free trade is on the run. The Doha round of global trade talks is moribund. Worse, despite a late 2008 commitment of the G-20 leading industrial nations to avoid protectionism, many countries and blocs have violated the pledge. The European Union has restricted imports of U.S. chicken and beef, India proposes to raise tariffs on foreign steel, Egypt has raised duties on sugar, and Russia has acted against a variety of products. Nor has the United States avoided protectionist fever. While retaliating against the EU and China, the latter for alleged dumping, Washington included 'buy America' provisions in its recent economic recovery law. The World Bank predicts that, just from the weak economy, trade will shrink 2.1 percent this year, the sharpest drop since World War II. Protectionism will only make matters worse.

Obama is caught between a domestic rock and an international hard place, as his actions demonstrate. Campaigning last year in manufacturing-rich states like Ohio and Michigan, where organized labor is strong, he vowed to unilaterally re-

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open the controversial North American Free Trade Agreement. After clinching his party's nomination, he reversed course, attributing his previous statements to overheated rhetoric. Once in office, he failed to convince Congress to drop the 'buy America' provisions, though he persuaded lawmakers to water them down. Travelling to Canada, he warned against protectionism and made clear that renegotiating NAFTA was now on the back burner. World leaders look to Obama not only to promote free trade but to re-energize the Doha round. Whether he does could determine how long the global downturn endures, how deep it gets, and how strong the recovery from it grows.

National security challenge

That the world would test the new President was obvious. Less obvious was how quickly, and from how many places, the tests would come. Soon after Obama took office, Pakistan released the notorious nuclear proliferator A.Q. Khan and cut a deal with the Taliban that essentially ceded the Swat areas to the Islamic militants; Russia pressured Kyrgyzstan to order the United States to leave an airbase it used for its Afghanistan operations; Iran launched a satellite into orbit, said it would complete its nuclear reactor at Bushehr this year, and insisted that it would pursue its nuclear program that experts believe is a nuclear weapons program; and North Korea said it would withdraw from its non-aggression pact with South Korea, warned of war, and prepared to test a Taepodong 2 missile that could potentially reach the United States. Coming in such quick succession, these early moves by friends and foes alike remind us of the huge challenges that Obama faces.

Among other things, Obama must convince the world that he seeks to resolve the Iranian nuclear issue peacefully but, either way, he must resolve it – denying nuclear weapons to Tehran. While pursuing a Palestinian-Israeli accord and a larger Arab-Israeli peace, he must focus on the more urgent problems of Iran's weapons, Iranian- and Syrian-backed terrorism, and Islamic radicalism that emanates from that region and elsewhere. While sending 17,000 more troops to Afghanistan, upping the U.S. total to 55,000, he must ensure the United States does not sacrifice its hard-fought gains for security, and against al-Qaeda, in Iraq. He must turn stalemate to victory in Afghanistan and work with Pakistan to address its lawless regions from where the Taliban and al-Qaeda de-stabilize Afghanistan and plot attacks against the West. He must work with Russia while making clear the United States will pursue missile defense and will not retreat from promoting freedom and democracy in the former Soviet sphere.

Based on Obama's inaugural address, Vice President Biden's speech in Munich, and administration actions to date, the White House is pursuing a multi-faceted form of 'tough love.' Philosophically, Obama promises a new U.S. tone of cooperation with the world and a twin commitment to America's security and its ideals, which are 'mutually reinforcing.' Operationally, he seeks bargains with nations, blocs, and peoples – with U.S. allies in Europe, if they contribute their share to the fight against freedom's enemies in Afghanistan and elsewhere; with Iran, if it foregoes nuclear weapons and works for peace in the region; and with the Muslim world, if it will 'unclench its fist.' But to the terrorists and states that support them, he defends American values and vows America's ultimate victory.

Freedom challenge

The United States is strong around the world not just when its factories hum and its military keeps the peace. It is strong when its leaders promote its values, distinguish right from wrong, speak for freedom and against oppression, and support those working to build democracy where it does not exist. Presidents Kennedy and Reagan did so in dramatic speeches nearly 25 years apart in what was then West Berlin. Presidents Nixon, Ford, and George H.W. Bush focused more on global stability than democratic activism. President George W. Bush was a mixed bag, often a vocal advocate for freedom and democracy but just as often a silent partner of regimes that mocked his advocacy with their actions.

Obama so far has straddled the fence between these approaches, at times promoting U.S. values, at other times appearing less interested in ruffling authoritarian feathers. 'We will not apologize for our way of life, nor will we waver in its defense,' he said in a Kennedy-esque passage of his inaugural address, telling those who 'seek to advance their aims by inducing terror and slaughtering innocents' that 'you cannot outlast us and we will defeat you.' But, a week later on Al Arabiya TV, he failed to promote freedom and democracy, nor did he remind viewers of U.S. military action in the Balkans, Afghanistan, or Iraq that liberated millions of Muslims. He also talked of restoring 'the same respect and partnership that America had with the Muslim world as recently as 20 or 30 years ago' – even though that period witnessed the Iranian revolution, terrorist attacks on U.S. interests in the region, and a U.S. focus on stable relations with authoritarian regimes rather than progress for their people.

Obama will have other chances. In China, activists are promoting democratic change under the moniker 'Charter 08' – modelled on the 'Charter 77' movement

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in the former Czechoslovakia and part of the activism across Eastern Europe that helped topple the Soviet Union. Economic turmoil will spur greater discontent in Iran, Egypt, across the Greater Middle East, and throughout the Third World. The new President will have to choose – the rulers or the activists. Choosing the former, he would opt for stability. Choosing the latter, he would promote U.S. values, gradually weaken those who stifle freedom, and strengthen America over the long run. He also must choose whether the United States will fully participate this year in the 'Durban II' conference, a follow-up to the United Nations human rights conference of 2001 in Durban, South Africa that became a cesspool of anti-Semitism and anti-Americanism, prompting Secretary of State Colin Powell to order the U.S. delegation to leave. Durban II, for which the United States is participating in preparatory activities, has all the makings of its predecessor, so it represents a key test of how Obama will reconcile his commitment to greater U.S. engagement abroad with his defense of U.S. values.

Conclusion

Today, the United States is reeling, with a sinking economy, exploding deficits, and a stalemate in Afghanistan. Declinists are writing obituaries for American supremacy, predicting the gradual though inevitable decline of the richest and most powerful nation known to history.

We've been here before – numerous times, in fact, since colonists on the eastern seaboard of a new world declared their independence from British rule. Declinists have come and gone, but the United States has repeatedly surmounted the challenges that were supposed to spell her doom.

America has the power to do so again. Don't bet against her.

Lawrence J. Haas is a former communications director to Vice President Gore.

Israel, Gaza and the Unions: The Need for a Global Fight-Back Against Anti-Semitism

Eric Lee

Fifteen years after the historic Oslo accords, Israel finds itself isolated as never before in the international labour movement.

The erosion of support for the Jewish state has not been affected in the slightest by Israeli concessions over the years. The withdrawal of Israeli forces from Lebanon, the closing of all Jewish settlements in Gaza and the withdrawal of troops, the acceptance of the right of Palestinians to their own state, the ongoing attempts to reach agreement with the PLO – none of these has slowed down the growing hostility toward Israel on the Left and in the trade unions.

By the end of 2008, Israel had in its Kadima-Labour coalition the most dovish government it had ever known. First Ariel Sharon and later Ehud Olmert spoke in a way that was unheard of except on the far Left only fifteen years earlier.

None of this affected the growing calls for boycotts and divestment targeted at the 'apartheid regime' in Israel. It was as if the anti-Israel left were frozen in time, with events taking place in the real world having no influence at all.

Most of that Left was increasingly pro-Hamas and unfriendly not only towards Israel, but also towards the Fatah-dominated Palestinian Authority. The Left was choosing a sexist and homophobic clerical-fascist movement above the more secular (albeit corrupt) Fatah.

During the period leading up to the Gaza war, the focus of attention for many in the labour movement who care about Israel has been the academic boycott. In focussing primarily on that, in a sense we've taken our eyes off the ball.

The real battle is taking place in the giant industrial unions – not inside academia. The threat to Israel comes not from far Left academics with time on their hands to write long anti-Zionist manifestos. It comes from dock workers in Durban.

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Operation Cast Lead

Israel's attack on Gaza at the end of 2008 was a legitimate act of self-defense. That's not just the view of the Israeli Right – that's the broad consensus of opinion inside Israel, including the Israeli Left. On the eve of the attack, even the dovish Meretz party called on the Government to use the military in Gaza. And throughout the war, Israel's main peace organization, Peace Now, refused to take to the streets in protest. (Smaller peace groups did, however, protest.)

The roots of the conflict go back to the Israeli withdrawal from Gaza in 2005. Though the Israeli Left criticized the Sharon government for doing this unilaterally, they did welcome the decision to end the occupation. What they did not expect was that a few months later Hamas would violently wrest control of the strip from Fatah, and launch an ongoing rocket and mortar barrage directed against Israel.

In mid-2008 Hamas declared a unilateral cease-fire, which it used to re-arm. The day that cease-fire ended, it resumed rocket attacks. In the end, something like 6,000 rockets and mortars were fired against Israel. The firing of those rockets, which targeted civilians, was a war crime, as was Hamas' use of human shields during the Israeli assault.

Israel's ferocious response to those attacks can be debated – and indeed within Israel there was criticism over the conduct of the war. But what we saw on the Left outside of Israel was not criticism of this or that aspect of Israel's attempt to defend itself.

Instead we saw the Left *taking sides*, openly supporting Hamas, and moving far beyond legitimate criticism of the Jewish state. We saw an unprecedented rise in anti-Semitism inside the labour movement which if not confronted head-on will lead to disaster.

The unions react

At first, unions around the world hardly reacted at all to the Israeli attack on Gaza. This is probably due to the fact that it took place over the Christmas break. Still, the Brussels-based International Trade Union Confederation (ITUC) representing all the major national trade union centres, was quick to issue a statement which called for peace – but also blamed Hamas for triggering the current wave of violence and reiterating its support for a two-state solution.

The global union federations remained silent, with only the International Federation of Journalists issuing a statement condemning the attack on a television station in Gaza and warning journalists of the risks of reporting in a war zone.

The only ITUC affiliate to respond quickly to Israel's attack was the Congress of South African Trade Unions (COSATU) which demanded that its government break off all ties with Israel, which it saw as the aggressor.

The Histadrut, Israel's national trade union centre, said nothing at all to the world during the first few weeks of the fighting, nor could anyone tell what the union was thinking as its website remained 'under construction' the entire time. Had the war ended after a week, we could have described the trade union response as muted. But the war did not end after a week.

Hostility mounts

As the war dragged on, and even after the announcements of separate cease-fires by Israel and Hamas, hostility towards the Jewish state mounted. In a couple of cases, that hostility led unions to cross the line from legitimate criticism of Israeli policies over to outright anti-Semitism. The first example came from Italy and received considerable press attention. A union in Rome, infuriated by Israel's actions, called for a boycott of Jewish stores. Not Israeli stores – *Jewish* ones. The reaction of the Italian political leadership (including the mayor of Rome) and of most national trade unions was to condemn the union for crossing a line.

The far more serious problem arose in South Africa in early February. COSATU took the decision to intensify its campaign of solidarity with the Palestinians following the cease-fires in Gaza – but did so by virtually declaring war on the country's Jewish community.

'We want to convey a message to the Jews in SA that our 1.9 million workers who are affiliated to COSATU are fully behind the people of Palestine,' said Bongani Masuku, COSATU's International Relations Secretary.

Masuku's reference to the Jewish community was not an isolated incident. He clarified COSATU's position, saying that 'any business owned by Israel supporters will be a target of workers in South Africa.' Note the use of the term 'Israel supporters' which is essentially a code for 'Jews.'

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COSATU moved beyond mere words by organizing a week of action in support of Palestine – the first event of which was a protest outside the offices of the South African Zionist Federation and Jewish Board of Deputies.

To justify a demonstration at a Jewish, rather than Israeli, site, the union noted that 'both these organisations unquestioningly supported the recent Israeli attacks against Gaza and supported the massacre of civilians and the attacks on schools, mosques, ambulances and UN refugee centres.'

The Palestine Solidarity Campaign, which is co-sponsoring the week of action with COSATU, claimed that the local Jewish community was 'aiding and abetting Israel's actions' and was therefore a legitimate target of protest. South African Jewish leaders expressed concern but not panic at the news. Chief Rabbi Warren Goldstein called COSATU's actions a 'disgrace and immoral' and racism in its worst form.

The trade union demonstrators were met by a pro-Israel counter-demonstration and according to news reports 'insults were traded, flags were burnt and items were thrown by both sides.' Police turned away several bus loads of anti-Israel union demonstrators.

Meanwhile, the Histadrut protested the decision by the South African Transport and Allied Workers Union to refuse to offload an Israeli ship. Avi Edri, who heads up the Israeli transport workers union, noted that the South African unions are so violently anti-Israel that they even opposed an internationally-brokered cooperation agreement signed with the Palestinian transport workers union.

Several unions in other countries have expressed their support for the Durban dock workers. The Maritime Union of Australia which waged an historic fight against the right-wing Howard government in the late 1990s, wrote on its website that Western Australian members of union 'have announced they support sanctions and other actions against Israel.'

In the United States, some leaders of the International Longshore and Warehouse Union, representing west coast dock workers, issued a statement expressing their solidarity with the Durban dock workers.

Several weeks ago it was reported that Greek dock workers threatened to block a ship carrying weapons to Israel.

The decision by the Durban dock workers to block the offloading of an Israeli ship and COSATU's deliberate targeting of the Jewish community represent a significant escalation of anti-Israel activity in the trade union movement and could spark similar actions in other countries.

Unlike the threatened academic boycott of Israel which has gotten more media attention, this would represent a genuine threat to the Israeli economy.

The need for a fightback

The response of organisations which are tasked with defending Israel inside the labour movement was slow and ineffective.

It took the Histadrut weeks to issue its first statement which was such an obvious rehash of Israeli government propaganda that it backfired – to the extent that it was seen at all.

Groups like the Jewish Labor Committee in the USA and Trade Union Friends of Israel in Britain were also very slow to issue statements, and after issuing such statements seemed to run out of ideas of anything further to do.

This is clearly not the case with the pro-Palestinian groups in the labour movement, which have taken to the streets and mounted an ever-more effective campaign to promote boycotts and divestment from Israel.

Part of the problem is that while the pro-Hamas groups are operating globally with a single line and a very clear agenda, the pro-Israel groups operate nationally, if at all. There is no global co-ordination and little exchange of ideas and information.

There is also a lack of, for a better word, a *fighting spirit*.

This is not the case in the Jewish community as a whole, which did mount several very large demonstrations in Britain during the war, and which did challenge COSATU demonstrators in South Africa.

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But it should not be the task solely for the Jewish community to combat rising anti-Semitism.

Trade unionists themselves, Jews and non-Jews, should be spearheading a globally-coordinated effort to fight back. They should be able to mount an aggressive campaign to make the case that Israel has the right and duty to defend itself, and that its main enemy (Hamas) is a fascist terrorist organisation and a natural enemy of the unions and the Left.

Unless such an effective campaign is mounted – and soon – what happened in February in Durban will repeat itself with increasing frequency around the world.

Eric Lee is the founding editor of LabourStart, the news and campaigning website of the international trade union movement. He writes for *Democratiya* in a personal capacity.

Still Making Us Work: Gandhi's Autobiography

Chandrabhas Choudhury

Halfway through Part II of his autobiography *The Story of My Experiments with Truth*, we see the young Mohandas Karamchand Gandhi, still only 24, preparing to leave South Africa in 1893 after the successful resolution of the court case that originally took him there.

Gandhi has, by this time, won not just the respect but also the love of the Indian community in South Africa. His unusually stringent and holistic approach towards authority, law, and morals, his keen interest in matters well outside his brief such as racial discrimination, religious division, and sanitation, and his enthusiasm for petitioning and pamphleteering, organising meetings, and travelling has made him many friends and admirers. In Natal his friends, and the merchant community in particular, pester him to stay back and set up a legal practice there. They are willing not only to send private legal work his way, but also organise funds for the 'public work' of reform and improvement that so preoccupies him. Gandhi mulls over their offer, and then refuses the second part of it. He explains: 'My work would be mainly to make you all work. And how could I charge you for that?'

My Experiments with Truth was first published in English translation in 1927, and in its ninth decade it still commands the power, just like its author did in his own person, to make us work should we come within range of it, to make us newly reflective, newly ambitious. It is, as Gandhi himself writes, not 'a real autobiography,' but a spartan, goal-directed one, closely focussed only on those incidents and encounters in his life 'which bear upon the practice of truth.' It reflects its author's impatience with inessentials, and his constant search for first principles; it is rich in lessons and maxims, in speculations about root causes and deep connections, and in an infectious moral restlessness and urgency. It can sometimes be vexing and crankish, as in the author's obsession with matters of diet and sexual self-control, or his imputation of a divine will at work in the most mundane matters. But as Gandhi himself writes, 'The useful and the useless must, like good and evil generally, go on together, and man must make his choice.'

CHOUDHURY | On Ghandi's Autobiography

The *Autobiography* was written or dictated in haste, during the fallow years of the nineteen-twenties, when the energy of the independence struggle had subsided somewhat but the demands on Gandhi's time remained immense. It was published piece by piece from 1925 onwards in Gandhi's Gujarati weekly *Navajivan* (which explains the book's often arbitrary division into dozens of three- and four-page chapters). Gandhi's faithful associate, Mahadev Desai, translated it almost concurrently into English, supervised by Gandhi himself, but the paradox remains that the autobiography of one of India's greatest writers of English comes to us in an English translation by another hand. The copies found in most Indian homes are the unsophisticated, homely, cheap editions published by Gandhi's own press, The Navajivan Trust, but they are in keeping with the spirit of the author, who honoured substance and economy over show and style.

