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Justice as a Larger Loyalty

*When loyalties conflict, argues **Richard Rorty**, we cannot resolve the dilemma by turning towards the universal moral obligation to act justly*

Would it be a good idea to treat 'justice' as the name for loyalty to a certain very large group, the name for our largest current loyalty, rather than the name of something distinct from loyalty? Could we replace the notion of 'justice' with that of loyalty to that group – for example, one's fellow-citizens, or the human species, or all living things? Would anything be lost by this replacement?

Moral philosophers who remain loyal to Kant are likely to think that a lot would be lost. Kantians typically insist that justice springs from reason, and loyalty from sentiment. Only reason, they say, can impose universal and unconditional moral obligations, and our obligation to be just is of this sort. It is on another level from the sort of affectional relations that create loyalty. Juergen Habermas is the most prominent contemporary philosopher to insist on this Kantian way of looking at things: the thinker least willing to blur either the line between reason and sentiment, or the line between universal validity and historical consensus. But contemporary philosophers who depart from Kant, either in the direction of Hume (like Annette Baier), or in the direction of Hegel (like Charles Taylor), or in that of Aristotle (like Alisdair MacIntyre), are not so sure.

Michael Walzer is at the other extreme from Habermas. He is wary of terms like 'reason' and 'universal moral obligation'. The heart of his new book, *Thick and Thin*, is the claim that we

should reject the intuition that Kant took as central: the intuition that 'men and women everywhere begin with some common idea or principle or set of ideas and principles, which they then work up in many different ways'. Walzer thinks that this picture of morality 'starting thin' and 'thickening with age' should be inverted. He says that 'morality is thick from the beginning, culturally integrated, fully resonant, and it reveals itself thinly only on special occasions, when moral language is turned to special purposes.'

Walzer's inversion suggests, though it does not entail, the neo-Humean picture of morality sketched by Annette Baier in her book *Moral Prejudices*. On Baier's account, morality starts out not as an obligation, but as a relation of reciprocal trust among a closely knit group, such as a family or clan. To behave morally is to do what comes naturally in your dealing with your parents or children, or your fellow clan-members. It amounts to respecting the trust they place in you. Obligation, as opposed to trust, enters the picture only when your loyalty to a smaller group conflicts with your loyalty to a larger group.

When, for example, the families confederate into tribes, or the tribes into nations, you may feel obliged to do what does not come naturally: to leave your parents in the lurch by going off to fight in the wars, or to rule against your own village in your capacity as a federal administrator or judge. What Kant would describe as



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the resulting conflict between moral obligation and sentiment, or between reason and sentiment, is, on a non-Kantian account of the matter, a conflict between one set of loyalties and another set of loyalties. The idea of a universal moral obligation to respect human dignity gets replaced by the idea of loyalty to a very large group – the human species. The idea that moral obligation extends beyond that species to an even larger group becomes the idea of loyalty to all those who, like yourself, can experience pain – even the cows and the kangaroos – or perhaps even to all living things, even the trees.

This non-Kantian view of morality can be rephrased as the claim that one’s moral identity is determined by the group or groups with which one identifies – the group or groups to which one cannot be disloyal and still like oneself. Moral dilemmas are not, in this view, the result of a conflict between reason and sentiment but between alternative selves, alternative self-descriptions, alternative ways of giving a meaning to one’s life. Non-Kantians do not think that we have a central, true, self by virtue of our membership in the human species – a self that responds to the call of reason. They can, instead, agree with Daniel Dennett that a self is a centre of narrative gravity. In non-traditional societies, most people have several such narratives at their disposal, and thus several different moral identities. It is this plurality of identities which accounts for the number and variety of moral dilemmas, moral philosophers, and psychological novels, in such societies.

Walzer’s contrast between thick and thin morality is, among other things, a contrast between the detailed and concrete stories you can tell about yourself as a member of a smaller group and the relatively abstract and sketchy story you can tell about yourself as a citizen of the world. You know more about your family than about your village, more about your village than about your nation, more about your nation than about humanity as a whole, more about being human than about simply being a living creature. You are in a better position to decide what differences between individuals are morally relevant when dealing with those whom you can describe thickly, and in a worse

‘You know more about your village than about your nation, more about your nation than about humanity as a whole’



position when dealing with those whom you can only describe thinly. This is why, as groups get larger, law has to replace custom, and abstract principles have to replace *phronesis* [practical wisdom]. So Kantians are wrong to see *phronesis* as a thickening up of thin abstract principles. Plato and Kant were misled by the fact that abstract principles are designed to trump parochial loyalties into thinking that the principles are somehow prior to the loyalties – that the thin is somehow prior to the thick.

Walzer’s thick-thin distinction can be aligned with Rawls’s contrast between a shared concept of justice and various conflicting conceptions of justice. Rawls sets that contrast as follows:

...the concept of justice, applied to an institution, means, say, that the institution makes no arbitrary distinctions between persons in assigning basic rights and duties, and that its rules establish a proper balance between competing claims... [A] conception includes, besides this, principles and criteria for deciding which distinctions are arbitrary and when a balance between competing claims is proper. People can agree on the meaning of justice and still be at odds, since they affirm different principles and standards for deciding these matters.

Phrased in Rawls’s terms, Walzer’s point is that thick, ‘fully resonant’ conceptions of justice, complete with distinctions between the people who matter most and the people who matter less, come first. The thin concept, and its maxim ‘do not make arbitrary distinctions between moral subjects’, is articulated only on special

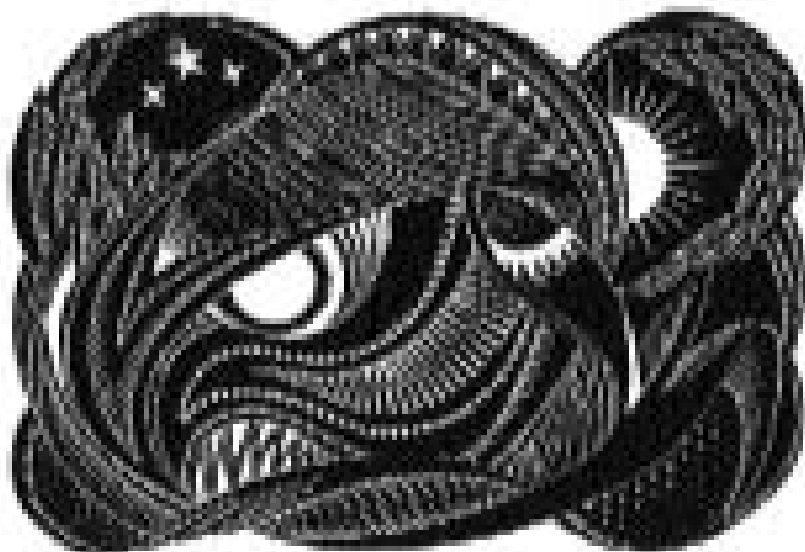
occasions. On those occasions, the thin concept can often be turned against any of the thick conceptions from which it emerged, in the form of critical questions about whether it may not be merely arbitrary to think that certain people matter more than most.

Neither Rawls nor Walzer think, however, that unpacking the thin concept of justice will, by itself, resolve such critical questions by supplying a criterion of arbitrariness. They do not think that we can do what Kant hoped to do – derive solutions to moral dilemmas from the analysis of moral concepts. To put the point in the terminology I am suggesting: we cannot resolve conflicting loyalties by turning away from them all toward something categorically distinct from loyalty: the universal moral obligation to act justly. So we have to drop the Kantian idea that the moral law starts off pure but is always in danger of being contaminated by irrational feelings which introduce arbitrary discriminations among persons. We have to substitute the Hegelian-Marxist idea that the so-called moral law is, at best, a handy abbreviation for a concrete web of social practices. This means dropping Habermas’s claim that that his ‘discourse ethics’ articulates a transcendental presupposition of the use of language, and accepting his critics’ claim that it articulates only the customs of contemporary liberal societies.

Richard Rorty is a member of CSD’s council of advisers. This is an extract from a lecture he gave at the CSD symposium ‘An Encounter with Richard Rorty’, held on 20 May 1997. The full text appears in Justice and Democracy: Cross-Cultural Perspectives, edited by R. Bontekoe et al (University of Hawai’i Press, 1997).

