

## Self-Transcendence, Violence and the Political Order

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Self-transcendence is at the core of human capacity for moral life. The movement of the self to self-transcendence has been articulated in different ways: adopting the point of view of the other; viewing oneself as one among many; universalizing the principle of action; granting equal weight to every unit of utility; locating the self behind the veil of ignorance, and so forth. All of these attempts at articulating such a movement seem to share that basic intuition concerning that which is essential to moral life. It is assumed as well in such a picture, that people have an initial strong tendency for self-privileging which stands in conflict with self-transcendence. This initial tendency to privilege self-regarding concerns might be rooted in deep biological organic factors in which people are motivated by primary instincts of self-preservation and gratification of their interests. Self-regarding tendencies might be rooted as well in failures of the imagination, in the narrowness of the horizons of attention which sometimes is constituted by habit, and in defensive and self-deceptive mechanisms that blind people to the pleas of others.

This conception of the moral life, coupled with the background condition of a strong tendency towards self-privileging, is at the root of a certain way of describing moral conflict. The Freudian moral psychologists will define this conflict as the struggle between the Id and the Super Ego, and the Kantians will describe such a conflict as the struggle between self oriented activity and the rational imperative. Whichever the terms

that apply to describe moral conflict, it is clear that sometimes moral decisions involve sacrifice; they are connected to pain.<sup>1</sup>

A scale for the moral weight of demands and obligations can be established in relation to two measures. The first scale measures the relative weight of a moral obligation through examining judgments concerning cases in which two obligations clash with one another. In such conflicts the weightier demand will be defined as the one that overrides the other. Reasonable people will claim, for example, that a person ought to lie in order to save someone's life. The obligation to save life is of greater importance than the prohibition to lie. The second scale for assessing the weight of a moral claim relates to the degree of the sacrifice which is called upon in fulfilling it. Unlike the first measure of moral weight, such conflict is not intra-moral, but rather a clash between moral demand and the agent's interests. The weightier the demand the greater the sacrifice expected. If the demand is absolute, it might make a claim for the ultimate sacrifice, the obligation to give up life. It will be then located at the top of the scale. This might be the case with the prohibition on murder, if it ought to be adhered to at any cost. In such a case a person ought to sacrifice his life, rather than intentionally kill an innocent person who does not pose a threat to his life. The different expectations for sacrifice can therefore be used as a measure to order the hierarchy of moral weight. For example, there might be a difference in the sacrifice expected from a person in two different situations - saving someone's life or avoiding killing him. A person might be obligated to risk or give up his life in order not to kill an innocent person, but he is not expected to give up his life

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<sup>1</sup> The degree to which sacrifice is an inherent feature of moral life or an accidental one depends upon different views concerning the scope of moral obligation. For the place of sacrifice in moral life see Joseph Raz, "The Central Conflict: Morality and Self Interest" in *Engaging Reason* (Oxford 1999), pp. 303-332

for saving another person's life. Examining the expected sacrifice in such a case is a way to explore the relative different weights of action and omission.

In light of this structure of moral conflict, contemporary moral philosophers realize the possible consuming power of moral demand. Utilitarianism for example is criticized for potentially being a "moral predator", for not granting any greater weight for agent relative considerations in the moral calculus. The demand that every action should be guided by the attempt to maximize overall utility is experienced as a moral environmental hazard. If it were to be followed meticulously, it might leave its follower with the bare skeleton of ordinary subsisted life while the rest would be devoted to piety.<sup>2</sup> In confronting the sacrifice and the demand that is postulated by morality, philosophers argue whether morality ought to be overriding.<sup>3</sup> And if it is overriding, given the overwhelming suffering and pain thrust at the doors of the well-to-do, there is an interesting debate about the scope of moral demand.<sup>4</sup> Yet, all of the different philosophical approaches to the problem share the view that the core of moral conflict is the clash between self-transcendence agent neutral claims and self-interest concerns.

In postulating self-transcendence at the core of moral life I am fully aware that I have taken a particular stance towards the moral life which is deeply Kantian. Moral philosophers - such as Hobbes who wishes to base the moral life on the combination of self-interest and instrumental rationality, such as Aristotle who wishes to ground the ethical life in a conception of self-flourishing, or such as Nietzsche who views self-transcendence and sacrifice as a perverse application of the will to power towards the self

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<sup>2</sup> See Bernard Williams, "A Critique of Utilitarianism," in J.J.C Smart and Bernard Williams, eds., *Utilitarianism: For and Against* (Cambridge 1982).

<sup>3</sup> See Sam Scheffler, *Human Morality* (New York: OUP, 1992).

<sup>4</sup> See Liam Murphy, *Moral Demands in Nonideal Theory* (Oxford, 2000).

- will take issue with such an initial statement. This is definitely an impressive list of challengers. I think that they are misguided, though I am not going to provide a defense of this initial position. I do think that postulating self-transcendence as the initial movement captures something deep about the moral life. Rather, while embracing self-transcendence as essential to moral life, I am interested in unraveling a tension that is at the heart of this picture which I believe has far-reaching implications in three areas. The first relates to the way in which we understand moral conflict and the role of sacrifice in such a drama; the second relates to self-sacrifice and the morality of war and just war theories, and the third relates to the relationship between self-transcendence and the political order.

## I

In the morality of self-transcendence it is assumed that our capacity to withdraw from our self-interest puts a check and a limit on tendencies to crime and violence. The phenomenon of war as the most violent act that humanity has created forces us to think through and refine this assumption. War is a complex mixture of self-sacrifice and brutality; it is therefore the manifestation of the most noble and debased of what humans are capable of. The talent for self-sacrifice which is at the heart of war is cheaper and much more in supply than it is ordinarily assumed. In the twentieth century, sacrificial resources were recruited in unlimited quantities. Millions of young men - Japanese, Germans, French, Russians, British and Americans - were easily called upon to sacrifice their lives. The existence of an almost unlimited quantity of the self-sacrificial resource didn't improve humanity; quite the contrary.

The source of a warrior's crime is not in the Id or in the instinct directed by the pleasure principle. The pleasure principle and the power of self-interest or agent relative forces is overrated in ordinary moral psychology. Self-interest can bring us to crimes that are animal like. Yet humans are involved in far more spectacular crimes, greater in scope and horror. Not only because the means they employ are far more lethal, but because the motivations that drive them are different in principle. Humans are, after all, the only species that kills for principle rather than for self-interest. What I want to claim in establishing the connection between sacrifice and violence is that war is not embarked upon despite the risk and sacrifice that it involves, it is rather strengthened and motivated by this aspect. There is a deep internal and not accidental connection in the conjunction of killing and self-sacrifice.

There are two reasons for this internal connection. In cases of war and other crimes, self-sacrifice has a complex function in sanctifying the cause, endowing it with a moral idealistic aura. This is achieved through the following twisted reversal: Since it is the mark of the good that it deserves sacrifice, the reverse is wrongly asserted, namely, that sacrifice makes something into a good. The fact that soldiers are not promoting their own self-interest, but rather put themselves at risk, opens the door to this form of moral self-deception which is difficult to be rid of.

