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Thresholds of Atrocity: Liberal Violence and the Politics of Moral Vision

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THRESHOLDS OF ATROCITY:
LIBERAL VIOLENCE AND THE POLITICS OF MORAL VISION

by

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ABSTRACT

THRESHOLDS OF ATROCITY:
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Kristofer Jens Petersen-Overton

Adviser: Professor Carol Gould

All political communities set normative limits to the acceptable use of force. A threshold of atrocity indicates the point at which acceptable violence meets the boundaries of the unacceptable. In liberal democratic states such norms are ostensibly set higher. Hence, there is a theoretical threshold to the modern state’s ability to act in ways that violate norms it claims to uphold. Paradoxically, thresholds of atrocity are almost never breached and unconscionable violence occurs regularly. This study seeks to explain the persistence of extreme violence by developing a theory of atrocity grounded in moral vision. Liberal democratic nation-states are able to commit atrocities because they obscure these acts literally and metaphorically. Disguising violence in liberal democratic nation-states is further facilitated by the bureaucratic dispersion of responsibility characteristic of liberal nationalist ideology in particular, the conversion of liberal ideals into national myths, the mediation of moral information via a compliant news media system, and the adoption of technological means of violence that are inherently difficult to “see.” This raises an inescapable conclusion with radical normative implications: a great deal of the violence we presently tolerate as acceptable ought to instead be challenged as atrocious.
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I. LOOKING: At the Threshold of Atrocity

“It will be seen again and again how characteristic of the whole process that we call civilization is this movement of segregation, this ‘hiding behind the scenes’ of what has become distasteful.”

Norbert Elias

“There is no document of civilization which is not at the same time a document of barbarism.”

Walter Benjamin

Unconscionable Violence

All political communities set normative limits to the acceptable use of force. While human history is steeped in relentless mass slaughter, veritable orgies of sanguinary rage, some acts of violence are thought to go too far. At best, transgressions of these limits are met with widespread disapproval; at worst, revulsion, shock, and horror. The point at which acceptable violence meets the boundaries of the unconscionable I call a threshold of atrocity. Organized violence must always contend with the social reprobation passing beyond a threshold of atrocity implies. No political community has ever sanctioned unrestrained bloodletting as an end unto itself, not even the most warlike. While these unwritten social norms are informal, they have nevertheless acted as constraints on the use of force in practice throughout human history.

To argue that violence is constrained by thresholds of atrocity might appear counterintuitive. History is rife with examples of violence that appear unrestrained by contemporary standards. One can scarcely ignore the apparent historical recurrence of what Primo Levi called “useless violence,” i.e. violence that advances no discernible military objectives and instead seems only to gratify sadistic impulses.¹ No doubt, human communities have upheld and justified shocking levels of brutality against their enemies. Moral philosophers have occasionally concluded from the viciousness of human behavior that there cannot possibly be objective moral standards on matters of violence or indeed on the nature of good and bad

itself. As one representative account puts it, “We learn that all kinds of horrible practices are in this, that, or the other place, regarded as essential to virtue.”

We find that there is nothing, or next to nothing, which has always and everywhere been regarded as morally good by all men. Where then is our universal morality? Can we, in the face of all this evidence, deny that it is nothing but an empty dream?²

In the chapters that follow, I would like argue that there are indeed very good reasons for denying that it is an empty dream.

Against the grisly record of history, we tend to think we know atrocities when we see them, that we are able to intuitively separate atrocious acts from the merely bad and thereby reserve for the perpetrators of those acts a special moral condemnation. Certainly, if we limit our reflections to particularly egregious manifestations of human violence (especially from the pacific serenity of our armchairs), moral judgment appears to be a deceptively straightforward affair. Of course genocide is wrong! Of course torture should not be a tool of state policy! How civilized we have become! We cannot fathom the torrents of blood spilled by our poor, ignorant ancestors in virtually all pre-modern societies and we congratulate ourselves for the moral progress this suggests. Yet, if one looks very closely into even the most gruesome historical cases, a rough framework governing the use of force usually reveals itself, offering insight into the toleration of acts that might, under very different circumstances, have instead been regarded as aberrant and atrocious. What is more, these norms are not so very different from our own shaky assumptions about the origins of violence and atrocity.

Thresholds of atrocity vary dramatically across time and space, but it is nevertheless possible to identify patterns. For instance, while war-making has been a reliable adjunct to human civilization over the broad span of its existence, war itself has been commonly viewed as

an unfortunate byproduct of the human experience, if not outright condemned as a lamentable evil. Where regulations governing the practice of warfare have been codified to a reasonable degree, the general social prohibitions to which these standards give expression remain strikingly similar across cases.\(^3\) This tells us something important—dare we say universal?—about prevailing moral concerns.\(^4\) Still, the formal or informal constraints placed upon the practice of warfare specifically are not the focus here. This study is instead concerned with the evolution of moral norms that would classify some forms of violence as acceptable, even desirable, and others as \textit{unjustifiable under any circumstances imaginable}, i.e. atrocities.

The unjustifiable nature of atrocities versus war in general is a crucial distinction. Few moral philosophers are prepared to argue that war is always unjust, but it would be difficult to find anyone, even the most dedicated act-utilitarian, who believes the perpetration of atrocities can ever be morally justifiable.\(^5\) From the Latin \textit{atrox}, meaning heinous, cruel, or severe, the very word \textit{atrocity} implies excess by definition. An atrocity is that which cannot be justified. The concept of justification of course relies on a consequentialist moral rubric; it looks to ends and outcomes. To the extent that conventional violence helps achieve a good state of affairs, some would argue it can be justified. “Violence,” as Arendt famously writes, “can be justifiable, but it


\(^5\) One influential account argues against the notion that atrocities are morally justifiable within an act-utilitarian framework: “Where the tyrants who cause atrocities for the sake of Utopia are wrong is, surely, on the plain question of fact, and on confusing probabilities with certainties. After all, one would have to be very sure that future generations would be saved still greater misery before one embarked on such a tyrannical programme. … We can, in fact, agree with the most violent denouncer of atrocities carried out in the name of Utopia without sacrificing our act-utilitarian principles.” J.J.C. Smart and Bernard Williams, \textit{Utilitarianism: For and Against} (New York: Cambridge University Press, 1973), 63–64. For a rule-utilitarian discussion of moral conduct in war, see R. B. Brandt, “Utilitarianism and the Rules of War,” \textit{Philosophy and Public Affairs} 1, no. 2 (Winter 1972): 145–65.
will never be legitimate.”

But what about forms of violence that are neither justifiable nor legitimate? Surely this unspoken counterpart to Arendt’s maxim must be that which lies beyond a threshold of atrocity. This study is interested first of all in what makes an atrocity atrocious and, by extension, why atrocities persist despite apparently strong and persistent moral prohibitions.

In this, the introductory chapter of my study, I have two aims. The first is to demonstrate the existence of minimal norms governing the use of physical force throughout history. By doing this, my claim that all political communities establish thresholds of atrocity should become plausible. While it is virtually impossible to know for sure how certain forms of violence would have been interpreted by our ancestors across all levels of society, one can learn much from proto-legal standards set against some violent practices at different times and in different places.

At no time in human history has violence ever been unaccompanied by basic norms of conduct. Rather, in case upon case, standards emerge that proscribe some forms and targets of violence. Examples include the desecration or mutilation of corpses, killing those who lay down their arms, killing women and children, killing noncombatant men, killing in violation of treaties, killing clerics, the destruction of holy sites, and cannibalism, to name just a few of the most commonly proscribed practices. Indeed, the concerns taken up by contemporary international law are not so very different. While ancient and pre-modern norms were by no means uniformly recognized or even enforced, their existence demonstrates that the myth of human prehistory as a time of absolute and unhinged violence is just that, a myth.

The second aim of this chapter is to introduce the concept of a threshold of atrocity developed in subsequent chapters. Adapting Norbert Elias’s work on thresholds of shame and

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repugnance, I argue that a threshold of atrocity can be stretched, perhaps indefinitely, by moving practices out of sight—literally and metaphorically. Elias traces the emergence of European social mores governing sexual behavior, bodily functions, and table manners as these practices evolved according to what he calls the “civilizing process.” Thresholds of shame and repugnance inevitably shift over time, rendering practices long tolerated suddenly unacceptable, impolite, or simply uncivilized. By his account, many of these standards were instigated by courtly practices that originally served to distinguish and underscore class associations along with their attendant practices.

Following Elias’s lead, I emphasize literal and metaphorical vision as a key moral component to a coherent theory of atrocity. Elias’s argument is often misread as one that draws observations about qualitative changes in social practices, but the process he describes is far less linear. More often, the changes he describes are of a superficial quality and leave the essential core intact. Some social practices move out of sight, others cease, while still others carry on as before under a different guise. His work helps us to understand not only how norms against certain forms of violence arise, but also how the perpetrators of horrific violence are able to disguise their behavior by circumventing the threshold, moving their unsavory activities beyond phenomenological reach.

*The Spectre of Melos*

In 416 BCE, during the second phase of the Peloponnesian War, Athens committed an act of atrocity that has since become legendary. While aggressively pursuing expansionist designs beyond its immediate borders, the putative Athenian empire redoubled military efforts in the Cyclades. When the residents of the island of Melos asked to retain formal neutrality in the war, their appeals were rebuffed. Instead, Athens offered the islanders a chilling ultimatum:
submit or face annihilation. Thucydides famously restated the cruel and calculated position expressed by Athens in response to Melian protestations:

[E]ach of us must exercise what power he really thinks he can, and we know and you know that in the human realm, justice is enforced only among those who can be equally constrained by it, and that those who have power use it, while the weak make compromises.7

Faced with servitude or death, the Melians opted for the latter. True to their word, the Athenians swiftly crushed the resistance, slaughtered all the men of military age they could capture, sold the women and children into slavery, and repopulated the island with 500 colonists. Some have described the ruthless episode as an early instance of genocide.8 Certainly, the might-makes-right mentality expressed by the Athenians remains a favored illustration of cold-blooded power politics, particularly among proponents of the realist school of international relations theory.9

How would the average citizen of Athens have perceived the slaughter at Melos? Unwilling as ever to express his personal views of the events he recounts, Thucydides nevertheless provides clues as to what he must have regarded as unusual behavior. Helen Law writes that in his account of the sack of Mycalessus, during which Thracian forces allied with Athens slaughtered and pillaged despite the city’s surrender, Thucydides “shows that such a massacre of inhabitants and destruction of a city was not merely unusual but a unique instance and distinctly barbarian rather than Greek.”10 The attack included the highly unusual killing of

not only men but also women and children, the aged and infirm alike. Such brutality was typically reserved only for revolting colonies. Neutrality was generally respected and there is evidence that some were dismayed by Athens’ violation of this norm.

Euripides’s play *The Trojan Women*, produced shortly after the massacre at Melos, has been widely interpreted as an allegorical critique of Athens’ proto-genocidal outburst.\(^\text{11}\) The play centers on several Trojan women after their city is sacked, their husbands killed, and many citizens taken as slaves. In one scene, Poseidon condemns excessive and wanton violence:

That mortal who sacks fallen cities is a fool
if he gives the temples and the tombs, the hallowed places
of the dead, to desolation. His own turn must come.\(^\text{12}\)

Xenophon also offers a glimpse into popular perceptions of Athenian brutality. As Athens faced defeat near the end of the war, he writes that citizens expressed fear over the retribution in store for them over Melos specifically as well as other ravaged communities:

[D]uring that night no one slept, all mourning, not for the lost alone, but far more for their own selves thinking that they would suffer such treatment as they had visited upon the Melians, colonists of the Lacedaemonians, after reducing them by siege, and upon the Histiaeans and Scionaeans and Toroneans and Aeginetans and many other Greek peoples.\(^\text{13}\)

If they had not previously considered the moral implications of Athenian cruelty, defeat forced Athenian citizens to fear the looming repercussions.

If we look to other cases besides the extraordinary brutality of the Peloponnesian War, we find that conventional warfare does not seem to have been treated as a good unto itself in

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\(^{11}\) For a sophisticated account of *The Trojan Women* as a cypher for Euripides’ own political sensibilities, see N.T. Croally, *Euripidean Polemic: The Trojan Women and the Function of Tragedy* (New York: Cambridge University Press, 1994).


antiquity. This does not mean, however, that war was not widely perceived as useful for achieving glories; it was. Greek society, including even Plato and Aristotle to some extent, embraced warfare as the “essence of a civic militarist ideal.”\textsuperscript{14} Still, a recognition of potential glories to be claimed within the norms of conventional warfare is not at all the same as advocating war as an end in itself. For the Greeks, war could be justified only on the assumption of worthy objectives. We see this in Herodotus, for example, when the victorious Persians ask the captured Lydian King Croesus why he chose to attack them. He replies: “The god of the Greeks encouraged me to fight you: the blame is his. No one is fool enough to choose war instead of peace—in peace sons bury fathers, but in war fathers bury sons.”\textsuperscript{15} Though sometimes necessary or inevitable, war still was not preferable to peace. As Zampaglione writes, “Although they judged [war] a legitimate instrument for settling disputes between communities, the Greeks were in no doubt that it was a \textit{painful} necessity.”\textsuperscript{16}

Even the bloody Homeric epics reflect this pacifist sentiment to a degree. While \textit{The Iliad} is, at heart, a story about vendetta and mass slaughter on a staggering scale, the “poem of force”\textsuperscript{17} nevertheless contains occasional but emphatic anti-war messages. “At the very least,” Creer argues, “[\textit{The Iliad} is] an example of the sorrows and horrors of war, if not an outright indictment of it and of the kingly powers which promote its being waged.”\textsuperscript{18} The Olympian gods,

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despite lending their assistance to various factions over the course of the Trojan War, all seem to agree the war itself was regrettable. Zeus openly denounces his son, the war god Ares, for his reckless pursuit of destruction for destruction’s sake: “You—I hate you most of all the Olympian gods. Always dear to your heart strife, yes, and battles, the bloody grind of war.”19 No stranger to conflict himself, Zeus remained nevertheless intolerant of war as an end.

Such moments are easy to overlook given the sheer abundance of carnage depicted in Homer’s epic, instances of cruelty so disturbing they verge on psychopathy. When Menelaus is prepared to spare the life of a Trojan soldier defeated on the battlefield, Agamemnon intervenes, slays the man on the spot, and furthermore calls for what we would now call genocide:

Why such concern for enemies? I suppose you got such tender loving care at home from the Trojans.
Ah would to god not one of them could escape his sudden plunging death beneath our hands!
No baby boy still in his mother’s belly, not even he escape—all Ilium blotted out, no tears for their lives, no markers for their graves!20

These bellicose moments are nevertheless tempered by a clear recognition that war is a lamentable enterprise. Menelaus, the only character with any meaningful stake in the war, expresses his desire for a hasty end to the violence. To this, the Achaean and Trojan forces respond with relief that the “agonies of war” would soon be at an end.21

The Homeric epics are obviously not strict historical accounts. We must consider them in their artistic context, as legendary versions of events long past even in their own time. Legends are prone to exaggeration and the historicity of the events Homer describes in The Iliad is disputed. If the era of Homeric heroes witnessed even a small fraction of the violence depicted, it

20 Homer, Iliad 6.66-70.
21 Homer, Iliad 3.135-136.
is unclear how such bloodbaths would have been perceived by ordinary people—the peasant masses struggling to survive as sanguinary fury engulfed their lives. While those who participated in the warrior society may indeed have shared Agamemnon’s bloodthirsty rapture, it is less obvious that his enthusiasm would have extended across all sectors of society, especially among those who stood to suffer immensely from the prospect of war.

Already in *The Iliad*, there are clear indications of a desire to regulate bloodshed, to set limits on organized brutality by separating acceptable violence from unacceptable violence. *The Odyssey* goes further in this regard; the warriors agree to ban the use of poisoned arrows and prisoners of war receive much better treatment, ransomed rather than executed. There are two issues we must acknowledge, however: first, the general distaste for conventional war does not rise to its absolute prohibition. War is thought to be necessary on occasion, e.g. wars of defense, retaliation, survival, glory, etc. Second, notwithstanding the reluctant endorsement of war, some violent practices are nonetheless thought to be unacceptable under any circumstances. Hence, the early attempts to condemn some forms of violence as atrocious even in the midst of the already unpleasant endeavor of war.

The impetus behind the second issue may have stemmed from moral, religious, or instrumental objections, but it is here we find some of the very earliest attempts to set prohibitions governing the use of force. Though we tend to think of antiquity as a period of “total war,” devoid of any restraints on the practice of war-making, the reality was quite the opposite. Bederman argues that “the enemy–foe distinction [in antiquity] tended to privilege public combatants, and that that extended to deeply observed restraints on the conduct of hostilities.”22

Public war against a common foe was not, at least notionally, a license for the suspension of the norms of human decency. *Excesses, atrocities, and outrages were to be expected.* But that was very different from imagining that they were to be the norm in warfare.

Even the Israelite tradition of compulsory war, pursued with the single-minded purpose of exterminating the enemy without any restraints on the means or objectives of conflict, gave way to something different over time. Greek and Roman practices, although by no means uniform or civilized, showed the same progression.\textsuperscript{23}

We should also acknowledge that wherever standards governing the use of force arise, they tend to reflect the particular interests of the society (and especially the class) from which they emerge. As already mentioned, the glorification of war depicted in Homer via Agamemnon reflects the interests of a pre-Homeric warring aristocratic class, for whom war was widely perceived as a path to honor and glory. Obvious limitations prevent us from knowing how this might have differed from society at large. As Weeks points out, “the writing of history seldom includes description of the feelings of common folk.”\textsuperscript{24}

A large number of such hoi polloi were the people, after all, who made up the audiences of performances staged in the huge outdoor theaters of ancient Greece and Rome. Literate people, that tiny minority in ancient times, must also have been affected by what they read from the pens of those few writers of the “intelligentsia,” who found killing in war to be repugnant.\textsuperscript{25}

The moments of hesitation concerning unrestrained brutality that do exist in later antiquity then surely offer a glimpse into attitudes that must have been more in line with the concerns of wider society. Moreover, the very existence of an “intelligentsia” reflects the shift in political power away from Homeric warlords to the popular orientation we now associate with the rise of the polis and especially the robust cultural life of Athenian society.

None of this is to say that popular attitudes necessarily translated into tangible constraints on the use of force in practice. It is important to separate the existence of long term agreements or formally recognized standards of conduct across the classical world—of which there were

\textsuperscript{23} Ibid., 248. Emphasis added.
\textsuperscript{24} Albert L. Weeks, The Choice of War: The Iraq War and the “Just War” Tradition (Santa Barbara, CA: ABC-CLIO, 2010), 15.
\textsuperscript{25} Ibid.
none as far as we know—and a body of informal normative standards which did exist in various forms. Violating these informal norms would have been justifiable cause for indignation. So while none of the surviving evidence provides what we might identify as an early form of international law, it does show that norms of behavior existed at all levels of Greek society, not merely during war but in multiple areas of life. As they pertained to war specifically, these standards were by the late fifth century BCE referred to as the *koina nomina*, or common customs, of the Hellenes.  

Ober sums up what he believes represented “in descending order of formality” the most important among these standards:

- The state of war should be officially declared before commencing hostilities against an appropriate foe; sworn treaties and alliances should be regarded as binding.
- Hostilities are sometimes inappropriate: sacred truces, especially those declared for the celebration of the Olympic games, should be observed.
- Hostilities against certain persons and in certain places are inappropriate: the inviolability of sacred places and persons under protection of the gods, especially heralds and suppliants, should be respected.
- Erecting a battlefield trophy indicates victory; such trophies should be respected.
- After a battle it is right to return enemy dead when asked; to request the return of one’s dead is tantamount to admitting defeat.
- A battle is properly prefaced by a ritual challenge and acceptance of the challenge.
- Prisoners of war should be offered for ransom rather than being summarily executed or mutilated.
- Punishment of surrendered opponents should be restrained.
- War is an affair of warriors, thus noncombatants should not be primary targets of attack.
- Battles should be fought during usual (summer) campaign
- Use of [non-standard] arms should be limited.
- Pursuit of defeated and retreating opponents should be limited in duration.  

It appears that hundreds of years after the Homeric era, the standardization of war conduct was already quite well-established. The role of religion in ancient Greece was an especially important

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26 See Thucydides, 3.59.1. Euripides Heraclidae 1010
factor underwriting the legitimacy of these norms, as is clearly reflected in the standards above involving the desecration of temples, proper funerary practices and handling of corpses, the sanctity of treaties, and the inviolability of heralds. Several of these standards seem merely to facilitate practical matters that would have appealed to the warring classes but been largely matters of indifference to civilians and peasants.

These standards reflect a general desire for fairness that is admittedly rare in Homer’s epics, where there are no distinctions to be made between Greek and barbarian, no specified warring season, and in which dirty tricks like the notorious Trojan horse are apparently valid strategies. But would violation of these norms inspire mere indignation or would grievous violations evoke great distress among warrior and civilian alike? How were minor transgressions considered next to serious violations? It is difficult to know for sure but it is at least clear that proto-humanitarian concerns were not a novel prospect for the Greeks. Nevertheless, these standards offer a glimpse into only a very narrow sector of society and tell us little about the average citizen, and still less the average woman or slave. Whatever the threshold of atrocity, Ober argues that the *koina nomina* were largely respected in the practice of Greek warfare between 700 and 450 BCE and then broke down during the Peloponnesian War with the atrocities like the one at Melos. While the century immediately following the war experienced the gradual erosion of these standards in practice, by no means should we assume that they disappeared as normative ideals.

Similar “cultural regulations of violence” developed beyond Greece as well.28 Crowe offers a comprehensive survey of atrocities in the pre-modern world with important developments in norms of conduct beyond the Greeks, including the Assyrian, Egyptian,

Hebrew, Persian, Indian, and Chinese civilizations. It is well beyond the scope of this chapter to comprehensively recount every historical case, but several notable examples are worth mentioning. In every case Crowe cites in the pre-modern world, norms governing the use of force arose to set limits and restrain what was perceived as more extreme forms of violence.\textsuperscript{29}

The Sumerian-Akkadian poem, the *Epic of Gilgamesh* suggests that war itself was permissible only in self-defense or commanded by the gods but that once initiated, there were virtually no restrictions on its prosecution. By some accounts, ancient Egypt’s imperialistic New Kingdom avoided the summary execution of defeated enemies and instead encouraged combatants to either cut off a limb or take them as slaves. The Hebrews, in a pattern that remains constant across many societies, seem to have tolerated nearly unrestrained violence against enemies, placing limits only on inter-Jewish violence. In Persia, Cyrus II the Great was apparently regarded as a much more humane ruler than his contemporaries and immediate predecessors, and there are numerous other examples.\textsuperscript{30}

We should be wary of overstating the case. Antiquity was an undoubtedly bloody place with forms of physical violence that would horrify us today. As far as we know, until the rise of Christianity and the development of just war theory, no one with the means to do so raised major objections to the horrors of war, whether defensive or aggressive. While the Romans introduced the limited concept of *humanitas*, no equivalent notion existed in ancient Greek.\textsuperscript{31} A general acceptance of war as a reality of life seems to have prevailed instead.

Nevertheless, the informal norms that did emerge in antiquity and elsewhere around the world are the precursor to contemporary international law, and military practice has evolved on


\textsuperscript{30} I rely on Crowe’s account in this paragraph. Ibid.

lines first established there. The basic technological innovations of war leading away from spears and swords to guns and bombs has dramatically increased the distance between combatants. Unmanned aerial vehicles are only the latest in a series of technological revolutions that have dramatically altered the prosecution of military violence. In part because of these changes, many would argue that there has been a gradual diminishing of human violence over the centuries, both qualitative and quantitative, as many brutal practices have been recognized as objectively immoral and unacceptable. At least until the horrors of the twentieth century unsettled this optimistic view of moral progress, conventional wisdom seems to have regarded contemporary human behavior as more “civilized” than that of our forebears. It is to this question we now turn.

Vision and the Civilizing Process

Recent empirical research seems to demonstrate that violence throughout history—including mass atrocity—has declined over the centuries and plummeted with the emergence of industrial capitalism and the rise the modern state. In a book that received a great deal of attention outside the academy, Harvard neuroscientist Stephen Pinker argues “the artifices of civilization have moved us in a noble direction.”32 Citizens of modern democratic nation-states, he argues, are much less likely to suffer a violent death than were their pre-state tribal ancestors. According to Pinker, “violence has declined over long stretches of time.”33 This salutary change has ushered in not only a more peaceful world, but perhaps “the most peaceable era in our species’ existence.”34 In his view, the average daily brutality of pre-modern times far exceeded anything we see today, notwithstanding either the horrors of the prior century or the grisly

33 Ibid.
34 Ibid., xx.
content of our Twitter feeds. Before the modern state (and especially the liberal-democratic state) imposed social order, human existence very much resembled a Hobbesian state of nature; a great many lives ended violently. Because of its emphasis on the order-making power of the modern Leviathan, we can call this a neo-Hobbesian argument.

While the numbers remain a matter of some dispute, let us assume Pinker is correct in his basic claim that violence has declined. At least as a percentage of the population, perhaps it is true that fewer people are brutally murdered by covetous neighbors today than during the Bronze Age. Leaving aside the immense violence that has typically accompanied state-formation, perhaps it also true that the modern state bears a great deal of responsibility for this change. Perhaps it is even true, as Pinker argues strenuously, that the liberal-democratic state contributes to the pacific changes he sees. Even if we concede all these points, Pinker’s argument remains incomplete.

While the crude percentage of violent deaths may have plummeted, the numbers have not and the technological potential for human aggression has dramatically increased—whether via the lingering threat of total annihilation posed by the development of nuclear weapons or weapons designed to “humanize” war like so-called smart bombs and unmanned aerial vehicles. Moreover, some find the emphasis on statistics a crude rubric for measuring moral progress. As the political theorist George Kateb writes in response to those who would celebrate a supposed decline in violence on the basis of statistics alone, “such a concern for percentages rather than for

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absolute numbers is, in fact, part of the mentality that makes large-scale atrocities possible. The failure to take seriously nothing but percentages shows a callousness that is part, though a familiar part, of the story of humanly inflicted suffering all through time." Scholarship that attempts to reduce the complexities of human affairs to statistical analysis risks producing crude conclusions. When considering the apparent exception to his argument presented by the horrors of the twentieth century, Pinker writes that it would seem like a “monstrous disrespect to the victims” to suggest their deaths were unfortunate result of a statistical aberration—yet he makes precisely that claim just a few lines later. According to his argument, Nazism reflects a statistical anomaly and would have remained a mere footnote in German history had Adolf Hitler pursued art instead of politics.

None of this is to say that Pinker is wrong to celebrate a decline in violence, just that the decline he identifies appears significant in part because the definition of violence he uses. That said, it is not particularly important to my argument whether or not Pinker is correct about violence. While a number of compelling challenges have cast doubt on some of Pinker’s central claims, my interest in his argument is rather different from the objections raised by these critiques. In his eagerness to emphasize the decline in violence, Pinker implausibly denies that Nazism represents anything more complicated than a strand of “counter-Enlightenment utopianism.” Whereas Theodor Adorno, Hannah Arendt, Aimé Cesaire, Franz Fanon, Max

39 Ibid., 208–209.
Horkheimer, and others since have attempted to untangle the origins of Nazi ideology and its troubling relationship to the Enlightenment, Pinker never once cites the relevant work. In an endnote, he names Zygmunt Bauman, Michel Foucault, and Theodor Adorno and dismisses their work as “ludicrous, if not obscene.” Pinker does, however, favorably cite one post-war European social theorist. He describes the German sociologist Norbert Elias as “the greatest thinker you have never heard of” and devotes an entire chapter of his book to applying Elias’s ostensible insights to his own overarching claims about violence. Unfortunately, Pinker’s analysis is predicated on a misreading of Elias’s work. While he portrays Elias as a neo-Hobbesian advocate for a powerful Leviathan, a more faithful reading reveals a deep ambivalence, even opposition, to the positions Pinker attributes to him.

Norbert Elias’s masterpiece, *The Civilizing Process*, is a study in two volumes of the evolution of European social mores. It documents, in short, the trend of moving practices deemed unpleasant out of view, i.e. the civilizing process. Despite the connotations of the word “civilization” in English, the process Elias describes has very little to do with the historically imperialistic and racist use of the term. Instead, he argues that the very idea of civilization is constructed via elaborate processes of social differentiation that establish boundaries of correct and incorrect behavior—proper modes of conduct among social classes, genders, races, etc. The civilizing process produces the gradual refinement of social norms governing behavior in

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44 Ibid., 643.
relation to nudity, defecation and urination, table manners, blowing one’s nose, sexual relations, and the slaughter of animals. As attitudes governing social norms shifted in the courts of European nobility, modes of conduct formerly tolerated or even encouraged became impolite, rude, boorish—in short, less “civilized.” Meanwhile, other forms of behavior moved in the opposite direction and gained widespread acceptance.

Elias’s analysis helps explain a great deal about the emergence of technologies designed to render unpleasant social practices invisible, or at least less visible. The evolution of violence and its attendant technologies is of immediate interest to us for the purposes of this study, especially insofar as those practices relate to state power. Changes in manners and courtly practices, Elias argues, occurred alongside a shift away from private violence to a Weberian state monopoly of violence. Insofar as Elias can be read as an advocate of centralized state power as a solution to private violence, his theory at first appears to justify a broadly Hobbesian conclusion. This is precisely how Steven Pinker deploys his work in the full chapter he devotes to the civilizing process. Yet Elias himself was personally ambivalent about what the “civilizing process” meant.

The changes instigated by the modern state, Elias insists, were often Janus-faced and the emergence of proto-capitalist economics sometimes produced no more than superficial changes in social practices. The reorganization of social activity, even when dramatic and revolutionary, does not necessarily alter the thrust of that activity. Put differently, many of the transformations Elias describes did not occur at the phenomenal level. Whether moving in or out of favor, changes in the form of social practices do not fundamentally alter the core behavior to which the practices in question are associated. Whether eating with a fork or shoveling food into one’s mouth by hand, basic nourishment or gustatory pleasure remain the unaltered principal
objectives. Yet the means by which these objectives were achieved (with the assistance of eating utensils) were rendered less messy, according to shifting social standards. Elias concedes as much when he points to concealment and distancing as the primary methods associated with the civilizing process.\footnote{Elias, \textit{The Civilizing Process}, 103.} Urination and defecation, as well as audible belching and passing of gas were no longer to be tolerated in plain view and certainly not among people of quality. No one imagines for a second that basic corporeal processes ceased, just that the appropriate sphere in which these impulses should be indulged was transferred out of sight. “It will be seen again and again,” Elias writes, “how characteristic of the whole process that we call civilization is this movement of segregation, this ‘hiding behind the scenes’ of what has become distasteful.”\footnote{Ibid.} In other words, the changes associated with the civilizing process are often of form and not of content. In using his work to argue the latter, Pinker mischaracterizes the thrust of Elias’ contribution.

Elias points to three factors at work in the civilizing process. They include first, a gradual shift away from external social constraints imposed upon the individuals to a situation in which individuals rely increasingly on self-restraint; second, the development of a social context in which the constraints placed on spontaneous eruptions of emotional or behavioral expression become more stable; third, an increasing sense of solidarity and identification between people in a given society, across classes and other social divisions. In this way, the modern state achieves internal pacification and a Weberian monopoly of legitimate violence. Elias’s recognition that this process typically involves bloodshed as political rivals consolidate power anticipates Charles
Tilly’s famous assertion that “war made states, and vice versa.” A significant factor in the shift away from private violence can be found, Tilly argues, “in the increasing ability of state to monitor, control, and monopolize the effective means of violence.”

The complementary relationship between state centralization, military force, and proto-capitalist economics produces the playing field in which Elias’s civilizing process occurs. Yet in many cases, the violence displaced by the state merely changes hands. If the twentieth century is any guide, there appears to be an enormous body of evidence that the transfer of violence from private hands to state control does not necessarily reduce overall violence. Indeed, Tilly opens the relevant chapter of his book by describing the twentieth century as the “most bellicose” in history. Elias, himself a Jewish refugee who fled the rise of Nazism, struggled with the grim realities of the camps and sought to explain the variables contributing to “decivilizing processes.” His conclusion, absent in Pinker’s account, is that the civilizing process is not a linear march to a neo-Hobbesian teleology. Rather, it is a process by which some practices, though they may persist and even crescendo, are hidden away. If Elias is correct, the drive to obscure might just as easily discourage unseemly practices in some cases as it might facilitate them in others.

A better reading of Elias than Pinker manages to offer, one that takes into account the centrality of visibility to the civilizing process, can be found in a study of industrial meat

51 Ibid., 68.
52 Ibid., 67.
production by the political theorist Timothy Pachirat. In the course of his work, Elias moves from manners to the slaughter and consumption of animals. He details the emergence of new culinary practices aimed at de-fabricating animals so that smaller, less readily identifiable parts would discourage consumers from drawing a clear mental connection between the animal’s flesh on their fork and a formerly intact, living body. Animal rights activists frequently point out the new words brought into use to further establish a mental distance between the living animal and its flesh as food. Pig becomes pork, cow becomes beef. As the metamorphosis from animal to commodity takes place, the act of eating is further alienated from the unpleasant sights and sounds of the slaughterhouse. Considering the rise of industrial capitalism and our present world of supermarket shelves stocked to the brim with a plenitude of shrink-wrapped animal parts, Elias’s work is veritably prescient. Abattoirs have moved ever further out of sight—to the point that the public is often legally prevented from filming or even viewing what goes on inside a factory farm—while cheap meat is more readily accessible than at any other time in human history.

In this vein, Timothy Pachirat picks up where Elias left off. Working undercover as a day laborer in an abattoir, he managed to observe what few today ever do: the killing and butchering of cattle on an industrial scale. His research documents how the system of industrial slaughter is enabled via mechanisms Norbert Elias identified in The Civilizing Process. Pachirat’s most important insights come from his discussion of dispersed responsibility, an application he acknowledges has implications for scholarly analysis in many other fields. Even as the remote physical location of the abattoir itself allows for a carnivorous public to avoid the ethical

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55 Including “the prison, the hospital, the nursing home, the psychiatric ward, the refugee camp, the interrogation room, the execution chamber, the extermination camp.”
questions attending the industrial production of meat as a commodity, the division of responsibilities within the abattoir itself also disperses these questions even among the very people engaged in the bloody labor. Pachirat’s normative project advocates a “politics of sight” he hopes will counter the current state of affairs: invisible people working in invisible locations abusing, slaughtering, and butchering invisible animals all to produce a visible shrink-wrapped piece of food—a true commodity in the Marxian sense, possessing an existence alienated from the social relations that produced it.

In total, Pachirat identifies 121 separate responsibilities within the abattoir he observed, ranging from “spinal cord remover” (a self-explanatory task) to the “bung dropper,” responsible for cutting the large intestines away from the anus. Only one person is responsible for the act of killing itself, the “knocker,” who uses an air gun to drive a captive-steel bolt into the cows’ foreheads—one every twelve seconds. The isolation of these tasks, Pachirat argues by way of Elias, encourages a distancing from the act of killing itself for everyone but the knocker, a marginal job characterized by a high rate of turnover. Upon announcing his intention to work as a knocker, Pachirat’s co-workers urge him against it.

“Man that will mess you up. Knockers have to see a psychologist or a psychiatrist or whatever they’re called every three months.”
“Really? Why?”
“Because, man, that’s killing … that shit will fuck you up for real.”

Clearly, for these workers, the division of labor in the abattoir itself obscures their own participation in the same system that transforms living creatures into commodities and establishes a moral hierarchy of tasks in which butchering dead meat is distinguished from killing a live animal. “These zones [of confinement],” Pachirat writes “segregate the work of

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killing not only from the ordinary members of society but also at what might be expected to be the most explicitly violent site of all: the kill floor.57 One further illustration demonstrates the profound visual component to such moral judgments. Pachirat opens his book by describing the outpouring of public anger when, after several cattle escaped from a slaughterhouse holding pen in Omaha, one was cornered by police and summarily shot to death.58 No similar outrage was expressed for the cow’s originally intended fate, provided it occurs out of sight, behind abattoir walls. One method of slaughter is acceptable; the other is not.

