
In the Beginning Was the Deed

REALISM AND MORALISM IN
POLITICAL ARGUMENT

Bernard Williams

Selected, edited, and with an introduction
by Geoffrey Hawthorn

PRINCETON UNIVERSITY PRESS
PRINCETON AND OXFORD

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Published by Princeton University Press, 41 William Street,
Princeton, New Jersey 08540
In the United Kingdom: Princeton University Press,
3 Market Place, Woodstock, Oxfordshire OX20 1SY

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Third printing, and first paperback printing, 2008
Paperback ISBN: 978-0-691-13410-9

The Library of Congress has cataloged the cloth edition of this book as follows

Williams, Bernard Arthur Owen.

In the beginning was the deed : realism and moralism in
political argument / Bernard Williams ; selected, edited,
and with an introduction by Geoffrey Hawthorn.

p. cm.

Includes bibliographical references and index.

ISBN-13: 978-0-691-12430-8 (cloth : alk. paper)

ISBN-10: 0-691-12430-2 (cloth : alk. paper)

1. Political science—Philosophy. 2. Political ethics. I. Hawthorn, Geoffrey.

II. Title.

JA71.W462 2005

320'.01—dc22 2005043379

British Library Cataloging-in-Publication Data is available

This book has been composed in Sabon

Printed on acid-free paper. ∞

press.princeton.edu

Printed in the United States of America

10 9 8 7 6 5 4 3

Human Rights and Relativism

WE HAVE A GOOD IDEA of what human rights are. The most important problem is not that of identifying them but that of getting them enforced. The denial of human rights means the maintenance of power by torture and execution; surveillance of the population; political censorship; the denial of religious expression; and other such things. For the most gross of such violations, at least, it is obvious what is involved.

I am going to discuss the case in which the violations are committed by governments or quasi-governments (e.g., a movement which controls part of a territory). There is a borderline between these cases and others in which government has lost control and the infringements are committed by bandits, warlords, and so on. It is important to the theory of this subject (and more generally to the theory of politics) that this is a borderline which is not always very clear. This is because government is in the first instance the assertion of power against other power.

I identify the “first” political question (in the manner of Thomas Hobbes) as the securing of order, protection, safety, trust, and the conditions of co-operation. It is the “first” political question because solving it is the condition of solving, indeed posing, any other political question. It is not (unhappily) first in the sense that once solved it never has to be solved again. Because a solution to the first political question is required *all the time*, the character of the solution is affected by historical circumstances: it is not a matter of arriving at a solution to the first question at the level of state-of-nature theory and then going on to the rest of the agenda. It is easy to think of the political in those terms, particularly in countries which have been long settled and whose history has not been disrupted by revolution or civil war. Rather more surprisingly, it is the standard picture in the United States, which has not been long settled, and whose history has been spectacularly disrupted by civil war.

The point, however, is not that in any country, at any moment, the basic question of recognizing an authority to secure order can reassert itself. It is obvious that in many states most of the time the question of legitimate authority can be sufficiently taken for granted for people to get on with other kinds of political agenda. But it is important to remember the elementary truth that even in settled circumstances the political order does rest on the legitimated direction of violence; and also that even in settled

states, the nature of the legitimation, and what exactly it will legitimate, is constantly, if not violently, contested.

There is another, equally obvious, truth. In the history of the world, there have been quite a number of settled states in which people have got on with their business in conditions of relative order, but there have been few liberal states. Since any state that maintains a stable political order must offer its citizens some legitimation of its power, there have been many legitimations in the history of the world which were not liberal legitimations. In fact, at the present time, many of the states that display a settled and effective political order are, more or less, liberal states. But this is not universally true now, it has certainly not been true in the past, and it is only on the basis of a world-historical bet of Hegelian dimensions that we believe, if we do believe, that it will continue to be true in the future.

The idea of a legitimation is fundamental to political theory, and so to the discussion of human rights. The situation of one lot of people terrorizing another lot of people is not a political situation; it is, rather, the situation which the existence of the political is in the first place supposed to alleviate (replace). If the power of one lot of people over another is to represent a solution to the first political question, and not be itself part of the problem, *something* has to be said to explain (to the less empowered, to concerned bystanders, to children being educated in this structure, etc.) what the difference is between the solution and the problem; and that cannot simply be an account of successful domination. It has to be something in the mode of justifying explanation or legitimation. Our conceptions of human rights are connected with what we count as such a legitimation; and our most basic conceptions of human rights are connected with our ideas of what it is for the supposed solution, political power, to become part of the problem. Since—once again, at the most basic level—it is clear what it is for this to happen, it is clear what the most basic violations of human rights are. In the traditional words of the Catholic Church, the most basic truth on this matter is *quod semper, quod ubique, quod ab omnibus creditum est*.

