2011

Formal Democracy, Structural Violence, and the Possibility of "Perpetual Peace."

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Available at: https://works.bepress.com/andrew_pierce/5/
The rhetoric of democracy has come to play a significant role in shaping contemporary world affairs. Perhaps the most striking example of this rhetoric in recent memory involves the (post facto) justification for the U.S. invasion of Iraq, where the brutal violence and repression of Saddam Hussein’s regime was taken by the Bush administration to justify regime change and the forceful implementation of democracy there. The success of that venture at this point in history is still largely uncertain. Suffice it to say that it is far from obvious that the efforts there have produced a lasting peace in the region, as some had hoped. But apart from the strategic, empirical, and historical particularities of the conflict in Iraq, the rhetoric of democracy (which, after all, is not unique to this particular conflict) deserves philosophical scrutiny in itself. Underlying the justification for the invasion of Iraq is the philosophical premise that democracy produces peace. This assumption can be traced back at least as far as Kant, who counted a republican state among the three fundamental prerequisites for a “perpetual peace”. It is this implicit premise that I wish to challenge. I will argue that formal democracy does not, in principle, lead to the eradication of structural violence. Rather, the attempt to eliminate structural violence (which, as I will show, is key to understanding terrorism both domestic and international) requires a more substantive sort of democracy, of which the United States and the West have as much to learn as Iraq and other non-Western nations. In particular, I will argue that it requires what Nancy Fraser calls “participatory parity,” a conception of democratic equality that focuses on the actual ability of citizens to participate in public, democratic processes of
deliberation. This project is complicated by the fact that violence and democracy are terms used in a variety of senses. For this reason I will speak of formal democracy and structural violence, and attempt to define them as carefully as possible as I proceed.

Republicanism, Democracy, and Peace

In ‘Toward Perpetual Peace’, Immanuel Kant’s “first definitive article for perpetual peace” states that “the civil constitution in every state shall be republican.” Such a republican constitution is defined as one that is based upon individual freedom, formal equality, and “the dependence of all upon a single common legislation.” Such a state, Kant thinks, will be far more reluctant to go to war, since unlike a despotic state where the despot reaps all the glory of war with none of the hardships, the citizens of a republic feel the consequences of war most directly. Since the consent of these citizens is required to declare war, unjust or unnecessary wars will be eliminated, as the citizenry will not be willing to make the necessary sacrifices.

However, Kant carefully distinguishes a republican constitutional state from a democracy. Democracy, he says, is despotic, due to the ability of the demos to wield absolute power over the minority, which violates respect for individual freedom. Moreover, Kant claims that even in an autocratic state (like for example Kant’s Prussia under Frederick II) republicanism can be achieved through gradual reform, whereas “in a democracy it is impossible except by violent revolution.” Here then, we appear already to have an argument against the claim that democracy produces peace. However, it is a hasty one. We should recall that Kant writes at a time when democracy in its modern form is just emerging, by and large through violence. Thus it is reasonable to assume that the democracy Kant has in mind is democracy in
its ancient, direct form, by which the violent infancy of modern democracy is judged as equally despotic.

The distinction is echoed in *The Federalist Papers*, specifically in the 10th essay, where James Madison argues that what distinguishes democracy and republicanism is that the former becomes more prone to violence as it grows, due to the creation of factions, while the latter can become more stable, since it is founded upon the rule of law and the election of representatives rather than the whims of the majority. Unlike Kant then, who worries about the violent births of democracies, Madison worries that democracies are “violent in their deaths.” Despite this contrasting emphasis however, the worries are essentially the same. Democracy in its purest, direct form is prone to faction and violence, and it must be tempered by stable institutions and representative structures.

Yet the distinction between republican and democratic states is blurred by the development of modern constitutional democracy in its surprisingly stable form. The constitutional democracies of the contemporary world, and especially the western world, are also republics. Their popular sovereignty is expressed through representative institutions and tempered by inalienable rights and freedoms. By formal democracy then, I mean to point to this conglomerate institution, which, in spite of Kant’s concerns, is very much like his vision of a republican constitutional state.

Given that Kant’s definition of a republican constitutional state corresponds to what I am calling formal democracy, his first definitive article represents precisely the premise implied in the kind of democratic rhetoric outlined above. In his 2005 State of the Union address, for example, President Bush, assuring that progress in Iraq and the Middle East would be forthcoming, stated that “because democracies respect their own people and their neighbors, the
advance of freedom will lead to peace.” And while one might not have expected Bush to make this point by way of a distinction between democracy and republicanism, the spirit of the maxim is the same. Stable, democratic republics are less prone to violence. How is one to evaluate this claim?

