

Aleksandar Jokić
Milan Brdar


**UNJUST
HONORS
CAUSA:**

CHRONICLE OF A MOST PECULIAR
ACADEMIC DISHONOR



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Aleksandar Jokić / Milan Brdar

UNJUST

HONORIS

CAUSA:

CHRONICLE OF A MOST PECULIAR
ACADEMIC DISHONOR

Kragujevac - Belgrade
2011.

For our children:

Nataša

Andjelka

Devon

Nikola

Mateia

Zoé

*May they have every reason to maintain
respect for academic integrity,
dignity and freedom.*

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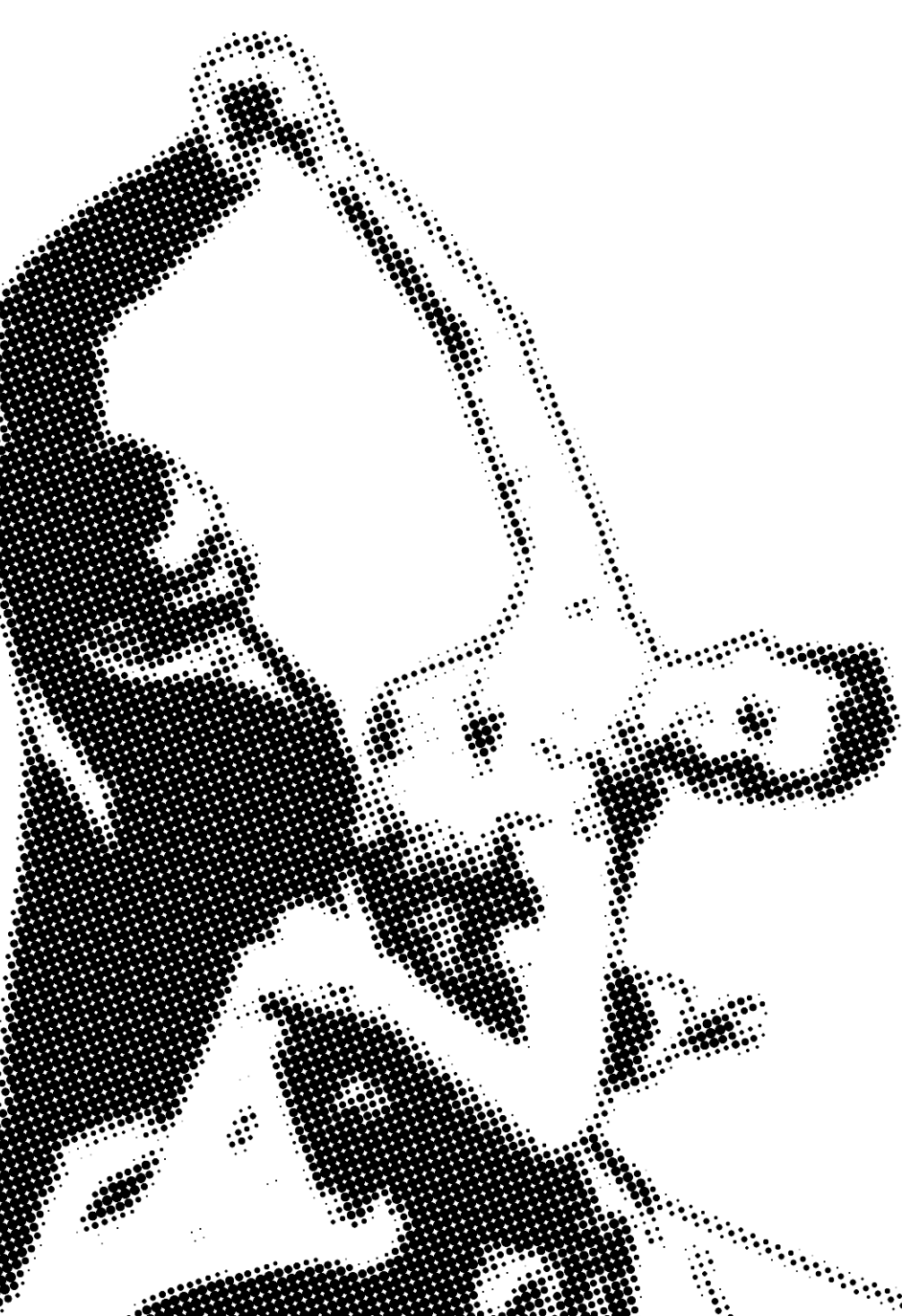
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PREFACE

"Honestly, I was really surprised."
Michael Walzer,
on being awarded an honorary
doctorate from Belgrade University,
on June 16, 2010.

This book offers a detailed account and analysis of the academic scandal regarding the honorary doctorate awarded to Professor Michael Walzer by Belgrade University and the events that followed. We have devoted much attention to this episode not only because it is significant, but because the event has generated a great deal of writing, which now gathered in one place, can both provide the readers with a solid grasp of how this peculiar affair developed and offer an account of how our related views and arguments evolved.

We are reproducing the entire material in the English translation in order for the international academic public to be in the position to be informed about this unprecedented *honoris causa* as far as the practice exists in general. The complete material is organized chronologically. Despite some unavoidable repetition, this approach, we think, will be most helpful to the readers seeking comprehensive understanding of the entire episode. Thus, as witnesses to some interesting times in Serbia, we present the complete story of this academic scandal – for which the main responsibility lies with the Serbian intellectual elites, those mandarins who are the subject of criticism in this book – to the European and world academic public, so that this scandal would not

remain yet another event tied solely to the domestic developments in Serbia and an affair of exclusively local significance.

* * *

The publication of this book gives us an opportunity to acknowledge an enduring debt to many of our teachers at Belgrade University where Brdar was a student from 1972–78, and Jokić in the period 1979–84. From this institution, we learned to follow the argument, to see that logic is sometimes cruel and that it may lead one to claims one doesn't always want to see as true. The integrity and demand for rigor as values were instilled in both our cases by our respective parents and extended families. This may seem excessive to some, but in our cases it made the collaboration on this book that much more easier. Brdar owes a great debt to his wife Dusica and his daughters Natasa and Andjelka for their sincere support in this fight for academic dignity and freedom. He is also indebted to Professor Jokić for his initiating the project of writing this book. Jokić wishes to acknowledge that a Faculty Enhancement Grant from Portland State University facilitated the early development of this book. He would like to thank Tiphaine Dickson for many conversations, discussions and argument reconsiderations about the peculiar set of facts this book deals with, as well as painstaking attention she gave to editing various versions of the text that is now in front of the readers.

June 28, 2011.

Aleksandar Jokić
Milan Brdar

INTRODUCTION

This introduction provides a brief chronology of the Walzer affair, a curious series of events that left Michael Walzer – a proponent not only of NATO bombings against then-Yugoslavia, but also of the military participation of land troops – and the wider academic community surprised. Surprised – and with respect the latter, arguably deceived – by what appears to have been a rushed decision to award an honorary doctorate to an American scholar (and public intellectual) without regard for the individual's lack of contribution or nexus to the academic concerns of Belgrade. It emerges that the University Senate, once forced to examine the question only because of the outcry expressed by the academic community, acknowledged that the Rectorate had been misled as to Walzer's bellicose stance towards the nation whose elite university had – as it was already a *fait accompli* – honored him. The historical narrative ends on an unsatisfying note: no action was taken to correct, in any manner whatsoever, the university's action that left it with a not unsubstantial quantity of egg on its face. This book incorporates formal appeals, protest and petitions with more detailed analysis and philosophical reflection on the Walzer affair. Let us em-

phasize that however important, and indeed critical, is our objection to Walzer's encouragement – pronounced gravely and urgently from the comfort of the ivory tower – to bomb Yugoslavia, we are as deeply concerned with the academic impropriety involved in awarding an honorary doctorate to someone who not only advocated and continues to justify the aggression against our state, but whose contributions to scholarship seem conveniently never to engage ideas at a level of philosophical abstraction nor genuinely engage facts on the ground with epistemic care. The academic shame would have been enough, but sadly, there was more, and tragically, it was our *alma mater*, and our intellectuals who invited this disgrace upon us. We hope that the reader can gain from our analysis a lesson in freedom and dignity.

A Brief Chronology of Events

- On June 12, 2010, we first learned from the media that an ILECS (International Law and Ethics Conference Series) conference would take place on the topic of "Asymmetric Wars, International Relations, and Just War Theory" in the Festival Hall of the Rectorate of Belgrade University on June 17-19, and that 14 foreign presenters were to participate, while a single scholar from our University had been invited. Of particular interest to the academic public are the following two details: first, three participants at the conference had advocated the bombing of Serbia in 1999 (Michael Walzer, David Luban, and Igor Primorac), and second, Michael Walzer was presented as a key guest who was to be awarded a doctorate *honoris causa* of Belgrade University.

- Following this announcement in the press, we critically examined the conference and opposed the idea of awarding an honorary doctorate to Michael Walzer on the Atlantis radio show, broadcast by Radio Beograd.

- Further to our remarks to the media, we drafted a *Protest* against the participation at the conference of people who had advocated the bombing of Serbia as well as the decision to award Michael Walzer an honorary doctorate. Our *Protest* was published on June 15th in the daily *Pravda*. Walzer was, in the end, and as planned (we shall endeavor to understand how this happened), awarded an honorary doctorate from Belgrade University – a decision he himself stated had surprised him, presumably given his publicly-held positions supporting the bombing of Yugoslavia in 1999, as well as his support for the secession of Kosovo-Metohija – and following this event, we sent a demand to the Rector of Belgrade University, Professor Branko Kovacevic, to submit his resignation as a result.

- On the same day in the weekly *Pecat*, apropos the conference on "Asymmetric Wars" and the honorary doctorate given to Michael Walzer, we published a critical text titled "Downfall by Philosophy," in which we showed the moral and academic collapse of the administration of Belgrade University for having awarded an honorary doctorate to a person who advocated the bombing and ground invasion against Serbia.

- On June 20, we participated in another installment of the Atlantis show on Belgrade Radio, further articulating philosophical, political, and academic critiques to what we were now referring to as the Walzer affair. We demonstrated the historical significance – as well as precedents – for Belgrade University's stunning behavior.

- A subsequent critical commentary about the honorary doctorate given to Michael Walzer, criticizing the intellectual elite at Belgrade University – was published in the weekly *Nedeljni Telegraf* on July 23rd. The following day, we persisted, composing a summary commentary regarding the events concerning the honorary doctorate: from the opening of the conference on “Asymmetric Wars,” and the award ceremony in the Rectorate, to the Rector’s explanations to the press on the matter, made on June 18th.

- Our targeted and repeated public interventions ultimately had an effect on the academic community. On June 28th – not quite two weeks after Walzer received Serbia’s highest academic honor – a group of university professors sent the University Senate a demand that the honorary doctorate be revoked. Over the course of the summer of 2010, over 250 professors, Ph.D.s, and assistants signed this demand. It became clear that expressions of discomfort – if not outright outrage – regarding the University’s actions had begun to be heard.

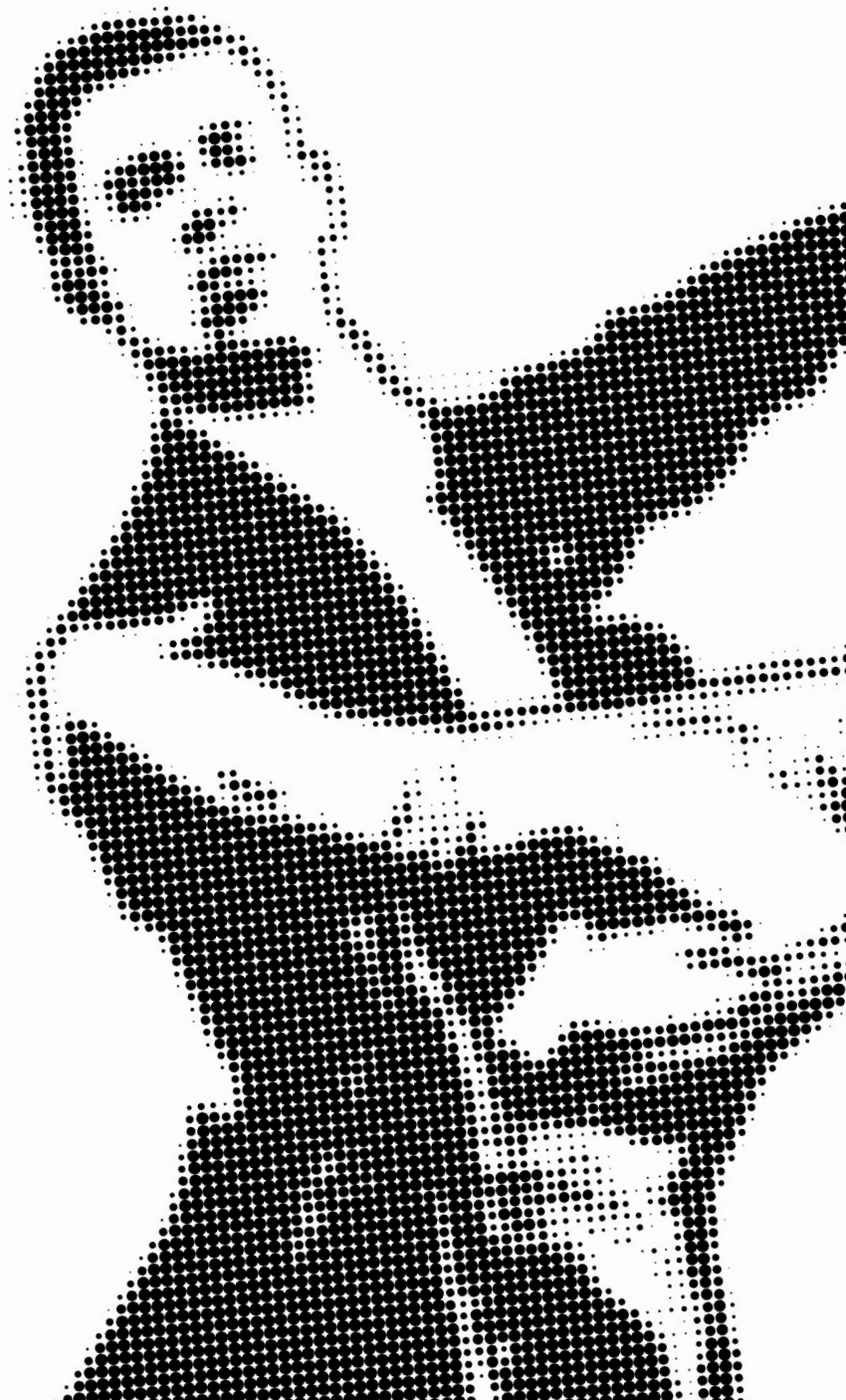
- As the affair gathered steam in the public, the weekly *Svedok* published the text of the *Recommendation*, originating from the Faculty of Political Sciences, that an honorary doctorate be awarded to Michael Walzer, as well as our accompanying analysis of this text, entitled “Dirty Morals and Clean Hands.”

- On July 15, the Senate of Belgrade University established a Working Group of the Committee on University Honors, tasked with examining all the circumstances that led to awarding the honorary doctorate to Michael Walzer. It was to issue a report on its findings in September, 2010, upon return from the summer break.

• On September 22nd, the Working Group of the Committee on University Honors concluded "that the Faculty of Political Sciences has offered in its recommendation inaccurate and incomplete information, for it did not point out that Professor Walzer was calling for a land invasion of our country." This report was adopted by the Senate of Belgrade University on September 27th. Significant is the report's finding that the honorary doctorate was awarded on the basis of deception, and the recognition by the Senate acknowledges that it had committed an error. No action, however, was taken as a result. By the time of this Senate meeting, the above mentioned *Petition* of the university professors had already gathered 260 signatures. This was not deemed a sufficient reason for the Senate to take it into serious consideration at its meeting.

* * *

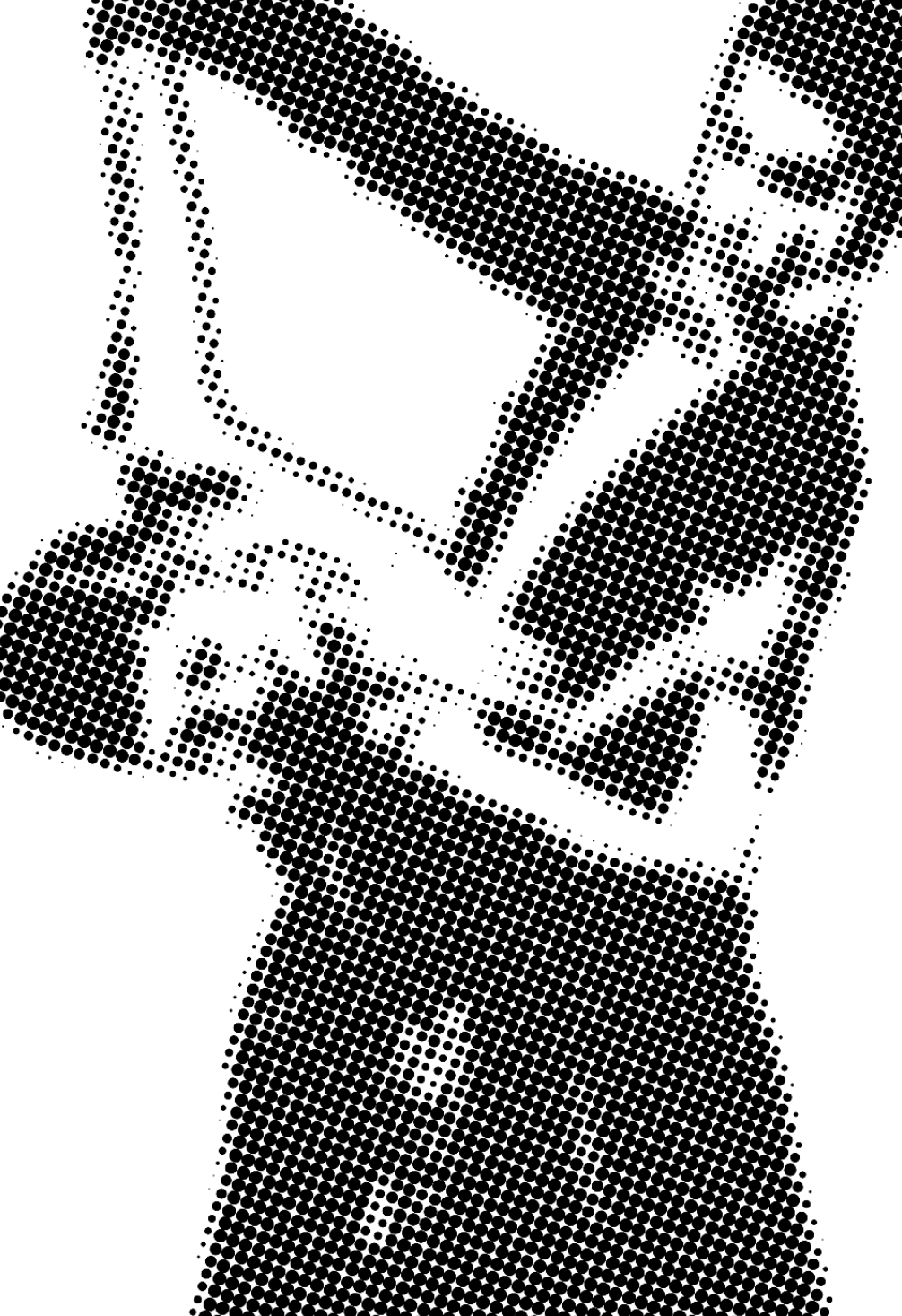
It is from this unsatisfying ending that we begin this collection of interventions and reflections. All we meant – and still intend – is to provoke the reader, wherever she may live, write, think or work, to consider carefully the freedom that we all possess and the dignity to which all are entitled in our highest academic institutions. Our critical words ought to be seen – even though they stray from our habitual scholarly pursuits – as a reflection of the degree to which we care about Belgrade University, and all the other "Belgrade Universities," so that they may, if they are one day pressed to pass under the academic yoke, to think, and think carefully, before they sell their integrity to the lowest bidder, for a profit of nothing.





PART ONE:
ILECS GOES ROGUE





1.1

A PROTEST AGAINST NATIONAL SELF-HUMILIATION

June 14, 2010

We, the undersigned, protest in the strongest terms the inclusion of individuals hostile to the Serbian state and Serbian people as attendees of the conference on "Asymmetric Wars, International Relations, and Just War Theory," scheduled for June 17-19, 2010, at Belgrade University as part of the "International Law and Ethics Conference Series (ILECS)" (originally founded in 1997 by Aleksandar Jokić, Portland State University – since 2004 no longer with the project – and Jovan Babic, Belgrade University), organized by a previously unknown Center for Ethics, Law, and Applied Philosophy, apparently operating at Belgrade University under the auspices of the Serbian Philosophical Society.

We note the unusually narrow selection of participants at this conference – 14 foreign presenters and just one speaker from Serbia (Professor Jovan Babic, the remaining cofounder of ILECS and organizer of this conference) – despite the presumed relevance for Serbia of the themes to be addressed. Why exactly is this group of foreign scholars meeting in Belgrade at the state's expense? Are Serbian philosophers and social scientists lacking in competence to engage in a dialogue with them? Were our protest limited just to the way the speakers were selected it would have dealt

with a simple professional matter and the further evidence of a wider and currently dominant slavish Serbian attitude "towards the world" at large. At issue, however, is something much more important than a mere structure of a philosophical discussion among a bunch of foreigners.

The vital reasons for this protest are the following:

(1) The fact that among the invitees the organizers have integrated individuals that no self-respecting state would have welcomed at the highest academic level, given their known record of extreme hostility towards the host country and its people; and

(2) The fact that one of them will be awarded *honoris causa*, which surely will remain an unparalleled event, given the laureate's actual total demerit for *this particular* honor.

The first odious invitee is Michael Walzer (Princeton University) who despite having authored many widely cited books in the present context, is uniquely significant as a public intellectual who enthusiastically advocated in favor of the bombing of our country, Yugoslavia. He is mentioned first as half of the said conference will be devoted to him.

The second is David Luban (Georgetown University) –who, driven by visible anti-Serbian political motives, zealously articulated the claim that Serbia had committed genocide in his pamphlet "Timid Justice: The ICJ Should Have Been Harder on Serbia,"¹ in which he urged that the legal definition of genocide be modified so that the country he is currently visiting as a guest could be more easily convicted of the world's gravest –

¹ <http://www.slate.com/id/2160835>

and most stigmatizing – criminal offense. Other ideologically colored writings such as “Calling Genocide by its Rightful Name”² simply do not possess any serious analytical value. Luban, it should be noted, reviewed the first collection of essays based on ILECS 1997, published in the U.S.,³ reserving his sharpest criticism for his host, Jovan Babic (whose name – perhaps in a gesture of deliberate sloppiness – Luban consistently misspells as “Bobic” throughout the review), whose “train of thought” he writes, “jumps the rails” and whose claims, according to Luban, yield “absurd consequences.” Professor Babic takes charity and forgiveness to a whole new level, one perhaps best described as “self-parody.”

The third is Igor Primorac – former Professor of Philosophy at Belgrade University, who since the early 1990s, after he emigrated, has been aggressively anti-Serb, particularly in his claims of “Serb Nazism” and varied contributions to the genre about “all Serb genocides”. He, too, was an enthusiast for all the bombings carried out against the Serbs throughout the 1990s. He did not even hesitate back then to designate his former colleagues at the Philosophy Faculty as “the Nazis” (while some of them will now reciprocate by welcoming him as organizers of this “symposium”). These are facts of some notoriety within the Serbian Philosophical Society and Faculty of Philosophy.

It goes without saying that we are not protesting against the freedom of these individuals to think,

² <http://www.allbusiness.com/legal/4081615-1.html>

³ *The Philosophical Review*, Vol. 111 (October 2002) no. 4, pp. 620-24.

write, and publish whatever they might get away with, but something quite different. Inviting as your guests people who in 1992 or 1999 were encouraging fighter plane pilots to drop bombs on your head to smile in your face a decade later while you decorate them with highest academic honors, represents a mind-boggling self-abasement and cultural masochism. To this, all those who still have national dignity and self-respect must react. Those who are into this sort of self-deprecating thing can practice it in private, but it is unacceptable to do this as representatives of any national institution (be it the Center for Ethics, Law, and Applied Philosophy and Serbian Philosophical Society as organizers, the Ministry of Science as the funding agency for this kind of "international cooperation," and the Rectorate of the Belgrade University, which gives the most formal tone to the whole affair).

As one of us was a former President of the Serbian Philosophical Society – a national institution that in the past had always paid attention to national honor and dignity – and the other was a cofounder of ILECS – an annual conference conceived in the period of comprehensive sanctions against Yugoslavia as a way to contribute to the affirmation of our country and sciences in the Western world – we protest in the name of those colleagues who still value self-respect and honor of their country and who would no doubt condemn this endeavor were they fully informed about its nature. With this event ILECS has clearly been transfigured into its opposite: an institution of self-abasement and practically a new tribunal, as it were, for generating another wave of accusations against our country, this time even without having to use the

proverbial stick but by way of "applied philosophy" that is tastelessly subordinated to ideological and political demands. We find it obvious that in a serious country individuals like those mentioned above, should anyone even bother to invite them for whatever reason, surely would stand no chance of being offered hospitality at the official level.

Our protest has its ultimate and most significant rationale in the scandalous announcement that on June 16, 2010 at 11:00 am, Professor Michael Walzer will be ceremonially adorned with the honorary doctorate of Belgrade University! Does the University leadership know what they are doing and do they have any idea who they are honoring? Does the Rectorate of Belgrade University have an office of information that might have secured insight into who may really deserve to be celebrated at this highest level?

The laureate has produced a number of *textes engagés*, and like many American authors, he has invested himself in the policies of his government while failing to deliver on his philosophical, logical thinking, or his argumentation. Relying on news from CNN and State Department releases, which is in itself beneath the level of proper scholarship, Walzer fails to recognize when his statements lack support, and his arguments fail. Let us demonstrate.

If, on the one hand, he claims that humanitarian interventions are undoubtedly morally justified,⁴ and on the other, that "there would be many fewer

⁴ "Argument about Humanitarian Intervention", *Dissent*, Winter 2002, <http://www.dissentmagazine.org/article/?article=629>

Kosovars alive in Kosovo today had Europe alone been making decisions there,”⁵ then several claims are clearly implied by this (given the way the official narrative goes):

- 1) that the bombing of Serbia was justified,
- 2) because Serbia (was) a genocidal state,
- 3) that Europe is irresponsible and incompetent to solve problems in its own backyard,
- 4) that the aggression by the US and NATO against Yugoslavia was morally justified
 - a) as a way to save face for Europe
 - b) as halting of Serbian genocidal policies towards Kosovo and Metohija.