Notwithstanding the fact that most of it is set in England and South Africa, the *Autobiography* is the most quintessentially Indian of books. Indeed, it might usefully be prescribed as the foundational book for anyone approaching Indian life or literature for the first time. This is in part because of the range of fundamental Indian experiences, across both public and private spheres, with which it engages critically – that of travelling in third-class railway compartments across the length and breadth of India, of agonising over the filth and squalor of public and community spaces, of walking through temples and observing religious festivals, of reflecting on the inequity of power relations in Indian life all the way from marriage (beginning with the author's own marriage) to caste and class. But it also demands to be read because of Gandhi's own creative attitude – the insight offered by his specific strategies and responses – as a negotiator between the forces of tradition and modernity, as a seeker of a common ground where inter-religious dialogue can take place, and as an enthusiast when it comes to the multiplicity of Indian languages and systems. At different points in the book we see Gandhi trying to learn Tamil, the better to deal with indentured labourers from south India in South Africa; speaking in Hindi (or Hindustani) at a Viceregal meeting where the accepted practice was to speak in English; and trying to win over a predominantly Muslim audience in faltering Urdu. Gandhi always goes one step further than one would expect in dealing with the other; when we read him he always seems to be saying to us, 'You can do it too.'

Among the aspects of Gandhi's nature that emerge most clearly from the *Autobiography* are his considerable talents as propagandist, pressman, and editor. Gandhi's *Collected Works* run into a hundred volumes, yet relatively few writings

were conceived as independent books – they all made their first appearances as pieces in newspapers and periodicals, often those run by Gandhi himself. Although Gandhi began to read newspapers only in his teens, very early in his career he seems to have become conscious of the enormous power of the printed word to disseminate information, to stoke reflection, to offer considered criticism, and to forge durable relationships on a mass scale without the necessity of reader actually meeting author.

But – and this is characteristic of him – he also saw in the written word a means of pinning himself to the highest standards of fairness and justice (which are only other words for what he would have understood as 'truth'). Writing about the journal *Indian Opinion*, which he ran for over a decade in South Africa, he recalls:

Week after week I poured out my soul in its columns, and expounded the principles and practice of *Satyagraha* as I understood it. During ten years, that is, until 1914, excepting the intervals of my enforced rest in prison, there was hardly an issue of *Indian Opinion* without an article from me. I cannot recall a word in those articles set down without thought or deliberation, or a word of conscious exaggeration, or anything merely to please. Indeed the journal became for me a training in self-restraint...The critic found very little to which he could object. In fact the tone of *Indian Opinion* compelled the critic to put a curb on his own pen.

Here, as at many other points in the book, we see Gandhi advance a sophisticated understanding of the dialectical relationship between one's own actions and those of others, such as when he says, 'My experience has shown that we win justice quickest by rendering justice to the other party.' And sounded here, too, is the idea of responsible speech and action through self-scrutiny which is one of the root ideas of Gandhian ethics and is explained elsewhere in the book: 'Man is man because he is capable of, and only in so far as he exercises, self-restraint.' Gandhi often asks the impossible of us, but his appeal is in the radical possibilities he opens out before us; he expands our moral arena. We come away from Gandhi with an enhanced view of our relationship to others and to the world.

The word 'God' appears dozens of times in the autobiography, and God clearly has pride of place in Gandhi's worldview. But what kind of God is he? Sometimes Gandhi speaks of God in a way that would strike the secular reader as strangely angular but which is in fact characteristic of the pious, by ceding the very human

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agency that has so assiduously been forged in hostile circumstances ('Thus God laid the foundations of my life in South Africa and sowed the seed of the fight for national self-respect'). Sometimes the word appears in notes of gratitude towards a mysterious higher authority who seems to be watching over him ('Only vaguely I understood that God had saved me on that occasion' – the occasion being a visit to a prostitute that ends in Gandhi fleeing the scene); sometimes as the end of a human ideal or endeavour ('I worship God as Truth only'; 'I had made the religion of service my own as I felt that God could be realised only through service'); and sometimes as a retreat of language and intelligence before the mystery and ineffability of the divine ('I have no word for characterising my belief in God'). Most notably, this is not a God who belongs to a particular faith; he is a God available to any person who seeks him. How did Gandhi, a practising Hindu, arrive at such a God?

The *Autobiography* offers a very comprehensive record of the process of the development of Gandhi's views on religion. Gandhi was brought up in a staunchly Hindu household. But because the first years of his adulthood were spent as a student in England (he almost did not go abroad because his family feared that he would lose caste by crossing the seas) and then as a lawyer in South Africa, in these years he kept the company of Christians far more than he did that of Hindus. Indeed he had a sustained encounter with Christianity – attending church service with friends, reading the Gospels, debating the nature of Christ and of salvation, trying to resist attempts to convert him – and with Theosophy before he came to Hinduism in any sustained or coherent way. About his first stint in South Africa, he writes that 'it was Christian influence that had kept me alive in the religious sense.' He first read the *Bhagavad Gita*, for many the core text of Hinduism, at the behest of two Theosophist friends in England, in an English translation by Edwin Arnold.

This awakening of the religious spirit led Gandhi to explore, through his twenties, the intellectual heritage of Hinduism through correspondence with Indian mentor-figures, and to also read widely on other religions. The reading, he reports, 'fostered in me the habit of putting into practice whatever appealed to me in my studies'; as in other fields, Gandhi is a great improviser in religion. But although Gandhi was soon to be persuaded by what he calls the 'beauties' of his own faith, Hinduism, and came to regard the *Gita* as 'the book par excellence for the knowledge of Truth,' there remained in his thought a Christianised view of sin and salvation. At the same time, the roundabout, unorthodox, and graduated route by which he arrived at his Hinduism made his creed both a liberal and critical one in itself, and genuinely open (and not just 'tolerant') towards others. 'In matters of religion beliefs differ,'

he writes, 'and each one's is supreme for himself. If all had the same belief about all matters of religion, there would be only one religion in the world.' This would seem to be the starting point of peaceful coexistence in a society that is in part multi-religious and in part non-religious, yet individuals of all persuasions still have difficulty subscribing to this simple and dignified idea, which are both an endorsement of belief and a check on religious coercion.

Characteristically, Gandhi can be found in the Autobiography interpreting the word 'religion' not just as belief in God, adherence to scripture, rituals, and doctrine, but 'in its broadest sense, meaning thereby self-realisation or knowledge of self.' Looking at his own book similarly in the broadest possible perspective, we can situate it within a venerable tradition of the most ambitious human seeking and questioning. Nearly two-and-a-half thousand years ago, the Greek philosopher Socrates was sentenced to death in Athens for impiety and for corrupting the youth with unsound ideas. The main thrust of Socrate's defence in court – 'The unexamined life is not worth living' – has rung across the centuries as a ideal of human life. *My Experiments with Truth*, with its insistent questioning and refashioning of both self and world, and its pursuit of 'the higher law of our being, the voice of conscience,' might be seen not just as the central book in modern Indian literature, but amongst the most Socratic books in world literature.

Chandrabhas Choudhury is a writer and literary critic based in Mumbai. His reviews appear regularly in *the Observer*, *the Sunday Telegraph*, *the San Francisco Chronicle*, and *Mint*. He also writes the literary weblog *The Middle Stage*. A shorter version of this essay first appeared in the Indian newspaper *Mint*. His essay on the writings of Jawaharlal Nehru appeared in *Democratiya 11* (Winter 2007). His first novel *Arzee the Dwarf* will appear in India in May.

Comrades

Kevin Higgins

As an ex-member of the Militant Tendency I wanted to bring down the State that most people supported. I'm glad the likes of me ... were prevented from doing so ... Thank you Special Branch. (Stephen Brent, Chichester, on the BBC website.)

1981. Capitalism was a Dimplex heater
with a broken switch. We'd
rush across the greasiest Formica,
the nastiest carpet to agree with each other
and cheer the news: *redundancies rocket,*
stock markets on the floor.

'Another Tory government
is out of the question,' you told me.
It was February, 1982. The daffodils
couldn't have cared less.

'This puts a question mark over
Thatcher,' I told you.
It was November, 1989. Hailstones
on Stoke Newington High Street.

Today, we meet with a history
of fried bread and picket lines
behind us. We believed in each other.
Now, it's a hundred years

since those afternoons
full of sunlight and clenched fists
when – in miners' strikes and poll-tax riots –
we were like boys playing
in hoped-for snow.

Kevin Higgins was born in London in 1967 and grew up in Galway City, Ireland. Two volumes of his poetry have been published by salmonpoetry: *The Boy With No Face* (2005) and *Time Gentlemen, Please* (2008). The latter is reviewed by Siobhán Campbell in *Democratiya 15*.

First of the Year: 2008

Benj DeMott (Ed.), Transaction Publishers, 2008, 320 pp.

Thomas Hale

'Call me a crank, but I've had enough of reverential nostalgia for 'The New York Intellectuals,' declared feminist writer Ellen Willis in 1999. She objected to her fellow liberals' tendency to pay 'disinterested tribute' to Irving Kristol, Daniel Bell, Nathan Glazer, Irving Howe, and other progenitors of the midcentury anti-Stalinist liberalism found in the pages of *Partisan Review*. Such nostalgia is 'pernicious,' Willis wrote, in its 'conservative' and 'uncritical endorsement of a certain kind of cultural authority.'

It is also deeply appealing. Unlucky enough to live at a time when, in her words, 'cultural authority is not only radically de-centered,' but a 'vacuum,' Willis' contemporaries naturally gravitate toward the golden myth of the 1950s New York Intellectual, the Mitteleuropa milieu of the City College cafeteria, the post-war, pre-Hippie Village.

But if imitation is the highest form of flattery, then Willis's blunts her critique by writing in *First of the Month*, a 'newspaper of the radical imagination' whose first ten years are now gathered in *First of the Year: 2008*. The very first page of this collection quotes the poet Philip Levine explaining his initial doubts about *First of the Month's* prospects:

Never thought *First* had a prayer. But it looks like there's an audience for it. I wonder how many people read the *Partisan* when it first appeared. Probably ten more than read it now.

Thus the analogy is set and embraced. Willis is not unaware of what she calls the 'Oedipal' nature of her irritation. If New York intellectuals have to kill The New York Intellectuals in order to become the new New York Intellectuals, then that is probably the natural order of things.

To be a new *Partisan Review*, a magazine would of course have to be equivalent in function and thus, in a different world, different in form. First differs dramatically. 'Conceived in opposition to flagship papers of smart sets' (the *New York Review of*

Books and *The Nation* are singled out, as is, perplexingly, the *Village Voice*, which now runs more porn ads than political commentary) First would 'love to blow your minds.' The title comes from a song by the rap group Bones-Thugs-n-Harmony and refers to the monthly pay-day of people living on welfare. *First* commits itself to 'trying to walk with ... 'dis' people – "disenfranchised and disadvantaged, disaffiliated and disinherited, discomfited and discredited, displaced and discarded, discussed and discounted, dispossessed and dismissed.'" In place of the New York Intellectuals' white bread democratic socialism, *First* offers solidarity with the porno proletariat of the socially dissed.

Language, too, has changed, as should already be apparent. While First 'has never had a problem with argufying that asks a certain height of readers,' it aspires to be equally accessible to two signature uptown institutions: Columbia University and Riker's Island, the prison. Brushing off charges of stylistic 'slumming,' *First* rejects the 'genteel culture of literate pabulum.' Instead, the editor, Benj DeMott, and at least some of the contributors, want to showcase everyday language as an idiom of political and cultural discourse. This is a worthy goal, but one that some of the pieces collected in *First of the Year* meet better than others. DeMott's own poetic prose – 'argufying that asks a certain height of readers' – is often pithy but never popular.

First's difference in style runs beyond language. The magazine feels rooted in the northwest patch of Manhattan, sprouting up from Harlem and Morningside Heights, reaching down into the Upper West Side, and up to Inwood. We are told of gatherings at uptown bars, and of the 125th St. post office. This is a hundred blocks away from the 'flagship papers of smart sets' that thrive in the cosmopolitan soils of the Village, where Wall Street is closer than the ghetto and it seems quite plausible to imagine Manhattan as a small island off the coast of France. But First is not parochial, at least not in the pejorative sense of the word. It simply has a sense of place, something unexpected and challenging in a serious journal of political and cultural thought.

The price of this authenticity is, inevitably, a dose of amateurism, though again not in the pejorative sense. There are indeed a few 'cranks' in these pages, as Willis alerts us. But *First* is not some indy 'zine of late night undergraduate profundities. And while some passages would never pass muster in those smart set flagships, *First* gives us more cause than most to think that a badge of honor.

II

Of course, substance, not style, must be the test of any publication aiming at authenticity. Here again Willis' critique of the New York Intellectuals is premature. Writing in 1999, she could not foresee that the magazine that carried her words would, after September 11, 2001, embrace a reincarnated form of Partisan's anti-Stalinist liberalism. DeMott, borrowing from one of his contributors, puts the principle starkly at the outset of *First of the Year: 2008*: '*The underdog is owed sympathy; the mad dog is owed a bullet*' (italics in original). We could imagine Irving Kristol believing this, if perhaps not putting it quite that way.

The contributions of Charles O'Brien – author of the above formulation – set the tone. In a 2001 piece called, aptly, 'The War,' O'Brien insists that the United States recognise the September 11th attacks as an act of war and set out to defeat their perpetrators. 'A war of genocide has been proposed,' he argues, 'It ends when one side dies.' The weight of O'Brien's ire, however, is directed not at terrorists but at those he considers to be their apologists, the 'Vichy Left.' Rejecting the self-recriminations, contextualisations, and the we-need-to-understand-this sentiments of liberals like Chomsky and Sontag as so much 'snot,' O'Brien calls for the Left 'not only to be a party of war, but to be the maximalist party of war.' 'We can do no better,' he claims, 'than to emulate Revolutionary France...which, with audacity, without indulgence, summoning up the people, carried the war, across whosever borders, to the enemies of the republic.' We may think this an overly enthusiastic interpretation of the events of 1789 and all that, but, as a description of what would follow September 11, 2001, it is almost prophetic. Except, of course, it was the neoconservatives, those disaffected Partisan alumni, who led the charge.

That is not to say that some on the Left were not swarming over the barricades as well, and their arguments appear in *First*. Most notable is an excerpt from the Iraqi democrat and exile Kanan Makiya's remarks at an NYU lecture in 2002. DeMott notes that it was Makiya whom New Republic editor Peter Beinart credited with convincing him to support the 2003 Iraq war, and it is easy to see the appeal of Makiya's optimistic humanism, a level-headed parallel to O'Brien's zeal.

Opposing viewpoints also appear in *First of the Year: 2008*, but they are not dominant. Charles Keil's 'Waging Peace,' written shortly after O'Brien's war cry, argues that war is an irrational, impossible response to terrorism, and that eliminating poverty, disease, violence, environmental damage, and other social

ills is the only way to address the problem. But these pacifist sentiments are less poignant than Keil's other contribution to the volume, an explanation of his choice to disassociate himself from the magazine.

The fact that *First of the Month's* editors still want warmongers and peacelovers to have a dialogue in their pages seems like a serious waste or misdirection of precious time, energy, thought and feeling. Arguing with people who want to spin rationalizations for the insanity of war makes no sense to me.

DeMott notes this departure with regret, and deserves credit for including it. He also deserves credit admitting his own error in supporting the war, though again he takes guidance (and numerous citations) from Makiya's own *mea culpa*. But DeMott will not apologise for what he call the 'uniqueness of *First's* politics of culture,' writing,

I can't think of another American publication on the left that would have printed in the same issue...Makiya's pro-war NYU talk and Tim Shorrock's detailed critique of Paul Wolfowitz's reactionary diplomatic record in Asia [an account of how Wolfowitz's support of Suharto and other autocrats during his time as U.S. ambassador to Indonesia]...Makiya's and Shorrock's voices and the others in this mix implicitly call each other out. As I hear them in my head now, I'm struck (again) by how *First* has tried to be a 'device' that would let argument breathe.

This is a rather self-aggrandising claim – plenty of detailed debate preceded the Iraq war in publications across the ideological spectrum – but let us suppose it true for a moment. We may have been wrong, DeMott admits, but at least we were open to debate. It is one thing to console oneself with this idea; quite another to make it an editorial philosophy. The purpose of open debate is not to embrace all views at all times, but rather to allow the more intelligent position to win out. This did not happen in *First of the Month*, nor in the American media as a whole in the run-up to the 2003 war. In fact, outside the blogosphere, it was only those maligned smart-set flagships that can now claim to have stood on the right side of the most important question of the Bush administration. Score one for the Vichy Left.

III

There is much to be found in *First of the Year: 2008* beyond the politics around September 11th and the war in Iraq (for example, Armond White's revealing commentaries on film and music). But more than anything, *First of the Year: 2008* chronicles one group of reflective New Yorkers' reactions to those attacks and the subsequent 'war on terror.' This does not amount to a new Partisan Review, but then the myths of nostalgia are by definition unattainable, even as things to react against.

The context for 'newspapers of the radical imagination' has also changed. The Internet allows a disorienting array of outlets for political and cultural commentary to flourish. Among them must be dozens of contenders for the title of new *Partisan* – ranging from ad hoc blogs to venues more in the line of 'traditional' publications like the one currently occupying your screen – and for this reason none can ever become the place for intelligent liberal commentary. If Willis thought cultural authority was 'radically de-centered' ten years ago, imagine how much more it is now.