Rorty's Nation

Jonathan Rée *stands up for Richard Rorty against the realist old left, and offers some criticisms of his own*



One can sometimes feel rather protective towards Richard Rorty. This is especially so when he is being set upon by members of the realist old left: those salt-of-the-earth socialist internationalists who enjoy looking backward to the great days of organized labour, wringing their hands over yet another opportunist who has proved unequal to the struggle and sold out to the blandishments of bourgeoisdom. For those who like taking left offence, Rorty is a most dependable supplier of what turns them on.

But the comrades have got quite the wrong end of the stick. For one thing, they are unaware of Rorty's funny side. He may or may not be, as Harold Bloom has claimed, 'the most interesting philosopher in the world today', but he is certainly one of the drollest. The glum self-descriptions he goes in for are particularly enjoyable,

those where 'we Western leftists', for instance, are made to coincide with 'we bourgeois liberals', and admonished, after 'dumping Marx', to become 'more willing than we are to celebrate bourgeois capitalist society as the best polity actualised so far'. These reiterated *iw'e'si* may be questionable as statements of fact, but of course they are really something else: needles for puncturing our conceits, comic devices for winding up those of us who cannot bring ourselves to admit that our righteous political attitudes may not be quite so self-evident when seen in their broad practical context, or when measured in terms of their long-range historical effects.

For those who get wound up by Richard Rorty, he is guilty of three principal betrayals. The first is that he has given up on all a priori universal necessities, and so cannot believe in universal natural

human rights – a belief which they may well take to be historically and logically indispensable for all kinds of progressive or critical politics, even perhaps for politics as such. The second is that, given his pragmatism or anti-foundationalism, Rorty can never have any grounds for criticizing existing social relations: after all, if no description is necessitated by reality as such, then intolerable injustices will always be open to face-saving re-descriptions that will make them out to be inevitable or even desirable. And the third dereliction – perhaps gravest of all from the point of view of solemn European leftists – is that Rorty is not ashamed of being a citizen of the United States of America, and, indeed, that he has called on his fellow citizens to 'rejoice' in their Americanness and build up their 'shared sense of national identity' by yielding to an 'emotion of national pride'.

The point about Americanism can perhaps be disposed of quite quickly. European leftists should be a little wary of anti-Americanism: it may, after all, have more to do with a Euro-aristocratic disdain for uppity colonials than solidarity with the cause of the oppressed, including the oppressed in America. The patriotic Rorty does not deny that there has been massive unnecessary unhappiness in the history of the United States at home and abroad; and perhaps he is only saying – quite plausibly – that if one compares the legal and political systems of different countries and ranks them according to their ability to tackle injustices old and new, then those of the United States come pretty near the top.

The idea that Rorty does not treat human suffering with sufficient gravity is also based on a misunderstanding. Despite the fact that Rorty is one of philosophy's most effective controversialists, Roy Bhaskar is convinced that his sceptical anti-realism leads automatically to 'apologia for, and so normalization, and thence eternalization (and so divinization) of the social status quo'. Bhaskar is so exasperated that he can only taunt Rorty with hysterical questions as if Rorty were a kind of stony-hearted political scrooge: 'how about a famine', he asks, or 'an earthquake or a stillborn child?' But he obviously mistakes the character of the argument. Rortyan pragmatists will no doubt be anti-realists about famines, but that does not make them into postmodern Marie Antoinettes, telling the hungry to make do with words when they cannot get

'a pragmatist conception of food and famine would be a more effective spur to action than a realist investigation of its nature'

bread. Their pragmatism will be perfectly even-handed, applying to food as well as famines, and in practice the two anti-realisms will cancel each other out. Indeed, if activism is to be our criterion, then one might suppose that a pragmatist conception of food and famine would be a more effective spur to action than a realist investigation of its nature.

Much the same can be said of the other betrayal of which Rorty stands accused: his refusal to bow down to the idea of universal human rights. 'If there is no truth, there is no injustice', according to Norman Geras, another wound-up realist leftist. 'If truth is wholly relativized or internalized to particular discourses or language games or social practices', Geras says, then 'there is no injustice'. But the pragmatist argument is not that we should turn our back on absolute truth; it is that, however much we may regret it, absolute truth is not on offer. The pragmatists may be right or wrong - it is, after all, a very abstract dispute indeed, way above the heads of most of us. But it is surely petulant and self-destructive to suggest, with Geras, that if the pragmatists win the meta-philosophical argument then the struggle against injustice should be called off. Indeed the boot would seem to be on the other foot: if direct activism is the goal, it is surely better to let it be motivated by immediate 'sentimentality', rather than to wait for the always uncertain results of a rationalistic calculus whose bottom line we may never reach.

But this defence of Rorty comes at a price. One may be willing to consider his case respectfully when he compares the political system of the United States with others elsewhere. But such global comparisons will need to be discussed in a carefully differentiated vocabulary of social description, with a high degree of historical self-awareness - and in that case Rorty has no business to dismiss social theory a priori, or to speak so robustly about 'dumping Marx'.

And, secondly, if the serious realists are

wrong to imagine that pragmatism undermines the possibility of committed social and political action, it is because the issue does not make much practical difference one way or the other. Only a true-believing realist metaphysician has any cause to worry about the nature and definition of metaphysics. Indeed, it is hard to see why a Rortyan pragmatist should be the slightest bit interested in the task of dividing

'The principle of nationality is probably the most metaphysical way of grouping people together that was ever invented'

books into two separate piles, the realist and the anti-realist, with Plato and Marx and Mill in one pile and Dewey, Dickens and Proust in the other. Surely only a metaphysician of the kind Rorty most keenly wants not to be could suppose that doctrines fall into unambiguous natural kinds. In any case, the issue is not so much which books to read, as how

to read them. Ex-philosophers intent on reinventing themselves as ironists still have some way to go if they have not yet conquered their reality-anxiety sufficiently to give up on the distinction between books that are metaphysical and books that are not. Were comrade Rorty ever invited to make a self-criticism, in short, it would not be for being too anti-realist, but for not being anti-realist enough.

The same applies to Rorty's needling of the idea of universal natural human rights.



There is, indeed, no point in pretending not to be ethnocentric: we cannot not make judgements, and the fact that our opinions will always be those of someone who comes from where we come from is hardly a reason for holding them back. Otherwise, as Rorty says, we will be so

open-minded that our brains fall out. And that is why, according to Rorty, there is nothing to the language of human rights beyond our capacity for a sentimental identification with other people. This identification may be worked up and practised upon by journalists and novelist, as Rorty sees it, but not by moral and political philosophers - certainly not by any of those he has just dumped in the skip labelled 'metaphysics'.

Rorty may be right to say that 'feelings of solidarity are necessarily a matter of which similarities and dissimilarities strike us as salient', and that 'such salience is a function of a historically contingent final vocabulary'. But this 'anti-anti-ethnocentrism' provides no support for the values of patriotism or nationalism. Rorty evokes American liberal concern for poor young blacks in American cities. 'Do we say that these people must be helped because they are our fellow human beings?', he asks. 'We may, but it is much more persuasive, morally as well as politically, to describe them as our fellow Americans - to insist that it is outrageous that a fellow American should live without hope.'

Here Rorty seriously underestimates the complexities of the sympathetic imagination. Why assume, for instance, that we feel solidarity only with those whom we take to be similar to us? Surely we are all susceptible to sympathies that leap straight over our neighbours and peers and equals and familiars to people we take

to be totally unkind and unkin? Otherness can be a motive for love and passion as well as hatred or indifference, and distance is often a positive aid to identification. The weeping of children whose language one cannot even understand, and whose haircuts and clothing one cannot decipher, is far more affecting than the ungrateful snivelling of the kids in expensive trainers who loiter on one's street smoking

classy streets and asking for money, shouting insults at you and trashing cars. We have to take care, in this case, to apprehend them hazily, as if through a bobbly glass - to see them as mere fellow humans and as abstractly possible conversation partners, rather than as the spiteful violent racists we immediately

take them to be.

In any case, the positive concept of 'nation' which Rorty thinks should structure our sentiments and sympathies, divides us up in all the wrong ways. Once again, Rorty seems not to have conquered his old realist longings. The principle of nationality may be a very recent conceptual fabrication, but it is probably the most metaphysical way of grouping people together that was ever invented. Nationality is an attribute one is stuck with purely in virtue of one's birth; it is probably harder to change than one's sex; and, under the modern world system, it is absolutely compulsory that everyone should

unambiguously have at least - and probably at most - one of them. Presumably Rorty was reaching out for was an idea of bonds of solidarity that are local and affective and particular and plural; but what he actually picks up in the institutions of compulsory nationality is quite the opposite: the process of nationalization may foster global differences between nations, but it also obliterates local differences within them.