Let us look at one more example. The esteemed political theorist formulates a tautology hardly worthy of a moderately talented student in philosophy: “In the Kosovo case, if a NATO army had been in sight, so to speak, before the bombing of Serbia began, it is unlikely that the bombing would have been necessary.”⁶

Consequently, had things been the way Madeleine Albright demanded in the Annex B of the Rambouillet “agreement,” there would have been no need for bombing. This comical tautology, however, conceals a more significant claim: Professor Walzer thus holds that the bombing of Serbia was justified, while unintentionally exposing the embarrassing logical conse-

⁵ Interview with Walzer in *Imprints*, Vol. 7 (2003), no. 1, http://jeffweintraub.blogspot.com/2003/08/michael-walzer-on-justwars-politics_25.html

⁶ “Argument about Humanitarian Intervention”, *Dissent*, Winter 2002, <http://www.dissentmagazine.org/article/?article=629>

quence that it was precisely the actions by NATO that brought about the "wave of refugees."

Is it possible to find more explicit expressions of support for the bombing of Yugoslavia in academic circles, and Walzer has also regularly been slipping such claims into his many (quasi)scientific/(pseudo)philosophical texts meant for the middlebrow consumption. Given the questionable quality of argumentation, don't we here have a case of dazzling vulgarity by a big name, a malady clearly also suffered by those who misguidedly proposed Walzer for this high honor? For it is clear that this professor did not have an "ambivalent" attitude towards the bombing of Yugoslavia. Also, those who nominated him showed no ambivalence either when they considered him a contender for such high honor even though the laureate is an individual prepared to be politically invested even to the point of dishonoring his own profession.

If this nomination is a result of ignorance, then this testifies to the superficiality and carelessness by the nominators; if, however, it was made intentionally, then we expect that in the explanation for honoring Walzer a full endorsement be given to his views on the justification for the bombing of our country, and that his "war effort" (and not just scholarly work) will be emphasized as important reasons for bestowing this award upon him. Whatever happens, this event will devastate the legacy and programmatic purpose of ILECS, and it is without parallel given the previous practices by the Serbian Philosophical Society, and Belgrade University.

Finally, it is scandalous that this unprecedented event should provoke no reaction from our academic

and cultural public. Since in our view the protection of national dignity is a duty for all responsible people, rather than being an occasional fad that comes second to promoting one's career, with this protest we oppose this complicit numbness and the practice of masochistic-provincial adulation of "big names" from foreign lands, without as much as asking what they wrote – and often howled – about us during the nineties.

*Aleksandar Jokić
and Milan Brdar*

[Daily *Pravda*, June 15, 2010]

1.2

BELGRADE UNIVERSITY
Rectorate
Studentski trg 1
RECTOR PROF. DR BRANKO KOVAČEVIĆ

DEMAND FOR RESIGNATION

Dear Honorable Mr. Rector,

Regarding the honorary doctorate awarded to Professor Michael Walzer, we are demanding that you, as the most answerable individual at the University, submit at once your irrevocable resignation.

It is entirely possible, Mr. Rector, that in this shameful affair you have been a victim of ignorance due to careless actions by those who conspired to nominate Professor Walzer for this high distinction. However, you did have at your disposal our protest of June 14, that should have given you a clear sense of the "merits" the honored professor, by now already a laureate, possessed. It is quite possible that our text was not waiting on your desk for you to read it even though we sent it to you electronically. We were in a hurry, because we, too, had learned rather late of this unprecedented machination in our academic history. The question of whether our text had reached you on time or not you should discuss with your staff. Irrespective of that, you could have heard about it from the media and press reports.

Had you become aware of our protest the day before yesterday when we went public with it you

would have had ample time, even if it were just a couple of hours before the ceremony was scheduled to begin, to assert your authority and put an end to this mockery and impeach its primary actors. Had you aborted everything, shame would have been deserved only by the nominating party, and you would have merited only honor and glory.

Any question about the accuracy of our claims regarding the laureate you could have settled in a matter of just hours. This should have been simplified by the fact that we have provided you with links to published statements indicative of the laureate's "achievements" meriting the honor bestowed upon him. Furthermore, we were at your disposal for any urgent meeting you might have wanted, something we did expect given that we are responsible members of the academic community, and not some anonymous whistleblowers.

As individuals devoted to academic values and scientific standards, endowed with a still vivid sense of national honor and self-respect, we find with regret that you did not halt this academic calamity and seek to protect the esteemed institution you are directing. Consequently, for the sake of saving the reputation of the University, the rehabilitation of academic seriousness, as well as your personal honor, the only remaining option is to submit your irrevocable resignation.

Resignation remains as the only honorable act in this situation. Your resignation is in the interest of protecting the reputation of the institution we should presumably all be serving. In case you fail to do so, you will only contribute to the further moral

collapse of the University and amplify this dishonor, which will reinforce the feeling of academic defeat and national shame.

Let us not forget, the institutions remain, we are the ones who depart, and history will remember us according to how we served them.

U Beogradu,
June 18, 2010.

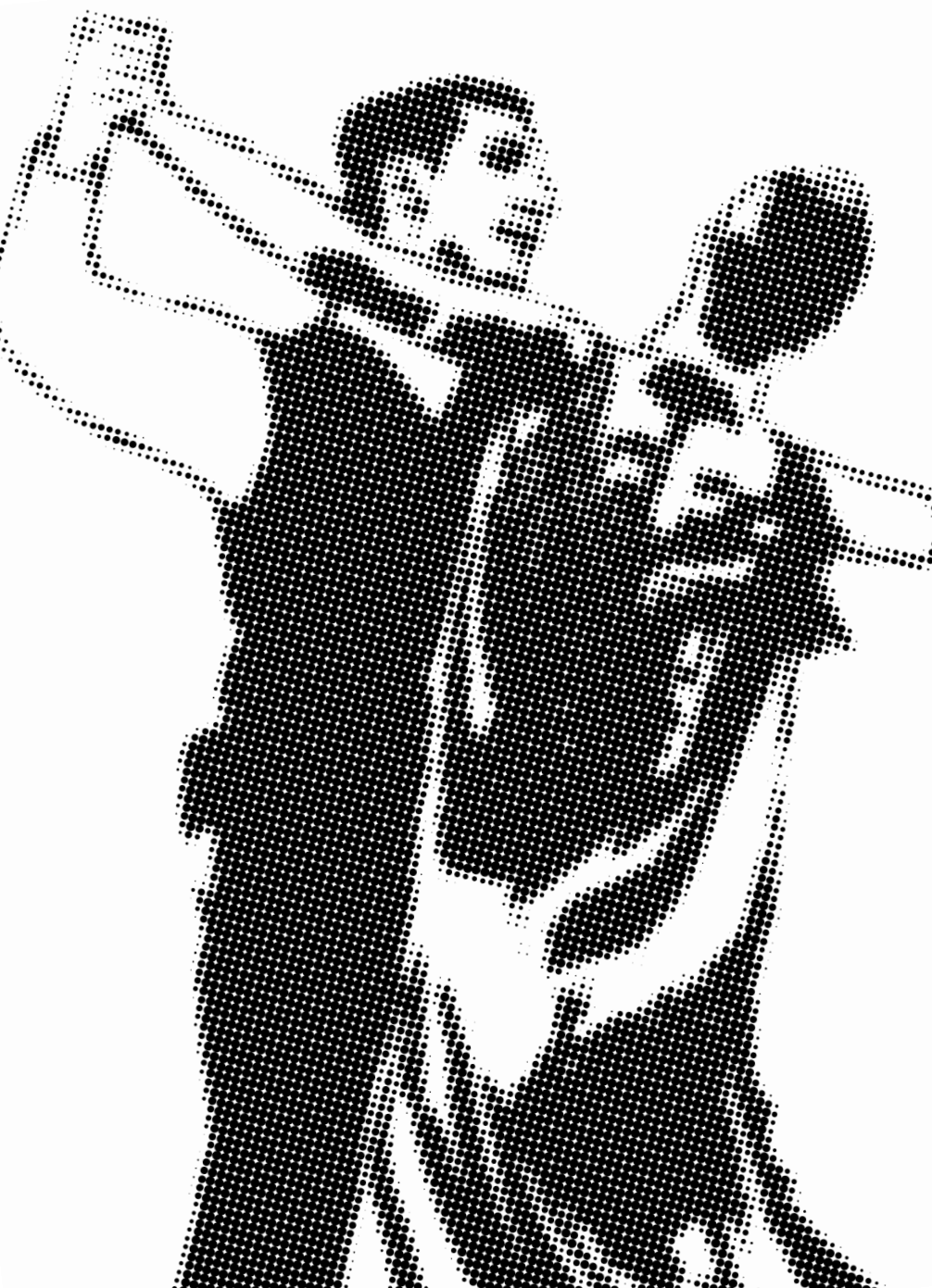
Prof. dr Milan Brdar
Prof. dr Aleksandar Jokić



PART TWO:

DISGRACE OF THE CRUISE MISSILE INTELLECTUALS





2.1 DOWNFALL BY PHILOSOPHY

On the occasion of the bestowing an honorary doctorate at the University on June 16, 2010, and the international Conference at the Rectorate of the Belgrade University

When, in the fall of 1915, the German military forces crossed the Danube and entered Belgrade from the North, all the cadets of Belgrade University, on their own initiative, lined up to salute *Feldmarschall* August von Mackensen. This unpleasant fact is kept well hidden in the adjusted works of history. What Mackensen's view of our cadets was we can only speculate indirectly, on the basis of the fact that he erected a monument to both his dead troops and the Serbian soldiers who died defending Belgrade. This suggests that self-humiliation can never lead to respect (even by one's occupier).

INITIATIVE IS ALWAYS DESIRABLE

Who could have expected that almost 95 years later, at the start of the 21st century and in a "democracy," that Belgrade University would yet again bring "its lustrous tradition, prestige, and independence" to the brink of dishonor and scandal. Again thanks to the self-humiliation and subservient attitude towards the actual global oppressor, even when the latter has not demanded it. Initiative is always strongly desirable.

During the last ten years since the so-called "democratic changes" took hold in Serbia, the jobs that could not be undertaken before the bombing of 1999 are being steadily completed: destroying and humiliating the army – which by now has been accomplished; creating out of the police a traveling circus – for entertaining the populace on Sundays in the abandoned local playgrounds; colonizing the intellectual elite from within – using the media induced neurological surgery or brainwashing with narratives about democracy, rights, etc; relegating those who would resist into nonexistence, by passing over them in silence and ensuring that they are forgotten; and discrediting the remaining national institutions, by using local intellectuals (already in a vassal stance towards anything Western), who are thrilled to attack the Church, the state, the Serbian Academy of Sciences and Arts, etc.

A significant segment of the thus engaged intellectual elite is situated at the University. That they have a strong presence there and are well spread out, can be seen from the events that have marked the last two decades: whenever this state, its prestige, dignity and national self-respect had been put to test, the latter national academic institution failed to take action. Since the "autonomy of the university" has long been "pierced" by the political parties "of pro-European orientation," there was no reaction from any freedom-loving Faculty when we were being robbed of Kosovo and Metohija; when the scandalous resolution on Srebrenica was being enacted, similarly, no reaction. It is not necessary to enumerate much more in these pages. It would not be an exaggeration to conclude that the celebrated Belgrade University (with all its

celebrated Faculties) is silent whenever it must stand up in defense of national dignity and self-respect. Does this mean that now we are witnessing a managed collapse from within of this national institution as well?

We have reasons to pose this question precisely these days given the latest case of academic dishonor that involves several national institutions, including Belgrade University. In Belgrade on June 17-19, 2010, a conference on "Asymmetric Wars, International Relations, and Just War Theory" will take place in the Formal Hall of the Rectorate. The event is scandalous, first, because it convenes 14 participants from abroad and only one from Serbia. How did it happen that the Ministry of Science would fund such a lop-sided gathering, which testifies to the servile and vassal attitude towards the Western, particularly "American science and philosophy" (as most participants are from the US). If such is the case, then why isn't that powerful country also contributing to fund the event? Especially scandalous is the selection of conference participants, among whom are three proponents of the bombing of Serbia in 1999 (Michael Walzer, David Luban, and Igor Primorac). The first among them, a Princeton Professor, and the star of this year's conference, was awarded the honorary doctorate of Belgrade University last Wednesday. What exactly warrants this recognition?

Intertwining of Cultures and Bombing

Walzer sets himself apart from at least hundreds of his contemporaries whose scholarly work might justify giving them such high recognition only by supporting "humanitarian intervention" and the bombing of Ser-

bia. Who can point to some other contribution of his to the "intertwining of cultures," the American and Serbian, or to a "collaboration" between Serbian and American scholarship on any front that involves him, except for the agreement on the "justified bombing" of 1999? That there are a number of professors at Belgrade University who would concur with Walzer on this is nothing new. Some of them are, after all, among those who made the recommendation that he be awarded this high honor.

Here we have a case when the very act of awarding a high honor serves to undermine it, and bring the University into disrepute. With just a few more such cases, Belgrade University would end up as a provincial dump that no one takes seriously. Considering that the consequences of such actions are tangible, the universal silence in the academic circles in Belgrade is startling. The conclusion is devastating: in moments of crisis, Belgrade University is incapable and unwilling to come to terms with the interests of the state – this, we are afraid, has been a public secret for some time. But the university is powerless to even engage in self-defense – which is being made transparently clear, at long last, to the point that it is revolting. Belgrade University is profoundly sick.

In our "Protest" (Daily *Pravda*, 15. June, see here, sec. 1.1, pp. 19-26) we emphasized that in different capacities we had in the past participated in the said conference project (the full title of which is "International Law and Ethics Conference Series" or ILECS): one of the signatories of this text (Professor Brdar) took part as presenter and also contributed to the organizational effort for the first four years; the other,

(Professor Jokić) was, together with Professor Babić, the founder and main organizer of these conferences until 2004. Since Professor Jokić withdrew from the project in 2004, it is necessary to explain how this came about, and to justify our reaction and response to the current conception for the 2010 conference.

The Start of ILECS

ILECS began with a pair of conferences on "War Crimes and Collective Responsibility" that took place at Belgrade University on June 21, 1997, and the University of California, Santa Barbara on November 14-16, 1997. The conference series, therefore, was begun (by Professor Jokić and Professor Babić) during a period of fierce, comprehensive sanctions against Yugoslavia, which included barriers for Serbian scholars to participate in international events. The idea, hence, was for ILECS to consist of a conference that would bring international scholars to Belgrade every June, with a follow up conference in the US in the fall of the same year, that would include some participants from Serbia. The main objective was to soften the blow of sanctions while respecting the law which might frustrate to some degree the "civilized and democratic" attempt by the Western powers to crush everything of value, including science and philosophy, in Yugoslavia.

But there was another unofficial consideration why ILECS had to be created. In the early 1990s, with the first signs of the forthcoming dismantlement of Yugoslavia from without, one of us had the opportunity to scrutinize the role that foreign money was to play, infused into the country through "nongovernmental"

organizations such as Soros' "Open Society" or American quasi-independent bodies such USAID, and so forth. The goal was the ideological cooption of the Serbian intellectual elite that would, when the moment came (as it did in October 2000), facilitate from within the accomplishment of the goals of outside influence. With full awareness of the foreign funders' intent, funds for organizing ILECS events were, one might say brazenly, requested (through grant proposals) from precisely those organizations that sought to destabilize Yugoslavia the most. The calculation was that the more money goes to projects like ILECS – whose specific purpose was to engage in scholarly deliberation to uncover the ideological bases of the newly crafted "globalist" discourse for the sake of solidifying the US hegemony – the less would be spent on cooption.

Between 1997 and 2004, ILECS had considered a number of topics⁷, including war crimes and collective wrongdoing, war and inter-ethnic reconciliation,

⁷ ILECS between 1997 and 2004 are as follows: 1997 – "War Crimes: Moral and Legal Issues" (Belgrade Univ., June 21, University of California at Santa Barbara, Nov. 14-16); 1998 – "War, Collective Responsibility, and Inter-Ethnic Reconciliation" (Belgrade Univ. June 26-28, Santa Barbara City College, Oct. 9-11); 1999 – "Secession, Transitional Justice, and Reconciliation" (The Belgrade conference was cancelled, the follow-up took place at the University of San Francisco, Oct. 29-31); 2000 – "The Ethics of Humanitarian Intervention: Ways of Internationalizing of Internal Conflicts" (Belgrade Univ. June 23-25, Portland State Univ. Oct. 13-15); 2001 – "Institutionalization of Human Rights and Globalization" (Belgrade Univ. June 15-17, Portland State Univ. Nov. 2-3.); 2002 – "Religious and Political Toleration in the Age of Globalization" (Belgrade 28-30, 2002; Portland State University, Nov. 1-2); 2003 – "Collective Identity, Sovereignty, and Minority Rights" (June 28-9 in Belgrade and projected follow up in Santa Barbara in January 2004); and 2004 – "Kant and the Ethics of International Affairs," at Belgrade University June 30-July 1, 2004.

secession and transitional justice, ethics of humanitarian intervention, institutionalization of human rights, religious and political toleration, collective identity, sovereignty, and minority rights. Many of the thematically arranged ILECS presentations were made available in Serbian in the *Philosophical Yearbook*, the journal of the Institute for Philosophy at the Faculty of Philosophy in Belgrade, and elsewhere in English⁸. Working themes for ILECS had always been carefully selected in order to consider the current globalist, ideological, and quasi-scientific contents configured in the West as support for US domination in the wake of the Cold War. There are indications that books and other publications based on ILECS events had, with time, inspired new scientific endeavors. The best examples are the two books critical of the conception and especially the *practice* of "humanitarian intervention," which, when they were published in 2003, represented the only available treatment of the issue that wasn't entirely celebratory. That is no longer the case, and many now agree with the central message of

⁸ Attempts were made that the product of each year's meetings would result in a conference volume. The following is the list of ILECS publications: Aleksandar Jokić is the editor of *War Crimes and Collective Wrongdoing* (Blackwell Publishers, 2001), and two books based on ILECS conferences on humanitarian intervention: *Ethics of Humanitarian Intervention* (Broadview Press, 2003); and *Lessons of Kosovo: The Dangers of Humanitarian Intervention* (Broadview Press, 2003); also a special issue of *Peace Review* (Vol. 12. no. 1, March 2000, (with 14 articles) on "Secession, Transitional Justice, and Reconciliation." The material from every year's conference is also published in Serbian translation each year in the journals *Theoria* or *The Philosophical Yearbook* (the former published by the Serbian Philosophical Society while the latter by the Philosophy Faculty at Belgrade University).

most contributions included in those books that at stake is aggression, the supreme crime under international law. This is why it is paradoxical that this year, the 11th ILECS is devoted to the promotion and celebration of Michael Walzer, who is one of the authors most responsible for popularizing the tale of moral justification of illegal "humanitarian interventions" that must be incorporated within the reformed international law.

Authentic and "False" Topics

In 2004, Professor Jokić left ILECS because of disputed value of some proposed themes – specifically those dealing with the issues of terrorism and world state. The narratives about terrorism and world state (i.e., the end of sovereignty) are part of a discourse that the Western powers use to conceal their imperialist policies. These themes cannot compare in importance with the issue of "humanitarian interventions," that served as the ideological basis for covering up the aggression against Yugoslavia, or the question of the philosophical underpinnings of international criminal law given the existence of an *ad hoc* tribunal of dubious legality in The Hague (the ICTY).⁹ Furthermore, the language of "world state" and "global governance," rooted in specifically American writing about international law, is just the language of the powerful, prepared to sink enormous resources to back up its

⁹ Tiphaine Dickson and Aleksandar Jokic, "See No Evil, Hear No Evil, Speak No Evil: The Unsightly Milosevic Case", *International Journal for the Semiotics of Law* 19, (4), 2006: 356.

policies, chief among them being the looting of the globe through imposition of neoliberal economics on the (once) developing world.

After the split, Professor Babić continued to organize conferences (without ILECS follow-ups in the US); the Ministry of Sciences continued to provide its less than meager financial support; and the Serbian Philosophical Society continued to function as support agency (access to telephone, mail, and other small infrastructural assistance). However, from one year to the next, it became ever more apparent that the purpose of the project was shifting in an unexpected direction. First, the “new ILECS” appeared to neglect the idea of promoting Serbian experts in the Western scholarly contexts, then, it seemed to abandon ILECS’s original (and crucial) programmatic conception that the indirect critique of anti-Serbian propaganda, one that had so deeply penetrated the Western academic endeavors, had to also be combated through academic means. Finally, what is striking in this latest or third phase is that Professor Babić invited the three said professors whose contribution to the defamation of the Serbian state in the Western public and among academic circles is considerable.

The invitation to participate at ILECS 2010 was extended to one David Luban, who not only eagerly supported all kinds of accusations against Serbs and Serbia, but in a book review, unreservedly attacked the first collection of essays based on ILECS 1997. Negative book reviews are not a big deal, of course, but rarely are they composed without care for basic decency and a total lack of respect for the authors (even when they are non-Americans) with whom one disagrees. Visi-

bly angered by an analysis of the flawed conceptual foundation for the establishment of the *ad hoc* international tribunal in The Hague, Luban reserves his sharpest – albeit excessively primitive – criticism for the author of that analysis, now his host, Jovan Babić, whose “train of thought,” Luban writes, “jumps the rails”. Is there a worst *ad hominem* than effectively calling someone you disagree with crazy?

Professor Babić also issued an invitation to his former colleague Igor Primorac, who in the early 1990s had disparaged many including Babić himself for their alleged “Serbian Nazism,” which did not stop Babić, as editor for the publishing house “Sluzbeni glasnik,” from publishing and even promoting a book by Primorac a year ago. Also invited is Professor Michael Walzer, who would have made a perfectly respectable, decent, and more serious impression had he declined to accept the honorary doctorate with the justification that he “refuses to be honored by a national institution that belongs to people who deserved to be bombed”. Can the revolting hypocrisy of all of this escape anyone? Evidently, it can.

New “Smart” Tribunal

If in our protest we raised the question about whether this conference would be yet another anti-Serbian tribunal (though philosophically “enhanced”), then this is not without justification. What else could be expected from these individuals in the context of would-be serious philosophical discussion? What serious person would even consider giving such people the opportunity to articulate their scholarly views right on the ter-

ritory that was bombed in accordance to their wishes, and isn't it perverse, all things considered, to be underscoring their scholarly qualities, when they themselves were incapable of claiming their autonomy from politics? Finally, who would dare to contradict any of them, particularly Walzer, now already decorated with the highest university honor, if they decided by some chance to assert at the conference that the bombing of Serbia was "morally justified"?

We, as participants at the past conferences, and Walzer (with Luban and Primorac) stand at exactly opposite positions. Ten years ago, Professor Babić was without a doubt with us. At any rate, he defended that position with his philosophical tools in a sovereign and brilliant way, which is what his current guest, Luban, could not forgive him. Who will offer a philosophical account of their position today, they can decide among themselves, but it is clear that their argumentation (even with help from Mr. Dr. Laureate) could fly only in a "little NATO school of democracy".

As we have shown, ILECS, in its original conception, served the purpose of promoting our scholars and improving the image of Serbia by showing in a practical way that we do have talent capable of dialogue, on all themes of vital importance, with world renowned experts, and demonstrating that we can do it without a knife between our teeth (contrary to the cartoonish portrayal mind-numbingly repeated by CNN et al., upon which these distinguished guests appear to have formed the epistemic basis for their views on our nation, and what it deserves). Hence, it is reasonable to ask what purpose this radical redesign of the conference could serve now that it is premised on a peculiar

blend of hospitality and self-degradation. Could the purpose be the affirmation of American scholars here in Belgrade, at the expense of the Serbian state and with presence of local academics, reduced to the role of mere audience (who can serve coffee and mineral water to the esteemed speakers)? Or is the purpose personal affirmation of professor Babić and his aides with help from Walzer and other guests?

Private hosting, however, is always morally impermissible and deserves to be strongly condemned if it is carried out at the expense of another, but particularly so if those other are public, national institutions. If, as the intellectual elite of this country, we are incapable of openly defending national dignity, interest, and self-respect it behooves us morally to do nothing; it is morally preferable to do nothing than to initiate actions that will forever remain in the annals of national dishonor.

*Milan Brdar and
Aleksandar Jokić*

[Weekly *Pecat*, no.119, June 18, 2010]

2.2 CRUISE MISSILE CASUIST OR HOW MUCH LONGER WILL THE SERBIAN "INTELLECTUAL ELITE" CONTINUE TO SPIT INTO THE PLATE FROM WHICH THEY ARE EATING?

On June 16th, the latest honorary doctorate was awarded at Belgrade University: it was given to Michael Walzer, a well-known American professor, political theorist and philosopher, who, contrary to his reputation as a "dissenter," earned over 40 years ago during the Vietnam War, has articulated positions close to those of the US government. Consistent with his almost four decades-long "critical" support for the overwhelming majority of US foreign policy in the name of Just War theory, Walzer was a proponent of American intervention during the 1990s both against Bosnian Serbs, as well as for the bombing of Yugoslavia in 1999.

This ceremony in all likelihood would have gone unnoticed had professors Milan Brdar and Aleksandar Jokić not alerted the wider public with their claim that at stake is an act of supreme national self-humiliation, consisting of Belgrade University rewarding a man who advocated that Americans shower our heads with their bombs, in the name of justice.

Dr. Milan Brdar is full Professor, and scientific adviser at the Institute for Social Sciences and former President of the Serbian Philosophical Society, while Dr. Aleksandar Jokić is Professor of Philosophy at Portland State University in the US and is one of the

founders of the conference series Walzer is attending this week in Belgrade.

The Faculty of Political Sciences that officially nominated Walzer for this highest honor, the Faculty of Philosophy that took part in the procedure, and Belgrade University have not reacted regarding this case and the protest it provoked.

The Rector of Belgrade University, Professor Branko Kovacević, told journalists that he views Walzer as the greatest contemporary political theorist who now regrets having made the mistake of supporting the bombing of Serbia. Walzer himself, however, interviewed by *Politika*, stated: "My view is that the intervention was justified and that Kosovo should remain independent."

Professor Brdar emphasizes that their protest was not directed solely towards Walzer, but also against the domestic intellectual elite that awarded him this honor:

- We do not deny the merit of Walzer as a scholar¹⁰
- says Brdar - nor do we deny him as the US citizen the right to promote his country, government, or even American imperialism. What scandalizes us is that many among our colleagues and a major part of the academic community do not defend the interests of their country, that they see their own state as foreign to them and a foreign one as supposedly theirs. We are puzzled as to why our so-called intellectual elite has for decades kept spitting in the plate from which they

¹⁰ That is how it was initially. But soon we realized that it was important to analyze the substance of Walzer's scholarly contributions as presented by those recommending him; that is, we engaged in an analysis of the text of the actual recommendation. See the discussion below.

eat. This case is the culmination of the national self-humiliation for which the sycophantic intellectual elite bears responsibility. Walzer himself has even acted honorably about all of this, for he candidly stated after the ceremony that made him honorary doctor of Belgrade University that he was surprised by the invitation he received from Serbia given that in 1999 he had been a supporter of and advocated in favor of the military intervention against our country.

Professors Brdar and Jokić now demand the resignation of the Rector of Belgrade University, Professor Branko Kovacevic, as he failed to prevent the "political farce" of awarding the honorary doctorate to Michael Walzer.

"Resignation remains as the only honorable act in this situation. Your resignation is in the interest of protecting the reputation of the institution we should presumably all be serving. In case you fail to do so you will only contribute to the further moral collapse of the University and amplify this dishonor, which will reinforce the feeling of academic defeat and national shame. Let us not forget, the institutions remain; we are the ones who depart, and history will remember us according to how we served them," write professors Brdar and Jokić in their demand for Rector's resignation.

