

December 2004

Social Justice is the Will of the People

An Interview with Noam Chomsky

Follow this and additional works at: <http://digitalcommons.law.seattleu.edu/sjsj>

Recommended Citation

Noam Chomsky, An Interview with (2004) "Social Justice is the Will of the People," *Seattle Journal for Social Justice*: Vol. 3: Iss. 2, Article 18.

Available at: <http://digitalcommons.law.seattleu.edu/sjsj/vol3/iss2/18>

This Article is brought to you for free and open access by the Student Publications and Programs at Seattle University School of Law Digital Commons. It has been accepted for inclusion in Seattle Journal for Social Justice by an authorized administrator of Seattle University School of Law Digital Commons.

Social Justice is the Will of the People: An Interview with Noam Chomsky

The Transforming Social Justice section of this issue explores what social justice is, what the social justice movement has accomplished, and whether the movement should transform itself to confront today's most pressing issues effectively. Mr. Noam Chomsky graciously agreed to share his perspectives on social justice and other topics with the Seattle Journal for Social Justice. Michael Shank, Director of Public Affairs at World Culture Open, conducted the interview with Mr. Chomsky on behalf of the SJSJ on April 8, 2005, in Boston, Massachusetts. The SJSJ thanks Mr. Shank for his help in facilitating and coordinating this conversation.—Eds.

Shank: Social justice is an extremely broad concept and its meanings seem to shift depending on its context. What is your personal take on the concept of social justice?

Chomsky: I think that the Universal Declaration of Human Rights¹ is a reasonably fair starting point. It's not the end, but it's a good starting point. We could move towards social justice if the Universal Declaration were accepted. And though it's formally accepted, it is in fact rejected by most states, maybe all states. There's a lot of talk in the West about Asian relativists, who selectively choose parts of the Declaration that they like and disregard other parts. And of course, the unspeakable Communists are supposedly the worst of all. Much less discussed is that certainly one of the leaders of the relativist camp is the United States.

The United States flatly and explicitly rejects whole sections of the Universal Declaration and rejects them with contempt. These are the socioeconomic provisions, which have to do with the right to life—food, health, decent working conditions, rights of women—things like that. The U.S. flatly rejects them. Jeane Kirkpatrick, when she was UN Ambassador,

simply dismissed it as what she called, “a letter to Santa Claus,” not to be taken seriously. Morris Abram was the U.S. Representative to the UN Commission on Human Rights under Bush Number One when the Commission was discussing what they called the right to development. The way the text was formulated, the right to development was virtually a paraphrase of Article 25 of the Universal Declaration. And the U.S. vetoed it again, and again with anger. Abram called it, “preposterous,” “a dangerous incitement,” and an “empty vessel into which vague hopes and inchoate expectations can be poured.”

Paula Dobriansky, who is now Undersecretary of State for Global Affairs, spoke for the State Department at a press conference a couple of weeks ago, when the State Department released its annual report on human rights. She made a very eloquent speech about how “promoting human rights is not just an element of our foreign policy, it is the bedrock of our policy and our foremost concern.” She was also in a very similar position in the Bush Number One administration and gave a speech in 1988 in which she said she wanted to dispel certain “myths” about human rights, the first of which was that “economic and social rights constitute human rights.” She went on to say that we should not obfuscate human rights discourse by bringing in social and economic rights.

Actually, there’s a third part that the U.S. rejects so totally that they don’t even bother mentioning, that’s the community and cultural rights. Forget about it. But the socio-economic rights are explicitly rejected with contempt. And if you look at the other rights, the ones the US claims to uphold—political and civil rights—it also rejects them. One after another. Not only in word but also in deed.

The Universal Declaration of Human Rights does not have enforcement mechanisms, it’s just a declaration. The way the UN works, it’s the task of the General Assembly to produce conventions that implement the decisions.

TRANSFORMING SOCIAL JUSTICE

Copyright © 2005 by Noam Chomsky.

They have a long list of conventions on the rights of the child, the rights of the worker. . . . The U.S. has ratified very few of them. But those that it has ratified without exception, to my knowledge, include what is called a Non-Self Executing clause. What that means, in effect, is “inapplicable to the United States.”

Take the anti-torture conventions that are really in the news right now. These are the conventions about cruel, degrading punishment and relating to all the attention about Abu Ghraib, Guantanamo, and so on. There’s been a huge furor about the Justice Department memos effectively authorizing torture. A lot of people have bitterly condemned them. For example, Yale Law School’s dean, Harold Koh, said this is so outrageous, it’s as if the U.S. were accepting the right to commit genocide. He apparently didn’t notice that it’s true; the U.S. does accept the right to commit genocide. The U.S. finally signed the UN’s convention against genocide after forty years, but with a reservation saying that it’s inapplicable to the United States. In fact, this just came up at the World Court [International Court of Justice] a year or two after the NATO bombing of Serbia. A group of international lawyers brought charges against NATO to the UN’s International Criminal Tribunal for the former Yugoslav using Amnesty International and Human Rights Watch reports—using admissions by the NATO command. The Tribunal prosecutors refused to look at it, which was a violation of their own rules. Both of the prosecutors, Louise Arbour and Carla del Ponte, said they’re just accepting the good-faith presentations of NATO rather than investigating.