In this environment it seems publications aspiring to reach beyond their own contributors and communities must do one of two things. First, they can become authorities, essential reference points for high-quality information that no one else can provide. This is how *The New York Times*, *The New York Review of Books*, and *The New Yorker*, to cite just three examples from *First's* world, will survive the Internet (though perhaps in different form). Second, publications can become hubs, centers that aggregate and synthesize information for delivery to readers. This is what Google News, which has recently announced that it will sell advertising space, does so effectively.

I hope there is space within these strategies for publications like *First*, which show us that intelligent thought with general relevance can still be rooted in a specific place and identity. At the time of writing, however, the magazine is not currently publishing, nor does it seem to plan to in the future. There are, however, updates on the website, firstofthemonth.org. [1]

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to solve transnational problems democratically. He is the Executive Editor of the Encyclopedia of Transnational Governance Innovation.

Notes

- [1] I mistakenly reported that First had stopped publishing. Instead, it has shifted focus from the occasional newspaper First of the Month to the annual volume First of the Year. The next edition will be published by Transaction in November. There are also regular postings on the website firstofthemonth.org, and First's editors have not ruled out future issues of the newspaper. [Note added March 15, 2009.]

Update: An exchange between Benj Demott and Thomas Hale

Editors: I like compliments as much as anyone so I enjoyed lines in Tom Hale's review, 'In Praise of First of the Year' without accepting his line of argument. While I won't contest his reading of First's relation to the tradition of New York Intellectuals, I wish he'd engaged the criticisms of NYI's made by First authors. I'm not writing, though, about what's omitted from his review. I'm concerned here with errors of commission. Mr. Hale has misrepresented my own position on the Iraq war. If you go back and check, you'll see that I busted myself for a very specific error – my claim, before the war and the Abu Ghraib scandal, that the choice for the American left came down to 'war or torture.' I didn't and don't believe I was wrong to support the overthrow of Ba'athism in Iraq.

Clarity counts here chiefly because Mr. Hale aligned Kanan Makiya's position with mine. No illusions the world must know my take on my back pages, but Makiya matters. He certainly has his regrets (as do I) about what happened in Iraq, but he's explicitly rejected what he describes as 'Maoist' calls for recantation. Mr. Hale notes that I repeatedly invoke a piece of Makiya's in my introduction to a section of First articles on the Iraq war ('First Draft of History'). I did that in the course of criticizing (what seemed to me to be) a duplicitous 'good-bye to all that' by New Yorker writer, George Packer, who traduced Makiya's movements of mind. Hale seems not to have grasped that the Makiya piece I quoted, which he takes to be a retrospective mea culpa, was written before the invasion of Iraq (though I underscored the timing in my text).

HALE | In Praise of First of the Year

Mr. Hale jumps from his mistaken version of my position on Iraq to a riff dismissing my ‘self-aggrandizing’ case for *First’s* openness to pro- and anti-war arguments during the run-up to the Iraq war. Since Mr. Hale’s snark – ‘We may have been wrong, DeMott admits, but at least we were open to debate.’ – is out of time now, maybe he’ll concede I had a point when I suggested *First’s* readiness to let argument breathe made it different from other publications on the American left. *First’s* history here indicates that our openness undermines easy certainties of ideologues. At the risk of getting ahead of myself, let me quote a line from my introduction to the next *First of the Year* as it seems on point: ‘In the wake of the recent election in Iraq, which indicates the idea of establishing a federal, democratic state there might not be a pipe-dream, it still seems wise to tune out certain trumpets on the left – “SOFA [Status of Forces Agreement] means total defeat for the U.S. in Iraq!” – as well as blowhards on the right – “2008 was the year we won in Iraq!”’

Let me note one other tiny mistake in Mr. Hale’s piece that no-one would (or should) notice but me. After he cites the opposition between Charles Keil’s pacifist response to 9/11, ‘Waging Peace,’ and Charles O’Brien’s bellicose call for ‘The War,’ he refers to Keil’s ‘other contribution’ to *First of the Year: 2008*. (A letter in which Keil explains why he was stepping off from First’s community of contrarians.) But Keil actually made three contributions to the book. If Mr. Hale reads the first one – a conflicted defense of NATO’s campaign to reverse ethnic cleansing in Kosovo (informed by Keil’s own experiences in Ibo-land in the ‘60s), I’m guessing he could make some unobvious connections. It turns out that Keil’s world-view isn’t that far from, say, Makiya’s, even if O’Brien’s seems a bridge too far. (FYI. though, back in the day Keil allowed the critique of ‘the Vichy Left’ in ‘The War’ was brilliant and necessary before rejecting O’Brien’s call to arms.) Those on whom nothing is lost will recognize certain unities within the variousness of *First of the Year* even when it comes to its starkest antitheses.

Benj Demott

Editors: I thank Benj DeMott for clarifying his position on the Iraq War, which he is far better positioned to explain than me. I think, however, two differences remain between us.

First, it is not clear to me that *First* was exceptional in the ideological scope of its debate over the war. While O’Brien and Keil represent quite different viewpoints, both pro- and anti-war positions were articulated on the Right (realists v. neo-conservatives), center (on the op-ed pages of the *Times*), and Left (the *New Republic*

v. The Nation). In the blogosphere, the debate was even more varied. Rejecting ideological blinders no doubt fosters the deliberation essential to democracy. Thankfully, such broadminded dialogue is not so rare as DeMott seems to think.

That said, there was, of course, a major failure of both democratic deliberation and decision-making in the run-up to the war. The Bush Administration was able to sell invasion to the American public on a combination of insinuations and half-truths. The mainstream media did a poor job of exposing these weaknesses. What was needed was not a broad, ideologically-varied debate of the merits of the war, but rather a more probing challenge of the Administration's arguments.

This failure highlights what I see as the second outstanding difference between DeMott and me. Should we judge debates and the fora in which they occur merely by the process they employ, or the substantive outcomes to which they lead? DeMott seems to think process – specifically, broad debate – is the only coherent standard. I'm sympathetic with this position, because to judge on substance requires a) the benefit of hindsight and b) agreement on what a 'good' or 'bad' outcome is. These are more exacting requirements but, I think, essential ones. The self-assessment they require, missing from *First of the Year: 2008*, is hardly – to use Makiya's word – Maoist.

Thomas Hale

Stalinism and World War Three

Susan Green

Editors Introduction: In *Demokratiya* 5 (Summer 2006) we published an article on the Korean war written in 1950 by ISL member Susan Green in *Forum: Discussion and Information Bulletin of the Independent Socialist League*. The Independent Socialist League (called the Workers Party from 1940-49) was a small American democratic socialist organisation that published the weekly newspaper *Labour Action*, edited by Hal Draper (and, before him, Irving Howe), and the magazine *The New Internationalist*, edited for much of the 1950s by Julius Jacobson, who went on to found and edit *New Politics* with his wife Phyllis Jacobson. Stanley Aronowitz has justly called the WP-ISL, led by Max Shachtman, 'the most intellectually vital of all the radical formations [in the United States] in the 1940s and 1950s.'

We argued that Green's article was no exercise in antiquarianism. The question it raised this: should democratic socialists extend critical support to capitalist democracies in their wars against totalitarian threats, while continuing the fight for socialism, as Susan Green thought, or should democratic socialists refuse support of any kind to capitalist democracies – 'Neither Washington Nor Moscow' – as the ISL Political Committee thought?

We are pleased to publish two more pieces by Susan Green dating from 1949 and addressed to a related question: how should socialists act in the event of a military conflict between the Soviet Union and the West? The debate centred on whether or not socialists should extend critical support to the democratic West against the totalitarian East. Green thought they should. 'It seems to me we have to admit the lesser evil, or take the suicidal view of the Stalinists toward a Hitler victory in Germany. Can we afford to indulge in a formalistic righteousness which in effect says: 'After Stalinism will come our turn?'

'Capitalism, Stalinism and War' appeared in *Convention Bulletin* No.6, January 14, 1949. 'More about Stalinism, Capitalism and War' appeared in *Forum*, Vol.1, No.1, June 15, 1949. The first piece excerpted from the writings of Marx and Engels to show that 'consideration of how the victory of one side or the other in an impending war would affect the working class and the revolutionary movement, is not unknown in classical Marxism.' In the second, she responded to criticisms of

that article made by Hal Draper at the 1949 Workers Party convention, and in the process summed up what was at stake in this dispute. 'If the Workers Party emerges from the convention as a pure and simple propaganda group, whose function is to "preach the revolutionary message" without regard to the compulsion of actual life, with the faith that eventually socialism must come – even come an atom war and a Stalinist victory first – then consideration of various tactics has no place. If, however, we still consider ourselves as part and parcel of the working class and of life as it is and as it may become, we must weigh every aspect of this perplexing question of capitalism, Stalinism, and war.'

Faced with the desperate weakness of the forces of the 'Third Camp', Susan Green asked this simple question: 'Suppose there is no such revival of international socialism, suppose as we evaluate the political tenor and political groupings we do not see sufficient development along the lines we had hoped, to make any impression at all on the war situation, what then? Do we still say that the military outcome is a matter of indifference to us, to the future of the working class and of Socialism?' Fifty years have passed since Green asked those questions. They are, to say the very least, relevant still.

*

Capitalism, Stalinism and War

January 14, 1949, Susan Green

Letters in 'The Correspondence of Karl Marx and Friedrich Engels' (International Publishers) from which the following quotations are taken, show two things:

In the first place, we see that Marx and Engels, never accused by anyone of social patriotism or of corruption by bourgeois ideology, took the side of Germany in the France-Prussian War of 1870.

In the second place, the following excerpts are invaluable because they reveal the motives behind the policy. How, Marx and Engels asked, will the working class movement fare under the brutal reality of a Bonapartist victory over Germany? *Without approving or disapproving their conclusions, it has to be registered that Marx*

and Engels, having in mind the interests of the developing socialist movement, were for supporting the Germany military effort.

Marx-Engels Position in Franco-Prussian War

The first quotation is from a letter Marx wrote from London to Engels on July 20th, 1870: 'The French need a thrashing. If the Prussians win, the centralization of the state power will be useful for the centralization of the German working class. German predominance would also transfer the centre of gravity of the workers movement in Western Europe from France to Germany, and one has only to compare the movement in the two countries from 1866 till now to see that the German working class is superior to the French both theoretically and organizationally. Their predominance over the French on the world stage would also mean the predominance of our theory over Proudhon's, etc.'

Engels replied from Manchester on August 15th, 1870: 'The position seems to me to be this: Germany has been driven by Badinguet (Napoleon III) into a war for her national existence. If Badinguet defeats her, Bonapartism will be strengthened for years to come and Germany broken for years, perhaps generations. In that case there can be no more question of an independent German working-class movement either, the struggle to restore the national existence will absorb everything, and at best the German workers will be dragged in the wake of the French. If Germany wins, French Bonapartism will at any rate be smashed, the endless row about the establishment of German unity will at last be got rid of, the German workers will be able to organize themselves on a national scale, quite different from that hitherto, and the French workers, whatever sort of government may succeed this one, are certain to have a freer field than under Bonapartism. The whole mass of the German people of every class have realised that this is first and foremost a question of national existence and have therefore at once flung themselves into it. That in these circumstances a German political party should preach total obstruction a la Wilhelm (Liebknecht) and place all sorts of secondary considerations before the main consideration, seems to me impossible.'

What could be clearer? *The defeat of Bonapartism would leave 'a freer field' for both the German and the French working class and Marx and Engels were for a German victory.* As the war progressed and involved the people of Paris in insurrection, these men of course changed their views (though it can be noted parenthetically they did not particularly favour the insurrection). Their views on the Franco-Prussian War are

important. Today, as we face World War III, some of us, considering that question of 'a freer field' for the working class movement, conceive of the possibility of having a preference as to victors. Are we therefore victims of social patriotism?

In 1890's Marx-Engels Wanted German Victory if War came with Russia

Twenty years later, discussing the position to be taken if a war broke out with Russia, Engels wrote from London to Bebel on October 25th, 1891: 'If however the French bourgeoisie begin such a war nevertheless, and for this purpose place themselves in the service of the Russian tzar, who is also the enemy of the bourgeoisie of the whole of Western Europe, this will be the renunciation of France's revolutionary mission. We German Socialists, on the other hand, who if peace is preserved will come to power in ten years, have the duty of maintaining the position won by us in the van of the workers movement, not only against the internal but against the external foe. If Russia is victorious we shall be crushed. Therefore if Russia begins war – go for her. Go for the Russians and their allies, whoever they may be. Then we have to see to it that the war is conducted by every revolutionary method' and so on.

Engels saw the possibility of such a war with Russia, ending with the German Socialists taking power, *but at least for the beginning of the war, he would not have shunned the military establishment of the German state.* In an earlier letter to Bebel he stated: 'You are right, if it comes to war we must demand the general arming of the people. But in conjunction with the *already existing organisation or that specially prepared in case of war.*'

This anticipated war between Russia and Germany never occurred and the German Socialists never had to decide whether Engels' position should be the official party position. Obviously the German working class did not take power within ten years, even though there was continued peace. (Engels' prediction was unfortunately wrong).

Some Bone Fide Questions

It is of course all too obvious that all these quotations relate to events of a historical period far different from today. But the fundamental is there, namely, that Marx and Engels, because they thought the free development of the revolution demanded it, were willing to fight in the side of the German government and with the German military establishment to defeat an external foe whose victory would setback the revolutionary movement.

GREEN | Archive: Debating World War Three

In the case of the Franco-Prussian War Marx said that the Germans were fighting for national existence. Certainly, if and when World War III comes, the whole of Western Europe will be fighting for national existence against the Stalinist juggernaut. (It cannot be said that American Imperialism takes away national existence as does the Russian variety. Witness the Netherlands, freely following a unilateral colonial policy – a dastardly policy to be sure – which flies directly in the face of all American interests.)

Again, Marx and Engels argued that bourgeois German centralization would be beneficial to the development of the working class movement; that a Bonapartist conquest would, on the other hand, hamper that development. *Today we must consider carefully that bourgeois democracy, even abridged as it will be during World War III, holds out a chance for the restoration of the working class movement, whereas a Stalinist conquest would mean the annihilation of all revolutionists and the end of all independent working class action for this period.*

Concerning a possible war with Russia in the 1890's, Engels was for fighting for a German victory to maintain 'the position won by us (the German Socialists) in the van of the workers' movement.' The onswEEP of Russian tzarism into Western Europe would have thrown the working class movement back. So Engel took sides. *Why is it not correct today to consider the necessity of supporting the military victory of the capitalist nations because they will afford the working class movement at least a chance of survival?*

If World War III Were to Break Out Now

If World War III were to break out now – say within months – which everyone believes unlikely, consideration of whether or not to give support to the military efforts of the Western alliance would become compelling, it seems to me. This necessity would arise from the shattered state of world revolutionary socialism, and from the incontestable truth that a Stalinist victory would eliminate all possibility for the restoration of revolutionary socialism in this period. Unless we wish to deceive ourselves, we must admit that the revolutionary Third Camp is nowhere on the horizon. Where are the revolutionary cadres, where the revolutionary parties, needed for teaching this idea, for organizing and leading the masses to fight for it? *Between World War I and today, the forces of revolutionary socialism have been decimated by war, by counterrevolution, by Stalinism, by Nazism. There is left in*

Europe only the sorriest trickle of a revolutionary movement, and that confused and ineffectual. Who can rally the masses into a third camp?

The European masses, to be sure, abhor war in the very marrow of their bones – and they have no use for capitalism. But if war breaks out now, there being no third alternative strong enough to afford the hope of success, the brutal realities of military attack will make military protection first in importance; sides will be taken for elemental self protection. (Such a thing as self protection seems impossible in atomic warfare. Perhaps the wizards of science, now at work on it, will develop a counter weapon to the atomic bomb. If so, the country that has such a weapon first will have all the chips on its sides. We shall have to see). The point is that as things look now, with no Third Camp movement in existence, the first urge of Europeans will be for cover, either to the East or to the West. One, of course, does not have a static approach to events, especially not to wars. New developments will take place. These will have to be awaited.

It is asked: Would you support the armament program now? Would you support the subjugation of the western European countries by the United States as part of the military program? These questions are foolish. We Socialists are not advocating war. We are not preparing for war. We do not cease acting as socialists on a socialist program. We have a program of domestic demands. We pursue the struggle for an independent labour party. We call for workers' government with workers' control of industry. We push for the utmost extension of democracy. We fight for full national independence for small nations. We support every independent action of the working class. We condemn the waste of wealth and life in war. We expose both imperialist camps. We propagate the world socialist revolution – the Third Camp – as the alternative for world war. This we continue to do, now as always.

If war should break out in the immediate future and if we should decide that the interests of the working class, of the revolutionary movement and of humanity, would be served better by a victory of the bourgeois governments over the Stalinist police state, we still do not cease being Socialists. We do not surrender our political integrity. We distinguish ourselves from the Western imperialist governments in every possible way. We explain how our position differs from theirs. We fight every effort to subjugate small nations. We oppose every attempt at home to regiment the people and impose police measures. We ally ourselves with every insurrectionary effort of the peoples on both sides of the iron curtain. Above all, if their alignment of social forces changes during the war, so that a change of position of the Socialists

becomes the order of the day, we would make that change – even as Marx and Engels did in the Franco-Prussian War when the insurrection of the Paris communards altered the whole picture.

