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### MLA Citation

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**The American University in Cairo**

**School of Global Affairs and Public Policy**

**KILLERS THAT ONCE WERE HUMANS:  
READING THE ROLE OF MODERN LAW VIA INSTRUMENTAL  
RATIONALITY**

**A Thesis Submitted**

**To the Department of Law**

**in partial fulfillment of the requirements  
for the LL.M. Degree in International and Comparative Law**

**By**

**Momen Hassan**

**June 2024**

The American University in Cairo  
School of Global Affairs and Public Policy

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## **Acknowledgment**

This paper would not have been possible without Professor Jason Beckett and Professor Diana Van Bogaert, who are the true heroes in my journey. I would like to express my gratitude to Professor Jason Beckett for his guidance, support, understanding, and unlimited patience. He is an amazing teacher and a unique human being, and I could not ask for a better advisor than him. I want to admit to Professor Jason that this thesis cannot, primarily, be written without the flood of questions that your lectures created in my mind. Every lecture blew my mind and then opened my eyes to reread and rethink. It was a fantastic mental trip in which this thesis was an attempt to answer one of these challenging questions. I am also indebted to Professor Diana Van Bogaert for her continuous support and untiring kindness. Professor Diana, I need to offer my sincere thanks. From the beginning of my graduate study, you were the best passionate teacher and a real symbol of humanity and understanding: even in my despair moments your valuable comments, encouragement, and support gave me a push to continue. Thanks to your class, which has aided me in overcoming my struggle and fear of the writing process. Thanks for reviewing and proofreading this paper. Here, I cannot find words to express my gratitude to both of you. I am fortunate to find you on my academic path.

Studying at AUC was a great experience because I was privileged to meet and learn from talented teachers and colleagues. I would like to thank Professor Hani Sayed and Professor Thomas Skouteris, my thesis's readers, for their insightful comments and support. Also, Professor Munira Khayyat helped me to comprehend classical social theory and understand Max Weber's literature.

I must express my gratitude to the people who always faith in me. Without my parent, who has offered me unlimited love and support, I could not have finished this paper nor anything in my life. My sisters, Manar and Mai, always inspire me due to our constant discussions which are full of humor and fun. Also, I am wholly grateful to Mohammed, my brother, for his extraordinary guidance in completing my graduate studies and his extensive effective conversation about my thesis. Finally, to my mother again, I have listened to your advice and tried my best to write this paper rationally. I am convinced that the time of magical writing is yet to come.

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KILLERS THAT ONCE WERE HUMANS:  
READING THE ROLE OF MODERN LAW VIA INSTRUMENTAL RATIONALITY

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ABSTRACT

For Max Weber, the process of modernization is the process of rationalization in which it includes every realm in our modern life, such as the economy, science, organization, education, and law. However, this kind of rationalization has created coercive and inhumane conditions because rationalization has converted to being instrumental (value-free) without regard to any transcendental or moral values. The inhumane paradigm has become the only fate of our world. The vision needs rational domination to be achieved through formal rational law. Modern law, along with bureaucratization, has paved the road to rational political domination. This kind of domination captures human minds and makes them small cogs who function and serve this instrumental paradigm. This paper argues that instrumental rationality implicates humans in its bloody crimes. Human beings, both officials and ordinaries, bear guilt because they have become partners in their states' crimes.

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## I- Introduction: Unavoidable Repression

“Is not the individual who functions normally, adequately, and healthy as a citizen of a sick society- is not such a person sick?”

-Herbert Marcuse-

“Our boasted civilization is based upon blood, soaked in blood, and neither you nor I nor any of us can escape the scarlet stain.”

-Jack London

Throughout history, repression was (is and will be) a fundamental truth in all societies. It is not a shorthand nor generalization to describe human beings' history as the story of their repression. Under the umbrella of repression, there is one essential fact that humans have to be dominated and subverted even if it takes different shapes or types. In the past, oppression and domination were employed by despotic leaders, regimes or spiritual creeds. It was tangible and clear to the extent that it could be discovered by logic and reason.<sup>1</sup> It was blatant repression such as that wielded by the master versus slave, colonizer versus colonized and killer versus killed. There was a guarantee that reason was the tool of salvation or, at least, to recognize this kind of oppression.

Nowadays, the reason, as a tool of salvation, has become the new dictator. There is nothing crueler than the rational camouflaged oppression in which persons cannot discover, determine, touch or even realize its causes and sources. Because repression depends on capturing and enslaving humans' minds, it also penetrates every detail of human lives where there is no alternative for escape. It is like an endless ocean that swallows and absorbs humans, who cannot recognize or see the full picture of this repression.<sup>2</sup> This repression is produced under justifications that are hard to deny such as rationality, organization, progress, science and the rule of law. It does not only strip us of our humanity but also implicates us in sharing in its inhumane vision. This invisible calculable repression converts humans into negative means and small cogs in its hidden monstrous machine.

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<sup>1</sup> See the introduction of Herbert Marcuse's book, *One-Dimensional Man: Studies in the Ideology of Advanced Industrial Society*. Routledge (2th. Ed 1991).

<sup>2</sup> In his story "*Creatures that once were Men*," Maxim Gorky describes how humans can be crushed due to the calculable capitalism system within the invisible domination of law. He assures that this kind of repression invades humans' minds and takes off their humanity. Humans forget that they are unique, special and sacred creatures. This oppression leads them to believe that their destiny is to be inferior with no place for salvation. In this story, when someone tries to aid them, they say, "we are not good people." It is necessary to point out that the title of my paper, "Killers That Once Were Humans," is a kind of variation of this story's title. See Maxim Gorky. *Creatures That Once Were Men*. The University of Virginian Library, Charlottesville, Va. (1998).

In the Enlightenment era, the promise of the reason was to free humans from any kind of tutelage or domination. This claim has been the pledge to rediscover or centralize humans in a new free world where humans can eventually possess their autonomy and freedom to achieve the promised welfare by way of controlling nature.<sup>3</sup> However, some scholars argue that is a deceptive claim because this promise has controlled both humans and nature and become the tool of the new rational repression.<sup>4</sup>

Throughout modernization, the process of rationalization has been converted to an instrumental, which has separated from any kind of transcendental or moral values. This instrumental (value-free) material vision dominates not only economic life but also all life spheres. Concepts such as rationalization, capitalism, bureaucratization, technology, neutralization and the rule of law have all become value-free without considering any telos. The clear destiny of this era is this rigid one-world vision whose only aim is to achieve progress and efficiency.<sup>5</sup> This paradigm does not distinguish between good and evil, but it considers means-end impersonal calculation. This mode of thinking has oriented everything, even humans' actions. It rationalizes the means only without considering human nature to reach its material purposes.

Thus, without legality, the instrumental material vision would result in chaos or random plunder. This paradigm needs rational domination to maintain this value-free machine. It has to achieve rational domination in both economic and political spheres. Formal law is the fittest tool to enhance and organize this paradigm. Modern law has no autonomy outside the whole context of this instrumental paradigm. Formal rational law gives impersonal general laws and coherent legal logic that cover all cases, can be applied to all citizens and is easy to discover and predict.<sup>6</sup> The rationality of law has paved the road to rational political domination. Political domination finds its way via rational-legal authority whereby people obey the order because they believe in this authority's legitimacy and its laws. Bureaucratization also has played a role in this domination due to the division of labor. Everyone has their tiny special role in the instrumental machine, which has transformed humans into small cogs functioning without spirit.<sup>7</sup>

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<sup>3</sup> Erich Fromm. *On Being Human*. Open Road Media 26, 27 (2013).

<sup>4</sup> Max Horkheimer, Theodor W. Adorno, *Dialectic of Enlightenment: Philosophical Fragments*. Trans, Edmund Jephcott, Stanford University Press 17 (2002).

<sup>5</sup> Edward Royce. *Classical Social Theory and Modern Society: Marx, Durkheim, Weber*. Rowman & Littlefield 124, 125 (2015).

<sup>6</sup> David M. Trubek. *Max weber on Law and the Rise of Capitalism*. 1972 *Wis. L. Rev.* 729 (1972).

<sup>7</sup> *Supra* note 5 at 112, 113.



This mode of thinking claims that there is no place for old wisdom or meaning and creates new coercive conditions that transform the whole society like a big machine without any chance to escape.<sup>8</sup> The deceptive promise of reason leads to “the death of the human being,” in which a “[hu]man would be erased, like a face drawn in sand at the edge of the sea.”<sup>9</sup> According to such a vision, humans are crashed in this vision because they have become things or numbers. The same material laws that apply to nature also apply to humans. Their minds are prepared and filled to serve this paradigm.<sup>10</sup> The old image of evil is hidden, and people have no choice except obedience. Rather than the promise of rediscovering humans, it redrafts them to fit within the instrumental paradigm. Humans cannot realize their factual positions; moreover, they share and produce this material paradigm. This vision has transformed humans into becoming partners in state crimes.

While the process of rationalization first appeared, essentially, in the western world, it has become the dominant discourse everywhere. Nowadays, claims such as rationalization and the rule of law are represented as the only way toward salvation, welfare and progress. Before considering it in our societies, I aim to shed light on how this paradigm is a form of camouflaged rational repression. This new repression despises and dehumanizes humans and then implicates them in its crimes. This paper is an outcry against the dangers of instrumental rationality and its consequences. This paper is a call to defend humans by raising awareness and understanding the impasse in which humans are stuck nowadays. It also contributes to a vast terrain of cultural criticism literature which tackles the hazard of instrumental rationality and shares it with legal studies. It points out that modern law has to be read under the instrumental (value-free) context. Scrutinizing the role of modern law as a part of the whole instrumental vision is the tool to diagnose the actual positions of humans and their fate.

This paper examines how the law, as a tool of domination, is utilized in the instrumental mode of thinking to capture human minds and then transform them into being partners in its explicit, or implicit, bloody crimes. I argue that there is no dominant vision except instrumental (value-free)

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<sup>8</sup> *Id* at 149.

<sup>9</sup> Michel Foucault, *The Order of Things: An Archaeology of the Human Sciences*. Routledge. 449 (2002).

<sup>10</sup> *Supra* note 1 at 13, 14

rationality. This mode of thinking penetrates every sphere to the extent that it has reshaped humans themselves to fit with that doctrine. Then, this paper debunks the role of modern law and bureaucratization as a tool to enhance the rational domination in which our world has a crisis in both meaning and freedom. Then, it explains how this paradigm captures human minds and enhances new ethics of obedience to force humans to be cogs in its machinery. Finally, I claim that humans have become partners and eventually guilty for these blood-stained actions.

This paper is divided into three chapters. The first chapter explores the unifying theme of modernity which is instrumental rationalization. I argue how this instrumental rationality has become the only dominant vision at present. This chapter analyses the history of rationalization's idea and how instrumental rationality has become dominant. It attempts to highlight the role of value-free/instrumental rationality in orienting humans' actions, enhancing the market, and impersonal organization. The second chapter highlights the role of rational domination. It examines the role of formal rational law as the fittest paradigm to achieve domination. This formal law within the rational organization (bureaucratization) has paved the road to rational political domination in which humans voluntarily obey order. In so doing, two manifestations of this domination are tackled to point out how humans lost meaning and freedom, which are "the disenchantment of the world" and the "iron cage." Finally, the third chapter investigates the logical result of this value-free vision that humans are forced to produce and participate in their state brutalities. I argue that human minds have been captured and the image of evil has been changed. There is a new image of evil within domesticated minds that humans cannot discern. Finally, I claim that citizens, both officials and ordinaries, bear all types of metaphysical, moral, political and criminal guilt.

## II- The Fundamental Story of Dehumanization: Value-Free Rationality as the Basis Creed of Modernity

“In every cry of every man,  
In every infant’s cry of fear,  
In every voice, in every ban,  
The mind-forged manacles I hear.”

(William Blake)

Life gives us many moments to debunk the paradox between ideal promises and inhumane actions. For example, In the well-known Jerusalem trial following World War II, it was an unexpected excuse when Eichmann, the Nazi murderer who played a role in killing millions of innocents, tried to justify his crimes against humanity under the Kantian definition of duty. His duty is to obey the given law, and the law is the law. There is no exception or consideration of his will. Eichmann was a law-abiding citizen. More than that, he confirms that he applied Kant’s moral philosophy in all his life.<sup>11</sup> One of the judges was shocked and asked him how he dared to mention this great moral philosophy to rationalize his inhumane crimes. Eichmann said, “I meant by my remark about Kant that the principle of my will must always be such it can become the principle of general law.”<sup>12</sup> By the way, Eichmann gave, almost, a proper explanation of Kant’s categorical imperative. Even if he had turned Hitler’s will over the Kantian’s practical reason, he, eventually, admitted that he realized that he could not apply Kant’s notions for the rest of his life.<sup>13</sup>

It was a revealing moment because both, the criminal and judge, had the same philosopher to defend their positions. They revisited Kant, as a great moral philosopher and one of the pillars of western modernity, who wrote about the importance of reason, duty, freedom, emancipation and, of course, Enlightenment. It is noteworthy how the, so-called, ideal ideas can condescend to serve an inhumane process of killing. It also can reveal a severe contradiction in which the western civilization lies on the top of it. If I expand this outlook, there are many questions raised in my mind, such as to what extent the promises of modernity, such as reason, duty, discipline, and emancipation, are fragile. What if this paradigm contains an inherent hazard behind these promises, which they need to debunk? Why is the process of reason developed to be a value-free

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<sup>11</sup> Hannah Arendt. *Eichmann in Jerusalem: A Report of the Banality of Evil*. Penguin Books 137 (2006).

<sup>12</sup> *Id* at 138.

<sup>13</sup> *Id* at 139, 140.

tool not to serve humanity but to subjugate them? How does the noble promise of considering the reason convert to becoming the cause of misery?

To answer these questions, it is required to understand the promise of Enlightenment and the process of its reason and how this creates a new rational world and new rational domination where it is impossible to escape. It is vital to know how value-free instrumental rationality has become the only vision and the way of thinking, which relies on control, calculability, impersonality, planning and predictability to achieve efficiency and progress. This mode of thinking domesticates humans' minds and prohibits them from getting away.

This chapter attempts to give an anatomy of the domination of the instrumental (value-free) rationality in all humans' spheres to explain how this pattern of thinking converts the world to a monstrous cosmos without any sanctity for humans or regard to any values. In this chapter, I trace the definitions and types of rationalization to underline that it is the unifying paradigm to read modernity. Tracing the anatomy of instrumental rationality to explain how it is the only compatible road to modernity. Then, I explore the historical roots of instrumental rationality inherent in the false promises of Enlightenment discourse, such as freedom, reason, and progress. I point out that instrumental rationality has become the only one-world vision by tracing its main features in economy, bureaucratization and social actions. Finally, I argue that instrumental rationality has become the one-world vision because it is the most efficient means to reach material and inhumane progress.

#### **A- The Necessity of Rationalization as Unified Paradigm: An Attempt To Define.**

Archimedes once said, “give me a place to stand, and I will move the world.”<sup>14</sup> The great physicist wanted to affirm that standing in the right place and using the correct tool (he needed a lever long enough) can achieve the impossible. Echoing this challenging (but interesting) idea, what if there is one topic that can be the right tool and place to understand the process of modernization? This paper argues that the process of rationalization can be the suitable unifying theme (or one collective paradigm) to comprehend this deep-seated transformation of the west.

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<sup>14</sup> This quotation is derived from The Works of Archimedes. Edited in Modern Notation by T. L. Heath. Cambridge University Press xix (1897).

The first premise, in this paper, is that the process of modernity equals the process of rationalization. Rationalization is like a giant ship in a stormy ocean where all dreams of modernity can be carried and achieved.

For modernity, there are several facades, pillars, assurances, horrors and ideologies, but the fundamental promise is to create a new firm world which can be discovered, measured and controlled by fixed and predictable rules. Thus, it is justifiable to consider the Enlightenment era, when the Western mind was liberated from superstition, mindlessness, darkness, tyranny, misery, war, and continuous subjection of traditional thoughts. Then, it started off the revolution of science, emancipation, democracy, freedom, equality, welfare, peace, progress and ultimately reason. Here, the western culture has begun to eat from the true tree of knowledge, and nature has become not only an open book to read but also a mathematic equation to solve. With reason, observation and empirical knowledge, humans can know its secrets and become its masters in a constant and efficient world.<sup>15</sup> The question is, what is rationalization as a unifying theme?

It is hard to give an accurate definition of rationalization because it has been evaluated and changed during human history. It can be traced in the history of thoughts from Aristotle's "Man is a rational animal" until today. This paper focuses on the process of rationalization when it became a power within the Enlightenment era.<sup>16</sup> In this time, reason has been the vision of a new world. From the liberal dream of Hobbes that rationality is the norm to maximize human interests to Descartes, who argues that rationality is the only way to achieve knowledge and gain abstract certainty. Then, Kant declares that the right path to light is the courage to use the mind without any sponsorship from the traditional realm.<sup>17</sup> I trace this dream, which has built on the assumption that the modern world is able to understand and control. Hence, rationalization is not just a simple concept but a process (and world vision) that has shaped every field and humans.