However, Yugoslavia went on to the World Court and brought a case against the NATO countries. The World Court deliberated it for about four years. Then I think they finally decided that they did not have jurisdiction. The U.S. immediately withdrew. And the court accepted its withdrawal. And the reason is that Yugoslavia had invoked the Genocide Convention. And the U.S. Representative—this is under Clinton, not Bush—pointed out, correctly, that the World Court can only take proceedings forward if both

sides agree. That's the condition, and the U.S. doesn't agree. When the U.S. ratified the Genocide Convention, after 40 years, it added a reservation excluding itself from the Convention. The U.S. reserves for itself the right to commit genocide, and for this reason is excluded from adjudication under the Convention.

And it continues. Consider the anti-torture conventions. The Justice Department and the President's legal adviser Alberto Gonzales—now Attorney-General—have been harshly condemned for effectively authorizing torture in memos of theirs. Gonzales went on to recommend to the President that he should restrict the Geneva Conventions, for one reason, because it would reduce the risk of his prosecution under the War Crimes Act (which carries the death penalty, for grave breaches of the Conventions). A very distinguished constitutional law specialist, Sanford Levinson, had an article about this in the journal of the American Academy about a year ago.² In it, he bitterly condemned Alberto Gonzales, and in fact he said that Alberto Gonzales is acting like Carl Schmidt, who was the leading philosopher of law for the Nazis. Gonzales is voicing a notion of sovereignty that is similar to the position Schmidt used to justify his Führer. But then Levinson adds something. He says, you can't argue that the Justice Department memos, horrible as they are, are a completely new direction, because when the U.S. signed the UN Convention Against Torture,³ the Senate rewrote the definition of torture to make it, as Levinson called it, more "interrogator-friendly." He said that the Justice Department memos, though they're kind of over the top, still have some basis in the Senate's revision of the anti-torture convention.

And so it continues, case by case. I won't run through the rest. The U.S. has essentially exempted itself from every precept of the Universal Declaration, some explicitly, some implicitly, by signing with a reservation that excludes the United States. And some they just disregard.

TRANSFORMING SOCIAL JUSTICE

Copyright © 2005 by Noam Chomsky.

Unless countries, at least, are willing to accept the Universal Declaration, we can't seriously go on to talk about improving human rights or, by extension, social justice.

Shank: If countries aren't buying into the legitimacy of the structures that are needed to implement social justice, then is social justice even a feasible goal?

Chomsky: Not through states. But, in fact, the U.S. population favors these provisions. There's an enormous disconnect between the government and the population. That's true for issue after issue. Take the International Criminal Court: a large majority of the population is in favor of it. I was listening to NPR the other night; they were having an interview about the appointment of John Bolton as the U.S. Ambassador to the UN. And Frank Gaffney, who's one of Bolton's defenders, happened to say that the American people are strongly against the International Criminal Court, so we can't accept it. That's just not true. An overwhelming majority of the population think we ought to join the International Criminal Court. The same overwhelming majority thinks we ought to join the Kyoto Protocol. In fact, people support Kyoto so enthusiastically that a majority of Bush voters think that he's in favor of it. They consider it so obvious that he should be in favor of it that they assume Bush must actually be in favor of it. The same goes for accepting the jurisdiction of the World Court.

In fact, support for the UN among the population is extremely strong. So much so that the popular critique of the recent budget is that we should spend more money for the UN. A large majority think that the UN should take the lead in international crises, not the United States. We should be subordinate to UN decisions. Amazingly, a majority of the population is in favor of giving up the veto in the Security Council and for following majority decisions, even if the U.S. doesn't like them. And it just goes across the board like this.

It's interesting that major studies of public opinion on these issues were released in 2004, right before the election, by the most prestigious polling

institutions. But they were scarcely reported. I did a media search and only found about two news articles in this country's press (along with a few op-eds). You can see why. What they show is that both political parties and the media are very far to the right of the general population on about every issue you can think of. And, obviously, business, the party managers, and the media know this, so they just don't report it. This means that in the U.S. there's a huge "democratic deficit"—that's what we call it when we talk about countries we don't like. These are functioning democracies only in form, not really in substance. These are some of the reasons.

Shank: How have the challenges faced by the social justice movement changed in the last few years?

Chomsky: Depends where you look. There are different challenges in eastern Congo than in the United States, obviously. Let's take the United States. One of the challenges is the very dedicated effort on the part of the administration to dismantle the entire array of legislation providing and ensuring minimum standards of health, welfare, education, and so on for the population. That was a long struggle, centuries of struggle, to gain these results. Again, if you look at the reactions to the federal budget, which were carefully studied, the population wants to sharply cut military spending and sharply increase spending for health, welfare, education, and so on across the board, almost exactly the opposite of the current policy. What the administration is trying to do, and they don't really try to conceal it, is to ensure that the government remains powerful. They're not against a powerful state; they're not conservatives. They want a powerful state, but dedicated to the service of the wealthy. Other people can somehow take care of themselves.

