

Notes

1 Making Sense of Social Injustice

1. J. R. Lucas (1980, 4) says that when it comes to comparing justice and injustice, it is the latter that 'wears the trousers', in the sense that we become concerned about justice only when injustice is being done; thus Lucas suggests that we follow the example of Aristotle in *Nicomachean Ethics*, V, 1, and 'adopt a negative approach, discovering what justice is by considering on what occasions we protest at injustice and unfairness'.
2. It may be argued in Nozick's defence that he endorses a theory of justice grounded on a conception of rights (self-ownership), and that an injustice occurs whenever rights are being violated. This seems reasonable, but it still won't do, since now the definition of injustice is at the mercy of our account of rights. Thus, according to the Medieval *droit de seigneur* or *jus primae noctis* – the alleged legal right allowing the lord of an estate to take the virginity of his serfs' maiden daughters – any effort to cheat a lord of his rightful night of pleasure would constitute an injustice. This can't be right.
3. Thomas Simon (1995) argues that injustice can take priority over justice in four senses: empirically, temporally, psychologically, and morally.
4. These were not isolated efforts. In 1842 Edwin Chadwick published his report *The Sanitary Conditions of the Labouring Population*, where he argued that disease (such as the influenza and typhoid epidemics of 1837 and 1838) were directly related to living conditions. Over 7,000 copies of the report were published.
5. This point is lost on Thomas Carlyle, who in a letter to Mrs. Gaskell (dated 8 November 1848), while praising her work, invites her to be more concise: 'Your writing is already very beautiful, soft, clear, and natural: only learn evermore.... to be *concise*; I mean not in words only, but in thought and conception; to reject the unessential more and more, and retain only the essential, at whatever cost of sacrifice: – this, well understood, is really the Law and the Prophets for a Writer!' in Gaskell (2008, 359).
6. Although in her second novel, *Ruth*, Elizabeth Gaskell makes a reference to justice as something referring to equal rights: 'She had her ideas of justice, too: but they were not divinely beautiful and true ideas; they were something more resembling a grocer's, or tea-dealer's ideas of equal right. A little over-indulgence last night was to be balanced by a good deal of over-severity to-day; and this manner of rectifying previous errors fully satisfied her conscience' (chapter 2, 19–20).
7. At the same time, it has been suggested that Gaskell's work is superior to Engels's. Thus John Lucas makes a convincing argument that 'she understands things that he doesn't, knows about matters of which he's inevitably ignorant, and therefore implicitly challenges his position'. Lucas is far from being overwhelmed by Engels's powers of observation and analysis: 'In a

word, he doesn't know enough' (John Lucas, 'Why We Need *Mary Barton*', in Gaskell 2008, 504 and 505).

8. Other authors include A. D. Wozzley (1973), J. Shklar (1990), T. Simon (1995), G. Cupit (1996), E. Kallen (2004). There are of course many other works that touch upon issues of injustice, including of course John Stuart Mill's *Utilitarianism*: 'The most marked cases of injustice, and those which give the tone to the feeling of repugnance which characterizes the sentiment, are acts of wrongful aggression, or wrongful exercise of power over some one' (1972, 62).
9. On the close affinity between inequality and injustice, see D. Dorling (2010).
10. Radical inequality occurs when the worse-off are very badly off in absolute and relative terms, and the inequality is impervious, pervasive, and avoidable.
11. Although Pogge disagrees with Rawls on many other issues – see Pogge (2008), ch. 1 'Human Flourishing and Universal Justice'.
12. See for example R. Norman (2002), who argues that inequalities are unjust and therefore wrong. See also J. Galtung (2009), who not only tends to equate violence with injustice, but injustice with inequality.
13. Exploitation: 'a steady process of the transfer of the results of the labor of one social group to benefit another' (Young 1990, 49); Marginalization: 'A whole category of people is expelled from useful participation in social life and thus potentially subjected to severe material deprivation and even extermination' (Ibid., 53); Powerlessness: 'The powerless are those who lack authority or power ... those over whom power is exercised without their exercising it; the powerless are situated so that they must take orders and rarely have the right to give them' (Ibid., 56); Cultural imperialism: 'To experience cultural imperialism means to experience how the dominant meanings of a society render the particular perspective of one's own group invisible at the same time as they stereotype one's group and mark it out as the Other' (Ibid., 58–59); Violence: 'members of some groups live with the knowledge that they must fear random, unprovoked attacks on their persons or property, which have no motive but to damage, humiliate, or destroy the person' (Ibid., 61).
14. Young and Fraser's preoccupation with groups rather than individuals is also problematic. For Young and Fraser, the politics of identity is the politics of group identity, not personal identity. But why? It is true that groups can be the victims of injustice, but sometimes one gets the impression that Young and Fraser consider only group injustice, neglecting a more individualistic approach. The emphasis on culture has a lot to explain, for, indeed Young seems to define a social group in terms of culture: 'a collective of persons differentiated from at least one other group by cultural forms, practices, or way of life' (1990, 43). It seems to me that while a comprehensive analysis of injustice must take into account the experience of groups, ultimately our interest in the group injustice rests in the way this feeds into the injustice of exclusion experienced by individuals within that group. The focus on group identity is also, in my view, the major weakness in T. Simon's (1995, 30) definition of social injustice: 'social injustice consists of an infliction of social harm upon relatively powerless individuals because of their negative group identity'.

15. My account of injustice differs slightly from Cupit's in the fact that I stress the *disempowerment* of the victim of injustice, whereas Cupit seems more interested in issues of *status*. Of course status is a form of power, but there is more to power than status. Also, Cupit is far more sympathetic to a conception of justice as desert than I would be.
16. On this issue, see Bufacchi (2007), ch. 7, 'Violence and Social Justice'.
17. In *Leviathan*, Ch.VIII, [15], Thomas Hobbes (1994, 41) says that our desire for power, riches, knowledge, and honour 'may be reduced to the first, that is, desire of power. For riches, knowledge, and honour are but several sorts of power'.
18. Simon (2005, 73) refers to genocide as 'the paradigmatic injustice'.

2 Why Political Philosophy Matters: The Imperative of Social Injustice

1. See R. Plant (1991); N. Barry (1995); S. Buckler (2003).
2. It ought to be said that 'wealth' is singled out by John Rawls as one of the five key primary goods which are to be distributed fairly according to his principles of justice: rights, opportunities, income, wealth, and the bases of self-respect. At the same time, Rawls does not discuss the issue of wealth at any great length, and political philosophers have not picked up on this issue as much as they should have.
3. D. Teather (2005).
4. H. Stewart (2005).

3 Studying Social Injustice: The Methodology of Empirical Philosophy

1. I am grateful to Suzanne Uniacke and Des Clarke for her comments on an earlier version of this paper.
2. D. M. Rosenthal and F. S. Hehadi (1988).
3. Singer is also committed to the act of 'applying', as the opening sentence of the first chapter of his book *Practical Ethics* shows: 'This book is about practical ethics, that is about the application of ethics or morality – I shall use the terms interchangeably – to practical issues', (Singer 1979, 1).
4. This distinction between theory-driven and problem-driven methods is taken from D. Green and I. Shapiro (1994), pp. 6–7.
5. Having said that, one should also add that Russell himself did not hold his claim about *a priori* philosophical propositions consistently.
6. J. Cottingham, R. Stoothoff, D. Murdoch, A. Kenny (1991, 40), p. 40.
7. *Ibid.*, p. 134.
8. See E. Mandel (1970); J. Reiman (1987); J. Roemer (1982 and 1994). For a non-Marxist theory of exploitation, see H. Steiner (1984).
9. See K. B. Warren (1978); T. Melville and M. Melville (1971); M. McClintock (1985). See also C. Gómez and M. Ángel (1994).
10. Inequality in land holding is one of the most distinctive features of life in Guatemala today. The latest report from the United Nations Human Development Report estimates that 65% of productive land is in the hands

- of 3% of the population, a situation which has not changed in the past 30 years. See *Caribbean and Central America Report*, 31 October 2000. See also Guatemala Solidarity Network (1998).
11. See The World Bank (2003).
 12. *Mesoamérica*, ICAS (Institute for Central American Studies), Vol. 19, No. 8, August 2000. Maquilas (or maquiladoras) are assembly plants where companies (usually foreign) import raw materials of product parts for assembly and export the finished product. See also 'Plan to Entranch Inequality: Guatemala and the Free Trade Area of the Americas', in *Report on Guatemala*, Vol. 22, No. 2, Summer 2001.
 13. Tumin's empirical field-work shows that the average *ladino* family earns about \$150 a year, including the value of the food products raised, while the average Indian family earns about \$75 a year. Hired farm hands (*jornaleros*) receive 15 cents a day and food if *ladino*, but only 10 cents a day if Indian. See M. Tumin (1952).
 14. 'Those of the middle class of San Martin treat us as if we were irrational animals. They have us very oppressed, and they are very contemptuous of us'; J. D. Sexton (1985, 70). This is a detailed and faithful account of life as a Guatemalan Indian peasant. See also R. Menchú (1984), p.21; p. 92; p. 94.
 15. On humiliation of the indigenous Indians, see B. Manz (1988, 140); G. Black (1984, 81 and 38).
 16. As Diane M. Nelson (1999) rightly points out, economic reductivism down-plays racism.
 17. See A. W. Wood (1995, pp.150–151).
 18. J. Elster (1984). On this issue Elster is influenced by the work of Hegel and Sartre.
 19. Clearly it is often difficult to distinguish the Marxist model of exploitation, based on an economic incentive, from the non-economic motive to humiliate and degrade another human being. The two motives are often so closely intertwined as to appear one and the same. Thus a *ladino* landowner may extract an economic advantage by exploiting an indigenous Indian, while also degrading and humiliating the indigenous Indian in the process. Yet the economic and non-economic motives are independently valid, pointing to two different ways of understanding the phenomenon of exploitation.

4 The Injustice of Exploitation

1. The research for this article was made possible by the Arts Faculty Research Fund, at University College Cork. An earlier version of this paper was presented at University College Galway. I am grateful to the audience at Galway, and Felix O'Murchadha in particular, for their comments on an earlier draft of the article.
2. Today most Marxists, or at least those who are not afraid to argue for a Marxist theory of justice, see exploitation as fundamentally unjust. This is the view of Jon Elster (1986, 79), who claims that 'exploitation is a normative concept that is part of a wider theory of distributive justice.'
3. Of course, I am aware that Marxism has regrettably gone out of fashion in recent years, and it is possible that contemporary students of politics have

not been urged to read works by or on Marx. Ernest Mandel (1970, 23–24), an influential Marxist luminary writing in the '60s and '70s, explains the concept of exploitation, or surplus-value, in the following terms: 'Surplus-value is simply the *monetary form of the social surplus product*, that is to say, it is the monetary form of that part of the worker's production which he surrenders to the owner of the means of production without receiving anything in return' (emphasis in original). For more recent accounts of the classic Marxist analysis of exploitation, see J. Reiman (1987).