Thresholds of Atrocity

Timothy Pachirat is obviously writing about cattle, not humans, and the moral status of eating animals remains unsettled and controversial59 (if not the means of procuring it).60 Still, his sharp analysis of distancing, especially physical and linguistic, inevitably raises the specter of Nazi atrocities and the mass murder of human beings in general. Whether the slaughter of animals or of humans, moral distancing reduces our capacity for moral vision when the acts in question are too unpleasant for plain sight.

57 Ibid., 240.
58 Ibid., 1–2.
59 See for instance, 1/14/17 12:18:00 PM
60 Moral defenses of carnivorism are rare in the professional literature, but Pollan’s highly readable account argues that some of the more unsettling practices associated with factory farming would end if they were to be made visible through the walls of a hypothetical “glass abattoir.” See Michael Pollan, The Omnivore’s Dilemma (New York: Penguin, 2006), chap. 12. Another similar defense of eating animals via a critique of factory farming can be found in Simon Fairlie, Meat: A Benign Extravagance (White River Junction, VT: Chelsea Green Publishing, 2010). A representative anti-carnivore view still concedes that “switching from factory farming to humane food animal farming would be an improvement for humans, nonhuman food animals, and the environment.” Evelyn Pluhar, “Meat and Morality: Alternatives to Factory Farming,” Journal of Agricultural and Environmental Ethics 23, no. 5 (2010): 467.
Hannah Arendt and Raul Hilberg were of course the first to reflect with any depth on the moral problems posed by the role of bureaucratization in the Nazi holocaust. One particular innovation stands out. In the early days of the Nazi genocide, German officers grew concerned with the high rates of psychological distress among soldiers of the *Einsatzgruppen*. Execution by firing squad was still the primary means of murdering prisoners at the time and the German army was concerned—for the executioners. In bureaucratic terms, executions of this kind are labor-intensive and psychologically traumatic for the executioners. “The execution of women and children,” Saul Friedländer writes, “seemed to [Heinrich] Himmler to be too stressful for his commando members; toxic gas was more promising.” Hence, the notorious method of asphyxiating prisoners was developed as a solution to this dilemma, first in trucks with engine exhaust, later in dedicated gas chambers with Zyklon-B gas, a pesticide.

The act of gassing, moreover, was divided into a series of individually minor tasks: flipping a switch, opening a hatch, shutting a door, etc. Each of these seemingly minor actions would be assigned to a different soldier and often to other prisoners themselves, thereby significantly dispersing a perception of responsibility for the mass murder among a larger whole in much the same way Pachirat describes in the abattoir. Just as the workers in Pachirat’s abattoir refused to acknowledge the moral questions stemming from their own participation in a system of killing, however small, so the average Nazi prison guard could not fathom why he or she should be held to account for the genocide.

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In his analysis of Elias, Burkitt sheds light on how the civilizing process might itself contribute to innovations in the use of violence. He cites gruesome examples of medieval European violence of a kind Michel Foucault would have described as “sovereign power” before claiming that exhibitions of actual spectacular violence are no longer possible today, in part, because of changes associated with the civilizing process. Even Hitler, he writes, was constrained by trends governing forms of violence subject to social approval or approbation.

Even a tyrant like Hitler could not display the power of the state that he commanded in such a way. The Holocaust took place ‘behind the scenes’, in concentration camps mainly outside of Germany, and their existence was never officially acknowledged. … As Elias emphasizes, when something moves behind the scenes it corresponds to something that people find distasteful or totally abhorrent; the knowledge of what has disappeared is not completely erased, but continues to exist in the unconscious as knowledge that is denied or repressed. It is darkly ambivalent to contemplate, but these aspects of the ‘civilizing’ process may have made it possible for the Holocaust to happen in the way that it did.

Moreover, the physical isolation of mass slaughter of both animals and humans is complemented by a kind of calculated semantic duplicity designed, as Orwell famously observed, “to make lies sound truthful and murder respectable.” Cows are not slaughtered; they are processed. Pachirat describes the abattoir as a place “where the linguistic leap from steer to steak, from heifer to hamburger is enacted.” We see a similar form of distancing in Arendt’s chilling description of the “language rules” adopted by the Nazis to obscure the grisly content of internal correspondence. “The prescribed code names for killing” she writes, “were ‘final solution,’ ‘evacuation’ (Aussiedlung), and ‘special treatment’ (Sonderbehandlung); deportation … received the names of ‘resettlement’ (Umsiedlung) and ‘labor in the East’ (Arbeitseinsatz im Osten).”

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67 Pachirat, Every Twelve Seconds, 30.
The human capacity for ignoring the ethical consequences of participation in a larger system, especially when responsibility for systemic outcomes can be imputed to those with authority, reveals something very dark about ourselves. From the Milgram experiment on, the field of social psychology has attempted to understand how “good” people go “bad,” but these questions ultimately fall short. It is simply not the case that objectively “good” people go objectively “bad,” but rather the shifting sands of social expectation express more or less tolerance of some forms of violence than others.

In this vein, George Kateb argues that mass atrocities arise both from the hyperactive imagination of those in power and the inactive imagination, or moral blindness, of those who unthinkingly carry out their leaders’ aesthetic vision.

The initiators introduce the aesthetically compelling fictions and stories, redefinitions of the world through new or rearranged categories, that seduce the susceptible, including themselves. But the fanatical drive to realize what has been hyperactively imagined to make actually present what has hitherto been absent, could not proceed unless the initiators and leaders used their capacity, all the while, to make absent what is present. The people they lead and the people they destroy must cease being people in their eyes, must lose their humanity and become unreal or less real or caricatures of reality. On the other hand, it helps that the followers, to be suitable instruments, must have an added incentive to stay, in their own way, blind in what they do. This blindness, which is always at one’s disposal, is guaranteed to turn lethal when the fanatically aesthetic contagion has been spread by the initiators.69

The “added incentive” of which Kateb writes, is of course the confidence that the authority of those in command renders independent moral judgment superfluous. A sufficient dispersion of responsibility coupled with this inability or unwillingness to reflect very deeply upon the consequences of one’s actions contributes to an ethical environment characterized by moral blindness. It is, at root, not so very different from the Nuremberg defense offered up by the Nazi génocidaires: “I was just following orders.”

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69 Kateb, “The Adequacy of the Canon,” 495–496.
Just as Nazi Germany sought to disperse the sense of responsibility that was driving their executioners to despair, all contemporary militaries—insofar as they must train their troops to kill and die for a cause—have an interest in encouraging non-reflection. Nor is the phenomenon limited to military endeavors. To the extent that contemporary private corporations engage in ethically dubious behavior, managers also have an interest in maintaining a dispersion of responsibility among their employees. When it supports and protects the actions in question, the law can be a powerful force for discouraging ethical contemplation. In the aftermath of the economic meltdown of 2008, for instance, Congress questioned executives from the major banking firms who had been deeply involved in the derivatives market and the trading of credit-default swaps. Against the protestations of the politicians, many executives argued that nothing they had done was technically illegal. Ethics was another matter entirely. Patriotism and certain forms of nationalism can have a similar effect when it comes to excusing forms of behavior otherwise brought into question. “The nationalist,” Orwell quipped, “not only does not disapprove of atrocities committed by his own side, but he has a remarkable capacity for not even hearing about them.”

Indeed, there are innumerable filters and other ideological apparatuses through which we are capable of remaining blind to the morality of our actions. Under such conditions, it takes immense effort and courage to seek moral clarity.

**Overview**

This opening chapter has followed a tortuous and fitful trajectory. It does not tell a linear story about the evolution of social norms pertaining to violence, but it lays the conceptual foundation for what follows. In the first half of the chapter, I claim that no political community

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has ever sanctioned unhinged violence as an end unto itself. Though history is rife with massacres and bloody injustices, there have always been minimal norms and constraints placed against some practices of violence in some circumstances. Even in the bloodiest epics of antiquity, it is possible to observe that some forms of brutality went too far in the popular consciousness of their audiences. This normative limit, the conceptual division between acceptable and intolerable violence, is what I call a threshold of atrocity. That such thresholds exist, however, does not in itself reveal anything about their specific moral character from one cultural and historical context to another.

Given the fluid and changing nature of thresholds of atrocity, the second half of this chapter looked to the work of Norbert Elias for insight into how they take shape. In the course of this discussion, I point out some flaws in Steven Pinker’s highly influential but ultimately misguided reading of Elias’s work. Despite the views Pinker and others ascribe to him, Elias actually says much more about the changing manifestations of phenomena—especially their shift out of sight—than about their cessation. The literal removal from sight of activities no longer deemed acceptable for public display influences the metaphorical notion of moral vision. Scholars have long argued that the human capacity to shirk moral responsibility contributes to the persistence of atrocities. I argue that what Elias calls the civilizing process does not imply moral progress. In many cases, it may actually obscure moral responsibility literally and metaphorically by dispersing responsibility and thereby often facilitate the persistence of unacceptable behavior, albeit in a palatable form.

Political theory has been proudly described as an “unapologetically mongrel sub-discipline,” lacking either dominant methods or a clearly identifiable mainstream mode of

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approach. Political theorists thrive at the intersection of traditional disciplinary boundaries and I have happily taken up the tradition here. The following chapters engage with and critically assess the work of a number of philosophers and social theorists from very different backgrounds and schools of thought—among them Norbert Elias, Emmanuel Levinas, Iris Murdoch, Simone Weil, Claudia Card, Hannah Arendt, Noam Chomsky, Niklas Luhmann, John Rawls, and Adam Smith. I trespass, moreover, upon several different fields of study besides what might be considered conventional political philosophy, including moral philosophy, media studies, and genocide studies. Yet this project is not merely an agglomeration of loose variations upon the broad theme of atrocity.

Sheldon Wolin argues that good political theory has often contained an “imaginative element,”72 a normative project “influenced to a great extent by the problems agitating [the theorist’s] society”73 and aimed at “lessening the gap between the possibilities grasped through political imagination and the actualities of political existence.”74 Indeed, a strong normative argument undergirds this study. In different ways, each chapter advances an underlying normative claim: the concept of atrocity must be significantly expanded to include much more than it does at present. This may sound like a simple proposal but, if taken seriously, it implies dramatic social and political changes. Our thresholds of atrocity must change. Despite the strong moral prohibitions against “atrocities,” we are too often able to justify or tolerate forms of violence that should more accurately fall under that heading. This is wrong. Expanding thresholds of atrocity then means radically reappraising the many forms of violence we currently

73 Ibid., 21.
74 Ibid., 20.
excuse for various reasons, offering dedicated moral attention, and in many cases drawing different moral conclusions.

At this point, it is customary to provide the reader with an overview of the argument presented herein. Sadly, the subject of atrocity offers ample material for study, but it remains surprisingly under-theorized. I have attempted to develop the concept in a way that touches upon some of the most important components of the issue as I have come to understand them in the course of my research. The first chapter has laid the groundwork for what follows by advancing a notion of a threshold of atrocity, echoing Elias’s notion of thresholds of repugnance and shame, the hypothetical point at which acceptable violence becomes unacceptable atrocity. The second chapter contains an extended discussion of violence and moral vision, using the aesthetically-oriented philosophies of Emmanuel Levinas, Iris Murdoch, and Simone Weil to argue for an ethics that locates morality in phenomenological experience. The face to face encounter of Levinas and the act of attending in Murdoch and Weil work against the inclination to moral blindness caused by internal self-love and external obfuscation.

The third chapter looks closely at the Nazi holocaust as a paradigm of atrocity and the extent to which the symbols associated with Nazi atrocities are used as a mental rule of thumb when assessing the relative depravity of other incidences of atrocity. In the course of the discussion, I explore the triangulation of three concepts: atrocity, evil, and genocide. Atrocity, I argue, must be understood as conceptually distinct from the latter. While the work of evil revivalists like Claudia Card is compelling, her discussion of atrocity is underdeveloped. The legal concept of genocide, moreover, is too confining to accommodate atrocities that have not yet made an appearance.
The fourth chapter considers the primary method by which most of us become aware of actual atrocities in the world: the mass media. A comparative analysis of Niklas Luhmann’s systems theory of the mass media and Edward Herman and Noam Chomsky’s propaganda model helps us to understand how the media define atrocity and thereby set up the conditions for moral judgment. Applying Murdochian moral attention is rendered extremely difficult, though not impossible, by virtue of the mediated nature of moral experience. While elements of both approaches to the mass media contain useful insights, Herman and Chomsky’s propaganda model is more useful both for a theory of atrocity grounded in vision and for the rather more optimistic prospects of raising political challenges to the priorities expressed in the media.

Finally, the fifth chapter examines the moral distancing inherent to the politics of the liberal-democratic nation state. While these states set ostensibly lower thresholds of atrocity and thereby tolerate less violence than we might expect elsewhere, I argue that the ideological fusion of liberalism and nationalism itself produces a form of identity in which state actions are perceived as synchronous with the national—and moral—self. Liberal ideals are reduced to national conceits, a phenomenon which discourages substantial moral reflection. So long as state violence is manufactured in such a way so as not to explicitly disturb liberal principles, the fusion of liberalism and nationalism actually creates an ideological space in which state violence can occur behind the scenes without raising strong ethical concerns.

The fifth chapter concludes with a discussion of Adam’s Smith’s sentimentalist ethics and the figure of the impartial spectator, which offers a possible method for pausing to consider the influence of ideology in promoting one moral judgment above another. Even if the function of national ideology proves insurmountable for many, Smith’s ethics emphasizes the impossibility of rendering moral judgment through sheer imaginary effort and self-reflection. In
this, his work complements a theory of atrocity grounded in vision by urging us to consider how hypothetical others might “see” the matter at hand.

All the chapters herein retain a visual theme, e.g. the politics of sight, moral vision, phenomenology of violence, etc. There are good reasons for this. First, while humans possess a troubling capacity for excusing or ignoring great suffering, there is also reason to believe that when faced with this suffering, stripped bare of any ideological rationale, humans also possess a profound capacity for empathy. Literal vision or a lack thereof does not alone explain the persistence of atrocities however, but it is a major component. A second reason for adopting the visual theme is this: moral action requires moral vision. When we see, really see, the results of extreme violence, the mind rebels against our feeble justificatory prejudices. Literal vision expands our moral vision and, with a bit of moral effort, the visceral suffering of others occasionally transcends ideology.
II. ATTENDING: Vision and Violence in Levinas, Murdoch, and Weil

“The aspects of things that are most important for us are hidden because of their simplicity and familiarity. (One is unable to notice something — because it is always before one’s eyes.) The real foundations of his enquiry do not strike a man at all. — And this means: we fail to be struck by what, once seen, is most striking and most powerful.”

Ludwig Wittgenstein

“We talk of the Turks and abhor the cannibals; but may not some of them go to heaven before some of us? We may have civilized bodies and yet barbarous souls. We are blind to the real sights of this world; deaf to its voice; and dead to its death.”

Herman Melville

The Beastly Century

The twentieth century brought with it the dismal realization that mass killing, exile, and torture on an incomprehensible scale have become commonplace occurrences. The most substantial material expansion of human welfare in world history occurred alongside the pioneering of genocide, total war, ethnic cleansing, and totalitarianism.  

Scholars of vastly disparate political and theoretical positions have described the twentieth century as “the most bellicose in human history,” “the most murderous era so far recorded in human history,” “without question the bloodiest century in modern history, far more violent in relative as well as absolute terms than any previous era.” Indeed, if one views as representative the 187 million “killed or allowed to die by human decision” during the “short century,” the human capacity

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76 Tilly, Coercion, Capital, and European States, AD 990-1992, 67. Tilly writes “Since 1900, by one careful count, the world has seen 237 new wars—civil and international—whose battles have killed at least 1,000 persons per year; through the year 2000, the grim numbers extrapolate to about 275 wars and 115 million deaths in battle. Civilian deaths could easily equal that total.”
78 Niall Ferguson, The War of the World: Twentieth-Century Conflict and the Descent of the West (New York: Penguin, 2007); “By any measure, the Second World War was the greatest man-made catastrophe of all time. And yet, for all the attention they have attracted from historians, the world wars were only two of many twentieth-century conflicts. Death tolls quite probably passed the million mark in more than a dozen others.”
79 Eric Hobsbawm’s term for the nearly 75-year period between WWI and the collapse of the Soviet Union (1914-1990).
for inflicting suffering appears not only boundless but routine. When violence becomes routine, it loses the power to shock. As Hobsbawm writes:

“[W]hat has made things worse, what will undoubtedly make them worse in future, is that steady dismantling of the defences which the civilization of the Enlightenment had erected against barbarism … For the worst of it is that we have got used to the inhuman. We have learned to tolerate the intolerable.”

Yet there are always limits to toleration. Despite the bleak statistics, it is encouraging that the twentieth century is properly regarded today as a period of unremitting horror. Insofar as the “beastly century” has anything meaningful to say at all about the latent capacity for human cruelty, the ubiquitous cry of “never again” captures the attempt to normalize pious reflection on the grotesque extremes of state-driven carnage. For Adorno and others, this was the only lesson to be learned if it meant preventing future orgies of violence. However rudimentary, a normative framework remains that helps us to distinguish between violence that can be tolerated as acceptable under certain conditions and violence that cannot—must not—ever be tolerated.

All political communities discriminate between legitimate and illegitimate forms of violence. How these categories are established varies widely, but they are grounded in social norms and practical ethical systems. Most of us today for example are probably ethical deontologists when it comes to genocide, mass rape, terrorism, and extreme forms of torture. We regard such acts as unacceptable under any circumstances—brutal relics of an “uncivilized” or

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80 For this figure, Hobsbawm cites only Zbigniew Brzezinski’s book *Out of Control*, but he seems to have overstated the case. Brzezinski writes “no less than 167,000,000 lives—and quite probably in excess of 175,000,000—were deliberately extinguished through politically motivated carnage.” See Zbigniew Brzezinski, *Out of Control: Global Turmoil on the Eve of the Twenty-First Century* (New York: Charles Scribner’s Sons, 1993), 17.


83 “One must come to know the mechanisms that render people capable of such deeds, must reveal these mechanisms to them, and strive, by awakening a general awareness of those mechanisms, to prevent people from becoming so again … The only education that has any sense at all is an education toward critical self-reflection.” See Theodor W. Adorno, “Education After Auschwitz,” in *Can One Live After Auschwitz? A Philosophical Reader*, ed. Rolf Tiedemann, trans. Henry W. Pickford (Stanford, CA: Stanford University Press, 2003), 21.
“barbaric” past. Yet if the carnage of the previous century represented a devastating rejoinder to the liberal humanitarian belief in unceasing progress, it also led to the development of international legal norms aimed at preventing future horrors.

In part because of its inceptive role in the development of international law, the Nazi holocaust constitutes an especially powerful paradigm of atrocity against which state violence in the West has since been judged. The details profoundly disturb us: the bureaucratic murder of millions in a vast network of death camps, the crematoria, the gas chambers, the macabre medical experimentation, the disposal of corpses reduced to a mere technical obstacle. Such radical evil seems to defy comprehension and thus serves as a metonym for human inhumanity, a rule of thumb for weighing the gravity of contemporary violence. The virtually universal recognition that Nazi crimes passed beyond any standard of permissible violence strongly suggests that there are limits to the state’s ability to act in ways that violate prevailing norms. There are thresholds of atrocity beyond which paradigms of acceptable (legitimate) violence become paradigms of unacceptable (illegitimate) atrocity. How does this happen? And is the distinction between violence and atrocity conceptually meaningful?

84 Nothing captures the discursive opposition between “civilization” and “barbarism” better than the post-9/11 debates on Islamism and Islam generally. It is pointless to look for a rational basis to the barbarian’s behavior; he exhibits only a crazed bloodlust, devoid of serious political context. Barbaric violence, precisely because it is always illegitimate violence, is always incomprehensible violence. See Edward Said’s critique of Samuel Huntington’s “clash of civilizations” thesis: Edward Said, “The Clash of Ignorance,” The Nation, October 4, 2001, http://www.thenation.com/article/clash-ignorance. For a good discussion of these issues as applicable in the immediate post-9/11 United States, see Mervat F. Hatem, “Discourses on the ‘War on Terrorism’ in the U.S. and Its Views of the Arab, Muslim, and Gendered ‘Other,’” The Arab Studies Journal 11/12, no. 2/1 (October 1, 2003): 77–97.

85 Elaine Scarry suggests that part of the shock derives from the transformation of benign words into the stuff of nightmares: “so much of our awareness of Germany in the 1940s is attached to the words ‘ovens,’ ‘showers,’ ‘lampshades,’ and ‘soap.’” One might also add “doctor” to this list. See Elaine Scarry, The Body in Pain: The Making and Unmaking of the World (New York: Oxford University Press, 1985), 41.

86 Traces of this arise in the popular discourse with predictable regularity. Consider Leo Strauss’s coining of the so-called Reductio Ad Hitlerum fallacy or its more popular formulation as Godwin’s Law of Nazi Analogies: “As an online discussion grows longer, the probability of a comparison involving Nazis or Hitler approaches one.” See Mike Godwin, “Meme, Counter-Meme,” Wired, October 1994, http://www.wired.com/wired/archive/2.10/godwin.if_pr.html.
An atrocity, I argue, is an act or an accumulation of acts—directed by human agency, individual or collective—determined to exceed minimally tolerable levels of violence by nonparticipant observers for whom the violence in question is visible, i.e. phenomenologically comprehensible. For the purposes of this study, I wish to concentrate on atrocity as these external observers experience it first of all, and not how participants experience it. This definition of atrocity upsets a number of approaches. First, it suggests that a great deal of violence we presently tolerate or endorse is potentially atrocious. If the moral conditions I describe herein are met, we are likely to revise our moral assumptions regarding currently unquestioned violent practices. Second, a vision-based theory of atrocity avoids getting too much entangled in the problem of evil, a secular version of which has experienced something of a renaissance since the 9/11 attacks and nearly always accompanies scholarly accounts of atrocity.

This chapter proceeds as follows. I first explore the concept of visibility in connection to knowledge, which inevitably also raises the notion of blindness. The presence or absence of vision, literal or metaphorical, has since Plato been recognized as a key element in acquiring knowledge of truth; the notion is an apt one for helping us understand the willingness to endorse or oppose violence. The centrality of “vision” in the Western tradition however does not preclude the possibility of emphasizing a range of sensory experience. I explicitly endorse a more expansive notion of moral vision, one that potentially includes literal vision as well as sounds, smells, voice, texts, etc. Crucially, much of the world’s violence that would otherwise register as atrocious is not recognized as such because efforts are taken to obscure and actively control the representation of violence, thereby impeding phenomenological comprehensibility in its myriad forms. After surveying the symbolic importance of vision/blindness to knowledge of truth, I attempt to use the work of three aesthetically-oriented philosophers—Simone Weil, Iris
Murdoch, and Emmanuel Levinas—to assess the possibility of deriving ethical norms from phenomenological experience.

The final section adapts the Rawlsian original position to the permissibility of violence. By applying such a heuristic, we are able to skirt the rationalizing impulse of nationalism, religious doctrine, formal law, and other complex influences that ultimately serve to justify violence in certain cases against certain people. A veil of ignorance attempts to discover, insofar as possible, a normative basis for interpreting violence: a meta-historical, meta-cultural threshold of atrocity. In doing so, it might be possible to better understand how rationalizing impulses allow for the justification of extreme violence against some people but not others, i.e. the two-pronged ability to recognize injustice against “us” while too often remaining blind to atrocities committed against “them.”

*Blindness and Vision*

According to Norse legend, the god Odin gained his wisdom by plucking out one of his eyes and casting it into Mimir’s Well beneath the world-tree Yggdrasil. Yet though he gained wisdom, the loss of an eye left him dependent on two ravens to provide him with information about the objective world. Huginn and Munnin—translated as “thought” and “mind” respectively—loyally surveyed the world each day thereafter, returning to inform Odin of temporal affairs. With his sacrifice Odin acquired vast theoretical wisdom while simultaneously relinquishing his capacity for autonomous empirical observation. The surviving accounts of the myth offer only a sketch of the story; nevertheless, it draws clear connections between visibility, representation, and analytical knowledge. It is a charming parable about the

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nature of wisdom and its foundation in phenomenological experience. Without his ravens, Odin’s wisdom is useless; on their own, the ravens have no capacity for critical thought.

Though Odin was never depicted as fully blind, the allegory still obtains as his partial vision required supplementation. Partial or total blindness is a recurring theme in Western art, literature, and philosophy. Literal blindness (like madness) was viewed by the Greeks as a singularly supernatural phenomenon, caused either by the gods or through the intervention of demons. As with Odin, the loss of literal vision bestowed metaphysical prescience. As punishment for having viewed her nude form, Athena blinded Tiresias. For having transgressed a boundary forbidden to mortals, obtaining knowledge beyond that accorded to his station, he was forced to rely on nocturnal visions, bird songs, and other meta-visual cues to obtain knowledge about the future. Apollodorus writes of Tiresias that in blinding him, Athena “cleansed his ears” so he would be able to understand the birds and thereby acquire knowledge beyond that of ordinary humans.

Tiresias famously interacts with perhaps the single best-known blind figure of Greek mythology, Oedipus, whose lack of metaphoric vision leads to his loss of literal vision. In the Sophoclean version of the story, Oedipus accuses Tiresias of blindness of mind as well as vision. To this Tiresias responds simply:

And mark me now—since thou hast scoffed at me
Even for my blindness—thou both hast thine eyes
And, seeing, seest not thy proper ill,
Nor where thou art, nor side by side with whom.

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91 E.D.A. Morshead, trans., *Oedipus the King* (London: Macmillan and Co., 1885), 32.
The purported author of the *Iliad* and the *Odyssey* himself is described in a Homeric hymn to Apollo as a “blind man, dwelling on the rocky island of Chios.” Artistic depictions of Homer typically emphasized his blindness and while Graziosi speculates that this may have stemmed in part from a desire to cast Homer as closely related to the gods (hence gifted with special powers) she generally concludes that the evidence strongly suggests the historical Homer was indeed blind. If blindness expressed a connection with metaphysical knowledge, temporarily impairing one’s senses might achieve a similar result. In this vein, the Pythian Oracle at Delphi inhaled intoxicating fumes emitted from a fissure below the Apollonian temple, thereby stultifying her physical senses to allow for the expression of cryptic divinations.

The Bible similarly embraces the symbolism of blindness, but always as a handicap, juxtaposed in opposition to knowledge of the truth—true vision. Both testaments are filled with references to blindness, often suggesting divine influence, namely the experience of holy revelation. The flash of light Saul encounters on the road to Damascus leaves him blind for three days after which time he becomes Paul, Apostle of Christ. Saul had been traveling to Syria on a mission to arrest Christians. Formerly blind to the truth of Christ’s divinity, his instant conversion and rebirth as Paul captures the Christian God’s ability to channel power through

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93 The depiction of Demodocus, the blind bard of Odyssey 8 for instance is usually interpreted as a self-reference. Graziosi explains “A blind man was thought to be particularly close to the gods, while at the same time he remained completely dependent on the goodwill of others for his daily sustenance.” See Barbara Graziosi, *Inventing Homer: The Early Reception of Epic* (New York: Cambridge University Press, 2002), 133.
95 Acts 9: 1-19. All biblical references from the Authorized King James version.
even most unlikely forces, bestowing vision upon the metaphorical blind. Likewise, Christ’s healing of the blind remains among the best known of his parables; the story plays a critical role in establishing the legitimacy of his divinity. As Barasch explains, “So utterly utopian appeared the healing of the blind that it was understood as a distinctive mark of the messianic age.”

The notion of existence without literal sight, living in darkness as it were, was thought to offer the closest experience of death in life. In the book of Isaiah, the prophet likens blindness to a darkness from which true believers will be rescued by God: “And in that day shall the deaf hear the words of the book, and the eyes of the blind shall see out of obscurity, and out of darkness.” Knowledge of the truth, salvation itself, is set at odds with the notion of blindness found in scripture. Describing utopia, Isaiah continues:

Then the eyes of the blind shall be opened, and the ears of the deaf shall be unstopped. Then shall the lame man leap as an hart, and the tongue of the dumb sing: for in the wilderness shall waters break out, and streams in the desert.

God’s light is always framed in opposition to darkness, the void, Satan himself. The opening lines in Genesis establish the separation of light from dark, good from evil, as the foundational act upon which the rest of God’s creation is predicated:

In the beginning God created the Heaven and the earth. And the earth was without form, and void; and darkness was upon the face of the deep. And the Spirit of God moved upon the face of the waters. And God said, Let there be light: and there was light.

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97 Isa. 29: 18
98 Isa. 35: 65-6
And God saw the light, that it was Good: and God divided the light from the darkness.\(^{99}\)

In his epistles to the Corinthians, Paul emphasizes the connection of light to knowledge: “For God, who commanded the light to shine out of darkness, hath shined in our hearts, to give the light of the knowledge of the glory of God in the face of Jesus Christ.”\(^{100}\) Moreover, Christ repeatedly either describes himself or his disciples as the “light of the world” or is described as such by others.\(^{101}\) In Milton’s account of Samson’s torment at the hands of the Philistines, the eponymous character loses his literal vision as a consequence of his failure to see the truth. Samson understands his predicament as the separation from God’s light as he descends into the darkness of blindness.\(^{102}\)

O loss of sight, of thee I most complain!
Blind among enemies, O worse then chains,
Dungeon, or beggary, or decrepit age!
Light the prime work of God to me is extinct,
And all her various objects of delight
Annul’d, which might in part my grief have eas’d,
 Inferiour to the vilest now become
Of man or worm; the vilest here excel me,
They creep, yet see, I dark in light expos’d
To daily fraud, contempt, abuse and wrong,
Within doors, or without, still as a fool,
In power of others, never in my own;
Scarce half I seem to live, dead more than half.
O dark, dark, dark, amid the blaze of noon,
Irrecoverably dark, total Eclipse

\(^{99}\) Gen. 1: 1-4
\(^{100}\) 2 Cor. 4: 6
\(^{101}\) “Then spake Jesus unto them, saying, I am the light of the world: he that followeth me shall not walk in darkness, but shall have the light of life.” (John 8: 12) “As long as I am in the world, I am the light of the world.” (John 9: 5) “And Jesus said, For judgment I come into this world, that they which see not might see; and that they which see might be made blind.” (John 9: 39) “Ye are the light of the world. A city that is set on a hill cannot be hid.” (Matt. 5:14) “This then is the message which we have heard of him, and declare unto you, that God is light, and in him is no darkness at all. If we say that we have fellowship with him, and walk in darkness, we lie, and do not the truth: But if we walk into the light, as he is in the light, we have fellowship one with another, and the blood of his son Jesus Christ cleanseth us from all sin.” (1 John 1:5-7)
\(^{102}\) Milton himself was going blind and the notion of a descent into darkness features in much of his work.
Without hope of day\textsuperscript{103}

Perhaps the most memorable and explicitly political link between vision and knowledge—a link seized upon by Christian theologians in late antiquity—is to be found in Plato’s \textit{Republic}.\textsuperscript{104} The famous allegory of the cave offers an account of knowledge strongly rooted in the epistemological limitations of human vision and the difficulty inherent in attempting to grasp the eternal Forms. Practical politics was for Plato a misguided and potentially dangerous endeavor without a clear vision of what the good life entailed. Without clear vision, we are condemned to live in a world of illusion, “vainly following distorted images of reality and ceaselessly driven by irrational desires.”\textsuperscript{105}

Blindness to the idea of things themselves becomes so strongly rooted in the cave’s microcosm that when a single prisoner escapes, experiences the overwhelming brightness of the sun, and then returns to relate the truth to his subterranean comrades, they murder him. In his \textit{Phaedo}, true knowledge of the world, i.e. knowledge of things to be found in the world and the relationships between things, can only be uncovered through knowledge of the Forms. The notion of equality is meaningless without first possessing an idea of Equality in the abstract, an ideal against which the empirical world will always fall short. Yet knowledge of truth brings with it the potential for danger; those incapable or unprepared to grasp truth might be consumed by it if unwisely exposed. To avert this outcome, a properly organized society must present most of its people with a “noble lie.” This lie, this myth, intentionally reproduces the prevailing

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conditions of the cave, essentially enforcing metaphorical blindness to the truth for those incapable of handling it.

When Augustine adapts the Platonic theory of the Forms to a Christian context, the cave becomes the warning of an unsaved soul. For Augustine, God is the light that illuminates the world, the light of rationality. Only through God is true knowledge possible; indeed God’s light is itself knowledge.

But distinct from objects is the light by which the soul is illumined, in order that it may see and truly understand everything, either in itself or in the light. For the light is God himself, whereas the soul is a creature; yet, since it is rational and intellectual, it is made in his image. And when it tries to behold the Light, it trembles in its weakness and finds itself unable to do so. Yet from this source comes all understanding it is able to attain.

If vision is a precondition to knowledge, knowledge is a precondition to moral action. Evil, by contrast, has no positive material existence and instead indicates an absence of God.

Given the diversity of traditions reviewed above, the relationship between phenomenology and moral action may not be clear. This confusion is easily remedied if we consider how moral choices are actually made. Every day each of us confronts countless moral questions of greater or lesser importance; we assess the morally relevant variables and render judgment. Our judgment informs subsequent action or, as the case may be, inaction. Unless we are very unusual, witnessing extreme violence unfold before our eyes on the streets or on our television sets generates an impression of horror. Informed to a sufficient degree via literal and metaphoric vision, our moral intuition tells us that such violence is simply wrong. Whether this impression of horror inspires us to act is another matter. For various reasons, we often surrender

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108 The reference to Stoicism is deliberate.
the capacity for moral vision. We choose not to see, or else simply to deny what it is that we see. I would like to suggest that the initial encounter bears a closer resemblance to moral truth. It is only after the initial encounter of the moral chronology that we apply a range of filters designed to alter the content of what has been witnessed, to render our impressions comprehensible. The following section explores the possibility of phenomenological comprehensibility in moral encounters through a critical discussion of three thinkers who locate the key to moral action in an expansive notion of vision.

*Moral Attention*

A fascinating contemporary adaptation of the Platonic notions of vision and truth is found in the fiction and non-fiction of Iris Murdoch. For Murdoch, ego is the chief obstacle to “seeing” others clearly. Combining Plato’s theory of the Forms with a Buddhist ethical outlook, Murdoch establishes a remarkably consistent approach to knowledge using a handful of rich visual metaphors: attention, perception, seeing, looking, and vision. Linking all these notions is a metaphor for morality. She suggests that virtue lies between the dual process of aesthetic perception and ego “unselfing.” Murdoch sought to challenge the emphasis on the will common to Existentialist (especially Jean-Paul Sartre) and British moral philosophies (especially linguistic philosophy) of the mid-twentieth century. Seeing is for Murdoch a fundamentally moral practice because it establishes the empirical basis for moral choice. She offers a concise account of her idiosyncratic neo-Platonism in “The Idea of Perfection,” one of three influential pieces published together as *The Sovereignty of Good* in 1970:

I can only choose within the world I can see, in the moral sense of ‘see’ which implies that clear vision is a result of moral imagination and moral effort. There is also of course ‘distorted vision’, and the word ‘reality’ here inevitably appears as a normative word. … If we ignore the prior work of attention and notice only the emptiness of the moment of choice we are likely to identify freedom with the outward movement since there is
nothing else to identify it with. But if we consider what the work of attention is like, how
continuously it goes on, and how imperceptibly it builds up structures of value round
about us, we shall not be surprised that at crucial moments of choice most of the business
of choosing is already over.\footnote{Iris Murdoch, \textit{The Sovereignty of Good}, 2nd ed. (London; New York: Routledge, 2001), 35–36.}

The importance of Murdoch’s philosophy to a theory of atrocity grounded in vision should be
self-evident from this passage. Only through seeing, i.e. not merely looking, but comprehending
the myriad salient and morally relevant factors at stake, is it possible to make an informed moral
choice. This also includes either tolerating violence as banal or opposing it as atrocious. The
notion of “distorted vision” is especially useful because it helps to explain why we often make
morally lamentable choices. Elsewhere, Murdoch writes of a “fog” or a “veil” that prevents us
from seeing reality. Such distorted vision is invariably a product of the human ego, a symptom of
insufficient “unselfing,” the process central to her vision of moral progress.

