

RISING UP AND RISING DOWN  
WILLIAM T. VOLLMANN

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VOLUME MC

ANNOTATED CONTENTS  
THE MORAL CALCULUS  
INDEX OF MORAL ACTORS  
ANNEXES  
SOURCES CITED

[3]

RISING UP  
AND  
RISING DOWN

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SOME THOUGHTS ON VIOLENCE, FREEDOM  
AND URGENT MEANS

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VOLUME MC

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WILLIAM T. VOLLMANN





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#### PREVIOUS PUBLICATION INFORMATION

"The Skulls on the Shelves" was originally commissioned by *Esquire*, but they ran my piece about Cambodian whores instead. *Common Knowledge* wanted it, but they wouldn't pay anything. Parts of it later appeared in *Spin*. "Where Are All the Pretty Girls?" first appeared as a series of four BBC Radio 4 broadcasts (somewhat cut to fit) and as a *Los Angeles Times* magazine essay, severely abridged, entitled "Welcome to Hell," both in the fall of 1992. "Let Me Know If You're Scared" first appeared in 1993 in *Esquire*, mildly abridged, as "Letter from Somalia." "I'm Especially Interested in Young Girls" first appeared in an amputated form in *Spin* magazine in 1993. "But What Can We Do?," "The War Never Came Here," and "Nightmares, Prayers and Ecstasies" also appeared in *Spin*, in that order, in 1994-95, as "The Opium King," "It's Not a War," and something else, respectively. "Yakuza Lives," "The Avengers of Kosovo," "The Wet Man Is Not Afraid of Rain," "Guns in the USA" and "You Never Know Who Is Who" appeared in *Gear* under other titles, and fairly drastically abridged. "With Their Hands On Their Hearts" appeared in *The New Yorker* in 2000 with only about 50 percent cut—fairly decent for a magazine. Each of these has been restored to its original glory and sometimes further polished.

"The Old Man" first appeared in *McSweeney's* in 2002, unabridged.

The description of the Rajasthani daggers in the chapter "On the Aesthetics of Weapons" was published in a cut form in *Esquire* (1996) under the rubric of "My Favorite Weapon." I like the daggers very much. They are not, however, my most favorite weapons. I cashed the check.

The chapter on moral yellowness first appeared in *Conjunctions* in 1998. An abridgement of the chapter on "Defense of Ground" was published in the same journal in 2001.

My visit to the San Francisco County Medical Examiner's office was arranged by the *San Francisco Examiner* in 1997, which published an abridgement of the relevant pages that same year. *McSweeney's* later published the "Three Meditations on Death" (one of which the *Examiner* abridged).

The following case studies were commissioned and killed by magazines ranging from *The New York Times* to *The New Yorker* to *Men's Journal* to *Gear*: "Kickin' It," "Snakehead Fear," "Special Tax," "Murder for Sale" and "Papa's Children."

Some excerpts from "On the Morality of Weapons" and "Means and Ends" first appeared in *Grand Street* in 2000.

I am grateful to the magazines who gave me the money and press accreditation which made most of the journeys for this book possible.

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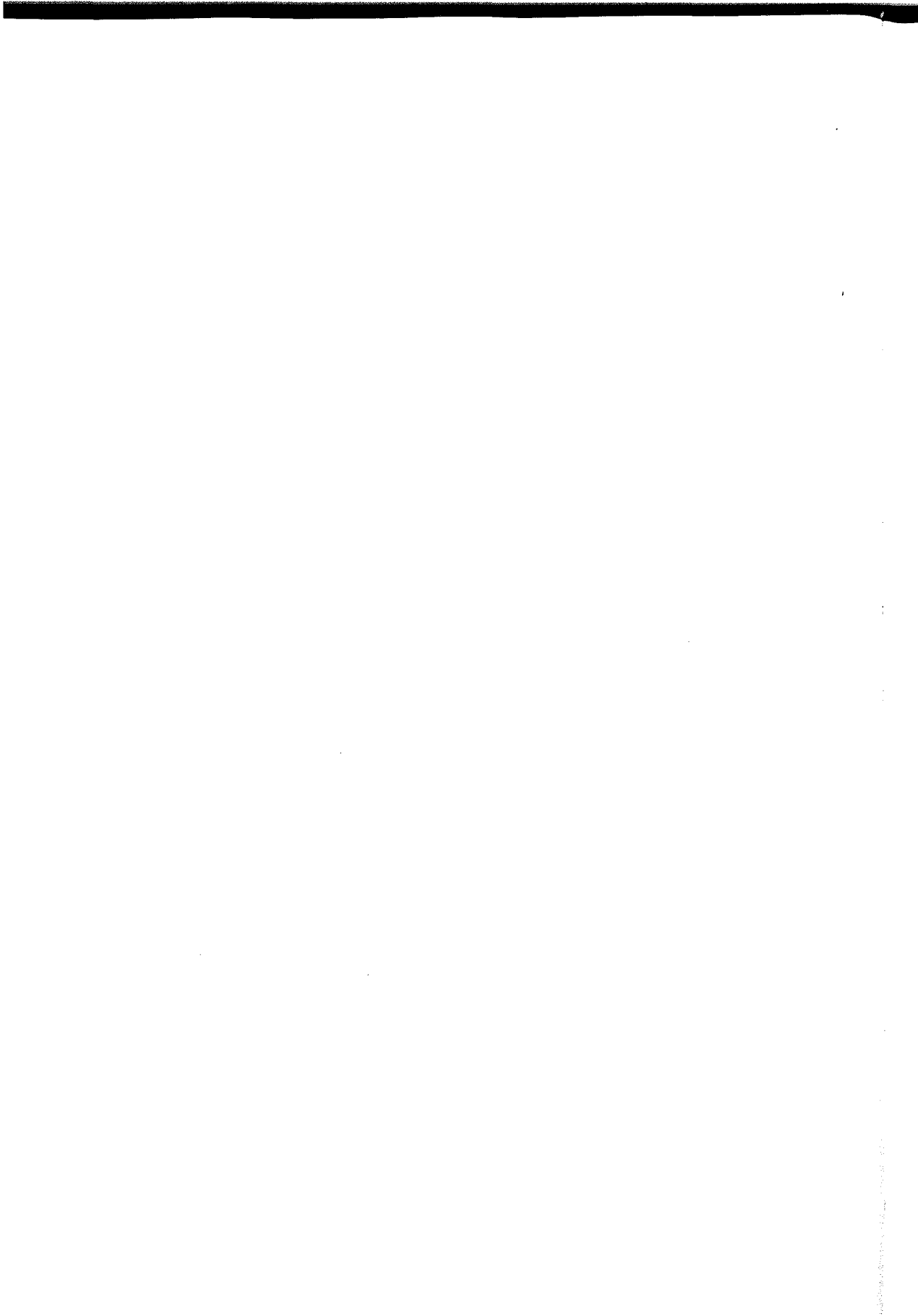
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*In memory of Francis William Tomasic (1958–1994) and Will Brinton (d. 1994).  
They chose danger in the service of charity and truth. R.I.P.*





WHEN IS VIOLENCE JUSTIFIED?



*... these subjects will certainly have to be discussed to some extent. But if they were to be covered in any sort of detail the book would be so long that only a dedicated student of insurgency would read it, and he would probably be an insurgent.*

BRIGADIER FRANK KITSON,  
*Low Intensity Operations*<sup>1</sup>



This essay is intended as a companion piece to my memoir *An Afghanistan Picture Show* and to my novel *You Bright and Risen Angels*. In those books, much reference is made to do-it-yourself politics of an extreme character. *Rising Up and Rising Down* is a critique of terrorist, defensive, military and police activity, combined with some more general thoughts on when violence may be appropriate. I offer it to you, my unknown reader, in the hope that it may someday save a life or comfort a seeking mind.

WTV  
SAN FRANCISCO  
NEW YORK  
SACRAMENTO  
1982–1998

No doubt I have Osama bin Laden to thank for the fact that this work is getting published in my lifetime. People have advised me to “bring it up to date” by inserting references to the terrorist attacks of September 11, 2001. I feel no interest in doing that, although a footnote here and there pays note to those grisly events. Nor did I alter any case studies, some of which are set in Muslim countries. (If you read them with that knowledge, you will see that even to a superficial observer such as myself some sort of attack was predictable and perhaps preventable. I can assure you that it will get worse.) What has been done (for fear that the book wasn’t long enough) was to add a few more case studies, including one from Yemen, datelined on and after September 11, 2002. (It was commissioned by *The New Yorker* and then rejected for not being “political enough.”)

The text throughout has benefited from several new sources, and the various arguments are further puffed up and ossified.

It was said of Napoleon that “he held our imagination in his hand, sometimes a hand of steel, sometimes a hand of velvet; one never knew how it was going to be from day to day, so that there was no means of escaping.”<sup>2</sup> That is how this book has gripped me, year after year. I am very relieved to be free of it; I hate it. At the same time I am proud of it, and I hope that it can benefit someone.

WTV  
SACRAMENTO  
2003



Although this volume is stored against the left-hand edge of the slipcase, it is not necessarily intended to be read first. Instead, it should serve as a "resource volume," to be referred to whenever useful, as noted in the Annotated Contents (this volume, p. 20).





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\* \* \*

{From a strictly logical point of view the Moral Calculus should go here. It is comprised of extractions from the various "theoretical" chapters in volumes 1-4. On the other hand, to save the budget of both publisher and reader, it has been found necessary to bundle the calculus itself with the annexes and other end-matter. My editor proposes that you consider it a "resource volume," which can go anywhere or nowhere. —WTV}

\* \* \*

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# THE MORAL CALCULUS

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*The dull empiricism, the unashamed, cringing worship of the fact which is so often imaginary, and falsely interpreted at that, were odious to me. Beyond the facts, I looked for laws.*

TROTSKY, *MY LIFE*<sup>1</sup>

*But if ye will need have the law, I also have my law.*

MARTIN LUTHER, "COMMENTARY ON GALATIANS"<sup>2</sup>

*Robespierre was not above using what Marat called "a very simple calculus."*

MONA OZOUF, *ESSAY ON MARAT*<sup>3</sup>

*... Genius ... raises itself above all rules... but when we reach those ranks where we can look for no other notions but those which the regulations of the service and experience afford, we must help them with the methodic forms bordering on those regulations. This will serve both as a support to their judgment and a barrier against those extravagant and erroneous views which are so especially to be dreaded in a sphere where experience is so costly.*

CLAUSEWITZ, *ON WAR*<sup>4</sup>

*The greater part of what my neighbors call good, I believe in my soul to be bad, and if I repent of anything, it is likely to be of my good behavior.*

THOREAU, WALDEN<sup>5</sup>

*An excuse is as good as gold.*

A SERB ON THE TRAIN<sup>6</sup>

*To conjure up a conscience in others is tempting to anyone who wishes to extend his control beyond the legal limits.*

GARETT HARDIN<sup>7</sup>

*You refuse to understand that since vices exist, it is as unjust for you to punish them as it would be to jeer at a one-eyed man.*

MARQUIS DE SADE<sup>8</sup>

*Blessed are those who hunger and thirst for righteousness, for they shall be satisfied.*

JESUS CHRIST, THE SERMON ON THE MOUNT<sup>9</sup>

*Being noble isn't important. Saving lives is important.*

"VIRGINIA", ANIMAL LIBERATION FRONT MEMBER<sup>10</sup>

*If I were at the place of execution, and I saw the fire lighted, and the fagots catching and the executioner ready to build up the fire, even so I would say nothing else, and I would maintain what I have said at this trial until death. I have nothing more to say.*

JOAN OF ARC<sup>11</sup>

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## APOLOGY AND DISCLAIMER

The following principles of conduct were all extracted (verbatim whenever possible) from the first four (“theoretical”) volumes of the text. Ethics not yet being a circumstantially exact science (should it ever become so, free will and cultural variability might be compromised),<sup>12</sup> we shouldn’t expect that this or any moral calculus will of itself permit every rational user to arrive at the same judgment of a given case. Benjamin Franklin used to divide a sheet of paper into two columns, one in favor of a decision, the other against. “And tho’ the Weight of Reasons cannot be taken with the Precision of Algebraic Quantities, . . . I have found great Advantage from this kind of Equation, in what may be called *Moral or Prudential Algebra*.”<sup>13</sup> Much of this procedure indeed makes common sense, but its sums, variables and formulas necessarily or unnecessarily rests upon vaguely defined terms. Plato’s moral calculus differs from Cortes’s, not least because their definitions of piety are different. Moses’s ten commandments leave Lenin cold, in part on account of disagreements over the defined range and domain of that variable called Man: Does it include or dominate Woman? May it be substituted for God? Do its characteristics alter with its productive class?

Should you find fault with the calculus, as you ought to (I do my best to find fault with everybody else’s; and my chapter on defense of animals remains especially unsatisfactory), I respectfully ask you not to leave a vacuum, but to construct your own. The translator of two old collections of Zen koans has noted that there is no “correct” answer to a koan, and, indeed, one student’s right answer may be wrong if uttered by another.<sup>14</sup> Which does one put first, defense of gender, which might repudiate female circumcision, or defense of culture, which might demand it?<sup>15</sup> When does defense of race (one’s own family) supersede defense of homeland?<sup>16</sup> My moral calculus cannot tell you that. However, what it can do is to remind you that if you consider only one of those two categories of defense, your judgment will remain superficial, unfair, and therefore unrealistic. Can defense of gender meet defense of culture somewhere? I hope and believe so, provided that both sides respect each other by applying some approximation of the Golden Rule.

More generally, I believe that along the continuum of answers to moral-political koans we can hope to find a broad and sometimes generous but not excessive width of reasonable consensus. Yes, the divergence may at times widen far enough to allow for more than one specific “right” choice—for example, in the case of Caesar *versus* Pompey—for people and situations less frequently dazzle us with the pinpoint light of self-evident truth than with the diffuse glare of ambiguity. Still and all, the question of when violence is justified need not be left entirely unanswered.

On the subject of consensus, please note that this quality, on which I’ve tried to found my definition of the legitimate authority [5.2.C.1] to carry out many acts of

violence, simply does not exist for the following categories: ethos of homeland [5.2.G.2], identity of race [5.2.D.2], place [5.2.I.3] and animals [5.2.J.4], ecological threat [5.2.I.1], inalienable qualities of creed [5.2.E.]. More traditional categories such as class inevitably provoke irreconcilable differences of opinion, but it remains possible to argue out those differences based on common presuppositions about fundamental human rights [5.1.1-3, 5.1.18]. Such presuppositions have scarcely begun to evolve for the categories mentioned here. I would be very proud if *Rising Up and Rising Down* encouraged anyone to add a mite to the long process of establishing some broad or minimal agreement on such questions as: What right do we grant an ancient redwood grove to remain as it is? Which alien ethos of creed, homeland or race can we tolerate; and when do customs which some people consider abhorrent, such as hunting, justify violent intervention? Does a white separatist have the same rights as a black separatist? I have done my own poor best to wrestle with these questions; if the results are half-baked, please heap your own most inflammatory prejudices onto the fire, and help with the cooking.

The best way to apply this calculus to a particular act is to examine the rules for every sort of justification which might possibly be applicable to it. What claim to righteousness might a Palestinian suicide bomber possess? To evaluate that claim, one could apply the calculus to him—and to his enemies—regarding (1) the *justifications* concerning (a) homeland, (b) creed, (c) war aims (not neglecting proportionality and discrimination), (d) ground, (e) honor and (f) authority; (2) the *policies* of (a) deterrence, (b) retaliation and (c) punishment, and (3) the *fate-invocation* of inevitability. Then, and only then, can one begin to employ Franklin's moral algebra.

When one commits violence, it is more likely that it will be unjustified than justified. Therefore, I would advise that if an act seems by the rules of section 6 to be classified as evil, it should be treated as suspect at best. On the other hand, if the act seems to obey all the rules for justification listed in section 5, it should be treated as—somewhat less suspect. At its most noble, an act which passes all the tests of section five can only be said to *tend* toward being justified. Since these rules necessarily remain vague, and their interpretation open to opinion, no one test is sure; and 5.1.6 should be kept in mind.

Calculus-lessness reliably produces amoral brutality; but, as Clausewitz reminds us, methodicism easily becomes stupidity. We must seek out the truth of each particular case.

## [1.0] WHAT IS THE BEST WAY TO SEEK THE TRUTH?

1. In solitude. A member of any organization can hardly without visiting the darkly mysterious world of non-organization comprehend the truth about his organization—that is, the truth of what *he* has done and caused. I have seen and applauded Julius Caesar's clemency to my fellow Romans, but have I taken counsel with myself to see whether the purpose in whose service he so leniently fights is equally applaudable?

2. ...And in diverse company. A hermit may come to know himself, but unless he listens to others, and sees the happiness and suffering of others, he cannot know if what seems right for him will also be right for others. Moreover, a witness *knows* (even if he misunderstands what he knows). How could a Spaniard fairly judge the Mexican Conquest, without first inquiring of remnant Aztecs?

3. ...And through history. The world was different once. Learn what today's truth has in common with yesterday's. Hitler invokes defense of homeland. So does Lycurgus the Spartan. My President invokes it today. Which of those two predecessors, if either, does he more faithfully resemble?

4. ...And through service. He who helps not, cares not. He who cares not, possesses no right to guide other lives.

5. ...And through the commission of error, and through patient revision. "No organic law can ever be framed with a provision specifically applicable to every question which may occur in practical administration."<sup>17</sup> This moral calculus is the best I could do. I hope that studying its successes and failures may help you to do better than I have done.

6. ...And by eliminating the redundant terms and categories which make it difficult to distinguish a locally valid axiom from a universal one—or from a tautology. "A war of the Soviet Union against an imperialist aggressor would be a just war" really means "a war against an aggressor would be a just war."<sup>18</sup>

*Experience alone, and theoretical grounding alone, falter. Hence the two parts of this book. Context must inform the act that we judge, but it cannot predetermine the judgment.*

### [1.1] HOW TO FORM A MORAL CODE

1. Follow your own inner logic and feeling in order to postulate laws of conduct which seem to you good;
2. Follow those laws if they correspond to local norms, and reconsider them if they violate those norms; but
3. Above all, choose the right regardless of local authority or custom, and then act accordingly, with due regard to:

The First Law of Violent Action: *The inertia of the situation into which we inject ourselves must always be given the benefit of the doubt. Look before you leap.*

which can be restated:

*Assume any potential victim of your violence to be as worthy of self-preservation as yourself,<sup>19</sup> until that assumption has been disproven by the remainder of your moral calculus.*

4. Follow the Golden Rule where possible. And give it the most generous possible interpretation. In other words, follow the Empath's Golden Rule [1.2.b.].

a. The Golden Rule becomes more valid than ever in reference to one's dependents.

b. We bear an obligation is to study and intuit the identity of the other, his rights and needs, his appropriate mode of self-expression, his ethos. That is the only way to know how he wishes to be done by.<sup>20</sup>

### [1.2] VARIATIONS OF THE GOLDEN RULE

1. **The Golden Rule:** *Do as you would be done by.* But in the event that I would wish others to do unto me something which others would not wish for themselves, then the Golden Rule would not be justified. In fact, it would become the Zealot's Golden Rule. [Mostly justified.]

COROLLARY: Personalizing a situation may help prevent violence: the Golden Rule warns and guards. However, personalizing an already violent situation could make it worse because witnessing outrages committed on the Golden Rule inclines us to bitterness.

EXAMPLE: In the Yugoslavian civil war I may resist the temptation to cut throats if I realize: It will be my neighbor's throat that I must cut! But once I've cut my neighbor's throat, my violence has surpassed the limit; I've done worse than cut a stranger's throat; my neighbor's children may never forgive me.



CAVEAT: The Golden Rule is justified only when applied to acts which all parties affected agree will contribute to their conception of goodness, or when the dissenting party is a bona fide dependent of the moral actor. Otherwise it easily becomes the Zealot's Golden Rule.<sup>21</sup>

[Throughout *Rising Up and Rising Down*, this caveat will be assumed.]

2. **The Empath's Golden Rule:** *Do unto others, not only as you would be done by, but also as they would be done by. In the case of any variance, do the more generous thing.* [Justified.]

3. **The Zealot's Golden Rule:** *Do unto others as you are doing for yourself.* Cortes exemplifies this fallacy: I am a Christian, so I'll force everyone else to be Christians. "Do unto others" can be justified only when applied to acts which *all* affected parties agree will contribute to goodness as they define it, or when the dissenting party is a dependent of the moral actor. [Unjustified.] [Compare with 1.3.2.]

(VARIANT A) **The Missionary's Golden Rule:** *Do unto others as you convince yourself they would be done by.* [Unjustified.]

EXAMPLE: Cortes again: "Truth to tell, it is war and warriors that really persuade the Indians to give up their idols... and it is thus that of their own free will and consent they more quickly... accept the Gospel."<sup>22</sup>

(VARIANT B) **The Marxist's Golden Rule:** *Do unto some others as you convince yourself they would be done by, and do to the rest whatever your end requires.* [Unjustified.]

EXAMPLE: The Bolsheviks "give" land to "the people" by forcibly enrolling them in collective farms while expelling and repressing rich peasants.

4. **The Soldier's Golden Rule:** *Do unto others as you are done by.* He shoots at me, so I'll shoot at him. This reduces moral actors to moral reactors. [Always justified in situations of imminent self-defense. Unjustified as a general moral code.]

5. **The Terrorist's Golden Rule:**<sup>23</sup> *Do as your end requires.* This places the moral actor beyond anyone else's judgment. [Unjustified.]

6. **The Golden Rule of Greek City-States:** *Let others do unto others whatever doesn't affect me.* [Unjustified or not? Certainly very callous.]

### [1.3] MAXIMS FOR MURDERERS

The following propositions are of a rough and ready character; a murderer needs no others. Other murderers can add to them, and ought to, to help them feel righteous afterwards. The rest of us may consider them as beacons warning us away from evil shoals.

1. **The Antichrist's Maxim:** *If you were once an enemy, then you will always be.* By making reconciliation impossible, this perpetuates violence.
2. **John Brown's Maxim:** *If you refuse to follow the Golden Rule, then I have the right to use terror to impel you to follow it.* Very similar to the Zealot's Golden Rule [1.2.3].
3. **Caesar's Maxim:** *Should I extend mercy beyond expediency, then I have right to commit whatever aggression I please.*
4. **Cleon the Athenian's Maxim:** *"It is a general rule of human nature that people despise those who treat them well and look up to those who make no concessions."<sup>24</sup>* This too makes reconciliation impossible. It approaches the viciously literalist Marxist-Leninist interpretation of the class struggle.
5. **Cortes's Maxim:** *In order to secure and defend my ground, I have every right to conquer yours.*
6. **The Crocodile's Maxim:** *If we lost the last war, it's a grievance. If we won the last war, it's the status quo.*
7. **Hitler's Maxim:** *Your homeland ought to belong to me, so I have the right to defend it against you.*
8. **Field-Marshal Keitel's Maxim:** *"For a soldier, orders are orders!"<sup>25</sup>*
9. **The Klansman's Maxim:** *If I believe your race or culture threatens mine, I have the right first to threaten you back, then to remove your threat by violence.* In its readiness to give sole discretion for judging means and ends to the perpetrator of violence ("If I believe ... I have the right"), this maxim recalls Trotsky's [1.3.12].
10. **Napoleon's Maxim:** *Once I reify collective honor into standards and monuments, you must bleed for them. (The short form: "All honor is honorable.")* This translates into **The Terrorist's Golden Rule.**

11. **Shaka's Maxim:** *"If a foe were worth conquering at all, he was worth crushing out of existence once and for all."*<sup>26</sup>
12. **Trotsky's Maxim:** *No one who disagrees with me is allowed to judge me.* Again, this is a variant of the Terrorist's Golden Rule [1.2.5].
13. **The Victim's Maxim:** *If any members of your side harmed any members of my side, then your side is completely in the wrong.*
- a. **The Victim's Corollary:** *Any moderate on my own side is an enemy.*
  - b. **The Second Victim's Corollary:** *If you are not "one of us," I need neither trust you nor recognize your service.*

### [1.4] MAXIMS FOR TYRANTS

These may not necessarily be as lethal as the Maxims for Murderers, but they still promote violence, injustice and death.

1. **Plato's Maxim Made Politic:** *No man will prove a creditable servant—unless we can keep him a servant for all time!*<sup>27</sup>
2. **The Slavemaster's Maxim:** *If I was born better than you, I have the right to rule you.*<sup>28</sup>  
Practically speaking, this is indistinguishable from Cleon the Athenian's Maxim.

### [1.5] MAXIMS FOR SELF-DEFENDERS

In my opinion, these can be trusted, provided that each word is employed with honest literalness.

1. **The Shepherd's Maxim:** *As authority enlarges itself, its obligation to protect from violence the individuals it controls increases, and the ability of those individuals to defend themselves from violence correspondingly decreases.*<sup>29</sup>

COROLLARY: Because the right to self-defense remains inalienable, each of us can and should maintain a self-reliant distrust of authority.

2. **The Weapons Owner's Maxim:** *When authority cannot protect me, I must protect myself.*<sup>30</sup>

## [2.0] MEANS AND ENDS

- An **end** is the goal of, or reason for, one's violence. It may be very simple and practical (for instance, the right of the self to defend itself from violence, or not), or it may hover in the sky like the dreams of most religions: close or distant prospects of improvement, revolution, salvation, security, etc.

EXAMPLE: When John Brown's son Watson lay captured and dying, a pro-slavery South Carolinian asked him why he had participated in the raid on Harpers Ferry. —“Duty, sir,” said Watson.

Ends are just or unjust, but they are only ends; they harm no one until their disciples lift the cudgels of means.

EXAMPLE: Hitler's end can be judged (and found wanting) according to all the rights of the self [5.1.1-3, 5.1.18]. Simply stated, it is: “The people I define as Aryans will conquer as much of the world as possible and use it as their living-space.” Hitler begins to put this unjust goal into unjust execution, and the Allies declare war. On the other hand, when neo-Nazis march through the streets of Skokie, Illinois, the American Civil Liberties Union rightly assists them; a march is only a march; suppressing speech is *always* less justifiable than permitting it. (Jefferson: “The opinions of men are not the object of civil government, nor under its jurisdiction.” No matter that civil government protects those opinions by applying Turnbull's Maxim [5.2.D.5].)

- A **means** no one can be sure of in advance, because it belongs to praxis, to implementation, to the interaction between strategy and an unpredictable world. After its enactment, the means becomes the act we've judged: the dead body, the revolution or burned city.

- **Justifications** are the links between ends and means. “I committed this act for that reason.” A justification may be justified, unjustified or debatable.

### EXAMPLES

1. Imminent self-defense, if true, is always justified by the rights of the self [5.1.1-3].
2. Defense of homeland is Leonidas's justification at Thermopylae, and also Hitler's in Russia; in the first case it is justified, in the second, unjustified.
3. Advancing society is one justification for class warfare which is justified or not depending on one's presuppositions.

- **Rising up:** A just act of violence. Both means and ends are legitimate.

• **Rising down:** An unjust act of violence. Means, ends or both fail to meet legitimacy's standard.

1. An unjust means or an unjust end equally invalidates all derivative moral enactments.
2. A just end may be served by a just or by an unjust means. Either way, the end itself has not been compromised in and of itself.

EXAMPLE: The fact that Trotsky might have shot innocent people for the noblest reasons cannot degrade those reasons from their nobility.

But an unjust end possesses no just means. And an unjust means, deliberately carried out [See 5.2.A.2], decreases the relevance of any end to the justifiability of the act which invokes it, and may nullify even the best end.

EXAMPLE: No end, noble or base, could justify the Holocaust.

3. The effects of any revolution, crime, rescue, or war cannot be anything but temporary and local. Therefore, every end remains (in its immediate expression) temporary and local. All the more reason for its means to be finite and limited.

a. An inconstant end is a warning: *Danger of deceitful or outright evil expediency.*

b. Precisely because these effects are local (finite), they may well be delayed. They may also cause temporary ill effects in the service of the greater good. Patience is required to determine their success and ultimate justifiability. At the same time, the moral actors who've caused those ill effects must stand accountable, and offer us proof that the good will indeed outweigh the bad.

EXAMPLE: Churchill writes about the 16.5 million people murdered in Stalin's collectivization drive: "A generation would no doubt come to whom their miseries were unknown, but it would be sure of having more to eat and bless Stalin's name."<sup>31</sup> That generation never arrived. Peter L. Berger wrote: "I see no possible moral calculus that would retroactively justify the nightmares of the 1920s and 1930s in terms of the Soviet gross national product of the 1960s..."<sup>32</sup>

c. Collective justice (or not) sometimes disburses unavoidable individual injustice. (The same goes for attempts at individual justice.) Imminence [5.1.1], ignorance of actual circumstances, and miscellaneous collective necessities, especially in war and revolution, bring about this result.

EXAMPLE: Applying deterrence and retribution to a Turkish atrocity, Lawrence of Arabia refuses to take prisoners at Tafas.<sup>33</sup> Whether or not his massacre was in any sense justified, some of the individuals he cut down might have been innocent of the crime he was punishing.

4. "One must scrupulously avoid the temptation of a desire for results," says Gandhi, referring to *nonviolence*. [*Very limited case.*]

CAVEAT: This is *only* true (for both violence and nonviolence) if:

- a. one's attachment to the end is absolute [in which case lack of results is only a disappointment, not a deterrent],

EXAMPLE: One side fights on in a lost war. Antoine de Saint-Exupéry: "War is not the acceptance of danger. It is not the acceptance of combat. For the combatant, it is at certain moments the pure and simple acceptance of death."<sup>34</sup>

*and if possible*

- b. the means harms only those people who stand ready to be harmed.<sup>35</sup>

CAVEAT: Authority usually compels its subjects to sacrifice themselves, ready or not. In short, in daily life (b) gets violated.

*Far more often, achieving results, or holding the reasonable expectation of achieving them, is essential to justify violence.*

GENERAL RULE: Violence cannot be justified, even by the noblest end, should the means be ineffective.

EXAMPLE: The nuclear bomb dropped on Hiroshima, morally dubious though it was, might have been at least arguably justifiable (by imminent self-defense), but not without reason to believe that its use would save lives by shortening the war.

Possible motivations for dropping the bomb:

- a. To save American and Japanese lives. [*Justifiable.*]
- b. To prevent the USSR from entering the war and claiming too great a share of the spoils. [*Unjustifiable.*]
- c. To field-test the weapon. [*Unjustifiable.*]
- d. To overawe the USSR. [*Unjustifiable.*]

5. The most illuminating way to perceive the shoddiness of your own ideals is to witness someone else practicing them.

6. Insofar as a cause is just, it ought to be open to all. To the extent that a cause is exclusive, it loses worthiness. (I repeat these words in the specific sections on defense of race and gender [5.2.D.2 and 5.2.K.2], because adherents of those causes in particular, which have to do with biological specificity and exclusion, sometimes forget that *every* just end includes all of us.)

### [3.0] WHAT FACTORS NEED TO BE CONSIDERED IN JUDGING ANY VIOLENT ACT?

1. *What is the relationship between the aggressor and the victim?*

The same physical act will have very different meanings if committed in wartime or in peacetime, by authority upon a criminal or by a criminal upon a householder, etc. How many victims are involved, and how were they selected?

CAVEAT: In evaluating the aggressor and victim's judgments of one another, remember that there is almost never any "moral yellowness," any physiognomy of good or evil. [See 5.4.A and 6.4.A.]

2. *Is the aggressor acting on his own behalf or is he an agent?*

Is he acting under compulsion, loyalty or fear [5.3.C.1-2, 6.3.C.1-2], or is he acting of his own free will? Does he understand the end? Does he control the means, or is he merely someone else's means?

CAVEAT: When a deed is committed under the aegis of a hierarchy of authority, we who judge must superimpose a corresponding hierarchy of moral responsibility. Scared and ignorant triggermen are not as culpable as their commanders. This supplements rather than contradicts the principle that we ought to judge each other as individuals, not as members of various categories.

3. *Has the victim been attacked for no reason at all, for no personal reason, for reasons connected intimately with who he is, or what he does, or in his capacity as an agent?*

Is he simply, like so many casualties of gangland shootings, in the wrong place at the wrong time? Does the attack occur simply because he appears elderly enough to rob, because she is alone enough to rape, because they are of the wrong color or class? Or is the motive one of hatred for this particular individual? Does the victim fly the colors of an enemy state?

#### REASONS TO HARM<sup>36</sup> A SPECIFIED PERSON

[1-6: *Possibly justified, but progressively less likely to be so.*]

1. What you've done. (You physically attacked me.)
2. What you are: allegiance. (You wear the uniform of the enemy army.)
3. What you haven't done. (You evince neutrality toward my behavior when I need your help.)
4. Whom you associate with. (Your best friend is in category 1.)
5. What you might do. (You could conceivably end up in categories 1, 2, 3 or 4.)

6. What you have. (You are rich and I am not, so I'll rob and kill you.) [See 5.2.B and 6.2.B.]

[7-8: *Never justified.*]

7. What you are: biological, religious or ideological identity. (You are a Jew, and I hate Jews.) [Hence this formation of Trotsky's, while not proven to be equivalent to Rule 7, is very suspect: "It is not only a question of what is being done, but also of who does it."]<sup>37</sup>

8. The fact that you are. (You exist, and any victim will do.)

These reasons would be located thus on the Lutheran diagram of justice:<sup>38</sup>

#### THE TWO KINDS OF JUSTICE VS. THE TWO KINDS OF INJUSTICE

1. RECEIVED GOODNESS	vs.	1. RECEIVED EVIL
You are what I consider good.		You are what I consider evil.

[nos. 7, 8]  
[nos. 2, 4, 5, 6]

2. ACTIVE GOODNESS	vs.	2. ACTIVE EVIL
You do what I consider good.		You do what I consider evil.

[nos. 1,3]

#### 4. *What is the victim's judgment of the act?*

A victim's consent or even fervid participation (for instance, that of a minor upon whom statutory rape is committed) may not necessarily render the act justifiable. Contrariwise, a victim's extreme anguish and condemnation of the act (as in the case of a robber who dies in a lawful homicide) may not make the act unjustifiable. However, the victim's circumstances and feelings remain relevant. Cutting off the hand of a thief will be more acceptable in a Muslim country which follows the Qur'-An's law, the shariat, than in a western country which follows the Geneva Conventions. [See 5.3b and 6.3b].

#### 5. *What is the victim's judgment of the aggressor's judgment of the victim's judgment and probable response?*

The necessity of admitting this seemingly arcane point is borne out by quoting that extract from the Babylonian Talmud: "What is the reason for the [permission to kill the] burglar? No man controls himself when his money is at stake, and since he [the burglar] knows that he [the owner] will oppose him, he thinks: If he resists me I shall kill



him, therefore the Torah says: If a man has come to kill you, anticipate him by killing him!"<sup>39</sup> This projection by each antagonist of the other's intentions may be extended as relevant.

6. *What is the victim's response?*

Has the aggressor correctly anticipated it? If so, then certain types of violence, such as proactive self-defense, may perhaps be justified in this case.

7. *What is the aggressor's end?*

Is it moral? Is it good? Is it justified? If not, or if there be no end, the act is unjustified. If so, the act may or may not be justified.

8. *What is the aggressor's means?*

In actual fact this will be the first question answered, for it translates as: What is the violent act itself? Does it cause death or harm? Does it involve torture? How imminent is the victim's right to violent self-defense?

9. *What is the aggressor's judgment of his own means?*

Does he extenuate or justify himself? If not, what does that say about the act?

10. *What is the victim's judgment of the aggressor's means?*

Do the answers to this question and the previous one correspond with my own judgment? If not, why do they differ, and whose assessments ought to be followed?

11. *Is the aggressor's end justified?*

If not, then acting against it is probably justified.

12. *Is the aggressor's means justified in relation to the act?*

Homicide, for instance, may be justified in the defense of one's life. It is not justified merely out of loyalty to some authority (although some circumstances, e.g.; a war, may render the loyalty defense more justified).

13. *Could the means be unjustified but excusable?* [See 7.0.]

14. *What is the aggressor's judgment of the act?*

If the act is punishable by the victim's standards, is it punishable by the aggressor's standards also? [See question 7, this sec., above.] The answer to this may possibly determine the quality of retribution, judicial or otherwise, which will be called for.

15. *What is the context of the act?*

Whether or not it is immediately justified, does it comprise a part of larger act, and if so, is that justified or not? To what extent does this war comprise a continuation of the last war? Is imminent self-defense acceptable in the context of an aggressive act?

16. *How violent is the act?*

How may violence be quantified? What is violence? Does it include, as householders and corporations insist, and eco-defenders deny, destruction against property? How severe is it? See the three scales immediately following.

## SCALES USED IN PLOTTING CONTINUA AND CHARTS

### GENERAL VIOLENCE SCALE

- 1 Never acceptable. (Gandhi.)
- 2 Wrong as a rule, but not necessarily blameworthy if caused by intolerable provocation. (late M.L. King.)
- 3 An acceptable last resort. (Lincoln.)
- 4 Acceptable against aliens, but against one's own kind. (Caesar, Leonidas?)
- 5 An acceptable way of achieving one's end. (John Brown, Cortes, Robespierre, Trotsky?)
- 6 Generally the most appropriate means. (Hitler, Stalin.)
- 7 An end. (Sade.)

### SEVERITY SCALE (for violence inflicted upon the vanquished)

- 0 Full liberty to the surrendered.
- 1 Hostages / fines required.
- 2 Exemplary executions of "ringleaders."
- 3 Mass enslavement, mutilation, or pillage.
- 4 Mass executions.
- 5 Extermination.

### CAVEATS:

1. This scale represents only acts of physical violence. It cannot represent acts of territorial or political violence, such as Caesar's installation of Cleopatra on the Egyptian throne, or the intimidation tactics of the Animal Liberation Front.
2. Atrocities committed in combat, even on probable noncombatants, are not represented.
3. Proportionality forces us to give to the massacre of 30 out of 30 prisoners a higher severity score than the massacre of 500 out of 1000.

## [4.0] WHEN IS NONVIOLENCE UNJUSTIFIED, DEFICIENT OR INSUFFICIENT TO ACHIEVE ITS AIMS?

When it is directed against violence *and*:

1. When the sacrifice entailed by the practitioner of nonviolence does not have sufficient intellectual or emotional justification.

EXAMPLE OF SUCH A JUSTIFICATION (from an American anti-nuclear pamphlet):  
"It is important to remember that we have made a positive choice to act in the way that we see as best, and to maintain faith in ourselves, each other and our non-violent actions."<sup>40</sup>

EXAMPLE OF THE LACK OF SUCH A JUSTIFICATION: A child tries to "be good" and passively suffers an adult's unjust violence.

*or*

2. When the sacrifice is unlikely to limit the violence of the aggressor.

EXAMPLE: Gandhi's absurd advice to the victims of the impending Holocaust: "But if the Jewish mind could be prepared for voluntary suffering, even the massacre I have imagined could be turned into a day of thanksgiving and joy that Jehovah had wrought deliverance of the race even at the hands of the tyrant."<sup>41</sup>

*or*

3. When nonviolence will sacrifice people who do not want to be sacrificed, while violence will save them.<sup>42</sup>

EXAMPLE: In the Peloponnesian War, the Melians surrender at discretion to the Athenians, who then slaughter all adult males and sell the rest as slaves.<sup>43</sup>

## [5.0] WHEN IS VIOLENCE JUSTIFIED?

Begin by respecting the Machiavellian Caveat: “How one lives is so far distant from how one ought to live, that he who neglects what is done for what ought to be done, sooner effects his ruin than his preservation.”<sup>44</sup>

If we describe rather than prescribe human behavior, justice appears largely irrelevant. Most violence will always be unjustified, and we need not expect to “improve” it. Worse yet, *rights are often unenforceable*. If our means remain insufficient to accomplish our just ends, then what’s the use? [But see 2.4 above.] Still and all, violence is justified in legitimate defense and self-defense.

### INDICATIONS OF LEGITIMATE DEFENSE AND SELF-DEFENSE

- The violence is more reactive than proactive.

CAVEAT: Proactive violence can be justified as self-defense against an imminent threat of aggression so massive or dangerous that a “second strike” would be futile.

#### EXAMPLES:

1. A man aims a gun at me. I shoot first, and so I live.
2. A nuclear regime menaces my country. I launch a massive nuclear strike. This second example is obviously very problematic, and one hopes that the menace has been assessed fairly.

[See 6.1.1. See also 5.3 and 6.3 for various types of justified and unjustified proactive violence.]

- Nonviolence in this or similar cases already proved ineffective or even provocative.

EXAMPLE: “How in the name of common sense do Christians propose to do away with this enormous sin [of slavery] if not with John Brown’s method?”—Sarah Everett.<sup>45</sup> She was right, at least from the point of view of a solitary Abolitionist in that violently deadlocked epoch of the slavery debate.

- The violence is limited; it will cease if a given concrete result is reached; it shows mercy.

EXAMPLE: Lincoln ends the Civil War when Lee surrenders.

- Whatever advantage the violence gains is limited to the restoration of a safe status quo, plus conservatively reasonable compensation for injuries suffered.

EXAMPLE: At the end of the Gulf War, the U.S. leaves Saddam Hussein in power, but makes Iraq pay reparations to Kuwait for having invaded that country.<sup>46</sup>

## {5.1} DEFINITIONS FOR LONELY ATOMS

*{The fundamental violent rights of the self are listed in 5.1.1-3}:}*

More generally,

VIOLENCE IS JUSTIFIED:

1. In legitimate self-defense or the defense of other human beings against imminent physical harm.<sup>47</sup>

- **Legitimate self-defense** means that the provocation and thus the initial threat lie largely on the other side.
- **Imminence** will often be asserted by someone who wants to justify violence. It applies to a threat of violence so immediate and so dangerous that a reasonable person would agree that violent defense, resistance, or even proactive action would be justified. Imminence extenuates many errors of perception and judgment.

