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The Politics of Moral Authority

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The field I am interested in exploring here we might call the sociology of morality. More particularly, of cosmopolitan morality. The specific question that I want to examine, albeit in a very preliminary way, is what is at stake in political terms in abandoning the claim that one's actions are legitimized by some sort of transcendent authority.

Human rights have a complicated relationship with authority.<sup>1</sup> They are at their best as a critique of established forms of power and domination. Given their modern ascendancy, and influence, their own authority is now at issue, however. In trying to answer this conundrum, human rights have come up against a fork in the road. Are they to be legitimated politically, as expressions of a partial view of how we might best treat each other, or are they to be grounded in morality, the practical realisation of a Kantian-style commitment to impartiality and disinterestedness in our dealings with each other. My concern here is less with the philosophical basis of this dilemma, as such, and more with the implications of reaching a conclusion on it for practical, that is politically effective, morality in the world. What is the cost of the retreat from transcendence in terms of effecting social change? Can one drive ethical transformation without claims to superior authority of some sort? Isn't the likely outcome that one ends up preaching to the converted and facing resentment and resistance from everyone else? What does one say if one is not saying, "this is the right thing to do"? Does one say we would prefer things to be our way? Or, we think you would prefer things our way if only you understood properly that our way is

better for you than your way? Or even, we will make you do things our way, and soon you will see things our way and will have forgotten there was once another way? To paraphrase the Lutheran theologian Dietrich Bonhoeffer, hanged in 1945 by the SS for his part in the plot to assassinate Hitler, “what is morality today for a world of adults who no longer believe in angels?”<sup>2</sup>

Bonhoeffer’s presence haunted Amnesty International at its founding in 1961. His answer to his own question, posed about Jesus Christ rather than morality in his case of course, was that one needed to get involved in the stuff of life; helping in prisons and on the streets, bringing compassion to the poor and fighting injustice, if necessary through direct political action; “putting a spoke in the wheel,” as he put it. Amnesty has in many ways been a forty-five year conversation about this question of how best to respond to the uncertain authority of foundations for moral, ethical or religious beliefs. This was the same conversation that the more traditional Christian churches have also been having. The dilemma is: If no one is listening does one keep saying the same thing, or change the message? If one thinks that message is a truth, how can one change it without doing violence to one’s own moral convictions? This is Amnesty’s dilemma, increasingly more acute, a choice between preserving and nurturing its symbolic moral authority, and keeping alive the spectre of transcendent authority, or entering the political world of advocacy and sectarian campaigns.

Human rights were, from the beginning, “gravediggers” for traditional forms of authority, from politicians to priests, and parents to professors. The first established authority they challenged was the state, of course. Its gaze then moved on to other forms of power that were considered exclusionary and oppressive – patriarchy, religious intolerance, racial and sexual discrimination – then to combating the denial of essential needs like food, water, health, employment, even culture, and finally, as

their spread becomes complete, into the realm of direct person-to-person relations including those with children and between consenting adults. They have no use for the past, and are arch instruments of rationalization, described by Michael Oakeshott as follows:

[The rationalist] stands for independence of mind on all occasions, for thought free from obligation to any authority save the authority of “reason”. His circumstances in the modern world have made him contentious: he is the enemy of authority, or prejudice, of the merely traditional, customary or habitual.<sup>3</sup>

Oakeshott may have been sceptical about such rationalists in the 1960s, just as Jeremy Bentham thought the idea of natural rights was “nonsense on stilts” in 1789; by 2006, however, they are an article of faith, at least rhetorically, within the dominant institutions of what we might call the system of *global governance*: the UN and its agencies, the World Bank, IMF and WTO, humanitarian and development NGOs, structures of international jurisprudence, the corporate social responsibility programs of major multinationals, and more. The recent creation of a more powerful Human Rights Council within the UN, whose investigators can take greater initiative in pursuing human rights investigations against member states, is a further step in this direction. They are also part of the armoury of powerful, principally Western, states. We can see from Oakeshott’s comment, however, exactly the problem they face. How does reason ground its own authority if it seeks to build rather than destroy. This is one of the questions that concerned Leo Strauss, the intellectual conscience of neoconservatism in the United States. In the words of Stephen Holmes,

Like many others before him, Strauss believed that reason, if taken to an extreme, will somersault into unreason. Secular humanism – the worldview underlying political liberalism – brings darkness and destruction on humanity. By undermining religion, secular reason leads directly to personal immorality and political catastrophe.<sup>4</sup>

Strauss's highly elitist solution was simple – bolster and reinforce existing morality, most potently religion, but really whatever works, in order to avoid the breakdown of order among the “unphilosophical multitude” when they realize there might not be transcendent reasons for them to conduct themselves appropriately.<sup>5</sup> The challenge to authority of human rights has thus faced resistance from conservatives in the United States, for example, from the 1960s onwards, as well as from critics on the old left, in much of the anti-Western rhetoric associated with “Asian values”, and within various prominent Islamic and Christian movements opposed to modernity.

In other words, human rights may appear to be an idea whose time has come, representing as they do the pre-eminent ethical expression of the sense of common humanity that our increasingly cosmopolitan world is said to reflect. But this is politics at the surface. The real battle, I suggest, is the battle for authority, and that takes place at a deeper level, and one that human rights advocates have increasingly been reluctant to enter. I return to this question briefly in conclusion.

No organization has been a more effective weapon in tearing down the various ideologies that sustain claims to natural authority than Amnesty International. It did more than any other institution to achieve universal salience for human rights. Founded in 1961, at the height of the Cold War, in the year the Berlin Wall was built,

it won the 1977 Nobel Peace Prize at a time when the UN, for example, still “treated human rights workers like the plague,”<sup>6</sup> and a year before Helsinki Watch, the precursor to Human Rights Watch, was even founded. Amnesty has been the foremost champion of “principled norms”, a highly effective “moral entrepreneur.”<sup>7</sup> By 2003, it had 1.7 million members in more than sixty countries.

