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Entitlement, Domination and Violence:
A Philosophical Model of a Deviant Sense of Justification, and its Implications
for Understanding Human Rights Abuses

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Abstract: This paper outlines a philosophical model of a deviant sense of personal justification. The model originates in German Idealism, and presents an attitude which occurs when dominators find a way of feeling justified in their domination, because the very action of wilfully imposing it constitutes a form of personal worthiness making them superior to those who fail to resist them. Having judged themselves superior, they then take themselves to deserve the status and benefits they have appropriated. The paper draws out and describes the attitude's 'logic' and its various dimensions, and argues that despite its unreasonable claims and paradoxical character, it is nonetheless plausible that real people should exhibit it. The paper goes on to claim that its presence and operation has an important role to play in explaining human rights abuses, and offers an interpretation of the atrocities of Nazism to illustrate this. It thereby aims both to further vindicate the general model and analysis, and to provide an additional perspective on these events.

Keywords: Entitlement; justification; domination; violence; German Idealism; Nazism

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My aim in this paper is to present an abstract philosophical model of a deviant sense of personal justification, and suggest how the academic field of human rights might benefit from grasping it, by helping us understand better some of the motives and psychological processes involved in human rights abuses. It is widely acknowledged that explaining the sources of human rights violations is a central dimension of academic study in the field of human rights: understandably so, since this is key for the important practical goal of preventing them as far as we are able.¹ Unsurprisingly, existing analyses of the factors relevant to such explanations are already well developed. For instance, setting herself against naïve accounts which purport to explain such actions by the sheer moral corruption of those perpetrating them, Sonia Cardenas urges that general structural factors can amount to causal triggers for abuse and violence, and that these can be systematically stated and studied. She divides these factors into broadly material and non-material factors, and stresses that we should expect to find these interacting with one another as our understanding of how particular abuses or atrocities came about develops.² As Cardenas presents it, material considerations are usually the immediate trigger for violations,

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and can be thought of broadly instrumentally, essentially as the upshot of implicit cost-benefit analyses, where the perpetrators come to judge that they have significant things to gain from the breaches. This will rarely be the whole story, however, as non-material factors such as ideological commitments will also have a significant explanatory role to play. For the outlooks embodied in ideology are often the reason that instrumental concerns are seen as more important than the core interests of some people but not others, or indeed that certain situations are constituted as desirable ones in the first place. For instance, for someone to deem it a benefit that spaces they inhabit are cleared of a certain sort of person, they need to have constituted these people as in some way invasive in the first place, and this is usually the upshot of some ideological position.³

On this basis, and drawing on a long and fruitful tradition in the human sciences, Cardenas argues that a project of comparative politics can provide systematic illumination of human rights violations, at least to the degree to which the subject matter will admit, by identifying those societies with high and low incidences of rights violations, and comparing the presence and prevalence of the relevant factors within them.⁴ As such, these analyses can help us identify social and political situations where rights violations are more likely to occur, and potentially provide a measure of agency which can be used to mitigate or avert them.⁵ I certainly acknowledge that this offers us a valuable framework for analysis: indeed, I would suggest that it might be extended to the subject matters of other disciplines too.⁶ What I want to do here is suggest a way in which we can expand our understanding of the range of relevant explanatory factors to be compared, by identifying a dimension to these which can be usefully added to those stressed in accounts like Cardenas's.

The phenomenon I aim to model may not be clearly picked out in ordinary natural language, since in English at least, I am not aware of a word that straightforwardly signifies it. But we do have terms that bring us close, with 'entitlement' probably the most important. Used in the relevant sense, the concept of entitlement is of relatively recent origin, and dictionaries offer varying definitions. I will start from the following working statement, which I take to capture the heart of it: Someone displays entitlement when they unreasonably take themselves to have special license to do things that others may not, or the privilege of receiving special treatment that others do not, because they are in some way more important than or superior to other people. In the abstract, it is easy enough to see how someone's notion that their superiority makes it appropriate that they should indulge themselves and be indulged in ways others cannot expect might be the trigger for a human rights violation.⁷ The aim of my enquiry is to draw out and clarify the character of the sense of justification that such people apparently possess, as well as what explains and sustains it, and then to suggest how this might concretely and distinctively feed into the causes and triggers of the kinds of actions that concern us.⁸

The intellectual background on which I draw is academic philosophy, specifically its sub-field known as 'moral psychology', which attempts to outline the psychological factors involved in moral and immoral behaviour.⁹ In particular, it focuses on the motivational factors that draw

people towards moral and immoral courses of action, as well as the way that these psychological factors are themselves shaped by our individual and collective adoption of moral outlooks and stances of various kinds. I reconstruct the model from some neglected insights of some figures from the subject's history. My project continues a general approach with a longstanding pedigree, therefore. Many important conclusions and analyses of the human sciences have their origins in philosophers' discussions of the relevant phenomena, in which they are often first brought to light. Analyses from sociology and social psychology of anomie and a sense of exclusion have their roots in philosophical accounts of alienation going back to Hegel, for instance, whilst these disciplines' accounts of group dynamics still embody insights first presented in Fichte's transcendental deduction of intersubjectivity. I want to try to kickstart a similar development with respect to the phenomenon I outline, understood as a form of entitlement. Why hasn't this project been carried out before? In part, because the availability of the relevant resources has not been widely noticed within academic philosophy itself. There are various reasons for this, including the obscurity of some of the thinkers providing them, and the fact that they are often misrepresented by popular readings of the relevant writings. But there are also complicating linguistic factors, one being the relative novelty just mentioned, meaning any earlier discussion of the phenomenon could not have taken place via that concept or its European equivalents, including those of the figures I have in mind. Since this is the concept that provides us our best access to it, those analyses have been harder to understand.¹⁰

The work that shows how the relevant dynamics were identified by the philosophical figures in question, and how these can be presented in the form of an abstract model, I carry out elsewhere in future outputs. I assume that in the main, readers of this journal will not be primarily interested in the textual intricacies of such a model's presentation, or the interpretative case that presenting it is what the historic thinkers intended. Instead, the plausibility and explanatory value of the model itself will be more significant. Accordingly, I will simply present it as I take it to be in what follows. Anyone interested in the former issues can consult the work as it appears. I have chosen to publish this summary and discussion in advance of that material, because of what I judge to be its very direct relevance to issues of current concern. Whether I am justified in this is of course for the reader to decide.

Entitlement has recently become the focus of some interest in academic philosophy, essentially due to the immediately influential work of Kate Manne.¹¹ The subject of her book is not strictly entitlement as such, but misogyny. But Manne is explicit about the entitled character she takes misogyny to have, and she presents what is recognisably a model of entitlement in the course of her discussion of it. In that analysis Manne offers a structural rather than a psychological

account of misogyny, which is intended both to explain its systematic character and make it epistemically tractable, in contrast with naïve accounts which identify it with the intrinsically unobservable mental states of individuals. Whilst Manne's book goes into a wealth of important detail, the core of her account can be stated quite succinctly: Misogyny is the hostile policing of the social norms enjoined by patriarchal ideology.¹² On this picture, the hostility of misogyny expresses a man's sense that he has not received the deference he is owed from women. And the explanation for him having this sense is that he has internalised an ideology, the ideology of patriarchy, which insists in essence that the role of women is to cater to the whims and tiptoe around the egos of men.

For Manne, only this analysis adequately accounts for the self-righteous, frequently angry and resentful character of misogyny, as well as the fact that misogynists can be perfectly warm and pleasant to women, so long as they aren't stepping out of line. It is not a matter of simple antipathy for women, but rather the phenomenon is closely bound up with the reactive attitudes, especially the negative 'retributive emotions' like those just mentioned.¹³ As presented in the classic work of Peter Strawson,¹⁴ explicitly drawn upon by Manne,¹⁵ attitudes like anger and resentment have a logic to them, one presupposing the availability and validity of a particular transpersonal perspective. For such emotions are not mere upsurges of negative feeling, but embody an implicit accusation, and often at least a corresponding demand. To use the current terminology which emerged from developments of Strawson's work,¹⁶ these attitudes are fundamentally 'second-personal' in nature,¹⁷ along with any outlook which expresses them.

As such, they presuppose the possibility of agents coming to occupy a standpoint over and above their individual ones, and hence the existence of a shared perspective available to practically rational beings in general, structured by considerations accessible to any rational deliberator (or some suitably broad, if not quite so broad, alternative). For the accusation abstractly embodied within resentment is that the offender should have guided her behaviour by some different standard to the one she actually acted upon, one that was nonetheless available to her as much as to the resentful individual, and which could not reasonably be rejected, to use Scanlon's now famous expression.¹⁸ Equally, the 'demanding' character of the retributive attitudes reflects their subject's implicit judgment that their target has failed to acknowledge a 'second-personal reason', and now needs either to do so or make recompense, or both. The basis of such a second-personal reason is the fact that someone else has the legitimate authority to insist that the action is performed or refrained from,¹⁹ an authority deriving from the availability of the common standpoint and its standards. To share a standpoint in this manner requires the subjects to be able to take up one another's point of view, an invitation embodied in its most basic characteristic expression, 'What would you think if someone did that to you?'. In asking that question, the person making the demand calls the other to an acknowledgement of the validity of the standard he claims should be followed, as she sees that were the boot on the other foot, she would wish to invoke it on her own part. As

such she is compelled by the other to recognise its authority, which she does because it is a standard which at root expresses what she cannot help but value also.

At any rate, this is what happens when everything proceeds appropriately. But lots can go wrong. The target of the claim might try and evade its force, or simply choose to flout it. Regarding its issue, Strawson's analysis proceeds on the implicit assumption that the reactive attitudes he is analysing are justified. But as Manne points out,²⁰ this is not always true. For various reasons, people can be wrong about what is interpersonally justifiable. When they are, the reactive attitudes that embody these misjudgments will themselves be unreasonable and unjustified, as of course those of misogyny are. Sometimes such misjudgments can have systematic causes, prominently including the processes of ideological inculcation. But precisely because they arise in this manner, subjectively the emotional responses will still embody the very same sense of justification that the righteously angry person feels, i.e. the feeling- naturally often inchoate- that the judgment undergirding the anger would be endorsed from a suitably interpersonal perspective. We might therefore say that at least characteristically, misogyny for Manne meets Strawson's criteria in its form, in that the hostility it embodies presupposes precisely the sense that a reasonable impartial judge would deem the man exhibiting it to be justly aggrieved, as is the case with resentment and indignation that is actually justified. Hence misogyny's self-righteousness and apparent sense of its own legitimacy. But it fails to do so in its content, because in fact someone truly reasonable and impartial would deny that any genuine basis for the grievance exists. Only the grip of ideology upon them makes it seem to them like it does.