EXAMPLE: A police officer is justified in shooting a teenager who brandishes a realistic toy gun, because if the officer waits to verify the weapon's actual capability, he may well be dead.

Imminence is the rule on the battlefield, and excuses conscripts from killing enemy combatants even if the war aim for which they fight is evil. Imminence is often confused with, or pretended to be, other quantities which may be debatable or outright wrong, for instance, the consolidation of legitimate or illegitimate revolutionary authority, the despairing zeal of John Brown, the urgent expedient need for Cortes to complete his wicked conquest.

NOTE: This "ordinary" imminence applies to all cases in this book except for defense of earth, where **scientific imminence** [5.2.I.1] may apply. The overlapping, contingent category of **proactive imminence** [6.3.A.1.6] may be either ordinary or scientific. Obviously imminent defense of individual or collective rights will always be justified. Strictly speaking, therefore, the justification of imminence as applied to any of the categories in this calculus is redundant. However, I have included imminence occasionally and advisedly, when it might not necessary occur to us in connection with certain categories [e.g.; 5.2.A.1], or when it is the essence of an ostensibly category [as in 5.2.H.1].

{1a. In legitimate defense of nonhuman beings against imminent and unjustified physical harm.}<sup>48</sup>

- **"Unjustified"** has NO consensualized definition beyond the human context.

2. In defense of individual rights;<sup>49</sup>

## RIGHTS OF THE SELF:

- To violently defend itself, or not.
- To violently defend another, or not. [See 5.1.7.]
- To destroy itself or preserve itself.<sup>50</sup>

Suicide is permissible whenever uncoerced (that is, whenever it is actually suicide), but most noble as an act of assertion in defense of a right.

EXAMPLE: "Caesar's troops beset the city gates, yet Cato has a way of escape; with one single hand he will open a wide path to freedom."—Seneca.<sup>51</sup>

- To violently destroy another who would be better off dead.<sup>52</sup>

If suicide is not wrong, then consensual euthanasia cannot be wrong, either. In extreme circumstances, people may legitimately coerce the deaths of dependents or incapacitated strangers, in order to spare them from suffering (physical torture, a miserable death, abandonment which would lead to the same, mental torture such as permanent dishonor-grief or defilement-stigma, etc.).

EXAMPLE: Lawrence of Arabia shoots his wounded servant Farraj. "We could not leave him where he was, to the Turks, because we had seen them burn alive our hapless wounded."<sup>53</sup>

Such actions ought never to facilitate the advantage of the euthanizer, but can be justified even should he not wish them applied to himself in a similar case.

- To violently defend its property, or not,<sup>54</sup>

## CAVEATS:

1. By proportionality itself [see 5.2.F.], the right to life supersedes the right to property.

## EXAMPLES:

1. Others may exercise their right to self-preservation by confiscating excess property if they are in dire need. [See 5.2.B and 6.2.B.]

2. A householder is not entitled to shoot a fleeing burglar in the back.]

2. Legitimate authority [see 5.2.C.1] may confiscate excess property in the interest of the social contract [taxes, the Muslim *zakat* tithe, etc.].

A. Circumstantial Conditions for 5.1.1 and 5.1.2 to be valid<sup>55</sup>

1. Full self-sovereignty.

EXAMPLE: We wouldn't allow a small child to destroy himself by drinking household poisons, or to carry a loaded pistol for self-defense.

2. Proportionality must be maintained [5.2.F.]. The violent response must be of equal or lesser force than the injury—making due allowance for the ambiguities, mistakes and passions of urgency.<sup>56</sup>

EXAMPLE OF AN ALLOWABLE MISTAKE: A man shoots and kills the stranger whom he discovers in the process of assaulting someone; he doesn't first inquire what lethal force the stranger plans to employ. [See 5.1.7., 6.0.7., and 7.0.2.]

3. Discrimination must be respected [5.2.F.1]. The violent response must be directed against the immediate aggressor—again, making allowance for imminence.

EXAMPLE OF MISTAKE ALLOWED BY IMMINENCE: A soldier's bullet inadvertently kills a civilian in the field of fire.

CAVEAT: Discrimination is obeyed according to one's presuppositions.[See 5.2.F.1]. In one early sixteenth century campaign, the Aztecs liquidate everybody more than nine years old.<sup>57</sup> Two years previous, when they'd attacked another kingdom, the criterion for execution was an age of more than fifty, "because they were the ones responsible for this rebellion," as an anthropologist explains.<sup>58</sup> (To us they'd be civilians in their declining years; to their contemporaries they were respected elders, war leaders.)

B. Ideological Conditions for 5.1.1 and 5.1.2 to be valid:<sup>59</sup>

1. No attachment to non-violent creeds. (*No nonviolence condition.*) Adherence to nonviolence would prohibit us from exercising many of the above rights.

EXAMPLE: Tolstoy on a pact of mutual defense between Russian and France: "From the Christian point of view one can never admit the justice of war."<sup>60</sup>

2. No allegiance to collectivity or authority which might prohibit the self from removing itself from "the line of fire." (*No allegiance condition.*) Interpreted by some to include allegiance to an implicit social contract. Allegiance might prevent us from exercising the rights of self-preservation, euthanasia, etc.

EXAMPLE: Robespierre refuses to save the Girondin deputies from the guillotine: "There are periods in revolution when to live is a crime

and when men must know how to yield their heads if demanded.”<sup>61</sup>

CAVEAT TO (1) AND (2): *So called involuntary attachments* (among which revolutionaries include prior social contracts) *are not binding. Voluntary attachments may likewise be withdrawn at any time.* In short, both conditions may be overridden—at which point one returns almost to the state of nature, with one exception: *The Golden Rule should always be respected.* Because the Golden Rule is always in force, except during emergencies, even if an entire regime should be smashed, an *implicit* social contract resumes at the cessation of violence.<sup>62</sup>

EXAMPLES: By the rights of the self one may justifiably refuse to fight a war, or one may renounce nonviolence in order to defend oneself, or one may violently rebel against authority provided that one’s cause is just [5.2.C.2], etc., etc. Of course there may well be dire consequences to the decider.

### 3. In defense of self-respect [See 5.2.A.];<sup>63</sup>

#### RIGHTS OF THE SELF:

- To violently preserve its honor, or not. [See 5.2.A.]
- To violently defend its personal authority, or not. [See 5.2.B-C, F, K.]
- To violently defend its expression of creed, or not. [See 5.2.E.]

EXAMPLE: *Joan of Arc*: “My victory or my standard’s, it was all in our Lord.”<sup>64</sup> [See 5.1.8.]

- To violently defend its own particular choices of:  
nonviolent behavior *or*  
mutually uncoerced (consensual) violent behavior: sado-masochistic sexual, ritual or medical practices. [See 5.3.D.]

*{The fundamental violent rights of the self end here. As a member of a society, the self may also take its part in exercising the following collective rights (5.1.4-5):}*

4. In the *construction* or *maintenance* of legitimate institutional authority.<sup>65</sup> [See 5.2.C.] This relates to the right to enter into or withdraw from any social contract [5.1.2.B caveat].

5. In *obedience* to legitimate authority;<sup>66</sup> provided only that there is ethical commonality between the giver of the orders and the one who is ordered,<sup>67</sup> and that the indications in (1) and (2) apply. [See 5.2.C, 5.3.C.1-2.]



*{The next two fundamental "rights" (5.1.6-7) are not really rights at all, but recapitulations of other principles in this calculus (I apologize for the redundancy, which seems advisable here). They are in essence beacons of justifiability for both individual and collective action.}*

6. When a number of categories of self-defense can be legitimately invoked (e.g.; self-defense of race is more likely to be justified if it also comprises individual or national self-defense). The more conditions in this section satisfied, the better.

a. When a variety of groups or individuals participate in that defense.

7. In defense of proportionality: that is,

• **Proportionality** means to save from harm a number of people greater than (or equal to?) the number of people who will be harmed by one's violence. [See 5.1.2: Right of the self to violently defend another, or not. See also 5.2.F.: Proportionality in war aims.]

a. PROCEDURAL COROLLARY [particularly but not exclusively applicable to individuals]: Where practical, the amount of force employed for justified self-defense should not exceed the amount required for that end, although it may exceed the amount employed by the original aggressor.

EXAMPLE: When Bernhard Goetz fires a fifth shot at his assailants after they have stopped being a serious threat, he is unjustified in doing so because he is violating this corollary.<sup>68</sup>

CAVEAT TO 7 AND 7A: A disproportionate response may be extenuated when imminent self-defense prevents methodological calculation.

EXAMPLES:

1. Goetz was justified in beginning to shoot when he is threatened with sharpened screwdrivers.<sup>69</sup>

2. Babylonian Talmud: "If a man has come to kill you, anticipate him by killing him!"<sup>70</sup> But true knowledge of his intention is impossible; we have to guess. [See 5.1.1.A.2.]

*{The last fundamental violent right I posit produces some rather controversial corollaries, so I have invoked it as little as possible in this book. I personally believe in it strongly. This right may be exercised either individually or collectively.}*

8. In imminent defense of freedom of speech. [See 5.2.E.2.] The self retains the inalienable right to express itself as it chooses, on any topic that it chooses.

es, the right to empathize with friend or foe (shall we call that treason?), to assent and to deny, to offend, to express its conscience and to express no conscience, to be offensive, vulgar, vicious and even evil in the object and manner of its expression, at any and all times.

Artistic expression, political expression, pornography, hate speech, blasphemy, etc. should all be protected.

CAVEAT: Direct incitement to violence is action, not speech, and may be considered illegitimate to the extent that the violence it incites is illegitimate.<sup>71</sup>

## {5.2} JUSTIFICATIONS: SELF-DEFENSE

### {5.2.A} WHEN IS VIOLENT DEFENSE OF HONOR JUSTIFIED?<sup>72</sup>

For our purposes, honor is *the extent to which the self approaches its own particular moral standard of replying to or initiating violence*. Honor is neither good nor bad without a context. It has four categories. Every type of honor falls into one of the first two *and* one of the last two:

- **Inner honor:** the degree of harmony between (a) an individual's aspirations, deeds and experiences, and (b) his conscience. As such, it remains unknowable to others.

*or*

- **Outer honor:** the degree of esteem in which someone is held. It derives either from his status [5.2.B def], or from the amount of consonance between (a) his *professed* aspirations and *known* deeds and (b) the values of his judges.

EXAMPLE: Cortes, in a *pro forma* reference to Montezuma, whom he has not yet met, speaks of "the honor and authority of such a great prince".

*and*

- **Individual honor:** one's honor as a person.

*or*

- **Collective honor:** one's honor as a citizen or member of a group.

EXAMPLE: Jung Haegu: "Korea's modern history is stained with dishonor and disgrace, and the people have been forced to accept frustration and shame" because of President Park's abuse of power.

Outer collective honor comprises the group's official face; inner collective honor is its *esprit de corps* as well as its degree of actual adherence to the ideals it professes.

### VIOLENT DEFENSE OF HONOR IS JUSTIFIED:

1. When honor is altruistic—that is, when honor demands the deliverance of a third party from imminent violence.<sup>73</sup> [See 5.1.2.]
2. When defense of honor perfectly corresponds with other justified defense.<sup>74</sup>

NOTE: This rule is weak almost to uselessness because defense of honor is so often unjustified. Best to limit this excuse for violence as much as possible!

COROLLARY: When defense of honor is in accordance with the fundamental rights of the self.

EXAMPLE: During the Cultural Revolution, Nien Cheng refuses to bow to Mao's portrait or to confess to imaginary crimes. Imminent self-defense would have justified her had she taken the course of acknowledging authority's outer honor. This is Dwight Edgar Abbot's course [see 5.2.A.3]. Instead, she defends her own inner honor, a course which is allowed by the fundamental rights of the self to defend itself or not [5.1.2, 5.2.D.5].

3. When the defender's peers would agree that dishonor is equivalent to, or worse than, physical harm, and when the dishonorer willfully disregards that standard.<sup>75</sup>

#### EXAMPLES:

1. A raped woman in Afghanistan may very possibly be killed by her male relatives.<sup>76</sup> The rapist becomes therefore her proximate murderer, and can be treated as such. Killing him before he dishonors her, or killing him later to keep the dishonor secret, may save her life.

2. Julius Caesar: "Prestige has always been of prime importance to me, even outweighing life itself."<sup>77</sup> In fact, his prestige, his outer honor, is his power, without which he'd become anyone's prey. Regardless of the injustice of his war aims [6.2.F.4], to this simple extent Caesar's defense of honor is justified as imminent self-defense.

3. Dwight Edgar Abbot in juvenile hall: There was never a doubt I had to retaliate. I had to save face. "My honor and ability had been questioned. A punk had made an unusual attempt to hurt a straight. No mild retaliation would save face for me or my clique. I had to cut Blinky."<sup>78</sup> Otherwise Abbot will be despised and treated with violence indefinitely after.

[5.2.B] WHEN IS VIOLENT DEFENSE OF CLASS JUSTIFIED?<sup>80</sup>

Class may be any one or combination of the following attributes:

- Function.

EXAMPLE: An ant caste is a group which carries out a specified type of behavior.

- Status by reason of function.

EXAMPLE: In some hunter-gatherer societies, successful hunters have the status of "the best men," while "old and infirm people are treated with severity, and when dependent upon others for their food they are summarily disposed of by strangulation or left to perish when the camp is moved."

- Status by reason of merit.

EXAMPLE: A seventeenth-century Iroquoian enjoys high status because he is proficient and amassing wealth and is generous with it.

- Property.

EXAMPLE: In pre-constitutional Athens, one of the main qualifications for an official appointment is wealth.

- Rank.

EXAMPLE: "The noneconomic character of the institution of 'slavery' is revealed," says Leslie White, "when a Kwakiutl chief, for example, will kill a slave merely to demonstrate his high status."

EXAMPLE: Burke insists that The occupation of a hair-dresser, or of a working tallow-chandler, cannot be a matter of honour to any person."<sup>81</sup>

- Origin.

EXAMPLE: A Japanese Burakumin belongs to the Untouchable class because his ancestors half a millennium earlier performed labor which was considered defiling.

## VIOLENT DEFENSE OF CLASS IS JUSTIFIED:

1. When it is truly defense against the exactions, impoverishments, oppressions and humiliations imposed by other classes—not proactive self-defense.<sup>82</sup>

EXAMPLE: "By 1908 the seventeen owners of the thirty-six major haciendas in the state" of Morelos "owned over 25 percent of its total surface, most of its cultivable land, and almost all of its good land."<sup>83</sup> Violent efforts to equalize this situation might well be justified.

2. When it is directed against class structures and their active or official representatives, not against individuals who happen to be members of opposed classes only passively, through biological or social accidents.<sup>84</sup>

EXAMPLE: The Korean insurgent Manjok cries: "Why then should we only work ourselves to the bone and suffer under the whip? ... If each one kills his master and burns the record of his slave status, thus bringing slavery to an end in our country, then each of us will be able to become a minister or a general."<sup>85</sup> Justified as far as it goes, but don't then, as Bolsheviks would, liquidate the master's family without imminent cause.

3. When class equals function or status by function, and when that function is essential as the society is currently consituted.

EXAMPLE: In a pre-contact Amerindian band, violent discrimination against old or otherwise unfit people by the hunter class, the "best men," may be justifiable during a famine in the interests of saving as many people as possible.

4. When class equals status by consensually defined merit.

EXAMPLE: People may choose to give a priest or shaman a disproportionate share of their resources, and they may violently defend his right to receive this.

5. When the defense promotes classlessness.

#### [5.2.B.1] VIOLENT DEFENSE OF CLASS MAY OR MAY NOT BE JUSTIFIED:

- a. When it aims at "advancing society" [see 5.2.C.2., 5.2.M., 6.2.C.1., 6.2.M].
- b. When its purpose is to benefit the most emiserated class.
- c. When its aim is to end relative as opposed to absolute poverty.
- d. When it increases equality at the expense of liberty, or vice versa.

Justifying these ends and effects would require adding to or modifying our axioms about the fundamental violent rights of the self [see 5.1.1-3, 5.1.8].

### [5.2.C.1] WHEN IS VIOLENT DEFENSE OF PREEXISTING LEGITIMATE AUTHORITY JUSTIFIED?<sup>86</sup>

**Legitimate authority** means that it has been delegated by the highest political power available *and* that “most people” legitimize that power and that authority by uncoerced participation or acquiescence in its politics. Legitimate authority displaces and directs violence toward the justified goals listed in this calculus. Legitimate authority is constrained by, but not solely defined by, law.

*{One of the “principles of 1789”: The state does not exist for its own benefit, but for its sovereign citizens.}*

#### INDICATIONS OF JUSTICE:

- The violence seems to promote nonviolent stability (and therefore probably proceeds at a moderate tempo).<sup>87</sup>

COROLLARY: Consensual authority ordinarily needs to employ violent deterrence [5.3.A.1, 6.3.A.1] on a smaller scale than illegitimate or revolutionary [5.2.C.2] authority.

- It is in accord with authority’s stated conscience.<sup>88</sup>
- It is in conformance with law.<sup>89</sup>
- It enjoys a consensus untainted by
  - a. false consciousness, or
  - b. the exploitation of third parties.<sup>90</sup>

EXAMPLE OF CONSENSUS: “The word of the Chief [of the Mangeroma cannibals] was law and no one dared appeal from the decisions of this man ... the natives believed him invested with mysterious power which made him the ruler of men ... The Chief took no active part in the fight whatever, but added to the excitement by bellowing with all his might an encouraging ‘AA-OO-AA.’ ... this had a highly beneficial effect upon the tribesmen, for they never for an instant ceased their furious fighting until the last Peruvian was killed.”<sup>91</sup>

[On the problematic nature of consensus, see Turnbull’s Maxim, 5.2.D.5.]

- It respects the rights of the self. [See 5.1.]
- Its necessity is accepted by some members of the group against whom it is directed.

#### RIGHTS OF AUTHORITY

- Self-defense
  - a. Defense of sovereignty and command

- i. Defense against opposition
- ii. Defense against factionalism,  
     CAVEAT: If and only if opposition and factionalism are  
     imminently dangerous to authority's LEGITIMATE operation.

b. Defense of homeland

c. Defense of ground

- Enlargement [A conditional right, per 5.2.C.1.A.]
- Deterrence [See 5.3.A.1.]
- Retaliation [See 5.3.A.2-3.]
- Punishment [See 5.3.B.]

1. When the authority has not been proven unjust, and when failure to defend it will injure or destroy it.<sup>92</sup> [Incumbency has a lower standard to meet than revolutionary authority. See 1.1.3.]

2. When mutual affection exists between authority and its subjects, and when the defense is motivated by that affection.<sup>93</sup>

3. When the leaders' authority is peacefully revocable on the part of the led.<sup>94</sup>

4. When authority directs its defense so as to commit the least possible harm.<sup>95</sup> [In other words, when it obeys proportionality and discrimination. See 5.1.2.1, 5.1.7, 5.2.F.]

#### [5.2.C.1.A] WHEN MAY PREEXISTING LEGITIMATE AUTHORITY ENLARGE ITSELF?<sup>96</sup>

1. As *imminent self-defense* requires.

EXAMPLE: Lincoln's defense of the U.S. during the Civil War leads him to temporarily violate such U.S. legal limitations as habeas corpus. The justice of the federal government's enlargement since then remains debatable.

2. As *consensuality* permits.

[In my opinion, most of the time, authority's self-aggrandizement is unjustified.]



## [5.2.C.2] WHEN IS VIOLENT DEFENSE OF REVOLUTIONARY AUTHORITY JUSTIFIED?<sup>97</sup>

**Legitimate revolutionary authority** may be created when the preexisting authority arguably fails to meet the criteria for legitimacy, either obviously or behind the screen of false consciousness. Given the initial dominance of preexisting authority, it is almost inevitable that at some stage, “most people” will NOT legitimize revolutionary authority by uncoerced participation or acquiescence in its politics. Revolutionary authority cannot be constrained by law. Defense of its revolution may require it to engage in violence ordinarily forbidden to preexisting authority. Therefore, revolutionary authority must strive to bring out its own replacement within the shortest possible time by an established authority whose power will be normalized according to the same limits as any legitimate preexisting authority. Revolutionary authority is impermanent, as limited and legal as its emergency permits. Its violence obeys the principles of proportionality and discrimination.<sup>98</sup> [See 5.2.F. def., 5.2.F.1.] Above all, revolutionary authority displaces and directs violence toward the justified goals listed in this calculus. Given the almost unlimited license it temporarily seizes, revolutionary authority bears a terrible burden of proving the justifiability of its ends and means.

### INDICATIONS OF JUSTICE:

- The violence aims at a nonviolent future. It may proceed at any tempo required to bring that future closer.  
     [Possibly justified rephrasing of the above, per 5.2.B.1.A.: The violence will “advance society.”]
- It is in accord with authority’s stated conscience.
- It will someday bring about a decent rule of law.
- It enjoys a consensus *on the part of its adherents*.
- It acts in the ultimate name of, but may indefinitely disregard, the rights of the self.
- It will destroy false consciousness.
- It will rescue oppressed people from prior emiseration.

*of which only the following need not be taken on faith by third parties:*

### MEASURABLE INDICATIONS OF JUSTICE:

- It is in accord with authority’s stated conscience.
- It will rescue oppressed people from prior emiseration.

### RIGHTS OF REVOLUTIONARY AUTHORITY:

The same as for preexisting authority. [See 5.2.C.1.4.]

### VIOLENT DEFENSE OF REVOLUTIONARY AUTHORITY IS JUSTIFIED:

1. When the goal and the means to attain that goal are consensual on the part of (a) the revolutionaries who constitute that authority, and (b) the people on whom the revolution is being imposed. When the revolutionaries who constitute that authority and the people on whom the revolution is being imposed agree on the goal and the means to attain that goal.

2. To consolidate the authority's power, and stabilize the area under its control. (What may be moral in seizing power may not be in exercising it.)

EXAMPLE OF JUSTIFICATION BY IMMINENCE: *Trotsky, on his actions during the Russian Civil War*: "Exceptional measures were necessary; the enemy was at the very gates."<sup>99</sup>

3. To bring the revolution into conformance with the norms and limits appropriate to incumbency.

EXAMPLE: A purge of violent extremists.

4. To carry out the revolution.

CAVEAT: So long as the revolution continues, either authority must remain incompletely consolidated, or else 5.2.C.3 applies.

EXAMPLE: It may conceivably be appropriate to kill kulaks in 1917, if they are resisting the Russian Revolution. It would be inappropriate to kill them in 1977, when revolutionary authority is supreme and has been institutionalized for decades.

[For a justification of the rising up which creates revolutionary authority, see 6.2.C.]

### [5.2.D] WHEN IS VIOLENT DEFENSE OF RACE AND CULTURE JUSTIFIED?<sup>100</sup>

Defense of race and culture is highly problematic. “Does the concept of human rights mean that” minority groups “should be treated equally under given laws, or that they should have a communitarian right to sustain their own identity and way of life separate from the dominant culture to which they remain subject?” wonders a South Korean sociologist. I myself would answer that question with—

- **The Galapagos Maxim:** *Diversity is best served by local homogeneity and global heterogeneity.*
- One working definition of race and culture: Expression of identity. Hence justified by the rights of the self [5.1.1-3,5.1.8].

1. When it is simple imminent physical defense of self or others in response to an attack based primarily or solely on affiliation.

EXAMPLE: A black slave uprising against white slaveholders in the nineteenth-century American South would have been justified by defense of race, defense of class [5.2.B.2], etc.

2. When it is (a) directed by a minority against a majority whose actions are causing imminent danger to the minority’s justified identity and expression; moreover, (b) nonviolence has already failed and (c) the violence offers a very convincing probability of effectively achieving its stated result while obeying proportionality, discrimination and limit; finally, (d) individuals within the group toward which the violence is directed are implicitly and explicitly considered to have the same fundamental rights as those who carry out the violence.

EXAMPLE: The seventeenth-century Powhatan Indians (“Pocahontas’s people”) rose up against the English colonists in Virginia who had been stealing their land and sovereignty bit by bit. The rebellion was cruel—it targeted all whites, even children—and it failed, thereby bringing immense punishment upon itself. It was still at least somewhat justified by near-imminent self-defense. This imminence, and the fact that the English had themselves disobeyed proportionality and discrimination in their massacres, makes me reluctant to condemn the uprising on the grounds of clauses (c) and (d).]

3. When its cause lies open to all—in other words, when its purpose is to defend the possession of rights which ought to be applied irrespective of race and culture. *Race itself need not be relevant to defense of race.* To the extent that a cause is exclusive, it loses worthiness. [See 2.6.] Self-defense of race (or gender, or culture) is most frequently the simpler self-defense of human beings whom the *aggressors* have perse-

cuted on the grounds of race. [See 5.2.D.1.] This rule permits violence against authorities and organizations which are unjust by Martin Luther King's Maxim.

**Martin Luther King's Maxim:** *A law is unjust which requires from the governed acts or allegiances not required from the legislators.*

4. Absent imminent defense, when its end does not go beyond defending the minimal aloofness which is the right of every culture or bloodline.

**The Whale-Hunter's Maxim:** *What is forbidden, allowable, or compulsory in one group need not be in another.* [The fact that Inuit kill whales, or that Muslims abstain from pork and endorse polygamy, in no way entitles, compels or forbids other people to do likewise.]

CAVEAT: The Whale-Hunter's Maxim is justified in inverse proportion to the proportion and influence of those who practice it in a given instance.

NOTE: A bloodline, organization, race or a culture can best maintain itself through some minimal degree of **aloofness**.

- **Aloofness** is the preservation and expression of individual, collective, inborn or acquired difference. Aloofness is the acts and manifestations which will keep difference distinct. Aloofness is a subsidiary end, not a means. It may be defended by justified violence, but it may not employ proactive violence.

EXAMPLES:

1. Traditional Inuit culture has been predicated on low population density in an unpolluted setting. If enough people settle in the North, that will be the end. Immigration quotas are probably justified. Would violence against new arrivals be justified? Maybe, if the threat to Inuit life were extreme enough.
2. A small professional organization might justifiably exclude members of the majority group, although such exclusion would hardly be noble. The majority group might perhaps exclude members of the minority, but only should there be no significant class or social cost to the latter. Any organization, popular, obscure or loathsome, has the right to bear its emblems and make its presence known in any nonviolent way. [See 5.1.8.]

Too much aloofness, and xenophobia will incite violence; not enough, and it will get swallowed.

CAVEAT: A minority group may justifiably maintain a greater degree of aloofness than an majority group.

Defense of bloodline must come second to defense of individual choice. Individual choice is partly determined by structural considerations. A job or a spouse may be chosen in the absence of another choice. Hence defense of bloodline is best accomplished in the structural arena, that is by regulating and predisposing choices.

5. When the defender exercise the rights of the self to express who he is. Should violence ensue, he is not culpable, provided he adheres to his justified ends and means. In effect, the defender has chosen the left horn of—

**The Pelasgian Dilemma:** *Do I express who I am, and thereby cause harm to myself or others, or do I protect myself by becoming one of them?*

NOTES:

1. By the rights of the self [5.1.1-3,5.1.8], either choice is correct.

EXAMPLE: Greek women kidnapped and impregnated by the Pelasgians “had numerous children, whom they brought up to behave like Athenians and to speak Attic Greek. The boys as they grew older would not mix with the children of the Pelasgian women, and all supported one another when it came to blows ... The situation gave the Pelasgians something to think about ... They decided in consequence to kill the Attic women’s children; then, having done so, they murdered the mothers as well.”<sup>101</sup> The Greek women would have been justified either in raising their children as Greeks, which they did, or in assimilating with the Pelasgians in the interest of imminent self-preservation. What the Pelasgians did was therefore utterly unjustified.

2. Potent and legitimate authority [5.2.C.1] renders the Pelasgian Dilemma unnecessary by following—

**Turnbull’s Maxim:** *“In larger-scale societies we are accustomed to diversity of belief, we even applaud ourselves for our tolerance, not recognizing that a society not bound together by a single powerful belief is not a society at all, but a political association of individuals held together only by the presence of law and force, the very existence of which is a violence.”*<sup>102</sup>

### [5.2.E] WHEN IS VIOLENT DEFENSE OF CREED JUSTIFIED?<sup>103</sup>

Again, problematic.

**Creed** is part choice, part identity. As identity, it partakes of a nature similar to race and culture [5.2.D], and has all the same justified and unjustified defenses. (Its invocation is often a specious mask for intolerance. This category is very dangerous because such faith, by way of proving itself, so often refuses to descend to the level of logical proof. This leaves the end itself unsusceptible to our judgment.) Creed defines itself by including its present members and enrolling new ones, by enticement, compulsion or both. Creed also defines itself by excluding others, again by enticement, compulsion or both.

A creed is not an end. The means-end combination is a verb; a creed is a noun or even an adjective. The end is the goal; the creed is the standard in whose name the goal is chosen.

COROLLARY: The content of a creed is irrelevant to defense of creed.

1. When it does not violate the Golden Rule [1.2.1-2].<sup>104</sup> From this I derive:

2. More generally, when it is morally transparent. Defense of a "transparent" creed may or may not be justified, depending on the means and ends employed by that creed. Transparent axia are always justified in and of themselves, by virtue of their innocuousness. The Golden Rule is morally transparent.

- By **transparent** I mean that the creed does not in and of itself call for any act which supposedly defends that creed.

EXAMPLES:

1. "The Kingdom of Heaven is a mustard seed" says nothing about violence at all. It is irrelevant to violence, hence transparent.

2. The Golden Rule [1.2.1] includes all of us, so it likewise refrains of singling any of us out for violence. It is almost tautologically transparent.]

- An **opaque** creed demands something of other creeds. It is not satisfied with accepting all differences of outlook. Its end is menacingly violence-specific. It disobeys the Golden Rule.

EXAMPLE: "The Qur'-An is the word of God" is transparent, but it becomes opaque when explicated as follows: "The Muslims need to hear from the Christians that there is no God but Allah and Muhammed is His Prophet, and then we will be friends."<sup>105</sup>

3. When it is directed against the aggressive enactments of an opaque creed.

4. When creed is simply speech, transparent or not [2.0., 5.1.18], and the freedom to utter that speech is under imminent attack.

CAVEAT: Direct incitement to violence is action, not freedom of speech.

GENERAL NOTE: As is the case for legitimate, consensualized preexisting authority [5.2.C.1], the less rigorous the creed, or the more widely it is embraced, the less cruel the violence of its defense needs to be, and ought to be.

EXAMPLE: "For I am gentle and lowly in heart, and you will find rest for your souls. For my yoke is easy, and my burden is light." —*Christ*.

[5.2.F] WHEN IS VIOLENT DEFENSE OF WAR AIMS JUSTIFIED?<sup>106</sup>

A **war aim** is any end whose defense, achievement or active prosecution is the justification invoked for a given military conflict. General considerations of means and ends [2.1-3, 2.5] are highly relevant here.

1. *When the war aims themselves are legitimate...*

A legitimate war aim may be derived from analogy with the rights of the self [5.1.1, 5.1.2,<sup>107</sup> 5.1.8. All indications of justice in 5.1.1 apply]. A homeland or a command authority may violently:

- a. Defend itself, or not [this requires its own sub-calculus; see 5.2.G].
- b. Defend an ally, or not [5.2.G also applies].
- c. Destroy itself or preserve itself [although this option is very susceptible to coercion's abuse].

## EXAMPLES:

1. The mass suicide of the Jews at Masada was probably justified since the defenders were zealots and had nothing good to look forward to at the hands of their Roman besiegers. (I say "probably" because it is difficult to judge the means of killing one's children for their own good.)
2. When the Athenians besieged the Persian-installed governor of Eion, the governor's disposition of the people over whom his authority exercised coercive control was this: "He made a huge pile of timber, set it on fire, and then, cutting the throats of his children, wife, concubines, and servants, flung their bodies into the flames."<sup>108</sup> This seems a bit unjustified, to say the least.
3. On Takashiki Island in 1945, the "crushing of jewels" decreed by the defeated Japanese army against Japanese civilians was similarly gruesome, coercive, unjustified.
- d. Defend its right to nonviolently express its identity, in accordance with the rules for defense of race and culture [5.2.D.1, 2, 4, 5].<sup>109</sup>

## EXAMPLES:

1. The seventeenth-century Powhatan Indians "seldom make warrs for landes or goodes, but for women and Children, and principally for revendge, so vindictiue and ielous they be, to be made a derision of, and to be insulted upon by an enemy."<sup>110</sup> Depending on its context, this war aim might be justified.
2. Oath of the Athenian defenders before the battle of Plataea: "I shall fight as long as I live, and I shall not consider it more important to be alive than to be free ..."<sup>111</sup>



A legitimate war aim may also be derived from analogy with the rights of the collective [5.1.4, 5.1.5]. A homeland or a command authority may violently ...

e. Construct or maintain legitimate preexisting or revolutionary authority [5.2.C.1-2].

EXAMPLE: The war aim of Wu Tzu: "Suppressing the violently perverse and rescuing the people from chaos."<sup>112</sup>

f. Obey a higher legitimate authority

CAVEAT: Loyalty, compulsion and fear frequently do not extenuate war's violence and require their own sub-calculus [5.3.C.1-2, 6.3.C.1-2].

*...and their enacted violence is limited.*

No one agrees as to how a limitation of war should be defined.

EXAMPLE: Moltke the Elder prefers to limit the war's *duration*. "Rapid conclusion of a war undoubtedly constitutes the greatest kindness. All means not absolutely reprehensible must be used to accomplish this end."<sup>113</sup> This brings him into potential conflict with all other limitations, and would seem to justify a Blitzkrieg or nuclear attack, since he never defines reprehensibility. And the Aztec "flower wars," which could drag on indefinitely, don't seem to have been necessarily very cruel. Therefore I reject Moltke's definition, and define limitation in terms of the intensity of the violence itself.

**Michael Walzer's Axiom:** *It is less important for the justice of a war that any particular item be on the list of limitations than that there be a list.*<sup>114</sup>

In spite of Walzer's Axiom, I propose that *all* the following limitations be respected:

- **FIRST LIMITATION:** The violence of war should be employed only by and toward combatants.<sup>115</sup> [Respect the Discrimination Principle.]

**Discrimination Principle:** *The greater the percentage of war victims who are combatants, political leaders, or otherwise directly associated with the war's aggression, the more moral, or less immoral, the war.*

EXAMPLES:

1. A suicide bomber is more justified in killing soldiers than children.
2. Geneva Conventions: "It is prohibited to attack, destroy, remove or render useless objects indispensable to the survival of

the civilian population, such as foodstuffs, agricultural areas..., crops, livestock, drinking water installations...]<sup>116</sup>

COMBATANT: What makes him one we all know: He fights. But what emblemizes his status varies almost infinitely.

[Local examples of noncombatant status: sex, age, ill health, absence of a uniform, tokens of a herald, etc.]<sup>117</sup>

- In Vigny's tale "The Russian Guard-Post," a French captain justifiably stabs a Russian boy in his sleep; the Russians employed children as officers in those times.<sup>118</sup>

• FIRST COROLLARY: A just war must aim toward a just peace.<sup>119</sup> We further the justice of war to the extent that we can persuade our enemies not to be combatants.

• SECOND COROLLARY: The violence must be employed only in war zones, and only during wartime.<sup>120</sup>

EXAMPLE: "Once our soldiers had broken the enemy's ranks and put them to flight they would not stab another Indian: it seemed to them mere cruelty."—A 16th cent. conquistador, who of course goes on: "What chiefly concerned them was to look for a pretty woman or find some spoil."<sup>121</sup>

• THIRD COROLLARY: The unpersuaded are noncombatants.<sup>122</sup>

• FOURTH COROLLARY: The uncategorized are combatants, if they occupy an active war zone.<sup>123</sup> Justification: Imminence.

EXAMPLE: A British history of the Zulu War reports: "Dense masses of the enemy were seen about a mile off, and against these masses shells and rockets were directed with good effect." Some of those people a mile off might conceivably have been Zulu women and children. But since they were in the belligerent column of march, shelling them was not unjustified.

CAVEAT TO FOURTH COROLLARY: We must give the uncategorized the opportunity to categorize themselves, whenever we are not overruled by imminent self-defense. [See 5.1.1-2.]

EXAMPLE: A person who seems to be a civilian approaches me. If imminence allows me, I should search him to make sure he's no threat, rather than killing him.

EXAMPLE OF OVERRULING BY IMMINENCE: A Soviet

lieutenant in Afghanistan machine-guns civilians after an uncategorized person killed his predecessor. "What was I supposed to do when all these *kisblak* [village] women started coming down toward our sentry post? How was I supposed to know who was hiding underneath the yashmaks? ... They could have come right up to the post and shot all of us ...]"<sup>124</sup>

- FIFTH COROLLARY: Prisoners of war who seek to fight on after capture are combatants.<sup>125</sup>

EXAMPLES:

1. Julius Caesar's justified moral calculus: Kill all prisoners captured twice, unless they can convince you of prior compulsion. This is because he mostly released his prisoners, having no facilities to imprison them.

2. World War II: "Going through a group of dead Japanese required caution, because one might be feigning death and try to kill you. We were quick to make sure they stayed dead."<sup>126</sup>

Otherwise, once disarmed and in our power, they are noncombatants.

EXAMPLE: The Plataeans to the Spartans: "To grant us our lives would be ... a righteous judgment; if you consider also that we are prisoners who surrendered of our own accord, stretching out our hands for quarter, whose slaughter Hellenic law forbids ..." <sup>127</sup> Unfortunately and unjustifiably, the Spartans put them to death just the same.

SECOND LIMITATION: The violence of war should be employed against no more people than is needed to accomplish a specific justified result, and the number of people harmed by the violence should be lower than the number of people helped by it. [Respect the Proportionality Principle, 5.1.7.]

EXAMPLE: Huong Van Ba, North Vietnamese Army: "To save fifteen million people was the highest moral obligation. To kill a few dozen people in the fighting was nothing important. Of course sometimes we were deeply touched by certain situations."<sup>128</sup> In real life this is probably as close as a combatant can get to following the Second Limitation.

THIRD LIMITATION: When it is employed only by legitimate command.<sup>129</sup>

*Aquinas*: "It is not the business of a private person to declare war, because he can seek for redress of his rights from the tribunal of his

superior.”<sup>130</sup> [See the definitions of legitimate authority, 5.2.C.1-2. Imminence may in fact justify ad hoc military command systems unacceptable to Aquinas, for instance, guerrilla insurgency or secret organizational “cells,” as in World War II Yugoslavia. These would be ethically analogous to legitimate revolutionary authority.]

[5.2.G] WHEN IS VIOLENT DEFENSE OF HOMELAND JUSTIFIED?<sup>131</sup>

**Homeland** is the ground on which “we” dwell. Homeland is also an ethos, whose actions justified and unjustified are *our* actions.

“We” is highly problematic.

(1) If we are Xerxes’ Persians, does “we” include the Greeks who have not yet sworn allegiance to us? (2) Does “we” include the unwilling conscripts who happen to be dwelling in the heartland of the homeland? War will determine such questions from a practical if not an ethical point of view.

1. When the aliens [people from outside the homeland] are the imminent violent aggressors.<sup>132</sup>

EXAMPLE: Leonidas, when asked whether he has any plan other than to hold Thermopylae against the Persian invaders: “In theory, no. But in fact I plan to die for the Greeks.”<sup>133</sup>

2. When the aliens seriously threaten homeland’s fundamental rights [based on the rights of the self, 5.1.1-3, 5.1.8; the resulting rights of homeland are racial and cultural rights, 5.2.D.1-5] to express its own ethos and follow its own lifeway, and when all nonviolent means for neutralizing the threat have failed.

EXAMPLE: Ho Chi Minh justly invokes defense of homeland against the French and the Americans: “Nothing is more precious than independence and liberty.”<sup>134</sup>

**Ethos:** Unknowable to third parties except through material standards. Wherever our common rights of the self permit, people have the right to determine what does and does not define, injure and preserve their well-being. The attempt on the part of third parties to redirect or redefine a group’s ethos is usually unwarranted. In the political arena it is frequently associated with, or leads to, aggression. Nonetheless, an ethos may cause or countenance unjustified violence. The ethos of another should be approached with the utmost caution.

EXAMPLES OF ETHOS-DRIVEN INSTITUTION: Pederasty among the ancient Greeks, hunting among Inuit, patriarchalism in the Muslim world, female circumcision in parts of Africa.

NOTE: As stated, this rule is very dangerous and subject to abuse. Hitler invoked it to murder Jews. But he did so falsely. The Jews did not threaten the “Aryans,” but in fact contributed to the German economy. No “negotiations” had taken place. But I believe that this rule is valid when its preconditions are literally true. The Aztec uprising against Cortes’s Spaniards in 1520 was justified defense of homeland

because the Spaniards meant to enslave them, had massacred Aztec nobles in the marketplace, kidnapped their Emperor, and refused to negotiate.

COROLLARY: A local injustice *of which the locals do not complain* never invalidates local defense of homeland.

EXAMPLE: Afghan patriarchialism did not justify the "progressive" Soviet invasion of Afghanistan.

[5.2.H] WHEN IS VIOLENT DEFENSE OF GROUND JUSTIFIED?<sup>135</sup>

**Ground** is the territory on which we find ourselves, rightly or wrongly. Because invoking defense of ground as an excuse for violence so frequently avoids the larger question of how the moral actor came to occupy the ground that he did, this justification tends to be suspect.