It is all quite contradictory. Rorty rightly mocks those old leftists who can think of nothing but their 'wish to nationalize the means of production'; but he himself is intent on nationalizing the sources of social solidarity. This is not just a play on words: the two kinds of nationalization have exactly the same structure. In economic arrangements as in sentiments of solidarity, both assume that the only alternative to the atomistic individual as the unit of social construction is the conglomerated nation - that the only choice lies between privatization and nationalization. If we want to free ourselves of this prejudice, and broaden our bourgeois liberal experience a little, then we could do worse than read Marx on the manifold variousness of the forms of property and belonging that have been potentialized and actualized in the contingent course of history. We might even, if we are disillusioned with the idea that 'nationalization' is the only alternative to private property, find ourselves nodding in belated recogni-

tion at Marx's prescient descriptions of how separate capitals within a national economy may become consolidated into 'communal capital', with 'the community as a universal capitalist'.

Unfortunately, Rorty would deny us access to such intellectual resources, on



the a priori ground that we cannot have anything to learn from books of 'philosophical theory' written by 'metaphysicians like Plato and Marx'. We should avoid such 'deep thinkers', he says, and lend an ear instead to such 'superficial dreamers' as H. G. Wells and Edward Bellamy.

This is, surely, perverse. We may agree that the idea of national planning by experts accountable only to other experts was one of the great disasters of twentieth-century politics; but no one did more to put it into the susceptible heads of socialists, a century or so ago, than the writers on Rorty's alternative reading list. It was Wells who tried to bludgeon socialists into what he called a 'delocalised' mentality as opposed to a 'localised' one, and it was he who in 1912 put forward the idea that 'we need nothing less than a National Plan of social development'. And Wells did not derive these statist notions from Marx - that 'malicious theorist', as he called him, the rabid anti-statist who offered 'to the cheapest and basest of human impulses the poses of a pretentious philosophy'. If anything, Wellsian ideas of scientific national planning were taken not from the other novelistic authors Rorty recommends, like Edward Bellamy.

Bellamy's *Looking Backward*, published in 1888, is the story of How Socialism Came to the United States, told from the vantage point of the year 2000. It may well be the first work explicitly to link the idea of socialism with that of a 'National Party' whose programme would be, in so many words, to 'nationalize the functions of production and distribution'. The National Party, in Bellamy's Bostonian Utopia, had established socialism by first routing the Reds (in the pay of the capitalists, of course, for their services in making socialist rationality repulsive to the masses) and then establishing the American 'nation . . . as the one great business corporation . . . the one capitalist in the place of

all other capitalists'.

Bellamy's dream is a nightmare of immovable authoritarianism. Rorty may think this too literal-minded a response: after all it is a time-travel love story, not a philosophical treatise. But the difference in generic category is no excuse: it was precisely the paralysis of critical intelligence induced by such political fairy-tales that enabled national-authoritarian delusions to enter the practice of the socialist activists of the twentieth century in the first place.

Surely these tragically unironic socialists - mournfully honoured by Rorty as 'the most decent, the most devoted, the most admirable people of their times' - would have been well advised to think a little harder than either Wells or

Bellamy encouraged them to. It is a pity they were not a little more suspicious of that most metaphysical of ideas - the idea of a homogeneous nation - as a basis either of human solidarity or of the ownership of the means of production: they would, in short, have done better to attend to such great ironists as Plato, Mill and Marx.

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"We should avoid 'deep thinkers' like Plato and Marx and lend an ear instead to such 'superficial dreamers' as H. G. Wells and Edward Bellamy"

Revolutions Remembered

Eszter Pál and **Bernard Rorke** consider the legacy of the Hungarian revolution of 1956

On 4 November 1956, from the Budapest Parliament building surrounded by Soviet tanks, Minister of State István Bibó, the last remaining representative of the legal Hungarian Government, issued a final public statement. He called on the Hungarian people to use every means of passive resistance against the ‘occupation force and the puppet government it may install’, and beseeched the Great Powers and the United Nations to ‘intervene wisely and courageously for the freedom of my subjugated people’. The appeal fell on deaf ears. Western passivity duly confirmed Soviet supremacy over eastern Europe. Bibó would later declare that Hungary’s predicament had become the scandal of the world.

Striving for legitimacy, the regime installed by the Soviets after the crushing of the revolution – led by Janos Kádár – depicted the revolution as a ‘fascist counter-revolution’, inspired by ‘imperial agents’ and ‘traitors’; this ‘correct’ interpretation of events remained the party line on 1956 for over 30 years. The brutal dashing of hopes raised in the revolution and the tangible gap between the official interpretation and the real nature of ‘56 combined to foster a profound cynicism and apathy about political life. The revolution became taboo, the events distorted by official lies and, in time, shrouded in silence. The result was a kind of a ‘social memory-loss’.

The Kádár regime based its legitimation on a ‘social contract’: in return for a tacit acceptance of exclusion from decision-making, the population was offered more, albeit still very limited, opportunities for material self-enrichment in the private sphere. The preservation of mass political apathy and the smooth operation of such a system therefore necessitated

massive state investment in consumption, which had a deeply distorting long-term effect on the economy. Though the system was comparatively tolerant, making everyday life relatively endurable, ‘56 remained its Achilles heel. Only the collapse of state-socialism made free and public discussion about the revolution possible.

When the Parliament of the Hungarian Republic, after the first legal and democratic elections in over four decades, began its legislative work in May 1990, it enshrined official recognition of the historical significance of the revolution of 1956. October 23, the day of the outbreak of the revolution and also the day of the proclamation of the Hungarian Republic in 1989, was declared a national holiday.

Hungarian public life is still, however, burdened with the legacy of 1956. The long-running row about Prime Minister Gyula Horn’s role during and after the revolution has intensified with the recent, and flatly denied, allegation that he was a member of the militia at Nyugati Pályaudvar which summarily executed five ‘anti-communists’. The continuing urge to uncover the truth about ‘56 is

hardly surprising following decades of falsified narratives. It is an attempt to fulfill the historical task Bibó assigned to the Hungarian people: ‘to honour and safeguard – against slander, forgetting and fading – the banner of their revolution’.

The Hungarian revolution exploded the ideological fiction of Marxist-Leninist democracy. 1956 was the historical moment when the Soviets appeared, if not for the first time, but for western left-wing sympathizers and fellow travellers, most openly and unequivocally, as murderous oppressors. The anti-totalitarian character of the massive uprising not only broke the Communist party’s hold on power but almost immediately found expression in pluralistic and democratic institutional forms. As György Litván asserts, in the best account to date of the events and the ensuing repression (*The Hungarian Revolution of 1956*), the uprising was an example of a revolutionary mass movement – characterized by the denunciation of lies and the will to speak the ‘truth’ – challenging the totalitarian system from

The ideals of the revolution of 1956 survived in the public imagination and took on special symbolic significance during the ‘transformation’ of 1989’

inside with the aim of recovering elementary rights and freedoms abrogated by the dictatorship. The ideals of the revolution of 1956 survived in the public imagination and took on special symbolic significance during the ‘transformation’ of 1989.

The transition to democracy in Hungary has not been unproblematic. However, nothing can diminish the enormity of the fact that, in the words of Litván, himself a participant in ‘56, ‘by the end of the second millennium Hungary [had become] an independent parliamentary republic. This may be a modest statement, but sufficient to justify a certain sense of satisfaction’.

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FREEDOM!

A conspicuous feature of 1956 was the invocation of 1848. As Raymond Aron wrote, no revolution, in its aspirations and watchwords, was as close to the revolution of 1848 as that of 1956: ‘Intellectuals and popular masses, in 1956 and 1848, cry “freedom” and they are thinking of subjective rights, of participation – freedom through elections and many parties, and finally of national, collective freedom’. Soviet intervention provided an ominous reminder that the Habsburg suppression in 1849 succeeded only with the help of Tsarist forces. When the demands of 1956 were framed, the memory of the revolution of 1848 was an important element, both politically and emotionally.

'Rogue Nation' versus 'The Great Arrogance'

Eighteen years have passed since the Iranian revolution, but an improvement in relations between Washington and Tehran remains unlikely, argues Ali Tajvidi.