From 2002-2003, I did an anthropological study at Amnesty’s headquarters, its International Secretariat, in central London. One of the things I expected, even hoped, to find was an answer to some of the questions I have just been posing. From where did the seemingly assured and confident Amnesty staff draw their sense of the authority of human rights as guides to appropriate ethical behaviour? Was it faith or reason in action? Was this a faith that I, too, could share? Would reason lead me to it? Or must faith always come first? I did not, I have to say, find a reassuring certainty about the moral foundations of human rights, or a sort of righteous confidence in dismantling the natural authority claims of existing powers. What I found was almost entirely the opposite. In simple if emotive terms, Amnesty is as tormented by questions about its own authority, and by the loss of the idea of there being “authority” at all, as those specific authorities it has in its turn tormented. Rather than possessing a simple answer to questions about the grounding of human rights and why we should observe them, an ongoing inner struggle over fragmented authority has marked its entire existence. Rather than a vanguard of the future, much of what has gone on internally is more like nostalgia for the past. This has made it more of a sage rather than a herald.

In what follows I shall attempt to explain why this is the case, and why it is so important that we understand Amnesty’s complicated relationship with authority. In section 1 I briefly describe Amnesty’s core ethos and working methods, and use the

French sociologist Émile Durkheim's work on elementary forms of religious life to explain how I think we should understand what Amnesty is. This section draws heavily on the material in my book. In section 2, I ask a question that fascinated me throughout my fieldwork and still does – why Amnesty's practical rules for undertaking human rights work would come to so closely mirror Kant's description of morality in his *Groundwork for the Metaphysics of Morals* of 1795. I ask the question: Is this reason in action? This sets the scene for the discussion of what I call political authority in section 3. Section 4 then looks at the challenge from other forms of authority.

### 1. Amnesty as a Church

There are two crucial things one discovers immediately about Amnesty's institutional development. One is that human rights were not the reason for it. The second is that it was not a cause, single-issue or interested-driven group. It did not even campaign to release the two prisoners that its founder, perhaps somewhat inaccurately for reasons of his own, claimed were the reason for Amnesty's founding in the first place.<sup>8</sup> The importance of these facts cannot be overstated. It meant Amnesty was not really a human rights NGO – it was much more a movement for spiritual awakening. Amnesty's founder, Peter Benenson, was on his own spiritual quest which for him found an outlet in the face of injustice. He drew in a wide variety of supporters who were also, to some degree and for various reasons, searching for something. Amnesty's foundational symbol was an archetypal Christian image, that of the non-violent prisoner suffering on principle.<sup>9</sup> Benenson, was a British lawyer from a Russian-Jewish background who had converted, just two years before he started Amnesty, to Roman Catholicism. Other early staff members were mainly Jewish,

nonconformist Protestants, Quakers, or Catholics. There were relatively few Anglicans, the Church of England the establishment in this context.

Adopting non-violent prisoners, so called “prisoners of conscience”, presented no doctrinal problems for early members. Neither did the chosen method of protest; sending letters to governments demanding the unconditional release of such prisoners of conscience or POCs. Yet, while the original Amnesty appeal of May 1961 drew explicit attention to 1948’s Universal Declaration of Human Rights, the existence of this customary law charter was in no meaningful sense a reason for Amnesty’s foundation. The language of human rights, and the intuition that lay behind them, fitted well with Amnesty’s demand that no one should be imprisoned for speaking their mind. But for Benenson, Amnesty was part of what he himself described as the “Christian witness.” Indeed, when he thought up the idea of the Amnesty Appeal, his first act was to go into St Martin-in-the-Fields Church in London and dedicate it to the Virgin Mary.<sup>10</sup> In his 1983 dedication to an oral history of Amnesty, Benenson described this act, adding that in his view “the growth and influence of Amnesty International is due to the dedication, conscious or unconscious, to the benevolent influence of a universal, uniting, indomitable power usually referred to as compassion. This is the power and influence that I believe is symbolized in the concept of Mater Mundi.”<sup>11</sup> Human rights were corroboration, instrumentally useful, and timely. But Amnesty was not founded as a human rights organization as we would understand that term today.

Benenson’s initial idea was simple – to instigate a revival of faith in collective human action, based in individual conscience – by using the potent symbol of innocent suffering as a focal point to gather people together. These people would all be on what he described as a “wavelength”. Amnesty would, he hoped:

Re-ignite a fire in the minds of men. It is to give him who feels cut off from God a sense of belonging to something greater than himself, of being a small part of the entire human race.<sup>12</sup>

The initial 'Appeal for Amnesty', published in May 1961, aimed:

To find a common bond upon which the idealists of the world can cooperate. It is designed in particular to absorb the latent enthusiasm of a great number of such idealists who have, since the eclipse of Socialism, become increasingly frustrated...those whom the Amnesty Appeal primarily aims to free are the men and women imprisoned by cynicism, and doubt.<sup>13</sup>

To free people imprisoned by doubt by giving them a renewed sense of faith in something that transcended ordinary political action? That was Benenson's hope. For him human rights, an instrumental addition to his zeal for spiritual awakening, were not to be part of a further erosion of authority but a restatement, and enactment, of the idea that there was a meaning to life that was beyond everyday, mundane existence. That "morality" existed somehow outside or beyond these profane moorings. That Amnesty was a messenger for a message, and that message was timeless and ahistorical. This is a position that the human rights movement has all but abandoned. It has become highly pragmatic, human rights now advanced on the basis of their functional attractions in delivering particular social goods for specific social groups. This movement, for political authority, has come to be increasingly influential within

Amnesty where it has, unsurprisingly, encountered fierce resistance from the proponents of what I call moral authority.

The political context for Amnesty, a new kind of social movement, was the lingering aftermath of the Second World War and the intense stand off of the Cold War. But the deeper context was what Peter Beyer, drawing on Niklas Luhman, calls “globalizing modernity”, the defining feature of which was a certain scepticism about traditional authorities and especially growing secularism. This is the rationalism that so irked Oakeshott, as all conservatives from Edmund Burke onwards. Globalizing modernity presented the established Christian Church with a dilemma – it asked of it the question: What have you got to offer? Salvation? A good time? Why do we need you, a complete inversion of the usual ordering. As Bonhoeffer put it, everything was getting along without god and just as well as before. One early Amnesty member, the influential Bishop of Woolwich in London, John Robinson, wrote a book called Honest to God, in which he argued that it would be a good idea for the Church to stop using the word “God” for an entire generation. This sentiment was representative of what I call in the book “religionless Christianity.”

What should we conclude from all of the above? That Amnesty was as much about authority as change. It wasn’t looking to further erode faith in transcendental principles but to re-establish them on firmer ground. This helped empower human rights as they began their political assault on indivisible sovereignty, the idea that the state was the sole authority when it came to the proper treatment of its citizens.