In spite of the close empirical relationship of democracy and republicanism, one should not completely write off the criticisms of “democracy” as Kant and Madison understood it. Importantly, they place violence at the heart of the democratic state; at its beginning and its end, respectively. For Kant, it is not that democracies cannot throw off their despotic nature and become republican, but that they can do so only through violence. In ‘Toward Perpetual Peace,’ this claim remains largely unexplained. Presumably, the disregard for individual rights and freedoms that Kant identifies with democratic sovereignty makes it possible for the majority to commit acts of violence against the minority, which would perhaps give rise to counter-violence on the part of those minorities. But it does not follow from this tendency toward violence (which, again, is quite close to the tendency toward faction violence that Madison identifies) that violence is the only way for democracies to shed despotism or that republicanism is “impossible” to achieve without it. This seems to be an overstatement, perhaps attributable to Kant’s close proximity to the French revolution, about which he expressed serious ambivalence, praising its ideals, but condemning its violent methods.

Perhaps Madison’s worries about democracy and violence can be understood in a similar way, shaped as they were against the background of revolutionary fervor. But tempering the claims in this way does not invalidate them. They still point to a real tension, and speak to the fragility of the democratic order, the intensity with which the democratic logic includes and excludes. What I mean to suggest is that, even though the conceptual distinction between
republicanism and democracy has been obscured by the historical co-development of these forms of governance, there is an important way in which it is still relevant. The synthesis of democracy and republicanism obscures an underlying tension between individual freedom and the collective will of the demos, a tension that might itself be considered violent or else may be considered the cause of eruptions of violence. If one believes Kant and Madison, then it is the democratic element that is responsible for this violence, though again, I am hesitant to share this conclusion.

There are at least two possible interpretations of this underlying tension. I will call them the metaphysical and political interpretations. The metaphysical interpretation is stronger, asserting that this tension is somehow inscribed in the logos of modern democracy. It is not therefore just a tension, but a ‘paradox,’ a ‘contradiction’ or an ‘aporia’. Derrida was perhaps the primary proponent of this sort of view, and it has been furthered by Derridean political thinkers like Chantal Mouffe, Ernesto Laclau, and Giorgio Agamben. On the other hand, the political interpretation sees this tension as a result of specific historical contingencies, and thus views its elimination as the goal of a normative politics. Habermas’ notion of deliberative democracy fits in this category, as does Nancy Fraser’s alternative conception of “actually-existing” democracy. In what follows I will evaluate these two interpretations (metaphysical and political) and how they bear on the claim that democracy is a necessary precondition for perpetual peace. I will argue that some variety of the political interpretation sheds more light on this issue, and is better suited to understanding the possibilities and limitations of a politics of peace.

**The Metaphysics of Democracy to Come**

In an essay entitled ‘On Cosmopolitanism,’ Derrida arrives at the conception of “democracy to come” through a deconstruction of Kant’s requirements for perpetual peace. Here
Derrida considers not the first, but the third of Kant’s propositions, which states that “cosmopolitan right shall be limited to conditions of universal hospitality.” Derrida identifies in this principle two conflicting tendencies. On the one hand, it is derived from natural law, from the rational nature of human beings as such. In this regard it is unconditional. On the other hand, Kant places explicit limits on the right of hospitality. What “the foreigner” can claim “is not the right to be a guest (for this a special beneficent pact would be required, making him a member of the household for a certain time) but the right to visit” which is derived from “possession in common of the earth’s surface.” For Derrida, this conditional postulation is inadequate. In the wake of the massive, violent displacement of peoples that occurred in the twentieth century (and continues to occur into the twenty-first), what is needed is precisely what Kant denies, a “right of residence” or of refuge, based on “forms of solidarity yet to be invented.” Yet, Derrida admits, this unconditional hospitality is impossible. It represents the limit of the concept of hospitality. The practical project then, is to envision ways to “transform and improve the law…between the Law of an unconditional hospitality…and the conditional laws of a right to hospitality, without which The unconditional Law of hospitality would be in danger of…being perverted at any moment.” The ultimate end of such reflection would be “a new order of law and a democracy to come.”

In the first place, it is not entirely clear what it means to work between two seemingly contradictory but equally necessary propositions. At some level, this is precisely what deconstruction is about, and so an explication of this call to action would require a more ambitious analysis of Derrida than I can give here. I bring up this point however, in order to show how it bears on the question of violence (that is, how it relates to Kant’s first proposition). This is given more clearly in ‘Force of Law,’ subtitled ‘The ‘Mystical Foundation of Authority’.”
Here Derrida concludes that “since the origin of authority, the foundation or ground, the position of the law can’t by definition rest on anything but themselves, they are themselves a violence without ground.” So, one can conclude that, since law itself is a type of violence, whatever sort of “new order of law” one creates, it will be violent in this way. In other words, in the absence of a deconstruction of the opposition between violence and non-violence, between war and peace, Derrida’s comments lead one to deny Kant’s first proposition. If law itself is violence, then a republican constitutional legal order (or any other for that matter) will not produce peace no matter what further conditions one appends to it.