This is true only of the most basic human rights. Some other items that have been claimed to be human rights are much more disputed. However, we do need to make a distinction here. In many cases where there is a disagreement about whether people have a human right to receive or to do a certain kind of thing, at least one of the parties doubts whether the thing in question is even a good thing.¹ This is so with arguments about the right to have an abortion, for instance, or to consume pornography. I shall come back to disagreements of this kind.

¹ Both may do so, as when a liberal defends people's right to go to hell in their own way.

However, there is another kind of disagreement, in which nobody doubts that having or doing the thing in question is good: the question is whether people have a *right* in the matter. This above all arises with so-called positive rights, such as the right to work. Declarations of human rights standardly proclaim rights of this kind, but there is a problem with them. Nobody doubts that having the opportunity to work is a good thing, or that unemployment is an evil. But does this mean that people have a right to work? The problem is: against whom is this right held? Who violates it if it is not observed? One understands why it is said that this is a matter of right. Unemployment is not just like the weather or an approaching asteroid: government action has some effect on it, and with that goes an idea of governmental responsibility (an idea which has both risen and sunk in my lifetime). But even if governments accept some responsibility for levels of employment, it may not be possible for them to provide or generate work, and if they fail to do so, it is not clear that the best thing to say is that the rights of the unemployed have been violated.

I think that it may be unfortunate that declarations of human rights have, though for understandable reasons, included supposed rights of this kind. Since in many cases governments cannot actually deliver what their peoples are said to have a right to, this encourages the idea that human rights represent simply aspirations, that they signal goods and opportunities which, as a matter of urgency, should be provided if it is possible. But that is not the shape of a right. If people have a right to something, then someone does wrong who denies it to them. I shall concentrate on cases in which this is really what is claimed.

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Philosophers often say that the point of their efforts is to make the unclear clearer. But they may make the clear unclear: they may cause plain truths to disappear into difficult cases, sensible concepts to dissolve into complex definitions, and so on. To some extent, philosophers do do this. Still more, they may seem to do it, and even to seem to do it can be a political disservice. So it is very important that the clear cases should remain clear, and in this talk, I shall try to keep them so. Moreover, I want to emphasize the importance of thinking politically about human rights abuses, and I hope that this may at any rate emphasize reality at the expense of philosophical abstraction. Admittedly, the arguments that lead even to this are philosophical and perhaps will display philosophical abstraction. But that is the ineliminable consequence which follows from a philosopher's discussing the subject at all.

Not all rights are "human rights"—some are conferred by or are consequences of positive law, by contract and so on. Also, as I have already

said, there are human goods the value of which is perhaps not best expressed in terms of rights. There are indeed clear cases of human rights, and we had better not forget it. But in addition to all these there are demands which would be claimed to be rights by many people in a modern liberal or near liberal state such the United States, which would not be recognized in many other places. They resemble the clear cases of human rights in this sense, that their basis is not positive law but a moral claim which is taken to be prior to positive law and is invoked in arguments about what the positive law should be. Examples include equality of treatment between the sexes; the right of a woman to have an abortion; a terminally ill patient's right to assisted suicide; freedom for publication of pornography. (I am not suggesting that all these will turn out to be on the same level.)

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The outlook of liberal universalism holds that if certain human rights exist, they have always existed, and if societies in the past did not recognize them, then that is because either those in charge were wicked, or the society did not, for some reason, understand the existence of these rights. Moreover, liberal theory typically supposes that universalism simply follows from taking one's own views about human rights seriously. Thomas Nagel has said: "Faced with the fact that [liberal] values have gained currency only recently and not universally, one still has to decide whether they are right—whether one ought to continue to hold them. . . . The question remains . . . whether I would have been in error if I had accepted as natural, and therefore as justified, the inequalities of a caste society."² But does this question remain? Here is where the crucial distinction comes in. Nagel is absolutely right to say that the liberal, if he really is a liberal, must apply his liberalism to the world around him (Nagel is keen to resist the force of Robert Frost's joke, that a liberal is a man who will not take his own side in an argument). Nagel rightly says, too, that if one knows that few people in the history of the world have been liberals, this does not itself give one a reason to stop being a liberal. If there are reasons for giving up liberalism, they will be the sorts of considerations which suggest that there is something better, more convincing, or more inspiring to believe instead. In this, I entirely agree with Nagel.