There is much to admire in Manne's analysis, especially her detailed diagnoses of misogyny's specific manifestations. For one thing, in drawing out the socially systematic and disciplinary character of misogyny, Manne properly reveals its seriousness, both in terms of its impact and its reach. This is something that has been systematically missed, and from the perspective of Manne's analysis, we can see why: If misogyny is thought of as simply the private dislike particular individuals have for women, it is hard to see how it might be the basis for widespread human rights infringements. At most, it might be thought, misogyny might be part of the motivation for a particular act of the kind which independently constitutes a violation. But the individual's choice to perform that action would then be the important thing. By contrast, once the cumulative effect of misogynist society's ongoing institutional and amateur policing of women is made visible, the idea that women's agency and equanimity is sufficiently impacted and constrained as to amount to an ongoing assault on the human rights of females gains considerable traction.

Furthermore, her model would indeed seem to vindicate the judgment that misogyny is entitled, as I initially characterised that earlier. For as she describes them, the angry misogynists are insisting on receiving acquiescence and succour that is not extended to other people- women, in this case- and they do so on the basis of an ideological belief about their greater priority and importance. And as we saw, taking oneself to have greater latitude and authority on the basis

of this is the essence of entitlement. We can say therefore that misogyny embodies male entitlement, which is very much what feminists like Manne want to say about it. Putting these two thoughts together, we have a *prima facie* connection drawn between entitlement and human rights violations of a particular gendered kind, which is both significant in itself and grounds for suspecting this may be the case more widely.

Nevertheless, I do want to raise certain doubts about the general framework she presents us with. One immediate issue is that it seems on reflection that the relevant reactive attitudes can exist in the absence of any plausible perception that the individual has been denied something that could be impartially judged to be owed him. Take the gangster, exploding with fury that someone he is extorting is late with their protection money. Ordinarily we would have no difficulty describing him as angry. But it surely beggars belief that, even inchoately, he could think that an abstractly reasonable person would judge that he has been *wronged* by his bullied victim. Whether we would ordinarily describe him as ‘entitled’ is a moot point, but regardless, some other reactive logic must be at work in cases like these, which raises the possibility that this is also what is happening with those reactions where we do want to say this.

Moreover, many of misogyny’s entitled manifestations actually look quite similar, it seems to me. Controlling, bullying men who treat their wives and girlfriends as though they own them: is it really plausible that they genuinely manifest the outlook outlined by Strawson, differing only about whether a reasonable person would be happy to endorse them deeming their partners their possessions? In at least many cases, misogyny is well aware that what it angrily seeks is not strictly fair, as its opportunist and insincere dissimulation often gives away. Or so I am inclined to think. Admittedly, many of the ideologies that drive entitlement seek to exclude their putative inferiors from the realm of the fully rational, deeming its victims to lack the capacity to arrive at correct judgments on such matters. Clearly patriarchal sexism has been no exception historically, and elements of this certainly persist. But even to the extent they do, a mystery would still remain about the reactive hostility embodied in misogynist entitlement, as the logic of Strawson’s model requires the target of a retributive attitude to be expected to see that the standard supposedly breached applies to her, so denying her that capacity would undermine it all the same.

What I want to suggest by contrast is that there exist deviant senses of justification which amount to *formal* ‘distortions of normativity’, to use Herlinde Pauer-Studer’s suggestive expression.²¹ In speaking of distortions, I intend to signal that we are operating with a notion that is supposed to be robustly, in-some-sense-at-least interpersonally or otherwise objectively grounded. Simply flouting a consideration one is called upon to respect is not to distort normativity but rather to ignore it, whereas what I have in mind looks to constitute it in some

alternative way. For whilst the bad person who breaches moral requirements presumably takes herself to have some reason to do so, like her own self-interest, she will not characteristically think of that as a justification in the relevant sense. She does it in the hope of getting away with it, not because she is somehow in the right in doing so. When I say that the distortions are formal, what I mean is that it is not simply a matter of the content of what is held to be interpersonally justified, where different people with similar notions of what it is to be justified in the abstract disagree over which concrete principles and judgments actually meet these abstract standards of justification. What I have in mind instead is a situation where there is a further underlying difference in their ideas of what being justified abstractly consists in.

A model of a deviant form of justification which acknowledges this takes place can be found in German Idealism, arguably originally in Kant²² but most clearly in his successor Fichte.²³ It is a distortion that any person might in principle succumb to, as it has its roots in the condition of finite rational agency itself: specifically, in the awareness of having a capacity to choose whether to pursue a course of action or not, in the context of a world where other people frequently set out to thwart the choices one would otherwise make. As Fichte has it, we can distinguish between two ways in which such opposition frustrates us if it is successful. Since standardly the choices we make are aimed at getting what we want, having them thwarted means the failure to satisfy some desire or other, thus diminishing our potential happiness. But it also amounts to an impediment in the simple fact that it restricts our freedom. I can be displeased and offended not just by the fact that I didn't get what I wanted, but also that I didn't get what I *chose*. Admittedly, the latter aspect of agency is broadly parasitic upon the aspects constituting the former, as Fichte makes clear.²⁴ For in order to make a determinate choice that might be thwarted, something needs to motivate making it in the first place, and that fundamentally requires us to desire things, and exercise a capacity to direct our actions to their satisfaction. But given this background, it remains possible to conceptually distinguish the two concerns, and for the latter to take psychological precedence over the former. My will is to be free as well as to get what I want, even if I standardly exercise my freedom by pursuing what I want, and that can come to be the thing that matters to me most.

For the person making this her priority, *getting her way* is what really counts, with courses of action pursued to the exclusion of others because they amount to the assertion of her will, and constitute the achievement of the freedom that someone else had looked to constrain (whether reasonably or not). Often this simply amounts to achieving the particular aim that the other was trying to impede: You tried to constrain me, but look, your efforts failed, as I have now exerted myself and got the thing I wanted! It is this that makes the phenomenon hard to detect, since satisfying the desire is an intelligible goal in its own right, so can easily be interpreted as constituting achieving the aim in its entirety. And indeed these phenomena of personal wilfulness have largely been invisible to certain influential moral psychologies, notably the desire-centred ones of the British empiricist tradition, for which 'the will' is usually identified with the individual's strongest desire or group of desires at any point, those which have

sufficient power to motivate the agent to action.²⁵ But other cases show that not only is this not the whole goal but instead may well be a subordinate one, as when someone prefers to sabotage the achievement of strongly desired things, simply to ensure that the person who thwarted her pursuit of them was thwarted in turn, and achieved nothing by it. Here getting her way and getting what she wanted have become completely detached, and the former simply prioritised. Admittedly, there may be complexities involved in explaining how something like this constitutes ‘getting her way’, since ex hypothesi she isn’t getting what she originally aimed at. But her response is nonetheless only intelligible if the fact that she was *denied* it is what most upset her, and in the new context of the antagonistic personal relation arising from it, *she* is the person who determines how things will be, not her newfound enemy.

In my view, Fichte’s observations are both compelling and socially and psychologically important. They can already be seen as pointing towards a development and extension of our picture of the proximate triggers for interpersonal conflict and hostility, including those leading to human rights abuses. It is not only the straightforwardly material considerations of advantage that are relevant, but also those bound up with an experience of freedom as unrestrained capacity and power, prompting the pursuit of power as a form of freedom. But there is a further dimension to the picture, which is that the outlook in question takes an individual’s achievement of their will to reflect well on them. Or at any rate, that is what they judge when they have done so on their own part. As Fichte puts it, the person who is successfully self-assertive will take herself to display qualities which she can represent to herself as ‘heroic’.²⁶ She finds herself well-pleased with her own initiative, self-control, courage, steadfastness/ruthlessness and so on, and as such, she finds herself to embody a certain worth, one which individuals will possess in degrees and thus in relatively greater and lesser measure. The self-assertion that secures and constitutes the ‘lawless freedom’ she pursues involves the exertion of her will, and its achievement therefore demonstrates her superiority to those who failed to exert themselves sufficiently to effectively assert themselves against her instead.²⁷ Her self-assertion will not only have gotten her her own way as a matter of fact, therefore, but will also have made her *deserving* of getting her way, in contrast to those now revealed as her inferiors.

This supposed desert she bestows on herself then plays out in two distinct but complementary ways, both of which have a second-personal character. One is primarily self-addressed, with its second-personal character indirect and implicit. In making her claim to personal worth and licensing herself *qua* superior, the wilful agent takes a step beyond mere self-assertion and self-centredness. For she not only permits herself to do whatever she represents as the achievement of her will- naturally- but also presents herself as possessing an authority to do so. We might say that she takes herself to be entitled to do it, as someone embodying a value giving her priority over others (as demonstrated precisely by the fact that she has just dared and succeeded in doing it). A logical corollary of this is commitment to the possibility in principle that she might turn out to lack the authority and be authoritatively denied, as she would be if another

were to reveal himself her superior instead. But of course, she would deny this possibility in principle actually applies, because in fact it is her who exhibits superiority. The implicitly second-personal aspect of this is the associated telling herself that she can ignore any protest or complaint she might find directed towards her, at least by those immediately impacted. For they lack the standing for their entreaties and interests to present her with a reason for action, since they have shown themselves to be her inferiors, precisely by their failure to resist her.

The other dimension is directly second-personal, in that it takes itself to be able to demand overt obedience and cooperation from others. At any rate, this is how Fichte presents the kind of outlook he outlines, since he insists that the pushy wilful self-admirers he describes take their merit to be *respectworthy*, and clearly thinks that the respect they think they deserve includes actively meeting their requirements.²⁸ To the extent they are denied this, they will experience themselves as having been at-least-in-some-sense wronged, much as one ordinarily would if one's rights had been infringed, and corresponding affront and associated reactive attitudes can be expected.

As such, the 'respect' our wilful self-admirer takes herself to deserve is of a distinctive and deviant kind, one which blends aspects of two conceptually distinct attitudes picked out by the term, usually called 'recognition' and 'appraisal' respect in the philosophical literature.²⁹ Appraisal respect acknowledges the degree to which a person or an achievement embodies something worth admiring. It is therefore offered by degrees, depending how admirable the person/achievement is, and is appropriately denied altogether when there is nothing there to admire. Recognition respect by contrast acknowledges a status, and in doing so subjects itself to a constraint appropriate to it. Conducting one's work as one's boss instructs, because she is one's boss, shows recognition respect, since her status makes this response appropriate, and it is what one should do qua employee, even if one disagreed with the instruction. Appraisal is not an issue here, since respecting her authority this way is not about holding her in high regard as a boss, or thinking what she insists on is a good idea. It simply acknowledges she is the boss, and that hence what she says goes. Whilst in this case the authority requiring recognition comes about through the relation between social roles and is contingent upon them, a common modern ethical outlook finds a status in humanity as such that requires us to perform or refrain from performing certain actions towards people.³⁰ To comply is to respect them, in the sense of recognition respect: it is to acknowledge their status as formally free agents and bearers of rights, and rule out certain kinds of treatment of them accordingly.

The second-personal reasons that are a function of recognition respect may or may not be interpersonally symmetrical, therefore. When the status to be respected is an institutional one, often they are not. After all, I cannot make demands of my boss as she can make them of me. But those duties grounded in our common humanity obviously will be, and the legitimacy of any asymmetry of ordinary second-personal reasons must be underwritten by a more general claim, one appealing to the transpersonal perspective that anyone can occupy and everyone can share on equal terms. For instance, your authority over me as a police officer is valid- within

appropriate bounds- but only because it is possible to apprehend abstractly the reasonableness of the claim that a society may invest authority in police officers, and concretely you happen to be one.