One interesting example of that right now is the concocted Social Security crisis. It's actually a scam, and it'll be understood to be a scam, but it doesn't matter because they've already won. They've won because

TRANSFORMING SOCIAL JUSTICE

Copyright © 2005 by Noam Chomsky.

they've convinced a substantial part of the population that there's some kind of a problem there. In fact, the only problem is a minor technical problem. Even if you forget about all the fudging of the data and the lies about the statistics, it still can't be a social problem. When you look at the numbers they give you, the scare numbers, it's always the decline in the ratio of working people to elderly people. But that's not the right number, and every economist knows it. The right number, and any ten-year-old knows it, is the ratio of working people to *people*. The working people support everybody, not just the elderly. The baby boomers are supposed to be the big problem and they were children once. What happened to them when they were zero to twenty? They were taken care of by the working people of that era, roughly the 1960s. In fact, during the 1960s expenditures in schools, in child care, and so on, were way up. The country was much poorer then, but taking care of the baby boomers when they were zero to twenty wasn't a massive crisis. Taking care of them when they're seventy to ninety can't possibly be a much greater problem. This society is much richer now than forty years ago, so if it wasn't a problem then, it can't be a problem now and it will be even less so in forty years. That's elementary. So even if there was some fiscal problem with Social Security coming in 2042, or 2057, or whatever number you want to play with, it's trivial. It can't be a social problem. It is, at most, a problem of reformulating the Social Security legislation in a minor way: perhaps raising the highly regressive payroll tax lid. End of discussion; there's just no issue there. On the other hand, Social Security is facing one real problem, namely medical costs. Medical costs are totally out of control, and that increasingly bites into Social Security.

Now the medical system really does have a fiscal crisis, a huge one, in fact. The reason is this: the U.S. has the most inefficient health care system in the world. Its per capita costs are about twice as high as the average of other industrial countries, much higher than any of them. And despite the enormous cost, the services are quite poor. It's not as if it works better for

the added expense. The U.S. is at the low end of the industrial societies in quality of health care. In fact, the United States is actually below Cuba, which is just scandalous. So here we have this hopelessly inefficient medical system, which is going to turn into a huge fiscal crisis. Nothing's being done about it.

On the other hand, Social Security, which isn't in a crisis, is the hot topic that everyone has to write articles about to scare people. What's the difference between the two? There's a very simple difference: who benefits from the two systems. Take someone at my income level, way off towards the top end of the scale. I get Social Security, but if I didn't get it, it wouldn't make any difference. It's a little icing on the cake, you know; I get a big pension from MIT. So for me, for people on my end of the bracket, Social Security's okay, it's like a little more royalties on a book, it doesn't mean anything.

On the other hand, for working people, the poor, and the disabled, they're dependent on Social Security; it's what they live on. So it's a program for the majority of the population but almost useless for the rich. Furthermore, it's extremely efficient, it has almost no administrative costs. Because it's a government-run program, it's done very efficiently, no paperwork. There's nothing in it for insurance companies, Wall Street money managers, and so on. It's of no benefit to the rich, so it has to be killed. The health care system, on the other hand, works very well for the rich. So again, take someone in my income bracket. I get the greatest health care in the world because our system rations healthcare by wealth. So if you're toward the top of the income bracket, you get fantastic care at the best hospitals in the world. On the other hand, much of the population can't get medical care, can't even buy drugs. Actually, we do have a national health care system: it's called the emergency rooms. So if you're dying, let's say, or if you get hit by a car, and if you can get an ambulance, they'll take you to an

TRANSFORMING SOCIAL JUSTICE

Copyright © 2005 by Noam Chomsky.

emergency room. And if it doesn't happen to be overfilled that day, they'll take care of you. In fact, you may get the best care in the world, if you get taken to a top-flight emergency room like, for example, Massachusetts General Hospital. But that is the most savage, expensive, inefficient form of healthcare imaginable. It sends costs through the roof and harms the poor. But since this system is working quite well for the wealthy, they don't want anyone to touch it. This system is also very inefficient. Since it's privatized, it has layers of bureaucracy and a ton of paperwork. The costs go up and out of sight, but that means plenty of money goes to insurance companies, HMOs, private corporations, and so on. In fact, the costs are much higher than the usual estimates, which are bad enough. Remember that the economic metrics are based on ideology, not science. Economists make a choice as to what to measure, and they don't measure the cost to people. So they don't measure the cost to the doctor or the patient. Like my wife's doctor, who had prescribed something to her for some condition, and she tried to get the prescription filled, but the company has rules; some bureaucrat said you can't take that drug, you have to take a cheaper one. Well, it turns out she can't take the cheaper one because of some other medical condition. Her doctor had to spend hours arguing with the insurance company to get her the drug he prescribed.