Ivan Kaliayev, the hero of Albert Camus play "The Just Assassin", embodies this logic to its bitter end. Kaliayev, a revolutionary socialist who has assassinated the Grand Duke Sergey, uncle of the Russian Tsar, refuses to accept a pardon for the assassination. In his opinion his violence will be vindicated only when he himself is executed. To the offer of pardon proposed to him in prison by the Grand Duchess he answers: "If I don't

die, then I'll be a murderer". And in his speech at his trial he makes the following statement: "If I've reached the summit of human resistance to violence, then may death crown my works by proving the purity of my belief". Kaliayev's willingness to die is not motivated by the quest for atonement. His future execution is understood by him as a retroactive justification of the assassination. It redeems the act from the charge of selfishness; it purifies it, immunizing the aggressor from the blame of unilateralism.

There is yet another element in the play which is very revealing concerning the connection between self-sacrifice and violence. In embracing his own execution, Kaliayev bears witness as well to the claim that the cause is worthy of sacrificing life, hence the death of the Grand Duke was justified. Had Kaliayev not embraced his own execution, we might suspect that his conviction that the cause is worthier than life itself is only true concerning someone else's life. In giving up his life the conviction becomes clear. This deep connection between self-sacrifice and sanctification is expressed in one of the dramatic dialogues of the play. Dora, a co-conspirator and an ex-lover of Kaliayev, encourages him to be tried and executed: "We are obliged to kill, right? We deliberately sacrifice one life and only one?...But first to go to the assassination and then to the gallows, is to give your life twice. We pay more than we owe". Kaliayev in turn reaffirms this point of view: "Yes that is to die twice...No one can criticize us. Now I am sure of myself". The problem in this logic is the too facile leap that is made from the worthiness of giving up a life for a cause to allowing the taking of a life for that cause. In light of the connection between self-sacrifice and justification, in another dialogue of the play, Dora raises the following fear about the future of socialist revolution: "Maybe other

people will come along who'll use our example to allow themselves to kill without paying with their lives”.

The phenomenon of the one who sacrifices himself feeling licensed to sacrifice others is rooted in another deeper and more convoluted form of reversal; that self-sacrifice generates a reversal of the perpetrator and the victim. The grotesque and yet telling example of such a reversal is manifested in Himmler's speech to his Gestapo officers. In describing the order for the Final Solution, Himmler made the following declaration: “The order to solve the Jewish question, this was the most frightening order an organization could ever receive”. At this juncture the reader of such a speech wonders, Frightening for whom? It is clear that Himmler meant for the organization, not for the Jews. In another part of his speech he said: “We realize that what we are expecting from you is superhuman, to be superhumanly inhuman”. Himmler portrayed his officers as the ones who made the ultimate sacrifice. Their victims may have lost their lives, but the Gestapo officers paid the highest cost in sacrificing their conscience for a greater goal, in overcoming their humanity. Morality as such is construed as another great temptation to be overcome in the name of a higher mission. Those who overcame the temptation and withstood the trial turned out to be the real victims of their own crimes. What is rather astonishing about such a substitute of roles is that no actual self-sacrifice had to occur. The acknowledgment of the inhumanity of the act itself carries internally its sacrificial dimension. To this twisted reversal a final perversion was added with Himmler's self-congratulatory remark: “To have stuck it out and, apart from exceptions caused by human weakness, to have remained decent, that is what has made us hard. This is a page of glory in our history which has never been written and is never to be written.”

This reversal highlights one of the complicated functions of guilt as self-punishment. Guilt is a necessary emotion for any moral behavior and personality. Nevertheless it has a narcissistic function in turning the perpetrator into the victim. The aggressor wallowing in his guilt relates to himself as suffering from a far greater harm than the actual blow that he delivered. The pain of guilt serves to turn the tables of the economy of harm; it is one dimension of its purifying effect. The torture of guilt and remorse is more than just a punishment that the perpetrator gets as atonement for a crime. It is, rather, a direct outcome from the act itself; even more so, it is caused by the harmed party and his entitlements. It is for this reason that people resent the people whom they have harmed. They tend to see them as their tormentors, the subjects that cause them the pain of guilt. Such was the case with Amnon the son of King David who was infatuated with his sister Tamar and raped her. The verse in the book of Samuel describes the turning of Amnon's love into hate after the rape and the humiliation: "Then Amnon hated her with exceeding great hatred; for the hatred wherewith he hated her was greater than the love wherewith he had loved her" (2 Samuel, 13,15). Tamar became a living reminder of his own crime. Rather than evoking regret and compassion, she turned into Amnon's enemy and tormentor. The mind can play complicated games, and among them is the accusation an aggressor directs towards his victim for causing him to become violent, which is a reason for further violence. This cycle seems to be an integral feature of abuse, especially in ongoing conditions of closeness and symbiosis where the aggressor identifies his victim with his baser instincts.

In petty, though tragic situations, guilt can even perpetuate a cycle of reversals. A person who feels guilty towards someone begins to see him as his tormentor, which gives

him a reason for further aggression which causes an escalation of guilt which in turn gives a reason for more aggression. Guilt as an instrument of reversal has an even finer quality. It bears immediate witness to the righteousness of the perpetrator. Since guilt is self-inflicted, it is not a punishment delivered from an outside force; it is thus an immediate sign of the sensitivity and the virtue of the harming party. The circle of reversal is therefore completed. The guilty party is not only the actual victim but a righteous victim.

[In religious traditions, and in the way in which Kierkegaard and other thinkers interpret them, there is a troubling expansion of the concept of sacrifice that is relevant to this structure. The giving of the self or from the self is hailed in some traditions as an expression of loyalty and love. Asceticism as a value is sometimes based on this concept of giving of the self. Yet there are trends that broaden the sacrificial value from the giving up of desires, instincts and goals, to the sacrifice of conscience. Abraham's trial in which God commanded him to sacrifice his beloved son Isaac became a paradigm for the expansion of sacrifice to morality itself. In the name of faith, Abraham, in Kierkegaard's term, suspended the ethical. He was willing to sacrifice his moral obligation as a father in order to follow God's will. Yet when the sacrifice of the moral conscience is called upon, the one who is sacrificed is another human being. Though Abraham had to overcome his moral conviction, it is important to stress that the real victim of the story is Isaac and not Abraham. It was Isaac who would have been slaughtered in the end. In that respect it is dramatically different from other kinds of asceticism, even radical ones. When morality is described as a temptation to be overcome in the name of a higher goal it is someone else

who will pay the actual price. In such cases the very fact of sacrifice purifies a crime with the illusion that the criminal is the victim since he has sacrificed his conscience].