4. Roemer's theory of exploitation is much more complex, and much more sophisticated, than suggested by my brief overview. The *locus classicus* of Roemer's theory remains his *A General Theory of Exploitation and Class* (1982). He has since slightly changed his position; therefore see also Roemer (1988 and 1994).
5. Rawls (1972) would agree, as his often neglected account of moral psychology in Part III of *A Theory of Justice* testifies.
6. Brian Barry (1995) is absolutely right when he reminds us that any theory of justice must address the question: 'What is the motive for behaving justly?' Indeed, the issue of the motives of justice is central to many contemporary debates on social justice.
7. It is interesting to note that Steiner explicitly rejects going down the road of motives, dismissing any claim based on psychological generalizations, such as statements about the motivational factors underlying individuals' behaviour. Steiner's intransigent rejection of psychological generalizations is perplexing. Apart from the fact that questions of moral motives are central to our concerns for social justice (and therefore also exploitation), the circumstances of exploitation and the motives of exploitation are two sides of the same coin. That is to say, one of the reasons why it is important for just institutions to be in place is exactly because the institutional setup of a just society will, amongst other things, motivate people to act justly. Samuel Scheffler (1992, 138) makes the important point that 'social institutions have a role to play in fostering those beliefs that are in turn required if certain basic sorts of human relationship are to flourish.' The fact that the circumstances of justice inspire the motives of justice should alert us to the possibility that the circumstances of exploitation affect our motives of exploitation.
8. I should add that 'motivational approach' is my terminology, not one used by Wood. I don't know whether Wood would agree with the use of this terminology.
9. Steiner (1987) elaborates on his views on the concept of 'value' in relation to exploitation.
10. On the concept of energy, especially as it applies to Lockean theory of labour-mixing, see Waldron (1988, 184–191). See also N. Geras (1991) and H. Steiner (1994, 231–236).
11. Bernard Gert (1998, 90) argues that 'there is a close relationship between the objects of irrational desires and evils. In fact, an evil or a harm can be initially defined as the object of an irrational desire.'
12. For two outstanding recent studies on power, see Morriss (1987) and Dowding (1991).
13. I am grateful to Jools Gilson-Ellis for making me aware of this book.

5 Torture, Terrorism, and the State: A Refutation of the Ticking-Bomb Argument

1. Research for this paper was made possible thanks to the support of the Irish Research Council for the Humanities and Social Sciences (IRCHSS), and the Arts Faculty Research Award at University College Cork. An earlier version of the paper was presented at the Department of Government at Dartmouth University. We are grateful to two anonymous referees, and to Anne Sa'adah, Allan Stam, and Federico Varese for their helpful suggestions and comments on an earlier version of the paper. Material has been drawn from J. M. Arrigo's (2004) earlier paper.
2. In [Chapter 1](#) I argued that not everything that is morally wrong is unjust, since social injustice deals with a specific set of issues (the maldistribution of rights, privileges, powers, and opportunities; exclusion; and disempowerment) that are a subset of the more general category of moral wrongness. As Brian Barry (1989a, 291) said, 'it would jar our linguistic sensibilities to say that murder was unfair.' Torture is a case in point. While torture is morally unjustifiable, and perhaps even a violation of human rights, it does not *per se* constitute a case of social injustice. As this piece was co-authored with Jean Maria Arrigo, I decided to re-print it here without making any substantial changes to the original version published in *Journal of Applied Philosophy*, Vol. 23, No. 3, 2006, 355–373.
3. D. Luban (2002).
4. A similar 'absolutist' position is defended by M. Strauss (2003–2004); C. Tindale (1996); E. Scarry (1985).
5. There is a vast legal literature on torture in international law. For a legal history of torture, see J. Langbein (2004). See also B. M. Klayman (1978); A. Byrnes (1992); A. Boulesbaa (1999).
6. Amnesty International, Amnesty International Report 2003, London.
7. 5 See Mayer (2005); Grey and Cobain (2005).
8. E. Peters (1996).
9. On Algeria see R. Maran (1989); P. Aussaresses (2002); Shatz (2002). On Guatemala see V. Sanford (2003). On Argentina see G. Rogers (1988–89). On the responsibility of the USA for tortures in Latin America, see T. Kepner (2000–01). On Iraq see M. Danner (2005).
10. In Abu Ghraib, Iraqi prisoners had shit smeared on them, they were half-drowned in vats of urine, and forced to eat meals that have been dumped in the toilet; see Danner *op. cit.*
11. See also Amnesty International, Amnesty International Report 1992, London.; X. Bunster-Burrotto (1986).
12. C. Sung (2003).
13. On rape as a form of torture, it is worth mentioning that still today the international community does not recognize rape by a public official as an act of torture, even though rape has all the characteristics of the definition of torture given by the UN Torture Convention; see Blatt (1992).
14. A. M. Dershowitz (2003–2004, 227): 'Let me once again – for perhaps the dozenth time – state my actual view on torture, so that no one can any longer feign confusion about where I stand, though I am certain the "confusion" will persist among some who are determined to argue that I am

- a disciple of Torquemada. I am generally against torture as a normative matter, and I would like to see its use minimized.'
15. For Bentham's writings on torture, as well as a detailed commentary on Bentham's justification of the use of torture, see W. L. Twining and P. E. Twining (1973).
 16. In a more recent piece, after discrediting the thought-experiment of the ticking-bomb argument, Shue (2003) makes the point that if asked to decide what to do with a terrorist who allegedly has information of a ticking bomb, he would say 'Let's risk it – let's gamble that we can honor our principles and that the children (and old men) will not only not die but will live in civilized countries'.
 17. There are of course many others who defend a similar line, for example, Gross (2003–2004) argues that we should consider the possibility that truly exceptional cases may give rise to official disobedience, whereby public officials may act extralegally and be ready to accept the legal ramifications of their actions: O. Gross (2003–2004). See also B. Hoffman (2002); A. Moher (2003–2004).
 18. See also J. Parry (2003); J. Parry and W. White (2002).
 19. A. M. Dershowitz (2002) uses different examples, from the scenario of law-enforcement officials arresting terrorists boarding one of the airplanes (of the September 11 disaster) and learning that other planes, then airborne, were headed towards unknown occupied buildings, to the capture of a terrorist who refuses to divulge information about the imminent use of weapons of mass destruction, such as a nuclear, chemical, or biological device.
 20. J. M. Arrigo (2005).
 21. This distinction can be found in Shue (1977–1978).
 22. Sanford (2003, 166–167) recounts what happened in the town of Nebaj in 1981 after the army interrogated more than 300 Maya men: 'After the massive interrogation, there were daily disappearances as well as the discovery of mutilated bodies along the street each morning. "They were everywhere" says Don Leonel, "in the streets and hanging in the parks. The only thing that was certain was that each day there were more dead".'
 23. See A. Biletzki (2001). That terrorism flourished despite the extensive resort to torture is of course a counterfactual claim that is virtually impossible to prove or disprove on empirical grounds; on this specific question see B. Cohen (2001).
 24. Personal communication to J. M. Arrigo from Harold William Rood, 17 February 2006.
 25. Editorial, 'Towards a Realistic Interrogation Policy', *Washington Times*, 11 March 2005 [Electronic version].
 26. The work of forensic psychologists in this field suggests that highly coercive interrogations lead to increased numbers of false confessions. See G. H. Gudjonsson (2003), S. M. Kassin and G. H. Gudjonsson (2004), S. M. Kassin (1997, 2005).
 27. T. B. Allen and N. Polmar (1995).
 28. This section of the chapter draws from J. M. Arrigo (2004).
 29. L. Hart (2005).
 30. See P. Vesti and F. E. Somnier (1994).
 31. H. Döcker (2002).

32. R. J. Lifton (2004); S. Miles (2004).
33. See S. Qouta, R.-L. Punamaki, and E. E. Sarraj (1997).
34. N. Zeeberg (1998).
35. E. Byrd (2000).
36. H. M. Weinstein (1990).
37. US Senate, 'Select Committee on Intelligence and Subcommittee on Health and Scientific Research of the Committee on Human Resources', Project MKULTRA: The CIA's Program of Research in Behavioral Modification (Washington, DC: US Government Printing Office, 1977).
38. F. Bowers (2002) – statistics quoted from FBI Director R. Mueller.
39. E. Lichtblau (2003).
40. N. J. Gordon and W. L. Fleisher (2002).
41. M. Haritos-Fatouros (1993); W. S. Heinz (1993); F. Allodi (1993); S. Cohen and D. Golan (1991).
42. M. Haritos-Fatouros (2005).
43. M. K. Huggins, M. Haritos-Fatouros, and P. G. Zimbardo (2002).
44. L. Wechsler (1991).
45. W. S. Heinz (1993)
46. See W. Schrepel (2005). It is also not clear how the torture interrogation programme will be terminated when the War on Terror has been won. Military wisdom cautions that the long-term potential of a weapon or tactic is more important than its initial purpose. See Kane (2002).
47. A. M. Dershowitz (2001). For a fuller account, see A. M. Dershowitz (2002).
48. Strauss (2003–2004); Sung (2003).
49. Cohen (2001)
50. N. MacMaster (2002, 12) goes on to say, 'historically, whenever states started on the slippery slope of enabling a restricted or "controlled" use of duress, this inevitably deteriorated into a monstrous system of brutality.'
51. Heinz (1993, 95).
52. Heinz (1993, 87).
53. M. Gur-Arye (1989).
54. A. Lewis (2004).
55. L. E. Fletcher and H. Weinstein (2002, 615 and 625).
56. R. Toliver (1997).
57. Associated Press (2003).
58. *The Strategy Page* (2005).
59. W. D. Casebeer and J. A. Russell (2005).
60. H. Shue (2003) makes all these points: 'We imagine we have exactly the person we need – not some poor devil who looks like him to agents who have parachuted in from another culture. We imagine that the person we hold knows exactly what we need to know – not out-of-date information overtaken by events. We imagine that the person will reveal exactly what we need-not simply vomit and die, or descend into a psychotic state... We imagine that the information that will be revealed will be sufficient to prevent the terrible catastrophe – not that the catastrophe will simply be re-scheduled for a different time or place.'
61. R. Oravecs, L. Hárđi and L. Lajtai (2004).
62. I. Deák (2004), pp. 78–81.
63. Kane (2002).