His time costs money. Her time costs money. Then my time costs money when I stand there at the pharmacy trying to argue about it. In fact, if you think about your own life, many of the things that the economists say increase efficiency just transfer costs to you. So when you call an airline, let's say, to get a ticket, they have the process all automated. So you listen to a menu, you wait awhile, you push the buttons, and it could take a half an hour before you figure out what you want. That's called efficiency because it saves money for the corporation, but it's a cost to you, and the cost is multiplied over the huge number of users. Now, if the economists ignored the usual doctrinal metrics, they could include those costs. In that case, the

costs would go through the roof. They're high enough already, but they'd reach the moon if they included the human costs.

None of this will be touched, though, because the rich are benefiting from the status quo. In fact, that criterion works like a charm. Take the bankruptcy law.⁴ The *Wall Street Journal* wrote a front page article on it a day or two ago.⁵ The article said that the new law was written by the credit card companies. The industry wrote the law. They like it, of course; they say it puts all the onus on the borrower. But no principle of economics says, if I make a bad loan to you, you're responsible for it, not me. There's nothing in Adam Smith about that, nor in economic theory. It is an *ideological* decision that the poor should suffer.

An effort was made to put an amendment in the bankruptcy law saying that the credit card companies shouldn't try to force their credit cards on kids under eighteen. Kids don't even know what they're doing; they pick up six credit cards and max them out. That amendment was rejected. The whole law was a gift to the banks, the insurance companies, and the credit card industry. And who's hurt? Who's harmed? Not the rich people. I'm not going to overspend on my credit card. It's poor people who are spending. The rich aren't going to overspend and end up paying twenty percent usury on their overspent, maxed-out credit cards. But poor people, they're the ones who are being harmed, and in fact, half of all bankruptcies are by poor people who can't pay their medical bills. So we're back to the medical scandal. That's the bankruptcy law. In fact, go step by step; every part of the legislative program is designed to benefit the wealthy and harm everybody else.

This entire scheme is opposed by a majority of the population. How do the rich people with the power in this country get away with it? By eliminating the democratic system so the rest of the people can't vote about these issues. Most people don't even know about them. You have to do a

research project to find out about them. Who has time for that when you're working fifty hours a week to put food on the table? The last quarter-century has been a remarkable period of American economic history, and for the past twenty-five years now, real wages have been pretty much stagnant. There's been plenty of economic growth, but it went to the wealthy. Very different from the first twenty-five years after the Second World War when there was even faster economic growth but it was egalitarian. Not this time. The growth in this country is very skewed to the wealthy and, therefore, very unlikely to change.

Somehow, you've got to keep people quiet and not let them know what's happening to them. They may see in their individual lives that there's a problem, but it can't be on the political agenda, there can't be social movements to do something about it. That's why you have constant recourse to fear-mongering: "Grenada's going to have a military base" or "Iraq's going to have weapons of mass destruction" or whatever the next thing is. You've got to frighten people. You also have to figure out ways to delude them. So elections now don't involve issues, they involve what the advertising industry calls "values." Well, values are anything you like. There's a lot of talk about moral issues. Just take a look at the studies of what the moral issues are. It turns out that for about 80 percent of the population, guaranteed health care for everyone is a moral issue. Too much materialism in society also ranked highly as a moral issue. So, yes, people care about moral issues, but that's not what's getting talked about in the media or in politics. There, they are talking about making sure that you don't say that there's a theory of evolution or Ten Commandments standing somewhere. These are the kinds of mechanisms that totalitarian states use to try to control and divert their populations so that the people don't see what's happening to them. And it's becoming more and more like that in this country.

The last elections were dramatic. Almost nobody knew what the candidates' stands were on issues. And it's not because people are stupid,

it's because that's the way the campaigns are designed. The campaigns are designed by the same industry that puts ads on the television. They sell candidates the same way they sell toothpaste: not by giving information. You look at the television ad, you don't expect to get information about the car. What you get is some imagery to delude you. Both parties agree on this, incidentally, and most of the intellectuals agree. So if you look at the commentary on the election from the Democrats and democratic thinkers, it's quite interesting. Right after the election, there were long op-eds about it in the *New York Times*, professors and intellectuals saying how the Democrats could win the next election. What they have to do is figure out better ways to delude people. You don't win the election by saying, "Look, here's what I stand for." What you do is frame the issue in a certain way or bring in religious talk even if you're not religious; figure out some way to delude people, the same way an advertisement tries to delude people into buying one commodity rather than another. And that's the almost universal assumption: the population has to be excluded. Democracy is far too dangerous. Since you can't control people by force, you have to control them by delusion and imagery. By now, it's just as true for the political world as it's always been in the commercial world.

Shank: So now that you've identified some of the leading challenges facing the social justice movement, what new approaches does the social justice movement or the grassroots movement need to implement to deal with these challenges? Or is there even a role for the grassroots movement?

Chomsky: Absolutely. The role ought to be what's called democracy promotion. Democracy promotion would be great if anyone was pursuing it. The place where it's needed is right here. We have to turn this into a society where public opinion matters, a society where the public has some role in influencing public policy and shaping it. There's been a massive

TRANSFORMING SOCIAL JUSTICE

Copyright © 2005 by Noam Chomsky.

effort to prevent that. A conscious effort. Vast amounts of money go into this. It's a very consciously planned and prepared effort to ensure that the country is not truly a democracy but is just a formal democracy that lets you push a button every four years. But that's it. Your opinion doesn't matter and doesn't influence policy. You don't know what the policies are. You don't know what your neighbors think because the results of public opinion studies are rarely published.