However, definitions make ideas closer to mind. While there are many attempts to define the process of rationalization, Giddens gives the simplest and clearest definition. He defines rationalization in the modern world as "a long-term social process in which traditional ideas and

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<sup>15</sup> *Supra* note 5 at 3, 4.

<sup>16</sup> Asher Horowitz and Terry Maley .The Barbarism of Reason, Max Weber and the Twilight of Enlightenment University of Toronto 69 (1994).

<sup>17</sup> Immanuel Kant. *What is Enlightenment*. (1784).

beliefs are replaced by methodical rules and procedures and formal, means-to-ends thinking.”<sup>18</sup> It is a kind of using measurable and calculable methods rather than old ideas or creeds. It considers only reason (mind) to plan, control and predict all upcoming results.

Simply, it puts things in a systemic order to avoid any kind of confusion and places everything under the notion of planning, prediction and calculation. It is a “systematizing and organizing force.”<sup>19</sup> Therefore, it is a kind of use of reason to rationalize means to reach a specific chosen aim that excludes any metaphysical or irrational interpretation. In other words, it attempts to build a mathematic equation that depends on reason to control consequences under the causal mechanism and empirical science, and it tries to create “a world of stable calculation.”<sup>20</sup>

That leads to consider reading Max Weber, who is one of the geniuses of the social scientists who emphasizes that the essence of this radical change in western modernity is happened because it has rationalized all life aspects in a particular way.<sup>21</sup> His focal point for reading modernity is the process of rationalization.<sup>22</sup> Creating a stable world in which everything can be under rational domination and control could not be achieved without rationalizing all human spheres. While Weber considers the process of rationalization as the main task in this transformation to modernity, he also does not give his definition of it.

Weber has a central question: why this transformation has happened only in the west? His answer is required to follow all the manifestations and paths of this transition which it represents in all fields in the western world such as religion, economy, politics, law, social actions and, of course, science. Thus, he focuses on the consequences of rationalization rather than giving a precise definition.<sup>23</sup> He points out that rationalization is not only philosophical thinking but also

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<sup>18</sup> Anthony Giddens & Philip W. Sutton. *Essential Concepts in Sociology*. Second Edition. Polity Press. Epub soft copy 58 (2017).

<sup>19</sup> *Supra* note 5 at 93.

<sup>20</sup> Nicholas Gane. *Max Weber and Postmodern Theory: Rationalization versus Re-enchantment*. Palgrave, 29 (2002).

<sup>21</sup> Max Weber. *The Methodology of the Social Sciences*. Trans: Edward A. Shils. The Free Press, Glencoe, Illinois 34 (1949).

<sup>22</sup> Reading his main books such as “The Protestant Ethics and The Rise of Capitalism” and “Economy and Society” will lead to understanding his chief task which is the process of rationalization as the basic theme in his analysis. However, it has always been debatable to determine the essential key to read Weber’s work as a whole. While traditionalist scholars read the central theme of Weber as rationalization, Talcott Parsons brings the concept of social action as the basis for understanding the unity in Weber’s works. Some scholars, like Lawrence Scaff, argue that considering rationalization as a unit in Weber’s thesis will lead us to disconnect from his early writings. On the other hand, Wilhelm Hennis, who has a unique contribution to define Weber’s “central question,” assures that it misleads to limit Weber only in his concept of rationalization to read everything, but it is not wrong. See Nicholas Gane *supra* note at 6,7. Also, Edward Royce assures that rationalization is the “thematic unity” in Weber’s work, and he writes that “the process of modernization is essentially a process of rationalization.” See Edward Royce *supra* note 5 at 91, 92. All in all, I argue with traditionalists and Edward Royce that Weber’s arguments, as a unit, cannot be understood without considering rationalization as his core premise to link all his ideas together.

<sup>23</sup> Stephen Kalberg. *Max Weber’s Types of Rationality: Cornerstones for the Analysis of Rationalization Processes in History*, *The American Journal of Sociology*, Vol. 85, No. 5. 1146 (1980).

an undivided world vision in which rationalization is the only source of knowledge and prediction. It is considered as if it is the only way to weigh and measure the means to achieve the chosen consequences. He explains that the process of rationalization has to be read as “an historical concept which covers a whole world of different things.”<sup>24</sup>

It is a historical experience because the process of rationalization is the outcome of the efforts of reason as a power from the Enlightenment.<sup>25</sup> It is the intertwining ideas from the rationality of Descartes, the empirical rationality of Bacon, and the philosophy of Kant on knowledge.<sup>26</sup> It is a structure from many paradigms that relates ideas to ideas in one unit. In other words, rationalization has been the world vision in the west. It is the way to put rational principles to generate all spheres.

To sum up, Weber affirms that modernity has occurred “specific and peculiar rationalism” in the West due to the complete process of rationalization not only in the economic sphere but also in every aspect of human life, such as bureaucratic institutions, science, architecture, education, social actions, music, and law.<sup>27</sup> If nature can be understood by reason, science and physics, every field in human lives can be under the same kind of this dominant rationalization, even humans, their actions and fates.<sup>28</sup> The method of calculability, efficiency and prediction has been the only acceptable equation. Rationalization relies on the complete separation between any traditional or transcendental values derived from the old world such as religion or ethical approaches. It depends on empirical science, technology and material calculation in which there is no significance of whether the chosen aim is good or evil. In all cases, rationalization has become formal and instrumental which means it has become necessary rather than the aim. The cost-

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<sup>24</sup> Max Weber. *The Protestant Ethic and the Spirit of Capitalism*. Trans, Talcott Parsons. Routledge. 38 (2005 Edition).

<sup>25</sup> Weber always considers the role of both philosophical ideas and cultural notions in shaping societies. He is neither stand completely with idealism nor the determinism of materialism. His unique method is to make “a contribution to the understanding of the manner in which ideas become effective forces in history.” See *Id* at xviii.

<sup>26</sup> The Vital theme in Kant’s philosophy can be crystalized (of course, with shorthand and simplification) in his dichotomy between the noumenon which is the thing-in itself that cannot be comprehended like metaphysics notions and phenomenon which is a thing or an idea can be seen or recognized. This classification between what humans cannot know and what they can know paved the way for the idea that all objectivity is built in subjective notions. Kant wants to reach that knowledge needs categories to represent reality. While Weber does not mention Kant a lot, he absorbs this in his method of thinking about ideal-types as his way to recombine his thoughts. Also, Kant plays a crucial role in the philosophy of knowledge by combining the two ways of knowledge by using senses and reason. Simply, he ties the realms of empiricists as Bacon and rationalists as Descartes. He articulates that while our knowledge begins with empirical experiences, that is not enough to create a concrete image. Humans have to use sense and concept to obtain the exact understanding. This synthesis greatly impacts the development of western philosophy and helps Weber consider one paradigm to understand modernity by one theme. See Martin Albrow. *Max Weber Construction of Social Theory*. St. Martin’s Press 31, 32 (1990). Furthermore, his differentiation between what is and what ought to and the problem of meaning in this world impacts Weber about the ideas of the loss of meaning and his concept “disenchantment of the world.”

<sup>27</sup> *Supra* note 5 at 91.92 .

<sup>28</sup> *Supra* note 26 at 115, 116.

benefit calculations have become the new world vision in which human beings become under its omnipotence.<sup>29</sup>

If Weber wants to underline the position of modern humans under this instrumental rationality, he is concerned with the fate of individuals within modernity. He is eager to know the relationship between individuals, society and the cosmos under the doctrine of modernity and its rational instrumental domination because, in his words, it is the “fate of our time.”<sup>30</sup> Instrumental reason bears all answers to this new destiny.

## **B- Instrumental Rationalization Reaches Victory: Definition and Anatomy**

In his book, “Economy and Society,” Weber traces the essence of the singularity of western rationalization through main interwind levels such as religion, economy, law, politics and social actions. Every sphere has rationalized in different trajectories, but there is a unifying theme that captures the whole process. For example, the trajectory of rational capitalism has found its basis in vanishing the old way of barter and the emergence of the market, free labor, calculability, and capital. However, the rationalization of politics and domination has a different path, as shown by the development of the forms of obedience and the transition from traditional to rational-legal authority. There are interactions between them; for instance, the form of modern domination by formal law serves capitalism's success, but every sphere has an internal and specific logic. (This paper discusses all types of the process in detail in the next sections and second chapter)

Even if every realm has its own logic, there is a big picture that can capture all of these manifestations in one unit: instrumental rationalization. Weber considers instrumentality as the faith that “one can, in principle, master all things by calculation.”<sup>31</sup> The main promise of rationalization is to vanish ambivalence and ambiguity, so it tries to make everything under the same law of science such as clear, understandable and under control. The laws that applied to science applied also to society and humans. The old values and meanings have been replaced by a cold and impersonal one. Instrumental rationality has replaced religion or old wisdom with science, and empirical knowledge has expelled any sanctity of meaning in our world because it

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<sup>29</sup> *Supra* note 5 at 124, 125.

<sup>30</sup> *Id* at 125.

<sup>31</sup> Max Weber. From Max Weber: Essays in Sociology. Trans: H.H Gerth and C. Wright Mills. Oxford University Press 139 (1946)



claims that everything can be understood. The essence theme hungers to structure the whole world effectively and calculably.<sup>32</sup>

In this section, I attempt to answer the question of what instrumental rationality is, which considers rational and material means without considering old values or morality (good or bad). It is a cold structure that dominates the new world vision. Then, different types of rationalization in Weber's literature are traced to understand how formal instrumental rationality is the fittest way to promote the peculiarity of Western modernization. That is because it fades values, pushes intellectualization to the extreme level and veils meaningful life. Finally, I underline three features that are essential in the victory of the instrumental paradigm which are knowledge, impersonality and control

### **1- What is instrumental rationalization?**

Instrumental rationalization can be defined as “a logic of thought and a way of looking at the world.”<sup>33</sup>

It is a kind of logic that looks to knowledge as a tool, a mere medium, to achieve a certain efficient end. It is a logic of thought because it has consumed one method in which it applies the same rules of natural science to social sciences. It demonstrates life as if there are fixed laws in society in which these laws can be discovered and be under control. This logic penetrates the whole society to reach the tangible truth. It has replaced God and old values. Instrumental rationalization disconnects between fact and value, and this -so-cold- truth becomes the ultimate value. Thus, it only interests practical ends. For example, producing electric prods is the work of science. The only aim is how this can achieved, not why. The knowledge process does not care if these prods aid in guiding cows or torturing human beings.<sup>34</sup> Instrumental reason is a matter of fact and value-free knowledge to achieve efficient outcomes without asking why.

If natural science cannot enhance value, also religion cannot speak the truth. Modernity chooses truth. Hence, this logic is expanded to be the vision of the world. The world itself has become an

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<sup>32</sup> David Torevell. *The Terrorism of Reason in the Thought of Zygmunt Bauman*. Cambridge University Press. Vol.76, No.891 (1995).

<sup>33</sup> Ian Craib. *Modern Social Theory, From Parsons to Habermas*. Harvester Wheatsheaf. Second Edition 211 (1992).

<sup>34</sup> *Id* at 211, 212.

instrument; all its components have become tools to discover and use for the chosen aim. From small factors to every realm, every element in the modern world is under this logic. Take the example of a tree; trees can provide beauty, inner peace, and meditation to their charms. To the instrumental logic, someone looks to them as just woods to give papers in which he/she needs to weigh, measure and calculate what is the best efficient way to maximize their production. Of course, in this process, papers become more important from beauty.<sup>35</sup>

Rising intellectualization within instrumental reason does not mean that humans enhanced knowledge. It also means that the world under the powerful grip of science promotes its mastery by calculation procedures to govern every realm. Weber calls it a disenchantment of the world.<sup>36</sup> Weber sees “one need no longer have recourse to magical means in order to master or implore the spirits, as did the savage, for whom such mysterious power existed. Technical means and calculation perform the service; this is, above all, what intellectualization means.”<sup>37</sup> The world has become cold and empty from magic, and everything has changed to be rigid and under control.

Weber articulates that instrumental rationalization is the fittest pattern for western modernity because it applies a common vision and general fixed laws to follow. It has the capacity to fit with the new world vision. To understand how instrumental rationality dominated the world vision as the fate of our world, it is necessary to diagnose the difference between traditional and modern society in Weber’s mind.<sup>38</sup> I will examine his main two ideal-types (paradigms or cognitive map): substantive/value and formal/instrumental rationality.<sup>39</sup>

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<sup>35</sup> *Id.*

<sup>36</sup> *Supra* note 31 at 138, 139.

<sup>37</sup> *Id.*

<sup>38</sup> The ideal-type is a method to organize facts, features and main aspects of a certain phenomenon that relies on continuous generalization to create the appropriate tool to read the real world. It is a kind of structure or pattern that organizes and collects related observations in one unit to give a suitable image in order to read how things interact and work. It is a kind of cognitive map that helps us understand reality, but it does not exactly echo it. Weber points out that “[I]deal types do not describe reality, nor do they represent anything in reality in a precise one-to-one fashion. They are also not a statistical average or a formulation of the concrete traits common to a class of concrete things, for instance in the sense that having beards is a trait common to men as distinct from women.” The ideal-type focuses on a common pattern and ignores contradiction to create one perception in which gives a standard for understanding and interpretation. It is a kind of generalization or abstraction (not the essence of reality) that aids researchers in constructing their understanding of the real world. As I understand, here, Weber makes a conversation against the dialectic approach, especially with Hegel's mode of thinking. Simply, Hegel believes that the process of history is a result of contradictions between rationality and irrationality as the manifestation to the absolute. It can be summarized that there is a thesis and anti-thesis, and the outcome is synthesis. However, Weber considers ideal-type as a collection of traits that the researcher collects and separates them to create a big picture. Weber does not combine contradictions, but he sees the common features of a specific phenomenon. For example, rationalization is the manner of actions that make harmony (not in contradictions) together to reach the chosen aim, and his work is to profile and systemize them in one cognitive See Max Weber. *Economy and Society: An Outline of Interpretive Sociology*. Edit: Guenther Roth and Claus Wittich. University of California Press 8 (1987).

<sup>39</sup> Actually, Weber classified rationalization into four ideal-types: practical, theoretical, substantive and formal rationality. Practical rationality cannot fit with the modern world because it is a subjective approach. Yes, it use means-end calculation on the self-interest to each individual, but it does not expand to the common vision in which there is not general laws to follow. See *Supra* note 23 at 1151, 1152. On the other hand, theoretical rationality is a kind of

First: Substantive Rationality. This kind of rationality is the dominant vision of traditional societies. It can be titled “value-oriented rationality,” in which the actions are rationalized within an internal and coherent pattern of values (one-cluster-system). Substantive rationality has to follow a comprehensive and inherent perspective, and the value system, here, cannot be fragmented by choosing one of these values and leaving the other. In this type, actions cannot rely on a single value, like profit maximization, without considering the whole “value postulate.” Human actions, for example, are consistently directed by an ultimate goal or transcendental value.<sup>40</sup> Substantive rationality is far away from means-end rationality. Any rational process has to comply with its inherent value system, so capital accumulation, for example, may be irrational to a specific religion or dogma. It cannot be the ideal-type of modernity because value-oriented rationality deals with reality through preconceptions of a combination of traditional values, which contradicts the creed of the new world.

Second: Formal Rationality. It is a matter of fact, not values. The focal point in it is “how” to achieve the chosen aim, whether good or evil, without considering “why” we need to reach this aim. It is a tendency to calculate and rationalize means within value-free general rules or regulations. The pattern, here, is about means-end rationality. It is about achieving any chosen aim most efficiently without being concerned about any value directions.<sup>41</sup> Formal rationalization is concerned only with procedures that search for effective functionality. It is delimited to material experiences and sees reality as a mathematical equation. It is the power of systematizing and regulative force.<sup>42</sup>

For Weber, there are many faces to comprehend what instrumental (formal) rationality is. Firstly, it needs to achieve submission of all fields, theoretically and practically, to cost-benefit analysis

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searching and giving an abstract meaning of life to be applied in reality. It is an intellectual rationality from philosophers and theologians who examine humans' needs and try to find a solution in real life. It is an attempt to descent from the realm of ideas to real life. For example, in the process of religious rationalization, the transformation from Catholicism to Calvinism took place at the hands of theologians who had a complete systematic vision and attempted to re-organize the religious values to fit with human needs in this era. According to Weber, this type happened from the beginning of history, even by sorcerers. But most of these theoretical reason ties their vision with metaphysics and see values in the old way. They search for (“meaningful cosmos”) harmony between humans and transcendent values. But now it also cannot fit with modernity because it can impact the practical way of life, not the whole vision. The great transformation of using mathematical equations and finding a material clear world vision delimit these efforts. See *Supra* note 23 at 1152, 1154.

<sup>40</sup> *Id* at 1155.