How was Amnesty’s moral authority built? It began with these spiritual yearnings, but its religiosity came much more from the sense of shared purpose and life-saving work that grew amongst its early staff and members. It adopted human rights as moral scaffolding, not as foundations, but they became increasingly

important as Amnesty went with the flow, realizing that the language of renewed spirituality and a transcendent moral authority based in religion was just as much a victim of the globalizing modernity that human rights exemplified as the natural authority of the state, of parents and professors and politicians, as well as of priests.

Amnesty pursued the release of POCs, then the cessation of torture and the death penalty. It pursued these causes increasingly in the language of rights. The search for authority therefore went hand in hand with the active promotion of human rights via the symbolic presence of the suffering innocent. This was a time when human rights were lonely voices in the wilderness, rather than the ubiquitous ethical claims with which we are familiar today. The very nature of the organisation Benenson envisaged – one in which any detainee could be a case for Amnesty, and any person could join – meant initial members didn't share any substantive personal qualities, objective identity traits, or common interests. There couldn't be recourse to the claim that Amnesty was somehow representing their interests or reflective of their identities. Human rights came to fill this gap. Slowly, the sense of a spiritual quest, the religiosity of intense collaborative work on death and suffering, and the growing power of human rights language, was fused in Amnesty's working principles which all sought to consolidate the notion of a space that was somehow separate from worldly concerns.

What gave moral authority to Amnesty's demands was now this fusion, that is, its claim to be speaking not for any particular partisan point of view but for timeless principles; that its view was neutral and impartial, in other words. That it was, in Thomas Nagel's phrase, a "view from nowhere."<sup>14</sup> To do this, it had to be able to demonstrate that it didn't represent any interest and that its concerns were universal. It needed to create the idea that it was a messenger not a message, that it was simply

conveying what was right, and what its audience knew to be right. All trace of subjectivity was to be expunged. We can see this very clearly in its operating procedures.

From the start, Amnesty adopted a series of working methods that emphasized its role as an intermediary between morality and the people at large. These abstracted from any qualities it might have, making it a cipher, a kind of invisible transmission mechanism. The first sets of rules concerned what Amnesty would work on. It set itself against saying anything critical of any regime as such, racist, fascist, communist or capitalist. It would complain about the way individuals were treated within those regimes, but not about the regimes themselves which it took to be a “political” issue. Its principal concern was the POC, although this work later expanded to include the death penalty, torture, disappearances and extra-judicial executions. The most important fact about a POC was that he, and less frequently she, most have neither been violent nor advocated violence. The Christian archetype was therefore embedded from the first, idea of a kind of existential innocence reflecting an intuition that if someone had not advocated violence, then there could be no legitimate reason for restraining or harming them. Both of these decision – against politics, for POCs – came to a head almost immediately in the case of Nelson Mandela. Amnesty would not, at the time, criticize Apartheid, viewing it as a political question, and it could not adopt Mandela because of his support for violent resistance. It decided instead to extend its work into the areas of fair process for trials and decent prison conditions as a way to be able to lobby on behalf of ANC prisoners. This complex internal lore, as it evolved and was interpreted and reinterpreted all the time, came to be codified in a legendary document called the Mandate. It was the nearest thing to a stone tablet for Amnesty staff and members.

The next set of rules concerned maintaining impartiality between the Cold war blocs. This entailed that groups – small collections of Amnesty members who joined together to raise money for POCs and their families, and to write and send letters to them and their governments – would receive three cases to work on, one from the West, one from the East, and one what we would not call the South. This structure quite deliberately mirrored the Holy Trinity, for Benenson. This idea of “balance” soon came to be reflected in every area of Amnesty’s work. Annual report entries did not explicitly rank a country’s human rights performance, column inches devoted to each country were monitored, number of cases from each country checked, as was the composition of Amnesty’s International Executive Committee. All were scrutinized so that Amnesty could continue to claim that it had no interests. Later, an even more elaborate rule developed. Called Work on Own Country or WOOC, it prevented nationals of one country from doing research or campaigning on that country. In some cases, it even prevented them from doing work on the country of their partner, as well.

These formal rules were backed by more implicit norms that eventually became rules for preparing reports. One was that no emotive language was to be used. The style of reporting would be sober, a literal retelling of a POC’s story and calls for his or her release. There were to be no adjectives or adverbs, nothing that would smack of passion or emotion. Then there was a tortuous approvals process, whereby any reports, press release or communiqué for public consumption was to go through numerous hands and be subject to minute and detailed criticism. Even as more direct campaigning techniques developed, like the Urgent Action Network that was designed to try to get a potential torture victim released immediately, the same approvals process had to be followed.

These developments created, unsurprisingly, an intense and perfectionist culture amongst the small coterie of dedicated central staff. Their work became more like a calling. They came to codify and monitor compliance with the various methods and procedures necessary to maintain Amnesty's image as an institution that somehow stood outside, above, and beyond politics and society and spoke simply for the truth. It was a spokesperson for, and a transmitter of, moral knowledge. While the day to day work was ostensibly about releasing prisoners and pressuring governments, Amnesty's success in reality began to accumulate a sizeable store of moral authority, capped by the Nobel Peace Prize. In terms of Benenson's first hope, a renewed sense of spirituality, it is not clear whether the disparate collection of Amnesty members shared anything, even core moral beliefs, beyond just being members of Amnesty. In terms of the second, a strong sense evolved of Amnesty's special mission as a steward of the substance of moral authority, a kind of guardian of this buried treasure that the POC, his case publicized in the name of human rights, but not because his human rights were being denied, literally embodied. It is on this that I based my argument that we shouldn't think of Amnesty as a human rights NGO, but more as a Church. In appreciating the moral power that came from a principled separation between the stuff of the everyday and the idea of glimpsing a transcendental truth, it unwittingly but effectively followed the route that Émile Durkheim argued lay at the root of all social life.