A wider notion of visibility encompasses not only aesthetic perception and
phenomenology but also the comprehensive conditions and context of the visible subject. This
wider notion then should not be limited to vision but potentially includes a range of sensory
experience, literal and metaphoric. This kind of “vision” sees not only the bloodied corpse, it
understands at least minimally the physical (the physiognomy of the human body, geographical
space), the cultural, and political contexts, etc. It is specifically not omniscience, but a kind of
intellectual humility which embraces the responsibility to know what we are talking about before
rendering moral judgment. But where do we gather the requisite moral knowledge? Aesthetic
perception alone is analogous to a photograph and, popular wisdom notwithstanding, a picture is
worth far fewer than a thousand words. While photographs do record a moment in time, we also
tend to see in a given image what we are \textit{intended} to see, as understood by the photographer.
“This sleight of hand,” Sontag observes, “allows photographs to be both objective record and personal testimony, both a faithful copy or transcription of an actual moment of reality and an interpretation of that reality …”\textsuperscript{110} Murdoch’s notion of vision extends beyond merely looking, beyond a simple image, and encompasses a range of phenomenological experience. To this end, she employs at various points the terms “looking,” “seeing,” “regarding,” “watching,” “attending.”

Precisely how does one go about performing the moral work necessary to get at the truth? The visual metaphor still obtains, though it is not merely by looking, i.e. unguided phenomenological observation, but through concentrated and prolonged attention that advances can be made. Murdoch borrows the notion of attention from the French philosopher and mystic Simone Weil. Weil was concerned with the gravity of the temporal world, the mechanical grounding of humanity in a universe of illusion. Gravity isolates us from others and confounds our inherent desire to levitate towards grace—goodness and truth. In her original expression of attention, Weil downplays the role of the will in making moral choices. “The will,” she writes, “only controls a few movements of a few muscles, and these movements are associated with the idea of the change of position of nearby objects. … Attention is something quite different.”\textsuperscript{111} It would be absurd, Weil thinks, to imagine anyone capable of simply willing a good moral choice. Attention is a project that ends, when taken seriously, as a kind of ascetic meditation, stripping away the ego in search of something one can never entirely conceive. “Attention alone—that attention which is so full that the ‘I’ disappears—is required of me. I have to deprive all that I

call ‘I’ of the light of my attention and turn it on to that which cannot be conceived.”

Crucially, attention allows for the “discrimination between the real and the illusory.”

In our sense perceptions, if we are not sure of what we see we change our position while looking, and what is real becomes evident. In the inner-life, time takes the place of space. With time we are altered, and, if as we change we keep our gaze directed towards the same thing, in the end illusions are scattered and the real becomes visible.

Weil has a concept of the Christian God in mind, which reverts to an abstract Platonic Goodness once Murdoch gets ahold of it. Indeed, her basic moral rubric is deeply informed by the ongoing acquisition of knowledge obtained through the process of attention, i.e. “a refined and honest perception of what is really the case, a patient and just discernment and exploration of what confronts one.”

Murdoch admired Weil and her work enormously. “To read her,” Murdoch wrote, “is to be reminded of a standard.” In her own formulation of attention, Murdoch centralizes phenomenology, but emphasizes one important caveat: the type of knowledge obtained through phenomenological experience can only ever be an improvement. It cannot offer comprehensive moral understanding, the superhuman aspiration for perfection. Still, Murdoch insists that proper attention ultimately reduces the number of possible choices available to us, thereby increasing the likelihood of acting morally. As she writes, “if I attend properly I will have no choices and this is the ultimate condition to be aimed at.” Indeed Murdoch stresses that this process occurs most of the time anyway without us realizing, a million instantaneous decisions made over the

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112 Ibid., 118.
113 Ibid., 120.
span of a single day. Acting morally in her conception only becomes a conscious decision when confronted with difficult cases.

Attention remains an extremely difficult task for humans to undertake, one further complicated by our troubling tendency to allow convention first priority in moral judgments. Weil broaches this theme when she writes “the people who stood motionless, from one to eight o’clock in the morning for the sake of having an egg, would have found it very difficult to do so in order to save a human life.” Murdoch acknowledges as much and, following Plato, locates the attendant difficulties in the innate human tendency to selfishness: egoism. We are too much infatuated with our own subjectivity; indeed, introspection always carries with it the risk of blinding us to the salient moral concerns relevant to a choice at hand. Moral attention is impossible when our vision is rendered blurry by selfishness. “Obsession, prejudice, envy, anxiety, ignorance, greed, neurosis, and so on and so on veil reality. The defeat of illusion requires moral effort.”

Elsewhere she writes:

The enemies of art and of morals, the enemies that is of love, are the same: social convention and neurosis. One may fail to see the individual because … we are ourselves sunk in a social whole which we allow uncritically to determine our reactions, or because we see each other exclusively as so determined. Or we may fail to see the individual because we are completely enclosed in a fantasy world of our own into which we try to draw things from outside, not grasping their reality and independence, making them into dream objects of our own.

In addition to her conventional philosophical work, Murdoch’s fiction is riddled with complex characters of “distorted vision,” who build fantasy worlds of their own, blind to the truth of their

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117 Weil, Gravity and Grace, 2.
actions and often (mis)understanding human relationships as mere extensions of ego. This problem highlights the distinction Murdoch explores between “a morally-implicated visual term connoting success in grasping moral reality, and a non-morally-implicated one.” Looking does not yield the moral results that come with seeing or, better yet, attention.

Distorted vision inevitably leads to violations of the Kantian dictum against treating people as means. We are too often caught up in ourselves, deluded by self-centeredness and fantasy: “the tissue of self-aggrandizing and consoling wishes and dreams which prevents one from seeing what is there outside one.” And yet Murdoch’s neo-Platonism also suggests that goodness exerts a “magnetic pull,” drawing us naturally to a notion of perfection that can never really be obtained. These two notions seem to be contradictory or in tension at the very least: on the one hand, we are drawn to the light of the Sun, seeking clarity; on the other, we are self-centered egoists, a stubborn fact that precludes knowledge of the Good and leaves us in the cave of shadows and illusion. How is one ever to find the cave’s exit? In a world where nationalism is apparently resurgent, where cosmopolitanism has extended no further than capitalist trade, and the struggle against bloody intolerance appears historically constant, Murdoch is rather pessimistic about the prospects for achieving moral clarity of vision. Attention demands moral

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120 A representative example can be found in her multilayered novel, *The Black Prince*, in which the central plot is commented upon by several of the characters involved, each with their own particular interpretation of the events. As Martha Nussbaum writes in her introduction to the Penguin edition, “[Erotic love] reveals the sheer particularity of another person in a way that perhaps no other human experience can. And yet it also creates an egoistic fog around lovers, preventing them from seeing the other person truly.” See Iris Murdoch, *The Black Prince* (New York: Penguin, 1973), vii.


effort which is, as it turns out, real effort. It takes an inconvenient amount of time and
determination to see the world as it is, without distortion.\textsuperscript{124} The draw of social convention in
various manifestations is a problem that absolutely must be challenged if distorted vision is to be
successfully overcome.

Too often the label of atrocity is used only to describe violence perpetrated against those
within our immediate political and social communities. By contrast, we are willing to ignore,
tolerate, or even sanction levels of violence against others we could never imagine visiting upon
ourselves. If we take Weil and Murdoch’s concerns seriously, this lamentable state of affairs is
the predictable result of our inability to “see” the consequences of violence. Self-love inhibits
moral attention and hence moral vision, thwarting action. The blindness to inconvenient truths
that results, whether deliberate or a byproduct of laziness, produces apathy and tends to
obliterate forms of empathy physical or social proximity might foster. Blurred by veils of
nationalism and other forms of parochial arrogance, our moral sense atrophies. If this process
can be reversed through focused moral attention, as Weil and Murdoch advocate, a question
follows: is it \textit{inevitable} the effort will heighten or stir our moral sensitivity? Does
phenomenological comprehensibility enable us to recognize atrocity where once we saw only
acceptable violence? Perhaps it is doubtful that moral choice can ever be reduced to a single
option, but some dogmas can be overcome and some of the veils removed.

\textsuperscript{124} In a slightly different formulation, this sentiment resonates with Sheldon Wolin’s notion of political time.
“\textit{P}olitical time is out of synch with the temporalities, rhythms, and pace governing economy and culture. Political
time … requires an element of leisure, not in the sense of a leisure class … , but in the sense, say, of a leisurely pace.
This is owing to the needs of political action to be preceded by deliberation and deliberation, as its ‘deliberate’ part
suggests, takes time because, typically, it occurs in a setting of competing or conflicting but legitimate
considerations. Political time is conditioned by the presence of differences and the attempt to negotiate them.” See
To help advance a theory of atrocity grounded in vision, we turn now to a philosopher strongly associated with the link between phenomenology and ethics, Emmanuel Levinas.125 Perhaps more than any other twentieth-century thinker, Levinas places the trauma of atrocity, specifically the Nazi holocaust, at the center of his philosophy. A Lithuanian Jew who became a naturalized French citizen, Levinas was called up for military service upon the German invasion of France in 1940. His unit, however, was quickly routed and forced to surrender. Levinas waited out the war in a German POW camp. While his wife and children were spared thanks to assistance from friends, including that of Maurice Blanchot, much of his extended family was murdered in the camps. Levinas rarely mentions the Nazi holocaust or the camps in his work, but it remains the unacknowledged impetus behind his entire project. In one of the few explicit examples, Levinas describes twentieth-century violence as unconstrained by traditional theodicy:

This is the century that in thirty years has known two world wars, the totalitarianisms of right and left, Hitlerism and Stalinism, Hiroshima, the Gulag, and the genocides of Auschwitz and Cambodia. This is the century that is drawing to a close in the obsessive fear of the return of everything these barbaric names stood for: suffering and evil inflicted deliberately, but in a manner no reason set limits to, in the exasperation of a reason become political and detached from all ethics.

Among these events the Jewish people under the reign of Hitler seems to me the paradigm of gratuitous human suffering, in which evil appears in its diabolical horror. This is perhaps not a subjective feeling. The disproportion between suffering and every theodicy was shown at Auschwitz with glaring, obvious clarity. Its possibility puts into question the multimillennial traditional faith. Did not Nietzsche’s saying about the death of God take on, in the extermination camps, the means of a quasi-empirical fact?126

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125 In developing this sub-section, I found the following two accounts of Levinasian ethics especially illuminating and insightful: Judith Butler, “Precarious Life,” in Precarious Life: The Power of Mourning and Violence (New York: Verso, 2004), 128–61; Michael L. Morgan, Levinas’s Ethical Politics (Bloomington, IN: Indiana University Press, 2016).

Elsewhere in his Talmudic writings, Levinas clarifies the conditions under which violence may be appropriate, but warns against being sucked into the destructive unreason of war: “[B]orn of human relations, violence remains at the edge of an abyss into which, at a certain moment, everything can founder, including reason. We leave war to return to its ultimate source, which is Auschwitz, and into which it risks reverting.”¹²⁷ Most often, his use of the death camps is only indirect, as if to specifically name the Nazi holocaust would be to grant a kind of historical distinction to the atrocities Levinas did not believe was justified, and which served no moral purpose. Auschwitz is nevertheless the threat lingering just below the surface of his philosophy. How are we to orient ourselves morally in the world after Auschwitz?

Levinas centers his ethics on the relation between two subjectivities when they encounter one another face to face. This apparently simple thought experiment obscures depths of profound complexity, which Levinas goes on to explore at length in his *Totality and Infinity*.¹²⁸ The infinite obligation to the other that emerges from this encounter is grounded in a particular philosophical assumption: it establishes an ethics prior to phenomenological knowledge, linked not to empirical observation, but to the presence of what Levinas calls infinity, the precognitive development of a thought that cannot yet think itself.¹²⁹ The ethical is transcendent; it is “first philosophy,” in his parlance—prior to ontology, prior to empirical observation, and issuing a moral demand that can never be successfully fulfilled. In the face of the other these two

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¹²⁹ The Levinasian conception of infinity is exceedingly complex, but not immediately relevant for the present discussion. For an overview of this concept, see Emmanuel Levinas, “God and Philosophy,” in *The Levinas Reader*, ed. Seán Hand (Cambridge, MA: Basil Blackwell, 1989), 166–89.
subjectivities witness their infinite separateness, their alterity (alterité), which simultaneously underscores their infinite co-dependence.

Whatever else Levinas may be proposing here and whatever the feasibility of responding practically to the infinite demand, his phenomenology utilizes vision as a metaphor for moral obligation.\textsuperscript{130} That is, we are not dealing with the conversion of light into electro-chemical impulses, in itself a rather clumsy cognitive representation of the world; rather, Levinas has in mind something much more in line with Weil and Murdoch’s conception of the Good. “[E]thics is an optics,” he writes. “But it is a ‘vision’ without image, bereft of the synoptic and totalizing objectifying virtues of vision, a relation of an intentionality of a wholly different type.”\textsuperscript{131} The intersubjective emphasis of Levinasian phenomenology is “ethical” in the sense that we discover our own particular subjectivity upon falling under the gaze of the other and this recognition establishes obligation. Each step of the encounter is absolute and thus infinite: the alterity established through the encounter is absolute; the passivity of the agent falling under the moral command of the other is absolute; the other’s demand itself is absolute; and the responsibility to respond is absolute. It is the absoluteness of this approach that compels Badiou to attribute to Levinas “a kind of ethical radicalism”\textsuperscript{132} and for others like Rorty to dismiss his project entirely as “a stumbling-block to effective political organization.”\textsuperscript{133}

\textsuperscript{130} I am simplifying Levinas here somewhat by using the word “phenomenology” in such a context. He rejected this word himself. “I do not know if one can speak of a ‘phenomenology’ of the face, since phenomenology describes what appears … I think rather that access to the face is straightway ethical.” See Emmanuel Levinas, \textit{Ethics and Infinity: Conversations with Philippe Nemo} (Pittsburgh, PA: Duquesne University Press, 1985), 85.
\textsuperscript{131} Levinas, \textit{Totality and Infinity}, 23.
\textsuperscript{133} Richard Rorty, city in J. Aaron Simmons, \textit{God and the Other: Ethics and Politics After the Theological Turn} (Bloomington, IN: Indiana University Press, 2011), 28.
The connection between metaphoric vision and ethics is well illustrated by the story of Gyges of Lydia in Greek tradition, a story Levinas references. Gyges, a servant of king Candaules, is asked to hide himself in the queen’s chambers so that he might secretly watch as she undresses and confirm her unsurpassed beauty to the king. According to Herodotus’s account of the story, Gyges offers initial resistance but eventually agrees to the plan, not wanting to upset the king. He sneaks into the queen’s chamber, observes her in the nude, and is mesmerized by her beauty just as the king predicted. For her part, the queen realizes she is being spied upon but only chooses to confront Gyges about it after some time has passed, whereupon she demands that he either kill Candaules or be killed himself by her guards for setting eyes on that which is forbidden. “[Gyges] soon saw that he really was faced with the alternative, either of murdering his master, or of being murdered himself.” Seeing no other way around it, Gyges chooses to kill the king, marry the queen, and usurp the throne. Convinced that he has no choice in the matter, Gyges comes to view the act of killing another as excusable, even permissible, under such conditions.

In his rather more fantastical version of the story, Plato retains the central plot, with Gyges killing the king and marrying the queen, but adds a famous twist. Gyges comes into possession of a magical ring that allows him to become invisible and to commit his crime with no risk of being caught. Plato introduces the ring to probe the nature of moral choice in a world without consequences. While Herodotus’s version of the story hinges on a forbidden sight (the queen’s nude form), Plato’s pivots on visibility in terms of liberation from social constraint. If there were no consequences for acting unjustly, why should we act justly? Socrates asks whether

134 Herodotus, Histories 1.6-15. 
135 Herodotus, Histories 1.11. 
it is better to suffer injustice than to inflict it and famously argues the former: it is indeed better to suffer injustice than the alternative. This question plays a central role in Levinas’s work as well. Levinas himself argues that his entire philosophy can be summed up by saying that “there is something more important than my life, and that is the life of the other.”\textsuperscript{137} Plato’s Gyges is a figure that can see without being seen, representative of a subjectivity living for itself, divorced from social restraint or obligation. This radical individualism flirts with the dream of total autonomy and the dangerous urges that come with this. “Gyges’ ring,” Levinas writes, “symbolizes separation … Gyges is the very condition of man, the possibility of injustice and radical egoism, the possibility of accepting the rules of the game, but cheating.”\textsuperscript{138} To refuse the responsibility commanded by the other is ultimately to refuse infinity and transcendence; it is to limit our moral potential and become worryingly self-centered. It is to become Gyges.

Like Weil and Murdoch, Levinas places vision at the center of his moral philosophy. All three encourage us to strip away the egoistic tendencies, the moral distractions, that otherwise impede our ability to recognize a notion of goodness or our responsibility to the other. Levinasian ethics is not a movement closer to some kind of idealized truth, however. It is a trembling moment before the moral height and absolute naked vulnerability of the other. As in Weil, Levinas refuses to believe that morality is reducible to acts of consciousness or will because obligation is established in the face to face encounter prior to action and is co-emergent with subjective consciousness. We may of course refuse to act upon this obligation, but as Cohen writes, the “responsibility to respond to the other … is, paradoxically, the unspoken first word

\textsuperscript{138} Levinas, \textit{Totality and Infinity}, 173.
prior to the first word spoken.” To reject the demand is to reject ourselves. “The will is free to assume this responsibility [to and for the other] in whatever sense it likes; it is not free to refuse this responsibility itself; it is not free to ignore the meaningful world into which the face of the Other has introduced it.”

**Ego and the Original Position**

In Weil and Murdoch, one question in particular nags at us: is it reasonable to expect new morally relevant information to enter simply by force of will, through the act of attending? And yet this a misguided question; if one attends as Weil and Murdoch would have it, the process is not one of addition but subtraction—of the ego and its obstruction of moral vision, insofar as possible. Perfect attention winds up sounding a lot like Rawls’ original position: a moral actor stripped to its core, ignorant of its own socio-economic status, particular talents, physical attributes, indeed any knowledge that might prejudice one’s preferred political outcomes. Like Murdoch, Rawls takes human self-interestedness for granted and attempts to correct for problems this might cause by applying the veil of ignorance. To the extent that one is able to successfully eliminate the “I” via the unselfing process, moral attention bears a great deal in common with the original position, but the comparison ends there. For while the unselfing process is designed to get at the core of a moral dilemma by stripping away factors irrelevant to judgment, it simultaneously implies a heightened sensitivity to the condition of others once the clouds of egoism have been swept away. A Rawlsian veil of ignorance does not provide any such moral information.

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Murdoch was strongly influenced by Buddhist thought, especially the notion of achieving wisdom via a hollowing out of the concept of self. Her elaboration upon Weil’s work, reflects the paradoxical nature of this ethical approach: only by unselfing and stripping away self-information are we able to gain knowledge of that which is external to us. Murdoch hoped to provide readers with a practical way of thinking about ethics in their everyday lives. By contrast, Rawls always stressed the “purely hypothetical” nature of the original position:

In justice as fairness the original position of equality corresponds to the state of nature in the traditional theory of the social contract. This position is not, of course, thought of as an actual historical state of affairs, much less as a primitive condition of culture. It is understood as a purely hypothetical condition characterized so as to lead to a conception of justice.¹⁴¹

Rawls is convinced that actors in the original position are likely to agree upon a relatively egalitarian society, but he also believes they will likely tolerate minimal levels of inequality—certainly much less than is actually the case in present society.

It might be possible to adapt the original position to the question of atrocity if we pose an economy of violence as the central concern. How much and in what form will violence be tolerated before the veil of ignorance is removed? If we ask this question, the original position offers us a way to guess at which forms of violence are likely to be rejected as unacceptable under any circumstances. It seems highly probable that actors in the original position would tolerate minimal levels of violence, conceivably allowing for some kind of limited punitive violence directed at those who transgress social norms—murderers, for example. Whatever the forms of violence ultimately permitted in this reformulation of the original position, the determination proceeds on the assumption that some crimes should be singled out for special punishment. It is plausible to assume that, faced with the veil of ignorance, many of us would

sanction violence in highly specific cases. Yet without knowing who among us is likely to transgress social norms—and thereby find themselves subject to punitive violence once the veil of ignorance is removed—levels of permissible violence would remain much lower than our present society accepts as normal.

The veil of ignorance produces some interesting ideas when we put it to work with the wider conception of vision discussed in this chapter. Pain, whatever the source, is an isolating experience, limited to the physical confines of our own bodies. As Elaine Scarry argues, pain always arouses at least some suspicion among those of us not experiencing it.142 Could it really be so bad? We have no way of knowing for sure without subjecting ourselves to it. It is for this reason Christopher Hitchens subjected himself to waterboarding in an effort to influence public opinion against waterboarding as practiced against military detainees.143 It is for this reason also that groups like Amnesty International seek to emphasize suffering through shocking visual campaigns, attempting to render expressible in some detail the suffering of others. It is no coincidence that such campaigns often feature children, commonly perceived as innocents whatever the socio-political context, and thus less morally problematic.

A veil of ignorance obliterates irrelevant information that would otherwise exert an unwarranted influence over individual moral judgment. Moral attention does the same—but only for the self. Even as the unselfing process strives to minimize and ultimately subvert the tendency to prioritize ourselves above others, it does this in order to heighten our sensitivity to that which lies beyond the self. Susan Sontag offers a nationalist example of the moral influence such information otherwise presents when she describes a photograph depicting a dead child,

blown apart in a suicide bombing of a Jerusalem pizzeria. “To an Israeli Jew,” she writes, it is “first of all a photograph of a Jewish child killed by a Palestinian suicide-bomber.”\textsuperscript{144} Likewise, for the Palestinians, “a photograph of a child torn apart by a tank round in Gaza is first of all a photograph of a Palestinian child killed by Israeli ordnance.”\textsuperscript{145} Such political context would presumably be absent in the original position, just as it would be stripped away from someone successfully attending to the problem of a child, any child, being torn apart. With moral attention, our own relationship to the child is removed as much as possible so that a clear view of the child’s death is not obscured by the clouds of egoism and rationalization. Clarity of moral vision is possible only by transcending the parochial, selfish concerns that inform the arbitrary ethical standards we set up on the basis of nationality, religion, race, and other morally irrelevant associations underscoring those associations beyond the self.

Practically speaking, the horrors of violence are often recognized as atrocious too late, only after it strikes. Moral vision is often acquired first by those who experience violence firsthand, perhaps surviving atrocities like torture or perhaps speaking on behalf of a murdered family member. In many cases, the trauma of experiencing violence is itself sufficient to itself obliterate strongly held dogmas, converting the individual from a stalwart defender of torture into its greatest opponent, and often establishing formerly unimaginable political alliances.\textsuperscript{146} I have in mind the families of children killed in ways described by Sontag above. A common source of suffering sometimes generates moral clarity of the kind Murdoch wishes for us to reach without having to experience the trauma of losing a child. Ideally, we should be able to reach the

\textsuperscript{144} Sontag, \textit{Regarding the Pain of Others}, 10.
\textsuperscript{145} Ibid.
\textsuperscript{146} At the same time, however, those who suffer violence often become less willing to consider the humanity of the other, consumed by an overwhelming hatred for the immediate source of the violence.
conclusion that murdering children is wrong without having to experience it, but nationalism is a remarkably adaptable form of egoism.

To conclude with a few observations on Levinas, it may seem odd to juxtapose the face to face encounter with the neo-Platonic concept of attention found in Weil and Murdoch. Yet each of these thinkers sets about to establish vision as a metaphor for morality, stymied by the presence of ego. Though Levinas places the rise of subjective consciousness at a different chronological point in relation to the crucial moment, he nevertheless argues that “man’s ethical relation to the other is ultimately prior to his ontological relation to himself (egology) or to the totality of things we call the world (cosmology).” That is, our obligation to the other transcends whatever forms of egoism are later established through the inculcation of national and other groupist tendencies.

For Weil’s version of Platonist Catholicism, egoism is the default mode of human nature, a cosmological inevitability that can only truly be overcome in the afterlife. Murdoch’s adaptation of this notion strikes a similar tone, with vision taking a central place in both accounts, willing something that resembles the original position in reverse: imagining how we might see the world once we have emancipated ourselves from particularist concerns. In Weil, this could be taken to an extreme in which the “I” disappears altogether. While Murdoch does not wish to abolish the ego with the same theological fervor one finds in Weil, she nevertheless argues that pure attention is to effectively transcend oneself, to truly feel what the other feels. Seeing is important, but seeing as a metaphor for vision must include as many of the senses as possible if we are to achieve vision in the morally expansive sense she intends. When the question at stake is violence, it is worth considering the experience for ourselves before choosing

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to sanction its use against others or else we should hesitate in the humility of our own ignorance. In this way, the original position is helpful to imagine forms of violence that might pass beyond a threshold of atrocity but because Rawls never intended the heuristic to be adapted in such a way, its application for aiding practical moral judgment is undeniably limited. Moral attention is more useful in this regard because the ignorance it places upon a moral agent in turn facilitates a deep knowledge of the external world.

The original position also resonates in some respects with Levinasian ethics, which, as we have seen, establishes a relationship prior to the development of subjective consciousness. It is a relationship defined by absolute codependence, an infinite demand: the other asks not to be killed and in this we realize our own desire not be killed. Indeed, we are less likely to tolerate violence when the possibility arises of suffering violence ourselves. Especially because Levinas places this experience prior to ontology, we can discuss violence without the morbid influence of national or religious martyrdom. The banal violence so easily justified against others suddenly becomes abhorrent once it is directed at our own bodies. Violence formerly treated as acceptable becomes, in essence, atrocious. At risk of expressing it crudely, we might call it the “golden rule” of atrocity. If atrocity is simply violence that is unacceptable under any circumstances, violence that we could never sanction against ourselves, then in the absence of parochial filters we will likely discover that much of the violence tolerated against official enemies, marginalized populations, and others must be reclassified as atrocious.
III. SEEING: The Nazi Holocaust as a Paradigm of Atrocity

“There are no lessons to take from the Holocaust. And, perhaps, this is what’s terrible about the Holocaust.”

Yeshayahu Leibowitz

“[C]ontemplating the Holocaust is virtually cost-free: a few cheap tears.”

Peter Novick

“Men dressed in black, with leather boots and skull insignias, carrying out the large-scale and systematic murder of millions of innocent, unarmed, naked civilians: What could be more evil?”

Roy F. Baumeister

This chapter continues to develop a theory of atrocity grounded in moral vision by looking closely at the Nazi holocaust’s role in shaping our interpretation of what an atrocity “looks” like. Insofar as the Nazi holocaust and its associated symbols serve as a metonym for evil, I argue, the numerous horrors associated with the Nazi regime strongly color our understanding of contemporary atrocities. Forms of violence that resemble Nazi crimes are more easily identifiable as unacceptable than forms that do not. So while the universal repugnance with which Nazi atrocities are today regarded should be acknowledged as an achievement for moral education, we must also consider the ways it generates a blindness to forms of violence that do not quite rise to the level of Auschwitz.

The chapter also addresses the triangulation of three powerful concepts that color interpretation of the Nazi holocaust and its role in assessing other incidences of unconscionable violence: atrocity, evil, and genocide. Atrocity, I argue, must be understood as conceptually distinct. A secular notion of evil, while compelling, is ill-suited to explain why some forms of violence qualify as atrocity while others do not. Finally, the crime of genocide is too confining in scope to accommodate fruitful theoretical work capable of explaining forms of atrocity that do not yet have a name.
US Army helicopter pilot Hugh Thompson, Jr. spotted bodies strewn across the landscape as he and his two door-gunners navigated their Hiller OH-23 Raven through South Vietnamese airspace on the morning of March 16, 1968. My Lai 4, US Army shorthand for one of several hamlets within the village complex of Son My, was located in the especially contested Quang Ngai province in South Vietnam. American soldiers of Charlie Company had been airlifted to the area earlier that morning expecting to engage Viet Cong fighters and Thompson’s crew was flying reconnaissance. Upon observing scores of fleeing and wounded villagers from the air, they marked several locations with smoke signals and left the area briefly to refuel. By the time they returned, many of the villagers they had seen fleeing lay dead. The crew signaled to a group of American GIs standing near a young Vietnamese woman and, hovering above her, attempted to alert the soldiers to her presence. “A few minutes later,” as Thompson later described, “up walks a captain, steps up to her, nudges her with his foot, steps back and blows her away.”

Thompson and his crew found themselves in the middle of what would become the most notorious atrocity committed by American soldiers in Vietnam: the My Lai Massacre.

During four hours of unremitting carnage, the soldiers of Charlie Company killed more than five hundred unarmed villagers at a level of calculated brutality that far exceeds what one might otherwise expect from soldiers acting on a combination of fear and confusion.

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Turse describes the sadistic nature of the massacre in his recent history of American atrocities in Vietnam:

[T]he men of the unit shot chickens as they scurried about, pigs as they bolted, and cows and water buffalo lowing among the thatch-roof houses. They gunned down old men sitting in their homes and children as they ran for cover. They tossed grenades into homes without even bothering to look inside. An officer grabbed a woman by the hair and shot her point-blank with a pistol. A woman who came out of her home with a baby in her arms was shot down on the spot. As the tiny child hit the ground, another GI opened up on the infant with his M-16 automatic rifle.150

The American soldiers faced no resistance from the villagers, many of whom had still been preparing breakfast when they arrived,151 not a single gunshot was fired against them.152 Nevertheless, they carried out the assault in textbook military formation, kneeling and crouching as if in a firefight with armed adversaries.153 After the first wave of killing, members of Charlie Company raped women and young girls, burned houses to the ground, and soiled the village’s drinking water with grenades and the corpse of a monk.

In the weeks leading up to the massacre, Charlie Company had suffered multiple casualties as a result of Viet Cong mines, booby traps, and sniper fire. The night before, soldiers had been told they would finally have a chance to directly engage a hitherto invisible enemy. Whatever latent desire for revenge smoldered in the hearts of these men prior to the next day’s bloody denouement, it was surely stoked by the briefing they received from Captain Ernest Medina. “We lost a lot of guys,” Medina is reported to have said. “Now we’re gonna get our


151 See Hersh, Cover-Up.
152 The single casualty of the operation involved an American GI shooting himself in the foot.
revenge. Everything goes.” They were to teach the villagers a lesson. When one GI asked if that included killing women and children as well, Medina offered a chilling reply: “Kill everything that moves.” It was Captain Medina who later executed the wounded village woman as Hugh Thompson’s crew looked on in horror.

Recoiling at Medina’s murder of the young woman, Thompson landed his helicopter near a drainage ditch along the village perimeter in which he had observed dozens of terrified villagers huddled together. Several GIs were smoking nearby. Others were eating lunch. Thompson found a sergeant among them and asked if the people in the ditch needed assistance. The only way to help them, he was told, was to put them out of their misery. Thompson then spoke with Lieutenant William Calley, who brusquely told him that it was none of his business and that besides they were “just following orders.” Confused and frustrated, Thompson and his crew took off again in their helicopter and within minutes, began to hear bursts of automatic rifle fire. The realization that American soldiers were executing unarmed civilians casually and apparently without moral constraint shocked Thompson:

During flying around we came across a ditch. It had bodies in it, a lot of them—women, kids, old men. I remember a thought going through my mind: “How did these people get in a ditch?” And I finally thought about the Nazis, I guess, and marching everybody down into a ditch and blowing ‘em away. Here we are supposed to be the good guys in the white hats. It upset me.

The massacre reminded him of Nazi atrocities in Europe, of Jews and political prisoners being rounded up by the Einsatzgruppen and made to dig their own graves before being shot. “What do

155 Turse, Kill Anything That Moves, 2.
you call it,” he asked, “when you march 100 or 200 people down in a ditch and line up on the side with machine guns and start firing into it? Reminds me of another story that happened in World War II, about the Nazis.”158 As he later told journalist Ron Ridenhour, “We’re the good guys. We don’t do those kind of things.”159

Thompson spotted a group of villagers fleeing for safety in a bunker. With American GIs in hot pursuit, he judged the civilians were unlikely to survive unless someone intervened. He landed the helicopter on the road, thereby separating the villagers from their American pursuers, radioed two nearby helicopter gunships for support and, through them, communicated to the soldiers of Charlie Company that his gunners would open fire on anyone shooting at civilians. The firing ceased. Thompson’s actions saved the lives of a handful of civilians. Of those in the drainage ditch, they were able to save only a three-year-old boy, who had managed to go unnoticed by his would-be executioners thanks to being completely covered in a grisly camouflage of mud and blood. Nearly the entire village had been wiped out.

My Lai was just one of numerous atrocities committed by American soldiers during the war and might have been forgotten were it not for a combination of factors that conspired against official secrecy. Despite the US Army’s best efforts, rumors of the massacre eventually leaked to the press and within a year, public outrage demanded an investigation. The existence of Ronald L. Haeberle’s color photographs, subsequently published by major newspapers and television networks, intensified the shock. Haeberle’s images depicted bundles of anonymous bodies piled alongside the road, lifeless old men, women, and children. One shot captured an instant of pure

158 Ibid.
159 Ron Ridenhour, “Perspective on My Lai ‘It Was a Nazi Kind of Thing’ America Still Has Not Come to Terms with the Implications of This Slaughter of Unarmed and Unresisting Civilians during the Vietnam War,” The Los Angeles Times, March 16, 1993.
terror in the faces of several women and girls literally seconds before machinegun fire mowed
them down.

The massacre at My Lai launched a national debate over responsibility for war atrocities.
Though several of the soldiers who participated in atrocities that day were later charged with
crimes, only Lieutenant Calley was convicted of killing twenty-two villagers and sentenced to
life imprisonment with hard labor.\textsuperscript{160} Yet for all the national debate, My Lai was not the
aberration American politicians and the military establishment claimed it was.

Oliver points out that “horrors were often routine”\textsuperscript{161} in Vietnam. “Whilst the atrocities in
Son My may have been exceptional in scale,” he writes, “the battlefield practices of the US
military exaggerated the ordinary viciousness of a civil war to such an extent that the boundaries
of ethical behaviour became obscure for many of those concerned.”\textsuperscript{162} Nick Turse has
meticulously documented the perpetration of numerous massacres and other atrocities by
American forces in Vietnam besides—and in some cases far exceeding—the events in My Lai.
In his view, “the real aberration was the unprecedented and unparalleled investigation and
exposure of My Lai. No other American atrocity committed during the war … was ever afforded
anything approaching the same attention.”\textsuperscript{163}

\textsuperscript{160} After an outpouring of popular protest against Calley’s sentencing, President Nixon reduced his punishment to
two years of house arrest.
\textsuperscript{161} Kendrick Oliver, \textit{The My Lai Massacre in American History and Memory} (Manchester, UK: Manchester
University Press, 2006), 11.
\textsuperscript{162} Ibid.
\textsuperscript{163} Turse, \textit{Kill Anything That Moves}, 5. Turse argues throughout his book that the demand for high body counts was
the primary systemic cause of American atrocities in Vietnam. Similarly, Oliver argues “By establishing the body
count as the central index of operational success, the command created incentives towards the killing of anyone
whose corpse might subsequently be reported as that of an enemy soldier.” Oliver, \textit{The My Lai Massacre in
American History and Memory}, 11.
My Lai was made visible to the American public in a way other atrocities in Vietnam simply were not. As a result, it became the episode upon which the justice of the war itself ultimately hinged. An editorialist for the *New York Times* underscored the idea of visibility when he described the American presence in Vietnam as “that of a hideous blind giant, skilled at killing but unable to ‘see’ what he kills. My Lai now permits us to take a good look.”\textsuperscript{164} Indeed, the justice of American military power itself came into question. Even among supporters of the war, there was a strong sense that American violence had gone beyond the pale in this case.

The national moral concern over My Lai was short-lived, however. At the urging of the media, the episode was eventually accommodated by an American public eager to reject the burden such an atrocity implied. While media coverage of the Vietnam war is often hailed as a glowing example of intrepid journalism in the service of democratic politics against corrupt and unaccountable power, the reality was somewhat different. Hallin describes how the mass media came to depict a version of the war and its objectives largely in line with official state policy:


\textsuperscript{166} Ibid., 9.
Before the massacre at My Lai became widely known in late 1969, details about other massacres had periodically leaked to the press, but even media outlets associated with the political Left were often unwilling to publish these accounts.¹⁶⁷ Before My Lai, few seriously entertained the argument that, as the philosopher Bertrand Russell and others had already suggested as early as 1963, the Vietnam War was a “war of annihilation” and itself an “atrocities.”¹⁶⁸ By the late 1960s, however, the antiwar movement had advanced to such a point that it became possible to find voices within the mainstream media willing to exploit the rare moment and offer more critical coverage. This is precisely what happened in late 1969 when the My Lai massacre was exposed.

