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FINDING COMMON GROUND FOR GOVERNANCE

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MODERATOR:

WILLIAM A. GALSTON, Senior Fellow
The Brookings Institution

PANEL PRESENTATION:

DON BROWNING
Alexander Campbell Professor Emeritus of Religious Ethics
and the Social Sciences
Divinity School, University of Chicago

AMITAI ETZIONI
Director, Institute for Communitarian Policy Studies
George Washington University

JAMES TURNER JOHNSON
Professor of Religion, Rutgers University

P R O C E E D I N G S

MR. GALSTON: (In progress) -- although for those of you who have had the misfortune to be outside, it is anything but good. I want to congratulate all of you on your fortitude. You are the remnant of the very large pre-event sign-up list who braved the weather and trudged through a monsoon to get here.

Let me begin by introducing myself. I am Bill Galston, as of 10 months ago a Senior Fellow in Governance Studies here at Brookings. I am happy to welcome all of you to this discussion of what I think, and I don't think I am alone, is an important new collection of essays on the topic of universalism versus relativism with the aim of shedding light on how it may be possible to make moral judgments with some confidence in a changing pluralistic and threatening world.

I am also happy to welcome the collaboration of the book's publisher Rowman & Littlefield in this event. The books are available for purchase in the back at a very modest price, and I would speculate not hearing pre-cleared this, that you can probably induce one or more of the authors to sign one or more copies after the event.

We are here in a double capacity because this is a first in a new Brookings book series entitled Governing Ideas, and the premise of the series is that there are important links among political processes, institutions, and ideas, the sorts of ideas often discussed under the rubrics of philosophy and even

religion, that as you look at this triad of processes, institutions, and ideas, each of them to some extent reflects, shapes, and provides context for the others.

The topic of the book under discussion today may seem pretty far removed from the practice of politics, but I believe that this appearance is deceptive. Let me just cite some obvious facts. In the U.S. context, conservatives often accuse liberals of taking tolerance too far, abandoning standards of conduct and accepting just about anything. In other words, and some conservatives say this explicitly, liberals have become relativists and relativism is a danger to the Republic.

For their part, liberals sometimes accuse conservatives of taking their beliefs too far, becoming harshly judgmental, as the terminology goes, exclusionary, and outright intolerant, and intolerance, liberals say, is a threat to the Republic.

Or consider putative global norms such as the Universal Declaration of Human Rights about which more will be said later. What is the standing of such norms and how do they affect issues such as what outside nations ought to do in cases such as Darfur? Or to pick a moral topic from the surface of contemporary American foreign policy, is democracy a universally valid moral norm, an aspirational expectation for every society, or does it represent what some have called an instance of cultural imperialism?

What about the United States as a nation? It would not be farfetched to say that our nation began with the words "We hold these truths to be self-evident." Do we? And what would it mean to hold a moral truth to be self-evident? I suspect we will hear more about that today.

What about torture? Is it ever permissible? And what about the issue that the late theologian Rienhold Niebuhr raised so forcefully, though he was not the first person to do so, is personal morality the same as political morality, or do we have to think differently about them?

I could go on for hours just listing topics, nouns without verbs, but I am going to stop here and introduce the distinguished scholars who are going to help us elucidate these deep and grave questions. Let me introduce them in the order in which they will speak.

Don Browning who edited this collection and wrote a penetrating introduction to it is Alexander Campbell Professor Emeritus of Religious Ethics and the Social Sciences at the University of Chicago Divinity School. He is the author of 10 books and for 12 years served as the Director of the Religion, Culture and Family Project funded by the Lilly Foundation.

To his right, James Turner Johnson is Professor of Religion and an associate of the Graduate Program in Political Science at Rutgers University, newly famous for its football prowess. He is the author of many books focused principally on the morality of war, peace, and statecraft, most recently "The Holy War Idea in Western and Islamic Traditions," and "Morality and Contemporary Warfare."

Between James Turner Johnson and the final speaker I have been asked to insert myself for 5 or 6 minutes, which I will, and after that strange interlude the final speaker will be Professor Amitai Etzioni who needs no introduction in this city or in most others around the world, but will get one anyway. He is, among other things, University Professor at George Washington

University, Founding President of the Communitarian Network, and author of at least 19 books. I say at least, at least 19 because one may have come out since this book was published. In a sign of the esteem in which his peers hold his work, he has served as President of the American Sociological Association.

I would expect that this opening phase of our event will take roughly 45 or 50 minutes. We have this room until 3 o'clock, so the floor will be open for lots of questions. At the end I may ask each of the speakers to reflect on some leftover questions and perhaps one another.

MR. BROWNING: Thank you, Bill, and I thank the Brookings Institution and Rowman & Littlefield for coming up with the idea of having this panel. Authors and editors are always happy to accommodate such suggestions.

I am going to briefly tell you how this book originated and a little bit about its content and its different points of view, and then move through the panel.

Obviously, we do not have all the authors with us. There are about nine or ten authors in the book. We have some people here partially because some of our panel live here, and some of us are here because we are attending professional meetings as well as this meeting.

In the spring or autumn of 2002, Amitai Etzioni contacted me and said I think it is time to begin to re-debate the issue of the relation of relativism versus universalism. The crisis of the time was part of the reason why I think this was on his mind, so he stimulated me to try to organize this symposium. I like to edit books around a fairly clear and specific question complicated enough to give the people involved freedom, but a fairly strong focus. So we put a question to

these authors, and for the most part these authors addressed the question. Here is the question. I am going to read it to you right out of the book and then make some comments about it: "Although we have all learned much from contemporary historicist and social constructivist perspectives, recent events have forced us to ask with renewed urgency if there are moral truths of a universal, or at least highly stable, kind about which moral, political, and legal judgments can be made and justified for the purposes of public deliberation and decisions."

Let me make some comments about that question. First of all, it assumes that the intellectual and to some extent the political and cultural scene of the United States and in many ways the Western world has given a lot of hearing to the perspective of what we call moral relativism. Different communities, different traditions have different moral frameworks. It is difficult to say that one is better than another. There has been something called deconstructionism which has fed that. The social constructivist perspective, very close to the deconstructionist perspective as fed it, i.e., we all live with our social constructions and the point of view was it is very difficult to mediate between the social constructions.

Also the turn toward the linguistic sensibility in philosophy fed this as well with the idea that we are trapped in a sea of inherited language games and these games may be for the most part incommensurate. So that is kind of the background.

And then Amitai would ask the question, and I think many other people would ask the question, too, especially in view of the moral urgency of the post-9/11 time, do we have some basic convictions that one way or the other we

must act on, and must be able to go beyond the a relativistic perspective in order to do that? So that is kind of the background of this question.

Indeed, I think the positions in this paper for the most part somewhat try to mediate between moral universalism and relativism, but the positions do spread. There are some who give more hearing, considerable hearing, to universalism, and some much more close to what you might popularly consider to be relativism. But there are hardly any pure relativists in this volume, and I will try to illustrate that in just a second.

I think one of the big issues that we began to face during that period of time and that we are still facing is that if there are no grounds for either universal or highly stable, that phrase, highly stable, keep that in your mind because a lot of people will talk about that, moral judgments. Then we are caught in a situation when it is time to act of either having to rely totally on rhetoric and persuasiveness, or manipulation, or force, to get across out point of view. Many people feel that a pure relativist position sooner or later will lead to one of those maneuvers and strategies to handle decision making. You almost have problems of some kind or other.