When we asked Professor Brdar if he was amenable to a more detailed dialogue about "the Walzer affair" he accepted at once and immediately pointed out:

- An unusual turn of events took place: as if by directive, the media made absolutely no mention that Michael Walzer was given an honorary doctorate. Perhaps this is because he stated, "There will be no return of Kosovo," in his speech after he was awarded the doc-

torate by the university of the state the government of which officially insists, "We shall not recognize Kosovo." What then does this mean, is the government going to recognize the independent Kosovo after all? It appears so, since it honors a professor who makes the same statements as the American Vice President Biden, and the American Ambassador: "For us the issue of Kosovo has been solved."

Professor Walzer says about himself that he is a public critical intellectual and leftist, yet at the same time he supports every American "just war". He claims to be supporting on principle the emergence of new states "if that is the will of the majority," and illustrates his adherence to this principle with his support as an American Jew for the Palestinian state. At the same time he opposes Palestinian terrorism and supports all Israeli military interventions.

Walzer spent his career as professor at Princeton University where part of the American political elite is educated and was among the top paid professors in all of the US. In his younger days, when he was building his career, he was a leftist at the time when in the US everyone who opposed the war in Vietnam was considered a leftist. However, with time, as in the cases of many of those early situational leftists, Walzer "evolved" and became an ideologue of conservatism (whether he would acknowledge it or not) and of American imperialism. Walzer gained worldwide recognition, particularly since becoming the "state philosopher" who justifies the so-called "humanitarian interventions" from Tanzania and Uganda via Bosnia and Serbia to Afghanistan and Iraq.

Today Walzer openly admits that he had made mistakes in some cases claiming that he was misled by faulty media reports about regions in crisis. Specifically, he states that he supported the bombing of Bosnia Serbs because he received information only from the press that published only negative reports against them.

Today Walzer is honest enough to admit: "I supported military interventions, but when I realized what we have done I admitted that I was mistaken." However, this pose contains the element of moral hypocrisy characteristic of the so-called "responsible intellectual". What is in it for some Serb, Afghani or an Iraqi when Walzer says: "Ouch, I am so sorry, we messed up," referring to the Pentagon, his government, and himself? Is he offering a recipe to heal the wounds? Not at all! Does he lobby for the withdrawal from Afghanistan or Iraq? God forbid! Then what good is there in such "honesty"?

Still, unlike apparently in the cases of Afghanistan and Iraq, Walzer seems to continue to hold that both the bombing of Bosnian Serbs, and later Serbia was essentially justified. He claims that the war of 1999 was "illegal but legitimate".

That is correct, even today he does not claim to have made a mistake in supporting first the bombing of Bosnian Serbs and then Serbia, even though our Rector claims otherwise! All he said after the ceremony was that he recognizes how "Serbs are now suffering in Kosovo and that they should be given help." One should not expect from him to admit mistake in our case since he functions exclusively as an advocate for his government, who regularly in his introductory

notes to every issue of his magazine *Dissent* promotes American imperialism and argues against the critics of the US foreign policies.

How do you interpret his latest claim that in 1999 he was not advocating in favor of the bombing campaign but of a land invasion that, according to him, would have caused fewer casualties?

As a rule, military land invasions are bloodier and produce much greater loss in human lives; thus such statements by Walzer demonstrate that he is yet to grasp this basic military fact, that he approaches these questions with superficiality, and that he is unserious and irresponsible. By championing insipid political claims, supposedly in the name of saving human lives, with that statement he had only provoked yet another scandal. What would have really happened had there been a land invasion: first, in short order, several thousands of American troops would have been killed, which would have provoked unrestrained reprisals – totally indiscriminate bombing that would have caused many more civilian deaths. In any event, the Americans in 1999 had already increasingly engaged in targeting civilian installations when they realized that their predictions that the war would last “a few short days” were not coming true. They quickly lost their nerve, and started retaliating while innocent civilians increasingly paid the price with their lives. Had the land invasion happened Americans (or NATO troops) would have been decimated, but the Serbian population would have fared much worse. That's why I claim that Walzer's approach is superficial and that he is even more irresponsible than one may think.

On what basis did then Walzer deserve to become an honorary doctor of Belgrade University?

There is no basis at all! The honorary doctorate is the highest honor a university can bestow on a foreigner, but when all is said and done for people from Belgrade University who nominated him it can be said that they are either irresponsible or superficial, and thus not serious. The honorary doctorate is not given just for scholarly work, which must be substantial and uncontroversial, but also for engagement outside of scholarship that must be positive first and foremost for the country that is awarding the honorary doctorate. And right before the award ceremony began, confusion erupted at the Rectorate, for it emerged that no one had verified Walzer's political engagement beyond his scholarship. Furthermore, the identity of the originator(s) of the recommendation remains a mystery to this day. Officially, the proposal came from the Faculty of Political Sciences (FPS), but since everyone insists on complete silence, it may emerge that a janitor had smuggled this document among the papers of the FPS Dean.

Is it possible that the honorary doctorate is a consequence of a suggestion from the political milieu?

I cannot speculate about that, as I don't have a single reliable indication that a political directive was issued. Something of a sort is possible, however, because of the frequent unsolicited initiatives coming from the pro-Euro-Atlantic circles at the University. It is a fact that in Serbia as well as in the world at large, the majority of engaged intellectuals side with the "mainstream" – that is, with the supreme power. Globally speaking that means being supportive of American neo-imperialism,

while domestically this implies supporting a government that functions according to US blessings. If need be even in conspiracy against the interests of the people. Already in the socialist time we learned that it is much easier to build a career when you go along with the ruling trend. One who is autonomous and critical must be prepared for isolation, which was characteristic of the socialist period, but it is especially applicable today. Even the situation with the media is similar: only a handful of opposition journalists wrote about the honorary doctorate while the regime media remained utterly silent. The daily *Politika* of June 19 stated that Walzer had become "honorary member of the university (Literary Supplement, p. 2), while in the interview the paper published with Walzer there is no mention of the honorary doctorate. The same issue also published an interview with the Rector who could find no other topic than a critique of private universities, and who stayed quiet about the event involving Walzer. Clearly a directive was in place to publish nothing about the honor given to Walzer, as it became apparent that at stake was a major embarrassment, one that the government no longer wanted to participate in, or did not, at the very least, want it known.

Why did then the academic community, the intellectuals from the university that enjoys its autonomy, acquiesce to this embarrassment?

Our university is internally completely politically divided, so there can be no question of its real autonomy. At every faculty the political party to which one belongs is much more important than the quality one's scholarly work. Career-minded individuals find no difficulty in cooperating in this dishonor, that much more as they fer-

vently promote pro-Americanism and neo-liberalism the same way they used to promote self-management (in the planned socialist economy). They want grants and visiting professorships abroad, and at home they want several paying positions; it is not enough for them to be professors, they want to be part of several directorates, to be members of governing boards, or program councils. Nothing new, we had plenty of similar experiences in the period of socialism. It cannot be said, however, that the majority of the academic community is like that, so why are those who are not moved by petty utilitarian goals quiet about all of this? I suspect that this is so because they experience the pressure of extortion and fear their colleagues, concerned that their careers might be stymied or that they could suffer unpleasant treatment if they speak up. That means that the university is run by politicized groups propped up by party supported cliques. Not unlike in the communist times, except that now several parties are the influential players.

Don't you fear the consequences of your manifestation against the honorary doctorate given to Walzer?

It is a sad circumstance that such a question makes sense. In the present case at issue is not a personal expectation or interest; when a critical moment comes, like now, a reaction is necessary to save one's face. And that face again is not something personal, but at stake is the honor of an institution like the University, national dignity, and collective self-respect. Otherwise we can expect a total downfall. If an honorary doctorate is given to Walzer, what do we have to look forward to; why not bestow similar honors to Henri-Levy, Finkelkraut, or Gluksman, who were the loudest advocates of leveling

Belgrade under bombs? We couldn't bypass Kushner, Solana or even Clinton. Who could be against those awards after the case with Walzer? Is there a more dramatic illustration of the pathology suffered by the Serbian academic community? I am sure that Walzer will remember this honorary degree as just an exotic curiosity, while the University and the academic community have suffered a lasting dishonor. While our political elites celebrate and try to endear themselves to the "great boss" our intellectual elite appears incapable of anything more than to serve as an appendage to that sycophancy. It is no surprise then that they look for their salvation in the boring narrative about the concept of a nation as a "dark relic of a bygone era," for then they have nothing to worry about.

Between the American Army Helmet and the Chamber Pot

Professor Brdar says that the political elite is required to take actions on the international political stage, in ways it must, but it is not alone responsible to defend national interests, dignity, and self-respect.

The intellectual elite cannot constantly rely on the excuse that it will not deal with "daily politics" and instead focus just on the scholarly matters, for that will turn them into *fachidiots*, incapable of addressing anything else. The responsibility the intellectuals have is not restricted to the "struggle for democracy," but it extends also to the defense of national interests and dignity of the people and state! Why would we claim that losing a game of football represents national humiliation, but not the act of awarding an honorary doctorate to Michael

Walzer who advocated the bombing in 1999 that poisoned our country with depleted uranium now causing massive deaths due to cancer? What else should happen in order for the intellectual elite to raise its voice on behalf of its state, rather than continuously merely conversing about democracy and accession to the EU?

The values of national dignity and self-respect aren't a matter of "thinking differently," you either have them or you don't. If you have them you don't discuss them, if you don't have them no discussion will help you acquire them. When we pause to take a look at the logic of what they have been doing to us for the last decade, it is incorrect that they merely require of us to put the American military helmet on our heads in order to leave us alone. They are a bit more demanding; that is, they are demanding that we cover our heads with the chamber pot they have previously emptied on our heads. Translated into the ordinary vernacular, they demand that we voluntarily and enthusiastically join NATO, to forget that NATO dumped depleted uranium bombs on us and adopt it part of our own selves. To that end, the academic circles as a new domain of conquest have obviously being subjected to heavy-duty brainwashing, which finally led to this initial scandal we have been talking about. That only means that more scandals are coming.

The Sycophantic Race for a Handful of Donations

When in the fall of 1915 the German military forces crossed the Danube and entered Belgrade from the North, all the cadets of the Belgrade University on their

own initiative lined up to salute *Feldmarschall* August von Mackensen. Mackensen's view of our cadets can be speculated upon indirectly, in light of the fact that he erected a monument to both his dead troops and to the Serbian soldiers who died defending Belgrade. This suggests that self-humiliation can never lead to respect (even by one's occupier). Also in the period between the two world wars a part of the intellectual elite in their "broadmindedness" was on the side of Moscow, even though they, the fashionable leftists, had no idea what was going on there. Their leftist activities were exceedingly lucrative, thus Milovan Djilas, a failed student of philosophy, always had more money in his pockets than any of his professors. The situation is very similar today. Do you think that the pro-American and neoliberal positions are defended here on principle and out of appropriate idealism, while donations arrive from the US out of poignant human motives? Therein lies the secret of the sycophantic behavior of the Serbian intellectual elite towards the current bosses. Truth be told, nothing is openly demanded of them, for clearly they will deliver anything while competing in their adulation. This is why every criticism of American policies is immediately confronted head on, and they do it with more vigor than Americans would themselves. It is in the context of this race in sycophancy that the recommendation was made that Michael Walzer should be awarded the *honoris causa*. This race is still on, so we can expect new scandals. And it is not impossible that they should be worse than this one, which is of course without precedent.

2.3 UNIVERSITY IN THE POLITICAL BOUDOIR

(The Chronology of a Disgrace as a Justification for Demanding the Irrevocable Resignation by the Rector of the Belgrade University)

Introduction

For the entire period during which the Western propaganda against Yugoslavia regarding Kosovo and Metohija went on unabated, Belgrade University was nowhere to be found. When Kosovo was taken away, the University – in the meantime schooled in banging on pans, pots, and lids in the name of the “universalities” (democracy, human rights, etc.) – said absolutely nothing. And now, for the last ten years, when a variety of players are visibly knitting a silk cord around our necks, while leaders are competing to be let in as accomplices, national institutions such as the Serbian Academy of Arts and Sciences, the University, and the Church are silent. There is nothing particularly surprising about this since those institutions have been subverted from within by mental midgets, ready to sell out the country and its future for the sake of a minor personal gain. The Church is busy dealing with itself since the death of His Holiness Patriarch Pavle, apparently at a loss to figure out where it is at or what its future holds; the Serbian Academy of Arts and Sciences has already famously proclaimed that it is “not going to deal with daily politics” at this time when the

house is on fire, while the occupation of the country is under way by the media invasion of the Serbian brain in order to remove the last vestiges of integrity and a sense of identity. The University with its smug and self-interested silence has surpassed them all. Suddenly, it spoke, and in speaking, produced an unspeakable scandal.

Walzer, the theorist of "just war"! Yes. This largely medieval doctrine reemerged near the end of the Vietnam war, but was catapulted into useful prominence after the fall of the Berlin wall to serve as justification for American military interventions, or to put it more precisely: to justify aggressions by the American Empire in its conquest of ever greater portions of the globe. All those interventions are covered by two narratives: the first one is about democracy and human rights, while the second one is about just war, a story prepared for moral dilettantes who would believe it that the goal of those interventions is to liberate the "citizens" of attacked countries from the tyranny of their local leaders, and reduce their casualties. For example, we can take the Kosovo Albanians (and their armed wing, the KLA) who were armed and propelled into action by Washington. Then came concerns about victims and the mantra about the necessity to "reduce the number of casualties" emerging as justification for military intervention. And when, in the end, it turns out that the intervention, instead of decreasing casualties, had caused a hundred or a thousand times more victims, then all those vocal proponents of democracy, human rights, and just war are silent. All, except Walzer that is, who then proclaims: "Oh, we made a

mistake!" This is supposed to be a virtue. Just what kind of virtue, we shall soon see.

Act one: Monday, June 14, 2010

The crowning event of the scandalous decision to award *honoris causa* to Michael Walzer, who advocated the military aggression against Yugoslavia, was just one of the events that marked the third week of June 2010. The second act of this scandal occurred during the ceremony itself: first, fewer than fifteen people (if one does not count the officials and the ILECS conference participants) attended the event, second, the actual content of the speech by the laureate upon receiving the honor. The third act develops in the form of reactions to this event consisting of the disgraceful behavior by the media, on the one hand, and the statements by the Rector, on the other. We shall give careful attention to all of this in order to indicate with more precision to what degree the University and our academic community have been stuck in the political boudoir of the deteriorating world empire. Common to all these events or episodes is – scandal. The scandal of the academic community, the scandal involving the University as a national institution, the scandal of the pro-European media and journalistic profession that adopts a paternalistic attitude towards Serbia while itself clearly sinking in the depths of moral prostitution.

The first episode of this national scandal was examined in our protest and we concluded with the *Demand* for an irrevocable resignation to the Rector. That this was quite justified is clear in particular from the second and third episodes of this whole affair. In the

second episode the Rector deserved to resign because he did nothing while in the third because he had issued an inexcusably inappropriate statement.

Act Two: Wednesday, June 16

First Picture

Let us first consider a photograph from the ceremony, published in only one newspaper (*Pravda*, 19-20 June 2010, p. 13, and 29 June, 2010 pp. 8-9). The Festival Hall of the Rectorate is practically empty. If we count out those who were present as a result of official duty, that is three or four journalists (including a cameraman), four conference participants, the Rector and certainly a few others from the Rectorate, at least 2 representatives from the nominating organization and Walzer himself with his spouse, it follows that no more than five or six people (assuming a few were left outside the camera angle) attended the ceremony. All in all, there was no audience!

What sort of ceremony is this, with no academics present: the students and faculty?

That all professors of Belgrade University received invitations is clear, and their absence is instructive! In that situation, wasn't it better to have moved the ceremony to the Rector's office that would have easily accommodated all those present, perhaps with the following excuse given to the laureate:

"You know, Mr. Walzer, last week's storm caused the roof right above the Festival Hall to cave in, so we must do it here...And for that reason we did not even invite our colleagues, you will understand."

More than a meager attendance, hence, is that much more symptomatic, for like always on such occasions, invitations had gone to all faculties. Therefore, we might surmise, a quiet boycott took place. The academic community may not be as afflicted as it appeared, since *en masse* it steered clear of this degrading ceremony. Is the Rector aware of that?

*Second Picture: The Recommendation for
Awarding the Honorary Doctorate*

In the Recommendation, we read that Michael Walzer's "great contribution is to have shown that concrete problems of our time can be addressed with the apparatus of political theory and political philosophy."

What? Is that the essence of the contribution made by "the greatest living political thinker"? Had somebody written this about a local colleague he would be ridiculed for decades. They made it sound as if the world had to wait for Walzer to reveal that the concepts of political theory and political philosophy can be applied to concrete problems.

Isn't this indicative of the total intellectual impotence afflicting the authors of the *Recommendation*, as they struggled to formulate something impressive about their nominee?

*Third Picture: You Give me the Award
I Give you Kosovo Not*

The third picture of this scandal consists of the ceremony that ends with the speech by the laureate in

which he "gives thanks" for the high honor bestowed upon him.

First, the laureate is surprised with this gesture given in what country this is happening. Still, this did not prevent him from remaining faithful to his views, causing those who recommended him for this honor to ponder a bit what they have done. In his ceremonial speech he emphasized the following:

1) "Kosovo is gone and there is no question of returning it to Serbia, negotiations are possible, but..." and so on and on.

In this, the laureate exposes himself as the spokesperson for the State Department and the Pentagon, which he is, in essence, via the electronic edition of his journal *Dissent*. However, those lingering among us who recommended him for the honorary doctorate fail to see this, and instead view him as a political philosopher, political theorist, and (allegedly) autonomous intellectual. Were they perhaps overwhelmed by the sense of shame when they heard him spit in the face of this country and its official policy (regarding Kosovo remaining a part of Serbia)? And does this country even have a face when the Rector fails to recognize that this is an insult for the academic community as well, when they are made to receive the message:

"You give me the honor, and I get to thank you by emphasizing that Kosovo is gone, finished."

He also added something else, which demonstrates how little he cares for the logical consequences of his statements or his hosts:

2) "I was in favor of a ground invasion, because there would have been fewer casualties."

This is where the power of Walzer's mind as political theorist and philosopher shines through. Professor Walzer disgracefully falters and fails to realize what is immediately clear to any reasonably bright local person: of course, exactly the opposite would have transpired. Had NATO's army entered Serbia, most likely several thousands would have been quickly killed. Following that, one can imagine a counterfactual scenario wherein the humanitarian NATO bombing would have been transformed into a campaign of reprisals – a nonselective bombing as far as civilians are concerned, much like Dresden in 1944. And in any event, to a large extent the bombing already began resembling a reprisal campaign after the first week of hitting targets, when frustration set in as a result of Serbia refusing to capitulate as fast as the US imagined it would. As professor Walzer tends to be understood by members of his academic fan club, (see *infra*, p. 323), "That's our good guys winning against Serbian bad guys for the sake of just cause." And now, after everything, he is pontificating to us that there would have been "fewer casualties". He appears not to know what he is talking about, or better to say does not care about the consequences of his words. In a nutshell, he is acting merely as a rock star.

A Bit of Background History: the Autonomy of the University – from Party Committee to the Cabinet

On Wednesday morning, the University Senate went into an unannounced emergency session to discuss the question: What is to be done? And, really, after

accepting a recommendation for the honorary doctorate that reads as if it came from the street, without checking who the potential laureate is and his characteristics, what could they do? With members of the Senate who proved hopelessly divided between those favoring cancellation of the ceremony and those in favor of awarding the doctorate despite everything, a call to the Cabinet was made, i.e., exactly "where it should be" in order for the issue to be resolved. Comrades to the rescue! And the directive arrived: proceed with the award, but the media must be silent! A senior functionary of the leading political party, a well-known champion of democracy and autonomy of the university, made the ruling.

This is a demonstration of the autonomy of the celebrated University that in the span of 50 years always confirmed itself from the committee to the cabinet:

Party Committee + Cabinet = Autonomy of the
University

Will the virtuous academic community protest against this violation of autonomy? Will they demonstrate against the Rector who is certifiably incapable of making a decision on his own and demand responsibility? Of course they will not. Thus, one scandal follows another.

And the media were really silent. The (in)famous newspaper of record, *Politika*, published an interview with Walzer with absolutely no mention that he was awarded an honorary doctorate. Was the editor seized with the pangs of guilty conscience, and embarrassed, try to salvage what he still could?

Act Three: Thursday, June 17

Eloquent Ignorance and Eloquent Silence

First Picture

The day starts with a grotesque event. One of the organizers of the conference on "Asymmetric Wars" takes part in the Morning Show on RTS (Radio Television Serbia). His answer to the question as to whether Walzer was a proponent of bombing is that he favored similar interventions in Tanzania, and elsewhere. Thus, if in the name of humanitarian action, Africans are those who get killed, then there is no problem! Where exactly have philosophers wandered off with their humanitarianism? When the show's host insists that the question is about us (about bombing Serbia), the guest claims ignorance: "I don't know, I did not read him on that." Accordingly, the guest is someone who took part in orchestrating Walzer's participation at the conference, but has no knowledge of the laureate's writings. Things are just getting better and better. Then he proceeded to explain "the essence and purpose of the conference" by stating that the desire is to contribute to ending all wars on the planet. Sadly, the guest sounds more like a contestant speaking in the Miss Universe pageant than a philosophical thinker or writer. Touching as the sentiment may be, how are we supposed to stop all wars? By dropping bombs while citing the approval of Walzer's just war theory? Let them dispatch their conclusions to the Pentagon, since the Pentagon is evidently the only military authority in the world engaged in "just

wars," so that the said conclusions could be of no use to any other party on the planet.

Second Picture

Just as the entire day and evening the day before, on Thursday there was no news at all anywhere about the honorary doctorate. The conspiracy of silence among electronic and print media is without precedent. This speaks to the likely fact that the mere act of awarding this honorary degree was of great importance to someone, while its deeply dishonorable character is also evident. And so, the operation had to unfold in absolute silence.

On Interrogating the Laureate as One's Justification: What is at Issue?

The entire case turns on the issue as to whether professor Walzer really engaged in lobbying in favor of bombing of Yugoslavia or not. As if his own explicit statements are insufficient:

Where you surprised when you received the invitation from Belgrade?

- Honestly, I was really surprised.

- Why?

- Because I supported the NATO intervention to resolve the Kosovo crisis in 1999. I expected that it would have been very difficult that I should be given an award like this given my views about the solution to Kosovo crisis.

For any intelligent person this is enough. For those others it is hopeless to repeat it hundreds of times.

Furthermore, is Walzer really "the greatest living philosopher" or not? Let us emphasize that the latter question isn't really important, and at first we did not plan at all to engage with the question of his scholarly authority. But, forced by the stories meant to "dazzle the naïve," we investigated a bit also that side of the laureate and discovered that his stature isn't as impressive as believed, and secondly, we indirectly ascertained that those who recommended him for this high honor never really familiarized themselves with their beloved theorist, whether as the alleged specialist in philosophy, or an activist (and if they did, then they are presumably in agreement with his views).

Firstly, if he is really such a giant of philosophy, why did the official proposal to give him *honoris causa* not originate from the Philosophy Department at the Faculty of Philosophy? Who are those from the Faculty of Political Sciences who evaluated with competence the merits of his philosophical work, and would they please have the decency to make this public? How are we supposed to know this when the official *Recommendation* that originated at the Faculty for Political Sciences does not even display the signatures of its authors? Even if the assessment of the philosophical merit in this case were well founded, or in general that someone is an important scholar in his or her area of research, clearly that would be far from sufficient to warrant awarding them a *honoris causa*. Let us ignore the provincial phraseology. This high honor is never given simply on the basis of scholarship; more important is the nature and degree of engagement about issues of importance to the country. And Walzer offers absolutely none of the latter; quite to the contrary, when the nature of his en-

gagement that affects this country is taken into account he should be among the first on the list of those who neither should ever be considered for any kind of award nor be permitted to officially enter the country, including attending some benignly-autistic philosophy conference that is understood by no one anyway.

We shall now deal directly with this issue of scholarly competence: the subject of analysis has to be the manner in which Walzer as a "philosopher" addresses the contemporary political issues, and to what extent philosophy helps him elevate his examinations above the level of daily Western journalistic chats on political themes, that is, how skillfully does he apply philosophical categories in entertaining the "concrete problems of our time" (which is one of the reasons he was awarded the honorary doctorate). In short, we shall demonstrate the manner in which an academic intellect via philosophy situates itself within the present day political boudoir for the sake of engaging in intellectual prostitution, in which activity much of our academic community enthusiastically participates (a topic we return to in two other contributions).

Here is another example and demonstration: "I supported our interventions in Iraq and Afghanistan, and then I realized we had made a mistake!" [Quoted in *Pravda*, 16. 06. 2010; also in *NIN*, no. 3104, 24. June 2010, p. 41] What a display of honesty as a virtue! But never mind that those interventions made a pigsty out of a civilized state and cost hundreds of thousands of lives. Activists of Walzer's type had always with good intentions marched over dead bodies. And when they finally take notice of all the cadavers they cry: "Oh, we made a mistake, but we must move forward!" "The

greatest political philosopher” and political theorist is incapable of predicting the consequences of what he advocates! If, however, he does have that capacity and still advocates what he does, then he is fundamentally irresponsible to the point of complete amorality. What is important, of course, is the media effect. Besides, the Third world only serves the purpose of confirming the splendid moral character of those Western activists decorated with doctoral titles and comfortably tucked away in the departments of prestigious universities. Then, from time to time, some sad characters from a far away place, like Serbia, fascinated by those “big world” players, and saddled by their own prejudice and ambition, arrange for a visit by some of them in order to venerate them and shower with high honors. And why? For nothing, we don't do this for them, but for our own sake!

How much of a philosopher Walzer is in his works on humanitarian intervention, and war can be gathered from the language he frequently uses to start sentences: “I think,” “It seems to me,” ...“We made a mistake,” “So they thought”.

True, Descartes was a proponent of the proposition “I think,” but that does not mean that a philosopher is permitted to meditate without factual warrant. And Walzer has as a rule been doing just that: he deliberated the “way it seemed to him”. And things seemed to him the way they were presented on CNN and other reliable information channels. When “facts” he had collected in this way, rather than through his own research, inevitably evaporate, all that remains to his texts is a meager logical matrix of his thought that proves insufficiently disciplined to be taken seriously,

too comfortable and unconstrained, often self-contradictory and totally lacking in awareness of its logical consequences.

In other words, even in his alleged "scholarly works," Walzer practices an activist, propagandist discourse whose significance is not based on argument, but on power alone. On the power of his state, that is, whose policies he continuously propagates, and which manages to bring to "consensus" all small countries powerless to oppose it, just as is the case of Serbia.