What is really needed is pretty conservative: reconstruct a working democracy. And that can be done. There aren't any perfect countries in the world but take South Korea. It's much more democratic than the United States. South Korean people actually participate in electing a president that they want with a program that they want. There's plenty wrong with South Korea, I'm not saying it's utopia, but it's way beyond the United States and it's functioning as a democracy. The U.S. fought bitterly to hold it back. The U.S. supported the dictatorship up until the last minute. Now they take credit for overthrowing him, but that's just not true. The U.S. backed the Chun dictatorship up till the last minute; it was finally overthrown by the workers, the students, and everyone else, and since then they've gone on to construct a functioning democracy.

Look at Haiti, the poorest country in the Western Hemisphere. Miserable poverty. And they actually had a democratic election in 1990, something that we can't dream of. The grassroots movements in the slums and the hills were organized without any resources and managed to put their own candidate into power. And the U.S. was appalled and instantly moved to undermine the newly elected government. The U.S. withdrew all aid and transferred it to the opposition. A couple of months later there was a military coup. OAS called an embargo against Haiti. The U.S. announced at once that it was going to undermine the embargo. Clinton illegally authorized the Texaco oil company to send oil to the military junta, in violation of presidential directives. Finally, the U.S. restored the president,

but with a condition: he had to accept the policies of the defeated candidate that the U.S. backed in the 1990 election.

The point that's rarely made when people talk about restoring Haiti's democracy is that we were willing to restore the president as a figurehead as long as he followed the policies of the U.S. candidate, who got 14 percent of the vote. These policies were harsh neo-liberal policies, which of course would destroy the economy. And they did. That means Haitians, somehow, have bad genes. But it's not that. We're the failed state. They did have a decent election where they could elect somebody from their own, somebody they wanted. They didn't have a choice between two rich kids who went to Yale and who joined Skull and Bones. They collected somebody from their ranks. Same with Brazil. There, in 2002, a peasant steel worker was elected—there's a popular movement behind him. They don't just show up every four years and push a button, they're working all the time. That's what a democratic society is. If you can do it in South Korea, Brazil, and Haiti, you can certainly do it here. And that's the preliminary to any sort of justice movement.

Shank: Since the election, we've seen the polarization of the so-called Republican "red states" and Democratic "blue states." Is there room for a meeting of minds between the two political camps when it comes to advocating for social justice?

Chomsky: Yes, they're both against it. The red and the blue thing is mostly nonsense. It crosscuts. The talk about the big Republican victory is ridiculous. The voting was almost the same as 2000. Bush got about 51 percent of the popular vote and Kerry got 48 percent. If the imagery had been a little better designed, it could shift the vote and wouldn't tell you anything more. Both parties are far to the right of the public on major issues. If you look at the public opinion studies, you see it: on just about every major issue the parties agree. They're a little different, I'm not saying

TRANSFORMING SOCIAL JUSTICE

Copyright © 2005 by Noam Chomsky.

they're identical, but they're both way to the right of the population in case after case.

It's not an issue of red and blue states or something between the Democrats and Republicans; it's about constructing an alternative, maybe forcing one of the parties to become a truly democratic party. That's a possibility. Or else constructing some alternative, functioning democratic system. There are technical questions like should you have a parliamentary system? But the serious question is how can we move to the level of, say, Haiti and have actual democratic elections? Can we move to that level? This means having popular organizations in which people get together to work out their plans and programs, to figure out what they want and put it on the political agenda, and to do something to implement it. It's not impossible; it's happened in this country before. And it happens in other parts of the world to various degrees. There's no place where it works perfectly or even close. In fact, every single country has terrible flaws, but we happen to be very far down on the scale on this. This is one of the respects in which the Universal Declaration is not accepted, even its core civil and political provisions, which the U.S. claims to uphold but actually undermines in these ways.

There's a long history of this; it goes back to the Constitutional Convention. These issues were debated. At the Constitutional Convention, which is much more interesting than the Federalist Papers—the Federalist Papers are propaganda to convince the public to accept it—the convention's actual debates are quite frank. James Madison, who was the main framer of the Constitution, pointed out that there are fundamental problems with creating a democratic society. The example that he gave was an interesting one. It's the same example Aristotle gave in his *Politics*, the founding work of classical political theory. Aristotle looked at a whole variety of different systems, and he decided that democracy was probably the least bad. He didn't like it very much, but he said that it is the preferable one. But he said there are problems in a democracy. One problem is that if you have great

inequality, the mass of the poor will use their voting power to take away the property of the rich, and that would be unfair. Madison gave the same example. He gave England as the example. He said that if England allowed democracy, the majority of the population would break up the landed estates and take the land for themselves. And that would be unfair.