But how far does this extend? Does it follow, as Nagel also puts it, that "presented with the description of a traditional caste society I have to ask myself whether its hereditary inequalities are justified"? Many of us will agree that if we are presented *with such a society*, we may have to ask

² *The Last Word* (New York: Oxford University Press, 1997), 104.

ourselves this question. But is it really just the same if we are presented with the *description* of such a society—one long ago, let us suppose, belonging to the ancient world or the Middle Ages? Of course, thinking about this ancient society, I can ask myself Nagel's question, but is it true that the force of reason demands that I must do so, and what does the question mean? "Would I have been in error if I had accepted its inequalities as justified?"—would *who* have been in error? Must I think of myself as visiting in judgement all the reaches of history? Of course, one can imagine oneself as Kant at the court of King Arthur, disapproving of its injustices, but exactly what grip does this get on one's ethical or political thought?

The basic idea that we see things as we do because of our historical situation has become over two hundred years so deeply embedded in our outlook that it is rather the universalistic assumption which may look strange, the idea that, self-evidently, moral judgement must take everyone everywhere as equally its object. It looks just as strange when we think of travel in the opposite direction. Nagel expresses very clearly a powerful and formative assumption when he says, "To reason is to think systematically in ways anyone looking over my shoulder ought to be able to recognise as correct." *Anyone*? So I am reasoning, along with Nagel, in a liberal way, and Louis XIV is looking over our shoulder. He will not recognize our thoughts as correct. Ought he to?—or, more precisely, ought he to have done so when he was in his own world and not yet faced with the task of trying to make sense of ours?

Of course, it does not matter very much, in itself, whether we get indignant with Louis XIV, but one familiar reason for not doing so is that if we don't, we may do better in understanding both him and ourselves. Nagel's outlook poses a question which it cannot answer: If liberalism is correct and is universal in the way that Nagel takes it to be, so that the people of earlier times had ideas which were simply in the light of reason worse than ours, why did they not have better ideas? Kant had an answer, in terms of a theory of enlightenment. Hegel and Marx had other and less schematic answers. All of them accepted a progressive view of history. In the sciences and technology, a progressive history can indeed be sustained, in terms of the explanations we can give of scientific development. Perhaps ethical and political thought can join in a history of progress, as Hegel and Marx supposed, but there is a large and now unfashionable task to be discharged by those who think so. I would say that such theorists lack a "theory of error" for what they call correctness in moral thought: unlike the situation with the sciences (or at least, what I and most scientists—as opposed to certain sociologists of science—take to be the situation with the sciences), there is in the moral case no story about the subject matter and about these past people's situation which explains

why those people got it wrong about that subject matter. But we do not need to press the formulation in terms of a theory of error. It is enough that these theorists lack an explanation of something which, surely, cries out for one.

Why is it important to make these distinctions between our attitudes to the past and to the present? The reason is that it is tempting to argue in the following way: if one does not think of one's morality as universally applicable to everyone, one cannot confidently apply it where one must indeed apply it, to the issues of one's own time and place. Some people do seem to think that if liberalism is a recent idea and people in the past were not liberals, they themselves should lose confidence in liberalism. This is, as Nagel says, a mistake. But why does the queasy liberal make this mistake? I think that it is precisely because he agrees with Nagel's universalism: he thinks that if a morality is correct, it must apply to everyone. So if liberalism is correct, it must apply to all those past people who were not liberals: they ought to have been liberals, and since they were not, they were bad, or stupid, or something on those lines. But—the queasy liberal feels, and to this extent he is right—these are foolish things to think about all those past people. So, he concludes, liberalism cannot be correct. That is the wrong conclusion; what he should do is give up the universalist belief he shares with Nagel. That does not mean, as Richard Rorty likes to suggest, that we must slide into a position of irony, holding to liberalism as practical liberals, but backing away from it as reflective critics. That posture is itself still under the shadow of universalism: it suggests that you cannot really believe in liberalism unless you hold it true in a sense which means that it applies to everyone.