1. By imminent self-defense, even during unjust aggression—but *only* by imminent self-defense.<sup>136</sup>

EXAMPLE: Besieged by the Aztecs he's come to conquer, Cortes instructs his men, and so far imminence justifies him: "The Mexicans and their allies are now determined to kill us all. Let us then, with all our Indian allies, defend ourselves." Now for the unjustified part: "Indeed we can do no less in our defense than kill them, take from them their kingdom, and make them our slaves ..."<sup>137</sup>

[5.2.1] WHEN IS VIOLENT DEFENSE OF EARTH JUSTIFIED?<sup>138</sup>

**Earth** is the ecosystem which sustains us and whose other members have no less a right to life than we do.

1. When needed to avert a scientifically imminent ecological threat. Proportionality especially applies. [See 5.1.7.] Be your own scientific expert, but be right—or follow one you can trust.

**Scientific imminence** is a term which applies to defense of earth only. For every other chapter of *Rising Up and Rising Down*, the only kind of imminence considered is “ordinary” imminence [5.1.1]. Scientific imminence refers to a threat to health, well-being or even existence, a threat which may affect one person [EXAMPLE: a rural well poisoned by PCBs] or every person [EXAMPLE: global warming]; a threat which may or may not be perceptible by the ordinary senses, as “ordinary” imminence is, a threat which may affect only human beings or other organisms as well [see the calculus for defense of animals; 5.2.J.1-3]; above all, a threat which meets reasonable scientific standards of proof for its harmfulness and its certain to highly probably onset, unless certain specific measures for defense of earth are undertaken. These measures must in turn meet their own scientific standards for effectiveness and relative harmlessness; if not, they are unjustified.

EXAMPLE: “The emission of greenhouse gases in distant lands is warming the Earth and causing the sea level to rise. The coastal fringe where my people live is but two meters above the sea surface. We are trapped ...” Thus Kinza Clodumar, president of the Republic of Nauru.<sup>139</sup> If what he says can be proven to be true, the Naurans would arguably be justified in using violence as a last resort against the greenhouse gas producers. But its proof must meet the standards of scientific imminence.

GENERAL NOTE: Both pro- and anti-environmentalists are habitually guilty of making assertions which do not meet scientific standards.

An ecological threat can only be defined according to the presuppositions of the definer. For this reason, it is vital that each moral actor who cares to address this daunting issue articulate these presuppositions and attempt to give them some legitimate authority [5.2.C.1] by consensualizing them. Otherwise, one runs the risk of following our Maxims for Murderers [1.3.1-1.3.13], which selfishly reserve to the moral actor all evaluation of ends and/or means. At this point in time (2003), ecotage has little mainstream support and therefore resembles revolutionary authority [5.2.C.2] in its extreme character and the



resulting very high burden of moral proof required.

EXAMPLE: A society which ignores or refuses to admit the obvious truism that our environment does have a carrying capacity has no business asserting that ecotage is always unjustified. If our demands on the environment grow without limit, then sooner or later we must reach a point of scientific imminence; that is a simple fact. But where does the emergency begin?<sup>140</sup> When there is no longer enough food for all human beings? When there is no longer enough red meat for all human beings? (Was there ever?) When scarcity of ecological resources is directly responsible for pulling the per capita income below a certain number? Carrying capacity must be honestly and explicitly defined by all parties who invoke it.

2. As an agent of mutually agreed upon compulsion [in other words, legitimate authority; 5.2.C.1] to interrupt the self-destructive loop of the Herdsman's Calculus.

EXAMPLE: A government uses force to neutralize a polluter.

**The Herdsman's Calculus:** Problem: *What is my utility in adding one more animal to my herd on a common pasture?* Solution: Buy another animal, let it overgraze, and be damned to everybody else.

3. As a last-ditch defense of a place's justified identity [5.2.D.2,4,5]; by analogy with defense of the minimal aloofness permissible to a race, culture or creed [5.2.D.4]; again, by analogy with the ethos of a homeland [5.2.G.2].

EXAMPLE: Earth First! saves a redwood grove through ecotage. The justifiability of this is arguable and context-dependent.

**Identity of a place:** [modeled after def. of ethos] Undefinable to human beings except by consensus. Wherever our common rights of the self permit, people have the right to determine what does and does not define, injure and preserve the well-being of a place. This refers both to what is now called "aesthetic values" and also to whatever agreed-on right to existence and health an specific ecological niche may possess. For the foreseeable future, most attempts to establish a consensus on this matter will fail. Therefore, two opposing risks face us: Allowing the identity of a place to be destroyed forever (for example, by a developer); or else becoming judge, jury and executioner in carrying out ecotage according to one's own private calculus. In short, this category remains an ethical danger zone.

## [5.2.J] WHEN IS VIOLENT DEFENSE OF ANIMALS JUSTIFIED?<sup>2141</sup>

This category remains largely undefined and unexamined in the common mind.

1. When demanded by imminent defense of earth. Scientific imminence applies [5.2.I.1.]

HYPOTHETICAL EXAMPLE: Violence committed to preserve against human greed an animal species which is vital to the ecosystem.

*Justifications {2} and {3} derive from the debatable 5.1.1a.*

2. To save a species against extinction. Scientific imminence applies. [5.2.I.1.]

3. To save an organism from the unjustifiable violence of another organism (most probably a human being). This is nothing but a restatement of 5.1.1a: Violence is justified *in legitimate defense of nonhuman beings against imminent physical harm.*

EXAMPLE: Someone kills an elephant poacher to save the life of the elephant.  
More extreme example: Someone kills a slaughterhouse employee to save the lives of a feedlot's beef steers. Justified, or not, by one's presuppositions.

- **Legitimate defense:** Remains undefined.
- **Imminent physical harm:** In this context, there exist various disputed and undefined exceptions.

EXAMPLES:

1. Experimentation which inflicts violence upon animals is not justified if it can be shown not to possess the possibility of benefiting humans significantly and directly, or if its goal need not be achieved by the particular violent method in question. Otherwise, it may well be justified by human imminence, no matter what the animal suffers.

CRUCIAL AND UNRESOLVED QUESTION: Must scientific imminence apply to justify human use of animals, or is human convenience sufficient? The answer depends on one's presuppositions.

2. It would seem entirely justified by imminence for hunter-gatherer societies to eat animals and wear their skins.

4. To protect the identity of an animal against imminent and unjustifiable harm.

- **Identity of an animal:** Unknowable to human beings except by analogy with ourselves. Wherever the rights of the human self permit, people have the right to determine what does and does not define, injure and preserve the well-being of their identity. By extension, animals are entitled

to our respect and consideration in whatever physical, behavioral, cognitive, psychological or other aspect of them in our good faith judgment defines and preserves the well-being of their identity. Identity carries with it the inherent right of any organism, barring necessity, for it to express its organism-ness. This right must at a minimum include the same basic rights of self-defense and defense of others which we allow ourselves; it should also take into account the differing identities of species and individuals: the right of an otter to express otter-ness.

HYPOTHETICAL EXAMPLE: The Animal Liberation Front violently frees a monkey from a laboratory cage.

*Other justifications may develop as the newly expressed cause of animal rights and the ancient axia of human ethics continue to shape each other.*

[5.2.K] WHEN IS VIOLENT DEFENSE OF GENDER JUSTIFIED<sup>142?</sup>

*Points 5.2.K.1 and 5.2.K.2 are modeled after those for defense of race and culture, 5.2.D.1 and 5.2.D.3.*

**Gender** in this context refers not only to the physical, sexually differentiated body and its rights, which are the rights of the self, but also to cultural, personal and spiritual expressions of that body. In short, gender is an inalienable aspect of the self. I assert, as many people in my society would, and many people outside my society would not, that one's gender and its manifestations of all kinds need no justification.

- **Outer gender** is the gendered characteristics of otherness which attract us, and our own characteristics which complement them.
- **Inner gender** is the gendered incarnation of the other with whom we're intimate, and our own incarnation which complements him or her.
- Aggression against gender consists of any or all of the following, which overlap:
  - a. Attack against gender's embodiments.
 

EXAMPLE: The serial killer Danny Rolling rapes and murders someone because she is a "once-a-month bleeding bitch."

NOTE: The best longterm, nonviolent defense against attacks on gender is insure that each gender has not only its embodiments, but its perogatives.<sup>143</sup>
  - b. Attack against gender's traditional perogatives.
 

EXAMPLE: Igbo tribeswomen in S.E. Nigeria own their husbands' fields, and all domestic animals. When colonial authorities promise not to tax them, yet levy a tax on these categories of property, the 1929 Women's War breaks out.<sup>144</sup>
  - c. Aggression against inner gender. Namely, nonconsensual violence within a consensual or nonconsensual intimate relationship.
 

CAVEAT: We must take to differentiate violent aggression against gender from consensual sadomasochistic practices [see 5.3.D-E.]
  - d. Aggression against outer gender. Namely, a violent attempt to establish a nonconsensual intimate relationship.
 

EXAMPLE: Sexual predation.
  - e. Sex-selective infanticide.
 

EXAMPLE: *Slavey Indians, 1807*: "It is a great deal of trouble to bring up girls, and ... women are only an encumbrance, useless in time of war and exceedingly voracious in time of want."<sup>145</sup>

### VIOLENT DEFENSE OF GENDER IS JUSTIFIED:

1. When it is committed (most likely by a minority against a majority) in the face of imminent aggression against gender (which it need not prevent), *and* the violence is directed exclusively against members of the other gender whose actions constitute physical aggression.

EXAMPLE: During the Babylonian uprising described by Herodotus,<sup>146</sup> in which the men planned to put to death most of the women to save food, any woman, including one of those spared, would have been justified in killing any man to save herself or other women.

HYPOTHETICAL EXCEPTION: The destruction of all embryos, or perhaps of female embryos (which some social activists refer to as femicide) *may* someday be justified, at least arguably, by imminent ecological self-defense (defense of earth).<sup>147</sup>

2. When its cause lies open to all—in other words, when its purpose is to defend the possession of rights which ought to be applied irrespective of gender.<sup>148</sup> [See 2.6; 5.2.D.2]

EXAMPLE: Imminent self-defense of a woman against her rapist.

3. When directed against a gender-class system whose unjustified categories place the subservient gender at imminent risk of harm, when the defensive violence would clearly diminish that risk, and when proportionality applies.

EXAMPLE: A Thai brothel-keeper who illegally imprisons Burmese girls for his own profit in conditions of sexual slavery could, I believe, be violently attacked were that necessary to help the girls escape. Were that brothel system legal and hence protected against nonviolent redress, I believe that any weak link in the exploitative chain—for instance, the man who drove truckloads of these prisoners from a collection point to a brothel—might be attacked with equal justification.

4. When it seeks by otherwise justified means to stop an attempt to violently transform gender into, or violently maintain it as, class.

5. When it is directed against gender-class structures and their official representatives, not against individuals who happen to be members of the gender-oppressing class only passively, through biological or social accidents.

EXAMPLE: An influential cleric or educator who called for cruel measures aiming at the domination of women, or for female infanticide, *might* arguably be a legitimate target for violence, if and only if the attack on him would provably neutralize his influence. [see 5.3.A.]

6. To the extent that the gender it protects is legitimate authority. [This is a response to (b): Attack against gender's traditional prerogatives.]

## [5.2.L] WHEN IS VIOLENT DEFENSE AGAINST TRAITORS JUSTIFIED?<sup>149</sup>

A **traitor** is:

- Someone who threatens or embarrasses *personified* authority (a common ancient and totalitarian definition).
- Someone who threatens or embarrasses *generalized* authority, “the people” (a modern definition employed by totalitarianism and mass democracy).
- Someone actively or passively in league with the enemies of authority (a definition to be met with in wars and revolutions).

VIOLENT DEFENSE AGAINST TRAITORS IS JUSTIFIED:

1. Against a deliberate or accidental agent of danger—in other words, as imminent defense.

EXAMPLES

1. “Whosoever seeks to put law in chains and the state under control of faction by subjecting them to the domination of persons, and further serves these ends and foments civil strife by revolutionary violence, must be counted the deadliest foe of the whole state.” —*Plato*<sup>150</sup>

2. A “horizontal collaborator” has a boyfriend who wears the uniform of the enemy occupation. His visits endanger a local resistance cell. [See 5.1.2.A.2.]

CAVEAT: Imminence implies responsibility on the part of the traitor-liquidators. Did they try to prevent the hideous necessity, by warning the dangerous person to stop being dangerous, before the potential danger became active? Less imminence is needed to justify the elimination of a deliberate traitor than an accidental one. A girl seen in a bar with an enemy boyfriend may not be culpable. When she begins to inform on her neighbors to him, she’s become deliberately dangerous. Any defense against traitors which fails to distinguish between such cases is unacceptable, doctrinaire, murderous.

2. Against a deliberate agent of danger, as a personal, punitive, or didactic act.

EXAMPLE: an extortionist or informer. The caveat “deliberate” rules out such abuses as deterrent executions of hostages.

“But suddenly, as we glimpse strand after strand in the web of support, we begin to sense the whole, and apprehend the truism that *nobody whatsoever should help the enemy.*”

Against a *rodef*, violence may justify itself as impersonal imminent self-defense. Against a *moser*, violence may be additionally legitimized as personal and punitive.

- **Rodef:** A community endangerer.

EXAMPLE: A man who overburdens a ferry, putting other passengers at risk of drowning.

- **Moser:** An informer.

[5.2.M] WHEN IS VIOLENT DEFENSE OF  
THE REVOLUTION JUSTIFIED?<sup>151</sup>

*{Per def. of revolutionary authority; see 5.2.C.2.}*

**Defense of the revolution** means protection of the revolution's right, perceived or real, to develop from an initial recognition of grievance all the way into the maintenance of incumbency's power. Defense of the revolution allows means and ends to alter, provided that "justice" will ultimately be done in the name of some legitimate super-end.

NOTE: Our moral calculus already contains rules for defense of revolutionary authority. Why do we need this section? Because in a revolution, rival authorities fight for the legitimacy which alone makes defense of authority worth anything. What happens when the revolution does not yet possess any authority? When is violent defense of a weak revolution justified?

1. When the ends of the revolution are explicit and legitimate. Whenever those ends change, the legitimacy of defense of the revolution must be reevaluated.

Insurgent Subcommander Marcos, Zapatista Army of National Liberation: "The principal characteristic of this rebellion is that it seeks a voice. Having exhausted all legal means of enabling that voice, indigenous Mexicans had to use the voice of guns in order to be heard."<sup>152</sup> Once it has been heard, what next?

2. When it is defense of the General Will.

DEFINITION (BY ROUSSEAU): "There is often a great deal of difference between the will of all and the General Will; the latter regards only the common interest, while the former ... is merely a sum of particular wills ..." And again, "the particular will naturally tends to preferences, and the General Will to equality."

COROLLARY TO DEFINITION: The General Will is best served by equally maximizing liberty and equality in accordance with the Golden Rule.

CAVEAT: Unfortunately, in a revolution the General Will is often knowable only after the fact. Therefore, the moral actor must continually attempt in good faith to define each local manifestation of the General Will as he sees it.



### [5.3] JUSTIFICATIONS: POLICY AND CHOICE

*Revenge, deterrence, retaliation and punishment can only be justified by the meaning they express. Otherwise they become unmeaning violence.*<sup>153</sup>

#### [5.3.A.1] WHEN IS VIOLENT DETERRENCE JUSTIFIED?<sup>154</sup>

**Deterrence** is “do unto others to discourage them from doing unto you.” More precisely, deterrence is the infliction of terror for the purpose of disheartening the victim or his people from acting in a way which the deterrers have proscribed. Deterrence is expedient, although it may act in the service of ethical ends.

##### 1. As proactive defense against imminent harm.

EXAMPLE: Our enemies, who enjoy quantitative superiority, mobilize their armies against us, disregarding all warnings. We may launch our missiles first if second-strikers will be losers. For an analogy with individual self-defense, see 5.1.1.

CAVEAT: Too much of the time, the politicians who employ this justification pretend that a merely strategic loss constitutes imminent harm. In such a case, the sacrifice of noncombatant populations in the name of deterrence cannot be expiated, let alone justified.

##### 2. Against the narrowly defined imminent threat of a specified foe, especially when the deterrence is itself specific and limited. [See 6.3.A.5.]

EXAMPLE: John F. Kennedy, 1962: “It shall be the policy of this nation to regard any nuclear missile launched from Cuba against any nation in the Western Hemisphere as an attack by the Soviet Union on the United States, requiring a full retaliatory response upon the Soviet Union.”<sup>155</sup>

##### 3. When it prevents unjustified violence; when it seeks to prevent violence generally. (Julius Caesar’s calculus: *Retribution is useful as deterrence’s last resort.*<sup>156</sup>) When it allows various retributive possibilities to be modulated, escalating itself only as needed.

EXAMPLE: the Aztec “flower wars.”

##### 4. When it enforces a legitimate social contract. When it is an instrument of legitimate authority [5.2.C.1, 5.2.C.2.].

{CAVEAT: See 6.3.A.5.}

*Deterrence approaches justification (or at least mercifulness)<sup>157</sup> when it forbears to execute retribution.*

### [5.3.A.2] WHEN IS VIOLENT MILITARY<sup>158</sup> RETRIBUTION JUSTIFIED?

**Retribution** is “do unto others as they have done unto you—or else do worse.” Retribution may have expedient deterrent effects, or not, but it is moral or bureaucratic; it operates within a larger system of means and ends. Revengeless retribution is not personal.

1. To deter new atrocities by punishing old ones.

[The retribution must not itself be an atrocity except under imminent conditions; it must stay well within the limits of proportionality [5.1.7] and discrimination [5.2.F.1], and it ought to follow judicial forms as well as battle conditions allow.]

EXAMPLE, ARGUABLY BUT NOT CERTAINLY JUSTIFIABLE: Lawrence of Arabia enters Tafas, where the Turks had murdered every inhabitant, including “some twenty small children (killed with lances and rifles), and about forty women. I noticed particularly one pregnant woman, who had been forced down on a saw-bayonet.” When he gets this group of Turks into his power, “We ordered ‘no prisoners’”<sup>159</sup>

### [5.3.A.3] WHEN IS VIOLENT REVENGE JUSTIFIED?<sup>160</sup>

**Revenge** is retaliation or retribution carried out for the satisfaction of the revenger; or for the benefit of a victim or offended party. Revenge is highly personal.

1. When it follows judicial forms, or when no judicial forms are available; and when it respects proportionality, discrimination and the Soldier’s Golden Rule.

EXAMPLE: In medieval Iceland, there was no centralized authority to check infringements of the social contract themselves. Hence measured, discriminating revenge carried out by the injured party after legal judgment had been obtained could be justifiable as it would not be in twenty-first-century America.

### [5.3.B] WHEN IS VIOLENT JUDICIAL RETRIBUTION (PUNISHMENT) JUSTIFIED?<sup>161</sup>

1. When the transgressor agrees to, or belongs to a culture which subscribes to, the rule by which he has been judged, and when he can be proven to have violated that rule.

EXAMPLE: A murderer in Singapore "hoped the judge would sentence him to death. He wanted to say sorry to his parents whom he could not serve until their old age."<sup>162</sup>

*Alternatively,*

When the transgressor and punisher accept the same moral values which apply in the given case; and when the transgressor has in fact breached those values such that the law calls for the stipulated punishment.<sup>163</sup> When Solon's Maxim applies.

**Solon's Maxim:** *The best possible city-state is "that where those that are not injured try and punish the unjust as much as those that are."*<sup>164</sup>

John Brown's unauthorized version of this runs: "If I am hard with myself, then by a sly subversion of the Golden Rule I have the right to be hard with you."<sup>165</sup> [See 1.3.2.]

{What are those moral values which all concerned parties must accept? Must they be universal? No. Montesquieu: "If the people observe the laws, what signifies it whether these laws are the same?"<sup>166</sup>

EXAMPLE: When a Muslim citizen of a Muslim country which follows strict Islamic law, *shariat*, commits theft, it is justifiable to cut off his hand. On the other hand, a fine or a prison term is appropriate to punish a Swedish thief in Sweden.<sup>167</sup>

2. When its purpose is to prove that a legitimate social contract will be honored and obeyed by authority. This is especially important when a member of the ruling class does wrong.

EXAMPLES:

1. The government sniper who killed the white supremacist woman Vicki Weaver at Ruby Ridge ought to be tried and punished in a fashion commensurate with due process for other murderers. Not doing so serves extremist assertions that the government acts arrogantly and evilly above the law. That is why Robespierre advises: "In order for the government to keep in the closest harmony with the law it is over its own head that it must wield the heaviest stick."<sup>168</sup>

2. *Al-Bukhari*: The Prophet Muhammad assures the people: "By Allah, if Fatima, the daughter of Muhammad, committed theft, Muhammad will cut off her hand!"<sup>169</sup>

3. When its penalties are codified into limit and consistency, and respect the rights of the self. [See 5.1.1-3.]<sup>170</sup>

EXAMPLE: *Qur'-An*: "O you believe! Retaliation is prescribed for you in the matter of the slain: the free for the free, and the slave for the slave, and the female for the female." But compensation may be offered and accepted. "This is an alleviation from your Lord, and a mercy."<sup>171</sup>

4. When it is proportionate to the original injury.

EXAMPLES:

1. *Code of Hammurabi*: "If a seignior has destroyed the eye of a member of the aristocracy, they shall destroy his eye."<sup>172</sup>

2. *Plato*: "We shall neither inflame the culprit by brutal punishments nor spoil a servant by leaving him uncorrected; so we should adopt the same course with the freeborn."<sup>173</sup>

CAVEAT: Predetermined equations between crimes and penalties have always been dissimilar in different times and places.

5. When it helps heal the victim, those who care for him, the criminal, or society generally.

EXAMPLES:

1. Robespierre and Cicero, among many others, assert the balmlike power of justified revenge. Hobbes suggests that punishment should forbear to dwell upon the evil already committed, but to approach the good we hope for in the future.<sup>174</sup>

2. *Al-Bukhari*: "The Prophet added: "And whoever among you fulfills his pledge, his reward is with Allah; and whoever commits something of such sins and receives the legal punishment for it, that will be considered as the expiation for that sin; and whoever commits something of such sins and Allah screens him, it is up to Allah whether to excuse or punish him."<sup>175</sup>

6. When it is the most practical means of isolating an unregenerate violent offender. [The Romans had no jails. Thus their penalties were limited to banishment, rapidly inflicted measures such as torture, or death.]

### [5.3.B.1] VIOLENT PUNISHMENT MAY OR MAY NOT BE JUSTIFIED

- a. To isolate (render harmless) an offender.
- b. To improve him.
- c. To make him accept, or at least charge him with, responsibility for his crime.
- d. To restore a social balance.
- e. To restore a spiritual balance or purify evil.
- f. To restore a balance of honor.
- g. To assert a social norm or moral calculus.
- h. To make him pay the price of readmission to the social contract.
- i. To make him pay, period.
- j. To compensate, gratify or soothe the victim.

Justifying some of these ends and effects would require adding to or modifying our axioms about the fundamental violent rights of the self [see 5.1.1-3, 5.1.8]. Others are probably already justified in practice; their formulations here are based on the ethos [5.2.G.2] of a particular society.

### [5.3.C.1] WHEN IS LOYALTY-VIOLENCE JUSTIFIED?<sup>176</sup>

1. As such, never. It must be otherwise justified.

### [5.3.C.2] WHEN IS COMPULSION-VIOLENCE JUSTIFIED?<sup>177</sup>

1. By true necessity, individual or group salvation, and practicality.

Violence by command and without explanation is justified only by imminence [see 5.1.1]. In the case of an order which seems to be evil and cruel [EXAMPLE: kill all civilians at My Lai], whoever carries out such orders ought to use his reason and his conscience to see whether imminence can possibly apply. If not, he must refuse to carry out the orders. If so, he may carry them out, and the command which issued the orders without explanation becomes morally liable for the acts consequently committed.

EXAMPLE: The Persian navy were warned: "If they did not get command of the sea, they might fail to take Miletus and be punished by [King] Darius for their failure."<sup>178</sup> What would their punishment consist of? And how would the people of Miletus be treated upon capture? These are the two things we need to know to determine how justified the excuse of compulsion would be in this case.

2. When only the sacrifice of the part will save the whole.

In 1620, upon consent of a learned Rabbi, the Jews of the Polish ghetto of Kalish give up one of their number in order to save themselves from a pogrom.<sup>179</sup> [See 7.0.2.]

[5.3.D] WHEN ARE NONCONSENSUAL SADISTIC VIOLENCE AND  
EXPEDIENT VIOLENCE JUSTIFIED?<sup>180</sup>

1. Never.

[But even here, as with all other motivations for violence, imminent defense or self-defense could conceivably in some rare or extreme case overrule unjustifiability.]

[5.3.E] WHEN IS CONSENSUAL SADISTIC (S/M)  
VIOLENCE JUSTIFIED?<sup>181</sup>

1. Always, assuming that prior negotiations were detailed enough to make it truly consensual.

EXAMPLE: "Will you play with me?" – "*Beatrice Black*"

## [5.4] JUSTIFICATIONS: FATE

### [5.4.A] WHEN IS VIOLENCE JUSTIFIED BY MORAL YELLOWNESS?<sup>182</sup>

**Moral yellowness** is the outward appearance of evil or violence in the attitude or expression of a human being.

1. Never.

### [5.4.B] WHEN IS VIOLENCE JUSTIFIED BY INEVITABILITY?<sup>183</sup>

1. Never, except when inevitability comprises a shorthand for some other justification [such as imminent self-defense].



## [6.0] WHEN IS VIOLENCE UNJUSTIFIED?

1. When it is directed against someone based solely on who he is without reference to what he has done.
2. When it is directed against someone based solely on what he has done without reference to who he is.
3. When it has no limit.
4. When the Golden Rule has not first been applied.
5. When it is in the service of no end.
6. When it is called for solely on the basis of obedience to orders.
7. When (absent extenuating circumstances) it is based on insufficient data. Any sort of self-defense, proactive or otherwise, attempted without information of the target of our defensive efforts, is both inexpedient and immoral. *The inertia of the situation into which we inject ourselves must always be given the benefit of the doubt.* [See 5.1.2.A.2.]  
 COROLLARY: The practitioner of proactive violence remains morally responsible for both the intended and the unintended result.
8. When it is based on deliberate misstatements of fact.
9. When its justifications cannot be verified in the present generation.
10. When its definitions are obscure or illogical. When it is judged according to an inconsistent standard.  
 EXAMPLE: What is class? Lenin says one thing and a rich peasant says another. Unless both definitions are available, how can we evaluate each side's violence in defense of class?
11. When the cause does not lie open to all. When it is defined according to an inconsistent standard.<sup>184</sup> Violent defense of any group is unjustified as such if the group defended has been privileged over other groups which could face comparable aggression.
12. When any one kind of violence insists on morally superseding all other kinds; and specifically when the violence insists on superseding the victim's right to violent self-defense.

## [6.1] DEFINITIONS FOR LONELY ATOMS

### [6.1.1] WHEN IS VIOLENT DEFENSE OF SELF UNJUSTIFIED?<sup>185</sup>

- When any one or more of the following fails to be met: The two circumstantial conditions (full self-sovereignty and proportionate response) [See 5.1.2.A.1-2] and the two ideological conditions (the allegiance condition and the nonviolence condition) [See 5.1.2.B.1-2.]
- Proactive defense is unjustified in every case when the likelihood of serious danger to ourselves from the source we intend to strike has not been absolutely verified. [See 5.1.1, caveat.]

## [6.2] JUSTIFICATIONS: SELF-DEFENSE

### [6.2.A] WHEN IS VIOLENT DEFENSE OF HONOR UNJUSTIFIED?

1. When it is defense of collective honor alone, and when that collective honor is its own justification.

EXAMPLE: "Can one American watch another die in his cause, by his side, without realizing that that cause must be worth while, and, therefore, must be pursued to a victorious end, whatever the cause?"

2. When it is defense of collective honor, from whose collectivity perpetrators of unjustified acts have not been excluded.

EXAMPLE: Somebody feels called upon to defend the "honor" of the S.S.

3. When it is expressed as aggression against a nonviolent victim.

4. When it is derived from a standard which we cannot control [although this can become justified by imminent defense of self or others even in an arbitrary cause].

INDICATION OF INJUSTICE:

Dishonor to another dishonors oneself.

EXAMPLE: In Afghanistan, my raped daughter must be put to death to save *me* from shame.

CAVEAT: Although we must always be vigilant regarding this trap, the truth is that we usually do fall into it—or rather that we were born

ensnared in it. If you and I are agreed that our honor lies at least in part in each other's keeping, then there is not much we can do about it. By no. 5.1.2 above, I possess the right to violently defend you, or not. If I care for you, I will do it, and I will be justified in so doing. [EXAMPLE: in Afghanistan, I kill my daughter's rapist, and thereby restore both her and myself to honor.]. What can we say then? Defense of another's honor must be consensual and must respect the other's rights in nos. 5.1.1-3 above. Above all, I must refuse to accept a demagogue's or murderer's honor into my keeping.

5. When it is linked to another end (e.g., defense of homeland) so as to render dishonorable any questioning of that end.

EXAMPLE: Soviet patriotism gets expressed against dissidents.

## [6.2.B] WHEN IS VIOLENT DEFENSE OF CLASS UNJUSTIFIED?

1. When it fails to distinguish between unequal human capacity, unequal luck, and unequal goodness. Due to those three inequities, equality of circumstances can only be created and maintained through unending repression, which requires a class of repressers.

EXAMPLE: Stalin represses "kulak" peasants whose only sin was getting richer than their neighbors.

2. When it defines class solely in terms of origin.

EXAMPLE: Twentieth-century Japanese discriminate against Burakumin "Untouchables", sometimes driving them to suicide, solely on account of the occupation of their ancestors.

3. *{Similar to #2.}* When class is merely status without functionality. *{Alternate formulation: When class expresses itself as worth instead of function.}*

EXAMPLE: Masters defend themselves against emancipating their slaves.

4. *{Similar to #3.}* When the thing defended is merely class privilege.

5. When class equals nothing but strength.

6. When class equals property, and another's right to life supersedes the defender's right to property.

7. When its end or means violates the fundamental rights of the self [5.2].

8. When it is predicated on any one definition of class. *{Having said that, let me give you one definition which covers many "bad" cases of class, excluding pure functionality: *Class is the local determinant of social inequality.*}*

9. When it does not steer fairly between liberty and equality.

### [6.2.C.1] WHEN IS VIOLENT DEFENSE OF PREEXISTING AUTHORITY UNJUSTIFIED?

*That is, when is it justified to rise up against it?*

1. When that defense in and of itself permanently aggrandizes the authority, as opposed to merely maintaining it.  
EXAMPLE: Lincoln's victory in the American Civil War was justified certainly by the abolition of slavery it brought about, and arguably by the fact that the South attacked first. But one result of his victory, and the main point for which he fought—federal control—was not justified.
2. When the dispute does not physically endanger authority *and* when authority nonetheless refuses to entertain the idea of reconciliation.
3. When authority has no “empathetic bridge” to the masses or the opposition.
4. When that defense aims at permanently excluding or debasing a portion of the governed.
5. When authority offers no release from obedience in the event of disagreement with it.
6. When self-defense comprises mere defense of unity.  
EXAMPLE: The Bolsheviks vote to make “factionalism” illegal.
7. When it does not generally take place at a steady and moderate tempo (revolutionary and emergency authority *briefly* excepted).
8. When authority invokes more violent power than it needs to in a given case.
9. When authority is not legitimate in the first place. [See 5.2.C.1.4.]

#### INDICATIONS OF ILLEGITIMATE AUTHORITY:

When authority can unilaterally abrogate the social contract.

[NOTE: Authority's subjects may, however, do just that. See 5.2.B caveat.]

#### DESCRIPTIONS OF ILLEGITIMATE AUTHORITY:

- When the officials are not assistants of the people, but constitute a ruling class. [In 5.2.D.2 we quoted Martin Luther King's Maxim: A law is unjust which requires from the governed acts or allegiances not required from the legislators.]

- When the government performs its duties by force, not by love.
- When the state does not enrich its citizens, but makes them poorer.
- When the state does not enhance liberties, but restricts them.
- When people do not feel safer under the government, but more threatened.
- When we cannot peacefully revoke the social contract.

REMINDER: Authority cannot legitimize itself merely by refraining from violence, or even by rewarding its dependents.

EXAMPLE: *Julius Caesar*: "I myself am never happier than when pardoning suppliants."<sup>186</sup>

### {6.2.C.2} WHEN IS VIOLENT DEFENSE OF REVOLUTIONARY AUTHORITY UNJUSTIFIED?

1. When by virtue of its own assumption of infallibility through future justification, revolutionary authority cuts itself off from any check or correction, and so operates increasingly in a moral and logical vacuum.

2. When its ends rather than mere military cut off subjects and bystanders cut themselves off from their ordinary attachments.

EXAMPLE: the Khmer Rouge.

3. When it revolutionizes the masses against their will for a prolonged period of time.

4. When it sunders prior civic allegiances without creating new ones.

5. Above all, when it assigns its violence no limit.

### {6.2.D} WHEN IS VIOLENT DEFENSE OF RACE, GENDER AND CULTURE UNJUSTIFIED?

1. When it is based solely on the defense of a prohibition, privilege or compulsion in one's own group.

2. When it precludes defense of individual choice. [This rule derives from the priority which my own culture and epoch places upon the rights of the self {5.1.1-3, 5.1.18}. Other groups continue to emphasize bloodline over choice.]

3. When it is retroactive. Once the aliens move in, the land quickly becomes theirs, too.

EXAMPLE: The KKK's defense of race was doubly unjust, first because it was directed against people who had never invaded, but had been dragged there as slaves; second, because those ex-slaves had become no longer black Africans but black Americans.

4. When it considers alien habits and characteristics to be proof of inferiority or evil, and acts accordingly; when it forgets the rights of the self and the Golden Rule.

EXAMPLE: *Catechism of the Knights of the White Camelia*: "Are you opposed to allowing the control of the political affairs of this country to go in whole or in part into the hands of the African race, and will you do everything in your power to prevent it?"<sup>187</sup>

*Proactive defense of race is highly suspect.*

#### [6.2.E] WHEN IS VIOLENT DEFENSE OF CREED UNJUSTIFIED?

1. When the essence of the creed is nonviolence. Imminence may still justify a limited emergency self-defense.

2. When creed is a mask for another means or end.

EXAMPLE: Joan of Arc's judges burn her alive in the name of Christianity. In fact they've condemned her because she was a threat to their authority.

3. When the creed defended against is nonviolent or morally transparent.

EXAMPLE: Giordano Bruno is burned at the stake for asserting that "infinite worlds ... exist beside this earth."<sup>188</sup>

#### [6.2.F] WHEN IS VIOLENT DEFENSE OF WAR AIMS UNJUSTIFIED?

1. When the war aims are not legitimate.

*Nos. 2-4: When the violent means and ends are not limited:*

2. When the violence of war is directed by or against noncombatants. (*Violation of First Limitation to 5.2.1.*) When discrimination is not respected [5.2.F.1, 1st Lim.].

FIRST COROLLARY: When we could persuade our enemies not to be combatants, and use violence against them instead.

EXAMPLE: *Deuteronomy 7.1-2*: "When the Lord your God brings you into the land which you are entering to take possession of it, and clears away

many nations before you ... and you defeat them; then you must utterly destroy them; you shall make no covenant with them and show no mercy to them."

SECOND COROLLARY: When the violence gets employed outside of war zones, and outside of wartime.

THIRD COROLLARY: When the violence gets employed against the unpersuaded.

CAVEAT: Practically speaking, this is impossible to live up to.

FOURTH COROLLARY: When the violence gets employed against prisoners-of-war who are in our power.

3. When the violence of war is directed against more people than is needed to accomplish a specific justified result, or the number of people harmed by the violence is greater than the number of people helped by it (*Violation of Second Limitation to 5.2.1.*) When proportionality is not respected [5.1.7].

EXAMPLE: King Shaka orders his army of Zulus to kill the entire Kumalo tribe. Women "can propagate and bring forth children, who may become my enemies."<sup>189</sup>

4. When the leader's authority is not justified; when the violence is employed by illegitimate command. [5.2.C.1-2; 6.2.C.1.9.] (*Violation of Third Limitation to 5.2.1.*)

EXAMPLE: *William Pultney, speech to the House of Commons, 1732*: "Where was a braver army than that under Julius Caesar? Where was ever an army that had served country more faithfully? ... yet that army enslaved their country."<sup>190</sup>

#### [6.2.G] WHEN IS VIOLENT DEFENSE OF HOMELAND UNJUSTIFIED?

1. When it is mere prosecution of homeland's interest.

**Interest** is advantage, not right. It may be unjustified or merely value-neutral, but when advanced by violent means it becomes aggression.

EXAMPLE: Regarding the partition of Poland, Napoleon remarks that "Vienna ... felt great satisfaction ... at acquiring several million souls and enriching its treasury by many millions."<sup>191</sup>

2. When it is nothing but defense against futurity.

BY **futurity** I mean the inevitable obliteration that awaits every homeland, given enough time.



EXAMPLE: In 1939, Germany holds a four to one advantage in materiel. "In order to maintain it," Hitler reasons, "we would have to go on producing four times as much. We are in no position to do so."<sup>192</sup> The solution: Attack Poland while we can.

3. In any civil war, unless this defense can be shown to uphold legitimate authority. Otherwise, both sides can claim to represent the homeland.

EXAMPLE: Pompey says to his legions: "Surely we may trust in the gods and in the righteousness of the war, which has for its noble and just object the defence of our country's constitution."<sup>193</sup> But when his rival Julius Caesar begins to march, the Senate "in its panic repented that it had not accepted Caesar's proposals, which it at last considered fair, after fear had turned it from the rage of party to the counsels of prudence."<sup>194</sup>

#### [6.2.H] WHEN IS VIOLENT DEFENSE OF GROUND UNJUSTIFIED?

1. When that ground may be shifted at will for the sake of expedient or aggressive advantage.

#### [6.2.I] WHEN IS VIOLENT DEFENSE OF THE EARTH UNJUSTIFIED?

1. When scientific imminence remains unestablished:

a. Because the presuppositions of imminent danger on which it is based remain open to good faith scientific disagreement.

CAVEAT: Dissenting perspectives always exist. Still, from a practical point of view we can speak of a "general scientific consensus" on a question.

EXAMPLE: The Darwinian theory of evolution continues to be more plausible than both Creationism and the Lamarck-Lysenko notion of acquired characteristics.

*and/or*

b. Because the defender is neither a scientific expert on the issue in question, nor capable of showing why the experts on his side are more correct than those of the opposition.

In short, when there exists a danger that what is called scientific fact may simply be a murderous assumption.

2. In the absence of an explicit calculus which allows the defender to—

- Weigh benefits to an ecosystem against benefit to the human economy which harms it. [For comparison see 6.2.J.1.]
- Define an imminent or scientifically imminent threat [5.2.I.1] to a place in terms of which losses are acceptable [examples: the extermination of a species, the destruction of “scenic values”; the justifiability of a specific risk to human health]
- Publicly judge and be judged on the criterion of *results* [2.4].

### [6.2.J] WHEN IS VIOLENT DEFENSE OF ANIMALS UNJUSTIFIED?<sup>195</sup>

1. In the absence of an explicit calculus which allows the defender to weigh benefits to animals against benefit to humans. [By analogy with 6.2.I.2., all three of whose sub-clauses apply.] Miscellaneous exploitation, extermination and cruelty [EXAMPLE: the boiling alive of lobsters] has not yet become unjustified by most human norms. Moreover, if humans and animals are ethical equals, those who would prohibit human violence against animals must fit the violence of animals against each other into their moral framework. This calculus should include:

- A detailed categorization of the spectrum of animal use, from food to research to entertainment to maintenance of ethos.
- Descriptions of the human and animal identities involved, with estimates as to the likely suffering or positive effects to all parties for each moral choice being considered.

COROLLARY: Animal defenders rightly accuse others of advocating absolute or relative dismissal of animal rights without justifying the basis of that dismissal. They must be careful not to be guilty of the same sin in regard to human ethos [5.2.G.2].

DEFINITIONS (after Mary Midgley):<sup>196</sup>

- **Absolute dismissal** means that animals have no rights at all.
- **Relative dismissal** means that they have some, but not as many as we do.
- Definitions of all undefined or badly defined terms:
  - Animal identity**
  - Human ethos and identity**
  - Imminent and unjustifiable harm**

### [6.2.K] WHEN IS VIOLENT DEFENSE OF GENDER UNJUSTIFIED?

1. When it is merely the violence committed by one gender on another for reasons which have nothing to do with gender.

EXAMPLE: A woman who murders her abusive husband does not thereby automatically defend her gender, only herself. Her self-defense may be entirely justifiable as such, without being so as defense of gender.

2. To the extent that it violates freedom of expression. [See 5.1.8.]

3. Against infanticide which furthers scientifically imminent defense of earth [5.2.I.1].<sup>197</sup> Fortunately, scientific imminence does not now exist.

4. When gender becomes a mask for the violent maintenance of a class system.

EXAMPLE: In Honolulu in 1932, two Asian men are assaulted, one fatally, in after-the-fact "defense" of a white woman named Thalia Massie who falsely claimed rape.<sup>198</sup>

### [6.2.L] WHEN IS VIOLENT DEFENSE AGAINST TRAITORS UNJUSTIFIED?

1. When the acts defined as treason are the same as the acts committed by the supposed anti-traitors. [A rule violated no less for its obviousness.]

### [6.2.M] WHEN IS VIOLENT DEFENSE OF THE REVOLUTION UNJUSTIFIED?

1. When the acts defined the revolutionaries as treason are the same as the acts committed by them before they came to power.

2. When the revolution's immediate ends change but legitimacy fails to be reevaluated.

EXAMPLE: Robespierre begins by calling for freedom of speech, then muzzles the press. Why? For him to be justified, he must offer satisfactory reasons.