For Durkheim, religion was:

A unified system of beliefs and practices relative to sacred things, that is to say, things set apart and surrounded by prohibitions – beliefs and

practices that unite its adherents in a single moral community called a church.<sup>15</sup>

Integral to religion was a division between two worlds, the sacred where communal identity and one's place within it was reaffirmed, and the profane, the world of day-to-day existence. All religions must keep these worlds apart for if the profanity pollutes the sacred, the renewal of the society will be impossible. This line, between sacred and profane, is also key to the boundary between moral and political authority. This sense of the sacred emerged, for Durkheim, "when collective life reaches a certain degree of intensity it awakens religious thought", creating a "state of effervescence".<sup>16</sup> This effervescence is based in faith, at first, but:

Men cannot celebrate ceremonies for which they see no rationale, nor accept a faith they cannot understand. To spread it, or simply to maintain it, one must justify it – in other words, generate a theory of it.<sup>17</sup>

Reason disciplines and rationalizes faith. This is where human rights enter the picture. At first simply useful supports, they now took over from un-theorized faith and became the reference point for why Amnesty did what it did. For Durkheim, faith was a "predisposition for belief which precedes proofs, [and] leads the intelligence to bypass the inadequacy of logical reasons," allowing an individual to make the "leap to believe" that is "precisely what constitutes faith; and it is faith that gives authority to rites in the believer's view." A search for authority, in essence and in practice, a theorization of the faith on which that authority was originally based, the transformation of these intuitions about what was right and just into the more formal

language of rights, and eventually the emergence of such a powerful body of international human rights law that foundational questions no longer needed to be addressed – this has been Amnesty’s trajectory. There was then no need to go back to faith. These organisational realities were a strong early indication that Amnesty would spend as much time concerned with its inner life as it would helping to free prisoners. In both its critique of established political authority, i.e., the state, and its internal contest over who had legitimate authority, a contest that continues to this day, Amnesty provided and provides ample evidence of just how important the whole question of proper authority has been to its existence. It sought to create in practical terms an anchorage from which it could claim to speak for the truth. To be taken seriously, it needed an authority that could be cast as neutral, impartial, disinterested.

## 2. Amnesty and Kant

In this section, about Amnesty’s moral authority, I want to take this further by addressing a puzzle about moral authority. The question is, why would Amnesty’s working methods, and self-understanding, of which we saw something in section 1, have come to resemble so strongly Kant’s arguments for the foundations of morality? It is clear what kind of argument will be attractive for Kantians. One that says that of course, by right reasoning, in practical terms, about what was required to give Amnesty’s ethical claims their proper form, the result would be similar because that is what morality is, and Kant famously gave it its most succinct, if controversial, exposition. Is Amnesty a practical application of Kantian reasoning? Did Amnesty work out what Kant worked out because it reasoned as he did that morality, to be morality, must have certain logical characteristics. Anyone whose reasoning was right would reach similar conclusions. It is important to say that in Amnesty’s case that

there was no explicit effort at reasoning through, from a detached or impartial, even objective, viewpoint, what working methods ought be. They evolved through an intuitive understanding that “the case for Amnesty”, as one early staff member put it, beginning with the idea of the non-violent POC, involved a kind of detachment and paring away of all judgements that could be critiqued as subjective, partial, interested, and the like.

But the parallels are stronger and more instructive, most notably in Amnesty’s understanding that what gave its cause its power was its grounding in a spirit or faith that transcended time and space. This was truth versus interests, and Amnesty was not an interest group. This is the essence of its moral authority, and it has been highly effective. The dominant understanding of human rights owes its symbolic power to this notion of moral authority. The problem, as we will see, is that it creates precisely the kind of assumption of natural authority that Beyer’s “globalizing modernity” – the rational and systematic unpicking of existing social relations – takes as its target. As Kant has suffered, so has Amnesty’s claim to be a moral authority, except amongst the declining numbers of true believers. Beyer maintained that in the world of globalizing modernity, institutions that claimed authority need to be able to demonstrate a kind of superior functional performance based on particular expertise. Grand claims and grand gestures no longer invite trust, and therefore willingness to be obligated, but simply foster suspicion. Modern citizens become sovereign consumers of ideas, and what to know what any given idea may have to offer them. They consume ethics. Amnesty established working principles that were non-contingent and which defied convention and fashion, but that look increasingly out of place as a result.

There are at several overlapping aspects of Kant's argument for the logical foundations of morality that mirror Amnesty's working principles: non-contingency, transcendence, the categorical imperative, disinterestedness, the kingdom of ends, and the notion of self-legislation. For Kant, these were parts of an argument about the necessary structure of morality. Amnesty was an enactment, faith acting through reason, of those principles. I'll briefly outline Kant's claims, link them to Amnesty's institutional evolution, and finish this section by showing how this leads into a broader argument about the link between human rights and moral authority. Let's begin with universality and transcendence.<sup>18</sup> The truth of morality, if there is a truth to morality, requires that:

we cannot refuse to admit that the [moral] law is of such broad significance that it holds not merely for men but for all rational beings as such; we must grant that it must be valid with absolute necessity, and not merely under contingent conditions and with exception. For with what right could we bring into unlimited respect something that might be valid only under contingent human conditions? And how could laws of the determination of our will be held to be laws of the determination of the will of any rational being whatever and of ourselves in so far as we are rational beings, if they were merely empirical and did not have their origin completely a priori in pure, but practical, reason (258-259).

And as Kant later says of moral concepts:

In the purity of origin lies their worthiness to serve us as supreme practical principles, and to the extent that something empirical is added to them, just this much is subtracted from their genuine influence and from the unqualified worth of actions (261).

This could stand as a motto for Amnesty. Purity of origin – what I have called in sociological terms sacredness – combined with an aversion to anything from the realm of the empirical that might pollute both the efficacy and the worth of Amnesty’s work. Morality – the ultimate secular set of demands on us to act in ways that don’t necessarily accord with our interests and inclinations – to be accorded the title “morality” must, for Kant, provide reasons that hold for everyone, equally, for all time. And, furthermore, the reason these reasons create obligations for us has nothing to do with any facet of human nature or experience or desire. We can lead a sheltered life, or one of unrestrained hedonism, and if we reason correctly we will come to the same answer as each other.

Universal and equal application is the core of the doctrine of human rights, of course, and Amnesty is not unusual in being tied to it. It creates obligations that transcend any one person’s life situation, and emphasises human equality. What Kant is saying, however, is that there can be no exceptions to this, and that the reason it binds us is that its authority has nothing to do with how things are, have been, or could be in the world. Nothing we need, want, might benefit from, and so on, has any relevance whatsoever to whether or not a prescription for acting in a certain way is moral or not. One can’t draw strength from this as an interest group. Morality is the right answer to how we should live if only we honestly answer the question. Non-contingency, the pursuit, if not the realisation, of coherence and logical consistency

became a supreme principle for Amnesty. It fought hard to avoid making exceptions, especially to its core principles, and it is fighting still. It sought to avoid any choices at all – anything that would soil the purity of the ideal with the introduction of profane concerns. This was a signal that Amnesty’s authority came from truth, and this created a reputation that bolstered the very idea that there as a truth.