Walzer is thus a big philosopher only in the shadow of that great imperial power. Otherwise, he could be of no interest even to a third rate university. Once the empire collapses, our laureate will suffer the same fate as many East European stars after the collapse of communism. Or, to use another example, consider the star of Jürgen Habermas (with his celebrated apology to the bombing of Yugoslavia). That is much like the fate of the silent movie heroes once films evolved to sound. Of course, stars shine more brightly when the firmament is dim. In place of grandeur, like in the previous cases, what will emerge is the obscurantist discourse with its wobbly logic and no factual corroboration, but also without the propagandistic value that captivated many in its philosophical and political-theoretic wrappings. This will become evident once the political boudoir in which Walzer and other activists keep philosophy and political science crumbles. That will be the end of one (and of course the start of another) process of moral prostitution. And as far as our academics are concerned they will already uncover a new worldly victim (that is a "star") to use for their own promotion, thus simulating their own participation in

the latest trend. And they may go for it even if this were to require of them (the unthinkable): to become nationalists.

Act Three: On Eloquent Silence and the Unspoken Message

Finally, on June 18th, the Rector voices something in an interview to *Politika*, which never published a word about the honorary doctorate. But he does not speak of the big event, he evades it entirely by focusing on other things; that is, he is blithely whitewashing the honor given to Walzer and by doing what: gossiping about the private universities. Can one even believe this? There he is saying how private universities are just "into making money and we are not." Thus, just two days after the ceremony, the Rector is attempting to cover up the scandal by slandering private universities, as if the state universities are just milk and honey. It is not just the Rector who does this, *Politika*, that virtuous, traditionally regime paper of record does it too, by following the Cabinet directive that no word be published about the scandal, which the paper consistently respected just as in the old days of living Titoism. In any event, we have shown elsewhere that Titoism rules Serbia thirty years after his death (see *NIN*, no. 3034, February 19, 2009, pp. 36-7).

What is the point of feigning this never occurred, following a directive from the Cabinet and what is gained by this alleged deception of the readers? As if the scandal was not well known, and as if the academic community wasn't trembling as a result. Nothing of what was aimed at was accomplished; the

only thing uncovered was that the administration was also complicit in the shameful act that no good can come from. Uncovered was also that the authorities, together with the University, are prepared to engage in moral malice behind peoples' backs, serving no good whatsoever. And if we know that underhanded preparations are under way for joining the idyllic NATO community, then this action with Walzer's *honoris causa* also looks like such a preparation. Getting the academic community to become used to comradeship with NATO-propagandists is a step toward washing people's brains so that even a referendum with a positive outcome would in the end be possible – becoming a NATO member with the acquiescence that bombing was justified as a new universal truth.

In contrast, the daily *Pravda* (June 19-20, 2010, p. 13) transmits the Rector's statement regarding the awarded honorary doctorate. The character of his statement is scandalous regarding its two parts and their contradictory meaning:

Part one: "Walzer repented."

Part two: "At the Faculty of Political Science public event students grilled Walzer."

The Rector is oblivious to the contradiction he uttered and unaware of what he actually revealed. This is scandalous. Let us examine it.

First part: If Walzer really repented why didn't he announce this personally? Or perhaps he has done so to the Rector, somehow on the fly while dining together after the ceremony? If that is what happened, then Walzer was not speaking the truth. And as a result the Rector stated a falsehood.

Why does the Rector find it necessary to engage in this sort of deception? To cover for his own shame, and the shame of the institution he is leading, for awarding Walzer the *honoris causa*? There he reached for a justification: "You see, Walzer repented!"

But when did he do that? Could it be that it happened after the ceremony, since as we have seen no sign of any repentance was discernable in his speech?

He most certainly had not repented, which is clear from his interview of June 14, in *Politika*, where he states: "I favored the attack on Serbia," meaning the 1999 US-led NATO bombing of Yugoslavia.

Second part: If it were the case, as the Rector insists, that Walzer repented, why is he then emphasizing that the students at the Faculty of Political Sciences grilled Walzer in the way they questioned him? The rector appears satisfied with students' performance; he is ready to applaud them! Isn't this somewhat hostile, to be grilling a guest like that, and not just any guest, but a world-renowned philosopher?

Isn't this interrogation of the "greatest philosopher" (as the Rector stated) by students a bit indecent? And if the student curiosity was not directed towards any issues in philosophy what could their energetic interrogation been about? Student curiosity was directed towards his political, non-philosophical writings and statements. If so, wasn't then the silence by the professors who were also present, to put it mildly, entirely scandalous? *Messieurs et Mesdames* professors are sitting quietly, evidently chastened, while students are left to carry out their professors' burden and save the face of their faculty (students come and go, professors stay).

If, however, this "grilling" was justified, as a way of clearing one's conscience, then things look even worse for the Rector. With this statement, the Rector in effect is attempting to rescue himself, the Rectorate, and the entire University over the backs of a handful of students, for, you see, "they grilled Walzer". They demonstrated to him what neither the Rector himself nor the numerous present professors "who with great interest listened to the lecture by the laureate" had the courage to do. Well, it is utterly morally repugnant to try to save the face of the disgraced University over the backs of a few students, just as it is immoral to attend to theoretical considerations in the midst of a moral and political scandal. No doubt there were many more students ready to grill Walzer, except that they could not have known that this was expected of *them*. Had they known they would have shown up in larger numbers to give their colleagues a hand.

The Rector is bragging that the students told the laureate to his face what he and the University officials were incapable of saying. A perilous situation, is it not? Why did they then honor him in the first place, especially since Walzer himself was surprised by the gesture?

Let us close the loop: If the grilling of Walzer by students had its justification, then why did the university officials bestow the high honor upon him? The Rector in his statement effectively admitted: We made a major mess, but the students cleaned up after us! *Félicitations!*

It is over-the-top to ask of students to clean up after you! This, however, is nothing new. The University professorial establishment had pretty much always af-

firmed its progressive character over the backs of students. Such was the case certainly in 1968, and before in 1966-7. It was easy then to stir up the students in order to lead them to the street, with crafty words and, yes, blackmail and threats (having to do with exams) all the while having only most wonderful words for "our youth". It was evident that the professors would show their true nature as allies: First when the time came to march on the streets to support their class interests, and not "democracy". This transpired in 1998 regarding the Law on Higher Education when only a handful of professors showed up while all others remained silent. Second, the professorial establishment demonstrates its true nature when they find themselves eye to eye with students who are defending their interests as students, and not implementing democracy in the state. The latter, unfortunately, can be witnessed on a daily basis on the hallways of the university buildings where professors issue threats and blackmail, and students prove unable to utilize to their advantage their highly touted and once-powerful student parliament to defend their interests.

If the tale about the progressive nature of the University has any merit, then at stake is the progressive character of the students, and certainly not of the professors. It is a farce used for the sake of creating their own image by quack professors who showed up to salute the honoring of professor Walzer.

Fil Rouge in Place of Act Four

The common thread that is woven through these events is the conference on "asymmetric wars" that for

three days went on unabated in its autistic philosophizing. The organizers were true to themselves in their "persistence" so they did not "see the light" that is, they did not succumb to the "demands from the street". They were not discouraged in what they are doing despite the astonishment of the public, and in their *fachidiotism*, they resembled a bunch of moonwalkers in broad daylight. In their conviction that they were doing the right thing – making their contribution "to ending all wars" (as one of the spokesperson explained in a TV interview) – they proceeded with missionary zeal, and even expelled from the conference room a woman professor who in a *par excellence* moral act came to personally present them with her written protest against what they were doing. Thus they showed themselves to be great promoters of NATO's brand of democracy.

Ordinary and Moral Prostitution: Similarities and Differences

Moral prostitution is much more dangerous than the ordinary kind in the following ways:

1. Prostitution is a consensual transaction that may only harm the contracting parties.
2. Prostitution involves the provision of sexual service, understood to be pleasure. Prostitutes often feign satisfaction.

Moral prostitution:

1. As a rule uses a moral persona as a cover, never proceeds openly, and thus is more dangerous;
2. Only the prostitute's political stance has any importance;

3. Brings satisfaction to no one, except oneself;
4. Moral prostitutes may not simulate satisfaction, but instead resort to self-delusion.
5. If harm is caused, then it is not only to an individual but also to a group, institutions, or whole nations.

Ordinary prostitution is paid work, with its own professional ethics; moral prostitution may be paid, with an expectation of a reward in the future or it may be unpaid ("self-initiated") in the expectation of a non-material gain – in all cases without ethical constraints, only with a skeletal Machiavellian ethical form.

An ordinary prostitute uses his or her body as her primary means of operation; the moral prostitute mainly operates using his (her) mind – and places in danger a much larger group of people around him (her).

Both kinds of prostitution are a matter of personal choice or decision, but while the ordinary prostitute does it with her own self (i.e., with her own body as a means of production) the moral prostitute instrumentalizes all those around him (except his own body): morality, tradition, culture, the state, people, the University and other institutions – everything that is at his (her) hand.

Consider the following: in the period between two world wars, Karl Schmidt was a great German political philosopher. In his time, Walzer at best could serve to carry around his inkstand and hold his coat. For a period of time Schmidt was a sympathizer and member of the National-socialist party. For this reason, all Marxists, including our own, have beleaguered him for decades.

Now imagine that a group of professors at the Hebrew University of Jerusalem in 1955 decided to invite Schmidt in order to award him a *honoris causa*, and of course to provide him an opportunity "to get to know Jewish people so he would repent". That Schmidt would never have entered the country, that much is evident. That those professors would have been instantly fired, that much is just as obvious.

But why are we so superficial and irresponsible when our own interests are at stake? Well, that is clear too. Because we have the intellectual elite we do, which, using the logic of weakness, invites types like Walzer, those proponents of bombing and the land-grab of Kosovo and Metohija, in order to reward him and offer him an opportunity to get to know Serbia and become a "Serbian friend". This would be funny were it not so humiliating. In any event, that is just an excuse, they could not care less for the Serbian people, the University, or the state; they only think about themselves and acquired petty stipends for (otherwise futile) stays abroad. In the end, professor Walzer will forget both them and us even before he arrives back home, and we will continue talking about him all the while dealing with just ourselves. That is the outcome of this deplorable and shameful action of moral prostitution.

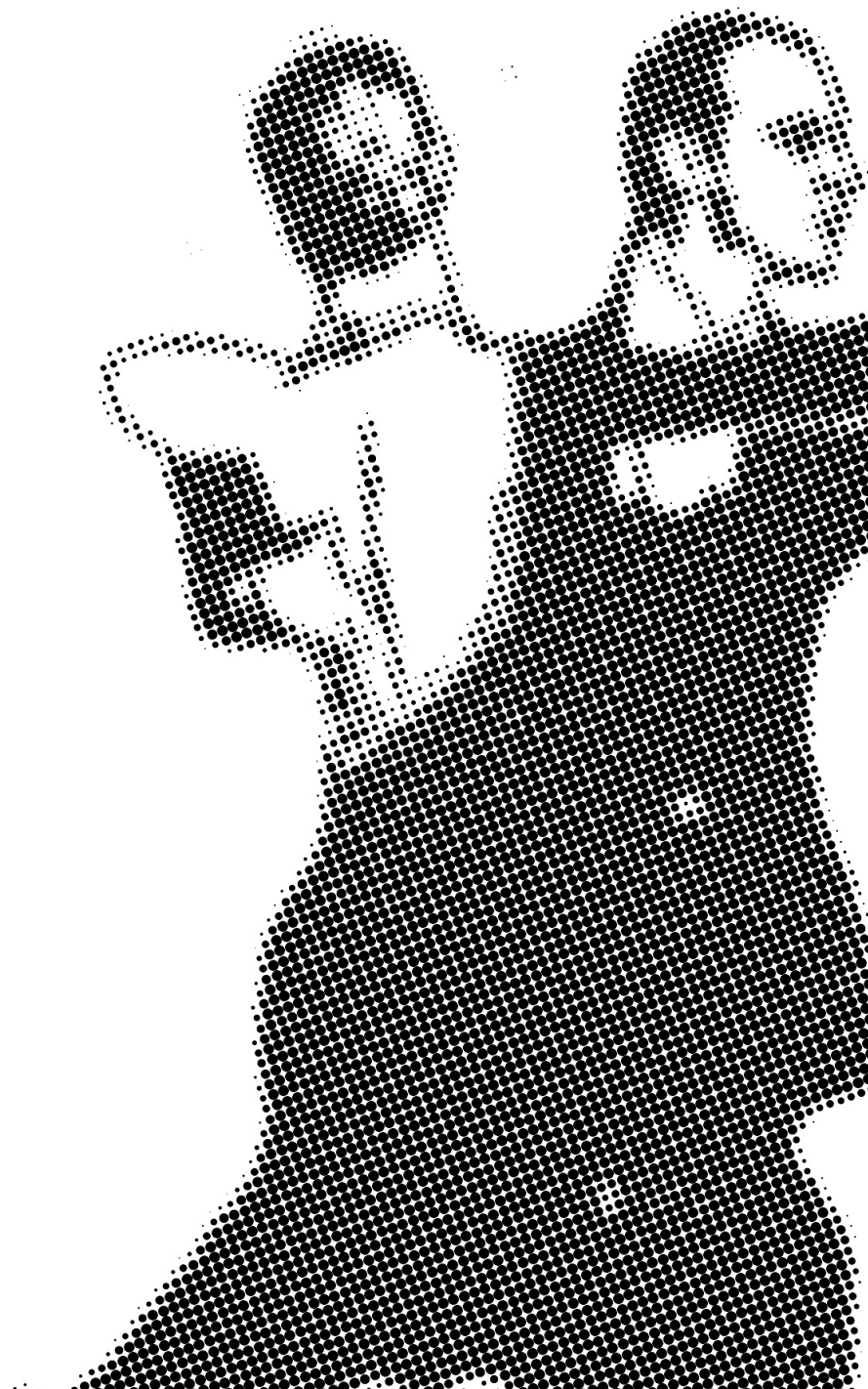
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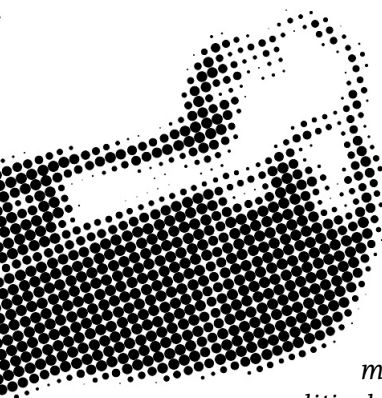
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PART THREE:

MISGUIDED INITIATIVE

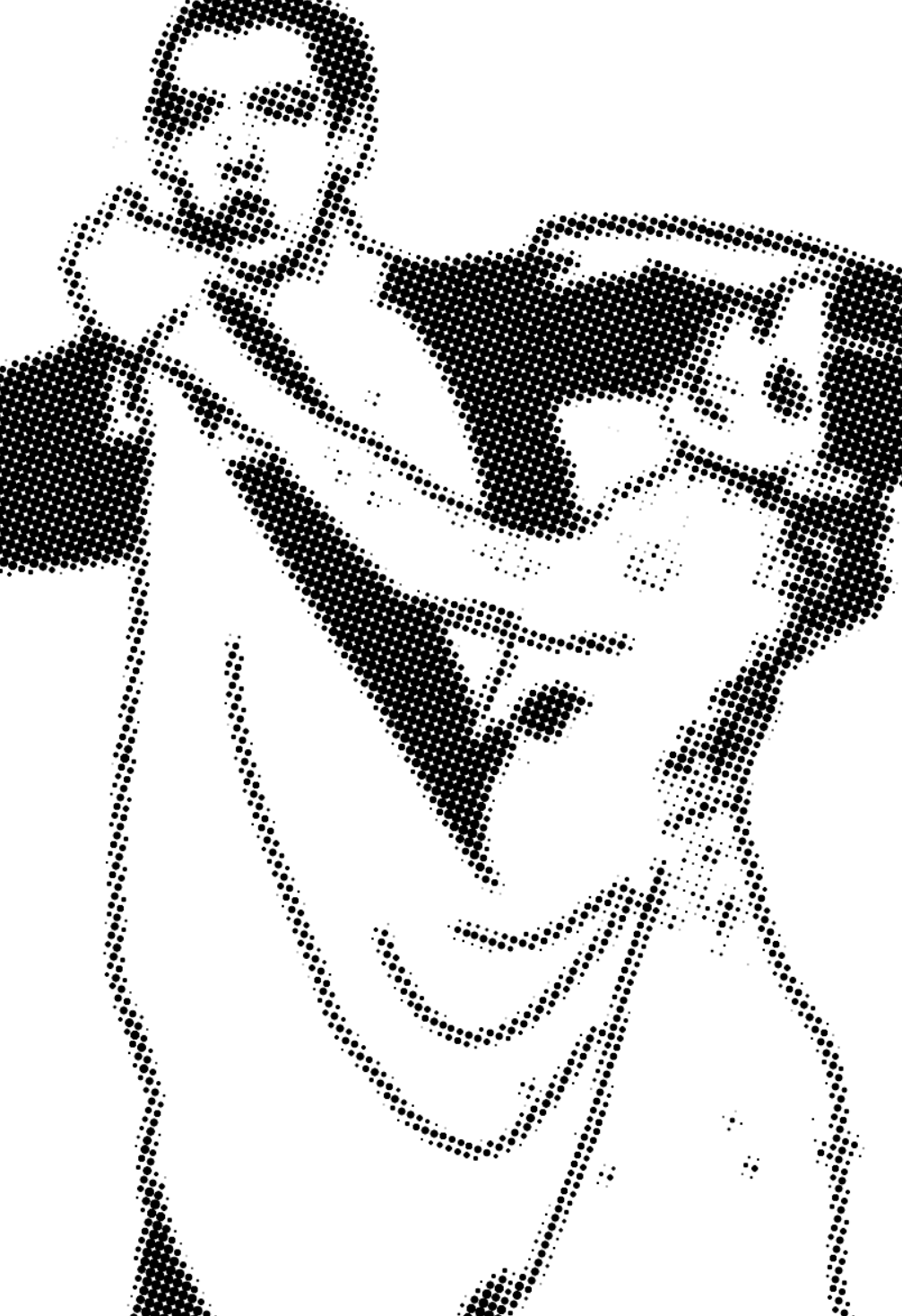






In the following segment we provide the text of the recommendation from the Faculty of Political Sciences for awarding an honorary doctorate, immediately followed by a detailed critical analysis of that text.

In the first phase of our protest we have not questioned the scholarly character of Walzer's biography, but we let it be understood that from that point of view the proposal that originated from the FPS was uncontroversial. However, the reactions coming from that Faculty and remarks about our protest as well the commentary given to the press, led us to explore and critically examine the scholarly merit, first in the text of the Recommendation by FPS, and then of the work of Professor Walzer. At issue in the first instance are, of course, the theory of just war and his elaboration of the so-called humanitarian interventions. Those analyses make up the rest of this book, and we note that those texts have previously been published either in the daily papers or scholarly journals.



3.1 THE RECOMMENDATION FOR AWARDING THE HONORARY DOCTORATE OF THE BELGRADE UNIVERSITY

On the occasion of his participation at the ILECS conference and visit to the Faculty of Political Sciences at the Belgrade University, it is recommended to the Instructional-Scientific Council and the University Senate that Professor Michael Walzer be awarded the title Doctor *Honoris Causa*, honorary doctor.

Michael Walzer is Professor emeritus at the prestigious Institute for Advanced Study at Princeton, USA.

Professor Walzer is one of the most influential living political philosophers and activist critical intellectuals.

He has wide ranging interests and has written about a wide variety of topics: economic justice and the welfare state, toleration, political obligation, revolutions, just and unjust war, political radicalism, nationalism, etc.

Besides academic work he is well known for his intellectual activism and leftist orientation. His name is on the list of one hundred most influential world intellectuals voted for by the readers of the journal *Foreign Affairs* and the *British Prospect Magazine*.

Michael Walzer was born in 1935. In 1956, he graduated from Brandeis University with a B.A. in History. He then studied at the University of Cambridge (1956–

1957) and Harvard. He completed his doctoral work at Harvard, earning his Ph.D. in Government in 1961.

Walzer was first employed as a professor in (1961-1966) by Princeton University, Harvard (1966-1980), and since 1980 he has been a Permanent Faculty Member in the School of Social Science at the IAS. At Harvard, Walzer taught a celebrated semester-long course with Robert Nozick in 1971 called "Capitalism and Socialism". The course was a debate between the two about their views on social justice.

He taught at universities around the world and he is member of the Board of Heidelberg University. He is a long-term editor of the journal *Dissent*, and editorial member of *Philosophy and Public Affairs*, *Political Theory*, and *The New Republic*. Professor Walzer is the recipient of prestigious international awards, including Spinoza Lens, a bi-annual prize for ethics in The Netherlands, and the German Dr.-Leopold-Lucas prize.

To date, he has written 27 books and published over 300 articles. Among the most noted are *Just and Unjust Wars* (1977), *Spheres of Justice* (1983), *Interpretation and Social Criticism* (1987), *On Toleration* (1997), *Arguing About War* (2004). Professor Walzer was one of the editors of the big edition of *The Jewish Political Tradition*. His books (about 15 translated titles) are translated in more than twenty languages. His books translated into Serbian are *Spheres of Justice* and *What It Means to Be an American*.

The secondary literature includes more than a thousand titles, and a great number of distinguished journals in political theory including *Ethics and International Affairs*, *Polity*, *Philosophy and Social Criticism* have published thematic issues about his works.

The position of Michael Walzer has been differently described.

Usually as a communitarian, but also as radical democratic, social-democratic or liberal. The reason for that clearly is the originality and multi layered character of his works that resist simplistic classification and labeling.

The reason why Walzer, along with Michael Sandel, Charles Taylor, and Alasdair MacIntyre, is identified as one of the leading proponents of communitarianism is because he believes that political theory must be grounded in the traditions and culture of particular societies.

For this reason one should be careful regarding interventionist policies and accept a degree of cultural relativism.

However, Walzer also accepts that a certain minimal non-relativist moral core valid for all societies must exist, and that it includes prohibitions of slavery, genocide, and serious crimes committed by the state.

For this reason Walzer's solution is atypical for the communitarian authors, it recognizes political and cultural specificities and the preservation of state sovereignty as the best means for protecting small and less powerful states from imperial policies, but it demands minimal respect of human rights as the condition for the recognition of the right to self determination of communities.

Because of the importance he gives to the right of self-determination many have considered his theory to be radically democratic.

Walzer's most important intellectual contributions include his theory of "complex equality," and revital-

ization of just war theory. The theory of "complex equality," he presented in the book *Spheres of Justice* as a response to the celebrated *A Theory of Justice* by Rawls holds that the metric of just equality is not some single material or moral good, but rather that egalitarian justice demands that each good be distributed according to its social meaning, and that no good (like money or political power) be allowed to dominate or distort the distribution of goods in other spheres; and an argument that justice is primarily a moral standard within particular nations and societies, not one that can be developed in a universalized abstraction. This book presents one of three most influential theories of justice in the last decades of the twentieth century.

Professor Walzer is also credited with compelling revitalization of just war theory that was abandoned in the name humanitarian law and the theory of humanitarian intervention.

He believes that it is necessary to weigh both the reasons for waging war and the way it is conducted, and not only the means used by the warring parties.

Principal rules are the rule of proportionality and absolute noncombatant immunity from war.

His theory insists on the importance of ethics in wartime while eschewing pacifism as an untenable position. Hence his ambivalent attitude towards NATO intervention in Serbia and sharp opposition to wars in Afghanistan and Iraq.

He was in the group of 58 intellectuals who signed the Manifesto against war campaigns of the US President George Bush in the wake of terrorist attacks of September 11, 2001.

His academic and public engagement Professor Walzer directs towards spreading the idea of social justice, democracy, and the establishment of a tolerant regime of international regime.

His great contribution is to have shown that the concrete problems of our time can be addressed with the apparatus of political theory and political philosophy that used to be considered abstract disciplines removed from political reality.

What is necessary in order to gain an adequate understanding and appraisal of the political conditions in the world of today is a complex theoretical mechanism and careful assessment or arguments and counterarguments without moral arrogance and self-confidence that leads to a simplified black and white picture of the world.

Decades long editing of the journal *Dissent* which fosters a leftist and anti-imperialist orientation testifies to such an attempt.

An attempt, strongly inspired by the ideals of justice and international tolerance, to actively influence in a theoretically demanding way the practical politics. It is a promotion of the culture of dialogue, which distinguishes violence and dominance from an exchange of arguments.

As a leading political philosopher of today, Professor Walzer will on June 17 open the international conference on international law and ethics, The International Law and Ethics Conference Series (ILECS). These conferences have since 1996 attracted leading moral, legal, and political philosophers in the organization by Professor Jovan Babić and Dr. Petar Bojanić with support from Serbian Philosophical so-

ciety and the department of Philosophy at the Faculty of Philosophy. On this occasion, translations into Serbian of two books by Michael Walzer will be published (*Just and Unjust Wars*, published by Sluzbeni Glasnik, and *Politics and Philosophy* published by Albatros Plus) and Professor Walzer will give a lecture at the Faculty of Political Sciences, as part of the graduate course on "Theories of Justice". At the Faculty of Political Sciences several graduating theses were written dealing with Walzer's theory of justice, and a number of Master and Ph.D. dissertations have been devoted to his contributions to political philosophy of communitarianism. Walzer's theory about spheres of justice is studied in several courses at the Faculty of Political Sciences ("The History of Political Theories," "Theories of Justice," and "The Politics of Resistance and Civil Disobedience").

We believe that recognizing Michael Walzer by giving him the honorary doctorate would contribute to the affirmation of the university in the world and would be an incentive for international cooperation.

- *No signatures by authors* -

In Belgrade,
March 29, 2010

3.2

DIRTY MORALS AND CLEAN HANDS

(Analysis of Political Science Faculty Recommendation)

In our Protest of June 14, 2010 (see, *infra*, sec. 1.1, pp. 19-26) regarding the honorary doctorate awarded to the American Professor Michael Walzer and in our other reactions with respect to this affair, we have not considered the matters of competence and expertise of either the laureate or the nominating party. Recent developments and particularly the reactions by the official nominating organization, the Faculty of Political Sciences, compel us to also take these aspects into consideration. This is what we are undertaking in this text by critically examining the contents of the official *Recommendation* submitted by this Faculty that offers the explanation of why Walzer merits such an important recognition.

In what follows, we focus on the quality, factual underpinnings, and scholarly value of the argumentation contained in the *Recommendation*. The original text of the *Recommendation* is reproduced in the italics and it is "interrupted" by our analytical commentaries. We end with a general conclusion.

THE RECOMMENDATION FOR AWARDING THE HONORARY DOCTORATE OF BELGRADE UNIVERSITY

On the occasion of his participation at the ILECS conference

Could this really be a legitimate reason? In our *Protest* of June 14th we pointed out that the conference itself is problematic. In our text from *Pecat* of June 18th [see above, pp. 33, *et passim*] we explained to what extent Walzer and ILECS (in its original conception) are incompatible. However, none of this is known to those making the recommendation, as they had never taken part in the conference nor could they then recognize the discontinuity in the nature of ILECS that emerged.

and visit to the Faculty of Political Sciences at the Belgrade University, it is recommended to the Instructional-Scientific Council and the University Senate that professor Michael Walzer be awarded the title Doctor Honoris Causa, honorary doctor.

The text of this *Recommendation*, as we can see, was adopted by the Instructional-Scientific Council of the Faculty of Political Sciences, which gave it credibility so the University Senate could receive it on good faith. We shall soon see how much consideration the recommending party from the Faculty of Political Sciences gave to this trust.

Michael Walzer is Professor emeritus at the prestigious Institute for Advanced Study in Princeton, USA.