At that point, Aristotle and Madison diverge. Aristotle's solution was to reduce inequality, and Madison's solution was to reduce democracy. Madison explained that they had to set the country up so that power would be in the hands of the nation's wealthy, those who have sympathy for property and its rights because one of the primary goals of government is to protect the opulent minority from the majority. And the mass of the population? You have to fragment it somehow. You need an elaborate system to fragment people so that they can't get together and do anything about the inequality built into the system. That's the basis for the constitutional framework. Then there was well over a century of struggle over this; people didn't accept it. The country did become much more democratic over time. The nineteenth century was like a century of self-rule by real democratic forces. In fact, a dominant theme in the nineteenth century was that if you have to rent yourself to survive, meaning wage labor, that's not really different from slavery. So self-rule was based on the principle of no wage labor. That was such a common doctrine that it was the Republican Party's slogan in the 1860s because it was taken for granted. The Civil War was fought by people who were opposed to slavery, whether it was chattel slavery or wage slavery, which they didn't see as very different. They didn't read Marx or anything like that. This was just coming out of spontaneous popular thinking about these topics. And there are many gains since and many gains in recent years: minority rights, women's rights—there's been a huge change in women's rights over the

TRANSFORMING SOCIAL JUSTICE

Copyright © 2005 by Noam Chomsky.

last forty years—and concern for environmental issues, which means rights for coming generations, and so on. That’s all pretty new.

But at the same time, while there’s progress in that direction, there’s a very sharp reaction. The people who own property, who own the country, they don’t take this lying down. They’ve issued a very strong counterreaction, starting in the early 1970s. You see it across the board. The number of lobbyists in Washington, for example, just exploded in the early 1970s. The universities and schools were urged—even ordered—to pay more attention to what was called the indoctrination of the young. That’s the term that was used by the liberal internationalists, incidentally, not the right wing. The international financial system was dismantled in order to allow free capital flow. It was well understood and has been for a long time that if you allow free capital flow, governments can’t carry out programs because if the investing and lending community doesn’t like the programs, they can destroy the economy by capital flight. Actually, one of the ways South Korea has been able to develop is by imposing constraints on capital flight.

By violating all the rules that economists tell you, South Korea was able to develop just as the United States has developed. And there was tremendous economic growth during the period of control of capital and cutting down of currency speculation by stabilizing the currencies, but there was also the possibility for welfare state measures that went along with it. And it was understood. Go back to the discussions of the late 1940s; they recognized that if you want to allow governments some freedom to operate in the interest of the population, you must allow them to control capital, and you must cut back currency speculation. The logic is very straightforward. In the early 1970s this was dismantled all over the world, and you get the predictable results: an attack on welfare state measures and social democracy, except in the countries that didn’t follow the rules like East Asia. They disregarded the rules. They did exactly what the United States

and Britain and others had done when they were developing. Therefore, they grew and developed.

Now the propagandists are promoting what is ridiculously called “globalization.” The way they justify this position is by lumping the rest of the world all together and saying, “Look how much economic growth there’s been under globalization.” Yes, that’s true, but the growth has been localized precisely in those countries that rejected all the rules. If you differentiate the countries that followed the rules and those that rejected them, it’s a very sharp divide. East Asia disregarded the rules. Latin America adhered to the rules and it was a disaster.

And the same is true now. Take China. Why is it growing so fast? It disregards all the rules. It happens to be a totalitarian state. It’s pretty ugly in all sorts of ways, like its miserable working conditions. It’s violating every imaginable rule of the World Trade Organization. The U.S. doesn’t mind that much because U.S. corporations are making a mint off of it. The high-tech exports from China are mostly foreign owned; they’re not Chinese. Chinese expatriates own most of them. Dell and Motorola are making a huge amount of money on China. Wal-Mart survives on it. They get extremely cheap labor so that they can sell very cheaply, so it’s fine by them if China is totalitarian. But the growth is coming, very largely by just rejecting the rules.

These are things that people understand, at least intuitively. People don’t know the details but that’s the reason why people are strongly against the trade agreements, which aren’t really trade agreements at all. There’s overwhelming objection to them all the time. It’s pretty amazing to watch these agreements work. Take NAFTA. It was two democratic countries—Canada and the United States—and a quasi-democratic country, Mexico. In Canada and the United States the populations were opposed to it. Look at

TRANSFORMING SOCIAL JUSTICE

Copyright © 2005 by Noam Chomsky.

the polls. In Mexico you can't trust the polls, but it looks as if most people were opposed. So it carried over popular opposition everywhere it applies.

According to U.S. law, the government's required to consult with the labor movement on international economic arrangements that affect labor. And obviously NAFTA does affect labor. They didn't do it. They waited until twenty-four hours before the agreement was signed to officially tell the labor movement about it. They presumably expected there wouldn't be any response. Well, there was. The Labor Action Committee put together a detailed analysis in which they weren't necessarily opposed to a North American Free Trade Agreement, only this particular one. They said this one would harm working people, lower growth, and raise profits. They made constructive suggestions as to how to revise it. In fact, their proposals were virtually the same as Congress's own research bureau, the Office of Technology Assessment. Both were suppressed. Neither of them were mentioned in the media. To this day, neither of them have been mentioned, to my knowledge. But there was plenty of denunciation of the labor movement in the media.