In the same letter of August 15th, 1870, quoted above, Engels gave a rough outline of how the Socialist movement was to conduct itself whilst supporting the Prussian side of the Franco-Prussian War: ‘I think our people can,’ he wrote, ‘join the national movement...in so far as and for so long as it is limited to the defence of Germany (which does not include an offensive, in certain circumstances, before peace is arrived at); at the same time emphasize the difference between German-national and dynastic Prussian interests; work against any annexation of Alsace and Lorraine,,,; as soon as non chauvinistic republican government is at the helm in Paris, work for an honourable peace with it, constantly stress the unity of interest between the German and French workers, who did not approve of the war and are also not making war on each other..’

Here, then, is some indication of how a Socialist party might support the military victory of one side in an imperialist war, and at the same time further the ends of the Socialist movement and fight for the Socialist program.

The argument is made that if Socialist should come out for the victory of the Western powers, the workers of Europe would be driven into the arms of Stalinism. This argument holds no water. Such workers as have broken with Stalinism have been able to do so, up to now at any rate, because of the sense of reliance on the western power. But primarily this argument is *not applicable because the military support of the Western nations by Socialists would go hand in hand with a political fight against capitalism and war.*

Bourgeois Democracy – Would it Survive?

We are told that there will not be much if any difference between Stalinist totalitarianism and what will be left of bourgeois democracy after another war. As to such a prediction *let us recall that our prediction regarding the end of bourgeois democracy with World War II, was far off the beam.*

Confining ourselves to post-war America, there are many trends allowing of an interpretation that democracy has been deepened rather than lessened. This has happened because no war today can be fought without the ideological appeal to the

people. In fighting the Nazi the agencies of the American government had to spread an understanding of dictatorship, to implant a horror of its methods, to stimulate a loyalty to democratic ways. This has made it harder to abrogate the civil rights of the population and to impinge on the accomplishments of labor.

The fate of the Taft-Hartley Law in the last election is an illustration. This was the great post-war effort of big business for the curtailment of labour's rights in preparation for World War III. However, not only labor but farmers, professional and middle class people voted it down. Now it will be difficult indeed for big business to prevent the abolition or drastic revision of the law. Again, when the Democratic Party convention this year adopted the civil rights plank against the old guards of the party, this reflected the general trend towards more democracy. One might say that the emergence of a liberal movement in the South since the war is, with all its limitations, is the spread of more democratic concepts. The attempts to 'democratize' the army are noteworthy. The current move to change court martial procedure, with all its flaws, is a measure of democratic pressure.

There are, of course, the activities of the Un-American Activities Committee, the spy hunts and the infringements on individual rights. Just because such actions are tolerated as they are believed by most people to be necessary for national security, they are very dangerous. *But if one wishes to be comprehensive, other trends must be reckoned with, too.*

We can see now how preparation for World War III has increased the propaganda exposing the conditions under totalitarianism and emphasizing the ways of democracy in contrast. As seen in World War II, some of this propaganda sticks so that it will not be so easy for the ruling class to fasten those very conditions of totalitarianism upon the people.

The indignant response of the entire press to the Dutch butchery in Indonesia also shows a marked change in public reaction to undemocratic actions. In condemning the Stalinist conquest of Russia's European empire, a concept has been implanted that operates in all directions. While formerly such brutal imperialism was blasted mainly by Socialists, today even the staunchest supporters of American capitalism oppose the action of the Dutch. It is not merely a case of wanting to save 'democratic face' or the face of the UN. Wider sections of the people feel such undemocratic actions are wrong.

Of course the new tasks thrust upon the government by World War III and the strain of the economic structure, will necessarily mean the projecting of more and more bureaucratic and autocratic devices. However, this does not happen in a vacuum, but against the background of the people and the political-social customs. Even big business itself has enough virulent individualism and 'private enterprise' left in its bones to resist the development of a police state. In a resolution at its convention just held, NAM [National Association of Manufacturers – Ed] went on record as opposed to all peacetime controls, and demanded the very speedy removal of government controls as soon as possible after a war, with the constant review of all controls by Congress to see if they can be relaxed even before the end of the war. Though the NAM is not primarily motivated by democratic principles, the resistance to totalitarianism is there. Who can say now how much more American capitalism can stand before it has to start using the knout in good earnest?

At any rate, it is by no means a foregone conclusion that the totalitarianism of the West will be one of the outcomes of World War III. Even with considerable regimentation in this country, probabilities are that remaining civil liberties would far exceed the absolute lack of them behind the iron curtain. There can be the kind of suppression and persecution which makes life for the revolutionist and for the revolutionary movement more difficult; and there is the Stalinist variety that makes life for the revolutionist and for the movement impossible.

If War Comes in the Future

But all prophets predict that the war is not to be fought immediately. Time brings great changes, as we all know. Five, ten or fifteen years will make a drastic difference in the revolutionary prospect. A new cadre of revolutionists will arise, new parties will be formed, and a leftward movement of the masses will take on more definiteness. Revolutionary ideology will have had an opportunity again to penetrate the masses and to be accepted by the most militant workers who are now Stalinists. Workers' revolution, the revolutionary third camp, may then have been taught widely enough and have made such an appeal that its success can be hoped for. There may then have arisen insurrectionary movements in the lands of Stalin to join hands with the Western workers, an absolute necessary development for a true third camp.

If then such developments will have taken place before the outbreak of World War III so that Socialists may realistically see a hope for the success of the revolutionary third camp, there will be no need for even considering giving the Western alliance critical military

support in order to save Socialism from annihilation by Stalinism. In fact in five, ten or fifteen years, the Socialist aim could be, by revolutionary means, to stop war from breaking out.

The conclusion therefore is that a stand on World War III need not be taken by revolutionary socialists right now. Shall we say that sufficient unto the day is the evil thereof, or to be more concrete the actual world conditions at the outbreak of the war would have to be weighed carefully before taking a stand. Above all the most realistic appraisal of the forces for a revolutionary third camp would have to be made, as this seems to be the factor most decisive.

The Cold War

Although we are not called upon at this time to commit ourselves on World War III itself (it not being here), in certain countries it is incumbent upon Socialists to take positions on aspects of the cold war now raging. For instance, the question arises both for America and for German Socialists whether to put forward the slogan for the withdrawal of the occupation troops. A Socialist program must, of course, call for a workers' government, for the arming of the German people, for all democratic rights, for national independence, for workers' control of industry, and so on. In national independence is naturally implied the withdrawal of the occupying troops; however, it would be the height of folly to push that demand now.

Every sane being knows that the withdrawal of troops now would not be on an equal basis. The Russians could technically comply with the demand, and have made it, but in actuality would leave a Russian trained and officered German puppet army that would swallow up the whole of Berlin – and eventually of Germany – as soon as the western troops left. *Therefore, for Socialists to emphasize today the slogan which, if carried into life, would mean the annihilation of the Socialists and the suppression of the working class that is just beginning to wake up from the blows of the war and to feel its way towards independent action. Furthermore, all the incipient anti-Stalinist stirrings in Eastern Europe would be discouraged and delayed if the Western troops withdraw.*

We often speak of what the masses learned during the war in their underground movements, but we never include that the masses may have learned that, with today's military techniques, military preponderance wins the final victory. Although the underground could harass and interfere with the occupying Nazi, open victory came only when the Allied forces arrived. Certainly the people behind the iron curtain

also know the meaning of military might, taught them by the Russians. If there is anyone in Berlin today who is not a Stalinist and still wants the withdrawal of Western troops at this time, he has certainly not been heard from and must be in an insane asylum. Judging by the Stalinist obstructive efforts in the recent Berlin election even with the Western troops on hand, it is easy to picture the type of election, if any, that would have taken place if the Western troops were not on hand.

Berlin today shows, dramatically and graphically, the difference between bourgeois democratic methods and Stalinist totalitarian methods. In the Russian zone there is in progress the terror, the purges, the general suppression, forerunners of the clamping down of the total police state. All vestiges of independent working class action are fast disappearing. Whereas in the Western zone, after all is said and should be said against both the policy and the methods of occupying powers – and the German people are saying some of these things in actions – the life-size fact remains that the working people are beginning to find themselves, to organize industrially and politically in the exercise, though not full exercise, of democratic rights. *From this start, they have the chance to go further.*

It is imperative for revolutionists to know how not to commit suicide, as powerfully shown by Lenin in his arguments against Left Wing Communism (An Infantile Disorder). The underlying principle in Lenin's argument on recognizing the Versailles Treaty, is as applicable now as it was in the 1920's. The following quotation contains the main idea:

'But at present the position is obviously such that the German Communists should not bind themselves hand and foot and take upon themselves the irrevocable obligation of repudiating the Versailles Treaty in the case of victory of Communism. That would be foolish...The possibility of successfully repudiating the Treaty depends, not only upon the German, but also upon the international success of the Soviet movement...The Soviet revolution in Germany will strengthen then the international Soviet movement. This is the strongest bulwark – against the Versailles Peace, against international imperialism in general...'

'The imperialists of France, England, etc., are provoking the German communists, and laying a trap for them, 'Say that you will not sign the Peace of Versailles,' they say. And the Left Communists like children, fall into the trap laid for them, instead of manoeuvring skilfully against the treacherous and, for the moment, stronger enemy; instead of telling him 'Today we shall adhere to the Versailles Treaty.' To bind one's

hands beforehand, openly to tell the enemy, who is now better armed than we are, whether or not we shall fight him, is stupidity and not revolutionism. To accept battle when this is obviously profitable to the enemy, and not to oneself, is a crime; and those politicians of the revolutionary class who are unable to 'manoeuvre, temporize, compromise,' in order to evade an obviously unprofitable battle, are good for nothing.'

Again, of course, the situations are vastly different. Then the revolutionary possibilities were still at their peak. Then there was one enemy, capitalism; not two, capitalism and Stalinism. But the emphasis Lenin made was on the need to save the skin of the movement until strength flowed into all the limbs of international socialism. Anything else was 'a crime.' Today the world revolutionary movement is at very low ebb; it needs to be restored. In Germany the working class shows signs of political revival. *How stupid, then, in compliance with some compulsion of abstract leftist Puritanism that must say everything at once and quickly, to make the demand for the withdrawal of occupying troops from Germany, which is asking to open the gates to Stalin and to cut off the small stem of working class development that has been projected. Have no fear, as the German workers move towards the realization of their other democratic and revolutionary demands, are confident of their own strength, are aware of the support by workers of other countries, they will throw out the occupying armies.*

If the Workers Party emerges from the convention as a pure and simple propaganda group, whose function is to 'preach the revolutionary message' without regard to the compulsion of actual life, *with the faith that eventually Socialism must come* – even come an atom war and a Stalinist victory first – then consideration of various tactics has no place. If, however, we still consider ourselves as part and parcel of the working class and of life as it is and as it may become, we must weigh every aspect of this perplexing question of Capitalism, Stalinism and war.

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More about Stalinism, Capitalism and War

June 15, 1949, Susan Green

On Procedure

At the last Workers Party Convention, Comrade Draper, reporter for the National Committee on the international resolution, devoted more than half his time to an attack on my discussion article which appeared in Convention Bulletin No. 6, January 14, 1949. It is, on second thought, more accurate to say that he attacked what he pretended to be my article rather than what I actually wrote. This profuse attention to what was merely a discussion article, not a minority resolution, came clear out of the blue, not because I did not expect my political views to be discussed – on the contrary, I hoped they would. *However, I did not expect that they would become the main issue under this part of the agenda without my being informed of this intention and without my being [given] time.* As it was, I was completely unprepared, had to ask the convention to grant me at least fifteen or twenty inadequate minutes, and was amazed that the granting of time was far from unanimous.

Comrade Draper and the comrades who made up the convention agenda did not intend to be undemocratic. But the fact that they did not think of the necessity to inform me beforehand of the plan to use my article as the main target, and to ask me if I wanted time to reply, indicated that the instinct for democratic fair play was not functioning.

The above is called to the attention of the membership not to gnaw on a bone but simply that this sort of procedure may not occur again.

What I Wrote and What Was Read Into It

Above I state that Comrade Draper did not attack what I wrote but what he pretended I wrote. This suited his case, though it did not further the discussion one iota. I make a plea for discussion of issues raised instead of what boils down to name-calling.

For instance, without batting an eyelash, Comrade Draper stood up and said that I am FOR war, that I am FOR the subjugation of Western Europe to American imperialism – oh, well, if I didn't actually say it, I implied it. But what I actually meant, implied and said in my article was:

‘It is asked: Would you support the armament program now? Would you support the subjugation of the western European countries by the United States as part of the military program? These questions are foolish. We Socialists are not advocating war. We are not preparing for war. We do not cease acting as Socialists on a Socialist program. We have a program of domestic demands. We pursue the struggle for an independent labor party. We call for workers’ government with workers’ control of industry. We push for the utmost extension of democracy. We fight for full national independence for small nations. We support every independent action of the working class. We condemn the waste of wealth and life in war. We expose both imperialist camps. We propagate the world socialist revolution – the third camp – as the alternative for world war. This we continue to do, now as always.’

This quoted paragraph refers to the present pre-war period. As to a possible socialist stand when World War III actually comes, my previous article is equally clear:

‘If war should break out in the immediate future and if we should decide that the interests of the working class, of the revolutionary movement and of humanity, would be served better by a victory of the bourgeois governments over the Stalinist police state, we still do not cease being Socialists. We do not surrender our political integrity. We distinguish ourselves from the Western imperialist governments in every possible way. We explain how our position differs from theirs. We fight every effort to subjugate small nations. We oppose every attempt at home to regiment the people and impose police measures. We ally ourselves with every insurrectionary effort of the peoples on both sides of the iron curtain. Above all, if their alignment of social forces changes during the war, so that a change of position of the Socialists becomes the order of the day, we would make that change – even as Marx and Engels did in the Franco-Prussian War when the insurrection of the Paris communards altered the whole picture.’

In other words, I said that even if a Socialist should stand for the military victory of the bourgeois democratic west against the Stalinist totalitarian East, the class struggle must not be abandoned, but on the contrary every opportunity to further it must be taken. *Now it appears to me that, instead of calling ‘social patriot,’ a loyal opponent would have to prove that such a position, namely, maintaining the distinctive socialist character while giving critical military support to Bourgeois democracy, is untenable. Such proof no opponent has given.*

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There is no denying that such a task is very difficult under war conditions. But so is every alliance with one devil to fight a worse one, difficult. Still, the Bolsheviks united with Kerensky against Korniloff. The revolutionists fought with Spanish loyalists against Franco. Trotsky stated he would have joined with the devil himself – or with his grandmother – to defeat Hitler. I know, I know, these are internecine and not international imperialist wars – at least this is how we are supposed to evaluate all these struggles, in spite of doubts. To this point I will return later. *To be noted here is that there are ways of distinguishing oneself from an enemy with whom there is a temporary and partial alliance against a worse enemy.*

As a matter of fact, I cannot see why, supposing the ISL should favour western victory in World War III, LABOR ACTION could not carry on substantially the same kind of propaganda as during World War II. The issues of no-strike pledge, of wage ceilings, of costs of living, would have to be handled similarly. War profits and war scandals would be exposed. Infringements on civil liberties would not be in favor of strikes to cripple the government – which is accepted by all of us – we would back up strikers rebelling against the inequities they were suffering in the name of national security. In such strikes we would put the onus of responsibility on the capitalists and on the government. All of this, of course, supposes that we would not be suppressed – always a possibility.

On My Quoting Marx and Engels

Before going on to make some comments on Comrade Shachtman's arguments on the question of war in his reply to Erber, I want to take up briefly the quotations from Marx and Engels in my former article. [1]

This material was used for no other reason than this: *To indicate that consideration of how the victory on one side or the other on impending war would affect the working class and the revolutionary movement, is not unknown in classical Marxism.* I thought calling attention to this fact might forestall the facile epithet 'social patriotism' and might lead to arguing the points raised. I was mistaken. I made it as plain as tolerably good English could make it that I was fully aware of the difference in historical era and that I was neither approving nor disapproving the conclusions of these men – in fact, some of their language has a chauvinistic ring to my ears. Still, one comrade after another rose at the convention to prove, assuming that I didn't have the brains I was born with, that Marx and Engels lived in a different era. Consequently, whatever

Marx and Engels may have thought about the wars of their period, my views were still an example of classical social patriotism.

I refer to the fate of those quotations I used as a basis for asking for a more honest attempt to understand what a comrade is driving at – at least to read what is written.

Some Points Comrade Shachtman Missed

Now, in turning my attention to comrade Shachtman's answer to Erber's position on World War III, I must first definitely disassociate myself from Erber. I have not worked out my position with him, and there are probably major differences between us, which would come out if I had a discussion with him. Also, of course, I refer only to his stand on the war and not to his own other points, namely, the Russian Revolution and the nature of the state.

Furthermore, in using Comrade Shachtman's arguments against Erber's war position, I am taking them as they have general application to the subject – not merely to Erber. I am also divesting Comrade Shachtman's arguments of the over-thick coating of – shall I say mildly – quips in which he saw fit to clothe a serious document.

To start, then, with Comrade Shachtman's omissions.

Omission No. 1

Why should not Socialists try to evaluate the effort on the working class and the revolutionary movement of the victory of one side or the other in World War III? It is incontestable that the victory of Stalinism will be followed by the complete suppression and enslavement of the working class all over the world and by the liquidation of the revolutionary movements in true Stalinist fashion. *Either our movement has been wrong in its evaluation of Stalinism, or by this evaluation we must all agree to the above stated effect of the victory of Stalinism. To face this ugly fact does not constitute thinking 'with their terrified bellies' – nor feeling any 'pistol in the back of their neck in the form of ideological corruption.'*

It is official policy of the ISL to so interpret infringements of liberties in this country as to make it appear that there will not be much difference between the liberties of the people under a warring and post war bourgeois democracy and those (which?) under Stalinism. This is a possibility, in the general sense that anything is possible, but it is not a probability. There is a far cry between an organized working class

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functioning with some restrictions, a Socialist movement operating with some difficulty, and the lack of all completely independent working class life and the liquidation of all opposition under Stalinism. That's the point.

