TOWARD A POLITICAL ECONOMY OF EVILS: RESPONDING TO OPHIR'S "PLEA FOR A HERMENEUTIC ETHICS"[1]

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A rigorous morality results from complicity in the knowledge of Evil.

Georges Bataille[2]

The oblique idea of evil, heavy with religious and somewhat dated resonances from theodicy, may seem a strange theme to be explored in a debate on contemporary political theory. However, Adi Ophir's "Plea for a Hermeneutic Ethics," recently published in this journal,[3] presents an intriguing argument which recasts conventional conceptions of distributive justice by postulating "that society distributes evils as well as goods." (p. 96) Contemporary thinkers like John Rawls, Jürgen Habermas, and Michael Walzer conceive of justice in terms of a just distribution of goods. Thus, Ophir claims, their work is flawed by their failure to realize

> that evils are not merely the infliction of suffering or pain, no more than goods are the sheer means to achieve pleasure or joy. Evils have a presence of their own; this fact, at once social and moral, should be taken seriously into consideration, in ethics and social theory alike. . . . Both goods and evils are social products lying at the core of political discourse and at stake in political conflicts, but they are at stake in distinct, if interrelated ways. They belong to two distinct "positivities" of discourse. For suffering is never simply the privation of pleasure, any more than evil is the privation of good or good of evil. (p. 102)

Ophir's plea is complex and the questions he raises are provocative and stimulating—as this response shows. I basically concur with his conviction that "the discourse of evil must find its way into the quiet halls where distributive, procedural justice is calmly deliberated." (p. 114) I also sympathize with the moral

intuition guiding Ophir's plea and identify with its political aims. Nevertheless, some of its presuppositions and conclusions seem flawed to me, while others raise questions which demand further examination and clarification.

I shall start with a short and admittedly fragmentary history of conceptualizations of evil. Such a contextualization of Ophir's plea is necessary in order to assess the significance of its contribution to contemporary political thought, as well as to establish its intellectual ancestry. However, this short history of evils not only aims to provide a pertinent intellectual background against which Ophir's essay should be examined; it intends to draw attention to a discourse of evil which emerged about half a century ago and to which Ophir's plea is related by fundamental affinities. Thus it will set Ophir straight on two rather sweeping generalizations which he presents by way of introduction before coming to the substance of his argument. It will show, firstly, that it is misleading to state that modern political philosophy "has paid little attention to the notion of evil" (p. 114) and that it "has not been very interested in the notion of the good either" (p. 95); and secondly, that the presence of absolute evil in Nazi Germany cannot be said to have been too overwhelming to allow its problematization "and contemplate its nature in the context of recent European history." (p. 94)

UNMASKING AND OVERCOMING THE EMPTINESS OF PRIVATIVE EVIL

As I learned from Charlotte Spivack's *Comedy of Evil on Shakespeare's Stage*[4]—a book, whose scope is much broader than its title indicates–in the third century after Christ, Origen formulated a definition of evil as having no reality. In Origen's view, evil had no essential being but existed only negatively, as an absence of good or privation. Thereby God was exonerated from the onus of having created evil.[5] In a formal polemic against the Manicheans, Augustine further developed this notion of privative evil:

> Those things we call evil, then, are defects in good things, and quite incapable of existing in their own right outside good things. . . . But those very defects testify to the natural goodness of things. For what is evil by reason must obviously be good of its own nature. For a defect is something contrary in nature, something which damages the nature of a thing—and it can do so only by diminishing that thing's goodness. Evil therefore is nothing but the privation of good. And thus it can have no existence anywhere else in some good thing.[6]

This privative conception of evil became a cardinal tenet in Christian theology in which evil appeared as non-being, the absence of God, the good, the natural, essence, or power. In the thirteenth century, Thomas Aquinas provided the fullest commentary on it—and also stated most succinctly: "*Malum est non ens* (evil is not essence)."[7] As Spivack explains, Aquinas did not consider all ab-

sence of good to be evil, only privative ones, such as the absence of sight resulting in blindness:

> Thomas crystallized, from every possible point of view, the traditional dogma of nonessential evil . . . it received from him so definitive and exhaustive a formulation that thereafter it faded as an explicit object of formal polemic and became instead an a priori assumption in Christian metaphysics. . . .The privative nature of evil was to remain throughout the renaissance a virtually unquestioned premise of the Christian world.[8]

Modern political thinkers, too, were predominantly guided by this negative, privative notion of evil. Despite the different ways in which they portrayed political evil in their canonical works, theorists such as Hobbes, Rousseau, Bentham, Mill, Burke, Hegel, and Marx defined it as an absence of a social or political good, manifesting itself in a state of privation. Such privative conditions were defined, for instance, as "war of all against all," "exploitation," "alienation," "dependence," "suffering," "misery," or "destruction." However, modern political theorists did not necessarily demand the abolition of all the privations they recognized. Adam Smith's concept of the Invisible Hand, for instance, turned market forces into God-like creatures which justified an apparently free distribution of economic privations. This capitalist theodicy legitimized the existence of social evils as the necessary condition for an economic order in which individual selfishness sets in motion a miraculous system that promotes the good of all. Following Smith, conservative thinkers like Edmund Burke argued that suffering on a mass scale was compensated for by the goods it helped produce, even though he clearly was aware of the evils of capitalism, where many were condemned to live