<sup>41</sup> *Id*

<sup>42</sup> *Supra* note 5 at 155.

and considering efficient means to a material-favored end. Secondly, it has to be seen under the notion of calculability, which is derived from the scientific field and extended to apply in every realm of society. Thirdly, the supremacy of reason is increased to become the inner logic and the new world vision (including human beings) by impersonalization, knowledge and organized control. It is a social structure and social psychological means in which its logic is rooted and has become the absolute theme in modernity.<sup>43</sup>

Here, the question is why has this vision become dominant? It is a whole structured vision because it is impossible to separate one sphere from another. Weber realizes this has occurred because every sphere in modern life is intertwined. For example, capitalism cannot succeed without science, technology, rational organization and rational domination by formal and predictable law. State without rational organization (bureaucracy), the rule of law cannot dominate. Bureaucratization without enhancing impersonal relations, the rule of law and modern science cannot be efficient. Even human actions need to be instrumentally modified to fit with this pattern.<sup>44</sup> Thus, instrumental reason hanger to build one rigid structure. the central key is efficiency, progress, calculation and domination.<sup>45</sup>

On the other hand, every realm has to diminish any obligation to “value postulate.”<sup>46</sup> Capitalism is the creed of maximizing profit without considering humans’ nature or values. Empirical science, also, is based on casual mechanisms and rigid impersonal rules. formal legal rationality relies on generalization and codification. The meaning of life has disappeared. Individual behaviors are guided by cost-benefit estimates rather than the ethics of brotherhood. Increasing the impersonal aspects pervaded the spirit of rational matter of facts.”<sup>47</sup>

Eventually, instrumental rationalization is a world vision within material logic. The same logic within science is the logic for social one. It is a consistent method to reaching facts without considering values. Everything is a tool to reach a chosen aim. The ways to enhance modern formal rationality are: rationalizing means to end, impersonal organization, causal technique, and

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<sup>43</sup> Rogers Brubaker. *The Limits of Rationality: An Essay on the Social and Moral Thought of Max Weber*. Routledge 37 (1984).

<sup>44</sup> *Id.*

<sup>45</sup> *Supra* note 23 at 1158.

<sup>46</sup> *Id.* at 1159.

<sup>47</sup> *Supra* note 5 at 124.

pragmatic form. In this system, the applied abstract rules do not concern humans because this type is designed to achieve the chosen (good or evil) aim without consideration of human values, feelings or transcendental aims. In Weber's literature, instrumental rationality means mastering calculation over everything. For him, there are many premises to capture a mind image of instrumental reason: diminishing values, increasing intellectualization, and the absence of ultimate meaning.<sup>48</sup>

## **2- The Diagnose of Instrumental Rationality: A Brief Anatomy**

Unlike Marx, Weber's discourse does not depend on one arena to discover the mastery of instrumental reason.<sup>49</sup> Marx believes in the deterministic of the economic factor of capitalism as the standpoint of this great transformation of modernity. The world is determined by capital, mode of prediction, and the "coercive laws of competition."<sup>50</sup> However, shifting the world from Weber's perspective should be understood as a whole (one unit). Even if Weber considers the rise of western capitalism is vital to growing modernity, the structure of the external rational atmosphere also necessary to the process of rationality. He ties capitalism with empirical science, the modern state, formal law, technology, bureaucratization and institutions until the inner rationalization of personality together to analyze the unifying theme of instrumentally. Even though every field has its own path, there are common factors that can highlight its anatomy. Here in this section, I emphasize that there are central features of instrumental reason that can be discovered in all rationalized domains which are knowledge, impersonality, and control.<sup>51</sup>

### **1- Knowledge:**

Knowledge is the basis of instrumental rationality and the central feature in enhancing it. The growth of systemizing, ordering, empirical discipline, and precise technology paved the way for the power of knowledge as a creed of the modern world. The result is that everything can be predictable and calculable to achieve efficiency. As discussed above, due to formal and functional rationality, it does not consider values (neither good nor bad).

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<sup>48</sup> *Supra* note 31.

<sup>49</sup> In my understanding, Weber did not establish his paradigm to confront Marx. On the contrary, Marx greatly impacted Weber, and they agreed on many interpretations of capitalism. Both of them were concerned with the same dialogue about the special nature of western modernity and the role of capitalism in its great transformation. My aim here is to point out that Weber did not stand in the rationalization of the economic field only, but he spread his vision to include all spheres in one unit in which I try to highlight in this paper.

<sup>50</sup> *Supra* note 5 at 130, 131.

<sup>51</sup> I derived these features from *Supra* note 37 at 29.

Weber argues that the prominence of knowledge can explain many sides of the complexity of instrumental rationalized themes. By the authority of knowledge, science replaces religion in which the world is disenchanted and becomes able to discover and control. Capitalism relies on knowledge to maximize profit, and monetary calculation is a matter of fact. Bureaucratization is based on fixed rules and specialized experts rather than village elders. Written and predictable formal law rules social practices. Every sphere is under the dominance of knowledge. Even that guided human actions to act instrumentally because the prominence of specialized knowledge boosts the educational system to modify and create a specialized generation that fits in the new paradigm.<sup>52</sup>

This process changes the social life of humans. It is eager to create specialized technical experts, which leads not only to change institutions but also human beings' actions. For example, bureaucratization depends only on the expert and technical rather than cultivated humans. Thus, the aim is to anchor the inevitability of specialized experts who follow written rules and cannot think independently. That aids in framing the social actions to abstract cold rational in which the conduction of human actions relies on calculation and means no end. Human actions change (consciously or not) to fit this world's vision.<sup>53</sup> Here, knowledge has cemented the process of instrumental rationalization by affirming that everything is able to calculate and predict.

## 2- Impersonality

To gain the most efficiency, instrumental rationality has to reorganize the social order by impersonality. Weber focuses on capitalism and politics in which their authority has to depend on "objectification" and "depersonalization." Rationalization as a logic is concerned more with organizing institutions rather than humans. Capitalism gains success if the transactions are impersonal. The free market has to be free from any moral or emotional infringement. However, the objective of the market can collapse without obedience. Here, Weber emphasizes that formal law and bureaucracy are very vital to solidifying impersonality.<sup>54</sup> He makes a distinction between modern domination to explain how impersonal formal law offers the best way of choosing obedience to achieve rational domination (discuss in the next chapter).

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<sup>52</sup> *Supra* note 5 at 124.

<sup>53</sup> *Supra* note 37 at 30, 32.

<sup>54</sup> *Id* at 32

Now, the focal point is that instrumental rationality is the tendency to root impersonality in institutions and the social environment. Then, all subjective factors are swallowed by capitalism, legal formal regulation and impersonal organization. There is an absence of human relations due to the increasing abstract commodity relations. Formal rational relations resist any intervention by personal behavior because that disturbs the instrumental system. Within the realm of impersonality, the individual converts to be an economic subject who is subjected to the law of supply and demand, or he/she is subjected to the formal impersonal law. Individuals also can be shorthand to be a just voice (tool) in political elections. Also, human beings are reduced by bureaucracy as a cog in a big chain to do a small part in this huge impersonal organizing machine. Impersonality has succeeded in producing efficient institutions that inhale humans in its vicious circle.

### 3- Control

Rather than inherent self-censorship or the monitoring by traditional society, instrumental rationalization has institutionalized control. In the new world, capitalism and rational organizations strip humans of all means of production, whether it is economic, political, educational, or social. The logic of instrumentally makes a victory over nature, but because of the growing knowledge and impersonality, it expands and masters humans.<sup>55</sup> The mastery surrounds individuals to force people voluntarily to walk in the drawn calculable path. If someone takes a step aside, the monopoly of using violence and discipline is in the modern state's hands. There is no escape.

Weber stresses that the structure of dominancy is the iron cage of modernity in which individuals lose their freedom. (This will be discussed in the next chapter.) Now, it is necessary to highlight the limits of control as a central factor of instrumental rationality. Weber sees that mastery over nature and people rests on calculability, which he ties between capitalism, bureaucratization and formal rational law. Weber writes that "industrial capitalism must be able to count on the continuity,

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<sup>55</sup> *Id* at 33, 34.

trustworthiness and objectivity of the legal order, and on the rational predictable functioning of legal and administrative agencies.”<sup>56</sup>

Thus, in Weber’s literature, the discourse of control can be read under three main levels. the economic sphere where instrumental rationality does not consider any value other than maximizing profit. Creating a “masterless slavery” by capitalism is the most unfortunate force in the instrumental rational world.<sup>57</sup> Capitalism applies the norm of scientific control and impersonality leads to apply to works and humans. The market has become the only aim that operates by calculability, planning and predictability.<sup>58</sup> It generates the world as a factory. Without a rigid structure of domination, this rational economy can be ruined. Thus, it is vital to enhance supreme tool to organize collective actions and build a world for experts without souls. (it will be discussed next). It reduces humans to little cogs in the big machine of modernity. Formal rational law is also important to fulfill the demand for instrumental rationality. It is like a chain without any part of its complexity the control collapse. Here, the idea that control is one of the systematic factors in the instrumental reason in which control objects spread to subdued individuals.<sup>59</sup>

It can be summarized that instrumental rationality relies on calculation, impersonalization, control and planning to promote so-called efficiency and progress.<sup>60</sup> Bureaucratization has replaced the traditional way of organization and washed away human feelings and individual thinking. The cost-benefit analysis and the law of supply and demand have become the basis of the economic sphere. Here, it is the moment of the victory of instrumental rationalization as the dominant vision for modernity because it has dehumanized human beings, applied the same material and impersonal rules, and controlled humans, which transforms them as if things. In conclusion, formal instrumental rationality is the more suitable way to describe modernity. it has appeared as normalizing the material and secular perspective without any transcendental value where empirical knowledge rationalizes means no end, impersonality creates a disenchanting

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<sup>56</sup> *Id* at 34, and see Max Weber. *Economy and Society: An Outline of Interpretive Sociology*. Edit: Guenther Roth and Claus Wittich. University of California Press 1156 (1987)

<sup>57</sup> *Supra* note 5 at 150.

<sup>58</sup> Kieran Allen. *Max Weber: A Critical Introduction*. Pluto Press. 134, 135 (2004).

<sup>59</sup> *Supra* note 37 at 34, 35.

<sup>60</sup> *Supra* note 5 at 124, 125.



world and control creates a society as an iron cage. The question is, what historical roots give instrumental rationalization this massive boost?

### **C- The Birth of the Invisible Monster: The Historical Roots of Instrumental Rationality**

Humankind has to be unrestricted of the shackles of traditional (darkness) times. The light is supposed to be here. It is the era of Enlightenment in which reason has become a structure of thought with a coherent world vision. Bacon declares that power is the knowledge and empirical science that could rescue humanity from fall. Descartes adores mathematical logic which the world can recreate. Newton proves that there is a general universal code in which reason (physics and math) has the ability to discover. Hume doubts every kind of realization, but he affirms that clear knowledge is only in the realm of mathematics. Kant combines them and declares that the maturity of human beings is due to reason.

Here, the progression of the Enlightenment exclaims that reason is the real God; reason is the master and owner of nature. This promise assumes emancipation from injustice, ignorance, political repression and struggle. The ultimate faith is that reason allies freedom and progress. Being free is to break any bondage restricting reason.<sup>61</sup> Universal happiness appears on the horizon. Nonetheless, history does not tell the same story. From imperialism, atrocities like the Holocaust and spreading nuclear bombing, there is another narrative that jeopardizes the real presence of human beings.

Weber believes that the Enlightenment promises of universal freedom, the autonomy of the individual and modern rationalization have taken another path into nihilism.<sup>62</sup> That is because the long-term process of rationalization in western modernity is reduced to be instrumental. It is subordinated to the empirical world, which assesses the efficiency of means only over old values and relies on material calculation and rational domination. Firstly, The new reason deals with the dominance of empirical science, which has replaced magical notions in religions. There is no

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<sup>61</sup>See the introduction of Frank Hearn. Reason and Freedom in Sociological Thought. Routledge. Edition (2015). Epub soft copy.

<sup>62</sup> The influence of Nietzsche on Weber was noticeable, especially, on his concept "the disenchantment of the world" as an expanding to Nietzsche's idea about "the death of God." See Joachim Radkau. Max Weber: A Biography. Trans: Patrick Camiller. Polity Press. 167 (2009). Weber, himself, assures that "the honesty of a scholar today, and especially of a philosopher, may be gauged by how he situates himself in relation to Marx and Nietzsche."

place for the value postulate because it provides an explanation only of what already exists. Empirical science cannot distinguish truth and value, so it separates knowledge from human interests. It relies on strict norms, stable calculation and impersonal forms.

Then, the progress toward the capital order considers impersonal fixed rules to maximize the profit. It applies rule without considering human relations or fraternity. It has replaced mercy and compassion with greed and capital accumulation. The concept of rigid calculation has converted the value maxim to the pursuit of profit, which rational domination is the tool to reach efficiency and progress.

Thirdly, this leads to apply the same impersonal rule and strict formula on human beings. This mode of thinking treats humans as things. Human beings do not benefit from this progress; the large rationality transforms a person into a “cheerful robot”.<sup>63</sup> Thus, the overall idea, here, is that creating a one-world vision in which nature or humans are under the notion of sameness measurement has led to a forgetting of the promise of freedom, progress or autonomy. The Enlightenment promise of reason has transformed into a counter-enlightenment where instrumental (value-free) rationality has taken its place and pushed the world into nihilism.<sup>64</sup> How could that conversion take place?

I argue that the birth of the instrumental monster can be traced in the false promises of the Enlightenment era. This mode of instrumental thinking is not a deviation from the western promises, but the inherent logic of the western paradigm which has, from the start, exhibited a tendency against human beings.<sup>65</sup> The promise of reason has turned to myth, progress to illusion, and freedom to prison.

### **1- Reason as Myth: Tracing Positivist Knowledge**

With industrial capitalism, the so-called union of reason and freedom is collapsed. The promise of Enlightenment to vanish myth is to convert reason, itself, to myth because the empirical

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<sup>63</sup> *Supra* note 61.

<sup>64</sup> *Supra* note 20 at 15, 17 and 41.

<sup>65</sup> Zygmunt Bauman and Foucault believe that the Enlightenment's ideas have an inherent tendency against humans. Also, they think that this enlightened mind has created unmerciful tools to oppress human beings. See Zygmunt Bauman, *Modernity and the Holocaust*. Michael Foucault, *supra* note 9. Furthermore, Frankfurt Critical School goes in this direction about how the promises of Enlightenment such as freedom, equality and controlling nature converts to the contrast which dominates human beings and aids in modern atrocities. Also they consider how the process of eliminating myth has failed, and the reason itself has become a myth. See *supra* note 4.

science and the stable calculation by positivists who believe in the omnipotent knowledge, whether in nature or human, led to the victory of totalitarianism and value-free rationalization.<sup>66</sup> In their remarkable book, *The Dialectic of Enlightenment*, Horkheimer and Adorno do not contrast the rationalization process and use reason critically, but they are concerned about how the domination of instrumental rationality had its victory, which “deals with the reversion of enlightened civilization to barbarism in reality.”<sup>67</sup>

The writers make a radical critique of the Enlightenment because it is the symbol of modernity. They consider the seeds of modern colonialism, imperialism, domination, the Holocaust, and uncountable atrocities that occurred as a direct production of technical (instrumental) reason and the scientific revolution. Reason as a myth happened when math and physics became the structure in which any field outside its vision cannot consider real knowledge, such as values and metaphysics. rationality delimits to be functional. Thus, rationality can read only what can be experienced by observation, experimentation and classification to discover and predict any manifestation to control it. They have concluded that one of the biggest factors in defeating reason is rising logical positivism.<sup>68</sup>

Horkheimer and Adorno pay great attention to the discourse of logical positivism as a direct cause of the domination of instrumental rationality. Logical positivism considers empirical science as the only tool to gain knowledge, and any metaphysical interpretation is a kind of empty chatter. Mathematics is the only valid language, and causality has to be the master key to understanding nature. If any phenomenon does not coincide with the mathematic paradigm or causality, it has to be excluded from knowledge, whether moral, philosophy or moral values. Positivists claim that a mathematized world is the guarantee preventing a retreat to a mythical world again.<sup>69</sup>

In his work, *Science as a Vocation*, Weber crystallizes the fundamental role of empirical science as the only way to gain knowledge and shape the modern world. The value of science has contributed to the enhancement of the instrument rationality in a world of stable calculation. The

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<sup>66</sup> Stephen Eric Bronner, *Critical Theory: A Very Short Introduction*. Oxford University Press 53, 54. (2011).

<sup>67</sup> *Supra* note 4 at vix.

<sup>68</sup> *Id* 17.

<sup>69</sup> *Id* at 18 and 21, 25.

starting point in empirical science is the causal mechanism in which everything can be understood by observation, measurement, causation and calculation. It turns the world into a kind of mathematical equation where humans, like nature or things, can be treated with the same technique. While the aim is to control nature, it converts to becoming the only path to gain knowledge.<sup>70</sup> Empirical science does not recognize what is just or unjust, what is good or evil and what is an ethical aim or not. It renders what is true or false. It oppresses all traditional and old values, and it enhances instrumental rationality. It leads to the elimination of the differentiation between cultures and religions to support a world without sanctity. Humans are just a number in this process, and it rationalizes means only to reach the calculable world.<sup>71</sup>

Science and technology are not neutral but designed to achieve efficiency. They are not only about invention, which does not consider transcendental values; they also change the way of thinking to a causal mechanism without looking at humans' lives.<sup>72</sup> The intellectual atmosphere of enlightenment has paved the road to this mode of thought. Positivists do not appear from nowhere.

