RETHINKING GROUPISM: AN ALTERNATIVE TO THE POSTMODERN STRATEGY

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Groupism is a broader, more comprehensive concept for nationalism and other forms of group association. The existing division of the world into nation-states and the pervasiveness of groupist thought significantly contribute to the problems of war and global poverty. Current postmodernist theories that reject universal norms perpetuate groupist thinking. The attempts of Critical Race Theorists to support the interests of minority groups are shown to rely on a groupist rationale when considered from a globalist perspective. The problematic grounding of postmodernist theory as well as the inherently pernicious and exclusionary element to groupist thinking suggest the need for an alternative approach. It is argued that a proper theoretical foundation involves the acceptance of universal norms, while drawing on utilitarian modes of analysis. It is further argued that a non-exclusionary globalist perspective must be adopted if humanity is ever to address effectively the problems of war and poverty.

Le groupisme est un concept plus large et plus compréhensif que celui de nationalisme ou autres formes d'association. La présente division politique du monde en nation-État ainsi que la conviction de courant de pensée groupiste contribuent de façon significative aux problèmes de guerre et de pauvreté. Certaines théories contemporaines post-modernistes, qui rejettent les normes universelles, perpétuent le courant de pensée groupiste. Il est démontré que, analysées dans une perspective globale, les tentatives des Théoriciens Critiques des Races voulant supporter les intérêts des groupes minoritaires se basent sur les fondements du courant de pensée groupiste. Le problème de base en matière de post-modernisme de même que les éléments pernicieux et exclusionnaires du courant de pensée groupiste suggèrent qu'il y a un besoin pour une approche alternative. Il est soutenu qu'une théorie de base adéquate implique l'acceptation de normes universelles, tout en construisant des modes d'analyse utilitaire. Il est également soutenu qu'une perspective globale non-exclusionnaire doit être adoptée si le genre humain désire adresser les problèmes de guerre et de pauvreté.

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Perhaps in heaven, there is laid up a pattern of it, which he who desired may behold, and beholding, may set his own house in order. But whether such an one exists or will ever exist in fact is no matter; for he will live after the manner of that city, having nothing to do with any other.

*Plato, The Republic, Book IX*

### I. INTRODUCTION

This paper is about a paradox. From within a virtual maelstrom of conflicting concepts, I will attempt to pursue the single purpose of developing a theory in response to the following question: to what extent is the existing diversity in human approaches to social organization a positive reality to be encouraged? The question arises out of the need to reconcile two conflicting intuitive sentiments. The reconciliation of this tension holds far-reaching implications for one’s attitude toward myriad different political problems currently confounding the leaders of the world.

The first of these intuitive sentiments directs me to posit a proposition about what is commonly referred to as “nationalism,” but which I will assess under the more general label of “groupism.” Groupism, I will argue, is a more basic organizing principle of society—both historically and, perhaps, anthropologically—than “nationalism.” My working definition of “groupism” is as follows: the acceptance of the notion that humanity is naturally divided into groups, each of which possess their own set of particular traits which *a priori* should be cultivated; and that each of these groups are entitled to a degree of autonomy from the rest of humanity, including

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1 This is not a question about diversity of social organization in the economic sense as displayed by approaches ranging from market-driven capitalism to state-controlled Marxism. Nor is it an inquiry into degrees of democratic freedom accorded to various collectivities of peoples around the globe—though both economics and democracy may ultimately come into play as the limitations of groupist thinking are probed. Rather, it is a question about diversity of social organization at its most fundamental level, namely, the very separateness of groups for purposes of governance.

2 I identify the source of this inquiry as being intuitive for the purpose of highlighting the notion that exploration of our extra-rational ideas can be a worthwhile enterprise. Arrival at an opinion that is both logical and coherent is often preceded by the need to confront two or more seemingly contradictory sentiments.
the right to govern themselves and thus determine the laws by which
the group will conduct its affairs. I will assert that in its many dif-
fferent manifestations, groupism has been necessarily pernicious and
has resulted in negative implications for the flourishing of human-
ity.

The second of these intuitive sentiments stems from a recogni-
tion that the existing state structure, coupled with the hegemonic
claims of conflicting ideologies, poses a situation whereby the po-
litical and cultural interests of minority groups are continuously in
jeopardy and in need of protection. This protection comes in two
forms: self-help and state assistance. "Self help" involves the minor-
ity group asserting its distinct group status as something inherently
positive. This distinctiveness is used as a vehicle for promoting the
interests of the minority group vis-a-vis the dominant group by
which the minority feels threatened. "State assistance" involves the
dominant group allowing for, and facilitating, institutional reform
and/or the distribution of political power and resources, financial
or otherwise.

Much of current academic thought—particularly in the area of
Critical Race Theory—is consistent with the second intuitive sen-
timent; that is, a groupist framework tied to the existing state
structure is uncritically presumed. The negative implications of na-
tionalism, on the other hand, are not widely recognized. Generally,
nationalism is either positively viewed as "patriotism" or, within
the specific context of racial or cultural minorities, "realistically"
accepted as a necessary and natural fostering of communitarian ties.
In either case, it is commonly thought that the concept need not be
considered always and everywhere to be problematic.

The dichotomization of nationalism into the pernicious and the
beneficial is largely rejected by the thesis which I will put forward.
Groupist mentality it will be argued, is singularly responsible for
fostering a prejudicial parochialism that leads human beings,
against our natural instincts, to become socialized in a manner
detrimental to the well-being of much of humanity. I will argue
that we are indoctrinated to accord an inordinately high value to the
interests of those members of the human family who happen to exist
within our own "group," as contrasted to those who happen to exist
outside the parameters of this group.

Groupist thinking in general, and group rights in particular, are
widely presented as vehicles for positive change. Little or no explo-
ration of the possible pejorative conceptual underpinnings of separateness and divisiveness is offered. Little attention is paid to achieving greater equality for groups or individuals in international society. Rather, equality arguments are aimed at working within the existing state structure without considering how this approach may well serve to perpetuate global inequalities.

The challenge, then, is to formulate a position that adopts a holistic, long-term approach to the improvement of the human condition. The vast majority of the academic inquiry into minority rights seems content to advocate solutions aimed at redressing specific current inequalities without much thought cast toward the long-term future of human relations on a global scale. Injustice needs to be addressed on both a micro and a macro level. If we continue to ignore systemic obstacles to establishing a more just world, or fail to inquire seriously into how the micro-groupist problems facing the world are connected to the macro-groupist structure, we are doomed to continue implementing ad hoc, marginally effective attempts at harmonizing human relations.

Given the difficulty of effecting even moderate reform, to presume to espouse holistic solutions entailing radical departures in current thought would appear to display both the most naive sort of idealism and an incredible arrogance. There may be some truth to such an appraisal of my approach. However, there is more to this divergence of approaches than one side being thought to be “too idealistic” and the other being thought to be “too fatalistic.” What might be at stake are our opinions about humanity’s ability to determine how to avoid self-annihilation. Furthermore, my attraction to a more holistic approach stems in large part from another intuitive sentiment: specifically, the maxim that the only problems are those caused by solutions. This particularly holds true when an ad hoc, “muddling through” approach is deliberately adopted. Nonetheless, these arguments must be assessed on their merits.