Professor of what exactly? Why is this information omitted? What did he teach before becoming emeritus? Is this not mentioned because he lacks a specific specialization or is it due to some other "unpleasant" facts?

Why is the mentioned Institute "prestigious"? Is it because it is part of the prestigious university, Princeton University? That wouldn't necessarily follow. Such institutes exist at all universities in the US, and this one isn't particularly significant for the research that

goes on there. The Institute was initially conceived as a sanctuary for scientists who on the eve of WWII, were escaping from Hitler's Germany, but were not considered suitable by mandarin academia to work with students because they had socialist or communist leanings. Anti-Semitism was still a shameful reality in universities as well. Along with Albert Einstein, the Institute welcomed Johann von Neumann, Kurt Gödel, Paul Dirac, Edward Vitel, Robert Oppenheimer, and others; a colorful crowd on the spectrum from physics and mathematics to philosophy and arts. It was because of these great minds – trained in the very scientific tradition that we will not accept to see demeaned at the University of Belgrade – that the institute acquired its prestige: from these brilliant exiles, targeted for death at home, and viewed with a shameful suspicion in their new land.

Professor Walzer is one of the most influential living political philosophers

Here comes a "pleasant fact"! But where did the authors of the *Recommendation* get the idea that Walzer is a philosopher, when he isn't a philosopher even by profession? This is also in contradiction with the text below where it is stated that he obtained a degree in political science (which is also false since his Ph.D. is in Government, and before that he received a BA in History). And if he is a philosopher, why isn't the Philosophy Faculty recommending him? Should we ask colleagues from there if they would recommend "the greatest living philosopher"? Of course they would, but this most certainly would not be Walzer. And if, for example, Richard Falk were to come to attend ILECS (he had, in fact, ex-

pressed the desire to attend the Belgrade sessions, but due to scheduling conflicts, provided written contributions instead) should he, as a leading theoretician of international relations, be recommended for *honoris causa* by the Philosophy Faculty? Why was it necessary for the Faculty of Political Sciences to dress up a political theorist as a philosopher? Even Walzer's *Wikipedia* page states that his most important contribution is to "communitarianism" in political theory, and political theory in the US, as it is the case here in Serbia, is not philosophy but is studied in political science, government studies, or public administration and policy schools.

and activist critical intellectuals

Now, what would that be? And what would a university have to do with it? A critical intellectual, if it is someone who has thinking as a "general vocation," has an opinion about everything and writes about it – what sort of importance could that have from the perspective of a criterion for awarding such a high recognition by Belgrade University? How was it that this critical intellectual was selected and not another who would actually have made a contribution to cultural connections between his country and Serbia? What important thing did he criticize in order to be nominated, and is it important that it be significant also for this country and its highest academic institution? We shall see that no such thing exists – nothing, but this is of no concern to the recommending party. In connection to the program of the critical intellectual as a thinker of "general vocation" it is further stated:

He has wide ranging interests and has written about a wide variety of topics: economic justice and the welfare

state, toleration, political obligation, revolutions, just and unjust war, political radicalism, nationalism, etc.

This is taken from his *Wikipedia* page and could indicate that he is not a first class author. The latter type of author focuses on a single area and works at it for years. And the issue of the criterion emerges: Why should Walzer's apparent indiscriminate writing practices be anything positive from the perspective of the Belgrade University? Could it be that he in fact is not a new Renaissance man, but perhaps just a glorified academic jack-of-all-trades and master of none? In any event, it means little whether this reflects legitimate eclecticism or hyperactivity. What matters is again the lack of connection to the purposes and academic goals of Belgrade University.

Besides academic work he is well known for his intellectual activism and leftist orientation.

Mystifications continue. This statement is meaningless unless a distinction is made between the understandings of the left here (in Serbia) and in the US. First, have we not left behind the (communist) times when leftist orientation was the crucial argument for having an academic career? What significance does that have today from the perspective of Belgrade University, and does this mean that the quality of his research is better if he is a leftist? Besides, what could the emphasis on the leftist orientation really mean when it is made by a Faculty that used to be a bastion of socialist self-management, and after the structural change (in the time of "democracy") has been known for years now as a domestic bastion of neoliberalism? And while they would look at a local leftist only with resentment and ridicule,

they appear ready to fawning in front of a foreign one, a Western at that. In the farcical fusion of these two attitudes we end up with a recommendation by a Faculty at the University of Belgrade promoting an impenitent proponent of neoliberal imperialism while for domestic purposes they are masking him as a leftist. Clever it is, perhaps. But also deceptive!

But what does leftist orientation mean in the US? (That it is something entirely different over there: see in Neil Jumonville, *Critical Crossing*, Berkeley, Univ. of California Press, 1990.) If leftist orientation in a minimalist sense demands opposition to imperialism, then Walzer is a right-winger *par excellence*, for he supported every war that was started by a democratic administration in the US and every Israeli war. What sort of leftist is one who supports "democratic" wars (those waged by the Democratic party in the US) for the sake of spreading the power of American corporations? In addition, Walzer's is an endowed professorship, one established by a global corporation, the UPS. If that fails to strike us as very leftist we should be forgiven (and we should know, we were both raised in a communist country). However, should we leave aside the above characterization as inaccurate or meaningless, the question of the criterion appears again: Why should that be important or positive from the point of view of the Belgrade University?

His name is on the list of one hundred most influential world intellectuals voted for by the readers of the journal Foreign Affairs and the British Prospect Magazine.

Did those readers vote for this list or did they vote for the intellectuals whose name will appear on it?

Sloppy formulations like this and silly praises of this kind are incompatible with prose by responsible scholars who are serious about the task of justifying a recommendation that a foreign colleague of theirs should be recognized with a *honoris causa*. What is, after all, the scientific reputation of these two publications so that opinions of their readers would hold any significance for Belgrade University? *Foreign Affairs* is a publication of the Council on Foreign Relations (CFR). This is a private club formed in New York in 1921 with the purpose of promoting "understanding of foreign policy and America's role in the world". (By deploying activist intellectuals like Walzer the promotion of CFR propaganda – or in their terminology "understanding" – goes quite smoothly.) Carroll Quigley, Professor of History at Georgetown University, stated, "The Council of Foreign Relations is the American Branch of a society which originated in England and believes national boundaries should be obliterated and one-world rule established".¹¹ CFR is one of three most influential organizations in the West, founded and financed by David Rockefeller. Now, who are those "readers" referred to in the *Recommendation* and why exactly are they, the so-called CFRians, relevant for any academic institution, such as Belgrade University?

As for the *Prospect Magazine*, it is an unserious publication when assessed from any academic standard: It is broadly centre-left and pro-European, but perhaps its strongest leaning is "contrarian" – it devotes much space to articles debunking the "popular wisdom," on topics

¹¹ See, *Tragedy & Hope: A History of the World in Our Time*, G. S. G. & Associates, Inc., 1975.

from economics to political terrorism. Hence, it is a publication without any recognizable academic merit in order to be of any importance to Belgrade University.

Michael Walzer was born in 1935. In 1956 he graduated from Brandeis University with a B.A. in History. He then studied at the University of Cambridge (1956–1957) and Harvard. He completed his doctoral work at Harvard, earning his Ph. D. in Government in 1961.

Consequently, Walzer neither studied philosophy as an undergraduate nor was he trained in philosophy in his doctoral work; he is untutored in philosophy. The claim in the *Recommendation* that this is the “greatest political philosopher” is that much more surprising since Walzer, as political scientist, is only known as a “professor of social sciences” at the Institute for Advanced Studies. That he never graduated in Philosophy would not be of crucial importance had he shown in his work a philosophical nerve. However, Walzer himself acknowledges that philosophical writing about politics was not something he could successfully do, for, as he put it, philosophical “thought experiments” get on his nerves. And this can only mean that he has no understanding of the essence of philosophical thinking and argumentation. Here is the offending quote: “But I did make an effort to write about politics in a more philosophical way. I don't think that I ever managed real philosophy. I couldn't breathe easily at the high level of abstraction that philosophy seemed to require, where my friends in the group were entirely comfortable. And I quickly got impatient with the playful extension of hypothetical cases, moving farther and farther away from the world

we all lived in".¹² Truth be told, these are words characteristic of a person with not a grain of talent for philosophy. And this is why Walzer went on to reviving medieval Jesuit casuistry as his "methodology," i.e., something for which no one should be rewarded in Serbia (or anywhere else outside the Vatican).

Walzer was first employed as a professor in (1961-1966) by Princeton University, Harvard (1966-1980), and since 1980 he has been a Permanent Faculty Member in the School of Social Science at the IAS. At Harvard, Walzer taught a celebrated semester-long course with Robert Nozick in 1971 called "Capitalism and Socialism". The course was a debate between the two about their views on social justice.

This is copy-pasted straight from *Wikipedia*, except for the added word: "celebrated". What could that mean? Internet search brings no evidence that this was a course in any way "celebrated," except that Walzer mentions it in his interviews and in the Introduction to his book *Spheres of Justice*. Here again we are forced to wonder about the criterion of importance for Belgrade University: What about the fact that Walzer co-taught some course with Nozick at Harvard in 1971? Since Robert Nozick is, of course, a hugely important political philosopher, this looks like a desperate ploy to increase Walzer's rating by hanging his name to Nozick's. And why not hook his wagon to the genuinely celebrated course taught by Nozick and John Rawls?

He taught at universities around the world and he is member of the Board of Heidelberg University. He is

¹² http://jeffweintraub.blogspot.com/2003_08_01archive.html

a long-term editor of the journal Dissent, and editorial member of Philosophy and Public Affairs, Political Theory, and The New Republic. Professor Walzer is the recipient of prestigious international awards, including Spinoza Lens, a bi-annual prize for ethics in The Netherlands, and the German Dr.-Leopold-Lucas prize.

Another segment in the *Recommendation* largely taken from *Wikipedia*, but it is interesting for what is omitted. Why is there no mention that Walzer holds an honorary doctorate from Tel Aviv University? Is this in order to suggest that the Belgrade University would be the first honorary doctorate for him? That makes things even worse, perhaps, suggesting that we might be the first to have noticed his greatness.

To date, he has written 27 books and published over 300 articles. Among the most noted are Just and Unjust Wars (1977), Spheres of Justice (1983), Interpretation and Social Criticism (1987), On Toleration (1997), Arguing About War (2004). Professor Walzer was one of the editors of the big edition of The Jewish Political Tradition. His books (about 15 translated titles) are translated in more than twenty languages. His books translated into Serbian are Spheres of Justice and What It Means to Be an American.

What is the significance from the perspective of Belgrade University of this second title, and to what genre does it belong? Is it psychiatry, pedagogy, or a self-help manual on the theme "how to become (un)desirable in the contemporary world"? Whatever it might be, it has no apparent significance in the current context.

The secondary literature includes more than a thousand titles, and a great number of distinguished journals

in political theory including Ethics and International Affairs, Polity, Philosophy and Social Criticism have published thematic issues about his works.

The position of Michael Walzer has been differently described.

What position? In political theory or politics? Those who were composing the *Recommendation* appear to have lost their train of thought.

Usually as a communitarian, but also as radical democratic, social-democratic or liberal. The reason for that clearly is the originality and multi layered character of his works that resist simplistic classification and labeling.

Why is a theorist automatically "original" when confusions exist even with respect to the characterization of the position in favor of which he is supposedly arguing? Within the "big tent" of liberalism – that broad strain of thought originating in the Enlightenment and now perhaps distorted to the point of parody, in say, the starkly anti-humanist neo-liberalism – there do exist variants, and of course, internal disputes and refinements. Walzer's commitments suggest "originality" to the extent that the general compatibility between most tenets of liberalism and the cultural relativism inherent in communitarianism is far from obvious. Perhaps it is less of a stretch to find communitarianism consistent with democracy in the US than it is in Europe, where it is often seen as contrary to secular, republican, and yes, democratic political values. This was not lost on at least one American political theorist, Judith Shklar (another brilliant Jewish émigrée the US won as a result of the

Hitler's bellicose expansionism), who in a Presidential address to the American Political Science Association, sharply criticized Walzer's conception of democracy as exemplified by groups and clubs, his love of "Athens," and his conception of moral judgment as based on citizens' "shared understandings." Walzer's groups and clubs, Shklar argued, were not the idealized, virtuous collectivities he imagined, but rather closer, in reality, to the "Teamsters Union, the Ku Klux Klan, and the Anti-Saloon League."¹³ Have the authors of the Recommendation ever heard of Judith Shklar, we would like to ask.

The reason why Walzer, along with Michael Sandel, Charles Taylor, and Alasdair MacIntyre, is identified as one of the leading proponents of communitarianism is because he believes that political theory must be grounded in the traditions and culture of particular societies.

Why is this "belief" even worth mentioning? It represents such a basic point that it is well known to any senior in sociology. How such trivial belief could be the reason why someone emerges as "one of the leading proponents of communitarianism"? Perhaps it can be so only in case the claim is news for the authors of the *Recommendation*. And what about the traditions and culture of Serbia, Belgrade, and Belgrade University?

For this reason one should be careful regarding interventionist policies and accept a degree of cultural relativism.

This sentence means nothing. Who in the name of caution should accept cultural relativism: the interven-

¹³ Judith Shklar, "The Work of Michael Walzer," in *Political Thought and Political Thinkers*, Stanley Hoffman, ed., (Chicago: University of Chicago Press, 1998), 381.

tionist politic makers or the communitarian theorist? If at stake is a policy, why the empty normativism (the "should")? Will this caution make the policy less interventionist and gentler? What is the point of this fusion of "apples and oranges"?

However, Walzer also accepts that a certain minimal non-relativist moral core valid for all societies must exist, and that it includes prohibitions of slavery, genocide, and serious crimes committed by the state.

What is evident from this remark about what Walzer "accepts" is that neither Walzer nor the authors of the claim are philosophers, for they fail to recognize a well understood point: the statement trivially follows from the universality of morality. And when one emphasizes what should be common knowledge, this appears like a rediscovery of the wheel.

For this reason Walzer's solution is atypical for the communitarian authors, it recognizes political and cultural specificities and the preservation of state sovereignty as the best means for protecting small and less powerful states from imperial policies, but it demands minimal respect of human rights as the condition for the recognition of the right to self determination of communities.

Confusion abounds in this passage. First, the recognition of political and cultural particularities is in fact typical for all communitarian authors. Secondly, how is it possible to claim that Walzer favors respect for sovereignty of small and weak states when he urged interventions all around the globe, such as bombing of Yugoslavia, and the wresting away a part of its territory: Kosovo and Metohija? Isn't Walzer in contradiction with himself when he advocates both respect

for human rights, including the right of self-determination for minority communities, which inevitably leads to violations of state sovereignty, and also favors respect of that sovereignty? And in any event, how exactly does he think that sovereignty will protect a small or weak state from the imperialist policies of powerful states? Doesn't this paragraph appear like a dog's breakfast of ideas that entirely lack in clarity?

Because of the importance he gives to the right of self-determination many have considered his theory to be radically-democratic.

In one sense this is true and makes his theory extremely functional from the perspective of American imperial and interventionist policies based on the "sovereignty of citizen" as "endangered minorities". But, it is also a sign of a contradiction in it, for sovereignty cannot be defended as a value while at the same time viewing positively the fracturing of the state by supporting any "self-determination".

Walzer's most important intellectual contributions include his theory of "complex equality," and revitalization of just war theory. The theory of "complex equality," he presented in the book Spheres of Justice as a response to the celebrated A Theory of Justice by Rawls holds that the metric of just equality is not some single material or moral good, but rather that egalitarian justice demands that each good be distributed according to its social meaning, and that no good (like money or political power) be allowed to dominate or distort the distribution of goods in other spheres; and an argument that justice is primarily a moral standard within particular nations and societies, not one that can be developed in a universalized abstraction. This

book presents one of three most influential theories of justice in the last decades of the twentieth century.

Again with help from *Wikipedia* we see the authors of the *Recommendation* make an irresponsible claim. It is indefensible to place an original thinker like Rawls on a par with some critic, commentator, and opponent of his, like Walzer. Rawls is today an American classic, who is compared to Hobbes in significance (as Americans like to say to us Europeans: "You have Hobbes, we have Rawls"), a stature that Walzer will never attain, because there is no basis for that. With his book *Spheres of Justice* he can only have secondary importance and will remain as such, just like the legions of critics (and apologists) who in the 1970s flooded the pages of journals and built their careers criticizing Rawls.

Professor Walzer is also credited with compelling revitalization of just war theory that was abandoned in the name of humanitarian law and the theory of humanitarian intervention.

This is scandalous! The authors of the *Recommendations* are suggesting that the narrative about "just war" goes against the idea of "humanitarian intervention". We are supposed to believe that Walzer with his story of "just wars" is opposing the idea of justified "humanitarian interventions". While this would be good news, it is simply false as Walzer is a proponent of humanitarian interventions and since he dislikes "abstract philosophical experiments" he was very concretely in favor of bombing Yugoslavia as precisely an example of justified humanitarian intervention or "just" war. A just war for Walzer is an aggression of a powerful state against a weak one that takes advantage of a rebellion

by minorities in order to destroy and colonize the weak state, but with the alibi of there being "as little casualties and suffering as possible". To moralize about just war is to put things on their head. Similarly, the distortions by the authors of the *Recommendation* can deceive only those who don't have a duty to be familiar with this "great thinker," but are in the position to judge the wisdom of the recommendation.

He believes that it is necessary to weigh both the reasons for waging the war and the way it is conducted, and not only the means used by the warring parties.

Here again the lack of understanding by the authors of the *Recommendation* is glaring. What is the difference between the "way a war is conducted" and the "means used"? How the authors would explain this is mysterious, for it is a meaningless distinction without difference.

Principal rules are the rule of proportionality and absolute noncombatant immunity from war.

Sounds seductive, but the trouble is that Walzer himself opposed all proportionality-based arguments when he wrote about Israel's attack on Gaza. This is detailed in Jokić's "Michael Walzer's Sense Of Proportionality: Another Casualty In Israel's Offensive Against Gaza?"¹⁴

Not to mention the difficulties that "immunization of non-combatants" presents, however, during the NATO aggression, the only concern appears to have been "immunization" of the pilots dropping deadly ordinances from the dangers of combat, which is evidently why they flew above ten thousand feet.

¹⁴ <http://www.swans.com/library/art15/aJokić05.html>

His theory insists on the importance of ethics in wartime while eschewing pacifism as an untenable position. Hence his ambivalent attitude towards NATO intervention in Serbia and sharp opposition to wars in Afghanistan and Iraq.

This is the biggest lie in the *Recommendation*. Walzer never had an "ambivalent attitude," which he confirmed during his visit to Belgrade admitting he was surprised to hear that he would receive the *honoris causa* "because of his support for the NATO intervention". What is more, in 1999 Walzer was in agreement with then Supreme Allied Commander Wesley Clark, when he lauded "the not-so-efficient air assault as ultimately just".¹⁵ This is a case of prostituting the so-called theory of "just" war. It is precisely Walzer's own use of the "theory" in this way (and in more than one case) that signifies the moral and intellectual dishonor of the academic community, as one of those who have done the most to destroy whatever value the theory might have had by turning it into a means of political apologetics.

This is why the formulation by the authors of the *Recommendation* – presumably written by someone with an academic title – is so shocking (as something that was done in Belgrade). At the very least Belgrade must be the place where it is perfectly clear that the events of 1999 were an illegal aggression on a state that did not attack anyone, and those with academic titles who wish to recommend someone for an honorary doctorate have the obligation to be informed about the views of the one who they are in this way promoting.

¹⁵ see: <http://www.tikkun.org/article.php/Tikkun-TheAgonyofDefeat>

He was in the group of 58 intellectuals who signed the Manifesto against war campaigns of the US President George Bush in the wake of terrorist attacks of September 11, 2001.

And what about it? This is yet another reason in support of giving him the honorary doctorate? What is the value or relevance of Walzer's signature against the Bush wars for Belgrade University? Why didn't he demonstrate against the bombing of Yugoslavia – so that the nomination of Walzer for this honor would make at least some sense – but, instead, he was a loud proponent of that bombing, yet this did not mitigate against nominating him as it obviously should have (even apparently in his mind). It is not difficult, however, to answer why Walzer was not demonstrating against the bombing of Yugoslavia in 1999: In the US, "critical public intellectuals" are partisan opinion makers whose role is to offer high brow or low brow support (as the case might be) to the policies of the political party that implements them when in power. Michael Walzer is close to "democratic" policies (which, of course, does not make him a leftist, for the Democratic party in the US is equally right wing as the republican party). As a "democrat," in the sense that refers to political parties in the US, and not a "democrat" in the usual sense, Walzer defended Clinton wars and his bombings of Somalia, Iraq, and Afghanistan, but opposed the Bush wars (until he learned to accept, then embrace them as *post bellum* occupations). The opposite is done by "talking heads" that are ostensibly from the right, who attacked the Clinton wars but defended those started by Bush. That both groups, however, are at hand when serving apologia for American imperialism is of critical im-

portance to move the public to support any war (regardless of which party is in power that is starting it).¹⁷ Thus, we could predict that in case of a combined US and Israeli attack on Iran (or some such place in the Arab world rich in oil) under the Obama administration, Walzer would support it using some version of his adaptable (hence morally suspect) story about "just" war.¹⁸ Such is the nature of his casuistic "methodology," perfect for institutionalizing hypocrisy.

Secondly, we must point that the alleged Manifesto against Bush wars, supposedly signed by Walzer, may

¹⁷ On this see more in Aleksandar Jokić "Get This: Imperialism Is Bipartisan" at <http://www.swans.com/library/art12/aJokić01.html>.

¹⁸ Since the writing of this article in 2010, the Obama administration has indeed attacked (at least one) oil-rich Arab nation. That Walzer, with a tone halfway between the disappointed professor and the irritated prophet, chided the US for its recent participation in the disastrous "R2P" project in Libya, hardly contradicts our claim regarding the untenable variability of his just war theory: indeed, Walzer's reasons for opposing the Libyan action – in particular the lack of extreme repression worthy of humanitarian intervention – are no more than suggested, while instead he points out which cases would have received *his* imprimatur. What is significant in Walzer's „just war analysis“ of the Libya case is how little there is there that could be universalized by others. What we have, from a philosophical and political perspective, is what ultimately amounts to an idiosyncratic pronouncement, of the kind that only the anointed may make. Thus, Walzer's position here, as elsewhere, is that of the prophet – as Judith Shklar has put it – and not, sadly, although we can agree with his preference, that of a scholar, as the scholar's preference, absent justification that can be evaluated by others, is absolutely useless. Of note, finally, is that Walzer—perhaps he is above this? – does not deign to discuss the Security Council (and the Obama administration's) determination that in fact humanitarian motives existed to justify intervention in Libya pursuant to the new Responsibility to Protect doctrine. Where Walzer's contribution might have been of some use would have been had he had the interest to address this, but alas, his lack of practical engagement with his preferred administration's incorrect decision must speak to our initial (and constant) point. For Walzer's position on Libya, see: <http://dissentmagazine.org/online.php?id=462>

not exist. If the authors of the *Recommendation* are referring to the so-called "The Euston Manifesto"¹⁹ it is in no way against Bush wars. In fact, it supports the US occupation of Iraq, as one commenter sums it up perfectly: "Translation: the signers proclaim that the Left should be helping, not opposing, the US occupation of Iraq. After all, teaching the backward natives the art of self-government is part of the White Man's Burden!"²⁰ But, there is a document that more closely resembles a "Manifesto Against Bush Wars" composed by Walzer's colleagues, political scientists.²¹ The awkward truth here, however, is that Walzer did not sign it, perhaps because he does not want to be seen as international relations scholar or political scientist, but as a philosopher.

His academic and public engagement Professor Walzer directs towards spreading the idea of social justice, democracy, and the establishment of a tolerant regime of international regime.

Strictly speaking this is yet another untruth. The statement is defensible only if the method for spreading the said values is taken into account: by way of "humanitarian interventions" or "just" wars that the Sixth fleet conducts here and there around the globe, in order to "protect citizens from their undemocratic regimes". Walzer supports such interventions²² while believing that they bring about justice, democracy, and

¹⁹ <http://eustonmanifesto.org/the-euston-manifesto/>

²⁰ http://www.counterpunch.org/farley0527_2006.html

²¹ "Security Scholars for a Sensible Foreign Policy - An Open Letter to the American People" (<http://www.counterpunch.org/security10122004.html>)

²² See <http://www.dissentmagazine.org/article/?article=740>

cessation of suffering. However, he is yet to draw an *ex post facto* critical lesson of the price of such support, in light of massive casualties and suffering "interventions" inevitably cause.

His great contribution is to have shown that concrete problems of our time can be addressed with the apparatus of political theory and political philosophy that used to be considered abstract disciplines removed from political reality.

What is going on here? Had somebody written this about a local colleague he would be ridiculed for decades. Will someone really think that the world had to wait for Walzer to reveal that the concepts of political theory and political philosophy can be applied to concrete problems? This is indicative of a total intellectual impotence by the authors of the *Recommendation* as they struggle to formulate something impressive about their nominee. But they only manage to degrade the "great thinker" as this suggests that in reality he lacks the great contribution that would recommend him. If he had made such a contribution, it would be easy to point to it concretely.

As to what concerns the application of normative philosophical ideas to the problems of our time (i.e., applied ethics) this was originated in the 1970s with James Rachels' work on euthanasia and Judith Jarvis Thompson's paper on abortion, for what they have done involves precisely the application of abstract philosophical concepts – deploying famous philosophical thought experiments that Walzer so deplors – to concrete problems. Since that time it was entirely unnecessary for Walzer to contribute anything to philosophy, something he never even attempted since, as

he put it, he never "managed real philosophy". Hence, this paragraph consists of only trivialities and untruths. And even if what is stated here were completely true, why should anyone at the Faculty of Political Sciences care about it?

What is necessary in order to gain an adequate understanding and appraisal of the political conditions in the world of today is a complex theoretical mechanism and careful assessment or arguments and counterarguments without moral arrogance and self-confidence that leads to a simplified black and white picture of the world.

Who is it that in contrast to Walzer sees the world in black and white? These are generic and trivial claims without serious justification. When did the counterarguments of Yugoslavia, Iraq, Iran, and Afghanistan have any merit for Walzer? Never! At issue are in fact the orchestrated counterarguments at conferences where groupthink happens and "just" war is discussed in an atmosphere of scholastic debate on subtleties.

Decades long editing of the journal Dissent which fosters a leftist and anti-imperialist orientation testifies to such an attempt.

²³ *Dissent's* initial funding was assured by Muriel Gardiner. Her husband, Joseph Buttinger, active in the International Rescue Committee – once a small organization devoted to saving Jews from Germany and occupied Europe that quickly became co-opted with American intelligence agencies—was a member of *Dissent's* editorial board, and signed articles supporting the US war in Vietnam in its pages. The cooption of both the left and the right by US intelligence for the pursuit of a "broad foreign policy consensus" is the object of an increasing number of detailed historical accounts. On *Dissent* and Buttinger, see Eric Thomas Chester, *Covert Network: Progressives, the International Rescue Committee and the CIA*, ((New York: M.E. Sharpe, 1995), 202.