By contrast, the asymmetry of putative authority embodied in the outlook Fichte discusses seems fundamental to it. This supposed authority demands that the other curbs her freedom of action, and permits or actually does something she might not otherwise choose to, in much the same way that Kant thinks that respect for the humanity in another means we must take their free agency as an end in itself. But it does so simply because that is its bearer's will, and the worth that is supposed to elicit this constraint is not an absolute worth that all human beings are held to share, but something possessed relatively, meaning the fundamental symmetry and reciprocity of ordinary recognition respect no longer applies. Respecting me on this conception of respect is not restricting yourself on the basis of my equal importance and legitimate freedom, but kowtowing to me on the basis of my supposedly superior personal value.

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History is replete with examples of people who take themselves to be superior exploiting and brutalising others, in ways too numerous and gruesome to list. It seems clear that many have thought of themselves as near-enough-straightforwardly in the right in doing so, precisely because of this superiority. Commonly enough an ideology that purports to vindicate that superiority can be found in the mix. Usually this is taken to be the source of the judgments of superiority, and certainly, at the very least these ideological judgments will help bolster and sustain them. But the model offered by Fichte suggests another (though perhaps, in the real world, closely associated) possibility.

The existence of the latter, indirect aspect of the outlook in particular has not been widely acknowledged in the philosophy of action and practical reason.³¹ It must be admitted that on the face of it, it is especially mysterious. For in important respects at least, the conception of practical reasons in play here is quasi-moral: I am supposed to *owe* you something analogous to a duty, where I am bound in my actions by and because of your will. Something like this would seem to be essential to sustain your associated retributive attitudes, whose logic requires at the very least the judgment that I could and should have done other than I did, and could be expected to have seen and acknowledged the existence and force of the reason I failed to act upon. But how these quasi-moral elements could intelligibly coexist with the outlook's decidedly amoral conception of personal worth and respectworthiness is the puzzle. Why should I suppose that the intimidating degree of your self-assertion could place upon me a *duty* to you to be guided by your will? How could you even suppose that? For as a Kantian might make the point, the claim upon me you are making is not made on the basis of your rational

will, with which mine could be expected to concur, but your arbitrary will. At most this might give me self-interested first-personal reasons to acquiesce, for fear of the consequences otherwise. And whilst naturally you may perceive this and anticipate that I will behave accordingly, this still cannot underwrite your anger at me if I do not, as it does not injure you if I fail to pursue my private self-interest.

The problem is that the sense of being owed which the outlook embodies is at least quasi-second-personal, and for it to have anything like a second-personal character at all would seem to require the kind of interpersonal connection that would be rendered impossible by the purported difference in authority and worth that supposedly grounds it. In order for such a connection to be set up, there must be a coming together of perspectives, at least in some sense. It must be possible for one person to have a perception of his own respectable value, and a perception that the other is able to perceive this value and the respect and corresponding self-constraint it demands from him, and acknowledge it appropriately. The second-personal thus has a me-to-thou-to-us structure to it, essentially. My judgment as a rational being speaks to your capacities as a rational being, and we arrive at the shared perspective and judgment within which our common rationality brings us together. But how could this kind of connection arise when one person is seeking to dominate another? The asymmetrical picture of reasons and obligations embodied in a relation of dominance and subordination seems outright incompatible with the communion embodied in that 'us', with the existence of a perspective that could genuinely be 'ours'. For insofar as you try to dominate me, your perspective is that you matter and I do not. And the notion that my response might be, 'Yes indeed, that is my perspective too' surely makes no sense. I might dissimulate that I accept this out of fear, but it is not my true outlook, and we both know it. And it would apparently need to be for me to understand myself as authoritatively obliged to comply with your requirements, as angry domineering entitlement would seem to presuppose I should.

We should not be too quick to dismiss the very idea of it out of hand, however. For in fact bad people in positions of power *do* try and push and order others around in accordance with their personal whims, and do have a sense of justification in doing so, and often display just those retributive and related reactive attitudes we have been discussing on its basis, when they find themselves less than satisfied with what is forthcoming. They do show angry entitlement when they aren't treated as mattering more than other people. And this can be seen happening in circumstances where it is quite implausible to think that the individual sincerely takes themselves to be abstractly interpersonally justified. Or so I claim once again. Moreover, these demands and associated feelings of affront are often articulated precisely by way of the concept of respect. The gang member wants 'respect', and may well harm you if he decides he hasn't received it. But what respect means here is that you should tiptoe around his ego and sensitivities, and generally carry yourself as someone of lesser importance, someone whose interests and desires precisely matter less than his do. Meanwhile, everyone knows this is not at all a matter of the common courtesy the term usually signifies in everyday language. But

equally, it is nonetheless clear why the word has been chosen, as there is an evident family resemblance between the self-constraining recognition we normally take ourselves to owe each other equally, and the relative self-abasement he is seeking to secure.

Something else to remember at this point is that an outlook like the gang member's precisely *should* seem bizarre when clearly articulated, for what we are outlining is an irrational point of view. What we face is a particular instance of a more general problem in philosophy, the requirement to steer between Scylla and Charybdis whenever an explication of unjustified or irrational agency is sought (evil for instance, or weakness of will). On the one hand, in order to maintain the claim that the behaviour is irrational, we cannot accept that it could adequately justify itself on its own terms, for then we would be in danger of inadvertently vindicating it. We need an explanation that draws out its inner incoherence. But equally, on the other, the incoherence we identify cannot be too obvious or all-encompassing. For then we would lose our grip on how it might be possible to see it as having any merit, leaving it a mystery how anyone might choose to act this way at all. What we need for a viable middle path is an incoherence that can somehow be shrugged off or ignored.

Is there any way of steering such a course here? In our case, the danger is less the Scylla of vindicating the indefensible, and more the difficulty of explaining how a sense of justification so conceived could even arise. Unfortunately, Fichte is at his vaguest regarding this dimension of the phenomenon, though it is quite indisputable that he takes it to exist.³² But consider this rational reconstruction. Imagine a struggle between two agents, which for the sake of convenience we can imagine happening physically. As each exerts himself against the other, each intends to assert his will, and understands that the other is trying to do the same. And each knows that this is a zero-sum game: that if he is to get his way then the other must be denied it, and vice versa. Within this particular framing, clearly neither has any reason to offer anything to the other, or to expect that anything might be offered to him. But suppose one starts to get the upper hand. His exertion is gradually gaining him advantage, bringing him ever closer to achieving his will, as well as embodying exhilarating micro-successes in the process (when, say, I force your arms down onto the ground, which does not by itself win me the fight, but is certainly a step towards it). By contrast, the other's exertions are now only succeeding in slowing the forward march of his opponent, and indeed increasingly less effectively. He is needing to exert himself more and more, but this only achieves him less and less.

Naturally this situation will be visible to both protagonists, and each will also see that the other sees the situation also. Or at any rate, that what has happened so far apparently calls for this interpretation. (There can be dissimulations and other surprises.) Clearly this mutual perception does not amount to them 'sharing' something in a cooperative sense, but there is at least an implicit communication present in their implicit agreement in judgment, its very inescapability making it evident the other must acknowledge it also. To this extent they are seeing things the same way, notwithstanding the fact that one welcomes the situation and the other does not. Indeed, quite commonly there is actual direct communication on this basis, usually from the

combatant with the upper hand. This can extend over quite a spectrum- from mocking celebration of the other's increasing humiliation and distress, an invitation to him to feel worthless and give up, to the near-affable suggestion that he might as well put down the burden of resisting, he has tried his best but just doesn't have it in him, come on, you are just putting me to pointless further inconvenience now, we can both see I am going to win anyway- with a wide range of attitudes and expressions in between.

What can also be seen is that, undeniably, the losing protagonist aspires to what the winning protagonist is displaying. He wishes to be in the position the other is in. For he is precisely currently exerting himself to try and draw forth from himself what the other has actually been showing. Should he manage to do so, he would be happy, of course, but also *satisfied* with himself. Both can imagine his upsurge of exhilaration and triumph if he started turning the tables. He would experience a sense of personal worth as he achieved it. What's more, he'd have no hesitation then in seizing for himself what the two are struggling over, and as its worthy suitably self-assertive acquirer, find himself justified in possessing it. He would take the possession and display of sufficient self-assertive will to achieve his goals as justifying his doing so, therefore, and both of them know it. How then can he consistently refuse to recognise the worth and corresponding claims of the other, who actually is in this position?

This gives us the germ of the idea that submission might be something *owed* by an inferior to a superior, which in a broad sense the logic of entitlement's retributive attitudes presupposes. Or at any rate, that it becomes something owed as their respective hierarchical positions become clear. For it is possible to find a parallel here with the standard second-personal framework. In the ordinary case, the person making the demand implicitly asks the other to look at the situation from the impartial perspective, and accept that were they themselves in that position, they would think that for others to be asked to constrain themselves in the way now being demanded of them was reasonable and appropriate. 'What would you think if someone did that to you?' The answer is they would affirm the validity of the evaluative principle, and so they should accept its validity and apply it to their own behaviour now. My claim on Fichte's behalf is that a deviant version of this idea can be seen to be present in the outlook just described, maintaining just enough of a parallel to bring the notion into play that the weaker is obligated to the stronger, and albeit 'illogically', enable dominators and abusers to second-personally sustain retributive attitudes towards uncooperative victims. For whilst an attitude could not lack a retributive logic and still be anger, it cannot be assumed that only a logic that is genuinely 'logical' could sustain a reactive attitude.

In this case, the reluctant coercee is also supposed to be able to perceive the value appealed to, once again because they seek it themselves, and would demand it were acknowledged with something like respect, if they were to achieve it on their own account. Just as a legitimate second-personal demand calls forth an involuntary reaction in the person it addresses, revealing his inner acknowledgment of the value that gives it authority, so domination has its own version of this interpersonal dynamic, finding the ground of its self-entitlement in the very distress and

consternation that the other cannot avoid feeling in response to it. The moral demand for respect makes the other inwardly acknowledge its authority, in a manner visible both to its issuer and to its target. From its own point of view, the bullying demands of entitlement do the same, as its victims' reactions to them involuntarily testify to self-assertion's superiority over weakness, and corresponding right to respect, once again in a manner we can expect both master and servant-to-be to perceive. For how else would one respect self-assertive wilfulness than to acquiesce in what it wishes? And what else but anger could we expect, should this not be forthcoming?

5

On this interpretation, domination itself creates the reaction that it then takes as the evidence of its legitimacy, remarkably enough (though in keeping with the radically bootstrapping character of the whole outlook). So does the analysis take us safely between the two extremes, outlining a model of an unjustified framework of justification, which plausibly real people might actually embrace? I think it does. Naturally there is no suggestion that dominators typically run through such a reasoning process overtly, or even that much of this logic is ever explicitly formulated at all. Rather, the sense of justification will largely emerge inchoately, the upshot of the interpersonal phenomenology of social power plays. But conceding this cannot itself impugn the idea that this is the implicit logic being followed, as things are often this way for other outlooks too. Take the moral case: we have no trouble assuming that the behaviour of ordinary decent individuals who cannot explicitly outline the rationality of their conduct is nonetheless explained by the availability of a rational pattern underwriting the justification they feel, one we could abstractly articulate on their behalf. Why should things be different for an irrational pattern?