The suppression of minority “voices” by dominant groups within the existing state structure, and dissatisfaction with approaches to achieving equality with the dominant group that are seen as over-emphasizing distributive justice, have produced a situation

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which has been viewed as requiring an alternative approach. As a re-
result, academic arguments have been marshalled which focus on the
inherent value in the idea of difference itself. Diversity for diversi-
ty’s sake has been elevated to the status of a de facto natural law
norm within the realm of Critical Race Theories. The problem lies
in the fact that these theories simultaneously accept as an article of
faith5 that there are no universal norms or at least that it is undesir-
able to suppose that there are.

This paper does not attempt anything approaching a comprehen-
sive survey of Critical Race Theory. Indeed, such an undertaking
would be both beyond the paper’s scope and would divert the focus
from the globalist nature of my thesis. Rather, I will attempt to
display the failure of these theories on their own terms as well as
point to how acting on these theories unwittingly perpetuates the in-
equality of different groups around the world. I will demonstrate
that the “solutions” proposed by Critical Race Theory are by neces-
sity short-term and that they fail to think adequately upon the future
of all humanity.

In contrast to the approach to ethnic and cultural diversity cur-
cently fashionable among legal theorists, I will posit an alternative
thinking, a “Third Way” that negotiates the terrain which lies be-
tween the “melting pot” assimilationist paradigm and the
“multicultural” diversity-as-virtue paradigm that seem to have de-

defined the parameters of the debate thus far. The specific challenges
of such a task are as numerous as they are daunting. The most central
of these are as follows: addressing questions raised by the individu-
alism/communitarianism dichotomy; positing a redefinition of
“culture” in a manner consistent with a globalist ethos; elucidating a
justifiable rationale for the meta-ethical foundations of the position
being advocated; and explicating the failure of postmodernist legal
scholarship to provide Critical Race Theory with a moral founda-
tion from which to approach its attempts at reconstituting an ap-
praisal of “difference.”

I am aware that many weighty tomes have sought to answer these
questions. I do not suggest that the answers presented here will do

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5 My use of the word “faith” (within the context of describing the rationale of
a school of thought which frequently appears distinctly nihilistic in tone) is a
deliberate attempt at using irony to draw attention to the inability of Critical
Legal Theorists to engage in reconstruction without appearing to embrace the
existence of universal norms.
justice to the breadth of the issues. It is hoped, however, that this work might serve as a skeletal exposition of an alternative viewpoint.

II. WHEREBY THE AUTHOR PRESENTS THE JURISPRUDENTIAL BASIS FOR HIS THESIS

1. Natural Law

In this paper I unabashedly embrace the existence of universal norms. I begin with the assumption that the rightness or wrongness of an action is not dependent upon any individual's or any group's appraisal of it as being such. Individuals and groups of individuals have in the past made, and will undoubtedly continue to make, incorrect, ethnocentric suppositions that their experientially and culturally determined assessment of something's moral praise worthiness or blame worthiness is a reflection of a universal norm. Such errors do not undermine the veracity of the claim that universal norms do in fact exist; rather they simply attest to the difficulty (impossibility?) of determining the precise content of these norms.

To pander to the skeptic's insistence on an unreasonably stringent epistemological standard would result in a sort of ethical and, by extension, political paralysis that any polity would find unacceptable. Advocates of the existence of universal ethical norms have always acknowledged the formidable challenge presented by attempting to ascertain what the norms are without allowing this to draw the existence of the norms into question.6 I will explore the potential effects of this considerable challenge later in the paper.

2. Utilitarianism

The marriage of an acceptance of pre-established universal norms with an ethical theory based upon the principle of looking to the consequences of an act to determine its moral predicates may, at first blush, appear to be a somewhat unnatural coupling. One theory assumes the existence of fixed, immutable rules, understood as being established prior to the commission of any act. The other insists

6 The quotation from Plato's Republic at the beginning of this paper is an example of precisely such an acknowledgment. Aquinas also recognized this by distinguishing between human beings' emulation of universal norms (which he called Natural Law) and these norms themselves (which he called Eternal Law).
that we look to the consequences of an act, which of necessity temporally follow actions. However, when one considers that these two theories pertain to two different elements of moral theory, their complimentary nature becomes more apparent. I have already mentioned the inherent difficulty that people have in apprehending the content of universal norms. As it is less difficult (if still challenging) to assess the consequences for a society of the enforcement of a given rule or set of rules, utilitarian calculi may be effectively used to inform the debate over the determination of which rules might be accurate reflections of universal norms.

R. B. Brandt has put forward a form of utilitarian theory, which he calls the “Ideal Moral Code Theory,” that envisages just such a combination of natural law theory and utilitarianism. It is important to note that Brandt was not advocating what is known as “act utilitarianism” whereby “an act is objectively right if no other act the agent could perform would produce better consequences.” Rather, he advocated a particular form of “rule utilitarianism”:

An act is right if and only if it would not be prohibited by the moral code ideal for the society; and an agent is morally blameworthy (praiseworthy) for an act if, and to the degree that, the moral code ideal in that society would condemn (praise) him for it.

Brandt’s theory diverges from a similar theory put forward by John Stuart Mill on the approach to be taken should a conflict arise between two rules contained in a moral code. Mill advocated use of the act utilitarian principle to resolve such conflicts, but this approach presents problems at both the theoretical level as well as in practical application. On the theoretical level, forms of rule utilitarianism that employ an act utilitarian conflict resolution mechanism are left vulnerable to the charge that rule utilitarianism ulti-

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8 Ibid. at 83.
9 Ibid. at 86.
10 Inconsistencies in a utility-maximizing code may seem to be an impossibility as such a code would be expected to be internally coherent. However, as we have seen in the reality of conflicting rights, human expressions of ideals are limited such that mechanisms for resolution of conflicting ideals are necessary.
mately collapses into act utilitarianism. At the practical level, what this means is that rules which are taken to be part of the moral code of society are robbed of their authority. Reliance upon the rules is undermined by the possibility of a utilitarian veto trumping any rule whenever a conflict arises. Furthermore, this would occur despite any potentially important relationship which the rule might stand in *vis-a-vis* any other rules.

The irony of this situation is that a non-utilitarian conflict resolving principle must be followed in order to maximize utility. The conflict resolving principle which Brandt puts forward is

> a directive to do what an intelligent person who had fully interiorized the rest of the ideal moral system would feel best satisfied with doing.\(^\text{11}\)

Whether or not this is a satisfactory alternative is less important than what it may tell us about utilitarianism. In effect, utilitarianism (or at least Brandt's minimally problematic formulation of it) is less an ethical theory that purports to tell you or me how to act morally, than it is a theory which explains what the effect of a society acting morally would be.