Horkheimer and Adorno debate that the revolutionary of instrumental rationality (as a process) began with Francis Bacon and positivism, on the one hand, and Descartes and rationalism, on the other hand. They differ in their epistemological origins. Bacon considers senses and observations as the basis of knowledge, and Descartes believes that innate knowledge is the foundation. Both sides interact, consciously or not, to produce this type of knowledge.<sup>73</sup>

Bacon favors the experimental approach and actual causes as the only tool to gain knowledge. It is the time to establish the true scientific tool to achieve the material interests of humans rather than the illusion of metaphysical knowledge.<sup>74</sup> Bacon despises the traditional way of thinking

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<sup>70</sup> *Supra* note 5 at 115, 116.

<sup>71</sup> *Id.*

<sup>72</sup> There was a moment when the instrumental rational vision declared itself clearly in the words of Herman Kahn, an American atomic scientist, when affirming that "it is acceptable if 60 million Americans die during the first three days of an atomic war; if 90 million die, then it is too many." In this vision, everything has become under measure; humans are just numbers (collateral damage) in the mathematic equation of efficiency and progress. For example, if war is the solution to achieve this equation of progress, it will be the only answer without consideration of individuals or their autonomy. Kahn also commented, "compare the horror of war and the horror of peace and see how much worse it is." See *supra* note 3 at 41, 42.

<sup>73</sup> *Supra* note 4 at 1,2 .Here, I make a kind of generalization and abstraction and, of course, shorthand. I choose specific features and try to combine them in one cognitive map. I understand the difference between Bacon and Descartes. Each one of them has his own notions and philosophical premises. In Weber's world, it is a kind of making an ideal-type by catching the similarity to give my own interpretation.

<sup>74</sup> Bacon classifies four obstacles toward real realization which are 1- "Idols of the tribe" are a tendency to generalization and abstraction that happens due to looking to the surface of appearance 2- "Idols of the cave" are the narrow vision that constrains human thinking due to their preconceptions. 3- "Idols of

and announces that knowledge is not an aim in itself. The aim of knowledge is not to give ideas or theories, but the true power of it is to discover and then control its law to serve practical and measurable life. If the laws of nature can be realized, humans can master them.<sup>75</sup>

Thus, his ground-breaking work is to replace the ascendancy of the old mode of thinking with Aristotle's logic and create a systematic way to increase real knowledge through observation and empirical methods. For him, the traditional logic of deduction spins around in a vicious circle. That is because syllogism is a mental category that consists of premises and conclusions. It considers the correct descent from premises to the conclusion whether the premises are correct or not. Propositions contain words; words give notions such as substance and essence-itself, which are fantastical, confused, and vague. Aristotle's logic converts from a partial premise to generalize one as if it were facts. These premises could be ill-defined or false. Even if the formal descent to conclusion is right, it does not contain something new. For Bacon, syllogism is a childish way because its conclusion is unstable and prone to error. It cannot give the right tool to reveal the truth of nature, and it is a just mental and formal tool to persuadable others.<sup>76</sup>

The new science needs another instrument to enhance empirically, in which nature is under examination by tracing causes by observation and examination. It was a revolution to dismiss Aristotle's logic. If traditional logic makes a big jump from proposition to conclusion, the new instrument has to follow the form of every single idea in systematic ways. Rather than deduction, induction is the fitting way to keep humans' thoughts out of empty dogmas and illusions. Here, empirically, it is not gathering information; it is a kind of collection of causes from one step to another until the empirical knowledge is reached.<sup>77</sup> Here, Bacon disconnects from the old dominant vision and declares the first step toward the scientific age, the new instrumental world vision. The true impersonal causes and empirical science in which they have the power to control nature. The project makes the concept of control the maxim of the new era.

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the market-place" are the dominance of language illusions that hide the truth. 4- "Idols of the theatre" are the dominance of false traditional authority. See John Cottingham. *Western Philosophy, An Anthology*. Blackwell Publishing 416 (2008). Second Edition.

<sup>75</sup> *Supra* note 4 at 3.

<sup>76</sup> *Supra* note 74 at 416, 417.

<sup>77</sup> *Id* at 42.0

While Bacon was not a mathematician, Descartes played a more significant role because he extended the significance of mathematics to understand the world. For him, math equals certainty, and he aims to produce strict principles that can count anything that occurs in nature. The whole universe, from stars to animal lives, can be understood by mathematics. Descartes goes beyond understanding, which enables humans to become “masters and possessors of nature.” By the systematic observation and experiments.<sup>78</sup> The final aim is determined technological control.

More than that, Descartes aids to enables reason as a mastery of the new world by distinguishing between the subject (human) who is able to gain knowledge and the object (nature) that is a thing to discover and control. This kind of dualism opposes the old vision in which subjects are subordinates to an omniscient and omnipotent super creature (God). Here, Descartes gives humans the confidence in their power to stand in confrontation with nature. Nature as an object is not a magical realm but can be under calculation, invasion, and control.<sup>79</sup> Descartes’s purpose is to use knowledge to serve humans and gain welfare. However, this complete faith in mathematics and empirical science does not distinguish between nature and humans.

Hither, within unique discoveries of the scientific revolution, the reason has modified to the new method which be well-matched with it. Analysis style has become the only acceptable method to understand every principle in nature. Newton’s discoveries affirm that all natural phenomena are organized into existence due to a precise mathematical system, so the job of rationality has to make compatibility with nature to gain certain knowledge. The role of the mind has overcome Descartes’s model quickly. If Descartes starts with inner knowledge or certain principles, now, the scientific mind begins with appearances toward analysis of them to discover the truth. There is no necessity of supernatural or prior thoughts, and there is a deterministic and mechanical explanation to nature. Truth is nevermore expressed with orientation to ends, but it becomes the function of the inner logic of the new empirical method.<sup>80</sup> The problem here is that the great success of natural science subordinates social life in which it can be under the same strict control of mathematical equations.

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<sup>78</sup> *Id* at 422.

<sup>79</sup> *Id* at 422, 427.

<sup>80</sup> *Supra* note 61 see chapter one.

August Comte has come to declare that society is an organic unity in which it can apply the same deterministic and mechanical methods. For him, social life is accessible to scientific realization by capturing its dynamics and forces. There is no place for past imagination of any transcendental tenacity, but it has to be replaced by positive and tangible rules to discover the factual order. The essential doctrine in Comte's sociology is to reconstruct society, and the real question is how, not why. There is no source of knowledge except what really exists. Positivism constrains the job of society to progress and order. Their questions are what achieving progress is good and how social science supports the progressive order. Society has to reestablish rational, calculable, and efficient orders.<sup>81</sup> Sociology, as science, teaches individuals the facts, and humans have to adjust their actions to fit with it.

Comte announces the science of society as a "sociology" as a method to know the laws enacted to shape societies. He despises any questions about the meanings. He classifies sociological development into three stages. The first is the theological society in which any event occurs due to the divine. Human beings ask here why, but they forget to ask how. In the second metaphysical stage, humans tie their explanation with ideal and intangible truth. It is a continuous of the first one. Thus, the third stage, which considers what is really the deterministic law, is the positive and science stage. It is the time to search for the truth by limiting the true knowledge through the empirical given.<sup>82</sup> With Comte, the verification of cognitive similarity is achieved about controlling nature and humans. Comte not only considers true knowledge by physics and its laws, but also he vanishes the role of philosophy as a way of searching for meaningful life and thinking about purposes. The role of logical positivism is to create a rigid world without humans. In this moment, instrumental rationality has triumphed over nature and humans.

It is a kind of complete faith in the totality of reason. Reason can realize all life aspects without transcendental, ethical or even feeling direction. If reason has the ability to eliminate myth and dominate nature in favor of humans, the question arises as to how it can be converted into a tool

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<sup>81</sup> *Id.*

<sup>82</sup> *Id.*

of dehumanization and domination. That is because logical positivism uses instrumental calculation in every sphere.

Then, if the Kantian aim was “Have Courage to use your own reason!” without any kind of tutelage or external guidance.<sup>83</sup> Within the dominance of instrumental history of reason, this statement has meant that human beings must be centralized rather than God. They assume that humans have the ability to accomplish progress without referring to transcendental or ethical values. They believed that the road to eliminating old myths is empirical science and knowledge (reason).<sup>84</sup> Enlightenment discourse was intended to control nature instrumentally, but the outcome was control and domination of humans also. Instrumental rationality applies the same measurement as if human beings equalize nature and things. It has become a mathematical equation in which a human is just a number in the whole material world, and knowledge is separable from human interests.<sup>85</sup>

In the rear, the promises of reason to purge our new world from myth are betrayed by instrumental rationality. On the contrary, the mythology of reason has absorbed the enlightenment discourse.<sup>86</sup> This paradigm converts the promise of reason to become the new myth in which to serve barbarism, destroy individual autonomy and hide the monster of instrumental domination. Horkheimer and Adorno propose that “The equation of mind and world is finally resolved, but only in the sense that both sides cancel out. The reduction of thought to a mathematical apparatus condemns the world to be its own measure.”<sup>87</sup> In this vision, the universal promise of liberation and freedom, and subjectivity are defeated and turned into myth when the same instrumental law of nature applies in humans.

## **2- Progress as Illusion: Digging Behind Impersonality**

The Enlightenment discourse believed that the growth of reason and science could eliminate hunger and poverty. There was a belief that infinite progress could be the way to satisfy human needs and achieve general welfare. It has despised the traditional economy to rational capital

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<sup>83</sup> *Supra* note 17.

<sup>84</sup> *Supra* note 4 at 1, 3.

<sup>85</sup> *Id* at 2.

<sup>86</sup> *Supra* note 66 at 52, 54.

<sup>87</sup> *Supra* note 4 at 20.



order which depends on calculation, impersonality and predictability. Likewise, the promise of reason has converted to being the tool of domination and dehumanization; the concept of progress has also converted to a nightmare. The promise of progress also abandons any kind of human relations and moral values. Its aim is the continuous pursuit to maximize profit because the inherent vision in this process is value-free in which its basis is competition, selfishness and greed without regard to persons.<sup>88</sup>

The symbol of impersonality is located in the transformation to rational capitalism. It has ceased the traditional bonds of mercy and compassion and converted to becoming a monstrous machine to maximize profit only. For example, the roots of this rigid vision can be traced in Thomas Hobbes's discourse. He assures that the state of nature is not the old vision which relied on many concepts such as values, morals or even honor. Rather, the factual state of nature must be read under concepts such as competition and distrust. In his vision, life is the war of all against all, and man is an enemy to every man.<sup>89</sup> He articulates that humans behave to gain profit because everyone performs according to his/her interest only. He articulates that humans are rational machines in which they seek to possess power.<sup>90</sup> Needless to mention, he believes that one of the defining features of power is wealth, and wealth cannot be separated from his notion of power. Society is a kind of competitive conflict in a horrific jungle; the only survivor is the one who can gain such power. There is no place except material transactions and impersonal competition. While concepts such as capitalism or market society were not invented in Hobbes's era, he was aware of the changes that were occurring in his English community and its material logic. Hobbes lights the inherent sparks in the enlightened discourse by showing that selfishness and competition are the core ideas for survival.

Then, Jeremy Bentham plays a great role in extending the impersonal line with his concept of utilitarianism. He claims that the only motivation for human beings is maximizing pleasure and minimizing pain as if the pleasures can be measured. Of course, in Bentham's discourse pleasure can be measured because it is a material and impersonal concept. That is because the scale of humans happiness and avoiding pain is determined by the price of material things. This price

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<sup>88</sup> *Supra* note 5 at 99.

<sup>89</sup> Haggag Ali. Mapping the Secular Mind: Modernity's Quest for a Godless Utopia. The international institute of Islamic thought London 49, 50 (2013).

<sup>90</sup> Lawrence Cahoon. The Modern Political Tradition: Hobbes to Habermas. The Teaching Company. 27, 28 (2014).

builds on the market, so money is the proper scale and telos. He defends the capital and market system, and he justifies it with individual desires where social life is a chain of exchange relations.<sup>91</sup> Thus, there is no distinction between humans and animals because nature draws the line between pleasure and pain for both of them without the singularity of humans.

Then, Adam Smith points out the material factors: self-interest, competition and capital accumulation to reach capital growth and progress. He believes that economic welfare has to rely on the pursuit of maximizing profit by a self-interest approach. His focal point is that the law of supply and demand only guarantees stability in the rational market. Capital accumulation is an aim in itself in this competitive system. Moreover, he affirms that governments have to stop intervening, but they also have to enhance this competitive atmosphere with a proper legal structure.<sup>92</sup> In this vision, humans are obliged to compete with each other just to survive.

While the promise of progress is to eliminate hunger and achieve welfare, Thomas Malthus declared explicitly that “the poor were responsible for their own misery.”<sup>93</sup> This English professor debunks the real face of this material progress when he asserts that the poor are an obstacle to economic progress. Instead of referring to the factual causes embedded in the paradigm of value-free progress, he affirms the animal nature of human beings in which the poor are inferior to the rich. In his theory of population, he articulates that all kinds of charity, healthcare and hygiene have to be stopped, and the poor have to be forced to impede their reproduction.<sup>94</sup> Humans have become not the final aim, but the poor are obstacles in this material vision of progress. It does not know except the growth of wealth or money.

Weber gives pure examples to show that the real spirit of the capital paradigm is about the unlimited pursuit of maximizing profit as an endless aim. He shows that one of the partners of Jacob Fugger, who was a super-wealthy German merchant, tried to convince him to retire because he had gained enough wealth, and he had to give a chance to others. Fugger considered that stopping to collect money was a kind of cowardliness. His infinite aim was to maximize his

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<sup>91</sup> See chapter two at *Supra* note 61.

<sup>92</sup> James M. Cypher and James L. Dietz. *The Process of Economic Development*. Routledge (3<sup>rd</sup> Edition). 111, 114 (2009).

<sup>93</sup> *Id* at 114.

<sup>94</sup> *Id* at 114, 115.

wealth as long as he could.<sup>95</sup> The second example concerns the preaching of Benjamin Franklin which highlights an obligation to maximize money as the only ultimate goal. Franklin assures that “Remember, that time is money... Remember, that credit is money... Remember, that money is of prolific, generating nature... Remember the saying, the good paymaster is lord of another man’s purse.”<sup>96</sup>

Hence, the promise of economic welfare and progress is an illusion because no moral or value can prevent its hazardous features. Maximizing profit through selfishness, greed and competition can justify many atrocities, such as colonization or imperialism. Exploiting or stealing from others can be justified under the process of progress. Jack London illustrates this sentiment, “Then, the business game is to make profits out of others and to prevent others from making profits out of you.”<sup>97</sup> Progress is not a neutral notion, but it moves to certain aims. Since progress saturates material vision without consideration of humanity, humans are absorbed in this progress vision where humans cannot think or live outside this pattern.<sup>98</sup> Finally, the concept of progress is a continuous process of the impersonal pursuit of profit without considering values or even humans.

### **3- Freedom as Prison: Searching for Intellectual Control**

The Enlightenment discourse revolves around three immense narratives: nature, reason, and progress. Nature is controlled after discovering its principles. Reason becomes instrumental because it applies the same role of nature without considering humans’ sanctity or meaningful life. Progress has been confined to impersonal and material profit. The main argument here is that the achievement of reason becomes without freedom in the Enlightenment discourse. “It is a dangerous thing when people are treated as things.”<sup>99</sup>

The Egyptian intellectual Abdelwahab Elmessiri is concerned about humans with the Enlightenment discourse. He believes that modern humans are crushed, so he attempts to create a paradigm to answer what happens to modern individuals. He points out that the correct paradigm

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<sup>95</sup> *Supra* note 24 at 48

<sup>96</sup> *Id* at 14, 16.

<sup>97</sup> Jack London. *The Iron Heel*. Grosset & Dunlap Publishers. New York. (originally written in 1907) 124 (1917).

<sup>98</sup> *Supra* note 1 at 18 and 155, 157.