Something else worth noting in its favour in this regard is this: the model provides a distinctive way to account for a centrally important aspect of entitlement, sufficiently important that it is often incorporated into the very name of the concept, its sense of *grievance*. On the face of it, this is the aspect of the phenomenon which most insistently calls for the analysis offered by Manne. The confident, pushy self-licensing of the person shoving their way to the front of the queue is one thing. But aggrieved entitlement's resentful seething about what it considers itself denied straightforwardly embodies retributive attitudes, and without some other picture of how a retributive logic might be sustained, there would seem no other option than to interpret its sense of justification in Manne's formally Strawsonian fashion. Yet as Orwell's masterful review of *Mein Kampf* emphasises, a deeply felt, hangdog sense of hard-done-by grievance can coexist perfectly well with an equally deeply ingrained sense of personal superiority, and corresponding urge to dominate.³³ Indeed, whilst particular complaints presented according to the logic of impartial right will doubtless be concocted where possible- 'The Poles crossed the

border first' etc- it can nonetheless be obvious that the truth behind someone's sense of grievance is precisely that he is not lording it over those he resents as he would like to. Our previous section suggests an explanation, that feelings of grievance can be generated according to the logic identified by Fichte, and not just that presented by Strawson, this time reflecting what wilfulness deems the effrontery of pushback.

More generally, we must certainly concede that the whole outlook dances on the precipice of paradox, and is probably closest to it when it seeks to receive its supposedly owed 'respect'. But that is somewhere its irrationality needs it to be, so we will have what we need if we can explain how those caught up in it can nonetheless manage to avoid peering into its inconsistent depths. To do so we must first identify what is actually irrational about it, which involves more than one step, as the diagnosis requires some refinement. Consider how the outlook might seem in danger of collapsing into obvious paradox immediately. For if the superior worth supposedly accruing to the entitled individual is underwritten by the worthy assertion of his will, then the presence of an attitude like resentment would precisely seem to presuppose that he has not actually asserted himself to get it. And that would appear to entail that in fact he does not deserve it, by the outlook's own logic. Any emergence of a retributive attitude within it threatens to be self-defeating from the outset, therefore.

We can make the picture make sense if we take a temporally extended perspective on our relations, however. This can be done easily enough: When considering my historic self-assertion, who could deny that it has sufficiently established my general superiority and corresponding right to hierarchical respect? So I can intelligibly resent that my will has been thwarted in this particular, would be the thought. Admitting this kind of slippage into the picture is essential for its intelligibility, therefore. But this is the thin end of a wedge which will ultimately shatter it.

Various problems with it doubtless still spring to mind. For one thing, in the real world the capacity of bullying dominators to impose their wills on others often reflects not the heroic tenor of the resolution they embody, but the material and positional advantages they are blessed with over others. For another, the implied suggestion that the loser must be wishing for the will to assert himself simply to secure an identical personal license on his own part surely assumes too much. The struggle for one's freedom need not be conceived of as the struggle simply to overcome restriction. Instead, it can be thought of as the struggle to achieve one's rights, and if it is, this allows the purported second-personal logic of domineering entitlement to be second-personally resisted. As we have seen, that 'logic' relies on the implicit *tu quoque* of the deviant reconstruction of the me-to-thou-to-us relation. But if I fundamentally conceive of myself as struggling to achieve something that I have a moral or juridical right to, or indeed am morally obliged to do, then that implicit suggestion can be rejected. I can happily concede that I would indeed feel self-satisfied if I successfully overcame your resistance, and would have no doubt of my right to deny you the object of our struggle. But I wouldn't think that right was a function of overcoming you, but rather that I struggled to overcome you because I had the right. I am

not wishing for or valuing what you are displaying, therefore, when I lament my inability to match it, since your will is lawless and arbitrary and mine is not. Hence the necessary shared perspective for a second-personal connection is not even minimally established in these circumstances.

Most importantly though, if this sort of temporal projection is valid, then a similar logic can also be used as a basis for refusing to extend the ‘respect’ that a wilful competitor is seeking, even when that competitor has established an apparently dominant position. For dominance is not something established once and for all, and if at any point I summon the will to successfully resist and defeat you, then *I* will become the person deserving respect and not you. So in contrast to the categorical second-personal reasons that demands to respect one’s humanity present to their target, the person faced with the self-asserting would-be dominator would seem to have a choice of how to respond, on the outlook’s own criteria. He can offer the self-subordinating ‘respect’ being demanded, or else do something that changes the balance of power, so that respect is no longer owed. Naturally this can’t be expected immediately. But as soon as an opportunity is manufactured... And someone still looking for that opportunity is not yet defeated, or at any rate only in the latest battle, not necessarily the war... Their worthy wilfulness is not absent, merely temporarily circumspect... Etc.

The upshot is that the wilful person who cannot successfully assert herself right now can nonetheless conceive of herself as someone still conducting an ongoing struggle, one she intends to win, and on the basis of the coming victory she projects herself as on her way to, deny the purported superiority and implied authority claimed by her opponent. But then, if you can escape respecting your putative superiors on the basis of a projected possible turning of the tables, then your putative inferiors can think the same about you.... Were this to be acknowledged, however, the putative basis for domineering entitlement’s sense of affront when it isn’t indulged slips away, and the whole of the directly second-personal dimension of it collapses.

I’ve produced this diagnosis of the entitled outlook’s incoherence in a matter of a few paragraphs, steering us firmly away from Scylla. But are we now taken too close to Charybdis? Would it be possible for real people to feel themselves thoroughly justified on the basis of this logic, when its bankruptcy can be exposed with such ease? Strange as it sounds, I think so. The first two rebuttals seem strong and compelling to me, but their grounds involve characterising things a certain way, and these can be dissemblingly redescribed by anyone determined to duck them. Sure, I had advantages, but they weren’t *that* great... Anyway, I still showed courage and initiative in having the will to draw on them. Also, this is all part of my greater plan, which wouldn’t be easy for anyone to achieve, so my qualities will be undeniable when I realise it, you’ll see... Similarly, moral motivation can be cynically denied, either as a genuine possibility at all, or in this particular case. Nothing more esoteric than ordinary self-deception is presupposed in these replies.

The more difficult question is how the outlook might manage the incoherence internal to it. I suggest the crucial consideration is that the inconsistency occurs between different stances that the entitled person might take in different circumstances, and is not to be found (and near-inevitably noticed) within just a single stance. Essentially, it lies between what she demands of others in one kind of situation- which naturally presupposes that she would be prepared to offer it were she in it herself- and what she really would offer were she in those circumstances. This is something she is able to paper over, by focusing at all times on her current circumstances, naturally as interpreted through a wilful lens. Insofar as she finds herself dominant, she can construe her interpersonal situation as closed: It is quite clear that I have the power and agency, and it is my will that is prevailing. So where is the submission your inferiority owes me? Insofar as someone else is more dominant on the face of it, she interprets it as still open: This struggle is by no means finished. Just let her wait till I work out how I will continue it. Then she'll see that she's not all she thinks she is... Etc.

After all, as Fichte has it, all this is rooted in an unfocused lust for unbridled license, and this will be the fundamental motive driving it all forward. That is responded to when qua dominant she gets her way, and when currently less powerful she resolves to get more powerful, and then get her way. The outlook is practically solipsistic, therefore, and its fantasies of interpersonality just that, fantasies. But whilst her own dispositions themselves reveal that no one is required to accept they are bound by the arbitrary will of another, this is not something she can find herself forced to face up to. I is this, I suggest, that makes her fundamentally hypocritical attitude possible.

6

I have been suggesting throughout that something like these dynamics can be seen to play out in various well-studied circumstances where human rights abuses occur. These include some of history's major atrocities, or so I would argue. Take the horrors of Nazism. Obviously these have been the subject of extensive scholarly engagement already, much of which is very compelling. I nonetheless think that our explanations and understanding can be sharpened up, and some potential errors avoided, if we re-examine the existing interpretations with our model in mind. We can begin with the issue of the origins of the Holocaust, which were intensely debated from the 1970s onwards, with those disputes converging on something of a consensus position at the beginning of this century. This is not a consensus I want to challenge as such, but rather to deepen it with a further dimension.

Most early analyses of the Holocaust offered explanations that were at least implicitly 'intentionalist' in character, appealing fundamentally to a longstanding desire on the part of Hitler especially to wipe out the Jews, and a corresponding decision to instigate a programme

for doing so. Indeed, characteristically they took what we might call a strongly intentionalist outlook, which traced its genesis back to an assumed aspiration on Hitler's part to perpetrate a genocide of the Jews that existed since the beginning of his political career.³⁴ The problem for strong intentionalist interpretations is that despite ominous prefigurings in *Mein Kampf* and elsewhere,³⁵ there is no straightforward evidence for Hitler historically holding such a specific intention. Moreover, much of what the Nazis were later considering would have been at odds with Hitler already having it at those times- most obviously, serious investigations into the possibility of deporting the Jews *en masse* to places outside German-controlled territory, which whilst genocidal in a broad sense would nonetheless have thwarted a project of annihilation, by placing Jews beyond the capacity of Germans to directly kill them.

On this basis, a very different 'structural' type of explanation emerged in the late 1970s.³⁶ For these 'functionalist' historians, the key element in the origin of the genocide was the disunity and corresponding chaos of the Nazi regime, and the associated need for its functionaries on the ground to come up with ad hoc responses to their collectively self-generated problems, whilst inevitably jockeying for the approval and influence their mercurial leadership might bestow on them. Given their existing ideological antipathies and sense of racial superiority, those responses were often predictably cruel and murderous. As knowledge of how this and that particular commander had cut his personal Gordian knot began to spread, along with a sense of what the leadership might sanction and find appropriate, so did an increasingly radicalised sense of what might be possible, in turn encouraging ever more extreme and violent responses to newly arising difficulties. On this reading of history, the Holocaust as a whole was less something that was planned and ordered as something that coalesced, as the individually 'micro-murderous' particular decisions of commanders on the ground started to add up to an increasingly coherent project of 'macro-murderous' ethnic cleansing, within which carrying on in similar vein while there were still 'problems' to be dealt with apparently made sense. Their collective choices to do so then constituted the Holocaust.

