LOST IN TRANSITION: THE LIMITS OF FREEDOM IN SCHOLARSHIP

Abstract: The central question addressed in this essay is whether there might exist some justifiable limits to freedom in science and scholarship. The question is further specified to deal with social sciences (including humanities) in the so-called “transitional period”. Paying attention to the historical context and sociological facts on the ground, the essay considers an “ethics of research” as falling within a larger endeavor of developing first an “ethics of international activism” approached in the way that formulates a series of constraints on what would constitute morally permissible agency in the context that includes delivering services abroad, directly or indirectly. Relying on some of those constraints and a key conceptual distinction between “activism in scholarship” and “activism with scholarship” a proposal is made about a way to think about justifiable limits to freedom in scholarship, using as example the field of “transitional justice” studies.

Key words: freedom, activism, scholarship, science, freedom of research.

When considering the question of the importance of freedom for scientific development inevitably what gets emphasized is the essential value academic freedom (or freedom of research) has for achieving progress in any area of science, but in particular in social sciences and humanities. In this essay I want to consider things from the opposite angle, and look at the question of whether there might be some justifiable limits to freedom in science. This project is normative in character, and it is further limited in that it will deal only with social sciences (including humanities) in the so-called “transitional period”. While geographically speaking, the term “transition” applies vaguely to the processes that took place, roughly speaking, in the countries of Eastern Europe (including, of course, the post-Yugoslav lands) after the dissolution of Soviet Union the scholarship on the theme of “transition” was developed almost entirely in the West. The character of the works on this general theme is such that when we take a look at want passes for scholarship in this novel “discipline” the question about the limits of freedom in scholarship looms large.
In the post-Cold War period a peculiar phenomenon emerged: a tremendous growth of nongovernmental organizations (NGOs) as main drivers of international activism was observed.[1] A particularly unexpected byproduct of this social change on a global scale was the increased collaboration between scholars (scientific laborers) and these NGOs. What has worked in favor of this unlikely fusion of these starkly different social players is the fact that international nongovernmental organizations (INGOs) share with researchers and scholars (who increasingly in the West must rely on grant money for survival) the same sources of funding (large private philanthropic foundations, Western governments, and corporate foundations). Furthermore, given that in this joint venture scholars have been reduced to a supporting role, properly construed, the normative project undertaken here would require that we separate the question about the moral characteristics of “international activism” from the question about the eventual need to place moral (and perhaps even legal) limits on the freedom of activism in scholarship. In a way, given the historical context and sociological facts on the ground, our project of thinking about an “ethics of research” would fall within a larger endeavor of developing first an “ethics of international activism”. Elsewhere I have done the latter,[2] and here I will rely only on some relevant aspects of that construct that will be helpful for developing a sketch of an ethics of scholarship and research.

Before we move any further a word about a novel field of “transitional justice” that will serve as the primary example of the works in social sciences that may require placing limits on freedom of scholarship, or so I will argue. Here too we observe the work of international activists urging states in transition to deal with their recent violent past that fully coincide with the works of scholars who offer to develop a theoretical background for those demands. The issue of reckoning with past wrongs has in one way or another taken central stage in many a narrative from various disciplines that suddenly surfaced in great numbers after the end of Cold War. These efforts quickly took shape of a new multidisciplinary field of study and the name chosen for it was “transitional justice”. Even a cursory look at the scholarly production after a few decades, easily reveals the underlying

[1] A document is available for download from the World Bank website at: http://www-wds.worldbank.org/external/default/main?pagePK=64193027&spiPK=64187937&theSitePK=523679&menuPK=64187510&searchMenuPK=64187283&siteName=WDS&entityID=000009265_3961219103437 (emphasis is mine) states: “[t]he number of international NGOs alone is reported to have increased from 6,000 in 1990 to 26,000 in 1999,” while “[t]he OECD reports that in 2003, at least $12 billion was channeled into development assistance through the international agencies.”

assumption present in these works that a moral imperative exists, which requires of collectives marked by the experience of recent violence—in particular mass atrocities, war crimes, or genocide—to “come to terms” with it. While in each case it may be open for discussion which one of many processes—be they criminal trials, truth and reconciliation hearings (the conventional term is “Commissions”), amnesties or some combination of these—best suits any given situation, doing nothing (or very little) is not an option.