<sup>99</sup> This quotation is derived from Richard Weikart. *The Death of Humanity: and the case for life*. Regnery Faith 23 (2016).

to investigate the Enlightenment discourse is the domination of value-free rationality. It does not separate only religious values from the political and economic spheres; it also shapes all values and all life aspects. He digs under the ongoing ideas to uncover how these deal with humans as things and writes:

Hobbes and Machiavelli cautioned us from the outset that man is ...a wolf... Spinoza compared man to a piece of stone thrown by a powerful hand... Newton compared the whole world to a perfect machine, a watch that keeps on ticking endlessly and uniformly without any divine or human intervention... Locke compared the mind of man to a *Tabula rasa* that indiscriminately registers all sense data... All of this gave rise to Adam Smith's image of man as living in a world regulated by an invisible hand, and a market regulated by the mechanical laws of supply and demand.... Darwin pointed out that Rousseau's Garden of Eden is not machinelike; it is a jungle that achieves harmony through the invisible hand of the struggle for survival and the survival of the fittest.... Freud came along and Proved...that the jungle is actually within. Pavlov experimented on dogs, and applied his findings on man.... Man is thereby completely deconstructed.<sup>100</sup>

Elmessiri's concern is how this material instrumental vision has deconstructed the modern human. If the concept of light is the basis metaphor to describe enlightenment. Then, after decades of reason without freedom and rationality converts to be instrumental. For him, the correct metaphor is "Endarkenment" due to the spreading of darkness rather than light. Here, maybe this statement is a kind of generalization and shorthand. However, he trusts that a comprehensive secularism is a suitable way to understand the value-free modern world.<sup>101</sup>

In the same vein, Zygmunt Bauman affirms that the inherent core idea in the rationalization paradigm is instrumental, and it has a tendency to move against human beings from the start. That is because nature, reason and progress are three focal points aimed to eliminate irrational or traditional beliefs. Human beings' aims and transcendental values do not reside in this material discourse; they are treated like nature where empirical science can dominate them. Thus, the ideas of material calculation, instrumental reason and eliminating ambivalence were inherent in the Enlightenment discourse in the first place.<sup>102</sup> For example, in his seminal work, *Modernity and the Holocaust*, Bauman confirms that an atrocity like the Holocaust cannot be understood beyond modern rationality (as a barbaric and abnormal action) or as an outcome of counter-enlightenment vision. It has to be seen as part of modern civilization and its long process of

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<sup>100</sup> this quotation is derived from *Supra* note 89 at 49, 50.

<sup>101</sup> Elmessiri does not tracing the social context behind every thinker, and that is a kind of shorthand. *Id* at 49, 52.

<sup>102</sup> *Supra* note 89 at 40, 42.

rationality from the beginning. He asserts that “without modern civilization and its most essential achievements, there would be no Holocaust.”<sup>103</sup>

Bauman looks at the abstract outcome of the process of rationalization, and he believes that the starting point of modernity is instrumental (value-free) rationalization. There is no place of value postulate, and, in the first place, the idea of progress is immanent in this discourse. Thus, science was considered the only way to gain power and dominate all life aspects. The aim is to achieve “unstoppable movement” toward the material understanding of the new world in which humans are a part of nature.<sup>104</sup> If physics and chemistry can solve and debunk our cosmos, so humans, also, can be known by biology and empirical science. He articulates that “with the Enlightenment came the enthronement of the new deity, that of Nature, together with the legitimation of science as its only cult, and of scientists as its prophets and priests.”<sup>105</sup> It is a new material religion where even “truth, goodness and beauty” are under scientific-methodical observation.

Bauman argues against Enlightenment’s deceptive metaphors such as universal freedom or individual autonomy by collecting all of them under one paradigm to explain how value-free rationality has been embedded since the emergence of rational discourse. Firstly, he does not differentiate between western different schools or intellectuals, and he puts all of the social sciences as a part of the biased paradigm to promote the value-free world vision in the same basket. Then, he creates a kind of paradigm or a cognitive map (or an ideal-type in Weberian words) to describe how this paradigm fights any effort to shake this chosen rational, material, calculable and coherent vision. Hence, he attempts to underline these deceptive metaphors by introducing another abstract metaphor, which is “Garden culture.”<sup>106</sup>

Bauman describes modern culture as a garden culture. The metaphor of gardening relies on removing old values to reach the complete organization of all living conditions. Modernity as a garden needs tools to remove all weeds and harmful plants to produce the perfect one. Here, modernity’s tool is instrumental rationality, and the gardeners are philosophers and intellectuals

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<sup>103</sup> Zygmunt Bauman. *Modernity and the Holocaust*. Polity Press. 87 (1989).

<sup>104</sup> *Supra note* 89 at 41, 42.

<sup>105</sup> *Supra note* 103 at 52.

<sup>106</sup> *Supra note* 89.

who enhance its perfect paradigm and exclude any idea that cannot fit in this vision. The gardeners of enlightenment and then modernity, from the start, have enhanced the material instrumental rationality to achieve the harmony of the garden design.<sup>107</sup>

Thus, this vision does not make a huge distinction between positivism and the early enlightened intellectuals like Descartes. Without the earliest philosophers themselves, the material instrumental garden of modernity could not reach this dominant vision. It does not matter if some believe in God or abstract values, or they completely ignore transcendental values because all of them promote this gardening process. For example, understanding the legacy of logical positivism, which does not accept any kind of knowledge outside the realm of scientific observation, cannot be separate from Descartes. As an example of early enlightenment, Descartes wants to build a universal ideal of science, art and aesthetics by using one systematic observation for all physical experiences, but, in his vision, he cannot see a difference between humans and animals where the same law dominates them.<sup>108</sup> The idea, here, is that the causal mechanism and the complete faith in science without considering any sanctity for humans lead to the consideration Descartes as one of the modernity gardeners.

In his book, *The Death of Humanity*, Richard Weikart explains that Descartes' philosophy plays a significant role in converting the vision of humans as a machine. He pays considerable attention to De La Mettrie's book, *Man the Machine*, 1747 in which he concludes that humans can be understood by anatomy and physiology. La Mettrie goes beyond Descartes and writes that the soul is a material part of our brain that can be understood through science. Weikart writes that the human brain in La Mettrie's vision is "a cog in a ceaseless chain of cause and effect, lacking any ability to choose moral good or evil."<sup>109</sup> It is a glance at how one material inhumane vision dominates the enlightenment vision or, in Bauman's metaphor, the modern garden. It excludes any values and tries to promote the calculation and controlling paradigm.

I believe that the gardening metaphor is the correct paradigm for understanding how instrumental rationality became the sole dominant vision from the enlightened discourse. I dare to put

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<sup>107</sup> *Id* and *Supra* note 103 at 52, 54.

<sup>108</sup> *Supra* note 99 at 23, 24 (2016).

<sup>109</sup> *Id* at 25.

Immanuel Kant in this gardening process as one of the bases for the tendency against human beings' patterns. That is a challenge because Kant is considered as a real prophet of the Enlightenment whose influence concerning his notion of the critical reason is still strongly present, strongly, in most respectful intellectuals' literature.<sup>110</sup> I argue that Kant may be considered as one of the gardeners but not because he is an explicit racist. He believes in the human hierarchy where the white man is at the top of his classification, and the black race can only be educated to be a kind of slave (servant) to the white man. Moreover, Kant believes that Red Indians are at the bottom of his imagination of human hierarchy. They cannot even be educated because they are inherently lazy and do not know how to love or live.<sup>111</sup> Needless to say, this vision influenced imperialism and colonialism because this idea gave a scientific execution to many racist atrocities, plunder and exploitation of other races. However, I argue that he was one of the gardeners according to his notion of obedience.

In his article, *What is Enlightenment*, Kant affirms that the basis of enlightenment is the courage to use our minds critically without any kind of tutelage of any type. It is a kind of freedom from any restrictions or preconceived notions from religious or political thoughts.<sup>112</sup> However, after two pages, he differentiates between using minds in the private or public sphere. He argues that using reason is not an excuse to disobey the system. As a member of society, you have to practice critical thinking because it is an obligation; simultaneously, you have to obey your leader's commands and kill others because that is also an obligation! An ordinary citizen has to pay taxes to, for example, unjust regimes because this citizen has to obey general community rules. It is ironic because it reduces critical reason to the realm of ideas, not in reality.<sup>113</sup> Foucault responds in his article, *What is Enlightenment*, to assure that real freedom has to be able to practice in the individual realm.<sup>114</sup> My aim here is to illustrate how the abstract look of Kant's ideas enhances Bauman's notion of garden culture as a "social mechanism of disciplining action."<sup>115</sup>

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<sup>110</sup> For example, Frankfurt Critical School has depended on Kant's concept critical reason as a way to eliminate instrumental reason. Also Hannah Arendt, in her book, "On Violence," relies on Kant's concept to achieve a kind of one humane law.

<sup>111</sup> Charles W. Mills. *Black Rights/ White Wrongs: The Critique of Racial Liberalism*. Oxford University Press 94, 97 (2017).

<sup>112</sup> *Supra* note 17 at 1, 2

<sup>113</sup> *Id* at 3,4.

<sup>114</sup> See Paul Rabinow. *The Foucault Reader*. Pantheon Books, New York 44, 50 (1984).

<sup>115</sup> *Supra* note 89 at 47.

Instrumental rationality is the focal aim of the process of rationalization itself. The central theme in the Enlightenment discourse is concerned with creating an organized one-world vision in which means are the significance, and this vision, in the first place, treats humans like things or numbers, no more.

#### **D- The Applications of Instrumental Rationality: One Rigid World Vision**

Foucault exclaims that “power reaches into the very grain of individuals, touches their bodies and inserts itself into their actions and attitudes, their discourses, learning processes and everyday lives.”<sup>116</sup> Whether instrumental rationality has appeared as an aberration of Enlightenment promises or Enlightenment’s discourse of reason is inherently instrumental. The central key is that the only discourse in our world just to rationalize means no end. In modernity, the one-world material vision has subjected other visions to this paradigm. Everything has become part of planning, impersonality calculation, control and prediction to attain certainty, efficiency and progress. Needless to say, this vision has eliminated the differentiation between culture and value to enhance its vision. It is not only about rationalizing law, prisons, military or institutions, as it also concludes malls, restaurants, books, music, schools and universities.<sup>117</sup>

The domination of instrumental rationality affects every aspect of our lives. It creates a kind of power to control our lives. Thus, in this section, I want to introduce an overview of three systematic themes to understand how instrumentality reached its final victory and then touches all aspects of life. After the affirmation of empirical science as the only path of knowledge, Weber articulates that this fateful transformation has occurred via three major rationalizations such as economic life, whose only interest is striving for profit; bureaucratization which creates an impersonal vehicle in value-free rationality and human behavior which relies on the means-end calculation. My aim here is not to trace these fields, but I want to point out the aspects of instrumental rationality, such as calculation, impersonality and control.

#### **1- Instrumental Rational Economy**

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<sup>116</sup> Michel Foucault. *Power/Knowledge: Selected Interviews and Other Writings 1972-1977*. Trans: Colin Gordon and others. Pantheon Books, New York. 30 (1980).

<sup>117</sup> *Supra note 5* at 93.



The rise of rational capitalism is one, vital, feature in western modernity. Weber believes capitalism is a product of many material and spiritual conditions in the western process of rationalization. Capitalism in Weber's literature cannot be separated from the Protestant ethic as the spiritual cause for raising it is due to some notions such as predestination, calling, saving money and salvation.<sup>118</sup> However, in this paper, the original concentration is not about the Protestant ethic as the spark that aided capitalism to rise. The significance, here, is the instrumental rationality as only world vision. I do not deconstruct capitalism, but I just read rational economy via instrumental paradigm. Thus, the first step is to consider the dichotomy between irrational capitalism and formal (instrumental) capitalism.

When Weber speaks about rational capitalism, he refers, particularly, to the western paradigm which relies on formal rationality aspects such as cost-benefit calculation and systematic planning. Throughout the years, there have been many types of irrational capitalisms such as "politically-oriented capitalism" or "robber capitalism." While these types have been sought to maximize profit, they have relied on irrational aspects like funding wars or colonial expansion.<sup>119</sup> Weber articulates that formal capitalism has to engage in the ongoing value-free operations of the market. Thus, the only fittest capital paradigm that has been guided by impersonal, cost-benefit assessment and value-free is formal (instrumental) rational capitalism.

The instrument rationality has appeared due to two main premises. The first is the separation between workers and tools of production. Unlike Marx, Weber sees this kind of separation as general and exceeds capitalism. For Weber, this separation is a vital manifestation of the instrumental rationality mode of thinking. For example, in the intellectual sphere, scientists are separable from tools of production by establishing laboratories, institutions, and universities. Weber widens the concept of separation to every field, not only to the economic one. He wants to point out that this factor is a trait of western modernity at all. The second factor is free labor. Rational capitalism vanishes the traditional relations of work (master/slave) to the paid free work

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<sup>118</sup> *Supra* note 24.

<sup>119</sup> *Supra* note 5 at 96, 98.

which demands many faces to accomplish this structure, such as impersonal relation, cost-benefit assessment and formal (value-free) rational capitalism.<sup>120</sup>

As the dominant vision of instrumental (value-free) rationality, capitalism is based on material calculation and impersonal money accounting and a “special kind of coercive situation.” The starting point is greed and competition to achieve the inhumane selfish pursuit of profit. Weber assures that modern capitalism cannot be understood without “unlimited greed for gain.”<sup>121</sup> All characteristics of rational capitalism have to depend on calculation to maximize profit. Private ownership, capital accounting, free labor, free market and technology have to reach material efficiency and progress without consideration of values or human beings. Formal capitalism is the outcome of the process of instrumental capitalism.<sup>122</sup>

Private ownership only studies profitability and is determined by financial calculation to maximize profit. Free labor gives owners the right to hire or fire laborers according to the owner’s will, and the aim is to calculate the cost-benefit in a stable way. The free market means removing any restriction in the market operation without regard to humans. It is a material process to enhance the market itself. Capital accounting allows comparison between cost and profit to assess, enhance and direct rational capitalism. Moreover, using technology leads to a mechanical estimation of the production without considering values, as Weber says, to reach “a maximum of formal rationality.”<sup>123</sup> Modern rational economics have replaced the old master with the new master of the law of the market. Thus, the modern formal economy matches the full instrumental vision about how the rationalization of means over ends promotes efficiency and progress.

Many examples show how instrumental rationality works, from wasting millions of liters of milk to raise its price to the scandalous example of the exploding gas tanks on the Ford Pinto. Ford was in competition with Japanese companies, so it had to produce more cars. They discovered that this kind of car had a deadly defect in its fuel system. Any rear clash could cause death and

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<sup>120</sup> Max Weber. *Economy and Society: An Outline of Interpretive Sociology*. Edit: Guenther Roth and Claus Wittich. University of California Press 162 (1987).

<sup>121</sup> *Supra* note 5 at 96, 98

<sup>122</sup> *Supra* note 58 at 139, 142.

<sup>123</sup> *Supra* note 5 at 98, 100.

injuries to human lives. The company estimated that 360 humans would die or be injured. By instrumental rational calculation, they concluded that if they compensated 360 dead or injured humans, the cost would be less than fixing this defect on all cars. Thus, they did not fix the car, rather they let people to their destiny, to die instead.<sup>124</sup> It is a clear example of how instrumental capitalism relies on the exact material calculation to gain profit by rationalizing means without considering values or ends.

## **2- Instrumental Rational Domination**

Bureaucratization is discussed in more depth in chapter two as a way to enhance political domination. But, now, I point out how this process can be seen from an instrumental view. Bureaucratization is the best ideal-type in enhancing organization in modernity. Weber argues that the emergence of western modernity could not happen without instrumental rationality of administration and organization by embracing bureaucracy. The modern organization differs from the traditional form because bureaucratization shares the same characteristics of instrumental rationality such as impersonality, formalism, predictability and efficiency.<sup>125</sup>

Instrumental rationality dominates the bureaucratic apparatus, so bureaucrats have performed their functions without regard to values, aims or even feelings. They do their job impersonally without any emotion, whether hate or love. They become a small part of this apparatus according to calculable rules. There is a high prediction in which there are formal written directions, and everyone knows exactly his/her part in this process. Every bureaucrat acts uniformly and knows his/her duties and responsibilities. The division of labor, supervision and hierarchy are tools to enhance efficiency. It is a perfect ideal-type in which the concept of organization itself is the only aim and denies transcendental values or even humans.<sup>126</sup>

The narrative of Adolf Eichmann is the best example of how bureaucracy is completely instrumental. He was a bureaucrat official in the Nazi regime, and he was a part of planning and implementing the final solution to get rid of millions of innocents Jews amongst others. After the collapse of the Nazi system, he escaped to Argentina, but the Mossad captured him and put him

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<sup>124</sup> *Supra* note 58 at 139.

<sup>125</sup> *Supra* note 5 at 112, 115.

<sup>126</sup> *Id.*

on trial in Jerusalem, accusing him of committing crimes against humanity. Hannah Arendt went to Jerusalem to cover this trial as a reporter for the New Yorker magazine. Afterward, she wrote a noteworthy book tracing his life and his role in this atrocity. Arendt expected to see a barbaric monster who was able to kill millions in cold blood. While he could indeed kill millions in cold blood, surprisingly, she saw a trivial bureaucrat as well. He was a law-abiding citizen and just doing his work.<sup>127</sup> Arendt believed that he was a killer, but she wanted to recognize how bureaucracy had a major role in this brutality; the honor of a bureaucrat is to do his job perfectly without any consideration of ethical or transcendental values. Fromm says that it is this kind of rational organization which creates officials who would impeccably perform their duties whether their job is to kill innocents or to protect babies. He assures that “Organization becomes an end itself, whether it has to do with the gold teeth or the hair of murdered humans or whether it is railroad trains or tons of coal. Anything else is indifferent for him.”<sup>128</sup>

### **3- Instrumental Rational Action**

Weber assures that modernity has arisen, particularly, in the western world when humans’ behaviors have become reliant on means-end rationality. The fittest action in rational modernity depends on the material calculation, and results have to be weighted instrumentally. In a world of stable calculation, the behavior has to be under the concept of cost-benefit calculation to enhance the whole vision of this material world. Modern human behaviors have no place for emotion, traditional or value-oriented action.<sup>129</sup>

Weber divides social action into four ideal-types in which any kind of action can be understood by these types. The first type is affectual action which reflects emotions or feelings like anger or love. The second is traditional action, which is derived from “ingrained habitation” and custom. Both of these actions cannot match a material calculable world because they are a kind of thoughtless or reflective action.<sup>130</sup> The perfect action has to consider self-interest by rationalizing means and predicting its consequences to fit in the modernization market structure.