Yet, as Nancy Fraser points out, “this is a ‘violence’ that can in no meaningful sense be called ‘political,’ as it is independent of any specific institutional or social arrangements and is not subject, even in principle, to change.” Thus, she concludes, “the force of law’ in Derrida’s account is essentially metaphysical.” She contrasts this with a “political” critique of “the force of law” which would “foreswear quasi-transcendental reflection on the ‘violence’ that must inhere in any possible legal institution in favor of analysis and (mere) critique of the forms of masked, structural violence that enter into social processes of judging.” If Fraser is right, one would be hard pressed to find in Derrida the analytic preconditions for evaluating the prospects for peace in any form of governance, democratic or otherwise. I think Fraser is right, and her criticism is validated by its applicability to attempts by Derridean political thinkers to develop Derrida’s vague conception of “democracy to come” into a more substantive democratic theory.

Take for example, Mouffe’s explication of the “democratic paradox” given in the book of the same name. Here, Mouffe echoes Kant’s distinction between republicanism and democracy, albeit with an important difference. Modern (or formal) democracy, she says, comes from the synthesis of two very different traditions. “On one side we have the liberal tradition constituted
by the rule of law, the defense of human rights and the respect of individual liberty; on the other the democratic tradition whose main ideas are those of equality, identity between governing and governed and popular sovereignty."\(^{18}\) What she calls the “liberal tradition” corresponds to Kant’s notion of republicanism. The “democratic tradition” on the other hand, especially in its element of “popular sovereignty,” is equally clearly what Kant despises (republicanism, he says, is not a “form of government” but a “mode of sovereignty” opposed to despotism, which he claims is the most common mode of sovereignty of democratic regimes). Unlike Kant however, who aims to distinguish the two, supporting the one and condemning the other, Mouffe asserts that these two elements are inextricably linked, “creating a relation not of *negotiation* but of *contamination,*” where each “changes the identity of the other.”\(^{19}\) This insight leads her to call for “the need to relinquish the illusion that a rational consensus could ever be achieved where such a tension would be eliminated, and to realize that pluralist democratic politics consists in pragmatic, precarious and *necessarily unstable* forms of negotiating its *constitutive paradox.*”\(^{20}\)

She thus advocates an “agonistic” model of democracy in which conflict is seen as central to political life, and not as a barrier to be overcome through rational deliberation and consensus. It is easy to see then, how violence might arise from the necessary instability of democratic politics, and the ineliminable conflict at its core. However, the key to neutralizing such violent tendencies, she thinks, is distinguishing “agonism,” which views one’s political opponent as an “‘adversary,’ that is, somebody whose ideas we combat but whose right to defend those ideas we do not put into question,” from “antagonism,” which views one’s political opponent as the ultimate enemy, toward whom violence is therefore appropriate.”\(^{21}\) By making this distinction, she can thus claim that “the aim of democratic politics is to transform *antagonism into agonism.*”\(^{22}\)
On the surface, this program might be interpreted as an attempt at pacifying the constitutive conflict of democratic politics, and therefore providing a renewed defense of the link between democracy and peace. Upon closer scrutiny however, the distinction between agonism and antagonism breaks down. For one might ask, what justifies the view that one’s opponent is worthy of consideration as an “adversary” rather than an enemy? Is it not a higher level agreement or consensus about the importance of respect and toleration? And if that presumption itself constitutes a political claim (in Carl Schmitt’s sense), corresponding to a political body (an “us” to be opposed to a “them”), then couldn’t it also be opposed in an agonistic way? If it could, then the presumption of respect and tolerance seems no longer to apply, and the possibility of violence is reintroduced. That is, the collapse of respectful “agonism” into violent “antagonism” is an ever-present possibility which can never really be eliminated. Mouffe acknowledges as much when she condemns those who see “violence and hostility” as an “archaic phenomenon to be eliminated,” insisting instead that “reciprocity and hostility cannot be disassociated.”

Like Derrida, Mouffe places violence at the heart of the democratic polity. Her interpretation too is metaphysical in Fraser’s sense. However, to say that it is metaphysical does not necessarily mean it is not true. It may very well be the case that violence is intrinsic to the structure of law or politics itself, and therefore possibly ineradicable. Yet, before accepting this grim conclusion, it would be wise to investigate its alternatives, and the political interpretation of violence appears to be a reasonable one.