So I agree, very broadly, with the outlook expressed by the British philosopher R. G. Collingwood (who died in 1942 and is still grossly underestimated in Britain), when he said that the question whether we might prefer to live in a past period because we think it better “cannot arise,” because “the choice cannot be offered.” “We ought not to call [the past] either better than the present or worse; for we are not called upon to choose it or to reject it, to like it or dislike it, to approve it or condemn it, but simply to accept it.”³ I said I agreed with this “very broadly”; in particular, I agree with Collingwood's emphasis on what one can affect in action, and I shall come back to that. But I do not agree that there are no judgements that one can make about the past; I am going to claim that there are some that one must be able to make. But it does mean that one isn't compelled to extend all one's moral opinions, in particular about rights, to the past; and in particular it means that one needn't suppose

³ R. G. Collingwood, “The theory of historical cycles,” in *Essays in the Philosophy of History* (Austin: University of Texas Press, 1965), 85.

that if one doesn't so extend them, one has no right to them at all, as applied to the present world.

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So is this relativism? One can call it a kind of relativism, if one likes, and I have myself called such a position "the relativism of distance." But it is very importantly different from what is standardly called relativism. Standard relativism says simply that if in culture A, X is favoured, and in culture B, Y is favoured, then X is right for A and Y is right for B; in particular, if "we" think X right and "they" think X wrong, then each party is right "for itself." This differs from the relativism of distance because this tells people what judgements to make, whereas the relativism of distance tells them about certain judgements which they need not make. But more basically, as soon as standard relativism is applied to any case that goes beyond the relativism of distance—that is to say, to any case that is not distant—it is completely useless.

The reason for this is that the distinction on which relativism hangs everything, that between "we" and "they," is not merely given, and to erect it at a certain point involves a political decision or recognition. Standard relativism arose first in the Western world in the fifth century BC, when Greeks reflected on their encounters with peoples who were, very significantly, identified as not Greeks. It was in part, perhaps, a reaction against the sense of superiority that the Greeks typically brought to that distinction, and I think it is no accident that the paradigm expression of the distinction between nature and culture, which contributed to relativism, referred to the despised enemy: "fire burns the same in Persia as it does here, but what counts as right and wrong is different."

In something of the same way, modern relativism has complex relations to colonialism. Some colonialists thought that native peoples should be forced or encouraged to adopt European outlooks. Others thought that some peoples should be treated in that way, and others (more or less) left alone. Again, there were places in which some practices were suppressed—a notorious example was suttee in India—while other practices were not. Anti-colonialists thought that European powers should leave everyone alone. But every one of these outlooks transcends the outlook of standard relativism, even the last: to say that it is better for them to be left alone by us is not at all the same as to say that what they think is right for them and what we think is right for us.

Now, after colonialism, we still have to work out our relations with various societies, and standard relativism still cannot help us. Confronted with a hierarchical society in the present world, we cannot just count them as them and us as us: we may well have reason to count its members

as already some of “us.” For standard relativism, one may say, it is always too early or too late. It is too early, when the parties have no contact with each other, and neither can think of itself as “we” and the other as “they.” It is too late, when they have encountered one another: the moment that they have done so, there is a new “we” to be negotiated.

So far as human rights in the contemporary world are concerned, standard relativism is an irrelevance—as it is, in fact, everywhere. The relativism of distance, on the other hand, in many though not all respects, is a sensible attitude to take. It applies to the past (to the extent that it does) for the reason that Collingwood implied, because the past is not within our causal reach. So far as human rights are concerned, what matters is what presents itself in our world, now. In this sense, the past is *not* another country: if it were just another country, we might have to wonder what to do about it.

In fact, as I have said, there are some judgements we can make about the past. There are very many, such as that Caligula seems to have been a singularly nasty man and Cicero notably self-important, and we should not forget all those: they are connected with our capacity to understand the past at all. But for the present purpose, we need to emphasize a particular kind of judgement which we can, indeed must, make about the past: those that we make in virtue of what I called the first question of politics, the question of order, and the danger related to that question, that the solution may become part of the problem. The categories of an ordered as opposed to a disordered social situation, disorder which is at the limit anarchy, apply everywhere; correspondingly, so do the ideas of a legitimate political order, where that means, not necessarily what we would count now as an acceptable political order, but what counted then as one. There simply is a social and historical difference between a medieval hierarchical state, for instance, and an area controlled by a band of brigands. Everywhere, universally, at least this much is true, that might is not per se right: the mere power to coerce does not in itself provide a legitimation.