Ultimately, the evidence for a number of core aspects of the functionalists' case is simply compelling- in particular, that total genocide was not a formulated goal of the regime until at least the autumn of 1941, and that it became so in the context of increasingly harsher measures carried out in the field, much of which involved significant initiative on the part of local commanders. Functionalism faced critique however over the logistical emphasis of its analysis, which presented a picture in which- implausibly- the perpetrators generally lacked direct investment in what they were doing. Admittedly, it was acknowledged that the Nazis' ideological orientations predisposed them to view Jews as lesser beings, meaning things were thinkable for them that were not by and large for others. But ultimately the motives for gutwrenching atrocities were presented as more akin to those of people looking to empty in trays or deliver bureaucratic projects on budget than anything expressing direct hostility to their victims as such. Abstracting from much of the particular baggage for which Arendt was

criticised,³⁷ what we seem to have once again in these accounts is the banality of evil she problematically ascribed to Eichmann.³⁸

It turns out this does not fit enough of the known facts of the radicalisation process. Enormous logistical pressures were indeed being generated inside Poland from 1940 onwards, the upshot of precipitous aspirations to 'cleanse' areas of Jews in the absence of anywhere else to send them. But this was not true of the Soviet Union in the wake of Barbarossa. Abstracting from the Nazis' paranoia and hatred, there is no reason to think of its Jewish communities as any more of a logistical problem for the Germans at that time than the non-Jewish local population. And it was in the killing fields of the Baltic, Byelorussia and Ukraine that a localised total genocide of Jews falling into German hands first emerged. To be sure, from the outset the invasion as such was straightforwardly genocidal, as we now use that term.³⁹ The German military was a thoroughly murderous organisation from the moment it crossed the border, its associated auxiliaries all the more so. But it was not from the outset set upon total genocide in the occupied East, let alone in Europe as a whole. Distinctions were being made between men and women and children up until August, for instance, then abandoned. This development calls for explanation, even if with hindsight where they ended up seems unsurprising. And the original functionalist ones do not look compelling.

According to their critics, only an explanation which centres Nazi ideology can be adequate. For historians like Saul Friedlander, the problem with functionalism was that it treated Nazi ideology as a factor merely enabling the genocide, when in fact a distinctive 'redemptive antisemitism' embraced by the Nazis was the main factor driving it.⁴⁰ A bigotry is redemptive in character when members of the in-group take the exclusion of members of the out-group from the collective as a whole to be a condition of its flourishing. Exclusion can take a number of forms and degrees, but for such an ideology literal physical expulsion from the community must always be a temptation, and clearly was for the Nazis. For Friedlander, the persecution of the Jews which culminated in the project of annihilation was rooted in the way the Nazis saw the world. It was intrinsically and centrally meaningful for them, pursued for its own sake, and by no means the mere upshot of the need to address practical problems and impediments, even self-created ones which would not have existed in the absence of their own activities and prejudices.

The emerging consensus view accepted this reframing of the analysis, displacing the more uncompromising of the functionalist accounts. But certain key aspects have nonetheless been retained, for it remains the case that the evidence mentioned cuts against strong intentionalist accounts as well. Annihilation was not envisaged from the start, but became the conscious goal only later, via a process of development. How did that happen? In the most sophisticated accounts like those of Browning⁴¹ and Kershaw,⁴² the circular radicalisation process remains central, with ever more extreme measures vaguely and nebulously demanded by the ideologically-minded centre, and concretely forthcoming from the direct perpetrators in the field. With the more extreme concrete responses then received with most enthusiasm by the

leadership, the direction of travel was indicated, and further incitement inspired. Each encouraged the other as they collectively rushed down an ever bloodier path, their meagre restraint quickly diminishing to a point where ‘exclusion’ received its ultimate terrible meaning.

Fruitful scholarship self-consciously looking to transcend previous sharp divisions between analyses emphasising structures or circumstances and those emphasising ideology has increasingly appeared since the turn of the century, addressing various social and historical phenomena. To my mind the best of it includes that which tries to advance our understanding of both elements by introducing more general, usually psychological explanatory considerations, and showing how responses to structural factors and ideological impetuses are both bound up with them. Take Timothy Tackett’s recent work on the French Revolutionary Terror.⁴³ Expanding on a wave of earlier work,⁴⁴ Tackett argues that whilst finding its principal cause in practical necessities is hardly compelling, equally ideological fervour alone cannot explain the violent course of the Revolution. Rather, we need to appeal to a *mentalité* that preceded and enabled the Terror, and this can only be understood if we attend to the way that certain emotions can be collectively elicited in distinctive political contexts. These include personal pride, and in particular, the mutual mistrust and fear of factional conspiracy fostered in an environment of revolutionary political instability. Ideology remains central to the explanation, since factional splits and associated conspiracies would have been less likely and less important, had the revolutionaries been less invested in and/or more ideologically aligned than they were. But as Tackett shows, the character of the ideology and ideological differences cannot on its own explain the way the revolutionaries turned on the populace and on each other with the particular timing and degree of savagery they did.

I would like to draw on the Fichtean analysis to try and do something broadly similar here, emphasising two points in particular. First, it is clear enough that the Nazis felt comfortably justified in what they were doing, at least in the early stages. Or at any rate, this is how it was with the main functionaries, those with most influence and responsibility for what was done, notwithstanding the fact that many Germans in the field had qualms or lacked enthusiasm for what was asked of them.⁴⁵ Moreover, their sense of justification related to their repressive and murderous activities as such, and not just activities primarily characterised under some unrelated description (‘Being a dutiful officer’, say). For the consensus understanding, the embrace of redemptive antisemitism and Aryan supremacist racism more generally provides the explanation for this, through ideological vindication. On the most straightforward construal, mirroring the analysis offered by Manne, the picture is that the Nazis had absorbed and believed their ideology, the ideology sanctioned what they were doing, so they felt justified in doing it, end of story.

But it doesn’t seem believable to me that these forms of escalation could simply be processes of cognitive development, as though the perpetrators were straightforwardly discovering or working out the implications of what they more generally believed. After all, it is frequently

indeterminate what the upshot of some nebulous ideology is. We would not expect its advocates' decisions to cut against core aspects of it, of course, but there need not be any fact of the matter about whether the conceptual logic of an ideology leads to a precise and particular conclusion or imperative. Naturally, this is not to say that we cannot predict that adherents of a particular ideology will be led to certain claims or certain actions, nor even that retrospective explanations cannot identify an element of inevitability to this. But it is to question whether this must be because inference on the basis of its premises could not conclude otherwise. For in fact, Nazism would not have somehow betrayed itself if it had not settled upon the goal of genocide. We would not have been able to show that it had thereby failed by its own lights.

The other noteworthy thing is that the cycles of escalation and radicalisation that ultimately elicited the genocide mirror very closely the central dynamic of the form of entitlement we have examined, where a person's increasing feeling of self-importance and developing sense of license mutually support one another, and together generate an ever more expansive sense of personal permission and 'right'. For as Fichte suggests,⁴⁶ the intimacy of the connection between the two allows justification to flow in both directions. A nascent self-esteem that is discovering self-satisfaction in its successful self-assertion will surely find further self-assertion to be the order of the day. How else would it be fitting to express the superiority this supposedly constitutes, but to continue to permit oneself to do even more of what others may not? Wilfulness and the well-pleased superior self-satisfaction of the self-licensed person are different sides of the same coin, then, and form an ostensibly justificatory circle. It follows that we should expect it to be a self-entrenching and self-deepening phenomenon, and to the extent that one follows its logic, as we would expect a person caught up in it to do, the direction of travel is to become ever more self-indulgent, ever more self-satisfied, ever more entitled.

Consider in this regard the Nazis' escalation, from smaller-scale and targeted murder to large-scale unrestrained slaughter. This is something that happened very quickly, over a few weeks or months at most, but nonetheless occurred through a process of development. At the very beginning, victims in the dozens or the hundreds, and particular categories of victim singled out (communists and intellectuals, men of a certain age, men in general etc). Later whole communities of thousands massacred. Is it plausible that the steps of the escalation followed a cognitive logic, with the perpetrators 'realising' as they performed their more limited earlier actions that their later ones would be justified as well? Judging to begin with that women and children should be spared, but in the process of killing men, coming to see that the distinction wasn't valid, and feeling suitably righteous in discarding it? What would the ideological overcoming of this earlier restraint involve? And why wasn't its full implications evident earlier?

Instead I want to suggest it was as much a matter of a rolling, unfolding license along the lines we have described, with a trifecta of action, permission and self-importance the heart of the explanation. They cross the border bearing criminal orders and set on violence, with total subjugation the immediate intent and utter exploitation the longer-term goal. Norms are already

fissured and starting to shatter, and it is inevitable that criminal killing will happen. Given the necessarily and indeed deliberately vague instructions, how far these extend can be quite arbitrary, giving individuals latitude and a dizzying feeling of agency. Is this group to be killed? Should this person be included in the group to be killed? To be sure, the instructions they received encouraged indiscriminateness, so verged on inherently escalatory in themselves. Nonetheless, some decisions will have taken the character of whim, with perpetrators experiencing as a sheer function of their wills matters of the greatest consequence for possible victims. Even in extending mercy, the power of life and death is emphasised, and a subtle self-conceit spurred by it. All the more so then, when death is what one actually dispenses.

Already thoroughly disassociated from their victims by their ideology, this was then magnified by the very fact of their murderous actions, which increased ever further the ‘pathos of distance’ between them.⁴⁷ For what greater superiority can there be than that of people secure in their power, over those whose lives depend on their whims and their restraint, let alone those actually chosen to die? With their sense of their own self-importance expanding, further licentiousness follows in its wake. Superior people are permitted more, so the more superior one feels, the wider the extent of the norms one will feel one can ignore. A circular movement of escalation is indeed the right way to think about what happened, but its description needs recasting, with the description I’ve provided bringing back the *investment* of the perpetrators in performing their acts of cruelty, the thing that had slipped through the functionalists’ fingers. An inflating sense of superiority leads to an expanding sense of permission, which leads to further murderous actions, leading to even stronger sense one can simply do as one pleases, leading to an increase or at any rate entrenchment of one’s sense of superiority, and so on. Norms still precariously surviving keep on toppling: It occurs to me that killing these women as well as the men would be convenient, say. ‘Conventional morality’ forbids it of course, but what influence could its restraints have here? Refusing to allow myself to be restricted is the mark of my superiority, which I am already feeling powerfully and certainly would not put in question. Not only that, but the greater the enormity involved, the greater my breathtaking significance. Well then, let them all be killed... Not only are ordinary norms barrelled over and left behind here, but once this logic starts to spiral, they can actually incentivise wrongdoing, perversely, by inflating the self-importance of those self-consciously breaking them.

The story as a whole will take us beyond the model outlined by Fichte, since strictly speaking that presents an individual’s outlook, and to explain sociological phenomena it would need to be shared. And in fact the process will have played out collectively at both the macro and micro scale, with leaders and functionaries each affecting the agency of the other. Or so we should

have no trouble believing: Commanders incited to ‘severity’ quickly extended what they permitted themselves, which the inciting leaders then gave their stamp of authority, inducing further murderousness from their subordinates, both as the new policies required it, and in the confident expectation that their latest decisions would be approved like the last. Essentially we have the same dynamic writ large. As I see it, something approaching total genocide was swiftly reached in the Soviet Union simply by way of this collective process of escalation, without anyone needing to make a determinate, self-conscious decision to pursue it as a project. But of course, there was a further stage for which the first laid the ground, the Final Solution’s attempted annihilation of the Jews of Europe as a whole, which calls for further explanation.