Anthony Lewis from the *New York Times*, who is about as far left as you can go, bitterly condemned the labor movement for its brutal tactics. But the only thing the media wouldn't do was report the proposals for revising NAFTA, and to this day they have not been reported. So here we have an agreement between three countries, the populations of which are all are opposed to it, and it's not even about trade, it's about investor rights. In fact, the only true words in the whole title are "North American," but it isn't about trade, isn't about free trade, and it certainly isn't an agreement. Ultimately, it had the expected consequences, conditions in all three countries deteriorated for working people, it appears from studies of the Economic Policy Institute, Human Rights Watch, and others.

Shank: In our conversations, I've heard a recurring theme about the power of the media and the advertising industry. You also mentioned

earlier a “fear-based approach.” I see the left adopting those same approaches: fear-based marketing, fear-based advertising—

Chomsky: Who do you mean by “the left”? Do you mean the Democratic Party?

Shank: The Democratic Party, right.

Chomsky: They’re not the left, they’re the right.

Shank: Good clarification. I see the Democratic Party adopting those same kinds of fear-based media approaches. How do you feel about that, and what alternatives do we have?

Chomsky: The alternative is to approach the population honestly. Let’s look at the marketing system. Business hates markets. You learn in economics courses that markets are based on “informed consumers making rational choices.” Is that why business spends hundreds of millions of dollars a year for advertising? Like when you look at a car ad or an ad for drugs, are they trying to make sure that you are an informed consumer making a rational choice? No, what they’re trying to do is delude you with imagery, so you *won’t* be informed and you’ll make an *irrational* choice. That’s the whole purpose of those hundreds of millions of dollars. Now, what you ought to do, if anyone believed in markets, which nobody does, is have General Motors put up a notice, saying, “Here are the cars we are selling next year. Here are their characteristics.” It would cost nothing, and you’re finished. That’s what you would have in a market system. Actually, that’s what we *do* have in the small parts of society that *do* function as markets, like stocks. Suppose you have ten shares of General Motors, and you want to sell them. Do you put an ad on television saying, “Look how magnificent my stocks are, here’s Miss America holding them,”? No, stocks are in a market. You sell your stocks at the market price, and that’s the way markets work. But business will not tolerate markets, nothing like that exists in most areas of commerce. But that’s the way politics should

TRANSFORMING SOCIAL JUSTICE

Copyright © 2005 by Noam Chomsky.

work. You want, “Here’s what I think, and I’d like you to think about it and tell me where I’m wrong, and you tell me what you think.” That’s real politics. In fact, our whole system, from bottom up, is designed to prevent democratic politics.

So take the primary system. How does it work? Candidates go to New Hampshire, say, and the party managers gather somewhere. The candidate says, “Here’s what a wonderful guy I am,” and the people are supposed to say, “Ok, I’ll either vote for you or I won’t.” Now, how would a democratic system work? Well, if somebody wants to run for office, he or she would come to a town in New Hampshire, and the people there would have already met among themselves. They would have discussed the issues and figured out what they wanted, and they would have decided what they think the programs are. And they would tell the candidate, “Here’s what we want. If you want to stand for our position, you can, but we’ll recall you if we don’t like it.” That would be democracy, and it’s so remote from our minds. It’s the most conservative position you can imagine, but when you imagine it, it sounds like it’s way out in left field, which shows how much the whole social and doctrinal system has been perverted.

The solutions for this are absolutely straightforward: honesty, working for democracy, helping people to organize. These are not radical views; these are the most conservative views you can imagine. And yes, they can work, they worked in the past—they worked in the *recent* past. Take any of the achievements of the recent past, like women’s rights. How were they achieved? Was it a gift from some benevolent leader? No, it was done by consciousness-raising sessions, women’s organizations, support groups, abuse centers, bringing other people in, and finally it just changed dramatically. Like in the town where I live, which is a professional, middle-class, liberal town, I was interested to discover recently that the police force has a special unit for domestic abuse, and they get two to three calls a week. Now that’s in an upper-middle-class town of professionals. Thirty or forty years ago, it didn’t exist. If you would have asked my

grandmother about denial of rights to women, she wouldn't have known what you were talking about. If you asked my mother, she would have resented it, but wouldn't have thought she could do anything about it. If you ask my daughters, they could tell you to get lost. The whole consciousness has changed. And this is the way things change in the world. That's the way labor rights were gained, civil rights were gained, the right to vote was gained, the welfare system such as it is was achieved, and that certainly can be reconstructed and carried forth.

Shank: So, what's the role of the legal profession? Since much of the readership of the *Seattle Journal for Social Justice* is from the legal profession, what role can the legal profession play in the social justice movement or, since you discussed NAFTA earlier, in the labor movement, specifically?