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This means, as I said at the beginning, that there are conceptions, which apply everywhere, of what it is for the solution to have become the problem, for the supposedly legitimate order to approximate to unmediated coercive power. This applies to the past, and, more relevantly, it applies to the present. Under such a conception we recognize the most blatant denials of human rights, torture, surveillance, arbitrary arrest, and murder: the world of Argentina under the junta, the story, only partly ever to be told, of those who disappeared.

Of course, it goes without saying that such cases are near some slippery slopes. There are other states which are uncomfortably like this, but which may be able to make a rather better case for their activities. Thus what is in its own terms a legitimate order may use what we would regard as cruel and unusual punishments; it is significant that, not surprisingly, they make no secret of this. They or others may use, rather less openly, ruthless methods against subversives or threatening revolutionaries. Are such measures in themselves violations of human rights? If they are, are they violations justified by emergency?

Of course, there is always room for argument about cases, but the point here is that it is clear what the argument is about. Any state may use such methods in extremis, and it is inescapably true that it is a matter of political judgement, by political actors and by commentators, whether given acts are part of the solution or of the problem. Liberal states make it a virtue—and it is indeed a virtue—to wait as long as possible before using such solutions, because they have the constant apprehension that those solutions will become part of the problem. Liberal states are well regarded, and rightly so, for showing this restraint. They should be less well regarded, as the writings of Carl Schmitt may remind us, if they turn this into the belief that the only real sign of virtue is to wait too long.

These cases, I think, are not conceptually very complicated. They indeed involve complexity and danger in deciding what is needed when, and these are matters of historical and sometimes personal luck. Conceptual complications multiply when one is concerned with a different case, that in which a style of legitimation that was accepted at one time is still accepted in some places but no longer accepted in others. I said earlier that the past is not causally within our reach. However, the contemporary world is certainly within the reach of the past, and the influences of the past include, now, theocratic conceptions of government and patriarchal ideas of the rights of women. Should we regard practices elsewhere that still express such conceptions as violations of fundamental human rights?

I should repeat that this is not a question to be put in terms of the standard relativist theory. We should have left behind us by now the manifestly confused notion that we cannot possibly talk about violations of human rights in such a case because these practices must be right for them, though they are not right for us.

We must ask, first, what is actually happening? Let us grant, as a condition of the problem, that we do not accept the local legitimation. It may depend on a religious story which we reject, either in its entirety or, perhaps, in the way it is used to legitimate the current forms of political power. (It is particularly important to remember this second possibility when, as in the case of Islam, some critics offer only a relentless Westernized secularism to oppose a rigidly autocratic theocracy; Islam itself has

more resources than this old saga suggests.) In any case, we reject the legitimation of the theocrats. The question is whether we must then think of these practices as violations of human rights. A short argument will say that they must be: since the legitimation is unsound, the practices involve coercion without legitimation. But this is rather too short. For one thing, there is an issue of how much manifest coercion is involved, and that is why, very obviously, the situation is worse in these respects if opponents of the religion are silenced or women are forced into roles they do not even think they want to assume. Simply the fact that this is so makes the situation more like the paradigm of rights violation, of the solution becoming part of the problem.

How far it will have come to be like that paradigm is in good part a matter of fact and understanding. Up to a certain point, it may be possible for supporters of the system to make a decent case (in both senses of that helpful expression) that the coercion is legitimate. Somewhere beyond that point there may come a time at which the cause is lost, the legitimation no longer makes sense, and only the truly fanatical can bring themselves to believe it. There will have been no great change in the argumentative character of the legitimation or the criticisms of it. The change is in the historical setting in terms of which one or the other makes sense.

Much of this, of course, is equally true of a liberal regime taking steps against anti-liberal protestors, and it is one that revolutionaries often rely on. It is precisely because this is so that it is a crucial, and always recurrent, matter of political judgement, how much rope a given set of protestors may be given.