These ideas were integral to the categorical imperative, Kant’s most famous moral idea. The categorical imperative commands us to act not in terms of what might be achieved by that action, but because it is the right thing to do whatever the result might be (263-264). It takes us back to the case against contingency. For a hypothetical imperative, if the end changes so does the obligation on us to act in a certain way (267). We work out what this imperative requires by following the rule: “Act only according to that maxim by which you can at the same time will that it should become a universal law” (268).

This was reinforced by various other ideas. Take disinterestedness, for example. Kant is adamant that only action from duty, not through inclination or self-interest, qualifies as moral (253). Amnesty would not meet his requirement in the narrow sense that not only should acts be done in accord with the law, but because of the law. It is hard to see how any institution that acts in the world could do so by taking an interest in the sense of moving from abstract to specific concerns (in Bernard Williams’ terms, from the third person to the first person).<sup>19</sup> But Amnesty’s moral authority has depended heavily on the idea that it has no self-interest in arguing for a particular course of action, acting on behalf of others with whom it has no direct tie of interest or identity beyond membership in the ultimate abstraction, “humanity”. And it is clear that even though Amnesty, at foundation, was “inclined” to help, and that for Kant this would give such action no moral worth, a certain level of

deprivation and suffering amongst Amnesty staff over time has, in effect, worked against happiness. It is clear from a year's exposure to the International Secretariat that happiness isn't high on anyone's list of priorities.

Next comes the idea of the realm of ends:

In the realm of ends everything has either a price or a dignity. Whatever has a price can be replaced by something else as its equivalent; on the other hand, whatever is above all price and therefore admits of no equivalent, has dignity (277).

The realm of ends is that of morality, where each person should “treat himself and all others never merely as means, but in every case at the same time as an end in himself” (276). Reinforcing the need to act without regard to its consequences is this idea that people must not be used to achieve one's ends, but treated such that their well-being is as important a consideration as one's own. This has, in Amnesty's case, gone as far as to in some ways undermine the needs of staffers themselves. It has made it difficult, for example, to separate out where one's own needs begin and where meeting another's ends cease, especially when the needs of others are seemingly endless. Moreover, what we see in Amnesty culture over time is an antipathy not just to money that reflects a degree of suspicion about the motivations of those for whom money is a motive. Money seems to commodify suffering. This scepticism about money reflects a sense that the victims have no price. It often feeds into a reluctance to be accountable for the spending of the money on the basis that this is somehow a profane request. A final aspect is self-legislation, where, as an end in himself, a rational being is:

destined to be a lawgiver in the realm of ends, free from all laws of nature and obedient only to those laws which he himself gives (278).

In a 2003 report by Amnesty on its future “image”, the following quotation bears this out nicely:

The [basic] principles have their foundation in protecting the image and reputation of Amnesty International. It is AI’s image and reputation that have made it a potent force in support of human rights. The focus of this statement is on protecting that image.

The values underlying the image began with: Impartiality, independence, credibility and consistency. The document is clear that AI “makes judgements according to its own values and principles”, that “AI’s decisions and actions cannot be bought,” and that “everything AI does can be explained by reference to its own values and processes.” Under credibility, the report says:

What AI says can be believed because AI has said it. AI says only what it knows to be true, and therefore supports its decisions and actions by proper and adequate research.<sup>20</sup>

Amnesty takes its lead from its own moral reasoning. It sought, or at least what I call “keepers of the flame” sought, to avoid taking anyone else’s word for it. They had to witness. They had to replenish their authority by being there, or at least hearing about

it first hand. I do not want to argue that Amnesty is explicitly Kant in action. But why are they so similar? Because, I suggest, both seek an anchorage that is outside the world of lived reality. For Kant it is reason, for Amnesty is practical reason in the service of faith. Moral authority cannot be moral authority unless it has a grounding beyond the empirical facts of everyday life. We have three main candidates for this: nature, god, and reason. Amnesty was a strange amalgamation of all three, attaching itself to the idea of natural rights, faith in transcendent meaning, and the logic of reasoning in terms of what would work in persuading states to release prisoners and members to support them. It knew its own authority was the issue, not the ends it sought. Faith in it, belief even, was not instrumental, not about how many POCs were released but about truth. The wavelength was a kind of plugging into the universe.

This is all changing, of course. Amnesty is now asked to be more accountable and transparent. It is asked to provide the grounds, the “proof”, of its authority, even by newer staff and members, a sure sign that that authority is ebbing away. Fewer and fewer of its supporters will “surrender their private judgement”<sup>21</sup> and simply trust that Amnesty is right, and act on that basis without undertaking their own search. Amnesty is being asked to show its results, to accept that human rights do not function in the same way for all, and that they often serve as important ways for specific identity groups to realize their interests. We can take the example’s of gay rights, women’s rights, and now abortion rights. At a book launch last week I was asked why Amnesty had been so slow to take up the rights of Roma, travellers in Eastern Europe. Amnesty’s accumulation of moral authority undermines its ability to generate political authority, and vice-versa. This is a fatal bind, potentially. Furthermore, its principled attachment to the sacred has resulted in a rejection of aspects of the profane world – money, family, time constraints, people’s gender and race – that need addressing if it

is to survive in the concrete everyday world where, in an era of challenges and increasing competition, it actually lives. Its new members talk of “advocacy, not impartiality,” and of using human rights to effect social transformations, not just protect certain negative freedoms from being eroded. As one experienced staffer put it,

I can only see human rights as an overwhelming thing that invades your personal sphere as well as the political sphere. It’s about radical structural changes. In the way societies are governed...and also the way you live your life.<sup>22</sup>

Critics of this approach accuse it of abandoning its reputation for reliability. Rather than holding on to its carefully nurtured moral authority, Amnesty’s internal contestation now includes a constituency for becoming more active in that world, by spending that authority. This has two dimensions, some who want Amnesty to be involved in more “political” campaigns, and others who want it to cash in, in more literal terms, on its reputation by marketing its “brand” on merchandise and other through other forms of endorsement. This is seen as pragmatic, useful, relevant (a word loathed by some of those who still jealously guard moral authority).