Self-sacrifice with all its subtleties and complexities enables violence because it allows the reversal of roles between the aggressor and the victim. The contemporary suicide bomber is a complex icon of such a merger of violence and self-sacrifice. In the violence activated by the suicide bomber, he is simultaneously initiating an act of self-sacrifice and murder. He constitutes himself as the victim of the violence that he is perpetrating. The phenomenon of the suicide bomber is presumably an effective tactical instrument; a human substitute for a smart bomb. The suicide bomber, who carries the bomb on his body, transforms himself into a most efficient device. In such a device, the bomb is directed to its target not by artificial sensors, but with the aid of human eyes. Yet, despite the surface efficiency of the act, we are confronting a phenomenon which is far beyond a mere low tech lethal technique. This form of violence is a cultural statement, a simultaneous icon of self-sacrifice and murder, a perverse conjunction of blood and purity, of crime and atonement. It is no accident that the suicide bomber emerges from a larger politics of victimhood. In light of these comments concerning the relationship between violence and self-sacrifice, there is a need to revise the contemporary way of discussing moral conflict and moral psychology. In the formulation I wish to offer, *misguided self-transcendence is morally more problematic and lethal than disproportionate attachment to self-interest.*

## II

The connection magnified by the suicide bomber between self-sacrifice and violence is not a mere psychological self-deceptive mechanism; it actually penetrates to the deepest

strata of the morality of war, and the laws of war. I wish to turn to this issue. According to the laws of war, a citizen who fights against soldiers without wearing a uniform - even in a just war - is not considered a soldier. If captured, he will be treated as a criminal not as a prisoner of war. The soldier will be protected on the other hand, because by wearing a uniform he identifies himself as someone who can be killed. The uniform he wears identifies him as a potential victim. By putting his life on the line, the soldier has earned the right to risk the lives of those whom he confronts. It is for this reason that Michael Walzer was critical of the high altitude bombing in the Kosovo crisis. Walzer claimed that since there was no risk to the pilots, they didn't have the right to risk others. I find this argument puzzling. Demanding risk as a condition for legitimating fighting might be a good policy to reduce fighting, but its direct moral meaning is questionable. If the war is just, why should the soldier put himself at risk in trying to protect himself or others?

The same connection between self-sacrifice and killing works in another way as well. According to a few theories of justice in war, soldiers who confront one another on both sides of the front have a symmetrical moral right to kill one another. Michael Walzer when addressing "the moral equality of soldiers", articulates this in the following way: "Soldiers have an equal right to kill".<sup>5</sup> Each of them can kill the other in the name of self-defense, as long as each of them identifies himself as a threat to the other. The soldier's willingness to risk his own life grants him the right to kill the one who is threatening him.

I have difficulty with this argument concerning the symmetry between soldiers on the front. The soldiers of the side that began the war with no just cause are murderers, even if they limit their violence only to the soldiers of the other side. Reducing the legitimate targets to include only combatants is always a good policy, and it is better that

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<sup>5</sup> *Just and Unjust Wars*, New York: Basic Books, 1997.

in unjust war only combatants are hurt. But such limitation is not sufficient to legitimate the fighting. The fact that on the front itself they are threatened by the soldiers of the other side doesn't grant them the right of self-defense. In such a case the aggressors have the obligation to retreat rather than the right of self-defense. If we take into consideration the background conditions that brought the soldiers into a situation in which they threaten one another, there cannot be a reciprocal right to self-defense. The duty to retreat will apply to the aggressors who approached the front with unjust cause. This is the reason why the common distinction between just war and justice in war seems to collapse altogether.<sup>6</sup> There is a way to fight a just war in an unjust manner, but I cannot see a way of fighting an unjust war in a just manner.

The fact that the ordinary soldiers are not those who instigated the unjust war, but that they were compelled and threatened to fight, does not grant them a moral symmetry with the soldiers of the defending side. Let us take the following example. *A* threatens *B* that he will kill him if he doesn't kill *C*. *B* is morally prohibited from taking *C*'s life. Let us assume that *B*, given his desire to be decent, decides to arrange a duel with *C*. He grants *C* the right to defend himself and he creates thereby a situation in which, when *C* appears at the duel he will threaten his life as well. It seems to me that this gesture doesn't grant *B* the right of self-defense, although now *B* can claim that since he forced a duel, *C* poses a threat to his life and he has the right to defend himself. In such a case, *B* is under the obligation to retreat or to submit. It is morally preferable that *B* gives to *C* the opportunity to save himself. For that reason it is morally preferable, even in an unjust war, that the aggressors aim at combatants rather than at non-combatants. Yet the fact

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<sup>6</sup> In questioning the distinction between *jus ad bellum* and *jus in bello* I am following the argument of Jeff McMahan, "Innocence Self-Defense, and Killing in War," *Journal of Political Philosophy* 2, no.3 (September 1994)

that the soldiers can defend themselves and that they threaten the aggressors does not diminish their innocence and does not give the other side an equal right to self-defense. It is for that reason that in putting his life at risk and thereby constituting the other as a threat to him, the aggressor doesn't gain the right of self-defense.

It can be claimed that analogies from individual cases of self-defense to the collective nature of war might be limited.<sup>7</sup> In war, a soldier is committed not only to his self-defense, but to the defense of his comrades, family and state. He will act in their defense even if he is completely secure and safe, and the enemy which he is attacking might pose no threat to him. Warfare is not an aggregate of individual confrontations; soldiers are committed to the well being of their fellow citizens and to the security of their state as a common pursuit. We need therefore to refine the analogy in such a way that can serve as a meaningful analogy; we have to add to the previous example another character *D*. *D* is a close friend of *B*. Should *D* join *B* when *B* himself from *C*, although *B* was the one to initiate an unjust fight? This is definitely a complicated case yet it seems to me that *D* shouldn't interfere. The only thing he could do is to try to convince *B* to withdraw. It doesn't seem to me that his obligations to him as a close friend override the rights of *C* to life.

It seems to me that in a just war a person can defend himself or his fellow citizens and country without putting his life at actual potential risk, and in an unjust war the fact that the soldier puts his life at risk doesn't grant him any right to attack even the

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<sup>7</sup> David Rodin in his book, *War and Self-Defense* (New York: Oxford University Press, 2003), argues against such an analogy from self-defense altogether. In his view this reductive approach fails to explain legitimate war. Among other criticisms his argument is based on his (mistaken) assumption that in war there is symmetry between the soldiers which is not the case with self-defense (see page 178). See as well Noam Zohar, *Collective War and Individualistic Ethics: Against the Conscriptio of "Self-Defense"*, in *Political Theory* Vol. 21 No. 4 November 1993, pp. 606-622. I think this view is aptly criticized by Jeff McMahan, "War as Self-Defense" in *Ethics & International Affairs* 18, No. 1. pp. 75-80.

soldiers of the other side. The theorists who question both sides of the argument unravel in a moral way the problematic connection between sacrifice and violence. This connection seems to me essential to the act of war. The willingness to sacrifice doesn't only enable empirically the act of war; it gives it both psychological and moral justification.