Suppose, then, that the theocratic regime, or the subordinate roles of women, are still widely accepted in a certain society, more or less without protest. Then there is a further question, to what extent this fact, granted it does not rest on a genuinely credible legitimation, nevertheless means that, as I put it earlier, it can be decently supposed that there is a legitimation. Here it seems to me an important consideration, as the Frankfurt tradition has insisted, how far the acceptance of these ideas can itself be plausibly understood as an expression of the power relations that are in question. It is notoriously problematical to reach such conclusions, but to the extent that the belief system can be reasonably interpreted as (to put it in improbably simple terms) a device for sustaining the domination of the more powerful group, to that extent the whole enterprise might be seen as a violation of human rights. Otherwise, without such an interpretation, we may see the members of this society as jointly caught up in a set of beliefs which regulate their lives and which are indeed unsound, but which are shared in ways that move the society further away from the paradigm of unjust coercion. In that case, although we shall have various things to say against this state of affairs, and although we may

see the decline of these beliefs as representing a form of liberation, we may be less eager to insist that its way of life constitutes a violation of human rights.

The charge that a practice violates fundamental human rights is ultimate, the most serious of political accusations. In their most basic form, violations of human rights are very obvious, and so is what is wrong with them: unmediated coercion, might rather than right. Moreover, in their obvious form, they are always with us somewhere. It is a mark of philosophical good sense that the accusation should not be distributed too inconsiderately, and in particular that our theories should not lead us to treat like manifest crimes every practice that we reject on liberal principle and could not accept here—especially if in its locality it can be decently supposed to be legitimated. It is also a question of *political* sense, how widely the accusation should be distributed. Of course it can be politically helpful in certain circumstances to exaggerate the extent to which a practice resembles the paradigm violations of human rights, in order that it should be seen to do so. As always in real political connections, there is a responsibility in doing such a thing: in order for the practice to come to be seen as resembling manifest crimes, it will almost certainly have to be made to change in actual fact so that more of them are committed.

Whether it is a matter of philosophical good sense to treat a certain practice as a violation of human rights, and whether it is politically good sense, cannot ultimately constitute two separate questions. The first question that we have to ask, I said, is: what is actually going on? Which includes: how is it to be interpreted? It is on the answers to this that our judgements must depend, not on any deployment of general relativistic categories.

The second question is: what, if anything, can we do about it? It should be obvious that this must be on every occasion a political question. The term “political” in such connections tends to be associated simply with matters of national interest or trade policy and the like. Or again the political is understood in internal terms, of how intervention or its opposite will go down at home. These are certainly considerations that are not irrelevant to the political. Max Weber in *Politik als Beruf* distinguished between an ethic of responsibility and an ethic of commitment, and it was his point that the former is still very much an ethic. But many do not see this point, and I was interested to find it made very firmly by Roman Herzog, in the first of a series of articles on human rights published in *Die Zeit*:

Bei der Verwirklichung des Ziels kommt es aber auch auf Pragmatismus an. Das klingt in deutschen Ohren oft kompromisslerisch oder gar heuchlerisch. In Wirklichkeit ist ein Pragmatismus, der auch darauf

achtet, wie das für richtig erkannte Ziel möglichst weitgehend realisiert werden kann, alles andere als das, und auf keinen Fall darf er einfach mit Opportunismus gleichgesetzt werden.⁴

[To realize one's aim is to take pragmatism seriously. To a German ear, this can smack of compromise, even hypocrisy. Nothing could be further from the truth. Nor will the true pragmatist be tempted to opportunism. He will understand the nature and importance of the end, and see clearly and without emotion how most effectively to achieve it.]

Franklin D. Roosevelt famously said of Somoza, the ghastly dictator of Nicaragua, "He is a Son of a Bitch, but he is our Son of a Bitch." This can, on some occasions, be the correct attitude. Again, the habitual saying of a less revered American president, "How will it play in Peoria?" can be a responsibly democratic question. But the main point is that the political does not simply exclude principle; it includes it, but many other things as well. Because the question "What should we do?" can only be a political question, there is not much that can be said in general about it at an ethical or philosophical level. But let me end with two sets of outline remarks.

I have said that a violation of basic human rights approximates to unmediated coercion. We are likely to think that, other things being equal (which is a large qualification) and supposing there are some things we can do, there is more reason to do something if the violation is gross. Why should this be so? Well, (1) what is happening is worse. (2) In other cases, it is more likely that intervention will make it worse. (3) If the case is one which looks less like unmediated coercion, the victims may not think they are victims, and then intervention may be difficult to distinguish from ideological imperialism. But, most basically, (4) the nearer to the paradigm the violations are, and the more the state is part of the problem, the nearer the situation may be to that of a state apparatus being at war with its own people. The reimposition of a solution, the stopping of such a war, can be a better justification for intervention than ideological disagreement.