The demands of justice, we are told, foreclose inaction, and the more serious and extreme the experience of violence had been the less acceptable it seems to do nothing about it. While this may be a natural attitude for anyone to have, it must also be recognized that the primary proponents and most forceful promoters of “transitional justice” are Western powers. Hence the increased internationalization of the processes of transitional justice, which resulted, for example, in the creation of new bodies such as ad hoc international tribunals (ICTY and ICTR), the International Criminal Court (ICC) or ever more massive deployment around the globe of the international nongovernmental organizations (INGO). It could even be reasonably alleged that the “transitional justice” jargon and discourse originated in the West and was then imposed on the rest the world. In other words, “transitional justice” has become an important element of Western foreign policy, in particular that of the U.S.[3]

Given that the argument that seeks to justify placing some specific limits on freedom of research depends on the framework of a larger theoretical proposal involving international activism I shall first give an outline of its main elements.

ETHICS OF INTERNATIONAL ACTIVISM

The increasing power of INGOs, manifest in their ever mounting number in operation and handling of ever more substantial quantities of money, raises questions about the roles and responsibilities of these new global, non-state actors. In particular, there is the question of developing an ethics of international activism that would facilitate moral assessments of the endeavors by agents operating in countries other than their own. The approach I took in developing an ethics of international activism involved a process of formulating a series of constraints on what would constitute


-25-
morally permissible agency in the context that includes delivering services abroad, directly or indirectly. In elaborating these ethical constraints I relied on the concept of “force multiplier.” The content of this idea and its official applications have explanatory importance in considering the correlation between post-Cold War phenomenal growth in the number of international NGOs and the emergence of the U.S. as the sole, unchallenged super-power ushering in the new “unipolar” world.

The fully developed proposal for an “ethics of international activism” consists of four constraints on morally permissible international activism: (C1) The Professionalism Constraint; (C2) The Integrity Constraint; (C3) The Respect for Sovereignty Constraint; and (C4) The Humility Constraint. As soon as these constraints are understood and correctly analyzed, an overarching principle emerges helping us realize that local activism must enjoy normative primacy (in all three normative spheres: moral, legal, and political) over international activism. At the same time, this gives us an idea of how to conceive of what could constitute legitimate international activism, i.e. one that respects the primacy of local activism.

Since the first two constraints (The Professionalism Constraint and The Integrity Constraint) and the concept of “force multiplier” will be also relevant for developing the argument for placing limits on the freedom of research I will now briefly introduce these ideas, after I define the concept of “international activist”.

International activists are altruists attracted by causes that originate in foreign lands. Consequently, these are foreign altruists. By calling them “altruists” I do not intend to prejudge the actions of international activists as necessarily morally good; I simply mean to indicate that they are ostensibly acting out of concern for the welfare of others, in this case those others are foreigners. This characterization is quite consistent with rather confused and misguided activities stemming from one’s concern for the well being of others, even to the point that some altruistic acts may be judged as morally bad—this may take the form of further victimizing those who are already suffering as a result, say, of being victims in a civil strife. Furthermore, this does not preclude a person from joining an organization that is part of the activism industry for essentially selfish reasons: one may be moved on egoistic ground to make a living from activism.

We can make further progress in delineating more exactly who the “international activists” are by making more precise this notion of “causes that originate in foreign lands.” Most frequently those causes are expressed in terms of global protection, and respect for human rights. Thus, Amnesty
International defines itself a “a worldwide movement of people who campaign for internationally recognized human rights to be respected and protected for everyone,”[4] while Human Rights Watch states that it “is dedicated to protecting the human rights of people around the world.”[5]

Additional clarity is achieved when we realize that governments can also show interest in those same causes expressed in terms of human rights, but we would not count government administrators, operating in their official capacities, among “international activists.” Thus, The Bureau of Democracy, Human rights and Labor of the U.S. government, states that “protecting human rights around the world [is] central to U.S. foreign policy,”[6] yet we would not consider State Department officials “international activists”. This is why organizations that want to count as groupings of international activists are quick to assert their independence. Thus Human Rights Watch promptly in its self-description emphasizes that it is “one of the world’s leading independent organizations dedicated to defending and protecting human rights,”[7] while Amnesty International makes the same claim using more precise language affirming that they are “independent of any government, political ideology, economic interest or religion”. [8] Consequently, international activists are not meant to be government officials, ideologues, corporate lobbyists, or missionaries on behalf of any religion; in fact, international activists are supposed to operate independently of any government, ideology, corporation, and religion. In the first instance, this then poses strong constraints on how to construe an ethics of international activism:

(C1) It is considered morally impermissible for international activists to act on behalf of any government, ideology, corporation, or religion.