Two big issues went through this book, many, but two that I want to illuminate, and that is the distinction between foundationalism and antifoundationalism, big words, actually fairly clear meanings. A foundationalist perspective is likely to hold the position that moral judgments have to be grounded on something certain, some kind of beginning point that is clear and understood to be clear and unavoidable. It could be, indeed, *a priori* beginning points of various kinds. It could be empirical judgments, certain empirical

judgments. Or even some people thought there were certain ways to do an analysis of the phenomenology of mind and anchor certain kinds of judgments we make just by virtue of the kinds of minds we have.

Foundationalists want to anchor moral judgments on something certain. It is often thought that the entire Enlightenment trajectory was foundationalist to its core, we can find the certain things to anchor our moral judgments. What do we get to forget if we can find the certain beginning points? We get to forget tradition. We get to forget to some extent how our parents taught us because we can go beyond that to some kind a of pure certain beginning point and then erect a moral and political point of view on the basis of that.

Antifoundationalists say no, it is not that simple at all. The Enlightenment trajectory has many problems to it. We have to pay a lot more attention to tradition. We have to pay a lot more attention to inherited wisdom, linguistic perspectives, the wisdom of local communities, morality moves up from these specific beginning points, and there are no certain beginning points. That is the discussion that goes through the book.

Another discussion is a slight but very important distinction between making moral judgments and justifying moral judgments. It is one thing to kind of say here is how I made the judgment, but it is really quite a different thing to justify it in public discourse in such a way that people can understand and maybe come to agree with your point of view. That is another issue that goes through the book.

There are about six perspectives that we luckily got in this book. You can partially go out and invite people who you think are doing interesting

work, but gradually we began to realize we had pretty much to cover the waterfront of the different points of view that are now part of the public discourse and discussion.

We set this book up by having two target articles, and I am going to ask to change the order just a little bit if you don't mind, Bill, and actually have Amitai come up after me because he one of the target articles.

MR. GALSTON: He has actually requested to go last and I am going to accede.

MR. BROWNING: Amitai, do you want to last or do you want to come second?

MR. ETZIONI: Go ahead.

MR. BROWNING: There were two target articles, one by Richard Bernstein of the New School of Social Research, and one by Amitai Etzioni. By target articles, the first two articles and the other authors were invited, not commanded, but invited to address their perspective on that question in dialogue with them if they so chose, and many of them did. I am going to summarize Richard Bernstein's perspective because it is the first article, and he is not here, but I will do that in a second.

Here are the six perspectives, and I want you to listen to this and I want you to draw sides. I want you say, yes, that is the one I like or I think I like. I am just going to give you tags, not the full thing by any means, just tags. Bernstein who writes the first article says there are really not moral universals, but there are relatively or maybe highly stable moral and political truths that we can arrive at, but he rejects foundationalism. He rejects the idea that there are any

clear and distinct and certain beginning points, that whether it is from the empirical sciences or *a priori* ideas or fundamental intuitions, there is no firm beginning point, but we can develop some moral arguments that are better than others. He develops the point of view that you might call the good reasons point of view and develops the metaphor of the cable, and I will come back to that in a second.

I think Amitai has a slightly different point of view. He will develop what you might call a moral intuitionist point of view, and the moral intuitionist point of view that at least he develops is that we really do have, all of us have, some fundamental intuitions about what is right and wrong, not lying, not committing murder are two of the most basic. It may take us a while to arrive at that. We may have to do that through dialogue, but dialogue does not create the conclusion, dialogue clarifies the beginning point I think for Amitai.

Then there is a very interesting position that is not represented by the panel here which is certainly the nearest thing to a pure universalist perspective that we have in the book by Franklin Gamwell of the University of Chicago, and he believes that there are moral universals and one of them is treat persons as ends and never as means. Why is that a universal for Gamwell? It is a universal because you cannot reject it without getting yourself into all kinds of self-contradictions. So there is a universalist for you, you cannot reject treating persons as ends without getting yourself into a self-contradiction.

There are two articles in the book, and Bill I think represents this point of view to some extent, who say maybe not universals in the pure sense of the word, but we can once again say some things with more moral clarity and

power and correctness than other things, and one way we do that is to advance arguments with reference to the nature of human nature, very interested in human nature and very interested in certain basic understandings of our fundamental needs and the goods that we search for. I think Bill more than many of the other people is interested in the question of justification, how do you justify a moral argument at the end? Not so much how do get it going, but how do you justify it, and one way to justify it is by reference to understandings of human nature, but I will let him speak for himself.

There are two perspectives that I think are more historically oriented, and one of them is represented here by James Turner Johnson. By historical I mean they want to come in through an understanding of the traditions and the history of particular communities that may move into a conversation with each other about moral and political issues. I think James wants us to describe what we have inherited in our particular community and describe what we see in other' communities. James is an expert on Islam and he wants us to describe Islam carefully, and he thinks that certain types of legal developments in our time such as international law or international human rights comes about by the careful description of different points of view that come from different histories and cultures and they begin to find common elements and maybe even analogies.

Finally, there are two points of view that I think are more directly theological. They are not represented on the panel. I think these points of view are saying once again whatever we arrive at in the way of the universal starts first of all with specific communities and what wisdom they have, and you have to move through these specific communities understanding that you may find the

highly stable truths and first of all understanding the deep wisdom of a particular tradition. These are both Christian theologians and they obviously believe that Christianity has something to contribute.

Just a word or two more about Bernstein and I will then sit down. First he develops the idea that moral truth is a cable that does not have firm beginning points, but you can develop goods by weaving together a multiplicity of arguments, not a single argument, certainly not a logical sequences, but a multiplicity of arguments that begin to cohere and reinforce each other. I am sure if he were here he would say, yes, tradition counts, common sense counts, but I also want to look at the social sciences, I want to look at empirical truth. I will pay attention to logical contradiction but only modestly because what is really important is the total way of which different lines of argumentation begin to reinforce each other and develop a cable and the cable is strong by virtue of the strength of its individual threads. That is one of the first articles in the book, and many people address that.

Let me stop now and we will move forward. Shall we follow your lead?

MR. ETZIONI: Thank you very much. First, some more thanks are due and, again, I could go on and on. You heard Don Browning saying that at some point a question was raised, criticizing relativism is as easy as shooting fish in a barrel, but the question was what is going to replace it? What is going to come after it, and that is the challenge he expects to find an answer. What he did not tell you all the steps in between. He started pondering until the day we had this book, and there were about 1,600 phone calls, faxes, Emails. It is a hell of a

job, and thank you for that. I also want to thank Bill and Brookings and Rowman & Littlefield for this occasion. But I want to a somewhat unusual sentence. We have a lot of formulas, I have some interest in rituals, of how we recognize contributions, an academic contribution that goes in the acknowledgments and donations, and sometimes we have a little plaque on the door. We really have no opportunities for thanking people personally, so I want to take 30 seconds to say that I recently went through very traumatic events and I am especially to William Galston for reaching out, and I have no other occasions to say that, so thank you for bearing with me.

The subject, I think one way to think about the issue at hand, and I am a sociologist by training, is to think about it pragmatically, what difference does it make if you go to people of other cultures and say I am not go judge you. Let me be a little more specific. Murder is too easy. Nobody really comes out and says that murder is -- but let's talk about a situation where in Kabul our book reports it is very common in Afghanistan where husbands pimp their wives, they make them available for prostitution, and if their wife contains to the public authorities, she gets charged with adultery. We read about that in this book, killing or any other thing, genital mutilation, and now we have the falling away of positions. We can tell the Pakistanis that is your culture, in my culture we would not do that, but I understand that is your culture, I really have no right to say anything. Or we can take a stand saying from my point of view it is not nice, but we understand that you have a different viewpoint.