6 The Enlightenment, Contractualism, and the Moral Polity

1. I will discuss contractarian accounts of social justice later on in this chapter. For an illuminating attempt to argue that contractualism can be employed at the level of philosophical enquiry in order to explain the nature of morality, see T. Scanlon (1992).
2. Chandran Kukathas (1989, 85) reminds us that according to Sandel and Wolff, 'liberalism has long been derided as a political philosophy which lacks any theory of society, the implication being that it can therefore contribute very little to the discussion of questions concerning the nature of the good society and the place of the individual in the social order'.
3. The same is true of the young Michel Foucault, although in the light of some of his final essays, his position on this question is more ambiguous. On Foucault and the Enlightenment, see M. Passerin d'Entreves (2000).
4. MacIntyre (1985, 43) defines the Enlightenment project in terms of the attempt to provide a rational foundation for and justification of morality.
5. For example Adam Smith and David Hume in Scotland, and Voltaire in France.
6. For a critique of MacIntyre's assessment of the Enlightenment, see R. Wokler (1994).
7. J. Habermas (1987).
8. See J. Waldron (1993).
9. Iain Hampsher-Monk (1992, 307) reminds us that although Bentham is often thought of as an English 19th century thinker 'in fact his roots lie deep in the eighteenth-century European Enlightenment.' See also J. H. Burns (1984).
10. Referring to the social contract, Bentham says that 'The indestructible prerogatives of mankind have no need to be supported upon the sandy foundations of a fiction'; quoted in D. Boucher and P. Kelly (1994, 21).
11. In formulating this definition of the contractarian enterprise I have found two recent articles by Samuel Freeman very helpful: Freeman (1990, 1991).
12. See J. Waldron (1993, 43–50).
13. See A. Baumeister (2000).
14. See I. Kant (1983 [1784]).
15. 'The eighteenth century doctrine of the state and society only rarely accepted without reservations the content of Hobbes's teaching, but the form in which Hobbes embodied this content exerted a powerful and lasting influence.' E. Cassirer (1951, 19).
16. There are of course exceptions to this rule. See J. Hampton (1986), R. Hardin (1991).
17. See K. Flikschuh (1997).
18. Analogous accounts to Kymlicka's can also be found in J. Hampton (1991, 33) and M. Lessnoff (1990, 15).
19. Self-preservation is thus both a moral imperative and a selfish motivation.
20. This is the interpretation one finds in D. Gauthier (1969), J. Hampton (1986), and G. Kavka (1986). For an alternative account, see R. Tuck (1989).
21. T. Hobbes *Leviathan* (1968 [1651], 63).

22. It should be said that in the 17th century the language of natural laws often implied moral imperatives, especially in the works of those following in the Christian and Aristotelian tradition. Hobbes adopts the notion of natural law, but strips it of all moral connotations.
23. The reason why Kant is keen to discredit Hobbes's social contract is essentially the following: he feels that under Hobbes's contract the head of state has no contractual obligation towards the people, while Kant wants to emphasize that the people too have inalienable rights against the head of state. It is because Kant believes in such inalienable rights that his contract is based on *a priori* principles.
24. 'But reason provides a concept which we express by the words *political right*. And this concept has binding force for human beings who coexist in a state of antagonism produced by their natural freedom ... Thus it is based on *a priori* principles, for experience cannot provide knowledge of what is right, and there is a *theory* of political right to which practice must conform before it can be valid.' I. Kant (1991, 86, emphasis in original).
25. This again raises the question whether Kant is a social contract theorist. I shall leave this question unanswered.
26. As Jean Hampton (1991, 36) rightly points out, according to Hobbes, 'morality is a human-made institution, which is justified only to the extent that it effectively furthers human interests.'
27. Gauthier points out that a similar project has been entertained by Rawls and Harsanyi, although he rightly explains that the claims made by Rawls and Harsanyi of this effect 'are stronger than their results warrant'; D. Gauthier (1986, 4).
28. Gauthier is clearly trying to deduce the 'ought' (moral choices) from the 'is' (rational choices).
29. 'But in identifying rationality with the maximization of a measure of preference, the theory of rational choice disclaims all concern with the ends of action. Ends may be inferred from individual preferences; if the relationship among these preferences, and the manner in which they are held, satisfy the conditions of rational choice, then the theory accepts whatever ends they imply'. D. Gauthier (1986, 26).
30. Here I am following Kenneth Baynes's simple but accurate analysis. See K. Baynes (1992). I am grateful to Maurizio Passerin d'Entreves for pointing out this article to me.
31. In other words, citizens can be effectively motivated by the appropriate conception of justice.
32. In other words, citizens have their own conceptions of the good which motivate them and give them a sense of purpose in life.
33. Rawls is the first to admit that there is a discrepancy between his own theory, which he describes as Kantian, and Kant's own theory. See J. Rawls (1979, 18).
34. I am referring to Onora O'Neill's (1993, 184) claim that 'Rawls's constructivism assumes a quite different account of rationality from Kant's. Rawls identifies the principles that *would* be chosen by instrumentally rational beings to whom he ascribes certain sparsely specified ends – not the principles that *could* consistently be chosen regardless of particular ends.' I think what O'Neill says is true of Rawls's *A Theory of Justice*, although he has moved

- away from that position since 1971, especially in his 1980 Dewey Lectures on 'Kantian Constructivism and Moral Theory'.
35. 'Reasonable persons, that is ... persons who have realized their two moral powers ...', J. Rawls (1989a, 236).
 36. Rawls (1993, 50–52).
 37. 'As the text suggests, I shall regard Locke ... Rousseau ... and Kant ... as definitive of the contract tradition. For all of its greatness, Hobbes's *Leviathan* raises special problems.' J. Rawls (1972, 11n).
 38. Rawls claims that a contractarian views society as 'a cooperative venture for mutual advantage'; J. Rawls (1972, 4). Not surprisingly David Gauthier is happy to echo Rawls regarding the question of social cooperation.
 39. On Rawls's two theories of justice, see B. Barry (1989). The argument that follows was strongly influenced by Barry's analysis.
 40. With this formula Rawls is probably trying to capture Kant's notion of *vernünftig*, which as we have seen covers both the reasonable (a well-ordered society) and the rational (a scheme of cooperation for reciprocal advantage).
 41. The complexity of Gauthier's account of impartiality are analyzed by D. Copp (1991). See also M. Moore (1994), who argues that Gauthier fails to reconcile the two elements of his moral theory, namely the rationality requirement and the impartiality requirement.
 42. Rawls (1985, 232–233) also says, 'Justice as fairness starts from the idea that society is to be conceived as a fair system of cooperation.'

7 Motivating Justice

1. Earlier versions of this article were presented at Yale University; University of Colorado, Boulder; University of York; University College Dublin, Trinity College Dublin; and at the APSA Meeting (Boston, September 1998). I am grateful to Iseult Honohan, Attracta Ingram, Susan Mendus, Claudia Mills, Philippe Van Parijs, Federico Varese, Andrew Williams, and the editors of *Contemporary Political Theory* for their comments on earlier versions of this article. I am especially grateful to Dario Castiglione, who read many drafts of this paper, and saved me from several blatant errors.
2. To be precise, Barry (1995, 46) argues that a theory of justice may be characterized by its answer to three questions: 'First, what is the motive (are the motives) for behaving justly? Secondly, what is the criterion (are the criteria) for a just set of rules? And thirdly, how are the answers to the first two questions connected?'
3. Gibbard calls this the Hume–Ramsey theory of rationality, which is the Humean idea of instrumentality combined with Ramsey's emphasis on formal coherence of preferences.
4. The fact that Rawls allows for both rationality and reasonableness suggests perhaps that he is not indifferent to a Humean position. His endorsement of Hume's conditions of justice is also indicative. On the affinity between Rawls and Hume on justice, see Barry (1989a, 145–178). See also Rawls's chapter on Hume in Rawls (2000).
5. For a more detailed analysis of rationality and reasonableness, see Bufacchi (1998).

6. The distinction between lower and higher order is taken from de Wijze (2002, 175), who identifies 'a political notion of reasonableness understood as a higher order concept with its own normative and epistemological content'.
7. Moore (1994) rightly chastizes Gauthier for committing the naturalistic fallacy. See also Barry (1995), Buchanan (1990), and Lehning (1990).
8. On this point, see Barry (1995, 56–57).
9. Political philosophers have always put faith on moral education to solve their problems. For an account of moral education in Enlightenment thought, from Locke to Helvetius, see Parry (2000).
10. My views on what a neo-Humean theory of justice may look like have been significantly influenced by Simon Blackburn's (1998) outstanding book *Ruling Passions*.
11. For a direct comparison between Kant and Hume on moral motivations, see Thomas (1988) and Nagel (1970).
12. On this point, see Nagel (1970, 10).
13. On the human potential for both good and evil, explored within the context of the rescue of Jews from Nazi-occupied Europe, see Geras (1998).
14. This is of course Rawls's (1972, 2–3) famous definition of social justice, which has almost universally been endorsed in contemporary debates on justice.
15. 'The explanation of why [justice as fairness] is practicable must be of the right kind. The problem of stability is not that of bringing others who reject a conception to share it, or to act in accordance with it, by workable sanctions, if necessary, as if the task were to find ways to impose that conception once we are convinced it is sound' (Rawls, 2001, 186).
16. 'Actual people' refers to you and me, not the 'artificial persons' that represent us in the original position.
17. That social institutions have a role to play in fostering beliefs in justice and equality is a view that is slowly gaining favour among egalitarians. For example, Scheffler (1992, 137 and 138) argues that neither the prevalence of the relevant psychological structures nor the degree of conflict between morality and the agent's interests is fixed and immutable; instead 'both are strongly influenced by social institutions and practices that are not themselves unchangeable.' Furthermore, 'social institutions have a role to play in fostering those beliefs that are in turn required if certain basic sorts of human relationship are to flourish.'
18. See Kant (1970) and Postema (1989).
19. Quoted in Goodin (1992, 126).

9 Sceptical Democracy

1. I am grateful to Geraint Parry, Michael Saward, and Lena Wilson for written comments on an earlier version of this paper. Usual disclaimers apply.
2. See Friedrich and Brzezinski (1966); Friedrich, Curtis, Barber (1969); Shapiro (1972); Taylor (1993).
3. See Jones (1990) and the debate on 'Islam and Liberal Democracy' in *Journal of Democracy*, Vol. 7, No. 2, 1996.