This pragmatism affects AI deeply but it is anathema to the core ethos. International law, the positive laws of nations, now supplants the need for foundational authority that is seen as conservative and cumbersome. Human rights are now, in effect, agreed ethical principles for regulating human conduct. The faith one needed is now no longer necessary – one just points to the relevant human rights treaty or convention. This descent from imperious oversight has greatly empowered

Amnesty in its ability to be more attuned to the specific complaints of certain social groups. The virtues of this pragmatism, the functions of human rights, and scepticism about the search for a grounding, are all subjects I take up in section 3. In section 4, we then return to Amnesty and ask what has been lost with the end of the search for transcendence.

### 3. Human Rights and Authority

Nothing could better illustrate the shift away from moral authority – or rather the one-shot spending of it – than Amnesty calling Guantanamo Bay the “gulag of our times.” It took sides against the US government, and used a deeply emotive and accusatory phrase to do so. Modern human rights theorists don’t see much need for this grounding any more. What they want to achieve can all be done through the authority of international law and the functional uses of human rights as political tools. The retreat from transcendence is seen as a boon not a cost of change in the human rights world.

Peter Jones explains what is at stake, what the danger of the retreat from transcendence is, as follows:

Rights which claim a moral foundation are subject to all of the doubts and difficulties that characterise any moral position. When people are in dispute about what is morally right, there is no straightforward equivalent to the statute book to which they can turn in order to resolve their differences.

He goes on:

Human rights as moral rights cannot therefore be matters of indisputable truth; they must be controversial in the way that any moral position is controversial.<sup>23</sup>

Nevertheless, the fact that there is a plurality of justifications for human rights, rather than a “single uncontroversial theory,” does not, in Jones’ view, undermine them. The variety of potential groundings for human rights he discusses are: natural law and natural rights, self-evidence, human worth, moral agency, contracts, self-ownership, goods, consequences, freedom and autonomy.<sup>24</sup> This pluralism is a sign of strength for some who feel it widens the variety of arguments that can be used for why human rights claims are justified. Most importantly, they claim the illusion, for that’s all it was, is already gone. There is simply no way it could or should be rebuilt.

For Michael Ignatieff, the turn from moral authority to politics is to be welcomed. He says, in what appears to be a direct challenge to the Amnesty legacy:

Human rights activism likes to portray itself as an anti-politics, in defense of universal moral claims designed to delegitimize “political” (i.e., ideological or sectarian) justifications for the abuse of human beings. In practice, impartiality and neutrality are just as impossible as universal and equal concern for everyone’s human rights. Human rights activism means taking sides, mobilizing constituencies powerful enough to force abusers to stop. As a consequence, effective human rights activism is bound to be partial and political.<sup>25</sup>

Later on he goes further:

Human rights is misunderstood...if it is seen as a “secular religion.” It is not a creed; it is not a metaphysics. To make it so is to turn it into a species of idolatry: humanism worshipping itself. Elevating the moral and metaphysical claims made on behalf of human rights may be intended to increase its universal appeal. In fact, it has the opposite effect, raising doubts among religious and non-Western groups who do not happen to be in need of Western secular creeds.<sup>26</sup>

This pragmatism has received its most consistent expression in the work of Richard Rorty for whom the necessary abandonment of what he terms “human rights foundationalism” would allow for the project of sentimental education.<sup>27</sup> At the centre of this argument is the idea of a “human rights culture”, a liberal democratic way of life that he hopes can be spread through conversation, but always one that in historical terms may be contingent and fleeting.

For these authors, and many others, the burden of proof is on those who would keep foundationalism. Rorty believes we are reluctant to jettison it because otherwise all we have to go on is an appeal to the good nature of the rich and powerful and their propensity to be “nice” rather than to follow the moral law.<sup>28</sup> As he says:

It is revolting to think that our only hope for a decent society consists in softening the self-satisfied hearts of a leisure class. We want moral progress to burst up from below, rather than waiting patiently for condescension from the top. The residual popularity of Kantian ideas of “unconditional moral obligation” – obligation imposed by deep ahistorical noncontingent forces –

seems to me almost entirely due to our abhorrence for the idea that the people on top hold the future in their hands, that the future depends on them, that there is nothing more powerful to which we can appeal against them.<sup>29</sup>

The refusal to let go of foundationalism is attached, for Rorty to this resentment that only through sentimental education, of the rich in our own societies and of non-rights observers in other societies, is a lingering desire for purity, for a combination of self-mastery and self-sufficiency.<sup>30</sup> The advent of the human rights culture obviates the need for this. But this sets up a more political battle between liberal norms and the rest, a battle that we may see the US as fighting now.

The loss of belief in foundationalism is not a weakness but a strength for these pragmatists. It makes rights more flexible, opening up a way of spreading them that doesn't rely on convincing others of their truth, and on conversion, but of achieving behavioural change by a variety of means, sentimental education being one, self-interest being another. Human rights ceases to be about truth, and moral obligation, and becomes about political and social struggle. This is often how human rights have actually worked, its critics outside the West arguing that in fact in their areas of the world Amnesty has achieved very little. In South America for example, the idea of rights was so successful because it was a language neither of the left nor the right, giving those resisting the American-backed military dictatorships of the 1970s and 1980s a way to articulate their grievances that was at one and the same time effective in the West and hard to pin down as openly socialist. It improved the prospects of solidarity. The argument that rights were impartial thus had political efficacy in this case; the question of whether or not they really were impartial was to all intents and purposes irrelevant.

In Africa, arguments for civil and political rights have been an important part of the demands made by opposition movements against their own dictatorships, while calls for social and economic rights have been potent in advocating better terms of trade and moral development aid from the West. Often these rights are for very specific things: better healthcare access, equal treatment under divorce law, or recognition of native ownership of land. They are characterised by an implicit appeal to transcendent principles combined with a demand that these rights be formalised in legal terms, and then monitored for compliance.