Perhaps the most chilling thing about the Holocaust as a whole is the strangely principled character it ended up acquiring. Most genocides have allowed for exceptions, and often killings have ceased when pragmatic goals were sufficiently achieved. The Nazis by contrast felt the need to do their utmost to kill every Jew they could, taking such deranged pains as tracking down tiny numbers of elderly Jews living quietly on remote Greek islands, to transport them across Europe to be gassed. Ditto even assimilated children. No conceivable pragmatic goal could require such exceptionless effort, which rather involved considerable pragmatic sacrifice. They thereby showed a fanaticism so intense that a reworking of the received philosophical concept of evil is demanded, or so it has been suggested.⁴⁸

It is probably this aspect of the Nazi terror that functionalism is least able to account for. Maybe, just maybe, the considerations it appeals to might have brought the Nazis to a policy decision that every Jew who happened to fall into their hands should die. But it is hard to see how the fundamentally logistic and pragmatic concerns it cites could bring about or morph into the zealotry actually displayed. By contrast, explanations centring Nazi ideology seem to have no difficulty: The obscenely principled character of the Holocaust simply mirrored the fact that exclusion of the Jews was its central principle. They were indefatigable in its pursuit because they firmly believed in its importance, setting them all out upon extermination once they settled on murder as its implication. The sincerity of their view that all Jews deserved to die was monstrous, of course, but sincerely held all the same.

On reflection, however, it is not clear that ideological sincerity by itself can explain the extremes of their fanaticism either, like keeping the death trains to Auschwitz running to the last, greatly straining the railway network, even giving them priority over military transports, as the Russians raced towards their borders. Someone might sincerely believe that the Jews are a race of devils and the syphilis of mankind, and that only their total eradication could end their unceasing attempt to destroy Germany. Given some pseudo-biological framing, this could explain them judging that Jewish children too should be hunted down and killed, and committing themselves firmly to that as a goal. But it wouldn’t explain the judgment that doing so is of paramount importance just at the point when Soviet divisions are crossing the Vistula. You can strategically deprioritise even your core goals, and practical reason guided by them often demands we do so. The Nazis, however, apparently could not. This suggests to me that

something else was involved at this point too, something deepseatedly psychological. And if this was the element sustaining its extremes, surely it would also have been present and active earlier.

Moreover, an alternative description is available, one emphasising factors along the lines I've been describing. For importantly, the dynamic we are investigating can generate not only a sense of permission but also an analogue of principle, with the former capable of seeding the latter. An unyielding insistence on seeing something through can reflect not only the sincere sense that one is right about it, but equally the simple firmness and resolution of the will that one do it. An initial firm resolution that one shall perform this action is no more than the sheer determination to get one's own way at the root of Fichte's dynamic, of course. As we have seen, success in that spurs a self-conceited sense of superiority, within which the action will feel licensed. As to the further upshot of this feeling of personal worth, we have heard so far of simple latitude, with the dynamic making perpetrators more dangerous as their sense of general permission duly expands. But it is also inherently escalatory in consolidating self-licensed actions as longer-term ends. For swiftly these are being pursued and valued not just as simply what one wills, but also as the goals being willed by a superior person. And it's a short step from there to another notion, that the choices of the superior person pick out goals that somehow *should* be achieved, precisely because a superior person has willed them.

As such, goals achieved through resolute self-assertion start to acquire a weight analogous to that of intrinsic value. Positively, the ballooning sense of self-importance as one ever more frequently and invasively imposes one's will invests those actions with a corresponding lustre, drawing one forward not only into further, weightier expressions of wilfulness, but also into further actions of that particular type, now presenting themselves as fitting. Negatively, with personal superiority partly a function of one's willing of them, a shrinking back from the goal hints at deflating it. If these have been seen to be my goals, then failing to keep pursuing them implies a slackening of my will, and by the logic of the attitude, a diminishment of my personal worth itself. What is the chance the entitled self-admirer will accept that? The logic involved here is not primarily cognitive, as its character is essentially recursive, less about which actions are appropriate in themselves than how the actors are to be conceived. But action-types nonetheless acquire a vicarious significance on its basis. What begins as simple self-indulgence soon hardens into a project, with an individual's sense of self-worth- and if things advance enough, their broader sense of identity as such- becoming bound up with it. It hardens into a project *because* and insofar as conceited self-worth gets bound up with it. Earlier acts can then not only prompt later and darker ones, but acquire a fresh meaning precisely as their precursor, as they now become thought of as the first steps of the grander mission (that is, more self-aggrandizing mission) now emerging.

Again, an interpretation along these lines of the Nazis' actions is very much available. Friedländer was surely right that the Nazis' persecutions were intrinsically and centrally meaningful for them, with the consensus interpretation correctly continuing to centre this

insight. But there is a strong case to be made that this meaning was as much to be found in the exhilarating self-conceptions their crimes allowed them to construct, as a perception that the correct view of the world demanded them. Thrilled at the feeling of superiority they found in briskly brushing human life aside, they sought to keep the sense of inflating self-importance alive, sparking a growing wave of destruction. To be sure, the grip of their ideology was the genocide's necessary longer backdrop, just as the environment in the East was the more immediate triggering context. Only something like the ideology of racial hierarchy and Jewish perfidy could unleash the kind of hostility that made widespread killing the temptation that it was. But with that underway, it picked up its own extra-ideological momentum also.

The killers move from opportunity and a sense of their power to license to murder, to a broader sense of permission and self-importance. Their surging sense of superiority seeks consolidation, and it is *as* Jew-killers that it must be consolidated, making the murder of Jews as such an expression of it. Via this process, they begin laying down a sense of identity being shaped by it, and in this vein are drawn to extend it. For how could such an identity itself be expressed? Immediately, by continuing to murder, but more fundamentally and seriously, by imbuing the killing of Jews as such with a distinctive kind of worth. In this context, it can actually appear to reflect badly on them if Jews are not killed. Why should these live if the others died? Wouldn't that be a kind of backsliding? Certainly, something like this was very quickly the actual outlook of a wide variety of military and paramilitary units. What we see here I suggest is a real-world example of the darkly paradoxical, radically bootstrapping, topsy-turvy character of the outlook we've been describing. For we are now starting to see a group of principled or at least semi-principled perpetrators. But here it is their killing of Jews that has created the principle they were embracing, and not- as common sense and reading Strawson would lead you expect- their acceptance of the principle that led to those killings.

We are already way beyond anything functionalism can account for, but not yet at the point of a thoroughly principled genocide. That can have only been embraced at the very centre. Drawing on the surviving evidence to continue this interpretation with respect to Hitler would certainly be possible, but far too involved to embark upon in detail here: It would also be speculative to a degree in any case, since as is well known, what precise decisions were taken when and by whom at the heart of the regime have evaded historians, and probably will never be known with certainty. But it is surely no less plausible that he experienced on a larger scale what his functionaries did at a smaller. Evidently, he was a man inordinately drawn to self-aggrandizement. Elated and gratified by the success of his incitement to violence, it is not hard to imagine his sense of self-importance obscenely magnified by it, drawing him on to wilfully launch one of history's greatest evils, precisely because and insofar as his bloated self-conceit was fanned by its sheer enormity. Then, later on, stubbornness: the refusal to accept even a minor relinquishment of the project that now played such a large role in defining him.

By the point of total commitment and the Final Solution implemented, the entitled self-justification its perpetrators felt must essentially have been of the self-directed kind, and not

that of responding to being deprived of something second-personally owed. For presumably the Holocaust was not generally carried out in a spirit of indignant rage that the Jews were not already wiping themselves out. Evidently, no one could expect that, for any sense of 'expect'. Instead, the spirit of those invested in it will primarily have been the self-importance of the self-licensed, the sense that their superiority placed them above any possible second-personal addresses coming from their inferiors and victims. This was the culmination of a complex, temporally extended phenomenon, however, and particular aspects of it will have spanned the gamut of its forms. Numerous aspects of Nazi hostility expressed directly an entitled sense of grievance, and fully describing every aspect of their outlook requires us to draw on Fichte's model as a whole. Indeed, sometimes one can find the more directly second-personal element making an appearance even at the utmost degree of their extremity. It is actually remarkable the extent to which dominators and perpetrators are able to embody the retributive attitudes within their projects, in circumstances utterly alien to those Strawson tried to articulate. For in fact anger and affront are common enough responses to perceived resistance by victims whom no one could expect to share a perspective with their persecutors, including contexts like those of the Nazi camps, where next to nothing was being offered even to mere self-interest.

This seems to me a significant and extraordinary phenomenon, for which at present we lack adequate analysis: I am going to kill you before too long, and essentially we both know it. Yet I am capable of feeling resentful anger, if you drag your feet when I make you assist in the project that will bring about your death. How? There is no mystery how sheer hostility or sadism might occur here, or that intimidation would be used for instrumental reasons. But it also seems clear that perpetrators like these perceiving a lack of cooperation can feel genuine *affront*, often over the most trivial 'disobedience' of their despotic authority. As we have seen, the logic of such a retributive attitude presupposes that I didn't get something I was somehow owed, and that you could be expected to have understood you owed it to me. But how could anyone be thought to *owe* someone else their cooperation in their murder? Nonetheless the phenomenon is real, and only something like the intrinsically paradoxical notion of justification we have outlined could account for it, or so I would argue.

On occasion, the failure to grasp the true character of our dynamic has led to significant scholarly misunderstanding, most notably Mommsen's controversial claim that Hitler was a 'weak dictator'.⁴⁹ With the heart of functionalism being the observations that the Nazi killing project unfolded in stages and was often taken forward by lower ranking functionaries in the field, Mommsen appears to have reasoned that Hitler therefore had no determinate plan as a

strong leader would have, and instead his agency was correspondingly constituted and indeed effectively replaced by that of other people.

Likely he did not have a fully determinate plan throughout, indeed. But this by no means made him the powerless puppet of other people, for along the lines I have suggested, in fact he was riding and in large measure guiding the wave of its unfolding. The analysis also gives us a better grip on the character of the responsibility borne by the more committed and active Nazis, at all levels of authority, and offers us another hermeneutic perspective upon them, beyond the banality of evil on the one hand, and the presumed sincerity of the ideological fanatic on the other. Grasping this helps us avoid certain tensions present in the accounts of some other scholars, who have noticed that something like the Fichtean dynamic operates in the context of human right abuses, but miss the precise character of the normative distortion it embodies.

Take for instance the work of Jacques Semelin, whose suggestive expression ‘The vertigo of impunity’ I take to indicate precisely this careering form of radicalising process.⁵⁰ As Semelin presents things, what we find in the perpetrators of massacres as they descend into atrocity is precisely an expanding sense of permission, one within which they lose what moral bearings they had. This is the vertigo: the loss of ordinary groundedness, of the determinate normative connections and boundaries that usually structure everyday life, bringing instead a feeling of sheer agency, a lawless and partially arbitrary personal freedom, which can feel both liberating and confusing or intimidating, or perhaps all these at the same time. And what brings this about, Semelin implies, is the unusual sense of being freed from the consequences of one’s actions. Dizzy with untrammelled power, they increasingly sully themselves with blood.