It might be said that national discourse between roughly 1969-1971 straddled a threshold of atrocity. To the extent that questions were raised about the morality of the American presence in Vietnam, My Lai injected an unusual dose of critical analysis. Thresholds of atrocity only loom when responsibility for a bad state of affairs appears to implicate the group as a whole and to thereby call the desirability of membership into question. If responsibility can be imputed elsewhere however, the threshold can be avoided. So while the outrage initially generated by the revelations of the My Lai massacre did open a window for more critical analysis than might otherwise have been the case, an emphasis on legality and the actions of individuals redirected the question of responsibility. “[A]s the discursive status of the massacre shifted from allegation

¹⁶⁷ Turse, Kill Anything That Moves, 227, 237. See chapter seven especially. Turse describes the difficulty Seymour Hersh faced when attempting to find a mainstream outlet in which to publish the reports on My Lai that would eventually win him the Pulitzer Prize.
to certified crime, a number of media commentaries sought to preserve the protective cast around the national self-image, asserting the aberrant nature of the events at My Lai (4) and, by implication the excessive guilt of Medina, Calley and their men.”

In this vein, Hallin argues that media coverage of My Lai was generally “cautious and dispassionate,” preoccupied mainly with the legal complexities of Lieutenant Calley’s trial and not the details of the massacre itself—which of course became an “alleged massacre” once charges were filed. For the vast majority of mainstream commentators, the events at My Lai, while lamentable, were by no means representative of either American values or of the war in general. “[F]or much of the viewing public, My Lai was less an atrocity … than confirmation that American morale was on the decline.” At worst, My Lai represented a moment of irrational behavior on the part of several individuals; at best, craven scapegoating. Many Americans simply did not believe the story.

The issue of responsibility, collective or individual, is paramount in such cases. If the atrocities really were systemic, a degree of guilt potentially lay with the nation as a whole, as some had argued about ordinary Germans after the second world war. At a minimum, My Lai eroded a veneer of American benevolence and carried the unsettling whiff of Nazi crimes. Hugh

171 Ibid.
172 One wonders if anti-Mexican racism may have contributed to the popular perception of Captain Ernest Medina and his role in the massacre. Moreover, more than half of Charlie Company was of African-American heritage. To my knowledge, there is no comprehensive look at My Lai and the politics of race, though Thomas Borstelmann’s history touches briefly on My Lai. See Thomas Borstelmann, The Cold War and the Color Line: American Race Relations in the Global Arena (Cambridge, MA: Harvard University Press, 2001), 218.
Thompson had intervened during the massacre precisely because the killing he witnessed that day reminded him of Nazi atrocities and he was not alone in drawing the comparison; Europeans compared the massacre to the German blitzkrieg and especially to the gratuitous Nazi killings of Czech civilians at the village of Lidice in 1942. “But at Lidice,” the New York Times pointed out, “the Nazis spared the women and children.”

The Nation magazine similarly argued that if the details of the My Lai massacre were true, “the Americans involved behaved with an on-the-spot savagery that exceeded even that of the Germans at Liddice [sic] in World War II.”

The revelations of My Lai, regardless of whether the comparisons to Nazi crimes were taken seriously or not, nevertheless threatened to demolish the mythos of homespun benevolence surrounding the American GI in the national imagination. In an interview with one of the central participants in the massacre, veteran journalist Mike Wallace observed:

The thought that goes through your mind is, we’ve raised such a dickens about what the Nazis did, or what the Japanese did, but particularly what the Nazis did in the second world war, the brutalization and so forth, you know. It’s hard for a good many Americans to understand that young, capable, American boys could line up old men, women and children and babies and shoot them down in cold blood.

Robert Rheault, the former commander of U.S. Special Forces in Vietnam, expressed a similar sentiment: “Some people think that the Japanese committed atrocities, that the Germans committed atrocities, that the Russians committed atrocities, but that the Americans don’t commit atrocities. Well, this just isn’t so. American troops are capable as any other of committing atrocities.”

178 Cited in Cookman, “An American Atrocity,” 154. Rheault was implicated as commander of the unit responsible for the summary execution of a Vietnamese double agent in June 1969. The scandal would have led to his court-martial had President Nixon not intervened.
In the popular imagination, the Nazis represent pure evil. “In the twentieth century,” Baumeister argues, “the most compelling and enduring image of evil is the Nazis. The Nazis have replaced the red-skinned, pointy-tailed Satan as the prototype of evil.” In moral philosophy as well the Nazis loom large. Noting a shift away from religious discourses of evil in contemporary moral philosophy, Richard Bernstein notes “ever since we have become aware of the full horrors of the Nazi period and the perverse cruelty of the Shoah, Auschwitz has come to symbolize the most extreme evil of our time.” In correspondence with her mentor Karl Jaspers regarding her recently published *The Origins of Totalitarianism*, Hannah Arendt wrote:

> Evil has proved to be more radical than expected. In objective terms, modern crimes are not provided for in the Ten Commandments. Or: the Western Tradition is suffering from the preconception that the most evil things human beings can arise from the vice of selfishness. Yet we know that the greatest evils or radical evil has nothing to do anymore with such humanly understandable, sinful motives?

Her appropriation of Kant’s notion of radical evil is directly inspired by the Nazi crimes—crimes that “explode the limits of the law,” as she put it. Arendt warns that once a specific act has made an appearance on the world stage, it remains with us “as a potentiality long after its actuality has become a thing of the past.”

The emphasis on the specific forms of violence associated with the actuality of Nazism, real or perceived, constitutes a paradigm of atrocity. That is to say the Nazi holocaust, understood as an event of transgressive violence *par excellence*, serves as a mental rule of thumb, a moral shortcut for weighing the severity of violence in other contexts. The comparison

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182 Ibid., 54.
with Nazi crimes may be more or less warranted, but even superficial resemblance carries strong moral prohibitions. On the one hand, the universal disgust evoked by Nazi atrocities should be recognized as a great success for moral education. At a minimum, Nazism surely represents the darkness and cruelty, the sheer moral depravity of which our species is capable. But might it also generate a blind spot?

Our sensitivity to the historically specific nature of Nazi crimes and its imagery—the death camps, the gas chambers, the crematoria, the hellish piles of emaciated corpses—might leave us less able to imagine other manifestations of transgressive violence, less able to consider future atrocities “beside which Hitler’s gassing installations look like an evil child’s fumbling toys.”184

It is essentially for this reason: that the unprecedented, once it has appeared, may become a precedent for the future, that all trials touching upon “crimes against humanity” must be judged according to a standard that is today still an “ideal.”185

Insofar as violence resembles Nazi violence, it can be assigned an uncontroversial status as atrocity. Even even when the comparison to Nazi violence is shallow or unwarranted it can still carry a strong whiff of atrocity. While the U.S. presence in Vietnam took an enormous human toll, it is not obvious that it sank to a program of calculated and systematic extermination, but a direct comparison with Nazism is not required for the moral shortcut to obtain. A superficial resemblance is often enough. It is at least partly for this reason that the killings at My Lai elicited more concern and moral outrage than the millions of other civilian deaths caused by American military engagement in Vietnam. My Lai resembled Nazi crimes, at least superficially; the others did not—not obviously anyway. It is also for this reason that Hugh Thompson found the actions of Charlie Company so blatantly objectionable, motivating him to take the drastic measure of

184 Ibid.
185 Ibid.
turning his guns on U.S. soldiers. As another member of Charlie Company later remarked, the mass killings at My Lai were a “Nazi kind of thing.”

Paradigms of Atrocity

During the American Revolutionary period, the use of the word “slavery” as a metaphor for the colonial experience under British rule became popular among white anti-British agitators. Later, the metaphor was adapted to emphasize the oppressive conditions experienced by workers under early industrial capitalism—often derided as “white slavery” or “wage slavery” by labor activists. The idea of abstract slavery rode the crest of the Western philosophical tradition and was commonly invoked as a metaphor for absolute unfreedom, notwithstanding the actual practice of chattel slavery. Lay discourses generally operate according to a different set of objectives than do scholarly discourses, especially those aimed at achieving political goals. Insofar as it pushed against the mind’s limits for understanding labor conditions unsuitable for any (white) worker, adopting the slave analogy was politically expedient. Similarly, genocide scholars today employ a language of identification and intervention that rests strongly on the specificity of what Jonathan Glover calls the “distinctive

186 Quoted in Sim, “Remember My Lai.” Journalist and former member of Charlie Company Ron Ridenhour believes this assessment is “exactly right. It was this Nazi kind of thing and we didn’t go there to be Nazis. At least none of the people I knew went there to be Nazis. I didn’t go there to be a Nazi.” Ibid.
187 Roediger points out that while the metaphor arose elsewhere, it was especially common in the American colonies. “Although the metaphoric use of slavery for any threat to liberty had deep roots in virtually slaveless England, Scotland, Venice and Florence, its special force in the American colonies derived in large part from proximity to chattel slavery,” David R. Roediger, The Wages of Whiteness: Race and the Making of the American Working Class (New York: Verso, 2007), 28.
Nazi darkness.”

Yet what is treated as specific has been simultaneously adopted as a paradigm for understanding genocide generally.

For having invoked the memories of Nazi atrocities in particular, the My Lai massacre smacked of evil. The associations pointed out by critics of the massacre serve mainly to emphasize its transgressive nature by establishing a mental connection with the “exotic evil” of Nazism. References to the Nazis in lay parlance are often deployed in this way, serving as a kind of shorthand for pure evil. Tal observes as much in North American political discourse; the use of the Nazi holocaust as a metonym for evil has predictable but interesting consequences. “‘Hitler,’ ‘Jew,’ ‘Nazi,’ and ‘Holocaust’ imply floating chains of signifiers in the Barthesian sense, each invoking a variety of signifieds.” In national politics, the specter of Nazism is used to discredit political candidates and their ideas. “Nazi references,” Johnson argues, “are nearly ubiquitous in American culture—appearing in film, literature, popular music, television, and video games, political speeches and debates. The proliferation suggests a national definition: Nazis are evil, and evil is Nazi.” This circular definition is sufficiently flexible for the many uses to which the popular imagination deploys Nazi analogies.

So much for the popular discourse, but what does the Nazi holocaust offer scholars in terms of comparative analysis, if anything? The answer to this question remains the subject of some debate. Traditionally, the question has centered on the “uniqueness” or singularity of the

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191 James Dawes uses this term to point out the connotation of Nazi crimes as absolutely-not-self: “[The Nazis] are such an exotic evil, they have nothing to do with us.” See James Dawes, *Evil Men* (Cambridge, MA: Harvard University Press, 2013), 78–79. He is incidentally uncomfortable in drawing comparisons between Nazi crimes and the My Lai massacre: “I wanted to talk about the My Lai massacre but wasn’t comfortable fitting it in next to the Holocaust.” Ibid., 79.
193 Brian Scott Johnson, “‘Just Like Hitler’: Comparisons To Nazism in American Culture” (Dissertation, University of Massachusetts, 2010).
Nazi holocaust and the potential for extrapolating from it more general lessons. The sensitivity of
the topic has unfortunately generated a great deal of confusion over what this actually entails. In
his anthology of perspectives on the uniqueness debate, Alan Rosenbaum writes that “the
Holocaust is in many crucial respects an unparalleled or singular event.” Nevertheless, “the
historical singularity of the Holocaust does not imply by that fact alone that it is ‘unique’ in some
significant sense.”194 It should go without saying that all historical events are to some extent
unprecedented, but ascribing to the Nazi holocaust absolute phenomenal uniqueness poses
obvious problems for social scientists. If a particular event is truly a case apart, how is the
scholar to proceed?

If [the Nazi holocaust] can’t be legitimately compared to any other historical process or
event, and it is indeed utterly unique, then it cannot be repeated in any form, and thus the
slogan ‘never again’—often uttered when attempts are made to draw lessons for the
present and future from these terrible events—is meaningless, since the ‘Final Solution’
has no relevance to anything else and no lessons to teach us in the present day.195

Incidentally, some have adopted this very position. The Israeli philosopher Yeshayahu
Leibowitz, for example, emphatically argues “there are no lessons to take from the Shoah. And,
perhaps, what is so terrible about the Shoah is that it has no lesson.”196

The uniqueness debate resurfaced with great popular interest as recently as 1996 upon the
publication of Daniel Goldhagen’s Hitler’s Willing Executioners.197 Goldhagen argues that
German anti-Semitism was indeed unique in both incidence and intensity, though his work was

196 He continues, “Many people today are beginning to understand this, that the Shoah is horror itself [French:
l’horrer] and that this horror has no use.” See Yeshaiyahou Leibovitz, “Le Chemin de L’humanité Vera La
197 Daniel Jonah Goldhagen, Hitler’s Willing Executioners: Ordinary Germans and the Holocaust (New York:
roundly dismissed by many prominent holocaust scholars, including Raul Hilberg who called it “Totally wrong. Exceptionally wrong.”198 Though it periodically resurfaces in the popular literature and in North American Jewish philosophy,199 the special singularity of the Nazi holocaust is no longer a subject of much debate among mainstream genocide and holocaust scholars. It is instead regarded as intellectually untenable and morally dubious to reserve a special classification that would downplay, in effect if not intent, the catastrophes other groups have suffered in holocausts of their own. Nor does a skepticism of the Nazi holocaust’s absolute uniqueness in any way diminish or trivialize its horror.

The historiographical and methodological disputes over the Nazi holocaust as a subject of scholarly analysis have produced some interesting contradictions. Senior editor of the Journal of Genocide Research, Dirk Moses, has criticized “leading genocide scholars” for treating the Nazi holocaust as what he calls a “paradigm of genocide” despite rejecting its uniqueness.200 Such treatment, he argues, implies that the Nazi holocaust has compelling analytic value—but only because it is the most genocidal of genocides, the genocide as it were. This is a common theme in the literature. For example, Jonathan Glover writes that while there are “some common patterns to be found” in comparative analysis with the Nazi holocaust, “this is not to deny that the Nazi genocide has a terrible darkness all its own.”201 The international legal definition

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201 Glover, Humanity, 396.
notwithstanding, Dirk Moses claims that the field of genocide studies has, “redefined [genocide] as an ideologically-motivated and state-executed program of mass killing.” The emphasis placed on these two variables (ideological motives and state direction) tends to eclipse the “capacious definition” proffered by Raphael Lemkin when he coined the term “genocide.” I will return to Lemkin and the expansive definition of genocide momentarily.

If mass killing remains the central act associated with genocide, the Nazi holocaust remains the paradigmatic example. Nazi crimes are used as the measure against which the severity of all atrocities can be analyzed and assessed. Melson claims this analytical reliance on the Nazi holocaust on the part of genocide scholars is misleading and suggests that other historical incidents, especially the Armenian genocide, may generate more fruitful comparative analyses:

In the Holocaust, the victims were not a territorial group; the ideology was a variant of a global racism and antisemitism, not nationalism; and the characteristic method of destruction was the death camp. Indeed, in the contemporary world, only the Cambodian genocide perpetrated by the Khmer Rouge bears a closer resemblance to the Holocaust than to the Armenian Genocide.

Whether or not the contemporary field of genocide studies remains faithful to Lemkin’s intent is an ongoing debate, the contours of which cannot be adequately recounted here. Nor is it particularly important to offer more than a sense of this debate for the task at hand. I am much more interested in the normative implications that follow first from adopting the Nazi holocaust as a paradigm of genocide; and second from conceiving of genocide as the worst of all imaginable atrocities. What does it mean for a theory of atrocity grounded in vision that genocide is perceived as the paradigmatic atrocity, the Nazi holocaust as the paradigmatic

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202 Moses, “Why the Discipline of ‘Genocide Studies’ Has Trouble Explaining How Genocides End?”
It is worth elaborating on my claim that the Nazi holocaust has become a paradigm of atrocity by reviewing the operative terms. As explained in the previous chapters, I take atrocity to mean violence perceived as having transgressed all social and political norms, i.e. lacking any excuse or justification under any circumstances. For instance, a given political community might tolerate a minimal degree of violence in the form of a basic internal security apparatus. The same political community would likely reject the regular use of torture by such an apparatus and the likelihood of a community tolerating such violence diminishes further once we apply the veil of ignorance heuristic discussed earlier. Other cases of institutionalized violence will surely follow a similar pattern: some coercion will likely be tolerated, but probably only within tightly constrained boundaries. It is probable that a greater amount of violence will be permitted against outsiders and less permitted against insiders. It seems very unlikely that any political community could develop norms predicated on mass suffering of either insiders or outsiders without an enormous amount of deception at work. Deception is certainly part of the story as the next chapter will address, but for now I am interested in what we might expect from communities in which violence is fully visible.

It is also necessary to explain just what I mean by paradigm of atrocity. Because I employ a definition of atrocity that necessarily relies to a great extent on the imprecision of interpretation, it is not possible to establish strict definitions; there are no convenient lines for which one might declare “there lies a threshold of atrocity!” Still, the inability to “see” many atrocities does not, in itself, disqualify those instances from correctly being ascribed such a

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204 For the sake of clarity, I will proceed with my own term (paradigm of atrocity) and not Dirk Moses’s (paradigm of genocide) because the former incorporates both Moses’s critique that the Nazi holocaust has become the analytical standard among genocide scholars as well as my own critique that genocide has becomes the standard for conceptualizing atrocity.
status. For the purposes of this study, a paradigm of atrocity is simply an example of past violence that has become ubiquitous and now serves as a powerful filter through which the identification and interpretation of violence that falls beyond a threshold of atrocity takes place. In the case of the Nazi holocaust, this is apparent not only in the scholarly literature but also in the wider culture in such a way as to obscure forms of atrocity that do not closely resemble Nazi crimes. One of the ways this manifests in political struggles is the understandable attempt by victim groups to appropriate the term “holocaust” for their own suffering. Critics of this practice argue that while it might be a politically expedient strategy for gaining political recognition, sympathy, or reparations, it also reinforces the idea that an atrocity must be sufficiently Nazi-like to warrant recognition. “Far from constituting a symbolic idiom that empowers non-Jewish victims to win public recognition, the Holocaust occludes their experiences by establishing an unattainable monumental threshold.”

Within a moral taxonomy of atrocity, the narrow understanding of genocide-as-Auschwitz all but guarantees that genocide is today understood to be the worst imaginable atrocity, if not the central crime associated with the term, to the exclusion of other forms of violence that also demand vociferous moral protest. This contributes to a blind spot when it comes to recognizing atrocities that do not fit easily into the Nazi paradigm. Not all forms of atrocity are genocidal and not all genocides look like Auschwitz. It should be possible to expand our moral vision by heeding Arendt’s warning that future atrocities may appear very different

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than the paradigm established by the Nazi holocaust without (and one cannot stress this point enough) diminishing the moral horror of Auschwitz a single iota.

**Atrocity and Genocide**

The twentieth century bore witness to astonishing levels of carnage, episodes of mass killing among which the Nazi holocaust holds a prominent, if not preeminent, place in both the cultural and scholarly imaginations. What is it about Nazi crimes in particular that stand out? A crude tally of the millions murdered cannot alone explain it; the century experienced multiple massacres, some of which resulted in greater numbers of gross death. Rummel offers an estimate of 21.9 million lives ended by the Nazi regime. Yet this mind-boggling figure is dwarfed by two more of what he calls the twentieth century’s “dekamegamurders”—the 35.23 and 61.9 million deaths caused by the Chinese and Soviet gulag states respectively. In addition to these three episodes of mass murder, Rummel also documents the killing of 10.2 million people in China by Chiang Kai-shek’s quasi-fascist nationalist regime. To these four dekamegamurders, I would suggest another example nowhere mentioned in his book: the colonial atrocities directed by Belgium’s King Leopold II in the Congo Free State, which resulted in 8-15 million deaths.

Looking at body counts is an unseemly business, especially when even one million dead, let alone tens of millions, is already an incomprehensible figure. Clearly the numbers alone cannot explain the Nazi holocaust’s status as a paradigm of genocide.

Instead of numbers, many dwell instead on Nazi racial ideology and the underlying, symbolic meaning of Nazi violence. For instance, Emile Fackenheim, a major figure in the

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208 Though one of the bloodiest massacre’s in world history, it is not especially well known. See Adam Hochschild, *King Leopold’s Ghost: A Story of Greed, Terror, and Heroism in Colonial Africa* (New York: Houghton Mifflin, 1998).
uniqueness debate, suggests that it was precisely because there was no rational economic or political advantage to be gained by its implementation that sets the Final Solution apart. The sheer single-mindedness of the Nazi extermination program, proponents of this view claim, render it a very different phenomenon from the Chinese and Soviet episodes. Others claim that Nazi genocide is regarded with special horror by Europeans precisely because Hitler marked the return of colonial violence to the metropole. Aimé Césaire mocked the irony of European indignation over Nazi crimes which had, until then, “been applied only to non-European peoples.” Indeed, many scholars now regard the German massacres between 1904-09 against the Herero people as the century’s first genocide and a forerunner to the Nazi holocaust. The symbolism of Nazi violence is surely part of the story. There is something undeniably chilling about the extension of industrial bureaucratic efficiency to the business of mass murder, the way in which the Nazis reduced the challenges of mass murder to mere technical problems to be solved. It strikes us as profoundly cold-blooded, somehow even worse than conventional mass murder—if there is such a thing.

Whatever the other contributing factors, the Nazi holocaust’s paradigmatic status is informed at least in part by the evolution of the word “genocide” itself. None of the Nazi war criminals put on trial at Nuremberg were charged with genocide because the term did not exist at the time. It is a common misconception that the 1948 Convention on the Prevention and Punishment of the Crime of Genocide (CPPCG) was adopted by the United Nations in response to the Nazi holocaust specifically. While it is true that the Final Solution contributed to the animus behind passing the CPPCG, those drafting the Convention did not regard the Nazi

210 David Olusoga and Caspar Erichsen, The Kaiser’s Holocaust. Germany’s Forgotten Genocide and the Colonial Roots of Nazism (New York: Faber and Faber, 2010).
holocaust as a paradigmatic case of genocide. Still less was it thought to be so by Raphael Lemkin, the man who coined the term “genocide” itself. Though technological sophistication made it easier for Hitler, Lemkin felt there was nothing inherently modern about the idea and practice of genocide.\(^{211}\)

Genocide is a special crime insofar as its prosecution under international law requires a general intent for the underlying act itself (e.g. killing members of a group, forcibly transferring children, etc.) as well as an ulterior intent to destroy the victim group via such action. For instance, if one group is shown to have adulterated another group’s water supply with a chemical substance that reduces fertility rates, it may be a criminal act, but it is not necessarily genocidal. However, if it can be shown that the underlying act of tainting the water was implemented with the ultimate goal of destroying the group, the crime then rises to genocide under international law. No death camps are necessary for the legal definition to obtain.

While the popular understanding of genocide and indeed much of the scholarly treatment of the subject relies on a definition that takes mass killing for granted, the crime of genocide technically requires no killing at all.\(^{212}\) Lemkin’s original formulation included a number of historical episodes of mass killing dating to the classical world which he regarded as genocidal in nature, but his use of the term also encompassed an array of non-lethal activities, e.g. measures taken to counter the biological reproduction of a victim group.\(^{213}\) Despite the direction Moses and others claim genocide scholars have taken the field, the international legal definition of genocide outlined by the Convention on the Prevention and Punishment of the Crime of


\(^{212}\) Both the Merriam-Webster and Oxford English Dictionaries imply mass killing in their respective definitions of the term.

\(^{213}\) Moses, “Why the Discipline of ‘Genocide Studies’ Has Trouble Explaining How Genocides End?”
Genocide (CPPCG) clearly endorses Lemkin’s expanded notion. In addition to the prosecution of physical violence against a targeted group, article two of the CPPCG also proscribes as genocidal “measures intended to prevent births” and “[f]orcibly transferring children.” Forms of “para-lethal” genocide remain controversial elements of the Convention’s definition and are often treated by scholars as ancillary or even non-genocidal.\textsuperscript{214} They are too often semantically trivialized as mere “cultural genocide”—and not genocide proper. The philosopher Claudia Card, to whose work I will return shortly, criticizes the tendency of genocide scholars to downplay non-lethal forms of genocide. As a corrective, she suggests placing Orlando Patterson’s concept of “social death”\textsuperscript{215} at the center of genocide.

Putting social death at the center of genocide explains and clarifies the position, controversial among genocide scholars, that genocidal acts are not necessarily homicidal. Forcibly sterilizing the women or the men of a targeted group, or forcibly separating children from their parents for re-education to assimilate them into another group, can be genocidal in both aim and effect.\textsuperscript{216}

Emphasizing social death, Card argues, renders the notion of “cultural genocide” redundant and misleading. Her work implicitly suggests that non-lethal genocide is an entirely plausible potentiality and, given the definition of genocide outlined in the Convention, it is difficult to argue otherwise. Yet, non-lethal forms of genocide are either ignored or discussed only as adjuncts to the primary phenomenon: mass killing.


\textsuperscript{215} See Orlando Patterson, \textit{Slavery and Social Death: A Comparative Study} (Cambridge, MA: Harvard University Press, 1982).

\textsuperscript{216} Claudia Card, \textit{Confronting Evils: Terrorism, Torture, Genocide} (New York: Cambridge University Press, 2010), 238.
Because of the fairly loose legal definition of genocide outlined in the convention, it is conceivable that charges of genocide might be leveled at governments for pursuing policies aimed at destroying undesirable communities “in whole or in part” without resorting to mass killing—as in the sterilization example proffered above. Yet the term “genocide” is rarely invoked to describe such policies and is typically met with derision when it is. This disconnect between the legal and colloquial definitions of genocide has very real consequences. To offer one real-world example with which I am quite familiar, human rights groups have for years accused Israel of pursuing policies aimed at diminishing the Palestinian presence in East Jerusalem with the goal of maintaining a Jewish demographic advantage in the Old City, which Israel conquered in 1967 and later annexed in contravention of international law. The Israeli human rights group B’Tselem points to various methods the Israeli state has implemented to advance this agenda:

- Physically isolating East Jerusalem from the rest of the West Bank, in part by building the Separation Barrier;
- Discriminating in land expropriation, planning and building, and demolition of houses;
- Revoking residency and social benefits of Palestinians who stay abroad for at least seven years, or who are unable to prove that their center of life is in Jerusalem;
- Unfairly dividing the budget between the two parts of the city, with harmful effects to infrastructure and services in East Jerusalem.\(^\text{217}\)

While B’Tselem does not claim that such policies amount to genocide, they do claim the measures are designed “to create a demographic and geographic situation that will thwart any future attempt to challenge Israeli sovereignty over [Jerusalem].”\(^\text{218}\) Moreover, the restrictions placed on the growth of Palestinian towns in the occupied West Bank stands in stark


\(^{218}\) Ibid.
contradistinction to the vast resources devoted to expanding and codifying a strong Israeli-Jewish presence over the occupied territories.

Whether or not these policies fulfill the legal definition of genocide is debatable and it is important to stress that Israel is not unique in practicing this kind of demographic micromanagement. China pursues similar efforts against the Uighurs in the Xinjiang region, as does India against Muslims in Jammu and Kashmir. Some scholars have leveled charges of genocide against the United States and Canada for infringement on the rights of Native Americans. However capacious the CPPCG definition of genocide, I am not personally convinced that it is morally or strategically wise to place racist demographic management alongside policies of mass killing. Whatever the merits of doing so whether the policies in question actually fulfill the legal definition of genocide, it is enough to point out that the CPPCG is sufficiently loose to include a range of non-murderous activities—so long as the ultimate intent is the destruction “in whole or in part” of the victim community. The popular and scholarly consensus notwithstanding, there is simply no good reason for us to think contemporary genocides must resemble Nazi crimes in order for them to fulfill the CPPCG definition.

While the legal definition of genocide is fairly loose, it is rarely invoked. Yet even the current definition has its critics who feel the term narrows the scope of imaginable contexts in which vast numbers of lives are destroyed. In an interesting essay, Vinay Lal challenges the prevailing understanding of genocide specifically, arguing that the hidden practices of economic liberalization, often promoted under the name of “development,” have caused untold death and misery and might more accurately be described as a form of genocide. The disparate forms of
violence that accompany “structural adjustment” policies, he claims, are allowed to without producing much concern because market logic is assumed to be extra-political, even natural.

Lal’s inclusion of destructive economic policy obviously falls well outside the present definition of genocide outlined in the CPPCG. Invoking the specter of Nazism, Lal questions whether or not we need to reevaluate the terms of the discussion away from “camps” for fear of missing genocides occurring under other guises.

Will it suffice to speak of genocide as the wilful elimination, in part or in whole, of groups of people, whether conceived through the categories of nationality, religion, ethnicity, gender, sexual preference or linguistic identity, and point to continuing violence in the Sudan, Chechnya, the Chittagong Hill Tracts and elsewhere as instances of genocide in our time, or do our times call for some radical rethinking of genocide? Does our present understanding of genocide permit us to recognize the numerous forms, institutions and sociocultural practices, many cast as benevolent interventions, through which it might be practiced?219

While Lal’s article raises some interesting questions, he does not follow up on the ideas, leaving that work to others. Certainly he is right to worry about markets obscuring intent and I agree that the analytic focus on Nazi crimes has tended to restrict our ability to identify objectionable violence in different quarters. I do not, however, understand the determination to label all forms of extreme violence, hidden or otherwise, “genocide.”

Lal’s concerns simply cannot be addressed by expanding the legal definition. The crime of genocide under international law is already sufficiently open to accommodate a range of historical and present injustices that fall short of systematic extermination. Nevertheless, the term is also too confining in its emphasis on groups for application in the diversity of cases Lal suggests—nor is it clear what would be accomplished be expanding the legal definition beyond recognition.

The problem, rather, is one of politics; states are hesitant to use the word “genocide” because of the positive action the word implies in the age of “responsibility to protect.” Instead of expanding the definition of genocide then or abandoning the term altogether, I propose an emphasis on the notion of atrocity and a willingness to keep an open mind when it comes to manifestations of extreme violence. Prioritizing a discourse of atrocity leaves the door open for a range of crimes, many of which we are not yet able to comprehend or predict. As Arendt writes in her account of the Eichmann trial, part of the difficulty in prosecuting Nazi crimes was the sheer scale and legal illegibility they suggested. Nothing like the “fabrication of corpses” in factories of death had been seen before.\textsuperscript{220} The idea was simply unthinkable. What atrocities might the future have in store for us?—horrors for which we do not yet have a name and which may not easily conform to the legal definition of genocide?

The genocide-as-Auschwitz mindset has another complicating factor: its strategic use by states to advance narrow interests. Peter Novick argues that while Nazi Germany was, in the United States, regarded as the “apotheosis of human evil and depravity” during WWII, the Cold War brought about the necessity of relocating public perceptions away from Germany and towards the Soviet Union.\textsuperscript{221} This was achieved in part through the coining and proliferation of the term “totalitarianism,” which was intended to identify points of similarity between the Nazi and Communist regimes. Moreover, the widespread use of labor camps under both regimes helped codify the comparison in the popular imagination. The camp, after all, remains one of the most powerful symbols of Nazi atrocities. According to this argument, emphasizing the horrors

\begin{footnotes}
\item[221] Peter Novick, \textit{The Holocaust in American Life} (Boston: Houghton Mifflin, 1999), 85.
\end{footnotes}
of the Nazi genocide served to advance state security prerogatives by providing a useful propaganda function.

Building on Novick’s work, Norman Finkelstein argues that the moral status of the Nazi holocaust provided “the perfect weapon for deflecting criticism of Israel” over its brutalization of the Palestinians following that country’s 1967 conquest and continuing occupation of the Gaza Strip, the West Bank, and Golan Heights. According to Finkelstein, Israel’s policies vis-à-vis the occupied Palestinian population are more easily excused and justified by an Israeli populace convinced that it remains the victim of anti-Semitic oppression. Israeli politicians in the immediate post-war era frequently drew comparisons between the Palestinians and the Nazis, as if to suggest a direct ideological lineage.

There are other problems with the genocide-as-Auschwitz approach. According to Bloxham, the pervasive assumption that genocide must always resemble Auschwitz betrays a Euro-centric set of priorities. Channeling Cesaire, Bloxham is especially concerned with the refusal to consider what by modern standards must be regarded as genocidal colonial violence inflicted on African peoples for centuries:

The truth is that most other genocides have been of insufficient interest to Western intellectuals for them to ponder their metaphysical dimensions the way the Holocaust has been pondered. Let me be clear: something of the dimensions of the final solution should prompt huge and sustained philosophical self-reflection, but it is the ‘surprise’ that registers in so much of the scholarship that is telling, since Europe had not only witnessed other genocides, it had inflicted them on its colonial peripheries well before the continent erupted at its own core in the twentieth century.


223 During the siege of Beirut in 1982, for instance, Israeli Prime Minister Menachem Begin raised the ethics of bombing civilian centers by comparing Palestinian Liberation Organization leader Yassir Arafat to Adolf Hitler: “Would it have been justified to destroy a house with innocent people if Hitler were holding them hostage?” Jerusalem Post, August 3, 1982 cited in Yair Auron, The Banality of Denial (New Brunswick, NJ: Transaction Publishers, 2003), 39.

While the uniqueness debate has subsided, Bloxham sees it reemerging in new forms that fit “into a long tradition of the West’s attempts to universalize its own values and uniqueness in the totalistic sense it is meant must be a demand for universal significance.”  

The cultural and professional focus on the Nazi holocaust has virtually guaranteed an awareness on the part of school children around the world of the latent potential for human cruelty on a staggering scale. This is laudable, but I worry that the moral benefits that accrue from acknowledging the Nazi holocaust as a paradigm of genocide are tempered by the broader depiction of the Nazis as a paradigm of evil. Philosophers have attempted to revive the notion of evil in recent years and to inject the term with meaningful secular content, it nevertheless retains superhuman connotations. Evil is commonly perceived as absolutely-not-self. It implies a loss or absence of humanity. Atrocity, by contrast, is very much a product of human agency and innovation. But if evil is indeed something of which humans are capable, as some contemporary moral philosophers would like to insist, how can we reconcile a theory of atrocity grounded in moral vision with the powerful baggage evil inevitably brings to the discussion?

**Atrocity and Evil**

The scholarly literature on atrocity very often broaches the question of evil. What was once reserved for the exclusive purview of theological dispute has come into vogue among contemporary secular philosophers, partly in response to the immense suffering and violence that characterized the twentieth century. To be sure, categorizing Nazi crimes as merely “wrong” or “bad” strikes one as grossly inadequate. Nor does “very, very bad” quite capture it. Language falters at the attempt to describe the sheer scale of the wrongdoing. A theory of atrocity is then

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225 Ibid.
immediately confronted by the question of scale and how to adequately differentiate between different wrongs. This problem is directly relatable to the threshold of atrocity in that it explores the basic distinction between that which is acceptable and that which transgresses all norms. Within the realm of petty social transgressions or very small moral wrongs, the question may not strike us as especially urgent, but when we extend the discussion to ongoing violence and suffering in our world today, they take on special importance.

Despite the apparent urgency of the concept, atrocity is surprisingly under-theorized. In one of the only accounts to treat atrocity in some depth, Claudia Card advances a secular theory of evil centered on the suffering endured by victims of atrocity. She offers no definition of atrocity as such but lists several “well-known kinds,” including “genocide, slavery, torture, rape as a weapon of war, the saturation bombing of cities, biological and chemical warfare unleashing viruses and gases, and the domestic terrorism of prolonged battery, stalking, and child abuse.” Card does not suggest that this is a comprehensive catalog of atrocities and it is plausible to imagine that at least some of what she lists might even be morally justifiable under certain conditions. Her use of atrocity as a concept serves mainly to advance a theory of evil and its boundaries are duly subordinated to that task. Consequently, it is occasionally difficult to understand precisely what she means by the idea. She uses the term only to offer examples of “evils” that remain unassailable as evil. Card describes as “evil” harm that is:

(1) reasonably foreseeable (or appreciable) and (2) culpably inflicted (or tolerated, aggravated, or maintained), and that (3) deprives, or seriously risks depriving, others of the basics that are necessary to make a life possible and tolerable or decent (or to make a death decent). 