4. For an uncompromising critique of Nietzsche, see Nussbaum (1997).
5. See Dahl (1989), Beetham (1994), and Saward (1996).
6. I fully agree with Beitz (1989, 17n) that the perennial dispute about the definition of democracy is largely fruitless.
7. Dworkin (1983, 47) claims that scepticism ‘argues that beliefs about how people should live are merely “subjective” and have no “objective” validity’. See also Dworkin (1985, 1986, 1996) and his entry on ‘Moral Scepticism’ in Honderich (1995).
8. For a defence of impartiality in dealing with cultural diversity, see Jones (1998).
9. On imperfect procedures and the legal system, see Rawls (1972), 83–90. Acknowledging the imperfect nature of legal procedures is an endorsement of political scepticism. It is also one possible argument for the undemocratic nature of the death penalty as a form of punishment.

11 Voting, Rationality, and Reputation

1. I am grateful to Michael Laver, Einar Overbye, and especially Federico Varese for invaluable comments and suggestions on earlier drafts of this paper. Usual disclaimers apply.
2. With the insight of someone writing more than 50 years later, I have often questioned the rationality behind Downs’ decision to make the reader aware of this paradox, considering that by doing so Downs has seriously threatened to falsify the very paradigm that the rest of the book was trying to defend, but because of its speculative nature this question is perhaps best left under-researched.
3. For an overview of the literature, see D. Mueller (1989, ch.18); M. Laver (1997, ch.5); J. Aldrich (1997).
4. In fact, in some contexts it may even enhance someone’s reputation not to vote: ‘If the common view among one’s (perceived) principals is that “all politicians are crooks” voting may well jeopardize a person’s reputation’, E. Overbye (1995, 377).
5. On this point, see C. Uhlaner (1989).
6. M. Laver (1997, 97).
7. Laver raises a similar perplexity. He questions whether doing a clearly irrational act, such as voting, would be seen as a positive indication of one’s worth. What I am suggesting is not that voting is irrational, but that it is rational for the wrong reasons, namely to make us look better than we really are.
8. D. E. Campbell (1995, ch. 4).
9. E. Ostrom (1998), emphasis in original. See also Campbell (1995), ch. 4; S. H. Heap and Y. Varoufakis (1995), ch.6; Kreps (1990), ch.4.
10. E. Overbye Risk and Welfare, *NOVA* (Norsk institutt for forskning om oppvekst, velferd og aldring) Rapport 5/98, p.281. This includes a revised and amended version of the article which first appeared in the *European Journal of Political Research* in 1995. The quote did not appear in the original version.
11. See P. Morriss (1987), Part I.

12. On the distinction between *outcome and social power*, see K. Dowding (1991) and K. Dowding (1996). On the bargaining approach to political power, see J. Harsanyi (1976).
13. See K. Dowding, P. Dunleavy, D. King, and H. Margetts (1995, 272–274).
14. There is, of course, a growing literature on reputation, threats, and the credibility of threats. See D. Gambetta (1994); D. Kreps (1990, 65–77).
15. For a brief account of the chain-store paradox in game theory, see P. Ordeshook (1992, 247–249).
16. Nozick's distinction between instrumental and symbolic rationality seems to echo T. Scanlon's (1988) distinction between the instrumental and symbolic value of choices. Emphasis in original.
17. As Hobbes (1994, 50) reminds us: 'For the nature of [instrumental] power is in this point like to fame, increasing as it proceeds'.
18. On 14 July 1948, the Holy Office issued a decree prescribing excommunication on all 'the faithful who profess communist, materialist and anti-Christian doctrines and all those who defend or propagate them'. See P. A. Allum (1973, 58–61).
19. In the revised version of his original article, Overbye suggests that his solution can be regarded as a supplement, or alternative, to Coleman's attempt to explain voting in terms of a social norm. See 'Risk and Welfare', *NOVA* (Norsk institutt for forskning om oppvekst, velferd og aldring) Rapport 5/98, p.291.

13 Socialism in the 21st Century: Liberal, Democratic, and Market Oriented

1. This question was originally posed by Norberto Bobbio in 1976, during the cold war, at a time when historical circumstances were very different. The same question is still pertinent today, albeit for different reasons, as are Bobbio's reflections on the problem. See Bobbio (1987).
2. See Joshua Cohen (1989b, 41). At the same time Joshua Cohen holds major reservations regarding Roemer's Market Socialism. See Joshua Cohen and Joel Rogers (1993).
3. See Bobbio (1987b, 106). Peter Abell (1989) argues that socialism has not paid enough attention to the concept of freedom, as reflected by the fact that there is no mention of matters concerning liberty in the Marxian principle of justice, 'from each according to ability, to each according to need'.
4. For a critique of the welfare state from the Left, see Julian le Grand (1999). For the idea of an unconditional basic income see Philippe Van Parijs (1995).

Bibliography

- Abell, P. (1989). 'An Egalitarian Market Socialism', in J. Le Grand and S. Estrin (eds) *Market Socialism*, Oxford: Oxford University Press.
- Aldrich, J. (1997). 'When Is It Rational to Vote?' in D. Mueller (ed.) *Perspectives on Public Choice*, Cambridge, Cambridge University Press.
- Allen, T. B. and Polmar, N. (1995). *Code-Name Downfall: The Secret Plan to Invade Japan and Why Truman Dropped the Bomb*, Simon & Schuster, New York.
- Allodi, F. (1993). 'Somoza's National Guard: A Study of Human Rights Abuses, Psychological Health and Moral Development', in F. D. Crelinsten and A. P. Schmid (eds) *The Politics of Pain Torturers and their Masters*, Leiden, The Netherlands: Center for the Study of Social Conflicts.
- Allum, P. A. (1973). *Italy – Republic Without Government?* New York: Norton.
- Amnesty International (2003) *Amnesty International Report 2003* (London).
- Amnesty International (1992) *Amnesty International Report 1992* (London).
- Anderson, W. H. (2004). 'Terrorism – Underlying Causes', *The Intelligencer* [Journal of the Association of Former Intelligence Officers], Vol. 14, No. 1.
- Arrigo, J. M. (2005). *Correspondence between a U.S. Counterintelligence Liaison Officer and Jean Maria Arrigo, September 2002 – August 2005*, Intelligence Ethics Collection, Hoover Institution Archives, Stanford University, Stanford, CA.
- Arrigo, J. M. (2004). 'A Utilitarian Argument Against Torture Interrogation', *Science and Engineering Ethics*, Vol. 10.
- Associated Press (2003). 'Saudi Interrogators Use New Technique', *Washington Post*, 1 December.
- Audi, R. (1989). *Practical Reasoning*, London: Routledge.
- Aussaresses, P. (2002). *The Battle of the Casbah: Terrorism and Counter-terrorism in Algeria 1955–1957*, New York: Enigma Books.
- Banfield, E. (1958). *The Moral Basis of a Backward Society*, Glencoe, IL: The Free Press.
- Barber, B. (1984). *Strong Democracy: Participatory Politics for a New Age*, Berkeley: University of California Press.
- Barry, B. (1965). *Political Argument*. London: Routledge & Kegan Paul.
- Barry, B. (1989a). *Theories of Justice*, Berkeley: California University Press.
- Barry, B. (1989b). 'The Ethics of Resource Depletion', in B. Barry, *Democracy, Power and Justice: Essays in Political Theory*, Oxford: Oxford University Press.
- Barry, B. (1989c). 'The Continuing Relevance of Socialism', in *Democracy, Power and Justice: Essays in Political Theory*, Oxford: Oxford University Press.
- Barry, B. (1990). *Political Argument: A Reissue with a New Introduction*. Hemel Hempstead: Harvester Wheatsheaf.
- Barry, B. (1995). *Justice as Impartiality*. Oxford: Oxford University Press.
- Barry, B. (1997). 'The Attractions of Basic Income', in J. Franklin (ed.) *Equality*, London: Institute for Public Policy Research.
- Barry, B. (2005). *Why Social Justice Matters*, London: Polity.
- Barry, N. (1995). *An Introduction to Modern Political Theory*. Basingstoke: Palgrave Macmillan.

- Baumeister, A. (2000). 'Kant: The Arch-Enlightener', in N. Geras and R. Wokler (eds) *The Enlightenment and Modernity*, Basingstoke: Palgrave Macmillan.
- Baynes, K. (1992). 'Constructivism and Practical Reason in Rawls', *Analyse & Kritik*, Vol. 14.
- Beccaria, C. (1995). *On Crimes and Punishments and Other Essays*, Ed. R. Bellamy (Cambridge: Cambridge University Press).
- Beetham, D. (ed) (1994). *Defining and Measuring Democracy*, London: Sage.
- Beitz, C. (1989). *Political Equality*, Princeton, NJ: Princeton University Press (1989).
- Berlin, I. (1969). *Four Essays on Liberty*, 2nd edn. Oxford: Oxford University Press.
- Biletzki, A. (2001). 'The Judicial Rhetoric of Morality: Israel's High Court of Justice on the Legality of Torture'. Electronic version. Unpublished paper. *Occasional Papers of the School of Social Science, No. 9*. Tel Aviv University, Tel Aviv, Israel.
- Black, G. (1984). *Garrison Guatemala*, London: Zed Books 1984.
- Blackburn, S. (1998). *Ruling Passions*. Oxford: Oxford University Press.
- Blatt, D. (1992). 'Recognizing Rape as a Method of Torture', *New York University Review of Law and Social Change*, Vol. 19, 821.
- Bobbio, N. (1987a). *Which Socialism?* Minneapolis: University of Minnesota Press. Originally published as *Quale Socialismo?* Turin: Einaudi 1976.
- Bobbio, N. (1987b). *The Future of Democracy*, Cambridge: Polity.
- Botwinick, A. (1990). *Scepticism and Political Participation*, Philadelphia: Temple University Press.
- Boucher, D. and Kelly, P. (1994). 'The Social Contract and its Critics: an Overview', in D. Boucher and P. Kelly (eds) *The Social Contract from Hobbes to Rawls*, London: Routledge 1994.
- Boulesbaa, A. (1999). *The U.N. Convention on Torture and the Prospects for Enforcement*, The Hague: Kluwer.
- Bowers, F. (2002). 'The Intelligence Divide: Can It Be Bridged?', *The Christian Science Monitor* 2–3, 8 October.
- Buchanan, A. (1990). 'Justice as Reciprocity versus Subject-Centered Justice', *Philosophy and Public Affairs* Vol. 19, No. 3, 227–252.
- Buckler, S. (2003). 'Normative Theory', in D. Marsh and G. Stoker (eds) *Theory and Methods in Political Science*, 2nd edition, Basingstoke: Palgrave Macmillan.
- Bufacchi, V. (1998). 'Reasonable Agreement: a Defence', *Imprints* Vol. 2, No. 2, 223–240.
- Bufacchi, V. (2000). 'The Enlightenment, Contractualism and the Moral Polity', in N. Geras and R. Wokler (eds) *The Enlightenment and Modernity*, Basingstoke: Palgrave Macmillan.
- Bufacchi, V. (2007). *Violence and Social Justice*, Basingstoke: Palgrave Macmillan.
- Bufacchi, V. (ed.) (2009). *Violence: A Philosophical Anthology*, Basingstoke: Palgrave Macmillan.
- Bufacchi, V. (ed.) (2011). *Rethinking Violence*, London: Routledge.
- Bunster-Burotto, X. (1986). 'Surviving Beyond fear: Women and Torture in Latin America', in J.Nash and H.Safa (eds.) *Women and Change in Latin America*, South Hadley, MA: Bergin and Garvey.
- Burns, J.H. (1984). 'From Radical Enlightenment to Philosophic Enlightenment', *The Bentham Newsletter* (June).