The tension arises where these scholars also want to claim that the perpetrators of abuses standardly take what they are doing to be right.⁵¹ This is understandable, the natural way to account for the sense of justification which I accept the Nazis felt. The uncomfortable follow-up question for Semelin though is about how the perpetrator’s supposed sense of moral rightness and the vertigo of impunity are supposed to relate to one another. For if the vertiginous uprooting of norms is a function of a feeling of impunity, any associated sense of justification could not be at all like that envisaged by Strawson, since what you can get away with is a very different thing to what one has a right to do, on any ordinary understanding of right action. As I see it, it is only using Fichte’s model that we can draw a connection between ‘right’ and impunity that makes some sense, and which makes clear the distinctive character of the feeling of justification involved, arising as it does from a dark and wilful distortion of a genuine form of interpersonal normative justification.⁵²

If the only models of practical justification we acknowledge are formally moral-judicial in character, it will seem inevitable that we have to interpret perpetrators like the Nazis as sincerely believing that they were in the right to be doing what they were doing. This restrictive framing makes it difficult to properly articulate the precise character of their culpability, or so it seems to me. To be sure, it is possible to ascribe moral responsibility to those who straightforwardly think their wrongdoing is right, on the grounds that they should have made

better judgments about right and wrong. Nonetheless, there is an aspect of formal exculpation to this which feels wrong and uncomfortable in this context. For one is not *indulging oneself* in doing what one truly thinks is right, albeit one should have thought harder about what actually is right, and perhaps indulged oneself in not doing that. But even this merely formal exculpation is something I would want to deny to Friedrich Jaeckeln, say. I simply do not believe his actions were conducted in the spirit of rightfully doing his duty, whilst tragically badly mistaken about where that duty lay. This would efface the way that perpetrators like him find their actions thrilling, and are ‘well-pleased’⁵³ with themselves precisely in performing them: that is, in performing their actions *as* subjugating and because they are subjugating, with the feeling that he mattered and his victims did not, and experiencing his acts as proving it.

A form of self-satisfaction typically does accompany dutiful action, where a person does the right thing because and insofar as she takes it to be right. Indeed, this can involve a certain self-importance too, as you experience *yourself* as the conduit through which rightness gets done. But Jaeckeln’s self-satisfaction will have been of a quite different order. It was *because of* his power and because of his cruelty and because of his license and lack of restraint- because of the horrible hostile things he had been doing, and because these things subjugated and because they harmed- that he found himself an estimable person, worthy of respect. Or at least, the exceptionally estimable person he doubtless took himself to be, something drawing him on to further horrors. This was the character of his entitlement, and one can call it an alternative ‘ethics’ if one likes,⁵⁴ though for my part I would prefer not to. As I see it, it is too far away from a truly principled outlook- one guided by a perception that certain things are valuable or justified in themselves- to count as one. But linguistic intuitions aside, what you cannot do without misrepresentation is interpret it along Strawson’s lines, as it embodied a quite different meaning and logic.

In contrast to those wanting to say that the Nazis somehow sincerely thought they were acting rightly, Berel Lang has strongly urged that the Nazis understood their own wrongdoing, not least because of the euphemisms used to describe it, and the care they took to hide it.⁵⁵ I have long found this case persuasive. With Fichte’s model available, we can respect Lang’s insight whilst still acknowledging the Nazis’ self-righteousness, squaring the two without mischaracterising the psychology of either. Yes, there was a sense in which they judged that they had a right to be doing what they were doing, for some broad sense of the term ‘right’ that the vagueness of our language requires us to employ. But there was much more self than righteousness within it, reflecting the radical difference of their formal distortion of normativity: indeed, one taken all the way to its endpoint, a very different place from the sincere but misguided outlook often ascribed to them. Or so, on the basis of the model, I would suggest we should conclude.

Doubtless many issues still need ironing out, which space unfortunately prohibits here. In particular, a closer investigation of the way that this domineering form of entitlement interacts with ideology would be desirable. Throughout the paper, I have contrasted its sense of justification with that which flows from a sense that one's judgments and actions can be abstractly interpersonally vindicated, which might seem to suggest that such entitlement cannot be driven by ideology nor ideology embody such a sense of entitlement. For after all, ideology is inescapably a phenomenon of representation, a way of presenting the world, and to that extent the self-vindicating sense of justification we have been discussing would seem to outrun it. Meanwhile it appears natural to offer an account of ideology's own sense of justification along the lines Manne did. But it is scarcely believable that Nazism's worst excesses might be substantially independent of its ideologies, and to find oneself committed to this would leave one vulnerable to the same critique that embarrassed functionalism, albeit for different reasons. Equally, it would seem that the excesses that entitlement licenses would themselves contribute to the development of ideology, and indeed come to partially constitute it, for instance when the ideological perception that Jews do not deserve to live comes to seem obvious to a member of a group that has routinely been killing Jews.

These issues might addressed whilst the distinction is preserved, however, if a story could be told about how one kind of feeling of justification might segue into another. Something like the following picture might emerge: Albeit that it likely takes place in the context of an existing ideological outlook, much of what dominators choose to do is not the direct upshot of a cognitive logic. But it might often or indeed characteristically acquire a cognitive dimension later. Suppose a slander is spread about some person or group. For the outlook Fichte outlines, doing so might be justified simply as a powerplay, irrespective of its truth, meaning the slanderer wouldn't have to think too hard about that, since he'd feel perfectly justified in spreading it one way or the other. But it might be that his sense of justification in making the claims becomes properly belief-like later, and as such contributes to the laying down of ideology, even if it did not arise by way of a fundamentally epistemic process (not even a skewed one).

Outlining what processes might be involved would be required for a proper answer, which I cannot attempt here, though I note that we are far from incorrigible about our own mental states, and we should not suppose that people infallibly understand why they think and feel the things they do. But within the constraints of an article, I hope I have done enough to persuade readers of the following: that the deviant sense of justification outlined throughout likely exists, with our existing concept of entitlement providing us some access to the phenomenon; that it plausibly has an important role in explaining certain dynamics that human rights abuses commonly embody; and that the project of investigating it in more detail is worthwhile. I take it that explanations built around it need not exclude those appealing to other factors, like banal

evil as Arendt conceives it, or the kind of factors Browning investigates, where the psychological pressures of conformism and burden-sharing draw uninvested, basically reluctant men into murder. Likely they will even presuppose such elements on occasion, as when the presence of networks of banally evil functionaries is required to make abusive acts and policies possible. But they may well decentre them too, by giving a more prominent and indeed more damning place to the agency of the more invested perpetrators.

In addition, there are issues which are less about outstanding elements of the analysis as potential applications of it. An example would be in comparative politics and sociology, bringing us back to the methodological framework I mentioned in my first section. As I have presented it, the dynamic I have described is sufficiently deeply rooted in the fundamental structures of intersubjectivity that we can expect it to amount to a universal human potentiality: that is, we would not expect that a society could evolve a language and form of life within which it no longer offered even a potential temptation, or presented itself as any sort of possibility. To be sure, it is outright at odds with certain ideologies and worldviews: self-deprecating religious outlooks, for instance, for which self-assertion as such is anathema, not to mention post-Enlightenment ideologies of human equality. To the extent that these are genuinely embraced, it will fail to gain motivational traction, and its purported justifications will be rejected. But it will remain present as a threat nonetheless, since it will always be the case that people in general may be tempted by it, even if individuals and ideological groups have been able to render themselves relatively immune to its attractions, and even should these become socially very influential.

As such, we could not expect to compare social and political orders where it is absent with those where it is present. But it would be possible to compare societies where it is ideologically or socially suppressed with those where it is not, and the degree and kind of its suppression where that is present. Ditto for certain social and political structures. Moreover, it remains the case that social orders can respond to the phenomenon in rather different ways, over and above the congruence or otherwise of their ideological outlooks. They can be better or worse at identifying it, more or less inclined to publicly call it out or ignore it to the extent that it is noticed, more or less inclined to accept its own self-image and reflect it back to it, more or less inclined to stand up to it, and so on. These propensities have a semi-autonomous role to play in explaining social developments, even if they cannot be thought of as simply independent of factors like ideology. They cannot be fully independent because some ideologies will promote or retard some of these factors directly, and in varying degrees. But there are many reasons why important actors in some social context might choose to confront or acquiesce in entitled self-assertion, including straightforwardly material or instrumental ones, like fear or the possibility of gain through currying favour on the one hand, and simple emotional identification with the victims of its domination on the other. These collective propensities can have significant effects, for good or ill, whatever their source and explanation. Failure to resist entitled self-assertion nurtures and encourages it, whilst robust and public pushback usually

causes it to achieve less, and hence deserve less by its own lights: indeed, the mere occasion of sustained pushback constitutes it achieving less, since public criticism and resistance is usually not welcomed. General things can be said about the effects of resisting and failing to resist, therefore, whether the basis for this is more material or more ideological, or most likely some kind of combination. Understanding such phenomena better would be a considerable boon to explanation in the human sciences generally and for the explanation of human rights violations in particular, it seems to me. But drawing out the details must be a project for another day.⁵⁶

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¹ See e.g. Sonia Cardenas, 'Human Rights in Comparative Politics', in Michael Goodhart ed. *Human Rights: Politics and Practice* (Oxford: Oxford University Press, 2016), 80.

² *Ibid.*, 80-82.

³ *Ibid.*

⁴ For a representative survey, see Daniele Caramani ed., *Comparative Politics* 5th ed. (Oxford: Oxford University Press, 2020), with Caramani's introduction to the volume giving a good sense of the breadth and lengthy pedigree of the approach.

⁵ Cardenas, 'Human Rights', 78ff.

⁶ For instance, comparative sociology might investigate social differences between societies which are not strictly political differences, but interact with or perhaps underlie them. (C.f. Damien Short, 'Sociological and Anthropological Approaches', in Goodhart ed. *Human Rights*.)