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227 Ibid., 16.
That which we commonly regard as atrocious fits each of these points, though part of her project aims to suggest that other forms of behavior and institutions are either evils or potential evils, though not necessarily atrocities (marriage, for instance).\textsuperscript{228}

While at one point Card writes that her “own” list of atrocities would including “evils done to animals”—thereby suggesting that others might not agree with this moral designation—central to her argument is the assertion that atrocities are “uncontroversially evil.”\textsuperscript{229} This resonates with the definition of atrocity presented in this study, i.e. violence that transgresses all norms, assuming phenomenological comprehensibility. Moreover, Card specifically invokes vision as a tool with which one is able to become aware of some atrocities and remain oblivious to others: “Some [atrocities]” she writes, “are highly visible (bombings), others can be difficult to detect (environmental poisoning).”\textsuperscript{230} This observation also resonates strongly with a theory of atrocity grounded in vision, yet Card’s central argument proceeds in a different direction because her interests lie not in defining atrocity but in explaining evil.

Card’s account of evil expressly includes atrocities as well as evil actions that do not qualify as atrocities. This places her theory somewhat at odds with popular conceptions of evil in which the term is reserved only for the worst imaginable acts.\textsuperscript{231} Card’s discussion of atrocity, though underdeveloped, is of more interest to us here for how it relates to my own formulation of the concept. She defends the utility of a secular notion of evil as a broad category of extreme wrongdoing and proceeds to make her case by pointing to atrocities as uncontroversial candidates for her definition of evil. In her view, atrocity describes a specific class of action

\textsuperscript{228} Ibid., chap. 7. Card argues that because the institution of marriage sometimes produces culpable wrongdoing and intolerable harms—“terrorism in the home”—it meets her definition of evil.
\textsuperscript{229} Ibid., 9.
\textsuperscript{230} Ibid., 8.
\textsuperscript{231} It is doubtful, for example, that many who subscribe to a popular understanding of the term would agree that marriage qualifies as a potential evil.
whereas evil is a wider category that encompasses a spectrum of potential wrongdoing from minor to severe. Card emphatically does not argue that atrocities are the only phenomena that qualify as evil, just that atrocities seem to underscore whatever discernable qualities we might identify in them as atrocious.

Card’s account raises an obvious question: why distinguish evils from ordinary wrongs at all? “One reason,” Card argues “is to help set priorities when resources are limited for preventing wrongs and repairing harms.” We can call this the instrumental argument: adopting the language of evil lends urgency to the cause of alleviating more pressing forms of suffering. Card’s interest in directing our attention to atrocities before lesser injustices is a laudable project and I would make a similar claim about focusing on atrocity. Less clear is the need for a discourse of evil to accomplish the task. Though I have concerns about a discourse of evil, they are tangential to our present task and need not detain us. Nevertheless, some scholars do strenuously object to reviving evil as a conceptual category within the field of moral philosophy.

Virginia Held wonders if a discourse of evil adds anything more substantial than “rhetorical variety.”

Certainly I think that people often act wrongly, even outrageously, that they commit gross injustices through acts that are inexcusable. I think they often fail to respect others’ rights, or lack a decent regard for their own humanity or that of others. … But evil? It seems to me that we can deal with all the relevant moral considerations without it.

In this vein, Phillip Cole also argues that evil is too much entangled with a host of metaphysical connotations for it to be of more use than it is the source of further confusion. By some accounts, evil transcends human agency; evildoers are inhuman, otherworldly, possessed, or

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232 Card, Confronting Evils, 7.
234 Ibid., 107.
otherwise fixed in their dispositions. When the term is assigned to recognizably human actors, it often reveals a rhetorical strategy aimed at blocking alternative moral judgments. Evil is not to be questioned. This formulation of evil as absolutely-not-self is dangerous because it precludes the possibility of moral progress. In its crudest iterations, the discourse of evil “forms part of an ethical vocabulary that helps to brand political opponents as foes for eradication rather than enemies to be checked.”

Indeed, it is this form of evil the Nazis themselves used to justify the mass murder of European Jews. Any attempt to derive useful analysis via the concept of evil must adequately address these concerns. For her part, Card insists that such criticism is self-defeating. “If the likelihood of the ideological abuse of a concept were sufficient reason to abandon the concept, we should probably abandon all normative concepts, certainly ‘right’ and ‘wrong.’”

There is no need to go this far of course, but a less sophisticated account of evil than the one Card advances might generate conceptual confusion when conflated with other issues pertaining to extreme violence.

Though Card is careful to avoid this pitfall, many scholarly attempts to explain mass murder place the Nazi holocaust at the center of a discursive triangle involving three charged and often poorly defined concepts: atrocity, genocide, and evil. Nazism is often the starting point for anyone who looks closely at these three issues. The social psychologist James Waller, for example, points out that the “substantial majority” of literature on genocide is “related to one particular instance of genocide—the Holocaust.”

As addressed earlier in this chapter, the Nazi

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237 Friedländer argues that the Nazis simultaneously viewed the Jews as both evil as well a symptom of a sickness afflicting the body politic. Saul Friedländer, *Reflections of Nazism: An Essay on Kitsch and Death* (Bloomington, IN: Indiana University Press, 1993), 133.
holocaust is commonly understood as a paradigmatic case of genocide. In popular and scholarly accounts, the Nazi genocide and its macabre symbolism are taken to represent the crime of genocide *tout court*, notwithstanding the legal language of the CPPCG. In particular, the crimes committed at Auschwitz and its attendant symbols have come to be metonyms for genocide. When we think of genocide, we think of Auschwitz. Moreover, the connective tissue that helps to establish the metonymy is very often a vague and imprecise notion of evil.

Genocide, moreover, is widely perceived as the worst imaginable atrocity and atrocities are thought to be genocide only insofar as they resemble Nazi crimes. Both are commonly described in superlative language and placed firmly at the peak of a hierarchy of crimes. Genocide is “the absolute crime, the gravest form of crime against humanity.”\(^{240}\) The insistence that genocide is not only the worst crime imaginable but the worst crime possible is very common. Genocide, Adalian writes, “is the embodiment of evil in a world in which human beings are mere particles and where the issues of life and death are subject to the arbitrary decision of the wielders of power. Genocide, therefore, is that final tyranny. There is no zone beyond it.”\(^{241}\) Observations of this kinds are ultimately normative claims about the hierarchy of various atrocities (ones that place genocide and the Nazi holocaust in particular at the top) and simultaneously claims about the *impossibility* of any atrocity surpassing genocide. When one genocide scholar calls the Nazi holocaust “the most horrendous of all genocidal acts,”\(^ {242}\) he is simply reflecting a widely held view of the Nazi holocaust as a paradigm of genocide and, by


\(^{242}\) Auron, *The Banality of Denial*, 151.
implication, a paradigm of atrocity. Because atrocities are “uncontroversially evil,” Nazism and its attendant symbols are deployed as metonyms for evil even as Auschwitz in particular is deployed as a metonym for genocide.

The conflation of atrocity, genocide, and evil has resulted in an impoverished discourse on atrocity in particular. Instead of recognizing atrocity as a distinctly broader category, it is too often subsumed into discussion of genocide in general and the Nazi genocide in particular. This logic flows in the opposite direction as well. As Bauer and many others point out, the Nazi holocaust has become a “cultural code” in the West, one that “signifies the evil in human society.”243 If Nazism is a metonym for evil, then atrocities are evil. “In the realm of mass atrocities,” one genocide scholar writes, “genocide is conceptualized as the evil beyond all others, the ultimate measure of all human rights violations.”244 While this might very well be the case, it remains unclear just what the use of evil means in this kind of analysis.

Michael Humphrey offers an account of atrocity that departs from a reliance on evil.245 Instead, he emphasizes a notion of “body horror,” a term he borrows from the journalist John Taylor, to describes a process by which power is built on spectacular suffering.246 With its concentration on the corporeal features of atrocity, it is an analysis that rests heavily on the work of Michel Foucault and Elaine Scarry, respectively.247 According to Humphrey’s argument,

atrocity is transgressive violence that extends beyond the *expectations* of the victims, i.e. beyond their comprehension and the comprehension of witnesses. It is inherently political violence because “pain, through violence, is made a spectacle and projected as power.”

Like Card, Humphrey locates the defining qualities of atrocity in its effects on the victims, its world-destroying qualities. Whereas Card discusses atrocity only in the context of a disquisition on evil, Humphrey prioritizes the concept of atrocity itself. “The central mechanism of atrocity,” Humphrey writes, “is to threaten life by cruelly disfiguring human bodies.” It is a fascinating and helpful study, yet despite the emphasis on atrocity, Humphrey has no clear sense of how formerly conventional violence actually becomes atrocious.

While all violence threatens normative reality, atrocity—excessive violence—shakes the very foundations of both self and social existence. Atrocity is a traumatising violence because it leaves an unassimilable memory in the victim and exceeds cultural discourses of law or morality which manage the circulation of everyday violence.

But where does the gap between conventional violence and atrocity lie? At what point does violence transgress the expectations of its victims, as Humphrey claims? If I expect you to commit an atrocity, does that very expectation ontologically undermine the atrocity as atrocious? The “excessive” in his definition of atrocity as “excessive violence” is never fully explained, leaving us to speculate as to which forms of violence he would classify as atrocious. Just as Card side-steps the matter of defining atrocity in any detail, Humphrey takes it for granted that we know atrocities when we see them. I suspect we do, but to claim as much requires further analysis left unexplored as to just what we see when we see atrocity. By contrast, a vision-based theory of atrocity relies on clear moral vision. I have argued that an atrocity is an act or an accumulation of acts determined to exceed minimally tolerable levels of violence by

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249 Ibid., 2.
250 Ibid., 3.
nonparticipant observers for whom the violence in question is phenomenologically comprehensible.

A Touchstone of Victimization

The Nazi holocaust, Flanzbaum observes, has reached “cult-like status.” It has become “a touchstone of victimization” and “a measuring stick against which all oppression is compared.” The weight of this status informs both scholarly and popular discourses so that all atrocities are to a greater or lesser extent measured against Nazi crimes, the paradigmatic atrocity and informal referent for comprehending cruel violence. Insofar as this moral deference to Nazi violence discourages its reemergence, it would be irresponsible to conclude that the phenomenon is necessarily problematic in itself. The concerns expressed in this chapter instead question whether a highly attuned sensitivity to Nazi-style violence in particular renders us less conscious to atrocity in general when it appears under a very different guise.

Some readers may feel the observations and conclusions drawn herein trivialize the memory of the victims. My purpose in this sub-section has been neither to diminish the moral horror of the Nazi holocaust nor to suggest a kind of moral levelling that would place all atrocities on equal footing and thereby cheapen the memory of them all. The Nazi holocaust remains one of the most horrific episodes of atrocity in human history, a moral cataclysm of such magnitude that we now associate it with the darkest potential of our species. That much is clear. Instead, I have attempted to make the case that the status of the Nazi holocaust as a paradigm of atrocity in both popular and scholarly discourses raises conceptual concerns that should not be ignored by scholars as well as challenges to clear moral vision that must be taken into account.

252 Ibid.
Atrocities usually take us by surprise. If we look too hard for signs of Auschwitz, we just might miss other, less obvious atrocities, a few of which are currently being committed in our name.
IV. VIEWING: Atrocity in the Mass Media

“No one has ever doubted that truth and politics are on rather bad terms.”

Hannah Arendt

While the foregoing chapters have attempted to theorize a concept of atrocity and draw conclusions about how we recognize transgressive violence, we must now turn to the primary vehicle by which most us are made aware of atrocity: the mass media in its various forms. In the interest of clarifying terms, by mass media I refer to print, broadcast, and digital technologies by which the transmission of information about the world occurs. In particular, the two approaches discussed in this chapter address primarily the news media.

Unless the issues involve us directly as participants, the mass media provide the informational content necessary for the interpretation and comprehension of the world. Indeed, our reliance on the mass media for an accurate representation of reality increases with the literal and metaphoric remoteness of our lives from that reality. For a theory of atrocity grounded in phenomenological experience, the importance of the mass media in constructing a particular vision of reality cannot be overstated. Because the representation of extreme violence is quite literally a mediated experience, the mass media play a critical role in determining which forms of violence may be tolerated and which may or must be condemned. In short, the mass media influence our perception of violence by defining what atrocity is to begin with. For a theory of atrocity grounded in vision, the mediation of phenomenological experience bears enormous moral consequences. While a substantial literature exists on the mass media’s role in shaping and informing public opinion, this chapter looks at how the depiction of violence and atrocity enhances or impoverishes our capacity for moral vision.253

In their propaganda model (PM) of the media, Noam Chomsky and Edward Herman argue that media companies are guided by a set of structural constraints that shape the production of news content at multiple levels.\textsuperscript{254} Because media profits derive from advertising revenue, the PM predicts that the vision of the world produced by the mass media will, in general, reflect the interests of political and economic elites. By emphasizing institutional analysis, their work has the virtue of avoiding facile explanations that rely too much on the potential for manipulation on the part of individuals. Chomsky and Herman provide compelling empirical data to support their theory and, though it is often ignored by media scholars and absent from many mainstream textbooks, the PM has never been seriously challenged.\textsuperscript{255} It remains a powerful theory of how knowledge is produced in contemporary capitalist democracies.\textsuperscript{256}

The German sociologist Niklas Luhmann advances a rather different position.\textsuperscript{257} Though he would agree with Chomsky and Herman that the mass media depict a reality necessarily less complicated than the actual conditions of our world, he argues against a “distortion” model of the media and explicitly attempts to transcend what he regards as simplistic, cause-oriented explanations. Luhmann insists that the mass media, like all social systems, is closed and immune to external influence—including the economic and political systems. Though Luhmann’s work offers insight into the reproduction of institutional priorities within the mass media itself, his

\begin{itemize}
  \item \textsuperscript{255} Mullen and Klaehn offer an overview of several minor challenges but point out that, critical or otherwise, “the PM has received very little attention within the field of media and communication studies, the wider social sciences or the mainstream media.” Andrew Mullen and Jeffery Klaehn, “The Herman–Chomsky Propaganda Model: A Critical Approach to Analysing Mass Media Behaviour,” \textit{Sociology Compass} 4, no. 4 (2010): 218. In one of the only critical reviews I was able to find independently, the author dismisses the PM as “overly mechanical and reductionist” without offering any further elaboration: Ronald Berkman, “Necessary Illusions: Thought Control in Democratic Societies by Noam Chomsky,” \textit{Science & Society} 55, no. 3 (Fall 1991): 372.
  \item \textsuperscript{256} As Mullen and Klaehn write, “[T]he PM, more than 20 years after its formulation, continues to provide an invaluable tool for understanding the media within contemporary capitalist societies.” Mullen and Klaehn, “The Herman–Chomsky Propaganda Model: A Critical Approach to Analysing Mass Media Behaviour,” 215.
  \item \textsuperscript{257} Niklas Luhmann, \textit{The Reality of the Mass Media} (Stanford, CA: Stanford University Press, 2000).
\end{itemize}
“radical anti-humanism” inevitably leads him to a position that denies the possibility for political agency and, by extension, any meaningful resistance. Moreover, like Chomsky and Herman, Luhmann does believe the media play a role in reproducing social norms and ideology, but whereas the PM makes an argument about how these priorities develop and the interests they reflect, Luhmann never explains which norms rise to the surface, which ideas are deemed “fit to print,” and which are not. Nor does he seem to care much about the matter because truth in his formulation is always contingent and subjective.

This chapter begins with a summary look at how several prominent thinkers in the Western tradition have characterized the relationship of knowledge and politics in general. It is a relationship that strikes at the heart of this study for the mass media’s influence in developing moral positions entails an epistemological question about the foundations of ethical knowledge in general. For a theory of atrocity grounded in vision, knowledge is paramount. It extends the breadth of moral perception and dramatically shapes our ability to render moral judgment. Having established this connection to knowledge as transmitted via the mass media, I then review the two aforementioned theories before closing with some thoughts on the construction of atrocity.

Knowledge and Politics

The intimate but uneasy relationship of knowledge and politics has its roots in the very origins of Western political philosophy. It troubled Plato, who dreamed of escaping the cave of illusions and attaining objective truth, distinct from the sophistry and base opinion he viewed as so destructive. In the *Gorgias*, Plato contrasts the form of dialogue—the proper form for
philosophical endeavor—against mere rhetoric, the tool of the politician and demagogue.\textsuperscript{258} The former aspires to true knowledge while the latter is content with opinion. No worthy political order can last long on such an unstable foundation as opinion, which leave it vulnerable to the petty conflicts of political opportunists or else the unpredictable vagaries of popular whim. Though he eschewed his teacher’s theory of the forms, Aristotle felt that because the masses were too busy toiling for a living, they were unable to spend the time necessary to develop knowledge of politics and thus had no business participating in properly political activity as full citizens. Neither of the ancient masters had any love for democracy in its classical form, but the question of knowledge was as central to this disdain as it was to the wider implications of their respective political philosophies.

Plato’s metaphysics placed knowledge beyond the realm of human experience. Only those with a talent for obtaining insight into the eternal forms stood even a slight chance. For the vast majority of humanity, true knowledge lies forever out of reach. The influence of this notion on early Christian theology was profound, with divine Providence easily supplanting the eternal forms as the wellspring of truth. Later political philosophers brought the question of knowledge back to earth from its extra-terrestrial abodes in Platonic and Neo-Platonic accounts. With more or less forcefulness and for rather different reasons, both Thomas Hobbes and Niccolò Machiavelli rejected the unquestioned authority of the church and its monopoly on virtue. In a move that would have appalled Plato, they instead reduced political knowledge to a kind of practical know-how. Political knowledge was true only insofar as it was demonstrably effective—whether in the power of a Leviathan-state to enforce a legal system or else in the

readiness of a Prince to get his hands dirty and maintain a grip on power. In *De Cive*, Hobbes insists upon a tension between scientific reason and rhetorical “eloquence”\(^{259}\) in a way that recalls Plato’s banishing of the poets from the Republic to prevent the misguided manipulation of emotion through the arts.\(^{260}\) For Hobbes, reason constitutes disinterested and logical inquiry, while eloquence seeks to persuade on the force of the speaker’s personal charms, though he does suggest in his conclusion to *Leviathan* that the apparent opposition may be reconciled:

> [I]n all deliberations, and in all pleadings, the faculty of solid reasoning is necessary … [Y]et if there be not powerfull eloquence, which procureth attention and consent, the effect of reason will be little. But these are contrary faculties; the former being grounded upon principles of truth; the other upon opinions already received, true, or false; and upon the passions and interests of men, which are different and mutable.\(^{261}\)

Thus, Hobbes insists that any truthful insight gained through the application of scientific rigor, whether in politics or in other spheres, is likely to fall upon deaf ears without eloquent mediation.\(^{262}\)

Machiavelli was less committed to scientific or metaphysical truth as a political end; in relation to the interests of power, truth was subordinate. Fortune commands much in the fate of men, but a Prince well-prepared with the knowledge of great men will be able to adapt to shifting tides. A Machiavellian theory of knowledge begins and ends with the preservation of power:

> But as to a prince’s mental activity, he ought to read history and give attention therein to the actions of great men, observe how they have conducted themselves in wartime, study the causes of their victories and defeats so that he can avoid the second and imitate the first. Above all he acts as some excellent men in the past have done: they have chosen to imitate some predecessor who has been praised and honored, and have constantly


kept his deeds and actions before them. So it is said that Alexander the Great imitated Achilles; Caesar, Alexander; Scipio, Cyrus.  

Machiavelli is totally unconcerned with the knowledge of the masses. If they possessed any great potential, it would surely manifest as practical political power. If not, they remain among the mindless hordes, relevant to the world of politics only insofar as they can be manipulated for or against a cause. Certainly, the Prince should not be constrained by a frivolous allegiance to the truth. Insofar as it aligns with higher objectives, truth may often be a prudent ally. When the opposite is true, however, lying becomes a useful recourse. “And if, to be sure,” Machiavelli writes, “sometimes you need to conceal a fact with words, do it in such a way that it does not become known or, if it does become known, that you have a quick and ready defense.”  

We will shortly return to the role of lying.

From Plato through modernity, one repeatedly encounters the belief that the masses are little more than mindless drones, slaves to appetites over which they have little control, neither willing nor capable of obtaining knowledge in any meaningful sense. This view undergirds the distaste for democracy in the Western tradition from antiquity up to the bourgeois revolutions of the 19th century. With the compelling exception of Jefferson, the founders of the United States were not democrats in either philosophy or practice. Yet, the depth of philosophical debate surrounding the Articles of Confederation and especially the counter-revolutionary instincts of the Constitution propounded by its Federalist supporters, occurred at a level virtually

unparalleled in history. Madison and Hamilton’s picture of humanity was strongly Hobbesian, colored by a profound pessimism regarding humanity’s less appealing aspects. Even Jefferson and Paine, the most radical among them, frequently invoked this dark side of humanity and grudgingly felt it justified the establishment of government as a “necessary evil.”

This much has often been noted, but less attention is typically given to the role of political knowledge in the founders’ vision. Madison’s view is representative of the founders’ general disdain for the political sensibilities of common people when he writes in Federalist #49:

> The reason of man, like man himself is timid and cautious, when left alone; and acquires firmness and confidence, in proportion to the number with which it is associated. … In a nation of philosophers, this consideration ought to be disregarded. A reverence for the laws, would be sufficiently inculcated by an enlightened reason. But a nation of philosophers is as little to be expected as the philosophical race of kings wished for by Plato.

Knowledge in this view is reduced, once again, to mere opinion competing in a marketplace of equally valid rivals. The founders certainly did not believe that knowledge had much relevance to liberty, for which questions of truth posed a real threat. Rather, Madison’s embryonic theory of pluralism located justice in a balance of competing political forces or “factions,” a view memorably distilled in Federalist #51: “ambition must be made to counteract ambition.”

In beginning with the individual and defining liberty strictly as the freedom to own property and engage in trade, liberalism elided questions of truth. Whereas classic political philosophy had hitherto praised order and social concord above all, liberalism transformed discord into a pragmatic tool of governance. The common refrain that liberalism seeks a society governed by the rule of law and not by the rule of men is, at root, a deeply pessimistic

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268 Ibid., 252.
assessment of the possibility of political knowledge—or at least that attaining such knowledge has any practical political influence—but it is a predictable outcome of nearly unbroken denial spanning two millennia of a capacity for knowledge among the masses. Hamilton was likely the only one of the founders who grasped the full implications of the 1789 Constitution, particularly its displacement of truth onto the law.269 The Constitution’s creation of the judiciary and especially its codification of economic matters all but guaranteed that questions of wealth and inequality would be restricted to legal quarrels confined within carefully drawn boundaries. Law became a substitute for the open-ended search for truth and if liberty was synonymous with the freedom to own property, then political knowledge centrally became a matter of the law. Small wonder why so many American statespersons past and present have been lawyers by profession or why someone like Louis Hartz argued that the “law has flourished on the corpse of philosophy, for the settlement of the ultimate moral question is the end of speculation upon it.”270

Whatever else may be the case, the Constitution was emphatically not born of democratic intentions. As the historian Richard Hofstadter points out, quite the opposite was true. “It is ironical,” he writes, “that the Constitution, which Americans venerate so deeply, is based on a political theory that at one crucial point stands in direct antithesis to the mainstream of American democratic faith.”

Modern American folklore assumes that democracy and liberty are all but identical, and when democratic writers take the trouble to make the distinction, they usually assume that democracy is necessary to liberty. But the Founding Fathers thought that the liberty with which they were most concerned was menaced by democracy. In their minds liberty was linked not to democracy but to property.271

269 For a comprehensive look at Hamilton’s foresight, see Michael P. Federici, The Political Philosophy of Alexander Hamilton (Baltimore, MD: Johns Hopkins University Press, 2012).
Moreover, the masses must be prevented from disturbing the order of affairs by remaining passive observers, while the real decisions are handled by others. This instinct is aptly distilled by John Jay’s well-known maxim: “Those who own the country ought to govern it.”

Knowledge among the masses was largely irrelevant so long as it did not adversely weigh upon state affairs—and many checks were implemented to guarantee as much.

Liberalism has a strange relationship with political knowledge. It at once places no demands upon the individual to acquire knowledge of any kind, and yet simultaneously predicates a notion of consent upon a minimal foundation of political knowledge. The Italian legal philosopher Norberto Bobbio points out that this expectation frequently crashes on the rocks of political ignorance in really existing liberal democracies—ignorance brought about through a failure of the education system. “[T]he most well-established democracies,” he writes, “are impotent before the phenomenon of increasing political apathy.” Less optimistic critics would argue that ignorance, at least on issues of political importance, is not an aberrant outcome but rather deliberately built into the system as a structural constraint against popular power.

Nevertheless, public education has been a handmaiden to democratic reform throughout modern history; activists and revolutionaries have frequently demanded its universal implementation as a first step towards greater political freedom. Where such transitions have been later overturned


275 One recent study argues, “Not only does [universal education] transfer resources from the rich to pay for the education of the poor, but it also potentially undermines the position of the rich — and their children — in the distribution of income. … Consequently, it appears to be in the best interests of the elite to block education spending
as the result of a military coup or other intervention, universal education has usually been abolished in short order.

For liberals and their enemies on the political right, education is presumed to open a door to political agency. Yet the dearth of political knowledge in practice seems to all but guarantee a demos less qualified to make important decisions. This realization seems to thrust the entire democratic project into disarray by shaking its philosophical justification: that the people are not only capable of ruling, but that popular rule is preferable to political alternatives. Witness the periodic waves of pious concern on the part of intellectuals regarding the supposed “crisis of democracy.”276 The proliferation of books on the purported inadequacy of voters’ political knowledge has become something of a minor industry within the field of political science to the point that the desirability of the universal franchise itself has come under scrutiny in more pessimistic accounts.277

Political scientists continue to study the consequences for democratic politics stemming from voter alienation in liberal democracies as well as widespread ignorance of the most elementary issues in contemporary public affairs. The dilemma is this: liberalism in its existing democratic form derives legitimacy from an abstract public, while the real flesh-and-blood individuals that compose public remain, for the most part, isolated from the halls of power and ignorant of much that occurs there. When the public is encouraged to participate (during elections, for example), elites seek to influence public opinion with simplified and emotionally

where they can, as in, for example, autocracies.” See Ben. W. Ansell, From the Ballot to the Blackboard: The Redistributive Political Economy of Education (New York: Cambridge University Press, 2010), 2.


compelling cues rather than serious and considered discussion. “Race, ethnicity, and religion are the simplest, most easily deployed,” writes Charles Arthur Willard. “They are usually mingled with nationalism.”

Nationalist ideology, particularly in its liberal variant, is a topic taken up in the next chapter. For now, we turn to the mass media and its powerful role in defining violence and atrocity.

*Manufacturing Consent*

With the rise of mass democracy and the gradual expansion of the franchise to all sectors of the population, the relationship of knowledge to politics finally broke its privileged fetters and took on a special importance. Politics ostensibly became the province of all and so efforts to constrain, mold, and control knowledge necessarily expanded to include the new source of liberal democratic legitimacy: the public. This newfound importance of an abstract public gave birth to the field of public opinion and its concomitant, public relations.

If the vagaries of public opinion could be harnessed or at least pushed in a certain direction, guided toward predetermined conclusions, such a power would have far-reaching implications in areas well beyond the traditional purview of practical politics. Some were particularly quick in recognizing this potential. The so-called “father of public relations” Edward Bernays was a nephew of Sigmund Freud and consciously applied his uncle’s work to commercial endeavors. He famously employed cutting edge research in social psychology in his work on generating desires through advertising.

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280 For a lively history of these changes, see Stuart Ewen, *PR! A Social History of Spin* (New York: Basic Books, 1996).
demand remains a hallmark of the advertising industry. But potential for the “manufacture of consent,” was not limited to petty commercialism; Walter Lippmann felt it would revolutionize politics:

The significant revolution of modern times is not industrial or economic or political, but the revolution taking place in the art of creating consent among the governed. … Within the life of the new generation now in control of affairs, persuasion has become a self-conscious art and a regular organ of popular government. None of us begins to understand the consequences, but it is no daring prophecy to say that the knowledge of how to create consent will alter every political premise.  

If Edward Bernays is recognized as the father of PR, Lippmann is recognized as his political counterpart in the development of public opinion as a field of study and analysis.

Lippmann felt democracy should take a backseat to liberalism. He was concerned with what he saw as a misplaced faith in a “false conception of public opinion” and especially the unwarranted optimism as to its democratic political function espoused by “apologists of democracy.” In his view, the public was ignorant of political affairs and that correcting for the inadequacy was both futile and unnecessary. “No progress,” he writes, “can be made toward this unattainable ideal.” It was necessary instead to prod and push public opinion toward objectives deemed necessary by a class of qualified experts and political technocrats. He felt the only possible role that public opinion might play in American politics was the potential it suggested as a mobilized force to deploy against demagogues and opportunists who sought to overthrow American government. Lippmann’s view fits well with a procedural, shallow notion of democracy, but cannot be reconciled with a deeper understanding that would emphasize participation. Indeed, public participation is precisely what Lippmann hoped to avoid.

A false ideal of democracy can lead only to disillusionment and to meddlesome tyranny. If democracy cannot direct affairs, then a philosophy that expects it to direct them will

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encourage the impossible; they will fail, but that will interfere outrageously with the productive liberties of the individual. *The public must be put in its place*, so that it may exercise its own powers, but no less and perhaps even more, so that each of us may live free of the trampling and the roar of a bewildered herd.  

Liberals like Lippmann and Bernays liked to emphasize that public opinion was both fickle and slow to change. It could occasionally be harnessed (in times of war for example) but was not easily restrained once having served an instrumental purpose. In generating these impulses and emotions among the masses, the media had developed what Lippmann called “a technic of propaganda which was, until the totalitarian states put their minds to it, the most effective in all history.”

Any discussion of knowledge inevitably pivots on a question of authenticity and ultimately of truth. Without delving too deeply into questions of epistemological curiosity, a claim to knowledge is simultaneously a claim to truth. As Arendt argues, any such claim carries with it a kind of violence; it insists upon itself, precluding debate, and thereby adopts an anti-political stance. Unless we wish to disconnect political activity from the affairs of the world, however, information is required. Before moving on to a discussion of two important theories of the mass media, it is worth briefly considering the normative function of the mass media for democratic practice.

*Democracy and the Media*

It is commonly observed that the mass media play a crucial role in a healthy democracy. For a political system that places an emphasis on consent, the importance of accurate and wide-

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284 Ibid., 145. My emphasis.
ranging knowledge is paramount. The essence of democracy is popular sovereignty. For the sake of simplicity, we can say that the basis of democratic politics centers on popular power oriented around a commitment to political equality and individual liberty; Thomas Christiano argues that these ideals set a “minimal conception of democracy in modern societies.”

For popular sovereignty to fulfill its promise, access to political knowledge is required. Montesquieu complained that secrecy in power was anathema to liberty and Locke’s support for press freedom grew out of his insistence on freedom of expression generally. The American inheritors of this political philosophy, though skeptical of democracy, felt sufficiently passionate about the matter to include special protection for the press in the first amendment to the Constitution. Liberals generally ascribe to the mass media an informational as well as watchdog function, a prerequisite to effective political agency. Yet empirical studies of media and public opinion present a dilemma for democratic theory: again and again, research reveals the public’s deep ignorance of political matters, an ignorance that produces unexpected political outcomes. Gilens argues, for example, that political ignorance “leads many Americans to hold political views different from those they would hold otherwise.”

Several conclusions might stem from this realization, each of which is well-represented in the social scientific literature. If we are to understand the normative function of the media, it is worth briefly reviewing three broad conclusions. First, we may come to believe that democratic

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289 Benjamin Franklin was especially passionate about the matter and held a strong belief in self-improvement through extensive reading. See Benjamin Franklin, *Autobiography and Other Writings*, ed. Ormond Seavey (New York: Oxford University Press, 1993).
theory, with its insistence on popular rule, is completely misguided. That is to say, the blunt fact of entrenched political ignorance may lead us to doubt the average person’s willingness or ability to acquire information let alone process it. By extension, we might lose faith in the public’s capacity for developing reasoned political positions and question democracy’s normative basis. According to this view, the outcomes of democratic politics are essentially random, subject to popular whim, and lacking a clear sense of public good. We can take virtually the whole of Western political thought up until the Enlightenment as representative of this first conclusion.

A second, less pessimistic view might argue that while the vast majority of citizens do keep their distance from formal politics, the opinions of informed elites filter through and make all the difference when it comes to policy outcomes. In this view, democracies are actually thinly-veiled oligarchies guided by an informed and vocal minority.

A third view argues that deep knowledge is unnecessary for the free development of sophisticated political sensibilities. People may not be aware of a political issue in great depth but they are nevertheless capable of forming reasoned political opinions through the use of a heuristic method. Those dubbed “low-information voters” by Samuel Popkin appeal to friends or family members whose opinions they respect or else look for a range of other informal clues, which might also include a trusted news source. This third view allows us to retain some confidence in the demos, ignorance notwithstanding.291 Yet all three of these conclusions take it for granted that the news media successfully carry out their job. The possibility remains that the news media do not provide accurate information or that the representation of reality they depict is one structurally inclined to emphasize particular interests while de-emphasizing or ignoring others.

Often the news may be accurate and fair, but may not reflect society’s real issues. … What may be said to be “true” at any given time may be an arbitrary cultural construction and an ideology, a systematic distortion of reality to protect the interests of the powerful.\textsuperscript{292}

If this is the case, then one cannot foreclose the possibility that popular ignorance or incomplete knowledge on certain issues is itself a byproduct of the media system.

Media scholars frequently discuss three broad methods by which the mass media influence the interpretation of information by their audiences: framing, agenda setting, and priming.\textsuperscript{293} Framing describes the media’s presentation of an event, i.e. how its form, content, and general character might exert an influence on the interpretation of the event in question. Which cues are established? Which experts are called in to comment? How are conflicts presented? What terminology is presumed to apply? Are there implicit value judgments pertaining to a “good” or “bad” actor in the story? Framing undermines the argument that journalists can ever really attain objectivity. Rather, it suggests that everything from the organization of a story’s presentation to the connotations and vocabulary invoked to discuss certain ideas invariably presents an implicit perspective.\textsuperscript{294}

The second power, agenda setting, simply acknowledges that even if the media do not tell the public what to think, they do tell us what to think about. Gatekeepers within the news media ultimately decide which stories are newsworthy and which are not. Moreover, they establish a hierarchy among stories from the headlines on down. These decisions are reinforced within the

\textsuperscript{292} Clifford G. Christians et al., \textit{Normative Theories of the Media: Journalism in Democratic Societies} (Urbana, IL: University of Illinois Press, 2009), 84.

\textsuperscript{293} A good survey of important contributions to this literature can be found here: Dietram A. Scheufele and David Tewksbury, “Framing, Agenda Setting, and Priming: The Evolution of Three Media Effects Models,” \textit{Journal of Communication} 57 (2007): 9–20.

\textsuperscript{294} Sometimes this is done explicitly, especially if news events do not conform easily to the expectations of those who produce news content. For example, when journalists were unable to find spokespersons willing to represent the Occupy Wall Street movement, they simply selected activists at random from among the demonstrators to fill this role—an especially presumptuous decision given the demonstrators’ own insistence on maintaining leaderlessness.
hierarchy of media institutions themselves, so that smaller newspapers look to respected dailies like the New York Times and Washington Post for cues on what we should be reading about.

Finally, priming refers to the method by which the media promote interest in a particular subject via ancillary stories that provide tools for interpretation of later coverage. For example, in media coverage leading up to the 2003 invasion of Iraq by the United States, the Fox news network was criticized for repeatedly showing images of the destruction from the 9/11 terror attacks just prior to coverage of the impending war. Some argued that such a pairing “primed” audiences to draw a spurious connections between al-Qaeda and Saddam Hussein, thereby facilitating the manufacture of consent for the invasion.295 Another example of priming might include stories about advanced weapons technology. Such coverage would seem to glamorize, or at least normalize, military culture by “priming” audiences to admire American military endeavors. Taken together, these three functions offer insight into how the public responds to the news media and how the media exert control over not only of what is considered important, but also over the parameters of the discussion.