Post-Cold War US policy towards Iran aims to change the latter's 'behaviour' in five areas: 1) Iran's search for the 'acquisition of weapons of mass destruction', success in which would change the balance of power in the Middle East, with serious repercussions for US and Israeli interests in the region; 2) Iran's support for 'international terrorism', that is, for organizations such as Hezbollah in the Lebanon or Hamas in Palestine; 3) Iran's opposition to the Arab-Israeli 'peace process'; 4) Iran's 'subversive activities' in, for example, Bahrain and Saudi Arabia, which are aimed at overthrowing those countries' regimes; and 5) Tehran's dismal human rights record at home.

Current US policy has its origins in US support for the Shah, Mohammad Reza Pahlavi, whom the CIA installed in power in 1953. Iran became a US client-state, with the Shah fully committed to the preservation of US national interests in Iran: he ensured the continuous flow of oil to the West, actively supported Washington's crusade against communism, and provided the United States with the largest Middle Eastern markets for American military and non-military products.

SHARED VALUES AND PERCEPTIONS

Almost three decades of active American presence in Iran produced shared values and perceptions among the two countries' political elites. The Shah's modernization programme went beyond infrastructural changes: it aimed to 'westernize' Iranian society.

The US foreign policy community saw the Shah as a shrewd politician, a secular modernizer, and a patriot who shared American values. The threat to his rule



came from the communists, and the religious opposition. US policy-makers agreed with the Shah that Iran was not yet ready for democracy; they supported his autocratic rule to such an extent that Washington became identified with his repressive policies – including torture – up to his last minute in power in 1979. This 'Pahlavism' persists today among US foreign policy-makers, who tend to underestimate the impact of the Shah's political repression, and blame the revolution on the fast pace of modernization in the country.

Given the pervasiveness of Pahlavism it is not surprising that Washington interpreted the 1979 revolution and the emergence of an anti-American leadership, inspired by traditional Islamic rather than American values, as a serious threat to its interests in Iran. The new Iranian leadership shared neither Washington's values, nor its perceptions of US economic and strategic interests in the Middle East and Iran. To Washington, Iran was a 'rogue nation'. To Tehran, Washington was 'the great arrogance'.

'CONSTRUCTIVE ENGAGEMENT'

Yet, in the immediate aftermath of the revolution, the rivalry with the Soviet Union

encouraged Washington to offer Iran more carrots than sticks, arguing that 'constructive engagement' with Iran would be more successful than isolation. This produced the Reagan Administration's two-tier policy: in public, a refusal to deal with a 'terrorism'-supporting Iran; in secret, arms deals and negotiations to free American hostages in Lebanon.

Eighteen years after the Iranian revolution relations between the two countries remain hostile. Iran's Islamic values and American liberalism have proved incompatible. What Iran views as support for the just struggle of oppressed people, the US sees as terrorism and subversion. While the United States sees itself as the only mediator in the Arab-Israeli peace process, Iran regards Washington's partiality towards Israel as detrimental to Palestinian interests.

OPPORTUNITY KNOCKED?

The end of the Cold War provided the Clinton Administration with the opportunity to adopt a proactive policy towards Iran. The demise of the Soviet Union, the demilitarization of Iraq, the collapse of Arab nationalism, and the election of an Israeli government prepared to talk to the Palestine Liberation Organization – which increased the chances of a final resolution of the Arab-Israeli conflict – all gave Washington the opportunity to focus on how it could 'change' Iranian behaviour. However, the prerequisite for such a

'Iran's Islamic values and American liberalism have proved incompatible'

'change' was the – unlikely – adoption by Tehran of US values and perceptions.

In short, the hostility which emerged between the United States and Iran with the 1979 revolution will not disappear in the foreseeable future. While trade relations may improve, the re-establishment of diplomatic relations still lies some way off.

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CORRECTION

We inadvertently reversed the meaning of a sentence in Niels Harbitz's article in the last issue of the CSD Bulletin ('Method Against Method'). The first sentence in paragraph 3 should have read, 'But its form, not its content, is what is most significant about McLuhan's work...', rather than 'But its content, not its form...'

The University in a Democracy

Margaret Blunden examines three models of the university

The western university has a difficult relationship with modern liberal democracy and its concomitant, civil society. The essence of the concept of academic freedom developed in Western Europe and the United States is that the spirit of enquiry should not be inhibited by pressures from the church, the government, the rich, or the public. The theoretical justification for academic freedom is that intellectuals have a non-negotiable commitment to truth, and play a unique role in challenging the mindset and prejudices of their age. But the conditions for academic freedom - that those who provide the resources for the university do not constrain its activities, that the piper does not call the tune - is hard to reconcile with demands for democratic accountability.

We can explore the possible relationships between the university and democracy through three models of the university: the traditional, the rationalist and the utilitarian. These models are tools for analysis, not descriptions of actual universities. Each model implies a different relationship with civil society and has different implications for democracy. Each model assumes that the host society is constitutional.

THE TRADITIONAL MODEL

In the traditional model, the university's *raison d'être* is to preserve, refine, enhance and transmit the culture of which it is part; it does so through teaching rather than research. In the influential nineteenth century conception of John Henry Newman, the university teaches all

branches of knowledge, including theology, and provides liberal, rather than commercial or professional, education.

The non-utilitarian character of the traditional university is, however, superficial. The cultivated graduate of the traditional university is preparing himself for a role in government. And, in theory, the leadership of the governing elite is social and moral, as well as political. Consequently,

*'In the traditional model, the university's *raison d'être* is to preserve, refine, enhance and transmit the culture of which it is part'*

the educated few moulded by the university experience work for the benefit of the many outside it.

What does the traditional model of the university, designed to meet the needs of hierarchical societies, have to offer to modern democracies? This university, with its elitism and distinctive social ethos, can

be seen as not only non-democratic but anti-democratic. Yet some of its core qualities are essential in a democracy. The traditional university focuses on what is shared - shared values, shared attitudes, shared beliefs. It shapes the ethos, the norms, the attitudes and above all the style of its members. It nurtures the appreciation of a common cultural heritage. The traditional university fosters what Vickers called a shared appreciative system, defined as 'common assumptions about

the world in which we live, and common standards by which we judge our own and each others' actions in that world'. Without a strong measure of shared assumptions and shared values, democracy cannot work.

The idea that the qualities which the traditional university develops in the national elite work to the benefit of society as a whole has been largely rejected in the twentieth century. As mass higher education has expanded largely outside the traditional university the values and expectations held by the latter's members have been questioned.

The philosophy of the traditional university itself has been criticized from within and without, particularly in the United States, where the idea of the Liberal Arts, deriving from the European universities, had taken particularly strong root. The idea of a corpus of traditional knowledge contained in the 'Great Books', indeed the very concept of a shared culture, has come under attack as concepts of culture and civilization have become highly politicized. American multiculturalists have attacked the idea of a shared civilizational identity, and postmodernists have argued that traditional knowledge serves to perpetuate the political dominance of traditional elites. If, some postmodernists argue, the university is, instead, to serve the political purposes of democracy, then scholarship and teaching should explicitly be designed to redress the disparagement or neglect of subordinate groups, such as ethnic minorities and women.

But whether the stability of democracy is served by the inflammation of differences, rather than the cultivation of what is shared, is very much in doubt.

The traditional model of the university is of particular value to contemporary democratic societies for other reasons, too. Academics - conscious as they are of longer timespans - are not subject to the tyranny of the present, whether that takes the form of oppressive public opinion or dictatorial government. The scholar resists

NEWMAN'S UNIVERSITY

In Newman's view, the university creates a civilizing leaven for the whole of society: 'a University training is the great ordinary means to a great but ordinary end; it aims at raising the intellectual tone of society, at cultivating the public mind, at purifying the national taste, at supplying true principles to popular enthusiasm and fixed aims to popular aspiration, at giving enlargement and sobriety to the ideas of the age, at facilitating the exercise of political power, and refining the intercourse of private life.' (*The Idea of a University*.)



that urgent imperative to meet the felt needs of the passing moment which, it is suggested, is endemic in democratic forms of government with their constitutionally short time spans. The ‘escape from present-mindedness’ is inherent in many of the core subjects of the traditional university, such as history and the natural sciences.

The traditional university can be a unique counterpoise to the crude materialism of popular culture. At its worst, however, it may legitimize and inflame popular passions. Intellectuals, as Benedict Anderson and others have argued, were key players in the creation of nationalism in Eastern and Central Europe in the nineteenth and early twentieth centuries. There is always the possibility that the traditional university will see its role not as the guardian of a broadly-based civilization, but as that of an intolerant and exclusive national culture.