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<sup>127</sup> *Supra* note 11.

<sup>128</sup> *Supra* note 3 at 40, 41.

<sup>129</sup> *Supra* note 5 at 92, 96.

<sup>130</sup> *Id*

Value rational action is the third type in which actions are determined by ethical, religious or aesthetic value. This action is directed by the ultimate value pattern inherent in one's consciousness. This action is based on an essential conviction which has to be direct within the whole conscious belief. For example, it is when someone abandons some money or scarifies in favor of his/her God.<sup>131</sup>

Contrary to the fourth type, instrumental rational, the crucial point is the calculation and means-end rationality which it can enhance the modernization process because it refutes ideals or values. This instrumental action dominates all human behavior in public and private spheres. It is noticeable how the power of instrumental thinking affects individual behaviors where rationalizing means, not ends, can harmonize with the coherent material vision.<sup>132</sup>

There are many examples in our real life that show how means-end rational actions have become the dominant vision. For example, from 2005 to 2016, nineteen Australian soldiers murdered thirty-nine Afghanis, a mix of prisoners and civilians, because the soldiers wanted to gain the first kill encouragement. These young fighters needed to have the courage, simply, to boost their career.<sup>133</sup> To understand that atrocity, it is inevitable to understand how they rationalize means without any consideration of the ends. For them, it was the best calculable action to reach their aim.

In conclusion, in this chapter, I want to crystalize how instrumental rationality is the one-world vision. Thus, I trace Weber's concept of rationalization as the systematic pattern to understand modernity. I investigate the definition and the types of rationality to conclude how instrumental material rationality is the fittest paradigm in this era. Then, I argue how this vision is inherent in the western intellectual discourse, by tracing the false promises of Enlightenment. Finally, I point out how characteristics of instrumental rationality can be found in the social, economic, scientific and administrative realms. The focal aim is to articulate how the realm of ideas has become material and instrumental. The next question is how the prominence of this vision continues by structured legitimate domination where the role of law has been played.

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<sup>131</sup> *Supra* note 23 at 1148.

<sup>132</sup> *Supra* note 5 at 94, 95.

<sup>133</sup> Phil Mercer, *Australian War Crimes Report Shows Young Soldiers Were Encouraged to Shoot Afghanistan Prisoners to Get first kill*. VOA news (2020). <https://www.voanews.com/east-asia-pacific/australian-war-crimes-report-shows-young-soldiers-were-encouraged-shoot>

### III- The Rest of the Story: The Necessity of Legitimate Structured Domination

“This is a trial and this a bench and sitting at it is a single judge and this is the seat of the accused and sitting at it is a group of national leaders and this is the courtroom, where I have sat down longing to get to know the party responsible for what has befallen us. But I grow confused when the dialogue between the judge and the leaders is conducted in a language I have never before heard, until the magistrate adjusts himself in his seat as he prepares to announce the verdict in the Arabic tongue. I lean forward to hear, but then the judge points at me to pronounce a sentence of death upon me. I cry out in alarm that I’m not part of this proceeding and that I’d come of my own free will –simply- to watch and see, but no one even notices my scream.”

-Naguib Mahfouz-

The world had gone crazy, particularly in the USA and the UK, when the manic despot, Saddam Hussein, invaded Kuwait in 1990. After the Gulf War in 1991 and the end of the Iraqi invasion, the USA and the UK wanted to punish Saddam’s regime. To do so, they imposed a legal economic sanction through the issuing of UN resolutions. These legal economic sanctions affected every sphere of Iraqi citizens’ lives and caused many harmful consequences, especially in the health field. Half a million children died as a direct consequence of this action.<sup>134</sup> These numbers posed many questions about whether these sanctions were vital or not. The official answers were always in favor of the necessity of this action. For example, Madeleine Albright, Secretary of State, was asked by a television presenter, “We have heard that half a million children have died. I mean, that is more children than died in Hiroshima. And, you know, is the price worth it? M. Albright: I think that is a very hard choice, but the price, we think the price is worth it.”<sup>135</sup>

While I do not know how killing half a million innocent children could justify any action, this example gives us a glimpse of how this legal action reflects the same material and instrumental vision. This example is not a surprising story because in the age of instrumentality, every means is allowed to reach the chosen material aim. The death of thousands of innocents was collateral damage, and there was not any kind of sanctity or transcendental value that could stop this mode of instrumental thinking. This example is a part of the fundamental story because it shows how the law is used in the process of depersonalization, dehumanization, impersonality and

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<sup>134</sup> Scott Veitch. *Law and Irresponsibility: On the legitimization of human suffering*. Routledge-Cavendish 13 (2007).

<sup>135</sup> This quotation is derived from *Id*, and see a YouTube video <https://www.youtube.com/watch?v=RM0uvgHKZe8>.

calculability. Modern law is the tool for enhancing this instrumental paradigm, and its role is to achieve a complete legitimated structured domination.

In this chapter, I investigate the control, domination and mastery of instrumental rationality by using law and its binding nature. In doing so, I point out that law is always a tool to enhance the well-matched aim, and, in our case, I investigate how modern law promotes the one-world instrumental vision. Then, I trace types of law to emphasize the point that formal rational law is the key factor to serve that purpose. Next, I trace types of domination to crystalize the role of legal-rational authority as the perfect type of power to answer why people obey the authority. Finally, I argue that this one-world vision within legitimate structured domination has produced our two essential losses: the loss of meaning and freedom.

### **A- Formal Rational Law: The First Step of Domination**

One of the main reasons for the victory of instrumental rationality is the complete denial of any transcendental value. Furthermore, the chosen aim in the modernity era is maximizing profit and achieving progress. Thus, one may ask about the domino effect, where the collapse of old values leads to a completely chaotic world without control.<sup>136</sup> Without an adequate rational domination tool, capitalism might convert to plunder or chaos; moreover, there is no motive to obey the authority and maintain political cohesion in case of the absence of the law.<sup>137</sup> Here, modern law is necessary to achieve control and mastery in both economic and political fields. The instrumental (formal) rational law with clear normative knowledge, impersonality, calculability and predictability is the fittest step to accomplish rational domination.

To understand how modern law has succeeded as the tool of domination in modernity, Weber's literature should be understood as a whole (in one unity). The role of modern law has to be read along with the process of rationalization itself. Law, like other aspects of modernity, has to be impersonal, calculable, and predictable and seeks to reach efficiency and, definitely, control. If rational capitalism is particular to the west, the formal legality is, also, specific to the west because it exceeds religions, ethics and any value. It is a systematic unit in which all spheres become instrumentally rational. Instrumental rationality needs a formalistic and positivistic

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<sup>136</sup> Terry Eagleton. *Culture and the Death of God*. Yale University Press. 26 (2014).

<sup>137</sup> *Id.*

structure in which the normative power can facilitate economic operations and control political arrangements.<sup>138</sup> In this section, I contend that the law is always a tool in any hand. Then, I point out Weber's four types of law to see how formal rational legality is the fittest type to achieve domination.

### **1- Law as a Tool to Enhance Instrumental Rationality**

Law as an abstract idea was (is and will be) a tool to enhance the dominant vision. Its job is to be an "empty vessel" by which it serves any end.<sup>139</sup> Law has to be understood within the entire social, economic and political context. Law does not have autonomy outside the dominant vision. Thus, it is deceptive discourse if we think that contentious atrocities happen beyond the law; it happens by applying the law itself.<sup>140</sup> Under the rule of law, the master can kill his slaves, commit genocide against aboriginals, enact sterilization laws, and kill millions of innocents such as in Iraq or in the Holocaust. Hence "the law, regarded by the west as its most respected and cherished instrument of civilization, was also the West's most vital and effective instrument of empire during its genocidal conquest and colonization of the non-western peoples."<sup>141</sup>

Law is neither good nor bad, but law has a specific mission to fulfill the chosen ideology. It is the best instrument to achieve what is the purpose or the end. That the "naïve faith" in that law is inherently good is a deceptive claim because the concept of law contains and reflects the chosen values and aims. Legality cannot escape from its "structural bias" in which it reflects and emphasizes the dominant vision through a suitable justification.<sup>142</sup> Like modernity, the law always gives false promises such as justice and freedom, but the reality is that it is a tool to enhance the ultimate goal. Law Professor, Jason Beckett affirms that "justice is not really the issue. The law is always just, even though it is also always unjust."<sup>143</sup> For example, if slavery were considered natural and a kind of cosmos justice, the law would play its role in promoting slavery. On the contrary, if it is the age of slaves' emancipation to exploit them as laborers, the law also serves and enhances this vision.

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<sup>138</sup> Cary Boucock. In the Grip of Freedom: Law and Modernity in Max Weber. University of Toronto Press 19, 21 (2000).

<sup>139</sup> Brian Z. Tamanaha. Law as a Means to an End: Threat to the Rule of Law. Cambridge University Press. 130 (2006).

<sup>140</sup> *Supra* note 134 at 10.

<sup>141</sup> *Id* at 18.

<sup>142</sup> Jason A. Beckett, *Faith and Resignation: A Journey Through International Law*. Matthew Stone, Illan rua Wall, and Costas Douzinas (eds.) New Critical Legal Thinking: Law and the Political. Birkbeck Law Press. 148, 153 (2012).

<sup>143</sup> *Id* at 151.



Law as an instrument to achieve any end is not a new idea. Marxists believe that law is a vehicle in the hand of the ruling class to oppress the proletariat. Economists consider law as a system used for increasing wealth. Utilitarianism assumes that law is the tool to measure and then maximize pleasure. The Critical Legal Study espousers believe that law is a hidden political tool to serve the dominant class. They propose that the legal system is very indeterminate and cannot provide a real answer because this system manipulates by employing -big words- like neutrality and objectivity to promote the main political vision. Legal feminists affirm that law is a tool to sustain male supremacy, and Critical Race theorists emphasize that law is an instrument to maintain racial domination.<sup>144</sup> Here, I aim to show that the basic idea of law is that it is a means to a chosen end, and it depends on how law, as a tool, works. I need to emphasize that law has no self-autonomy outside its abstract context.

Therefore, in the age of instrumental rationality, law is also the tool to enhance this material paradigm. It plays a vital role in social ordering and social change.<sup>145</sup> In the domination of calculability, planning and predictability to achieve efficiency and progress, the law has to move on the same path as depersonalization, generalization and predictability to demonstrate and control these conditions. Hence, the verification of instrumental rational legality can be read as comprising three main factors which are rationality, normativity and organized coercion.<sup>146</sup>

Instrumental rationality is one of the major factors in completing the domination of law in this era. The rational-legal norm is fully separable from any ethical or religious values, and it also abandons traditional and customary values. This kind of rationality can be read in light of the doctrine of positivism.<sup>147</sup> Positivism assures that “law as it actually is,” and there is no place for what the law ought to be. It has not to be tied to morality or transcendental values. Law has to be declared in accordance with well-defined rules and procedures by authorities or courts, and that makes it clear and certain because people can know their duties and predict the consequences of breaking the law. Thus, these positivistic criteria make people conclude what law is and what it

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<sup>144</sup> *Supra* note 139 at 118, 123.

<sup>145</sup> *Id* at 124.

<sup>146</sup> *Supra* note 6 at 725.

<sup>147</sup> *Supra* note 138 at 45.

is not.<sup>148</sup> The highest degree of rationality is where all rules and procedures are completely secular and clear to understand and consider.

Under rationality, the law needs a kind of normativeness. Legal norms cannot be valid without certain formal conditions such as writing or being enacted by the specialized authority. Legal norms have to be enacted in universal rules, not for a particular case, which applies to all cases. This normativity has to be general and autonomous. It is partially autonomous from political and economic interests; however, it has to fit in the whole rational and predictable context. It has to be a general principle to serve the dominant vision. Thus, it is independent to the extent of employing clear standards intrinsic in the legal system without regard to any transcendental values. It has to be logical, flawless, stable and public without gaps, and this internal consistency allows all cases to find the answer under this system.<sup>149</sup>

The last characteristic is legitimate organized coercion. Simply, law is an order, and it has to rely on binding legal norms. The sanctions are “endowed with certain specific guarantees of the probability of its empirical validity.”<sup>150</sup> Thus, order without coercion cannot be considered as law. Ethical or religious values are not binding by legality. Moreover, coercion demands obedience and subjugation to legal norms not to individuals nor other authorities like the Church. Legitimatization happens when it explicitly defies and follows certain procedures and has the ability to enforce sanctions on any violation of these norms. The law here combines power and authority.<sup>151</sup>

All of these characteristics make the required harmony of law as a tool to enhance the capital and political system and guarantee its smooth operation. These features emphasize the verification of the instrumental legal rationality in which it serves the material vision. It creates the most efficient tool to enhance the material one-world vision. Joseph Raz points out what the formal role of law as an instrument is like:

“a good knife is, among other things, a sharp knife. Similarly, conformity to the rule of law is an inherent value of law, indeed it is their most important inherent value. It is the essence

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<sup>148</sup> Suri Ratnapala. *Jurisprudence*. Cambridge University Press. 21, 22 (2009).

<sup>149</sup> *Id* at 45, 49.

<sup>150</sup> *Supra* note 6 at 726.

<sup>151</sup> *Id*.

of law to guide behavior through rules and courts in charge of their application... Like other instruments, the law has a virtue which is morally neutral in being neutral as to the end to which it the instrument is put.”<sup>152</sup>

A good knife can be used as a tool to cook or likewise to kill. Law is the knife of this material age. Rationality, formality, and organized coercion have made law like progress; both are not neutral, but their aim is to be employed to achieve the highest efficiency, control and profit maximization without regard to any sanctity. Similarly, the concept of justice is determined to achieve the development of the greedy economic system and enhance obedience to authority. Justice is linked to a functional tool to reflect this material vision. If this vision is changed, then the law will reflect this change accordingly. To understand how this formal rational legality is the fittest tool in the age of instrumental rationality, it is necessary to know how this form developed from other types.

## **2- Ideal-Types of Law: The Victory of Formal Rational Law**

In an oversimplification of Max Weber’s corpus, he asks why the rise of capitalism happened particularly in the West. He concludes that the process of rationalization is verified in all material and spiritual spheres. From this point of view, it is clear how formal rational law also appeared particularly in the West. As discussed before, it is a kind of unity or systematic pattern that controls the world as the only fate of this era. Thus, the oversimplification of his sociological analysis of law is that the formal (instrumental) law has emerged as a necessity to master and manage the rational economy and policy. On the one hand, the economic game targets money accounting and profit estimation, and formal legality is the way to control and facilitate this process. On the other hand, the law has to be the only legitimate apparatus that has the power to punish and the authority to obey, not old or other institutions like the Church.

However, the rise of formal legality cannot be seen outside the whole social context. The instrumental rationality of social action, which abandons traditional and value-oriented action, promotes formal rational law as a way to organize everything in the social sphere. To achieve domination, the law has a tie within bureaucratic administrations through impersonal formalism

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<sup>152</sup> This quotation from *supra* note 139 at 130.

and legality.<sup>153</sup> Thus, the major key is the concept of rationality which depends on secular grounds rather than any religious or ethical values. The only value is to achieve progress and efficiency.

The relationship between law as a tool of domination and the process of rationalization can be read in the dichotomy between substantive and formal rational law. Formal (instrumental) rationality is a system where all rules are organized by the internal legal logic without any influence from transcendental values. However, substantive rationality finds its norms in an ultimate goal outside the legal system such as a moral, religious or political creed. Moreover, it can be read in the notions of rationality or irrationality in how this paradigm deals with means efficiently. Weber concludes that the fittest type is formal rational law to harmonize with rational capitalism. Both “lawmaking,” which means how authority enacts and forms law, or “lawfinding,” which is how courts apply these decisions, have to be rationalized, determined by preexisting general principles and applied in all cases.<sup>154</sup> Hence, Weber’s sociology of law explains the development and the degree of rationality and generalization in four types: formally irrational law, substantively irrational law, substantively rational law and formally rational law.

#### a- Formally Irrational Law

In formally irrational law, the basis of legal decisions is the oracle, ordeal, revelation or prophecy. Decisions rely on something beyond human intellect and do not consider general rules or the parties’ interests. Legal decisions depend only on the superior magical power in which there is no place for predictability, calculability and explanation. This type gives a low degree of generalization and makes predictability and calculability impossible. While it is formal, whereby its criteria are intrinsic in this system, it is irrational in that it is mysterious, and humans cannot recognize what the logic is beyond the decision.<sup>155</sup> The best example, here, is primitive societies.

#### b- Substantively Irrational Law

The decisions of this type are affected by a solid ethical, emotional or political origin, but there is no general rule to predict or expect this decision unless it is declared. Hence, there is a concrete

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<sup>153</sup> *Supra* note 138 at 26, 27.

<sup>154</sup> *Supra* note 6 at 726, 728.