A recent essay by Brian Trainor provides support for such an interpretation. In denying any foundation for the authority of the law, Trainor argues, Derrida and his followers “discover” a certain paradox of political critique. By questioning the authority of the law, one also claims a certain authority for oneself, which is equally contestable, so that the attempt to critically
undermine the foundations of legal authority simultaneously undermines the authority of this very critique. Trainor traces this paradox to a fallacious, “architectural” conception of foundationalism, one that understands “foundation” in terms of a base upon which to build a separate, external superstructure, and proposes instead a foundationalism that “evokes the sense of an intimate, organic, living relationship between an inner, noumenal ‘heart’ of political life that flows into its phenomenal appearances and is expressed through the empirical ‘outer’ of public life.”25 This latter type of foundationalism, Trainor thinks, is immune to the types of criticism that theorists like Derrida make of foundationalism in general (though correctly he thinks in the case of “architectural” foundationalism). Unfortunately, Trainor, drawing from Hobbes, identifies the “heart” of political life as the state (the sovereign body that persists over time), and the government (the particular persons entrusted with the task of governing at any given time) as its phenomenal appearance. This move unnecessarily limits the scope of politics, such that “invariably, political criticism is directed towards the adequacy or inadequacy of the government’s representation of the state.”26 Whether or not this vision of political critique is appropriate to developed liberal states (and I think it is not), it is certainly not helpful for understanding the role of political critique within failed states, or within states whose sovereignty has been called into question by external forces. Even if one remains unconvinced that the model of the nation-state is no longer adequate for global political discourse, one cannot deny that governmentality, to use Foucault’s term, extends its authority well beyond the boundaries of ‘governments’ narrowly construed. Trainor’s point is well taken then, but his alternative foundation for critique must be expanded to account for these other contexts. As I will show, Fraser’s conceptual framework is more adequate to this task.
Structural Violence and Political Critique

The political interpretation of the tension between individual freedom and collective will formation focuses on forms of violence that are eradicable, or at least capable of mitigation. If formal democracy does in fact produce peace, then an analysis of this type should help show how, or else it should show where it falls short. Fraser, for her part, pursues this analysis in terms of a “critique of the forms of masked, structural violence” and suggests three discrete but interrelated levels upon which such a critique could act. At the level of “basic constitutional principles,” one can investigate the ways in which forms of structural violence are concealed by formal legal principles, such as the right to private property. The kind of political criticism that Trainor argues for gives an accurate description of this level of critique, insofar as constitutional principles could be considered part of the “noumenal heart” of the state, which give rise to certain phenomenal effects, including, perhaps, the kind of structural violence Fraser has in mind. At the level of the “deep grammar of legal reasoning,” one can discover general tendencies existing over and above particular laws, which encourage certain sorts of legal remedy and discourage others. An example of critique at this level would be examining the extent to which individual harms can be remedied through certain legal systems whereas systemic or structural harms against groups cannot. Finally, one can engage in critique at the level of “cultural background.” At this level, one can reveal and challenge the underlying cultural assumptions that contribute to and are concealed by the formal legal principles and trends of the above type.27

These three levels of analysis are necessary to understand the possibilities for peace in democratic contexts, and in general. Kant’s required republicanism, which I have explicated in terms of formal democracy, deals only with the first level, the level of “basic constitutional principles.” But a stable democracy is unlikely if the formal political structure is constructed in
isolation from, and leaves relatively unaffected underlying cultural and “deep grammatical” conflicts. Recent feminist scholarship, for example, has shown how formal legal equality can and often does conceal and thereby support the continuation of pre-legal forms of inequality and discrimination. And the fact that the United States has given birth in recent years to its own varieties of non-state (not to mention state) terrorism in the forms of school shootings, attacks on abortion clinics, as well as large scale attacks like the Oklahoma City bombings, should not be forgotten. While the causes of such violence are many and complex, and surely it would be a mistake to name limitations of political scope as the sole or even primary cause, one cannot help but recall these instances in opposition to the claim that formal democracy produces peace, domestically or otherwise.

In cultures where violent outbursts such as these occur with some regularity, one is tempted to identify some element or other which can at least partially link, and ultimately mitigate them. Of course, this temptation may lead into error. It may be the case that no such unifying explanation exists. However, if it were possible to identify at least some unifying factors shared by diverse forms of violence within a given society, one should count that, I think, as a theoretical virtue, given that it would be a first step toward understanding, for example, why the past century has arguably been the most violent in human history, why societies supposed (by themselves at least) to be exemplars of peace and prosperity are marred by domestic violence, gang violence, police brutality, and etc. I do not, of course, mean to address all of these issues here. I only mean to point out the possibility that these forms of violence may have grown together as symptoms of a single disease. I will argue that a conception of structural violence can begin to provide such a diagnosis, and that Fraser’s conception of ‘participatory parity,’
appropriately applied to *all* of the levels of critique she identifies, can help to mitigate this underlying violence and thus also its manifestations in terrorism of various sorts.