3. To the extent that it fails to explicitly and consensually define the grievances which it seeks to address.

EXAMPLE: "That the price of bread on July 14, 1789 would have been of less significance to Robespierre than his belief that men, on that day, set out to

destroy tyranny . . .”<sup>199</sup> Do we have a consensus as to whether we are correcting the price or bread or overthrowing a tyrannical government?

## [6.3] JUSTIFICATIONS: POLICY AND CHOICE

### [6.3.A.1] WHEN IS VIOLENT DETERRENCE UNJUSTIFIED?

1. Absent imminence, insofar as its effects are not foreseeable and controllable.

EXAMPLES:

1. Nuclear “deterrence,” which may destroy the entire world.
2. When Seneca’s Maxim operates.

**Seneca’s Maxim:** *Violent deterrence becomes inexpedient, although not necessarily unjustifiable, when its severity corrodes loyalty and fear into desperation.*<sup>200</sup>

Thus, harsh deterrence often defeats its own object, in which case it was unjustified by the crucial test of *result* [2.5].

2. When directed against persons who have broken no code and are actively or passively loyal to the deterrer’s authority. When its violence does not fall entirely upon those who made the choice to undertake the proscribed behavior.

CAVEAT: This case may be justified nonetheless by very rare situations of military imminence, or the imminent proactive defense of a legitimate revolutionary authority [5.2.C.2]. Still, it is not excusable as a routine transaction of authority [6.3.A.1.5].

3. By mere symmetry without discrimination. *Tu quoque* is not a justified defense for unethical acts of violence unless those acts have been consensualized into an ethos of acceptability.

**Undiscriminating symmetry of unjustified acts [= *tu quoque*]:** If I commit an illegitimate act of violence upon A, it is no excuse that you who judge me have committed the same illegitimate act upon B. (However, if you commit that act upon B, then I may deter or punish you by committing that act upon you [5.3.A.2].)

EXAMPLE: Nazi war criminals ask for acquittal on the grounds that their Soviet judges also committed war crimes.

4. When it harms more people than those harmed by the deterred act. That is, when proportionality has been violated. [See 5.1.7.]

5. When its main purpose is to overawe people into routine or perpetual compliance with authority (i.e.; when it has not been crafted to deter the specific and limited violence of a narrowly specified group). [See 5.3.A.2.]

CAVEAT: Deterrence is, however, justified when its main purpose is to overawe people into routine or perpetual compliance with the *laws* established by legitimate authority [5.2.C.1-2].

NOTE TO CAVEAT: Since legitimate authority is consensual, legitimate authority's laws, to be just, must be revocable at the will of the governed.

5. When it is not didactic.

EXAMPLE: A biological warfare attack which its victims believe to be a natural epidemic will not deter them from carrying out their own violence against the aggressor; therefore, although the biological warfare attack may be justifiable by other categories, it cannot be justified as deterrence.

6. When it is justified by proactive imminence alone, and the justifiability of the violence which invoked proactive imminence is debatable.

**Proactive imminence:** The more people I kill, the more I need to kill, in order to deter or prevent others from killing me. Frequently invoked in defense of ground, war aims, revolution and revolutionary authority, proactive imminence need not be unjustified if the original violence which brought it into being was justified; still, it is obviously of a lower, more contingent order of justifiability than ordinary imminence alone. Proactive imminence may be either **ordinary** [5.1.1] or **scientific** [5.2.I.1].

7. When it is executed proactively as both deterrence and retribution.

EXAMPLE: Napoleon kidnaps and slays the Duc d'Enghien to deter assassination attempts. He could have simply imprisoned him as a hostage, and issued a deterrent warning of his liquidation in the event of another assassination attempt.

8. When the act deterred remains undefined, when there has been no deterrent warning, or when the deterrer's retribution proves to be more severe than was indicated in the deterrent warning.

9. When the deterrent violence knowingly exceeds the deterrence threshold.

**Deterrence threshold:** Herman Kahn invented this term, which refers to the minimum level of severity whose threat or execution will be required to deter.

[6.3.A.2] WHEN IS VIOLENT MILITARY  
RETRIBUTION UNJUSTIFIED?

1. By *tu quoque* alone. [See 6.3.A.1.2.]
2. When it is not didactic. [See 6.3.A.1.5.]
3. When the degree of imminence is low enough to allow judicial retribution (punishment).

[6.3.A.3] WHEN IS VIOLENT REVENGE UNJUSTIFIED?

1. By *tu quoque* alone. [See 6.3.A.1.2.]
2. When it creates a new wrong equal to or worse than the wrong it has revenged.

[6.3.B] WHEN IS VIOLENT JUDICIAL RETRIBUTION  
(PUNISHMENT) UNJUSTIFIED?

1. By *tu quoque* alone. [See 6.3.A.1.2.]  
EXAMPLE: Because A punishes B does not give C the right to punish D.
2. When the person suffering the punishment does not understand why he is being punished.  
EXAMPLE: "Correction must always be meted to the bad—to make a better man of him—not to the unfortunate; on him it is wasted." —*Plato*<sup>201</sup>
3. When the punishment is inconsistently applied to penalize similar acts committed under similar circumstances. (When it comprises the expedient or slapdash employment of arbitrary means.)
4. When there is no separation of powers among judges, executioners and sovereigns.
5. When proof of guilt is logically faulty, or when the judicial process is dishonest.

EXAMPLES:

1. "In each organization about 3 to 5 percent of the total must be declared 'the enemy' because that is the percentage mentioned by Chairman Mao in one of his speeches."<sup>202</sup>
2. *Malleus Maleficarum* on plea bargains with witches: "After she has been con-

signed to prison in this way, the promise to spare her life [if she confesses] should be kept for a time, but after a certain period she should be burned."<sup>203</sup>

CAVEAT: Punishment of objectively innocent persons, such as witches, might conceivably be extenuated, although not justified, were a fair judicial process applied to their case, and were there a widespread presupposition of the imminent danger they represented.

EXAMPLE: The Huron Indians believed in witches and sometimes put one of their number to death on this basis. Huron witches were, in effect, selfish or antisocial people who often might have saved themselves by following tribal norms of generous sociability. Witches investigated under the *Malleus Maleficarum*, on the other hand, had little hope of escape from condemnation.

6. To the extent that the punishment, which may be just or unjust in and of itself, furthers authority's power beyond the minimum necessary for enforcing the social contract.

EXAMPLE: "Governments need police to produce criminals; because the mass of people are so frightened of criminals they willingly give away their rights and freedoms to obtain protection." —John Myhill<sup>204</sup>

EXAMPLE: The imprisoned Marquis de Sade writes his wife that people will say of him: "*He must have been guilty since he has been punished.*"<sup>205</sup>

NOTE: Both of these accusations may be in their own context disingenuous and even untrue. That is not the point. The point is that the fears they raise must be addressed in each case.

7. When deterrence remains possible but has not yet been tried. A statutory penalty is its own deterrent. However, in more fluid cases, a warning or less severe penalty should be tried first. This is why the law treats juveniles more leniently than adults. And this is why Stalin's application of the death penalty to 12-year-olds was wrong.

### [6.3.C.1] WHEN IS LOYALTY-VIOLENCE UNJUSTIFIED?

1. When its justification is loyalty alone. [In such a case, obedience needs no compulsion, and the fact of superior orders becomes irrelevant to the order-follower's role as a self-determining moral agent.]

EXAMPLE: The Nazi war criminal Otto Ohlendorff, explaining why he murdered 90,000 people: "To me it is inconceivable that a subordinate leader should not carry out orders given by the leaders of the state ..."<sup>206</sup>

2. When the loyalty derives its only justification from commonality between leader and led. [Ethical identity between leader and led is necessary for justice, but not sufficient.]

Imminence may create commonality. Commonality alone, however, can never create imminence.

3. When the loyalty is defined only as a synonym for achieving the political end.

### [6.3.C.2] WHEN IS COMPULSION-VIOLENCE UNJUSTIFIED?

1. When one cannot demonstrate that one would have been severely punished for not committing it.

2. When what gets defined as compulsion is in fact only a requirement for achieving an end.

EXAMPLE: The Japanese vivisect Chinese POWs without even an anesthetic "because in a war, you have to win."<sup>207</sup>

3. When the compulsion derives from the moral agent himself.

{See 6.3.C.1.}

### [6.3.D] WHEN ARE NONCONSENSUAL SADISTIC AND EXPEDIENT VIOLENCE UNJUSTIFIED?

1. Always.

EXAMPLE: Life among the Ik of Africa: "... men would watch a child with eager anticipation as it crawled toward the fire, then burst into gay and happy laughter as it plunged a skinny hand into the coals. Such times were the few times



when parental affection showed itself; a mother would glow with pleasure to hear such joy occasioned by her offspring, and pull it tenderly out of the fire.<sup>208</sup>

[But as noted in 5.3.D, even here, as with all other motivations for violence, imminent defense or self-defense could conceivably in some rare or extreme case overrule unjustifiability.]

### {6.3.E} WHEN IS CONSENSUAL SADISTIC (S/M) VIOLENCE UNJUSTIFIED?

1. Never.

## {6.4} JUSTIFICATIONS: FATE

### {6.4.A} WHEN IS VIOLENCE UNJUSTIFIED BY MORAL YELLOWNESS?

1. Always.

EXAMPLE: "The first time I saw dead Germans they looked just like Americans, except for the uniform. And then you started to think of them as animals."<sup>209</sup>

### {6.4.B} WHEN IS VIOLENCE UNJUSTIFIED BY INEVITABILITY?

1. Always, except when inevitability comprises a shorthand for some other justification [such as imminent self-defense].

## [7.0] WHEN IS VIOLENCE UNJUSTIFIED BUT EXCUSABLE?

1. When it is based on sincere misperceptions of fact which, had they been correct, would have justified the violence. [See 5.1.2.A.2. and 6.0.7.]
2. When it is carried out under the direct threat of extreme violence. [See 5.3.C.3.]

## [8.0] A CHECKLIST FOR REVOLUTIONARIES

1. Do postrevolutionary conditions resemble the pre-revolutionary conditions which we objected to?
2. How accurately does revolutionary theory predict events?
3. How reductionist is the theory? Does it permit most people and things to exist for their own sake?
4. How gigantic a task ought the revolution set for itself?
5. Does the revolution allow non-revolutionaries to inform it of its errors?

### MORAL QUESTIONS FOR A CYCLE OF REVOLUTION

1. Sense of grievance

*Should I be angry? Should I hope for a different future?*

2. Polarization

*Should I join?*

3. Escalation of violence

*Should I fight? Should I kill?*

4. Triumph and consolidation

*Now that I can see the future, does it justify me?*

5. Maintenance of power

*Should I continue? Am I satisfied? Am I justified?*

FROM A LETTER OF COMMENT  
FROM PROF. BRUCE TRIGGER<sup>210</sup>

*Department of Anthropology, McGill University (14 September 2002)*

There is, however, something missing which you may wish to deal with in another book or not at all. When I was younger I thought there was little to be said for the superiority of the Golden Rule in its Christian form (Do unto others ...) over the far more widespread negative version (Don't do unto others ...) Indeed Shaw's observation that tastes differ made me think the negative version was probably the better one. It seems to me now, however, that one can formulate legal-style rules about what people can and can't do about defending their rights but self-interest will go on construing those rights to mean whatever the construer wants. What is needed is an underlying consensus about how modern societies should be run ... Curiously we already have this standard in that most ignored and reviled document *The Universal Declaration of Human Rights* (1948), which set out minimum standards for the legal, political, economic, social, and cultural treatment of human beings everywhere. No country has ever lived up to the standards of this declaration but I find it a most remarkable statement of ideals we should be living up to. I also believe that if there are still people around a millennium hence who can read and write they will honour this declaration as the supreme accomplishment of the 20th century and the one that made the survival and growth of civilized life in the third millennium possible. John Humphrey and the other people who drafted it will be remembered by the general public when Hitler, Churchill and others are known only to specialists who study the Pre-Really-Civilized era. I believe in cultural diversity but I also believe that this diversity must be grounded in respect for each human being and each human being's right to develop and flourish—the first aspiration of the Enlightenment and the first to be abandoned by those people whose political power grew from the Enlightenment. I don't believe such universal values undermine cultural pluralism; on the contrary they can enhance it by counteracting the hegemonic forces that are economically and socially corroding the basis on which cultural pluralism flourishes and hence are limiting freedom of choice. What I think I am trying to say is that it will only be when people can be brought to agree about issues such as these that your calculus will really take hold and provide a basis for judging human conduct. How to get issues of this sort even discussed is of course a bit of a question. But until this happens my terrorist is going to be someone else's freedom fighter.

# IS THIS VIOLENCE?

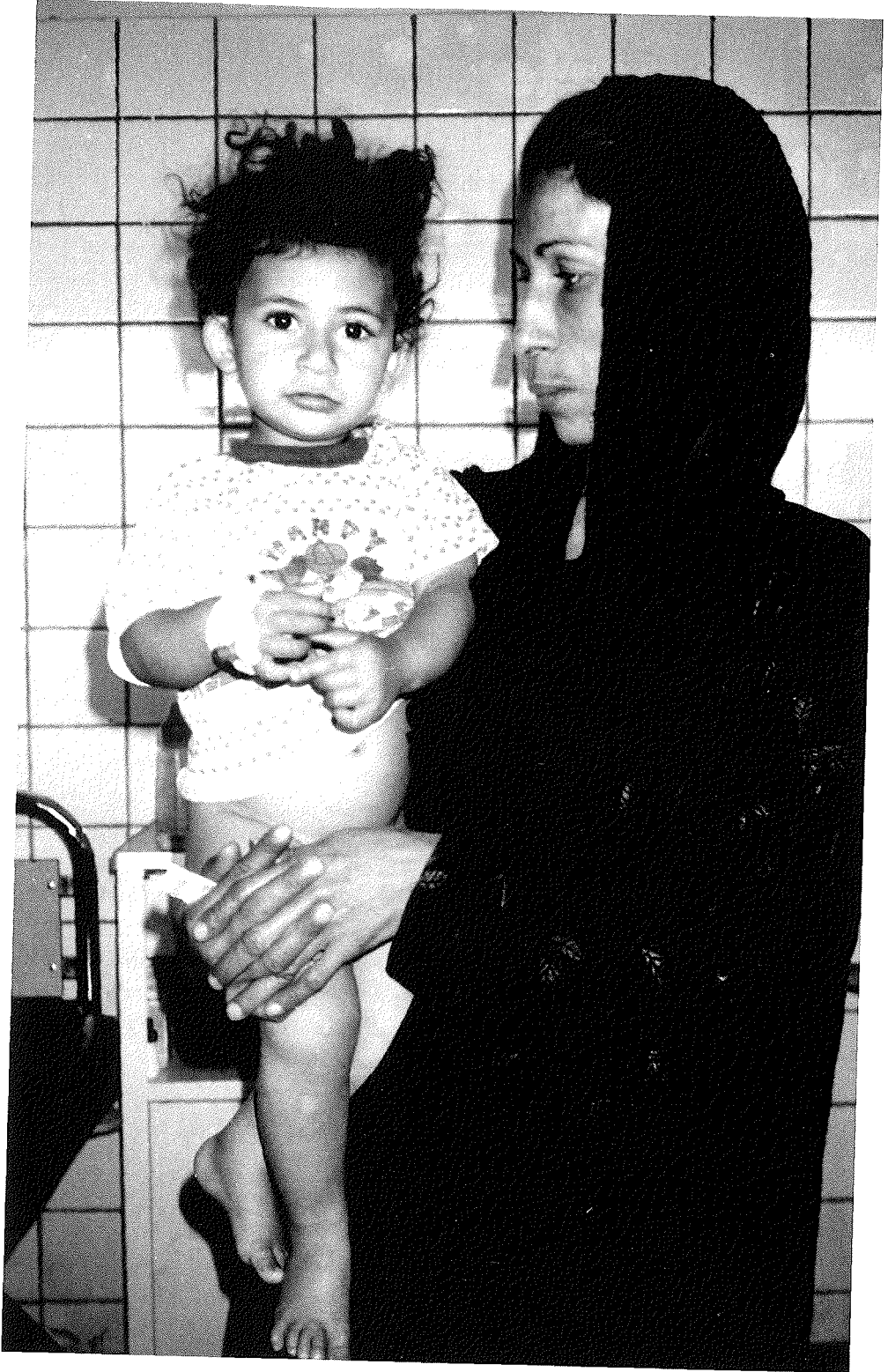
## A SANCTIONED HOSPITAL IN IRAQ

1998

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*I took these ten photographs at Saddam Hussein Hospital, Baghdad, years after the Gulf War. Our sanctions against Iraq were supposed to last six months; eight years later they were still in place. The children in these images were all dangerously ill from diarrhea and cancer—in short, from natural causes. What does their suffering have to do with violence? The Iraqis alleged to me that the incidence of pediatric cancers had rushed upwards since the war, thanks to the depleted uranium armor-piercing shells which the U.S. had dropped. My government denied that these items were unsafe, although European soldiers soon began reporting health problems as a result of encountering the same armor-piercing shells left by the U.S. in Kosovo. I am not enough of a scientist to know who is right. As for the diarrhea, I was told that during the Gulf War the U.S. had deliberately destroyed water filtration plants. Replacement parts remained embargoed, they said. Most of the Iraqis I met knew somebody personally whose child had died of diarrhea since the sanctions began. They accordingly blamed us. Whether or not we bear responsibility for either of these epidemics, it remains horribly incontrovertible that thanks to us these children could not obtain any medicine. According to the doctors who took me to this ward, many or most of them would die. I brought a bag of medicine to Iraq, and that accomplished as much as if I'd dropped a sugar cube into the ocean. When I asked the parents how I could best help their children, they gazed into my face and bitterly replied: "End the sanctions."*

122-129. Children suffering from diarrhea or cancer. Medicines unavailable except on the black market.

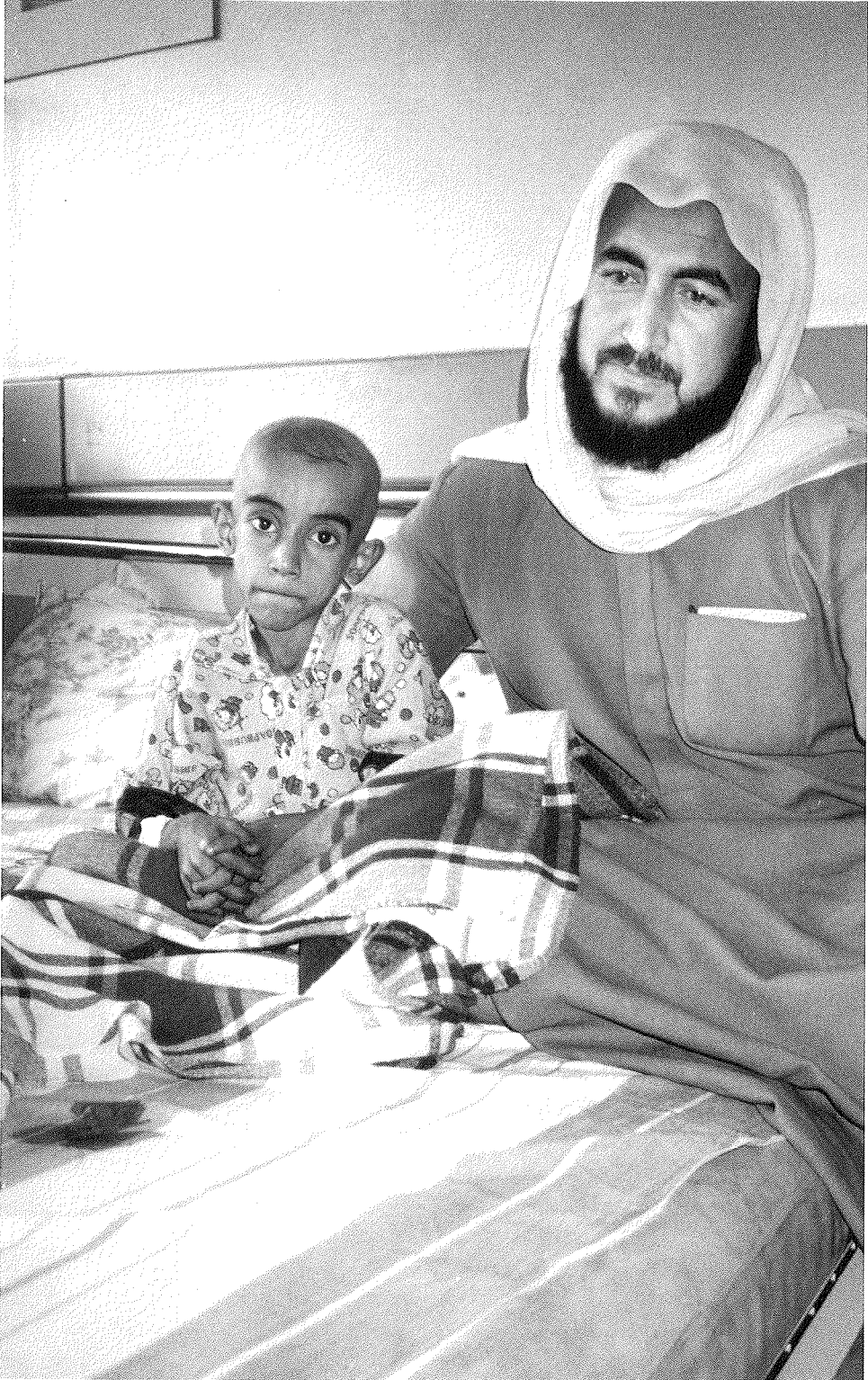






















# LAND MINE VICTIMS

1994-2000

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*These photographs were taken in Cambodia, Burma, Thailand and Afghanistan. Some of the people you will see here were maimed while they were engaging in war as soldiers and insurgents. Others were peasants who had the bad luck to step on a boobytrap after a conflict had ended. I personally believe that land mines should be banned. However, they probably never will be, because they are the poor man's best defense. A number of gloomy thoughts come to mind in the study of these photographs. For instance, consider the beggar-amputee in Afghanistan (p. 136). A Soviet mine did this to him. The Soviets have departed Afghanistan, and anyhow there are no Soviets anymore. So, does this man's suffering serve any purpose? It is possible that a post-Soviet policy-maker thinks so. By increasing the emiseration of the Afghan people, the Russians may conceivably delay their day of reckoning with the Islamic extremism which they helped to cause. This would be a very logical if evil war aim. Similarly, the jungle warlords who were once Khmer Rouge may feel that every time a woman harvesting grass accidentally steps on a Chinese or American land mine, the restoration government's infrastructure is further weakened, which decreases the resources available to that government to come and hunt them down. In the case of the blinded Karenni insurgent (p. 138), he was engaged in attacking Burmese soldiers. The war between the Burmese and the Karenni began in 1947, if not before, and continues to this day. By this guerrilla's own moral calculus, and also by that of the government which wounded him, he was and is a combatant, which probably makes him a legitimate target. The Burmese might furthermore argue that since they*

*cannot afford to station soldiers on every jungle trail, mine traps are the only practical solution. All this is devil's advocacy. But it may help you understand the popularity of land mines, not to mention the vexedness of trying to determine what sort of pivot they might be between ends and means.*

134. Afghan beggar, Sorabi Gorge (between Jalalabad and Kabul), Afghanistan, 2000. Victim of a Soviet mine. (See the case study "With Hands on Their Hearts.")
135. "Opium Soldier" at Khun Sa's hospital in Shan State, Burma, 1994. He had been injured by a Burmese mine while carrying out an insurgent action. (See the case study "But What Are We To Do?")
136. Karenni insurgent, northwest Thailand, near Burmese border, 1994. A mine blinded him and robbed him of one leg while he was preparing an ambush against Burmese troops.
137. Beggar in front of Tuol Sleng Genocide Museum, Phnom Penh, 1996. The mine which maimed him could have been planted by the Khmer Rouge, the Vietnamese or the Americans.
- 138-41. Cambodian beggars, Aranyaprathet, Thailand, 1996.
142. Cambodian bride, Aranyaprathet Hospital, 1996. She and two other girls had been scything grass in Cambodia. Her companions were both killed. If she proved unable to work, her husband might choose to leave her for the sake of his own survival.
143. Two beggars in front of Tuol Sleng, 1996. They said they were former soldiers injured in battle against the Khmer Rouge.
144. Two of Khun Sa's "Opium Soldiers" walking to a dance, Ho Mong, Shan State, Burma, 1994. Each of these Shan warriors had lost a leg to a Burmese mine trap. Each one had been a combatant at the time.
- 145a. Memorial portrait of Mr. Yu Kon, a Thai national who was engaged in illegal logging business with Khmer Rouge partners, 1996. He had crossed the border to ransom four of his laborers. Afterward, one member of the party stepped on a mine. Mr. Yu Kon's employees



all died in the blast. He himself lost a leg, which the Khmer Rouge tied off for him with a tourniquet. He died of exposure after two or three days. After six days, he was found and carried back to Thailand to be cremated. (See the case study "The Skulls on the Shelves.")

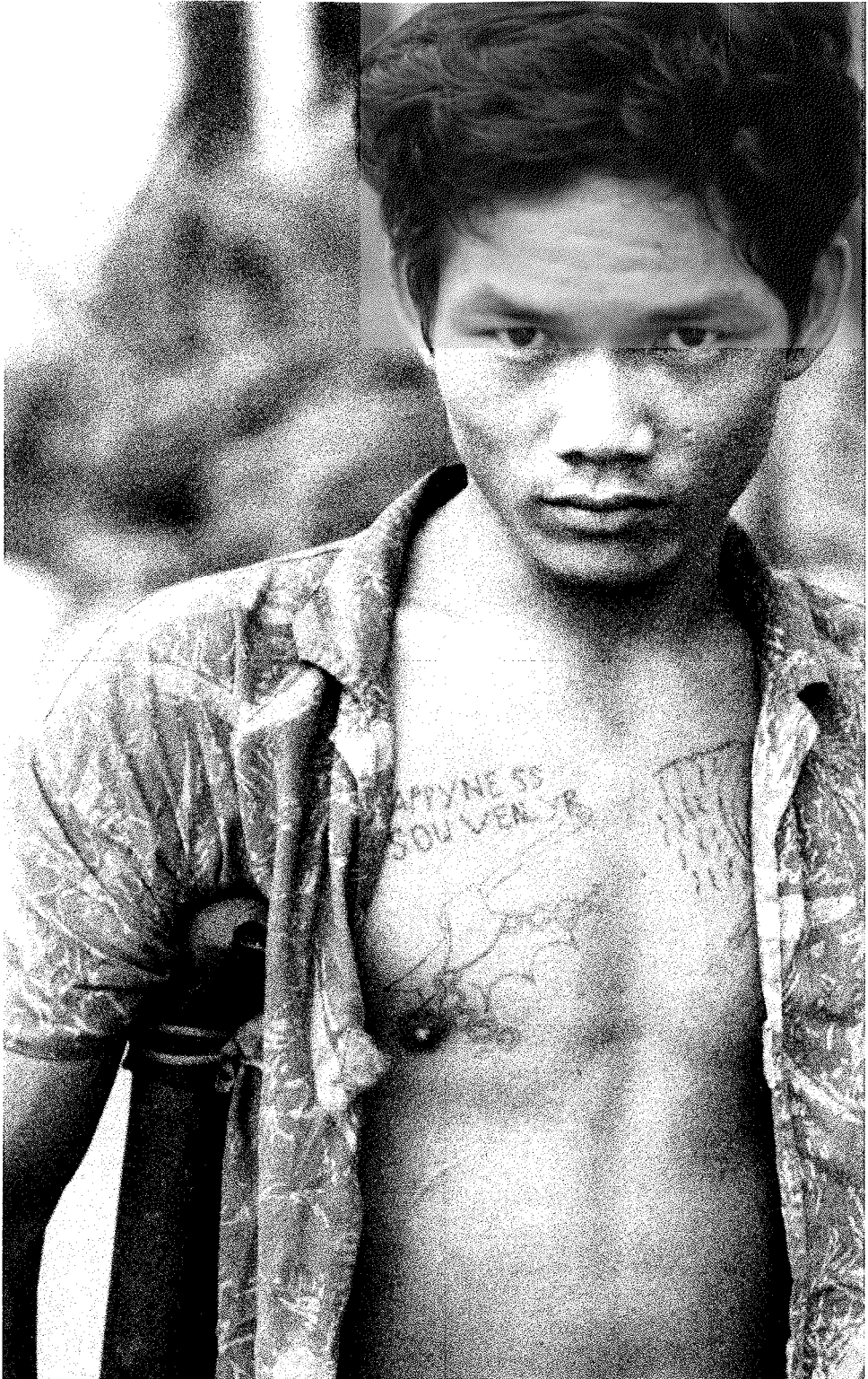
- 145b. Shan guides and land mine warning sign, illegal trail from Burma to Thailand, 1994.





















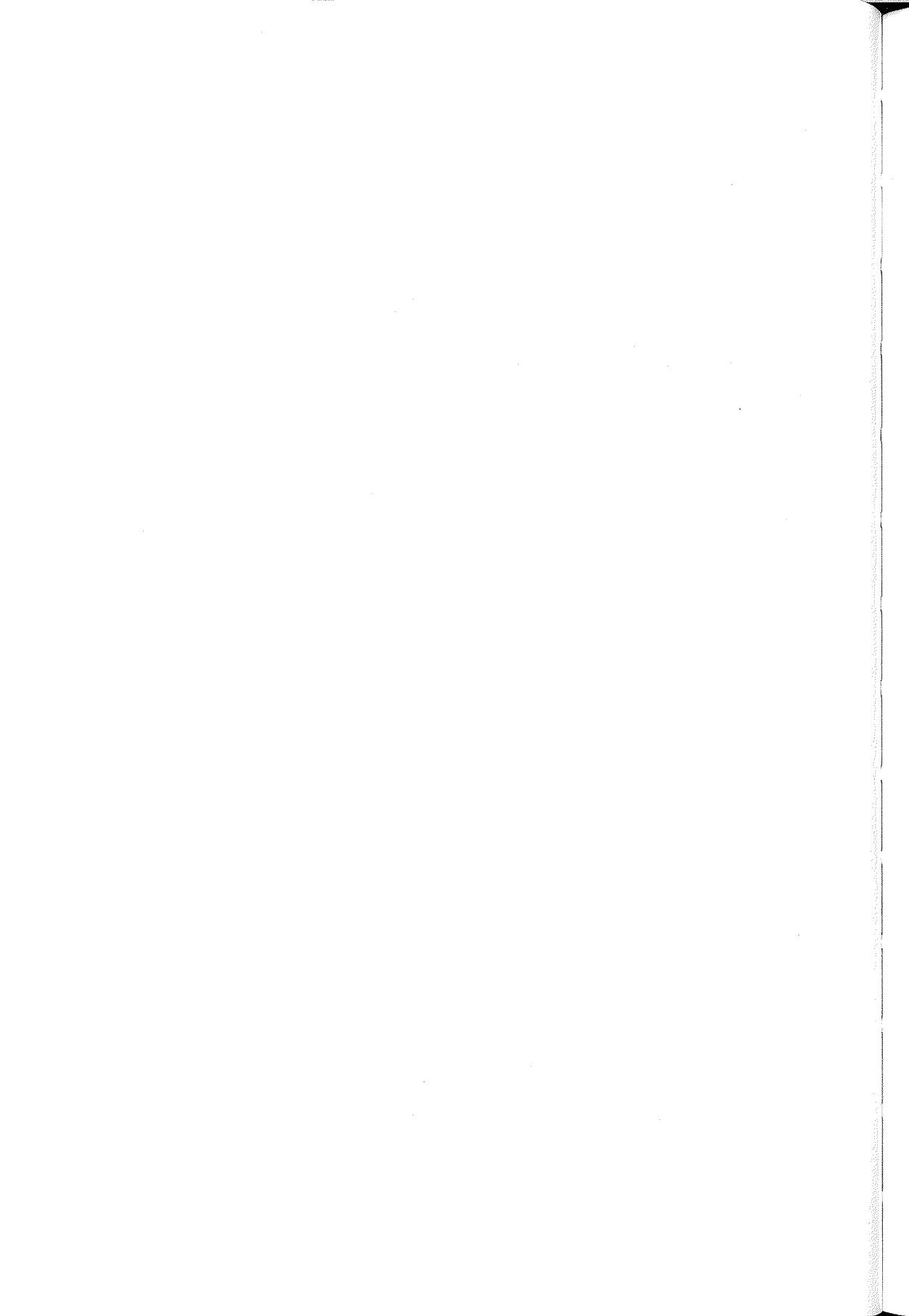












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## ANNEX A

# PHASES OF REVOLUTION

---

**W**hat is a revolution exactly?<sup>1</sup> To Thucydides it meant merely factional conspiracy, or the violent machinations by which a colony or tributary ally left one master for another. To Robespierre or Trotsky, it meant the violent replacement of one ruling class or system by another.

If we schematize the steps which occur in a typical revolution, the result, with reference to any historical actuality, may be Procrustean; still, our naive generalities may serve as a foundation for other abstractions, and without those where would any revolution be?<sup>2</sup>

Any reduction will be more convenient than accurate. Castro's simple schema of revolutionary process runs thus:

1. Economic reforms create a counterrevolution.
2. To defend the revolution, the people are given arms.
3. The armed people now put pressure on the revolution to radicalize the reforms.<sup>3</sup>

My own reductions are colored by the fact that I love to list, and above all to personify. But I am not the only one. Here, for instance, runs the version an Afghan

refugee gave me of one event which occurred in his country during the Soviet occupation of 1979-89: "It was one of those literacy courses which triggered the first Herat Uprising. One malik refused to send his wife and daughter to the class. They [the Soviets] came and asked him why. He said, 'They're needed to cook and wash.' They said, 'No, they have to come.' He said, 'OK, I'll get them.' He went and got his guns and shot those Soviets dead. Then the uprising began."<sup>4</sup>

This informant followed no historian's cross-checking process in arriving at his causative theory. A cautious, parochial man, he himself would, I believe, have stayed at home and relied on the testimony of his neighbors to learn what was happening. Perhaps one malik did set off the Herat Uprising. Our descriptive overview of *polarization* below would scarcely preclude it. Perhaps, on the other hand, no one person began the rebellion at all. The way this man told it, I sensed the beginning of a legend. While the truth of, say, Joan of Arc's case forms a legend which is actually true, the neatness of any claim which has not been carefully investigated ought to excite our skepticism. Life is not simple. And when we seek to reduce the descriptive analysis of processes to causes and effects—in short, to analyze—we must simplify.<sup>5</sup>

### FIRST PHASE: RECOGNITION OF GRIEVANCE

A revolution begins with a widespread and unified *recognition of grievance*.

Aristotle postulates that "those who are bent on equality start a revolution if they believe that they, having less, are yet the equals of those who have more. And so too do those who aim at inequality and superiority, if they think that they, being unequal, are not getting more, but equal or less." He adds in a footnote: "The aims are sometimes justifiable, sometimes not."<sup>6</sup> He is right enough there.<sup>7</sup> But why must stating a position clearly mean stating it coldly? I prefer Orwell's formulation, which, if not as precise as Aristotle's, seems more decent. As a schoolboy Orwell had been hurt by a physically more powerful bully, whom he finally caught unawares and punched. For a time Orwell was ashamed<sup>8</sup> of his cowardice:

The fact I hardly noticed was that although Hall formally challenged me to fight [after being punched], he did not actually attack me. Indeed, after receiving that one blow he never oppressed me again. It was perhaps twenty years before I saw the significance of this. At the time I could not see beyond the moral dilemma that is presented to the weak in a world governed by the strong: Break the rules, or perish. I did not see that in that case the weak have the right to make a different set of rules for themselves...<sup>9</sup>

In Machiavelli's equally passion-driven model, the prince has become hated and despised by his subjects.<sup>10</sup> An unjust law, or the sight of authority-murdered corpses, an unhappy war,<sup>11</sup> or some other tinder just or unjust becomes the *causus belli*. The elite has failed to do what we wanted it to, or else it is doing what we never invited it to do.

The famous Burmese dissident Aung San Su Kyi once wrote: "It is not enough merely to provide the poor with material assistance; they have to be sufficiently empowered to change their perception of themselves as helpless and ineffectual in an uncaring world."<sup>12</sup> If the government helps them do it, well and good. If not, then hatred may bring it about. Hatred is the gunpowder of revolution. Meanwhile, they continue to feel helpless in that uncaring world. When I visited northwestern Thailand in 1994 in search of Khun Sa the Opium King,<sup>13</sup> I found various tribal ethnicities, whose leaders might be at cross-purposes, but whose rank and file were all united by one thing: desperation. Over and over again I heard from opium growers and sellers: "But what are we to do?" They believed that to survive they had no recourse but to break the law, at no matter what risk to themselves. They hoarded a longstanding sense of grievance. Many had been Thai Communist Party insurgents during the 1960s and 70s, probably for the same reasons that they supported the Khun Sa now. Granted, they were not an undifferentiated "mass"—Trotsky's occult repository of revolutionary wisdom—but members of an organization. In this case a business organization devoted to the sale of opium. I believe that if a plausible revolutionary leader appears in this zone, he will easily get followers.

Many objective circumstances can bring about a revolution. One scholar examines the zone called "Monsoon Asia" to find that the high proportion of tenant farmers and correspondingly parasitic landowners there make the region especially subject to visibly unequal class relations, and hence to the possibility of revolution.<sup>14</sup> The rain patterns of Monsoon Asia are but one of the natural causes which assist in transforming any mass action into a statistical event; thus the American government's Report of the National Advisory Committee on Civil Disorders, which dealt with the 1967 race riots, noted that heat waves helped precipitate the violence by bringing large crowds of people into the streets<sup>15</sup>—and, no doubt, by putting them in an ugly mood.

Then again, there may be a cultural predisposition to violence, as in the USA, or a swaggering ethos of honor that may be easily invoked into shedding blood. One resident of the Philippines told me in 1995 that his land was "a country where firearms equate to power, to being somebody." The Maoist insurgent group called New People's Army was, he thought, almost dead as a result of the obsolescence of its socialist program, but some people continued to join, thanks to the aesthetics of weapons. "The NPA just uses us," another man said bitterly. "They talk a good talk, but in the end it's just about flashing guns."<sup>16</sup> Would you like to flash a gun? Then join the NPA!

In other words, don't forget to assign *accident* and *perception* their privileged places.

Now for *causation*. Jefferson lists a great many reasons for the French Revolution, under the rubric of "the monstrous abuses of power under which the people were ground to powder"—taxes, corruption, judicial arbitrariness and cruelty.<sup>17</sup> A Marxist might explain that the productive surplus was being siphoned off by an

elite, instead of being poured back into the economic lives of the producers; hence necessity compelled the robbed, emiserated masses to reclaim what was theirs.<sup>18</sup>

Here is the Unabomber's equally dogged schematization of revolution:

Because of the constant pressure that the system exerts to modify human behavior, there is a gradual increase in the number of people who cannot or will not adjust to society's requirements: welfare leeches, youth-gang members, cultists, anti-government rebels, radical environmentalist saboteurs, dropouts and resisters of various kinds.<sup>19</sup>

Still, a revolution is an act of will, and the most mechanistic of theorists must still refer to "class consciousness" or its equivalent. It is not the stimulus, the grievance itself, which alone holds responsibility for commencing the insurrection; but the extent to which it is *seen* as a grievance at a particular time, the degree to which it "mobilizes" people, as insurgents would say. Mobilization, which one academic defines as the creation of autonomy and solidarity,<sup>20</sup> can occur at any phase of a revolution. A homogeneous population whose members are in good communication with one another (for example, urban dwellers, or a literate peasantry) will already act somewhat mobilized, allowing the "widespread and unified recognition of grievance" to occur. If that sense is less widespread, or less unified, then mobilization may be required to bring about the subsequent polarization phase, or the escalation phase.

For instance, that one of the triggers of the French Revolution was the high price of bread; yet the "flour wars" of 1775 had been caused by the same trigger. The French Revolution began in 1789, not in 1775, for reasons unconnected to the grievance itself: the bourgeoisie and the lower classes had not yet allied themselves around this issue.<sup>21</sup> The sense of grievance might have been widespread enough in 1775, but it was not yet sufficiently unified. The Marxist and the Unabomber are both correct—but only if there are many other Marxists or Unabombers who agree with them at that moment and are willing to act.

Tocqueville insists that "the most perilous moment for a bad government is one when it seeks to mend its ways,"<sup>22</sup> because it is then, when one oppression is lifted, that people sense lessened resistance to their will, so that kindred oppressions come to mind, along with the immediate desire to destroy them.<sup>23</sup> Primo Levi at Auschwitz<sup>24</sup> and John Steinbeck in California visiting the Hoovervilles of the Great Depression<sup>25</sup> both came to the same conclusion: people newly emiserated were more likely to act human, to consider rising up, than people whom necessity had broken into resignation.

In the latter case, the acts of the oppressors, however, hateful, are as acts of God. When the King is God, when only the SS man has the gun, then revolt is sacrilege.<sup>26</sup> Arthur Koestler, imprisoned and condemned to death by the Spanish Falangists, learns from this experience as he never had from his Communism and his researches into the Roman slaveholding period "how quickly one comes to regard a privi-



leged stratum of men as beings of a higher biological species and to take their privileges for granted as though they were natural endowments. Don Ramón has the key and I am in the cage; Don Ramón, as well as I, looks upon this state of things as entirely natural...<sup>27</sup> It is only once he is released that, in accordance with Tocqueville's maxim on a regime's most perilous moment, fear, resignation, apathy and denial give way to active hatred.