This is simply hilarious! *Dissent* magazine was founded in 1954 by Irving Howe, Lewis A. Coser, Henry Pachter, and Meyer Schapiro.²³ This group together with Sidney Hook (the only philosopher among them and a rabid anti-communist), Irving Kristol, and Norman Podhoretz (the latter was a leading neoconservative in the last Bush administration) were part of the so-called Congress for Cultural Freedom. This Congress was organized and lavishly funded by C.I.A. with the aim of controlling what is publicized by alleged "leftist" intellectual circles and in reality fake leftist magazines.²⁴ Today this is so well known that on the C.I.A.'s own website it features an article that proudly details this construction of the fake left.²⁵ In any case, it is no longer an unknown fact that C.I.A. controls all enduring leftist circles in the US, which makes the left in the new world a deception, more like a pop-culture pose than anything.²⁶ It is hardly engaging in polemics to recommend that readers not be satisfied by the self-identification of publications (or individuals, for that matter) – in particular if they were established or gained prominence during the cold war and in even more so if they advertise their leftist credentials – it was the local and Western European left that was the prize in the cold war propaganda battles, and it is now known

²⁴ See: Frances Stonor Saunders, *The Cultural Cold War: The CIA and the World of Arts and Letters*, (New York: New Press, 2000).

²⁵ See: <https://www.cia.gov/library/center-for-the-study-of-intelligence/csi-publications/csi-studies/studies/95unclass/Warner.html>

²⁶ More about this in Frances S. Saunders, *The Cultural Cold War: The CIA and the World of Arts and Letters*, The New Press, New York (2000), see: http://www.amazon.com/gp/product/B000OVLNK6/sr=1-1/qid=1277568674/ref=sr_11_oe_1?ie=UTF8&s=books&qid=1277568674&sr=1-1

that the ideological battlefield extended to almost every discipline in Western academia, but in particular in faculties of Political Science.²⁷ In other words, it is imprudent to take “left” on faith: *caveat emptor!*

Consequently, the claim by the authors of the *Recommendation* that *Dissent* magazine is a leftist and anti-imperialist publication reveals cluelessness, and ignorance of elementary facts. Leaving this lack of minimal due diligence aside, yet again the question about the criterion of importance for Belgrade University must be raised: Suppose *Dissent* is a leftist and anti-imperialist magazine, what did that bring us, did they speak out against the bombing of Yugoslavia? They did not, quite to the contrary. *Dissent* magazine since a good while ago hasn't been, if indeed it ever was, critical towards American hegemony, but it serves as a platform for attacking true anti-imperialist intellectuals.²⁸ It practices dissent in name alone.

An attempt strongly inspired by the ideals of justice an international tolerance, to actively influence in a theoretically demanding way the practical politics. It is a promotion of the culture of dialogue, which distinguishes violence and dominance from an exchange of arguments.

Walzer's editing of *Dissent* magazine influences “practical politics”? That is completely unrealistic. What is more likely is that it serves to justify what Democrats are doing in international relations and attack what Republicans are doing (even though in

²⁷ See Ido Oren, *Our Enemies and US: America's Rivalries and the Making of Political Science*, (Ithaca: Cornell University Press, 2003).

²⁸ See <http://louisproyect.wordpress.com/category/liberalism/>

reality both are doing the same thing: developing *Pax Americana*) in order to create an illusion of influence and justify policies put in place by Democrats as being allegedly a result of fruitful dialog.

As a leading political philosopher of today

No sentence in this *Recommendation* supports this claim, while almost every paragraph exhibits only contrary evidence: that the claim is in fact completely groundless.

Professor Walzer will on June 17 open the international conference on international law and ethics, The International Law and Ethics Conference Series (ILECS). These conferences have since 1996 attracted leading moral, legal, and political philosophers in the organization by Professor Jovan Babic and Dr. Petar Bojanic

At the Faculty of Political Sciences until this scandal they knew nothing about ILECS. This is why it is unsurprising that the authors of this document are writing elementary falsehoods about the history of this project (for more on this, see *Pecat* of June 18, 2010).

with support from Serbian Philosophical society and the department of Philosophy at the Faculty of Philosophy. On this occasion translations into Serbian of two books by Michael Walzer will be published (Just and Unjust Wars, published by Sluzbeni Glasnik, and Politics and Philosophy published by Albatros Plus) and Professor Walzer will give a lecture at the Faculty of Political Sciences, as part of the graduate course on "Theories of Justice". At the Faculty of Political Sciences several graduating theses were written dealing with the Walzer's theory of justice, and a number of Master and Ph.D. dissertations have been devoted to his contribu-

tions to political philosophy of communitarianism. Walzer's theory about spheres of justices is studied in several courses at the Faculty of Political Sciences ("The History of Political Theories," "Theories of Justice," and "The Politics of Resistance and Civil Disobedience").

All of this is of secondary importance and testifies to the crudeness and sloppiness of the authors of this text. The second book is improperly cited, the title is *Morality and Dirty Hands: Philosophy, Politics, and War* and it isn't a translation of an existing book by Walzer but a selection of his essays on the problem of dirty hands. But even if everything stated in this paragraph were correct the question would have to be asked: All right, but why should he be given an honorary doctorate for any of this? There are dozens of authors whose work is the subject of graduate theses and whose books are translated into Serbian, and none of them were recommended for this recognition.

We believe that recognizing Michael Walzer by giving him the honorary doctorate would contribute to the affirmation of the university in the world and would be an incentive for international cooperation.

The *Recommendation*, as can be seen from our analysis, is without basis. None of the presented claims can amount to a set of sufficient reasons that would support a nomination for this high honor. As far as the work of Michael Walzer is concerned, our intention was not to negate its value, but to point out that at best it cannot be set apart from dozens of other authors who will never be nominated for the recognition in question. As we have emphasized before, the work by itself cannot be sufficient for the award. This *Recommendation* fails to

show that Walzer has made any contribution to the scholarly cooperation between Belgrade University that awards the honor and any segment of American culture or academic community. The only kind of cooperation that can be recognized is one with the official Washington whose policies are framed within Walzer's theory of "just" war. But, then, the partner cannot be Belgrade University, nor even the state of Serbia which is in this respect forced into a delicate balancing act, but only a perverted ILECS – entirely deprived of its original conception and purpose – which is explicitly singled out as the occasion for awarding this high honor to Walzer. Hence, even after our detailed analysis, we only know the occasion, but not the reason for *honoris causa*.

Consequently, speaking of a contribution to the "affirmation of the university in the world" (which is the line repeatedly heard during this scandal from the Faculty of Political Sciences), as a result of recognizing the kind of zealous laborer like the laureate in question can only be a form of dilettantism and cynicism.

The Recommendation from the Faculty of Political sciences ends with the date:

– *No signatures by authors* –

In Belgrade, March 29, 2010

General Conclusion

Our textual analysis of the *Recommendation* demonstrates that it is unsound; it contains falsehoods and dangerously misleading claims, many of its assertions are ungrounded, revealing ignorance, unbecoming university professors. It looks to redeem itself by relying on political

claims with no scholarly merit, is composed on an ideological propagandistic model, structured in a sloppy way, and it is at times even ungrammatical (possibly because of too direct translation from English, English Wikipedia at that.). When we take into account that despite the utter poverty of this document, it nonetheless served as a sufficient basis for actually awarding the honorary doctorate to Michael Walzer, then the scandal acquires an entirely unexpected dimension. For we can rightly conclude that the procedure that led to a successful award ceremony had involved a twofold deception. The authors of the *Recommendation* deserve to be sanctioned by their institution because they deceived the Instructional-Scientific Council of the Faculty of the Political Sciences, while this Faculty deserves reprobation for betraying the Senate of Belgrade University and its Rector.

It stands to reason that nominations for such high honors are received on the basis of trust in the judgments coming from the nominating Faculty as a competent institution, that the members of the Senate, whose decision is final, and the Rector himself, are not obligated to be experts in a given field as a precondition for being able to follow a procedure resulting in an informed decision. To that extent the actor most responsible for this scandal is the Faculty of Political Sciences, primarily for approving at its Council meeting of April 22, 2010 a recommendation like this one, which by itself is an example of academic outrage. Additionally scandalous is the fact that the document representing an official "recommendation" was printed on a paper without the letterhead and without the signature of its authors. Hence, to this day it remains unknown who actually authored it. Is it really possible that such a document actually made it all the way to the University Senate?

As for the candidate, now already laureate, we have seen that what sets this political scientist apart is not the quality of his scholarship (at least a dozen scholars exist who are in that domain stronger than him) but his intellectual activism; he operates as an "expert publicist" specialized in promoting American interventionism nicely wrapped into the theories about "just" war and "humanitarian interventions," that is bombing of everyone who stands in the way of this neo-imperialism (assuming they are too weak to mount a "counter blow"). What remains especially enigmatic is why did the nominating party choose to conceal the fact that Walzer was a proponent of the bombing of Serbia and a supporter of suppressing Serbia's sovereignty over Kosovo and Metohija, when he himself did not conceal it at the award ceremony.

What we have presented here offers yet another reason for the University to react, rescind the bestowed recognition, revoke the honorary doctorate, and sanction the Faculty of Political Sciences for its irresponsible act. If this is not done, there would be no reason not to continue with this practice, and award other similar candidates, like Xavier Solana, Bill Clinton or general Clark and other heroes of the 1999, including numerous "laptop killers," foreign and domestic "anti-war profiteers" who are proud of their similar activism and who probably applaud this candidacy but understand that it is still not the right time to say it publicly.

In Belgrade,
June 28, 2010.

*Aleksandar Jokić
and Milan Brdar*

(Weekly *Свeгoк*, no. 727, June 29, 2010, pp. 12-15)

3.3 PETITION TO THE THE SENATE OF BELGRADE UNIVERSITY

On the same day we sent to the media our analysis titled "Dirty Morals and Clean Hands" a group of Belgrade University professors sent to the Senate a *Petition* with the following content:

Dear Colleagues,

We are addressing you with the demand that you rescind your decision to award an honorary doctorate of Belgrade University to Michael Walzer, Professor at Princeton University, in the United States of America.

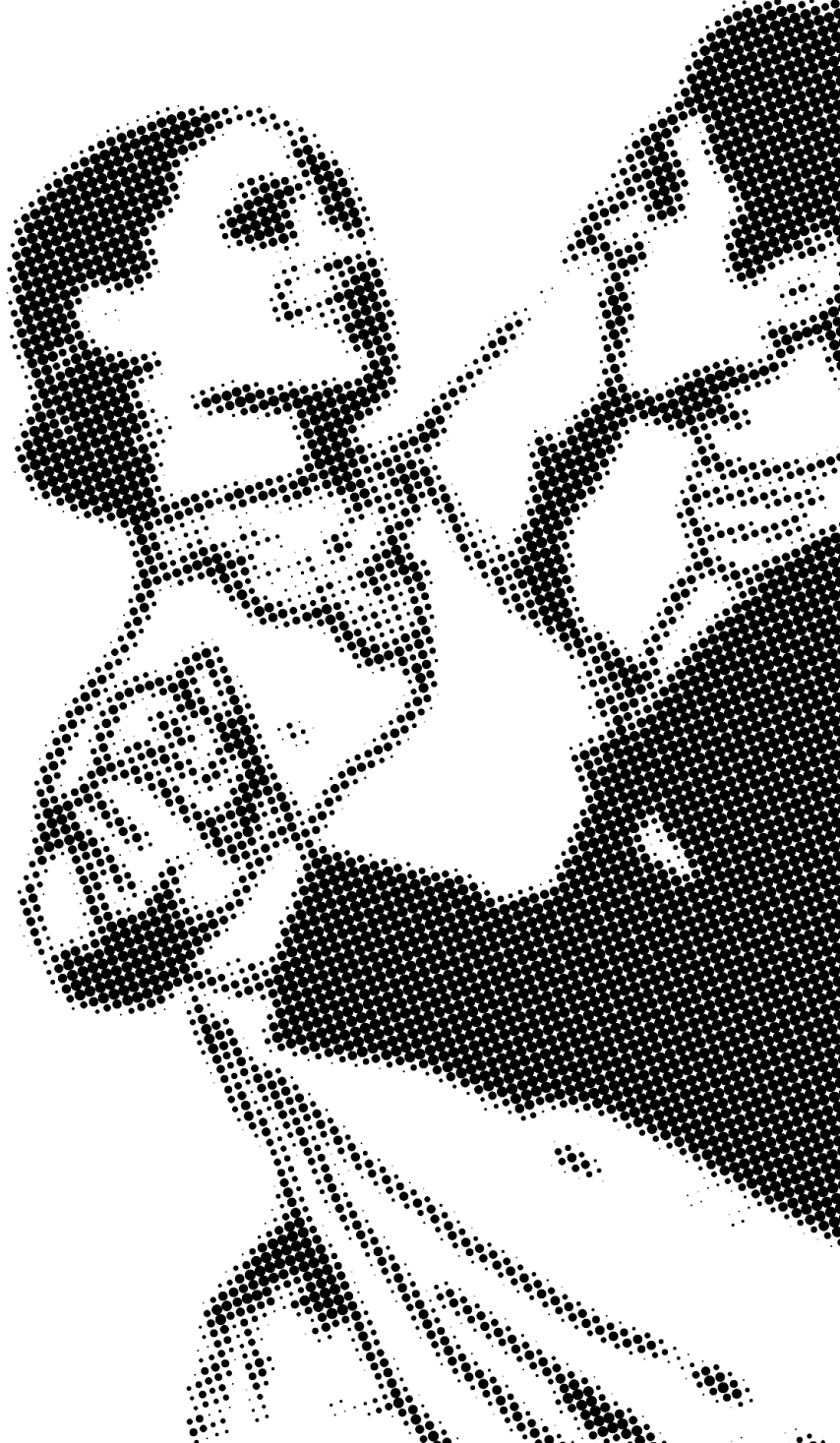
We are convinced that in your deliberation about the recommendation that an honorary doctorate be awarded to Prof. Walzer, you were not informed about all the facts regarding his public endeavors. Even before the NATO attack on Serbia, and certainly during the bombing, Michael Walzer was one of the most well-known proponents of military intervention against our country in American academic and intellectual public life, and he has remained so to this day. Just recently, he reiterated his support of NATO aggression against our country, which was contrary to elementary norms of international law and any civilized morality, in his interviews to the Serbian media.

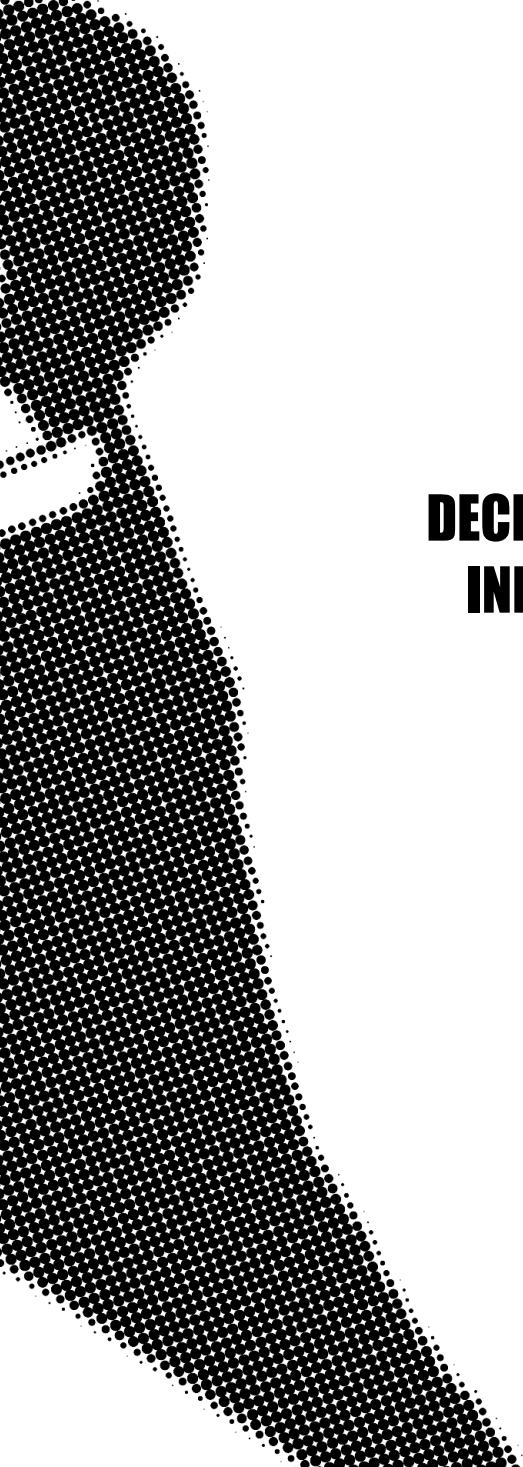
During its long history, Belgrade University has always shared the destiny of its country and people: it was so both during the world wars and the NATO

attacks against Serbia in 1999. The honorary doctorate given to Michael Walzer, taking in consideration his public activism, represents indirect but still unequivocal justification of NATO aggression against Serbia and is thus contrary to all democratic and freedom loving traditions of Belgrade University.

Belgrade University today, as has been the case throughout its past, has to be guided by the ideals of freedom, justice, and national dignity, and hence once more we demand of you to invalidate the decision to award the honorary doctorate of Belgrade University to Michael Walzer.

In Belgrade,
June 28, 2010.





PART FOUR:
**DECEPTION AND
INDIFFERENCE**





4.1

ANATOMY OF A DECEPTION

The University Admits the Hoax

Belgrade University is shaken by two affairs, and the central figure in both is the American political theorist Michael Walzer, who last June was awarded an honorary doctorate by the university, even though in 1999 he called for a "humanitarian" military intervention against Serbia, and still today blatantly advocates the claim that Kosovo is an independent state.

The first to protest publicly and forcefully against awarding the highest university honor to Walzer were Serb philosophers Milan Brdar and Aleksandar Jokić, who considered it an act of national self-humiliation. They were joined by another 204 university professors, doctors, and assistants with their petition demanding that Walzer's honorary doctorate be revoked, and under this public pressure the University Council decided to appoint a working group tasked with "examining all conditions that lead to awarding the honorary doctorate to Michael Walzer."

On Wednesday, October 27, the University Senate adopted a report according to which the highest university offices were indeed victims of deception, but despite this, the honorary doctorate given to Michael Walzer was not revoked.

The fault has been established but the doctorate was not revoked, which indicates that the honor bestowed on Walzer was a result of political pressure, estimates professor Milan Brdar.

The working group of the Commission on university honors at its September 22, 2010 meeting concluded:

"that the Faculty of Political Sciences has offered in its recommendation inaccurate and incomplete information, for it did not point out that Professor Walzer was calling for a land invasion of our country. Had this fact been known by the Commission it would have not forwarded to the Senate a recommendation that a honorary doctorate of Belgrade University be awarded to Professor Walzer."

The report also quotes the official letter that the Committee for university honors had already transmitted to the Senate on July 1, stating: "The report by the Faculty of Political Sciences omits relevant facts, which, had they been known by the Committee for university honors, would have certainly influenced the decision whether to award Professor Walzer the honorary doctorate, thus the Faculty had caused the error of not only the Committee, but also of the Rector and Senate."

"Retraction, however, simply does not exist in the bylaws governing university honors. True, we might have invoked some other legal instruments and due to the procedural omissions, returned the whole process back to the beginning, and then at the outcome of the new process, not awarded the honorary doctorate to Walzer. However, the Senate agreed that at this time it is sufficient that we have accepted our part of responsibility and ascertained how it all happened. Practically speaking, we expressed regret about

what was done, but we held it to be inappropriate to insist on any further measures, for as one of the discussants said, there were in our country important people who expressed the same views as Walzer” – was what we were told by the Prorektor professor Marko Ivetic, who presided over the working group.

Professor Milan Brdar, who, with Professor Aleksandar Jokić, started the initiative for revoking the honorary doctorate given to Michael Walzer, thinks that with this decision by the university Senate the American political theorist has been honored for a second time.

The claim that no legal measure to correct the error exists is painful for the ears! No statute anticipates errors, particularly of this magnitude, but that does not mean that they cannot be corrected, if they happen to be made. The question is whether the members of the Senate understand that the honor of the university is at stake, particularly in light of the new fact that the Committee has ascertained that both it and the Senate had been deceived by the Faculty of Political Sciences. Hence, it has been determined that the honorary doctorate was awarded in June based on ignorance, but despite admitting the error there is no consequence, thus indirectly the honorary doctorate is re-confirmed! This is scandalous, it would have been better if the Committee and Senate had undertaken absolutely nothing than their labor resulting in this, says professor Brdar.

A Doctorate at Any Cost

The report by the working group of the university Council reveals that Professors Kostic and Sijacki on

the day of the awarding of the honor to Walzer, demanded that that the ceremony be postponed for a day, in order for the Senate to consider the decision one more time "in light of new information that the Committee, and in all probability members of the Senate, did not have at their disposal." At first the Rector agreed to the postponement, but after the Dean of the Faculty of Political Science insisted that the ceremony not be postponed "the Rector decided that the ceremony of awarding the honorary doctorate should after all take place."

[*Weekly Arena*, No. 42,
November 2, 2010, pp. 16-17.]

[In all likelihood this story is untrue. According to our sources in the Rectorate, it is true that the Rector, faced with our demand intended to postpone the official ceremony in order to engage in further consultations. He abandoned this as a result of outside interference, and backing from the nominator at the Faculty of Political Sciences. Crucial for the final decision was the intervention by a functionary from the Democratic Party.]

4.2 THE LAST WALTZ CALLED WALZER AT BELGRADE UNIVERSITY

On Wednesday November 27, 2010, at a meeting of the University Senate, a report was adopted in which the Commission established by the Senate unequivocally condemned the awarding of the honorary doctorate to Michael Walzer, the proponent of the NATO intervention against SR Yugoslavia. It is interesting that such conclusions by the Commission led to no concrete action: neither was the honorary doctorate awarded to Michael Walzer revoked, nor was FPS and its Dean, Ilija Vujacic, made to suffer any consequences for the sort of nomination they submitted on the basis of which the award was made. What is your assessment of the session of the Senate and what are your expectations regarding the resolution of the "Walzer" case?

When on July 15, the Senate authorized the Commission to consider again the Walzer matter, although it had become known why he did not deserve the title of honorary doctor, only two conclusions came to mind: either this was the chosen path to do nothing, or this was a tactical move to correct the error and, after a period of time, revoke the honorary doctorate. The latter was the wiser option, if you think that at the helm of the university sit serious people who care

about the honor and reputation of such an important national institution as this university.

All in all, finally, on October 27 the Commission filed its report to the Senate in which it states that the Faculty of Political Sciences had submitted inadequate information, and that the Commission had it known the truth would not have recommended to the Senate to honor Michael Walzer. The Senate adopted this conclusion. That is to say, this eminent body has admitted that a mistake had been made. Unfortunately, left out was the only remaining move given the consequences – to revoke the honorary doctorate. That was not done, and this constitutes a new scandal in this case.

The University Council and Rector, Professor Kovacević, last summer insisted on the lack of awareness about certain facts as the reason the honorary doctorate was awarded: they did not know that Professor advocated military intervention against our country. Now from that side we have silence, though it can be heard on the hallways of the Rectorate that just ten days before the session of the Senate the Rector was favoring "facing the consequences". How to understand this restraint, given that the Senate in the end decided to undertake nothing?

The members of the Senate, and the Commission itself, did not have an obligation to personally verify whether the proposal coming from the FPS was justified. The responsibility for the veracity of the information rests on the party making the recommendation. The adoption of the Commission's report determining that a mistake was made, due to a blameworthy action of the FPS, is entirely appropriate. How, then, to account

for the absence of the next step, and what are the consequences of this inaction? The explanation given is that no legal basis exists in the Statute for any action that would inflict consequences on anyone. But, no Statute takes into account that the body whose actions it regulates would make such a serious error. Defending the honor of the institution, however, is primarily a moral obligation with respect to which appeals to legalist considerations have no weight whatsoever.

The concern about the honor of the institution is that much more appropriate when we realize that the recognition that a mistake was committed is combined with total inaction with respect to appropriate sanctions, and this brings about a whole new set of facts. First, the Senate has indirectly and after the fact confirmed or approved the decision to award the honorary doctorate. Thereby, the harm done is considerably increased. That is, while in June the explanation was that the members of the Senate "did not know who they were honoring," and hence the defense of the honor of the university was still possible, now the same award is indirectly recognized on the basis of the "knowledge about the committed mistake," or despite of it, primarily because of the decision to do nothing about this mistake because, oh well, there is "no legal basis" for any action.

To be precise, this decision, that combines the recognition that a mistake was made while giving up on sanctions, is the crucial moment representing both the indirect authentication of the honor already bestowed and the neglect to "defend the honor" of the institution. That is, this is an act of obliquely legitimizing the mistake made in June of this year! In a word, the Commission was formed in order to do nothing. The

Senate, therefore, was capable of committing the mistake, but incapable of correcting it.

Secondly, by admitting to the mistake while refraining from any further measures, the Senate has not only recognized its own helplessness but also that of the University, which means that it has conceded the primacy of politics in the domain of its own autonomy. That is truly scandalous. The scandal was actually already committed in June, when the University administration permitted politics to be implicated in the case and yielded to the political decision to proceed with the award. This is what explains the now publicly (yet indirectly) acknowledged helplessness, which is justified by the "incompleteness of the Statute." And finally, as the third fact that emerges, the Senate has publicly admitted that at stake was *a great swindle* on the part of the FPS, but with its decision of October 27, as opposed to its June decision, the Senate is now an *accomplice* to the deception. That deception took place is confirmed, but there is no sanction! Hence it is a logical question to ask: Do the members of the Senate understand what they did that day, or has the moral breakdown in the country wiped out the University administrators' power of judgment as well?

In the context of bestowing the honorary doctorate upon Michael Walzer, how do you see the role played by Jovan Babic, Professor of Ethics at the Philosophy Faculty, the man who in the 1990s together with Professor Aleksandar Jokić founded the International Law and Ethics Series (ILECS), only to effect, in the last few years, a radical break with the original conception for those meetings? After Walzer was decorated with the

honorary degree Professor Babic has declined (as far as we know) all requests for interviews that should have served the purpose of answering all allegations you and Professor Jokić have expressed in your public "Protest Against National Self-Humiliation," which was written just before the last ILECS meeting on the topic of "Asymmetric Wars, International Relations, and the Just War Theory" would take place in the Festival Hall of the Rectorate on June 17-19, 2010. This conference was attended by 14 participants from abroad and only a single representative from our universities, Professor Jovan Babic. Three speakers at this conference were proponents of bombing Serbia (Michael Walzer, David Luban, and Igor Primorac).