To construct such a unified account, Johan Galtung’s account of structural violence is a useful resource. Galtung understands violence broadly as “avoidable insults to basic human needs.” He thus gives a typology of such basic needs, and a corresponding typology of forms of violence, structural and direct, that can result from the deprivation of each need type. Galtung’s understanding of violence, then, insofar as it is considered by definition “avoidable” falls under what I have called a political interpretation. Now, the project of developing a typology of “basic human needs” is controversial at best, given that needs are more fluid and subject to negotiation and deliberation than this static view recognizes. Fortunately, the form of Galtung’s typology is not dependent upon this particular task. One could, following Axel Honneth, try to define violence in relation to indignation, or conceivably in some other way. I cannot sufficiently argue here for one conception or another, beyond a general argument for some version of the political interpretation of structural violence. Still, Galtung’s typology makes visible the ways in which direct manifestations of violence are actually eruptions of underlying processes of structural violence: exploitation, oppression, marginalization, and etc. In terms of Fraser’s account, one can apply the distinction between structural and direct violence to each of her levels of critique, effectively replacing Galtung’s needs typology with what one might call her ‘sociology of critique’. The partial results of such a transplantation are given below.
Table 1. Typology of Violence at Fraser’s Three Levels of Critique.31

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<th>constitutional principles</th>
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<td>direct violence</td>
<td>revolution, domestic terrorism</td>
<td>ghetto “uprisings,” international terrorism</td>
<td>resignification, detournement</td>
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<td>structural violence</td>
<td>exploitation, legal discrimination</td>
<td>Oppression</td>
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This typology should not be taken as an exhaustive social ontology of forms of violence, nor should its categories be taken as strict definitional boundaries. Rather, what I have provided are examples of structural and direct violence that tend to correspond to each other at each level of Fraser’s critical framework. To be sure, both the forms of violence at each level and the levels of critique themselves overlap in complex ways. Still, it makes some sense to try to distinguish the different forms of structural and direct violence in this way, for reasons I will now outline.

Exploitation is given by Fraser as a paradigmatic object of critique at the level of basic constitutional principles. The constitutional protection of private property, she claims, conceals the ways in which elite groups can and do benefit from harms inflicted upon the majority. By exploitation then, I am following Fraser in pointing to economic or, to use a less fashionable term, class exploitation. Other forms of exploitation may also be relevant here, but some, like sexual exploitation, may fit better under the category of oppression, for reasons I will soon make clearer. I have also included legal discrimination as a form of structural violence at this level. Although it does not require a very sophisticated critique to identify such blatant violations, it seems obvious that where it still exists, de jure discrimination, for example of the kind that gays
and lesbians still face even in “tolerant” liberal nations, ought to be treated at the level of constitutional principles.

Corresponding to these examples of structural violence at the level of basic constitutional principles, I have identified revolution and domestic terrorism as examples of direct violence. By revolution I have in mind primarily the traditional Marxist ideal of taking over the means of production and thus ending economic exploitation, but also “merely” political revolutions, where the goal is control of a limited state apparatus. These are extreme examples of not just criticizing, but reconstructing basic constitutional principles, or at least reconfiguring one’s own position in relation to them. I leave open the question of whether there is such a thing as a “social” or “cultural” revolution, or whether the use of the term ‘revolution’ there is metaphorical. Domestic terrorism also can appear as an effect of underlying exploitation and discrimination. Even if the goal is not to take control of the State or the means of production, domestic terrorism is often conceived as a response to some perceived persecution of individuals at the hands of the State. Witness, for example, the case of Timothy McVeigh, whose attack on the Oklahoma City Federal Buildings was carried out in service of a right-wing extremist conception of government persecution. Without engaging in a cumbersome analysis of the “real” underlying causes of such manifestations of violence, it is at least informative to note that perceptions of structural persecution are cited as the rationale for McVeigh’s actions. Of course, not all domestic terrorism is informed by right-wing extremist agendas, but whatever the rationale, it seems to make sense to correlate terrorism directed against one’s own State, whether for transformative or retributive purposes, with direct violence at the level of basic constitutional principles.

At the level of “deep legal grammar,” Fraser mentions the tendency of the liberal tradition of law to facilitate individual claims of harm, but to render difficult or impossible the
litigation of group harms. Drawing from Marilyn Frye, I identify oppression as a paradigmatic example of structural violence at this level. Frye notes that, unlike other forms of harm, oppression is premised upon group membership. Oppressed groups suffer as a direct result of “membership in some category understood as a ‘natural’ or ‘physical’ category.”

Race and gender are thus the typical examples. Frye also shows how such harm comes about not by unrelated individual barriers, but by systematically organized obstructions. It is, in other words, not arbitrary, but structural. The relative difficulty of remedying such harms through legal measures can be viewed then as one aspect of such structurally organized impairment.

Oppression, understood in this way, can give rise to forms of direct violence at both the domestic and international level. Domestically, oppression, especially in forms that structurally consolidate oppressed groups into urban ghettos, can give rise to violent uprisings. Witness for example, the “race riots” of the 1960’s and 70’s in Newark, Detroit, Chicago, Los Angeles, and elsewhere, and the resurgence of uprisings of this sort in the 90’s in Cincinnati and again in Los Angeles. Though events like these may not be predicated on control of the State, they nonetheless have a political character that is concealed by labeling them as mere ‘civil disturbances’ or ‘uprisings.’ I argue that they are better understood as resulting from systematically frustrated expectations in the form of oppression, and can be viewed as attempts to mitigate or at least draw attention to such oppression. While attributing a common intentionality to disparate events such as these overlooks important contextual factors, I find this approach, however problematic, preferable to attempts to write such events off as spontaneous and inexplicable “uprisings.”