THE RATIONALIST MODEL

The rationalist model of the university derives from the Enlightenment belief in the power of unalloyed reason. Where the traditional model is a teaching university, the rationalist model is a research institute. The role of this university is to subject all received knowledge and ideas to rigorous scrutiny, to ‘test to destruction’ in the light of unfettered reason, to formulate new hypotheses and thus to advance knowledge. The human output is not the cultivated member of the governing elite, but the specialized expert, the ‘trained mind’. The premises of the rationalist view – open, like those of the traditionalist

model, to the postmodernist challenge – is that intellectual enquiry is a neutral and disinterested activity, unconstrained by personal ambition, political pressures, or social conditioning. Truth is unequivocal and ‘out there’: all that is needed to reach it is finely tuned reason.

This model, at its best, provides a strong justification for academic freedom: because the university community represents the soundest possible corpus of knowledge available, academics alone must be the judges of what they teach; their knowledge, tested in the fierce fire of peer group criticism, may not be the ultimate truth, but it is the closest approximation to it.

The temper of the western rationalist model has made an essential contribution to undermining the legitimacy of pre-democratic forms of government. The model serves continuously to undermine the influence of tradition – save only the rationalist tradition itself – and thus chimes with the spirit of democratic systems, in which tradition is little valued.

At its best, the rationalist model is well fortified against the endless temptation to bend academic institutions to political ends, personal or collective. The academic’s commitment only to rationalism should be, in theory, the best safeguard against the temptation to succumb to the attractions of extravagant political ideologies.

But it is not always accepted that it works out like this in practice. Oakeshott, in his critique of the impact of rationalism on politics, *Rationalism in Politics and Other Essays*, defines the rationalist as one who stands for independence of mind on all occasions, who acknowledges no authority except the authority of reason itself. In pedagogic terms, the rationalist emphasizes the primacy, if not the exclusivity, of training in the development of the reasoning faculty, that is, a training in technique.

In political terms, the rationalist believes that unhindered human reason is an infallible guide to political activity; the consequence, Oakeshott argues, is that the partnership between past and present is lost, and tradition, which is flexible, is

replaced by ideology, which is not. Politics is assimilated to engineering; the political process is defined as an endless series of problem solving exercises, and all political action is based on the ‘recognition of the sovereignty of the felt need’.

This objection cannot be taken lightly.

Rationality alone fails to provide adequately for the ethical dimension of politics. Neglect of, if not contempt for, the past inhibits that awareness of the dimension of time needed if there is to be a sustainable future.

If the rationalist model may, at its worst, propagate the inappropriate extension of scientific and technological methodologies into politics, it follows that

‘The role of the rationalist university is to subject all received knowledge and ideas to rigorous scrutiny, to ‘test to destruction’ in the light of unfettered reason’



the ethos and principles of the rationalist university may serve not to counteract, but to exacerbate, the characteristic weaknesses of

universities, as defined by de Tocqueville, that is, the tyranny of passing public opinion. The temper of the rationalist university may inadvertently surrender to present mindedness.

However, the best hope of rethinking the impact of epistemologies derived from science and technology on our understanding of politics, and hence of developing an approach to politics which is sustainable over time, lies within the rationalist university. Can the rationalist university, which encourages questioning everything except rationalism, confront the problems for political behaviour of enlightenment-derived rationality itself?

THE UTILITARIAN MODEL

The traditional and the rationalist models of the university include elements of only indirect and long-term utility; neither acknowledges practical relevance to the here and now. The current prominence of an explicitly utilitarian model derives from two linked developments: the extension of university education to larger proportions of the population of developed countries than before; and the comparatively recent identification of education as a key element in national economic success.

The utilitarian model rejects the

notion, assumed in the other two, that the university is exempt from the norm that he who pays the piper calls the tune. Universities are directly accountable to those – taxpayers, students or employers – who pay for them, and are themselves part of the market economy, responsive to market forces within and the pressures of global competition without.

To apply market thinking to the university is to reverse the ‘academic freedom’ argument of the traditional and rationalist models. It is students and employers directly, and governments and taxpayers indirectly, not academics with their special scholarly status or ‘finely-tested sound knowledge’, who are the arbiters of what is taught and learnt. The student at the utilitarian university is a customer; its human product is not a ‘cultivated person’ or a ‘trained mind’ but a ‘skilled worker’.

The market capitalist model claims to reinforce the democratic spirit. It could be said, that, by subjecting schools and universities to the same disciplines as everyone else, it eliminates one last vestige of privilege. The universities must also work for the national competitive advantage, and be responsive to the needs of the taxpayer, as articulated through the government of the day. This model has implications for the constitution of universities – ‘Chief Executives’, responsible to lay councils representing employers and communities, characteristically replace

Principals, Heads of House or Vice-Chancellors elected by the academic body – and for funding. The utilitarian university typically derives a substantial part of its income from contract work with external customers.

But the identification of the university as an engine of national competitive advantage in an increasingly cut-throat global context creates serious obstacles to the unhampered international exchange of knowledge. It enshrines the tyranny of the ‘immediate felt need’. The assumption, inherent in the utilitarian model, that what the university teaches and researches should be a response to external market demand, rather than informing that demand, is of doubtful benefit to host societies in anything other than the short term.

FUTURE DILEMMA

All modern universities do, and should, contain elements of all three theoretical models. Each model helps transmit, refine, and enhance the culture of the past, in submitting received ideas, principles and practices to the scrutiny of objective reason, and in contributing a skilled workforce to the national economy.

The biggest dilemma facing the university in developed, constitutional states is how to reconcile with its traditional and rationalist roles the demands that it should serve the immediate economic imperatives of the state. The critical evaluation of current assumptions and priorities, including rationalist assumptions of the nature of politics, is essential for the well being of society in the long term. The pressures to make universities demand-led are growing all the time. The demand that universities be responsive to immediate needs is particularly strong in democracies. But universities have to maintain a distinctive long-term perspective. They stand for intellectual rather than popular culture. The intellectual community of which they are part is international, not national. All these require a measure of academic freedom which is difficult to reconcile with the pressures which come from identifying the university as a key agent of national competitive advantage. This dilemma will become more acute in the future.

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Eleven Theses on Communicative Abundance

John Keane explores the unintended effects of today's exponential media boom



1. Modern communications media since the invention of the printing press have been dominated by images of scarcity. Time lags, transportation difficulties across geographic space, and high production and distribution costs, frustrated the circulation of opinions and information among individuals, groups and organizations. The coach which brought news to London of the battle of Waterloo in eighteen hours was considered to have performed a miraculous journey; in the same year, the mail coach journey from London to Leeds regularly took thirty-three hours. Power groups, above all early modern governments and states, took advantage of these restrictions to exercise sovereign power in arcane ways. Power that tried to be sovereign with reference to natural law, divine right, or the right of conquest, saw itself as duty-bound to be invisible. The argument for preserving and cultivating scarcity of information nevertheless soon rebounded upon despotic power. It helped to popularize calls for liberty of the press and fuelled struggles to expose the men of

power and their arcane institutions – in other words, struggles for the replacement of scarcity with enlightened abundance. The freedom of men of learning to make public use of their own reason in all matters before the reading public (Kant) became a cherished revolutionary principle. And so the struggle for *Mehr Licht*. Enlightenment: to lighten through reason, to illuminate and alleviate the world, to make it less dense and heavy.

2. The old utopia of casting light on power continues to motivate journalists, citizens, lawyers, judges, NGOs, and others. They ensure that corruption scandals and objections to state secrets and crypto-government are nowadays commonplace in all the old democracies, as demonstrated by the public controversies generated by Watergate, the Rainbow Warrior bombing, and the Gladio affair. Such uncoverings have a clear implication: if in a democracy power should be subject to public scrutiny then more searching media coverage is required to ensure that controversies about government by moonlight and secret power are frequent and continuous.