My sociological judgment is that the moment we make that move, we have lost 99 percent of the dialogue because what we are talking about here

when we make moral judgments, not judgmentalism, but when we make a moral judgment, we in effect lay a claim on the other person. We say you do something I disapprove of or you do something I approve of and I want you to justify yourself. The moment you say this is just my viewpoint, the conversation is over. That is why the reference already was made to the opening statement by the Founding Fathers. To say that these self-evident truths is a claim. It is a claim to justify what follows. And the moment if they would have said that is a new North American viewpoint, the game is over.

I asked earlier, and I hope the other panelists will get around to talk about that, the Universal Declaration of Human Rights, is that the moment we said this is a Western American document, the conversation is over again. The whole claim that it is universal is precisely to give it some moral legs.

So then the question is how we come to this, how we find universal truths, and here I am going to be very brief because you already heard the main outline of positions. I do not like the words moral intuitionism. It is a verbal argument, because it is capricious. Exactly what I am looking for us some kind of shared foundation.

But to move now from the pragmatic to the more technical philosophical, while on these shores utilitarianism is by the dominant philosophy, there is philosophy, deontology, which focuses exactly on the issue at hand. For those of you who are professional philosophers, unfortunately deontology has five-hundred other things most of us do not buy into. But this specific point, that there are some moral causes who speak to us directly I think deserves another renewed attention.

There are many examples I can give, but let me just use the following. When I ask people if we have, and I have done this in many other societies and cultures, and I asked people if we have responsibilities to our own children above and beyond those responsibilities we have for all children. Surely we care about our children, that they be not be exposed to lead or go hungry or abused. But the question is do we have additional responsibilities for own children or do we have to stay up nights for all of them. I am happy you guys are all smiling because it is absurd, and so it does not take us a long deliberation to say, no, we have additional moral obligations to our children. And I could go on and on and make a long list, the environment being one of them, and other things. We do not go through a long deliberation to get our starting point. The starting point jumps the moment you raise the question is under most conditions, not exceptional ones for philosophers, is truth-telling better than lying or is lying better than truth-telling, and there is no need for a long dialogue. We do not have to through a Socratic analysis to see if I lie or other people are lying. It is self-evident.

There is a limit, but I very much agree that this is not the end of the conversation. That is where we differ from intuitionism. Then these truths have to be examined and see if they can withstand criticism, but out starting point now is not everybody is free to pursue. Even the very distinguished Michael Walter takes the position that the community is the ultimate arbitrator of what is moral and that leaves you with a community in which everybody agrees that every minority person who comes in, an Afrikaner community, you cannot have a

particular group being the ultimate arbitrator of what is right and wrong on key issues.

Don put it already so well, the dialogue is a moral dialogue, but it is not a Habermas dialogue, it is not a cognitive issue, it is a question of we engage our values and offer it in a passionate way. We tend to think we scream at each other and nothing happens other than a lot of heat, but if you look at the history of moral dialogues, we have now at the moment one about gay marriages, we have one on the death penalty, we had one on women's rights, we had one on African American rights. You see they are not idle. They lead to new shared moral understandings, and above all and even more important, a change in our behavior. So if you look at any one of those moral dialogues, they all change our shared understanding. So the moral dialogues bring it to the surface. When you have people living in a closed society like Russia used to be or Afghanistan it takes a while before these insights bubble up or we can bring them to the surface, but not necessarily very long. So the only other thing I would say is, again, I think the book has lots more to say on many of these issues.

It is kind of interesting how people I think are almost fun, and it not a fun book, but it is almost, actually some of these I do find amusing, is when people realize that they cannot possibly defend relativism, but they do not want to accept universalism in part because they have what I call dogma angst, they either were in the Catholic Church or they have suffered from communism or Nazis and Hannah Arendt and all these people and they are very afraid of any universal truth will lead to true believers and will lead to totalitarianism, so that is the reason they are very nervous anytime you talk about universal truth or for some other reason.

They look for devices of how to get out of that box, how to give up relativism and not have to commit yourself to a universal truth.

And there is a wonderful cafeteria here of rational which really leads you to close doors, and let me just give one example and sit down. The term which appears most often in the book one author uses 17 times is the term rational. So basically they talk of devices like this, I am quoting, "any rational person will see," and of course the implication is if you do not agree with me, you are an idiot, if you do not agree with me, you are irrational. I do not think the term rational can carry that much weight because the question of course is how you define rational and the moment you open that door you see that, first of all, there are 17 definitions, so we are right back to relativism in effect, and it not a question of reason. Rational, again, it can be defined in a lot of ideal ways. But in the end it brings us down to reason. What we are talking about really in the end are moral judgments which in my judgment cannot be derived from empirical and logical considerations.

I think you really will enjoy the book, and I speak for Don without asking his permission, we would love to hear from you.

MR. JOHNSON: If any of you had trouble getting here because of the weather, you must realize that I am probably at fault. I gave a lecture in Colorado Springs two or three weeks ago. It was supposed to be two, but as it turned out, there was a blizzard that dropped two feet of snow on the around Colorado Springs while I was there. The Air Force Academy closed down for the day so I was not able to speak there, and about half the people who were signed up to show at the evening lecture I was supposed to give were not able to get in.

So figure I was bringing it around with me. I was reflecting on that as I was driving down 95 in the pelting rain. If you have ever done this kind of thing, speaking on a panel, you know that if you are not the first one to go, that as the other people before you speak, you are mentally rewriting what you need to say, how you need to say it, what you need to say first and so forth, and that is what I have been doing with Don and Amitai, and I suspect that Bill is doing something of that same kind of thing.

I want to say that in this whole project, I am simply a worker bee. The people who really carried the weight were Don and Amitai and I chipped in in a particular way and was happy to do it because it provided me with a wonderful opportunity to synthesize all these diverse things that I have been doing for most of my career.

I began writing on the history and development and then the application of the just war idea about 40 years ago, 35 years ago now. I began writing on the same thing with the tradition of jihad and Islam between 15 to 20 years ago. More recently I have been teaching and doing a little writing on the subject of human rights in comparative perspective. In all of these areas I have been interested in the way in which the moral tradition has interfaced with the legal tradition, and particularly when one moves out of one's own moral and legal tradition into the arena of competing moral and legal traditions, I have been interested in how law operates.

So my essay which has to do with looking at international law as an example of how the quest for common ground, as I call it, can be carried forward, is really in some sense a kind of summing up of all of this.

If you happen to know anything about international law already, this essay may not be for you because I wrote this essay for people who did not know much about it and who probably have the wrong idea about it in any case. I do not think of it as a finished product. I get into trouble with my European friends who do international law for a living because they think of international law in a very positivistic way typically, and they think that we Anglo-Saxons are wrong in the first place because of our emphasis upon the customary law. But more generally, they seem to regard the codifications of international law as written in the book for all time, and I just do not think that turns out to hold up.

I spoke of international law as a quest for common ground a minute ago. Let me illustrate what I have in mind by a reference to a couple of theologians, if I may. I was quipping before we came up here that one reason for this occasion is to get two professors of religion on the stage at Brookings at the same time on the same panel, and so I figure I can talk about theologians with a straight face.

Back at the beginning of the 20th century, a theologian named Walter Rauschenbusch pioneered the idea that the kingdom of God could be created by the progressive social transformation of American society, and in principle any society. He was roundly criticized a generation or so later by Reinhold Niebuhr in his early work because Niebuhr took very seriously human finitude, Rauschenbusch was much of a 19th century utopian in his way of thinking about human possibility, and also Niebuhr took very seriously the Christian doctrine of sin, we are sinners and we are finite and we do not know how to achieve the ideal that is out there.

I believe that there is an ideal out there. I am not convinced that we know it with the clarity that we need to know it, I am not convinced that any step that we take can in a progressive sort of way like climbing a stair one step at a time will get us closer and closer to it. I think rather we are continually trying to approximate it and sometimes we get closer but some things happen to us to pull us back.