⁷ In characterising the actions in question as human rights violations, I do not intend to commit myself to anything particularly contentious, at least for the great majority of readers of a journal like this one (as opposed to authoritarian politicians, say). I use the expression as much because this is now a common way of referring to a certain type of deplorable action as because I accept the precise normative characterisation the notion implies, though I may as well say that in fact I do broadly accept it. Theoretically speaking, human rights as they are generally understood are highly stringent norms that enjoin minimum standards of treatment for all human beings universally (e.g. James Nickel, 'Human Rights', *Stanford Encyclopedia of Philosophy*, Introduction), which are often held to correspond to the conditions for achieving a minimally good human life (e.g. Andrew Fagan, 'Human Rights', *Internet Encyclopedia of Philosophy*, section 1; Nickel, *Making Sense of Human Rights*, 2nd ed. (Oxford: Blackwell Publishing, 2007), 36). Such norms either prohibit certain actions and ways of treating people altogether, or else require that relevantly placed persons- usually political authorities- take steps to ensure that these standards are achieved for those who somehow lack them (Fagan, *ibid.*). Qua norms they can either be considered descriptively or normatively: that is, as holding in the sense of being those norms which groups of people actually acknowledge and adhere to, or in the sense of being actually justified, the standards which people should in fact accept and act upon, whether they actually do or not. Much of the discussion that has gone on in the field has been about whether certain particular rights claims can be justified or not, or more radically, whether there are any human rights in the relevant sense at all. This might be denied for various philosophical reasons, such as scepticism that there are any universally valid normative standards or injunctions (see e.g. Fagan, 'Human Rights', section 5). My discussion in the paper is orthogonal to these issues, so for all their interest and importance I bracket them here. For the purposes of the paper, my focus is the sources and explanations of at least some of the actions that constitute human rights violations, in the descriptive sense of breaching some of the more important norms that are actually embodied in various well-known declarations of human rights, and which their advocates standardly take to be rationally justified. The analysis should nonetheless still be of interest to those who reject human rights claims for the kind of reason mentioned, since presumably they will still want to condemn many of the violating acts themselves, since of course there are other evaluative concepts and frameworks with respect to which this might be done. Hence they will not necessarily have less of a motive to understand them than those who do advocate conceiving of them as human rights violations. Admittedly, the moral psychological dynamics I outline are not essentially tied to this kind of action, being equally the source of a great deal of quotidian reprehensible behaviour that nonetheless does not inflict harm that exceeds the threshold just mentioned. But they are involved in motivating much of the behaviour which does amount to such violations, I believe. To my mind, acknowledging this this exhibits an appropriate psychological realism, in that it connects varying kinds and degrees of antisocial and harmful behaviour on a continuum, avoiding any implausible rupture that might

suggest that perpetrators are (or become in performing their acts) in some way psychologically ‘other’. Moreover, the psychological dynamics and processes I outline likely do threaten human rights in the abstract as well as motivating their concrete violation, in that they are corrosive of the norms they constitute both individually and socially. For the mindset they encourage is in and of itself at odds with the presuppositions that human rights norms embody.

⁸ That the phenomenon amounts to distinctive dimension of explanation is something that will have to emerge in the course of the analysis, as it cannot do so simply on the basis of invoking the concept. After all, an account of entitlement might be offered which assimilates it to the existing factors of explanation: and indeed, in the following section I discuss an analysis which straightforwardly invites this. Moreover, attitudes might vary in nature whilst still counting as entitled, if there are distinctively different ways in which people can find themselves superior, something I would not wish to rule out

⁹ R.J. Wallace, ‘Moral Psychology’, in Frank Jackson and Michael Smith eds., *The Oxford Handbook of Contemporary Philosophy* (Oxford: Oxford University Press, 2007), 86.

¹⁰ Another issue is that the term can carry a normative connotation in common usage, which seems to artificially restrict its use in ordinary language. With entitlement commonly diagnosed behind trivial everyday slights, people can associate it with merely minor wrongdoing, so are deterred from using the term when graver misdeeds like serious human rights violations are involved, for fear of downplaying their seriousness. Likely one would not feel inclined to describe the behaviour of Belgian colonialists in Congo as ‘entitled’, for instance. It simply sounds too mild for the horrible things they did. (See Adam Hochschild, *King Leopold’s Ghost* (London: Macmillan, 1999)). But the fact remains that their ghastly regime there embodied an outlook which precisely meets the definition I just offered, since they did expropriate and brutalise the population, they did feel justified in doing so, and that sense of justification was clearly bound up with a sense of European superiority to the colonised population. Similarly, it might sound odd for a judge to specifically criticise the entitlement of a particular rape in a summing up prior to sentencing. But clearly this cannot impugn the feminist analysis which identifies male entitlement generally as a major factor behind sexual violence, which is a serious human rights violation. Ultimately it is the phenomenon the concept directs us towards rather than the contours of its actual linguistic use that matters, and that will be my focus.

¹¹ Kate Manne, *Down Girl! The Logic of Misogyny* (Oxford: Oxford University Press, 2018).

¹² Manne, *Down Girl!*, 55.

¹³ Philip Leon, ‘Morality and the Retributive Emotions’, *Philosophy* 10 no. 40 (1935).

¹⁴ Peter Strawson, ‘Freedom and Resentment’, in *Free Will* ed. Gary Watson (Oxford: Oxford University Press, 2003).

¹⁵ Manne, *Down Girl!*, xvi-xvii.

¹⁶ Stephen Darwall, *The Second-Person Standpoint: Morality, Respect and Accountability* (Cambridge, Mass.: Harvard University Press, 2006).

¹⁷ Manne, *Down Girl!*, 58.

¹⁸ E.g. T.M. Scanlon, ‘The Significance of Choice’, in Watson ed. (2003), 363.

¹⁹ Darwall, *The Second-Person Standpoint*, 8.

²⁰ Manne, *Down Girl!*, xvii.

²¹ Herlinde Pauer-Studer and David Velleman, ‘Distortions of Normativity’, *Ethical Theory and Moral Practice* 14 no. 3 (2011).

²² Immanuel Kant, *Practical Philosophy (The Cambridge Edition of the Works of Immanuel Kant)*, trans. and ed. Mary J. Gregor (Cambridge: Cambridge University Press, 1997), 199-200.

²³ J.G. Fichte, *The System of Ethics*, trans. and eds. Daniel Breazeale and Günter Zöller (Cambridge: Cambridge University Press, 2005), 175ff.

²⁴ Fichte, *The System of Ethics*, 176-7.

²⁵ E.g. Thomas Hobbes, *Leviathan*, ed. Richard Tuck (Cambridge: Cambridge University Press, 1996), 45.

²⁶ Fichte, *The System of Ethics*, 181.

²⁷ *Ibid.*, 177.

²⁸ *Ibid.*, 178.

²⁹ Darwall, *The Second-Person Standpoint*, 122ff.

³⁰ Kant, *Practical Philosophy*, 79.

³¹ Or indeed, as far as I have been able to tell, in the human sciences. But I have managed to locate a handful of sources where it is explicitly raised and addressed. An example is an interesting recent paper on violence by Rafael Micó, which floats the idea that the relationship between social dominators and their victims has parallels with the ‘Stockholm Syndrome’ that sometimes develops between hostages and their captors. See Rafael Micó, ‘Physical Violence, Public Violence: Searching for Mechanisms of Social Domination’, *Culture and History Digital Journal* 9:1 (2020). Micó’s discussion focuses on the psychological processes of the victims, and tends to suggest that the dominators act instrumentally in generating them. But he does also speak of the hostage-captor ‘bond’, and suggests that what he is outlining may be an important social phenomenon. As I see it, what he is describing may be the mirror image of what I am describing on Fichte’s behalf.

³² Fichte, *The System of Ethics*, 178.

³³ George Orwell, ‘Review of Adolf Hitler’s *Mein Kampf*’, *New English Weekly* March 21st 1940.

³⁴ Most notably Lucy Davidowicz, *The War Against the Jews 1933-1945* (London: Weidenfeld and Nicolson, 1975), 193-208, but see also the various ‘Hitlerist’ sources discussed by Ian Kershaw in *Hitler, the Germans and the Final Solution* (New Haven: Yale University Press, 2008), 239-42.

³⁵ E.g. Adolf Hitler, *Mein Kampf*, trans. Ralph Manheim (London: Hurst and Blackett, 1943), 679.

³⁶ E.g. Martin Broszat, ‘Hitler and the Genesis of the ‘Final Solution’: An Assessment of David Irving’s Theses’, in H. W. Koch ed. *Aspects of the Third Reich* (London: Palgrave Macmillan, 1985), and Hans Mommsen, *From Weimar to Auschwitz* trans. Philip O’Connor (Princeton: Princeton University Press, 1991), 224-53, prefigured by Karl Scheunes, *The Twisted Road to Auschwitz*, 2nd ed. (Chicago: University of Illinois Press, 1990, first published in 1970) and to a degree by Raoul Hilberg, *The Destruction of the European Jews* (New Haven: Yale University Press, 2003, first published in 1961).

³⁷ E.g. Deborah Lipstadt, *The Eichmann Trial* (New York: Schocken Books, 2011), 148ff.

³⁸ Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (London: Penguin, 2006).

³⁹ For details and discussion of the development of current usage, see Damien Short, *Redefining Genocide: Settler Colonialism, Social Death and Ecocide* (London: Zed books, 2016), 13-37.

⁴⁰ E.g. Saul Friedländer, *The Years of Extermination. Nazi Germany and the Jews, Vol. 2* (London: Weidenfeld and Nicolson, 1997), xviii-xxi, and c.f. Yehuda Bauer, *Rethinking the Holocaust* (New Haven: Yale University Press, 2002), 114-17.

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- ⁴¹ Christopher Browning, *The Origins of the Final Solution: The Evolution of Nazi Jewish Policy September 1939-March 1942* (Jerusalem: Yad Vashem, 2004).
- ⁴² Ian Kershaw, *Fateful Choices: Ten Decisions that Changed the World 1940-1941* (London: Penguin, 2008), 431-70.
- ⁴³ Timothy Tackett, *The Coming of the Terror in the French Revolution* (Cambridge, Mass.: Harvard University Press, 2015), 1-7 and *passim*.
- ⁴⁴ See the sources referenced in Tackett, *The Coming of the Terror*, 353 n.6.
- ⁴⁵ See Christopher Browning, *Ordinary Men: Reserve Battalion 101 and the Final Solution in Poland*, 2nd ed. (New York: Harper Perennial, 2017).
- ⁴⁶ Fichte, *The System of Ethics*, 190.
- ⁴⁷ Friedrich Nietzsche, *Beyond Good and Evil*, trans. R.J. Hollingdale (London: Penguin, 1973), §257.
- ⁴⁸ John R. Silber, *Kant's Ethics: The Good, Freedom and the Will* (Berlin: De Gruyter, 2012), 315.
- ⁴⁹ Quoted in Kershaw, *Hitler, the Germans and the Final Solution*, 93.
- ⁵⁰ Jacques Semelin, *Purify and Destroy: The Political Uses of Massacre and Genocide*, trans. Cynthia Schoch (London: Hurst and Co., 2007), 238ff.
- ⁵¹ *Ibid.*, 255, and see also Thomas Kühne, *Belonging and Genocide: Hitler's Community 1918-1945* (New Haven: Yale University Press, 2010), 5.
- ⁵² Compare by contrast Wolfgang Sofsky, *Violence: Terrorism, Genocide, War*, trans. Anthea Bell (London: Granta Books, 2003), 8-14, 28-31, 110.
- ⁵³ Immanuel Kant, *Lectures on Ethics (The Cambridge Edition of the Works of Immanuel Kant)*, ed. and trans. Peter Heath (Cambridge: Cambridge University Press, 1997), 135.
- ⁵⁴ Kühne, *Belonging and Genocide*, 5.
- ⁵⁵ Berel Lang, *Act and Idea in the Nazi Genocide* (Syracuse: Syracuse University Press, 2003), 30-61, 81-102.
- ⁵⁶ Earlier versions of this material were read by Martin Sticker and Pamela Woods, to whom I'm especially grateful, and delivered to audiences at the University of Sheffield and the University of Bristol, and to the online Kant seminar 'Homo Zoomenon', which was organised by Martin and ran in the Summer of 2020. My thanks to both readers and all the participants in these events, and especially to Karl Americks for associated e-mail comments and encouragement, and also to an anonymous referee for this journal for helpful suggestions.