3. Today, the old language of scarcity is being superseded by images of abundance, talk of information overload, and cornucopias of communication. This change of intellectual climate is overdetermined by a variety of cultural, organizational, and market-driven forces. Technical factors – such as electronic memory, tighter channel spacing, new fre-

quency allocation, direct satellite broadcasting, digital tuning, and new compression techniques – certainly play their part. Chief among these is the invention and deployment of cable and satellite-linked, computerized communications, which effect both product and process innovations in virtually every field of media. When Diane Keaton told her workaholic husband in Woody Allen's *Play It Again, Sam* that he should give his office the number of the pay phone they were passing in case they needed him, it was a big joke. But farce in 1973 is reality today. In the space of a few minutes, an individual at home can send a fax, be paged, send an e-mail, watch satellite/cable television, channel hop on radio, make a telephone call, read a newspaper, open the day's post, even find time for a face-to-face conversation. Such trends encourage talk of abundance, to the point where it can be said that abundance is the ideology of computer-linked electronic communications networks. An early example is Ithiel de Sola Pool's *Technologies of Freedom*:

'The coach which brought news to London of the battle of Waterloo in eighteen hours was considered to have performed a miraculous journey'

'There is nothing about spectrum technology that today mandates bureaucratic control of what is transmitted... There need be no scarcity of capacity or access.' John Perry Barlow's *Declaration of the Independence of Cyberspace* even makes the point that computer-linked net-

works 'are creating a world that all may enter without privilege or prejudice accorded by race, economic power, military force, or station of birth'.

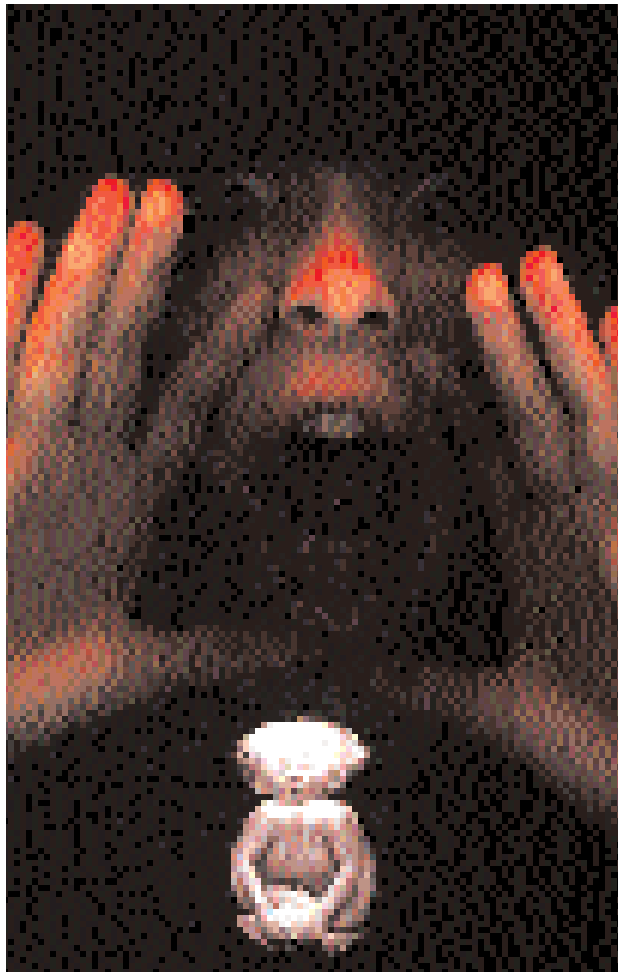
4. The new age of developing communicative abundance is unstable. The time may have well have come to bury the old clichés about scarcity (de Sola Pool), but that does not mean that communicative abundance brings harmony, freedom from conflict, unrestricted sending and receiving of messages: in a word, transparency. The development of an abundance of communications media not only fails to bring social harmony by putting an end to old controversies about the maldistribution of and restricted access to the means of communication. It also contains new contradictions and produces public conflicts. Confusions, enigmas, disagreements about who gets what, when, and how actually multiply. The point may be

put paradoxically: communicative abundance prevents communicative abundance. The observation, analysis, and interpretation of this self-paralyzing tendency of communicative abundance has hitherto been neglected. It should become an important priority of contemporary research in such field as communications, politics, and sociological analysis.

5.

The widening gaps between communication rich and poor, who seem unneeded as communicators or consumers, is the most obvious contradiction. Three-quarters of the world's population today cannot afford to buy books. The city of Tokyo, whose population is 23 million, has three times the number of working telephone lines than does the whole of the African continent, whose population is 580 million. Only one person in ten in the world has ever made a telephone call. A mere one per cent of the earth's population has access to the internet. In developed countries, probably a third of the population suffers from fear of switches, electrical devices, and keyboards, a pattern reinforced by the user-unfriendliness of current hardware, software, and operating instructions; by widening disparities of income and wealth; and by a corresponding 'utility gap', that is, the lack of perceived significant applications of communications technologies in certain areas of life, especially households. So, for example, a recent US study shows that computer availability ranges from 4.5 percent of poor rural households to 66.4 per cent of rich suburban neighbourhoods. Such statistics stimulate demands for public policies covering matters like universal access to affordable (tele)communications, improved design of hardware and software, and lifelong education. Communication poverty is understood as remediable, not as the work of God, or chance, or a necessary condition of market forces.

'The city of Tokyo has three times the number of working telephone lines than the whole of the African continent'



6.

High density communications media also generate conflicts over 'quantity versus quality'. Quantity does not equal quality; but it is difficult, probably impossible, to specify uncontroversial criteria of what is to be counted as 'better' or 'best' media or media coverage. Simple questions like 'Should children concentrate on books, rather than on watching television or playing videogames?' are hard to answer with anything but platitudes about the need for balance and variety. The same holds true for discussions, say, about what counts as 'quality' television. Is it television led by producer-defined technical qualities, such as superior camerawork and lighting, intelligently written scripts, professional direction, or superb acting? Is it television that has stood the test of time? Is quality simply in the eye of the beholder? Or is talk of quality a meaningless hangover from the late eighteenth-century distinction

between 'persons and things of quality' and 'the vulgar'? In practice, in market-based media economies, the wide and conflicting spectrum of available criteria for deciding what counts as quality pushes towards pluralist conclusions. This has the paradoxical effect of encouraging audience segmentation, still further growths in the quantity of media possibilities and outputs, and yet more disputes about whether the effects are more or less pluralistic.

7.

The culture of communicative abundance desacralizes 'privacy', destroying the early modern representation of property ownership, market conditions, household life, the emotions, and biological events like birth and death as 'natural'. It also weakens the older, originally Greek presumption that the public sphere of communicating citizens necessarily rests on the tight-lipped privacy (literally, the idiocy) of the *oikos*. The realm of unmediated privacy disappears. Communica-

tive abundance consequently nurtures a new category of public disputes about the merits of keeping 'private' – in the hope that they become nobody else's business – certain areas of social and political life. There are individuals' considered decisions not to get a mobile 'phone or use e-mail, legal challenges to junk mail, calls for the paparazzi to exercise moral self-restraint, legal codes of media conduct, and workers' complaints to their unions and employers about the problems of e-mail gridlocks and communication stress. Some even accuse high-pressure media coverage of exhibiting killer instincts.

8.

High intensity communication stimulates the growth of backlash ideologies, among the most prominent of which is the reaction of nostalgic modernism, which fears the consequences of information overload and mourns the death of informed, rational debate. Nostalgic modernism blames viewers', listeners' and readers' indigestion on multimedia, the segmentation of audiences, low quality outputs, and it calls

on governments and citizens to invent schemes for reducing information. In the United States, the most media-saturated democracy in the world, examples include ‘TV Turnoff’ initiatives, organized satirical attacks on the couch-potato, and Jerry Mander’s well-known *Four Arguments for the Elimination of Television*.

9.