The following might be raised against my argument. Not all wars look like the Wehrmacht's march into Poland, where it was clear who the unjust party was. There are wars in which both sides seem to have reasonable claims; there are wars in which it is not clear who actually started them; and even more so, there are conflicts where the cause has long been forgotten and they continue through the sheer inertia of the brutal logic of escalation of reciprocal blows. In such cases, the argument might proceed, we are facing an actual symmetrical right of self-defense. An analogy from the private domain might be brought to such symmetry. Two people who have a reasonable argument for claiming that each of them was the first in line at the theater might find themselves, after exchanging pushes and shoves and then punches and blows, facing one another with their knives in their hands, each of them threatening the other, and each of them seem to have the right of self-defense. Despite such plausible scenarios, I don't think there is ever a symmetrical right to self-defense. In such cases the parties have the obligation not to retreat but to compromise. If one side wishes to compromise and the other doesn't, then the other side loses his right to self-defense; he will be guilty of murder. If both sides refuse to compromise they are both guilty.

In addition to the psychological and moral connection between self-sacrifice and violence in war, there is maybe a deeper existential tie between the two. War is a perverse

though powerful form of confronting birth and death.<sup>8</sup> By putting their lives at risk soldiers earn their right to live. They become, through this baptism of fire, owners of their own life. What was given to them at birth arbitrarily and without choice belongs to them now. In risking their lives they mock death, and in killing they own death by taking life; it is as if they work out the drama of rebirth and death in that same action.

Wittgenstein was definitely gifted with an independent and unique internal life and existential stance, and yet remarks drawn from his diaries while serving as a soldier during the First World War in the Austrian army are very telling. Seeking to be positioned at the most dangerous spot at the front he wrote: “Only then will the war really begin for me. And – maybe – even life. Perhaps nearness of death will bring me the light of life”.<sup>9</sup> Such a romantic conception of rebirth and consecration when looking at death’s eyes is very distant from the actual realities of war. Those who survive the sight of death in war are usually not purified or redeemed; they end up traumatized and scarred for life. Yet such existential quest tends to cover the gruesome reality of war.

In an ordinary moral conflict the capacity for sacrifice sets a limit on aggression and violence. In war these two urges do not stand in conflict with one another, they actually reinforce each other. War, which merges these urges, creates an inseparable tie between violence and sacrifice. It would be rather difficult to untie such a knot, and hence it would be difficult to eradicate war from the human world.

### III

Let us turn from morality to politics. What is the relationship between self-sacrifice and the political order? What sort of self-sacrifice is demanded from a citizen in order to

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<sup>8</sup> See Paul Kahn, *Out of Eden: Adam and Eve and the Problem of Evil*, (Princeton university Press: Princeton, 2007), chapter 5.

<sup>9</sup> See Ray Monk, *Ludwig Wittgenstein: The Duty of Genius* (Penguin Books 1991), p. 138.

enter, establish and maintain the political order? I will return to this question in the next section, but prior to explicating this problem, there is another feature of the foundational role of sacrifice that has to be clarified. Foundational narratives of states and political or religious communities refer sometimes to heroic sacrifices committed by the founding generation. Future generations are now burdened with the onus of that early sacrifice. It demands loyalty, since betraying it means retroactively stripping the sacrifice of meaning. A past sacrifice is therefore a binding political and personal fact. It serves a similar yet opposite role than a past consent. A great deal is known about the irrationality that can beset a prudent decision maker because of his incapacity to cut losses. With the burden of the earlier sacrifice the issue is not cutting losses but the concern about retroactive desecration. "How can we withdraw now when so many soldiers gave their lives in this war"; this is an argument raised at times against disengagement and withdrawal.

Calvin formulated the solidifying claim of past sacrifice in the following way: "When those things which the prophets and apostles and other martyrs endured to uphold God's truth are set before us, we are that much more strengthened to cling to faith that we hold, which they sealed with their blood" (John Calvin, *Brief Instruction against the Anabaptists*, 1544). Such a function of sacrifice and martyrology played a role all across the formation of the denominational structures and boundaries of early modern Christianity. Catholics, Protestants and Anabaptists who were exposed, in turn, to torture and death by their rivals used the same argument in the sixteenth century. Reginald Pole, located on the Catholic side of the battle, made the following appeal to his cousin Henry the VIII after the martyrdom of Thomas More and John Fisher who were executed by

Henry: "Can I let the idea pass or say that those who sustained hardship for the sake of the Church, and without recompense suffered death for the sake of the Church, did so for nothing?...Can I now either think to myself or utter in speech the notion that those men, after putting up with so many hardships and tribulations, squandered their lives without purpose for nothing? I cannot, prince, I cannot. Let all such impiety be far from me".<sup>10</sup> In this struggle of martyrological claims and counterclaims it was extremely difficult to reach a compromise that might loosen the impenetrable denominational boundaries. Such a compromise would have been interpreted as a retroactive annulment of the earlier sacrifices. One historian of early modern Christian martyrdom summed up this condition in the following way: "By dying for doctrines about which Christians disagreed, martyrs infused religious dispute with human urgency. Any compromise could unfold only "over their dead bodies" and the memory of their refusal to submit...It would have dishonored the martyrs' deaths with the implicit retrospective judgment that they too, instead of persevering, should have saved themselves by dissembling. Ultimately, it would have denied that the teachings for which they had died were worth dying for".<sup>11</sup>

This context sheds light on the following tragic aspect of human action. The past is not a closed event; many times its meaning unfolds and retroactively changes in light of what will happen in the future. Someone can spend, for example, a few years studying law. These years can be described as wasted time, or as the years that created the foundation for his future position in life etc, the meaning of past events are defined by future actions. It is true of personal life and it is true of historical events. What is the meaning of an event like Israel's Six Day War? Is it the war that gave Israel territories to

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<sup>10</sup> Reigland Pole, *De Unitate*, (Rome: Anotnius Bladus, ca. 1538) fol. 1v.

<sup>11</sup> See B. S. Gregory, *Salvation at Stake: Christian Martyrdom in Early Modern Europe*, (Harvard University Press: Cambridge Mass., 2000) p. 7. /

exchange for a peace agreement? Is it the event that put Israel in an intolerable state of occupation and demographic disaster? Time will tell.

Backward causality is not a science fiction puzzle; it is rather constitutive to the nature of human action. This feature of the open-endedness of the past is more radical than the common claim that we don't control the future of our efforts, given our finitude and limits. It is a rather more daring claim; it states that whatever we accomplish in the past is itself at the mercy of future actions. Such future events will define retroactively the meaning of what is it that we have done.

(The point about the retroactive transformation of the meaning of the past and the fragility of the past should not be confused with post-modern relativism about history and facts of the matter. By pointing to the fragility of the past and its open-endedness, no denial of the fact of the matter is implied. There is indeed a fact of the matter, this or that event actually occurred and we have independent access to what has happened, but the meaning and the interpretation of that fact of the matter changes in relationship to future events. These future events are not mere re-descriptions; they are themselves facts of the matter).