There do exist rare natures who maintain their grievances at white heat even when inside Don Ramón's cage, where they have no chance of immolating their torturers; these are the activists, the Lenins and Spartacuses of this world, or even the Epictetuses.<sup>28</sup> They will figure prominently in the next step; however, one ought to consider the slave's attitude of acquiescence to be as providentially merciful as the physical reflex of traumatic shock, which prevents us from feeling pain when the injury is so great that pain loses its adaptive function as a goad to escape the trauma; better then to feel no pain. It is only when Tocqueville's moment arrives, which is to say when some weakness of the masters supervenes, or when conspiracy stands a decent chance on its own merits, that moral lassitude becomes a hindrance; now the sting ought to be felt, in order to bring back rage, feel it, disseminate it, and build upon it all the calculations of a revolutionary's cunning realism.

The moral question here is: *Should I feel angry? Should I hope for a different future? Is the order of things both unjust and alterable?*

## SECOND PHASE: ACTIVE POLARIZATION

The next step is *active polarization*, spontaneous<sup>29</sup> or planned.<sup>30</sup>

Polarization without empowerment or at least solidarity can express itself only through helpless atomization, as with Americans at the close of the twentieth century who were angry about race and afraid about crime but, unmobilized, could not do more than commit random individualistic acts. Still, a polarized mass can form institutions and organizations of action, just as it can be formed by them. Let us be careful, then, to give due respect to polarization as a force in and of itself.<sup>31</sup>

But now polarization becomes active. The gauntlet falls. Mobilization replicates the gauntlet a thousandfold. Robespierre, fomenting his plot to remove the Girondinist faction, announces that "it is when all the laws are violated, when despotism is at its height, when good faith and honor are trampled underfoot that the people must rise. That moment has come."<sup>32</sup> But it is most often the polarizers on both sides who define good faith and honor, and who inform the people that these have been trampled underfoot—in other words, who politicize or more deeply emotionalize that sense of grievance to the point of eruption.<sup>33</sup>

Sometimes the transition from grievance to polarization may be launched through the mechanistic agency (the deism, if you will) of an *a priori* ideology seeking a host organism. Thus Ho Chi Minh read Lenin's "Thesis on the National and

Colonial Question,” and was, in his own words, “overjoyed to tears.” Robespierre sees the light when he reads Rousseau. This moment might have been unduly privileged in retrospect; no matter; it is emblematic.

The following case seems more likely to represent the norm: Father Nilo Valerio, SVD, the Filipino priest who took up arms for the insurgent New People’s Army, did not simply read Mao one day, put down his Bible, get a gun, go to the jungle, and start telling others what to do. The NPA eulogy written after his violent death partakes, no doubt, of the sentimentality and unreliability of most such documents, but the description of his radicalization convinces me:

This constant contact and eventual intimacy with the poor was maintained and strengthened throughout his seminary life in Tagatay. As a priest in Abra, his deep religious conviction and his social commitment would further interact and intensify as he got into closer contact with marginalized Filipinos.

In other words, a feedback spiral between the man and the people he lived and worked among finally influenced his passionate and disciplined mind into a decision. Asserting what in his view was wrong with society, he now felt called upon to mobilize his brothers and sisters.

The young journalist Camille Desmoulins, himself doubtless affected by Voltaire and other scribblers of bitter sincerity, was one who ignited “insurrectionary momentum,” as he fittingly called it. On 12 July, 1789, he, who later claimed to be the originator of the green cockade (not that this would save him from the guillotine a few years later), was carried by the like-minded to a table from whose height he called the crowd to arms. “I had tears in my eyes, and spoke with a feeling that I have never been able to recapture, no less describe. My proposal was received with wild applause.”<sup>34</sup> Desmoulins, no mere agent of spontaneous combustion, was a member of the mass, whose grievances he felt within himself, then articulated. The rising up began.

One way or another, the thinker has his road pointed out for him and becomes the man of action. He in turn incites the other slaves.<sup>35</sup> Or, as a sociologist has put it, “insurgent movements are actually constructed from the top down.”<sup>36</sup>

The inciter may even be a particularly hated master. “I have ever believed,” wrote Jefferson in his *Autobiography*, “that had there been no queen” in France, “there would have been no revolution.”

This angel, as gaudily painted in the rhapsodies of the Rhetor Burke, with some smartness of fancy, but no sound sense was proud, disdainful of restraint, indignant at all obstacles to her will, eager in the pursuit of pleasure, and firm enough to hold to her desires, or perish in their wreck.<sup>37</sup>

Remove the prime irritant, then, and you remove the personalized core of the grievance—a prudent measure, which may or may not forestall revolution. “I should

have shut up the Queen in a Convent," continues Jefferson, "putting harm out of her power, and placed the king in his station, investing him with limited powers, which I verily believe he would have honestly exercised, according to the measure of his understanding."<sup>38</sup>

Polarization by definition involves irritants on both sides. Here is the Viceroy of India on Gandhi, a man lately bemedaled by that Viceroy's government:

Dear me, what a d——d nuisance these saintly fanatics are! Gandhi is incapable of hurting a fly and is honest as the day, but he enters quite lightheartedly on a course of action which is the negation of all government and may lead to much hardship to people who are ignorant and easily led astray.<sup>39</sup>

In his analysis of Christian extremists in Idaho, the sociologist James Aho writes: "...if Idaho's radical patriots did not necessarily start out socially isolated, they have certainly ended up that way. And my impression is that once labeled 'Nazi,' 'criminal' or 'crazy' by authorities, they will be forcibly expelled from the larger community and its consensual restraints."<sup>40</sup>

If only Gandhi would disappear! If only we can lock up those Nazis! Thus hopes incumbency, and sometimes its hopes are reason-founded, its antagonists mere egoists straining in a vacuum, like the Unabomber, who was bent on improving the world in his image whether the world wanted to be improved or not:

...even if most people in industrial-technological society were well satisfied, we (FC) would still be opposed to that form of society, because ...we consider it demeaning to fulfill one's need for the power process through surrogate activities ...rather than through pursuit of real goals.<sup>41</sup>

FC is an excellent demonstration of the reason that police will always go after the activist—or, I should say, a suspect in his likeness. Catch him before he infects the masses, if he can<sup>42</sup>, and then his particular strain of murder-terror must end. His "real goals" have not yet caught on.

Should the grievance be widespread enough, removing such individuals as Gandhi remains as fruitless as skimming out the first crystals in a truly supersaturated solution; others will form. That is why Trotsky insists that the Russian Revolution would have occurred without Lenin. A man joins the Vietnamese liberation movement after he'd been arrested and beaten in prison over a few critical remarks. "I started thinking that with this kind of government nobody in the country was safe."<sup>43</sup> How many others must be getting mobilized by those same flagellators? Take this man out to the wall and shoot him; that won't stop revolution. The hanging of John Brown was an effort on the part of Southern authority to end—and punish—terrorism. Like Desmoulins, Brown proved himself to be a true crystal of

revolution, for after he was gone, other crystals sprang into lethal being.<sup>44</sup> (As for Father Nilo, the verdict as to how crystalline he was isn't yet in; although it has killed many people, the NPA has yet to control a major sector of the Philippines.)

The moral question at this stage is: *Should I join? Which side should I take?*

### THIRD PHASE: OVERT CONFLICT

Are we going to make a revolution or merely a riot?<sup>45</sup> The question is answered in favor of the former outcome when between the two sides violence escalates in *overt conflict*. In 1519, Cortes, following a policy of divide and conquer in what is now Mexico, encourages his native allies to arrest Montezuma's tax-collectors. In the dark of night he secretly releases two of these officials, assuring them with zealous mendacity that he had had nothing to do with their imprisonment. The Indians are terrified in the morning to discover that they had "escaped." Cortes replies that there is nothing for it; they must rise up against Montezuma now, to proactively defend themselves against his anger, and of course he will be there to help them. So far he's merely fulfilled the function of Camille Desmoulins: polarization grows active. But overt conflict is still not yet a certainty. Cortes feels much encouraged once he had persuaded his allies to send out messengers calling upon neighboring cities to join in the general revolt. Now the third phase can begin.<sup>46</sup> "He left them in rebellion so that they should have need of him."<sup>47</sup>

Here once again, mobilization, that satellite ripple or almost-synonym of polarization, performs an important role, as in 1861 when the American Civil War breaks out, and U.S. Grant, not yet the famous general, gets summoned by what he called "the President's call" to crush the South's rising down! In a turn of phrase of which ostentatiously honor-hued Napoleon would have approved, he writes his father: "We are now in the midst of trying times when evry [sic] one must be for or against his country, and show his colors, too."<sup>48</sup>

Yes, indeed, polarization has been sharpened until it is a knife-blade. Time to use it! "Nehru said of Gandhi: he looked for the weak point in the system, and once he had discovered it, he struck at it without resting, and the entire system toppled."<sup>49</sup> Gandhi attacks caste by focusing on the pariah; Castro for his part attacks semi-colonialism where the army is most vulnerable: in the rural areas. "To attack Batista's army in the country and to promote Agrarian Reform were at bottom one and the same thing."<sup>50</sup>

Now what? Malcolm X fondly looks toward a state of all-out race war: "We want to get out of control. We want to smash everything that gets in our way that doesn't belong there."<sup>51</sup>

At this stage, mobilization partakes of compulsion as much as persuasion, since the stakes now increase for the prospective winners and losers: those who do not answer the President's call become traitors. In his study of Thai Communist insur-

gency, the sociologist Tom Marks, who believes that revolutions tend to occur only when instigated by a vanguard, writes that

the lower classes worldwide are notoriously suspicious of elite causes. Some catalyst must push them into membership. Selective terror frequently serves this purpose. It may be brutal but it is rarely indiscriminate. What makes it so effective is the absence of anywhere to turn for help.<sup>52</sup>

The moral question here is: *Should I fight? Should I follow the vanguard, run away or turn them in?*

#### FOURTH PHASE: RESOLUTION OF CONFLICT

In the fourth step, the battle gets won, lost, or negotiated into a truce. Milovan Djilas movingly describes the suffering masses of Yugoslavia "with their own fears, yet fearless, surging inevitably toward a national and social ideal."<sup>53</sup>

Sartre makes the almost undisputable case that the revolution *cannot* know where it is going, because the consequences of radicalization and the need for a still weak command and mobilization structure to react to unpredictable blows of counterrevolutionaries will create a future which cannot be anticipated.<sup>54</sup> But moral decision must be founded on knowledge; and if the end merely shimmers vaguely in the sky, it's not a worthwhile end—certainly not worthwhile enough to kill people for. As this book's moral calculus has stated in its definition of revolutionary authority: "Given the almost unlimited license it temporarily seizes, revolutionary authority bears a terrible burden of proving the justifiability of its ends and means."<sup>55</sup>

The moral question here is: *Now that I can see the future, does it justify me?*

#### FIFTH PHASE: CONSOLIDATION OF POWER

The fifth step is the *consolidation of power*, which must often also take a violent form<sup>56</sup>—especially if it follows the Khmer Rouge prescription that "the Party as a vanguard factor sets the achievement."<sup>57</sup> At this point the revolutionary authority is now in sight of becoming the "legitimate" government—legitimized at least in its own mind by might and its own history. Forceful executive authority remains the order of the day.

It is here that a conflict within the revolutionary ranks appears between firebrands and lawgivers. To every social and political system, revolutionary or not, must come the time when the fire burns low. The founders are old or dead; the new generation faces novel problems, and changes approaches. In the case of a violent revolution, this stage may be reached in months instead of decades, with many of original moral actors still present. Should the revolution be extended or is it time

to constitute a state? Should more logs (each of which, of course, is composed not of wood but of human flesh) be thrown upon the embers of principle, or should authority allow itself to become routinized, like Harriet Beecher Stowe's composite minister of "Oldtown, Massachusetts"? He "was one of those cold, clear-cut, polished crystals that are formed in the cooling-down of society, after it has been melted and purified by a great enthusiasm." The great enthusiasm is gone. The first-generation ministers of New England possessed "souls in a state of fusion," but Parson Lothrop is one of the third generation, "in whom this insensible change had been wrought from the sharply defined and pronounced Calvinism of the early fathers."<sup>58</sup>

Opposing exemplars: Marabou, who in one commentator's words sought to "stop the revolution"<sup>59</sup> at 1789 with the abolition of feudalism, the monarchy still intact, and Trotsky, who once wrote: "A permanent revolution versus a permanent slaughter: that is the struggle, in which the stake is the future of man."<sup>60</sup> Djilas confides: "For Tito, what counted was to preserve the state, to maintain power, whereas for me it was the purity of the idea."<sup>61</sup> The Storm Trooper leader Ernst Röhm asserts the same antagonism between himself and Hitler; so does Trotsky against Stalin. Hence the fate of Röhm and Trotsky: liquidation. (Djilas went to prison.)

Consider Machiavelli's dichotomy between the nobles and the people, two mutually opposed groups (for the nobles seek to oppress the people and the people seek not to be oppressed): the new sovereign must choose one or the other to be his base of support.<sup>62</sup> In a modern context, revolutionary egalitarians dispute with the burgeoning privileged class which has begun to benefit from their revolution<sup>63</sup> and which is indispensable to it, or against which the revolution cannot or will not fight.

So it was that the exhausted French Revolution gave way to the Directory, and then the Emperor Napoleon; and the earnest exemplars of the American Revolution became retrospectively quaint.

Robespierre, Stalin and the Burmese Communist Party took the other path, the way of Cultural Revolutions, endless incitements and purges, authority stirring up the lukewarm pot. ("Give to the French people this new gage of your zeal to protect patriotism, of your inflexible justice..." was Robespierre's counterpart utterance.<sup>64</sup>)

In our chapter on defense of class we've watched the incendiary strategy at work. Repress the kulaks. Repress the children of kulaks. Repress internal enemies. Sleeplessly await external enemies. Purge the army. Purge the Party. Purge the Social Revolutionaries. Tear down incumbency and freshen it with new and obedient cadres.

Plato's solution will be the snowman's: Design an ideally equitable world, and ordain that it be governed by Parson Lothropps.

His utopia is that of a tired old man who dares not be challenged or exposed to possibility. Not even children's games can be permitted to change, because "frequent modifications of moral approbation and disapprobation are of all changes the gravest"<sup>65</sup>—a plausible maxim, but now he is making the totalitarian and very un-

Platonic mistake of confusing form with substance. The man who once said that the unexamined life is not worth living wants every poet and songster to be cleared by censors before citizens can hear him, for he must be “fit and edifying.” After all, innovation might creep in. Aliens can remain a maximum of twenty years without special dispensation. He builds a Chinese wall around his cherished state. No citizen under the age of forty is allowed to leave it, and then only on official business. On his return, he is to “explain to [his] juniors how inferior are the ways of other nations,”<sup>66</sup> which is either a sadly cynical prescription from the erstwhile truth-seeker, or, more likely and more sadly, proof that the truth-seeker, having now in his opinion found truth, is himself as complacent and smug as his snowmen-citizens.<sup>67</sup> As long as the initial enthusiasm lasts, this republic might be tolerable; afterward, I envisage only smug bigotry at war with disaffection, or else obedience by compulsion, like the waiting, submissive, still living head protruding from the lunette of the guillotine, beneath the looming blade.

Well, we must at least give Plato the credit for regulating and routinizing his ideal polis in such detail that we can locate exactly where we disagree with him—hardly the same as Mao’s incendiary Great Leap Forward, ostensibly called for to bring industrialization to China, but in actuality a desperate blind continuation of Mao’s rising-up, rushing and burning onward: turn every plot of land into a blast furnace! Melt down all the metal in the house, all the pots and pans, and turn them into ingots! What will we do with the ingots? We’ll worry about that later. How will people cook and boil water for tea? Never mind. Who will harvest the crops if everybody’s making ingots? It will work out somehow. The result, according to Mao’s doctor, is “the worst famine in human history.” Somewhere between twenty-five and forty-three million people starved.<sup>68</sup> Hardened revolutionaries might insist that these deaths are justified and necessary effects of revolutionary consolidation.<sup>69</sup> Others might not.

The moral question here is: *Should the revolution continue or should it enact itself into law?*

## SIXTH PHASE: MAINTENANCE OF POWER

The sixth and continuing step is the *maintenance of power*, or domination, which may well likewise involve violence, directed either against counterrevolutionaries, rebellious citizens with grievances of their own, or foreign powers.<sup>70</sup>

The seventeenth century Dutch essayist Pieter De la Court advised his ideal monarch, second only to promoting the welfare of his subjects, to keep them “so tame and manageable, as not to refuse the bit and bridle, I mean taxes and obedience. For which end it is highly necessary to prevent the greatness and power of their cities, that they may not out of their own wealth be able to raise and maintain an army in the field...”<sup>71</sup>—that is, start a counterrevolution. “To sum up the gener-

al causes of riots, we would have to say that the white power structure is still seeking to keep the walls of segregation and inequality substantially intact while Negro domination to break through them has intensified.<sup>72</sup> Hence the Three-County Thought Purification Committee in North Hamgyong, Korea in 1936, devoted to wiping out Red peasant unions.<sup>73</sup> Herodotus utters the same theme in one of his historical fables. King Croesus, having been defeated by the Persian King Cyrus, fears for the safety of his beloved city, Sardis, which has unsuccessfully tried to rise up against the Persians. Cyrus's intention is to level the city. So Croesus gives him this advice, which he follows:

If you want to keep them loyal and prevent any danger from them in future, I suggest you put a veto upon their possession of arms. Make them wear tunics under their cloaks, and high boots, and tell them to teach their sons to play the zither and harp, and to start shopkeeping. If you do this, my lord, you will soon see them turn into women instead of men, and there will not be any danger of their rebelling against you.<sup>74</sup>

The moral question here is: *Am I satisfied with what the revolution has done?*

### SOME THOUGHTS ON THE CYCLE

At this point the cycle can begin again—and of course it is a cycle. (In ancient times, one widely understood definition of the word “revolution” was the astronomical one, denoting a circular path.<sup>75</sup>) No revolutionary cares to dwell upon the ultimate ephemerality of his effort—and no ethicist should forget it, for unless one faces up to the fact that history will continue after the revolution, be it successful or not, then one's ends cannot be realistically defined.<sup>76</sup> To “create a new man” is possible; most mass revolutions succeed in that. But a hundred years hence, someone will make a newer. The reason that this blind spot is so dangerous is because if we believe that our victory will truly be a victory for all time, then it will justify practically any means. The weary sober skepticism of history waits upon such claims; a generation or two, perhaps a century, perhaps longer, and whatever it was we fought for will be undone. Has slaughtering heaps of human beings ever resulted in a better future?—Yes, in a just war, a just revolution; in this book many cases of justified mass violence have flashed by; but I propose this rule: *Only justifications which can be verified in the present generation ought to be trusted.*



ANNEX B

A SUMMARY HISTORY  
OF THE KHMER ROUGE  
TO 1997

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**T**he Khmer Rouge is one of the most extreme organizations of modern times. After World War II, when Cambodia's King Sihanouk successfully negotiated independence from France, a variety of voices surfaced on the Cambodian political scene, each with its own view of the road that Cambodia ought to follow. Sihanouk did the kingly thing and stifled some of those voices, thereby reducing his authority's consensual legitimacy.<sup>77</sup> For those leftists who escaped, the result was further radicalization. A concretion of militant Maoist<sup>78</sup> guerrillas gradually began to form in the Cambodian jungle. (The name "Khmer Rouge" means "Red Khmer" or "Red Cambodian" faction.) The man who eventually became their leader was named Saloth Sar, but, like Stalin and Lenin, he operated under a pseudonym, Pol Pot ("politique potentiel").

Sihanouk had always felt that the only way to preserve the sovereignty he'd won for his small country was to follow a policy of strict non-alignment. The Vietnam War threatened to make Cambodia a satellite of either the United States or North Vietnam's Chinese backers. Sihanouk continued to insist on neutrality, which infu-

riated the American government. The Viet Cong soon began establishing "sanctuaries" inside Cambodia to escape from American bombs, which further alienated U.S. policymakers. The CIA therefore engineered a coup in Cambodia, and replaced Sihanouk by General Lon Nol. This compliant individual allowed the Americans to begin a secret, illegal bombing campaign within Cambodia. Thousands of rural Cambodians died in this operation, and unexploded munitions continue killing them to this very day. The American bombing, in combination with Lon Nol's corruption and repression and the impending victory of North Vietnam, drove vast numbers of peasants to join the Khmer Rouge. In 1975, Pol Pot took over the country.

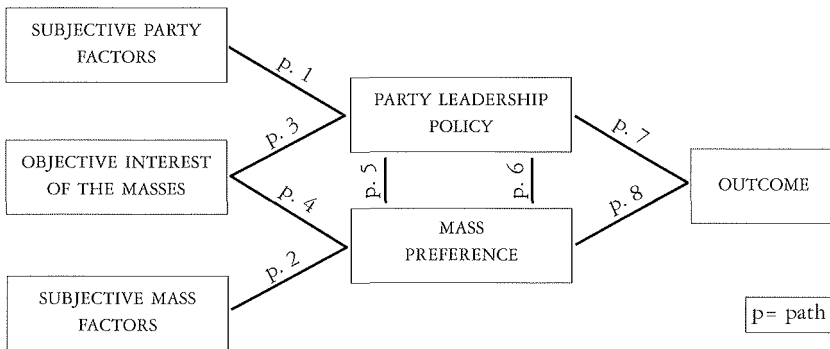
His program was simple: No one will live in cities anymore because we will all grow rice ("when there is rice, there is everything"). Accordingly, only the tillers of the soil have the right to survive. Old people, invalids and others who cannot work hard cannot expect much tolerance. The old regime must be liquidated. That is why Lon Nol's soldiers must be put to death, even if they were ignorant conscripts. Cosmopolitans might infect us with their alien outlook; therefore, people with education, or people with glasses, or people who speak a foreign language, or, or urbanites, will continue to exist only on probation.

So he emptied the cities. Hospital patients who couldn't get out of their beds were simply murdered. Pol Pot's agricultural planning, which was founded on the same vulgarly literalist interpretation of class theory as Stalin's collectivization drive,<sup>79</sup> created first a nutritional deficit, then outright starvation. Mass liquidations accounted for other victims. (Sihanouk, who had been invited back as a figurehead, almost instantly found himself a prisoner, and several members of his family were killed.) By 1979, when the Vietnamese invaded Cambodia in reprisal for murderous Cambodian raids, the Khmer Rouge had killed between three hundred thousand and three million people, depending on whom you ask.<sup>80</sup>

The Vietnamese entered Phnom Penh. Pol Pot and his cadres fled to the jungle by the Thai border and resumed doing what they knew best: career guerrilla insurgency. To consolidate what power they exercised over their various zones of control, they began to do business first with Thailand, where Vietnam was hated, and China, whose Maoists had backed Pol Pot in the first place, and eventually even with corrupt royalist Cambodians. Incredibly, an embittered faction within the American government still supported Pol Pot simply out of spite against Sihanouk, who now became king again.

In the spring of 1996, Pol Pot was said to have died, but my Khmer Rouge contacts assured me that he was still alive. He seems to have genuinely died several years later. By then, those K.R. leaders who still controlled the Cambodian jungle had largely outlived their own ideology and became warlords.

The algebraically inclined political theorist Jack Nagel has diagrammatically described the power relationships of a textbook Marxist regime, in which the "objective interest of the masses" affects both the party leadership and the preferences of the masses themselves; toward the party leadership and the masses Nagel has also drawn in each case another causative arrow representing other (and by Marxist standards irrelevant or baleful) influences: the power of feudal elites, for instance, or the desire of somebody within the Politburo for personal domination, etc. Next, between the proclivities of party leadership and the masses run arrows going both ways, like those in a chemical equilibrium equation, for these two entities are supposed to learn from and refine each other. Finally, from both of these groups spring arrows which converge at the actual political result, thus:<sup>81</sup>



- Path 1 = Effect of subjective factors on the Party leadership's policy
- Path 2 = Effect of subjective factors on mass preference
- Path 3 = Effect of the people's objective interest on Party policy
- Path 4 = Effect of the people's objective interest on mass preference
- Path 5 = Effect of the Party leadership on the masses
- Path 6 = Effect of the masses on the Party leadership
- Path 7 = Effect of Party leadership policy on the political outcome
- Path 8 = Effect of mass preference on the political outcome

This schematic approach is extraordinarily useful for describing power ideals and strategies. In a glance, one can see what Pol Pot was doing:

1. His *declared* policy, like that of his counterparts, might be described as following paths 3 through 8.
2. His *actual* policy, in his own terms, would be defense of the revolution, requiring the emergency measures of strict centralism; hence paths 3, 5 and 7. He repeatedly claimed the existence of two sets of enemies, one within the party, one within the masses.
3. The enemies within the party would have followed paths 1, 5 and 7.
4. The enemies within the masses would have followed paths 2, 6 and 8; and to the extent that they were able to corrupt his cadres, 7.

Now, of course in real life there would have been some paths in common, however attenuated, between "us" and "them"; all four of the strategies described thus far would have utilized all of Nagel's paths to a greater or a lesser extent. But when we read Pol Pot's speeches we never find acknowledgment of this: people are either comrades or else traitors to be smashed. We thus see, as Pol Pot's biographer David Chandler has noted, a basic lack of reality, a failure to acknowledge the complexities of political life.

Were I myself to diagram Pol Pot's policy, it would not greatly resemble (1) or (2). I would propose that the Khmer Rouge traced paths 1 (strongly), 2 (very weakly), 3 (somewhat strongly at first, and then increasingly weakly), 4 (very weakly, by means of 6, which was also weak), 5 (strongly), 6 (very weakly, through 5) and 7 (very strongly). I have to rate Pol Pot's influence from objective mass interests as very low, because I take it as a given that more important than developing mass and class consciousness is avoiding enslavement, starvation, sickness, intimidation and murder.

ANNEX C

A BRIEF CHRONOLOGY  
OF BURMA'S INSURGENCIES  
(1824-1996)

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SOURCES: ANDRÉ AND LOUIS BOUCAUD, BERTIL LINTNER, KHUN SA, MARTIN SMITH.  
*Information supplied by Khun Sa alone is asterisked.*

The data below makes it possible to see Khun Sa in either of two ways: (1) as a ruthless, unprincipled drug trafficker, interested only in power and profit; or (2) a non-aligned nationalist who fought his various enemies (the Burmese, the KMT, the Wa, the Thais and his Shan rivals) whenever the situation required.

- |         |   |
|---------|---|
| 1824-6  | British annexation of Burma begins.   |
| 1886    | Burma becomes a province of British India.  |
| 1930-32 | Saya San rebellion against British rule flares up and is crushed.                           |
| 1934    | Khun Sa born Chang Si Fu.   |
| 1937    | Khun Sa's father Lhun Ai dies.*   |
| 1939    | Khun Sa's mother dies. Khun Sa raised by stepfather and later by grandfather, Khun Yi Sai.* |

- 1940 Burmese Communist Party (BCP; in some accounts written CPB) is formed.
- 1941-45 World War II interrupts British rule.
- 1941 Burmese Independence Army (BIA) formed in collusion with Japanese agents. The BIA (predominantly Burman) will murder many Karen civilians during the war.
- 1944 BCP, BIA and the People's Revolutionary Party combine to form the Anti-Fascist People's Freedom League (AFPFL).
- 1945 The BIA (now called the Burmese National Army) turns against Japan.
- 1945 British rule is restored, with Aung San of the AFPFL administering domestic order. The Karen ask the British for their own homeland.
- 1946 Militant Red Flag faction breaks away from the majority White Flag BCP and goes underground. White Flag BCP breaks away from the AFPFL.
- 1946 United Karenni Independent States proclaimed by U Bee Tu Re.
- 1947 Col. Ne Win launches counterinsurgency Operation Flush.
- 1947 Famous nationalist Aung San (Aung San Su Kyi's father) assassinated. U Nu becomes Prime Minister.
- 1947 Panglong Agreement establishes some cooperation between the AFPFL and the hill tribes.
- 1947 Karen National Union (KNU) formed from 5 parties.
- 1948 White Flag BCP (henceforth referred to simply as BCP), facing imminent arrest, also goes underground.
- 1948 Burma achieves independence. The AFPFL government is still headed by U Nu.
- 1948 Red Flags, White Flags and others begin fighting against AFPFL.
- 1948 Karenni village attacked by Burmese, who murder the leader U Bee Tu Re.
- 1948 Karen attack the government-held cities of Thaton and Moulmein.
- 1949 Counter-insurgency officially begins, commanded by Ne Win.
- 1949 The Karen rebellion officially begins.
- 1949 Anticomunist Chinese Kuomintang forces (KMT), forced out of their own country due to Mao's victory, enter Shan State and Karen State.
- 1949+? KMT confiscate Khun Sa's grandfather's horses and mules.\*
- 1950s Shan nationalists begin to organize.
- 1950+? Khun Sa organizes "an anti-KMT force from his boyhood friends" and raids a KMT outpost. The KMT traces him, and he is forced to run away to the Burmese-controlled cities.\*
- 1952 Shan local princes (Sawbwas) sign over their hereditary privileges, after which Ne Win attempts to get Shan State to renounce its constitutional right of secession.

- 1956-8 Gon Jerng leaves the BCP to create the Shan State Communist Party.
- 1957 Karenni National Progress Party (KNPP) formed.
- 1957 Conference of Shan militants determines on secession from Burma.<sup>82</sup>
- 1958 Ne Win's first coup instigates a "caretaker government."
- 1958 Predominately ethnic Burman *Tatmadaw* (Burmese Army) formed by Ne Win.
- 1958 Government amnesties encourage many BCP cadres to surrender.
- 1958 Gon Jerng surrenders to the Burmese.
- 1958 Shan nationalists form the Young Warriors insurgent group. A draft history by Khun Sa's Shan State National Congress dates the "popular uprising" from this year.<sup>83</sup>
- 1959 Insurrections begin in Shan State.
- 1959 Gon Jerng forms the Shan National United Front (SNUF).
- 1960 U Nu's AFPFL government is overwhelmingly voted back in.
- 1960 Insurrections spread in Shan State. Largest guerrilla group is the Shan State Independence Army (SSIA).
- 1960 "...the Burmese betrayal of their promise to respect the right of Shan State to manage her own destiny after a ten-year period led [Khun Sa] to form a clandestine underground movement on New Year's Day..."\*
- 1960 Deciding that he cannot fight the Burmese and the KMT simultaneously, Khun Sa becomes a volunteer chief of an anti-KMT, anti-BCP militia under the Burmese.\* (These militias are called KKYs, or Ka Kwe Yes. Smith dates the founding of the KKYs at 1963; see below).
- 1960s KMT begins building opium refineries in Shan State to finance their anti-Communist Chinese campaign.
- 1961 Kachin Independence Organization formed. Many Kachin uprisings begin.
- 1962 Ne Win seizes power from U Nu in a coup. The Ne Win government soon fires on a demonstration of unarmed students, killing and injuring several hundred.
- 1963 Most other political parties are made illegal.
- 1963 Government defense militias, or KKYs, are formed out of insurgent groups who voluntarily come into the government fold. KKY leaders often become local warlords.
- 1963 Khun Sa's "strength, supported by the local merchants who were by nature averse to socialism, gradually grew, and by 1963 spread to Kengtung, which borders Laos."\*
- 1964 All independent newspapers are shut down.
- 1964 Shan State Army (SSA) formed from SSIA, SNUF, Kokang Resistance Force. Bo Deving is chosen leader of the insurgents. Khun

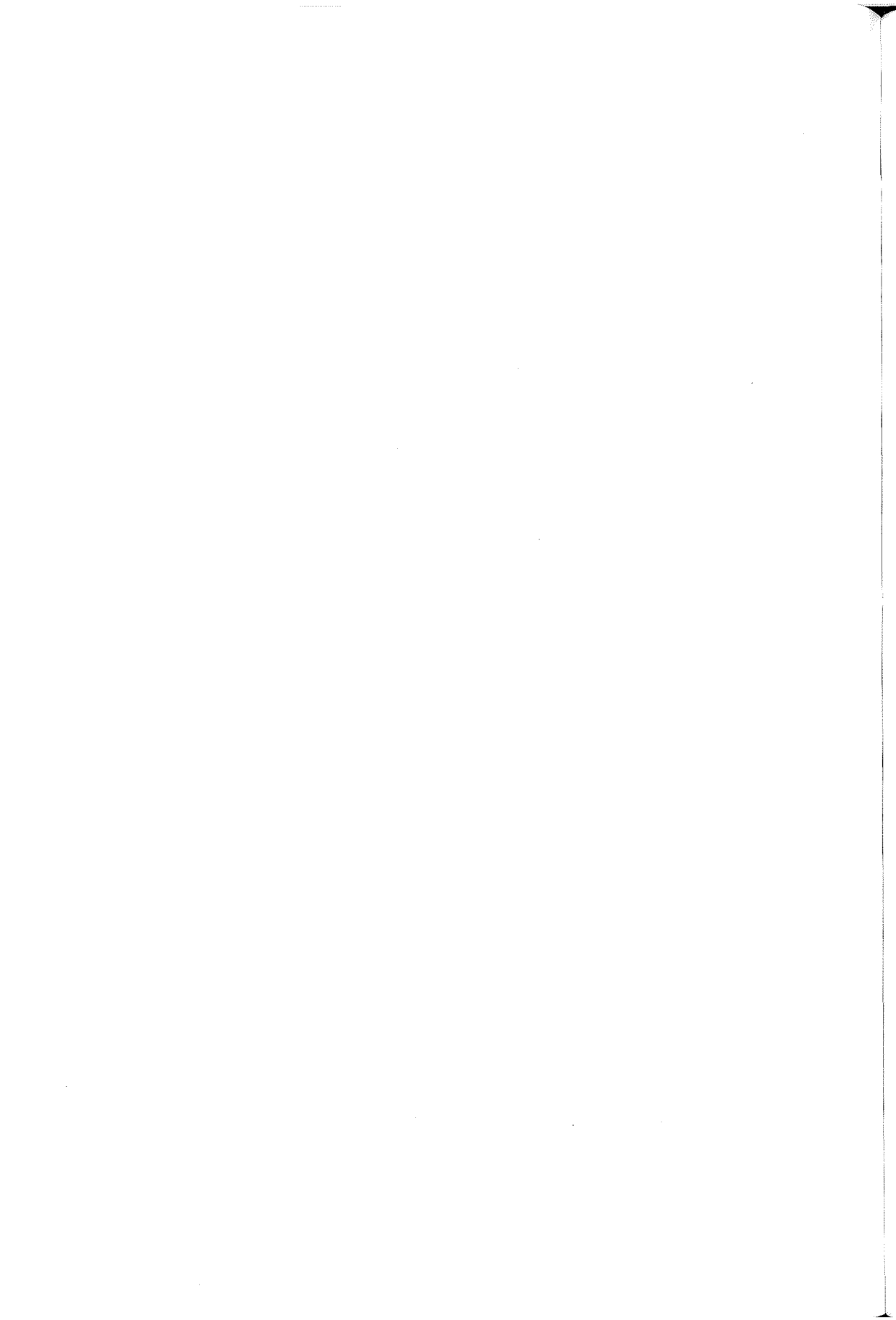
- Sa (exasperated by Ne Win's demonetization measures, says Smith) leaves the KKY, and joins the SSA, which soon extends its influence into Thailand.
- 1966-67 Khun Sa falls out with Bo Deving and returns to the KKY. Khun Sa later accuses Bo Deving of having been bribed by the KMT.
- 1966-67 The Cultural Revolution occurs in China.
- 1966-67 Caught up in the Cultural Revolution, the BCP turns upon itself with the line "purge, dismiss, eliminate."
- Late 1960s-early 1970s Khun Sa's Shan United Army (SUA) enlisted in Thailand's anticommunism crusade. According to Lintner (p. 194), Khun Sa's KKY organization works with the KMT at this time for business reasons.
- 1967 SUA fights an opium war with the KMT.
- 1967 Anti-Chinese riots drive a wedge between the Burmese and Chinese governments, causing the Chinese to begin massive support of the BCP.
- 1968-78 Chinese support for BCP at its peak.
- 1968 KMT attacks Khun Sa again at Ban Nakha, Mong Kao Ward, Mong Lurn Township, Lashio Province. Failing to destroy him, they proceed instead by informing the Burmese government of his anti-Burmese Shan nationalism.\* ("What? Government hasn't figured this out?" —J. Dickinson.)
- 1968 Gorn Jerng's Shan United Revolutionary Army (SURA) breaks away from the SSA, says Smith. (But according to Lintner, SURA not established until 1969.)
- 1969 The SURA joins up with the KMT (probably backed by the CIA).
- 1969 Khun Sa, preparing to leave the KKY in order to become an insurgent (or, according to Lintner, to do opium business with CIA-backed Thai anticommunists; p. 211), is arrested by the Burmese.
- 1969-74 Khun Sa is imprisoned in a solitary confinement cell for 5 years.\*
- 1970 U Nu forms the Parliamentary Democracy Party (PDP).
- 1970 Red Flag leader Thakin Soe either surrenders or is captured by the Tatmadaw.
- 1970 U Nu's PDP, probably CIA-funded, begins to attack Ne Win's cities.
- 1970-72 The SSA fights with the Burmese, the Kachins and the KMT.
- 1971 The SSA forms a political arm, the Shan State Progress Party (SSPP).
- 1972 The SSA fights with the SURA.
- 1973 International protest over the KKYs' involvement in the opium trade compels Ne Win to abolish them.
- 1973 U.S. Narcotics Bureau signs an agreement with Lo Hsing-han, the biggest opium kingpin now that Khun Sa is out of commission, and with the SSA, to buy and destroy as much opium as possible. The deal



- collapses when Lo Hsing-han is arrested by the Thais hours later.
- 1973 Khun Sa's SUA kidnaps two Russian doctors and barter their release for Khun Sa's. Khun Sa pretends to live an apolitical existence in Rangoon.
- 1974 The SSPP splits into pro- and anti-BCP factions.
- 1974 Karenni Army established from the old military wing of the KNPP.
- 1974 The Tatmadaw open fire on strikers, inflicting almost 100 casualties. Many more casualties occur following riots over the unostentatious burial of UN Secretary General U Thant.
- 1975 Tatmadaw kill BCP leaders Thakins Cit and Zin, crushing the BCP in the Irawaddy Delta.
- 1975 Karen National United Party insurgency almost completely destroyed by Burmese "Four Cuts" campaign.
- 1975 The Tatmadaw complete their last major offensive against the Red Flags, almost completely wiping them out.
- 1976 Khun Sa escapes from Rangoon and reforms the SUA. Estimated strength: 1500.
- 1977 Joseph Nellis, the emissary of U.S. Rep. Lester Wolff, meets with Khun Sa and passes on to the U.S. Khun Sa's offer to sell all his opium direct to the DEA. This proposal is rejected.
- 1978 KNPP splits into pro- and anti-BCP factions.
- 1978 The SSA's chief of staff and deputy disappear in Thailand; rumor has it that they have been assassinated by the SUA at Khun Sa's orders.
- 1978-83 Abel Tweed President of the Karenni Army.
- 1980s The Burmese Air Force sprays U.S.-supplied defoliants upon Shan villages in a supposed attempt to cut opium production; but some observers see this as just another application of the Four Cuts. Opium production rises. Khun Sa's SUA controls 2/3 of the opium trade with Thailand.
- 1980s BCP is rumored to be selling opium to warlords such as Khun Sa. (In one of his speeches, Khun Sa says: "Money knows no enemies or national boundaries."<sup>84</sup>)
- 1980 Khun Sa moves the SUA inside Thailand.
- 1981 The KMT attacks the SUA in an opium disagreement. Some KMT break away to join the SUA.
- 1982 On the insistence of the DEA (and because there are rumors that Khun Sa has been doing business with the BCP), the SUA is expelled from its base inside Thailand. Some SUA attack the Thai border city of Mae Sai for revenge.
- 1982 Wa National Army (WNA) formed.
- 1982-3 WNA embroiled (possibly by KMT) in fighting with SUA.
- 1983 After negotiations fail, the SUA attacks and routs the SSA in Ho

- Mong. The SSA's president surrenders to the Burmese.
- 1984-85 Thailand orders that the KMT disband and live as civilians within Thailand. In Burma, the pro-KMT "warlord" Gon Jerng's Shan United Revolutionary Army amalgamates with Khun Sa's SUA. The new organization is called the Tailand Revolutionary Council (TRC). ["Tailand" = "Shan-Land," not "Thailand. "]
- 1985 Khun Sa accepts "the three conditions of the ...T.R.C.: —Anti-BSP [Ne Win's government]; Anti-CPB [BCP]; and Anti-Narcotics..."\*
- 1985 Khun Sa controls almost all the Thai-Shan border; his troops number 3-4,000.
- mid 1980s The SSPP is "the only ethnic Shan force actually fighting the *Tatmadaw*" (Smith, p. 344).
- 1987 The Boucaud brothers estimate Khun Sa's forces at 6-7,000 soldiers. Bo Mya of the KNU visits Khun Sa for a round of Karen-Shan negotiations.
- 1987 Khun Sa adopts the name "Mong Tai Army" (MTA) for his forces.
- 1988 Khun Sa proposes to terminate opium production in exchange for U.S. aid. The State Department estimates that Burmese opium production has risen to 1200 tons.
- 1988 Spontaneous uprisings in the cities against Ne Win's rule. These are brutally crushed by the Tatmadaw, with heavy casualties. The U.S. suspends aid to Burma in result. Many students flee to the insurgent areas, but few join Khun Sa's TRC. Ne Win resigns, replaced by SLORC (the State Law and Order Restoration Council); most observers believe that Ne Win still pulls the strings. Khun Sa states that he welcomes SLORC's coup, having feared that U.S. imperialists might have been lured into Burma by the protesters.
- 1989 Aung San Suu Kyii placed under house arrest.
- 1989 "Ethnic mutinies" bring about the BCP's virtual collapse.
- 1989 Pro-Communist Wa attack the MTA.
- 1989 Most of SSA surrender to Burmese.
- 1990 In an election rigged by SLORC, Aung San Suu Kyi's National League for Democracy nonetheless wins the mandate, which SLORC ignores. Ne Win continues to hold power.
- 1990 The U.S. indicts Khun Sa for heroin trafficking.
- 1990 Ex-BCP Wa begin to increase heroin production. Chinese also establish more heroin factories. Khun Sa's market share begins to decline.
- 1991 Khun Sa becomes chairman of the TRC/MTA upon the death of Moh Heng.
- 1992 Bo Dewing becomes chairman of the MTA.