International terrorism might also be understood as a reaction to structural forms of oppression. Globalization has expanded the scope of free market principles to encompass no less
than the entire planet, such that national and regional economies have come to be integrated, voluntarily or not, into a single global economy. It thus becomes clear that, just as free market principles can lead to unequal distributions of resources within nations, so they can disadvantage entire groups and regions through global market exchanges. Less developed countries, even if willing and optimistic about their inclusion in global “free” markets, often face barriers to integration that are unknown to more developed parts of the world. Though the concept of ‘groups’ becomes less precise here, encompassing not only those groups perceived as “natural,” but also entire nations and even entire regions, it may still be possible to speak of global oppression. Terrorism originating from this part of the world might thus be correlated with global disparities in wealth and access, predicated, albeit it in a more complicated way, upon group membership, and one’s access (or lack thereof) to the steering mechanisms of global markets. Of course, the root causes of international terrorism is a hotly debated issue, and raises again the question of whether, for example, the violent tactics of the Tamil Tigers and those of Al-Qaeda have anything structurally in common. Yet, even though an analysis of international terrorism focusing on the unequal distribution of material resources and political recognition may not provide an explanation for all instances of terrorism, it does, I think, go a long way toward understanding a good number of them, as well as dispelling certain myths and stereotypes about the inevitability of conflicts based on incommensurable worldviews and insurmountable cultural differences.

Such an understanding of terrorism stands in opposition to analyses that portray terrorism as an effect of the confrontation between two conflicting cultural paradigms, such as that of Samuel Huntington. In placing terrorism within the realm of the law (whether of the explicit “constitutional” or “deep grammatical” type) I aim to suggest that claims and expectations that
are violated at the global level are *not* the result of incommensurable worldviews, but of an actually quite unified global process of structural violence. Thus one is confronted by structural inequity, oppression, and manipulation, not a “clash of civilizations.” This seems to me a much more reasonable explanation than one which posits a half dozen or so “civilizations” whose content is more or less fixed and whose members seem incapable of cultural learning or conversion. Moreover, such a view fails to recognize the significant differences within so-called civilizations, for example between the United States and Europe, or Iraq and Afghanistan, both of which are crucial for understanding current conflicts in those nations. It also fails to recognize the extent to which “civilizations” such as the “Muslim world” cross cultural and geographic boundaries, such that one could easily be both Western and Muslim, or Christian and “Sinic.”

I do not dispute that *some* significant conflicts might be based upon cultural, religious, or national identity (that is, I am not claiming that the structural violence at the root of terrorism is always a matter of the distribution of material resources, as I discuss below). But acknowledging this fact does not entail making vacuous overgeneralizations about those kinds of identity, generalizations which fail to appreciate the multi-faceted nature of complex, real-world identities.

Before moving on to cultural violence, let me make a couple more clarifications regarding the explication of Table 1. I wish again to emphasize that the distinctions I have provided can and must allow for overlap. This is especially clear when considering the distinction between domestic and international terrorism. For example, should violence against the U.S. forces in Iraq be considered international or domestic terrorism, or is it not terrorism at all? In answering questions like these, one must be sensitive to context. Given an increasingly globalized world, the distinction between domestic and international grows increasingly complicated. Also, in naming different forms of structural violence as “correlates” or even
“causes” of direct violence, I do not mean to suggest that such factors are justifications or excuses. One can still hold perpetrators of violence accountable for their actions without ignoring structural factors that contextualize and help explain those actions. As with all human actions, there is a gap between their conditions of possibility and their actualization. It is within this gap that one can locate accountability and responsibility. Yet, in making moral judgments such as these, it would be a good idea to have all relevant information, not just the nature and scope of the action, but also its preconditions.

Returning to the explication of Table 1, it appears that the level of “cultural violence” proper is perhaps the most abstract. Here I have identified ideology as a relevant example of structural violence. I mean to use this term again in the Marxist sense, but one need not subscribe to such a precise definition. Rather, one can understand cultural structural violence on Habermas’ model of systematically distorted communication, or conceivably on other models that investigate the ways in which language and image can distort or manipulate reality. If what I have called “metaphysical” interpretations of the relation between violence and law are redeemable, it seems they might find their redemption here. At this level, deconstruction may prove to be an adequate method for unveiling forms of violence concealed by language and image, though this is not the place to pursue such a possibility. I will note one potential difficulty in this project though, which is that one could find oneself again in the same position that Fraser critiques, with a sophisticated description of forms of violence that do not allow for mitigation.