I am not suggesting that through utilitarian analysis disputes over the rules by which a society should live somehow will be mitigated; undoubtedly, disputes will continue to arise. However, an important change in the nature of these disputes would take place. By remaining mindful of the fact that the best set of rules is intended to maximize the overall utility of a society, closer attention is likely to be paid to those members of society whose interests have been marginalized the most. Though the interests of similarly situated individuals are to be given similar moral weight, the least fortunate members of society with the lowest utility are most urgently in need of assistance. Thus, a rule that increased the marginal utility of a privileged group in a society while failing to assist a less privileged group would not be an acceptable rule to implement. Utilitarian calculus, when properly carried out, reaffirms the equality of all individuals while taking into account the greater value of achieving increases in the utility of the worst off in society than similar increases for those already in a more fortunate position.

Finally, I should mention that a familiar criticism of utilitarianism is that it lends itself, perhaps more so than other moral theo-

\(^{11}\) *Supra* note 7 at 91.
ries, to chronic misapplication. Individual self-interest is not filtered out when people justify their actions on seemingly utilitarian grounds. The result is that the actual utility maximizing action may fail to be identified because the individual has skewed the calculus by not remaining impartial in her or his appraisal of the various options she or he might be faced with when making a moral decision. This shortcoming is more applicable to act utilitarianism than it is to a theory which includes a moral code because the code serves as a guide to assist in distinguishing the utility of the self from the utility of all.

III. THE MOST SIGNIFICANT OBSTACLES TO MAXIMIZING THE UTILITY OF INTERNATIONAL HUMANITY

1. War

A place to stay,
Enough to eat,
Somewhere old heroes
Shuffle safely down the street
Where you can speak
Out loud
About your doubts and fears
And, what’s more;
No one ever disappears,
You never hear their standard issue
Kicking in your door.
You can relax
On both sides of the tracks,
And maniacs
Don’t blow holes
In bandsmen by remote control.
And everyone has recourse to the law,
And no one kills the children anymore.

“The Gunner’s Dream” by Pink Floyd

The untold suffering humanity has brought upon ourselves through armed conflict stands undoubtedly as our greatest moral failure. So relentless has been our compulsion to wage war on one another that it appears to us beyond our control. Mass murder writ large has been accepted as a fact of life simply because it has always been a part of
human history. Such reasoning, however, amounts to acquiescing to a doomed future. Rather than accept humanity’s propensity to kill one another in geopolitical conflict as an unfortunate symptom of our flawed nature, I propose to examine the possible forces at play which might be unnaturally causing us to engage in this utility-negating activity.

In an inquiry into the nature and causes of war, Joseph Margolis has made the following salient observation:

The most striking and obvious feature of war is the general destruction of human lives on the part of people who do not know their victims personally, who profess to be opposed to wanton killing, and who nevertheless firmly believe themselves justified in the name of principle not directly construed in terms of mere personal advantage.¹²

The “principles” prompting groups to go to war with one another can differ from conflict to conflict. One factor that is invariably present, however, is the sense of affiliation with a particular subset—rather than with the whole—of humanity. So basic is this groupist notion to the reality of war that it is actually impossible to comprehend the concept of war without also understanding the sentiment behind groupism. While wars can be fought in the name of other principles, groupist sentiment provides the fuel to perpetuate the conflict often after common sense and reason demonstrate that all other strategic rationales have been exhausted. The ongoing war in the former Yugoslavia is testament to how a particularly odious manifestation of groupism can fuel hatred such that bloody conflict is further protracted in the name of “ethnic cleansing.”

In Personal Identity, National Identity and International Relations, William Bloom conducts a psychological inquiry into group affiliation and offers the following astute observation about the relationship between seeking one’s individual identity through groupism and warfare:

Anthropologically we are all of the same species and it is only chance that causes our birth in this or in that particular country. It is through the identification imperative

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that we then become psychologically linked with that country. There is a poignant and awful innocence here—for what begins as a blind psychological action, in which insecure human beings seek a necessary psychological security, becomes in the tornado of political realities the fuel for mass mobilisation and total war.\(^\text{13}\)

The Vietnam War proved, among other things, that a democratically elected government cannot wage a foreign war over an indefinite period of time in the face of strong opposition from its electors. Governments of democratic nation-states are thus inclined to influence the citizenry in such a way as to heighten the sense of group affiliation among the electorate. The strategic importance of groupist sentiment to modern war has, as E. J. Hobsbawm rightly observed, led to

the question of the “nation,” and the citizen’s feelings towards whatever he regarded as his “nation,” “nationality” or other centre of loyalty, [being placed] at the top of the political agenda.\(^\text{14}\)

We can thus begin to recognize that a principal cause of war is the structural manifestation of the groupist mentality, namely, the state system. By providing groupism with a structured framework in the form of the international law doctrine of state sovereignty, the anarchic nature of inter-state relations has been legitimised. By entrenching the concept of state sovereignty in the United Nations Charter\(^\text{15}\) (quite at odds with much of the rest of the document’s provisions\(^\text{16}\)), legal credibility is lent to a sentiment which is of integral importance to war existing as a coherent concept.

Philip Allott, an international lawyer and former British diplomat delivers a stinging indictment of the state system in his


\(^{16}\) An example of this inconsistency is displayed in article 73, *ibid.*, pertaining to Non-Self-Governing Territories.
treatise, *Eunomia: New Order for a New World*. Allott asserts that the state system is "the greatest cause of war and of interminable self-destructive social struggle." He argues:

[International law] has contributed next to nothing to the avoidance and resolution of such conflicts. On the contrary, it has fueled them with the perverted passions generated by its primitive categories of sovereignty and sovereignty over territory.

Thus, quite understandably, our sensibilities are partially moulded by our institutions; likewise, our sensibilities help to mould our institutions. It is through this reciprocal exchange between ideas and their manifestations that humanity can either choose to live together in peace or remain torn apart by war.

2. Poverty

She’s everybody’s sister
She’s symbolic of our failure
She’s the one in fifty million
Who can help us to be free
Because she died on TV
And I grieve for my sister.

Roger Waters, "Watching TV"

The level of grinding poverty under which much of the human family subsists, while another segment of humanity enjoys material wealth far in excess of its actual needs, represents both a fundamental injustice as well as a fundamental failure to maximize human utility. The "developed" groups of the world have accepted that while it may be morally admirable to assist the destitute, such instances of charity are not morally obligatory.

Peter Singer has challenged this notion on utilitarian grounds, arguing that the distinction between charity and obligation is a specious one. Singer contends that it is not enough to say we are

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only bound not to cause harm but rather we have an obligation to take positive steps to prevent harm. He writes:

[I]f it is in our power to prevent something bad from happening, without thereby sacrificing any thing of comparable moral importance, we ought, morally, to do it.\textsuperscript{21}

As compelling as Singer’s thesis may be, one is nevertheless left asking why individuals, many of whom upon contemplation would agree with his argument, have failed to act on it by foregoing such luxury items as television remote controls and automobiles designed to accelerate at breakneck speeds. The easy answer is that the propensity of human beings to improve their marginal utility by $X$ amount, rather than using the resources to assist someone else by $1000X$\textsuperscript{22} is a reflection of our flawed, self-interested nature and inability to empathize with people whose life experiences differ so greatly from our own. To my mind, this answer merely begs the question: given that people are capable of displaying empathy as well as self-interest, what effect might the structures under which we live have on our propensity to act on the latter, rather than the former, motivation?