This raises two crucial questions with which I want to conclude this section. The first is the mismatch between what is implied and what is said. Does the political account of human rights, and their success as a means by which to achieve concrete social and political gains, reliant nevertheless on an implicit idea that they are in some more transcendent sense true? Thus, the role of Amnesty has been to establish this deep-seated cultural norm that what backs human rights is an insight that they are not contingent but real; that they are in some sense natural. I think Amnesty comes to look like Kant because it is trying to establish a “natural” anchorage. As Daston and Vidal put it,

The natural is synonymous with the self-evident, melding habit with duty. The “is” and “ought” blur together, despite strenuous efforts to hold them apart. Nature’s order seems to reconcile autonomy and obedience, the strait and narrow path to virtue with the lazy path of least resistance. Hence the steady tug of nature authority, despite centuries of closely argued criticism. “Doing what comes naturally” holds out the dream, of the self-enforcing rule.<sup>31</sup>

If we all abandon the claim to something beyond the empirical “is”, if no one is doing the labour of building a resource that one can draw on for transcendence, then over time isn’t the political argument for change simply disarmed of much of its power. The claim to transcendent authority of some sort, nature or reason, if god is irreplaceable, has a simplicity, a motivating force, that can also generate collective action. The language of truth has to be a powerful weapon. Amnesty, through its imperious separation and manifest self-sacrifice, has created the impression of a truth that is the source of moral authority from which many, implicitly and unconsciously, have taken strength.

The second is the relationship between creating the impression of access to truth, and the question of whether they may or may not actually be such a truth. The need for at least some sense that there is an answer is crucial to creating the conditions in which the conversation can take place, whether that conversation about how we might live is that of Rawls, Habermas, or Rorty. If we begin this conversation with the lack of anything which stands beyond rectification, in a wholly political world, then some of the urgency is lost and the tension between the people and the state or community as a collective that transcends time is gone. How will we search if we think there may be no destination? Doesn’t this create the kind of world Hobbes saw the state as the answer to? All nations do this in symbols that create the community as a meaningful entity beyond the life spans of any one set of particular people. They do it through flags, rituals and ceremonies, historical retellings and so forth. Conservative movements have always sought to embed these symbols of continuity, and have often been suspicious of rationalisation as a result. The essence of conservatism is, it is ain’t broke, don’t fix it. In the final section, I will say a few brief remarks about this.

#### Section 4: Amnesty and Authority

The most prominent conservative critique of the rights movement in the Western world comes from the United States. Its foreign policy variant, with which Max Kampelman, whose names graces this lecture, is associated of course, has in both the 1970s and more successfully in the early 2000s argued for a more militarised and muscular spreading of the doctrines of so-called “liberal” or democratic values. There is an irony here, of course, in that to be called a “liberal” within the United States is a political insult. This is for the simple reason, surely, that the liberal nature of the United States political and legal system is seen as such a natural fact that it is beyond question, meaning that the word “liberal” can be reserved for those who seem lax when it comes to social and moral values, something which America as a whole is decidedly conservative about. It is also why human rights can be an element of neoconservative foreign policy while the United States as a whole retains a principled exceptionalism to its own inclusion under this umbrella.<sup>32</sup> It is this domestic social conservatism that briefly interests me here. It can be seen at its strongest in efforts to elect Supreme Court justices, termed “originalists”, whose aim is to return the court to as literal and narrow a reading of the American Constitution as possible.<sup>33</sup> The most high profile conservative to be proposed for the Supreme Court was Robert Bork whose nomination was defeated in a blaze of acrimony and publicity under Ronald Reagan. He was superseded eventually by the equally conservative if less forthright Justice Clarence Thomas. But the most influential of the originalists is Justice Antonin Scalia, for whom the proper function of a Constitution is to “rigidify things.” His strongest ire is reserved for the term “living Constitution,” meaning one that should be interpreted flexibly given changing times, and what he sees as the “invention” of bogus new rights like “the right to privacy.”<sup>34</sup> The Constitution says

nothing about a right to abortion, and nothing to prevent states using the death penalty, and that for Scalia is the beginning and end of the matter. At the core of the conservative movement is the idea that once traditional authority has been established, and concrete historical individuals have found ways to get on with each other, then this social capital is to be protected and guarded. There is wisdom in the past, but also the longevity of certain institutions in maintaining social order and promoting certain ways of life is also testament to their value. This is all destroyed by too much rationalism. For the rationalists, the question is whose preferred way of life; if it is embedded in a social order they find unjust and oppressive, then the fact that it has been this way for a while or is written in a highly esteemed legal tract says nothing in its favour.

For conservatives, the deployment of reason is the error here. Acquired historical wisdom and working mechanisms are thrown over by the rationalist – that is the deployer of reason – in the mistaken belief that there can be perfection and uniformity.<sup>35</sup> Opponents of rationalism have other arguments too, and not all conservative. They can claim that human rights erode local capital, can't substitute for thick social obligations, fail to generate emotional commitment or connection, and are far from easy to understand when one moves from intuition to enactment. This is where Strauss would come in, against opening up this can of worms at all.

Once one has authority one hangs on to it. It must be nurtured, protected, entrenched. Conservatives understand this. History can go backwards as well as forwards. It doesn't have that Hegelian teleological drive of thesis, antithesis, synthesis. We are always two steps away from the precipice. The new Amnesty some, many, seek to make would have no sympathy with this. But the old Amnesty, sceptical about many if not most of the social virtues conservatives support,

nevertheless, understands that authority in and of itself is a valuable resource one meddles with at ones peril. Despite their adversarial relationship, what Amnesty recognised was that to generate obligation – the willingness to go against ones inclinations and desires, and even against ones wishes, in the service of something greater than oneself – one had to have a fundamental degree of trust in the authority. Both understand what Durkheim was talking about – that without a sense of the sacred, of things set apart, the renewal of society becomes impossible. Rights already work at a disadvantage – they need to make the case for an inclusive morality whereas difference can be a powerful engine for the conservatives, emphasising the attractions of one way of life and the need to retain its uniqueness and specificity by contrast with another way of life. But both are concerned with deep authority. The move into modern human rights – relevant, partial, campaigning – is to disavow this struggle. And this leaves much potential in the hands of the conservatives, who are thriving where the rationalists, the liberals, have created a void in terms of simple, comprehensible messages of meaning. What symbols do advocates of the new world order have to refer to in creating that sense of a natural authority that is one of the most important but intangible aspects of power? The power of reason, it seems to me, in the abstract is hopeless. But Amnesty had generated some authority in this way. But it couldn't generate political allegiance. It is about non-identity and the stuff of social power is identity. Whatever rights say, and whatever their specific problems, their inability to generate authority by undertaking this new more engaged politics is a potentially fatal error. It will leave them, as it frequently does with liberalism, appealing to people's interests, rather than a sense of something greater than themselves.