There is a great deal more that could be said about news reception, but for now we must shift to an analysis of news content. How are news stories chosen for coverage? The question takes on a special moral urgency when the stories involve violence and atrocity. Indeed, the very notion of atrocity relies on media representations of violence along a spectrum of “good” and “bad.” The following sub-sections look at two theories of the mass media, and though they reach quite different conclusions about the political options available to us, each offers insight into the process by which the news comes to be news and hence how violence comes to be atrocity.

The Propaganda Model

Noam Chomsky and Edward Herman offer a compelling account of the mass media in their book *Manufacturing Consent: The Political Economy of the Mass Media.* They present a Propaganda Model (PM) of the media which postulates and explores five filters through which media content is judged “fit to print”—as the *New York Times* puts it in the well-known tagline. They argue that the media are instruments of power used to “mobilize support for the special interests that dominate the state and private activity.” As the authors insist, theirs is a “guided free market” analysis of the media, i.e. one that looks at the institutional and structural influence on media content within capitalist democracies. They argue that class interests have “multilevel effects on mass-media interests and choices,” which encourage a perspective of the world heavily informed by these constraints. According to their argument, media bias does not fall comfortably into the simple liberal/conservative dichotomy around which so much in American politics revolves. Instead, their depiction of world events tends to reflect the interests of capital and of the state. The five filters of which they write are:

1. the size, concentrated ownership, owner wealth, and profit orientation of the dominant mass-media firms; 2. advertising as the primary income source of the mass media; 3. the reliance of the media on information provided by government, business, and “experts” funded and approved by these primary sources and agents of power; 4. “flak” as a means of disciplining the media; and 5. “anti-communism” as a national religion and control mechanism.

The first filter emphasizes the consequences stemming from the considerable influence of large private companies over media content and the degree to which they share common interests with other sources of elite power. “The dominant media,” they write, “are quite large businesses; they

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296 Herman and Chomsky, *Manufacturing Consent.*
297 Ibid., lix.
298 Ibid., 2.
299 Ibid.
are controlled by very wealthy people or by managers who are subject to sharp constraints by
owners and other profit-oriented forces; and they are closely interlocked, and have important
common interests, with other major corporations, banks, and government.”300 With the
deregulation of media ownership restrictions in the United States since the 1980s, this
phenomenon has become even more sharp; 90% of all media is controlled by six companies.301

The second filter acknowledges the influence coming from the profit-seeking behavior in
which most media ventures need to engage in order to maintain basic economic viability. For
much of the mass media, this means selling audiences to advertisers and providing content that
will not disrupt this interchange. Chomsky and Herman predict that advertisers will generally
want “to avoid programs with serious complexities and disturbing controversies that interfere
with the ‘buying mood.’”302 In practice, this implies a good deal of indirect private power over
the media. Advertisers are unlikely to sanction stories critical of corporate practices “such as the
problem of environmental degradation, the workings of the military-industrial complex, or
corporate support of and benefits from Third World tyrannies.”303

The third filter underscores the symbiotic relationship between formal political power
and the media elite. Politicians and their various agencies ingratiate themselves to the media by
facilitating the production of media content. They provide press releases, grant access,
orchestrate photo opportunities, control leaks, etc. Likewise, a critical or oppositional perspective

300 Ibid., 14.
301 Dell Champlin and Janet Knoedler, “Operating in the Public Interest or in Pursuit of Private Profits? News in the
303 Ibid.
on the media’s part risks being met with a denial of access.\textsuperscript{304} So the media rely, to a great extent, on the very sources of which we expect them to express a healthy dose of skepticism.

Because of their services, continuous contact on the beat, and mutual dependency, the powerful can use personal relationships, threats, and rewards to further influence and coerce the media. The media may feel obligated to carry extremely dubious stories and mute criticism in order not to offend their sources and disturb a close relationship. It is very difficult to call authorities on whom one depends for daily news liars, even if they tell whoppers. Critical sources may be avoided not only because of their lesser availability and higher cost of establishing credibility, but also because the primary sources may be offended and may even threaten the media using them.\textsuperscript{305}

The fourth filter, “flak,” refers to the pressure brought to bear on the mass media by dominant elites when reporting deviates from accepted standards. As Chomsky and Herman describe it, this encourages self-censorship as media organizations learn which stories are likely to draw the ire of powerful interests. This filter usually manifests in decisions about which stories not to print in anticipation of the backlash that might result from news that unsettles widely held views.

Since the end of the Cold War, the final filter (anti-communism) seems a bit dated, but not if we simply think of it as “the dominant ideology,” as Klaehn suggests.\textsuperscript{306} In this way, the filter refers to the readiness of mass media organizations to produce content that emphasizes the moral correctness of state actions in contrast to the moral degradation of official enemies. This filter serves to normalize the status quo, to discourage ideologies that would challenge its hegemony, and mobilize the public in opposition to tangible threats to this objective. During the Cold War, this filter had a much clearer political division on which to focus its attention; in the United States, the filter is discernable in the media’s targeting enemy or quasi-enemy states like

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\textsuperscript{304} Anyone familiar with the simple but contentious issue of seating arrangements in the White House Press Corps is witness to this phenomenon.

\textsuperscript{305} Herman and Chomsky, \textit{Manufacturing Consent}, 22.

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Iran for negative coverage with more frequency than for official ally states like Saudi Arabia. The former explicitly rejects American global hegemony, the latter is a close regional ally.

Each of these filters interacts with the others, though the complexities such interaction might produce is not probed very deeply in their book. Chomsky and Herman are not particularly interested in showing how media content influences public opinion and action, but they take this for granted. Indeed, it is a reasonable assumption given the ample evidence confirming it.

**Functional Differentiation**

Though he produced some 60 books and 400 articles, the German social theorist Niklas Luhmann does not enjoy quite the same reputation in the United States that he does in Europe. Much of the reputational imbalance is explained by the theoretical disputes within the field of sociology that divide the American and European professions. Luhmann is best known for his attack on Parsonian sociology through the development of social systems theory and his esoteric application of these ideas to religion, art, politics, economics—and the mass media. As new translations of his work have become available in recent years, Luhmann’s ideas have found a new audience, securing his legacy as a remarkably insightful thinker. Here, I wish to give a brief overview of Luhmann’s social systems theory as it applies to his work on the mass media specifically. I argue that while his work complements Chomksy and Herman’s in important ways, he downplays the importance of the media’s influence on popular views regarding the differentiated reality he describes so well. Luhmann’s work explains a great deal about the internal operational logic of the mass media, understood as a self-contained or *autopoietic* social system, but it does little to address the urgent normative concerns over accuracy when it comes
to the substance of the news content it generates. Luhmann, who denies the existence of public opinion and the desirability of meaningful democracy, would likely agree.

In short, social systems theory is an inadequate framework because the premises upon which it is based are so deeply pessimistic about the possibility of substantial political change. Luhmann appears to adopt a troubling apathy with regard to reality that verges on extreme relativism. The consequences in untethering his theory so completely from events on the ground leads him to posit less agency than even his post-modern counterparts might ascribe to the individual subject. Ultimately, the consequences of his stance for a theory of atrocity, insofar as he denies the possibility of affirmative political action typically implied by labelling an act of violence atrocious, are incalculable and dangerous.

Though he developed social systems theory as a response to Talcott Parsons’s belief that social systems interact, the “radical anti-humanism” of Luhmann’s work poses challenges elsewhere. In particular, social systems theory pushes against the Marxist theory of society, which Luhmann felt overly emphasizes the role of economics and thereby reduces the whole (society) to one of its parts (the economic system). Against Parsons and Marx, Luhmann argues that social systems are “closed” to external influence from other systems, though occasional “irritation” may generate an illusion of the opposite. Social systems are defined by autopoiesis, a biological term we can simplify for the sake of brevity to mean something like an internal self-operating logic which produces a result external to itself. Like a single-celled

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307 Since a famous debate with Jürgen Habermas, in which he and Luhmann disagreed vehemently on a number of issues, some critics have dismissed Luhmann as a conservative thinker. In my view, the case to the contrary has been amply demonstrated even if his political project is not exactly an inspiring one. If anything, Luhmann perceived his theory as far more radical than traditional leftist politics, which remain tethered to a humanist vision. For an overview of the “radical Luhmann,” see Hans-Georg Moeller, The Radical Luhmann (New York: Columbia University Press, 2012).
organism, *autopoiesis* implies that social systems reproduce themselves by “us[ing] their own output as input.”

According to this view, economics is one among many social systems that *do not interact* and, by extension, cannot exert dominance one over the other. Non-interaction and non-domination are central to Luhmann’s theory. Economics is as readily capable of influencing politics as vice versa. Likewise, the mass media may influence politics but the reverse is also true—and the structural differentiation between the systems prevents undue influence or dominance that would result in qualitative change. In other words, the mass media (a distinct and self-contained social system) is neither above nor below politics (another social system). All social systems coexist on equal footing. There is, at most, occasional overlapping of phenomena between systems.

If we reduce Luhmann’s social theory to its barest essentials, I think the following summary is fair: nearly all contemporary political and social theorists are living in the past, insofar as they draw on the humanist heritage of the Western political tradition. Whereas pre-modern society (Luhmann has feudalism in mind) was once “stratified” along hierarchical lines, modern society has since evolved and is now defined by “functional differentiation” between highly complex social systems and a concomitant decentering of power. In Luhmann’s view, a dogmatic anthropocentrism pervades Western political thought from Plato through the Enlightenment and is fundamentally ill-suited to explain a “society without top and without centre; a society that evolves but cannot control itself.”

Though Luhmann’s defenders insist that his theory was primarily diagnostic and not prescriptive, there are clear normative tenets

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309 Ibid., 74.
embedded within his political philosophy, namely the futility of human agency in seeking to change the political system.

We have to come to terms, once and for all, with a society without human happiness and, of course, without taste, without solidarity, without similarity of living conditions. It makes no sense to insist on these aspirations, to revitalize or to supplement the list by renewing old names such as civil society or community. This can only mean dreaming up new utopias and generating new disappointments in the narrow span of political possibilities. These desirabilities serve as a central phantom that seems to guarantee the unity of the system. But one cannot introduce the unity of the system into the system. We may well recognize the hardships and the injustice of stratification, but this is no longer the main problem of society. For its scheme of difference and identity is no longer framed by stratificatory (or hierarchical) differentiation. Stratification would mean that we could know the addresses of influential people and the ropes, and that we would be able to change the structure of society by appealing to reason, by critique, by reforming institutions, or by revolution. But this has become more than doubtful.  

Whether from the political right or left, traditionally conceived, efforts to influence politics are inevitably frustrated or accommodated, leaving the systemic core intact. This rather bleak assessment forms the background against which we must judge Luhmann’s explanation of knowledge generation and its political context via the mass media.

For Luhmann, actually-existing democracy is necessarily symbolic because there is no such thing as “the people.” Even if there were, this social construct would have no bearing on the political system, which operates as a distinct social system according to the “functional differentiation” Luhmann posits. Echoing Brecht’s satirical remark, Luhmann writes, “As in the 18th century, the people is only a construct by which political theory accomplishes closure. Or put differently: Who would notice it if there would be no people at all?”

Through the lens of social systems theory, politics occurs with or without the input of an electorate, which is really more of an audience. Though people obviously do vote, the ones who

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310 Ibid., 69–70.
311 Cited in
exercise meaningful control over policies are politicians—and it is likewise politicians who ultimately decide whether to remain faithful to the majority or not. Moreover, even politicians are limited in the scope of their actions, which remain inevitably confined to the autopoietic system in which they embedded. Politics may exert limited influence on the mass media (e.g. issuing broadcast licenses, regulating content), but the mass media also influence politics (e.g. giving political candidates airtime, exposing political scandals) and the same can be said of all social systems, including the economy.

**Beyond Distortion**

In contrast to the other social systems explored in Luhmann’s work (religion, art, law, etc.), the mass media constitute a comparatively new system and the implications of its technological expansion continue to manifest themselves. Luhmann writes that the mass media “includes all those institutions of society which make use of copying technologies to disseminate communication.”\(^{312}\) By communication, Luhmann has in mind a one-way process only: information flowing from a source to a receiver. To count as mass media communications, he insists that “no interaction among those co-present can take place between sender and receivers.”\(^{313}\) Luhmann’s definition clearly does not make room for social media, which has become ubiquitous since his death, nor does it consider the related rise of so-called “fake news,” a contemporary variant of yellow journalism.\(^{314}\) With its emphasis on interaction between users,

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313 Ibid. Emphasis in the original.
314 Fake news received a great deal of attention for its alleged influence in the 2016 U.S. election, but the phenomenon is not itself new. Blogs are the immediate forerunners, not to mention the often hyperbolic and explicitly ideological orientation of television news journalism. While there are not yet any scholarly analyses of the fake news, I suspect it appears novel primarily because social media has provided unrivalled method of distribution. In 2016, a handful of teenagers from a small village in Macedonia generated large sums of money as purveyors of
the emergence of Web 2.0 and social media in general has dismantled the traditional wall between news producers and news consumers. Still, for Luhmann, the traditional media content we consume is generated beyond us and is characterized by no further interaction. All closed systems are governed by a specific code, a simple binary that governs the internal logic of the system. Without a code, Luhmann argues, a social system would be unable to distinguish its own reality from that of its immediate environment; it would be unable to attain closure and systemic differentiation. According to Luhmann, the news media’s code is information/non-information.315 Information is that which is “known to be known about.”316 Non-information is anything that is not developed into a news story and neither printed nor broadcast.

Luhmann points out an apparent paradox concerning the acceptance of the mass media by the public. On the one hand, the public is deeply skeptical over the veracity of content and there exist widespread suspicions that elements of a news story are being intentionally left out, spun, or otherwise distorted. Indeed, a recent poll suggests that at least 60% of Americans claim not to trust the media “very much” or “at all.”317 On the other hand, the public is also reliant upon the media for a picture of reality, however limited, without which they would have little notion. Though Luhmann seeks to explain the behavior and function of all forms of mass media, it is his discussion of the news media that detains us here. Though he readily concedes the media play a powerful role in reproducing social norms, Luhmann is completely unconcerned with the accuracy of the media’s content. As he writes, “The question is not: how do the mass media

316 Ibid., 20.
distort reality through the manner of their representation?” Such a question, he claims, “presuppose[s] an ontological, available, objectively accessible reality that can be known without resort to construction.”

Instead of asking if the mass media is faithfully representing an objective reality, the very possibility of which he finds absurd, Luhmann seeks to understand what kind of reality the media creates. To this end, he argues that the following “selectors” play a role in determining news media content: (1) surprise, unexpected breaks from an accepted state of normalcy; (2) conflict on issues that lend themselves to easily identifiable positions of opposition; (3) an obsession with quantities, numbers, and statistics for their own sake; (4) issues of local relevance, which tend to more easily gain newsworthy status; (5) norm violations, legal as well as moral; (6) norm violations accompanied by moral judgments; (7) an emphasis on individual actors and cause-effect relationships; (8) topicality and the creation of identifiable news subjects with set discursive parameters; (9) the expression of opinions and commentary by figures deemed newsworthy; (10) and finally, a recursive interaction of each of the foregoing selectors.

It is not my purpose here to assess each of the selectors Luhmann identifies. Instead, it is primarily those that deal with the media’s norm-setting and moral functions that demand attention because they speak directly to the classification of violence as atrocious—or not.

Mediated Realities

As Chomsky and Herman’s book was published before Luhmann’s own work on the media, one wonders what he might have made of the propaganda model. Chomsky and Herman cannot easily be ignored by Luhmannians who simply deny the possibility that the economy, as

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319 Ibid., chap. 5. Emphasis in original.
one self-contained social system, can ever exert influence over another, the mass media. While there is no evidence that Luhmann himself was familiar with *Manufacturing Consent* or the propaganda model, his references to theories of the media that seek to root out “distortion” and “manipulation” suggest that he was at least minimally familiar with the broad currents of nominally Marxist media analysis when he made his own limited foray into the field.

Unfortunately—and Luhmann is not quite as guilty of this as his followers—his characterization of a theoretical approach that imputes the manipulation of news content to individuals is a straw man argument insofar as the characterization is intended to include the propaganda model.

Hans-Georg Moeller, a scholar who has done a great deal to make Luhmann accessible to political theorists, challenges the propaganda model on Luhmannian grounds. He argues that Chomsky and Herman reduce media analysis “to the ethical errors of some certain human beings.” Perhaps there is some facile research that focuses on the role of sinister individuals within the media organizations themselves, conniving puppet-masters pulling the wool over our collective eyes, but this approach has absolutely nothing to do with the propaganda model. Though Moeller describes *Manufacturing Consent* as an “exemplary” study, he incorrectly characterizes the argument presented there as one dwelling on the manipulation of media content “by more or less evil forces.” Social systems theory, Moeller argues, “tries to go further [than the propaganda model and theories like it] by attempting to explain the phenomena they describe with concepts that go beyond ‘simple’ one-way manipulation.” Luhmann may or may not succeed in this, but Moeller’s argument is predicated entirely on a mischaracterization of the propaganda model, which does not impute responsibility to individual actors, evil or otherwise.

321 Ibid., 143.
322 Ibid., 144.
As Chomsky himself explains, “[T]his is not a theory of … evil people. It is a study of the institutional structure of the media system which has almost nothing to do with the individuals who are in it.”\textsuperscript{323}

The fact that corporations, in their usual behavior—say General Motors—try to maximize profit, is not a criticism of the C.E.O. of General Motors. It’s a comment about the institutions and the way they function and in fact the legal system, even the legal system in which they function, also the market system. So there’s absolutely nothing to do with evil individuals. Change the names, it will come out the same. It’s an institutional critique.\textsuperscript{324}

The point is apparently lost on Moeller, who implies that Chomsky and Herman are engaged in the scholarly equivalent of conspiracy theory.

Moeller’s attack does not end there. He further insists that Chomsky and Herman cling misguidedly to an objective reality that could be revealed if only there was a way to stop the manipulation.

According to this theory pattern, we would be presented with the real view of reality if only we could get rid of these evil manipulators. If we had truly democratic and liberated mass media, manipulation would disappear, and only then would we be able to finally see the world as it is.\textsuperscript{325}

In fact, Chomsky and Herman concede that the media generate a version of reality—one that tends to reflect the interests of political and economic elites and not the interests of workers or marginalized populations, for example.

Despite what Moeller thinks Luhmann would challenge in the propaganda model, the argument is quite agnostic on the issue of pure objective reality. Nowhere do Chomsky and Herman claim the representation of media reality is mere illusion. Rather than an indictment of

\textsuperscript{323} When I spoke with him, Chomsky was unfamiliar with either Niklas Luhmann or Hans-Georg Moeller’s attack on the propaganda model and his remarks were offered in response to my impromptu summarization of Moeller’s charges. See Noam Chomsky, interview by Kristofer J. Petersen-Overton, Digital recording, December 4, 2014, http://petersen-overton.com/?p=482.

\textsuperscript{324} Ibid.

\textsuperscript{325} Moeller, \textit{Luhmann Explained}, 143.
the media’s ability to represent an accurate reality, their critique centers on coverage i.e. the prioritization of some issues above others. To characterize the propaganda model as doggedly obsessed with “the real view of reality” is not only false, but the assumptions upon which it rests would seem to undermine the foundational premises of virtually all scholarship. Luhmann certainly argues that the entire history of Western political and social philosophy is misguided in its basic humanist assumptions, but Moeller’s Luhmann seems to detach the question of reality entirely from any concern with accuracy.

The question of reality leads Luhmann to adopt some unsettling positions which should become apparent by way of contrast. One can only imagine how differently Chomsky and Herman might predict the reporting on a particular matter in contrast with Luhmann. Take the recent bombing of a hospital by American forces in Afghanistan that killed at least 30 people and injured at least as many. The PM might plausibly predict that American press coverage would characterize the incident as unfortunate but accidental and certainly not intentional. Investigations will likely be supported by the liberal intelligentsia as a means of demonstrating “American values” and ensuring that war is guided by the rule of law. It might further predict that while the United States has bombed hospitals in the past, this case is more newsworthy because it killed a large number of well-connected Europeans working for a respected non-governmental organization, Médecins Sans Frontières.

Finally, headlines covering the bombing will tend to obscure U.S. culpability and the matter will probably fall more quickly out of the headlines than similar forms of violence committed by official enemies.326 “A propaganda system,” Chomsky and Herman argue, “will

326 Indeed, this is precisely what happened. The media watchdog Fairness and Accuracy in Reporting (FAIR) points out a large number of ambiguous headlines. The New York Times apparently modified the story 20 times with five different headlines—not one of which indicated U.S. responsibility. “The New York Times completely rewrote and
consistently portray people abused in enemy states as *worthy* victims, whereas those treated with equal or greater severity by its own government or clients will be *unworthy*. In short, the propaganda model predicts that the mass media will set the discursive parameters within which the violence in question may be discussed in the mainstream and whether it is to be tolerated, praised, or condemned. The normative goals or at least the potential challenges that might be raised to counter the deficiencies outlined in the PM are undetermined, though Chomsky and Herman write optimistically of community media initiatives. Most importantly, they leave open the possibility of challenging the mass media’s definition of acceptable and unacceptable violence—the possibility for developing a moral compass free from the influence of elite agendas.

With Luhmann, by contrast, there is no such possibility of intervention nor is there any reason to think the media has any agenda besides self-reproduction. Certainly, it matters little to his theory how the media report such an incident because the mass media social system has no direct attachment to the events or indeed to other social systems. If the bombing does become newsworthy “information” based on the rather arbitrary criteria Luhmann suggests, the differentiated reality it portrays is a distinct phenomenon from the charred corpses on the ground and should not be judged in terms of its accuracy/inaccuracy.

Even if one were able to claim that the news media grossly misrepresented the incident, Luhmann insists that human actors are virtually powerless to do anything to influence the media changed the title of its report on the bombing seven times. Early on October 3, the Times published an article headlined ‘Airstrike Hits Hospital in Afghanistan, Killing at Least 9.’ Minutes later, it changed the headline to ‘Airstrike Hits Doctors Without Borders Hospital in Afghanistan.’ Two hours after, it became ‘Afghan Hospital Hit by Airstrike, Pentagon Says.’ Then ‘US Investigates After Bombs Hit Afghan Hospital,’ before finalizing as ‘US Is Blamed After Bombs Hit Afghan Hospital.’” See Ben Norton, “Media Are Blamed as US Bombing of Afghan Hospital Is Covered Up” (Fairness and Accuracy in Reporting, October 5, 2015), http://fair.org/home/media-are-blamed-as-us-bombing-of-afghan-hospital-is-covered-up/.

or indeed any other social system. The very best effort human actors might be able to muster would be to establish a rival media institution dedicated to challenging the prevailing narrative—but it would become just one more reality among realities. Alternatively, they may take up the issue within the political social system (to investigate the bombing for example), but it remains to be seen if a change in the political system will result in real change on the ground. Because social systems operate autopoietically, they cannot be steered by activists or by anyone else—and it is moreover impossible to predict what the outcomes within one differentiated social system will have on others in the future. Luhmann expresses his bleak conclusion in detached diagnostic language, but as mentioned earlier, there are clear normative conclusions one can draw from his theory, most immediately the idea that political activism is almost always futile.

Moeller’s final Luhmannian challenge suggests the propaganda model is flawed because it “forgets about itself.” Luhmann, he argues, remains willfully conscious of his own participation in the media system as well as the seemingly paradoxical reliance on the media system for the very facts he uses to guide his analysis, while Chomsky and Herman do not. “Unlike Chomsky [and Herman],” Moeller claims, “Luhmann does not want to ignore the fact that his own observations must necessarily have a systemic ‘location.’” Yet Moeller is again incorrect to suggest that Chomsky and Herman fail in this. They argue vociferously that the propaganda model predicts a poor reception of their work. It then came as no surprise when it was virtually ignored by mainstream scholars and left largely unreviewed in the professional literature. So much for Moeller’s critique, which remains the only Luhmannian attack launched against the propaganda model to my knowledge.

328 Moeller, Luhmann Explained, 144.
329 Ibid., 150.
330 My own research confirms this and the greatest silence of all comes from media studies.
Certainly the propaganda model has its limitations, but those pointed out by Moeller are not among them. In contrast to Moeller’s Luhmannian critique of the propaganda model, there are major weaknesses and inconsistencies in Luhmann’s analysis of the media. Luhmann at once argues that the media play a role in developing social norms and attitudes, yet denies that anything called “public opinion” exists. He also fails to explain the process by which some norms and attitudes are advanced in the media while others are not. This may be politically unproblematic so long as the issues in question concern nothing more serious than frivolous coverage of sports and celebrity news for instance. But when it concerns violence or other matters of material consequence, Luhmann’s assessment is paralyzing at best and pathological at worst.

So Moeller is essentially correct to argue that the propaganda model is theoretically inimical to social systems theory. Though he vastly overstates the case in calling the propaganda model a theory of “liberation”—i.e. one that suffers from “the Old European illusion that the mass media (and politics) are not a communication system but actually ‘made’ by people and that they could be ‘democratic’”—he is nevertheless correct to point out that Chomsky and Herman’s theory retains a sense of political agency that Luhmann does not. But the most difficult obstacle to overcome in this regard has to do with Luhmann’s rather arbitrary designation of the media system as a social system functionally differentiated from all others and, by extension, subordinate to no objectives beyond its own.

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331 For example, in a favorable review, Goodwin suggests several ambiguities in the propaganda model that should be addressed, among them an over-emphasis on the American case alone and inadequate attention to interaction among the five filters. Jeff Goodwin, “What’s Right (and Wrong) about Left Media Criticism? Herman and Chomsky’s Propaganda Model,” Sociological Forum 9, no. 1 (1994): 101–2.

332 Moeller, Luhmann Explained, 147.
Even if one were willing to acknowledge Luhmann’s insight into social systems theory generally, we might still disagree with his designation of the media as a system on par with all others. To put it bluntly, it is simply not plausible that the media are free to influence capitalism to the degree that capitalism is in a position influence the media—precisely because the media institutions are themselves capitalist enterprises. Whereas Chomsky and Herman claim media content is strongly informed by the structural constraints of capitalism, Luhmann argues that the economic system is a separate social system and exerts just as much influence on the media as the media exerts upon it. Luhmann’s insistence upon non-domination of one social system upon others apparently makes little of the fact that modern media institution are themselves capitalist enterprises. Using Luhmann’s own terminology against him, one might argue that the media’s “code” is not information/non-information but profit/loss. If so, there is perhaps a strong argument to be made elsewhere that Luhmann’s analysis could more accurately describe the media as a sub-system of the economic social system, a form of business among other businesses, and one that just happens to engage in matters of some political consequence.

Defining Atrocity

Moral judgment requires information. When information is mediated, we are automatically talking about an experience quite different from witnessing an event firsthand. If, as Sontag writes, “the very notion of atrocity … is associated with the expectation of photographic evidence,” the mass media occupy a position of power not simply because the images they broadcast are often assumed to speak for themselves, but because the media organizations themselves determine precisely which images will be broadcast and which will not. The power of the mass media is the power to define both the conditions of moral judgment
as well as its object. Of the two theories of news media discussed above, Chomsky and Herman’s is by far the more useful for scholars interested in predicting news content, including how violence will be depicted and whether it will be depicted at all.

Given the connection between popular opinion and the mass media demonstrated by empirical research, it is reasonable to assume this influence extends also to the public’s acceptance or rejection of state violence. Chomsky and Herman’s propaganda model predicts that the victims of violence carried out by official enemies will be emphasized and generally characterized by its unacceptable nature in the mass media. By contrast, the victims of violence carried out by the media’s home country will either be downplayed or ignored altogether. While the PM remains agnostic about the power of the people to initiate policy change, it predicts a connection between the acceptance or rejection of certain forms of violence depending on the actor perpetrating that violence. In short, the PM is strongly consonant with a theory of atrocity based on vision.

By contrast, Niklas Luhmann’s systems theory of the mass media is explicitly unconcerned with the depiction of reality. Whatever the merits some have found in his theory applied elsewhere, it is simply implausible that the mass media, as a separate social system, shares equal status in terms of mutual influence with the economic system. Because Chomsky and Herman acknowledge that media institutions are themselves private companies constrained by the structural incentives this status implies, they offer an account that is able to explain a great deal more than Luhmann. By contrast, Luhmann denies the role of incentives originating in the economic system as having any meaningful influence on media content, which he argues is instead a closed and self-regulating system, guided by an internal logic.

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V. OVERLOOKING: Liberal-Nationalism and Invisible Violence

“[E]very one gives the title of barbarism to everything that is not in use in his own country.”

Michel de Montaigne

The foregoing chapters have addressed various facets of a theory of atrocity grounded in moral vision. This chapter extends that discussion by looking at the shape violence takes in liberal-democratic nation-states, given the presumption of a lower threshold of atrocity in such societies. I argue that 1) nationalism’s default self-regard grants liberal-democratic nation-states the benefit of the doubt when it comes to managing the interpretation of state violence because the constitutive elements of nationalism in these societies are tied to the institutions of state power; 2) nationalism tends to reduce liberal ideals to slogans which displace a meaningful sense of responsibility for bad states of affairs. The outcome of the curious ideological synthesis of liberal-nationalism is not necessarily less state violence, but rather violence of a kind that passes undetected by large numbers of people. Moreover, if it is detected, the violence in question is believed to be of a sort more humane than that of others, thereby averting the possibility of crossing beyond the threshold of atrocity. Finally, 3) Adam Smith’s moral philosophy emphasizes the impossibility of judging the moral content of one’s own actions and offers a possible way out of the conundrum by invoking a hypothetical spectator—an idea considered here in relation to the foregoing discussion of Murdoch and Levinas.

Mere Description

Upon entering office in 2009, US President Barack Obama pledged to release “a substantial number” of photographs documenting the abuse of detainees that had taken place at
Iraq’s Abu Ghraib prison in the early years of the US-led occupation.\textsuperscript{334} Revelations of sexual abuse, torture, rape, sodomy, and homicide at the prison only added fuel to the wider national debate over the so-called “enhanced interrogation techniques” adopted by the Bush administration following the 9/11 attacks.\textsuperscript{335} As one of his first acts of office, Obama signed an executive order banning some of the more extreme practices and vowed before Congress that the “United States of America does not torture.”\textsuperscript{336} Notwithstanding the Bush administration’s embrace of torture, the abuse at Abu Ghraib clearly went far beyond the practices approved by the so-called torture memos and Obama was initially receptive to further investigation.\textsuperscript{337} At the time he entered office, 279 photographs depicting the abuse at Abu Ghraib and other American military prisons had already been made public, among them the iconic hooded figure. The exact number of photographs yet to be released remains unclear but estimates run in excess of 2,100.

When the American Civil Liberties Union (ACLU) requested the release of 44 previously unreleased photographs, the White House initially welcomed the action in the interest of


transparency. Yet only a few months later the President abruptly reversed his position—no further photographic evidence connected to the Abu Ghraib scandal or similar episodes of abuse at other American prisons in Iraq and Afghanistan would be released. Moreover, the White House shelved an effort by the Justice Department to pursue a criminal investigation into torture under the Bush administration. According to the President, it was time to “move forward”, the release of these photographs, he reasoned, would only serve to “inflame anti-American opinion and … put our troops in greater danger.” In an attempt to allay concerns raised by this about-face, Obama insisted that the photographs in question were “not particularly sensational.” This was a very different tone from that of Major General Anthony Taguba, head of the 2004 military investigation into the Abu Ghraib scandal. Taguba claimed to have personally viewed images depicting “torture, abuse, rape and every indecency” against detainees in American custody. This came on the heels of 2007 interview with Seymour Hersh for the *New Yorker* magazine in which Taguba claimed to have viewed “a video of a male American soldier in uniform sodomizing a female detainee.” When pressed specifically on the question of rape, both the Pentagon and White House offered a decidedly vague statement denying the very existence of the photographs “in question.” While Major General Taguba continues to insist that rape

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341 Duncan Gardham and Paul Cruickshank, “Abu Ghraib Abuse Photos ‘Show Rape,’” *The Telegraph*, May 27, 2009. It’s important to note, as there was some confusion over this point at the time, that the pictures to which Taguba was referring did not include the 44 involved in the ACLU lawsuit.
occurred at Abu Ghraib, he agreed with the President that no further photographic evidence
should be released. In his judgment, “the mere description of these pictures is horrendous
enough. Take my word for it.”

In a campaign spearheaded by the ACLU, transparency advocates have continued to push
for the release of all photographs. Congress voted for opacity in 2009, passing a statute granting
the Secretary of Defense the power to conceal images for up to three years if their release might
place American lives at risk. Erstwhile Secretary of Defense Robert Gates immediately invoked
this power to suppress all 2,000+ images and his successor Leon Panetta did the same in 2012.

In March 2015, a federal judge from the U.S. District Court in Manhattan ordered the release of
the images in their entirety, prompting an immediate appeal from the Obama administration on
grounds of national security, which began oral argument in mid-January 2016. In February 2016,
the Pentagon released 198 photographs. Though most of the recently released images appear
fairly innocuous, they were not accompanied with captions or context, making it impossible to
know exactly what they depict.

It is at first perplexing that Abu Ghraib specifically should have inspired the scandal it
did, given the scope of American violence in the immediate post-9/11 period. To be sure, the
abuse at Abu Ghraib is objectively upsetting. “Never before,” insisted the journalist Philip

344 Gardham and Cruickshank, “Abu Ghraib Abuse Photos ‘Show Rape.’”
345 Among these 2000+ are thought to be photographs depicting abuse at Abu Ghraib as well as other sites in Iraq
and Afghanistan.
347 According to Katherine Hawkins, senior counsel at the Constitution Project, “These are only about 10 percent,
and presumably the least graphic 10 percent, of the larger set [of photographs] the ACLU sued for. … For the most
part, it is very difficult to understand exactly what we’re seeing. But some of them are still pretty ugly.” Cited in
Cora Currier, “Pentagon Releases Photos of Detainee Abuse in Iraq and Afghanistan,” The Intercept, February 5,
Gourevitch, “had such primal dungeon scenes been so baldly captured on camera,” but by the time Obama entered office, the use of enhanced interrogation techniques by American intelligence agencies was both well-documented and widely known. Waterboarding, a form of torture dating to the Spanish Inquisition, had been adopted by CIA and used to interrogate terror suspects at covert “black sites” around the globe. In addition to the overwhelming evidence gathered by NGOs and journalists documenting patterns of routine abuse at American military detention facilities, approximately 100 detainees have died in US custody, including 34 suspected or confirmed homicides and at least eight others who were literally “tortured to death.”

Since 2004, when Seymour Hersh broke the Abu Ghraib scandal in the pages of The New Yorker, details have slowly continued to emerge. In late 2014, the Senate Intelligence Committee torture report revealed that waterboarding was used to a far greater extent than previously thought and describes other disturbing techniques, including “rectal rehydration” or forced feeding through the anus, an “horrific and humiliating procedure” more accurately described as rape. Upon entering office, President Obama swept away some of the most egregious practices implemented under George W. Bush and barred the CIA’s use of “black sites.”

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351 The FBI recently updated its definition of rape: “Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.” See Uniform Crime Reporting, “Reporting Rape in 2013; Summary Reporting System (SRS); User Manual and Technical Specification” (Washington D.C.: Federal Bureau of Investigation, April 9, 2014), 1.
352 Forced feeding has continued under Obama however, despite the widespread condemnation of the practice as a violation of international law by human rights groups, the International Red Cross, World Medical Association, and the United Nations. See for example, Joe Nocera, “Is Force-Feeding Torture?,” The New York Times, June 1, 2013, sec. A17.
while Americans have seemingly become much more tolerant of torture in the decade since the scandal broke, it is Abu Ghraib and not the CIA’s more damning record that remains the preeminent example of American abuse during this dark chapter of American history.353 Why?