I submit that groupist mentality in general, and the most significant structural bulwark of this mentality, the doctrine of state sovereignty in particular, play a central role in the choices we make as individuals. They foster an inward-looking perspective; that which is related to the lives of members of one’s own group is accorded a disproportionately high value in moral terms, as compared with those of members of other groups.

There is an implicit acceptance of the comparative relativism between different groups with respect to what is considered good and bad. The popular media reinforce this debasing of group-transcending standards. A plant closing or a massive fire is labelled a “tragedy” or “disaster,” and, indeed, the people directly affected do suffer. The use of these labels, however, are usually not warranted

\textsuperscript{21} Ibid. at 600.

\textsuperscript{22} This is admittedly an evasion of the problem of comparative utilities. However, I am taking the liberty of assuming that the marginal utility which person A derives from spending the extra $10 000 or so to own a car which will be slightly faster, sleeker, and with more electronic gadgetry than another car, is equal to a tiny fraction of the utility to be derived from using that money to improve the life of impoverished person B (or more to the point, the lives of many other people).
when one considers the level of suffering in the broader context of international society. The state structure makes it difficult enough to adopt a perspective that reflects an equal valuation of all peoples; when our primary sources of information insinuate through semantic relativism that "our own" troubles are tragedies or disasters equivalent to those of the "other"—when clearly they are not—the problem is further compounded.

Today's mass media has enabled people to see the reality of the human suffering that goes on in distant lands. Unfortunately, the perversity of groupist mentality views the suffering of "foreigners" with less empathy than it does from the second-hand account of some lesser suffering of members of one's own group. A sense that the structural impediments to redressing international poverty are too great has conspired with a lack of willingness to empathize with the suffering of the "international other." The result has been a reaction of numb disregard from much of the "developed" world. While such images may foster a greater sense of the "global-village," our groupism more than counters this with a sense of "thank-god-its-not-us" resignation.

Of course, it is "not us" because we have decided that any civilized society establishes a social safety net whereby the excess wealth of its most affluent members is used by the state to assist the least affluent members. Underlying such policies is an implicit understanding that no society can call itself "just" or, indeed, maximize its collective utility if it allows its weakest members to suffer greatly. Yet, the suggestion that international society impose an international income tax in order to safeguard against abject poverty would likely be met with stares of disbelief and indignant sermonizing about existing levels of domestic taxation from most members of affluent groups.

IV. TOWARD SOLVING THE PROBLEMS OF WAR AND POVERTY

1. Structural Reform

Although frustratingly sparing in detail, Philip Allott insists on the need to establish a meaningful form of global government if we are ever to bring about an end to human suffering:
[E]nforced alienation from each other, the surrender of their natural affections and natural loyalties, their subjec-
tion to state societies, which require that they treat other human beings as “other,” merely because they are subject to another state system.\(^{23}\)

The desirability, feasibility, and likelihood of the establish-
ment of a system of global governance forms a vast area of debate unto itself.\(^{24}\) For the purposes of this paper, I am arguing on a theo-
retical level that in order to escape from the twin banes of war and poverty, humanity must implement precisely such an institutional revolution. If we are to shed our groupist trappings and the anarchic international system to which they are wedded, power must be ceded to a body which will advance the interests of all members of humanity.

It is uncertain how we are to “get there from here.” Nation-
states might eventually come to recognize the need to forfeit their sovereignty to an effective world body, while maintaining a degree of autonomy akin to the constituent parts of a federation. A global equivalent of the aims of the European Community comes to mind. Perhaps the establishment of transnational functional regimes could be used to harness state self-interest in such a manner that mutually beneficial agreements between states would serve to further our mutual interdependence such that one central government would eventually seem an inevitability.

Problems abound with the notion of allowing international gov-
ernance to simply “evolve naturally” in this manner, without a pro-
active approach motivated by a globalist ethos. The existing power relations would likely remain unchanged, only to be institutional-
ized. The slow pace of such an “evolution” would, moreover, pro-
long unnecessary human suffering. These two reasons alone are a powerful argument why a fundamental rethinking of our relationship to the “international other” is needed. This rethinking must take place not only in the hearts and minds of the power elites but also in those of the individual members of existing nation-states. It must

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\(^{23}\) Allott, supra note 17 at 251.

be predicated not on self-interest or self-preservation but rather on empathy, generosity, and a desire for greater justice in international society.

2. Revolution of the Mind

It might be thought as bold as it is thought naive to suggest that the two most persistent plagues of humanity could be overcome by individuals altering their conceptualization of their relationship with the rest of society. I submit, however, that precisely such a fundamental rethinking is a necessary step to be taken should any lasting change be brought to bear on the problems that vex international society.

With the reconceptualization of one’s place within the context of the rest of humanity, “culture” and “solidarity” take on a broader meaning. Rather than implying a “group,” these words would be the function of the group, humanity. Thus, human “culture” would become, to adopt Webster’s definition for culture, “the social and religious structures and artistic and intellectual manifestations, etc. that characterize [humanity].” 25 Likewise, “solidarity” would mean “common interest and active loyalty within [humanity],” 26 rather than implying exclusion.

Change is also required at the institutional level. If it is to be lasting and effective, however, political change cannot be simply the decree of political elites. Elite-driven institutional reform must inform the popular sentiment, and, in a dialectical manner, the popular sentiment must be clearly communicated to the elites. Leadership may dictate that the elites must posit the concept of global government in the marketplace of ideas before the popular will can respond. As it stands today, the elites of the affluent groups (nation-states) lack the courage to advocate moving beyond the state system.

Popular opinion has not been solicited on this question of global government. Groupist thinking would, cynics might say, preclude its garnering support. Until our power-elites submit it for debate, the question remains open. By failing to initiate this debate, our leaders send an implicit, yet unmistakable message that “globalism” is an untenable and/or undesirable objective. As long

25 New Webster’s Dictionary and Thesaurus of the English Language (Danbury Ct.: Lexicon, 1992) at 235.
26 Ibid. at 944.
as the suggestions for real international reform continue to emanate primarily from a handful of academics, and not from other more powerful leaders of government, business and organized labour, the general public will not properly consider the necessary solutions.

Allott articulates the change which must occur in the hearts and minds of the elites and non-elites alike in the following passage:

In conceiving the structure-system of international society, the society of all societies, humanity may find a means to choose its own future well-being. Nothing more nor less is required than a self willed change in human consciousness. A revolution, not in the streets but in the mind.\textsuperscript{27}

Allott presents a compelling treatise on the need for international society to re-create itself; he does not provide a road map of how humanity is to reach this new stage in our development. I am sympathetic to this reluctance to spell out specific institutional reforms; the primary focus of Allot’s argument is the need for an alteration of the way in which we think about our role in international society.