> from dawn to dark in the innumerable servile, degrading, unseemly, unmanly, and often unwholesome and pestiferous occupations, to which by the social oeconomy so many wretches are inevitably doomed. If it were not generally pernicious to disturb the natural course of things, and to impede, in any degree, the great wheel of circulation which is turned by the strangely directed labour of these unhappy people, I should be infinitely more inclined forcibly to rescue them from their miserable industry.[9]

Marx, most famously, attacked the logic of this capitalist theodicy for being fetishistic—i.e., idolatrous. He agreed that the privations inflicted by capitalism were a necessary feature of its system; but by pointing to the contradictions inherent in an economy built on private property and wage labor, he tried to expose its fundamental absurdity. Other modern thinkers may be placed on a spectrum ranging from Burke to Marx, depending on the degree to which their theory entails acceptance, moderation, transformation, critique, or rejection of social and political privations. With the exception of conservatives such as Burke

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and romantic radicals such as Rousseau, who had no trust in the capitalized Reason of modernity, these thinkers expounded the view that the systematic application of Reason's superior power—often identified with science—would ultimately allow containment and transformation or privative evils, whatever they were. Though conceptions of Reason obviously varied among modern philosophers, it always was presented as progressive force, that is, in some way connected to the good. Reason was to lead mankind into a better future, characterized by the reduction or abolition of suffering.

Medieval mystery plays, paintings, and carvings had grotesquely paraded and mocked the hollowness of the devil's lures, threats, and temptations.[10] In Spivack's words:

> The concept of evil as the absence of good not only authorized the mockery of evil but also implied the form that such mockery might assume. Since the homiletic aim in depicting privative evil was to scoff at its seeming substantiality, humor was directed at the discrepancy between its apparent Being and actual non-Being.[11]

Modern thinkers often depicted social evils with critical irony in order to expose their only seeming inexorable substantiality and to unmask the illusory necessity of a social order based on "greed," "false consciousness," "conformity," "superstition," "fragmentation," or "prejudice." Reason, they believed, had the power to disarm frauds and lies of the old order and enlighten humanity. As Marx put it:

> All fixed fast-frozen relations, with their train of ancient and venerable prejudices and opinions, are swept away, all new-formed ones become antiquated before they can ossify. All that is solid melts into air, all that is holy is profaned, and man is at last compelled to face with sober senses, his real conditions of life, and his relations with his kind.[12]

ACCEPTING AND RESISTING THE PRESENCE OF RADICAL EVIL

As we know, things turned out differently. Major events in the first half of the twentieth century—the First World War, the Spanish Civil War, the rise of Fascism and Nazism, and the excesses of Stalinism—led to a reevaluation of Reason's role in history and a new form of political discourse. Reason assumed an equivocal role and was said to have given birth to evil as well as good. To be sure, this new discourse of evil suggested no Manichean position where a Prince of Darkness—human irrationality or primitive instincts, for instance—compels equal recognition with Reason as the God of Enlightenment. Not the exclusive rule and power of Reason became the subject of reappraisal, but the political

consequences of its triumph. Stalinism, Fascism, and Nazism were interpreted not as failures, but as ultimate results, culminations, or exaggerations of modern Reason.

The notion of "totalitarianism" became synonymous with the radical political evil created by Enlightenment Reason—even though divergent and often contradictory meanings were attached to the term. Since the late sixties the more vulgar ideological uses of this concept have rightly been criticized. But the ensuing polemical debate largely ignored the fact that the concept of totalitarianism embodied a new historical vision of good and evil. Thus, it provided the pivot for an ethical imperative which demanded that political evil be resisted and fought by clear moral commitments and intuitions of the good, even though evil was accepted as an ineradicable part of all human existence.

Among the founders of this new discourse were thinkers as different from one another as Karl Popper, Raymond Aron, Friedrich Hayek, Leo Strauss, Carl Friedrich, Jacob Talmon, George Orwell, Hannah Arendt, Theodor Adorno, Herbert Marcuse, and Jean-Paul Sartre. These European intellectuals form one generation; with one or two exceptions they were all born together with our century, that is, between 1895 and 1905. They grew up in western Europe and shared major political life experiences at similar stages in their lives—among which life in exile or under the threat of persecution may have been the most significant. Auschwitz and the Gulag became symbols for the shadow which the twentieth century case over the bright lights of Reason lit in the *siècle des lumières*.