Chomsky: Well, for example, in connection with the Hemispheric Summit in April 2001—this was a summit that was supposed to extend the magnificence of NAFTA to Central and South America—Human Rights Watch came out with a detailed report that effectively mapped out labor rights. And Human Rights Watch discussed, in detail, how labor rights had been harmed by NAFTA in all three countries. This is squarely in the domain of the legal profession.

I did a search on that. It was mentioned in one small local newspaper somewhere. Actually, they reported it in the *London Financial Times*, too, but here it was quiet because the line from above was, "NAFTA is marvelous and we have to spread its bounty." There has also been a study on the economic effects of NAFTA, which showed the same thing, and that was also suppressed. But what's called the legal profession would be in a position to defend labor rights, civil rights, personal rights.

There's a very serious question—a deep question—about whether corporations should have *any* rights, and that's another subject right at the

TRANSFORMING SOCIAL JUSTICE

Copyright © 2005 by Noam Chomsky.

heart of the legal profession. Corporations were given their rights, not through legislation, but mostly by courts and lawyers. About a century ago, corporations were given the rights of persons, which is a *major* attack on classical liberalism. In Adam Smith-style classical liberalism, rights are in people, not totalitarian entities. A corporation is a totalitarian entity; it's about as close to totalitarianism as anything humans could devise. Just think what it is: it's a power system, the power is at the top, orders go down. If you're someone in the middle, you take orders from above; if you're at the bottom, you have the chance to rent yourself to it. They're pretty much unaccountable. They're enormous. As persons, they are, of course, immortal. So corporations are these huge, immortal, totalitarian persons. But then the courts made a decision that was quite interesting. Gradually, the courts, step by step, identified the corporations with the management, not with the whole structure. So now when you take a look at corporate law, it's the management that's considered the corporation.

Something very similar happened in Bolshevism, when the leftist critics of the Bolsheviks back in the early twentieth century warned that Lenin's ideas were going to lead to the party taking over the interests of the working class, the central committee taking over the party, and the national leaders taking over the central committee, which, in fact, did happen. And that's exactly what has happened with corporations, but by decisions of courts and lawyers. Well, that's part of the legal profession.

Furthermore, the courts decided that based on the law of economics, corporations have to be *pathological* persons. Literally. During the first World War, the courts concluded that it was illegal for corporations to act in the interests of the general public and their workforce.⁶ That they *must* work in the interest of their shareholders. They are bound by law to be pathological "persons" of the kind that we would lock up and send to a mental hospital if they were flesh and blood. Now, there's an exception: they're allowed to do good things, like Merck is allowed to hand out drugs in poor neighborhoods, *if* the television cameras are on. So if you do it

purely hypocritically, for public relations purposes, then it's permitted. In fact, court decisions even urged corporations to do things like that or else, and I'm quoting, an "aroused public" will figure out what their rights are. So you'd better make sure that there aren't any "aroused publics" and try to be benevolent dictators instead of pathological persons.

But when you get to the modern so-called trade agreements like NAFTA, the rights of corporations go way beyond those of persons. So if General Motors invests in Mexico, they get what's called "national treatment" through the World Trade Organization rules. "National treatment" means that they are treated like a Mexican company. Now, what happens if a Mexican of flesh and blood comes to New York and says, "I'd like national treatment"? If he's lucky, he'll be sent to Guantanamo. And this goes on and on: corporations can sue states, you can't. They have rights that go way beyond persons, and, of course, they're huge, they control governments, and they don't control the media, they *are* the media. This is a kind of pathology that's extended over society. It's largely a construction of courts and lawyers, and doing something about it is the responsibility of the legal profession.

* The *Seattle Journal for Social Justice* would like to thank Dan Johnston for his assistance with this article.

¹ Universal Declaration of Human Rights, G.A. Res. 217(a)(III), U.N. GAOR, 3d Sess., U.N. Doc A/810 (1948).

² Sanford Levinson, Comment, *Torture in Iraq & the Rule of Law in America*, DAEDALUS, Aug. 1, 2004, at 5–9, available at <http://www.amacad.org/publications/summer2004/levinson.pdf>.

³ Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, G.A. Res. 39/46, U.N. GAOR, 39th Sess., U.N. Doc. A/39/51 (1984), entered into force June 26, 1987.

⁴ S. 256, 109th Cong. (2005) (enacted). For more information regarding the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, visit <http://www.govtrack.us/congress/bill.xpd?bill=s109-256> (last visited Apr. 25, 2005). Legislation is still pending on the House version of this bill, H.R. 685, 109th Cong. (2005). For more information, visit

TRANSFORMING SOCIAL JUSTICE

Copyright © 2005 by Noam Chomsky.

<http://www.govtrack.us/congress/bill.xpd?bill=h109-685> (last visited Apr. 25, 2005).

⁵ Michael Schroeder & Suein Hwang, *Revised Chapters: Sweeping New Bankruptcy Law to Make Life Harder for Debtors; After 8 Years, Legislation Finally Nears Passage; No Limits on Card Giants; A Day Trader's Bills Come Due*, WALL ST. J., Apr. 6, 2005, at A1.

⁶ See *Dodge v. Ford Motor Co.*, 170 N.W. 688 (Mich. 1919).