- 1992 Saw Maw Reh becomes President of the Karenni government-in-exile.
- 1993 Khun Sa becomes chairman of the MTA and of the Shan State Revolutionary Council.
- 1993 SLORC offensive against Khun Sa fails.
- 1993 "Khun Sa's influence was dwindling fast. In a desperate—and exceedingly brutal—attempt to reassert control over the [opium] trade, MTA troops butchered several hundred villagers in southern Shan State" who'd traded with the KMT (Lintner, p. 326). I have not seen this accusation repeated elsewhere.
- 1994 Burmese offensive against MTA is repelled.
- 1995 Thai, U.S. and Burmese forces launch a major offensive against the MTA. (When I read about it in the *Bangkok Post*, I thought that Khun Sa was surely done for.) The offensive fails.
- 1995 Khun Sa retires as head of the MTA, some say as a result of policy disagreements.
- 1995 Saw Maw Reh dies and is succeeded in the Presidency by Abel Tweed.
- 1996 Khun Sa surrenders to SLORC. (One of Khun Sa's speeches runs in part: "I have no doubt that you'll be able to find another scapegoat after I'm gone.")<sup>85</sup>



ANNEX D

PROPOSAL FOR THE  
TERMINATION OF OPIUM  
PRODUCTION IN THE  
SHAN STATE

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## Shan State People's Representatives Assembly

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### PROPOSAL FOR THE TERMINATION OF OPIUM PRODUCTION IN THE SHAN STATE

Before 1948, except for a seventieth part, the whole length and breadth of the Shan State was free from poppy cultivation. For most of the people, poppy cultivation came only with two alien invasions; we refer to that of the Kuomintang (Chinese Nationalists) in 1949, and the Burmese Army in 1952. The former finally left Shan soil in 1985, but the latter is still around, and with it, the opium problem.

#### THE ROOT CAUSE

The Shan State historically and legally belongs to its people. But, since 1962, when the Burmese military declared the 1947 Union Constitution null and void, we have become a nation under foreign occupation. All problems that one associates with Burma, including the flow of Shan narcotics into world markets, have their roots in this fact.

Since 1952, the Shan people's life under the Burmese rule is a living hell, day in and day out. Their country has been forcibly and illegally taken, and their natural resources plundered. Most of their time is spent working for the occupiers, and what little they earn from working for themselves is also being stolen.

The Burmese logic, by their own contemptuous admission, is that the sooner the Shan countryside is depleted, the quicker the assimilation process will be. Shans living in Burmese controlled towns, cut off from their rural brethren, subsequently would have no alternative except to succumb to the occupiers' will. All excesses perpetrated in the Shan State thus follow the dictates of this reasoning. Faced with this situation, the Shans are left with only a few unpleasant choices: One of them obviously was to take up arms in order to defend their homes and loved ones. Despite their love of peace and outrageous tolerance, the Shans are no mean fighters, a fact supported by the successful expulsion of the Kuomintang from Shan territory in 1985 following their entry 36 years earlier.

The other choice, equally obvious, was to grow poppies in order to prevent their loved ones and themselves from starving and being exposed to the elements. We doubt people other than the Shans, placed in the same circumstances, would have done otherwise. Nevertheless, this was where the Shans' troubles started to become the world's problem.

#### THE SHAN PEOPLE'S STAND

It should be understood that we are not against the War on Drugs, which was merely declared but never fought, but we are decisively against the War on People, which was *undeclared* but viciously waged for twenty-two long years. We sincerely think that had it been **HELP THE PEOPLE AND MAKE WAR ONLY ON DRUGS** from the start, it would have been won a long time ago. Unfortunately, the policy pursued so far has always been the other way around - a fact which brings to our minds the Vietnam War which was also fought NOT TO WIN - and for this, both the world and the Shan people have suffered.

To help solve the problem, Shan leaders have, since 1971, offered their services. Our goodwill, however, has only met with continued rejections, and the name of our Resistance leader, Zao Khunsa, to our total disappointment, has become a magic word, the utterance of which spells large appropriations of funds in one quarter and large profits in others. Sadly, those responsible for drug eradication have been endowed only with insatiable greed, but not the desire to do their job. Not surprisingly, each year has witnessed the worsening of the situation with no hope of solving the problem in sight. This, despite huge seizures of drugs, arrests and bonfires.

The present Burmese regime, financially backed by foreign and international agencies, has, for four years been on the so-called **BORDER AREAS DEVELOPMENT (BAD)** campaign. While trumpeting to the world their 'achievements' with pride, tens of thousands of people are fleeing into neighboring countries, including, of all places, Laos, which used to be economically worse off than the Shan State. Evidently BAD has not benefited them. And, indisputably, BAD has been *bad* for them from the very beginning. Conclusively, BAD does not work.

We also wish to make it clear that we are not for legalization of drugs, which to us is the opposite extreme of the present policy of suppression and should be the last resort, after every possible peaceful way has been tried. The only way, as we see, that will work is: **TO HELP THE SHAN PEOPLE STOP GROWING POPPIES**. The simple logic is that when there are no poppies, there can be no opium. Consequently, when there is no opium, no more can the traffickers and the addicts buy it. And, both the world and the Shan people will be winners.

#### OUR PROPOSAL

In the so-called Union of Myanmar, the Shan State is the biggest producer of opium. In contrast, the aggregate amount produced in other states is of little or no account. Therefore, the Assembly would like to present the following proposal for consideration:

1. The Shan drug problem can only be resolved by tackling it at its roots. It means the Burmese occupation forces, together with their administrative apparatus, should withdraw from the Shan State. In return, we offer our solemn pledge we will not demand any reparations. On the contrary, they would be allowed to retain and leave with their moveable properties. However, if the Burmese stubbornly refuse to leave Shanland and continue to treat it as their colonial possession, the Shan people shall be forced to resort to the bloody struggle until victory is won. How much longer then the cause of the drug crusade will be postponed is any body's guess, but one thing is clear - as long as hostilities continue, both the people's suffering and drug production - strange but inseparable bedfellows - will go on.

2. Once the Burmese withdraw from Shan soil, the people shall voluntarily destroy their poppy fields. Their only request to the world is that for the **immediate term**, to give assistance in the form of food and medical care. As for the **medium term**, to help them build roads and other means of communications, and to give necessary assistance in their substitution programs. A period of **five years** would be adequate for this purpose.

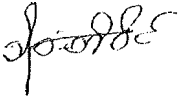
3. As for their **long term** development programs, the Shan people are confident that, on the strength of their natural and human resources, they can manage by themselves.

4. We also request that the United Nations, the Association of Southeast Asian Nations, Japan, China and other interested nations, send their representatives to monitor and assist in the process. The Shan authorities concerned shall be responsible for any default and place themselves under the jurisdiction of the international community for judgment.

We believe the international community's intervention, as outlined above, shall not only end Burmese rule and drug production in the Shan State, but also restore peace and democracy in Burma itself, because, with the aggression in the Shan State thus being checked, it would be pointless for the Burmese military to continue holding power in their mother country.

CONCLUSION

The Shan drug problem has its roots in the Shan political problem. The latter itself is indivisibly intertwined with the former. Any attempt to deal with them separately is bound to fail. But, with leadership and justice from the world community, the menace of Shan drugs shall be overcome once and for all.



Deving  
President  
People's Representatives Assembly  
Shan State  
1 October 1993



ANNEX E

LETTER FROM THE INMATES  
OF THE STUDENSKI DOM  
IN SARAJEVO  
(SEPTEMBER, 1992)

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WE ARE REFUGEES FROM DIFFERENT PARTS  
 FORMER YUGOSLAVIA. WE WERE STUDING  
 AND WE SPENT HERE ALL THE TIME OF  
 IS APPROXIMATELY EIGHTY OF US, AND WE  
 RATHER DESPERATE POSITION. THERE  
~~NO~~ FOOD AND NO ELECTRICITY. WINTER  
 COMING AND IT'S USUALLY VERY COLD.  
 HAVEN'T ANY MONEY AND TELEPHONE  
 WORKING. WE HAVEN'T ANY NEWS FROM  
 HOMES FOR MONTHS. WE ARE UNDER  
 SHELLING AND MOST OF OUR TIME IS  
 IN SHELTER IN DARKNESS, WETNESS,  
 ALL THAT WE WANT IS TO LEAVE AND  
 GO TO OUR HOMES. PLEASE, HELP US  
 BEFORE WINTER, OR, AT LEAST, SEND

- 1/ Sami HASSAN
- 2/ Tričunović Srdan
- 3/ Slavica Jević
4. Duka Davor
- 5/ Čović Nedim
- 6/ Dedović Emir

14. Babić Samir
15. Adnan Čirak
16. Čičić Alan
17. Asćerica Milisav
18. Dedović Emir
19. Vidović Tihomir
20. Čaušević Kees
21. Kundočina Borislava
22. KOLENOVIĆ JADRANKA
23. Helez Nijat
24. Baćvanović Ivica
25. Ćenanović Mehmed
26. Jusuhadžić Samir
27. Bignardić Kiran
28. Samwan Suzy
29. Mifekić, Gavrilović
30. Grgić Goran
31. Čamo Zerina
32. Ćablić Nail
33. Korda Jovana
34. Paolović Zlatan
35. Mohamed Alyousof
36. FATHIL RAHMAN MUSTAFA
37. NIKONČIĆ FATIMA
38. Basić HAZIM
39. Jusuf MEŠAN
40. Kralj Feljka
41. [unclear] [unclear]
42. [unclear]

43. ~~Vuk~~ Pestrek Dževacka  
 44. KENNER DŽERMAVA  
 45. Muharović ZETA  
 46. Misić Boris  
 47. Jozil STIPE  
 SALKOVIĆ SUKRJA  
 49. ~~Musić Jusuf~~  
 50. Zarić Miroslav  
 51. Palić M. Smil  
 52. ABDI JAMA AFRAN  
 53. MOHAMUD OSMAN  
 54. NAZPI MOHAMAD  
 55 - ABUTALIB ELHISEN  
 56 - MUBARIS HASSAN  
 57 - ALA E/DIIN R DAN  
 58 - HAFIZ  
 59 - NASIR TAG EL SIRA  
 60 - RDEL ELZEN  
 61 - ETUHAMI  
 62 - MUTASIM MUHAMMED  
~~63~~

We need a great quantities of VITAMINS

Kosic' Zeyko

Pajtic' ADIS

Handrappa Dragica

Ljenci Safet

Črnjci' Bzban

Haršic' Nedim

Todorovic' Dragan

Paliku Malwa

Mayata Runko

Petrovic' Dragomir

Kozanic' Palmolij

Erlogic' Safet

ANNEX F

SUMMARY  
OF ETHNIC RELATIONS  
IN YUGOSLAVIA DURING  
WORLD WAR II

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*The inland parts have assumed the Sclavonian names of Croatia and Bosnia; the former obeys an Austrian governor, the latter a Turkish pasha; but the whole country is still infested by tribes of barbarians, whose savage independence irregularly marks the doubtful limit of the Christian and Mahometan power.*

EDWARD GIBBON (1776)<sup>86</sup>

**T**he following meager pages cannot hope to be more than an inexpertly reductionist relation of a few bare facts. And yet since, generally speaking, the previous war always determines the present war,<sup>87</sup> and since in ex-Yugoslavia in particular people are always raking up the past, some knowledge of what went on during World War II is not just relevant to the Yugoslav case studies, but *essential*.

A Croatian taxi driver from Krajina assured me that the Serbs had been preparing this war for fifty years, and that Milosevic was a new Hitler. Meanwhile, a

Bosnian Muslim pamphlet published in the evil year 1991 states:

In the communist regime, which in everyday experience, was often reduced to a primitive Serbian and Montenegrin hegemonism and aggression, the tragic fate of Bosnian Muslims was silently ignored ...Perhaps that is one of the reasons why the Bosnian Muslims today face once more the revival of ideologies and the brandishing of flags and insignia in the same way as at the beginning of World War II, on the eve of the horrible persecutions and slaughters of that old and tolerant European nation.<sup>88</sup>

A Serbian pamphlet offers the counterpart of that argument:

...in the mid Sixties the institutionalized strategy reached its zenith; this strategy was introduced in order to forget Ustasha crimes of genocide, including crimes perpetuated in Jansenovac [concentration camp]. It is clear that the influence and instruments of the state and the institutions of the Catholic Church intertwined in the 'conspiracy of silence'...<sup>89</sup> From the time of the first multiparty elections in Croatia, which were won by Dr. Tudjman's party (CDU), what ensued was a shaping of a new dimension of the 'conspiracy of silence'...<sup>90</sup>

Another Serbian pamphlet details mass resettlements of Croats into former Serbian areas of the Fascist Croatian state in 1944-45 (movements, by the way, which I have neither the primary sources nor the personal knowledge to verify). "From the above data an expansionist trend may be observed of Croatian population towards territories, which had remained deserted ...it may be inferred that this was a deliberate policy ...that the deserted areas in Vojvodina be resettled with Croatian populations, even with ustasha families."<sup>91</sup> The significance of this to the present shortly becomes patent:

Administrative borders between federal units in Yugoslavia have no juridical legitimacy, but they do have tacit approval which was achieved within the framework of the concept of Yugoslav unity ...The breaking away of Slovenia and Croatia by a unilateral cancellation of the accepted agreement ...reopens the issue of territorial demarcation.<sup>92</sup>

In short, what occurred in Yugoslavia during World War II exacerbated preexisting conflicts, and inflamed new ones, regarding defense of race and culture, of homeland, of ground, of creed, authority, raised questions which some people a half-century later believed to be worth killing and dying for.<sup>93</sup>

Wherever possible I have relied upon sources which originated *prior* to 1991, when the civil war began. In this way I have sought to decrease revisionist bias. A number of works about the civil war have foolishly claimed that its ethnic hatreds



were more or less manufactured. This point of view proves itself: A tract written in 1993 which denounces Muslims for killing Serbs in 1943 may be discounted as a propagandistic phantasm, while a tract from 1993 which claims that Serbs and Muslims used to live happily together is evidence to be cited. That is why the date of a source is so important to me.<sup>94</sup>

### QUESTION I

#### *What was the ethnic composition of Yugoslavia during World War II?*

According to the 1948 census, which I presume to be at least representative of the period under consideration, out of a population of fourteen million souls<sup>95</sup> the Serbs numbered six and a half million, or 42%, the Croats three million eight hundred thousand, or 24%, and "Moslems, undecided," made up eight hundred thousand, or 5%.<sup>96</sup> The historian Jozo Tomasevich explains the latter figure: "The Moslems of South Slav origin, i.e. the Moslems of Bosnia and Herzegovina, were at liberty in the 1948 census to declare themselves as Serbs, Croats, or undecided. In round numbers, 89 percent declared themselves as undecided, 8 percent as Serbs, and 3 percent as Croats. In the 1960's [they] ...officially acquired a status equal to that of a separate nation."<sup>97</sup>

In other words, the Muslims were not only a minority much smaller in numbers than the other two groups (in the census table they come in sixth, after Slovenes, Macedonians and Montenegrins)—but also an *unassimilated* minority. Almost all of them refused to state that they were anything but "undecided," since that remained the only choice open to them other than claiming membership in one of the two dominant groups.<sup>98, 99</sup>

I should add that another group listed separately in the census was Albanians (4.76%), many or most of whom were Muslim.<sup>100</sup> Thus one could say that the Muslim population numbered around 10%.

As with so many racial and ethnic questions, basic definitions vex the definer. "Most of the inhabitants of Bosnia-Herzegovina are Serbs and Croats, mixed together in such a way that the area cannot be reasonably divided between Serbia and Croatia," writes E. Garrison Walters.<sup>101</sup> (He published those words in 1988; soon enough, that division would be attempted.) As Misha Glenny puts it, "the Slav Moslems of Bosnia are the only nation, certainly in Europe and possibly in the world, who are nominally identified by their religion and not their language or ethnicity."<sup>102</sup> I am not certain that Glenny's point is relevant. Here, for instance, is a 1910 census breakdown for Bosnia-Herzegovina by religious affiliation: Greek Orthodox 43.2%, Mohammedans 32.2%, Roman Catholics 23.0%, Jews 0.6%. And here is the same breakdown by nationality (by which they mean ethnicity): Serbs 42%, Mohammedans 34%, Croats 21%.<sup>103</sup> These two different modes of measurement are consistent to within 2% (which, unfortunately, is a margin suffi-

ciently wide to round the Jewish presence down to zero; see below).

These proportions, it might be noted, vary only narrowly from the ones recorded at the beginning of the civil war in 1991. I assume that they were approximately accurate for 1941 as well.

It is certainly a very odd experience to read accounts of ethnicity in Yugoslavia written between 1945 and the last years of Tito's rule. Muslims receive small notice by *anyone*, even outsiders. Molotov's otherwise prescient remark (1977) is typical: Tito "is a nationalist; that is, he is infected with the bourgeois spirit. He is now cursing and criticizing his own people for nationalism. That means that the Yugoslav multinational state is breaking up along national lines. It is composed of Serbs, Croats, Slovenes, and so forth."<sup>104</sup> The Muslims are much of the "and so forth"<sup>105</sup>—a fact bitterly to be remarked on by Muslims later. Safet Bandzovic, president of a human rights organization in Sanzак, told me bitterly in 1994: "In the former Yugoslavia we [Sanzак] were a nation—Serbs and Montenegrins—and we had ethnic groups. Nobody mentioned Muslims."

Pointing out that much of the history of Serbs and Croats has consisted of common struggle against the Muslim Turks, Walters asks: "Why then did Serbs and Croats disagree so violently? The answer seems to lie primarily in cultural differences which... were a reflection of whether an area had or had not suffered long-term occupation by the Turks."<sup>106</sup> He argues that since Serbia had been more affected by Turkish domination, it suffered from a lower educational level than Croatia, which meant that Croats frowned on being governed by Serbs, as was certainly the case in inter-war Yugoslavia. However, he also cites the fact that Serbs and Croats were geographically intermixed, which certainly discomfits the ethnic cleansers of today and which I interpret as a sign of concord; the authors who claim that the ethnic grievances of 1991 were manufactured are far from entirely wrong.

Out of the fourteen million Yugoslavs, seventy-five thousand, or 5.36%, were Jews.<sup>107,108</sup> We may safely assume that few of these would have registered themselves as Muslims, but many would have been enrolled as Serbs, Croats, Slovenes, etc., depending upon where they resided. Out of these seventy-five thousand, fifty-five thousand (73.33%) perished in the Holocaust.<sup>109</sup> Some must have been killed on the basis of territorial nationality, but the prime mover was Nazi anti-Semitism. Their murders cannot be laid at the door of domestic ethnic hatred.

The Germans executed one hundred civilians for every German soldier killed by the Resistance, and fifty for each German wounded.<sup>110</sup> Since most of the fighting took place in Serbia at first (because the Partisans took up arms there and the Chetniks, given their pro-Serbian ideology, remained there), Serbs seem to have suffered the most from those reprisals. Twelve thousand Serbian Jews remained in the truncated Serbia, and they went first. Almost all of them had been exterminated by mid-1942.<sup>111</sup> Dr. Harald Turner, the military administrator, writes in the manner of a fussy mathematician:

Actually, it is false if one has to be accurate about it, that for murdered Germans—

on whose account the ratio 1:100 should really be borne by Serbs—100 Jews are shot instead; but the Jews we already had in the camps—after all, they too are Serb nationals—and besides, they have to disappear. At any rate, I don't have to accuse myself that on my part there has been any lack of necessary ruthless action for the preservation of German prestige...<sup>112</sup>

So whether these victims get categorized as Serbs or as Jews depends on the categorizer. The point is that the arithmetic of death for this period remains as complex as it is sickening—best to qualify with humbleness and uncertainty our generalizations as to which faction did what.<sup>113</sup>

At any rate, of that population of fourteen million,<sup>114</sup> 1,700,000, or twelve per cent, died between 1941 and 1944.<sup>115</sup>

## QUESTION II

*What is the basis for the Serbian claim  
that Serbs were oppressed by a Croatian Fascist state  
during World War II?*

The pro-German orientation of Croatia and the anti-German stance of Serbia went back to before the First World War. I have already cited Trotsky's observation in Vienna in 1914 of signs on hoardings reading: "*Alle Serben müssen sterben*," all Serbs must die. Austrians are not quite Germans but in outlook at the beginning of World War I they were very close. These polarizations had not altered when Churchill wrote in his memoirs:

The decay of internal stability, the antagonism between Serb and Croat, sapped the strength of this great Southern Slav State. Under the regency of Prince Paul, an amiable, artistic personage, the prestige of the monarchy waned. Dr. Macheck, the leader of the Peasant Party of Croatia, pursued obstinately a government of non-cooperation with the Government of Belgrade. Extremist Croats, protected by Italy and Hungary, worked from bases abroad for the detachment of Croatia from Yugoslavia. The Belgrade government turned away from cooperation with the Little Entente of Balkan Powers to follow a "realist" line of understanding with the Axis.<sup>116</sup>

The resulting tension was almost elegant: "To join the Axis might infuriate Serbia. To fight Germany might cause conflict of loyalty in Croatia."<sup>117</sup>

It is significant that on 12 April 1941, Hitler launched his "Operation Punishment" against Beograd specifically. Of course Beograd was the capital of Yugoslavia; where the anti-German coup which precipitated the invasion took place, so for that reason alone it was a logical place for Hitler to direct his cruelty. Beograd was also the most important city in *Serbia*. Most of the victims, therefore, were probably Serbs.<sup>118</sup> As Hitler prepared his attack on 27 March 1941, thrilling to the thought of "destroying Yugoslavia militarily and as a political unity," he

remarked to his henchmen: "It can be assumed that the Croats will come to our side when we attack. A correct political treatment (autonomy later on) will be assured to them."<sup>119</sup>

This "correct political treatment" seems to have been applied as soon as possible. "The German policy was to take as prisoners of war only Serbs and some Slovenes," says Tomasevich, "and of the other nationalities only those known to be of strong pro-Yugoslav orientation. Thus, practically all Croats . . . were not taken as prisoners of war, or if taken were soon released."<sup>120</sup> An obvious exception to this last were the thirty thousand Croatian Jews, some of whom were derived from Serbian territory incorporated into Croatia by the Axis.<sup>121</sup> Ten thousand were Bosnian.<sup>122</sup> By the fall of 1941 almost all thirty thousand had been interned. Their fate you can guess.

Yugoslavia was now divided by the Axis into nine parts, of which only two need concern us at the moment. Serbia itself, which had comprised a fifth of the territory and a quarter of the population of the dismembered nation, became an occupied German territory.

Next we find the Independent State of Croatia, or NDH, whose territory and population each made up another two-fifths. About a third of the people in this latter area were Serbs,<sup>123</sup> including twelve thousand Serbian Jews.<sup>124</sup> The NDH included Bosnia and Herzegovina; and about twelve percent of its people were Muslims.<sup>125</sup> It became subdivided into one German and several Italian zones. Its puppet head of state was Dr. Ante Pavelic, who figures in my Yugoslav case studies, because he founded the infamous Croatian Party of Rights (HSP), whose current leader, Dobroslav Paraga, was active in the civil war; I interviewed him for *Rising Up and Rising Down*.<sup>126</sup> It was his photograph which I would see in a family house in Split in 1994.

Walters writes: "Unwisely, as time proved, the Ustasha regime chose not to recognize the legitimacy of existence of [the] large Serbian population, putting it outside the law, and in its actions toward it during the course of the Second World War it achieved a most inhuman and horrible record."<sup>127</sup> Dr. Mladen Larković, a minister of the NDH, is quoted as saying: "The Croatian nation must be purged of all elements which are a misfortune for our nation. These are alien and foreign elements, which are weakening the healthy forces of the nation; these elements have been pushing for decades and centuries this nation from evil to evil. These are our Serbs and Jews."<sup>128</sup>

Nonetheless—and this seems very important to state—Pavelic's regime was neither representative of, nor popular with, most Croats.<sup>129</sup> "The Ustasha militia . . . stood in the same relationship to the regular forces, Domobrani (Defenders of the Homeland), as did the SS to the Wehrmacht."<sup>130</sup> (For that matter, even in the inter-war period the leaders of the Croats [and Slovenes], according to one scholar, "lacked a clear mandate from their own people."<sup>131</sup>) "I have received a report from Croatia," complained Goebbels in 1942. "Sentiment toward us there is getting worse all the

time...[Pavelic] has by no means firmly established himself. His pro-Italian policy, especially, finds no echo among the Croatian people."<sup>132</sup>

By any measure, Croatia must have been an unpleasant place in those years. "That country is certainly to be pitied," Goebbels was writing again in 1943. "The Italians are putting the Croatians under such pressure that there is no semblance whatever left of a free state." (As if he could believe in free states!) "The reign of terror which the Italians have established in some sections of Croatia baffles description."<sup>133</sup> Imagine how horrible it must have been, if Goebbels disliked it! Three weeks later he noted: "The situation in Croatia can by no means be regarded as having been settled by the last purge; it continues to be strained. More than 13,000 rebels were killed, among them a great many intellectuals."<sup>134</sup> Goebbels never said who these people were.

"Organized mass murder was particularly ferocious in Croatia and Bosnia, where hundreds of thousands of Serbs had been exterminated by the Ustashi," writes the Resistance fighter Manès Sperber in a well-researched documentary novel.<sup>135</sup>

*The Oxford Companion to World War II*: "In the NDH ... Ustasha anti-Serbian terror fanned guerrilla warfare."<sup>136</sup>

Tomasevitch asserts: "In terms of the number of victims and the cruelty of dispatching them, the Croatian Ustashes were, of course, far more guilty of crimes against humanity than were the Chetniks, although the Chetnik massacres of Moslem people in Sandjak and southeastern Bosnia were in essence of the same kind. It should also be pointed out that Ustasha atrocities were undertaken first, and that at least to some extent the Chetnik terrorist activities against the Croatian and Moslem populations were in the nature of a reaction."<sup>137</sup>

Here are some figures on the doings of the Ustasha government:

- 120,000+ Serbs expelled to Serbia, 250,000 Serbs converted to Catholicism and "several hundred thousand" liquidated. (Tomasevitch.)<sup>138</sup>
- 330,000+ Serbs liquidated in the NDH alone (based on a figure of 1/6 of a population of 1 million). (Stevan Pavlowitch.)<sup>139</sup>
- 350,000 Serbs liquidated "by the pro-Italian Croats." (Keegan.)<sup>140</sup>
- 350,000 Serbs liquidated. ("German estimate.")<sup>141</sup>
- 350,000+ Serbs liquidated. (Walters.)<sup>142</sup>
- 487,000 Serbs liquidated or exiled—but this seems to include "population losses during and immediately after World War II" from all sources, not just Ustasha murders; this Serbian study was based on a comparison of population registers before and after the war. Since many of these losses did not occur in NDH territory, this figure is useful mainly as an upper limit: Serbian deaths attributable to the Ustasha would have had to be less than this. (Bogoljub Kočović.)<sup>143</sup>
- 530,000 Serbs liquidated or exiled—subject to exactly the same qualifica-

tions as Kočović's estimate. The author of this figure was Croatian. (Vladimir Žerjavić.)<sup>144</sup>

- "More than half a million" Serbs liquidated, "a quarter million" exiled, and 200,000 forcibly converted.<sup>145</sup>
- 600,000 to 800,000 Serbs liquidated. (Chetnik estimates, hence very possibly inflated.)<sup>146</sup>
- 750,000 Serbs liquidated. ("Serbian estimate.")<sup>147</sup> ... "It has been estimated that over 300,000 [Serbs] had settled in Serbia by 1943."<sup>148</sup>
- [No figure given.] (Malcolm.)

### QUESTION III

#### *How did the Serbs in turn treat the Croats during World War II?*

Needless to say, we generally hate those who hate us. Yugoslavia had been a Serb-dominated state from 1918 until the commencement of Operation Punishment.

In defense of their power the Serbian ruling circles used a combination of sham legality and intimidation ... One June 20, 1928, in the midst of a parliamentary debate, one of the deputies of the Radical party (a former president of one of the extremist Chetnik associations) ... pulled out a revolver and shot five members of the Croatian Peasant Party, killing two on the spot, because they dared to denounce corruption in the government.<sup>149</sup>

The coup against Prince Paul, which angered Hitler into launching Operation Punishment, had been possible partly because so many Serbs felt that Paul was too pro-Croat.<sup>150</sup> All army commands above divisional rank were held by Serbs. The coup itself may be considered almost exclusively Serb affair, although some Croats, Muslims and others were included in the short-lived new government.

After Operation Punishment, the shoe was on the other foot.

"Only the resistance of the Partisans, and, to a much lesser extent, of the Chetniks, saved the Serbs in the Territory of the Independent State of Croatia from total disaster."<sup>151</sup> Thus writes Singleton in 1985.

Chetnik irregulars had operated in various conflicts since before the beginning of the nineteenth century, and they fulfilled various functions, including "pacification which sometimes involved terrorist actions against civilians."<sup>152</sup>

"The Chetnik leadership was headed by Draza Mihailovic, a Serbian officer who had gone underground after Yugoslavia's defeat by the Germans. By June, 1941, Chetnik leaders had drafted a formal policy document calling for a 'Homogenous Serbia' ... Recognizing that the Serbs would be in the minority in most of these areas, the planners proposed 'cleansing the lands of all non-Serb elements'<sup>153</sup>—which may or may not have been a euphemism for mass extermination. One memorandum refers to "transfers and exchanges of population, especially of Croats from the Serbian and of Serbs from the Croatian areas."<sup>154</sup>

The Chetniks' aims seem to have been evenhandedly racist. One of Mihailovic's operation orders contained the following goal: "To create a direct, continuous border between Serbia and Montenegro, and between Serbia and Slovenia, by cleansing the Sandzak of the Muslim inhabitants and Bosnia of the Muslim and Croatian inhabitants."<sup>155</sup> By and large, the Chetniks planned to delay their ethnic cleansing until the day of victory. Mihailovic himself sent a telegram to his commanders in 1943: "Call into our ranks all Moslems and all Croats of correct behavior."<sup>156</sup> What would have happened to them later? Anyhow, local commanders frequently ignored that directive.<sup>157</sup>

Regarding atrocities committed by the Serbs against Croats, Tomasevitch opines: "These people had strong religious differences as well as national and ideological differences, and the terror and counterterror were indeed only an aspect of the newest phase in the thousand-year-old feud between the Serbian Orthodox and Catholic churches."<sup>158</sup> As I have said, analyses of the 1990s civil war in ex-Yugoslavia usually go out of their way to reject such formulations, insisting that dwelling on historical antagonisms between Serbs and other ethnic groups trivializes and almost legitimizes atrocities committed by a core group of Serbian gangsters. Such works often even suggest that relations between the various groups have been relatively smooth and hence play no part in the present conflict. The pre-civil war sources quoted here would suggest otherwise.

During the 1990s civil war, the term "Chetnik" was used by many Muslims and some Croats as an opprobrious label for Serbs.<sup>159</sup> Meanwhile, some Serbs proudly wore that same emblem. Here is how a self-styled Chetnik in Beograd described his World War II antecedents to me in 1994: "They say also, Croatian army fought in the eastern front. They were very bad soldiers in the battlefield, but they were good at killing and slaughtering. Chetniks did the same, but there is a difference. In the first war the Chetniks were the Green Berets, let us say. And there were many irregular units. Most of the slaughter they did was revenge. Draza Mihailovic himself wasn't a Chetnik. This name was mostly used by Partisans after the war to create a picture of bad people. Because Partisans had a very hard communism. Anyone who fought against them was mercilessly killed. So the Partisans were good and the Chetniks were bad.<sup>160</sup> After that, in this war, Milosevic created groups to go to the front to make robbery, according to the Partisans' model of Chetniks, with big beards, with knives in their teeth, while Draza Mihailovic and his so-called Chetniks were all smooth-shaven; you can see by the photos."

(In the World War II photographs I have seen, many Chetniks were in fact bearded. Mihailovic had a beard, and was denied permission to shave it off during his trial, on the grounds that with it "he would project a more menacing image."<sup>161</sup>)

Unfortunately, casualty figures for groups other than Serbs are not widely available, a problem which will bedevil citations for the remainder of this Annex, making quantitative comparisons difficult. Here are some figures on *total* Croatian loss-

es during World War II, which can at least serve as a ceiling; Croatian deaths attributable to Serbs, and Croatian deaths attributable to Muslims must add up to less than this:

- 207,000 killed. (Kočović.)<sup>162</sup>
- 197,000 killed. (Žerjavić.)<sup>163</sup>

The number of these deaths specifically attributable to Serbs is relatively small. Tomasevitch, for instance, lists one of the worst atrocities committed by Chetniks against Croats in Dalmatia as claiming about a hundred victims. In Prozor the Chetniks “burned many villages and massacred over five hundred Croats and Moslems...”<sup>164</sup>

I should reiterate that while the Chetniks did enjoy considerable support in Serbia and Montenegro, and occasional support elsewhere, by no means all the Serbs who took up arms in this period were Chetniks; many were Partisans whose hatreds were ideological, not ethnic; many more were simply patriots<sup>165</sup> And, as Tomasevitch reminds us, “the Chetniks were by no means the only offenders in Yugoslavia: the use of terror on a large scale and in innumerable forms was practiced by all parties engaged in war in Yugoslavia...”<sup>166</sup> All the same, they bear responsibility for widespread and hideous crimes of violence.

#### QUESTION IV

##### *How did the Serbs treat the Muslims during World War II?*

“Serbia was the first of the states to be defeated by the Ottoman Turks and [in 1372] and probably suffered more than any of the other lands.”<sup>167</sup>

“The Moslems, still known to the Christians as ‘Turks’ no matter what language they spoke, were yet the objects of a fierce hatred, particularly from Serbs.”<sup>168</sup> My Serbian friend Vineta, as the reader may recall, called Muslims “Turks” in 1994.<sup>169</sup>

Trotsky, who happened to be in Beograd in 1912, as a war correspondent, observed the following: “In a stationer’s shop a huge, symbolic battle picture is displayed. Having thrown down a frontier fence of sharp-pointed palings, the Serbs, picturesque and elegant, are bursting in, mounted on powerful horses, to the realm of the Turk, crushing and smashing everything in their way.”<sup>170</sup> In his view, declassed semi-intellectuals were in control of the Serbian press; what they clamored for, as they would again after 1991, was Greater Serbia.<sup>171</sup>

“The Moslem population in Bosnia and Herzegovina and Sandjak ... was one of the primary victims of Chetnik terror. Here, the centuries-old religious and political Christian-Moslem antagonism had been aggravated during the First World War when many Bosnian Moslems joined the Austro-Hungarian *Schutzkorps*, which



engaged in anti-Serb activities, and then again after April 1941 when a great many Moslems joined the Ustashas and participated in atrocities against Serbs."<sup>172</sup>

"The acts of violence committed by Serb villagers against Muslims, especially in Hercegovina, made it impossible for Muslims to join them in their resistance to the Ustasha. On the contrary, some Muslims were motivated to join the ranks of the Ustasha militia instead."<sup>173</sup> (At the same time, up to 8% of the Chetniks were Muslims.<sup>174</sup>)

"The Muslims, given their pivotal position in Bosnia-Herzegovina, became a primary target of mass killings by the Serbian Chetniks as the latter sought to execute their plan for a Greater Serbia. Retaliation soon followed, with many Muslims joining the Ustase to protect themselves or to exact revenge."<sup>175</sup>

- "During the Neretva campaign alone [the Chetniks] massacred over a thousand defenseless Moslems in the Plevlja region."<sup>176</sup>
- The Bosnian Muslim pamphlet cited earlier quotes a confidential report to Mihailovic of 13 February, 1943, which reads in part: "The campaign in the Plevlje, Cajnice and Foca district against the Muslims has been completed ... During the operations the complete Muslim population was exterminated regardless of sex and age ... Around 1200 Muslim fighters and up to 8000 other victims—women, old men and children—were killed."<sup>177</sup>
- "Altogether 75,000 Bosnian Muslims are thought to have died in the war; at 8.1 per cent of their total population, this was a higher proportion than that suffered by the Serbs (7.3 per cent), or by any other people except the Jews and Gypsies. Muslims had fought on all sides—Ustasha, German, Cetnik, Partisan—and had been killed by all sides."<sup>178</sup>

But Glenny says: "During my visits to Bosnia, I would always visit the monument to see the relative number of Moslems and Serbs who died—in most regions four Serbs died for every Moslem."<sup>179</sup>
- Kočović also claims that 75,000 Muslims died in Bosnia, and 11,000 more in the rest of Yugoslavia. Žerjavić's figures are 78,000 and 25,000, respectively.<sup>180</sup> Again, the ethnic identity of the killers is not given.
- The Bosnian Muslim pamphlet cites higher figures, not surprisingly, given the year of its publication. It refers first to "brutal murders and slaughters of over 120,000 Bosnian Muslims from 1941 to 1945,"<sup>181</sup> then on a later page to "the 100,000 murdered Muslims,"<sup>182</sup> and finally to losses "estimate somewhere between 86,000 and 120,000."<sup>183</sup>

- Tomasevitch gives the figures of 2,000 + killed in Foca in 1942, “additional terror” later that year (no numbers given), and 10,000 killed in 1943 in a punitive “March on Bosnia” in retribution for some Muslim attacks on Serbs, which brings us up to 12,000 + murdered, surely an incomplete tabulation.<sup>184</sup>

An AP journalist who had worked extensively in ex-Yugoslavia wrote me in 1995 referring to the Muslims in the current war thus: They were “universally acknowledged as being the greatest victims in a war with nothing but victims.”<sup>185</sup> But for World War II I can find no consensus as to whether the Muslims or the Serbs suffered most. The statistics cited here would suggest the latter.

## QUESTION V

### *How did the Muslims treat the Serbs during World War II?*

As early as June-July 1941, scarcely two months after the Axis occupation had begun, the Ustasha regime, having been given license to do so by the Italians, began establishing itself in eastern Herzegovina.

Since the Croatian (Catholic) population [there] ... was only ... around 1.1 percent of the total, nearly all the appointed local officials and organized Ustashes [in Herzegovina?] were Moslems, who made up about 23.7 percent of the population<sup>186</sup> ... The new authorities at once began to consolidate their rule by mounting a hate campaign against the Serbian population which made up about three-fourths of the total. On June 1, in several towns and villages there occurred shootings of Serbs ... Two days later there were several instances of armed retaliation by villagers; those villages were then burned by Ustasha units, and there were mass shootings, and thus the scale of violence mounted.<sup>187</sup>

Noel Malcolm, whose book was published in 1994, at the height of the civil war, and who sees the Serbs as the chief villains in it, tells this tale much differently, using the passive voice, so that it is not clear which group comprised the Ustasha. Only at the end does he say of the avenging Serbs that they “turned against local Croat and Muslim villagers, whose acquiescence in NDH rule they regarded as collaboration; more than 600 Muslims were killed in the district of Bileća ... and roughly 500 were killed in the area around Visegrad.”<sup>188</sup>

And yet Malcolm cannot sweep away the fact of a Muslim Thirteenth SS Division, the Handžar, twelve thousand strong. In 1943 “it committed indiscriminate reprisals—murders and other crimes—against the local Serb population. The exact number of victims ... was certainly many hundred, perhaps several thousand.”<sup>189</sup>

Glenny says baldly: “The majority of Moslems co-operated with the Croat Fascists, the Ustashes, against the Serb-dominated Partizans.”<sup>190</sup>

The Bishop of Mostar “cited the case of a Muslim sub-prefect who boasted that

seven hundred 'schismatics' [Serbs] were killed in one day in Ljubinje in south-eastern Hercegovina and that, on another occasion, a train collected six carloads of mothers, young girls and children from Mostar and Čapljina and took them to a place in the mountains where mothers and children were thrown alive from the cliff tops."<sup>191</sup>

Milovan Djilas, whose anti-ethnic idealism can probably be expected to inhibit his Montenegrin nationalism from making unfair accusations, speaks repeatedly of Muslims "who rose up, unprovoked, against their Orthodox neighbors," even at the beginning of the Occupation. "The hatred between the Orthodox and the Moslems in these parts is primeval, attested by rebellions and invasions, epics and visions."<sup>192</sup> Djilas describes "how difficult and unconvincing it was to preach brotherhood with the Moslems to a peasant who had heard his son's cries as he was being flayed alive in the traditional Turkish torture."<sup>193</sup>

- Kočović and Žerjavić offer the following respective figures for Serbian casualties in Bosnia, where there were more Muslims than elsewhere in Yugoslavia: 209,000 and 170,000. As usual with these two sources, we cannot determine how many were killed by Muslims, how many by Croats, and how many by fellow Serbs.

## QUESTION VI

### *How did the Croats treat the Muslims during World War II?*

As mentioned, the Independent State of Croatia included within its borders the territory of Bosnia-Herzegovina, just as some of Dobroslav Paraga's men told me they longed to do in 1994.