Despite the fact that the entire mission that consisted of the ceremonial bestowing, but also justifying the honorary doctorate given to Michael Walzer, is enshrined in total mystery of an underground endeavor, not unlike the practice of the communists between the two wars, Professor Babic was in all likelihood among the instigators of this action. That he is a professor of ethics from the standpoint of Anglo-Saxon moral philosophy can easily be justified along the lines: "Nothing personal!" for it is "a job like any other" so that the expertise in moral matters does not imply that the expert himself will behave morally (that is a private matter). Consequently, his occupation as professor of ethics does not preclude his taking part in preparing the nomination of Michael Walzer, an ideologue who advocated in favor of the military "intervention" against our country. If, therefore, ethics as a subject one teaches does not obligate one to act ethically then

the said nomination, which is unrelated to the professorship, can only be interpreted to mean: "Nothing personal!" The conference you are mentioning, about which we wrote last summer in *Pecat*, was originally conceived with patriotic character and goals in mind²⁹. Currently, as organized by Professor Babic, it only serves his personal affirmation in the US and domestic pro-American circles that operate under the auspices of the existing regime. This also explains why this year's conference included only one participant, besides Babic, from the host country. With this same goal in mind we can understand the inclusion in the conference program of three authors who supported the bombing of Yugoslavia. This would mean that the said professor has joined the enviable number of our intellectuals who have invested themselves into acquiring the view about the American "progressive role in the world" and its crusades "in the name of democracy and human rights" by way of "humanitarian" military interventions – all the way to justifying the bombing (of their own country) and the ultimate "it was our fault!" (for getting bombed). They, in this, not only have no shame, but they are prepared to "educate" the rest of us to feel shame for still holding on to the values of national integrity and identity, and particularly dignity. Professor Babic could write the book *The Ethics of Crawling*, which would enlighten us on the merits of that sort of locomotion and entering into Atlantic integrations, with special focus on the "backwardness and primitivism" of the traditional view that the upright stepping is natural for people (which has

been the justification for the usual designation *homo erectus*).

In the widespread moral breakdown of society and the state, then, one professor, among many, is simply taking structural advantage, instead of sounding the alarm. This only tells us that as an individual, his significance is exhausted in representing a symbol or paradigm of the moral breakdown characteristic of the current university intelligentsia. That such cases are much more numerous among University staff than those who the critics of their behavior count on for support can explain at least three things: first, it explains why the Senate was incapable of facing any practical consequences (in the hallways one could hear: "so what, many of us agree with Walzer!"); second, it explains why after the "Walzer affair" Professor Babic enjoys "better marketability" everywhere (member of the management board of RTS, president of the Central board for the social sciences in the Ministry of Education and Sciences, and so on); and third, with respect to his avoidance of interviews, Professor Babic counts more on the "wall of silence," imposed through the political control of media, than on any engagement in a dialogue. And he appears to be right: any discussion under patronage of the regime that offers him support would prove pointless. Or, to paraphrase the great writer: the situation is such that his opponent would "always be at a loss." And, if so, why waste the time and words.

Your philosophical monograph Philosophy in Duchamp's Pissoir (2002), offers the most thorough understanding of the process that our state and we as a people have been forced to go through. "Postmodern

pedagogy of getting used to the Duchamp's urinal" (as one chapter is entitled) is still under way, and it appears that it will not end before the ongoing lobotomy of Serbian people is completed. Describe the essence of this pedagogy and what lesson are we working on now.

The essence is the same as the process that elevated the infamous Duchamp's urinal to the status of a work of art. The urinal is an ordinary human product and a work of art is the same thing with an elevated meaning. Since 2000, Serbia has been subjected to the same process of reduction-elevation. First, in the 1990s, they reduced us to the level of a *pissoir*, using all means of the anti-propaganda only to confirm the level of the state *pissoirization* by the act of bombing in the spring of 1999. Truth be told, the country was not *pissoirized* from within. With the puppet regime installed in October 2000, commences symbolic and democratic elevation of Serbia, all the way to the acknowledgment that we are worthy of European culture and civilization. However, the reality is that only since then has the state become *pissoirized* (and criminalized) internally, to the point of the total collapse of public morality and its system of values. The point of the applied pedagogy is for us to accept the state of our catastrophe as "the real deal," since that is the ticket that takes us into the society of the modern and progressive. The anticipation presented in the book written before the bombing, unfortunately turned out true and is still applicable. Thus, I recommend to the readers to look for a more detailed explanation inside the book.

Philosophy, in your view, presently resides in the Boudoir of the Marquis de Sade. Describe for us how

does de Sade's orgiastic machinery function, this machinery of the global rich that represents the structural and functional modus operandi of the global order.

Yes, the title of the book, *Philosophy in Duchamp's Pissoir*, was strategically chosen to associate to de Sade's work *Philosophy in the Boudoir*. Philosophy, and not only the local variety, but also the European as well as American philosophy, finds itself in the sort of space that looks as if it emerged from a combination of the urinal and the boudoir. Using the same process by which an ordinary ceramic urinal of Marcel Duchamp was elevated to the rank of a work of art, which is a phenomenon of the 20th century, I have shown, on the one hand, that our Western friends have turned our country into a stinky urinal, while on the other, pursuant to bringing a puppet regime to power, they then elevated the same urinal to a model of democracy, "a leader in the region," even though nothing had changed. Truth be told, almost the entire contemporary world has been *pissoirized*, and that *pissoirization*, until recently, was called globalization, which is really a process of grave-ization of everything distinct, identity-making, including all values that characterize all serious peoples and cultures. Grave-ization as a global process accompanied by Americanization, is manifested in two processes: on the one hand, trivialization of everything serious, on the other, elevation to the status of seriousness of all kinds of triviality and idiocy, as long as they have politico-instrumental value. In all of this, philosophy, it appears, is powerless, so once it is itself trivialized, all it can do is decorate this general state of *pissoirization* with the

bright values from the western gallery of phantom freedom and democracy. There is no question that in all of this there is plenty of sadism and masochism. In other words, philosophy, together with social sciences, has largely assumed the role of a chambermaid in the political boudoir of Americanization.

The government of the Republic of Serbia on October 27 announced that it is offering a 10 million Euro award to one who "provides a credible and true information that could lead to location and arrest of The Hague accused Ratko Mladic." This is yet another act that also demands a multidimensional analysis of the pedagogical process of pissing Serbia.

This government this year, precisely since bestowing the honorary doctorate to Michael Walzer, has been on the path of moral, political, and national demise. With the majority of people that make up the government being former Tito's pioneers and youth, acting as if they just emerged from the communist party committees, they are unable to abandon the communist-democratic methods of finding solutions to problems. Even though they have institutions that are paid to work, they cannot bring themselves to give up pushing for the widest initiatives among the citizens (who used to be the working class), all in an attempt to turn all of us into "informants" of this "democratic" regime. Thus, a few years back they offered telephone numbers to report instances of corruption. Now they have reached the high point with this offer of ten million Euros. That is as morally odious as it is politically idiotic. First, despite the barrage of outlandish promises, they have reduced people to

the unseen level of poverty, capable of gathering only around public soup kitchens and garbage containers. Then, as icing on a cake, comes this offer of ten million Euros. "Let's feed the Hague dragon, never mind that hundreds of thousands among us are hungry. What is important is that one of us with an act of denunciation will tomorrow solve all his problems!" Moral abomination and political idiocy (those are the right words) come from the fact that in this country, the citizen is disrespected and undervalued, and as such he is then offered ten million Euros that could serve to open who knows how many jobs or aid who knows how many families. With all that, the agencies will continue to be paid, except that citizen will do their job. That is another illustration of the *pissoirization* of Serbia from within, that in the moral sense nothing of the proper order remains. As I wrote in the book: "I am a conscious citizen of the world!" In that situation every, and in particular moral criticism, can have the meaning of the naïve self-discovery of the Huxley's Savage, as a candidate for re-education.

[Weekly *Печаџ*, no, 139,
November 5, 2010, p. 38.]

4.3 EPILOGUE

The Walzer affair cast a stark light on the Rector and the members of the Senate of Belgrade University, showing that they, as individuals, and as a group, neither know nor care how to act on behalf of an institution, or that they, as individuals, are subordinate to it. With their egregious error, compounded by their impotent refusal to correct it in any way, they have shown themselves to be utterly and irrevocably undeserving of their place. The stain for which they are ultimately responsible has tarnished the university's reputation, and will remain in the annals of its history.

That many members of the Senate stubbornly refused to grasp that they had committed a grievous error was apparent from the comments some of them made while leaving the conference room after the meeting on October 27, 2010:

"What's the big deal? Many of us agree with Walzer [regarding Kosovo and the bombing of Serbia]!"

What the wise person is ashamed of the crazy is proud of!

A separate episode of this case represents the process of collecting signatures for a petition by professors and doctors at the Belgrade University, initiated in July 2010, and which had generated about 260

signatures by the time of the Senate meeting on October 27, 2010. This petition was included on the agenda of the meeting under the rubric "Communications," but was not discussed at all. Curiously, the initiators of the petition made no public comment regarding this oversight.

The third episode consists of a new scandal from March of this year, 2011. When Russian Prime Minister Vladimir Putin was visiting Serbia, the plan was to award him the honorary doctorate of Belgrade University! That was, in fact, a compensative attempt to "save face," and to make up for not having taken corrective action at the October 27, 2010 Senate meeting.

In our article from *Pecat*, of June 18, 2010, regarding the honorary doctorate bestowed upon Michael Walzer, we had warned that with such choices of laureates Belgrade University is risked ending "up as a provincial dump that no one takes seriously" (see above, pp. 33, *at passim*). That is exactly what transpired with Prime Minister Putin, though in a quiet and stealthy way. Namely, during the visit, it suddenly emerged that because of a full schedule Prime Minister Putin "had no time" to stop by the Rectorate and pick up his honorary doctorate. No time was the verdict, though that evening he spent more than an hour watching a football game at the Red Star stadium with bikers from Serbia.

With this the Prime Minister sent more than a clear message: "Что случилось, господа? What did you think gentlemen, that you can use me to clear the dishonor of the University? I don't think so!" Didn't he thus signal to us that time with local motorcycle enthusiasts is much more valuable to him than paying attention to

the intellectual elite of this country, given the way it is, incapable of paying attention to national interest and the dignity of the oldest national University?

But that is not all, for the Walzer affair also has yet another phase. It was accomplished by the Rector Kovacevic, who was offering excuses to the press that the honorary doctorate was not given to Prime Minister Putin because of his busy schedule, and volunteered to "at the moment's notice travel to Moscow and bestow upon Putin the honorary doctorate."

With this the Rector additionally humiliated the institution he represents and manifested that:

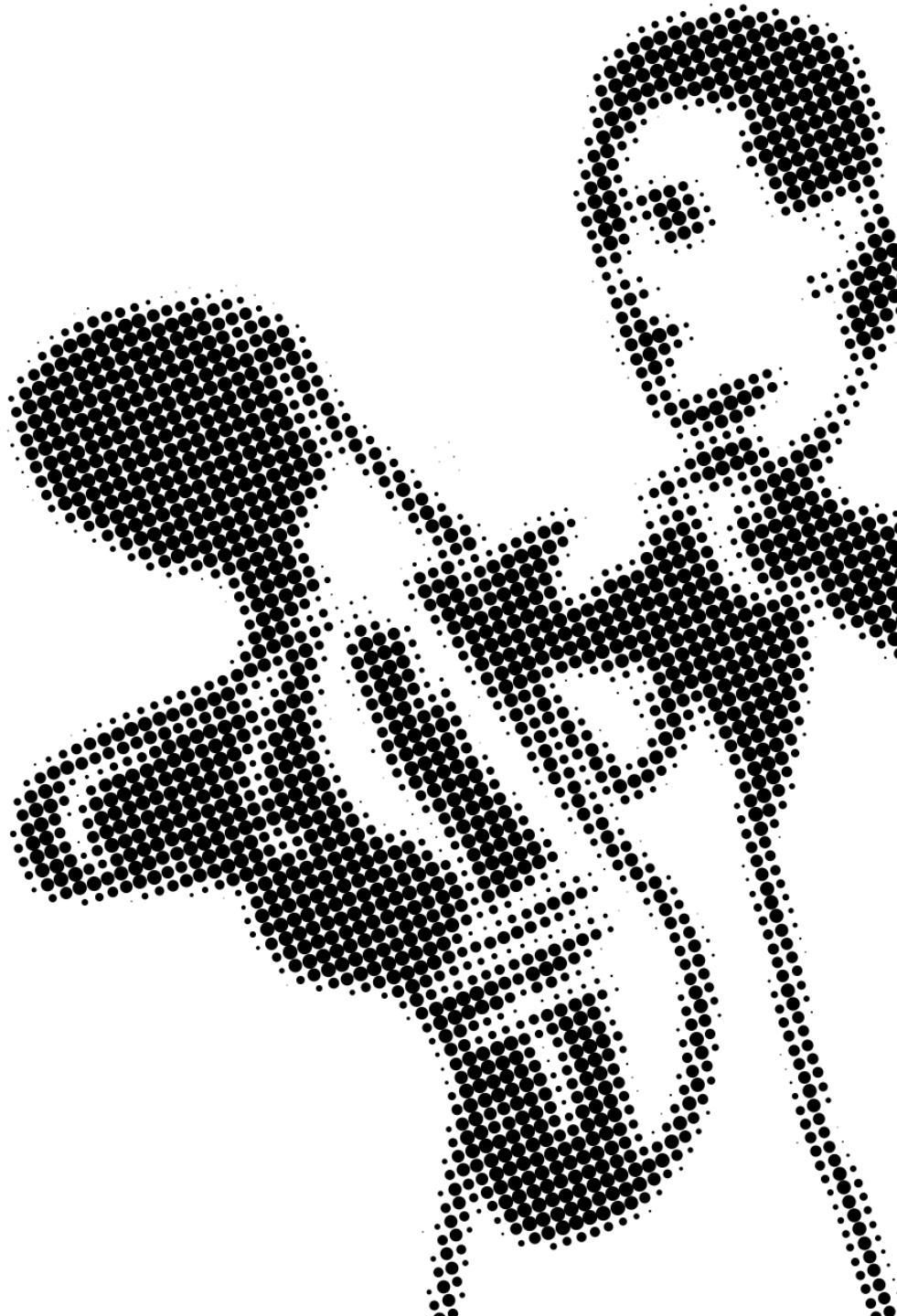
- (a) he is ready to take it out even to a flea market, and
- (b) that he understood nothing.

Because of this, he no longer deserves to be sent requests for resignation, but to be instantly and unquestioningly removed, that is, if only there were anyone capable of pulling off such an apparently epic task. The Senate in its present form, and the University as it is, will be incapable of digging itself out of the mud this time.

That this is not an exaggerated statement is clear from the final scandal. An anonymous source told journalists of the production group "Mreza" that the certificate of the honorary doctorate is waiting for Putin at the student services and he can pick it up at any time.

PART FIVE:
SPECIAL SUPPLEMENT





5.1 JUST WAR THEORISTS OR JUST WAR CRIMINALS

Aleksandar Jokić

Introduction

The just war theory made its unlikely comeback in large part due to Michael Walzer's popularizing efforts. One of its most remarkable achievements was its application in the form of "humanitarian intervention" to absolve the US-led NATO aggression against Yugoslavia in 1999. Yet on June 17, 2010, Walzer was decorated with an honorary doctorate from Belgrade University; the ceremony took place not far from the remains of buildings destroyed by NATO in the center of the city. One may, then, rightly contemplate the meaning of gestures of this sort: What could tempt people, particularly the intellectual elites, to even consider honoring those who advocate aggression against their country?

Why honor someone hailing from a hegemonic power in a weak state that witnessed and directly felt the fury of that power that left behind thousands dead and the whole country in physical, psychological and economic devastation? These are complicated questions to answer, but in this paper I shall consider a more basic issue: What is a just war theorist?

Historical Development of the Doctrine

The doctrine of just war theory has a long history and its invocations have gone through a series of shifting context of applications. Initially developed in the context of Catholic theology, the theory was also taken to have moral implications, thus transitioning into the secular domain, which at least by the 19th century and certainly by mid-20th century also accommodated a legal interpretation. Finally, with the effort of Michael Walzer, the doctrine reintegrated the moral domain in political theory, and later moral philosophy. Taken as a contemporary legal theory it consists of two components: the *ius ad bellum* is that part of international law governing resort to international armed conflicts. The *ius in bello* is the law of war properly so styled, namely, the body of rules governing the conduct of parties engaged in international armed conflict. These are also the main constituents of this doctrine as it originated in the theological context.

The founder of the Christian doctrine of just war is St. Augustine who gave it its first formulation in *Contra Faustum*. Therein St. Augustine asked the critical question: "Is it necessarily sinful for a Christian to wage war?" His negative and exceptive answer – that wars are just if waged to avenge injustice or to coerce the enemies of the Church – is generally considered as the first appearance of the specifically Christian doctrine of just war. As he so often did, St. Thomas Aquinas, in his *Summa Theologica*, repeated and elaborated St. Augustine's view. The Thomist formula embodies the medieval and scholastic thinking, about the just war and *remains* of great influence in the doctrine

of the Catholic Church today. Aquinas answered the question posed by St. Augustine in the negative, provided: (i) the Prince had authorized the war; (ii) there was a "just cause" against the adversary on account of some guilt on his part; and (iii) the belligerent had a "right intention," i.e., to promote good or to avoid evil. The main emphasis was upon the requirement of a just cause, which was considered to be a matter of moral theology. Thus the Thomist view made the question of the "justness" of all wars one that fell within the jurisdiction of the Church.

From 1618 to 1648, Europe was ravaged by the Thirty Years War. This period of bitter struggle between Catholicism and Protestantism generated its own ideological contribution to the just war doctrine, adding a purely theological component of *ius ad bellum*: war for the cause of religion. The violent clashes were lamentably without restraints. The trouble was that the just war doctrine had relatively little to say about conduct in warfare (*ius in bello*) beyond condemning perfidy (breach of promises) and the slaughter of women and children because war against them was not "just." The lack of restraint was compounded by 14th and 15th-century ideas that the victorious Prince was waging a just war and, as the agent of God, punishing the defeated, as the devils in hell would punish them in the next world. The victory was the judgment of God as to the justness of the cause of the victor. The war could not be considered just on both sides because God's will was not divisible. These were the strands that made up the fabric of the classic just war doctrine of the late medieval period.

In the 16th and first half of the 17th century, three notable Englishmen: William Ames, a Puritan theologian, William Fulbecke, a lawyer, and Matthew Sutcliffe, clergyman, academic and lawyer, excluded religion as a basis for the just war doctrine. Francisco de Victoria and Francisco Suarez contributed to further integrating the classic just war doctrine into the overtly secular and legalist doctrine of the modern international law of war. Thus, from the mid-seventeenth century until the mid-twentieth, the idea of just war largely disappeared as a conscious source of *moral* reflection about war and its restraint. Hugo Grotius, John Locke, and Emerich deVattel removed the last lingering traces of the medieval just war doctrine which led to the modern doctrine entirely based in nature and agreements among men, with no backwards glances seeking divine approval.

The central vice of the medieval classic doctrine was that it oscillated between aggravating cruelties in war, because the victorious Prince as the agent of God was punishing the unjust defeated, and a high level of artificiality that left it without an impact upon the content of the *ius in bello*. In particular, it failed to promote the idea that the *ius in bello* applied irrespective of the justness of the cause. This idea has in fact been impeded by the long history of the just war doctrine and has taken centuries to become established. The indivisibility of God's will was too serious an impediment to the notion that a war might be just for both sides engaged in it.

Some of the most appalling atrocities of medieval warfare were visited upon civilians (who had not the honor to carry arms) at the hands of the military (for

whom this privilege was reserved). Yet this law of arms yielded ideas not without value for the subsequent development of the modern international law of war. First, it contributed the idea of a body of rules governing the military class irrespective of frontiers or allegiance and irrespective of the justice or injustice of the initial resort to war. Second, it affirmed the idea that war, properly understood, could be waged only by sovereigns. Thus, the medieval legacy of the just war did yield something of value to posterity. Mainly under the force of Church disapproval, expressed by anathema, it gave no place to private war or indiscriminate foray, which were the curse of medieval society. To such private wars the law of arms gave no acceptable status. Claims to ransoms and spoils would not be upheld. It made some attempt to bring to book professional freebooters whose behavior was synonymous with terror, brutality, and looting. The requirement that the war be public and open evolved from the Thomist formulation of the just war doctrine, which excluded the "private war" of the feudal lord. The Thomist formula insisted that for a war to be "just" it had to be "public."

Once the modern territorial states had been established, their resort to arms became open by necessity, and soon no form of fighting could properly be a war other than that waged by a sovereign state. In the second half of the 19th century, under the impact of a collection of ideals that might be termed secular humanitarianism, the laws and customs of war were subjected to a major codifying redaction at the First and Second Hague Peace Conferences of 1899 and 1907. This was the era of positivism, the high noon of

state sovereignty, and the virtual expulsion of the just war doctrine from the picture. States might, in accepted international law of the day, resort to war as a legitimate instrument of national policy.

With the gradual recession of that claim, through the progressive stages of the Covenant of the League of Nations, the Pact of Paris, and the United Nations Charter, a new doctrine of the just and lawful war – limited to individual or collective self-defense – and of collective peace enforcement, appeared as the new *ius ad bellum*. Necessarily, the old question reappears: Does the *ius in bello* bind the aggressor and the self-defender alike? Some – most prominently Michael Walzer – would argue that waging an aggressive war is the supreme international criminal act and that those who take part in such a war are participants in this criminality and are not entitled to the protection of *ius in bello*. Such arguments would bring us back to the evils of the medieval classic just war doctrine and all the miseries that accompanied it. The humanitarian law theory and its associate, the human rights theory, reject discrimination among participants in war whether on the side of the aggressor or of the defender. But, Walzer's revivalism of the classic just war doctrine, as we shall see, appears bent on bringing back the worst of this medieval doctrine.

Walzer, Hypocrisy and Just War Theory

Michael Walzer finds moral reassurance in hypocrisy. I don't. The public spectacle of mutual accusations of hypocrisy by irreconcilable ideological opponents, especially when war breaks out, reveal, according to

Walzer, *shared moral knowledge*. On this too I (and others) disagree. Walzer, in his book *Just and Unjust Wars*²⁹, begins his revival of the medieval, Catholic just war tradition with the claim that exposure of hypocrisy may be “the most important form of moral criticism³⁰”. For “wherever we find hypocrisy,” states Walzer, “we also find moral knowledge³¹”: hypocrites presume “the moral understanding of the rest of us³².” Uncovering the *moral reality* of war is to be accomplished, according to Walzer, through unmasking the hypocrisy of politicians and generals by putting their words to the test of the emerging ethical facts.

But even before these claims went to press, Walzer must have known that he was wrong about the alleged revelatory power of hypocrisy to present us with shared moral knowledge. For his colleague and friend, Judith Shklar, would have told him as much. Might this be an early sign of Walzer's hypocrisy in selling known error for knowledge? Shklar would have taught Walzer, first, that charges of hypocrisy quickly bring about counter-accusations of the same, and, second, that these imputations do not “imply shared knowledge, but mutual inaccessibility.³³” She would have also taught him as a third lesson that “the very notion of wars as either just or unjust is by no means universally accepted among the citizens of liberal democ-

²⁹ Michael Walzer, *Just and Unjust Wars*, 2nd ed. (New York: Basic Books, 1992). The first edition was published in 1975.

³⁰ Walzer, p. xxix.

³¹ Walzer, p. 230.

³² Walzer, p. 29.

³³ Judith N. Shklar, *Ordinary Vices* (Cambridge MA, Harvard University Press, 1984): p. 81.

racies³⁴”; and fourth, most importantly, she would have insisted that it is wrong (both in the sense of “morally impermissible” and an error) “to put hypocrisy first” (in her sense of ranking any vice above cruelty) because it “entangles us [...] in too much moral cruelty, exposes us too easily to misanthropy, and unbalances our politics³⁵.” There is no evidence that Walzer had unlearned all four lessons, but he most certainly decided to dismiss the second and the third insight. Hence, it stands to reason that a just war theory erected on the erroneously attributed epistemic status of hypocrisy as revealing alleged moral facts (“shared moral knowledge”) will exhibit all three of the undesirable outcomes Shklar urges caution about: moral cruelty, misanthropy, and unbalanced politics³⁶. That this is the legacy of Walzer's just war theory must be argued elsewhere, but expect at least a glimpse of it to become evident even in this article.

However, before turning to our main concern – the study about the fundamental nature of a just war theorist – it is worth exploring the importance of the lesson that extreme caution is in order regarding Walzer's revivalism³⁷ of the medieval ideas about

³⁴ Shklar, pp. 79-80.

³⁵ Shklar, p. 86.

³⁶ For these insights by Shklar and criticism of Walzer I must thank Tiphaine Dickson, “Under An Empty Sky: Ethics and Law in Morgenthau and Walzer” (unpublished manuscript) where she argues against the conventional view that Hans Morgenthau eschews morality in his construction of a realist theory while Michael Walzer is reclaiming moral argument for political theory, as placing things exactly on the head.

³⁷ As with most “isms” this one too is intended to suggest that there is something wrong with the project.

"just" war. In its early applications, the idea of just war served the purpose of justifying the bloody crusades all the way to the desecration of Hagia Sophia and the Latin occupation of Constantinople in April 1204. The looting and devastation of the greatest Christian city of the medieval world by other (Western) Christians precisely when the Byzantium was under pressure from Islam is a reminder of what can happen when one is ideologically armed with a just war theory: not much room for compassion regarding even your Christian co-religionists appears available, but only "moral cruelty, misanthropy, and unbalanced politics". Before the final fall to the Ottomans in 1453, for almost two centuries Byzantium was forced to consider the option of the union of the churches in response to the desperate need for military help from the West to combat the Seljuk Turks. But Western spiritual leaders had made a precondition of any assistance the reunion of the churches with Constantinople subordinated to Rome. This humiliating conditioning of military aid with acceptance of papal primacy, together with the enduring and vivid memory of the just war sacrilege of 1204 lead to the Byzantine proverbial saying: "Better the Turkish turban than the papal tiara"³⁸.

Walzer's initiative to revive the Catholic medieval just war doctrine three quarters into the 20th century may appear additionally peculiar as it skips backwards over the singularly important historical con-

³⁸ See Judith Herrin, *Byzantium: The Surprising Life of a Medieval Empire* (Princeton, Princeton University Press, 2008), particularly chapter 27.

tributions of the Enlightenment, and neglects the greatest results in the history of moral philosophy in general and on the question of morality of war in particular by the most important Enlightenment thinker, Immanuel Kant, who so brilliantly systematized the ideas of freedom and rationality. And as Walzer's colleague and friend, Judith Shklar, again reminds us, Kant sees war as beyond the rules of good and evil; hence not a practice that can be just or unjust.³⁹ It belongs to the domain of necessity, and the only imperative regarding war is to end it as soon as possible. Kantians cannot approve of the just war theorist's labors as they view him as "encouraging people to enter upon wars recklessly and then bap-

³⁹ Curiously, some authors characterize this view of Kant's, that no just war is possible, as "the traditional reading" and contend that Kant has a just war theory. See, for example, Brian Orend (1999), "Kant's Just War Theory," *Journal of the History of Philosophy*, 37, (199):pp. 323-53. Orend claims that there are "three basic perspectives on the ethics of war and peace with realism and pacifism at the extremes and just war theory in the middle," and he rules out that Kant can be seen as either a realist (based on a comically crude rendition of the international relations realism) or a pacifist so he must be a just war theorist. This is not the place to argue this, but I strongly reject both the claim that Kant is a just war theorist and that there is anything Kantian in the newly developed so-called "contemporary Kantian just war theory." See, Brian Orend, *War and International Justice: A Kantian Perspective* (Wilfrid Laurier University Press, 1999). Similar misuse of Kant occurs in the contemporary "democratic peace theory" by authors such as Michael Doyle who assert that Kant would condone the spreading of democracy by military means. See, Michael Doyle, "Kant, Liberal Legacies, and Foreign Affairs," *Philosophy and Public Affairs*, 12, No. 3. (1983). It is well known that Kant was not a good friend of democracy, but even if he were, the idea of this post-Cold War doctrine, so comforting for the US hegemonic inclinations, is another distortion of his philosophical thought.

tizing his own side with the holy water of justice. Every enemy can easily be made to look the aggressor⁴⁰." The fate of Yugoslavia in 1999 arguably involves precisely such an example where an aggression, by nineteen most powerful countries against a small state that attacked none of them, through capricious manipulation of just war "rules" became baptized a just war. Walzer was chief among many Western publicists who first urged, then cheered the aggression, but was practically alone in also demanding a ground offensive.