<sup>155</sup> *Id* at 729.

telos, but decisions are issued *ad hoc* (case by case). This type also has a lack of generalization and cannot calculate or predict the legal norms.<sup>156</sup> Weber identifies the *Khadi* law (Islamic law) as an example of this type.

#### c- Substantively Rational Law

Substantively rational law constructs its system through an ultimate value whether religious, ethical or political. There is a kind of generalization and objective norms, but thoughts are external to the legal system. Weber explains that “the decision of legal problems is influenced by norms different from those obtained through logical generalization of abstract interpretations of meaning. The norms to which substantive rationality accords predominance include ethical imperatives, utilitarian and other expediential rules, and political maxims.”<sup>157</sup> Hence, this type cannot fit into modernity’s paradigm because instrumental rationality needs an independent legal body of any value. Moreover, instrumental rational capitalism cannot rise in a value-based legal system because it only enhances profit and progress.

#### d- Formally Rational Law

Formal rational law is a typical type of modernity because there are well-defined and material answers to all cases. The decisions rely on preexisting and clear general rules. This kind of generalization has to exceed any particular case because all answers are intrinsic to the legal system itself. This system is self-sufficient and has no need for transcendental values. The highest predictability can be found in this type because all rules follow the same legal logic. By using a deductive approach, specialists can predict and estimate the decisions. This system has no gap, so it attempts to construct all human action. The result is “not only human action ordered by law, but what law allows no other social force can deny.”<sup>158</sup>

Therefore, this is the fittest paradigm for two reasons. Firstly, this formal law paved the road to enhancing instrumental economic and political compliance because the symmetry between legal and economic logic exists because of the same necessity of calculability and predictability. Secondly, it achieves the first step of domination because it abandons all old kinds of domination

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<sup>156</sup> *Id.*

<sup>157</sup> *Supra* note 138 at 43.

<sup>158</sup> *Supra* note 6 at 731, 731.

and legitimizes the material vision. For example, there is no guilt according to any social, religious or moral force unless the legal system recognizes it.

Weber recognizes the success of formal rational legality due to three characteristics. Firstly, it is the positive feature in which the complete divorce between morals or any value from the legal system has occurred. That leads humans to direct their actions according to this positivistic order that has to be enacted correctly and follows its procedures. Then, the formalistic factor creates a coherent legal system that is general and autonomous from humans' interests to the means-end paradigm. Finally, the concept of legalism and organized coercion is vital because it turns the power, somehow, into something comprehensible in which it is clear and expected. That creates a stable order where the legitimacy comes exclusively from formal law, and citizens obey voluntarily due to their belief in the legitimacy of the legal order and function.<sup>159</sup>

The idea here is that there is no place for real liberty. Individual autonomy is a deceptive discourse because the legal system knows only formal liberty. This system, intentionally, suppresses individual autonomy by enhancing depersonalization and calculation. For example, in the economic sphere, formal law organizes the freedom of contracts. The concept of free labor is one in which owners have the right to hire or fire laborers according to cost-benefit estimations, and the worker has a legal right to work or not. However, in reality, the worker is obliged to work and enhance this capital system because the whip of the hanger forces him/her to share in this paradigm.<sup>160</sup> To enhance instrumental rationality, formal legalism cannot see humans as humans, rather humans are viewed as a means to reach the material aim.

Now, the law is a tool in the instrumental rationality vision. It has been shaped to serve this system, and it succeeds in this fateful rule. There are many examples of the role of law in killing millions of innocents such as the Holocaust, in Iraq due to the economic sanctions and aboriginals in Australia. Legalism as an abstract idea makes the first step of domination, but it has to be tied to political domination and bureaucracy to achieve full structured domination.

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<sup>159</sup> *Supra* note 138 at 53.

<sup>160</sup> *Supra* note 5 at 99, 100.

## **B- Types of Domination: Rational Legal Authority as the Verification of Full Domination**

After rationalizing law, legality has replaced traditional values and has made symmetry with the whole instrumental vision. This cost-benefit calculation vision needs some power to be forced. Then, it is time for the rational state to dominate. Weber is amused by one question concerning why people obey authority voluntarily. To do that, the modern state needs three keys to subjugate citizens in rational ways which are legitimacy, domination and obedience. Thus, as discussed, formal law provides legitimacy in a perfectly impersonal way. Besides, the modern state has a monopoly on using coercion, and impersonal administration offers domination in the best way. A political apparatus has to achieve rational domination not on the basis of personal loyalty but instead on an abstract rule without any regard for persons. Rational domination needs to control and people then need to choose to obey. Obedience occurs when people believe in the law itself.<sup>161</sup>

To create structured legitimate domination, legal-rational authority is the only guarantee for verifying rational domination and the chosen obedience. Thus, I trace the three types of domination to see how the legal-rational is the fittest one within “the purest type of exercise of legal authority” which is bureaucratization.<sup>162</sup>

Under the influence of Nietzsche, Weber is concerned about the will of power. Nietzsche claims that the world is nothing except the will of power, but he wants to turn over the old values (“slave morality”) to new master values. In his footsteps, Weber considers the concept of power as a basis for domination, but he observes how the shifting of power has transpired. Domination, in Weber’s work, is a kind of power, and, in his book, *Economy and Society*, he defines domination as “the probability that a command with a given specific content will be obeyed by a given group of persons.”<sup>163</sup> Weber seeks to know what the types of power which people are

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<sup>161</sup> Wolfgang Schluchter. *The Rise of Western Rationalism: Max Weber’s Developmental History*. Trans: Guenther Roth. University of California Press. 107, 109 (1981).

<sup>162</sup> Many scholars criticize Weber due to his shorthand about his structure of domination. They articulate that he reduces the concept of domination to merely the personal political relationship between citizens and ruler. Also, they articulate that he has a narrow look at the link between bureaucracy and law to achieve domination. It is about the only political sphere. See *Id* at 109, 110. However, I see that is not a reduction or shorthand because Weber sociology tends to generalization as a way to read the reality. Weber’s corpus, also, he has to read in one unit to understand him as a whole. For example, the types of social action can be find his political sociology. Affectual is close to traditional authority, and instrumental rational action equals the legal rational authority. The defining feature of substantive and formal rationality can be found in his sociology of domination. My aim here to emphasize that is be a reduction if we ignore his whole picture.

<sup>163</sup> *Supra* note 20 at 99.

obliged to obey are. Thus, the question of obedience is central to him, and he classifies the history of domination into three phases which are the traditional, charismatic and legal-rational authority.<sup>164</sup>

The mode of domination in traditional authority depends on the continuous belief in the sanctity of tradition and custom. The power is held by older-age, lord, king or master which has the authority or power by inheritance. The legitimatization of obedience is attained on the basis of personal loyalty. It is not to an office, but it is to the master or king. Obedience finds its grounds of custom in which “obey me because that is what our people have always done.” It also considers, somehow, substantive concerns such as valuable common sense or moral value, but the master is free to do what he thinks good or better for his people. Personalization is the core of this type, and the lord may change his opinion due to personal relationships or gifts. The examples of this type can be seen in family leaders, patriarchs or feudal aristocrats.<sup>165</sup>

Moreover, Weber is concerned with studying how the ruler and the administrative staff function and how people here are servants to the leader. There is no specific rule because there is no separation between the leader and the state. Kinship, honor or just birth are the reasons for staff recruitment, so this administration has no rational basis. Finally, in the economic field, there is no place for the culture of rational market calculation, but it has to follow the leader’s desires.<sup>166</sup>

Then, political studies are credited to Weber for his notion of charismatic authority as a type of political domination. Firstly, there is no chronological order about these ideal-types, so they may appear before the legal-rational authority or after. Secondly, it rests on persons who have supernatural or extraordinary power in which they promise to transform the followers’ lives. Thus, obedience depends on the faith of their personal mission and super ability. However, it is not a personal loyalty like traditional authority; it is based on the concept of mission.<sup>167</sup> The extraordinary person has a mission to achieve whether it is from God or due to severe distress (times of crisis), examples of which include the Prophet Mohammed or Gandhi.

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<sup>164</sup> *Id* at 79, 99.

<sup>165</sup> *Id* at 102, 103.

<sup>166</sup> *Supra* note 161 at 118, 120.

<sup>167</sup> *Id* at 121, 123.



The ruled here are not servants but followers, and they feel they are part of this mission. The followers believe in their rulers and then can abandon old customs or traditions. The administrative staff does not rely on formal organization, but it consists of disciples. They recruit on the ground of their leader's inspiration. There are no rational economic considerations because personal charisma overrides any economic condition to achieve the chosen mission.<sup>168</sup> Finally, for all these factors, it cannot be the fittest kind of power to achieve an impersonal calculable legal domination.

The fittest type is the legal-rational authority to achieve rational domination because it depends on abstract formal norms. Weber's two big concerns are obedience to impersonal legality and the notion of instrumental rationality. There is a legal code that has an answer to every case and covers every person in a specific territory. All persons are subjugated to the rule of law, not to personal loyalty, and there is no exception for the rulers themselves. Obedience occurs due to the belief in the legitimacy of legal norms and in specialists who apply these rules. After following the formal correct shape, people obey commands enacted by impersonal rules. These impersonal rules have to be rational and follow the inherent legal logic to be predictable and calculable. The legal logic is rational due to its closed structure in which anyone can know, predict and estimate.<sup>169</sup>

The Weberian cognitive map has a solid link between political rational domination and bureaucratization because it is the perfect tool to achieve the goal of modernity. In the modern state, bureaucracy perfectly organizes its institutions, from the military and education to health systems and markets. It has its autonomy to attain this high degree of instrumental rationality and impersonality. It is the purest type of domination because it institutionalizes human action to serve the chosen material aim. Weber declares that "bureaucracy develops the more perfectly, the more it is dehumanized the more completely it succeeds in eliminating from official business love, hatred, and all purely personal, irrational and emotional elements which escape calculation."<sup>170</sup>

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<sup>168</sup> *Id.*

<sup>169</sup> *Id.* at 108, 110.

<sup>170</sup> *Supra* note 20 at 25.

Weber points out that this impersonal order has to be exercised under the authority of office. He cannot describe the rational domination of legality without a rational organization of its administrations. Unlike traditional authority, His concept of office does not rely on servants but on civil servants. There are impersonal offices that rest on a hierarchy and division of labor. These civil servants have to be experts without spirits. There are formal rules and they have to follow these rules without hate or love. This type of political rationality has to dominate through knowledge to enhance the calculable market economy, and the purest type of that is bureaucratization.<sup>171</sup>

Thus, some features have to be traced to highlight the role of bureaucracy in exercising legal authority, developing capitalism and dehumanization. Hence, civil servants have to construct their jobs according to rigid written rules. These rules specify the limits of jurisdiction and the exact work. The hierarchy and division of labor give a kind of well-defined distribution of duties and responsibilities. Every official is protected if he/she follows the written rules in the appointed jurisdiction. Bureaucrats have to abandon any personal considerations, and they have to dehumanize their work to reach it in the best impersonal way. The depersonalization of human relations is the best type in the modern organization.<sup>172</sup>

Bureaucratization cannot succeed without a high degree of calculability of consequences. It is vital to coincide with the rational capital economy to achieve predictability to the fullest extent. The outcome of bureaucratization has to be completely predictable to reach economic efficiency. Here then, efficiency needs experts and trained civil servants to master and control their work. Next, knowledge is employed by information and management files until officials just work in routinization or fill forms. It is a kind of impersonal machine which organizes power and solidity.<sup>173</sup>

As discussed in Eichmann's narrative, bureaucratization creates specialists without spirit who can commit any crime in a smooth way. Arendt proposes that the honor of bureaucrats is to achieve their work in the best possible way. under the guidance of the norm of law-abiding

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<sup>171</sup> *Supra* note 161 at 111, 119.

<sup>172</sup> *Supra* note 20 at 112, 113. and Richard L. Rubenstein. *The Cunning of History: The Holocaust and the American Future*. Harper Torch books. 36 (1975).

<sup>173</sup> *Supra* note 161.

citizens, where obedience can always be justified under legal concepts and written rules.<sup>174</sup> This kind of division of labor and distribution of duties and responsibility creates free-floating responsibility in which the organization system inherently makes all participate in this system.<sup>175</sup> Weber concludes that bureaucratization is the image and fate of our era, and the bureaucratization of the world in all spheres is the only tangible truth. Because of bureaucratization within formal rational law, humans have been converted into little cogs in the iron cage of modernity.

### **C- Age of Defeat: The Loss of Meaning and Freedom**

As discussed, instrumental rationality has become the only vision that has oriented human actions to means-end calculation, and maximizing profit is the only concern of this rational capitalism. Moreover, empirical science has replaced religions in which the big question is how to achieve the chosen aim, not why this aim has to be reached. Then, law within the bureaucratic apparatus plays the planned formal rational domination to apply this instrumental vision. Hence, all promises about individual autonomy or freedom are collapsed because individuals are confined by irresistible force under these coercive conditions. In this material vision, humans are neutralized like things or numbers.<sup>176</sup> They become means to the chosen end without any kind of sanctity. Weber is concerned about the fatal influence on humans, and he crystallizes two major losses, which are the loss of both meaning and freedom.

#### **1- The Disenchantment of the World: The Crisis of Meaning**

In his lecture, *Science as a Vocation*, Weber rejects the optimistic naïve view of empirical knowledge and its promise of reason to eliminate ignorance and control nature. The instrumental rational paradigm culminates in a meaningless result. This kind of knowledge, with capitalism and rational domination, diminishes the ultimate value and meaning in humans' lives because it converts the world into a neutral object that can be discovered by empirical science. The disenchantment of the world equals the loss of meaning. There is no longer any mystery in our lives. Causal mechanisms and calculation cannot reach the complex or transcendental meaning of human lives after science replaced religion and the old enchanted world. That leads to the

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<sup>174</sup> *Supra* note 11.

<sup>175</sup> *Supra* note 103 at 222, 223.

<sup>176</sup> *Supra* note 5 at 150.

hegemony of one calculable inhumane culture and redrafts individuals to fit within this material paradigm.<sup>177</sup>

The disenchantment of the world means “there are no mysterious incalculable forces that come into play, but rather that one can, in principle, master all things by calculation.”<sup>178</sup> Religions and traditional wisdom can offer an ultimate goal or telos for life, and there is something beyond our material vision for attaining meaning or spiritual salvation. Religion has the power to explain mysterious things, and life is full of purpose and meaning. However, empirical science cannot offer the same meaning as old wisdom or religion because it relies on causal mechanisms. It is about cause and effect, and everything can be understood under its mathematical empirical methods. It is a deceptive vision because it cannot have a total vision. It is impersonal and calculable and knows how to do things, not why these things are important. The big questions are collapsed into just one question: how to rationalize means, perfectly, to reach the material choice.<sup>179</sup> For example, death can be understood under the realm of religion as a goal to a new start, but the empirical vision cannot explain what is beyond, only how that happens.

The process of intellectualization or “de-magicification” rests on transforming the world into a neutral object. It denies any supernatural vision, whether good or bad. Science cannot answer whether this action is evil or not, but it knows how to achieve it. Hence, it cannot offer the same role, but the world as a neutral object is subjected to the generalization, impersonal and calculable process. In the attempt to fulfill capitalism and bureaucratic domination, empirical science relies on fragmentation to master all things. Knowledge cannot make humans satisfied with life.<sup>180</sup> The complete divorce between moral and transcendental values and the reliance on the causal mechanism is the road to cultural nihilism because it cannot do the same job as traditional wisdom. On the contrary, it neutralizes humans as a means in the process of progress itself.<sup>181</sup>

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<sup>177</sup> *Id* at 118, 122.

<sup>178</sup> *Id.*

<sup>179</sup> *Id* at 119.

<sup>180</sup> *Supra* note 24 at 121

<sup>181</sup> *Supra* note 20 at 22, 23.

The hegemony of impersonal empirical science transforms the world into a human garden in which there is no limit or sanctity against human desires. The presence of the ultimate goal or God puts legitimate limits to their ability, but without God, there is no restriction for human actions. Empirical science does not know restrictions, so everything is allowed and accepted under this vision because the security offered by ultimate transcendental authority has collapsed. The disenchantment of the world equals Nietzsche's notion of the death of God in which any aim can be chosen without regard to any sanctity. This material vision opens a dangerous gate to an enchanted world with no value that can stop brutal actions if these are justified by a calculable aim. Hence, stealing other people's resources and enslaving them is fine if it is the way to achieving the welfare state. Bauman assures that:

The world turned into man's garden but only the vigilance of the gardener may prevent it from descending into the chaos of wilderness. It was now up to man and man alone to see to it that rivers flow in the right direction and that rain forests do not occupy the field where groundnuts should grow. It was now up to man and man alone to make sure that the strangers do not obscure the transparency of legislated order, that social harmony is not spoiled by obstreperous classes, that the togetherness of folk is not tainted by alien races. The classless society, the race-pure society, the Great Society were now the task of man –an urgent task, a life-and-death matter, a duty. The clarity of the world and human vocation, once guaranteed by God and now lost, had to be fast restored, this time by human acumen and on human responsibility (or is it irresponsibility?) alone.<sup>182</sup>

Then, the only valid culture is the modern western one that depends on the stable calculations of means not ends. This vision eliminates the differentiation of cultures to the rigid cost-benefit one.<sup>183</sup> The undermining of monotheism gives an explicit way to the stable calculation world where the promise of autonomy and meaning have been defeated, and human beings are forgotten, squeezed and crushed. Human beings do not have a fixed meaning; this paradigm redrafts them to match its purpose.