The institution of the promise is rooted in this condition of the fragility of the past. Asking for a promise and delivering it, concerns sometimes the entrusting of the future in the hands of a trusted friend, such as the death bed request: take care of my children when I die. It might go deeper when a promise is about entrusting the past in the hands of someone through the act of promising. Imagine the following death bed promise. A dying author who has completed a life work is asking a friend to promise him that he will make the effort to publish it. It is the retroactive meaning of so much of his

past that is at stake with such a promise. His friend is entrusted with the meaning of the years that are gone.

In contract law this feature of promise is expressed in some interesting rulings concerning reliance costs. If *A* invested money relying on a contractual promise made by *B*, and *B* breached the contract, it is clear that *B* has to compensate *A* for the loss that he incurred relying on the promise. But what about the costs that *A* invested prior to the contract, costs that became retroactively ineffectual because of *B*'s breach, is *B* responsible for compensating him for the loss of this investment?

An English court dealt with such a case. A production company was making a film to be aired on television. In preparation for filming, a director, a designer and stage manager were hired. The production company then contracted with an actor who was a formidable and competent figure who seemed capable of holding the play together. The actor realized after signing the contract that his agent had booked him for another play and he breached the contract. The production company couldn't find a proper replacement and it sued the actor for the costs it had incurred. The actor admitted that he should compensate the company for the costs that they incurred after the signing of the contract. He was willing to pay, for example, for the costs of renting the filming location, and the transportation costs of the equipment and the cast. But he refused to pay the costs of the investments that were made prior to his contractual obligation, such as the money spent on the director and the designer. His argument was that these costs were not spent in actual reliance on his promise, that they were spent prior to his signing. The court obligated him to pay the full expenses, even those that were invested prior to his contract. The justification for such a ruling was that when the actor entered into the contract he had

been entrusted with the responsibility for these prior costs that were invested for the project that he committed himself to fulfill. This ruling is the manifestation that promising is not only about securing the future but about consolidating the past.

This feature of human life destabilizes what seems to be a closed complete achievement; it casts the shadow of fragility backwards from the future onto the past. Such undoing of the past might be a source of hope as well. Constructing a teleological process backwards is a way of transforming a failure into a constructive moment in someone's life. It is one of the most subtle features of Augustine's confessions. In Augustine's understanding, the practice of confession is not reduced to admitting a failure and accepting upon oneself to change the future course of behavior; it is rather a way of viewing the past sins and failures as a road that led to a deeper understanding and revelation. For this reason confession is a form of praise for Augustine. Confession as a retrospective re-description opens a way towards understanding the nature of repentance as an attempt at undoing the past.

Some human activity is marked by the fact that it is less vulnerable to such a dependency on future actions. I am referring to occurrences of sheer pleasure that are in essence non teleological. For the same reason that they are independent of future events, they leave no trace in the memory but the desire to repeat them. They don't accumulate to anything, since they are completely closed and momentary, and yet they are immensely attractive because they are self contained. The acquisition of a skill, for example, is cumulative. The skill is "there" it can be activated, improved and used. This is not the case with pleasure which is consumed. It is for this reason that a skill can be lost as well. With a slight change in technology, with a transformation of public taste, a skill earned in

years of labor might become completely redundant and unnecessary. The years devoted to acquiring it might become retroactively empty. Because it is there inscribed and reactivated, it can be taken away, which is not the case with events of pleasure. Events of pleasure are not “there” anymore; they cannot therefore be taken or redirected. The Epicureans saw in this feature of pleasure the greatest of all consolations, and the memory of moments that cannot be taken is itself reassuring. But in its fleetingness rests its weakness, and since it is not inscribed it cannot be revived but only repeated. The memory of pleasure is not akin to the pleasure; the memory of a good dinner might be quite painful when you are hungry.

Yet even pleasure is vulnerable as well to retroactive emptying. Imagine enjoying a good meal and realizing afterwards that it was the meal of a hungry poor orphan, or it contained human flesh. Even so, in comparison with other human endeavors, the fact that pleasure is consumed, does give it an advantage and stability confronting the future. It might be said that if a pleasure becomes inscribed in the way a skill becomes inscribed, it cannot be repeated. Its inscription creates a threshold that has to be surpassed. There will be a need to raise the stakes in order to feel the sensation again. It is at that point that pleasure becomes dependent on a cycle of deprivation for its own fulfillment. It happens with drugs when doses must be continuously raised to feel the impact, and it might happen with sex. A pleasure that has a memory numbs our capacity to repeat it. In such a case its breaking of the pattern of self-containment might lead to a road of self-destruction. It is as if we have to make an impossible choice between the self contained which is rather shallow, and the teleological which is potentially futile.

Economic investments, when their only goal is maximizing profit, share as well that feature of closure. It is towards such an activity that the “sunk cost fallacy” is applied by economists. If someone has bought a pre-paid ticket to a movie which he learns is very boring, it would be irrational on his part to spend his time going to the movie. In such a case he would be adding a waste of time to the money that was already spent. People’s tendency to pursue a past failed investment in order to save face manifests an irrational limit to their recognition that these investments are things of the past. In such cases investors ought to be only future oriented. The attitude of closure makes sense only when we deal with investments which concern us solely for the profit they will yield in the future. In such a case any investment is interchangeable with another, since in this sphere of activity the wish for coherence and continuity is completely ignored. In the realm of activities and efforts that are teleological in nature, where their meaning is cumulative, there is an important point in saving the past by future actions. The maintenance and building of political realities is such a human project; it depends on a shared effort of generations to sustain it. It is therefore in this sphere that the onus of past sacrifice is something with which to struggle.

The foundational role of sacrifice explains in a deeper fashion its sanctifying function. It is one of the main markers of something that is endowed with intrinsic non-instrumental value that it is worthy of genuine sacrifice. Yet in its binding, destructive power, a past sacrifice might work in the reverse mode. In such a reversal, it is not the case that something of value deserves sacrifice; rather, it is the sacrifice that constitutes its intrinsic value and sacredness, by endowing it with that sort of ultimate meaning. The binding power of the sacrifice in the political realm is a particular occurrence of a general

connection between giving and binding. The debt felt to parents' sacrifices might be the most powerful vehicle of cross-generational continuity, especially when the sacrifice is committed for the sake of the children. How many sons and daughters are held captive to a business that was developed in sweat and some times in blood for their future? Or take the case of children of immigrants who transformed their lives so that their children could have a better life, and the children seem to waste the opportunity that was given to them. It makes the pure gift an impossible act, since it is the giving that binds.

Relying on the burden of a past sacrifice that might become devoid of meaning is the last resort of a tradition that has lost its inherent weight and claim. It has to revert, in the end, to what seems to be a manipulative yet effective claim. As if, since the project as such has lost its case, it needs that form of burdening support. It seems therefore to be the last yet most powerful card in the continuity of historical effort. Its power might be immediate but it will not be able to carry the weight for very long. If the person who is entrusted with that onus of a past sacrifice is alienated from its purpose and meaning, he will have to enslave his life to redeem the meaning of a past misguided sacrifice. It will breed resentment and malice, not a serious, genuine and creative deep life. The psychological and social power of such a claim is clear, but what about its normative power? To what degree does the fact that it is in our hands to determine the meaning of past efforts, serve as a legitimate claim altogether?