The fundamental flaw of \textit{Eunomia}, as R. St. J. Macdonald rightly indicates in a thoughtful review of the book, is its failure to address the difficult reconciliation of anti-groupism and concern for minority interests with which this paper is grappling. Macdonald challenges this important omission:

The question not addressed is whether you can have both “national” or “ethnic”-communities within the type of community of humanity or the society of societies which the author proposes. This is the very question raised by many small ethnic or linguistic groups today as they struggle to defend their language-culture-identity from encroachment from a mass-produced “international” culture. Allott’s theory remains ambiguous about whether, in fact, we can have it all or whether the new international society which he proposes will, by creating new possibilities at the international level, foreclose or limit reality at the smaller “community” level.\textsuperscript{28}

\textsuperscript{27} Allott, \textit{supra} note 17 at 257.

This tension between the clear need for macro-level reforms and micro level "realities," to use Macdonald's word, is undoubtedly a quandary. Allott identified the tension as the "self–other" dilemma. On the one hand he states that members must be distinguishable to form a society, and on the other hand, he points out the connections between such groupist attitudes and xenophobia and ethnic and religious intolerance. Thus he merely reinforces the terms of the dilemma.

I contend that at the end of the day, the irreconcilability of the "self–other" dilemma must be overcome. The manner in which one resolves this dilemma (assuming one attempts to, unlike Allott), will speak volumes about one's intrepidity in arriving at a coherent solution when faced with two or more conflicting intuitive sentiments. To equivocate persistently (as postmodernists seem to), or ultimately to abdicate responsibility by evading the dilemma (as Allott does) is not a satisfactory manner of dealing with a question of such profound magnitude.

V. GROUPIST REALITY WITHIN THE STATE STRUCTURE

Making the transition from discussing vaguely utopian-sounding notions about global governance to discussing how to improve the conditions for, and accommodate the cultural differences of, minority groups within existing western nation-states would appear to be moving from the realm of International Relations to the realm of sociology, philosophy, and domestically-conceived legal and political theory.

The Critical Race Theory branch of the Critical Legal Studies movement has produced a variety of approaches to redressing the many inequalities that currently confront racial and ethnic minorities within nation-states. Among these approaches there are a number of common themes. While there is substantial debate amongst Critical Race Theorists, much of the debate, to an outsider, seems like semantic exercises in labelling.

29 Allott, supra note 17 at 56.
1. The Dilemma Within the State Structure

I have already identified war and poverty as being the two major sources of human suffering stemming from groupist thinking. The fact that these problems exist in international society and that they obstruct the maximization of human utility can serve as a reminder to keep other sources of disutility in perspective.

That being said, it is understandable that the injustices which exist within states are the focus of much attention. One's energies are naturally best expended where one feels one can make the greatest improvement, and achieving change seems less daunting on the domestic level than on the international one. Yet the methodology adopted to achieve the positive results at the state level is at odds with the methodology necessary to achieve the greater goal of the international society. Disempowered minority groups assert their distinctiveness to draw the attention of the dominant group within their state to the fact that their culture is threatened and that their members are not accorded equal treatment. Thus, the accentuating of diversity among groups at the state level is presented as the single best vehicle for avoiding dominant group cultural encroachment and attaining equal status. Meanwhile, at the international level, the same approach is a contributing factor to war and the perpetuation of the severe suffering of the poorest members of international society.

The spheres of dominance are thus defined by the state system. International societal dominance is facilitated by the unequal valuation of the international “other” which derives from the artificial separation of peoples. Domestic dominance within states is facilitated by allowing a subset of humanity sovereign control over the activities within its sphere. The state structure justifies nation-state groupism while allowing for the suppression of ethnic minority groups. It thus exacerbates groupist tensions on both the international and national fronts.

Current approaches to the accommodation of diverse strategies to social organization have all implicitly relied on the state structure. From the most extreme assimilationist to the most extreme form of postmodernist pluralist, all such approaches operate within the parameters of this historically rooted conception of the nation-state.

No doubt, there is cause for this outlook; we currently live under the state system and as much as it may be interesting to speculate
about future worlds and global governance, there are very real problems in today's states and we should not feel bound to focus exclusively on grand holistic global solutions. This is a fair comment. However, the role of the academy is to move beyond the institutional and intellectual trappings of our era, and to dream of new paths for reaching new tomorrows. If our intellectual elites embark on their inquiries exclusively from assumptions defined by our current flawed structures, we will fail to transcend those structures. The political leadership must be willing to implement necessary changes, but if new points of departure do not enter the marketplace of ideas because of premature defeatism, the expectation of failure will undoubtedly become self-fulfilling.

VI. JURISPRUDENTIAL BASIS FOR STATE STRUCTURED GROUPISM

1. Postmodernism

Things are going to slide in all directions
Won't be nothing
Nothing you can measure anymore
The blizzard of the world
has crossed the threshold
and it has overturned
the order of the soul.

Leonard Cohen, "The Future"

i. Modern Meets Postmodern

As a theoretical framework, postmodernism stands in marked contrast to the natural law/utilitarianism combination which I have posited. Displaying the sort of affinity for universal norms, as I have earlier in this paper, is considered to be distinctly "modernist." Utilization of utilitarian calculus is also viewed as merely a historically-rooted construct that could potentially be used to discount further the rights of minority groups.30

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30 W. Kymlicka, “Liberalism, Individualism, and Minority Rights” in A. C. Hutchinson & L. Green, eds., Law and the Community: The End of Individualism? (Scarborough: Carswell, 1989) 181 at 191. Kymlicka was countering the notion that aboriginal rights claims were somehow contingent on the benefit such claims might accrue to all Canadians.
Postmodernism can be defined more in terms of what it rejects rather than the actual content of what it accepts. This overarching framework in which much of the current Critical Legal inquiry is situated entails a rejection of grand narratives, universal truths, neutral notions of justice, and culturally-transcendent values, all of which are frequently indicted under the blanket label of "Enlightenment values." Instead, this school of thought embraces ideas such as contingency, diversity, and specificity.

A thorough inquiry into the merits and failures of postmodernism would comprise another paper. My discussion of postmodernism will be restricted to drawing attention to the significant theoretical problems that arise when postmodernism is applied to situations requiring political change.

In my explanation for my belief in universal norms I focussed on the problematic nature of theories that reject such norms. It would thus appear as though we have two opposing theories, the justifications of which are sought via the undermining of their respective antitheses. The reason why this is less problematic for the argument in favour of the existence of universal norms lies in the readiness with which natural law is capable of accommodating and transcending the form of epistemological uncertainty which postmodernism challenges it with.

**ii. Postmodernism as a Scepticism**

The postmodern challenge is essentially sceptical in nature. The sceptical posture, within the realm of pure epistemology, disputes any possible explication of human knowledge by insisting on a level of certainty and verification which is not possible. The believer in the capacity of people to possess knowledge must be capable of answering sceptical queries such as "how can you accurately claim to know X is true, given that you cannot know you are not merely a brain in a vat being fed sensory data in a scientist's laboratory?"\(^{31}\)

The proponent of universal norms can simply concede we never truly know anything with absolute certainty. The pursuit of ethical inquiry need not require absolute epistemological certainty. The human enterprise must, nonetheless, forge ahead and act based on the closest approximation of what is viewed as a justifiable belief. Too

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\(^{31}\) I have borrowed this example of a sceptical query from J. Dancy, *An Introduction to Contemporary Epistemology* (Oxford: Blackwell, 1985).
often, matters are reduced to two choices; either, (1) accept the existence of universal norms and suppress any epistemological doubt which is a part of everyday life, or, (2) adopt a nihilistic perspective and refuse to accept that it matters one way or another how one behaves. While I have clearly indicated a preference for the former position, I accept that the latter is at least consistent with the rejection of culture-transcending norms.