The work of the historian Jacob Talmon provides an instructive example of the frame of mind of this generation. As he explains in his epilogue to *The Myth of the Nation and the Vision of the Revolution,* his fascination with the events of the French Revolution, its ideologists and activists,

was originally triggered by a rather personal response to certain shattering contemporary events. In 1937–38 when the minds of so many, and especially the young, were being deeply exercised by the terrible enigma of the Moscow trials, I happened to be working on an undergraduate seminar paper on the ultra-democratic French constitution of 1793 as seen against the background of the Jacobin terrorist dictatorship. The analogy between An II and what was happening in 1937–38 struck one most forcibly.[13]

Aiming at the revolution of 1917 and events of 1937–38 as much as those of 1789, Talmon proceeds to write the history of totalitarian democracy as the history of a collective pathology, a mass psychosis whose essential features he finds reflected in paranoiac delusions which he diagnoses as the affliction of both theorists and leaders of the French Revolution.[14] Moving from psychiatry to metaphysics, Talmon also postulates

the existence of some unfathomable and inescapable law which causes revolutionary salvationist schemes to evolve into regimes of terror, and the promise of a perfect direct democracy to assume in practice the form of totalitarian dictatorship.[15]

As he puts it in *The Origins of Totalitarian Democracy,*

the very idea of a self-contained system from which all evil and unhappiness have been exorcised is totalitarian. The assumption that such a scheme of things is feasible and indeed inevitable is an invitation to a regime to proclaim that it embodies this perfection, to exact from its citizens recognition and submission and to brand opposition as vice or perversion.[16]

Talmon's indictment of the French Revolution is based on his understanding of its events as the beginning of "an uprising against evil itself."[17] In his words "no period before or after has experienced so luxurious a flowering of utopian schemes purporting to offer a coherent, complete and final solution [sic] to the problem of social evil."[18] In the guise of history, Talmon's moralist teachings aim to reconcile us with the inevitability and ineradicability of evil as part of the human predicament; in his view, attempts to overcome evil are not only symptoms of lunacy, they are recipes for disaster.

No doubt, as the title of one of Hannah Arendt's books also indicates, writers of this generation regarded themselves as living "in dark times,"[19] or, to speak with Arthur Koestler, in an era in which there is *Darkness at Noon.* It is no longer adequate to refer to evil in negative terms as an absence or defect, an illusion to be exposed or mocked. Enlightenment Reason has produced powerful monsters, given them a life of their own, and turned them into diabolical forces to be reckoned with. To quote Arendt's *Origins of Totalitarianism,*

When the impossible was made possible it became the unpunishable, unforgivable absolute evil which could no longer be understood and explained by the evil motives of self-interest, greed, covetousness, resentment, lust for power, and cowardice. . . . It is inherent in our entire philosophical tradition that we cannot conceive of a "radical evil". . . . Therefore we actually have nothing to fall back on in order to understand a phenomenon that nevertheless confronts us with overpowering reality and breaks down all standards we know. There is only one thing that seems discernible: we may say that radical evil has emerged in connection with a system in which all men have become equally superfluous.[20]

Paraphrasing Adorno's famous dictum, one might say that if after Auschwitz writing poetry has become barbaric, performing a comedy of evil has become unthinkable. Sartre makes this point in "What is Literature?" Explaining that until Nazism came to power in the thirties the question of evil was discredited, he states:

For political realism as for political idealism Evil was not a very serious matter. We have been taught to take it seriously. It is neither our fault nor our merit if we lived in a time when torture

was a daily fact. Chateaubriand, Ouradour, the Rue des Saussaies, Tulle, Dachau, and Auschwitz have all demonstrated to us that Evil is not an appearance, that knowing its cause does not dispel it, that it is not opposed to Good as a confused idea to a clear one, that it is not the effects of passions which might be cured, or a fear which might be overcome, of a passing aberration which might be excused, of an ignorance which might be enlightened, that it can in no way be diverted, brought back, reduced, and incorporated into idealistic humanism, like the shade of which Leibniz has written that it is necessary for the glare of the daylight.

Satan, Maritain once said, is pure. Pure, that is, without mixture and without remission. We have learned to know this horrible, this irreducible purity.[21]

Though chastened by a tragic sense of history, Sartre and his contemporaries did not completely renounce the hopes and ends of the Enlightenment. Instead, they made efforts to set them in a more cautious, modest, or even melancholy key. Together with Adorno and Horkheimer, they discovered that the Enlightenment set in motion a dialectic of its own, which required, as Adorno put it, ''a rational critique of reason, not its banishment or abolition.''[22] As part of such a critique they praised the virtues of ''humility,'' ''tolerance,'' ''common sense,'' ''spontaneity,'' or ''particularity.'' They promoted awareness of the ''arbitrary,'' ''contingent,'' ''unknowable,'' ''absurd,'' and ''infinite'' in social life and depicted society as caught in a permanent state of war between good and evil—both born of Reason. They demanded constant vigilance against all powers of darkness and envisaged only few, precarious, and short moments of freedom and respite. Sartre might have been most radical in this respect. His philosophy turns the human condition itself into a totalitarian one, where evils—which can neither be shared nor converted—are distributed. At best these evils can be resisted by isolated, authentic individuals, capable of withstanding encroachment by others. Historically, the origins of this melancholy vision have to be sought in Sartre's experience under occupation. His philosophy is haunted by images from Nazism: his hero is the lonely resistance fighter who, faced by the look and the cruelty of the Gestapo torturer manages to endure the suffering inflicted on him while remaining silent out of responsibility for the life and death of his comrades. As he writes in *The Republic of Silence:*