Yet another reason exists that makes the timing and nature of Walzer's revival of just war theory curious. It occurs in the period of unprecedented progress in international law where, regarding *ius ad bellum*, aggression is marked as the supreme crime per Nuremberg precedent and embedded as such in the U.N. Charter, while a number of elements introduced in the positive international law regulate *ius in bello*, such as the Nuremberg Principles or the four Geneva Conventions. But Walzer has no respect for this paper world of international lawyers, and instead opts for yet another medieval Catholic invention: the casuistic method in determining what is just and unjust with respect to war. Of course, this opens up the unpleasant possibility that the legal and just war theoretical (presumably moral) judg-

⁴⁰ Judith N. Shklar, *Ordinary Vices* (Cambridge MA, Harvard University Press, 1984): p. 80. In my judgment this statement by Shklar has to be the most brilliant thing ever said about the character and *telos* of a just war theorist. Hopefully, the rest of this essay will provide further support for this insight.

ments about an instance of war are opposed to each other. What to do about a war that is deemed "illegal but good"?⁴¹ A powerful state, bent on waging war, could in such a case want to emphasize the latter and ignore the former verdict. Such a gift from just war theory to raw power! This was exactly the case with the US-lead NATO aggression against Yugoslavia in 1999.

⁴¹ Examples of pronouncements about the goodness of NATO aggression against Yugoslavia despite its illegality are not difficult to find among public figures (politicians) and scholars turned publicists. Here is Vaclav Havel:

This war places human rights above the rights of the state. The Federal Republic of Yugoslavia was attacked by the alliance without a direct mandate from the UN. This did not happen irresponsibly, as an act of aggression or out of disrespect for international law. It happened, on the contrary, out of respect of the law, for the law that ranks higher than the law which protects the sovereignty of states. The alliance has acted out of respect for human rights. (Vaclav Havel, "Kosovo and the End of Nation-State," *New York Review of Books*, 10 June 1999: 6.)

Hence, when a supreme crime in international law – aggression – is committed – of course without a mandate from the UN – that can still be a good thing, because some presumed "higher ranking" (moral) law will somehow obviate the illegality in question. Convenient "morality" trumps law, in the view of this politician. But also scholars exist who are capable of asserting the same. A good example is Antonio Cassese, who evaluates NATO's 1999 aggression against Yugoslavia as "illegal under international law" but in his "ethical viewpoint resort to armed force was justified" (Antonio Cassese, "*Ex iniuria ius oritur*: Are We Moving Towards International Legitimation of Forcible Humanitarian Countermeasures in the World Community?," *European Journal of International Law* 10, No 1, 1999: 23.) Thus, the vocabulary of "illegal but good" enters narratives about international relations with the serious consequence of effectively decriminalizing aggression of powerful states against the weak ones. This could not have been achieved without Walzer's revivalism of medieval just war theory.

Scholarship vs. Activism

Let us now consider directly the question: What is a just war theorist? War is a very serious and grave matter. Yet discourse about (just and unjust) war is not always as serious as is warranted. "Serious" normative judgment in this context requires keeping in clear view the interdisciplinary matrix of values. In the moral order, the phrase "unjust war" attaches a particularly powerful stigma of wrongful action on the part of the accused alleged perpetrators; in the political order, the use of this phrase is a call to action; and in the legal order its meaning is defined in the existing documents of positive international law via the conceptually linked term "aggression," and the (legal) rules about the conduct in war. Given that the discourse about war may equally occur within moral, political, and legal domains, the *minimum* of seriousness while engaging in the war-discourse requires a precise and explicit "indexing" to the specific normative order of usage.

Elsewhere⁴² I have shown that Walzer does not meet this minimum of seriousness required of proper scholarship:

"Despite [the] relevance of morality for the other two normative orders [legal and political], it is very important to keep the three separate at all times. In fact, the effort to avoid conflation of these normative orders is a mark of serious and responsible scholar-

⁴² Aleksandar Jokić, Michael Walzer's Sense Of Proportionality: Another Casualty In Israel's Offensive Against Gaza? *Swans Magazine* January 26, 2009; available at <http://www.swans.com/library/art15/ajokić05.html> (last accessed on december 9, 2010).

ship, or discourse about normative matters in general. All too often normative discussions fail to satisfy this basic requirement. Such is the case with Michael Walzer's recent discussion on proportionality.⁴³

Already in his first paragraph, Walzer confuses the moral and legal orders and perhaps the political as well. Right after claiming that "disproportionate" is the favorite critical term of the partakers in the discussions on the morality of war, Walzer accuses those same (unidentified) people of not knowing what this term means in international law. Is Walzer claiming that before one can formulate a moral judgment using the term "disproportionate," one must ensure that it is used in the same sense as in international law? Could not a practice be disproportionate in a way that it might justify a moral judgment that the practice in question is wrong without thereby amounting to a legal claim that the practice is forbidden by international law? Contrary to Walzer's apparent claim, this seems quite possible. To make things worse, Walzer slams yet another accusation at his targets claiming that "they don't realize that ["disproportionate"] has been used far more often to justify than to criticize what we might think of as excessive violence." What might Walzer mean here by talking of those who use "disproportionate" to "justify" excessive violence? Is the justification he has in mind moral, legal, or simply political? I am afraid

⁴³ Michael Walzer, "On Proportionality: How Much is Too Much in War?" *The New Republic*, January 8, 2009 (accessed online on December 9, 2010: <http://www.tnr.com/article/politics/proportionality>).

that the only meaning that can be attached to "justify" in this context is political – as what appears to be the subject of justification is a certain policy regarding use of excessive violence – thus completing Walzer's mess of conflating all three normative orders in just the first three sentences.

Returning to our discussion, it is particularly worrisome when the legal and political uses of the word "war" are bifurcated, as we have seen with the example of the phrase "illegal but good". War-discourse is replete with conceptual "mix ups," and bifurcations of this nature which can, and often do, result in serious harms to those who find themselves on the receiving end of inappropriate uses of this discourse. A significant part of contemporary war-discourse rarely meets even the basic standard for the minimum of seriousness, which suggests that the magnitude of abuse that it may generate is potentially significant. A general deficit of seriousness, in the above technical sense, suggests a practice that may not be entirely compatible with any scholarly work, as the latter always requires a methodology that rules out (ideologically driven) arbitrariness and randomness to the maximum possible degree.

With this (discursive) context in mind, and specifically the dangers it is fraught with, a "just war theorist" would, broadly speaking, be a kind of scholar or expert. By invoking the ideas of scholarship or expertise, I mean to account for the meaning of "theorist" in the phrase "just war theorist". When we look up the word "scholar" in an English dictionary we find that it refers to a learned person who has a great deal of knowledge, especially an academic, someone

who is a specialist in a given branch of knowledge. So, for example, a “just war scholar” would, then, be a learned person whose branch of knowledge is (just and unjust) war. To be more precise, we would not consider war a “branch of knowledge,” rather scholars from a number of branches of knowledge might choose to focus on war as their subject: international lawyers, political scientists, or philosophers, for example. A scholar from any of those branches of knowledge (or other disciplines) who decides to “specialize” in war might then qualify as a “just war scholar.” However, there is another phrase that is sometimes utilized that indicates a somewhat relaxed usage; it is (just war) “expert.”

When we look up the word “expert” in a dictionary we find that it refers to a person with a high degree of knowledge of a certain subject. So, a “just war expert” would be someone with a high degree of knowledge about the subject of just and unjust war (not necessarily an academic or someone trained in moral philosophy). When we think about the subject of war, the label “just war expert” reveals an unintended yet suggestive ambiguity. It could mean (i) someone particularly skilled in perpetrating a just or an unjust war in various ways that this can be done, or (ii) someone (presumed) particularly skilled in determining which historical episodes of violence, including in particular the current events, constitute just or unjust wars. Let us call the skills described in (i) “war-engineering skills” and people who have them “war-engineers,” while the skills described in (ii) might be called “just war-pronouncing skills” and the people who have them “just war-pronounce-

ment-makers" or "just war judges". It goes without saying that in the current discourse on war everyone partaking in it, *qua* "expert," wants to *count as* expert of the latter sort, and not many would want to be notorious as experts of the former kind (certainly not as engineers of *unjust* wars as that is tantamount to being a *war criminal*). Everyone would rather be a pronouncement-maker than an engineer in this respect. It is not difficult to see, however, that a good case can be made for maintaining that many partakers in the current just war discourse generate nearly as much harm as if they were in fact war-engineers. This would have to be argued in greater detail elsewhere though the already invoked example of the "humanitarian intervention" against Yugoslavia in 1999 may be sufficient to clearly *show* it.

The dominant desire of just war discourse partakers to be just war pronouncement makers, or just war judges, is nicely explained by the shift in terminology from "scholar" to "expert" in this area. It is characteristic of the current Western discourse that many who are not associated with any institution of higher learning or research (or those who are might be untutored in moral philosophy) still want to be in the position to authoritatively pronounce on these matters. Often this is done as a call to action. The non-scholarly experts who desire to authoritatively pronounce on the occurrence of events that would make war just include journalists, NGO operatives, think-tankers, or even government officials serving on various presidential task forces or are intelligence operatives. The danger hidden in this idiosyncratic practice of social epistemology is clear:

once pronouncements about just war are made by “experts” they become virtually irreversible since credibility in the political sphere usually depends precisely on firm positions and opinions, viz., the refusal to revise calls one has made or reverse oneself. Of course, these characteristics are virtually contrary to the epistemological virtues associated with real experts, i.e., proper scholarship. This makes the already weakened methodological rigor embedded in the very nature of the just war theory, as we have seen, relaxed even further, to the point that what passes for “scholarship” in this domain resembles more closely ideology, advocacy, and lobbying than anything approaching science or philosophy.

The question about the occurrence of a just (or unjust) war is a question about the existence of facts that can in principle be discovered and identified (assuming one would – in a non-Kantian spirit – even want to engage in “practicing” just war theory). A war does not become just (or unjust) as a result of a pronouncement by persons (somehow) vested with the authority to do so. An occurrence of just war is not something governed by institutional rules as is the case with, for example, marriage: the right person under the right circumstances, where “right” in both cases is institutionally defined, can create a new institutional fact by simply uttering that “(by the powers vested in me) I pronounce you legally married.” It results from the discovery of the relevant evidence left in “nature” and our records of it rather than institutional procedures and political decisions. One who would want to claim such “institutional power” for oneself to make pronouncements on the justness

or unjustness of wars, no matter what his actual expertise may be, is not a true scholar, but an activist engaged in promoting, advancing, or recommending policies having to do with war. However, activism on this matter must clearly be delineated from any kind of scholarship as in this context it in fact brings about the third degree of separation from scholarly inquiry, and how vividly this brings out the Kantian concern so well formulated, as we have already seen, by Walzer's colleague, Judith Skhlar: "encouraging people to enter upon wars recklessly and then baptizing his own side with the holy water of justice. Every enemy can easily be made to look the aggressor." Hence, this sort of activism is twice removed from any kind of scholarship; instead, it is only parasitizing on a notion of sound inquiry (as it exists in science or philosophy), which gives the activist the aura of undeserved importance.

It is worth summarizing the three degrees of separation between the practices identified above and anything that could properly be considered scholarship or rational inquiry (in particular philosophy). The first degree of separation is the mentioned general failure to consistently index "just war" judgments to appropriate normative orders (moral, legal or political); the second is associated with the practice of allegedly authoritative (non-scholarly yet expert) pronouncement making or judging wars as just or unjust; and the third is activism in the form of advocating for and promoting certain wars (usually those your side is undertaking, planning, or contemplating). Consequently, in light of these considerations, the phrase "activist scholar" is an

oxymoron. Yet, "activist-scholar" is the term used for example by Amnesty International to describe William Schabas and other panelists at its 2002 Annual Assembly.²⁷ That this is an incongruous proposition can be shown in two ways. First, activism and scholarship are incompatible activities that cannot simultaneously characterize what one does. To give an analogous example, one cannot be a racecar driver and air plane traveler; although, of course, a race car driver can travel by plane (say to the site of his next competition) he cannot be racing cars while traveling by plane. Similarly, activism effectively suppresses proper scholarship and at best puts it the subservient position. Secondly, activism and scholarship don't combine very well because the former quickly consumes the latter the way fire consumes flammable materials such as paper; hence just as paper and fire cannot be in the same place for very long, activism tends to consume scholarship just as comprehensively. This consuming of the other relationship can go further than activism overwhelming scholarship as in the case of an intelligence operative who takes as cover the role of an activist; in that case, activism is consumed by the intelligence operation. Hence, true scholarship must be conducted independently of any activism or intelligence scheme.

⁴⁴ Amnesty International USA, "Reframing Globalization: The Challenge for Human Rights," available at <http://www.amnestyusa.org/events/agm/agm2002/panels.html> (accessed January 9, 2011). For Amnesty International Schabas is an "activist-scholar" with respect to events in Rwanda as he was a member of the International Commission of Inquiry that produced a highly influential report on the situation in Rwanda. More on the exploits and the report by this Commission below.

The just war theorists are clearly not well positioned in this regard.

Finally, one may even wonder what should be the proper characterization of a just war theorist and activist, whose pronouncements of justness are applied to wars of aggression (i.e., when he baptizes an aggression his country is engaged in as just)? Would this be a criminal act of incitement to international violence, an act of aiding and abetting aggression – the supreme crime in international law? Would this make a just war theorist into a war criminal?

The Dangers of Public Just War Activism

Normative judgments, be they moral, legal or political, are as good as facts that support them. Activists can easily be wrong in this regard (no matter the alleged degree of their expertise in presumably relevant fields of knowledge). Bad facts can only lead to bad normative statements, which depending on the context can bring about dire consequences for the innocents. Activism with such consequences, of course, cannot be condoned! It leads to the effects Shklar has poignantly warned us about: moral cruelty, misanthropy, and unbalanced politics. It would be useful to see this on an example.

The case I want to consider will contrast the normative results of the globally unreliable "Report by the International Commission of Inquiry on Human Rights Violations in Rwanda since October 1, 1990" (ICI), published in 1993, which was relied upon in a substantial manner against Léon Mugesera, and the exhaustive, meticulous, and rigorous analysis in the

September 8, 2003 judgment of *Mugesera v. Canada* (Minister of Citizenship and Immigration) (F.C.A.).⁴⁵

On November 22, 1992, at Kabaya, Rwanda, Léon Mugesera made a speech (in the Kinyarwanda language) at a partisan political meeting in the context of external war and internal political conflict. It is the ICI that first brought the news out of Africa about the speech and provided its authoritative ("expert") interpretation. The striking conclusions drawn by the ICI without questioning the persons involved were that Mugesera's speech constituted an incitement to commit murder, genocide, and constituted a hate crime. The ICI report had a substantial impact in the media and among other NGOs, and its carefully selected passages from the Mugesera speech crystallized quickly into the unshakable construal according to which the speech "incited the people of Kabaya to kill all Tutsi Rwandans and throw them in the Nyabarongo River so they can go back to their country of origin, Ethiopia." This all sounds very bad! Indeed, since the Mugeseras had made Canada their home in 1993, the

⁴⁵ The report was published (apparently) only in French on March 8, 1993 by Africa Watch/New York and Fédération Internationale des Droits de l'Homme (FIDH)/Paris. The original title: "Commission Internationale d'Enquête sur les Violations de Droits de l'Homme au Rwanda depuis le 1er octobre 1990 (7-21 janvier 1993). Rapport final". Hereafter cited as "ICI". The report was financed mostly by an NGO, Africa Watch (later renamed Human Rights Watch) and compiled by legal experts (William Schabas, Eric Gillet, René Degni-Ségué, et al.) and human rights activists (Jean Carbonare, Alison Des Forges, Philippe Dahinden, et al.). *Mugesera v. Canada* (Minister of Citizenship and Immigration) (F.C.A.) is available online at <http://reports.fja.gc.ca/eng/2003/2003fca325/2003fca325.html> (accessed last on December 9, 2010). I urge careful reading of this document.

ICI report's conclusions regarding Mugesera prompted in 1995 the Minister of Citizenship and Immigration to initiate deportation procedures because the speech constituted an incitement to commit murder, an offence against the Criminal Code of Canada; this made him an inadmissible person according to the *Immigration Act*.

More specifically, the information publicized in the ICI report led the Minister to make the following allegations of law which, in his opinion, justified the deportation of Léon Mugesera (and his family, a wife and five children): (A) The speech made on November 22, 1992 constituted an *incitement to commit murder*; (B) by inciting "MRND members and Hutus to kill Tutsis" and inciting them "to hatred against the Tutsis," the said speech constituted an *incitement to genocide* and an *incitement to hatred*; and (C) the said speech constituted a *crime against humanity*.⁴⁶ These are very serious allegations indeed, and the court had to deal with both the questions of fact— explanation and analysis of the speech— and a question of law— whether the speech is a crime, once the speech is understood and analyzed. With some simplification, it is fair to say that since the case against Mugesera was based on the ICI report, which made the speech a high-profile subject of controversy, its credibility – and in particular of its claims regarding Mugesera's speech – were critical to the immigration case. And the court found that "the ICI report, at least in its conclusions regarding Mr. Mugesera, is ab-

⁴⁶ Based on a more detailed summary in *Mugesera v. Canada* (my emphasis).

solutely not reliable.”⁴⁷ Since this case would not have existed in the first place without the ICI, which was in the end rejected as unreliable on more than compelling grounds, it is of interest to us, which is the whole point of the example, to see how the experts who are also activists fared in court. It is instructive in this regard to quote the judgment *in extenso*:

“The Minister’s decision to seek deportation and the decisions of the adjudicator, Appeal Division and the Trial Division Judge were all decisively influenced by the ICI report. ICI co-chairperson Alison Des Forges, called by the Minister as an expert witness, admitted that the Commission’s report was produced “very quickly, under very great pressure”. She also *acknowledged that, as a human rights activist, she could not claim objectivity* although attempting to maintain neutrality as between political factions. She even admitted that some of her accusations “will inevitably [be] shown to be false”. She finally conceded that the speech might be regarded by some as “legitimate self-defence”. She also admitted that *no witness interviewed by the ICI had been present when the speech was made*. Another admission was that, from the evidence she had been able to obtain, the only impact of Mugesera’s speech had been vandalism and theft. She declined to identify the person who had provided the ICI with the transcript from which the translation used by ICI was prepared. When cross-examined as

⁴⁷ See paragraph 117.

to whether she took out of context passages in the speech which suited her, Ms. Des Forges admitted having done so. She *admitted having selected that evidence which supported the conclusions reached by the Commission*. Finally, she could not deny having said to a reporter for a newspaper, The Gazette, "Throw him out on his ear... what are you waiting for?" It was on a deliberately truncated text of Mugesera's speech that the ICI concluded him to be a member of the death squads. *It could only be concluded that Ms. Des Forges testified as an activist with a clear bias against Mugesera and an implacable determination to have his head.*"⁴⁸

An "expert" witness who admits in court that she cannot be objective due to her activism illustrates very well the degrees of separation between experts and activists on the one hand and scholars on the other. Hanging on to one's activism in court also shows an astonishing confusion about one's role as a court expert that it perhaps raises to the level of contempt of court⁴⁹. The recognizable but deplorable shtick that human rights trump law⁵⁰, and one's self-important alleged devotion to ending violence and impunity in a foreign land leave bitter taste. For if you the reader put yourself for a moment in the shoes of a black citizen

⁴⁸ My emphasis.

⁴⁹ It is quite amazing to me that instead of being held in contempt of court this "expert" returned on many occasions to act as a key witness in many cases at the International Criminal Tribunal for Rwanda (ICTR) laying out the history of that country and similarly wanting the heads of many more accused there.

⁵⁰ We have already seen how Havel played it; see note 13.

of some African country, would you really want some white human rights warrior fighting for you at the expense of "having a head" of a highly educated black man, your compatriot, based on frivolous and self-serving pretexts? No wonder the judge saw her testimony as completely opposite of "sober, calm, and non-partisan" and added:

Even making the debatable assumption that a member of a commission of inquiry, who is actually its co-chairperson and co-author of the report, can be described as an objective witness concerning the conclusions of that report, Ms. Des Forges testified much more as an activist than as a historian. Her attitude throughout her testimony disclosed a clear bias against Mr. Mugesera and an implacable determination to defend the conclusions arrived at by the ICI and to have Mr. Mugesera's head⁵¹.

The consequences of the *misguided activism*⁵² exhibited by Des Forges in the case of one man (and his family) are multiplied exponentially when adopted by just war theorists calling for ("just") aggressions, surgical strikes, smart bombs, or ground offensives.

⁵¹ See paragraph 102.

⁵² This finding is in no way challenged by the fact that the judgment by the Canadian Federal Court of Appeals was reversed by the Canadian Supreme Court (*Mugesera v. Canada (Minister of Citizenship and Immigration)*, [2005] 2 S.C.R. 100, 2005 SCC 40). Des Forges' testimony was directly considered by the Supreme Court, which found that the Federal Court of Appeals had exceeded its jurisdiction by reconsidering evidence tendered in earlier immigration proceedings. Nonetheless, its final decision in this case is an unfortunate example of the corruptive influence of international politics on the quality of domestic legal work.

Decriminalizing U.S. War Crimes

The pronouncements by the just war theorists do not end with baptizing decisions to go to war by their own side with the holy water of justice. They also pronounce on conduct in war. Here, too, Walzer took the lead.

On November 8-10, 2010, a conference titled "The Enduring Legacy of *Just and Unjust Wars* – 35 Year Later" was held at the New York University celebrating the 35th anniversary of this book's publication.⁵³ The conference attendance was by invitation only. What these enthusiasts and aficionados of Walzer's jus-war theory apparently heard from him on this occasion is the following: "If it is not possible to win just wars fighting justly, then we will have to revise the *ius in bello*."⁵⁴ Who is the "we" that Walzer talks about here? Presumably it is the same "we"⁵⁵ as in the book being celebrated at this conference: the "we" is composed of people who intersubjectively share a moral understanding of concepts as they relate to war. The "we" thus pertains primarily to his compatriots, it seems. And this is even clearer when we look at the full quote:

⁵³ The pamphlet announcing the conference is available at: <http://www.nyutikvah.org/events/docs/Walzer%20Conference.pdf>. Accessed January 11, 2011.

⁵⁴ We don't have as yet these words directly from Walzer, but I quote him here as reported by one awed conference attendee, Kenneth Anderson, at: <http://volokh.com/2010/11/10/where-jus-in-bello-and-jus-ad-bellum-come-together/>. Accessed on January 11, 2011.

⁵⁵ Referred to by Judith Shklar as "we," [Walzer's] favorite characters." Judith N. Shklar, "The Work of Michael Walzer," *Political Thought and Political Thinkers*, (Stanley Hoffman, ed.) (Chicago: University of Chicago Press, 1998), 379.

"The worry is that if you fight in accordance with the legal regimes of international law, you can't win. That is a major challenge, and I was very happy that General [Charles] Dunlap denies that and says you can. Still, it is a worry. It must be possible for the good guys to win within the rules, at least as a possibility, but also as a real possibility. That's where *ad bellum* and *in bello* come together: to win a just war fighting justly.

But suppose it isn't possible. That's what moral philosophers partly do – worry. What follows if it is not possible, or not a real possibility? What then? Well, the rules would have to be changed. We would have to reconsider the content of the rules *ius in bello* if we could not live within *ius in bello* and still have the just side win on the battlefield."⁵⁶

This allows for the second shoe of the just war theory to drop: having already baptized his own side with the holy water of justice when considering *ius ad bellum*, thus effectively decriminalizing aggressions by the United States, Walzer now gives his side another gift – the decriminalization of war crimes committed by American troops and their allies during US wars of aggression. If with regard to the decriminalization of aggression we wondered whether this might be a criminal act of incitement to international violence, an act of aiding and abetting aggression, the supreme crime in international law, then we must now wonder whether this "revision of *ius in bello*" in fact amounts to incitement to commit war crimes. Isn't the message

to American troops, who are continuously engaged in wars in different places on the globe, that they need not be concerned about "fighting justly" since, if necessary, *in bello* rules will be revised to fit what they do and find convenient in order to win? The rules will be tweaked to fit the American conduct in war rather than the other way around!

Consequently, whether we see just war theorists as some sort of scholars or simply as activists, in the end they appear to be just war criminals, both on the count of aiding and abetting aggression and on the count of inciting troops to commit war crimes.

AUTHORS

ALEKSANDAR JOKIĆ (1960) is Professor of Philosophy at Portland State University since 1999. He served as the founding Director of the Center for Philosophical Education in Santa Barbara, and is co-founder of the International Law and Ethics Conference Series (ILECS). He has authored and edited several volumes and special journal issues. His main research interests are in philosophy of time, applied ethics, and political philosophy, particularly the ethics of international affairs. He was a fellow of The John D. and Catherine T. MacArthur Foundation, as a recipient of a grant in the Program on Global Security and Sustainability for 1999-2002. He is author of *Aspects of Scientific Discovery*, Belgrade (1996), *What's Wrong With It? Philosophical Analysis Put to Work*, Novi Sad (2005); he is also editor of *Time, Tense, and Reference* with Quentin Smith, MIT Press (2003), *Lessons of Kosovo: The Dangers of Humanitarian Intervention*, Broadview Press (2003), *Philosophy of Religion, Physics, and Psychology: Essays in Honor of Adolf Grünbaum*, Prometheus Books (2009).


MILAN BRDAR (1952) is professor of Philosophical Methodology and of Social Science at Faculty Philosophy, Novi Sad University. He was President of Serbian Philo-

sophical Society in 1997–2000. Until now he is author of *Critique of Philosophy of Science and Methodology of Karl-Reymond Popper* (1981); *Praxis Odyssey: A Study in Genesis of Bolshevik Totalitarianism 1917–1929*, 2 Vols (2000, 2001); *Philosophy in Duchamp's Lavatory: A Postmodern Crosscut of XX Century Philosophy* (2002), *A Futile Call: Sociology of Knowledge Between Ideology and Self-reflection: A Case of Karl Mannheim and of the Enlightenment* (2005), *Serbian Transitional Iliad* (2006); *Lessons of Modesty: Open Society, Science and Philosophy*, Belgrade (2008). (He is also Editor of *Philosophy, Language Community* (1999), Serbian Philosophical Society, Belgrade. In the recently published papers he deals with issues in philosophy of language, philosophical methodology, geopolitics and social theory. He is translator of Talcott Parsons' *The Social System* (1951).



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