- Byrd, E. (2000). 'Moral Issues Related to High Technology: Nonlethal Weapons and Psychic Warfare', *Pilot Workshop on the Ethics of Political and Military Intelligence. Intelligence Ethics Collection*, 29 September, Hoover Institution Archives, Stanford University, Stanford, CA.
- Byrnes, A. (1992). 'The Committee against Torture', in P. Alston (ed.) *The United Nations and Human Rights*, Oxford: Clarendon Press.
- Cabanas, A. (1999). *Los Sueños Perseguidos: Memoria de las Comunidades de Población en Resistencia de la Sierra*, Tomo I, Guatemala: Magna Terra Editores.
- Campbell, D. E. (1995). *Incentives: Motivation and the Economics of Information*, Cambridge: Cambridge University Press.
- Camus, A. (1963). *The Fall*, Harmondsworth: Penguin.
- Card, C. (2005). 'Genocide and Social Death', in John K. Roth (ed.), *Genocide and Human Rights*, Basingstoke: Palgrave Macmillan.
- Casebeer, W. D. and Russell, J. A. (2005). 'Storytelling and Terrorism: Towards a Comprehensive "Counter-narrative Strategy"', *Strategic Insights*, Vol. 4, No. 3. [<http://www.ccc.nps.navy.mil/si/2005/Mar/casebeerMar05.asp>][Center for Contemporary Conflict at the Naval Postgraduate School], accessed 24 April 2005.
- Cassirer, E. (1951). *The Philosophy of the Enlightenment*, Princeton: Princeton University Press.
- Cohen, B. (2001). 'Democracy and the Mis-Rule of Law: The Israeli Legal System's Failure to Prevent Torture in the Occupied Territories', *Indiana International and Comparative Law Review*, Vol. 12, 75.
- Cohen, G. A. (1995). *Self-Ownership, Freedom, and Equality*, Cambridge: Cambridge University Press.
- Cohen, G. A. (1996). 'Self-Ownership, History and Socialism: An Interview with GA Cohen', *Imprints*, Vol. 1, No. 1.
- Cohen, G. A. (1997). 'Back to Socialist Basics', in J. Franklin (ed.) *Equality*, London: Institute for Public Policy Research.
- Cohen, G. A. (2009). *Why Not Socialism?* Princeton: Princeton University Press.
- Cohen, J. (1989a). 'Deliberation and Democratic legitimacy', in A. Hamlin and P. Pettit (eds) *The Good Polity: Normative Analysis of the State*, Oxford: Blackwell 1989.
- Cohen, J. (1989b). 'The Economic Basis of Deliberative Democracy', *Social Philosophy and Policy*, Vol. 6, No. 2.
- Cohen, J. and Rogers, J. (1993). 'Associative Democracy', in P. Bardhan and J. Roemer (eds) *Market Socialism: The Current Debate*, Oxford: Oxford University Press.
- Cohen, S. and Golan, D. (1991). *The Interrogation of Palestinians during the Intifada: Ill-treatment, 'Moderate Physical Pressure' or Torture?* Jerusalem: Israeli Information Center for Human Rights in the Occupied Territories.
- Coleman, J. (1990). *Foundations of Social Theory*, Cambridge, MA: Harvard University Press.
- Copp, D. (1991). 'Contractarianism and Moral Skepticism', in P. Vallentyne (ed.) *Contractarianism and Rational Choice*, New York: Cambridge University Press.
- Cottingham, J. Stoothoff, R. Murdoch, D., and Kenny, A. (eds) (1991). *The Philosophical Writings of Descartes. Volume III: The Correspondence*, Cambridge: Cambridge University Press.
- Cupit, G. (1996). *Justice as Fittingness*, Oxford: Oxford University Press.

- Dahl, R. (1989). *Democracy and Its Critics*, New Haven, CT: Yale University Press.
- Danner, M. (2005) *Torture and Truth: America, Abu Ghraib and the War on Terror* (London: Granta).
- Deák, I. (2004). 'Improvising the Holocaust', Review of *The Origins of the Final Solution*, by C. R. Browning, *The New York Review of Books*, 23 September, pp. 78–81.
- Dershowitz, A. M. (2004). 'Tortured Reasoning', in S. Levinson (ed.) *Torture: A Collection*, Oxford: Oxford University Press.
- Dershowitz, A. M. (2003–2004). 'The Torture Warrant: A Response to Professor Strauss', *New York Law School Law Review*, 48, 275.
- Dershowitz, A. M. (2002). 'Torture of Terrorists: Is It Necessary to Do and to Lie About it?', in A. M. Dershowitz *Shouting Fire: Civil Liberties in a Turbulent Age*, Boston: Little, Brown & Co.
- Dershowitz, A. M. (2002a). *Why Terrorism Works: Understanding the Threats, Responding to the Challenge*, New Haven, CT: Yale University Press.
- Dershowitz, A. M. (2001). 'America Needs "Torture Warrants"', *Los Angeles Times*, 8 November.
- de Wijze, S. (2002). 'The political limits of reasonableness', *Imprints* Vol. 6, No. 2, 171–186.
- Döcker, H. (2002) 'Turkey Continues Harassment, Arrests, and Torture of Medical Doctors', *Torture* Vol. 10, No. 2.
- Dorling, D. (2010). *Injustice: Why Social Inequality Persists*, London: Policy Press.
- Dowding, K. (1991). *Rational Choice and Political Power*, Aldershot: Edward Elgar.
- Dowding, K. (1996). *Power*, Buckingham: Open University Press.
- Dowding, K. Dunleavy, P. King, D., and Margetts, H. (1995). 'Rational Choice and Community Power Structures', *Political Studies*, Vol. 43, No. 2.
- Downs, A. (1957). *An Economic Theory of Democracy*, New York: Harper & Row 1957.
- Dworkin, G. (1989). 'The Concept of Autonomy', in J. Christman (ed.), *The Inner Citadel: Essays on Individual Autonomy*, Oxford: Oxford University Press.
- Dworkin, R. (1977). *Taking Rights Seriously*, London: Duckworth.
- Dworkin, R. (1983). 'What Liberalism Isn't', *The New York Review of Books*, January 20.
- Dworkin, R. (1985). 'Liberalism', in *A Matter of Principle*, Oxford: Clarendon Press.
- Dworkin, R. (1986). *Law's Empire*, Cambridge, MA: Harvard University Press.
- Dworkin, R. (1996). 'Objectivity and Truth: You'd Better Believe It', *Philosophy and Public Affairs*, Vol. 25, No. 2.
- Elster, J. (1984). *Ulysses and the Sirens*, Cambridge: Cambridge University Press.
- Elster, J. (1986). *An Introduction to Karl Marx*. Cambridge: Cambridge University Press.
- Engels, F. (2009 [1886]). *The Conditions of the Working Class in England*, London: Penguin.
- Falla, R. (1993). *Historia de un Gran Amor*, Guatemala: 1993.
- Festenstein, M. (2002). 'Fallible Democracy: Comment on Bufacchi', *Politics*, Vol. 22, Issue 3.

- Fletcher, L. E. and Weinstein, H. (2002) 'Violence And Social Repair: Rethinking the Contribution of Justice to Reconciliation', *Human Rights Quarterly*, Vol. 24, No. 3.
- Flikschuh, K. (1997). 'On Kant's *Rechtslehre*', *European Journal of Philosophy*, Vol. 5, No. 1.
- Fraser, N. (1997). *Justice Interruptus*, London: Routledge.
- Feinberg, J. (1989). 'Autonomy', in J.Christman (ed), *The Inner Citadel: Essays on Individual Autonomy*, Oxford: Oxford University Press.
- Frankfurt, H. (1989). 'Freedom of the Will and the Concept of a Person', in J. Christman (ed.), *The Inner Citadel: Essays on Individual Autonomy*, Oxford: Oxford University Press.
- Freeman, S. (1990). 'Reason and Agreement in Social Contract Views', *Philosophy and Public Affairs*, Vol. 19, No. 2.
- Freeman, S. (1991). 'Contractualism, Moral Motivation, and Practical Reason', *Journal of Philosophy*, Vol. 88, No. 6.
- Fricke, M. (2007). *Epistemic Injustice*, Oxford: Oxford University Press.
- Fried, C. (1978) *Right and Wrong* (Cambridge, Mass: Harvard University Press).
- Friedrich, C. J. and Brzezinski, Z. K. (1966). *Totalitarian Dictatorship and Autocracy*, 2nd edn rev. C. J. Friedrich, New York: Praeger.
- Friedrich, C. J., Curtis, M., and Barber, B. (1969). *Totalitarianism in Perspective: Three Views*, New York: Praeger.
- Galtung, J. (2009). 'Violence, Peace and peace Research', in V.Bufacchi (ed.), *Violence: A Philosophical Anthology*, Basingstoke: Palgrave Macmillan.
- Gambetta, D. (1994). 'Inscrutable Markets', *Rationality and Society*, Vol. 6, No. 3.
- Gaskell, E. (2008 [1848]). *Mary Barton*, ed. Thomas Recchio, New York: W.W. Norton and Co.
- Gaskell, E. (1997 [1853]). *Ruth*, London: Penguin.
- Guatemala Solidarity Network. (1998). *Land in Guatemala: A Comprehensive Account of the Land Situation in Guatemala*, London: Guatemala Solidarity Network Report.
- Gauthier, D. (1969). *The Logic of Leviathan*, Oxford: Clarendon Press.
- Gauthier, D. (1986). *Morals by Agreement*, Oxford: Oxford University Press.
- Gauthier, D. (1997). 'Political Contractarianism', *Journal of Political Philosophy*, Vol. 5, No. 2, 132-148.
- Geras, N. (1991). 'Private Property and Moral Equality', in M. Moran and M. Wright (eds), *The Market and the State*, London: Macmillan.
- Geras, N. (1998). *The Contract of Mutual Indifference: Political Philosophy After the Holocaust*, London: Verso.
- Gert, B. (1969) 'Justifying Violence', *The Journal of Philosophy*, Vol. 66, No. 19.
- Gert, B. (1998). *Morality: Its Nature and Justification*. Oxford: Oxford University Press.
- Gibbard, A. (1990). *Wise Choice, Apt Feelings*, Oxford: Oxford University Press.
- Giddens, A. (1995). *A Contemporary Critique of Historical Materialism*. Basingstoke: Palgrave Macmillan.
- Glover, J. (2001). *Humanity: A Moral History of the Twentieth Century*, New Haven, CT: Yale University Press.
- Goodin, R. (1987). 'Exploiting a Situation and Exploiting a Person', in A. Reeve (ed.), *Modern Theories of Exploitation*. London: Sage.
- Goodin, R. (1992). *Motivating Political Morality*, Oxford: Blackwell.