It seems to me we have to admit the lesser evil, or take the suicidal view of the Stalinists toward a Hitler victory in Germany. Can we afford to indulge in a formalistic righteousness which in effect says: 'After Stalinism will come our turn.'

The third alternative is the Third Camp, but this can be a realistic alternative only if before the outbreak of the war the Third Camp idea has gained some ground both ideologically and organisationally in the form of definite groupings capable of giving leadership to the masses. Before World War I and World War II – at least that is the way we estimated the latter situation – there were such groupings. After World War II and now, everyone agrees that these groups have been dissolved, that hardly anything is left of them, that the pull towards one imperialist camp or the other is predominant, that the process of forming revolutionary centers again begins almost from scratch. Our movement has always held that leadership is of pivotal importance; therefore my contention that the determinant of Socialist policy for World War III is success or failure in propagating the idea of the Third Camp and in organising cadres to carry out this idea.

This is no argument for not spreading the Third Camp idea; on the contrary, it is a call to work at it overtime. The harder we work at it and the longer the pre-war period, the better seem to be the chances for growth of Third Camp nuclei, upon which would depend the successful fruition of any people's anti-war eruptions.

But suppose there is no such revival of international socialism, suppose as we evaluate the political tenor and political groupings we do not see sufficient development along the lines we had hoped, to make any impression at all on the war situation, what then? Do we still say that the military outcome is a matter of indifference to us, to the future of the working class and of Socialism?

Therefore, let us propagate the Socialist idea of the Third Camp – but work at it. And as for a position on World War III, that must depend on conditions when war comes.

Omission No. 2

A source of concern in everybody's mind, expressed or unexpressed, is that there is an iron curtain effectively cutting off the peoples of the Stalinist orbit from the western world – except for the radio programs of the United States, England and other western countries, which have, it is reported, considerable numbers of listeners behind the iron curtain. But I refer not to the weapons of the cold war – though to some extent we Socialists do benefit by this cold war propaganda weapon. I have in mind the inability of the Socialists of the western world to get together or even to communicate with kindred elements in Russia and in Eastern Europe. There is no Socialist International, no socialist groupings to include all nations; while there is, sad to relate, a very effective Stalinist international covering the globe.

The former Socialist policy of revolutionary defeatism was based on the mutuality of this tactic not only against but in both warring camps. The communication and consultation between the vanguards of the workers of the warring countries gave mutual help, courage and plan. However, already during World War II, because of both the Nazi and Stalinist tyranny, there was no international revolutionary movement – neither open nor underground, although the underground included many nationalities. The German people and the Russian people were effectively shut off from revolutionary information and contact.

Today also, in this pre-World-War-III period, there is practically no communication between the revolutionary groups of the west and such dissident groups as may exist behind the iron curtain. One must therefore, face the stark truth that, whilst propaganda for the Third Camp can go on in the Western countries, the means for such propaganda is barred in the Stalinist sphere. It does not follow from this that revolutionists throw their hands up and abandon their efforts to reach beyond the iron curtain – especially since no situation is ever static. But one must recognize that the international continuity of the revolutionary movement has been ruptured and never repaired.

Neither Comrade Shachtman nor anyone else gives open recognition to this fact and no one poses the problem.

Omission No. 3

Another question that has never been satisfactorily answered is this:

Why is it good Socialist policy to support bourgeois democracy against totalitarianism in a civil war, as in Spain, and not good Socialist policy to support bourgeois democracy against Stalinist totalitarianism in an international war? What magic is there in the words 'imperialist war' to make such a difference? *In a civil war, the Socialist forces not being able to take the lead and dominate the situation, unite with the lesser and less immediate enemy against the worse and more immediate. Why? For survival! For the survival of the working class as an independent political entity and for the survival of the Socialist forces as a revolutionary entity. The Socialist forces act so in a civil war without sacrificing their identity.* No one will argue that for Socialists to take sides in World War III by giving critical military support will not create great difficulties, difficulties in maintaining their Socialist identity and difficulties in maintaining support of the class struggle. But the difficulties entailed by a policy do not make it wrong. On the contrary, the challenge must be met.

Some of Comrade Shachtman's Points

1. The Resistance Movements

Comrade Shachtman explains that we stood for the third camp in World War II not because we considered the emergence of the Third Camp a certainty, but a possibility. He points out that the Third Camp did emerge during the war, 'in the form of underground national resistance movements in Europe.' 'These movements,' writes Comrade Shachtman, 'which were not imperialists fighting other imperialists, but authentic revolutionary struggles of the people against Fascist and imperialist oppression – we did not hesitate for one moment to give our ardent and enthusiastic support.'

Is this, I ask, an accurate picture of the resistance movements? Actually, they were pro-ally. Actually, much of their activity was connected with the military efforts of the allies. Definitely, the resistance movements took sides in the war, the side of the allies against Hitler. And no matter what leadership, even Trotskyite, this would have had to be so, for a reason the Comrade Shachtman does not deign to mention. There is such thing as the military factor in a war. There is such a thing as the decisiveness of a military victory. The unwavering bravery of the resistance movements in giving their help to the allied military efforts, proved beyond a doubt that they understood the Hitler heel would be lifted from their necks only if the allies won the military contest.

Would a Trotskyite leadership have agitated in the resistance movement against the practical alliance between them and the allied forces? Certainly not for long! The difference between a Trotskyite leadership and the Social Democratic plus Stalinist leaders would lie elsewhere. A Trotskyite leadership would try, within these movements, to build strong revolutionary groups; it would direct the eyes of the resistance movements to taking over power once the war was over; it would have to work out its political distinctiveness from both the Social Democrats and the Stalinists, while coordinating all parties in the immediate tasks of the movement. And, of course, a Trotskyite leadership would not have acted as the tools of allied imperialism in disarming the resistance movements after the war, as did the Stalinists in particular. A Trotskyite leadership would have known when the alliance with the allies was over. It would have defended the right of the people to arm themselves – and the right of the people to form their own revolutionary governments.

Therefore, we see in the resistance movements not the actual emergence of the Third Camp, but still only the possibility of the emergence of the Third Camp. Because of the military factor, this could have happened only after the allied victory – with proper leadership.

2. On Answering the Worker

Comrade Shachtman knows very well that no one in politics, not even the numbskull he tries to make Erber appear, would be such a moron as to say to a worker the equivalent of: 'Go away, don't bother us, we are not required to give a pledge of any kind. It's an open question with us.' Whenever it suits him, Comrade Shachtman can place voluntary limits on his understanding of an opponent's position as well as limits on his usually fertile mind.

If I, speaking for myself and not for Erber, should want to make my position clear to a worker, I would say something like this:

'I am and will be opposed to the third world war. It will be an imperialist war on both sides. It will be a contest for the conquest of the world between Russia and the United States, even at the cost of exterminating half the human race and wrecking all civilized life. The common people must rebel against this war and must organize themselves for action under the banner of the Third Camp against both Moscow and Washington, for peace. This is the task now in this pre-war period, to rally support

for the third camp, so that people can give effective opposition to the war.’

‘if there has been no encouraging response to the appeal for the Third Camp when war actually comes, I do not change my opinion of the war nor my aim for the emergence of the Third Camp to stop the imperialists in their bloody tracks. However, not because I choose it but because history gives me no choice, I will have to favour a victory of the western powers over Stalinism. For the victorious Stalinist police state will abolish workers’ unions; will end civil liberties which means the right to speak, to write, to meet; will stop all political activity; will send me and fellow Socialists either to concentration camps or to death; will ruthlessly suppress all Socialist and other independent working class organizations. The Russian people will not be able to do a thing to check the enslavement of other working people because they are themselves slaves. While in the Western countries the capitalist rulers will make every effort to curtail our rights in the name of national security, if their interests require it, we can resist their efforts and prevent the imposition of a police state, because of the democratic rights which we have and which we must struggle to maintain throughout the war. So with a victory of the western powers, if there is such a thing as civilized life left after an atomic war, there may be a chance for the working people to continue their fight for betterment and for emancipation from all ruling classes. There is, of course, always a possibility of the workers trying to end the war exactly by such revolutionary aims; this we encourage and help along.’

‘We in this country would have to give certain types of support to the military efforts of the United States. Needless to say, we will be drafted into the armed forces and will fight – this everyone does, except the conscientious objectors. But that will not prevent us from trying to get the idea across to the soldiers in the Stalinist armies whenever opportunity presents itself, for the Third Camp forces must come from both warring camps. At home, because we favour the victory of the Western powers, we will not oppose the military budgets, but we will have something to say about who should pay for them, as well as about democracy in the armed forces. We will further demand that all war profits be confiscated, that workers’ wages be not regimented, that workers’ rights of collective bargaining, of strike, of civil liberties, be enforced.’

‘In other words, while giving critical support to the military efforts of the United States, we carry on, to the best of our ability, as Socialists knowing that in a war the temper of the peoples can change and the Third Camp idea take such hold of the masses as to alter the course of the war and of history.’

Such an explanation has nothing ‘dilettante and flannelmouth’ about it. Nor does this explanation give assurance to the ‘imperialists or their adepts in the labor movement’ that ‘he’s one of us already! We can count on him!’ No more than Kerensky could count on the Bolsheviks. Still speaking for myself, and not for Erber, the social program I outline is NOT ‘subordinated to the needs of American imperialism and its military program,’ for it never abandons the class struggle.

3. The Military Budget

‘Do we tell the American workers to fight for improvements in their economic position and against deterioration of it, even though this conflicts with the needs of the war-preparations budget, or do you tell them to make just a little sacrifice for the military budget so that American imperialism is not weakened before Stalinist imperialism?’ asks Comrade Shachtman. Again, I don’t know about Erber, but if this question were directed at me, I would consider it a gratuitous vulgarization of my position. Of course we tell the workers to fight for improvements and against deterioration of their living conditions. Yes, we ‘do try to arouse the workers against the cold blooded preparations for the atom-bomb slaughter’ because we are in this pre-war period hoping to build a Third Camp against the war. Again, it would be a very wanton misconstruction to say that my position is that ‘it is an imperialist war, but one which I INTEND TO SUPPORT after breaks out.’ I do NOT intend to support the war at any point. I only consider the possibility of favouring a western victory if the war breaks out without there having been some measure of success for the Third Camp, so that it may become an anti-war, revolutionary rallying point.

The bourgeois would not admonish me, ‘if you really want to win the war, then quit playing with our preparations for it!’ They are astute enough to see that I am thinking in terms of organizing a peoples’ force to make war impossible, a peoples’ force for peace. They are astute enough to see that my approach is to work for the Third Camp in this crucial time before the actual hot war breaks out.

My interest in the war budget now is to compare its expenditures for war with the lack of expenditure for health, housing and education. My interest in it now is to lift its burden from the shoulders of the working people by propagandizing a tax program opposing the stiff pay-as-you-go income tax, and advocating higher taxes on profits and also certain forms of capital tax; in other words, a let-the-rich-pay-for-their-war tax program. The ISL should, in fact, get busy along this line.

4. On Historic Relationships

In his section on the historic relationship between Stalinism and capitalism, Comrade Shachtman engages in formalistic juxtaposition. But I ask: What if Capitalism is not 'the product of decay of Stalinism, born out of its womb' – what if capitalism is not called upon to 'perform the necessary and indispensable task of ridding man of the fetters of obsolete and dying Stalinism' – as was the historic relation between capitalism and feudalism? Neatly posing the historic relationship between capitalism and Stalinism does not meet the point that today counter-revolutionary Stalinism is a more immediate and more deadly menace to the survival of working class independence and of the Socialist movement than is western capitalism. I am not interested, however, in the survival of working class independence and of socialist movement, so that the working class may perform its historic mission of ending capitalism – and also Stalinism. [2]

Comrade Shachtman reiterates – of course correctly – that 'neither the decadent bourgeois nor the decadent social democratic parties have a social program, a political program, capable of defeating Stalinism or even weakening it seriously.' But who talks about the SOCIAL and POLITICAL programs of capitalists and of their supporters to defeat Stalinism? Indeed, only the revolutionary program of the working class has what it takes to defeat Stalinism as a social and political system. *But the fly in the ointment is: What becomes of the revolutionary program of the working class if Stalinism dominates the globe? Comrade Shachtman disposes of 'military programs' with an impatient gesture, but military programs determine many issues not only for the imperialists but also for the peoples – as witness the resistance movements of World War II.*

It is beclouding the issues of today to fall back on pure historic relationships. An instance in point is the belated revival of nationalism when it has no historic business to do so. First Nazism and the Stalinism turned back history and made nationalism once more a burning issue, so that our group has seen fit, and properly so, to support the nationalist movements – knowing full-well that INTERNATIONALISM should be the order of the day, historically speaking. *The saving grace is that we do not subordinate ourselves to nationalism, but use it as a stepping stone to higher things.*

The failure of the working class to overthrow capitalism and found Socialism betimes has, produced some monstrous results. It may be that World War III will come with the international working class still so disoriented from its class interests and goal, so without adequate leadership to guide it, that at least at the beginning

of the war it will follow one imperialist camp or the other. In that case, while doing whatever is possible for the building of a Third Camp, it will be necessary to support the victory of the capitalist democracies, as such a victory would offer some chance for the continuing development for the revolutionary potentialities of the working class. Here too the saving grace would be NOT to subordinate oneself to American imperialism, as Comrade Shachtman states Erber does, and as I would NOT do.

In Conclusion

The crux of the difference between my position and the official position of the ISL is that the latter holds that opposition to World War III as imperialist on both sides and advocacy of the Third Camp, preclude possible support of the military efforts of the capitalist democracies; whereas I hold that such opposition and such advocacy do not preclude this possibility.

Susan Green was a member of the Workers Party / Independent Socialist League.

Notes

- [1] Ernest Erber was a leading member of the Workers Party who, in 1949, wrote a critique of Lenin as an anti-democratic thinker. Shachtman replied in a book-length internal bulletin, 'Under the Banner of Marxism,' dismissing Erber as, amongst a great many other things, a renegade, a non-Marxist, and a latter-day Bernsteinian.
- [2] In this paragraph Green is responding to a series of gun-to-the-head questions that Max Shachtman had posed to Ernest Erber in 'Under the banner of Marxism.' Here are Shachtman's questions: 'Feudalism produced capitalism; capitalism was a product of the decay of feudalism; capitalism rid man of the fetters of feudalism, and in the performance of this historical task, it was necessary and indispensable. Capitalism and bureaucratic-collectivism are also two contending social orders. With what relations between themselves? Has Stalinism produced capitalism as its historical successor? Is capitalism the product of the decay of Stalinism, born out of its womb? Is capitalism called upon to perform the necessary and indispensable task of ridding man of the fetters of obsolete and dying Stalinism?'

Shachtman's purpose is to cause his reader to be so appalled at the apparent logic – granting capitalism a progressive social function – that he or she will recoil from any idea of granting critical support to the capitalist west in a military conflict with the Soviet Union. Green's response – that Shachtman's highly formalised argument 'does not meet the point that today counter-revolutionary Stalinism is a more immediate and more deadly menace to the survival of working class independence and of the Socialist movement than is western capitalism' – clears the way for socialists to offer critical support to the West.

How to Win a Cosmic War: An Interview with Reza Aslan

Reza Aslan is Assistant Professor of Creative Writing at University of California, Riverside and research associate at the University of Southern California's Center on Public Diplomacy. He is a member of the Council on Foreign Relations, the Los Angeles Institute for the Humanities, and the Pacific Council on International Policy. He serves on the board of directors for the Ploughshares Fund and PEN USA. Aslan's first book is the international bestselling, *No God but God: The Origins, Evolution, and Future of Islam*, which has been translated into thirteen languages. His next book, *How to Win a Cosmic War: God, Globalization, and the End of the War on Terror* will be published by Random House in April of 2009. The interview took place on 16 February, 2009.

Personal and Intellectual Influences

Alan Johnson: What have been some of the most important personal, familial, and intellectual influences that have shaped your work?

Reza Aslan: I came to the United States at the age of seven, in 1979. As you can imagine that experience really shaped who I am and the way I think. It was why I decided to study religion and politics, and the interplay between the two. My childhood experiences in revolutionary Iran put a fire in my belly about those topics. As far as people who have influenced me, my mentor at Santa Clara University, Catherine Bell, an expert on Chinese religions, was the first to re-focus my academic studies away from early Christianity and the New Testament (the subject of my BA) and toward Islam. After I graduated, she sat me down and told me that by the time I finished my PhD all anybody would want to know about was Islam. She encouraged me to become more familiar with my own culture, and with Islam as a religion. That obviously was great advice. As a writer, I guess my greatest influence came from a dead Russian. When I was a sophomore in high school, around 16 years old, I read a book by Fyodor Dostoyevsky titled *The Brothers Karamazov*. That really sealed it for me. I'd thought about being a writer before, but reading that book made me realise this was exactly what I wanted to do with the rest of my life.

Alan Johnson: Your first book, *No God but God*, was beautifully written and I was not surprised when I read that you consider yourself a novelist. You pay tribute to

the late Frank Conroy as someone who ‘taught me that writing is a noble profession; that writers are almost chivalrous in their profession – noble people embarked on a noble task.’ Can you tell us a little about Frank Conroy?