We were never more free than during the German occupation. . . . At every instant we lived up to the full sense of this commonplace little phrase: ''Man is mortal!'' And the choice that each of us made of his life and of his being was an authentic choice because it was made face to face with death, because it could always have been expressed in these terms: ''Rather death than. . . .'' . . . Total responsibility in total solitude—is this not the very definition of our liberty? This being stripped of all, this solitude, this tremendous danger, were the same for all. . . . And this is why the Resistance was a true democracy: for the soldier as for the commander, the same danger, the same forsakenness, the same total responsibility, the same absolute liberty within discipline. Thus, in darkness and in blood, a Republic was established, the strongest of Republics.[23]

Shadows of evil urge not only Sartre to posit an ethic of responsibility; his contemporaries, too, demand commitment, allowing for no passivity or neutrality in matters of the public realm. An undercurrent of republicanism is shared by all thinkers of this generation, though often it may be somewhat hidden. Its most controversial expression can be found in Arendt's *Eichmann in Jerusalem*. Subtitled "A Report on the Banality of Evil," her book puts some blame on the Jews for their lack of political virtue and participation, their denigration of and withdrawal from the public realm, which, in Arendt's view, helped to pave the way to the death camps.[24] As she puts it in *Origins of Totalitarianism,* "the moral of the history of the nineteenth century is the fact that men who were not ready to assume a responsible role in public affairs in the end were turned into mere beasts who could be used for anything before being led to slaughter."[25]

Totalitarianism's evil becomes possible through the destruction of the public sphere, by its abolition as a space for shared and open discourse. This makes it possible to mobilize people en masse, to manipulate and press them together into silent closeness, simultaneously isolating them from one another by terror, thus silencing and paralyzing them for political action. The terrifying power which state and party may acquire over the mind and body of individuals is a recurring theme of the discourse on totalitarian evil; its contours are described by political scientists like Raymond Aron and Carl Friedrich and turned into fiction by George Orwell and Arthur Koestler. As Winston Smith realizes under O'Brien's interrogation, and as Arendt sums up in her conclusions to *The Origins of Totalitarianism,*

> Even the experience of the materially and sensually given world depends upon my being in contact with other men, upon our *common* sense which regulates and controls all other senses and without which each of us would be enclosed in his particularity of sense data which in themselves are unreliable and treacherous. Only because we have common sense, that is only because not one man, but men in the plural inhabit the earth can we trust our immediate sense experience.[26]

In such a world glimpses of the true and the good can only be caught in moments of authentic experience and choice. With Orwell and Marcuse these are basically sexual; with others, such as Friedrich, Hayek, Talmon, and Popper, they are instances in which the individual's perception and understanding of the world are not constrained and manipulated by fear and ideological thought control. With all of them, liberation means freeing the individual from those total institutions which infringe on his or her personality: the state, the party, or corporate capitalism. "A liberated mankind," Adorno writes, "would by no means be a totality."[27] Haunted by images of the Leviathan's hypnotic power, what they fear most is authoritarianism and obedience, not anarchy. They advocate refusal (Marcuse), negation (Sartre), or pluralistic openness (Popper, Hayek), and

sometimes even revolution (Marcuse, Arendt). Inevitably they condemn rationalist utopias, and—like Hayek, Talmon, and Popper—they may be afraid that too much thinking about the good society can, by itself, breed evil.[28]

Faced with the decline of Athens and in the wake of Socrates' death, Plato developed a plan for an ideal society run by philosophers. From the English Civil War, Hobbes learned the lesson that an absolute sovereign, if planned with geometrical exactitude, would keep peace. In contrast, the work of this generation emphasizes the perils inherent in endeavors to create a social totality by means of modern rationality and technology; it is guided by complete disaffection with scientific and absolute claims to truth and the good.

Ophir's plea for a hermeneutic ethics seems driven by a similar moral vision and impetus. One might, for instance, compare his argument to the negative utilitarian calculus which Karl Popper formulated in *The Open Society and Its Enemies*. In Popper's opinion

> human suffering makes a direct moral appeal, namely, the appeal for help. . . . Instead of the greatest happiness for the greatest number, one should demand, more modestly, the least amount of avoidable suffering for all; and further, that unavoidable suffering. . . should be distributed as equally as possible.[29]

Ophir, in turn, concludes his article by stating that

> if suffering is preventable and one knows, even vaguely, how, it is immoral to stand by; and if thinking and discourse are capable of making suffering appear and be conceived of as preventable and unbearable when not prevented, the philosopher has an urgent task. He is morally obliged to practice hermeneutic ethics qua interpretation of evil. (p. 117)

Both Popper and Ophir deny passive bystanders their comfortable and safe innocence; suffering imposes an urgent and categorical duty. (p. 107) Its presence allows for no neutrality, lays its claim even on the thinking of philosophers, forces them to choose sides, undertake a commitment and get involved—at least in thought and speech. Like his intellectual predecessors, Ophir holds that those who fail to confront evil are guilty by omission.