- Goodin, R. (1995). *Utilitarianism as a Public Philosophy*, Cambridge: Cambridge University Press.
- Gómez, C. and Ángel, M. (1994). *Discriminación del Pueblo Maya en el Ordenamiento Jurídico de Guatemala*, Guatemala: Cholsamaj.
- Gordon, N. J., and Fleisher, W. L. (2002). *Effective Interviewing and Interrogation Technique*, San Diego, CA: Academic Press.
- Grayling, A.C. (1991). 'Testing Notions of Knowledge', *Times Literary Supplement*, 6 September.
- Green, D. and Shapiro, I. (1994). *Pathologies of Rational Choice Theory: A Critique of Applications in Political Science*, New Haven, CT: Yale University Press.
- Grey, S. and I. Cobain. (2005). 'British al-Qaida Suspect's Tale of US "Torture by Proxy"', *Guardian* 2 August.
- Gross, M. (1997). *Ethics and Activism: The Theory and Practice of Political Morality*, Cambridge: Cambridge University Press.
- Gross, O. (2003–2004) 'Are Torture Warrants Warranted – Pragmatic Absolutism and Official Disobedience', *Minnesota Law Review*, Vol. 88, 1481.
- Gudjonsson, G. (2003). *The Psychology of Interrogations and Confessions: A Handbook*, Chichester: John Wiley & Sons.
- Gudjonsson, G. (1992). *The Psychology of Interrogations, Confessions, and Testimony*, Chichester: John Wiley & Sons.
- Gur-Arye, M. (1989) 'Excerpts of the Report. Symposium on the Report of the Commission of Inquiry into the Methods of Investigation of the General Security Service Regarding Hostile Terrorist Activity', *Israel Law Review*, Vol. 23, Nos 2 & 3, Special Issue.
- Gutmann, A. and Thompson, D. (1996). *Democracy and Disagreement*, Cambridge, MA: Harvard University Press.
- Habermas, J. (1987). *The Philosophical Discourse of Modernity*, trans. F. Lawrence, Cambridge: Polity Press.
- Habermas, J. (1992). 'Citizenship and National Identity: Some Reflections of the Future of Europe', *Praxis International*, Vol. 12, No. 1.
- Habermas, J. (1996). *Between Facts and Norms: Contributions to a Discursive Theory of Law and Democracy*, Cambridge: Polity.
- Hamlin, A. and Pettit, P. (eds) *The Good Polity*, Oxford: Blackwell.
- Hamlyn, D. W. (1992). *Being a Philosopher: The History of a Practice*. London and New York: Routledge.
- Hampsher-Monk, I. (1992). *A History of Modern Political Thought*, Oxford: Blackwell.
- Hampton, J. (1986). *Hobbes and the Social Contract Tradition*, Cambridge: Cambridge University Press.
- Hampton, J. (1991). 'Two Faces of Contractarian Thought', in P. Vallentyne (ed.) *Contractarianism and Rational Choice*, New York: Cambridge University Press.
- Hardin, R. (1988). *Morality within the Limits of Reason*, Chicago: University of Chicago Press.
- Hardin, R. (1991). 'Hobbesian Political Order', *Political Theory*, Vol. 19, No. 2.
- Hargreaves Heap, S. and Varoufakis, Y. (1995). *Game Theory: A Critical Introduction*, London: Routledge.
- Haritos-Fatouros, M. (2005). 'Psychological and Sociopolitical Factors Contributing to the Creation of the Iraqi Torturers', *International Bulletin of Political Psychology*, Vol. 16, No. 2, on-line journal.

- Haritos-Fatouros, M. (1993). 'The Official Torturer: a Learning Model for Obedience to the Authority of Violence', in F. D. Crelinsten and A. P. Schmid (eds) *The Politics of Pain Torturers and their Masters*, Leiden, The Netherlands: Center for the Study of Social Conflicts.
- Harsanyi, J. (1976). *Essays on Ethics, Social Behaviour and Scientific Explanation*, Dordrecht: D. Reidel.
- Hart, L. (2005). 'Afghan Detainee's Leg Was "Pulpified", Witness Says', *Los Angeles Times*, 23 March.
- Heinz, W. S. (1993). 'The Military, Torture and Human Rights: Experiences from Argentina, Brazil, Chile and Uruguay', in F. D. Crelinsten and A. P. Schmid (eds) *The Politics of Pain Torturers and their Masters*, Leiden, The Netherlands: Center for the Study of Social Conflicts.
- Hobbes, T. (1968 [1651]). *Leviathan*, ed. C. B. Macpherson, Harmondsworth: Penguin.
- Hobbes, T. (1994 [1651]). *Leviathan*. Indianapolis: Hackett.
- Hoffman, B. (2002). 'A Nasty Business', *The Atlantic Monthly*, January, 49–52.
- Honderich, T. (ed.) (1995). *The Oxford Companion to Philosophy*, Oxford: Oxford University Press.
- Hook, S. (1976). *Revolution, Reform and Social Justice*, Oxford: Blackwell.
- Huggins, M. K., Haritos-Fatouros, M., and Zimbardo, P. G. (2002). *Violence Workers: Police Torturers and Murderers Reconstruct Brazilian Atrocities*, Berkeley, CA: University of California Press.
- Hyland, J. (2003). 'Democracy and Political Scepticism: Comment on Bufacchi', *Politics*, Vol. 23, No. 2.
- Jones, P. (1990). 'Rushdie, Race and Religion', *Political Studies*, Vol. 38, No. 4, December.
- Jones, P. (1998). 'Political Theory and Cultural Diversity', *Critical Review of International Social and Political Philosophy*, Vol. 1, No. 1, Spring.
- Kallen, Evelyn (2004). *Social Inequality and Social Injustice: A Human Rights Perspective*, Basingstoke: Palgrave Macmillan.
- Kamm, F.M. (1988). 'Ethics, Applied Ethics, and Applying Applied Ethics', in D. M. Rosenthal and F. Shehadi (eds) *Applied Ethics and Ethical Theory*, Salt Lake City: University of Utah Press.
- Kane, T. M. (2002). 'Strategic Analysis', *Military Intelligence Professional Bulletin*, February–March, 4–7.
- Kant, I. (1991). 'On the Common Saying: "This May be True in Theory, but It Does not Apply in Practice"', in *Kant: Political Writings*, Cambridge: Cambridge University Press.
- Kant, I. (1970). 'Perpetual Peace', in H. Reiss (ed.) *Kant's Political Writings*, Cambridge: Cambridge University Press.
- Kant, I. (1983 [1784]). 'An Answer to the Question: What is Enlightenment?' in *Perpetual Peace and Other Essays*, Cambridge: Hackett.
- Kant, I. (1953). *Groundwork of the Metaphysics of Morals*, H. J. Paton (trans.) as *The Moral Law*, London: Hutchinson.
- Kassin, S. M. (2005). 'On the Psychology of Confessions: Does Innocence put Innocents at Risk?' *American Psychologist*, Vol. 60, No. 3.
- Kassin, S. M. (1997). 'The Psychology of Confession Evidence', *American Psychologist*, Vol. 52.
- Kassin, S. M. and Gudjonsson, G. H. (2004). 'The Psychology of Confession Evidence: A Review of the Literature and Issues', *Psychological Science in the Public Interest*, Vol. 5, No. 2.