Staying with the example of ideology or systematically distorted communication, it is difficult to picture direct cultural violence. Still, theories of resignification informed by speech act theory, as well as the Debordian concept of detournement, help one to visualize such a phenomenon. If one understands speech as a performative act which brings about direct
transformations of the social environment, one can perhaps visualize competing and conflicting speech acts, whose clashes shape our cultural landscape and reflect underlying cultural structures of violence.\textsuperscript{38} To this end, not just resignification, but also hate speech would seem to fit the bill. One could also understand direct cultural violence with recourse to Debord’s idea of \textit{detournement}, which he describes as “the fluid language of anti-ideology.”\textsuperscript{39} Graffiti for example, could be understood in this way (as it is already recognized as property destruction, and thus violence, by the liberal tradition of law). Perhaps a more relevant example in the context of contemporary conflicts is the practice of \textit{takfir}: the naming of a muslim individual or group \textit{kafir}, or unbeliever. Such a performative judgment is commonly recognized as being a kind of violence, not least because the traditional punishment for \textit{kafir} is execution. Interestingly, article 7 of the Iraqi constitution bans this practice, though it is difficult to know whether and to what extent such a ban is imposed by external forces or grown out of the legitimate concerns of Iraqi citizens.

This necessarily limited framework of corresponding forms of structural and direct violence at each of the levels of Fraser’s critique may provide a skeletal basis for further investigations of the sort she prescribes. At any rate, I will now leave it in this incomplete form to return to the question of the prerequisites of and possibilities for peace.

\textit{Participatory Parity as Substantive Democracy}

A sympathetic reading of Kant’s ‘Perpetual Peace’ could correlate Kant’s three “definitive articles” with the three levels of Fraser’s critique: at the level of basic constitutional principles, Kant requires a republican constitution; at the level of “deep legal grammar,” Kant requires an orientation to federalism; and at the level of culture Kant requires the principle of
hospitality. Even on this reading however (which I think is ultimately misled), one can see how Kant’s requirements are not sufficient to ensure his goal of perpetual peace. First, the forms of structural violence I have identified at the level of basic constitutional principles can and do coexist with republican constitutional states (i.e. formal democracies), and there is no reason to think that states of this type have any special capability to quell eruptions of direct violence rooted in these forms. This is not just a matter of “actually existing” republics failing to live up to their potential. Rather, the point is that, in principle, formal democracy alone is insufficient to address the deep-rooted inequalities located outside of the realm of formal law – those that have their basis in “civil society,” and are thus reinforced through custom, culture, economic structure, and so on. Second, the federalism requirement, which leads Kant to a cosmopolitan vision of a “league of nations,” remains committed to the problematic legal individualism that conceals group harm. “Nations,” Kant says, “can be appraised as individuals,” who are, in their “natural condition,” independent from external laws. On this point then, despite a potentially radical cosmopolitan vision, Kant fails to display the critical distance from liberal individualism to identify the forms of structural violence it may entail. Finally, despite the other criticisms of Derrida’s “metaphysical” conception of the violence of law, his critique of Kant’s principle of hospitality is sound. In a world where millions of people have been displaced by violence, a principle of hospitality based merely on the “right to visit” is grossly insufficient.

These points show that Kant’s three articles are insufficient to account for the forms of violence that exist today (and were probably insufficient to recognize forms of structural violence even in Kant’s own time). Most importantly, they show that formal democracy alone is no guarantor of peace, perpetual or temporary. Yet, the failed attempt to correlate Kant’s articles to a multifaceted critique of violence does provide an important affirmative point. Given that, as
I have stressed, one must view the boundaries of my Fraser-Galtung hybrid typology of violence as fluid and overlapping, not static and strict, it requires an overarching evaluative standard of redress. With individual normative standards at each level, it is possible that forms of violence that are not paradigmatic may be overlooked. In other words, in cases of overlap, where forms of violence straddle the conceptual boundary between, for example, the “deep grammatical” and “cultural” levels, or where instances of violence involve characteristics of more than one paradigmatic form, it would be possible for those forms of violence to slip through the cracks, so to speak, avoiding remedy or even identification by separate normative criteria. Ideally then, one would like to have a single normative standard that could apply to each and every level of critique. I find Fraser’s idea of “participatory parity” appropriate for such a task.43

The idea of participatory parity is meant by Fraser to be a radical alternative to traditional liberal discourses on equality, running the partisan gamut from strictly formal equality on the right to equality of opportunity on the left. More substantively than either of these traditional alternatives, participatory parity requires the elimination of any and all barriers to free and equal participation in a public sphere of deliberation. Obviously, this would rule out formal exclusion and discrimination and perhaps also require that equal political liberties be given “fair value,” but beyond even Rawlsian fair equality of opportunity, Fraser’s participatory parity entails at least two conditions. The “objective” condition of participatory parity is economic. It requires that “the distribution of material resources must be such as to ensure participants’ independence and ‘voice’.”44 The “intersubjective” condition of participatory parity on the other hand, is cultural. It requires that “institutionalized patterns of cultural value express equal respect for all participants and ensure equal opportunity for achieving social esteem.”45 These two conditions correspond, respectively, to political claims for redistribution of wealth and recognition of one’s
identity. Thus participatory parity encompasses both traditional “Marxist” or “labor” politics and contemporary “identity” politics. With this broad scope, the concept of participatory parity can be utilized as a normative standard by which to critique structural violence across the board. Without delving into the complex task of locating redistribution and recognition claims on my typology of violence, it is clear that a unified standard making use of more than one methodology or “perspective” is more appropriate to a critique of structural violence than Kant’s limited suggestions on how to achieve “perpetual peace.” Let me end then, with a few concrete suggestions as to how such a standard might be put into practice.