Reza Aslan: I think of myself primarily as a fiction writer, even though all I ever seem to get the opportunity to write is non-fiction! My next book is an anthology of contemporary literature from the Middle East called *Word’s without Borders*. After that I will be returning to a novel that I was working on while getting my MFA in Fiction at the University of Iowa, where I studied under Frank Conroy. He too was an enormous influence on my life. He personally brought me to Iowa, to the Writers’ Workshop, to work with him. He said something very interesting to me when we met in the first week of school. He saw in my writing that I understood what it *meant* to be a writer, that I understood what writing was. The problem was, he said, that I didn’t know *how* to write. But then he said, ‘fortunately that’s something that we can teach you.’ In other words, he believed that one can’t really be taught what writing is, but that one can be taught the craft of writing. So he went systematically through the process of teaching me. It was an amazing experience.

Alan Johnson: Do you see yourself as someone with a ‘noble task?’

Reza Aslan: I decided to study religion in school, even though I planned on being a writer, because of my experience at Santa Clara University, a Jesuit university steeped in the promotion of social justice. The Jesuits taught me that whatever I did for a living, it must benefit society, it must be for the greater good; I must work towards justice and peace. And I think that what Frank really showed me, with his notion of writing being a noble endeavour, is that one can make that kind of impact on the world through writing. That a writer has as much power with words as a soldier has with a gun.

Part 1: The Islamic Reformation

Alan Johnson: Am I right in thinking that you’d like us to think about religion – religion per se – in a new way? Your analysis of Islam seems to me to rest on the understanding of religion as a human response to an existential imperative, and that this response is shaped most not by the texts but by the prevailing socio-cultural contexts in which people grapple with life. Religious stories, in this light, are not so much historical truths as ‘prophetic topos’ and, you say, ‘the historicity of these topoi is irrelevant.’ What really matters is what stories are adopted and how

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they make sense of the world for people. Achieving religious reform, then, is about achieving reform in the prevailing socio-cultural conditions, not, fundamentally, about disputing the 'correct' interpretation of texts. First, have I got that more or less correct?

Reza Aslan: That's a really nice way to put it. The problem, especially here in the United States, and certainly in Western Europe, is that we tend to think of religion as a *personal* and *confessional* experience between the individual and his or her God. This has a great deal to do, of course, with the Protestant experience, and the rampant individualism that is such an integral part of western identity. But that is not how religion really functions in the rest of the world. Religion is about much more than just a belief system. It's about *identity*. It's about one's culture and politics, even one's economic ideals. All if this is wrapped up in the expression, 'I am a Christian,' 'I am a Muslim,' or 'I am a Jew.' I try in my writings and lectures to help people understand that when we talk about religion or religious faith, we are talking about a form of identity that is as vital as ethnicity, nationality or race.

Alan Johnson: What are the consequences of adopting this anthropological understanding of religion? How does it change the way we think about the relation of religion and politics, for instance?

Reza Aslan: We tend to think of many of the conflicts around the world as being religious conflicts. The sectarian conflicts in Iraq between the Shia and the Sunni, or in Northern Ireland between Catholics and Protestants, or the cycle of violence between Israelis and Palestinians – because these conflicts are often framed in the language of religion, they are misunderstood as religious conflicts. But if you think of religion as involving questions of identity, then you will understand these conflicts are not religious conflicts, they are not about faith or belief. This is important because while political or economic conflicts can be solved, religious conflicts can't be solved. In my new book, *How to Win a Cosmic War*, I argue that we must strip the conflicts we are experiencing in the world of their religious connotations specifically so that we can end them.

Alan Johnson: Can I pursue this? You say 'When we talk about radicalism in the Muslim world we are talking about political radicalism' not religious radicalism. You claim that al-Qaeda's 'secular goals' are 'couched in the language of religion' only because 'religion holds the most currency with the masses and provides a powerful language to create simple collective identities and to urge collective action.' You

think Karl Rove is not really so different to al-Qaeda in this regard. But what does it mean to say Osama Bin Laden has 'social grievances, political grievances, economic grievances, that are framed in the language of religion?' Does it mean Osama Bin Laden is cynically deploying a religious language he doesn't believe in? (Fraud) Or that he does believe in the religious stuff, but that he has misunderstood the real i.e. non-religious roots of the conflicts that move him? (False consciousness) Or something else?

Reza Aslan: Let's understand that when religion is involved it's not just an issue of faith or belief; it's an issue of identity. As a scholar of religions I am wary of making statements like, 'this is a bastardisation of Islam,' or 'Islam is actually a religion of peace, and these militants have adulterated it by turning into a religion of war.' The truth of the matter is that Islam is neither a religion of peace nor a religion of war. It's just a religion. Like any religion it can inspire heights of compassion or depths of depravity. That's what religion does. I don't think we should diminish the fact that those who carry out violence in the name of religion, are doing so, often, as a religious act. Especially when it comes to a group such as al-Qaeda, they truly are motivated by what they view to be their religious impulses. But what's important for us to understand in dealing with such acts is that religious impulses are not just about God, they are not just about Heaven and Hell, they are about ones sense of self, ones identity. These conflicts may be wrapped in the language of religion but that doesn't make the grievances behind them any less politically, socially or economically legitimate.

That is the thing about Globalisation: it breaks down the barrier between 'religion' and 'politics.' And as that line becomes increasingly blurred, one has to recognise that religious grievances are no less valid than political grievances and religious violence no less rational than political violence. I am not saying that we should ignore the role that religion plays in these conflicts, quite the contrary. Having a better understanding of what religion is allows us to respond more effectively to these conflicts.

Alan Johnson: On the one hand, you see an unstoppable 'reformation' taking place within Islam – a shift from doctrinal absolutism to doctrinal relativism, and a 'truly indigenous Islamic enlightenment.' On the other hand, you have spoken of 'the Wahhabisation of the Muslim world that is taking place right now.' You have written of an 'internal conflict – a civil war really – that has been raging within Islam for more than a century.' Can you disentangle these two trends for us, talk about their

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respective roots, their relationship to each other, and make an assessment of their relative strengths and future prospects?

Reza Aslan: Those two trends – the enlightenment and the wahhabisation of Islam – are two sides of the same coin. When we hear the term ‘reformation,’ particularly in the West, in the Protestant world, we immediately assign a positive value to it. We think of “reformation” as a necessarily positive thing. We think of the Christian reformation, which is erroneously referred to, particularly here in the United States, as the ‘Protestant Reformation,’ as a conflict between Protestant reform and Catholic intransigence that was won by the Protestants. That’s *not* what reformation means. Reformation, which is a universal phenomenon that takes place in nearly all religious traditions, particularly in Western religions, refers specifically to the conflict between the institutions of a religion and the individuals of that religion over who has the *authority* to define faith. This is an ever-present conflict that often remains latent, but which can rise to the surface during times of societal stress. We can talk about first century Palestine, and the reformation of Judaism, which led not only to Rabbinic Judaism, but to a whole new religion as well, ‘Christianity.’ Or we can talk about sixteenth century Europe and the reformation of Christianity. Or we can talk of the nineteenth and twentieth century Middle Eastern reformation of Islam. In each case, ultimately what is at stake is authority: who gets to define the religion, the institution or the individual?

Now that process of reformation can have positive consequences. The individualising of religious interpretation can lead to new, progressive, reform-minded ways of thinking about religious faith, including the reconciling of religious faith with scientific and social progress. But if you remove the authority to define the faith from the hands of institutions and put it into the hands of individuals, you are bound to get both interpretations promoting peace and interpretations promoting violence, both puritanical and progressive interpretations, both ultra-conservative and liberal interpretations. The same force that has led recently to modern and progressive views of Islam has also led to Osama Bin Laden and the more militant versions of Islam. You can’t have one without the other.

Alan Johnson: So Sayyid Qutb is a reformist?

Reza Aslan: Sayyid Qutb is one of the most important figures of the Islamic reformation. What connected Qutb, who is often referred to as the father of modern Islamic Fundamentalism, and, say, Hassan Al Bana, who created Islamic Socialism,

which ultimately led to the Muslim Brotherhood, and Jamal Ad-Din Al-Afghani who is referred to as the father of Islamic Modernism, is that they all wrote at a time of profound societal stress as the Muslim world was going through the process of de-colonisation. Although these people had very different interpretations of Islam, each, when confronted with the question 'why is the Muslim world mired in political, economic and religious stagnation?' had the same answer: 'It is because of the institutions of Islam and the religious leaders. The Ulema are the problem.' In fact almost none of the great figures of twentieth century Islamic political and religious thought was a member of the clerical institution.

Now what's extraordinary about this is that, for the last fourteen centuries, only the Ulema, members of the clerical schools of law, have had the right to interpret Islam or issue judgements about Islamic law. They have had a monopoly on the interpretation of Islam and on education and scholarship. Nobody else could read the Quran except these guys! But the nineteenth and twentieth centuries changed all that as increases in education and literacy, widespread access to new ideas and theories, and later the rise of the internet – which quite clearly parallels the role of the printing press in the Christian reformation – broke that monopoly. The consequence was the dissemination of religious authority into almost every corner of the Muslim world. At the same time, you have the rise of new and highly individualised, sometimes deeply anti-institutional – in the case of al-Qaeda militantly anti-institutional – interpretations of Islam fighting among themselves, each of which rejects the authority of the Ulema as the sole interpreters of Islam. That's what reformation is.

Alan Johnson: What is the balance of forces between the reactionary and progressive forms of Islamic reformation?

Reza Aslan: It see-saws depending on what's going on in the world. Most scholars and observers of the Middle East will tell you the transnational ideals of puritanical Islam, which have been so much on the rise over the last couple of decades, are on the wane. We are seeing even fellow Jihadists beginning to reject the interpretation of Islam promoted by Bin Laden and Al Zawahiri.

Here is the problem when talking about Islamic reformation in comparison with the reformation of Judaism in first century Palestine, or the reformation of Christianity in sixteenth century Europe. Unlike Christianity and Judaism, Islam doesn't have a single centralised religious authority. There is no Temple in Islam – no Vatican, no

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high priest, no pope. There is no single authority with the power to say what is or what is not 'proper' religious behaviour or interpretation. Authority is scattered to a number of smaller competing organisations and schools of law and institutions – the Ulema – which nevertheless have enormous influence, but which do not have power over each other. Islam has always been democratic in that sense, with no one single Islamic scholar, no member of the ulema being able to override the opinions of another member of the ulema. That's why Fatwas cause so much confusion in the West. We think of them as a form of papal bull, but they are nothing of the sort! A fatwa is nothing more than the individual opinion of a single Muslim cleric. It has no enforcement mechanism. If one cleric issues a fatwa saying coca cola is bad, and another cleric issues a fatwa saying coca cola is good, both of them are right. Neither of them can negate the other, and it is up to the individual believer which fatwa to follow, if any. It's as simple as that.

As that authority begins to disseminate down to individuals what we are left with is a shouting match between individual interpreters. And over the last couple of decades the loudest voice in that shouting match has been the voice of militancy and radicalism. But we have to understand that the loudest voice isn't always the dominant or most widely accepted voice among Muslims. This is hard for the people outside the faith to understand, because one obviously pays more attention to the loudest voice. That's only natural.

So again, reformation is all about authority. Think of it this way: Thirty years ago, if you were some kid living in Malaysia and you wanted a fatwa on a particular issue, you would go down to your neighbourhood mosque and ask the imam. If he was suitably qualified, your imam would issue a judgement. Then it was up to you. If you liked the judgement you followed it. And if you didn't, you didn't. But today that kid can bypass the mosque altogether and go to fatwa-online.com, where he has access to a database of hundreds of thousands of fatwa's on every subject. And if he doesn't like what he finds there, he can turn on the TV and go to Amr Khaled's weekly TV show. Amr Khaled is an Egyptian televangelist who reaches hundreds of millions of Muslims across the world from Jakarta to Detroit with his radio and TV shows and website. But he is not a cleric. In fact he has no instruction in Islamic law whatsoever, and so according to traditional Islam has no right to be doing what he is doing! And yet, by taking upon himself the powers that have for fourteen centuries been the sole purview of this very small male clique, he's completely changed the face of Islam.

Of course for every Amr Khaled there's an Osama Bin Laden. Both have the same lack of formal education in Islamic law. Both appeal to young people by setting themselves up in direct opposition to the imams. It's a very simple choice for kids to make: either the stilted, archaic, out of touch, sermonising of the imam or the politically-aware, socially-conscious version of Islam offered in a peaceful way by Amr Khaled, or a violent way by Osama Bin Laden.

Alan Johnson: Why have you suggested the Islamic reformation will 'come to fruition under the leadership of Muslim Americans?' And are you as optimistic about European Muslims?

Reza Aslan: I think there are three elements pushing the Islamic reformation forward into the 21st century. First, the internet, which has allowed widespread access to all kinds of theories and opinions from all over the world, some informed, some not so well informed. The internet has completely changed the way authority works in Islam. Second, increases in literacy and education, meaning more people can read the Quran in their own languages, instead of relying on their imam to read it to them in Arabic. Remember, there is no Christian reformation without a German New Testament. What is the point of Sola Scriptura, if you can't read scripture? Third, a massive influx of Muslims into the West, where individualism and anti-institutionalism are woven into the fabric of society. I think that the future of Islam does not lie in the desert sands of Saudi Arabia, but rather in the streets of East London or New York.

I am more optimistic about Islam in America than I am about Islam in Europe. It is clear that Muslims in America are more resistant to the pull of Jihadism. Economics has a lot to do with it. The median household income of a Muslim family in the United States is larger than that of non-Muslim families. Also, the United States is perfectly comfortable with public displays of religion. We in the US think religion is a good thing, that it should be part of the market place of ideas. Now, that is obviously not the dominant view in large parts of Europe, where public expressions of religion are frowned upon and religious faith is seen as antithetical to what it means to be European.

Poll after poll of young European Muslims has shown that they feel besieged by European society. They feel as though they can be 'Muslim' or 'British,' but not both. Whether that's true or not is not the issue – that's the overwhelming sentiment. In the United States, a nation of immigrants, we see no connection between one's

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nationality and one's ethnicity. But in large parts of Europe, in Germany and Italy for example, nationality and ethnicity are still considered to be one and the same. And if you live in a society without a strong civic identity, a society in which your ethnicity and nationality are considered to be the same thing, then a foreigner remains a foreigner forever. That's exactly what we are seeing in places like Germany. Third generation Turks, whose parents were born in Germany, who were educated in Germany, and who have absolutely nothing Turkish about them, are *still* not considered German. In Italy, Islam is not even officially recognised as a religion because it doesn't adhere to what the Italians believe to be the proper hierarchical institutional structures of a religion, i.e. Catholicism. In the UK discrimination laws are narrowly focused on issues of race, but race is not the only form of identity that matters anymore. You can't get in trouble for religious discrimination in the UK, but you can get in trouble for race discrimination, which explains why groups such as the BNP continue to thrive in the UK.

The notion that the French could outlaw the wearing of religious identification, whether it is a head scarf or a necklace in schools, is so foreign to the American mindset. It blows our minds! This new plan being put in place in the UK to reign in the speech of Muslim imams who are not advocating violence but who may be reaching certain conservative or puritanical interpretations of Islam that may or may not jive with 'British values' – again, that is inconceivable to most Americans. If something like that were proposed in the United States, there'd be a revolution! All this makes me think Muslim Americans are in a better position to make a positive impact on Islam.

I must say, however, the changes that have taken place in the British government and in British society over the last decade – the way in which the old forms of institutional discrimination have been addressed, the attempts to create precisely the strong civic identity that I was referring to through new citizenship tests, the attempt to try and create a British identity that goes beyond any type of ethnic or even cultural identification – I think all this is having an enormously positive impact on Islam in the UK. I just hope that the rest of Europe can catch on to what the UK is doing.

Islam and the Medinan moment

Alan Johnson: In *No God but God* you re-create the Medinan moment – when the Prophet, having left Mecca, founded the first Muslim society with his companions

in the town of Medina – as a founding moment that should have stamped Islam forever as a religion of radical equality and social justice. It was, I thought, a tour de force of writing. But you also noted two things about it. First, ‘Muhammad’s revolutionary message of moral accountability and social egalitarianism was gradually reinterpreted by his successors into competing ideologies of rigid legalism and uncompromising orthodoxy.’ Why did that happen? Second, the example of Medina has been interpreted in radically different ways by Muslims – it has been ‘simultaneously the archetype of Islamic democracy and the impetus for Islamic militancy’ (52). Why has that been the case? Does the struggle to define the meaning of the Medinan founding remain at the heart of the battle for Islam’s soul today?

Reza Aslan: Just as many discussions about Christian ethics refer to the three years of Jesus’ ministry, so, for Muslims, the period in Medina, before Islam became a religion, when it was just a community, is for most Muslims the starting point of what Islam actually means. It is not so much Mohammed’s birth, or the onset of revelation, but the first moment in which the community came into being that is the reference point for true Islam.

Medina represents what Islam was supposed to be. Of course, everybody has their own interpretation of what that statement means. One tends to read into the history of Medina one’s own ideas, prejudices, biases, desires and whims, until Medina becomes whatever you want it to be. However, what I think Medina offers for those of us who envision a much more pluralistic and progressive idea of Islam is a set of revolutionary ideas about how a society should structure itself. We find notions of spiritual as well social equality in Medina. The position of minorities, the weak, orphans, widows and women in Medina was absolutely revolutionary for seventh century Arabia. These things had never even been envisaged before, let alone actually put into practice. Now, that was fourteen centuries ago and while one can boast about how ahead of its time the community of Medina was, unfortunately it kind of stagnated after that. Islam became an institutionalised religion and once the institutions took over, the conservative element came into play. Indeed, part of the dream of an Islamic reformation is precisely the hope that we can take the interpretation of Medina out of the hands of the clerics and allow individuals themselves to formulate their own ideas. I do that myself in *No God but God*.