The primary distinction between Abu Ghraib and the CIA interrogation program quite clearly has to do with official sanction and not the severity abuse. While the mistreatment of detainees depicted in the Abu Ghraib photographs so far released is unquestionably despicable, it nevertheless remains arguably less severe than many of the techniques approved for CIA use, which resulted in numerous deaths. Several of the Abu Ghraib photographs depict American military personnel posing in crude attempts at humor with the dead body of Manadel el-Jamadi but his death, subsequently ruled a homicide by military investigators, occurred in CIA custody.354 Because of this and other detainee deaths as well as the conspicuous parallels to officially-sanctioned practices, the Bush administration appeared conflicted in its response to Abu Ghraib. When President Bush commented at all on the images’ content, he denied that anything depicted there amounted to torture and instead emphasized vocabulary like “abuse” or “humiliation.”355 Whatever he called it, the President was slow to condemn the abuse and when he did, it was expressed mainly as a security concern, i.e. it stoked the flames of anti-

353 A 2014 poll reveals that 58 percent of Americans believe the torture of suspected terrorists is justifiable “often” or “sometimes.” This number was only 38 percent in 2005. See Aaron Blake, “Americans Have No Idea What They Really Think about Torture,” The Fix, The Washington Post, (December 10, 2014), https://www.washingtonpost.com/news/the-fix/wp/2014/12/10/americans-have-no-idea-what-they-really-think-about-torture/. It is important to note, however, that while American pro-torture views have steadily increased, respondents are not usually asked if they think torture is effective; rather, its efficacy is taken for granted. See Paul Gronke et al., “U.S. Public Opinion on Torture, 2001–2009,” PS: Political Science and Politics 43, no. 3 (July 2010): 437.

354 All charges relating to this case were dropped by Attorney General Eric Holder. See Scott Shane, “No Charges Filed In Two Deaths Involving C.I.A.,” The New York Times, August 31, 2012, sec. A1. It is interesting to note the online editors at the Times later changed this web headline to the decidedly less shocking “No Charges Filed on Harsh Tactics Used by C.I.A. “

Americanism, put soldiers’ lives at greater risk, and tarnished the nation’s reputation. Secretary of Defense Donald Rumsfeld, testifying before Congress, said “There are a lot more photographs and videos that exist. … If these are released to the public, obviously, it’s going to make matters worse.”\footnote{356} This approach suggests that the images themselves were more of a problem for the government than the practices they recorded. To date, the only Americans held liable for charges relating to torture are eleven low-level soldiers involved in the abuse at Abu Ghraib prison.\footnote{357}

Though Human Rights Watch and other groups argue that criminal charges should be brought against those directly implicated in the Bush administration’s wider enhanced interrogation techniques, including “assault, sexual abuse, war crimes and murder, as well as conspiracy to commit some of these crimes,”\footnote{358} no prosecution has ever been brought, nor do such prosecutions appear likely. Ken Davis, a former military police officer whose early complaints about the abuse at Abu Ghraib to his commanding officers were ignored, expresses resentment over this fact in Rory Kennedy’s award-winning documentary, *Ghosts of Abu Ghraib*:

> Has anybody been brought to trial for [Manadel el-Jamadi’s death]? No, but [Charles] Graner and Sabrina [Harman] were charged with those pictures. That to me is ridiculous. ‘We won’t charge the murderer, even though it’s ruled a homicide, but we’ll charge you for taking pictures and exposing that a murder happened here.’ … [Charles] Graner and the 372\textsuperscript{nd} MP company embarrassed the army. With pictures. And the army got them back.\footnote{359}


\footnote{357}{Ironically, the only other person jailed in connection with Bush administration-era torture, CIA analyst John Kiriakou, was prosecuted for confirming the use of waterboarding by the CIA.}

\footnote{358}{Human Rights Watch, “No More Excuses: A Roadmap to Justice for CIA Torture” (Human Rights Watch, December 1, 2015), 35.}

\footnote{359}{Cited in Rory Kennedy, *Ghosts of Abu Ghraib*, DVD (HBO Documentary Films, 2008).}
Abu Ghraib was a problem mainly because the photographs existed at all. While the details of officially-sanctioned CIA interrogation practices were rendered benign through the use of sterile bureaucratic prose, pictures shock even when the violence they depict is objectively less severe.

Modern torturers have dispensed with crude methods, and have instead devised techniques that remain either palatable or invisible to the general public. The political scientist Darius Rejali calls these forms of torture “clean” (as opposed to “scarring”). While “clean” techniques do cause immense physical suffering and often irreversible psychological damage, they are perceived as less physically violent because they leave no visible scars.360 In print, “forced standing” reads like a minor inconvenience; “sensory deprivation” like a game of hide-and-seek; “rough handling” like a fraternal wrestling match; “stress positions” like a particularly intense session of yoga. This language intentionally masks the trauma such techniques actually inflict. The CIA was extremely careful to avoid any perception of excess, even as it engaged in severe forms of physical and psychological abuse. By contrast, the Abu Ghraib pictures made visible forms of abuse of an especially sexual nature (enforced nudity, simulated fellatio, touching of genitals, bestiality, etc.) that push strongly against social norms and thereby violate what I have called in earlier chapters a threshold of atrocity.

The truly transgressive nature of the Abu Ghraib scandal then has less to do with the abuse it revealed than with the complications it posed and still poses for American national identity and its constitutive myths. Jasbir Puar points out that the homosexual and sadomasochistic content of the images evoked a special outrage because they challenged the “multicultural hetero-normativity intrinsic to U.S. patriotism.”361

It may well be that these responses [of outrage] by westerners reveal what we might deem the worst form of torture—that is, sexual torture and humiliation rather than extreme pain—more than any comprehension of the experiences of those tortured. 362

Insecurities about sex, especially gay sex, say a great deal about where a threshold of atrocity is likely to be located in the United States today and, by extension, which methods of violence must absolutely be avoided if invisibility is the goal. Moreover, because sexual acts are imbued with deep cultural fascination and “burdened with an excess of significance,” as Gayle Rubin argues, they are subject to what she calls the “fallacy of misplaced scale.”364

Sexual violence generates a special revulsion in the hierarchy of imagined misdeeds, out of proportion even with forms of abuse that result in severe physical pain. In the case of Abu Ghraib, the revulsion was deepened by deviations from hetero-normative sexuality, including homosexual, sadomasochistic, and bestial content.365 That these acts were performed by members of the armed forces, a traditional bastion of patriotic sentiment and national reverence, deepened the revulsion still further. Indeed, polls confirm that while Americans have grown more supportive of torture in general, they are nevertheless roundly appalled by abuse of a sexual nature.366

364 Ibid.
365 For an interesting discussion of the politics of animals and sexuality that explores a case of one soldier facing prosecution for encouraging a dog to lick peanut butter from the genitals of a detainee at Abu Ghraib, see C.G. Boggs, “American Bestiality: Sex, Animals, and the Construction of Subjectivity,” Cultural Critique 76 (2010): 98–125.
366 According to figures cited in a survey of American views on torture, between 84% and 89% said that would oppose “sexual humiliation” of detainees (only between 10% and 16% said they would support it). This category of abuse was the most unpopular of the methods listed, including electric shock, waterboarding, punching/kicking, enforced nudity, exposure to extreme temperatures, denying food/water, noise bombs, stress positions, and sleep deprivation. See Gronke et al., “U.S. Public Opinion on Torture, 2001–2009.”
As foregoing chapters have discussed at length, visibility is a central component to a
theory of atrocity and photography, a consummately visual medium, exerts tremendous

In principle, the sexual abuse at Abu Ghraib was “clean” torture; the scars it
left were psychological, not physical. Were it not for the photographic record, the suffering and
humiliation conducted at Abu Ghraib would command much less power that it does. This is
perhaps why the allegations of rape at Abu Ghraib have been so underreported. No visual
evidence has yet come forward and without documented proof of torture, the inaccessibility of
pain proves a massive obstacle to moral vision.

“To have great pain,” Elaine Scarry writes, “is to have certainty; to hear that another
person has pain is to have doubt.”\footnote{Scarry, \textit{The Body in Pain: The Making and Unmaking of the World}, 7.} Because suffering is inherently subjective, the Murdochian
call to attention faces tremendous resistance when it comes to judging the suffering of another.
This point is also well-acknowledged by the practitioners of “clean” torture themselves, insofar
as their intention is to render torture invisible.

\[T\]hough there is ordinarily no language for pain, under the pressure of the desire to
eliminate pain, an at least fragmentary means of verbalization is available both to those
who are themselves in pain and to those who wish to speak on behalf of others. … [But]
this verbal sign is so inherently unstable that when not carefully controlled … it can have
different effects and can even be intentionally enlisted for the opposite purposes, invoked
not to coax pain into visibility but to push it into further invisibility, invoked not to assist
in the elimination of pain but to assist in its infliction …\footnote{Ibid., 13.}
Through its spectacular display of abuse—especially sexual abuse—Abu Ghraib made visible that which was intended to remain invisible. By contrast, no photographic evidence has come forward documenting the C.I.A.’s use of enhanced interrogation techniques and the video evidence that once existed was deliberately destroyed by the agency. All we have are the textual descriptions which, however detailed, inevitably fall short for the purposes of Murdochian moral vision.

Images and video command a moral authority that “mere description,” as General Taguba put it,” simply does not. Still, even if we had bundles of photographic evidence, it is doubtful crude visibility alone would be enough to command Murdochian moral attention when the perpetrator of violence is oneself. We must wade through other compelling factors that influence and frame our moral vision, especially when considering that dramatically expanded sense of self: the nation. Visibility takes us only part of the moral distance and, though cliché insists otherwise, photographs never do speak for themselves. Nationalists typically cast aspersions on evidence that would undermine their central dogmas. “To photographic corroboration of the atrocities committed by one’s own side,” Susan Sontag writes, “the standard response is that the pictures are a fabrication, that no such atrocity ever took place … or that yes, it happened and it was the other side who did it, to themselves.”

To these fraught explanations offered up by the nationalist, I would suggest another: “yes, it happened—but ‘they’ do worse to ‘us.’” Reciprocation is often a moral crutch against which all kinds of atrocity can be justified, when perceived as less barbaric than methods employed by the enemy. Both sides in any war maim and murder. This much is acknowledged,

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but because “our” cause is perceived as just and our methods humane, no great introspection follows from this insight. Yet when American soldiers are seen to have behaved in ways that violate deeply felt social norms without evidence of reciprocation on the enemy’s behalf, a threshold of atrocity approaches. With Abu Ghraib the state was eventually able to avoid passing beyond such a threshold by arguing that the abuse that occurred there was a result of a few “bad apples,” and did “not reflect,” as President Bush put it, “the nature of the American people. That’s not the way we do things in America.” It might even be argued that adopting a principled stance against the Abu Ghraib abuse and swiftly punishing those involved actually served to reinforce American nationalism by emphasizing moral superiority a “nation of laws” held in relation to its barbaric enemies. In this way, liberal-nationalism provides powerful insulation against even the most damning evidence.

Biopower and Nationalism

Michael Foucault’s analysis of racism and biopower might shed some light on our present task. His interest in racism stems from a more general concern with how war has ostensibly come to be the preeminent paradigm of social organization. In his view, racism is a product of biopower’s obsession with the health of populations vis-à-vis their sensitivity to degenerate elements. That is, racism emerges in part as an instrumental tool of state power; as a means to justify sovereign violence against anyone deemed not to belong. Foucault makes it clear that his use of the term racism bears little in common with either “the ordinary racism that takes the traditional form of mutual contempt or hatred between races” or “the racism that can be seen as a sort of ideological operation that allows States, or a class, to displace the hostility that

is directed toward [them] … onto a mythical adversary.”373 It is a use of the term “racism” that transcends superficial biological distinctions because, to a large extent, society defines its degenerates according to arbitrary criteria, which may or may not be dictated biologically. Because of the expanded notion of racism he employs, Foucault’s conclusions lend themselves easily to nationalism.

The crux of Foucault’s argument is that modern biopower optimizes life by regulating it at the level of populations. Racism is the “precondition that makes killing acceptable”374 for the benefit of racial health; it is “primarily a way of introducing a break in the domain of life that is under power’s control: the break between what must live and what must die.”375 This “break” has two functions: first, it creates clear hierarchies within a population between those who belong and those who do not. Second, it establishes a positive relation between the eradication of bad, undesirable, or degenerate elements and the welfare of the dominant population. For Foucault, these functions operate as normalizing mechanisms to the extent that any deviation from established norms of behavior is conceptualized in racist terms. Whereas the subjects of power had formerly found themselves in constant, albeit suppressed, conflict with the sovereign, this conflict now turns inward.376 At this point, biopower reveals its limits and state racism emerges, i.e. “racism that society will direct against itself” in a process of “permanent purification.”377

Giorgio Agamben famously concludes from the foregoing analysis that the purifying logic of modern society is inseparable from that which produced Auschwitz.378 While this may

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373 Michel Foucault, Society Must Be Defended: Lectures at the Collège de France, 1975-76 (New York: Picador, 2003), 258.
374 Ibid., 256.
375 Ibid., 254.
376 Ibid., 61.
377 Ibid., 62.
be true in a very general sense, I am not convinced we need to frame it quite so starkly. Instead, I would simply observe that Foucault’s idiosyncratic analysis of racism resembles what is more commonly recognized as a strand of conventional nationalism. The health and life in question is of course that of national society. While sovereign authority had formerly expressed itself through the right to take life or to let live, Foucault’s analysis of biopower introduced the inverse: the right to make live and let die. In a nationalist context, deaths inflicted as a result of national purity are mere side-effects, or as Puar observes, “a form of collateral damage in the pursuit of life.”  

Nor must the project of enhancing national health necessarily take on an explicitly aggressive form. It is usually enough to simply establish a binary of inclusion/exclusion via the law, which, as Massad observes “enacts not identity but difference tout court.”

The national state then determines who is and who is not a member. It creates juridical subjects and imposes legal categories of “us” and “them” to reinforce this distinction, which in turn sets the basic conditions for the prosecution and justification of violence. “Wars,” Foucault claims, “are no longer waged in the name of a sovereign who must be defended; they are waged on behalf of the existence of everyone … It is as managers of life and survival, of bodies and race, that so many regimes have been able to wage so many wars, causing so many men to be killed.”

For killing to remain palatable, i.e. within the bounds of acceptable violence, it must be framed as a safeguard of the nation. Hence “the most murderous [states] are also, of necessity, the most racist.” Degenerate lives become not only expendable but also necessary in their

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379 Puar, Terrorist Assemblages: Homonalism in Queer Times, 32.
382 Foucault, Society Must Be Defended, 258.
expendability. This relationship between one’s identity and the power of the state to uphold or to deny that identity is the quintessential symptom of the modern nation-state—one that has a profound influence on the perception of atrocity. As Butler writes, “certain lives are not considered lives at all, they cannot be humanized; they fit no frame for the human, and their dehumanization occurs first, at this level. This level then gives rise to a physical violence which is already at work in the culture.”[^383] Yet while a proliferation of conventional violence may well attend the emergence of biopower, how can we account for more extreme and shocking manifestations?

The emphasis Foucault places on biopower, while fascinating, nevertheless leaves him unable to account for incidences of state violence characterized by a desire to maximize suffering, i.e. not simply to kill on the way to enhancing national health, but to kill for the sake of killing and torture for the sake of torturing. Achille Mbembe offers a useful corrective here, pushing Foucault’s insights in more fruitful directions by questioning if the notion of biopower is “sufficient to account for the contemporary ways in which the political under the guise of war, or resistance or of the fight against terror makes the murder of its enemy the primary objective?”[^384] Instead of understanding death as a hidden byproduct of biopower’s drive for life, Mbembe places death in the foreground of his analysis. Invoking what he calls necropolitics, a slight twist on Agamben’s “bare life,” he attempts to account for the creation of “death worlds” in which “vast populations are subjected to conditions of life conferring upon them the status of living dead.”[^385]

[^385]: Ibid., 40.
Both biopolitics and necropolitics present totalizing visions of state violence. Each explains the phenomenon in terms that conform to an overarching logic of either maximizing the health of the nation or maximizing the suffering of enemies. Though Mbembe’s work is rather more useful for considering the concept of atrocity insofar as it centralizes death, it nevertheless remains a mystery why the creation of “death worlds” he posits would not in itself generate great unease among large numbers of people. While the victim group is terrorized and oppressed, the profound nature of the violence exacted upon them is likely to stir unease even among the perpetrators unless it occurs in secret. Admittedly, neither Foucault nor Mbembe is particularly concerned with how the members of a given society might themselves rationalize state violence. While there is a tacit assumption in their work that, whatever its form, state violence is typically undertaken quietly beyond the purview of public scrutiny, they do not explain why this should be the case. Missing from their analyses is a clear understanding of the form responsibility for violence and atrocity takes in nationalist societies.

Dispersing Responsibility

The ability to make sense of rampant inconsistencies and patent historical falsehoods is arguably one of nationalism’s most powerful assets. This poses some challenges when it comes to a philosophical approach to responsibility in a national context. Nationalism is in the first place capable of generating the conditions of its acceptance among large numbers of people by appealing to the kinds of self-glorifying conceits that frequently arise among groups of any size. When hegemonic, nationalism is also able to frame the interpretation of past, present, and future deeds insofar as they are perceived as collective efforts. This is true regardless of whether one adheres to an instrumentalist view of nationalism, which claims the phenomenon arises as a
cypher for manufacturing consent in the service of elite interests, or whether one believes nationalism arises organically, according to aleatory and unpredictable reasons.386

Once it gains currency, nationalism reproduces itself according to a self-justifying framework; it is a tautology at root, one that derives legitimation on the basis of its very existence. For the purposes of this chapter, I shall adopt a broadly constructivist account of nationalism. The nation is a social construct, an “imagined community” in Anderson’s terminology.387 Gellner summarizes the scholarly consensus on the matter in his account:

Nations as a natural, God-given way of classifying men, as an inherent though long-delayed political destiny, are a myth; nationalism, which sometimes takes pre-existing cultures and turns them into nations, sometimes invents them, and often obliterates pre-existing cultures: that is a reality, for better or worse, and in general an inescapable one. Those who are its historical agents know not what they do, but that is another matter.388

Nationalism is the belief that a given nation must control political power in a territory uniquely associated with it. Nationalism’s central political objective is to secure the congruity of state and nation. The reasons for nationalism’s historical emergence do not concern me here, nor does any one approach fundamentally alter the thrust of my argument. Finally, a constructivist account of nationalism should not be taken to deny the phenomenon’s persistent emotional and political relevance.

Nationalism, moreover, masks its origins and obscures the logical absurdities it propounds as essential and eternal. A common example of this is found in the many strands of

386 For an overview of the literature on nationalism, including the instrumentalist and organic arguments, see Anthony D. Smith, Nationalism: Theory, Ideology, History (Malden, MA: Polity, 2001). I take it for granted that the scholarly case for primordial nations has been thoroughly and utterly discredited. Nationalism is a social construct. The only real questions remaining concern the nature of its emergence and the reasons behind its rapid global proliferation. For three of the most influential constructivist accounts, see Benedict R. Anderson, Imagined Communities: Reflections On the Origin and Spread of Nationalism (New York: Verso, 1983); Eric J. Hobsbawm, Nations and Nationalism Since 1780: Programme, Myth, Reality, 2nd ed. (New York: Cambridge University Press, 1992); Ernest Gellner, Nations and Nationalism (Ithaca, NY: Cornell University Press, 1983).

387 Anderson, Imagined Communities.

388 Gellner, Nations and Nationalism, 48–49.
nationalism that fuse contemporary monotheistic practice with a romanticized history of
paganism. This assembling and readapting of disparate pre-existing as well as fabricated
cultural elements means that nationalism “must be regarded as both construct and process.”

As Gellner points out, nationalism’s “historical agents” have a rather different view on
the matter. Especially in countries populated by communities able to trace their biological
lineage several generations into the past, nationalism is easily perceived as eternal. An evidence
for this timelessness is easily bridged by fabricated histories of collective glories and suffering
stretching back to the dawn of time. In this way, the nation connects its contemporary adherents
to events long past. As Renan reminds us, national solidarity is facilitated by the capacity to
*forget* past divisions and rivalries between pre-national groups. Similarly, David Miller
describes the nation as “a community that, because it stretches back and forward across the
generations, is not one that the present generation can renounce.” Moreover, nations are
frequently described in decidedly corporeal terms, as biological organisms that possess a clear
past, present and future; a physical disposition that can be injured or become sick; a personality
with the capacity to take offense and hold grudges; a will; and other such characteristics.

Nationalism connects people to a project with ramifications well beyond their parochial
existences and offers every member of the nation the possibility of meaningful participation. In
most cases, this participation requires very little actual effort. Instead, individuals are able to
share in the vicarious deeds of their co-nationals through no greater connection than shared
national affiliation. “As a result, those who take their national belonging seriously can

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meaningfully say things like ‘we have been injured,’ ‘we won the war,’ ‘we lost our country,’ ‘we gained our independence,’ ‘we made the desert bloom,’ or ‘we shall prevail sooner or later.’” 392 This collectivizing sentiment is what Anderson has in mind when he describes the notion of “horizontal comradeship.” 393 At the heart of this comradeship lies a vague notion of responsibility.

Part of nationalism’s steady and wildly successful proliferation around the globe since the French Revolution is the void it fills for a world no longer bound by the divine. In place of religious immanence, nationalists take pride in sports victories, military heroics, scientific discovery—all without having participated directly in the achievement of these glories. Yet the eager acceptance of vicarious responsibility invariably flows in one direction. As Abdel-Nour has pointed out, though nationalists are often willing to accept derivative responsibility for the successes of their co-nationals, their enthusiasm for shared responsibility rapidly diminishes when it comes to recognized misdeeds. 394 National malfeasance must be ignored whenever possible or else subjected to such interpretive contortions as to wedge it back firmly within the boundaries of acceptable national behavior. Killing is wrong, but killing in defense of the eternal patrie is not merely acceptable, but necessary and honorable.

It is with the unpalatable that this study is particularly concerned—the maimed, mangled, and mortified bodies produced by states and so easily justified by nationalists. It requires no marked creativity to discern the motives underlying the nationalist will to appropriate greatness. Less comprehensible, however, is the ease with which nationalists are able to ignore or excuse

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393 Anderson, Imagined Communities, 6. As he famously writes, “Members of even the smallest nation will never know most of their fellow-members, meet them or even hear of them, yet in the minds of each lives the image of their communion.”
394 Abdel-Nour, “National Responsibility.”
morally abhorrent actions. Mass atrocities, when rendered visible, are nevertheless typically obscured by characterizing the enemy as subhuman—as “animals walking about in human form.” This mental process transforms what should be objectively understood as violations of a basic moral prohibition against killing into instances of indifference or even collective pride. Not merely killing, but inflicting suffering becomes a source of vicarious pride when undertaken by our national brethren against the enemy. This kind of rationale is, however, not usually necessary as the perpetrators of extreme violence are careful to keep it away from public scrutiny. Ignorance of atrocities more often precludes the nationalist impulse to justify the unjustifiable.

The burden of collective moral responsibility for state actions arguably increases to the degree a state can be said to legitimately represent the views and desires of the nation itself. Indeed, one of the core outcomes of nationalism even in its earliest manifestations has been to simultaneously simplify and to render apparent an organic connection between the state and the people. The argument, moreover, applies to all nation-states. Though their governments may differ in structure and form, the governing authority in every nation-state at least attempts to derive legitimacy through an appeal to the nation. Abdel-Nour is correct when he argues that insofar as individuals partake of vicarious pride for perceived national glories, a degree of moral responsibility for the nation’s misdeeds should also obtain. However, the degree to which a population feels compelled to accept authoritarian state actions as consonant with national ideals is often tenuous, which complicates the picture. Any inquiry into collective responsibility for state actions must confront the basic question of the synchronicity nation and state. A recent example demonstrates precisely what I mean by this.

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Before his ignominious fall from power in 2011, Hosni Mubarak, like his predecessor, ruled Egypt with a curious form of nationalist imagery that de-emphasized pan-Arab sentiment and stressed a distinct Egyptian identity. To the extent that Mubarak’s regime engaged in behavior that resonated within and across nationalist circles, the regime won applause from these quarters. But when he tortured, disappeared, and murdered political enemies, nationalists were under no illusions that such behavior constituted anything more virtuous than the unpleasant byproducts of a Machiavellian power struggle. The lofty ideals upon which the nationalist vision of Egypt rested necessarily transcended the temporal politics of Mubarak’s regime, which few Egyptians would have honestly described as a government worthy of their admiration. The ability to reject a regime’s actions as dissonant with national ideals is a curious advantage quite unique to authoritarian nation-states, where nationalists are under no pressure either to view state actions as an embodiment of their vision or to accept vicarious responsibility for those actions. Moreover, to carry the Egyptian example just a bit further, when the Arab Spring came to Egypt so dramatically at Tahrir Square, the movement to bring about Mubarak’s ouster took an explicitly nationalist tone. For instance, not only was Tahrir Square the traditional site of protests throughout Egypt’s modern history, it also prominently features a statue of Omar Makram, the leader of the nationalist opposition to Napoleon’s colonial inroads. Mubarak’s decision to crack down on the protests removed any lingering doubts as to his nationalist legitimacy.

Though baffling to outside observers, the military’s initial willingness to stand by the demonstrators and to oppose police violence lent the army great credibility as the true embodiment of the national will. By contrast, Mubarak was denounced as sharply at odds with this will. As Eva Bellin explains, “Using lethal force against civilians threatens to undermine the

396 The support Mubarak maintained during the Arab Spring uprisings grew out of instrumental sectarian concerns, e.g. some Christians were wary of Islamist politics gaining ground following Mubarak’s ouster.
image of the military as defender of the nation, especially if the crowds are representative of the
‘nation’ and cannot be dismissed as distinctly ‘other’ along class, sectarian, or ethnic lines.”

The nationalist lines drawn between army and state helped temporarily patch over the social
cleavages within Egyptian society that later contributed to the revolution’s stagnation and
cooplation.

Nationalism thrives on the selective use (cynics might call it an abuse) of history. It
draws upon a real or imagined cultural legacy and from it creates a set of myths that both justify
and extend its influence. Strict adherence to objective reality is subordinate to the social
functions such myths serve. As Eric Hobsbawm wrote apropos of nationalism and the
responsibilities of the historian, “Nationalism requires too much belief in what is patently not
so.”

While nationalist authoritarian regimes do make use of national myths, their ability to do
so is hobbled by the shallow and often incidental nature of the connection. So when the state
behaves in a way that is widely perceived a deviation from or directly antagonistic to national
myths, a little old-fashioned repression is all that is needed to swiftly contain any discontent.

By contrast, brute force is not usually a viable option for liberal-democratic nation-states,
where national identity is molded by ideals widely perceived as synchronous with state power.

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397 Eva Bellin, “Reconsidering the Robustness of Authoritarianism in the Middle East: Lessons from the Arab
398 Collins points out that Egyptian society had lost patience with the demonstrators by the time the military evicted
them from the square, at which point the bridge nationalism provided across social fissures collapsed. “The old
regime as an opponent diminished as the focal point holding together a unified opposition; and the remaining
months of 2011, and through 2012, intermittent clashes among Muslim, Coptic Christians and secularists came
increasingly into the centre of attention. Egyptian nationalism was no longer a symbolic weapon with any potency
either to generate solidarity or to overcome opposition. The ostentatious waving of Egyptian flags and signs
referring to the unity of the people of Egypt was largely confined to the high points of collective assembly inside the
time-bubble of nationalism.” See Randall Collins, “Time Bubbles of Nationalism: Dynamics of Solidarity Ritual in
Lived Time,” in The Cultural Politics of Nationalism and Nation-Building: Ritual and Performance in the Forging
399 Renan insisted that forgetting history was central to nationalism. See Renan, “What Is a Nation?”
400 Hobsbawm, Nations and Nationalism since 1780: Programme, Myth, Reality, 12.
Once inflected with liberalism and the trappings of democratic governance, nationalism implies a much more linear relationship between the individual and the state than what one tends to find under authoritarian regimes. In such cases, where nationalism has been effectively harnessed by state institutions and where democratic governance inculcates a belief that state policy is driven by the will of the people, the liberal ideals that undergird the state’s legitimacy simultaneously serve to define its national myths as well. Democracy, liberalism, and their attendant ideals—justice, equality, toleration—form the core principles upon which national identity flourishes in such states. In short, whereas nationalism in authoritarian nation-states remains detached from the echelons of formal power, liberal-democratic nation-states realize the fullest alignment of nation and state.

With sufficient time to stabilize and gain legitimacy, the formal institutions of democratic governance exert tremendous power over national identity. Likewise, the particular manifestation of these institutions is in turn shaped by the pre-existing elements of national identity. There is what Beissinger calls a “recursive element” to the relationship between myths of nation, national mobilization, and state power, each informing and justifying the other.\(^{401}\) To echo Tilly’s maxim on war-making and state formation, nationalism makes the law and the law makes nationalism. Some observers have noted the importance of the Declaration of Independence and especially the Constitution for a uniquely American sense of national identity. What has been called a “civil religion” simply describes the material codification of American national identity.\(^{402}\)

\(^{401}\) Mark R. Beissinger, *Nationalist Mobilization and the Collapse of the Soviet State* (Cambridge: Cambridge University Press, 2002). Beissinger focuses on the power of nationalist mobilization against state power, but one can just as easily envision recursivity in the opposite direction, as I do here.

When democracy is perceived as a central component of the national mythos, democracy’s physical embodiment, its worldly existence, becomes quasi-sacred. In the United States, this includes the various monuments to American democracy that span the Washington Mall and so many battlefields, heroes, martyrs, and devils recorded in the history books. The government itself, the very pinnacle of state power, represents the apotheosis of national ideals, albeit within highly constrained parameters that render the range of political action predictable and largely powerless to enact major change. Republican or Democrat, the notion of responsible citizenship articulated by everyone from the caretakers of primary education to the gatekeepers of the intelligentsia implies and expects adherence to either one main party or the other. Alternative political options are simply not taken seriously.

Even today, at a time when large number of Americans have come to believe that meaningful change is impossible or at least extremely difficult to enact via conventional means, an alternative to the two-party cartel appears equally unthinkable. At the limits of the political spectrum lie two sides of one coin insofar as the strategies they pursue retain a common nationalist premise. On one side, we find a liberal-left whose oppositional force, when it emerges, is distilled in the nationalist slogan “protest is patriotic;” at the other, a reactionary right that has elevated the Constitutional framers to demi-god status, and which deploys their decontextualized words in the hope of resurrecting a lapsed golden age of American history.

These oppositional forces may each at different times and for quite different reasons oppose particular policies or politicians. They may excoriate Washington “politics as usual” and denounce the current occupant of the Oval Office as a traitor, but the basic legitimacy of the

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403 This slogan, like the waving of American flags and vague exhortations to “Support the Troops,” is quite clearly aimed at countering accusations of anti-Americanism among demonstrators. It first appeared among anti-Vietnam War activists during the Nixon administration and experienced a revival among activists under the George W. Bush administration.
political system almost always survives intact. The synchronization of national identity and formal politics in liberal-democratic nation-states guarantees as much. Any political ideology that fundamentally questions or rejects the basic premises of American-style democracy appears nonsensical, even “un-American.” It is a powerful symbiosis underscored by Louis Hartz, who used a less explicit but no less ideological notion—the “American way of life”—to describe the embedded Lockean liberalism at work.

There has never been a “liberal movement” or a real “liberal party” in America: we have only had the American Way of Life, a nationalist articulation of Locke which usually does not know that Locke himself is involved. ... Ironically, “liberalism” is a stranger in the land of its greatest fulfillment.404

If Hartz is correct, then American identity is inextricably tied to a deep respect for the institutions of state power. For while other nations are able to draw on real and perceived histories that span millennia, the United States simply cannot mine the same field of legitimacy without extensive historical fabrication. Instead of a timeless history then, national identity in the Untied States is grounded in a civil ethos, a strand of Lockean liberalism Hartz pegs as the American Way of Life. For our purposes here we can simply observe that insofar as uncritical acceptance of core state institutions is an implied condition of membership, American identity is shaped and reshaped mainly through its relation to state power. No analysis of American state violence is complete without confronting this basic insight.

While the foregoing discussion centers on the American case, and while synchronization of state and nation may be more advanced there than it is elsewhere, national identity is nonetheless similarly tied to state power in other liberal democracies. The more perfect the connection, the more legitimacy the state enjoys in the eyes of its national subjects. The opposite

404 Hartz, The Liberal Tradition in America: An Interpretation of American Political Thought Since the Revolution, 11.
is true as well; the less perfect the connection, the less legitimacy the state enjoys and the greater the potential for a nationalist movement to emerge that challenges the state’s claims to national representation. As Breuilly argues in his classic account of nationalism, “Only when the existing state is held to have different boundaries from those of the nation are political oppositions liable to go beyond political justifications to arguments that explicitly appeal to cultural identity.”

This is as true for a nation conceived on ethno-linguistic grounds as it is for the strand of civic nationalism described here. It is important to emphasize that the verifiable existence of democratic state institutions is less important for this kind of civic nationalism than the belief that these institutions do exist and operate legitimately.

An ethics grounded in moral vision depends greatly on the acceptance or refusal of responsibility. In regimes where the relationship between individual and state is not facilitated by the connective tissue of nationalism, responsibility is generally refused. By contrast, in states that cultivate a strong connection between individual and state, we should expect to see a readiness to accept moral responsibility for state actions. Yet this is not usually the case when it comes to misdeeds. Thus, it would at first appear that even the liberal-democratic connection is too weak to establish moral responsibility—but this is too hasty a conclusion. The reality is rather more complicated. What at first appears to be a conscious refusal to accept a bad state of affairs is nothing of the kind. Instead, the liberal-democratic nationalist impulse to refuse moral responsibility for the nation’s misdeeds stems from *an unwillingness to concede any misdeeds at all*. That is to say the question is not whether or not to accept responsibility; the question is whether or not anything wrong was done to begin with and nationalism scrupulously avoids self-incrimination. It attempts to reverse the meaning of “bad” whenever possible, even to the point

of absurdity, through willful ignorance or political denialism. If the nation is synonymous with all things beneficent and the state is perceived not only as legitimate executor of the nation’s will but its highest embodiment, then state behavior deviating from this myth faces serious intellectual dissonance.

Some dissonance can be accommodated and may take the form of a partisan political battle over the nation’s proper identity. As an example, we might look to protest movements that have sought to argue for reform along nationalist grounds, from Martin Luther King, Jr.’s dream that “one day this nation will rise up and live out the true meaning of its creed”\(^{406}\) to the common liberal refrain “not in our name,” both of which seek to legitimize political movements by suggesting the nation is not living up to professed ideals.\(^ {407}\)

In the same way, conservative activists have expressed their opposition to policies advocated by the Obama administration by invoking explicitly nationalist arguments, ranging from bizarre denials of his birth certificate’s validity to more common objections to a “big” government out of step with the founders’ vision.\(^ {408}\)

From one Presidential administration to the next, government policies always ruffle the feathers of those who oppose them, but rarely do these skirmishes rise to a level that forces citizens to reassess their national identity altogether. In this way, minor political dissonance can


\(^{407}\) The political scientist James Morone argues that much of American history can be understood through a two-pronged impulse to redeem the nation and reform an external other. See James Morone, *Hellfire Nation: The Politics of Sin in American History* (New Haven, CT: Yale University Press, 2004).

\(^{408}\) Conservative pundit Glenn Beck’s 2010 “Restoring Honor” rally in Washington D.C. nicely illustrates this strand of right-wing populism. After reading the full text of the Constitution to tens of thousands of participants, Beck called on all Americans to turn “back to the values and principles that made us great.” Held at the Lincoln Memorial, Beck chose both the location and date to coincide with the 47th anniversary of the 1963 March on Washington and Martin Luther King’s “I have a Dream Speech.” Replete with overt themes of redemption and reform, readings from the holy text, and expressions of solemn reverence directed to the pantheon of national saints, it was a secular sermon in every way imaginable.
be accommodated within the accepted boundaries of mainstream politics. If the government enforces policies that seriously contradict what someone happens to think is the proper role and destiny of the American nation, it is surely because feckless elites have run amok and not because there is anything fundamentally wrong with the system itself. To reach the latter conclusion, one must have already come to believe that the state is no longer the true executor of the nation’s will. And for this to occur, the misdeeds in question must be so bad, so inexcusable, that no amount of convincing will tame the crisis. Herein lies the particular form a threshold of atrocity must take if it is to penetrate the ideological fetters of liberal-nationalism. The following subsection looks at the morally blinding consequences that result from liberal-nationalism’s conversion of liberal ideals into national conceits.