My second and last set of remarks concerns freedom of speech and information. Denial of this freedom is widely perceived as a significant human rights violation. Yet it may not be overtly very coercive, particularly if it is efficient enough. It hardly seems at all a case of what I have called the solution being part of the problem. Some liberals will say that denial of free expression is very deeply coercive, and attacks the individual's interests just as radically as violence attacks his physical being, because it attacks his interests, in John Stuart Mill's famous words, as a

⁴ September 6, 1996.

progressive being. But if we say this, we shall need a theory of the human person more ambitious than any invoked in the present account of basic human rights—a theory in terms of liberal autonomy.

More ambitious, such a theory will also be more disputable. It seems to me sensible, both philosophically and politically, to make our views about human rights, or at least the most basic human rights, depend as little as possible on disputable theses of liberalism or any other particular ideology. We should rely, so far as we can, on the recognition of that central core of evils (*quod semper, quod ubique, quod ab omnibus . . .*); together with our best critical understanding of what may count now as a legitimation; together with what in modern conditions is implied by these recognitions.

It is in this last connection that I would bring in the rights to freedom of expression and communication. They are indeed basic, but not because their denial is coercive relative to a distinctively liberal conception of the individual's interests. Rather, freedom of speech is involved in making effective any criticism of what a regime is doing, in relation to any reasonable conception of the individual's interests. Neither the citizens themselves nor anyone else can answer the question "What is actually going on?" without true information and the possibility of criticism. Liberals may think that this is an excessively instrumental account of the freedom of speech, and indeed it is, relative to the elaborations of that value, its extensions and defences, which are appropriate to the political agenda of a settled liberal state. But the instrumentalist account is better for an account of free speech as a basic human right, and for the criticism of states that constrain that right.

We are concerned, as I have repeatedly said, with the contemporary world, with what actually exists. One encouraging feature of that world is that free speech tends to be internationally infectious. By the same token, that other question which comes up when rights are violated—"What shall we do?"—is clearer: encouragement of information, denunciation of censorship, and the like, can be legitimately and often effectively achieved. It gets very hard for states to complain that others are insisting on informing their citizens. Moreover, it gets harder for them to stop the information. Modern communications technology can contribute negatively to human rights observance: by making surveillance more powerful; and also, less obviously, by reducing the serious discussion of politics, and creating an international din of rubbish in which nothing critical or serious can be distinctly heard. But without doubt it also makes a positive contribution against secrecy, the control of information, and the suppression of criticism. In doing that, it equally makes a contribution against tyranny and unmediated coercion, and against regimes whose operations, rather than solving the problem that politics is there to address, add to it.

From Freedom to Liberty: The Construction of a Political Value

I. INTRODUCTION

My subject is freedom and in particular freedom as a political value. Many discussions of this topic consist of trying to define the idea of freedom, or various ideas of freedom. I do not think that we should be interested in definitions. I leave aside the very general philosophical point that if we mean, seriously, definitions, there are no very interesting definitions of anything. There is a more particular reason. In the case of ethical and political ideas, what puzzles and concerns us is the understanding of those ideas—in the present case, freedom—as a value for us in our world. I do not mean that we are interested in it only as it figures in precisely our set of values—meaning by that, those of a liberal democratic society. Manifestly it is equally part of our world that such ideas are also used by those who do not share our values or only partly share them—those with whom we are in confrontation, discussion, negotiation, or competition, with whom in general we share the world. Indeed, we will disagree among ourselves about freedom within our own society. We experience conflicts between freedom and other values, and—a point I shall emphasize—we understand some desirable measures as involving a cost in freedom.

Whatever our various relations may be with others in our world who do or do not share our conception of freedom, we will not understand our own specific relations to that value unless we understand what we want that value to do for us—what we, now, need it to be in shaping our own institutions and practices, in disagreeing with those who want to shape them differently, and in understanding and trying to co-exist with those who live under other institutions.

In all their occurrences, these various conceptions or understandings of freedom, including the ones we immediately need for ourselves, involve a complex historical deposit, and we will not understand them unless we grasp something of that deposit, of what the idea of freedom, in these various connections, has become. This contingent historical deposit,