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Islam and Democracy

Alan Johnson: You decry as ‘outrageous’ a tendency in the West to depict Islamic values, traditions and history as opposed to democracy. You claim that ‘Islam has from the very beginning, from the moment of the first revelation that came out of the Prophet Muhammad’s mouth, indeed even before that, had in place the ideologies of egalitarianism and human rights and popular sanction of governing bodies.’ You rest your case on the long-standing Islamic notions of shura (consultative assembly), Isjma (consensus) and Bay’ah (oath-giving within the Shura as basis for leadership). Moreover, you think that, today, ‘the only way [democracy] is going to take hold in the region, is that it is [if it is] based on an Islamic moral framework.’

I have a deliberately provocative question. If Islam is so well-suited to democracy why has it had such a problem with democracy?

Reza Aslan: That’s simply not true. The world’s largest Muslim country, Indonesia, is a democracy. The world’s second largest Muslim country, Pakistan, is a democracy. And the world’s third largest Muslim country, Turkey, is a democracy. Malaysia is a Democracy, as is Senegal. Bangladesh is quite an impressive democracy, considering the social and economic problems it has to deal with. I think what people mean when they talk about the incompatibility of democracy and Islam is the incompatibility of democracy and the *Arab* world. We tend to think of Islam and the Middle East as synonymous, but the overwhelming majority of the Muslim world lives on the margins of the Middle East. I believe that of the one and a half billion Muslims in the world only about eight to ten percent are Arabs. There are more Muslims in sub-Saharan Africa than there are Arabs of any religion!

So, can democracy and Arab culture be reconciled? I think the answer is yes, but we can debate that. Can Islam and democracy be reconciled? To me, that is an absurd question, because they have been reconciled in many parts of the world.

It is the core ideas of Islam that make it so compatible to democracy. One can say the very notion that human society should be organized not according to kinship or ethnicity, but according to acceptance of certain set of principles and values – what nowadays we would call secular nationalism – was invented by the Prophet Mohammed. He formed his community from scratch based on the acceptance of principles, ideals and values about how society should be run – a social contract if you will. In fact, the world’s first constitution laying out these kinds of things was

written out by the Prophet Mohammed, so it's not just that there's compatibility, it's that many of these ideas were actually created within the Muslim world.

It's a fallacy that religion per se and democracy are irreconcilable. In other words this debate is not just about Islam, it's about whether you can have such a thing as religious nationalism, and whether religious nationalism can, in and of itself, be a movement of pluralism and democracy. I think a lot of people would say 'no' – that, almost by definition a modern constitutional democratic state must be secular. Certainly that's the view throughout much of Europe. I would disagree. When we talk about democracy, we're not actually talking about a monolithic thing. Rather, we're talking about a set of principles (popular sovereignty, government accountability, rule of law, ethnic, cultural and religious pluralism) that, when put together, create a democratic state and society. Now, as long as those principles remain sacrosanct, as long as they are not violated, then whatever moral framework society is based upon is irrelevant.

As much as we like to think of the United States as founded upon a strict separation of church and state, that's simply not true. We are one of the most religious countries in the developed world, if not the entire world, and as an Iranian American I can tell you that religion plays a more profound and influential role in the United States than it does in Iran. When I said this in the Bush years it was an easier argument to make because it was just so obvious. But look at Obama, and see the way he has very comfortably co-opted the language and metaphors of religion. It's what we do here in the United States.

Alan Johnson: Some argue that there is a specific difficulty in Islam. The Prophet, so to speak, was his own Constantine, and so religious and political authority were fused in Islam. Christianity, by contrast, with its notion that one should 'give to Caesar what belongs to Caesar, and to God what belongs to God' has been able to hold the two forms of authority at more of a distance. And it's in that gap that democracy emerged. It was as believing Christians that the American Founders wrote the separation of Church and State into the Constitution. How do you respond?

Reza Aslan: Certainly there are those within the Islamic world that make the argument that sovereignty belongs not in the hands of human beings but in the hands of God, and so it's God's laws that matter not man-made laws. There are a host of problems with that idea. God doesn't actually talk, so when the government

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of Iran says ‘Gods sovereignty reigns supreme,’ what they mean is that the government’s interpretation of God’s sovereignty reigns supreme, which of course means the government reigns supreme. The supreme leader in Iran is supposed to ensure God’s sovereignty, but he does this by exercising unimpeded political power! In other words it is his human sovereignty that reigns.

But I have to say, those same arguments are made quite loudly, not just in Christianity but also in Judaism. In the United States there is a powerful movement which scholars refer to as Diminism – I prefer the term Christianity because I want to emphasize its startling resemblance to another form of religious nationalism, Islamism. According to some polls almost half of Americans believe that the bible should be *the* source of legislation, that man’s law should be based on biblical law. There is also a large and rapidly growing movement of religious or messianic Zionists in Israel who believe the same thing. If you look at the BJP in India, the Hindu nationalists are also trying to construct a society based on the sovereignty of God instead of the sovereignty of man. It’s not exclusive to Islam.

I think religious nationalism is unavoidable. You can’t forcefully suppress religious impulses, particularly in a democratic society where people make decisions, formulate laws and build a consensus based on their own ideals and values and their sense of what is right and wrong. People of religious persuasions are going to try to impress their ideals, their morals and values upon society. It might be by peaceful means, if that’s an option, like here in the United States, or in Turkey where the Islamist party, the AKP, peacefully came to power and has presided over seven years of unprecedented political and economic growth. But if there is no peaceful avenue for the implementation of one’s religious values and ideals, then the voice of violence and revolution comes to the fore, as we are seeing in Palestine, Egypt and in parts of Europe.

The impulse itself is unavoidable. Each society has to decide whether to allow those impulses to be a part of the market place of ideas, or to violently suppress those impulses. That decision dictates how society itself is going to function and how these religious groups themselves will act.

Part 2: How to Win a Cosmic War (don’t fight it)

Alan Johnson: Your new book *How to Win a Cosmic War* argues that after 9/11 we stupidly and tragically read a religious significance into a series of very earthly

conflicts. By doing so we became caught in the trap the extremists had set – we allowed ourselves to be drawn into an (unwinnable) ‘cosmic war.’ Our task, you argue, is to extricate ourselves, quickly, from this cosmic war and address the earthly conflicts. What do you mean by the concept ‘cosmic war?’

Reza Aslan: A cosmic war is a religious war. It is a war in which participants feel as though they are acting out on earth a battle that is actually taking place in heaven. Unlike a holy war, which necessarily implies fighting a battle between rival religions, a cosmic war has both a physical encounter – there is an actual battle taking place – and an imaginary moral encounter. Cosmic wars involve a conflict over identity, and in this conflict one feels God is directly involved on one side against the other. My book argues that the Jihadists who attacked the United States on 9/11, and the Jihadists who attacked London on 7/7, are fighting a cosmic war. They’re fighting a battle that they know cannot be won in any real or measurable terms. Their notion of ‘victory’ is so beyond the realm of reality that they don’t really talk about it. For them, the battle is being waged not just between al-Qaeda militants and American soldiers, or even Islam and Christianity. The war is between the angels of light and the demons of darkness. It’s a war that has been going on for eternity, and it will end only when good triumphs over evil.

Alan Johnson: So you win a cosmic war by not fighting one?

Reza Aslan: When we joined in their cosmic war we gave the Jihadists exactly the reaction they were seeking. (The trap worked very well after the attacks on the United States; it did not work nearly as well with the attacks on the UK.) The war on terror as consciously defined and implemented by the Bush administration is a cosmic war. It is a battle between good and evil in which our very existential selves are at stake. This kind of conflict is in the minds of many Americans, and certainly it is in the minds of the military and political leaders who have implemented and carried out the war on terror thus far.

The problem is you can’t win a cosmic war. When what is at stake is one’s existential self, there isn’t any room for negotiation, compromise or surrender. Moreover, when the ultimate goal of the conflict is proclaimed as ridding the world of evil, as Bush repeatedly promised to do, that’s not something that’s going to happen anytime soon. It’s a recipe for never-ending conflict. The concept of a clash of civilisations, as Samuel Huntington himself very clearly laid out, is not really about civilisation; it’s about religion. There is no such thing as ‘Islamic civilisation.’ As

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Huntington himself said ‘the problem for the West is not Islamic civilisation, it is Islam.’ They are one and the same as far as the West is concerned. My new book makes an argument about how the war on terror became a cosmic war, why that is so disastrous, and what to do about it.

Jihadism as a social movement

The book talks about the process of stripping the conflict of its religious connotations and instead focusing very narrowly on Jihadism as a social movement. This is something Europe, and especially the UK, can really understand, because you are faced with this social movement on a daily basis. There is no Jihadist sub-culture in America. We don’t have kids listening to Jihadi rap songs, wearing Bin Laden t-shirts and getting together and downloading Jihadi videos. Those kids have incorporated their identity into this larger collective identity, but they are not themselves militants. They are not going to be picking up guns and joining the fight. Very few of them are actually going to get to that point. Dealing with Jihadism as a social movement means making sure that stays the case.

The military conflict against al-Qaeda is something completely different. There is nothing to talk about when it comes to al-Qaeda, because there’s nothing that they want. They have no goals, no policies, no social agenda – nothing save for the conception of the utopian society they want to create. They are unreachable, so they can only be hunted, captured or killed. But the vast majority of those who identify with the Jihadist movement are not sitting in a cave with a gun. They’re kids with internet connections in Rotterdam or Leeds. Those kids are attracted to Jihadism as a form of identity because they feel, for varying reasons, marginalised or alienated, and unsatisfied by the identities that are being offered to them. Whether it’s the national identity of their country, the ethnic identity of their parents, or the religious identity offered by the mosques, nothing seems adequate to confront their social problems. So they look for an alternative form of identity, and they find it in this militantly anti-institutional, radically individualistic, de-territorialised, idea of Islam. That is what Jihadism as a social movement is.

We should deal with Jihadism in the way that we deal with any social movement. The way that we dealt with, for instance, the anti-Globalisation movement, or the radical environmental movement, the black power movement, the feminist movement, the civil rights movement, etc; that is, by addressing their grievances.

By co-opting the grievances of these movements, making them a part of society, we took away the *raison d'être* of their social movements.

Alan Johnson: You claim that 'what we see as religious terrorism is born not out of religion itself but is born out of political, social, and economic grievances, many of which are legitimate.' What are these grievances? Why have similar grievances in other regions of the world not produced similar outcomes?

Reza Aslan: The grievances of al-Qaeda are not real grievances, they are symbolic grievances and their sole purpose is to create a narrative of injustice and suffering, by connecting local and global issues. Yes, the issues they talk about are real: the suffering of the Palestinians, US support for dictatorial regimes, etc. These things are legitimate grievances. But al-Qaeda couldn't care less about the Palestinians, certainly not their hope for a Palestinian national home. Al-Qaeda is an anti-nationalist movement that believes the nation state is anathema to Islam. The creation of a Palestinian state is the last thing on their minds. If you really pay attention to the list of al-Qaeda's grievances, some of them are so absurd, so mind bogglingly random, that you can only understand them as nothing more than symbols to rally around. If you listen to the complaints that Zawahiri makes about the British government, it's laughable. He talks about the violation of historic British values, as though the Magna Carta is on the top of his mind! Bin Laden has even issued a complaint about America's campaign finance laws. Al-Qaeda has even condemned the West's role in global warming, as though the green revolution is something al-Qaeda is fighting for.

But what al-Qaeda has done brilliantly is weave together global grievances, such as the suffering of the Palestinians, to local issues, such as why a Pakistani-Brit can't get a job, to create a single collective identity. There is an argument heard in the United States, particularly in Republican circles, that 'if we brought peace to Palestine, Bin Laden would not pack up his bags and go home.' No, of course he wouldn't. He couldn't care less about peace in Palestine. Addressing any grievance is not going to make Bin Laden go away. However, addressing grievances will blunt the appeal of his movement.

Alan Johnson: What have been the most important consequences for the west of being sucked into the 'cosmic war?'

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Reza Aslan: It turned the US into the new bogey man, the new crusading imperialistic force around which a cohesive identity, a collective oppositional identity, was formed. That identity could not be based on nationality, ethnicity, or language, because al-Qaeda is a transnational movement. Al-Qaeda thrives on its ability to create a transnational identity and that's exactly what our response to 9/11 provided.

Alan Johnson: Some might respond to your argument by arguing that the strategy adopted by Bush-Petreaus in 2007 is the very opposite of a cosmic war. In fact, apart from some really terrible rhetoric early on ('for us or against us,' 'wanted dead or alive,' 'crusade,' 'bring it on,' and so on) what is the evidence that we ever did get sucked into a cosmic war? In what sense does our support for democracy, elections, an Iraqi constitution, and our commitment to train the Iraqi forces before getting out of Iraq, amount to being 'sucked into a cosmic war?' And in Afghanistan hasn't the focus been on security and development (however badly executed) rather than anything associated with a cosmic war?

Can you distinguish the bits of the west's response to 9/11 that, in your view, played into the hands of the terrorists desire to suck us into a cosmic war, and those bits that did not?

Reza Aslan: Look, it's not so much the actions that are the problem, not even the actions in Iraq – though that intervention was obviously disastrous, unnecessary, and has made things worse than they needed to be. It's the rhetoric behind those actions that is the problem. It's the way the actions have been understood and defined, and, frankly, promoted by the US and the West that is the problem. It's one thing to decide that Saddam Hussein is a threat and needs to be removed from power; it's another thing to say, as George Bush said in 2003, that God told him to do it. It's one thing to say the events of September 11th have reformulated the way the United States thinks about foreign policy, and that it now has a different definition of its enemies; it's another thing to call for a crusade against evil, which is precisely what the Bush administration did. On a local level, it's one thing for Tony Blair to talk about the need for immigrant communities in the UK to assimilate more fully into society, it's another thing to talk about the veil as a mark of separation. That kind of rhetoric, the construction of 'us' versus 'them,' causes religious polarisation because it comes across as 'us=good' and 'them=evil.' That's a problem because in those polarising rhetorical frames identities are formed.

There's always going to be protests and unhappiness about certain American actions and Western actions. Any actions that a nation takes in the name of its own security are going to cause anger and annoyance around the world, especially when that nation is the United States. What's important here are not the actions, but the rhetoric and symbolism that are wrapped around the actions, because it is through those that the actions are interpreted.

Islamism and Jihadism

Alan Johnson: Connected to this question of a cosmic war is the question of how we should think of those political forces that are called, variously, 'Islamist' and 'Jihadist.' Speaking at Bloggingheads TV you set out the difference, as you saw it, between 'Islamism' and 'Jihadism.'

'Islamism' is a political philosophy of Islam. It is the notion that Islam is a complete way of life, and that it is not just a religion but it is also an ideology of statecraft, of politics, of international relations, and the ultimate goal of Islamism is to create an Islamic state. Islamists are vastly different around the world. In some sense the Taliban were Islamists, but so is the AKP party in Turkey. And yet these two groups could not be any more different in their ideologies, their agendas, their goals, even in their version of Islam. So 'Islamism' is a very wide-ranging term that ultimately gets narrowed down to the idea that Islam should also play a role in the political sphere.

'Jihadism' is a completely different ideology. Jihadism is not interested in the Islamic state. In fact, Jihadists believe that the state, and nationality or nationalism is totally anathema to Islam. Their goal, ultimately, is to get rid of all national-states. They are a transnationalist organisation that wants to create a world-wide unified Umma, headed by a caliphate. Islamists and Jihadists are often at war with each other.

Some would challenge this analysis. They might say that the Brotherhood and Hizb ut-Tahrir are Islamist organisations but both believe, ultimately, in a global stateless Umma-identity and the desirability of a global caliphate. Al-Qaeda, while without doubt a jihadist organisation, derives its world-view from standard Islamist ideology. Sayyid Qutb remains the ideological pillar not just of the Brotherhood and the Hizb but also of al-Qaeda. These continuities and overlaps and commonalities are missed by this rigid separation of nationalist Islamists and globalist jihadists.

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And is it really the case that ‘Islamists’ concern themselves with the near enemy while ‘Jihadists’ attack the far enemy? In fact, Islamists, especially in Europe, are obsessed with the far enemy, while al-Qaeda sometimes attacks the near enemy. Are we describing two wholly separable forces, or are we looking at the two stages of one programme, and a division of labour? Perhaps the real difference lies in tactics and methods, i.e. the utility and legitimacy of violence and terror (no small thing, of course)? Perhaps the ideological and theological differences are relatively insignificant?

How do you respond to that kind of argument?

Reza Aslan: The goal of Islamists is to create a nation state founded upon an Islamic moral framework. When that aspiration is thwarted, and Islamists recognise that the goal of an Islamic state is impossible, their ideology can become globalised. In fact, Jihadism was itself originally an Islamist movement; even Zawahiri himself was a quintessential Islamist with no global agenda whatsoever. His sights were set solely upon Egypt and its transformation into an Islamic state. It was only after spending nearly a decade in Afghanistan that Jihadism turned from a movement focused on the near enemy to a movement focused on the far enemy.

So, yes, from Islamism to Jihadism is quite a natural progression. The question then becomes ‘how does one stop that progression?’ The answer to that goes back to when we were talking about religious nationalism as an unavoidable impulse. Turkey has no problem with Jihadism at all. There are a few violent ultra conservative radical Islamist movements in Turkey, but they have almost no following today, whereas in the 80s and 90s they were quite a problem. There is a simple reason for that shift: the success of an Islamist party that had the opportunity to put its ideas into society, and allowed people to judge them in a democratic way based on their record. That has essentially sapped any support for the more radical movements in Turkey. The flip side of the Turkish development is what happened in Algeria, where the FIS decided to put down its weapons and engage society democratically, and put their Islamism to the test so to speak, only to be violently thwarted. The result of that wasn’t just a decade long war that killed 200,000 people, but the rise of the most powerful Algerian militant group today, the GIA, which does not have a nationalist agenda, but is rather a Jihadist organisation with a violent global agenda.