Popper's reference to the distribution of suffering is an exception. As a rule, thinkers of his generation are concerned with the production side of its political economy. Faced with what they perceive as manifestations of radical or "pure" evil, they try to trace its historical origins. Mostly they seek them in the realm of ideas, mentalities, and personalities. Popper traces totalitarianism back to Plato, Talmon blames Rousseau as arch-villain, while Leo Strauss casts various thinkers—among them Machiavelli and Hobbes—in this role. In *Natural Right and History,* Strauss suggests that positivist science is to blame for the crisis of the west: "I contend that Weber's thesis necessarily leads to nihilism or to the

view that every preference, however evil, base, or insane, has to be judged before the tribunal of reason as legitimate as any other preference."[30] In his seminal article "What is Political Philosophy?" he attacks value-free political science for the same reason: "It is neutral in the conflict between good and evil, however good and evil may be understood."[31] Undoubtedly, when value-freedom is conceived as passivity in the face of evil, it does achieve a new meaning. On this point, surprisingly enough, Strauss is close to Marcuse, who attacked liberal "repressive" tolerance for the same reason.[32] Historically, Strauss' work, too, situates itself clearly in the shadow of Nazi evil:

> It was the contempt for the permanencies which permitted the most radical historicist in 1933 to submit to, or rather to welcome, as a dispensation of fate, the verdict of the least wise and least moderate part of his nation while it was in its least wise and least moderate mood. . . . The biggest event of 1933 would rather seem to have proved, if such proof was necessary, that man cannot abandon the question of the good society, and that he cannot free himself from the responsibility for answering it by deferring to History or any other power different from his own reason.[33]

Contrary to Popper and Talmon, Strauss argues that it is precisely because the ancient philosophers did ask about what constitutes a good society, that they can provide the west with a philosophical bulwark against relativism, nihilism, and—ultimately—totalitarianism. However, in the end his argument is similar to that of his contemporaries. His praise for the ancients derives from his understanding that their thought "is free from all fanaticism because it knows that evil cannot be eradicated and that therefore one's expectations from politics must be moderate."[34]

As these extracts show, half a century before Ophir's plea a multivariate discourse on evil had come into existence in response to historical events which made the traditional definition of evil qua privation seem inadequate; evil acquired a presence of its own. Though internally differentiated, this discourse was united by common themes and moral claims, some of which resound in Ophir's plea.

INTERPRETING AND SUBVERTING THE DISTRIBUTION OF FRAGMENTARY EVILS

What, then, are the differences which demarcate Ophir's approach from that of his predecessors? Rather than searching for the origins of evil, he takes the work of Rawls, Walzer, Fourcault, and Habermas as a starting point and discusses the distribution of evils. In the course of this generational shift from production to distribution, monolithic Evil turns into a plurality of somewhat less overawing evils.

Does this mean that Ophir's plea sets the moral fervor of his intellectual predecessors in a more sober and rigorous analytic framework? It seems, rather, that he trades one lacuna for another. In his ethical economy evils are distributed, but little attention is paid to reasons, historical conditions, and social mechanisms for their production. Ophir does not discuss—nor does he seem to ask at all—the question of who produces evil and why. Instead, quoting Michael Walzer's *Spheres of Justice,* he accepts the somewhat one-sided dictum that "distribution is what social conflict is all about." (p. 96) According to Walzer, distributive principles control the movements of social goods in a cluster of relatively autonomous distributive spheres among and across which goods can be exchanged and converted. The convertibility of goods—e.g., of money into political power, of political power into sexual privileges, etc.—is a central element in Walzer's theory of complex equality and pluralistic justice. Ophir sums up:

> A theory of justice, according to Walzer, must not only account for just distribution, but also for the different spheres where distribution takes place and for the just interrelations among them. This is not a small task; it takes no less than the systematic attempt "to map out the entire social world." (p. 97)

Ophir uses this map to develop a theory of justice concerned with the distribution of suffering, arguing that "only a society in which no one suffers more than one's share may be really just." (p. 104) In contrast, he claims,

> in an unjust society, the conversion of suffering consistently replaces political attempts to eliminate preventable suffering; in an evil society, the very possibility to convert suffering among the spheres is severely restricted; radical evil is the systematic elimination of the convertibility of an ever growing amount of suffering. (p. 105)

Ophir's paradigmatic examples of people in situations of nonconvertibility are the homeless, the imprisoned, and those living under occupation. As he points out,

> For Foucault, prison was a kind of metonymic figure through which he tried to think about his present social reality. From an Israeli point of view the occupation may play the same metonymic role. (p. 101)

Indeed, Ophir's involvement in current political debates in Israel influences his position no less than his philosophical training. Just as the work of the earlier generation was written in the shadow of the Gulag and Auschwitz, Ophir's plea is marked by the lesser evils of the Israeli military rule. His plea is driven by the quest for a hermeneutics which will "let the evils of the occupation be visible,

and the system that distributes them be recognizable and articulable.'' (pp. 116–7) Both personally and philosophically, Ophir has taken a radically moral stance. He belongs to a tiny minority of Israelis who refuse military duty in the occupied territories; in consequence, he can now write on life in prison from his own experience.