The following might be said: if the cause itself is just, there is no need for the burden of past sacrifice to serve as a normative claim; the cause carries its own weight. If it is an unjust cause, the fact of a past sacrifice should not serve as a reason to continue the practice or effort. It is even more so when the perverse and reverse relationship

between sacrifice and sanctification are fully understood. Sacrifice ought not to have any sanctifying function as such. If the cause is unworthy it should be admitted with all honesty that the past sacrifice given to it was deeply misguided, rather than maintaining that there is any obligation to preserve its continuity. It seems therefore that between the two options of the just and unjust cause, there is no place for a normative burden of the past sacrifice.

Yet these options don't exhaust the possible space for such an obligation. It can be directed to a sphere of life dedicated to maintaining particular political and cultural forms of life that are neither just nor unjust. They include political institutions, religious practices and artistic traditions that provide the fabric of a rich particular life. For members of such groups we can conceive of an obligation towards the past that is not overriding but still powerful. In a more subtle way it can be perhaps be expressed in the following formulations: One central way in which membership in a particular tradition is expressed is through assuming the responsibility for the sacrifices of previous generations. In a society with no strong sense of tradition such a burden would not be felt altogether.

Abraham Lincoln's address at Gettysburg was a monumental expression of the onus of past sacrifice. At the end of the address, Lincoln made the following claim: "It is rather for us to be here dedicated to the great task remaining before us -- that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion -- that we here highly resolved that these dead shall not have died in vain -- that this nation, under God, shall have a new birth of freedom -- and that government of the people, by the people, for the people, shall not perish from the earth".

Lincoln, who witnessed the enormous casualties caused by the Civil War, which far exceeded anything he had expected, transformed and reinterpreted the meaning of the sacrifice. In his reinterpretation - which took place at Gettysburg when he confronted the direct horrors of the war - he realized that such a sacrifice couldn't only be for the sake of the preservation of the Union. For the sacrifice to make sense and be justified, the moral stakes had to be higher. The soldiers sacrificed their lives for the sake of freedom, for the very possibility of the endurance of the political ideals of equality and democracy. The first obligation to the sacrifice was therefore to bestow upon it a greater meaning, to channel that ultimate act of devotion to a proper worthy cause. Such retroactive capacity to channel the sacrifice was in the hands of Lincoln, given that he had much influence on the course of the future of the struggle. He refused to sanctify the cause of the Union through the sacrifice; he rather transformed the meaning of the struggle to a goal that seemed to him worthy of such sacrifice. In establishing that case, he paid his debt to the sacrifice that was given, and then he moved a step further to the second obligation towards the sacrifice. He confronted his audience with the onus of the past sacrifice. The recognition of the sacrifice obligated them to continue the struggle so that "these dead should not have died in vain".

The political attempt at raising the moral stakes of a previous sacrifice in order to pursue it further is quite common. President Bush, following the debacle in Iraq and the loss of more than 3,000 Americans, made both steps. When the weapons of mass destruction were not found in Iraq he raised the stakes of the war claiming that it aimed to bring democracy and freedom to Iraq. He then declared the onus of the sacrifice as the

reason to pursue the mission. Referring to the fallen soldiers in Iraq he said: "We owe them something... We will finish the task that they gave their lives for".

Lincoln's reinterpretation seems a plausible one. The ambiguities in the goals of the Civil War were there to begin with, and indeed it was in Lincoln's power to clarify and redirect the nature of past events. In Bush's case the redefinition of the aim of the war seems artificial and unachievable. Even more so, given the cost and what seems to be the future price, the constituency that Bush is addressing seems not to identify with that cause as their cause. Lincoln's war was, after all, about the identity and future of America; his audience identified the goal as their goal. It was natural for them to locate themselves as members of that same tradition, and to assume the burden as theirs. A past sacrifice can be a genuine motivating force for a political purpose; it can serve, as well, manipulative and dangerous functions. The source of its danger lies in the sacrifice sanctifying something which is unworthy and then holding future generations captive to its lingering onus. A primordial sacrifice and not an original consent might become the strongest glue of the individuals to the political project.

## V

Let us turn back to the following question: What is the relationship between sacrifice and the political order. What sort of self-sacrifice, if any, is demanded from a citizen in order to enter, establish and maintain the political order? Hobbes and Locke both describe the proper political order as a calculated gathering of individuals who for rational reasons prefer the conditions of cooperation rather than the natural state of competition. Individuals do give up something in entering the political order. They give up their

natural right to judge and punish their fellow humans. Yet no sacrifice is involved in establishing the political order. The citizens grant the sovereign the monopoly over the legitimate use of violence in order to defend themselves from the violence they might apply against each other. The entry into the political realm is therefore more like a postponed gratification than a genuine sacrifice; it is driven by pure self-interest.

For such a view of the political order, war between states gives rise to the question of the rationality of establishing the political realm all together. The sovereign, whose purpose is to protect individual lives and rights, has brought them to a graver condition. The competition between states consumes the very individuals they were aimed at protecting, and the Leviathan ends up endangering his own citizens in ways that supercede the danger they posed to one another before they erected him. It is no wonder that both Locke and Hobbes had difficulty justifying the right of the state to forced conscription. As Hegel articulated the problem in his remarks concerning the social contract, if the business of the state is to protect and secure human life it cannot demand its sacrifice: "An entirely distorted account of the demand for this sacrifice results from regarding the state as a mere civil society and from regarding its final end as only the security of individual life and property. This security cannot possibly be obtained by the sacrifice of what is to be secured - on the contrary".<sup>12</sup>

The question of the rationality of the move from the natural state to the political state is troubling in itself, given the history of modern states. Humans never created a greater altar to Molech than the modern centralized state. Its hunger for human sacrifice is insatiable. Yet the question concerning the rationality of moving from the state of nature to the political state might be based on the wrong assumption concerning the

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<sup>12</sup>*Hegel's Philosophy of Right*, trans. T.M. Knox, 324.

nature of the political bond. In assuming the centrality of self-preservation and self-interest as the foundational political motivation, the Hobbesian rational choice psychology is extremely limited. Hobbes understood fairly well that between the sovereign states there would be a condition similar to the state of nature. Yet, he didn't realize that this fact would change the relationship of citizens to their own state. It would create a sacrificial bond rather than one of self-interest, since each sovereign state would have to recruit its citizens to face the new and more lethal state of nature in confronting other sovereign states.