What is entirely untenable is the approach taken by the ethical or legal/political branch of postmodernism as it displays a distinct discomfort with accepting the nihilistic implications of its underlying rationale. Postmodernism is fundamentally at odds with any argument that purports to speak with a voice possessing any moral authority. If all Critical Race Theorists were willing to admit that their theories were simply about politics (which is of course to say, power), they would be more internally consistent. It is tacitly recognized, however, that such an admission would leave their project incomplete, robbing them of any rationale as to why their politics are preferable to the politics being challenged.

Thus, such postmodern attempts at challenging universal norms are doomed to either incompletion and unpersuasiveness or contradiction and theoretical duplicity. Critical Race Theorists manipulate this dilemma in one, or both, of two ways. The first technique is to attempt to divorce the “practical” merits of their arguments—for example, the desire to improve the lives of minority groups in society—from the theoretical underpinnings which they espouse, thus “avoiding” nihilistic indifference. In the second, the assault on the existence of universal norms is followed by the positing of an ethical rationale for particular societal reforms, a rationale no less susceptible to the criticisms they have directed at universal norms.

In Justice and the Politics of Difference, Iris M. Young showcases both of these postmodern obfuscatory techniques. This book is both widely referred to by other Critical Race Theorists and representative of its genre. It is in this sort of postmodern pursuit of practical reform that the dilemmas which I have outlined come to the fore.

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32 Young, supra note 4.
33 Theorists such as Jean-François Lyotard and Richard Rorty do not have to confront the same predicament as explicitly as theorists like Young who are prescribing a specific approach for the solution of specific problems.
Young attempts to use the tools of postmodernism without having to answer any of the difficult questions such an approach entails. She begins her evasion of such potential difficulties by declaring at the outset that, although she intends to draw upon postmodernism, Marxism, and Black philosophy, to name a few, "any methodological and epistemological issues" raised by her use of these "tools" will simply be treated "as interruptions of the substantive normative and social issues at hand." 34 Young then lends moral persuasiveness to her arguments by suggesting that the values she posits are "universalist values, in the sense that they assume the equal moral worth of all persons, and that justice requires their promotion for everyone." 35 By initially embracing a set of philosophical moorings only to offer the disclaimer that she is not responsible for any errors contained therein, and then continuing to cling to the cornerstone of an opposing perspective (universal values), Young has displayed the equivocation that her flawed approach necessitates.

iii. A Strategic Error in Method

The postmodernist movement in general, and Critical Race Theorists in particular, have committed a very serious, if understandable, error in their challenge to the existence of universal norms. There is a dominant group (voice, narrative, etc.) in our society (or in any society). This dominant group does possess a set of values. As a function of their dominance, dominant groups will inevitably claim that all or some of their culturally specific values are, in fact, reflections of a set of universal norms. This might be an accurate estimation in some respects, or it might not be such in any.

The point is, in quite rightly trying to counter this hegemonic posture of the dominant group, Critical Race Theorists have not been satisfied merely to draw the attention of the dominant group to the culturally couched nature of their outlook. The postmodern approach has not been content to suggest that the dominant group use this self-awareness to appraise critically which of their beliefs do or do not present accurate reflections of the universal norms. Rather, it has conflated dominant groups' beliefs with the universal norms themselves (making the same error as the dominant groups) and thus presented an indictment of the existence of universal norms alto-

34 Young, supra note 4 at 8.
35 Ibid. at 37.
gether. Postmodernists have not merely questioned the merit of one group’s interpretation of universal norms and clamoured to have other voices added to the effort to achieve a human ideal. Rather, they have dismissed out of hand the entire enterprise of striving to attain human ideals, while at the same time elevating the wholesale acceptance of the concept of difference to be just such an ideal.

There is obviously a tremendous challenge posed by the need to divorce oneself from one’s own perspective and life experiences in order to arrive at as close an approximation of a human ideal as possible. This is not, however, impossible to carry out. To suggest otherwise is to ignore or discredit the efforts of every thinker, writer, legislator, or other individual who has ever formulated an idea about justice for a group identified as his or her own.\(^{36}\)

iv. On the Value of Difference

The acceptance of the existence of universal norms need not imply the acceptance of a set of rules that do not allow for a degree of contextualization. Simply because the norms are pre-determined and immutable does not mean one overlooks the degree of specificity with which they have been apprehended at any point in time. Thus, the norms are subject to refinement as the natural law is further discovered. They must be understood to be comprehensive, yet flexible. In other words, although the entire range of human activity is subject to the norms, absolute sameness of culture need not follow. Flexibility allows for different cultural practices that do not impact adversely on the well-being of others.

Within the realm of ethics, some cultural differences are problematic, while others are innocuous. Take two extreme examples: If a young Scottish woman derives pleasure from practicing her Highland dancing, such a culturally specific manifestation of an expression of human joy is in no way contrary to my proposition that groupism is destructive. On the other hand, the practice in certain African countries of subjecting young women to genital mutilation

\(^{36}\) Another critique levelled at the postmodern approach is put forward by Will Kymlicka. Kymlicka takes postmodernists like Rorty and Michael Walzer to task for their dismissal of universal norms: "They claim to know such limits exist—they claim to know this in advance of the arguments. They claim to know that reasons will only be compelling to particular historical communities, before these reasons have been advanced." See W. Kymlicka, "Liberalism and Comunitarianism" (1988) Canadian Journal of Philosophy 181 at 203.
cannot be justified as an expression of a particular (religious) culture.\(^{37}\)

Agreement that isolated examples of apparent injustices are perpetrated under the protective guise of cultural difference need not entail acceptance of my thesis that groupism is essentially problematic.\(^{38}\) However, such an agreement is instructive in displaying the ethical neutrality of the concept of difference. Because difference can manifest itself in any potentially problematic form, it is clear that difference is not an ethically relevant concept independent of other concepts. It follows that any theory which purports to have its ethical foundations in difference and tolerance of difference is on extremely unstable footing.

The empty vessel of difference is capable of being filled by anything; indeed, tolerance of difference may manifest itself as tolerance of evil. As a correlative of dispensing with universal norms, an effective conception of evil has also been sacrificed. The most heinous acts are merely “different.” Feeding hungry children cannot be declared any more objectively to be good than killing them. Without some normative guidelines to provide the true criteria for the relative worth of a given different perspective, difference for its own sake is an ethically irrelevant concept.

Constructed as it is within the framework of the state structure, postmodern discourse on the merits of difference as an instructive tool fails to provide an adequate means by which to distinguish the beneficial differences from the problematic ones displayed in international or state societies. Obviously one cannot ignore the role which some differences have played in fostering historical socioeconomic inequalities. By abstracting the concept of difference out of the struggle to have diverse racial and gender voices heard, there is an implicit importation of content to an essentially empty concept.