When one thinks about the fights that are continually going on in the interpretation of international law and in its application and in its enforcement, one runs into this frequently. I deal frequently with the law of armed conflict, one of the very, very large issues there, and you also find it among the moralists, is, first of all, whether noncombatant immunity has any real foundation or not, whether it is a kind of permanent stable truth that we need to honor. And secondly, if it does, then how to ensure its protection, how to define its protection, how to ensure it in terms of both the way the law is written and in terms of the way that we deal with people who break it.

The same thing is true with reference to various aspects of human rights law. Amitai mentioned a couple of cases where traditions conflict. My argument is really that we need to keep in mind what I would call major traditions or cultural traditions, but that these can be both ways of understanding what we can find in common and also ways of helping one another to filter out elements within our sub-traditions, our particular communitarian ways of doing things, that do not fit with the larger picture.

Let me just say a few words about the structure of this piece that I did for the book. I begin by talking a good deal about the idea of positive law and

about community law in two senses. I have already alluded a little bit to the notion of positive law as the *lex lata*, the law that is written, the law that is laid down, and indicated my discomforture with Continental Europeans who think on a Kantian model that this is once and for all and that it is sort of a legal holy writ. My own foundation is really in the realm of moral discourse, and in regard to the legal side of things, it is in the realm of trying to understand what the community law is.

I am a Macintyrian in a broad sense. That is, I follow Alistair MacIntyre's, or I agree with, I will not say follow because I was there too a long time ago, but I agree with his way of thinking about moral truths versus community. His understanding is that you get two moral truths through a thick understanding of tradition that is held within community. His claim is that we really do not know moral truths any other way than by this and so we need to be quite serious about undertaking to understand the way in which these truths are expressed and the way they have developed and so forth within the particular tradition that we are talking about.

As I say, I was speaking this prose long before I learned to call it prose, so I should not say that I follow MacIntyre, but that is really how I think of the just war tradition, the human rights tradition in the West, the tradition of the jihad of the sword in Islam, and indeed, the human rights tradition in Islam. And rather than simply saying as Don suggested that what I am about is trying to describe each of these traditions myself, I think that I am perfectly happy to do this for the Western religious and cultural tradition because this is my own. But for the Islamic tradition, I will do it as a way of challenging persons from within

that tradition to do it better because I think in the end you have to be inside the tradition to understand it.

What do you do when you unpack these moral truths within the framework of these tradition? Do you just stop then and say we've got this one, we've got that one, we've got something else? I do not think this is necessary, I do not think we stop there, and in the article I use Georg Schwarzenberger's typology of three kinds of law, community law, the law of consensus, hegemonic law, the law of power or domination, and what he calls the law of reciprocity or the law of hybrid groups as touchstones for talking about this.

Within a particular cultural tradition there is a high degree of consensus typically and so the legal regulation of that community in its various forms that comes out of this would fit under Schwarzenberger's model of the law of consensus or community law. Where there is a dominant power whether it be within a particular political community or among the broader contexts of political communities either in a region or around the globe, then the law of hegemony, the law of power operates. This is a law by which one particular understanding of the right dominates the rest.

Then there is this interesting category of hybrid groups in which various communities, two or more, are brought into contact and have to figure out a way to live together so that each can maximize its own good but at the same time in reaction to and in corroboration with and in tradeoff with the other, and I suggest that the whole realm of international law shows us all three kinds of law in operation. There are elements of community law there, and certainly the origins

of international law are very heavily based in Western cultural moral assumptions and Western practices of government and so on.

The same thing can be said, incidentally, of the whole territory of Islam. If one goes back to the 9th and 10th century of C.R. and the definition of the abode of Islam as the rest of the world, the abode of war as the early jurists put it, one has a way of thinking about the relationship of the community that one is a member of to all those other communities out there.

I suppose the easy thing to say, perhaps in some sense the default thing to say in this time we live in, is that any possibility of there being something other than domination at the end of the tunnel when two communities that have rival positions are placed in interaction, it may very well be that in our time we cannot think easily of there being any kind of position other than that so that we have a clash of civilizations to use Sam Huntington's phrase, and we have a war of all on this side against all on that side. That is certainly the way that al-Qaeda understands things. I will not say anything more than that.

But what I would argue is that when we look closely at the moral traditions of the West and of Islam, what one finds there is expressions of certain kinds of moral positions that turn out interestingly enough to be very, very similar to those on the other side, and I will simply give you a couple of examples. A minute ago I spoke of the idea of noncombatant immunity. The idea of noncombatant immunity effectively got established in Western Europe in the period of the Peace of God Movement which is the 11th and 12th centuries. Talk about a stable truth, the tradition of noncombatancy really has not changed much

since then. The definition of noncombatancy in Islam dates back to the lifetime of the Prophet Mohammad because the notion of noncombatancy in the juristic writings on Jihad of the Sword all cite particular sayings of the Prophet as saying who may not be fought against and who has to be granted leniency and protected. It turns out that the list you get in both these traditions are effectively the same.

For another example, in my article I cite an American Muslim scholar Rifat Hasan who is very critical of the Universal Declaration of Human Rights, and she says we in Islam do not need this because we have our own source of human rights and it is the Koran, and then she proceeds to list a number of human rights that are grounded in the Koran and then she returns to the critique of the Universal Declaration as somehow being irrelevant. It turns out, again, when you lay these lists of rights side by side, there is a remarkable degree of consensus and there is a good degree of overlap even where there is not consensus.

On my view, one of the most useful functions of international law is to provide a way in which nations can agree on those elements of consensus that they discover from within their own cultural traditions and agree that they are going to make common cause, find common ground and try to move forward in the world on the basis of that.

Let me stop and give Bill the floor. He has been busy rewriting his own talk now as I speak.

MR. GALSTON: Let me begin with a disclaimer. My original plan was to open this conversation and serve as moderator until I was prevailed

upon by *force majeure* to offer my own thoughts, so if you do not like what I have to say, blame someone else. Take your pick.

(Laughter.)

MR. GALSTON: I just want to summarize my particular answer to the question that Don Browning began by reading just as starkly and simply as possible.

In my view, morality is emphatically human morality. What I mean by that is that I believe its content reflects the particular nature of our species and the nature of the circumstances in which we find ourselves placed. It might have been otherwise, we might be a different kind of species, our circumstances might be different, but they are not. We are who we are, we are where we are, and I think human morality reflects that.

What specifically do I have in mind? Two things, above all. First of all, and Don has mentioned this already, we have various sorts of needs. I will call them species needs. They are needs that we have as human beings. And because we are needy, we are vulnerable. We are vulnerable to certain sorts of basic deprivations which will have various sorts of negative impacts on us if we experience them. So that is the first dimension. You can look at each human being as an example of the species and having things in common with all other human beings.

Secondly, it happens that we are social beings. In that we are not unique. But unlike the ants and the bees and most other species that are social beings, we do not come genetically programmed with specific forms of

cooperation, and we have many different, as the political scientists would say, regime types corresponding to different forms of social cooperation. This is part of a larger fact about human beings, namely, relative to other species we possess an enormous degree of creativity and what might be called plasticity. Nonetheless, I want to suggest, there are certain bedrock requirements of effective social cooperation and many of the virtues that we think of as social virtues and the principles that we think of as social principles reflect prerequisites of cooperation.

Clearly, you can act in such a way that dynamites cooperation, and some people do. Socially speaking, we could behave like Samson in the temple and just pull the whole thing down around our ears and everybody else's, but most people do not act that way and they do not act that way because social cooperation is a felt good.