Hobbes, as a few scholars have pointed out, had a deeper moral psychology concerning human motivation than what has been commonly ascribed to him. Hobbes accepted that humans are not solely motivated by self-interest. He acknowledged the force of sacrifice for the sake of moral ideals or religious beliefs, and he gave a full account of the power of humiliation and honor in distorting pure self-interest. What Hobbes wished to do is to base the political bond on self-interest, claiming that other features such as empathy are not solid or reliable enough to insure the keeping of the mutual covenant. Even more so, he was deeply suspicious of motivations such as the desire to transcend self-interest, and considered such inclinations as destructive to political life and as sources of strife and disorder. The force of self-interest seemed to him psychologically reliable and predictable as well as politically contained and manageable. It thus should serve as the exclusive solid foundation of the political order. In that respect Hobbes wished to repress and marginalize other human tendencies from politics. The history of the centralized modern state is in some ways a return of the repressed. In its

demand for self-sacrifice it manifests the vengeful eruption of the sacrificial desire that was supposed to be marginalized.<sup>13</sup>

The social contract tradition produced a counter view to the Hobbesian picture. This counter view established the political order as a stage in which the individual could transcend the realm of his self-interest. The best articulation of this approach was given by Rousseau, who considered the entry to the political as a move from individual will to the general will. Entry into the political realm involves a transformation of human motivation from self centered cravings to the concern with the good of the commonwealth: "The passing from the state of nature to the civil society produces a remarkable change in man; it puts justice as a rule of conduct in the place of instinct, and gives his actions the moral quality they previously lacked".<sup>14</sup> The lawgiver of such a political order is called to the following task: "Whoever ventures on the enterprise of setting up a people must be ready, shall we say, to change human nature, to transform each individual, who by himself is entirely complete and solitary, into a part of a much greater whole, from which that same individual will then receive, in a sense, his life and his being. The founder of nations must weaken the structure of man in order to fortify it, to replace the physical and independent existence we have all received from nature with a moral and communal existence".<sup>15</sup> It is in line with this view of the nature of citizenship, that Rousseau was a proponent of conscription and justified the claim that the state could

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<sup>13</sup> This phenomenon happened as well with other emotions that the centralized state wishes to marginalize in its own realm, and yet made extensive use in its relations to other states. The modern state is based on the repression of revenge honor and humiliation as driving forces in the citizen's relations to one another. Honor cultures and revenge traditions will never allow the state to monopolize punishment and retribution. It is thoroughly humiliating and unmanly to complain to the police after a daughter is raped, rather than take matters into your hands. And yet, though some modern sociologists claim the shift away from honor cultures, honor and revenge are the markers of intra-state relationship. It is therefore more accurate to claim that individual or tribal honor gave way to vicarious honor of the nation and the state.

<sup>14</sup> *The Social Contract*, trans. M. Cranston (Penguin 1968), p. 64.

<sup>15</sup> *The Social Contract*, pp. 84-85

make on the life of the individual. For Rousseau, the relationship between religion and the state is not only about jurisdiction and laws. Religion and state stand in an inherent tension since the state trespasses into the religious domain by postulating itself as the stage for the ultimate self-transcendence.

It is important to clarify the sense of self-transcendence that is ascribed to Rousseau. Concern for the well being of others can be grounded in different ways. The first one is instrumental. In such a case it is in the person's self-interest to be concerned with the well being of others, if such concern is reciprocated. No self-transcendence is involved in this motivational structure. Such instrumental arguments are scattered in Rousseau's writings in support of the restrictions that are imposed on the private will in taking upon itself the general will. Yet Rousseau seems to argue for the adoption of the well being of others for its own sake, in a second non-instrumental fashion. Even more so, Rousseau seems to follow a third deeper path, claiming that in the entry to the political realm, the concern for the well being of all the citizens becomes constitutive to a person's identity as a self.<sup>16</sup> Parents' sacrifices for their children are experienced sometimes not as a sacrifice of self-interest for the sake of the other, but as constitutive to their identity as persons. In radical cases this identity might exhaust their sense of being, and giving to their children consumes their identity. In adopting such constitutive view of themselves they move from parents who make sacrifices to sacrificing parents.

In the person's shift from instrumental concern for the other to non-instrumental or even constitutive mode, Rousseau associates self-transcendence which is the founding moment of the political order, with freedom. The individual regains his truer deeper self by giving himself completely to the general will. It is therefore no wonder that

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<sup>16</sup> See F. Neuhouser, *Foundations of Hegel's Social Theory*, Cambridge Mass, 2000, pp. 165-198.

Rousseau's description of the social contract is saturated with this kind of appeal, connecting giving with freedom: "We might also add that man acquires with civil society, moral freedom, which alone makes man the master of himself; for to be governed by appetite alone is slavery while obedience to a law one prescribes to oneself is mastery".<sup>17</sup> In their natural state, humans were driven by self-interest and raw empathy, their condition, though rudimentary, was morally tolerable. In due course when social reality was formed, and humans didn't live the solitary life of the natural state, self-interest gained a destructive edge. In internalizing the view of the other as the source of self-esteem, self-interest became both comparative and competitive. If humans would have managed to stay in self-enclosed primary units such as the family, they might have avoided the horrible impact of society. Yet in their almost irreversible movement away from the natural state, humans find themselves in an intolerable social and pre-citizenship stage. The way out of their social malaise is the entry into a full life of equal and free citizenship. It is through the adoption of the point of view of the common good as the prime motivation in the life of the citizens that humans regain their freedom.<sup>18</sup> The life of citizenship is thus the framework that allows for a radical shift in the nature of human motivation, from self-regarding to the adoption of the common good, and in it according to Rousseau, humans gain what he called moral freedom.

The deep influence of this idea on Kant's moral philosophy is evident. Kant identifies duty with freedom, since in acting from duty we move from the causal natural realm of our conditional self-centered motivation, to the realm of the autonomous free will. Yet the difference between Rousseau and Kant points to the problematic aspect of

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<sup>17</sup> *The Social Contract*, p. 65.

<sup>18</sup> See J. Shklar, *Men & Citizen: A Study of Rousseau's Social Theory*, Cambridge 1985, p. 50.

viewing the political realm as the arena of self-transcendence. Rousseau's general will is constrained to the common good of the other citizens that constitute the body politic.<sup>19</sup> It is not aimed at humanity as such, or at all rational creatures as in Kant's moral theory. In viewing the polis as the stage of self-transcendence, such a transformation of human motivation might turn as well into brutal forms of chauvinism. By shifting the locus of the sacrificial act from the general will of the political state to the categorical universal imperative, Kant saved this theme from its idolatrous implication.

These two distinct approaches to the relationship between political order and sacrifice provide, as well, a different account of the way in which the political order relates to the problem of security and death. Hobbes assumes that the primary psychological motivation underlying the political is the attempt to avoid the ongoing possibility and fear of an earlier violent death. The counter view expressed by Rousseau is susceptible to another concern which focuses on overcoming death rather than avoiding it. The modern state as a meaning endowing sacrificial community, allowed individuals to locate their life beyond the finite constraints of their own life span. If it is the case, as Rousseau argues, that in entering the political state the individual's identity is constituted by the "we" through internalizing the concern for other citizens as his concern, then individuals become part of an ongoing project that spans itself through generations.<sup>20</sup> As the fundamental political concern, the urge to overcome death altogether might be far greater than the urge to delay it. We can put it in more general terms. The failure of applying rational choice theory to the political realm stems from its general blindness

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<sup>19</sup> See Rousseau, "The Discourse of Political Economy" in *The Social Contract and Discourses*, trans. By G. D. H. Cole, (London, 2003) pp. 142-143.