In order to substantiate their claim..., the Ustashas proclaimed the Moslems of that province to be the purest of all Croats. In this way nearly 60 percent of the population of the province was considered as Croatian (about 23 percent Catholic Croats and close to 37 percent Moslem Croats) ... This was a gross exaggeration. The overwhelming majority of Moslems considered themselves neither Croat nor Serb but simply Moslem. And although a certain number of Moslems openly sided with the Ustashas, the majority was either directly opposed to them or neutral. Some of them sided with the Chetniks, some with the Partisans, and others were trying to achieve a special autonomous position for a somewhat truncated Bosnia and Herzegovina directly under the Third Reich.<sup>194</sup>

As Malcolm remarks, "Disillusionment set in quickly among many of the Muslims. Although there was no general pogrom against them, the promise that their rights would be respected was not kept; the rule of law simply did not operate in the Ustasha NDH."<sup>195</sup>

Stevan Pavlowitch tells the story slightly differently, saying: "Muslims were accepted as being Croats of Islamic faith."<sup>196</sup>

## QUESTION VII

*How did the Muslims treat the Croats during World War II?*

I have not been able to find out much about this. Glenny's final statement in Section VI above is certainly strongly worded.

- Kočović and Žerjavić propose the following respective figures for Croatian casualties in Bosnia: 79,000 and 66,000. As usual with these two sources, we cannot determine how many were killed by each of the various groups.

## QUESTION VIII

*Who was most to blame for atrocities committed?*

Obviously the two worst criminals were the Hitler and Mussolini regimes. Within Yugoslavia itself the Croatian NDH (Ustasha) regime probably caused the most casualties, since based on the statistics cited above it would seem that Serbian deaths comprised a plurality or majority of the total, and we know that the Muslims were (from a standpoint both of numbers and of materiel) too weak to have committed many of them. Nonetheless, a third of the murders did occur in Bosnia; the Muslims must have borne some responsibility. Most likely the Chetniks far out-murdered the Muslims. Since Tito's partisans were an ideological rather than an ethnic bloc—in short, they killed without reference to ethnicity—I have not spent much space on them here,<sup>197</sup> but it should be repeated that they made up a significant proportion of the killers during this period. The military historian Keegan has written a depressing summation of character for Tito's deputy, Milovan Djilas:

The brutality that Djilas learned in the mountains of Yugoslavia was taught to tens of millions wherever 'people's war' was practised. Its cost in lives scarcely bears contemplating...those who survived [Mao's Long March] were to become, like Djilas, pitiless executives of a social revolution which measured its thoroughness in the number of 'class enemies' it did to death.<sup>198</sup>

This insightful remark applies equally well to the "people's war," that is, the war against people, which began with the breakup of Yugoslavia in 1991. In short, there is certainly enough blame to go around. (Djilas himself estimated that in March 1944, when the killing still had some distance to run, "of some ten thousand prewar Party members, hardly two thousand were still alive, while I estimated our current losses of troops and population at around one million two hundred thousand."<sup>199</sup>)

As Manès Sperber has one of his desperate guerrilla characters say, "The further question is whether those who do survive are to let themselves be destroyed in detail while they wander between the Ustashi, the Germans, the Italians, the Communist Partisans and those of Draza Mihajlovic..."<sup>200</sup>

## ROUGH TABLE OF CASUALTIES

TOTAL KILLED:	1,700,000 <sup>201</sup> out of 14,000,000
LESS Serbs killed by Ustashes:	350,000 <sup>202</sup> out of 6,500,000
<i>Serbs killed by non-Ustasha Yugoslavs:</i>	???
LESS Croats killed by all sides:	200,000 out of 3,800,000
LESS Muslims killed by all sides:	86,000 out of 1,400,000 <sup>203</sup>
LESS victims of Partisans:	100,000 <sup>204</sup>
LESS Jews killed by Nazis:	55,000 out of 75,000
 SUBTOTAL =	 909,000 out of 11,775,000 <sup>205</sup>
 LESS victims of the Axis:	 700,000 <sup>206</sup>

Total killed LESS subtotal LESS casualties of the Germans and their allies leaves 209,000 deaths unaccounted for. Given the wide variance in individual figures (the two estimates for Axis casualties varied by 100,000, or almost half of our residue), it is remarkable that we come so close to a perfect cross-check of zero left over. (I have, by the way, used the more conservative estimates in figuring the subtotal. Had I done the same with the Axis casualty figure, the result would have been even closer.) This table would thus seem to be a decent working approximation. The table also makes it clear, however, how much easier it is to list victims than murderers.

About 12 % of the Yugoslav population died in World War II. Based on the estimates in the table, this works out to 5.4% war deaths for the Serbs, 5.3% for the Croats, and 6.1% to 10.8% for the Muslims, depending on which of the two population estimates is used.

Conclude with an extract from the ominously unattributed Serbian pamphlet entitled *Kamenica: Dossier on the Massacre of Serbs in the Drinjaca Valley*. I was given this bit of reading material at a Republika Srpska government office in 1994. The writer begins by asserting that "the village of Kemanica ... will be remembered in history as the largest grave of the Serb people in the third war with Moslems on the Drina river."<sup>207</sup> —The *third* war! Long, long memories ... A Serbian father approaches one of the newly discovered mass grave. He's searching for the corpse of his son. He remarks: "It was a black day for me when he was captured on 6 November. I knew what was in store for him, since I had fought the fathers and grandfathers of those Ustashe in the last war ... All bodies are massacred beyond recognition, but I recognized my son immediately."<sup>208</sup>



ANNEX G

BILJANA PLAVSIC'S  
VERSION OF HOW THE  
BOSNIAN WAR BEGAN  
(APRIL, 1994)

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**T**hanks to Vineta, as I've mentioned,<sup>209</sup> I was able to interview Miss Biljana Plavsic, then Vice-President of the Bosnian Serbs. (As of this writing, she is now at the Hague, facing a conviction of genocide.) She said to me:

"They prepared this war really in advance, and it is not now any secret. I informed everyone that they celebrated the organization of the army—from March '91 they already had an army! In that time we had no idea that that was happening in BiH.<sup>210</sup> You see, nobody has an army to do nothing with it! On the 7th of April they made a general mobilization. After that I went into my room and resigned. Because if you are preparing a general mobilization, you are preparing a war.

"I was a member of the Presidency, and there were seven of us. Two of us were representatives of Serbs, two from Croats and two from Muslims. One was on the Yugo side—that was Garnic." —(Both Vineta and Miss Plavsic smiled bitterly.)

“He was the worst, worse even than Izetbegovic. When it was necessary he was a Serb; when it was necessary to be Yugo he was Yugo. And now he is Muslim. You see, he was on the high level of the Communist party. But probably he was prepared on the high level from the fundamentalists.

“You need to know just now that even before the seventh of April they killed some people, but in March, near Bosanski Brod—no, not March, maybe on first of April; they burned a village called Sjekovci and killed Serbs there, and on the first of March they attacked a wedding party and threw away our flag. I entered in Sjekovci a few hours after that crime. So one of those Muslims, he told me: *What we need to do for Serbs, to make clear our intention, is kill Serbs.* I can say that really I was foolish. Still I answered that I believed in human beings, human minds, because I hoped that through President Izetbegovic I should be able to control them and stop that. But he refused my information. He didn’t hide his fundamentalist belief, but I couldn’t understand how a man with his beliefs could organize a crime. I thought, this man cannot organize a lie.”

“Was he polite with you?”

“Yes. He was really polite. A man with a lot of patience, and sometimes especially at the beginning of the war I thought he needed to understand the situation. And I tried—because I was in all these places, and immediately when I was back I informed him—and I thought that he as President would be able to stop that.”

“What did he say?”

“It is very difficult to say this, but he is ordinary liar. He never said that he cannot trust me, and always I went with TV crew, and he said: *We must study, we must try to prevent that.* He’s so unbelievable.”

“Do you think he had secret contacts with Tadjman?” I asked. (The Croatian extremist Dobroslav Paraga had claimed that Tadjman had secret contacts with Milosevic.)

“Of course, of course. This information is very important. Maybe three months before the war, a lady who cleaned the rooms, she mentioned to me that in the nights, they’re taking a lot of boxes down into the basement. She warned me that it is interesting to see that basement with deep freeze and so on. And she said that in one box she saw bullets. On the second of April I asked her to check that, and she confirmed. So they prepared this Presidency building for the war.”

“What did he and Tadjman plan to do in the beginning?”

“First of all, they had a plan for the war in BiH. They thought it would be very quickly finished because their side was prepared and our people were not prepared. (In five days of April, after the killing in front of the Orthodox church, can you believe me that I have no gun—still I have no gun!—I cannot face myself with the reality.) They wanted all territory in BiH. They planned to do it very quickly because the Serbs would not be prepared.”

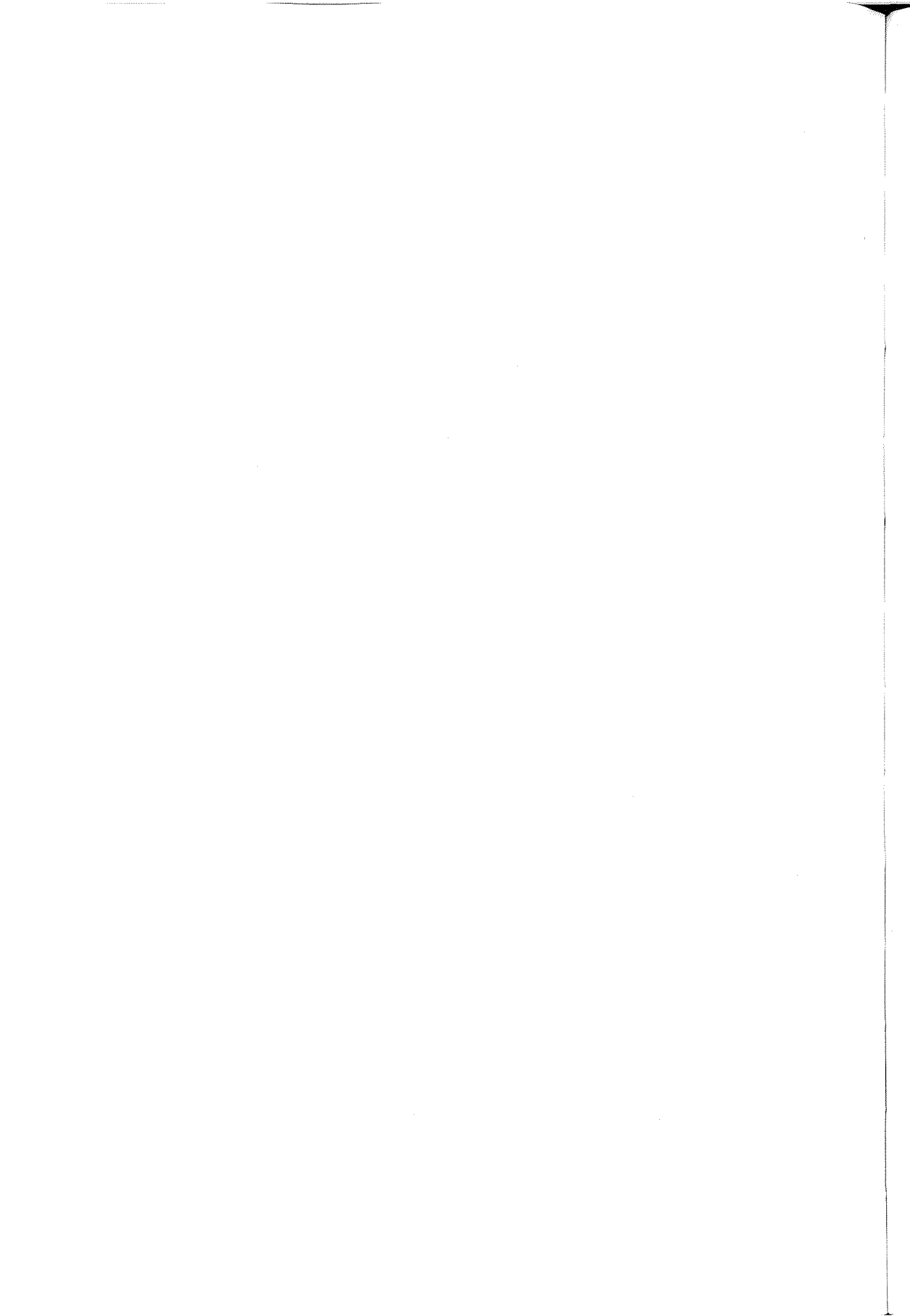
“How did things break down between Serbs and Croats?”



“How I cannot tell exactly. It was in the Muslim side. They had these people from Libya, Saudi Arabia, those fundamentalists, each day more and more those Mujahideen. And those Mujahideen in Bosnia, they could not make a difference between Catholic and Orthodox. All they found, they killed.”

“Which side is a bigger threat to you?”

“When this coalition broke, I would say there was more cruelty on the Muslim side. They are killing people in the ritual way. When we capture their soldiers we find in their pockets a recommendation according to the Qur'-An what to do with them. I was able to see in village Kravice, in east Bosnia, on 7 January '93, how they killed all people in the special way. They chopped heads and feet and that was according to these instructions.”<sup>211</sup>



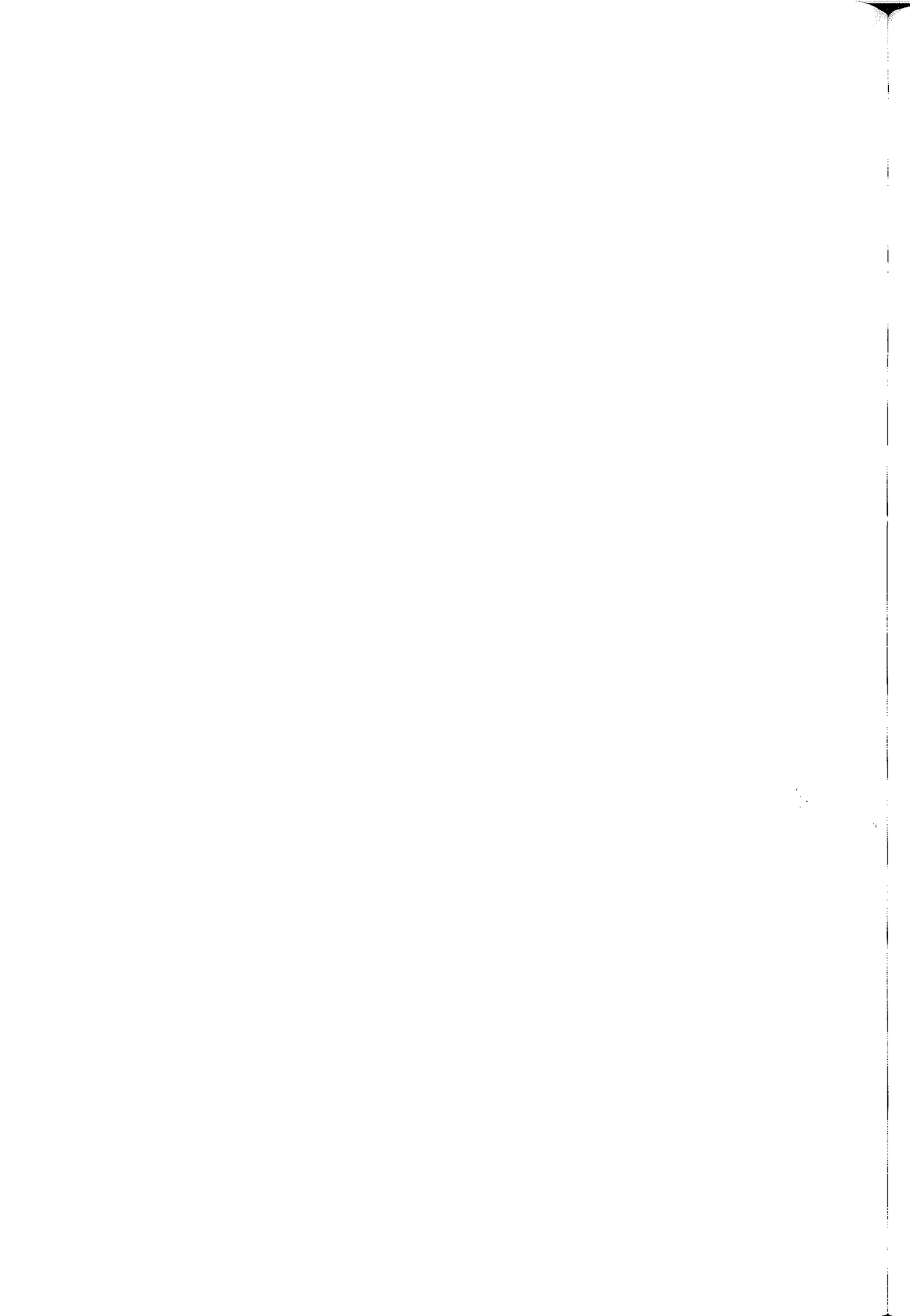
ANNEX H

A BOSNIAN MUSLIM  
REFUGEE'S VERSION  
OF HOW THE  
BOSNIAN WAR BEGAN  
(SEPTEMBER, 1992)

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**T**he sand-dune-skinned old woman without any documents said: "It started going bad during the elections in Bosnia. The Serbs started kicking us out of our jobs. Then they started kicking us out of our homes. They didn't like things both Islamic and Serbian. They wanted things just one way."

"They came by in cars, with arms, automatic weapons. Then they started to shoot."



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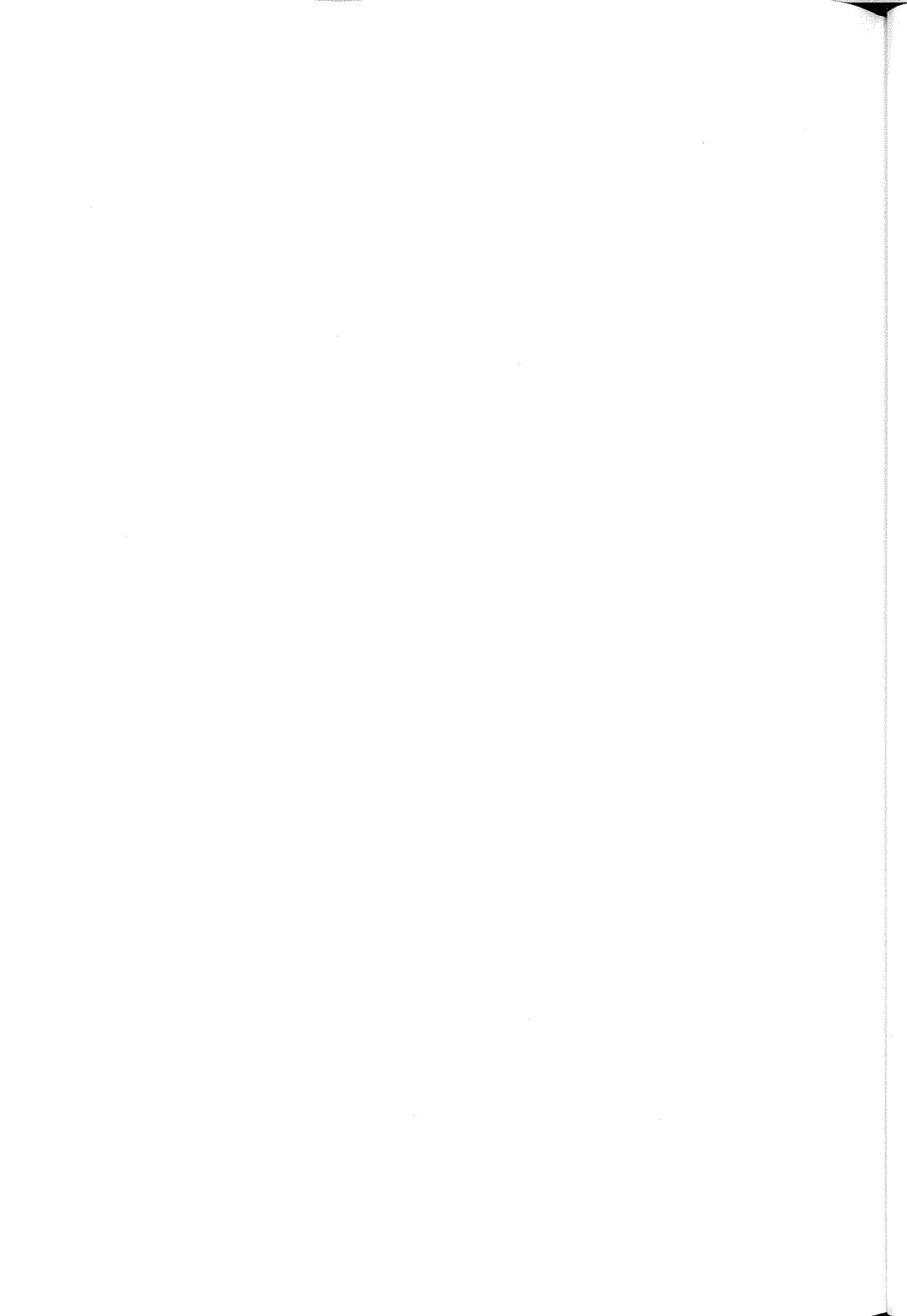
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## INTRODUCTION: THE DAYS OF THE NIBLUNGS

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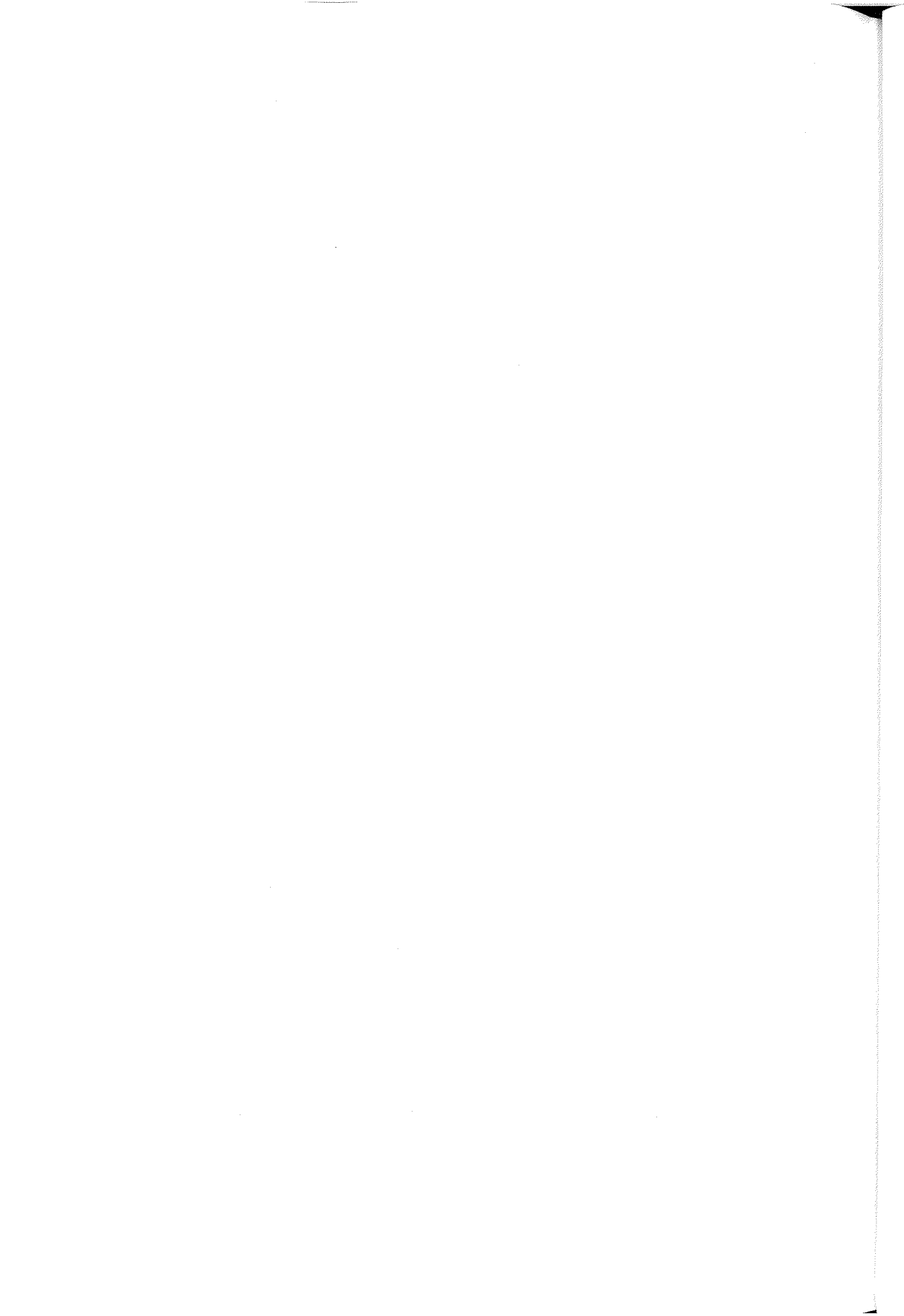
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Anybody browsing through the footnotes to the first "theoretical" part of this book will find a preponderance of references to secondary rather than primary sources. I am very grateful to the various scholars I have cited. No matter what they may think of my use of their material, this book is often more theirs than mine.

# NOTES

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## MORAL CALCULUS

<sup>1</sup> Trotsky, p. 88.

<sup>2</sup> Luther, p. 116.

<sup>3</sup> Furet and Ozouf, p. 249.

<sup>4</sup> Clausewitz, p. 184, p. 207.

<sup>5</sup> Thoreau, p. 331.

<sup>6</sup> See below, "The War Never Came Here," 1994.

<sup>7</sup> Hardin, p. 259.

<sup>8</sup> *Ibid* p. 101 (letter no. X, to Mlle. de Rousset, 26 January 1782).

<sup>9</sup> Matthew 5:6.

<sup>10</sup> Above, "Defense of Race and Culture."

<sup>11</sup> *Joan of Arc in Her Own Words*, p. 132 (Wednesday, May 23, 1431).

<sup>12</sup> Jacob Dickinson, dissenting, writes that "were ethics an exact science in the sense that one could manipulate discrete, symbolic entities (like the stones that gave calculus its name—I picture something like go pieces) to arrive at pronouncements of right and wrong, ... free will and cultural variability would not be compromised. The actions that we freely will and the variations between cultures would be susceptible to another sort of labelling, that's all ... I see no reason not to imagine a moral calculus that operates as smoothly and definitively as ... cams driving oiled blocks of metal back and forth in polished channels" (note to author, 1996).

<sup>13</sup> Franklin, p. 878 (to Joseph Priestley, London, Sept. 19. 1772).

<sup>14</sup> Katsuki Sekida, in *Mumon Ekai / Setcho and Engo*, p. 14.

<sup>15</sup> See above, "Defense of Gender."

<sup>16</sup> Milovan Djilas tells the story of a Partisan battalion commander whose uncle was a Chetnik. The young Partisan, feeling the tie of family, warned his uncle of his impending arrest. Uncle, nephew and another kinsman were executed together (*Wartime*, p. 164).

<sup>17</sup> Lincoln, vol. 2, p. 220 (first inaugural address, 4 March 1861).

<sup>18</sup> See above, "Defense of Ground."

<sup>19</sup> That is, strange as it might seem, your violence ought wherever possible to be motivated by sincere and selfless love.

<sup>20</sup> See above, "Defense of Animals."

<sup>21</sup> See above, "Defense of Creed."

<sup>22</sup> Gómara, p. 33.

<sup>23</sup> Trigger comments: "It could equally be the Capitalist's Golden Rule."

<sup>24</sup> Thucydides (Warner), p. 215. Everybody who punishes to improve the transgressor is acting on this premise, although it will usually be stated more mildly than Cleon did. Thus many a seventeenth-century Frenchman, like the family friend just quoted, would doubtless insist that he was treating his child well when he flogged her for some offense, because proactive deterrence socializes the young into self-disciplined (self-punishing) respecters of authority.

<sup>25</sup> Reaction to Nuremberg indictment; quoted in Gillbert, p. 7.

<sup>26</sup> A.T. Bryant, quoted in Walter, p. 139.

<sup>27</sup> Plato's original maxim: "No man whatsoever will prove a creditable master until he has first been a servant." See above, "Defense of Class."

<sup>28</sup> This assertion of the "natural slave" must have required belligerency as a way of hiding its absurdity from its adherents. For all slaves come from somewhere. There has to be a first generation which began free. Greek slaves, like their Roman counterparts (Erich S. Gruen, p. 360) were convicts, foreign prisoners, persons unable to repay their ransoms, or simply the children of slaves (MacDowell, pp. 79-80). The same went for Babylonian slaves, who could also derive from individuals who sold themselves to pay off a debt (Roux, p. 185).

<sup>29</sup> See "Defense of Honor."

<sup>30</sup> See "On the Morality of Weapons."

<sup>31</sup> Churchill, *The Hinge of Fate*, pp. 498-99. See above, "Defense of Class."

<sup>32</sup> Berger and Neuhaus, p. 56

<sup>33</sup> See above, "Deterrence, Retribution and Revenge."

<sup>34</sup> Saint-Exupéry, *Flight to Arras*, p. 89. In the mid-tenth century, Kai Ka'us ibn Iskander had written about battle: "At a time like this reconcile your heart with death" (*A Mirror for the Princes*, excerpted in Chaliand, p. 429).

<sup>35</sup> See "Means and Ends."

<sup>36</sup> True euthanasia, not being considered harm, is not included here.

<sup>37</sup> See above, "Defense of Class."

<sup>38</sup> See "Means and Ends" above.

<sup>39</sup> Epstein, p. 422 (Yoma, 85b).

<sup>40</sup> Coalition for Direct Action at Seabrook, 1980. See above, "Defense of Earth."

<sup>41</sup> Gandhi, pp. 348-49 ("The Jews," *Harijan*, 26-11-38).

<sup>42</sup> The exact opposite of Hitler's system. That monster declared: "I spoke only of peace for so many years because I had to. It has now become necessary to bring about a gradual psychological change in the German people's course and make it realize slowly that there are some things that must, if they cannot be carried through by peaceful means, be carried through by force and violence ..." (speech to newspaper editors, 10 November 1935). Nonviolence was insufficient, then. His violence, rather than sparing, *preyed* upon the unwilling.

<sup>43</sup> Thucydides (Strassler), p. 357 (5.116).

<sup>44</sup> Machiavelli, p. 22.

<sup>45</sup> Quoted in Oates, p. 317.

<sup>46</sup> Unfortunately, this example is not true to life. Whether or not the reparations are excessive, about which I don't know enough to judge, the continuing sanctions definitely are. See the case study "Survival and Defiance in the Land of Oil," below.]

<sup>47</sup> Above, "Where Do My Rights End?"

<sup>48</sup> Above, "Defense of Animals?"

<sup>49</sup> Ibid.

<sup>50</sup> Above, "Suicide and Euthanasia."

<sup>51</sup> Seneca, vol. 1, p. 13 ("On Providence, II.10).

<sup>52</sup> Ibid.

<sup>53</sup> Lawrence, *Seven Pillars*, p. 496.

<sup>54</sup> Above, "Where Do My Rights End?"

<sup>55</sup> Ibid.

<sup>56</sup> Above, "Defense Against Traitors."

<sup>57</sup> Hassig, p. 227. This was the campaign against Tototepec in 1506.

<sup>58</sup> Ibid, p. 223. Campaign against Tlachiquiauco, 1504.

<sup>59</sup> Ibid.

<sup>60</sup> Tolstoy, *Writings on Civil Disobedience*, p. 82 ("On Patriotism").

<sup>61</sup> Lewes, p. 312.

<sup>62</sup> Above, "Where Do My Rights Begin?"

<sup>63</sup> Above, "Defense of Honor." This right is inserted here for completeness because it

overlaps with the right of any self to express and define itself. Its ramifications will be laid out in detail in 5.2.A.

<sup>64</sup> Pernoud, p. 176.

<sup>65</sup> Above, "Defense of Authority."

<sup>66</sup> See above, "Defense of Authority;" "Loyalty, Compulsion and Fear."

<sup>67</sup> See above, "Loyalty, Compulsion and Fear."

<sup>68</sup> See above, "Where Do My Rights Begin?"

<sup>69</sup> See above, "Where Do My Rights Begin?"

<sup>70</sup> Epstein, p. 422 (Yoma, 85b).

<sup>71</sup> Above, "Where Do My Rights End?"

<sup>72</sup> See above, "Defense of Honor."

<sup>73</sup> Ibid.

<sup>74</sup> Ibid.

<sup>75</sup> Ibid. This chapter also includes the following rule, which derives both from 5.2.A.2 and 5.2.A.3: When unchecked dishonor will cause death or other serious harm. In other words, when defense of honor equals *imminent defense of self or others*.

<sup>76</sup> Ibid.

<sup>77</sup> Caesar, *The Civil War*, p. 40.

<sup>78</sup> Abbot and Carter, p. 74.

<sup>79</sup> Ibid.

<sup>80</sup> See above, "Defense of Class."

<sup>81</sup> Burke, p. 138.

<sup>82</sup> Ibid.

<sup>83</sup> Womack, p. 49.

<sup>84</sup> Ibid.

<sup>85</sup> Quoted in Lee, p. 144.

<sup>86</sup> See above, "Defense of Authority."

<sup>87</sup> After Plato. See above, "Defense of Authority."

<sup>88</sup> Ibid.

<sup>89</sup> Ibid.

<sup>90</sup> Ibid.

<sup>91</sup> Lange, pp. 331, 384.

<sup>92</sup> See above, "Defense of Authority."

<sup>93</sup> Ibid.

<sup>94</sup> Ibid.

<sup>95</sup> Ibid.

<sup>96</sup> See above, "Defense of Authority."

<sup>97</sup> Ibid.

<sup>98</sup> Defined in "Defense of War Aims," below.

<sup>99</sup> Trotsky, *My Life*, p. 427.

<sup>100</sup> See above, "Defense of Race and Culture."

<sup>101</sup> Herodotus, Book Six, p. 438. My *Oxford Classical Dictionary* calls the Pelasgians "a mythic population-group" (Hornblower and

Spawforth, p. 1131; entry on Peshians).

<sup>102</sup> Turnbull, p. 209.

<sup>103</sup> See above, "Defense of Creed."

<sup>104</sup> Ibid.

<sup>105</sup> See below, "Everybody Likes Americans."

<sup>106</sup> See above, "Defense of War Aims."

<sup>107</sup> 5.1.3 is omitted here since its counterpart has already been addressed as defense of honor [5.2.A].

<sup>108</sup> Herodotus, Book Seven, pp. 477-78.

<sup>109</sup> 5.2.D.3 does not apply; the cause cannot necessarily be open to all when belligerents are enrolled under opposing commands.

<sup>110</sup> Quoted in Rountree, p. 11.

<sup>111</sup> Fornara, p. 56, item no. 57.

<sup>112</sup> Wu-tzu, in Sawyer and Sawyer, p. 208.

<sup>113</sup> Moltke, p. 24.

<sup>114</sup> Walzer, p. 42.

<sup>115</sup> Ibid.

<sup>116</sup> Reisman and Antoniou, p. 90.

<sup>117</sup> See above, "Defense of War Aims."

<sup>118</sup> Vigny, pp. 147-48.

<sup>119</sup> Ibid.

<sup>120</sup> Ibid.

<sup>121</sup> Díaz, p. 330.

<sup>122</sup> Ibid.

<sup>123</sup> Ibid.

<sup>124</sup> Borovik, p. 267.

<sup>125</sup> Ibid.

<sup>126</sup> Bergerud, p. 265.

<sup>127</sup> Thucydides (Strassler), Book Three, p. 188.

<sup>128</sup> Chanoff and Doan, p. 156.

<sup>129</sup> Ibid.

<sup>130</sup> Aquinas, p. 578. Of course this limitation is necessary but not sufficient. The leader who holds his power by the most legitimate means may nonetheless uphold illegitimate war aims, as did Kaiser Wilhelm in World War I. Likewise, Lieutenant Calley was Private Meadlo's legitimate commander. I accordingly reserve my right to desert, to fight for neither Caesar nor Pompey.

<sup>131</sup> See above, "Defense of War Aims."

<sup>132</sup> Ibid.

<sup>133</sup> "Sayings of Spartans," in *Plutarch on Sparta*, p. 146 (Leonidas).

<sup>134</sup> Truong, p. 15.

<sup>135</sup> See above, "Defense of Ground."

<sup>136</sup> Ibid.

<sup>137</sup> Sahagún, p. 84.

<sup>138</sup> See above, "Defense of Earth."

<sup>139</sup> *Earth First!*, February-March (Brigid) 1998, p. 12 (Rhys Roth, "Driving Fossil Fuels to Extinction").

<sup>140</sup> For the best treatment I have seen on this subject, see Joel E. Cohen.

<sup>141</sup> See above, "Defense of Earth."

<sup>142</sup> See above, "Defense of Gender."

<sup>143</sup> Ibid.

<sup>144</sup> Ibid.

<sup>145</sup> Yerbury, p. 157.

<sup>146</sup> Ibid.

<sup>147</sup> Garrett Hardin's "lifeboat ethics": One of the practical conclusions of the analysis given in this book is this: population control and freedom to breed are irreconcilable ... If perfect sex determination is achieved, women can then be freed of *all* restrictions on the *number* of children they produce, PROVIDED: they submit to the restriction of having *only one girl child* per woman (op. cit., p. 206).

<sup>148</sup> Ibid.

<sup>149</sup> See above, "Defense Against Traitors."

<sup>150</sup> Plato, p. 1417 (*Laws*, IX.856b-d).

<sup>151</sup> See above, "Defense Against Traitors."

<sup>152</sup> Open letter entitled "Words from the Underground to the People of the United States of America," *Sacramento News and Review*, November 22, 1995, p. 13.

<sup>153</sup> See above, "Deterrence, Retribution and Revenge."

<sup>154</sup> See above, "Deterrence, Retribution and Revenge."

<sup>155</sup> *Annals of America*, vol. 18, pp. 140-42 ("John F. Kennedy: Soviet Missiles in Cuba.")

<sup>156</sup> See above, "Deterrence, Retribution and Revenge."

<sup>157</sup> Which may or might take place in the service of an unjustifiable end; see the long portrait of Julius Caesar in "Defense of War Aims."

<sup>158</sup> So defined because after the categories of revenge and judicial punishment have been dissected away, military retribution seems to be all that's left.

<sup>159</sup> Wilson, pp. 556-57.

<sup>160</sup> Ibid.

<sup>161</sup> See above, "Punishment."

<sup>162</sup> Elena Chong, "Ex-SAF sergeant accused of

murdering housewife testifies: 'I had sex with her at 18,' in *The Straits Times*, Friday, March 21, 1997, "Home" section.

<sup>163</sup> Ibid.

<sup>164</sup> Plutarch, *Lives*, p. 146.

<sup>165</sup> "Punishment," above.

<sup>166</sup> Montesquieu, p. 268 (XXX.18).

<sup>167</sup> This rule cannot address the following case: What penalty does a Swedish thief in Saudi Arabia deserve? While I think shariat would be appropriate, since the crime occurs under its jurisdiction, I don't presume to insist.

<sup>168</sup> Quoted in Rudé, p. 105.

<sup>169</sup> *Al-Bukhari*, vol. 9, p. 513 (LXXXI.14).

<sup>170</sup> Ibid.

<sup>171</sup> Qur'-An, p. 73 (2.178, "Retaliation and Bequests").

<sup>172</sup> Pritchard, vol. 1, p. 161, no. 196.

<sup>173</sup> *Laws*, VII.794a, p. 1366.

<sup>174</sup> Hobbes, p. 210 (I.15).

<sup>175</sup> *Al-Bukhari*, vol. 9, p. 510 (LXXXI.10).

<sup>176</sup> See above, "Loyalty, Compulsion and Fear."

<sup>177</sup> Ibid.

<sup>178</sup> Herodotus, Book Six, p. 391.

<sup>179</sup> Sirkes, pp. 4, 6-11, 20-23, 30-31, 34, 36, 37.

<sup>180</sup> Ibid.

<sup>181</sup> Ibid.

<sup>182</sup> See above, "Moral Yellowness."

<sup>183</sup> See above, "Inevitability."

<sup>184</sup> See above, "Defense of Class," p. 00.

<sup>185</sup> For text references, see footnotes to justified categories of violence above.

<sup>186</sup> Caesar, *The Civil War*, p. 205 (AW.70).

<sup>187</sup> Constitution and Rituals of the Order of the White Camelia 1868; excerpted in Adler et al, vol. 2, p. 258.

<sup>188</sup> Thompson, p. 2.

<sup>189</sup> Walter, p. 141. Hence in the moral calculus's "Maxims for Murderers" we adorn the following evil principle with Shaka's name: "If a foe were worth conquering at all, he was worth crushing out of existence once and for all" (1.3.11; Walter, p. 139).

<sup>190</sup> Reproduced in "Brutus," VII, *New York Journal*, January 10, 1788; in Bailyn, vol. 1, p. 735.

<sup>191</sup> *Napoleon on Napoleon*, pp. 20-21.

<sup>192</sup> Quoted in Speer, p. 225.

<sup>193</sup> Appian, vol. III, p. 323 (*The Civil Wars*, II.VIII.51).

<sup>194</sup> Ibid, II.V.36.

<sup>195</sup> See above, "Defense of Earth."

<sup>196</sup> Midgley, pp. 12-13, 45-52.

<sup>197</sup> See above, "Defense of Gender."

<sup>198</sup> Ibid.

<sup>199</sup> Jordan, p. 102.

<sup>200</sup> Seneca, vol. 1, pp. 395-97, "On Mercy," I.XII.4-sqq.

<sup>201</sup> Plato, *Laws*, pp. 1490-91 (XII.944d).

<sup>202</sup> Cheng, p. 62.

<sup>203</sup> Kramer and Sprenger, p. 226.