From these two basic dimensions, who we are, where we are, I believe that you can infer a number of different important moral dimensions. If you are looking at our individual needs, we prize life and therefore the means to life both individual and collective. We care about health. We also care about normal development. I think that virtually everybody considers it a misfortune if an infant is born severely deformed or with a grave defect or challenge along one dimension or another. We resolve to make the best of it. We perhaps can even find certain theological solace in such events, but I do not know of many human beings who welcome that kind of eventuality. There is a norm, there is a human

good built into the desire to have a healthy baby and to have the requisites needed to give that baby an opportunity for normal development and so on.

From our social nature as I have already suggested we can infer a wide range of cooperative virtues, and if I had a lot more time I would spell that out. And there is also the particular dimension of social life where coordination rests on forms of leadership at which point you have public and political virtues as distinct from the simply horizontal cooperative virtues. So think of public or political virtues as the vertical axis of the social virtues and the cooperative virtues as the horizontal axis of the social virtues.

In 3 minutes let me sort of step back from these individual propositions and say what I think the standing of those propositions is, and this is where I get into dialogue with other members of the panel.

The first thing I want to say is that I regard human morality as universal without necessarily being absolute. What can I possibly mean by that? Two things. First of all, the things that we conclude are goods of human life or binding principles of human life are multiple. There is not a single one. There are lots of them. There is no clearly established hierarchy among them. We must often therefore make individual or collective choices among these goods, among these principles. Or alternatively, if we want to capture some or all of them, we seek ways of balancing them. Communitarians, for example, typically strive for a sustainable balance between rights and responsibilities, between individual autonomy on the one hand, and the good of social order on the other, both of which are undoubtedly important and necessary. But within most other moral

traditions you have this need for balancing, this need for choosing not between good and bad, but between good and good. So in that sense, morality is universal but not necessarily absolute because no one of the constituents serves as an indubitable absolute to be preferred to all others under all circumstances.

The other way in which I regard morality as universal but not absolute is that the circumstances of human judgment, decision, action, are so various, and for that reason, few if any principles of conduct apply in all situations with the same force, and that is particularly true in extreme situations. In a couple of books and papers, for example, I have talked about Abraham Lincoln's very difficult decision to suspend the writ of habeas corpus at the beginning of the Civil War. From a constitutional standpoint that was close to unthinkable. A respectable argument can be made that Lincoln knowingly violated the Constitution and exceeded his powers as Chief Executive, and he offers very interesting justifications for what he did which we can talk about in the question and answer period. But in that circumstance, Lincoln regarded the what is often known as the Great Writ, the fountain, the point of origin of the Anglo-American legal and constitutional tradition as something that might have to be set aside in extreme circumstances, and I want to suggest that our thinking about morality is a lot about that. Or to put it in legal language, moral premises function as presumptions and the burden of proof is on those who would go against those presumptions, but under circumstances that burden of proof may be discharged by the person who proclaims the right to deviate from them.

A second way, and I will stop here, that morality is universal without being absolute is that while it is binding within its sphere, that sphere covers less than the totality of human life. Why do I say that? Beyond certain categories of very, very fundamental goods there is I think everybody would acknowledge a range of legitimate individual and cultural variation. If you are asked why you do something and you answer, Well, this is the way we do things around here, in some circumstances that is a bad answer. But in other circumstances, for example, when a village is asked why it celebrates Thanksgiving in one way rather than another, that may be a perfectly good answer. So we need universality on some matters, but not on others.

The second reason why I think that this sphere of universality is limited though very important is that as we inspect the world, and this is where my thinking comes into tangency with the previous speakers, but whether it is congruent with it is a different question, there are different clashing high-order moral ideals. What I want to suggest is it makes a difference whether you take Jesus or Moses or Mohammad or Cesar or Marcus Aurelius or Ashoka or Confucius to be your moral exemplar, they have things in common, but there are also things that divide them. And thinking through the question of whether as a moral matter we are required to choose, as a matter of faith we may be required to choose, but as a matter of moral reflection are we compelled to make a once-and-for-all choice among those exemplars or can we to a considerable extent recognize them as representing different packages of worthy goods and attributes.

That latter would be the way I would tend to go about it, and I think that that has some significance for the way we think about human moral life.

With that I am going to take off my reading glasses, put on my distance glasses. And if the panelists would be good enough to put on their Lavaliere microphones, the floor is now open for questions. Would you be so good first of all as to use the microphone that is about to be handed to you? And secondly, to introduce yourself?

MR. LOVELL: I am Mack Lovell (?) and I am an adjunct professor at George Washington University. I am reminded of some of the things that we teach business school people, and that is you look at the various options that you face to solve a problem. First you define the problem and then you think of the options that are available and then you choose from those, and depending on the nature of the problem at the time you have different choices.

I think to some extent that is what you have been saying, that you have a range of things and that it is not an absolute. My main question I think is if you leave God out of it can you still reach broad moral values that help guide human beings? I think so, but what do you think?

MR. GALSTON: I am going to turn that question over to the panel. I just gave my answer, and the answer to that question is yes. Amitai, I think you gave a pretty clear answer to that question.

MR. ETZIONI: I think God is one source of those universal truths and there may be others. As you said, you gave your answer a moment ago, Bill, I very much agree with the notion that it is not a tradeoff between particularism

and universalism. There clearly are some universal claims, but on the rest of the matters, we are welcoming particularistic or subcultural differences and there are some wonderful court cases. So the question is that an American judge should not be allowed to use opiates given that there are national laws against narcotics, because it is not just a religious freedom issue, it is a question of who is going to govern, universal in that case, the American notion that this is not acceptable, or the tribal notion that this is acceptable.

There are many other cases who tried to decide where is the borderline between what is universal and what is particular but clearly recognized that there is a communitarian category and there is a larger community which is slightly the language I would prefer, and of course what we say about a nation -- the Universal Declaration of Human Rights is not exhaustive. I don't think anybody claims that.

I just wanted to add one more sentence about the idea of consensus because I have particular difficulty with it as a source of what we talk about. Consensus clearly has enormous pragmatic value and political value. If you want to agree on something across cultural or across or whatever, you are going to fight nonetheless and it is of great enormous significance.

But I am not sure that if you all agree on something necessarily it makes it moral, so since we are talking about what is moral, my favorite way of thinking is assume we have two medical ethics committees in a hospital to which we bring the case and all you know is there is one committee decided 5 to 0 on what should happen, and the other committee decided 2 to 3, which committee is

more ethical, and clearly by consensus quite clearly the first one, but we surely do not want to do that. What we really do is when something bubbles up through consensus or any other way we have a set of independent values against which we evaluate what came out of consensus.

MR. JOHNSON: Yes, I would agree with that. There is a professor of theology at Boston College who is a moral theologian who wrote an article in America in which was reporting on a meeting of Catholic moral theologians in Europe and the article was effectively a list of all the things that they agreed on that he thought were right. This was in reference to the U.S. Catholic Bishops' position on the idea of just war, and I am on record many times as thinking they got it very, very wrong. So the mere fact that all these Catholic moral theologians meeting in Europe came to a consensus agreeing with the U.S. Bishops I think proves nothing whatsoever except their mendacity.

But on the question of whether you can talk about universals without bringing God into it, I think there are two things to say. One is, yes. On the other hand, there are clearly people out there who think that you cannot. And if you are going to have any possibility of finding common ground with those, you have to take into account.

MR. BROWNING: The editor of the book is not supposed to say anything about these questions but just preside. I cannot resist. I like that kind of analogy you used, Bill, when you said, I think the reference was to a package of goods. When you take a package and the package contains a variety of things in

it, but the things that are in it have some kind of identity somewhat independently of the package that it is in.