<sup>20</sup> Rousseau never mentions the argument for the adoption of the constitutive identity of the we as a way of overcoming the finite and transient nature of the self; this implication is articulated by Hegel.

concerning the nature of human motivation. The quest to transcend self-interest might be equally strong in forming the political bond as the desire to preserve self-interest.

The state functions both as the sphere for protecting individual interests and transcending them. This dual function of the state should not surprise us. The state, like other human institutions, endures because it serves several functions. The institution of the family with its multiple functions, as an economic, procreative and erotic unit, can serve as such an example for the connection between multiple functions and endurance. Yet, the interesting feature of this duality lies in the fact that it produces a complex inner tension, an inherent paradox that can turn the political project into a self-defeating one.

Such a complex mixture of functions is manifested in Rawls's approach. Rawls's version of the original position is an attractive and puzzling contractual combination of self-transcendence and self-interest. In following the demands on entering the original position, the well-positioned and well-endowed among the parties to the contract perform an immense sacrifice. They strip themselves of their advantages while locating themselves behind the veil of ignorance. In this condition of ignorance, the Rawlsian subjects do not know their future conception of the good, their social standing and their natural talents. For many who are afflicted with bad circumstances or with little talent, ignoring such factors might be beneficiary and a source of security. But the more fortunate among the parties sacrifice all gains that come from these possible advantages. Such a sacrifice includes the most elemental form of human entitlement – self-ownership. What is given up in Rawls's account in the transformation from the pre-political to the political is far greater in scope than what Locke demands. In Locke's view individuals, in giving their natural right to judge and punish, are motivated by self-interest. In Rawls's

perspective, fairness and consideration for the other serves as their ultimate motivation. It is as well a far deeper and more radical sacrifice than that laid forth by any other political theorists. The expectation to give up advantages that have their origin in an arbitrary social starting point is more common in the history of political theory. In such views, distributions originating in the competitive free market are justified only if the competitors were given equal opportunity. The effort to locate them at a fair starting point entails the attempt to erase advantages that originate in socially arbitrary disparity. Yet Rawls goes a great step forward in demanding the sacrifice of advantages that stem from natural talents as well.

Pointing out the magnitude of the sacrifice is by no means an argument against its fairness. From Rawls's point of view it is not an arbitrary sacrifice; it is demanded for the sake of justice, since advantages that are secured on the basis of arbitrary social and natural circumstances are illegitimate. Yet, after locating themselves in such a position, which is structured to erase their particular advantages, the Rawlsian parties begin to act like rational choice economic subjects. They pursue their self-interest with vigor, and reach the results they do, assuming that it might serve them since they might end at the lowest scale of social position and natural endowments. This is indeed a complex mixture of self-sacrifice and self-interest, relating to the subject of the original contract as a schizophrenic moral subject. The subject of the contract acts like the Rousseauene political saint when positioning himself for the contract, and he turns into a Hobbesian rational agent while deciding the terms of the bargains themselves.

It might be argued that in the conditions determined by the veil of ignorance, the pursuit of self-interest takes, in fact, such a general form that it represents the pursuit of

everyone's interest. Ignorance of future position is an empathy creating mechanism, since it forces each self-interested person to contemplate the possibility that he might end in the place of the worst off. With such constraints of ignorance, the shift from the saintly self as he appears in positioning to the contract, to the economic self as he actually negotiates the contract, is therefore not that dramatic. Yet the shift from self-sacrifice to self-interest does manifest itself even under these constraints of ignorance. It manifests itself in the difference principle, which postulates that divergence from strict equality is justified as an incentive to improve the life of the worst off. The assumption that underlies the need to reward the gifted and the productive is that people who are naturally endowed will refuse to raise their production if too much of their earnings will be taxed. They ought therefore to draw benefit from their gifts, in order to motivate them to be of help to the worst off. Improving the lot of others as such is not enough of a reason to drive them to make an effort. In this need for incentive the puzzling split in the subject to the contract is manifested. If in accepting the conditions of ignorance this subject was willing to sacrifice his self-ownership and give up the advantages that stem from his natural talents or social standing, why would he need a self-centered incentive in order to be of help to the worst off? How could such a saint turn into a calculated self-promoter?<sup>21</sup>

It might be argued that the difference principle expresses an empirical claim concerning human psychology. It would have been normatively preferable if people would have made the effort to produce more, just for the sake of benefiting their fellow humans, but in fact an incentive has to be given in order to motivate them for such added

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<sup>21</sup> The argument against incentive in the difference principle was raised in a different formulation by G. Cohen in "Incentives, Inequality and Community," Petersen, ed., *The Tanner Lectures on Human Values, Volume Thirteen* (Salt Lake University of Utah Press, 1992), pp. 262-329` and "Where the Action Is: On the Site of Distributive Justice", *Philosophy & Public Affairs* 26, no. 1 (winter 1997), pp. 3-30.

production. If indeed such an appeal to self-interest is grounded in empirical judgments of what can be expected, it is rather problematic that Rawls would appeal to such empirical concerns only at this rather late stage of his argument. Is it psychologically more plausible that people will give up the advantages that stem from their natural talents? Why aren't psychological empirical judgments raised while locating the participants to the contract, and they come up only at the stage of the actual bargaining? It seems to me that the difference principle reflects a normative argument, not an empirical one. The core of this argument is that it is fair to demand of people to give up unfair arbitrary advantage in competing with others, but it is illegitimate to demand of them to improve the lot of others through their effort without reward.<sup>22</sup> The shift from self-sacrifice to self-interest in the Rawlsian scheme is an attempt to draw the normative limits on how far self-transcendence reaches in constituting the political order. Rawls' appeal is in that respect connected to the unacknowledged melding of self-transcendence and self-interest in his scheme.

While embracing the importance of self-transcendence to the moral life, I wished in this paper to explore inner tensions that arise in the movement of the self to self-transcendence. Shifting our perspective to this realm of problems unravels a different approach to moral conflict, in which misdirected self-transcendence is at least as problematic to the moral life as over indulgence with self-interest. The nexus of self-sacrifice and violence, which reaches its peak in war, is the clearest manifestation of such a possible tension. In war it is manifested not only as a psychological existential condition, but is revealed as well in the way in which political theorists and lawyers

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<sup>22</sup> This interpretation of Rawls is articulated by T. W. Pogge, "On the Site of Distributive Justice: Reflections on Cohen and Murphy", *Philosophy & Public Affairs* 29 pp. 137-160.

constitute the morality of war. This tension that arises in the realm of moral conflict becomes crucial to politics when it is acknowledged that in the creation of the political bond the quest for self-transcendence plays at least as important a role as the urge for self-interest. The state provides an important stage of self-transcendence, and as such political life might be prone to the sort of tensions that arise in the moral drama in general.