2. Communitarianism

The debate on the relative merits of individualism and communitarianism has reached such a level that neither side fits into the hermetically sealed compartments that originally appeared so well

\(^{37}\) Other, less extreme, culture-specific practices with negative implications for women present an interesting challenge to feminist analysis. Universal norms may be useful in rejecting an entire class of culturally accepted behaviour.

\(^{38}\) To reach such a determination it remains necessary to consider the problems of war and unequal valuation of other groups.
defined. If the labels of pluralism, liberalism, and permutations like Roberto Unger’s super-liberalism are added to the discussion, matters become further obscured. The point is that the entire debate is among what can be labelled liberal social democrats, and little or nothing indicating a radical departure is evident.

The stagnation of the debate is evidenced by the degree to which the participants engage in labelling, and re-labelling, different variations on the same theme. In the introduction to a recent collection of essays on the individualism–communitarian debate, editors Allan Hutchinson and Leslie Green concluded none of the contributors—including Will Kymlicka, Mark Tushnet, and Mary Jane Mossman—were satisfied that either “the exaggerated individualism contained in many forms of liberalism,” or the communitarian response, provided fully satisfactory approaches to the groupist world in which we live. Participants in the debate have taken to setting up would-be opponents as straw men and attacking their arguments on the most extreme readings of their proposals. Two examples of this approach to the debate are found in Charles Taylor’s writings on “atomism” and John Rawls’ recent responses to so-called communitarian critiques of liberalism. Taylor decries the overly individualistic approach of liberalism by setting up an extreme form of liberalism that very few liberals would be comfortable espousing, or feel compelled to defend. Rawls, for his part, simply incorporates—or co-opts—into his liberalism Taylor-esque ideas about individual choice-makers being socially situated and, thus, defuses the communitarian “threat” to liberalism.

At the risk of sounding banal, the individualism–communitarian debate seems to ignore what must surely be the most urgent of

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39 A sub-category has been carved out of communitarianism thought referred to by some theorists as “pluralism.” This school of thought is virtually indistinguishable from other forms of communitarianism and, thus, no less groupist in nature.
41 A. Hutchinson & L. Green, “Introduction” in A. Hutchinson & Green, eds., supra note 30, 1 at 7.
44 Kymlicka, in A. Hutchinson & Green, eds., supra note 30 at 200.
45 Beiner, supra note 40 at 39.
human projects, namely, the improvement of the lives of the greatest number of people in the world today. It should be evident at this point that, to my mind, any theory which approaches notions of community and the relative merits of groupist mentality without considering the impact such modes of thought may have on the global level of human utility has failed to address adequately a major issue in social theory.

This contention may appear to miss the point. It could be insisted that a globalist perspective is perfectly consistent with a debate about whether the individual is ultimately the source of all value or whether this value can only be realized in a community context. However, without taking account of the community context of humanity explicitly, and instead focusing on a community context within this global family, the participants in the individualism/communitarianism debate miss the point. The unequal valuation of our fellow human beings that groupism both sanctions and fosters, and the pernicious effects of its manifestation in the state structure, are implicitly accepted by them as the paradigm within which this debate operates.

Viewing this debate from a globalist perspective, an interesting inversion occurs. The latent individualism underlying communitarian thought is revealed and the true communitarian character of individualism is exposed. The focus of state-centered communitarian thought on safeguarding and furthering the interests of individual sub-sets of humanity can be seen as a logical extension of selfish individualism. It is driven by a perceived need for personal insulation from a threatening "other"—the rest of humanity—and thus reflects a self-centered outlook. True individualism, however, is concerned with the particular well being of each and every human being; it counters the unequal valuation of the "other" perpetuated by a groupist mentality and thus results in all people being factored into any utilitarian assessment of government structures. Once the state structure is recognized as an artificial construct, which we can choose to discard, we see the labels currently in use ironically become reversed.
VII. CONCLUSION: LIVING WITH “THE OTHER”

Philosophy begins and ends with the question of the other. The question of the other is not, of course, a question; it is a complex of questions.—Mark Taylor

If we consider the relatively brief record of human social history, if we consider all that the human species has created and done during that brief period, we are struck by an extraordinary uniformity in the midst of so much diversity. If we consider the total accumulation of religion and mythology and philosophy and the plastic arts and literature, the whole story of the so-called private life of human individuals, we are easily led to the hypothesis that there is a pattern of human existing which transcends time and place, a pattern which has traditionally been characterized as a human nature and a human condition.—Philip Allott

There will always be differences among people. The challenge is to retain our difference while shedding the pejorative sentiments we tend to identify with “the other.” At the same time, we have to consider whether there is too much diversity of otherness in the world today. Such a query no doubt raises the spectre of monoculturalism; however, the heterogeneity/homogeneity issue need not be conceptualized as a dichotomy. It is more useful to view this difference on a continuum; our world is never going to be transformed from its heterogeneous state to a homogenous one in some sort of binary transition. We must be prepared to ask ourselves whether, at this particular moment in the development of humanity, we have arrived at the optimum balance of homogeneity and heterogeneity for the well-being of the species. The fact that we continue to kill “the other” in part because of their “otherness,” coupled with our unequal valuation of each “other,” would suggest that we have not.

There has been an unfortunate marriage between the positive human sentiment of tolerance of others and a highly problematic school of thought, namely, postmodernism. Because postmodernism is doomed to devour itself in any attempt to reconstruct ideals af-

47 Allott, supra note 17 at 69.
ter it finishes tearing down the approaches of the past, its usefulness is limited. However admirable its goals, the postmodern approach, as I have tried to show, is flawed in two fundamental respects. First, its rejection of universal norms is both unnecessary and counter-productive; dominant groups in society can be made aware of their cultural specificity without arguing against the existence of that which has proven to be instrumental in human moral, political, and religious development. Second, its failure to look beyond the state structure has served as a tacit bulwark for a flawed and destructive edifice.

The difficulty of striking a balance between homogeneity and heterogeneity is witnessed in the case of aboriginal minority populations in Canada. While our political leaders are just beginning to realize that aboriginal peoples have a right to negotiate constitutional reforms with the federal and provincial governments, their ad hoc, visionless approach to this process has, not surprisingly, fostered an increase of groupist sentiment. No group will have any desire to transcend its own particularities in search of commonalities with other groups and universal truths if it is not even afforded the freedom to exist as a recognizable entity itself. On the contrary, attempts to “assimilate” difference not only fail to lead to healthy integration, they suppress groupist sentiment and heighten a group’s defensive posture in its struggle to make its voice heard within the context of state-structured group domination.

In *Dancing With a Ghost: Exploring Indian Reality*, Rupert Ross has thoughtfully explored this problem, arriving at a view consistent with much of what I have advocated in this paper:

The challenge for native people is identical to the one that all people face: expanding the definition of the in-group so that rules of cooperation, tolerance and respect are extended to include everyone on this crowded planet. What makes their challenge more immediate and more daunting is that they were suddenly required to live side by side with their former out-groups in communities which were created, by us, almost overnight. They have simply not had the time to make the requisite adjustment.48

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Is it enough simply to praise such "ideal" sentiments and then qualify our agreements *ad infinitum* with "realist" provisos of the impractical reach of such sentiments, the insurmountable impediments of current power structures, etc.? If we are to alter the potential unfeasibility of achieving these goals, we must first get beyond the "reality" of separate states and the doctrine of state sovereignty on which our international system is premised.