I think I would address the question about the role of God with regard to morality and universals this way. I do not want to abuse anybody who thinks that their understanding of God is absolutely essential for morality. But if that same person or that community wants to bring that claim into the public realm and shape public policy on the basis of that, then here is what I want to know. I want to know how their package, and now I am using package as analogous to God, shapes the goods and contains the goods or supports the goods that they want to advocate. I want them to be able to trace the justifications and to make some kind of distinction between the package and the goods. If you do not like the words God or package, let's change it to narrative.

When we talk about God, we are really telling a story about God's relationship to the world. I want to know how that story shapes their specific proposals. I am less concerned about with regard to own community and their own life, but in public discourse I want to know that. The reason why is that I believe all kinds of other people who have narratives who call themselves religious but they have certain images of the way the world is, and I want to know how those images shape their proposals and their goods, so that is the way I would do it. In the public realm, we need to unpack their claims.

MR. GALSTON: I am going to get to the next question in just a minute, but having answered your question in one word, now let me be a political scientist for just a minute. First of all, believe it or not, the question that you have

posed is a question that is regularly polled by the Gallup Organization. It may interest you to learn that the American public is split almost exactly down the middle on the possibility of whether you need to believe in God and have a faith tradition in order to understand morality and to be a moral person. It has been close to fifty-fifty for quite some time. It goes up and down just a little bit.

Secondly, the head of the Governance Studies Program, Pietro Nivola, is here and has written a lot about federalism. This may seem farfetched, but in fact, the American federal system is one of marking off the distinction between what we think ought to be generally if not universally binding on the one hand, and what constitutes a matter of legitimate local and communal variation on the other, and it very interesting to see the way that argument plays out. Should something be elevated to the community-wide level do we regard it as so strong, so indubitable, so binding that we are unwilling to relegate it as we say to local or state determination? Many people believe that one reason why our ramshackle system has persisted for more than a couple of hundred years is that federalism gives us an opportunity to particularize some issues that are more centralized form of government would be forced to generalize.

MS. MONE: My name is Mary Mullen. I was wondering, when Martin Luther King said we should not judge, he wanted to see a world where we would not judge people by the color of their skin but the content of their character, he was a minister, but do you think he was speaking about God in that way when he spoke about we want to judge them by the content of their character?

MR. JOHNSON: I am pretty sure he was as a person of deep Christian religious faith. The really interesting question that seems to me that gets dodged when you talk about God in the abstract like the Gallup Poll question you were referring to Bill is what happens when God tells you to do different things or tells you to value different things? I think we have to be very specific when we assign some particular expression of a moral value to religious beliefs to realize that the mere fact that it is rooted in religious belief does not mean that all religions would agree with it, that even perhaps a kind of common religious belief would come out in exactly the same place.

MR. ETZIONI: Can you go on just for one minute and tell me why the hell should I care if all religions agree with it or not in terms of the moral standing of my claim?

MR. JOHNSON: I take the point, but really what I am trying to drive at is that you have to have a way within the community of discourse to be able to allow all of these different kinds of claims to be made and to be heard. The judgment among them may in fact involve rejecting some of them. I have been writing recently about the whole question of religion and political legitimacy and noting that the American constitutional system is not only very different from the Islamic one in which Islam has priority of place because it has all the truths and all the other religions do not, although they have some of them, so we protect those poor benighted folk and help them to come along.

But it is also different from the Continental European model that we find epitomized in France where you have this taking of religious claims

totally out of the sphere of public discourse. It seems to me that we have in this society in principle anyway tried to find a way in which we can honor a variety of moral claims, some rooted in religion and some not, and covenant among ourselves to try to find agreement that may involve consensus on some issues, may involve some tradeoffs in some instances, but may involve simply accepting the will of the majority in others.

MR. GALSTON: I guess I would briefly answer your question by saying that while Martin Luther King may have been speaking as a Christian minister, the utterance that you just quoted makes a moral claim that is perfectly intelligible to those of us who are not Christians. I am Jewish, but I do not find any difficulty in understanding that proposition that feeling its power, and I will have to tell you that many secular moral philosophers with whom I have spent a lot of time, some people would say too much, feel exactly the same way because they have a highly developed way of talking about the sorts of considerations that ought to be relevant from what they regard as a moral point of view and those things that ought to be irrelevant and the contrast between skin color and character is almost the paradigm of that distinction and they have reasons that I think everybody in this room could understand for sorting things out in that way.

So Martin Luther King's genius and his effectiveness was that he could speak out of a deeply rooted Christian faith but in a language that maximized the appeal of his moral arguments to the community as a whole. And I think that if he had simply quoted scripture in favor of the civil rights movement he would have been much less effective than mixing it up the way he did and

saying things that people of different faiths and of no faith could hold onto as something secure and stable. Are there other questions?

MS. YING: Sophie Ying (?), Senior Fellow at the Atlantic Council. My question is, what are the well-recognized values that you promote through diplomacy or some other approaches? The second part of the question is what are the moral bases in justification for taking military action toward some other countries of going to war? Thank you.

MR. BROWNING: Could you rephrase the first question?

MR. GALSTON: I think the first question as I understood it was the content of those values that it is appropriate to pursue through diplomacy. And the second question had to do with the justice of going to war and more generally the just war tradition as we understand it. Fortunately, we have people on this panel who are experts in different parts of that question, and please reply.

MR. JOHNSON: For myself, I am not sure that I can give a short answer to the first question if Bill's rephrasing was right because it seems to me that the map changes from time to time, and in fact some issues and some values become more central in certain historical contexts and less central in others. So it just seems to me that there is not any once-and-for-all answer that I would be willing to give on that.

On the second question, I am not sure if you had a particular conflict in mind or just wanted a kind of general answer. The international legal regime beginning with the Pact of Paris in 1928 began to try to outlaw all first use of armed force by states. That is also in the United Nations Charter. Of course, if

you read the charter carefully, you know that there are certain allowances whereby uses of force in first place can be undertaken. In fact, in the whole debate over intervention to end and correct egregious abuses of human rights, the debate that took place mainly in the 1990s and trailed off into the early 2000s, there was a pretty serious case made for use of force as one possibility for dealing with such egregious abuses of human rights across international boundaries.

At the same time, there are within the Western moral tradition a whole range of cautionary principles that tell you when even if the use of force would be justified in one of the ways that is acceptable, perhaps you ought not to do it. These principles include both deontological and consequentialist principles. Would the use of force in this case actually tend toward the good of peace, for example? One of the deontological principles says that the use of force ought to end at peace. If you judge that using force in a particular instance would not do so, then obviously even if under circumstances you would say this is a justified use of force, then the answer is no. So the whole tradition of just war functions both to justify the use of force in some cases and to declare it unjustified in other contexts. So my argument historically has been that this is a valuable tool for statecraft, that that is really what it is about.

You find similar kinds of arguments at least in structure in other cultural traditions, too. The one I know most about of course is the Islamic tradition. So I have claimed that every culture tends to produce a set of moral guidelines like this regarding the use of force. Then we are in the same room, but

we have to stop and have some negotiation over how to understand those and how to apply them and so forth.

MR. GALSTON: Are there other answers to this question?

MR. ETZIONI: I will just add two sentences. I do not think too many of us think you should march into another country on the basis of false or manipulated intelligence, so I think that most of us would agree with that.

I think what is particularly interesting which you already alluded to but deserves maybe one more sentence, that our understanding of sovereignty -- it is an evolving norm which is again not American or Japanese, it is increasingly recognized across cultures and belief systems. Just to put it very quickly, the notion that came out of the religious wars is that what happened inside one's country is none of the other country's business like another country invading Kuwait. And the new norm is that you need to prevent a very communitarian idea that if you are not a good citizen of the larger community, if you allow genocide in your country or you allow massive abuses, then the international community not only has a right, but has a duty to interfere. So from this very plain language we would be in Rwanda and we would be in Darfur, and we would not be in Haiti. So we can again disagree about the specifics, but I was just using it to highlight the point that we have a new increasingly shared conception of a new duty to intervene, but surely it is not the one we have seen recently.