Liberal Ideals, National Conceits

Nationalism is often a benign force, one that unifies and encourages solidarity across social divides. It need not manifest the racist and xenophobic tendencies we associate with its more extreme forms. Whatever its shape however, nationalism remains one of most ideologically potent forces of our time, capable of subordinating and subsuming competitors. When nationalism comes into contact with liberalism for example, the former tends to absorb the latter. Whereas nationalism and democracy are inherently limited visions of human society, marked by an inside and an outside, liberalism aspires to the universal. The nation is for those who belong to the nation; democracy is for the demos; liberalism is for all humanity.

Nationalism transforms liberal universal ideals into national particularist conceits. A belief that one adheres to liberal universal norms can paradoxically become the source of particular pride in itself. “We” believe in higher ethical standards than “they” do; “our” behavior
is rooted in universal norms, unlike “theirs.” This tendency of nationalism to use liberalism instrumentally should be troubling to anyone who takes the prospects for diminishing human suffering seriously. Liberal ideals and the very foundations of international law itself can become tools in the service of domination and oppression—a worrisome phenomenon Nicola Perugini and Neve Gordon have called “the human right to dominate.”

Invisible or obscure violence committed by an unrepresentative authoritarian regime is one thing; openly embracing violence committed by a state perceived to be acting in the interests of a nation devoted to an idealistic potpourri of causes (human rights, democracy, justice, freedom) is another entirely. The latter case is likely to accommodate forms of violence that might otherwise be condemned by a public more inclined to critically assess the moral content of state actions. Hence liberal-nationalism may actually allow the state greater freedom of action when it comes to waging violence. Weizmann argues this is especially so when a case can be made that violence is in fact exercised with humanitarian intent using methods perceived as humane and adhering to what he calls the “humanitarian minimum.”

One obvious moral dilemma raised by the perception of war as humanitarian and humane is a higher threshold of tolerance for state violence. Relating the matter more directly to democratic states, Weizmann claims that it is only a perception of violence as humanitarian that explains how “societies that see themselves as democratic can maintain regimes of occupation and neo-colonization.”

Putting the matter differently, Laleh Khalili warns that “if policy makers think war can be waged

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411 Ibid., 9.
more humanely, they may choose to wage war more often.” To the enthusiasm of policy makers, I would add that a public inured to forms of violence that appear benevolent in intent is a public unwilling or perhaps afraid of looking too deeply into the grisly details.

Martha Nussbaum points out that the values on which Americans pride themselves, “respect for human dignity and the opportunity for each person to pursue happiness,” are empty signifiers so long as they are not conceptualized in universal terms and instead apply to Americans only. This is certainly true, but American national values are not limited to the apparently benign liberal belief that “all human beings are created equal and endowed with certain inalienable rights.” A deep-rooted, popular belief in American exceptionalism, in democracy, and, more recently, human rights, complements the state’s enormous military and economic influence.

American nationalism accepts a position of global dominance in much the way earlier world powers did: as a logical extension of historical necessity. American values are imagined to be universal, the American government able to act in ways that benefit a universal humanity. Democracy figures large in this scheme. The United States “is a state committed not only to preserving the idea [of democracy] within America but extending it to the rest of the world.”

Paradoxes inevitably arise from the purported desire to spread American values around the world and the very real military and political hegemony the state enjoys. For example, Americans believe they live in the greatest country on earth, an assumption that implies the

414 Ibid.
inferiority of other societies. Nationalism is adept at balancing antagonistic and contradictory beliefs, so this need not detain us. It is enough simply to observe that while nationalists may take the state at its word, policy makers know very well that justification matters. No regime, not even the most murderous, ever portrays its violence as morally unjustified; rather, violence is typically portrayed as defensive in nature or else in the service of some grand ideological project.

For a nation characterized and defined by a liberal-democratic ethos to prosecute violence with minimal controversy, it must be justified along liberal-democratic lines. As Wallerstein notes, the American line since 1945 has been threefold:

America is the world’s greatest country (narrow nationalism); American is the leader of the ‘free world’ (the nationalism of the wealthy, White countries); American is the defender of the universal values of individual liberty and freedom of opportunity (justified in terms of Kantian categorical imperatives).417

The idea that America has a special mission in the world has historically resulted in two contradictory approaches on the international stage: 1) an isolationist reluctance to engage the country in foreign entanglements and 2) a strong belief in the United States as “a city upon a hill,” in which involvement overseas is occasionally necessary not only to preserve the American Way of Life, but to protect global human dignity. This impulse, with its cosmopolitan, universalist undertones was invoked in support of the so-called Global War on Terror (GWOT) launched by Bush administration.418 When violent means are believed to serve noble ends, it is difficult to perceive violence as passing beyond a threshold of atrocity.

Clear moral vision is further hindered by the oversimplification of geopolitics. The Cold War had suggested a very clear ideological demarcation, physically drawn along the frontiers of

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418 The Obama administration abandoned the term Global War on Terror for the apparently less bellicose Overseas Contingency Operations.
the iron curtain. Since the 9/11 terror attacks, the threat of Islamist terrorism has provided U.S.
policy makers with a similarly useful Manichean division between “us” and “them”—a struggle
between the forces of American values (good, liberal, universal) and the forces of terror (bad, illiberal, particular).

Immediately following the attacks in 2001, erstwhile New York Senator Hillary Clinton said that the United States should “make it clear that every nation has to either be with us or against us.” President Bush made a similar statement only weeks later in a special address to Congress: “Every nation in every region now has a decision to make: Either you are with us or you are with the terrorists.” Bush later elaborated on the universalist impulse of this vision: “Once again, this nation and our friends are all that stand between a world at peace, and a world of chaos and constant alarm. Once again, we are called to defend the safety of our people and the hopes of all mankind. And we accept this responsibility.” Such a perspective deliberately casts the American interventions in Afghanistan and Iraq as humanitarian in nature and only incidentally motivated by domestic security concerns. The United States “intervened”—never the pejorative “invaded”—to overthrow the Taliban and to restore the rights of women; it invaded Iraq to overthrow the brutal regime of Saddam Hussein and to establish democracy in the Middle East. The GWOT itself was framed as a humanitarian effort to rid the world of an evil scourge.

In his 2002 State of the Union address, President Bush made this almost comically explicit with his designation of an “axis of evil,” a strange notion that evokes a threat of

422 George W. Bush, “Address to Joint Session of Congress,” January 29, 2002. This “axis of evil” was said to include the leaders of Iran, Iraq, and North Korea.
generic evil linked to a suspiciously Nazi-sounding “axis.” As we have seen in earlier chapters, opposition to evil is not a position that can be easily rejected. When preparing to garner multilateral support for military intervention in Iraq, Bush consistently cited Saddam Hussein’s violations of human rights. “Will the United Nations serve the purpose of its founding,” he asked, “or will it be irrelevant?” The overall thrust of this discourse reveals some very basic assumptions at the highest levels about America’s global role and its self-styled responsibility for setting international moral standards by projecting its own actions as universal norms. In 2000, Condoleezza Rice stated the case decisively: “American values are universal.”

The symbols, speeches, tropes, and totems of American nationalism frequently remind Americans that the United States stands for freedom, democracy, human rights—enlightened cosmopolitanism itself. This belief, however discordant with the facts, is a powerful source of pride for those who take their national identity seriously. The United States is the “land of the free,” a “city on a hill.” Moreover, a belief that the United States is widely admired by other societies around the globe, its actions perceived as just, reinforces these myths. Some scholars believe that American global hegemony is rendered palatable to the rest of the world mainly because American values are widely accepted as synchronous with liberal values, that the country’s actions are tolerated because the United States represents a vanguard of modernity understood broadly as some combination of democratic politics and neoliberal markets. “The United States ‘project,’” Ikenberry writes “is congruent with the deeper forces of modernization”—or is at least thought to be. Whatever the merits of this argument in the

immediate post-9/11 period, it is no longer objectively credible today when a plurality of the planet’s population views the United States as the main threat to world peace and is torn on the merits of American government.\textsuperscript{426}

Americans widely believe their country to be the envy of other nations and despite the misgivings just noted, the belief is not altogether inaccurate.\textsuperscript{427} Admittedly, when US policymakers speak about “human rights,” “democracy,” and “freedom,” they might very well do so out of personal conviction and earnest idealism. Yet because of the power of “human rights,” “democracy,” and “freedom,” as signifiers of American nationalism, there is an element of deception and self-deception involved. The deception involves the international projection, however unwitting, of particularist conceits masquerading as universal norms; the self-deception arises in objections originating from within. When liberal ideals are thought to be synchronous with American values, American actions are assumed to be synchronous with liberal ideals. Yet this is not the case. When objections to state actions do occasionally crop up internally, they frequently adopt some variant of “we don’t do that sort of thing” or “that’s not what America stands for,” thereby mentally distancing the actions from some assumed core of recognizably American behavior. This is precisely how nationalism reduces liberal ideals to instruments of power.

\textsuperscript{426} 24\% of respondents to a 2013 global poll of 66,000 people in 65 countries regard the U.S. as the greatest threat to world peace (the “overwhelming choice”), followed by Pakistan (8\%) and China (6\%). See (first), “End of Year Survey” (Zurich, Switzerland: WIN/Gallup International, December 30, 2013), http://www.wingia.com/web/files/services/33/file/33.pdf?1454180213.

\textsuperscript{427} According to the nations surveyed by the Pew Research Center, a median of 69\% hold a favorable view of the United States. 24\% hold unfavorable views. The report notes, however, that views of the United States vary greatly by region, with NATO allies expressing strong support in particular. Richard Wike, Bruce Stokes, and Jacob Poushter, “America’s Global Image” (Pew Research Center, June 23, 2015), http://www.pewglobal.org/2015/06/23/1-americas-global-image/.
Though it would seem to provide nationalist conceits with a veneer credibility, how the United States is perceived abroad is much less important to the question of political responsibility than how Americans themselves understand the relationship between state and society. At a time when mainstream scholarship reports levels of economic inequality without historical parallel and laments the consequences of this for democratic politics, polls indicate that American have a remarkably clear-eyed sense of what is at stake. Polls are notoriously ambiguous however, and while Americans universally decry the shortcomings of their political system and express dismay at the obstacles limiting upward social mobility, they remain stubbornly committed to the empirical validity of the American Dream. “Ideology isn’t false consciousness,” Walter Davis writes. “It’s fantasmatic consciousness, the creation of illusions and self-delusions.” The basic dogmas of American civil religion—a strand of what I have been calling liberal-nationalism—assert their self-evidence even when they come crashing against the sharp rocks of empirical disqualification. The American Dream is only the most famous expression of this kind of ideological tenacity and if it dies, where will the nationalist turn for succor? What future myths will stir the nationalist imagination?

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428 In a deeply worrying article, the political scientists Benjamin Page and Martin Gilens question the substantive content of democratic politics in the U.S: “[M]ajorities of the American public actually have little influence over the policies our government adopts. Americans do enjoy many features central to democratic governance, such as regular elections, freedom of speech and association, and a widespread (if still contested) franchise. But we believe that if policymaking is dominated by powerful business organizations and a small number of affluent Americans, then America’s claims to being a democratic society are seriously threatened.” See Martin Gilens and Benjamin Page, “Testing Theories of American Politics: Elites, Interest Groups, and Average Citizens,” Perspectives on Politics 12, no. 3 (September 2014): 577.
429 According to one recent poll, a whopping 86% of Americans believe the government can only be trusted to do what is right “some of the time” or “never.” 13% believe the government can be trusted “most of the time” or “just about always.” See Paul Steinhauser, “CNN Poll: Trust in Government at All-Time Low,” CNN, August 8, 2014, http://politicaltickerblogs.cnn.com/2014/08/08/cnn-poll-trust-in-government-at-all-time-low-2/.
In much the same way, those who subscribe to liberal-nationalist assumptions that American state violence is fundamentally benevolent will find it exceedingly difficult to reassess their beliefs in the face of counterevidence. However strenuously mainstream American liberals objected to the Presidency and policies of George W. Bush, very few would have thought to question the altruism of his intentions. “When we go somewhere, we don’t go as conquerors. We go as liberators.” Others invade, occupy, destroy; America liberates. Civilian deaths are lamentable to be sure, but ultimately unintentional.

The goal of ideology is the production of a collective consciousness that leads ordinary citizens to serve the system convinced in their heart of hearts that it is morally good … Does not such a belief describe the consciousness of most Americans both in their readiness to celebrate all the American platitudes and in their readiness to support the domestic and international policies of their government?\footnote{Davis, \textit{Death’s Dream Kingdom}, 199.}

Even today, with revelations of President Obama’s “kill list” and the vague standards by which his drone program selects targets for assassination, the mainstream debate revolves predictably around questions of legality and consequences for American security.\footnote{Jo Becker and Scott Shane, “Secret ‘Kill List’ Proves a Test Of Obama’s Principles and Will,” \textit{The New York Times}, May 29, 2012, sec. A1.} Rarely, if ever, does the debate cast aspersions on American intentions, which lie beyond reproach.

\textit{Invisible Violence}

There is a tradition in moral philosophy which insists that nationalism always and in all its forms exerts a deleterious influence on morality. The very nature of nationalism, it is claimed, “offends against the requirement of universality and impartiality of moral judgment.”\footnote{Igor Primoratz, “Patriotism: Morally Allowed, Required, or Valuable?,” in \textit{Nationalism and Ethnic Conflict: Philosophical Perspectives}, ed. Nenad Miscevic (Chicago; La Salle, IL: Open Court, 2000), 103. Primoratz}
Gert puts it rather more starkly: “[N]ationalism overwhelms morality, not only as the basis for action, but also as the basis for judgment about moral matters.”

Confusion about morality often allows nationalistic judgments to pass for moral ones, a confusion often not only supported by the leaders of the country but often shared by them. Sometimes, however, nationalism is explicitly put forward as superior to morality. “My country, right or wrong” is a slogan that war makes respectable even in most civilized societies. … Many persons are not only willing but anxious to sacrifice their lives for their country, even when their country is engaged in an immoral war. During the twentieth century the evil caused by immoral actions due to nationalism was greater than the evil caused by the immoral actions due to religious reasons.

While there is much in Gert’s assessment that resonates with my own—especially in his isolation of war as an especially troubling subject for rationalization by the nationalist—it has not been my intention to claim that nationalism precludes ethics. Nationalism hinders moral judgment certainly, but it does not render the task impossible.

Nationalism exerts a tremendous normative pull, especially in the modern liberal-democratic nation-state, where the constitutive elements of national identity are themselves strongly associated with the state. Returning to the language of moral vision found in the work of Murdoch, Weil, and Levinas, this kind of liberal-nationalism inserts itself at the moment a moral agent is confronted with the state’s actions. Perhaps more than other filters to moral vision, nationalism requires a determined effort at the “unselfing” process Murdoch regards as essential to clearheaded moral agency. This is because nationalism makes it that much harder to assess the moral content of one’s actions, or one’s vicarious actions carried out by the nation-state. Indeed, of all the filters to moral judgment Murdoch describes, nationalism must certainly count among the most powerful.

distinguishes between patriotism and nationalism, defining the former as a kind of sentimental attachment to place and culture.

437 Ibid.
In this final sub-section, I turn to the moral philosophy of Adam Smith, whose work might help us begin to remove our nationalist goggles. The key, Smith argues, is looking to a hypothetically impartial spectator, his contribution to the ideal observer tradition. While the ethical system Smith outlines in *The Theory of Moral Sentiments* is grounded in sympathy (not impartiality), his deference to an uninvolved outside observer resonates strongly with the notion of moral attention discussed by Murdoch and Weil. Admittedly, the impartiality Smith describes is unconvincing, but the figure nevertheless provides a useful aspirational ideal for evaluating moral dilemmas. As an ideal and not a literal moral agent, the impartial spectator is hypothetically stripped of the filters, ideologies, and other obstacles to moral vision in much the same way one practicing perfect moral attention might be. It is worth noting that in Murdoch and Weil’s conception, the importance of moral attention lies not in its ultimate attainability, but in its insertion of a moral pause, a moment of questioning one’s assumptions.

When Adam Smith invokes the figure of the impartial spectator, he describes to a great extent what in earlier chapters I have termed minimally comprehensive moral knowledge, i.e. knowledge that places an act in a context beyond the simple phenomenological experience of the act itself. Just as this hypothetical spectator is unlikely to arrive at a reasonable moral judgment with the clouds of ideology and personal proximity lingering over the relevant interpretive faculties, likewise one must have access to some knowledge about the state of affairs in question. Simply witnessing an episode of violence is not enough. A basic notion of vision must be expanded to incorporate minimally comprehensive knowledge of the actors’ motivations and the range of morally compelling factors at stake. In short, Adam Smith’s impartial spectator brings us back to the face to face encounter of Levinas and the moral attention of Murdoch and Weil by arguing for an expanded notion of vision as a component central to moral choice.
In his own time, Smith’s moral philosophy was overshadowed by his economic writing and by his friend David Hume’s similar, albeit more coherent, sentimentalist ethics. In our own time, a different twist on the ideal observer concept has proved enormously fruitful for moral and political philosophers of the late twentieth century, namely the veil of ignorance heuristic proposed by John Rawls in *A Theory of Justice*. While Rawls attempts to develop the contours of a decent society through his innovative use of the original position, I believe Smith’s approach is actually far more open to universal extrapolation. Whatever his aspirations, Rawls remains tied to a hypothetical community with relatively recognizable boundaries—a point that becomes quite clear upon considering the shortcomings of his attempt to apply the model on an international scale.

Though cloaked behind a veil of ignorance as to their place in the schema, Rawls nevertheless relies on the deliberation of the same members of the community he wishes to assess. By contrast, Smith argues that we can never independently know the moral content of our actions.

> We can never survey our own sentiments and motives, we can never form any judgment concerning them, unless we remove ourselves, as it were, from our own natural station and endeavour to view them as at a certain distance from us. But we can do this in no other way than by endeavouring to view them with the eyes of other people, or as other people are likely to view them. … We endeavor to examine our own conduct as we imagine any other fair and impartial spectator would examine it.  

Smith then offers some explanation for the moral blindness of nationalism in general as well as the readiness to accept “custom” as morally neutral or desirable. His solution to both dilemmas is to propose the idea of an “impartial spectator,” predicating moral judgment on separation from immediate circumstances with a strong visual metaphor.

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Amartya Sen argues that the use of the spectator device moves Smith toward an idea of “open impartiality” contra the “closed impartiality” of the Rawlsian contract tradition but the impartiality of Smith’s spectator is less interesting or convincing than the openness it implies. Opening moral conduct to scrutiny by “other people,” as Smith argues, potentially allows us to consider our actions from another perspective through sheer force of imagination. While ethical self-transformation is initiated for social reasons, Smith thinks it is ultimately achieved independently. The spectator obviously begins as a product of society and socialization but when taken seriously as tool for moral judgment, it can provide a position from which an individual is able to evaluate and criticize her society.

Rawls’s version of the ideal observer enables us to imagine a base level of tolerable structural violence that might fall within a threshold of atrocity, i.e. it establishes minimally acceptable levels of violence. Under such a rubric, as I suggested in the second chapter, individuals are likely to tolerate much less violence than is currently the case. However, there are also important shortcomings of a Rawlsian approach, which stem from its moral chronology.

The original position and the norms it produces usually precede the proliferation of any real-world phenomena that demand moral attention. Rawls sets the moral framework within which real-world actions may later be interpreted and reinterpreted. If moral views require revision, he proposes the concept of reflective equilibrium, which allows for moral beliefs to be “tested” and altered as necessary. “It is an equilibrium,” Rawls writes, “because at last our

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principles and judgments coincide; and it is reflective since we know to what principles our judgments conform and the premises of their derivation.”

Rawls insists upon continuing reflection, always bringing our principles and moral judgments into equilibrium as new morally compelling information becomes available.

At the moment everything is in order. But this equilibrium is not necessarily stable. It is liable to be upset by further examination of the conditions which should be imposed on the contractual situation and by particular cases which may lead us to revise our judgments.

Though Rawls himself eschewed the term, this has been called an intuitionist account of moral judgment—as opposed to a deontological or consequentialist approach. Intuitions, via reflective equilibrium, may be refined and improved.

While reflective equilibrium is a compelling notion for emphasizing an ongoing process of moral refinement, it remains vulnerable to the unique challenges posed by violence. It simply cannot address the colossally difficult task of achieving measured and impassioned judgment from actors involved in violence on one side or the other. Violence enters into Rawls’s framework only peripherally. He accepts a traditional state monopoly of violence as a “nonideal” means for “curbing the liberties of the intolerant and of restraining the violence of contending sects,” provided it violates neither his Liberty Principle nor his Difference Principle. It is rather difficult, however, to imagine any act of violence that would not trespass on the victim’s liberties.

More to the point, Rawls discusses state violence mainly under the broad category of war, assuming formal initiation and just conduct. He points out that “Even in a just war certain

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441 Ibid., 18.
442 Ibid.
443 Ibid., 217.
forms of violence are strictly inadmissible; and where a country’s right to war is questionable and uncertain, the constraints on the means it can use are all the more severe.”\textsuperscript{444} In one of the only passages where Rawls directly addresses the question of atrocity, albeit without using the term, he declares “The aim of war is a just peace.”

[T]herefore the means employed must not destroy the possibility of peace or encourage a contempt for human life that puts the safety of ourselves and of mankind in jeopardy. The conduct of war is to be constrained and adjusted to this end.\textsuperscript{445}

Reflective equilibrium provides a useful method for considering particular value judgments in light of one’s abstract value judgments. It requires a moral agent to strike a balance between competing value judgments without privileging one over the other. Given the formal institutional setting Rawls envisions in his discussion, reflective equilibrium seems a reasonable expectation. It is unreasonable, however, to expect individual moral agents, actively engaged in acts of violence as perpetrators or victims, to derive much use from a method aimed more properly at the “representatives of states.”\textsuperscript{446} In part, this has to do with the kinds of moral distancing and dispersion of responsibility state bureaucracy implies, but it also stems from Rawls’s own normative intentions. His project is aimed at encouraging the development of a just community of\textit{states}, each adhering to basic standards of human rights he calls the Law of Peoples. To this end, he seems to impute all instances of atrocity and violations of human rights generally to “oppressive and expansionist regimes.”\textsuperscript{447} An application to individual ethics is unclear.

Rawls famously applies reflective equilibrium to a hypothetical original position. Adapting the original position to a theory of atrocity, participants are asked to determine minimally acceptable levels of violence by imagining what it would be like to suffer as potential

\textsuperscript{444} Ibid., 332.
\textsuperscript{445} Ibid.
\textsuperscript{446} Ibid.
victims of this violence in the future. Behind the veil of ignorance, they have no way of knowing if they will be born into an oppressed sub-national culture or a to a wealthy family in Westchester County. As in Rawls’s formulation, it is reasonable that rational self-interested moral agents will tolerate much less violence than we currently experience. Certainly, structural violence will have been considerably diminished in a Rawlsian society through the development of just institutions predicated on the Difference Principle. Though violence is never explicitly factored into his account, justice as fairness does envision a much less *structurally* violent society. 448 So how can Rawls help us at the crucial moment brute physical violence actually occurs? Does reflective equilibrium provide the tools for moral reflection in such cases?

Rawls is primarily interested in theorizing the foundations of decent institutions. In this way, the practice of reflective equilibrium implies dedicated consideration and time; it is not intended to offer real-time tools of judgment to individual agents in the midst of moral conflict. While it might offer a useful practical method for considering and reconsidering a particular policy or course of action, it is virtually powerless when taken by surprise. Violence explodes both the tidy normative framework established by the veil of ignorance and the method of moral assessment offered by reflective equilibrium. In such cases, it cannot offer a reliable path to moral judgment if only for the basic fact that a death-struggle does not resemble the kind of reasoned moral consideration Rawls envisions.

So while reflective equilibrium seems to offer a way of assessing a moral dilemma in the past tense (i.e. of using past experience to inform future moral judgment), it is less clear that it offers very much in the present, as a moral dilemma unfolds before our eyes. It is all too easy to imagine scenarios about which reflective equilibrium has little to say because there is no history

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to draw from. To some extent, every moral dilemma presents a unique moral crisis. Extrapolating from past experience is not always possible or even desirable. It is all very well to say that killing is wrong and should not be tolerated, but raising the maxim to a deontological dogmatism risks perpetuating injustices for which violence may pose a viable, if regrettable, countermeasure. If this is true, then strict pacifism is morally untenable.

Whatever minimal violence might be tolerated by members of a decent society, there remains the question of counter-hegemonic violence that must be judged along quite different moral criteria. A theory of atrocity then treat anti-colonial violence as morally distinct from other forms of violence. While reflective equilibrium may very well conclude that colonialism is morally unacceptable, it can only do so after the baleful experiment has been “tested.” This can hardly offer much confidence to the potential victims of such violent moral experimentation. To be fair, a Rawlsian might object that the very threat colonialism poses to the Difference and Liberty Principles precludes any rational agent advocating for such a system behind the veil of ignorance. However, it remains plausible to imagine the basic structure of a Rawlsian society at some point coming under threat in the course of conventional political struggle, a threat which inevitably raises the possibility of injustice.

As with Plato’s warning of the eventual stagnation and decay of his ideal state, so it would be with a Rawlsian society. There must be a means for addressing challenges to the Difference and Liberty Principles when they arise, even if the political circumstances allowing such challenges to arise would not have been a predictable outcome of the original position. In short, reflective equilibrium’s inability to reassess norms when they are taken by surprise is exacerbated by Rawls’s treatment of the phenomenon discussed in this chapter: nationalism. Rawls’s liberal cosmopolitan project is often assumed to foreclose on the possibility of any
widespread nationalist influence in his vision of a just society. While Rawls writes of “nations,” “national communities,” “national power,” even “national glory,” nationalism is curiously absent from his analysis. In the *Law of Peoples*, Rawls suggests that he understands nationalism as a “pattern of cultural values” along lines described by John Stuart Mill:

A portion of mankind may be said to constitute a Nationality, if they are united among themselves by common sympathies, which do not exist between them and any others—which make them cooperate with each other more willingly than with other people, desire to be under the same government, and desire that it should be government by themselves, or a portion of themselves, exclusively. This feeling of nationality may have been generated by various causes. Sometimes it is the effect of identity of race and descent. Community of language, community of religion, greatly contribute to it. Geographical limits are one of its causes. But the strongest of all is identity of political antecedents; the possession of national history, and consequent community of recollections; collective pride and humiliation, pleasure and regret, connected with the same incidents in the past. None of these circumstances, however, are necessarily sufficient by themselves.

Whatever his views on nationalism, Rawls is unclear about what reflective equilibrium might look like when applied on a global scale. He writes that a global system of justice is impossible because the prerequisites of reflective equilibrium and overlapping consensus simply do not exist on such a scale. Whereas individuals comprise the moral agents in the original position, no such arrangement is possible internationally. Instead, the best we can expect are some basic rules of coexistence between liberal and hierarchical societies.

Rawls famously posits cooperation between liberal societies and societies that fall short of his ideal but can still be described as “decent.” Whether these non-ideal societies encompass broadly nationalist ones is unclear and it is not my intention here to weigh in on the nationalism-cosmopolitanism compatibility debate. However, I do think is fair to say that to the limited

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450 John Stuart Mill, cited in Ibid., 23 n.17.
extent Rawls treats nationalism at all he encourages toleration—provided it does not pose a threat to the Liberty or Difference Principles. On a state-institutional level, reflective equilibrium offers a method for subjecting our views to critical analysis and reform. But on the international scale, it seems something else is required to figuratively remove moral agents from the encounter. An external spectator of the kind Smith postulates has the potential to expand the possibilities for moral judgment Rawls offers via reflective equilibrium. Rawls oddly places Adam Smith’s moral philosophy in the utilitarian tradition, which his theory of justice and fairness rejects on grounds that it is liable to produce outcomes incompatible with the Liberty and Difference Principles. No one behind the veil of ignorance is likely to risk emerging as a member of an oppressed minority, however much utility it brings society. However, it is not at all clear that Smith’s ethics are consequentialist in the way Rawls claims they are. Rather, Smith explicitly complains that philosophers have focused far too much on the consequences of actions instead of their innate propriety and views his own contribution to moral philosophy as a corrective to the trend.

Smith’s spectator addresses some of reflective equilibrium’s shortcomings by attempting to step outside the self through an act of imagination—before, during, and after a moral dilemma. Sen argues that the open quality of Smith’s approach avoids the parochialism of Rawls by incorporating the relevance of other people’s interests as well as the moral weight of their perspectives. It is helpful in this regard that Smith’s project is refreshingly devoid of the standard racism so common among his contemporaries. Smith seems to have genuinely believed that differences of class and race were products of society and not innate. Hence a theory of atrocity benefits from both Rawls and Smith. Rawls helps us to imagine a basic threshold of

452 Sen, “Adam Smith and the Contemporary World,” 61.
atrocity and the limits to violence we might establish when ignorant of our place in the schema. Furthermore, he lays the groundwork for later moral refinement, demanding the rigorous moral self-critique reflective equilibrium implies. Smith, however, grants us the freedom to make more nuanced moral judgments by expanding the subject and moral chronology of reflective equilibrium. Because the strict Rawlsian account can only assess moral actions after the fact, its solutions are always future-oriented. By contrast, Smith’s spectator raises the possibility of reflective equilibrium in the present.

Anticipating the ideas of Murdoch and Levinas, Smith’s moral agent is fundamentally a product of society and socialization. Moral judgment demands extraction from the deleterious influence of “custom.” That is, Smith believes our moral sentiments, benevolent or malevolent, obtain from the process of socialization. When assessing the moral content of a particular action, Smith argues that we imagine how another person must feel and, by extension, how we would feel if confronted with a similar predicament. In this way, imagination is absolutely central to effective moral vision. The spectator is a product of our imagination insofar as we are the ones who pose the very questions such a figure might ask. As such, the act of imagining can be hijacked and rerouted through an unreflective reliance on social convention. Our moral concerns, Smith argues, derive from an experience of sympathy with fellow human beings, but because there is a strong cultural component to standards of acceptable conduct, they often vary wildly from group to group according to differences of “custom.”

To illustrate the tremendous power of custom, Smith points to the practice of infanticide by the Greeks:

[T]he murder of new-born infants was a practice allowed of in almost all the states of Greece, even among the polite and civilized Athenians; and whenever the circumstances of the parent rendered it inconvenient to bring up the child, to abandon it to hunger, or to wild beasts, was regarded without blame or censure. … Uninterrupted custom had by this
time so thoroughly authorized the practice, that not only the loose maxims of the world tolerated this barbarous prerogative, but even the doctrine of philosophers, which ought to have been more just and accurate, was led away by the established custom, and upon this, as upon many other occasions, instead of censuring, supported the horrible abuse, by far-fetched considerations of public utility. Aristotle talks of it as of what the magistrates ought upon many occasions to encourage. The humane Plato is of the same opinion, and, with all that love of mankind which seems to animate all his writings, no where marks this practice with disapprobation.\textsuperscript{453}

Smith was deeply troubled at the apparent power of custom to so easily warp our latent capacity for sympathy. Whatever the terms, it is quite clear that Smith may as well have been writing about the widespread and unreflective use of nationalism as a guide for morals. His solution was to solicit “the eyes of the world” to help step outside the limiting confines of our behavior and consider what an impartial spectator would think.

This last point is absolutely essential to Smith’s argument and the argument presented in this study: distance, literal and figurative, matters. The victims of violence feel it more strongly than the perpetrators of violence, who generally deny their actions are morally abhorrent. Yet both are as close a proximity to the act as possible. The immediate local cultural context in which violence occurs all too often provides a customary justification for suppressing sympathy, for rendering the violence excusable or invisible. There is a strong case here against ideologies like liberal-nationalism that demonstrate great resistance to external critique.

For the committed nationalist, foreign views that contradict their own have little value. To the Israeli nationalist who supports the seemingly interminable occupation and colonization of Palestinian land, it surely makes little difference that much of the rest of the world unanimously opposes their government’s policies. To the Chinese nationalist who opposes Tibetan independence, we might expect similar resistance to external criticism. To the American nationalist who regards military interventions as a just and benign use of martial power, it comes

\textsuperscript{453} Smith, \textit{The Theory of Moral Sentiments}, 245–246.
as a surprise and no small amount of irritation that others frequently see it differently. In each case, it is difficult to imagine nationalist dogmas crumbling away simply by inserting a healthy dose of the external spectator’s purported wisdom. Likewise, those who remain detached and distant from the violence in question are often unaware of its severity and lack the minimally comprehensible knowledge required for moral judgment.

The role of moral philosophy, Murdoch argues, is not to provide comprehensive logical justification for a given course of action. “Philosophers,” she writes, “have always been trying to picture the human soul, and since morality needs such pictures and as science is … in no position to coerce morality, there seems no reason why philosophers should not go on attempting to fill in a systematic explanatory background to our ordinary moral life.”

Moral philosophy should actually help us to become better. Murdoch’s solution to moral progress (i.e. attention) takes great effort and practice, but potentially rewards us with a method of making moral progress. Similarly, forcing ourselves to imagine Smith’s spectator enhances our ability to detect what might otherwise pass unnoticed, as if invisible. Like Murdoch, Smith prioritizes practical application above philosophical rigor. Pointing out the connections between Murdoch and Smith, Fleischacker argues that it “need not be the sole function of moral philosophers to provide a groundwork for the metaphysics of morality.”

Displaying, clarifying, and showing the internal connections in a way of thinking is also a philosophical task, even if one sets aside the question of whether the way of thinking is justified. … [Smith’s] astute and nuanced analysis of what goes into moral approval — of what sorts of factors the impartial spectator considers, of how it can deceive itself or otherwise go wrong, of how it develops and how it judges different virtues in different ways — is accomplishment enough for one philosopher, regardless of whether he adequately justifies the fact that we engage in such approval at all.

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454 Murdoch, The Sovereignty of Good, 43.
456 Ibid., 514–515.
“Smith,” Fleischacker writes, “was a moral phenomenologist.” While the spectator’s impartiality is a false dream, the effort to imagine what might constitute the moral horizon of an uninvolved outsider—an “unselfed” moral agent in Murdoch’s terms—might push us in the direction of Murdoch’s own ethical phenomenology: moral attention.

Smith does not claim that an external spectator is infallible for that would imply a status independent of our own imagination from which it ultimately springs. Rather, Smith’s challenge insists that, difficulties notwithstanding, moral judgment simply cannot take place with any degree of certitude before at least attempting to step outside our narrow experience and consider a spectator. Individuals cannot judge the moral content of their actions; nor can groups. By at least stopping to imagine what an external spectator might think, we are forced to reflect on our own moral assumptions—our own limitations. As with Murdoch’s attention, the act of imagining a hypothetical spectator is intended to force reflection on one’s own obscure motives and prejudices. It is also a deceptively simple task and, alas, lies beyond the capacities of the best of us.

Conclusion

Liberal-nationalism is likely to remain with us for the foreseeable future and by the time it finally passes into memory, another filter to moral vision will have already taken its place. The question is not how to escape ideology, as some strands are more resistant to self-criticism than others, but rather how to escape the kind of derivative moral insularity that would excuse the inexcusable. I have attempted to describe in a small way how liberal ideals have been reduced to

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457 Ibid., 515.
signifiers of national identity and how American identity is tethered to the institutions of state power and its secular shrines to lofty yet elusive values.

Crucially, I argue that this phenomenon is not unique to the United States (though it may be more advanced) and that as the trend continues in other parts of the world, we should expect state violence to increasingly adopt the language of liberal universalism and human rights.\textsuperscript{458} As always, moral clarity requires vigilance, especially when it is so thoroughly clouded by the pomp and self-congratulations of liberal-nationalist discourse. Smith offers one way to pause for a moment and to reconsider our assumptions before arriving at a definitive moral judgment. If the unstated line that separates acceptable violence from unacceptable atrocity is to be reimagined and redrawn, then such a pause is surely necessary, if only to hear the cries of the suffering more clearly.

\textsuperscript{458} Indeed, it is already happening. See Perugini and Gordon, \textit{The Human Right to Dominate}. 
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