Ophir tries to avoid the trappings of mainstream Israeli political discourse which justifies the infliction of evils by presenting Arab intransigence, war, terrorism, and the refusal to recognize Israel as causes and origins of the Middle Eastern conflict. In the Zionist *grand récit,* sufferings on the West Bank and the Gaza Strip appear as sad and sorry but necessary and relatively minor features, when measured by the threats to the Jewish state's legitimate quest for survival. A primitive form of splitting of good and evil, to which not only Israelis are prone in situations of conflict, creates the notion that the power identified with the good, being good, can do no evil. As Robert Bellah explains in a discussion of My Lai, ''any action taken against groups seen to be evil is justified, for the good can only have good ends in view.'' ''I know the heart of America is good,'' he quotes from Richard Nixon's inaugural address.[35] Israelis know the same about their heart, too. Therefore the means they use to maintain control in the occupied territories, such as torture, arbitrary arrests, expropriation, shootings, deportation, humiliation, denial of medical care, censorship, and the closure of schools and universities, never seem evil to most of them.

By fragmenting the problematic of occupation into a plurality of narratives on evils, Ophir intends to undermine this self-legitimating mechanism of the official and consensual Israeli metanarrative. Mistrustful of the ''big'' story which makes its believers oblivious to evils for which they are responsible, Ophir focuses on ''small'' ones instead. From this vantage point he steers his argument around the ''big'' issues of Israeli politics and purposefully avoids references to historical origins and causes. As he puts it,

> The occupying regime may be justified in general—when the distribution of goods is concerned—but it produces and distributes evils nonetheless. It does so in quantities, ways, and forms that no account of the distributive spheres and their complex interrelations may exhaust, let alone justify.

One may welcome the subversive intent underlying Ophir's fragmenting hermeneutics—as I do—but the crucial questions are those of the position from which Ophir's plea is addressed, the political practice it entails, and the power it can generate to make an inroad into the hegemonic closure of the dominant discourse. In these points, as I shall explain below, Ophir's technique of fragmentation is flawed both with respect to the concrete Israeli case and as a general principle. He advocates an eclectic hermeneutic practice:

Relying on the social theorist as well as the criminal, the poet as well as the journalist and the pamphleteer, hermeneutic ethics should articulate evil in order to expose its conditions of possibility, as well as its regularities and techniques; it should deconstruct conceptual schemes that make one deaf to the outcry, and posit and reconstruct new schemes that would let one see the horrors, how close to home they are, and how awfully one is responsible for them. (p. 114)

Claiming that "it is possible to re-read Foucault's studies of the disciplines as chapters in the history of modern (western) evil," (p. 113) he takes Michel Foucault as the ideal model for such a hermeneuticist. His aim is a Foucauldian "insurrection of subjugated knowledges,"[36] through which criticism is supposed to perform its work. In the Israeli case, such a hermeneutics has to provide both an archeology and genealogy of the occupation, so as to develop a Foucauldian tactics of resistance, "whereby, on the basis of the description of these local discursivities, the subjected knowledges which were thus released would be brought into play."[37]

However, as cartographers of evils, such Foucauldian hermeneuticists are in danger of becoming scandalmongers. Purposefully they decontextualize sufferings in order to articulate evils effectively, but thereby they also depoliticize them into human interest stories. They are bound to acquire the reputation of obsessive gossippers of Palestinian suffering, making nuisances of themselves by insisting on publicizing bloody and painful stories, especially if what they gathered is secret and upsets people. As long as such stories are news, they may even make it to the front pages of Israeli newspapers—"five-year old kidney patient is denied dialysis"—and evoke regret and pity when read at the breakfast table. But that which makes these hearsay witnesses so relentless also makes them powerless. They draw awareness to evils by narrowing horizons and refusing metanarratives; but by accepting neither the dominant cultural and political categories of their own society, nor suggesting alternative ones, they become outsiders whose rebellion is inconsequential.[38] At best, they offer not so much a critique of the tyrannical logic of occupation, as its replacement by disillusioned cynicism. At worst, their presence may even bolster the self-image of the occupiers by providing them with just enough sorrow for their evil deeds to maintain an aura of humanitarianism—thus contributing to a syndrome known in Israel as "shoot and cry." Finally, opponents easily can cast doubt on the credibility of such sources—artists? criminals?—and balance pastiches of evils inflicted on Palestinians by other, countervailing lists of Jewish suffering. By now, Palestinians and Israeli leftwingers and ultranationalist Jewish settlers have set up documentation centers on life in the West Bank, each of them recording those particular evils, whose almost ritual recital is thought to further their cause.