- Kavka, G. (1986). *Hobbesian Moral and Political Theory*, Princeton: Princeton University Press.
- Kepner, T. (2000–2001). 'Torture 101: The Case against the United States for Atrocities Committed by School of the America Alumni', *Dickinson Journal of International Law*, Vol. 19.
- Klayman, B.M. (1978). 'The Definition of Torture in International Law', *Temple Law Quarterly*, Vol. 51.
- Kreps, D. (1990). *Game Theory and Economic Modeling*, Oxford: Clarendon Press.
- Kukathas, C. (1989). *Hayek and Modern Liberalism*, Oxford: Clarendon Press.
- Kymlicka, W. (1993). 'The Social Contract Tradition', in P. Singer (ed.) *A Companion to Ethics*, Oxford: Blackwell.
- Langbein, J. (2004). 'The Legal History of Torture', in S. Levinson (ed.) *Torture: A Collection*, Oxford: Oxford University Press.
- Laslett, P. (ed.) (1956). *Philosophy, Politics and Society*, Series 1, Oxford: Blackwell.
- Laver, M. (1997). *Private Desires, Political Action*, London: Sage.
- Le Grand, J. (1999). 'New Approached to the Welfare State', *Political Quarterly*, Vol. 70, Special Issue.
- Lehning, P. (1990). 'Right Constraints? An Analysis of Gauthier's Reasoning About Morals', *Acta Politica* 25, January, 3–36.
- Lessnoff, M. (1990). 'Introduction: Social Contract', in M. Lessnoff (ed.) *Social Contract Theory*, Oxford: Blackwell 1990.
- Lewis, A. (2004). 'Making Torture Legal', *The New York Review*, 25 July.
- Lichtblau, E. (2003). 'U.S. Uses Terror Law to Pursue Crimes from Drugs to Swindling', *New York Times*, 28 September.
- Lifton, R.J. (2004). 'Doctors and Torture', *New England Journal of Medicine*, Vol. 351, No. 5.
- Litke, R. (2009). 'Violence and Power', in V. Bufacchi (ed.), *Violence: A Philosophical Anthology*, Basingstoke: Palgrave Macmillan.
- Luban, D. (2002). 'The War on Terrorism and the End of Human Rights', *Philosophy & Public Policy Quarterly*, Vol. 22, No. 3.
- Lucas, J. R. (1980). *On Justice*, Oxford: Oxford University Press.
- Luke, S. (1977). 'Socialism and Equality', in L. Kolakowski and S. Hampshire (eds) *The Socialist Idea: A Reappraisal*, London: Quartet Books.
- MacIntyre, A. (1985). *After Virtue*, London: Duckworth 1985.
- MacMaster, N. (2002). 'The Torture Controversy (1998–2002): Towards a "New History" of the Algerian War?', *Modern and Contemporary France*, Vol. 10, No. 4.
- Mandel, E. (1970). *An Introduction to Marxist Economic Theory*, New York: Pathfinder Press.
- Manz, B. (1988). *Refugees of a Hidden War: The Aftermath of Counterinsurgency in Guatemala*, Albany, NY: SUNY
- Manz, B. (1994). 'Epilogue: Exodus, Resistance, and Readjustments in the Aftermath of Massacres', in Ricardo Falla's *Massacres in the Jungle: Ixcán, Guatemala, 1975–1982*, Boulder, CO: Westview.
- Maran, R. (1989). *Torture: The Role of Ideology in the French-Algerian War*, New York: Praeger.
- Marquis, D. (2002). 'An Argument that Abortion is Wrong', in H. LaFollette (ed.) *Ethics in Practice*, Oxford: Blackwell.
- Mayer, J. (2005). 'Outsourcing Torture: The Secret History of America's "Extraordinary Rendition"', *The New Yorker*, 14 February.

- May, R. (2001). *Terror in the Countryside: Campesino Responses to Political Violence in Guatemala, 1954–1985*, Athens, OH: Ohio University Press.
- McClintock, M. (1985). *The American Connection, Vol.II: State Terror and Popular Resistance in Guatemala*, London: Zed Books.
- Melville, T. and Melville, M. (1971). *Guatemala: Another Vietnam?* Harmondsworth: Penguin 1971.
- Menchú, R. (1984). *I, Rigoberta Menchú, An Indian Woman in Guatemala*, London: Verso 1984.
- Menchú, R. (1998). *Crossing Borders*, London: Verso 1998.
- Miles, S. (2004). 'Abu Ghraib: Its Legacy for Military Medicine', *Lancet*, 364.
- Mill, J. S. (1972). *Utilitarianism*, in *Utilitarianism, On Liberty and Considerations on Representative Government*, London: Everyman.
- Mill, J. S. (1989). 'On Liberty', in S. Collini (ed.) *J. S. Mill – On Liberty and Other Essays*, Cambridge: Cambridge University Press.
- Mill, J. S. (1991). *On Liberty and Other Essays*, Oxford: Oxford University Press.
- Miller, D. (1989). 'Why Markets?' in J. le Grand and S. Estrin (eds) *Market Socialism*, Oxford: Clarendon Press.
- Moher, A. (2003–2004). 'The Lesser of Two Evils? An Argument for Judicially Sanctioned Torture in a Post-9/11 World', *Thomas Jefferson Law Review*, Vol. 46.
- Moore, M. (1994). 'Gauthier's Contractarian Morality', in D. Boucher and P. Kelly (eds) *The Social Contract from Hobbes to Rawls*, London: Routledge.
- Moran, M. and Wright, M. (eds) (1991). *The Market and the State*, London: Macmillan.
- Morriss, P. (1987). *Power: A Philosophical Analysis*. Manchester: Manchester University Press.
- Mueller, D. (1989). *Public Choice II*, Cambridge, Cambridge University Press.
- Murphy, R. (1985). 'Exploitation or Exclusion?', *Sociology*, Vol.19.
- Nagel, T. (1970). *The Possibility of Altruism*, Princeton: Princeton University Press.
- Nelson, D. M. (1999). *A Finger in the Wound: Body Politics in Quincentennial Guatemala*, Berkeley, CA: University of California Press.
- Noonan, J. (ed) (1970). *The Morality of Abortion*, Cambridge, MA: Harvard University Press.
- Norman, R. (2002). 'Equality, Envy, and the Sense of Injustice', *Journal of Applied Philosophy*, Vol. 19, No. 1.
- Nozick, R.(1974). *Anarchy, State and Utopia*, oxford: Blackwell.
- Nozick, R. (1993). *The Nature of Rationality*, Princeton, Princeton University Press.
- Nussbaum, M. (1997). 'Is Nietzsche a Political Thinker?' *International Journal of Philosophical Studies*, Vol. 5, No. 1.
- Oakeshott, M. (1996). *The Politics of Faith and The Politics of Scepticism*, New Haven, CT: Yale University Press.
- O'Neill, O. (1988). 'How Can We Individuate Moral Problems?' in D. M. Rosenthal and F. Shehadi (eds) *Applied Ethics and Ethical Theory*, Salt Lake City: University of Utah Press.
- O'Neill, O. (1993). 'Kantian Ethics', in P. Singer (ed.) *A Companion to Ethics*, Oxford: Blackwell.
- O'Neill, O. (1996). *Towards Justice and Virtue*, Cambridge: Cambridge University Press.
- Oravecs, R., Hárdi, L., and Lajtai, L. (2004) 'Social Transition, Exclusion, Shame and Humiliation', *Torture*, Vol. 14, No. 1.

- Ordeshook, P. (1992). *A Political Theory Primer*, London: Routledge.
- Ostrom, E. (1998). 'A Behavioral Approach to the Rational Choice Theory of Collective Action', *American Political Science Review*, Vol. 92, No. 1, March.
- Overbye, E. (1995). 'Making a Case for the Rational, Self-regarding, "Ethical" Voter ... and Solving the "Paradox of Not Voting" in the Process', *European Journal of Political Research*, Vol. 27, No. 3.
- Pals, J. L. (2004) 'The Resilience of Great Ideas: Jack Block's Theoretical Contribution to Personality Psychology' [Review of the book *Personality as an Affect Processing System: Toward an Integrative Theory.*], *Contemporary Psychology: APA Review of Books*, 49.
- Parry, G. (2000). 'Education Can Do All', in N. Geras and R. Wokler (eds) *The Enlightenment and Modernity*, Basingstoke: Palgrave Macmillan.
- Parry, J. (2004) 'Escalation and Necessity: Defining Torture at Home and Abroad', in S. Levinson (ed.) *Torture: A Collection* (Oxford: Oxford University Press).
- Parry, J. (2003) 'What is Torture, Are We Doing It, and What if We Are?', *University of Pittsburgh Law Review*, Vol. 64.
- Parry, J. and White, W. (2002) 'Interrogating Suspected Terrorists: Should Torture be an Option?', *University of Pittsburgh Law Review*, Vol. 63.
- Passerin d'Entreves, M. (2000). 'Critique and Enlightenment: Michael Foucault on "Was ist Aufklärung?"' in N. Geras and R. Wokler (eds) *The Enlightenment and Modernity*, Basingstoke: Palgrave Macmillan.
- Perelman, C. (1963). *The Idea of Justice and the Problem of Argument*, London: Routledge & Kegan Paul.
- Peters, E. (1996) *Torture* (Philadelphia, PA: University of Pennsylvania Press).
- Pettit, P. (1993) 'The Contribution of Analytical Philosophy', in R. Goodin and P. Pettit (eds) *A Companion to Contemporary Political Philosophy*, Oxford: Blackwell.
- Plant, R. (1991). *Modern Political Thought*, Oxford: Blackwell.
- Pogge, T. (2008). *World Poverty and Human Rights*, 2nd edn (London: Polity).
- Posner, R. (2004) 'Torture, Terrorism, and Interrogation', in S. Levinson (ed.) *Torture: A Collection* (Oxford: Oxford University Press).
- Popper, K. (1988). 'The Open Society and its Enemies Revisited', *The Economist*, April 23–29.
- Postema, G. (1989). 'Bentham on the Public Character of Law', *Utilitas*, Vol. 1, 41–61.
- Przeworski, A. (1993). 'Democracy as a Contingent Outcome of Conflicts', in J. Elster and R. Slagstad (eds) *Constitutionalism and Democracy* Cambridge: Cambridge University Press.
- Qouta, S., Punamaki, R.-L., and Sarraj, E. E. (1997) 'Prison Experiences and Coping Styles Among Palestinian Men', *Peace and Conflict*, Vol. 3, No. 1.
- Rawls, J. (1958). 'Justice as Fairness', *Philosophical Review*, Vol. 67.
- Rawls, J. (1972). *A Theory of Justice*, Oxford: Oxford University Press.
- Rawls, J. (1979). 'A Well-Ordered Society', in P. Laslett and J. Fishkin (eds) *Philosophy, Politics and Society*, Fifth Series, Oxford: Basil Blackwell 1979.
- Rawls, J. (1980). 'Kantian Constructivism in Moral Theory', *The Journal of Philosophy*, Vol. 77, No. 9.
- Rawls, J. (1982). 'Social Unity and Primary Goods', in A. Sen and B. Williams (eds) *Utilitarianism and Beyond*, Cambridge: Cambridge University Press.
- Rawls, J. (1985). 'Justice as Fairness: Political Not Metaphysical', *Philosophy and Public Affairs*, Vol. 14, No. 3.