Amnesty's founders understood that they needed more than this. To be able to generate belief, they needed authority. This is what the POC seemed to provide, a kind of moral fact. Human rights hijacked this. The secular religiosity came not from human rights but from the accumulation of moral authority. Amnesty looks more like Kant, not because it had a reasoned philosophical project, but because it sought to maintain foundations that were timeless and ahistorical. Authority is performed, through witnessing, reporting, suffering.

Most of all, this early work created authority for Amnesty, and therefore for the formerly influential conception of human rights as a kind of truth, traversing the ages, through time and place, something that had always been true just unrealised or undiscovered. This was the very opposite of pragmatism. They transcended non-contingent and logical truth. This was as powerful as authority could get, albeit in faith unlike Kant's in reason.

If we lose the sense of a possible transcendence, the conservatives are left with more powerful tools in their armoury. The language of nationalism is theirs. How can rights match this? By claiming to represent a deeper truth? Which battle are human rights in, for surface social change or deeper authority? Perhaps, like a pendulum the right is back to fighting the battle it lost in the 1960s. In the arsenal of things that you want to be able to say, truth is a powerful idea. Can liberals really fight the good fight without it?

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<sup>1</sup> The definition of authority I am using is roughly as follows: To have authority is to possess the capacity to generate the feeling in others that what you, as an authority, are saying, properly gives rise to effective reasons and or obligations that they should

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recognize and observe. I know this definition is far from uncontentious, especially the word “feeling”. What is the role of “reason” here? Do we recognize an authority because it speaks to feelings we already possess? Can a reason create a feeling? I don’t think anything in my argument turns on it; that there is something we recognize as authority that is more powerful than persuasion in creating beliefs or reasons for action in us seems straightforwardly the case. See Joseph Raz, The Morality of Freedom (Oxford: Clarendon Press, 1986), chaps. 2-4; R B Friedman, “On the concept of authority in political philosophy,” in Joseph Raz (ed.) Authority (Oxford: Basil Blackwell, 1990); also Bernard Williams, “Internal and external reasons”, in Moral Luck (Cambridge: Cambridge University Press, 1981), and John R Searle, Rationality in Action (Cambridge, MA: MIT Press, 2001).

<sup>2</sup> See Stephen Hopgood, Keepers of the Flame: Understanding Amnesty International (Ithaca: Cornell University Press, 2006), 63.

<sup>3</sup> Michael Oakeshott, Rationalism in Politics and Other Essays (London: Methuen & Co, 1962), 1.

<sup>4</sup> Stephen Holmes, The Anatomy of Antiliberalism (Cambridge, MA: Harvard University Press, 1993), 63.

<sup>5</sup> Holmes, The Anatomy of Antiliberalism, 63.

<sup>6</sup> Hopgood, Keepers of the Flame, 234, n. 57.

<sup>7</sup> Ann Marie Clark, Diplomacy of Conscience: Amnesty International and Changing Human Rights Norms (Princeton: Princeton University Press, 2001). Margaret E Keck and Kathryn Sikkink, Activists Beyond Borders: Advocacy Networks in International Politics (Ithaca: Cornell University Press, 1998).

<sup>8</sup> Hopgood, Keepers of the Flame, 55.

<sup>9</sup> Hopgood, Keepers of the Flame, 52-72.

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- <sup>10</sup> Hopgood, Keepers of the Flame, 55-57.
- <sup>11</sup> Hopgood, Keepers of the Flame, 56-57.
- <sup>12</sup> Tom Buchanan, ‘ “The truth will set you free”: The making of Amnesty International’, Journal of Contemporary History 37, no. 4 (2002): 593-594.
- <sup>13</sup> Buchanan. “ ‘The truth will set you free’ “: 593. The young and “women past their prime of life who have been, unfortunately, unable to expend in full their maternal impulses” were among his key target groups.
- <sup>14</sup> Thomas Nagel, The View from Nowhere (Oxford: Oxford University Press, 1986).
- <sup>15</sup> Émile Durkheim, The Elementary Forms of Religious Life, trans. by Carol Cosman (Oxford: Oxford University Press, 2001 [1912]): 46 (italics in original).
- <sup>16</sup> Durkheim, The Elementary Forms: 317.
- <sup>17</sup> Durkheim, The Elementary Forms: 326.
- <sup>18</sup> All references are to page numbers in Immanuel Kant, “Foundations of the Metaphysics of Morals”, in Lewis White Beck (ed.) Kant: Selections (New York: Scribner/Macmillan, 1988 [1785]).
- <sup>19</sup> Bernard Williams, Ethics and the Limits of Philosophy (London: Fontana Press, 1993).
- <sup>20</sup> Hopgood, Keepers of the Flame, 196.
- <sup>21</sup> Raz, The Morality of Freedom, 38.
- <sup>22</sup> Hopgood, Keepers of the Flame, 106.
- <sup>23</sup> Peter Jones, Rights (London: Macmillan, 1994), 91.
- <sup>24</sup> Jones, Rights, chaps. 5 and 6.
- <sup>25</sup> Ignatieff, Michael. “Human rights as idolatry” in Amy Gutmann (ed.) Michael Ignatieff: Human Rights as Politics and Idolatry (Princeton: Princeton University Press, 2001), 9.

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<sup>26</sup> Ignatieff, “Human Rights,” 53.

<sup>27</sup> Richard Rorty, “Human rights, rationality, and sentimentality”, in Stephen Shute & Susan Hurley (eds.) On Human Rights: The Oxford Amnesty Lectures 1993 (New York: Basic Books, 1993).

<sup>28</sup> Rorty, “Human rights, rationality, and sentimentality,” 130.

<sup>29</sup> Rorty, “Human rights, rationality, and sentimentality,” 130.

<sup>30</sup> Rorty, “Human rights, rationality, and sentimentality,” 131.

<sup>31</sup> Lorraine Daston and Fernando Vidal, “Doing what comes naturally,” in Daston and Vidal (eds.) The Moral Authority of Nature (Chicago: Chicago University Press, 2004), 14.

<sup>32</sup> See Michael Ignatieff, American Exceptionalism and Human Rights (Princeton: Princeton University Press, 2005).

<sup>33</sup> See Bruce Ackerman, “The stealth revolution continued,” in London Review of Books, vol. 28, no. 3, 9<sup>th</sup> February 2006.

<sup>34</sup> Margaret Talbot, “Supreme Confidence: The Jurisprudence of Justice Antonin Scalia,” The New Yorker, 28<sup>th</sup> March 2005.

<sup>35</sup> Oakeshott, Rationalism in Politics, 5.