MR. JOHNSON: Let me just say to that, Amitai, if we were having this conversation a few years ago I would agree that the whole notion of sovereignty that came out of the Westphalian system was being revised and that

especially with the publication of the "Responsibility to Protect" and the adoption of it subsequently by Kofi Annan as Secretary General that we saw a way in which a new consensus was forming in the international community about the obligation of sovereigns, that is, those who exercise political authority, to behave in certain ways toward their own people and that when they did not behave in this way then the international community and even individual states had an obligation to do something about this.

One publications I am connected with is The Journal of Military Ethics which is published in Norway and a couple of issues ago we did a special issue on the subject of humanitarian intervention after Iraq. I will simply say that there are a lot of people who are concerned that Operation Iraqi Freedom which was partially justified as having the humanitarian goal of removing a very, very, very, very, very bad guy, that this has really given humanitarian intervention a very bad name.

MR. ETZIONI: That is about as good an example of where somebody wants to throw out the baby with the bathwater.

MR. GALSTON: I have to say, just giving my own answer to your question, A, it would be a shame if hundreds of thousands of people end up dying in Darfur simple because a military intervention that I criticized as ill-advised before it was undertaken has made the world unsafe for humanitarian intervention. That would really be to add injury to injury and insult to insult which is an elaborate way of saying what Amitai just said.

But let me respond to the first part of your question. I think that one of the human goods that rich and powerful nations can pursue through diplomacy is the good of global health and that is an undoubted human good which I think imposes certain sorts of peaceful diplomatic duties on countries that have diplomatic power. I will give you an example.

As you probably know, a few years ago the leader of South Africa, Mr. Mbeki, came up with a unique medical theory about where AIDS came from, and as a result of his position of political power, he was spreading information and blocking certain forms of treatment of AIDS which I think the rest of the world was united in believing were appropriate and necessary to save thousands and thousands and thousands of lives. And as you know, South Africa is one of the countries in which AIDS is spreading most rapidly.

It is very, very fortunate that we did not take the cultural relativist position of we believe one thing about where AIDS comes from, and you, the head of South Africa believe another, and so we will practice our medicine where it is welcome and we will let you treat AIDS in your own way. Instead, we did not intervene by force, but we sent a lot of people to South Africa, and we spent a lot of time both through diplomatic channels and through medical channels spreading the word that the situation was going to get a lot worse, and over time that kind of peaceful intervention made it impossible for Mr. Mbeki to persevere in his very ill-advised and I think demonstrably erroneous course of conduct.

Those sorts of examples could be multiplied where the proposition that certain goods are to be promoted through peaceful diplomacy does not yield a

kind of cultural relativism with regard to how one approaches those particular tasks and promotes those particular goods. Are there other questions?

MR. GREEN: My name is Samuel Green. I am from Transparency International, but my question has nothing to do with corruption. I want to explore a little bit more Professor Johnson's idea of international law as a quest for common ground, particularly what happens when there is not common ground on an issue that requires a definite solution. My question is, is international law still helpful for resolving such a situation or will there necessarily be a resort to something else such as force?

MR. JOHNSON: I think you have just answered your question in your last comment. It may not necessarily be force, but there may be a resort to something else.

I kind of cut short in my oral presentation my discussion of the whole business of customary international law and how the meaning has changed over time. If you looked at the writings of people on international law in the 19th century, they will talk about the laws and customs of war meaning what we have inherited and the way everybody, at least everybody on either side of the Atlantic, behaves or thinks we ought to behave. That may be the better way to put it. And the earliest codifications or efforts to codify international law which had to do with the law of armed conflict or the law of war really were efforts to put down in writing what those laws and customs were so far as everybody could agree on what they were.

But today the term customary law is used very differently and it refers to the way in which states interpret the existing law, and particularly the way states who have a degree of hegemony interpret it. So what you get where there is no positive law and somewhere where there is is the relatively more powerful states that have an interest in something behaving according to their own sense of what their interests are and this in effect sets the norm that others have to either accept or figure out some way to get around.

So we have a situation of a kind of moving tableau I think in which we may talk in rooms like this on various parts of the globe about what ought to be the law, but at the same time we have to take into account the way that that law is actually expressed and the customs of states and their customary behavior and that may imply a degree of hegemonic imposition of a position as opposed to reaching a consensus or reaching tradeoffs.

MR. MITCHELL: Gary Mitchell from The Mitchell Report. I want to also just point out that there is a very interesting article or op-ed piece in The New York Times today by this fellow David Kuo who was the White House Office of whatever it is. Faith-Based something or other.

MR. ETZIONI: Torture Unlimited.

MR. MITCHELL: Which seems to me if there were more time and/or if he were here would be an interesting way to anchor some of this conversation about moral truths and moral values and moral judgments. One of the things that he said that I thought was most interesting was that there is serious talk among the evangelical community that they are going to take a 2-year fast

from politics not to reexamine their political beliefs but to reexamine their spiritual beliefs. And that, for example, maybe instead of spending their time on political campaigns, they ought to be spending more time feeding the poor. That is not my question, but I could not help but raise it.

Niels Bohr said famously some decades ago that there were two kinds of truths, small ones, the opposite of which is a falsehood, great ones, the opposite of which is another great truth. My question is, A, where does he or that point of view fall in this conversation? And what does that make him?

MR. ETZIONI: This reminds of an argument that a husband and wife said that he makes the decisions and she makes the small decisions, only there are no big ones.

(Laughter.)

MR. ETZIONI: So this notion that you can divide the truth by size or whatever, I am not sure where you take that.

I would love to hear yet of any examples where we could tell what is great from small. Now that I have another thing to think about, I would reverse the statement and I would say on small truths, they can be particularized, but on the big ones is where we really have to have the judgment is there something which goes beyond I say you say. Because the starting position of this statement is that there is no governing truth, that there is A and there is B and the rest of us have to duke each other out, and that goes against the basic assumption which I think relativism fails, and we can disagree on what needs to be replaced, but I do not think that this position can be sustained.

But in addition, I am not alone. Not many people agree that there are absolute truths or universal truths, but the notion that the relativistic position in its basic form, I have a great truth, you have a great truth and they are all of the same standing, I think even the classic relativists are moving away from it. So I think the challenge is not to go back to relativism, but the challenge is what is the criterion we are going to use to judge one great truth from another then assume implicitly that they have equal standing.

MR. GALSTON: I will entertain one more question if there is one. I see three hands up, and here is what we are going to do. I am going to take the three questions and we will put them all on the table at the same time. The panelists will respond to them as they choose or as they can and then I will whistle the proceedings to a halt.

MR. SINGH: Thank you. My name is Pavneet Singh and I am from the community. The question I had was, religion in general, the new ones, the major ones are often created in reaction to how other religions are determining moral truths. My question is, do you think that there will be any new religions created or have we determined the scope of what are moral issues and what are not moral issues? Or is it the case that policies and economics has become the new religion and the new way to determine what morality is and how we should determine our standing on those issues.

That is question number one, have we witnessed the end of the invention of new religions. Here is question number two.

MR. BEARY: My name is Brian Beary. I am a journalist for Europolitics. My question is a bit of a legal question. It is on the principle of universal jurisdiction. I don't know if any of you have followed this phenomenon, for example, in Germany people are suing in the courts to try Donald Rumsfeld for crimes and in Belgium, they tried to do it for Ariel Sharon in Israel. Just have you any thoughts on how this developed and what kind of moral background, morality, justification on how you see this developing in the future.