Let us call this the Professionalism Constraint. It stands to reason that if a person is genuinely motivated by the welfare of others from a country other than her own, then she must not be acting on behalf of her (or any other) government, should not promote any ideology (be it political, economic or otherwise), nor proselytize in favor of a religion. Thus, for example, international activists must not propagate in favor of a regime change.

---

[7] See the website from note 5, my emphasis.
[8] See the website from note 4, my emphasis.
in a country where such policy is pursued by, say, the U.S. government; they must not engage in promoting the economic ideology of free market and privatization in, say, a country with the socialist economic system (or any other); or attempt to convert, say, local Muslim population to Christianity. This much can therefore be asserted with sufficient moral clarity to make our first constraint on an ethics of international activism fairly straightforward and uncontroversial. It is another matter, in fact an empirical question, whether activists from Western countries in general manage to live up to this clear moral requirement.

If our goal is both to construct a framework for an ethics of international activism, through a process of formulating applicable moral constraints on what constitutes permissible conduct in this context, and to engage in the making of concrete moral judgments about actual endeavors that take place throughout the world, then we must also pay attention to the existing vocabulary of the “aid discourse”. In other words, for our effort to be both theoretical (developing an aspect of moral philosophy) and practical (using the conceptual tools for normative judgment making), it is important to keep track of the relevant real life experiences, in the best tradition of applied ethics.

This brings us to the second notion that I utilized in building the ethics of international activism: *force multiplier*. It is a military term, defined as follows:

> A capability that, when added to and employed by a combat force, significantly increases the combat potential of that force and thus enhances the probability of successful mission accomplishment.\footnote{See, *The Oxford Essential Dictionary of the U.S. Military*, 2001; http://www.encyclopedia.com/doc/1O63-forcemultipliereffect.html, accessed February 10, 2010.}

Readers might be tempted to think, at this point, that something must have gone terribly wrong. Isn't the notion of “force multiplier” obviously inconsistent with the contents of our first constraint, the Professionalism Constraint, on morally permissible domain of activities by international activists? How could this latter idea even be contemplated in connection to international activism? Yet the link exists, and it is a very strong one, as Colin L. Powell makes clear:

> As I speak, just as surely as our diplomats and military, American NGOs are out there serving and sacrificing on the front lines of freedom... I am serious about mak-
ing sure we have the best relationship with the NGOs who are such a force multiplier for us, such an important part of our combat team... [We are] all committed to the same, singular purpose to help humankind, to help every man and woman in the world who is in need, who is hungry, who is without hope, to help every one of them fill a belly, get a roof over their heads, educate their children, have hope, give them the ability to dream about a future that will be brighter, just as we have tried to make the future brighter for all Americans.[10]

There is something obviously disturbing in the suggestion that international activists or even the U.N. workers should serve as force multipliers for U.S. armed forces in the variety of theaters of operations where the latter are continuously active. This stands in direct opposition to the definitional component of “international activism” as agency that stems from concern for the welfare of others in foreign countries. The integrity of their actions is threatened if international activists operate in concert with U.S. armed forces or for the sake of U.S. government while ostensibly engaged to address basic needs of less fortunate humans in other countries. Consequently, an explicit moral constraint defining the way international activists can satisfy the requirements of minimal integrity of their actions is necessary. Call it the Integrity Constraint:

(C2) It is considered morally impermissible for international activists to serve as force multipliers for U.S. armed forces or U.S. government.

It is perhaps clear that the Integrity Constraint is implied by our Professionalism constraint. However, given the aggressive push by U.S. officials to employ international activists as force multipliers, the impact of the phenomenon of revolving doors, and the apparent happy acquiescence by many international activists to their newly given (post-Cold War) role, it is important to make the Integrity Constraint explicit.