<sup>204</sup> "Children Abusing Adults—Rule 43," in *The Raven*, no. 22, p. 152.

<sup>205</sup> Sade, *Letters*, p. 37 (letter no. II, to Mme de Sade, 6 March 1777).

<sup>206</sup> Quoted in Taylor, p. 248.

<sup>207</sup> Above, "Loyalty, Compulsion and Fear."

<sup>208</sup> Turnbull, p. 112.

<sup>209</sup> Steve Johnson, "Survival in the Bulge: Fifty Year Ago, Houk Earned Silver Star in World War II Battle," *Los Angeles Times*, Monday, December 19, 1994, p. C19.

<sup>210</sup> Author of *The Children of Aataentsic*, to which I've frequently referred in this book.

## ANNEXES

<sup>1</sup> This Annex mostly need not consider when revolution is justified. Aquinas, for example, leaves no room whatsoever for legitimate rebellion, insisting that "sedition" is mortal sin, being opposed to unity and the common good, those latter terms being based on Augustine's definition of the people as "the assembly of those united together in fellowship recognized by law and for the common good." (Aquinas, p. 584). In other words, the people constitute the existing order, which must be left alone. The "common good which it assails surpasses the private good which is assailed by strife." (loc. cit.). For Aquinas, legitimacy is the rule for preexisting authority [see the moral calculus, 5.2.C.1]. Corollary: Don't rock the boat, ever.

<sup>2</sup> I am well aware that at the time of writing (1996), such an approach is considered but the stale effluvium of the "second generation" of revolutionary scholarship (the first genera-

tion being "merely" descriptive, the second concerning itself, as I am doing, with process, the third with structuralist factors). Aside from making the rather obvious observation that all three approaches are and will ever continue to be valid, I would like to say that the "second generation" approach is most germane here, since neither descriptive nor structural analyses conveniently lend themselves to the consideration of *choice* at any given moment, without which it is difficult to form ethical conceptions.

<sup>3</sup> Castro; note added by Kenner and Petras.

<sup>4</sup> Interview with Mr. Muhammed S., Afghan refugee, in Berkeley, California, 1986. See above ("Defense of Homeland"), for more testimony by this man.

<sup>5</sup> Any phase of this cycle may occur within another phase. Thus, for instance, in 1966-67 the Burmese Communist Party, while engaged in a struggle with the Burmese government (overt conflict phase) also struggled internally (consolidation of power phase) when it sought to apply to itself the grim maxim "Purge, dismiss, eliminate."

<sup>6</sup> Aristotle, *The Politics*, p. 192.

<sup>7</sup> Even if we accepted equality, for instance, as an unambiguous good, a Marxist-Leninist vanguardist could still argue in favor of tactical inequality as a necessary temporary evil that would bring about equality later. What this so often seems to mean in practice is killing off everybody who disagrees with the vanguardist, in hopes of establishing a future consensus with the vanguardist's toadies and friends.

<sup>8</sup> More and more, I believe in the respect of the human mind for accomplished fact. Deep down, no matter what the courage of our conscious ideology, many of us believe that when we fight on the weaker side, might is right, because might was there before us, and established its own universe, with its own natural laws of authority and sadism. Who are we to defy them? That is why Orwell was ashamed, why even Lawrence of Arabia was capable of saying: "...anyone who pushed through to success a rebellion of the weak against their masters must come out of it so stained in estimation that afterward nothing in the world

would make him feel clean" (*Seven Pillars of Wisdom*, p. 682). Lawrence, it should be added, had additional reason for such feelings. "In our two years' partnership under fire, they grew accustomed to believing me and to think my Government, like myself, sincere. In this hope they performed some fine things, but, of course, instead of being proud of what we did together, I was continually and bitterly ashamed" [p. 24]. Might it be that those who do not feel shame and disgust are already lost, because their aggressions will not be in any way bound? I cannot say for certain, any more than I can say that those who are overwhelmed by their shame and disgust will always be ineffective.

<sup>9</sup> George Orwell, "Such, Such Were the Joys," in Lopate, p. 297

<sup>10</sup> Machiavelli, op. cit., p. 26.

<sup>11</sup> In this connection Herodotus summarizes the fate of Apries, an ancient king of Egypt, who sent troops against the city of Cyrene. "He was held personally responsible for the defeat; the Egyptians believed that he had deliberately sent them to certain destruction, in order to strengthen his grip on those of his subjects who were left alive" (Book Two, p. 194).

<sup>12</sup> "Empowerment for a Culture of Peace and Development," in *Burma Research Journal*, vol. 1, no. 1, June 1995, p. 50.

<sup>13</sup> See "But What Are We to Do?" below.

<sup>14</sup> Donald S. Zagoria, "Asian Tenancy Systems and Communist Mobilization of the Peasantry," in Lewis, pp. 33-54. Huntington (ibid, p. 6) proposes that revolution be defined as the result of the inability of a political system to accommodate new or increased participation in the system. Lewis himself (loc. cit.) calls determinism in the analysis of revolution a "dead end." This may or may not be true but hardly advances our ethical perspective.

<sup>15</sup> Excerpted in Adler et al, vol. 1, p. 110.

<sup>16</sup> This phenomenon explains why the Hungarian writer George Konrád, having been through the violent revolution of 1956 and the peaceful one of 1989, writes sourly that "revolution is a game of symbols and gestures in which armed intimidators succeed

only if people let themselves be intimidated, and if for some unknown reason they do not, then the intimidators themselves feel intimidated and their weapons turn into so much scrap metal." (Konrád, *The Melancholy of Rebirth*, p. 26; "A New Year's Prediction for 1990"). He would seem to be describing a vanguardist revolution.

<sup>17</sup> Jefferson, p. 78 ("The Autobiography"). Shall we pay lip service to the scholarly wisdom that revolutions actually begin with dissension among the elite? The French Revolution, for example, commenced not in the streets but in the mirrored halls of Versailles. If this axiom is true, what it really implies is that the ruling class's policies become inconsistent in proportion to the power struggle—which again means that they become unfair.

<sup>18</sup> Those who support this point of view often insist, à la Marx himself, that such revolutions can only occur in precapitalist societies, since after that the surplus becomes mystified as capital and one can no longer see what is surplus and hence how it is being stolen from the workers. Amin insists, rather arrogantly in my view, that this analysis of precapitalist revolutions is the only correct one: "Empirical observers of this history who imagine that what they see is the outcome of ideological or political struggles are falling victim to the same alienation as the society that they are studying" (p. 25).

<sup>19</sup> "FC," p. 37, para. 116 ("Restriction of Freedom is Unavoidable in Industrial Society").

<sup>20</sup> Marks, p. 89. Charles Tilly insists that collective violence is the "by-product of an interaction," rather than a "direct expression of...propensities" ("Town and Country in Revolution," in Lewis, p. 283), as would be the case with a sex-murderer. Marxists might agree with this as a general statement about class relations. However, I am not quite convinced. Reactive violence, from the spontaneous mayhem of riots to counterattacks on the battlefield, may well "just happen" at times. But when a decision is made on the part of an insurgency or an entrenched elite to launch an act of proactive or preemptive vio-

lence, describing the result as a byproduct may be adequate to a value-neutral investigation of how revolutions happen, but it cannot serve as a sufficient ethical explicator. An assassination, say, or a mass execution certainly has its structural explanation. It also has its moral side. A leader or a group has *chosen* to do this, and while the "objective circumstances" must be taken into consideration, so must the motive, the effect, the utility, the necessity, the justice.

<sup>21</sup> Rudé, *The French Revolution*: p. 28.

<sup>22</sup> Tocqueville, *The Old Regime*, p. 177.

<sup>23</sup> One might also, of course, describe the listing of oppression as a structuralist effect rather than a volunteerist cause: in other words, for whatever reason, the state mechanism of coercion has been damaged; the state endeavors to hide this weakness by insisting that it is "mending its ways" of its own accord; but for our purposes the whys and wherefores matter only slightly: the important thing is that some hand has removed the lid from the boiling revolutionary kettle, so that the steam is now free to rise up.

<sup>24</sup> Levi, *Survival in Auschwitz*. This is the theme of the entire book, and Levi was stunned when one Sonderkommando had actually bombed a crematorium at Birkenau in 1944. A conspirator was led to the gallows. "I wish I could say that from the mist of us... a voice rose... But nothing happened" (p. 135).

<sup>25</sup> Steinbeck in *The Harvest Gypsies*, writes of one man in a camp who still tries to cover his family's excrement: "He is a newcomer and his spirit and decency and his sense of his own dignity have not been quite wiped out. Next year he will be like his next door neighbor" (p. 27). Levi would have annotated that: "No. Next month."

<sup>26</sup> Another scholar of the French Revolution has written that during the *Ancien Regime*, "the peasant was regarded by bourgeois, townsman and noble as an ignorant and uncouth being, destined by nature and by tradition to support the upper classes, to contribute the greater share of revenue to the royal treasury, and to feed the urban population" (Lefebvre, *The French Revolution*, p. 47).

As the lower classes are regarded, so, sadly, they often come to regard themselves. Then institutionalized cruelty can endure for generations. The sense of grievance may be deeply felt, but (to invoke the old rising-up-as-fire metaphor) it is but a spark smoldering under heavy logs of helplessness.

<sup>27</sup> Koestler, *Dialogue with Death*, p. 136.

<sup>28</sup> "But I can cut off your head," Epictetus claims that a tyrant threatened him. "You say right," replies the ex-slave sarcastically. "I had forgotten that I must have regard to you, as I would to the fever and the bile, and raise an altar to you, as there is at Rome an altar to fever" (*Discourses*, Book I, in Lucretius/Epictetus/Marcus Aurelius, p. 125).

<sup>29</sup> Which may in this case seem to work against its own interest. Polarization often gives birth to factionalism within the revolutionary organization. The rash militants split off from the cowardly reformers. Lenin obligingly explains to a young Menshevik why the Bolsheviks and the Mensheviks are dividing: "Your comrades want to sit in parliament, while we are sure the working class ought to prepare for battle" (Gorky, "V.I. Lenin," in *Lenin in Profile*, p. 23). In the short term, the revolution was weakened.

<sup>30</sup> As an example of the latter we may quote an address to the Central Committee of J. Sverdlov, most famous, perhaps, in his capacity of overseer of the execution of the Romanov family. "We must place before ourselves most seriously the problem of dividing the village by classes," says Sverdlov, "of creating in it two opposite hostile camps, setting the poorest layers of the population against the kulak elements...to arouse there the same class war as in the cities..." (*Znamya truda*, 16 May 1918; quoted in Conquest, *The Harvest of Sorrow*, p. 46). Here we have a revolution from above instead of from below — that is, the political elite is the group expressing the grievance. There is another name for such revolutions: pogroms.

<sup>31</sup> It is for this reason that social theorists of the so-called "Third Generation" of revolutionary study like the structuralist approach. One advocate of a very interesting and persuasive "exchange theory of revolution" sees

the mobilization which accompanies polarization as resulting from the fact that a burgeoning revolutionary group can offer the possibility of future rewards through the sharing of power and resources, should it succeed in obtaining them, as a *quid pro quo* for cooperation with the movement (Jeffrey Race, "Toward an Exchange Theory of Revolution," in Lewis, pp. 169-206.) Thus, for instance, the Khmer Rouge "General X." whom I interviewed joined the revolution out of a forward-looking (and accurate) belief that "Khmer Rouge can come winner." (see "The Skulls on the Shelves," above) He had not subscribed to Communist doctrine at that time, and twenty years later he still didn't.

<sup>32</sup> Speech of 26 May 1793; quoted in Rudé, *Robespierre*, p. 172.

<sup>33</sup> The case has been made that in the twentieth-century U.S.A., authority was no longer capable of recognizing mass violent risings-up (such as the black ghetto riots of 1967-68) as "expressive of political demands" rather than as simple lawlessness (Michael Lipsky and David J. Olson, "Civil Disorders and the American Political Process: The Meaning of Recent Urban Riots," in Hirsch and Perry, p. 165). I am unconvinced. Authority *never* acknowledges risings up against it as anything but lawlessness. Why should it? To do so would be to concede something in advance. Louis XVI refused to do it; Tsar Nicholas allowed or commanded his gendarmes to fire into the crowd of protestors on "Bloody Sunday." Robespierre defended himself against the traitors who disagreed with him...

<sup>34</sup> "Let all citizens follow my example!" in *Le Vieux Cordelier* (Paris, No. V, December 25, 1793); quoted in Snyder and Morris, p. 35.

<sup>35</sup> This does not seem to happen among ants. Slaveholding ants are sometimes attacked by their worker slaves after they have taken over a colony, but only one-on-one; a wounded mistress would usually be nursed by other slaves (Hölldobler and Wilson, p. 462).

<sup>36</sup> Marks, p. 97.

<sup>37</sup> Jefferson, p. 92 ("The Autobiography"). In his *History of the Russian Revolution* (vol. 1, p. 65), Trotsky makes much the same case

regarding the Russian royal family: "the disgusting character of 'Alix' [Empress Alexandra], ... the treacherous weakness of the czar, ... and ... the Siberian Christ with a scar in his skull [Rasputin]."

38 Ibid, p. 93.

<sup>39</sup> Brown, p. 134 (Lord Chelmsford to E.S. Montagu, 9 April, 1919).

<sup>40</sup> Aho, p. 162.

<sup>41</sup> "FC," p. 28, para. 86 ("How Some People Adjust").

<sup>42</sup> Industrial-technological society, perhaps unfortunately, has little to fear from FC.

<sup>43</sup> Chanoff and Doan, p. 84 (testimony of Nguyen Cong Hoan).

<sup>44</sup> Brown's plan for guerrilla warfare, which he related to Frederick Douglass, was essentially to spread the chemical reaction: to "begin on a small scale" with squads of abolitionists "the most persuasive and judicious of whom shall go down to the fields from time to time, as opportunity offers, and induce the slaves to join them, selecting the most restless and daring" (Oates, pp. 62-63). Here are his cloak-and-dagger instructions to his son John, Jr.: "...I would like to have you make a trip to Bedford, Chambersburg, Gettysburg, & Uniontown in Pennsylvania...giving some lectures perhaps on Phrenology or some other subject; taking down the names and residences of Friends all along as you could find them out" (Brown to John Brown, Jr., from Rochester, 4th Feb., 1858; p. 1; Boyd B. Suttler collection). A century and a half later, John Brown's enemies followed the same strategy on the electronic spiderwebs of an uneasily integrated nation: "Remember, our overall USENET strategy must be to repeat powerful themes OVER AND OVER AND OVER. We cannot compete with the Jewsmidia, of course, as our propaganda dissemination is but a very small fraction of the everywhere pervasive leftist propaganda. However, our ideas possess an energy that truth alone contains. Our ideas, when matched one to one with the chimera of the Jews, overwhelm theirs with ease, because OURS ARE IN SYNC WITH REALITY" (Milton John Kleim, Jr., "On Tactics and Strategy for Usenet";

Internet path: rhein!news.rhz.unibonn.de!RRZ.UniKoeln.DE!news.dfn.de!Germany.EU.net!howland.reston.ans.net!spool.mu.edu!usenet.eel.ufl.edu!news.gmi.edu!msnews!netnews.upenn.edu!ts7-28.upenn.edu!user. From: 73323.603@compuserve.com. Newsgroups: soc.culture.german.soc.culture.jewish. Organization: The National Alliance. Date: 30 September, 1995. Blanket distribution permission granted only to "Aryan activists").

<sup>45</sup> Riots, like revolutions, also have what Kakar (p. 52, italics in original) "a period of *immediate tension*" (which we can call a recognition of grievance) "and a *precipitating incident*," like Desmoulins leaping up upon his improvised stage to launch the day of the green cockades. The 1978 riot in Hyderabad, India, began when a Muslim woman was raped in a police station (p. 60), following an indefinite period of inter-communal animosity. Ché Guevara calls for his guerrillas to "paralyze" economic life and put "the entire population in a situation of unrest, of anguish, almost of impatience for the development of violent events that will relieve the period of suspense" (p. 77).

<sup>46</sup> Gómara, pp. 75-80.

<sup>47</sup> Ibid, p. 80.

<sup>48</sup> Grant, p. 956 (letter to Jesse Root Grant, April 21st 1861).

<sup>49</sup> Sartre, *Sartre on Cuba*, p. 157.

<sup>50</sup> Ibid, p. 158.

<sup>51</sup> December 20, 1964; quoted in Marable, p. 12. It is possible, by the way, for nonviolent action to follow our entire cycle of phases. But in this third phase, the difference between violence and nonviolence will be most marked. "Silent suffering undergone with dignity and humility speaks with an unrivalled eloquence," wrote Gandhi about his detention in prison (quoted in Brown, p. 179; *Young India*, 17 April, 1924). The role of violent revolutionaries, on the other hand, would be to inflict suffering and death upon the ruling class.

<sup>52</sup> Marks, p. 90. A scholar of the French Revolution writes that terror is "a characteristic feature of the mentality of revolutionary activism" (Furet, "Terror," in Furet and



Ozouf, p. 137.) In the case of the Civil War, selective terror would have taken the form of peer intimidation and then conscription. "Each man," writes Carlyle, "enveloped in his ambient-atmosphere of revolutionary fanatic Madness, rushes on, impelled and impelling; and has become a blind brute Force; no rest for him but in the grave!" (*The French Revolution*, vol. 2, p. 378). Or, as Gibbon puts it, somewhat more analytically, "the body of the people has more to fear from oppression than from resistance" (vol. 1, p. 73)—or, at least, the mobilizers convince it that it does.

<sup>53</sup> *Wartime*, p. 340.

<sup>54</sup> Sartre, *Sartre on Cuba*, p. 150.

<sup>55</sup> Moral calculus, 5.2.C.2.

<sup>56</sup> "History teaches us that no oppressed class ever did, or could, achieve power without going through a period of dictatorship, i.e., the conquest of political power and forcible suppression of the resistance always offered by the exploiters—a resistance that is most desperate, most furious, and that stops at nothing." Lenin, "Theses and Report on Bourgeois Democracy and the Dictatorship of the Proletariat" (4 March, 1919), in *Selected Works*, vol. 3, p. 98. This concept is really rather strange. The Bolsheviks defined revolutions exclusively as mass risings (Trotsky, for instance, in his *Russian Revolution*, repeatedly refers to the "direct interference of the masses" [p. xvii]). A mass dictatorship would seem to be an oxymoron. At any event, for my purposes revolutions can include not only planned and spontaneous uprisings of "the people" such as Lenin and Trotsky longed to surf-ride, and coups such as Lenin and Trotsky actually participated in.

<sup>57</sup> Chandler et al, p. 116 ("The Party's Four-Year Plan to Build Socialism in All Fields, 1977-1980," Party Center, July-August, 1976).

<sup>58</sup> Stowe, pp. 887-89 (*Oldtown Folks*, 1869).

<sup>59</sup> François Furet, article on Mirabeau, in Furet and Ozouf, p. 271.

<sup>60</sup> Trotsky, *My Life*, p. 332. As we saw, the revolution which he helped instigate, and which his ex-colleague Stalin did indeed make permanent, slaughtered millions.

<sup>61</sup> Djilas, *Rise and Fall*, pp. 182-83.

<sup>62</sup> Machiavelli encourages his prince always to select the people, because nobles, being more astute and powerful, can always unmake him; while he for his part can always make or break nobles, but "the prince is compelled to live always with the same people," and if he offends them they have less chance of rising up against him than offended nobles (op. cit., pp. 13-14). At the same time, he must not drive the nobles to despair. And if, as did the Roman emperors, he has a praetorian guard to contend with, he must please them, since they have the power, even if doing so will make the people hate him.

<sup>63</sup> Speaking with approval of the privileges of the nobility, Burke insisted (p. 245): "The strong struggle in every individual to preserve possession of what he has found to belong to him and to distinguish him, is one of the securities against injustice and despotism implanted in our nature." Since what "distinguishes" the individual is what by definition sets him above his fellows, hence makes him unequal, and since perceived inequality is the basis of revolution, then it follows that distinction itself must sooner or later give rise to strife. For lengthier discussion of this point, see above, "Defense of Class."

<sup>64</sup> Robespierre, pp. 303-304.

<sup>65</sup> *Laws*, XVII.798d, p. 1370. But such explanations as this always require a context. Ché Guevara, an incendiary rather than a snowman, with typical austerity bans "games that hurt the morale of the troops" (p. 98).

<sup>66</sup> *Laws*, XII.951a, p. 1496.

<sup>67</sup> Plato does allow male observers of fifty years of age to go discourse with sages of other nations for up to ten years, and report back to his own judiciary. But if he returns "corrupted from his travels" and proposes reforms which the judiciary doesn't care for, he will be put to death (XII.951b-952d, pp. 1496-98).

<sup>68</sup> Li, p. 507.

<sup>69</sup> Merleau-Ponty insists (p. xv) that when we evaluate a regime's goodness we bear in mind, à la Marx, not the principle for which that regime stands, but the prevailing state of human relations.<sup>70</sup> He seems more than will-

ing to except a revolution from this very stricture, in that "a revolution does not define crimes according to the established law but in accordance with the law of the society which it wishes to create" (p. xxxii; see also above, "Defense of Authority"). To the extent that this is true, *it holds only so long as the revolution is not consolidated*. After all such reasonable allowances have made we have the right and duty to interpret a political order as it is, not as it ought to be. Has the revolution helped people or harmed them? If a revolution forbids us to ask this question, I'd vote against that revolution.

<sup>71</sup> "The actual experience of revolution is essentially a corrective to lagging social and political adjustments and a painful learning process of trial and (mostly) error."—Colburn, p. 10. This statement is also true of political and nonpolitical life in general.

<sup>72</sup> Lossky, p. 200 (Pieter De la Court, "The Interest of Holland" [1662, rev. 1666-67], sels.).

<sup>73</sup> King, *The Trumpet of Conscience*, p. 9 ("Impasse in Race Relations").

<sup>74</sup> Cf. Se Hee Yoo, "The Communist Movement and the Peasants: The Case of Korea," in Lewis, p. 73.

<sup>75</sup> Herodotus, Book One, p. 104.

<sup>76</sup> For this observation I am indebted to Mona Ozouf's article on revolution in Furet and Ozouf, pp. 806-817.

<sup>77</sup> Moral calculus, 2.3.

<sup>78</sup> For a definition of legitimate preexisting authority, see the moral calculus, 5.2.C.1.

<sup>79</sup> In a nutshell, orthodox Marxist-Leninists are oriented toward the "proletariat" of empowered industrial workers. Maoists don't have many factories in their countries, so they give place to peasants instead.

<sup>80</sup> See above, "Defense of Class."

<sup>81</sup> For discussion of the varying death figures see above, preface.

<sup>82</sup> Nagel, p. 111. I have "spelled out" the identities of political actors and path coefficients, rather than retaining Nagel's variables and subscripts.

<sup>83</sup> Shan State National Congress, p. 20.

<sup>84</sup> *Ibid.*, p. 21.

<sup>85</sup> Khun Sa, p. 63 ("Economy").

<sup>86</sup> Khun Sa, p. 60 ("U.S. Drug Policy").

<sup>87</sup> Gibbon, vol. 1, pp. 9-10. The date in the epigraph refers to that of publication of the first volume.

<sup>88</sup> "[In] Yugoslavia . . . the war represented the legitimizing spirit of the post-war regime."—Dear and Foot, p. 533.

<sup>89</sup> Imamovic and Mahmutcehajic, unnumbered page, eight pp. from the end (section "The Genocide After World War II"). For brevity and clarity I have reversed the order of the two sentences separated by the ellipsis.

<sup>90</sup> Kljajic, p. 36.

<sup>91</sup> *Ibid.*, p. 45.

<sup>92</sup> Zecevic and Lekic, p. 27. Communism never entirely suppressed the nationalities question. Thus Djilas quotes the Croatian Communist Andrija Hebrang as insisting that the border of Croatia extended "right across the Sava from Belgrade!" (*Rise and Fall*, p. 99).

<sup>93</sup> *Ibid.*, p. 45.

<sup>94</sup> One former OSS officer with considerable experience of wartime Yugoslavia wrote half a century later that in his view most of the inter-ethnic conflict during his tenure had been egged on by a few extremists or the Axis occupiers (cf. Lindsay, pp. 346-52). This view accords neatly with that of the Serb who talked with me on the train from Hungary in 1994. From a demagogue's point of view, as I hope to have shown in several chapters of this book, none of that matters.

<sup>95</sup> Sometimes the only sources I could find were current ones. The reader need only check the publication dates in the bibliography to know which is which.

<sup>96</sup> Obviously since a significant number of Yugoslavs were killed between 1941 and 1945, the number in 1945 would have been lower than that in 1941. By 1948 the population would have begun to recover. The historian Fred Singleton quotes the standard figure of 1,700,000 war deaths, which he assesses as equaling 11% of the 1941 population (p. 206). This would give us a number for 1941 of 14,166,666 instead of 14,000,000. I have chosen to keep the even fourteen million figure because it includes in it a breakdown of the various ethnicities, quoted immediate-

ly above, whereas Singleton quotes none. When I divide 1,700,000 into 14,000,000, I come up with 12% instead of 11%, which seems well within the large measure of error in all the other estimates.

<sup>97</sup> According to another scholar the figures were 43% Serb, 23 Croat, 6 % "Bosniak," translating into 49% Orthodox, 38% Catholic, and 11% Muslim (Walters, pp. 240-41).

<sup>98</sup> Tomasevich, pp. 6 fn. 7. Italics mine.

<sup>99</sup> Addressing the issue of the Muslims who did declare themselves as Serbs or Croats, Noel Malcolm, states most emphatically: "The main basis of all such declarations was political. Just as the trend in the first decade of the century had been to side with the Serbs as natural allies against Vienna, so the trend now was to side with the Croats as natural allies against Belgrade. In the Yugoslav parliament of 1924, all the Bosnian Muslim deputies identified themselves as Croats, except for [Mehmed] Spaho himself, who insisted on being called a Yugoslav. Of Spaho's two brothers, however, one called himself a Croat and the other a Serb" (*Bosnia: A Short History*, pp. 165-66).

<sup>100</sup> Again, it is worth reminding ourselves that the issues are being grossly simplified. For instance, non-Slav minorities, including Albanians, Gypsies and Germans, among others, made up more than 11% of the total (here I am following Tomasevitch's figures). The Serbs, Croats and "undecided" Muslims made up between them only 70.73%. Based on the sentiments I heard them express during the civil war, I assume that the Montenegrins (2.70%) would have supported the Serbian bloc, and many of the Macedonians also (5.13%). Even if we add these people in, that still leaves almost a quarter of the population of Yugoslavia unaligned. The Slovenes (8.98%) were the largest separate unit. They, of course, were lucky enough to gain independence in 1991 without having to endure more than a momentary threat of involvement in the civil war.

<sup>101</sup> Albanians have always had their own battles to fight. My Croatian friend Adnan's father, dead since before the war, had been in

a Serbian prison in Kosovo for one year. Adnan said that Serbian police in Zagreb had killed his father's brother during the Communist time. They pushed him out of a third-storey window. The reason for this treatment of the two men was that they were Albanian. "So my father hate Serbians so much!" said Adnan. "He says: You can never trust a Serb. Turn your back, and he goes in with a knife like this! But I never believe him." A little later Adnan said that he had to be careful in Zagreb. "Because I have a Muslim name. Here it is OK, because they know I am not Muslim. But maybe they say: Your father is Muslim. They can send me to Bosnia to fight in the army. They can say: You must fight."

<sup>102</sup> Walters, p. 11. Even some very anti-Chetnik writers during World War II did not make use of the ethnic category of Muslims in order to make propaganda points against the Chetniks who were murdering them. One pamphlet, for instance, mentioned that Croats and Slovenes were afraid of Serbian chauvinism, but didn't include the Muslims along with them, even though it later boasted of the multiculturalism of Tito's army, which included "Mohamedans." —Markovich, p. 19. Clearly the grouping "Muslims" means something different in this region now than in the past.

<sup>103</sup> Glenny, p. 139. Similarly, a nineteenth-century archaeologist writing about the Krajina region wrote that "by Serbian nationality is meant rather a difference in political tendencies and religion rather than in blood and language" (Arthur Evans, quoted in West, p. 22.) According to the right-wing American tax protestor Red Beckman and others of his extremist ilk (contradistinction to Hitler, this also pertains to Jews.)

<sup>104</sup> Kann, pp. 606-07 (Habsburg statistics).

<sup>105</sup> Chuev, p. 83 ("Tito").

<sup>106</sup> Of course it is largely fortuitous that no one is talking and worrying about the Slovenes today. They broke away from Yugoslavia almost scot-free.

<sup>107</sup> Walters, p. 241.

<sup>108</sup> Estimates of Jewish losses by Jacob Lestchinsky, American Jewish Congress,

1946, rev. 1955, quoted in Levin, p. 718.

<sup>109</sup> Another source lists seventy-six thousand Jews, or 0.4%. (I think for her percentage figure she must have slipped a decimal point.) —Dawidowicz, p. 391.

<sup>110</sup> Lestchinsky, in Levin, loc. cit. Dawidowicz's number is sixty thousand.

<sup>111</sup> See the "Calculus of Retaliation" table above, in "Punishment."

<sup>112</sup> Dawidowicz, pp. 391-92.

<sup>113</sup> Quoted in Levin, p. 512.

<sup>114</sup> Here is another typical example of the difficulty of categorizing the victims: "During [June 1942], Germans, Ustashi and Chetnik troops conducted an offensive against the Partisans in the Kozara Mountains in Bosnia. Successfully repelling the attacks, the Partisans wounded and killed 4,000 of the enemy and destroyed seven tanks" (Markovich, p. 16).

<sup>115</sup> John Keegan writes sixteen million (*The Battle for History*, p. 110).

<sup>116</sup> Singleton, p. 206. Keegan's slightly lower estimate is 1,600,000 (*A History of Warfare*, p. 53; repeated in *The Battle for History*, p. 110). No specific sources are given for either of these figures. I have followed Singleton over Keegan here simply because his book is about Yugoslavia proper, whereas for Keegan Yugoslavia is but one case among many.

<sup>117</sup> Churchill, vol. 3, p. 157.

<sup>118</sup> Ibid, p. 159. This prefigures Cambodia's dilemma of nonalignment during the Vietnam War; see Annex A.

<sup>119</sup> Churchill states the number of dead in the three days of low-level aerial bombing as 17,000 (ibid, p. 175). Tomasevich, however, writes: "The losses in the bombing of Belgrade were at first estimated at over 10,000 people, but the figure has been much reduced after careful postwar investigation" (op. cit., p. 74).

<sup>120</sup> Churchill, pp. 163-64. Tomasevich's translation excludes the word "correct" (op. cit., p. 54).

<sup>121</sup> Op. cit., pp. 73-74.

<sup>122</sup> Levin, p. 510.

<sup>123</sup> Dawidowicz, p. 392.

<sup>124</sup> "According to various statistical sources, in the area of ISC [=NDH], the Serbian popula-

tion varied from 1,885,943 to 1,966,000. Ustasha sources indicate 1,848,400 Serbs (and 4,817,100 Croats)." —Kljakic, p. 10. Given its date of publication, this source must be suspected of bias. Nonetheless, the figures quoted are in approximate agreement with others. "Overall, it is estimated that only half of Pavelic's subjects were actually Croats (i.e., Serbo-Croatian speaking Roman Catholics)." —Walters, p. 291.

<sup>125</sup> Levin, loc. cit.

<sup>126</sup> Based on Singleton's figure of 750,000 Muslims out of a total population of 6.3 million (p. 175).

<sup>127</sup> See above, "The War Never Came Here."

<sup>128</sup> Walters, p. 93.

<sup>129</sup> Kljakic, p. 11.

<sup>130</sup> Ibid, pp. 101,108.

<sup>131</sup> Singleton, p. 181. Re: Domobrani, recall that the motto of of Dobroslav Paraga's HOS militia during the 1990s civil war was: "Za Dom Spremni" —Ready For the Homeland.

<sup>132</sup> Walters, p. 237.

<sup>133</sup> Goebbels, p. 62 (entry for January 27, 1942).

<sup>134</sup> Ibid, p. 378 (entry for April 20, 1943).

<sup>135</sup> Ibid, p. 423 (entry for May 13, 1943).

<sup>136</sup> Sperber, vol. 3, p. 39. This book first appeared in 1953 and thus can hardly be considered an apology for the present exponents of Greater Serbia.

<sup>137</sup> Dear and Foot, p. 1110 ("Tito and the Partisans," article by Stevan Pavlowitch).

<sup>138</sup> Tomasevitch, p. 259.

<sup>139</sup> Tomasevitch, p. 106. Kljakic suprisingly gives a lower figure for the conversions: 200,000 (p. 22). One of the prime figures behind the forced conversions was Archbishop Alojz Stepinac, who collaborated with Pavelic rather closely. Under Tito he was sentenced to sixteen years in prison, although he was released early. Djilas says that Stepinac "contributed to the failure of the trial by his firm and dignified bearing" (*Rise and Fall*, p. 43). In 1992 and 1994 I saw a likeness of him in the cathedral at Zagreb. My friend Lirija, who prayed over me and brought me some peace after Francis Tomasic and Will Brinton were killed, admired Stepinac highly and considered him almost a martyr.

<sup>140</sup> Dear and Foot, p. 869 ("Pavelic and the Ustasas," article by Stevan Pavlowitch).

<sup>141</sup> Keegan, loc. cit. No source given.

<sup>142</sup> Singleton, p. 177.

<sup>143</sup> Op. cit., p. 292.

<sup>144</sup> *Zrtve drugog svetskog rata u Jugoslaviji / The Victims of World War II in Yugoslavia*, quoted in Cigar, p. 9. It is worth pointing out that Kocovic's book was published in 1985 and hence is safely prewar.

<sup>145</sup> Vladimir Zerjavic, *Gubici stanovnistva Jugoslavije u drugom svjetsom ratu / Yugoslavia's Population Losses during World War II*; quoted in Cigar, loc. cit. Zerjavic's study appeared in 1989, making it also prewar.

<sup>146</sup> Vad Yashem (Jerusalem) and the Simon Wiesenthal Center (Los Angeles), *Encyclopedia of the Holocaust*, vol. 1, p. 323, Croatia sec., as quoted in a letter to the New York Times by Michael Mennard, Ph.D., of Reston, Virginia (1 May, 1994). I have not been able to find a copy of this encyclopedia.

<sup>147</sup> Tomasevitch, p. 261.

<sup>148</sup> Singleton, p. 177.

<sup>149</sup> Loc. cit.

<sup>150</sup> Ibid, p. 9.

<sup>151</sup> Ibid, p. 41.

<sup>152</sup> Ibid, p. 106.

<sup>153</sup> Ibid, p. 117.

<sup>154</sup> Cigar, p. 18. Note that this book appeared in 1995, long after the current war had begun.

<sup>155</sup> Dr. Stevan Moljevic, memorandum on "Homogenous Serbia," para. 3, quoted in Tomasevitch, p. 167.

<sup>156</sup> Operational order of 20 December, 1941, in *Dokumenti o izdajstvu Draze Mihailovica / Documents on the Treason of Draza Mihailovic*, Beograd, 1945, quoted in Cigar, pp. 18-19. Imamovic and Mahmutcehajic also quote this order (23rd page before end; unnumbered).

<sup>157</sup> Tomasevich, p. 191.

<sup>158</sup> Djilas writes: "From all I heard and later read, Draza Mihailovic was a brave man, but extraordinarily unstable in his views and in decision-making.... Although his units—sometimes at his direct orders—carried out mass crimes against the non-Serbian population, wantonly executing Communists and their sympathizers, Draza himself was not

considered harsh or fanatic" (*Rise and Fall*, pp. 36-37). Mihailovic was executed by the Titoist government after the war.

<sup>159</sup> Ibid, p. 257.

<sup>160</sup> See Glossary.

<sup>161</sup> And, like the other factions, they were bad. In his memoirs, Milovan Djilas is always recounting episodes such as the Chetnik murder of "some thirty Partisan followers, mostly girls and wounded" (*Wartime*, p. 99).

<sup>162</sup> *Rise and Fall*, p. 37.

<sup>163</sup> Cigar, p. 9.

<sup>164</sup> Loc. cit.

<sup>165</sup> Tomasevitch, p. 259.

<sup>166</sup> As will be discussed further at the end of this Annex.

<sup>167</sup> Tomasevitch, p. 256.

<sup>168</sup> Walters, p. 26.

<sup>169</sup> Ibid, p. 243.

<sup>170</sup> See above, "The War Never Came Here."

<sup>171</sup> Trotsky, *The Balkan Wars*, p. 62.

<sup>172</sup> Ibid, p. 78.

<sup>173</sup> Tomasevitch, p. 257.

<sup>174</sup> Malcolm, p. 187.

<sup>175</sup> Ibid, p. 188.

<sup>176</sup> Cigar, p. 19.

<sup>177</sup> Djilas, *Wartime*, p. 226.

<sup>178</sup> Imamovic and Mahmutcehajic, 16th page after beginning (unnumbered). Despite the 1991 date of this pamphlet I am inclined to credit the quoted report as genuine because their version of Mihailovic's operational directive cited earlier cross-checks with Cigar's.

<sup>179</sup> Malcolm, p. 192.

<sup>180</sup> Glenny, p. 140.

<sup>181</sup> Cigar, p. 9.

<sup>182</sup> Imamovic and Mahmutcehajic, 5th page (unnumbered).

<sup>183</sup> Ibid, 12th page before end (unnumbered).

<sup>184</sup> Ibid, 8th page before end (unnumbered).

<sup>185</sup> Tomasevitch, p. 259. See also "The War Never Came Here," above.

<sup>186</sup> Mr. Roger Richards to author, n.d. (January 1995).

<sup>187</sup> Remarks Walters in another context: "It is an interesting reflection of history that the Ustasa were willing to cooperate with Moslem groups, but the Serbian fascists were not" (p. 249).

<sup>188</sup> Tomasevitch, pp. 132-33.

<sup>189</sup> Malcolm, p. 176.

<sup>190</sup> Ibid, p. 191. According to a letter from William Dorich of the Serbian Coalition Against Rape and Extermination (no date available), the Muslim Waffen-SS Division "Handjar" "killed 300,000 Bosnian Serbs." This letter was written during the present civil war, and as such must be taken with a grain of salt. In one passage, the recipient is exhorted: "... when it comes to Serbia, you seem obsessed at rapes of a few thousand women in a process which you claim is 'older than the bow and arrow.' However, I am more outraged at the rape of Serbia." The Serbian American Voters Alliance (March 17, 1994) also gives the figure of 300,000 Bosnian Serbs liquidated by this division, and adds the figure of 60,000 Jews.

<sup>191</sup> Glenny, p. 140.

<sup>192</sup> Singleton, pp. 180-81.

<sup>193</sup> *Wartime*, p. 40.

<sup>194</sup> Ibid, p. 41.

<sup>195</sup> Tomasevitch, p. 105 and fn.

<sup>196</sup> Malcolm, p. 186.

<sup>197</sup> Dear and Foot, p. 869 ("Pavelic and the Ustasas," article by Stevan Pavlowitch).

<sup>198</sup> One comment in Dear and Foot should, however, be quoted: "Tito's proletarian nucleus... were Serbian fighters, but they were also making themselves acceptable to other communities... By taking them out of their Orthodox, Muslim and Catholic milieux, the KPJ turned the adolescents of the territory it had come to control into members of supra-national units, the only ones in the mixed area whose recruitment was not on an ethnic basis..." (Dear and Foot, p. 1111 ["Tito and the Partisans," article by Stevan Pavlowitch]). According to Keegan (*loc. cit.*; no source given) "at least 100,000 of those who had chosen the wrong side were... killed by the Partisans..."

<sup>199</sup> Keegan, pp. 54-55. Keegan estimates that 100,000+ were killed at the war's end by the Partisans.

<sup>200</sup> *Rise and Fall*, p. 35.

<sup>201</sup> Sperber, p. 41.

<sup>202</sup> Keegan gives the figure of 1,600,000 (*History of Warfare*, p. 53). Dear and Foot

("demography of the war," p. 290) give 1,700,000, of which 1,400,000 were civilian deaths.

<sup>203</sup> This would presumably include many of the 170,000 + Serbs killed by Muslims, since those murders occurred under NDH jurisdiction.

<sup>204</sup> Based on my remark that despite the official 1948 figure of 800,000, up to 10% of the population might have been Muslim. See Question 1.

<sup>205</sup> Including these may be incorrect; this number is possibly subsumed in the first three categories above. As for Partisans who were themselves victims, Djilas (*Wartime*, p. 443) estimates that 305,000 died. These were probably largely Serbian, with Croats coming in second (*ibid*, p. 326).

<sup>206</sup> This leaves 2,225,000 from other ethnic groups unaccounted for, as is proper, since we are only considering those groups listed above.

<sup>207</sup> Taken from the following sentence in Singleton: "It is thought that, of the 1.7 million dead, 1 million were killed in fratricidal struggle between the various groups of Yugoslavs rather than by the foreign enemies" (p. 206).

<sup>208</sup> \_\_\_\_\_, *Kamenica*, p. 1.

<sup>209</sup> *Ibid*, p. 5.

<sup>210</sup> Above, "The War Never Came Here."

<sup>211</sup> Bosnia i Herzegovina.

<sup>212</sup> The American national security scholar Norman Cigar tells the story rather differently, saying: "The difficult choice that Serb representatives made to remain in a multi-confessional Bosnian government was a particular source of recriminations for the Bosnian Serb hard-liners. Those politicians who had tried to reject ethnic cleansing became the target of threats by extremists, such as Biljana Plavsic, a leading SDS figure, who warned that the 'Serbs know what they will do to them [those Serbs remaining in the Sarajevo government] if they ever get their hands on them'" (p. 85).