The development of communicative abundance unsettles and disorients intellectuals. Intellectuals – the modern architects, masters and manipulators of signs, the tamers and challengers of the art of

‘Many master craftsmen of words sense that they now inhabit a pluriverse of words and signs’

crafting ordinary words into stories – first emerged during the sixteenth century. Despite continuous self-questioning of their legitimacy, they tried to exploit their pretended superiority by skilfully manipulating words and inventing grand stories, or ideologies. Their Faustian pacts with power often proved self-destructive – as the tattered public reputations today of figures as diverse as György Lukács, Jean-Paul Sartre, and Carl Schmitt testify – and no doubt the folly of arrogant, power-seeking intellectuals has done much to destroy the public reputation of the species of intellectuals as a whole. But the contemporary growth of communicative abundance also contributes to the humbling of intellectuals. Many master craftsmen of words sense correctly that they are no longer living in a world of king’s courts and Party meetings and scarce, state-controlled media channels, but that, instead, they now inhabit a pluriverse of words and signs nurtured and sustained by a dynamic and complex plurality of communications systems, segmented audiences, and authorities. Only a very few – like Umberto Eco, Salman Rushdie, Germaine Greer, Hans-Magnus Enzensberger, and Václav Havel – manage to become media literate and famous, most often because of their heterodoxy, their dislike of despotism, their capacity for self-correction, and their sense of responsibility for language. In the age of communicative abundance, in other words, virtually all intellectuals are forced to come to terms with their own powerlessness. Inclined to keep their distance from politics, disinclined to support ideologies, concerned mainly to excel as paid professionals, intellectuals become experts and academics withdrawn into

secure and specialized fields of research. They tend to be treated (at best) as either garrulous professionals or (at worst) as wafflers, charlatans, or even loafers or parasites. The latter stereotype is unfair, for more than most they sense the uncertainty and precariousness of our existence. In the age of communicative abundance, intellectuals find that they must be humble,

that there are many variously-sized public spheres over which their authority is stretched thin. The days when intellectuals aspired to be legislators capable of dissolving human irrationality, warding off uncertainty, and making sense of

the fragmented utterances of the half-articulate public are slipping away.

10.

The dislocation and humbling of intellectuals directly weakens the grip of ideologies, including the rationalist ideal of ‘rational communication’. Those who chase perfect knowledge of the necessary structure of reality – the Big Picture – in order to act on it are pursuing a will-o’-the-wisp. Under conditions of communicative abundance, Wittgenstein’s counter-philosophical plea (in *Philosophische Untersuchungen*) for recognizing the legitimacy of lay or ‘ordinary’ reasoning becomes a fact of life. There is growing public recognition of the huge variety of forms and modes of communication, a growing number of them being available cheaply to individuals; and growing public awareness that such communicative abundance multiplies the genres of publicly available programming, information and storytelling. Political oratory, preaching and quarrels, hypertext, commercial speech, chatting and storytelling, in which points are built up in a haphazard manner by layering, recursion, and repetition: all of these increasingly jostle for public attention. The myriad forms of reality they express make it ever more difficult to conceive of the world as a single reality. The converse point also applies: communicative abundance tends to destroy the metaphysical idea of ‘reality’ itself. Instead, ‘reality’ is understood as the resultant of a multiplicity of competing interpretations whose production and circula-

‘Communicative abundance prods individuals into taking greater responsibility for how and when they communicate’

tion by the media lacks any coordinating centre. This trend is evident, for example, in the logic of exhaustion inherent in the hitherto dominant medium of television, whose controllers, editors, programme makers, and schedulers have a habit of treating themes to death, eventually boring their audiences and moving onto something different, without offering any final, ‘true’, conclusion. The combined effect of communicative plenty is to call into question the solar (‘enlightenment’) metaphors of the early modern period, that is, to weaken claims to a transparent society based on rational communication of the truth. A sense of contingency and disorientation spreads. Profusion also breeds confusion.

11.

Communicative abundance is a potential friend of the democratic project. Many philosophers are now interpreting the world but some, fearing the replacement of ‘reason’ with ‘irrationalism’, cling tenaciously to their belief in ‘facts’, ‘data’, ‘rational argumentation’, and ‘Truth’. They are entitled to do so, as long as they respect the entitlements of others of different persuasion, for the emerging point is to change the world so that those who live in it become more capable of nurturing a sober sense of its great complexity, more

aware of the corresponding need to tolerate diversity, and better able to cultivate the art of exercising judgements about the world. Communicative abundance arguably nudges the world into accepting that the cultivated art of making public judgements is not only politically important, but also an existential imperative.

Communicative abundance prods individuals into taking greater responsibility for how and when they communicate. Today, individuals are forced to recognize that if they were constantly required to involve themselves fully in the multiple outputs of the media, they would quickly go mad, or else be swept away in the vast, semi-structured tide of events we call life.

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Race and Representation

Robert J. McKeever examines ‘majority-minority’ districts in the US and asks how, after their demise, minority representation in the House of Representatives can be achieved.

Ever since the Fifteenth Amendment (1870) to the Constitution guaranteed the right to vote regardless of race or colour, the United States has struggled to secure for African-Americans the ability to exercise that right in a meaningful way. The Voting Rights Act of 1965 finally eliminated the practices which had long prevented many African-Americans in the South from actually voting at all, but significant problems relating to the representation of African-American interests remained.

Most importantly, it proved extremely difficult, if not impossible, to elect African-American candidates to the US House of Representatives. Yet, as Lani Guinier noted in her 1991 *Michigan Law Review* article, both the civil rights movement and black nationalists were firmly convinced that only such ‘authentic’ representation could further their agenda of black empowerment.

ELECTORAL POWER

The difficulty in electing African-American members of the House had two principal causes. First, the ‘at large’ electoral system that operated in many Southern states and which had the effect of ‘diluting’ the African-American vote (usually around 20-30 per cent statewide) in the majority white vote; and, secondly, a deep level of racial polarization which meant that very few white voters would support a black candidate.

In the 1980s, therefore, the United States had overcome the basic disfranchisement of the African-American community, only to find itself facing the new

and more problematic challenge of making the black vote ‘meaningful’. Since most black activists considered the election of African-American legislators to be a precondition of meaningful electoral

‘most black activists considered the election of African-American legislators to be a precondition of meaningful electoral power’

power, the federal government and the states gradually moved to the adoption of what appeared to be logical solution to the problem: the creation of ‘majority-minority’ congressional districts within a single-member constituency structure.

The idea of majority-minority districting is simple: using computer technology and a database of detailed racial residency patterns, state legislatures draw congressional district boundaries so that one or more districts has an African-American (or Hispanic) electoral majority. This all but guarantees the election of a minority member of the Congress. Many Southern states created majority-minority districts during the redistricting exercise that followed the 1990 Census. Moreover, under pressure from the US Department of Justice, whose approval of redistricting plans was required, these states pursued a maximization policy of creating as many majority-minority districts as was numerically possible, even where this led to the creation of bizarrely shaped districts which undermined traditional districting principles such as compactness and contiguity.

The new plans were effective in that the 1992 House elections saw an increase of

thirteen in the number of African-American Representatives (from twenty-five to thirty-eight), all from majority-minority districts; and of five Hispanic members (from thirteen to eighteen).

CONSTITUTIONAL OBSTACLE

However, the very concept of majority-minority districting quickly ran into constitutional difficulty. White voters, usually supported by the state Republican Party, challenged the districts as a violation of the Equal Protection Clause of the Fourteenth Amendment to the Constitution. In the hands of the modern Supreme Court, the Equal Protection Clause had been the most potent weapon in outlawing racial discrimination against African-Americans and other ethnic minorities. The Court had developed an Equal Protection jurisprudence whereby all racial classifications were deemed constitutionally suspect and subjected to ‘strict scrutiny’, the most testing level of judicial review. In fact, a common understanding of strict scrutiny was ‘strict in theory, fatal in practice’.

The guiding principle of this race equality jurisprudence was the notion of ‘colour-blindness’. Used by liberals to attack segregation and other discriminatory practices, constitutional colour-blindness in its most absolute form forbids government from classifying citizens by race or indeed from taking race into account in any respect. More moderate forms of colour-blindness permit racial classifications if they are clearly conceived for remedial purposes – to compensate for past discrimination – or if they do not stigmatize members of any race.

Ironically, then, it was this essentially liberal jurisprudence which the Court was asked to bring to bear when reviewing the constitutionality of majority-minority districts – districts which were intended to be benign in respect of African-Americans, rather than discriminatory.

Constitutional adjudication in the United States frequently involves both judicial and political elements, but the Supreme Court is expected to uphold the fundamental values and principles of the Constitution as expressed in the text and history of the Constitution and in prior judicial decisions. On the other hand, con-

‘The Court had developed an Equal Protection jurisprudence whereby all racial classifications were deemed constitutionally suspect’



stitutional interpretation also leaves considerable scope for reasonable disagreement about what the law requires in any given case. Unsurprisingly, then, the nine Justices of the Supreme Court were sharply divided when they reviewed this most difficult of issues.