[10] See “Remarks to the National Foreign Policy Conference for Leaders of Non-Governmental Organizations,” State Department, Washington DC, 26 October 2001; http://avalon.law.yale.edu/sept11/powell_brief31.asp, accessed February 10, 2010. In my essay “Go local” I offer a great number of examples that show how individuals from various constituencies (government officials, journalists, NGO workers, UN officials, think thank blog writers, and scholars) use this concept in variety of contexts discussing “international justice”.

-29-
ETHICS OF SCHOLARSHIP

Equipped with the two constraints on morally permissible international activism, and keeping in mind the practically useful concept of “force multiplier” we can now turn to a similar proposal that will apply to the question of what constitute permissible scholarship, specifically in the context of the so-called “transitional justice studies”. It turns out that when these constraints are combined with a sensible distinction that can be made between two kinds of activism scholars can be engaged in we have all the ingredients we need for a suitable ethics of scholarship, which at once sets the limits on freedom of activism within scholarship. The distinction in question is based on the work of the French sociologist and philosopher Pierre Bourdieu.

I want to introduce here a distinction between ‘activism in scholarship’ and ‘activism with scholarship’. As we shall see there are reasons to raise moral objections against the former type of practice as it leads to findings and recommendations that are not based on proper methodology or correct facts, but instead on ideological grounds or are entirely conventional wisdom or narrative based. To crystalize this distinction we can take into account Pierre Bourdieu who is not only the best example of someone who practiced what I call “activism with scholarship”, but he also extensively theorized it, while at the same time he rejected “activism in scholarship” as heteronomous and irresponsible, in his conception of “committed scientist” or “public intellectual”. In order to count as intellectuals “cultural producers”, seen by Bourdieu as “bi-dimensional beings”, must satisfy two conditions. First, they “must belong to an intellectually autonomous field, one independent of religious, political, economic or other powers, and they must respect that field’s particular laws”, which means that the questions they ask, problems they formulate, and methods they use seeking answers must be de facto recognized as belonging to the field by its practitioners. Second, “they must deploy their specific expertise and authority in their particular intellectual domain in a political activity outside it.”[11] In other words, for Bourdieu, the proper engagement of a scholar or intellectual is outside academia but relying on the tools of her specialization to accomplish political interventions.

The former condition spells out the existence of autonomous fields as the foundation of symbolic authority, which when exercised outside scholarship or academia, as interventions in politics, per the later condition, represents the proper domain of civil engagements for intellectuals equipped


-30-
with scientifically-obtained knowledge. Thus, Bourdieu endeavored to keep scholarly methodology rigorous and free from all external interests be they economic or political. Bourdieu's own activism was motivated by his belief that "those who have the good fortune to be able to devote their lives to the study of the social world cannot stand aside, neutral and indifferent, from the struggles in which the future of that world is at stake".[12]

He argued that his theorizing of habitus, field and symbolic power gave him greater understanding of the institutions he sought to influence. He developed a view of multinational corporations, international institutions such as the IMF and World Bank, and the US as together embodying "the cunning of imperialist reason"[13] in an international situation in which "the global community has given carte blanche to the US to enforce a particular kind of order' in which "relations of force overwhelmingly favor the dominant” and “might alone makes right”[14] Thus his engagement based on the findings of his research included his many appeals and protests in Le Monde Diplomatique and appearances at rallies and demonstrations, where he spoke against the government's neoliberal strategies of welfare cuts, immigration policies and complicit journalism.[15] This is "activism with scholarship" in its most robust form. But, importantly, he does not see this as a solitary effort, instead Bourdieu encouraged "all competent researchers to unite their efforts with those of responsible activists in order to collectively discuss and elaborate a set of analyses and proposals for progress that today exist only in the virtual state of private and isolated thoughts or circulate in fringe publications, confidential reports, or esoteric journals".[16]

At the same time Bourdieu rejected 'activism in scholarship' as a threat to autonomy, for its presence in any field signals dependence with regard to external economic, political or religious powers, which erodes any symbolic authority necessary for proper civic engagement by an intellectual. As such it also represents a kind of incompetence as a violation of the basic value of all authentic scholarship, its 'interest in disinterestedness'. Thus, when Bourdieu calls for full adherence to scholarship of 'the collective intellectual' he