Evils do not remain silent in the occupied territories, but they do not and cannot speak for themselves—they are always given voices and made to speak for somebody. Among these discordant voices Ophir's sounds like that of a

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somewhat naive ethical inductivist who assumes that somehow one can collect self-evident evils without any prior theoretical framework. Ophir is not, of course, as naive as that; as his radical political practice proves, he does apply theoretical criteria and principles in the selection of evils he attempts to decipher and understand "as patterns of distribution of preventable suffering." (p. 109) However, he fails to spell out the presuppositions underlying his hermeneutic ethics. For surely, the fact that one's knowledge is underprivileged and subjugated does not, ipso facto, qualify one for Ophir's hermeneutic attention—or does it? Does he, then, listen to the plight of those fascists and racists whom Israeli law denies the right to incite to hatred and violence and to run for election to parliament? He speaks of Palestinian children, but—as probably he has been asked ad nauseam by rightwingers—why does he remain silent when seminary students are stabbed on their way to the Western Wall or Jewish children are kidnapped and killed? Do evils inflicted by Palestinian terrorism carry less weight for him than those distributed under the Israeli regime of occupation? Or is it simply that, as an Israeli, Ophir feels less responsible for them? To put it more generally, what are the criteria by which his hermeneutic ethics construes some evils as more pressing and problematic than others? Ophir's plea skirts such issues; it creates the impression that it would be possible to extract regularities and responsibilities from moral facts and render them capable of struggle against the coercion of a unitary discourse. However, facts do not excrete rules and, by themselves, cannot generate opposition to dominant ideologies.

Fragmentation can provide an instrument in the deconstruction of ideological metanarratives; but ultimately, critical thinking can only subvert ideologies by expanding the field of theoretical discourse. Rather than undertaking ethical factfinding missions in the service of Foucauldian hermeneutics, the task of a political theorist opposing occupation—or, for that matter, any other social system distributing evils—is what Ian Shapiro aptly terms "principled criticism." In contrast to the postmodern, fragmented critic, the principled critic "places the practices he analyzes in a wider causal context than that typically perceived by participants."[39] Closer to Marx and Freud than Foucault, this critic searches for hidden causalities, connections, and interests rather than moral facts; his aim is to reveal mechanisms of repression and exploitation, sublimation and alienation, so as to uncover the conditions which make them possible, as well as the purposes they serve. As Shapiro puts it,

what people do not know about the causal dimensions of their actions operates to prevent or undermine their authenticity and inhibits people's ability to know and act on the truth. Good principled criticism credibly illuminates the darker causal dimensions of social practices, thereby expanding the possibilities of social action.[40]

What, then, we have to ask, are the underlying causalities and connections of Ophir's contractual metaphor? Basically it construes citizens as consumers of evils—parallel to the way in which other theories of distributive justice turn them into consumers of goods. We are all consumers of evils, but as long as we consume them freely—i.e., are granted the right to contract freely in and out of consumption—everything is fine. Thereby, however, Ophir modifies contractarian thinking in a more significant respect: with him it is the prevention of a state of radical evil—where "conversion is inherently impossible" (p. 107)—which should guide social contracts, rather than the analytic construction of a state of nature. Echoing Arendt and Marcuse, he states that "the anarchy of an envisaged state of nature is less threatening than the suffering inflicted in a state of radical evil. . . . Rebellion is often less dangerous than obedient cooperation." (p. 107) For Ophir, as for the preceding generation, a political order has to legitimize itself above all by proving that it will prevent totalitarianism—i.e., allow a free consumption and conversion of evils—rather than by the promise to prevent return into a hypothetical anarchic state of nature.

In two of his three paradigmatic examples—prison and occupation—compulsory distribution of evils is clearly predicated upon the absence of freedom; and the condition of homelessness to which he refers is involuntary as well. However, these examples do not point to any particular type of regime, society, communality, or public realm which has to be present to keep the flow of evil conversion open and its consumption free. If the level of voluntary or involuntary consumption of evils is to be the yardstick to measure the evilness of a regime, more has to be said about freedom and coercion with respect to evils. This issue is all the more crucial if one does not simply take the ability to realize revealed references as an indicator of freedom, but admits, as Ophir does, that thoughts and emotions may be shaped by hegemonic cultural dominance.

To sum up: Ophir's plea challenges contemporary ethical theory by its demand to take evils seriously by conjoining two strands of thought which hitherto have remained apart from one another. It takes up the moral imperative formulated by an earlier generation in the face of absolute evil and injects it into contemporary contractarian thought. Though this attempted synthesis is still at a primary stage and shows some serious flaws, Ophir's plea is important as a step toward a more comprehensive political economy of evils. Rather than fragmenting the social realm, such a political economy will have to try to reveal basic causal principles underlying the distribution of evils. Moreover, it will have to deal not only with distribution and consumption, but also with production; that is, with questions such as why modern society produces evils, who produces them, and how. It will have to ask who possesses the power to fix rates of conversion and how they can be determined. And finally, it will have to develop notions of freedom and

coercion appropriate to its quest. A tall order, no doubt, but well worth taking on.