- Rawls, J. (1989a). 'The Domain of the Political and Overlapping Consensus', *New York University Law Review*, Vol. 64, No. 2.
- Rawls, J. (1989b). 'Themes in Kant's Moral Philosophy', in E. Förster (ed.) *Kant's Transcendental Deductions*, Stanford: Stanford University Press.
- Rawls, J. (1993). *Political Liberalism*, New York: Columbia University Press.
- Rawls, J. (2000). *Lectures on the History of Moral Philosophy*, Cambridge, MA: Harvard University Press.
- Rawls, J. (2001). *Justice as Fairness: A Restatement*, Cambridge, MA: Harvard University Press.
- Raz, J. (1986). *The Morality of Freedom*. Oxford: Oxford University Press.
- Reeve, A. (ed.) (1987). *Modern Theories of Exploitation*. London: Sage.
- Reiman, J. (1987). 'Exploitation, Force, and the Moral Assessment of Capitalism: Thoughts on Roemer and Cohen', *Philosophy and Public Affairs*, Vol. 16.
- Roemer, J. (1982). *A General Theory of Exploitation and Class*, Cambridge, MA: Harvard University Press.
- Roemer, J. (1988). *Free to Lose: An Introduction to Marxist Economic Philosophy*, London: Radius.
- Roemer, J. (1994). *Egalitarian Perspectives: Essays in Philosophical Economics*. Cambridge: Cambridge University Press.
- Roemer, J. (1994b). *A Future for Socialism*, London: Verso.
- Roemer, J. (1996). *Theories of Distributive Justice*, Cambridge, MA: Harvard University Press.
- Rogers, G. (1988–89). 'Argentina's Obligation to Prosecute Military Officials for Torture', *Columbia Human Rights Law Review*, Vol. 20.
- Rorty, R. (2005). 'How Many Grains Make a Heap?', *London Review of Books*, Vol. 27, No. 2, January.
- Rosenthal, D. M. and Shehadi, F. (1988). 'Introduction', in D. M. Rosenthal and F. S. Shehadi (eds) *Applied Ethics and Ethical Theory*, Salt Lake City: University of Utah Press.
- Rosselli, C. (1994). *Liberal Socialism*, Princeton: Princeton University Press.
- Russell, B. (1965). 'On Scientific Method in Philosophy', in H. W. Johnstone Jr. (ed.) *What Is Philosophy?*, New York: Macmillan. Originally from B. Russell (1929), *Mysticism and Logic*, London: Allen & Unwin.
- Sanford, V. (2003). *Buried Secrets: Truth and Human Rights in Guatemala*, Basingstoke: Palgrave Macmillan.
- Saward, M. (1997). *The Terms of Democracy*, Cambridge: Polity.
- Scanlon, T. (1977). 'Liberty, Contract, and Contribution', in G. Dworkin et al. (eds) *Markets and Morals*, London and New York: John Wiley & Sons.
- Scanlon, T. M. (1982). 'Contractualism and Utilitarianism', in A. Sen and B. Williams (eds) *Utilitarianism and Beyond*, Cambridge: Cambridge University Press.
- Scanlon, T. (1988). 'The Significance of Choice', Lecture 2, *The Tanner Lectures on Human Values*, VIII, ed. S. McMurrin, Cambridge: Cambridge University Press.
- Scanlon, T. (1992). 'The Aims and Authority of Moral Theory', *Oxford Journal of Legal Studies*, Vol. 12, No. 1.
- Scanlon, T. M. (1998). *What We Owe to Each Other*, Cambridge, MA: Harvard University Press.
- Scarry, E. (1985). *The Body in Pain: The Making and Unmaking of the World*, Oxford: Oxford University Press.
- Scheffler, S. (1992). *Human Morality*, Oxford: Oxford University Press.

- Schrepel, W. (2005) 'Paras and Centurions: Lessons Learned from the Battle of Algiers', *Peace and Conflict*, Vol. 11, No. 1.
- Sen, A. (1992). *Inequality Reexamined*. Cambridge, Mass.: Harvard University Press.
- Sen, A. (2009). *The Idea of Justice*, London: Allen Lane.
- Sexton, J.D. (1985). *Campesino: The Diary of a Guatemalan Indian*, Tucson, Arizona: University of Arizona Press.
- Shapiro, L. (1972). *Totalitarianism*, London: Pall Mall.
- Shatz, A. (2002). 'The Torture of Algiers', *New York Review*, 21 November.
- Shklar, J. (1990). *The Faces of Injustice*, New Haven, CT: Yale University Press.
- Shue, H. (2003). 'Response to Sanford Levinson', *Dissent*, Vol. 50, No. 3.
- Shue, H. (1977–1978). 'Torture', *Philosophy and Public Affairs*, Vol. 7, reprinted in S. Levinson (ed.) *Torture: A Collection*, Oxford: Oxford University Press.
- Simon, T. (1995). *Democracy and Social Injustice*, Lanham, MD: Rowman & Littlefield.
- Simon, Thomas (2005). 'Genocide, Evil, and Injustice: Competing Hells', in John K. Roth (ed.) *Genocide and Human Rights*, Basingstoke: Palgrave Macmillan.
- Singer, P. (1972). 'Moral Experts', *Analysis*, Vol. 32.
- Singer, P. (1975). *Animal Liberation*, New York: Random House.
- Singer, P. (1979). *Practical Ethics*, Cambridge: Cambridge University Press, 1979.
- Singer, P. (2000). *Writings on an Ethical Life*, London: Fourth Estate.
- Soames, S. (2003). *Philosophical Analysis in the 20th Century*; Vol. 1, *The Dawn of Analysis*, Vol. 2, *The Age of Meaning*. Princeton, NJ: Princeton University Press.
- Stallybrass, P. and White, A. 1987. *The Politics and Poetics of Transgression*. Ithaca, NY: Cornell University Press.
- Steiner, H. (1984). 'A Liberal Theory of Exploitation', *Ethics*, Vol. 94, No. 2.
- Steiner, H. (1987). 'Exploitation: A Liberal Theory Amended, Defended and Extended', in A. Reeve (ed.), *Modern Theories of Exploitation*. London: Sage.
- Steiner, H. (1994). *An Essay on Rights*, Oxford: Blackwell.
- Stewart, H. (2005) 'A Nation of Bransons? That's Rich', *Observer*, 28 August.
- Stockdale, J. B. (2001). 'Courage under Fire', in Department of Philosophy and Fine Arts, United States Military Academy (eds.), *Moral Dimensions of the Military Profession*, 5th edn, New York: Forbes Custom Publishing.
- Strategy Page, The* (2005). 'Intelligence Operations: The Opposite of Torture at Abu Ghraib', *The Strategy Page* 19 April.
- Strauss, M. (2003–2004) 'Torture', *New York Law School Law Review*, Vol. 48.
- Sung, C. (2003) 'Torturing the Ticking-bomb Terrorist: An Analysis of Judicially Sanctioned Torture in the Context of Terrorism', *Boston College Third World Law Journal*, Vol. 23.
- Sun Tzu (1963). *The Art of War*, S. B. Griffeth translator, Oxford: Oxford University Press.
- Sussman, D. (2005) 'What's Wrong with Torture?', *Philosophy & Public Affairs*, Vol. 33, No. 1.
- Taylor, T. (1993). *The Rise and Fall of Totalitarianism in the 20th Century*, New York: Paragon House.
- Teather, D. (2005). 'US Poverty Figure Rises for 4th Year', *Guardian*, 31 August.

- Thomas, L. (1988). 'Moral Motivations: Kantians versus Humeans (and evolution)', *Midwest Studies in Philosophy*, Vol. 12, 367–383.
- Thomson, J. J. (2002). 'A Defense of Abortion', in H. LaFollette (ed.) *Ethics in Practice*, Oxford: Blackwell.
- Tindale, C. (1996). 'The Logic of Torture: A Critical Examination', *Social Theory and Practice*, Vol. 22, No. 3.
- Toliver, R. (1997). *The Interrogator: the Story of Hans-Joachim Scharff, Master Interrogator of the Luftwaffe*, Atglen, PA: Schiffer.
- Tsebelis, G. (1990). *Nested Games: Rational Choice in Comparative Politics*, Berkeley: University of California Press.
- Tuck, R. (1989). *Hobbes*, Oxford: Oxford University Press.
- Tumin, M. (1952). *Caste in a Peasant Society*, Princeton: Princeton University Press.
- Twining, W. L. and Twining, P. E. (1973) 'Bentham on Torture', *Northern Ireland Law Quarterly*, Vol. 24, No. 3.
- Udehn, L. (1996). *The Limits of Public Choice: A Sociological Critique of the Economic Theory of Politics*, London: Routledge.
- Uhlener, C. (1989). 'Rational Turnout: The Neglected Role of Groups', *American Journal of Political Science*, Vol. 33, No. 2.
- US Senate (1977). 'Select Committee on Intelligence and Subcommittee on Health and Scientific Research of the Committee on Human Resources', *Project MKULTRA: the CIA's Program of Research in Behavioral Modification*, Washington, DC: U.S. Government Printing Office.
- Van Gerwen, J. (2002). 'Three Methods in Applied Ethics', in R. Chadwick and D. Schroeder (eds) *Applied Ethics: Critical Concepts in Philosophy. Vol. I: Nature and Scope*. London: Routledge.
- Van Parijs, P. (1995). *Real Freedom for All: What (If Anything) Can Justify Capitalism?* Oxford: Oxford University Press.
- Vesti, P., and Somnier, F. E. (1994) 'Doctor Involvement in Torture: A Historical Perspective', *Torture*, Vol. 4, No. 3.
- Waldron, J. (1988). *The Right to Private Property*, Oxford: Clarendon.
- Waldron, J. (1993). 'Theoretical Foundations of Liberalism', in his *Liberal Rights: Collected Papers 1981–1991*, Cambridge: Cambridge University Press.
- Walzer, M. (1983). *Spheres of Justice*, Oxford: Blackwell.
- Warren, K. D. (1978). *The Symbolism of Subordination: Indian Identity in a Guatemalan Town*, Austin: University of Texas Press.
- Warren, M. A. (2002). 'On the Moral and Legal Status of Abortion', in H. LaFollette (ed.) *Ethics in Practice*, Oxford: Blackwell.
- Washington Times*. (2005). Editorial, 'Towards a Realistic Interrogation Policy', *Washington Times*, 11 March.
- Wechsler, L. (1991). *A Miracle, a Universe: Settling Accounts with Torturers*, New York: Penguin.
- Weinstein, H. M. (1990) *Psychiatry and the CIA: Victims of Mind Control*, Washington, DC: American Psychiatric Press.
- Wokler, R. (1994). 'Projecting the Enlightenment', in J. Horton and S. Mendus (ed.) *After MacIntyre*, Cambridge: Polity Press.
- Wood, A. W. (1995). 'Exploitation', *Social Philosophy and Policy*, Vol. 12, No. 2, 132–148.

- Woozley, A. D. (1973). 'Injustice', *American Philosophical Quarterly*, Monograph No. 7.
- World Bank, The. (2003) *Poverty in Guatemala: A World Bank Country Study*, The World Bank, 1 December.
- Young, Iris M. (1990). *Justice and the Politics of Difference*, Princeton, NJ: Princeton University Press.
- Zeeberg, N. (1998) 'Torture – A Public Health Puzzle in Europe', *Torture*, Vol. 8, No. 4a (Suppl. 1).

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