[15] More than a decade after his death, given the predicament France and Europe are currently in, all of these initiatives undertaken by Bourdieu seem particularly relevant, and I see this Article as humble attempt to offer a philosophical application of specific conceptualizations by the accomplished theoretician from a cognate discipline of sociology.
is envisioning ‘an improbable but indispensible combination: scholarship with commitment, that is a collective politics of intervention in the political field that follows, as much as possible, the rules that govern the scientific field’. This Bourdieusian account gives us clear sense of the dual failure of “activism in scholarship” that amounts to pseudo-scholarship (because it lacks autonomy) and fake activism (as it is neither collective nor universal).

**THE LIMITS OF FREEDOM IN SCHOLARSHIP**

Much of what passes for scholarship in the West that developed in a kind of symbiosis (through joint funders) with the work of INGOs, if considered carefully, would have to be classified as “activism in scholarship” and hence it would qualify as inappropriate, morally (and methodologically for sure) impermissible activity for a scholar. This, dismissal of “activism in scholarship” based on considerations from Bourdieu are further reinforced by recognizing that “activism in scholarship” violates both The Professionalism Constraint, and The Integrity Constraint, by making those who practice it the “force multipliers” for the powers that be.

Of course, in the limited space available here this finding cannot be demonstrated by considering the entire “international justice” literature, but an example would suffice to see how this sort of considerations would be applied in concrete cases of what passes for scholarship in this field.

Take, for instance, the questions regarding the fate of Yugoslavia within “transitional justice” (scholarly) discourse: What happened to this state—Yugoslavia—that was in existence for roughly eight decades? Who ended it and in what way? What role did international law play in achieving the final outcome? And what might be the source, significance, and purpose behind the international legal and historical narratives regarding Yugoslavia’s disappearance produced in the West?

These are broad questions, and represent only the outer limits of the general theme a brief article like this can touch upon. Still, on the question of “what happened to Yugoslavia?” we can discern two broad categories of answers. In the ever growing, generally unanimous, and quite repetitive literature on this question (including endlessly recurring pronouncements by politicians or activists in the media, and unfortunately substantially absorbed within what passes for scholarship in the West) the dominant view without any doubt is that Yugoslavia fell apart once various internal contradictions could no longer be kept under control. Call this “the self-destruction of Yugoslavia” account of what brought this state to the end. The com-
peting account which offers to explain how the state of Yugoslavia ceased to exist focuses on the emergence, in the post Cold War period, of the agency of a single, unchallenged superpower: the United States of America. Call this “the Hegemon did it” account of how Yugoslavia was dismantled.

Given that the principal mission of any true scholarship is to challenge the fictions and fabrications about the sources of violence in the Balkans during the 20th century, and promote accurate history of Yugoslavia and Serbia, this and other contributions will argue in favor of the latter and against the former approach to answering the question about the way Yugoslavia went out of existence as a state.

A similar polarization can be identified between two camps offering answers to a related question: “What role did international law (or appeals to it by the powerful states) play in the Yugoslavia’s end game?” While on the one side there are those who offer encouraging accounts of the reform of international law as a result of attempts to be creative in its applications to the events in Yugoslavia of the 1990s, there are, on the other side, those who hold the contrary view, that it was precisely the instrumentalization of international law (and the UN) by the sole superpower that doomed Yugoslavia. Already, very early in the 1990s, and throughout that decade, Yugoslavia became a veritable playground for testing various policies of the phantom “international community” (often used euphemistically to refer to the U.S.) inevitably justified in terms of applying (often novel forms of) international law (typically through various resolutions of the UN). These policies, in reality social experiments on a grand scale, ranged from an early imposition of economic sanctions against Yugoslavia in the name of “human rights” to the 78-day humanitarian bombing of the country by NATO in 1999.