This paper has attempted to counter ideas put forward by postmodern thought that there is no such thing as a "human nature" or that it is "dangerous" to search for a definition of it.\(^49\) This paper has attempted to be more optimistic with respect to the merits of such an enterprise, yet no more cavalier with respect to the threat of being culturally oppressive. It is a challenging exercise to be sure, yet one I believe worth engaging in.

I have attempted to show why strategies for redressing inequality based upon Critical Race Theories are doomed to fail on their own terms both because they are tethered to a flawed methodology, and because they tend to operate within a structure that is the source, in the international context, of the very injustice they seek to correct in a domestic context.

I have suggested that we embrace the existence of universal norms, though not any single source's attempt at ascertaining them in their entirety.

I have deliberately refrained from attempting to design any sort of blueprint explaining how we "get there from here," in part because too detailed a blueprint may amount to an act of folly. That being said, I do not believe that we must resign ourselves to Richard Rorty's "banal politics," whereby any approach to social reform offering more structure than "people ought to be kinder, more generous, less selfish"\(^50\) is implausible. Perhaps the middle ground between large theoretical frameworks and this sort of banality could lie in the dispensing of our narrow sense of groupism. Rather than constructing a new elaborate framework, maybe we should simply shed our existing flawed ones.

While by no means a blueprint, I feel it is possible to identify some concrete steps which can be taken toward achieving the goals this paper has identified. Progress *can* be made that would be less "unfeasible" or "unrealistic" than the massive overhaul required to

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49 Young, *supra* note 4 at 36.

inject a global ethos into the United Nations. Even that more radical measure would be more thinkable if the following steps were initiated.

Rethinking the Future

Perhaps more now than at any other point in history there is a recognition of the destructive effects of "ethnic nationalism." We must attempt to build upon this recognition, investigate the bases of nationalism, and expand our understanding of separate groups as a defining factor in human civilization. We must look beyond the most obvious examples of violence done to "the other"—such as the "ethnic cleansing" in the former Yugoslav republics—and consider other challenges facing humanity—poverty, racism, even global environmental problems—with a view to evaluating how our groupist thinking aids or hinders our search for solutions.

We must ask such questions, not out of some misplaced desire to attack groupism for its own sake, nor in order to oversimplify complex problems. Rather, this inquiry is motivated by precisely what philosophical inquiry is supposed to be about—the questioning of assumptions so familiar to us that we fail to recognize how they risk being obstacles to the improvement of humanity.

We must recall the pivotal role played by liberal thinkers in the feudal era and of writers and academics in general throughout history. Perhaps we can develop an assortment of globalist thinkers who will influence and be influenced or inspired by political counterparts and possibly even become politically active advocates of a globalist ethos. No comprehensive blueprint can be laid out, but we can cultivate an environment in which the Philip Allotts of this world go from being the occasional idealistic academic and diplomat, to being representative of a movement, in which globalist ideology is not left to the final lecture in courses on international law, but rather comprises entire departments in every major university. The finer nuances of the globalist project could then be explored, just as the creation of women's studies and ethnic studies programs have led to greater personal understanding of oneself as a marginalized other. Globalist studies would foster a greater understanding of the other, and ourselves, by persistent and multi-disciplinary emphasis on our commonalities.

The first steps toward living with the other do not lie exclusively in the realm of academia. In the world of global power poli-
tics there are realistic, attainable decisions which those with the power can implement.

On November 17, 1994, the United Nations Convention on the Law of the Sea will come into effect after receiving its sixtieth ratiﬁcation one year earlier. Of the sixty signatures, only Iceland is a member of the “developed” nations. The wealthy states are withholding their assent partially because of the portion of the Convention which details a mildly progressive taxation regime for profﬁts to be reaped in the exploitation of the polymetallic nodules found in the deep seabed, the area designated as the “common heritage of mankind.”

The most privileged groups on the planet must learn to accept that not even their precious doctrine of state sovereignty can justify their insistence upon the world’s shared seabed being treated as some sort of twenty-ﬁrst century free market frontier while most of the world’s population lives in poverty. We must deal with such situations honestly and acknowledge that the only principle that could explain such a shameful power play by the rich is groupist-driven greed.

Perhaps Rorty feels he must resign himself to banal politics because he is focussing too heavily on traditional economics—supply and demand, incentives and rewards. I have stated that such things are important and in need of reform. Simply because the structured attempt at economic reform that is (was?) twentieth-century Marxism has failed to achieve what it promised, we ought not to conclude a more ambitious approach than “people ought to be nicer to one another” is impossible. The recognition that there is some merit (however ironic) to the notion that we need rational pursuers of self-interest to ﬁnance the well being of others need not conﬁrm “banality.”

52 The term “common heritage of mankind,” proposed by Ambassador Pardo of Malta in a communication sent to the UN Secretary-General in 1967, was intended to describe areas or resources which ought to be “reserved for the collective beneﬁt of the global community.” See H. Kindred, International Law Chiefly as Interpreted and Applied in Canada, 5th ed. (Toronto: Edmond Montgomery, 1993) at 929.
Perhaps Marxism "failed" because it was simply too structured, too blueprinted. We must realize that there are no blueprints for human organization. We are not akin to bridges or buildings, we cannot be manipulated like so many steel beams. Rather, we must have the general parameters of our interaction mapped out in a reasonable manner by a governing state who will subsequently follow up and observe how we shape our own reality.

In addition to Rorty's short list, perhaps we can expand the list of universal "goods" on which we can generally agree to include genuine communication, individual equality, security from conflict, enough food and shelter to survive, some form of representative democratic governance, personal self-reflection, joy, and finally, dare it be suggested, love.53

It is not enough to recognize a number of "nice ideas" and agree they should be the goals of global society. It is not enough to pay lip-service to certain ideals only to allow their genuine pursuit to fall prey to the harsh "truth" of a realpolitik world. Rather, we must redefine our reality, before it redefines us. We must recognize the realism contained within our idealism, lest we continue to drift in slow motion toward an increasingly unjust, violent, and divided world.

Perhaps what is most needed is honesty. Perhaps by honestly accepting our basic list of things which we can agree are of value to all people, we can begin to move in the direction where such values are reflected to a greater extent in our world. Perhaps the necessary re-orientation of international society to the values we share in common can then begin. This will not be achieved by means of some large theoretical framework, nor by resigning ourselves to "muddling through." Perhaps what is required is that we act on the things we value in an honest, determined way to bring about universal "goods" for all people. Perhaps we can achieve this together.

53 Allott dares to refer to the importance of explicitly connecting the concepts of justice and love, supra note 17 at 83 and at 403. See also L. Rodriguez-Arias Bustamante, "Towards a New Society" in S. A. Avojcanin, ed., Law, Culture and Values (New Brunswick, N.J.: Transaction Publishers, 1990) 232 at 233.