Alan Johnson: Where does Hamas fit into that picture?

Reza Aslan: Hamas is an Islamist organisation not a Jihadist organisation. Jihadism and Islamism are opposite movements. The goal of Islamism is to build an 'Islamic state,' whatever that means. The goal of Jihadism is to get rid of all states, and to reformulate human society as a global utopia, what they would refer to as a 'caliphate.' They have vastly different goals and aspirations. The only thing they have in common is that they both use terror as a tactic, and they both identify themselves religiously. They have nothing more in common with each other. They can't be thrown into the same category. Not once has any member of al-Qaeda shown up in Palestine, or in the Palestinian territories. There is a very simple reason for that – they would not be dealt with very well if they did. But we can't wrap our heads around that for some reason. They're all Muslim, they're all terrorists, they all hate Jews, they all hate America, therefore they must be the same thing? Well, nothing could be further from the truth.

Alan Johnson: Recently, you said 'I think the time for a two-state solution has come and gone. I don't think there will ever be a Palestinian state' <http://www.hotpotatomash.com/2008/04/video-exclusive.html> What is there beyond the two-state solution other than endless conflict?

Reza Aslan: Even if a viable Palestinian state was on the horizon, there's almost nothing left of Palestine. Everyday, more and more of a future Palestinian state is being gobbled up by Israel. In two or three years there won't be anything worth calling Palestine, and I just don't see the Israelis making the short term sacrifices necessary to ensure their long term security. Almost every decision that the Israelis make – whether it's Labour, Likud or Kadima, it doesn't seem to matter – is based upon short-term security considerations. 'We want bombs to stop dropping on Sederot so we're going to raise Gaza to the ground.' Well, that may solve the short term problem, but it makes the issue of long term security for Israel that much harder to achieve. I don't feel very optimistic about the reality of a two state solution anymore.

Alan Johnson: So, what then?

Reza Aslan: Then we are talking about the end of Israel as a Jewish majority state. The notion that the existential threat to Israel comes from Iran is a joke. Iran is a third world country and cannot really threaten Israel. The notion that Israel's existential threat comes from Hamas is equally absurd. There is only one existential threat to Israel: demography. In twenty years, maybe less, there will be more Arabs

than Jews between the Jordan and the Mediterranean. If the status quo continues as it is now, Israel will no longer be a majority Jewish state; the very purpose of the state will cease to exist. It is confounding to me that this is not being treated as a much more urgent issue. If there is not a Palestinian state in the next two to three years then there may not be an Israeli state in twenty years.

Part 4: Responding to Critics

Criticism 1: Denial and apologia?

Alan Johnson: Ok, the first criticism comes from both Sam Harris and Irshad Manji. They both charge you with being in denial about the true state of Islam today, with the consequence that you end up – inadvertently, perhaps, driven by your optimism, perhaps – an apologist. In debate with you, Harris said:

What is interesting to me is the way in which your sophistication, your willingness to have a conception of religion and a conception of faith that is almost infinitely elastic, that is compatible with any mode of discourse, a conception which never allows us to call a spade a spade, is giving shelter to this kind of religious literalism.

What's troubling me is, I don't know where the line is between encouraging moderation, representing what Islam could be – Islam could be a religion of peace, perhaps, Jihad could be just an inner spiritual struggle and have nothing to do with holy war, and we have to raise a generation of Muslims who believe those things – and pretending that is already. [That's] problematic, because it isn't for so many millions of Muslims. It may be that if you pretend hard enough then you become what you pretend to be, and maybe that is part of the process, but we have to admit to ourselves that we are confronting the behaviour of a death cult among millions and millions of Muslims ... and a reflexive political solidarity in which Muslims side with other Muslims no matter how socio-pathic their behaviour simply because they are Muslim. We can't deny the problem while trying to encourage a more benign face of the religion.

The feminist writer and activist, and Muslim, Irshad Manji, has made a similar criticism. In response to your optimistic opinion that Islam is 'the most diverse religion in the history of the world,' she argues that today that diversity is 'in the shadows.' She observed that:

The reality is in the last 50 years alone more Muslims have been maimed and raped and imprisoned and murdered and tortured at the hands of other Muslims than at the hands of any foreign imperial power, and I believe mainstream Muslims have contributed to that reality through their complacency, passivity and denial. They are so quick to point the finger at outside entities – America, Israel, MTV, you name it, fill in the blank – that the mainstream Muslims (and not just the ‘Puritans’ which are a minority within Islam) have broken faith with that beautiful passage within the Koran, that states that God changes not what is within a people, or what is the condition of a people, until they change what is in themselves.

How do you respond to Harris and Manji’s charge that, as another reviewer put it, ‘his prognostication and current realities are utterly discordant.’

Reza Aslan: Sam Harris says that there is no such thing as a moderate Muslim, that all Muslims believe what Osama Bin Laden believes. And if a Muslim disagrees with bin Laden, then he or she is not really a Muslim (which is pretty much what bin Laden says). Harris thinks those Muslims that claim the mantle of moderate Islam are basically providing cover for Bin Laden. Not only do I find that to be offensive and illogical, I find it to be the most profoundly unsophisticated view. I have no respect for Sam Harris as a thinker or scholar. I find him to be absolutely unintelligible when it comes to religion and culture. It’s fascinating that somebody who is studying to be a neuroscientist has set himself up as an expert on religion. I don’t go around performing brain surgery on people because I haven’t been trained to do so.

It’s not my idea of religion as malleable and elastic that’s the problem; it’s his idea of religion as monolithic and fixed that’s the problem. From its first moment religion has been infinitely malleable to whatever situation and landscape it finds itself in. There is a reason why we refer to Hinduism, Islamism, Buddhism, Judaism and Christianity as the five great religions – because they have lasted. And they have lasted because they can be shaped into whatever form you want. When a religion ceases to change and evolve it disappears. To say that those who advocate a non-extremist version of Islam are doing nothing but promoting and giving cover to extremism is not only offensive, it’s frankly stupid.

Irshad finds Islam’s diversity to be under attack by radicalised versions of Islam, which she sees as dominant. The problem with that view is that it’s based on

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media depictions which, of necessity, focus on what is extraordinary. If it's not extraordinary, then it is not news! There are one and a half billion Muslims in the world, and we must put the movements of militancy, radicalism and even conservatism in that context. Anyway, those movements, which were on the rise, may have begun to decline. In 2006 and 2007 a lot of people that had identified with the Jihadist movement began looking at Iraq and thought 'this has gone too far.' Even Dr Fadl, one of the founders of the Jihadist movement, has issued a rant condemning Jihadism altogether. I think we are seeing something akin to what has happened to the American neo-conservative movement – Jihadism has also begun to swallow itself.

All we ever hear is about is radicalism, because radicalism is newsworthy. But anyone who has done the kind of field research that I have done, or other scholars of Islam have done, can see there's a difference between that and the dominance of radicalism. Irshad hasn't done the research because she is an activist not a scholar.

Criticism 2: Evading Islam?

Alan Johnson: Andrew Bostom has argued that Islam, in both the sacred texts and the history, has been guilty of anti-Semitism. He argues that 'alongside the general attitude to non-Muslims there was a specific anti-Jewish animus, which comes from the foundational texts.' Christianity was anti-Semitic too, he points out, but while Christianity has done much to face up to this problem, Islam has not. Why, in your view, is he wrong?

Also, Bostom and others claim that those founding texts, provide much more of a basis for violence than we have been prepared to admit. He said in interview with Democratiya:

The final abrogating revelation, Sura 9, is a chapter of open-ended war proclamations, and it's not confined to specific historical instances. Some of the initial Koranic revelation is related to specific events, yes. But Sura 9 is about a timeless Jihad. We are not talking about circumscribed events and accounts when the Israelites conquered Canaan. What you have in the most warlike and bloody sections of the Old Testament, such as Joshua, are really history-bound descriptions. They are not timeless injunctions. This difference really matters. Take the question of Paganism, and compare the Koran to the Old Testament. The Old Testament condemns Paganism but

it does not invoke an eternal war against all the world's Pagan peoples, like Koran 9:5. The bloody Old Testament campaigns relate to a very specific piece of real estate. They are not open-ended and they don't look to the entire world.

Actually, this argument can be found on the left, too. Perry Anderson, writing in the flag-ship journal of the Marxism, *New Left Review*, pointed out that:

Since Muhammad clearly enjoins jihad against infidels in Holy Places, latter-day Salafism – notwithstanding every effort of Western, or pro-Western, commentators to euphemize the Prophet's words – is on sound scriptural grounds, embarrassing though this undoubtedly is to the moderate majority of Muslims.

How do you respond to these arguments?

Reza Aslan: First, I would like to emphasise that there is no text in the history of religions that is more positive to other religions than the Quran. The idea that there is some anti-Semitism – which of itself is a silly thing to say as Arabs are Semites – is a complete misreading of the Quran. Yes, the Quran is quite ruthless to disobedient Jews and disobedient Christians, but that's the whole point of scripture, is it not? Look, nothing that Mohammed says about the Jews in the Quran matches what any of the great Hebrew prophets say about the Jews. At no point does the Quran refer to the Jews as a brood of vipers. There is no more horrific, bloody, despicable piece of scripture than the Old Testament when it comes to violence, racism and xenophobia. Now, many followers of Christianity and Judaism take those texts quite seriously. This is certainly true of the radical settler movements that we are seeing in the occupied territory, who take the notion of ethnic cleansing, the foundation of the Torah 'to put to death all that do not worship our way.' But the vast majority of Jews, of course, read that in context, and interpret it however they see fit.

I think the problem here is that there is a general misunderstanding of what scripture is. Scripture is a neutral thing with absolutely no meaning beyond the individual's encounter with it. Scripture says what the reader thinks it says. In the United States, a couple of hundred years ago, both slave owners and abolitionists used the exact same verses to justify their arguments. To reject a reformist or a progressive Muslim's interpretation of scripture as invalid because it interprets away certain violent sections, but then to accept a radical or puritanical interpretation of

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the same scripture because it accepts those violent elements – whilst it interprets away the pluralistic and progressive elements of scripture – is ridiculous. Bostom's approach is actually the same as Bin Laden's.

Bostom's discussion of 'abrogation' illustrates why a little bit of knowledge can be a dangerous thing. The idea of abrogation – that later verses of the Quran abrogated earlier verses – is often used by people like Bostom when discussing what Islam actually means, but they don't understand that abrogation is itself merely an exegetical tool that was *invented* by second and third generation Islamic scholars. First of all, we don't know what verses came first and what came second. We are just guessing! Second, we have multiple examples of peaceful verses that abrogate violent ones, for instance the verse that says 'there shall be no compulsion in religion' is one of the absolute last verses of the Quran to be revealed. The truth is that the Quran, like all scriptures, is full of contradiction and paradox. Hundreds of years after the death of the prophet Mohammed, scriptural scholars trying to reconcile these apparent contradictions came up with the idea of 'abrogation.' It was their way of explaining away why one verse says 'a' and one verse says 'b,' why one verse promotes peace and another verse promotes war.

The early Christian scholars looked at the New Testament, then looked at the Old Testament, and recognised the irreconcilable contradictions between the two texts. The answer they came up with was 'fulfilment,' that Jesus fulfilled the laws of the Old Testament. These are all *human* constructions, born from a necessity to strip away the paradoxes of scripture. And by the way, the people who actually put the text together couldn't care less about the paradoxes! There are four gospels in the New Testament, which vastly contradict themselves concerning the chronology of Jesus life, the events of his birth, the date of his death, and all kinds of other things. It wasn't that the early church fathers didn't realise these contradictions were there. It was that they didn't care. The same is true of the Quran. The compilers of the Quran deliberately went out of their way to make sure that there was no attempt to make sense of the text. It was almost randomly compiled from longest to shortest chapters without any attempt at chronology, or theme, or commentary. All of that came when later generations tried to make sense of this opaque text. So, someone like Bin Laden – or Bostom, who comes from the exact same viewpoint when it comes to his understanding of Islam – will pick the verses that they feel are representative of the entire text and ignore everything else. And the flip side of this is also true. The modernists and progressives will pick the verses that they feel are

most representative of what the Quran is and ignore the rest. That's human nature, and goes back to the fundamental issue – religion is what you say religion is.

Criticism 3: Mis-identifying the 'moderates?'

Alan Johnson: Irshad Manji has argued that you tend to present organisations that are part of the problem as part of the solution. The consequence, she thinks, is that you mask the true state of affairs. She thinks we must start by distinguishing 'moderate Muslims' from 'reform-minded Muslims,' a distinction you elide, in her view.

The moderates are actually the establishment in America and they are part of the problem. What really ought to be asked is where are the reform-minded Muslims. Moderates denounce terror that is committed in the name of Islam but they deny that Islam has anything to do with this violence. Reform-minded Muslims condemn Islamist violence and acknowledge that our religion is being used to help incite the violence that is committed in its name. When the moderates say 'this has nothing to do with Islam,' in effect they abandon the ground of theological interpretation to those of malignant intentions. They wave a white flag to those who are abusing Islam. They are saying to terrorists of the Islamic variety, that we as mainstream Muslims will not challenge you with bold competing interpretations of the Koran. So you guys can walk away with the show. Reform-minded Muslims on the other hand step up to the plate and say we have got to reinterpret the violent passages of the Koran in much the same way that liberal Christians have done with the violent passages in the Bible, and reform-minded Jews have done with the violent passages of the Old Testament. And reinterpreting does not mean rewriting. It means rethinking the words that already exist. Islam not only permits such rethinking, it encourages it. (...) Most of the organisations Reza reels off, through their denial, are giving the extremists a blank cheque. Reform-minded Muslims challenge the extremists, and often pay for it.'

How do you respond to her criticism?

Reza Aslan: What Irshad means is that a reform-minded Muslim is someone that agrees with her, and a moderate Muslim is someone who doesn't. What she is really referring to here is the difference between progressive and conservative interpretations of religion. Religion, by definition, gravitates towards conservatism,

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especially religious institutions. Progressive ideas tend to be the purview of individuals that have divorced themselves from the institutional structures of their faith, and so naturally they're going to be in a far better position to be experimental with regard to religious interpretation. For instance, for a lesbian like Irshad, the institutions that apply a very conservative idea of sexuality that's found in the Quran and in Islamic thought and tradition are problematic precisely because they have a traditional conception of religion and sexuality. Progressive groups, by contrast, are not bound by any forms of tradition.

Alan Johnson: What are you working on now?

Reza Aslan: My next project is one I am very excited about. It's a book published by Norton here in the United States called '*Words Without Borders*.' It's an anthology of contemporary literature from the Middle East: works of poetry, prose, fiction and non-fiction translated from Arabic, Turkish, Dari, Urdu, and Persian. The idea is going to be to put it together in a very accessible way, to tell the story of this region over the last century through its literature. A lot of this literature has never been anthologized, let alone translated, before. We have a cadre of translators working night and day making English translations of this work. It will hopefully appear in the fall of 2010. I am also working on a historical novel. It is set at the turn of the first millennium and follows a caravan from the Arabian Peninsula to India, and it has to do with the Arab discovery of the number zero.

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Stop Political Terror in Russia

Editors: I enclose an urgent appeal from the Praxis Research and Education Center in Moscow to help 'Stop Political Terror in Russia' – written after one of our close collaborators, a human rights lawyer, was murdered in a Moscow street last week. You can help by forwarding this appeal to others and by sending a personal protest to the Russian Federation Embassy. Please see email addresses and model protest letter below.

Russian Embassies:

russianembassy@mindspring.com (US), and
office@rusembon.org (UK)

Model Letter

Mr. Ambassador, I am writing to express my concern about the Jan. 19 assassination of human rights lawyer Stanislav Markelov and young anti-fascist journalist Anastasia Baburova in Moscow in an atmosphere of increasing nationalist violence and legal impunity for killers. Please urge your Government to take strong and effective measures to reign in fascist violence, bring the perpetrators to justice and prevent future assaults on journalists, lawyers and human rights advocates – scandalous political crimes that seriously undermine the credibility of the Russian Federation in the international sphere. (signed, etc)

P.S. I also invite you to become part of an emergency email list I am creating to support Praxis and free thought against increasing repression in Russia. As many of you know, Praxis established the Victor Serge Public Library in Moscow back in 1997 to make non-Stalinist left-wing books in different languages available for the first time to Russian scholars and activists. Over the past ten years, Praxis has translated and published for the first time in Russian several works of Victor Serge as well Voline's *Unknown Revolution*, Rubels *Marx Against the Marxists* collections of papers of our annual International Conferences in Russia and Ukraine. Praxis also participates in social movements fighting for human rights and freedoms, social justice, popular self-government, environmental justice etc and puts out a paper, *Radical Thought* (now on line since our printer refused to print our criticisms of the government). Last week, the authorities informed us that the Serge Library (with

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over 6,000 books) is being evicted from the premises we occupy in Moscow, where for both political and financial reasons space is extremely difficult to find.

Please visit our Praxis website (in five languages) at www.praxiscenter.ru If you wish your address to be added to this emergency list, please send me back this email with the words 'Support Praxis.'

Yours in solidarity,

Richard Greeman,
Secretary, Victor Serge Foundation
Montpellier, France



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