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NOTES

1 I wish to thank Adi Ophir and Leah Rosen for comments on an earlier draft.
2 G. Bataille, *Literature and Evil*, tr. A. Hamilton (New York: Marion Boyars, 1985), p. viii.
3 A. Ophir, "Beyond Good-Evil: A Plea for a Hermeneutic Ethics," *Philosophical Forum* XXI: 1–2 (Fall–Winter 1989–90), 94–121.
4 C. Spivack, *The Comedy of Evil on Shakespeare's Stage* (London: Associated University Presses, 1978). For a more comprehensive account see Jeffrey B. Russell, *Satan: The Early Christian Tradition* (Ithaca: Cornell University Press, 1981).
5 Spivack, *Comedy of Evil*, pp. 14–15.
6 Quoted in Spivack, *Comedy of Evil*, p. 16.
7 Spivack, *Comedy of Evil*, p. 20.
8 Spivack, *Comedy of Evil*, p. 21.
9 E. Burke, *Reflections on the Revolution in France*, ed. C. C. O'Brien (Harmondsworth, Britain: Penguin, 1969), p. 271; quoted in C. B. Macpherson, *Burke* (Oxford: Oxford University Press, 1980), p. 58.
10 Spivack, *Comedy of Evil*, pp. 32–40.
11 Spivack, *Comedy of Evil*, p. 69.
12 K. Marx, *Selected Writings*, ed. D. McLellan (Oxford: Oxford University Press, 1977), p. 224.
13 J. L. Talmon, *The Myth of the Nation and the Vision of the Revolution* (London: Secker and Warburg, 1981), p. 535.
14 J. L. Talmon, *The Origins of Totalitarian Democracy* (Harmondsworth, Britain: Penguin, 1986), pp. 38–39, 81–83, 172.
15 Talmon, *The Myth of the Nation*, p. 535.
16 Talmon, *The Origins of Totalitarian Democracy*, p. 35.
17 J. L. Talmon, *Political Messianism, The Romantic Phase* (London: Secker and Warburg, 1960), p. 19.
18 Talmon, *Political Messianism*, p. 15.
19 H. Arendt, *Men in Dark Times* (New York: Harcourt Brace and World, 1978).
20 H. Arendt, *The Origins of Totalitarianism* (New York: Harcourt Brace and Jovanovich, 1973), p. 459. But see also Arendt's letter to Gershom Scholem of January 1964, where she no longer accepts the notion of radical evil. H. Arendt, *The Jew as a Pariah*, ed. R. H. Feldman (New York: Grove Press, 1978), pp. 250–51.
21 J.-P. Sartre, "What is Literature?" in *"What is Literature?" and Other Essays* (Cambridge: Harvard Universty Press, 1988), p. 178.
22 T. W. Adorno, *Negative Dialectics*, E. B. Ashton (London: Routledge and Kegan Paul, 1973), p. 85.
23 J.-P. Sartre, "The Republic of Silence," in *The Republic of Silence*, ed. A. J. Liebling (New York: Harcourt Brace and Co., 1947), pp. 498–500.
24 H. Arendt, *Eichman in Jerusalem: A Report on the Banality of Evil* (New York: Viking Press, 1964).

25 Arendt, *The Origins of Totalitarianism*, p. 467. See also Richard H. King, "Endings and Beginnings: Politics in Arendt's Early Thought," *Political Theory* 12 (1984), 238–39.

26 Arendt, *The Origins of Totalitarianism*, pp. 475–76.

27 T. W. Adorno, "Introduction" to *The Positivist Dispute in German Sociology* (London: Heineman, 1976), p. 12; quoted in T. Eagleton, *The Ideology of the Aesthetic* (Oxford: Blackwell, 1990), p. 356

28 See J. N. Shklar, *After Utopia: The Decline of Political Faith* (Princeton, N.J.: Princeton University Press, 1969), pp. 218–69; Barbara Godwin, "Utopia Defended Against the Liberals," *Political Studies* 23 (1980): 384–400.

29 K. R. Popper, *The Open Society and Its Enemies*, Vol. I (London: Routledge and Kegan Paul, 1962), pp. 284–85.

30 L. Strauss, *Natural Right and History* (Chicago: University of Chicago Press, 1953), p. 40.

31 L. Strauss, "What Is Political Philosophy?" in *"What is Political Philosophy?" and Other Studies* (New York: Free Press, 1959), p. 18.

32 H. Marcuse, "Repressive Tolerance," in B. Moore, R. P. Wolff, and H. Marcuse, *A Critique of Pure Tolerance* (Boston: Beacon Press, 1965).

33 Marcuse, "Repressive Tolerance," p. 27.

34 Marcuse, "Repressive Tolerance," p. 28.

35 R. N. Bellah, "Evil and the American Ethos," in *Sanctions for Evil: Sources of Social Destructiveness*, eds. N. Sanford et al. (San Francisco: Jossey-Bass, 1973), pp. 184–85.

36 M. Foucault, *Power/Knowledge: Selected Interviews and Other Writings 1972–1977*, ed. C. Gordon (New York: Pantheon Books, 1980), p. 81.

37 Foucault, *Power/Knowledge*, p. 85.

38 See M. Walzer, "The Politics of Michel Foucault," in *Foucault: A Critical Reader*, ed. D. C. Hoy (Oxford: Blackwell, 1986), p. 67.

39 I. Shapiro, *Political Criticism* (Berkeley: University of California Press, 1990), p. 292.

40 Shapiro, *Political Criticism*, p. 295.