MR. GALSTON: And the third hand which was in the back?

MR. BURDEN: Thank you, Ben Burden (?). My, just a short one, is on how can we reconcile radical Islam with modernity and liberal democracy. I am not sure that there is enough time.

MR. GALSTON: We have three questions on the table.

MR. BROWNING: I will go for the first one. I think my response to your first question, will there be new religions and will we create new religions, are we at the end of history in the sense that there will be no more new religions, I would tend to say we will create new religions, though I would also caution that it is often very difficult to determine a new religion from an evolution of an older religion. But religion is a product of human creativity, and I think that you are right that creativity is partially stimulated by moral crises and moral circumstances and that imagination comes up with new perspectives.

Secondly, and I think you have kind of posed these against each other, or will economics, the market or another perspective be the new religion, and I would say there are several analyses out and quite a few books that are

suggesting that they are, but it has to do with a certain interpretation of religion. If religion has to do with big grand narratives that we tell about the meaning of life and if religion has to do with deep metaphors about how we represent the meaning of life, it can be argued that some economic theory today and some of our practices in the market, some other aspects of modern technology, carry strong religious overtones.

MR. ETZIONI: I will go to number three. There is a norm against referring to your own work, footnoting yourself. I will violate it this time because it would take me 30 pages to answer your question and I am going to not read them to you now. In the last issue of the Cambridge Review of International Relations I devoted a few pages to your question. But to give the essence now, your question was how we can kind of deal with the conflict between radical Islam and democracy, and I would edit that question at both ends.

First of all, I do not think we need to come to terms with radical Islam, so I like the distinction of let's just come to terms with all the others, and I am serious. The notion whenever there is an outlier group, and by the way, there are fewer of them than we often tend to imagine, in Bangladesh, Indonesia, and North Africa there are many moderate Muslims who are not democratic, and I will come back to that, but they are not radical or extremists. So the notion that we have to come to terms with them I think is half of the question I would edit. So we have to come to terms with all the others and they will take care of these guys.

On the other side of the equation, I do not think they have to become democratic. All I want is to renounce violence. It is not that I don't think democracy is the preferred political system, though I believe with Churchill that it is terribly flawed, but it is the best there is. But they will come to it in their own time and I think we can advocate nonviolent means, nonlethal means. We can feed it moral dialogue. But it is not the problem that they have not all signed up on Fukuyama's march. I think the problem is the degree that they support violence. And the same holds for any other group. Some of the Jewish settlers on the West Bank or Meir Kahane, or people have written in Christianity about positive violence, so if we can just remove that from the table. So to rephrase your question to how can we ensure that all the people who support nonviolence will get together, that is Easy Street.

MR. GALSTON: That leaves for Professor Johnson question number two plus whatever else he wants to comment on.

MR. JOHNSON: I like that way of putting it. What I will say about radical Islam is that is really a problem for Islam to work on, and there is a good deal of ferment in fact indicating that that is beginning to happen or has been happening. I think that we in this country and more generally in the West have specific kinds of problems to deal with with the radicals. They have declared a clash of civilizations with us, and like all wars, this one is going to have to be fought out. But I do not think coming to terms with radical Islam is really somehow in the cards or really on the table for people within the frame of Western culture, but saying that the real issue of coming to terms has to do with

nonradical forms of this cultural expression or that one is a very nice way of thinking about the whole issue.

On the matter of the universal jurisdiction claim, this is one of the ideas that bubbled to the surface in the process of thinking about humanitarian intervention and the whole notion of sovereignty as implying obligation or responsibility as this debate developed in the 1990s. So long as you are talking about Canada trying a member of the Pol Pot regime who had relocated to Canada, or so long as you are talking about Belgium trying a person who was actively involved in a leadership sort of way in the Rwandan genocide of 1994, these are the kinds of things that tend to produce a sort of consensus, that this is a good idea. Just as if you are talking about Tanzania moving in militarily to deal with Idi Amin, or if you are talking about Nigeria using its armed forces in the countries to its west to deal with a horribly brutal civil war that was basically banditry under the name of civil war, then again you have examples of something that can almost create consensus that individual states ought to have the right to use military force. So you have the possibility of a growing consensus on individual states trying people who have been guilty of egregious human rights abuses, you have the possibility of using military force across national boundaries for the same reason.

But then you begin to run into problem cases. The gist of the argument in The Journal of Military Ethics that I was alluding to before is that Iraq has really thrown a monkey wrench into things because there is so much unwillingness to accept the goodness of the humanitarian motivation that was

claimed by President Bush, and in any case, the whole thing came out so badly that it begins to raise questions as to whether the very idea isn't itself flawed. Similarly, when you get cases of claims of universal jurisdiction that really seem to be efforts to push a particular political point of view, then the consensus that was already there beings to drain away. I do not think this is an idea that very much consensus has coalesced around. I think that it is a very interesting idea, but I do not think that is really going to turn out to have any legs.

MR. GALSTON: Let me just offer two concluding remarks that respond and to sum though not quite all of the questions that were just put on the table.

First of all, it is very interesting to ask ourselves what are the presuppositions of a real dialogue between or among religious faiths. That is not a simple question. One of the many things that regrettably got lost in the furor over the Pope's notorious speech is that in every paragraph of the speech other than the first paragraph, he actually tried to give a serious Catholic answer to that question. So I would recommend to everybody who is interested in this question of how do you come to terms with other faiths or at least how in Professor Etzioni's language one can initiate moral dialogues among those faiths, that you do not read the first paragraph of the Pope's speech, but go on to the second through the concluding paragraphs. And then if you do not like the Pope's answer, come up with a better one, because the Pope's answer is not a crazy answer, although he began the answer in a very unfortunate way.

The second point I want to make in a way unifies some of the comments that we have heard from the other panelists, and that is I think that the principle of the presumption of nonviolence, I will put it in my language, does a lot of very important work. I think it does important work in the international arena as faiths and creeds and clash. I think it is one of the moral norms that underlies a portion of what Professor Johnson was talking about, one of the functions of international law, when you bring bodies of partly overlapping but partly conflicting moral understandings crystallized in law, the idea of reaching a *modus vivendi* when you cannot agree substantively is in effect saying we disagree substantively but we agree on one thing, and that is we will not use violence to resolve this particular dispute. I think that is an extremely important step to make and it is one fraught with moral implications.

And I would say, and this I will conclude by drawing from some of my own work, but I will refrain from dropping a footnote, and that is if you look at theories of tolerance in the domestic context in liberal democracies, some people think tolerance means you have to agree with everybody else, or you have to think that what everybody else is saying is just as good as what you believe. I think that that is not true. For purposes of domestic politics in liberal democracies, the important step is a self-denying ordinance, I will not use coercion to make the people with whom I disagree act the way I would like them to.

We can have a very interesting discussion about where tolerance appropriately runs out and it is appropriate to use the coercive mechanisms of the

state, and Professor Etzioni is fond of examples where everybody gives the same answer, and so am I because I think they are enormously powerful. So, for example, I have challenged audiences whether they think that religious free exercise, that moral norm that is embedded in the First Amendment of our Constitution, goes so far as to include a neo-Aztec cult that would revive the practice of infant or, alternatively, virgin sacrifice. I have not seen a hand go up yet, and I think there is good reason for that.

But outside of examples where clearly tolerance is inappropriate, it seems to me that this idea of the presumption of nonviolence even in the face of what appear to be intractable disagreements is a very important moral norm that we ought to think even harder about.

Let me conclude by thanking not only the panelists but also the audience for trudging through the monsoon and for sticking with us for 2 hours of the kind of dialogue that one rarely hears anywhere in this town, let alone at the Brookings Institution. Thank you so much.

(Applause)

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