Regarding all these initiatives a vast literature was developed in their support by scholars, activists, and activist scholars, who see as the end result positive reform of international law. Call this position: “the reformist optimism”. A much more modest number of scholars whose voice it is not easy to hear through the thunders of the former group have struck cautionary notes that these “reforms” rather than moving things in positive direction in fact debase any decent conception of law (including international law). Call this position: “the traditionalist realism”. The contrast between reformist optimism and traditionalist realism cannot be overstated. For example, while proponents of the former position view the state sovereignty as a relic of a bygone era and praise globalization—no surprise then that on the question of “What happened to Yugoslavia?” they all adhere to the “self-destruction” theory—advocates of the latter perspective insist on the values of

-33-
sovereignty and caution against predatory globalization—no surprise there either if we learn that they find as more plausible “the Hegemon did it” theory on the dismantling of Yugoslavia. But the greatest disparity between the two views lies in the steadfast refusal of traditionalist realism to endorse the reckless and purposeful confusion of moral sentiments and narratives (always by some Westerners) for expertise in international law (particularly international criminal law) pedaled by reformist optimists. Nowhere has this contrast come in as sharp a focus as with respect to exactly opposite opinions regarding legality, legitimacy, and justification for erecting ad hoc criminal tribunals (such as ICTY and ICTR). Thus, as a typical reformist optimist “reasoning” on this matter one could offer the following example formulated by a philosopher and lawyer interested in the ethics of international affairs:

When an international tribunal is set up to address mass murder or ethnic cleansing perpetrated by members of a State against fellow members of the same State, a relatively new form of international law is put on the table. This is the most controversial forum for international law. It is the most controversial because it implies that there are international normative standards that govern how States act within their own borders, and toward their own subjects.[17]

Pronouncements like this are ubiquitous in what passes for scholarship on international criminal law since the end of Cold War; perhaps what explains how a clear non sequitur like this can get by editors of even most prestigious university presses is the fact that this idea sounds so familiar to everyone involved, despite its total absence of intellectual merit. By contrast, any traditionalist realist would be quick to point out that the fact that an “international” tribunal has been set up implies nothing about the existence of international standards. The opposite, however, may be the case: if such standards existed, then it could be legitimate (and perfectly legal) to erect international criminal tribunals, assuming of course the mise en force of a binding treaty or the consent of the country whose criminal jurisdiction is thereby subsumed by international law.

“The Hegemon did it” perspective may well extend beyond the destruction of Yugoslavia. “Humanitarian bombing,” carried out in violation of international law, edged the world toward an apparent decriminalization of

aggression, the “supreme international crime,” according to the Nuremberg Tribunal. The euphemistic “use of force” in Afghanistan, Iraq or Libya or continues to be the object of justification in the name of democracy, human rights, war on terrorism, struggle against impunity, responsibility to protect, and the necessity to never again permit genocide to be committed, and the like. Yet, putting an end (precisely) to the very use of force in international relations—in particular when carried out in violation of international law—was the essential raison d’être of the establishment of the United Nations, and lies at the heart of its Charter.

As this example of the research topic dealing with the destruction of Yugoslavia, certainly among the more characteristic ones in early goings of “transitional justice,” shows much of the production on this topic would qualify as “activism in scholarship” in Bourdieu’s classification, while at the same time it clearly violates The Constraint of Professionalism and The Constraint of Integrity. Such “research” without a doubt surpasses the boundaries of freedom consistent with proper scholarship.
REFERENCES


Александар Јокић
Portland State University
Сједињене Америчке Државе

ИЗГУБЉЕНИ У ТРАНЗИЦИЈИ: ГРАНИЦЕ СЛОБОДЕ СТРУКЕ

Сажетак: Основно је донијено још још постоја и оправдане границе слободе у науци и академском свету. Пишуће се јаље специфичну у случају друштвених и хуманистичких наука, током, изв. „прелазној Јериоди“. Посвећујући још револуцијском кон- тектсу и друштвеним чињеницама аутор разматра „етику исхранења“ у широм оквиру „етике међународно активизма“ којем је при- свуђена на начин формулисани низа ограничених циља био је редало да буде морално допуштен делавност у контексту који укључује директне и индиректне услуге из иностранства. Ослонцем на неке од њих границе и основну позивну разлику између „активизма у структу“ и „активизма уз структу“, аутор доније је редолу који се једне начина мишљења о оправданим границама слободе у структу, коришћењем примера „транзиционе јераве“ као примера.

Кључне речи: структу, позив, слобода, активизам, правда, наука.