At the global level, the interrelation of “objective” and “intersubjective” conditions becomes especially clear. Vast disparities in wealth put less developed areas of the world at a disadvantage when participating in global governance forums like the IMF, the WTO, even the UN, insofar as one’s influence in those bodies tends to be proportionate to the wealth and material resources that participating nations command. So, participatory parity would suggest, on the one hand that serious steps be taken to equalize the influence of member nations, perhaps requiring significant redistributions of global wealth to help achieve that goal. The “intersubjective” conditions of participatory parity are somewhat less concrete, but suggest, in general, efforts to foster and increase inter-cultural dialogue and respect. The idea of “Dialogue Among Civilizations,” introduced by former Iranian president Mohammed Khatami as an explicit alternative to Huntington’s “clash of civilizations” thesis, and adopted in a 2001 UN resolution, is an important step in this direction, but needs to be revisited and reaffirmed, especially by the United States, given the extent to which the events of Sept 11 of that year surely derailed that noble project to a significant extent.46
Of course, general recommendations like these do not do justice to the incredible complexities of particular situations, and dodge hard questions about the limits of intercultural respect and toleration, but they do begin to show how a general norm of participatory parity could be made concrete. They begin also to provide a vision of a more substantive type of democratic order that would be the real prerequisite for perpetual peace, and a real antidote to the kinds of widespread structural violence too common today. I take it to be established then, that the norm of participatory parity represents a superior alternative to both Kant’s requirements for perpetual peace and “metaphysical” accounts of violent tendencies within the democratic tradition of law.

NOTES


2 Ibid.

3 Ibid, 325.


5 The Iraqi constitution, which proclaims Iraq to be a “democratic, federal, representative (parliamentary) republic” (art. 1), mimics this conglomeration of democracy and republicanism.


8 The reference here is to Nancy Fraser’s article ‘The Force of Law: Metaphysical or Political?’ which I discuss later in the paper.


10 ‘Toward Perpetual Peace’ 328

11 Ibid 328. Original emphasis.


13 Ibid, 22. Original emphasis.

14 Ibid, 23.


16 Fraser, Nancy. ‘The Force of Law: Metaphysical or Political?’ pp.84-8 in Violence and Its Alternatives. p. 86.

17 Ibid.


19 Ibid, 10. Original emphasis.


21 Ibid, 102.

22 Ibid, 103.


26 Ibid, 777.

27 This discussion of the three levels of the critique of structural violence appears in ‘The Force of Law: Metaphysical or Political?’: 86-7.

28 See for example Catherine Mackinnon’s Toward a Feminist Theory of the State. (Cambridge: Harvard University Press, 1989) especially the chapter on ‘The Liberal State’.


Galtung himself understands “cultural violence” as separate category altogether from both structural and direct violence, giving not just ‘ideology’ but ‘religion,’ ‘art,’ ‘language,’ and ‘formal science’ as examples. The claim that such diverse phenomena are violent may be true in some sense, but neither I nor Galtung can defend such a broad claim in such a limited space. For this reason, I have limited the scope of my argument and reduced the image of a “triangle of violence” (294-5) to this simpler, two-dimensional picture. One should not rule out, though, that the level of cultural-structural violence may represent a third and separate dimension in itself.

The fact that someone like McVeigh, a (presumably) heterosexual white male, would engage in violence against the State further supports a distinction between oppression and exploitation. Since, as I will argue, oppression is fundamentally about harms based upon group membership, and since McVeigh clearly is not a member of an oppressed group (excluding, perhaps, class, and noting that the Right-wing extremist ideology is highly individualistic and capitalistic), it makes sense to distinguish this sort of violence from that brought about by oppression.


These are some of Huntington’s alleged “civilizations”.


For example, the extension of equal rights and protections to women, while certainly important, has proven insufficient to eliminate the kinds of structural violence that women are especially vulnerable to, since the kinds of inequality upon which such violence is premised is largely cultural, and pre-legal. See MacKinnon (1989).
41 Kant’s second definitive article, reads “the right of nations shall be based upon a federalism of free states”
(‘Toward Perpetual Peace’ 325).

42 Ibid.


44 *Redistribution or Recognition*, 36.

45 Ibid.