A series of cases saw a five-four majority on the Court declare the challenged majority-minority districts unconstitutional: *Shaw v. Reno* (1993), *Miller v. Johnson* (1995), *Bush v. Vera* and *Shaw v. Hunt* (both 1996), and *Abrams v. Johnson* (1997). The Court majority insisted on applying strict scrutiny to these benign forms of racial classification and found no compelling justification for allowing race to predominate over all other considerations in drawing district boundaries. Racial classifications are clearly highly disfavoured under the Constitution and the Court feared that such crude racial line-drawing would further balkanize American society into hostile racial groups and move the nation further from its constitutional ideal of colour-blindness.

Because the five-Justice majority on the Court are usually identified as its five most conservative members, critics dismissed the decisions as merely part of the conservative backlash against affirmative action that is currently sweeping the United States. This is a rather superficial analysis, however. The very fact that, until a few years ago, the Court's reliance on colour-blindness principles would have been identified as the embodiment of racial liberalism principles indicates that much.

It makes more sense to see the Court's decisions as highlighting the dilemma inherent in pursuing an ideal of racial

equality in a society where a formal requirement of equality exists alongside a reality of inequality and under-representation in the national legislature.

BIRACIAL POLITICS

But, regardless of the Supreme Court's motivations, the United States is left with a serious problem. Now that the device of the majority-minority district has proved a constitutional cul-de-sac, how can progress be made on making sure that minority interests are adequately represented? The conservative solution, to rely on the 'virtual representation' of minorities by white legislators, seems unacceptable, if only because of the perception in the African-American and Hispanic communities of the need for authentic representation. A second solution, coming from the left – Lani Guinier – would change the

'What remains, is a return to politics and a renewed faith in the original ideals of the civil rights movement'

electoral system to provide for 'proportionate representation': but, given the attacks already mounted on Guinier for advocating 'representative quotas', this would appear to stand little chance of success. What remains, then, is a return to politics and a renewed faith in the original ideals, though not necessarily the policies, of the civil rights movement. There would appear to be no alternative to biracial, coalition politics which not only pursues the constitutional ideal of creating a society where race 'doesn't matter', but which also adopts a strategy that embodies rather than threatens that ideal.

Robert J. McKeever is a Lecturer in Politics at the University of Reading. This is an edited version of a talk he gave to the CSD Research Seminar in May 1997.

CSD

The Centre for the Study of Democracy (CSD) is the post-graduate and post-doctoral research centre of Politics and International Relations at the University of Westminster. CSD supports research into all aspects of the past, present and future of democracy, in such diverse areas as political theory and philosophy, international relations and law, European Union social policy, gender and politics, mass media and communications, and the politics of eastern and western Europe, the United States, and Islam. CSD is located in the School of Social and Behavioural Sciences (SBS) on the Regent Campus. It hosts seminars, public lectures and symposia in its efforts to foster greater awareness of the advantages and disadvantages of democracy in the public and private spheres at local, regional, national and international levels. It offers a one-year full-time (two-year part-time) MA in International Relations and Political Theory. CSD's publications include a series of working research papers entitled CSD Perspectives and this bulletin. CSD Bulletin aims to inform other university departments and public organizations, and our colleagues and under-graduates at the University of Westminster, of CSD's research activities. The Bulletin comprises reports of 'work in progress' of our research students and staff and contributions from visiting researchers and speakers. Comments on the content of this Bulletin, or requests to receive it, should be directed to The Editor, CSD Bulletin, 309 Regent Street, London W1R 8AL. As with all CSD-organized publications and events, the opinions expressed in these pages do not necessarily represent those held generally or officially in CSD or the University of Westminster.

CSD RESEARCH SEMINAR

December

16 Dr Harriet Evans (CSD): 'Remapping China: Boundaries, Identities and Difference in the Post-Deng Order'
6.00pm, Fyvie Hall, University of Westminster, 309 Regent Street, London W1. Further details from CSD

January

Dr John E. Owens: 'House v. Senate: Policy Leadership under a Bicameral Legislature'

Picture credits: Page 1 – Jackie Chapman. Page 12 – Tabitha Goode

CSD PERSPECTIVES

A series of monographs published by University of Westminster Press.

The Betrayal of Bosnia,

by Lee Bryant.
No. 1 (Autumn 1993).
ISBN : 1 85919 035 9.

Nations, Nationalism, and the European Citizen,

by John Keane.
No. 2 (Autumn 1993).
ISBN : 1 85919 040 5.

Universal Human Rights? The Rhetoric of International Law,

by Jeremy Colwill.
No. 3 (Autumn 1994).
ISBN : 1 85919 040 5.

Islam and the Creation of European Identity,

by Tomaz Mastnak.
No. 4 (Autumn 1994).
ISBN : 1 85919 026 X.

Uncertainty and Identity: The Enlightenment and its Shadows,

by Chris Sparks.
No. 5 (Autumn 1994).
ISBN : 1 85919 031 6.

The Making of a Weak State: The Iranian Constitutional Revolution of 1905-1906,

by Mehdi Moslem.
No. 6 (Summer 1995).
ISBN: 1 85919 071 5.

The 1996 Intergovernmental Conference: Perspectives on European Integration,

by Richard Whitman.
No. 7 (Winter 1995).
ISBN: 1 85919 002 2.

Renewing Local Representative Democracy: Councilors, Communities, Communication,

by Keith Taylor. No. 8 (Spring 1996).
ISBN: 1 85919 082 0.

European Democracy at the Russian Crossroads,

by Irene Brennan. No. 9 (Spring 1996).
ISBN: 1 85919 077 4.

The Common Foreign and Security Policy: Obstacles and Prospects,

by Richard Whitman.
No. 11 (Winter 1996).
ISBN: 1859190480.

Managing Variety: Issues in the Integration and Disintegration of States,

by Margaret Blunden.
No. 12 (Spring 1997).
ISBN: 1859190685.

The monographs are priced at £5.00 each and are available from Marylebone Books, 35 Marylebone Road London NW1 5BS. Make cheques payable to 'Marylebone Books'.

MA IN INTERNATIONAL RELATIONS AND POLITICAL THEORY

The Centre for the Study of Democracy, the postgraduate and postdoctoral research centre in Politics and International Relations at the University of Westminster, now offers a taught MA (one-year full-time, or two-year part-time).

The MA, which aims to dissolve a number of conventional sub-disciplinary boundaries, provides a framework for integrated study that embraces Politics, Political Theory, International Relations, and cognate disciplines such as communications in an innovative and intellectually challenging way.

Modules: International Relations Theory; The State, Politics and Violence; The Human Sciences – Perspectives and Methods; European Integration and the Development of International Society; Option Module; Dissertation/ Thesis.

Application forms: The Centre for the Study of Democracy, University of Westminster, 309 Regent Street, London W1R 8AL. Tel: (+44) 0171 911 5138. Fax: (+44) 0171 911 5164. E-mail: csd@westminster.ac.uk.

For an informal discussion about the course structure and content please contact: Stephen Adam (Course Leader), MA International Relations and Political Theory, School of Social and Behavioural Sciences, University of Westminster, 32-38 Wells Street, London W1P 4DJ. Tel: (+44) 0171 911 5000 x 2322 or (+44) 0171 911 5922.

Further information available on the Internet at the following address: <http://www.wmin.ac.uk/csd>. Further details from CSD office

CSD NEWS

CSD MEMBERS

Abdelwahab El-Affendi, Visiting Senior Research Associate at CSD, has been awarded a research grant by the United States Institute of Peace for his research project, 'Islam, Secularism, and Peace in Sudan'.

Professor Barry Buzan is (until February 1998) Olof Palme Professor of Peace and Developmental Research at Gothenburg University, Sweden. His new books – *Security: A New Framework for Analysis* (with Ole Waever and Jaap de Wilde), and *Anticipating the Future* (with Gerald Segal) – are published this year.

Dr Harriet Evans, Head of the Chinese Section in the University of Westminster's School of Languages, has joined CSD as a Senior Research Associate.

She will be taking the second semester of 1997/98 as a sabbatical at the University of California at San Diego, where she will be starting her new research project on mothers, daughters and the acquisition of gendered subjectivities in contemporary Chinese society.

She will give a paper to the Annual Conference of Asian Studies (26-28 March 1998; Washington DC) entitled 'Which half of the Sky? Bodies and Spa in Posters of the Cultural Revolution'.ces

Richard Whitman's new book, *From Civilian Power to Superpower? The International Identity of the European Union*, is published by Macmillan in December 1997.

CSD EVENTS

Jean-François Lyotard will deliver a lecture and take part in two round-table discussions at the 'Encounter with Jean-François Lyotard', to be held on 26 May 1998 at the University of Westminster.