Due to the complete dependence on impersonal institutions and rules without consideration of any sanctity, empirical science cannot be guidelines to the ultimate aim, and then human beings are redrafted to match this paradigm. Human actions are forced to adapt this instrumental material vision; human beings do not know except how to maximize profit and survive in this monstrous cosmos by adopting the same rigid concepts. Then, humans devote themselves to their

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<sup>182</sup> *Supra* note 103 at 217.

<sup>183</sup> *Supra* note 20 at 29.

specific responsibilities and duties. Humans are chained to the achievement of the concept of progress.<sup>184</sup>

Humans cannot separate objective criteria from their subjective autonomy because they are stuck in this empirical vision. Humans' minds convert to being one-sided to serve one perspective, which is influenced by cost-benefit estimation. Finally, it enriches empirical judgment rather than the valuable one. To explain, human beings need transcendental beliefs to assess or build their judgments, but the hegemony of instrumental empiricism orients them towards assessing according to the concept of certainty and calculability. That means there is no limit or restrictions to stopping the progress of science. This empirical vision orients humans not only in the public sphere but also in their private lives. It is a one-world vision that considers humans as nature.<sup>185</sup>

To sum up, the disenchantment of the world demolishes any transcendental value, and it cannot perform the same rule of old religions and wisdom. The loss of meaning is inherent in empirical instrumental vision because it treats both nature and humans as a neutral object. Human beings are defeated in this paradigm. They are shaped to fit in this whole vision in which the loss of meaning has become the only fate.

## **2- The Iron Cage: The Loss of Freedom**

Max Weber is the philosopher of disillusionment who assures that there is no escape from these coercive conditions. Unlike Marx, who believes that capitalism is a phase preceding revolution to reach a communist utopia, Weber is pessimistic and believes that there is no emancipation from these conditions.<sup>186</sup> Because humans have become means not ends within this material vision, they are transformed into negative material-like things in which the same laws apply to both material things and humans. Hence, these coercive circumstances are the first chapter in the momentous story of dehumanization and calculability. Weber encounters the promises of modernity with a well-known metaphor to describe the human condition and the loss of freedom. Weber enunciates that with the machinery of modernity, rational capitalism, and rational

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<sup>184</sup> *Supra* note 5 at 117.

<sup>185</sup> *Id* at 119, 122.

<sup>186</sup> *Id* at 148.

administrations, the loss of meaning and the loss of freedom where the routinization of every day makes us imprisoned in the modernity iron cage and leaves us without hope to escape.

In his book *The Protestant Ethic and the Spirit of Capitalism*, Weber introduces his metaphor to describe the dehumanizing conditions imposed on individuals' lives due to capitalistic greed and cruel bureaucratic orders. Weber's exact term is "as hard as steel," but Talcott Parsons translates this term into the "iron cage."<sup>187</sup> All in all, it has the same meaning. This metaphor describes how humans are imprisoned in these conditions, and there is no way to break out and escape. The only fate is to be involved in this system and be a bigger cog in this fatal machine. He affirms this sentiment:

[E]ach individual worker is each man becomes a little cog in the machine and aware of this, his one preoccupation is whether he becomes a bigger cog. It is horrible to think that the world would one day be filled with these little cogs, little men clinging to little jobs, and striving towards bigger ones.<sup>188</sup>

Then, Weber wants to warn us about the cold and ugly future not only because of the dominant material ideas but also due to the loss of individual liberty and meaning. Humans are chained in this monstrous cosmos and they are stuck in the iron cage in all spheres, whether private or public. Thus, capitalism as an immense cosmos creates a kind of "masterless slavery." Bureaucratization within formal law gives a rational kind of domination in which humans become without spirits and exist as little cogs in the machinery of modernity and the routinization of everyday life leading to erasing human freedom. Humans are bound with "irresistible force".<sup>189</sup>

The crucial feature of this iron cage is capitalism. Weber imitates Marx in his critique of economic functions in which humans are subjected to this overwhelming force and create a kind of "masterless slavery." The market economy rests on impersonal, unmerciful conditions that create inhumane factory discipline. In these workplaces, individuals are vulnerable to these conditions where calculability and impersonality dominate.<sup>190</sup> The new here is that culture turns the whole community into becoming like a factory. Societies have turned to applying the same role of supply and demand to humans.

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<sup>187</sup> Richard Swedberg and Ola Agevall. *The Max Weber Dictionary*. Stanford Social Sciences 172 (2016).

<sup>188</sup> *Supra* note 20 at 147.

<sup>189</sup> *Supra* note 5 at 149, 150.

<sup>190</sup> *Id* at 151.

Imagine life as a factory. There is no place for particularism or freedom, but the processes of neutralization, standardization and bureaucratic organization create fragile human beings subjected to function in this capitalist society. Everyone has a specific place and role. Like the market, society does not offer any kind of emancipation, and the concept of freedom is an illusion like the free labor notion. To explain, this concept relies on the workers who can accept the contract or not, but in reality the whip of hunger and its threatening force obliges workers to be under the mercy of owners.<sup>191</sup> It is the same in societies where individuals are stuck in the same kind of unmerciful conditions. Finally, Weber emphasizes that there is no other option to gain freedom because humans cannot make a tiny break in this iron cage.<sup>192</sup>

Then, bureaucratization plays a vital role in this metaphor by increasing impersonal instrumental rational organization that stands with capitalism to push humans inside this inescapable cage. As examined, the capital system cannot work without organized domination, so all characteristics of bureaucratization dehumanize humans in this new world. Division of labor, specialists and other factors give a proper hand to make humans as small cogs in this monstrous machine. Officials without spirits are the reality of how bureaucratization works.<sup>193</sup>

Weber sees that the spirit of bureaucracy overrides the economic, political and all other spheres of human lives. Bureaucracy converts to be a cultural approach in which no one can escape from its vision. And it directs human minds to work in this instrumental rationality. This world of order conquers freedom and forces the “shell of bondage.”<sup>194</sup> He wants to declare that the aim of these coercive conditions overpowers private lives to force individuals to obey rationally. Humans are small cogs, and their role is to enhance this bleak and inhumane vision.

Within capitalism and bureaucratization, humans are enslaved to the daily routine. Individuals have to fit into this paradigm by doing their duties without considering their personality, and

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<sup>191</sup> *Id.*

<sup>192</sup> *Id.* at 152.

<sup>193</sup> *Id.* at 153, 155.

<sup>194</sup> *Id.*



that is because the realm of instrumental ideas invades them. Subjective freedom is not considered because they have to fulfill the impersonal and calculable aim.<sup>195</sup> As discussed, the realm of instrumental ideas has a tangible impact on individuals' actions toward this vision, and then the structured legitimate domination aims to force people to engage, act and think in a stable world of calculation without regard to moral or transcendental values. Human beings are totally deconstructed.

Finally, Weber is obvious regarding the hazardous idea of progress itself, and he assures, eventually, that all of these conditions create an irrational outcome.<sup>196</sup> The victory of formal rationality in all spheres gives an explicit paradox of irrationality which arises from reason and rationalization. He assures that instrumental (value-free) rationality is systemizing all that is discussed in an impersonal, orderly and predictable way. The unity of the material realm of ideas cannot consider humans, and its aim is to oppress people into engaging and obeying this monstrous cosmos.<sup>197</sup>

To sum up, after enhancing the instrumental vision as the only fate of modernity, formal law's role is to promote this impersonality and calculability to legitimize this vision. Then, this formal law has to engage with the legal-rational authority and bureaucratization to achieve the complete verification of rational domination and enhance this vision. Next, as a logical result, humans are defeated in this paradigm, and all promises of meaning and freedom are collapsed. The disenchantment of the world leads humans to a crisis of meaning. Finally, the metaphor of the iron cage, where humans are imprisoned, is the only fate that humans cannot escape or even break. That paves the role of individuals to share the state's brutalities through their voluntary obedience.

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<sup>195</sup> *Id* at 187, 189.

<sup>196</sup> See Richard Rubenstein *supra* note 134.

<sup>197</sup> *Supra* note 5 at 155, 157.

#### IV- The Logical Outcome: Human Beings as Killers

“As I write, highly civilized human beings are flying overhead, trying to kill me. They do not feel any enmity to me as an individual, nor I against them. They are only ‘doing their duty,’ as the saying goes. Most of them, I have no doubt, are kind-hearted law-abiding men who would never dream of committing murder in private life. On the other hand, if one of them succeeds in blowing me to pieces with a well-placed bomb, he will never sleep the worse for it. He is serving his country, which has the power to absolve him from evil.”

-George Orwell-

Once upon a time, there were 1800 Jews living in the Polish village of Jozefow. There was a specific mission to kill all the women, children and elderly there and then transport the 300 healthy male Jews that remained to work camps. When the responsible major, Wilhelm Trapp, went to tell his men of the Reserve Police Battalion 101 to tell them this order, he was colorless, confused and trying to hold back his tears. The major realized the inhumane brutality of this order, but he could not reject this mission because he had to follow orders like a good citizen! Hence, he made an exceptional offer to his men. Every one of them had the complete freedom of choice to obey or not without any kind of punishment. Ironically, the vast majority of these policemen agreed to shoot vulnerable innocents and implement this murderous order.<sup>198</sup> Why did they obey?

This atrocity provoked Christopher Browning because this brutality was carried out by ordinary middle-aged men, not real or trained soldiers. He devoted his challenging book *Ordinary Men: Reserve Police Battalion 101 and the Final Solution in Poland* to tracing this story. In 1942, the authority gave jobs to men who could not be in the army to enroll in this police unit. All Battalion 101 were ordinaries (working-class), and they were far away from the SS or the Gestapo. They were ordinary family men around the age of forty, a little less or more. In his investigations, Browning shows that the Nazi doctrine against Jews was not the central key because the vast majority of them were from Homburg where the Nazi creed was weak at this time. Moreover, the backgrounds of most of them revealed that many of them were supporters of Marxism or Social Democracy. Also, these men did not serve on the frontline of real battles in which feelings such as revenge or anger could guide them. Yet, they still complied with this unpunishable order.<sup>199</sup>

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<sup>198</sup> Christopher R. Browning. *Ordinary Men: Reserve Police battalion 101 and the Final Solution in Poland*. Harper Perennial, New York. 1, 23 (1998).

<sup>199</sup> *Id.*

After the immunity offer of the major, only a tiny percentage (10%) rejected the order to kill, but the vast majority did kill and agreed to share in this brutality. According to the investigation conducted after the collapse of the Nazi regime, Browning found that there were a few sadists who shared in that atrocity due to their monstrous appetites, but the vast majority were ordinary people who were just obeying the order. The writer concludes that this kind of unjustified obedience is not exclusive to Battalion 101; rather, it is an example that can be expanded to all ordinary people who will obey the order of a higher authority, whether it is good or brutal, if their fates lead them to the same situation.<sup>200</sup> Can we expand this kind of obedience to ordinaries who pay taxes to their states if they know that states use this money to oppress, steal or kill others?

In this chapter, I try to underline how the domination of instrumental rationality within the structured legitimacy by formal law and bureaucracy leads all citizens, officials or ordinaries, to share in the state brutality and convert them to killers. To do that, I trace how this material vision has imprisoned human minds and has created instrumental rational obedience in which humans are law-abiding citizens and cannot disobey. Then, I argue that this mode of thinking creates a new collective form of guilt because all humans share in the criminal actions of the authority, whether as officials doing their jobs or as ordinaries, at least, paying taxes.

### **A- The Comprehensive Process of Normalization: Toward Blind Compliance**

The metaphor of the iron cage leads us to ask, What if we live in a real prison? The image of prison can be the real image of instrumental (value-free) modernity. After Weber, a huge body of literature considers the world as a portrait of a prison. For example, Bauman and Ardent consider concentration camps to be a way to read modernity. Foucault wrote about prisons and its new discipline to understand the modern world and the Frankfurt Critical School considers the Holocaust to diagnose the eclipse of reason.<sup>201</sup> Thus, iron cages are here, elsewhere and everywhere. This image has to undermine human beings as things and tools to complete this new rational discipline of the world as a prison.

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<sup>200</sup> See the last chapter from *Id.*

<sup>201</sup> Peter Beilharz, *The Worlds We Create: Bauman meets Foucault, and some others*. La Trobe University. Melbourne, Australia 245, 247 (2004).

After the orientation of all human spheres, including their actions, the human mind has to be domesticated to fit within this inhumane paradigm. With the total domination of modernity, deconstructing humans' minds is an inevitable part of the normalization process. Then humans apply and obey the rule of instrumental law without any ability to rebel, ask or even think. Hence, I trace how this paradigm has absorbed humans' minds, and then I investigate the required ethics of obedience.

### **1- Domesticated Minds**

In the world of total domination, it is inevitable not only to oppress humans in a value-free rational way but also to fill and prepare their minds to serve and share in the production of this inhumane paradigm. Humans' minds have to be denaturalized to merge with and adapt to this system. Deconstructing minds is the aim of rational discipline to disenchant minds in a way that they cannot deviate from the drawn path. Humans have to replace real freedom with the illusion of freedom and autonomy, and there is no ability to distinguish reality from the designed illusion.<sup>202</sup>

Capturing minds is not a new technique. For example, in the colonization era, the colonizers discovered their armies were insufficient to create successful colonization and plunder. Indeed, the first step was capturing the land, sources, authority and people, but the effective way to dominate the colony was apprehending the colonized minds. They used every method to domesticate people's minds from despising other cultures by forming local elites whose job was only to serve the colonizer's vision. Consequently, one of the officers of French occupation in Algeria tells his fellows that colonizing minds is the effective method, as reflected in his report:

In effect the essential thing is to gather into groups this people which is everywhere and nowhere; the essential thing is to make them something we can seize hold of. When we have them in our hands, we will then be able to do many things which are quite impossible for us today and which will perhaps allow us to capture their minds after we have captured their bodies.<sup>203</sup>

If this method is the effective way along with all guns and military supplies, this instrumental paradigm needs more control and rational discipline in which humans themselves have become the means to apply the same role of the material market in his/her lives. Before describing how

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<sup>202</sup> *Supra note 1* at 24, 33.

<sup>203</sup> Timothy Mitchell. *Colonising Egypt*. Berkley: University of California Press. 95 (1991).

instrumental reason plays its role in capturing our minds, I borrow Malcolm X's insightful notion of house slaves to give a hint of how humans can accept their slavery. In his unique struggle against racism in the USA, Malcolm X was aware that reading history was essential to understand the present. The dilemma of racism is not only about the creed of white supremacy and the rule of law to oppress African Americans. He also paid considerable attention to the role of the blacks, whose minds were imprisoned to serve the whites rather than struggle against these huge injustices.<sup>204</sup>

Malcolm distinguishes between "house slaves" and "field slaves," in which the house slaves live in a kind of mental slavery. The former slave lives in his master's basement, eats his master's leftovers, wears his used clothes and cannot live without his observation. The house slave thinks and speaks like his master and identifies himself under the name of his master. If his master feels pain and sickness, he will pray for him because he cannot live without this mastery. They cannot realize that freedom is better.<sup>205</sup>

On the other hand, the field slaves suffer away, and their master cannot control their minds. Field slaves hate their master, and they want to fight for their freedom. Ironically, Malcolm points out that house slaves would stand with their master and against their brothers in slavery if this fight happened.<sup>206</sup> In the technologically instrumental industrial society, this type of mental prison shapes humans in its image, erases their sanctity, denaturalizes them and normalizes people into being things or numbers.

Then, the Frankfurt Critical School produces the concept of instrumental reason as the basis of new domesticated minds in the age of rational oppression. In technological industrial societies, this instrumental reason is the fittest type to serve the totality-administered community due to the whole denaturalization of human relations.<sup>207</sup> As discussed, the transformation to material rational domination to achieve economic and technological inhumane progress has played a role in promoting logical positivism and empirical science. It impacts humans' minds to be a part of this paradigm. Thus, instrumental reason is a kind of techno or mathematical mind that functions

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<sup>204</sup> Malcolm X, *The End of White World Supremacy: Four Speeches* (Imam Benjamin Karim, ed.) Arcade Publishing New York. 126, 130 (1971).

<sup>205</sup> *Id.*

<sup>206</sup> *Id.*

<sup>207</sup> Darrow Schecter, *The Critique of Instrumental Reason from Weber to Habermas*, *Continuum* 78 (2010).

to serve the means without the ability to ask or realize what the aim is or whether it is good or evil.<sup>208</sup>

Horkheimer believes that while the real function of reason is to be skeptical and criticize current conditions, the instrumental reason falls into a state of meaninglessness and emptiness. Rather than the real questions of freedom, human dignity or the aim of life, instrumental reason has become neutral whereby reason itself converts to being a tool of domination and oppression. He describes this instrument mind:

Its features can be summarised as the optimum adaptation of means to ends, thinking as an energy conserving operation. It is a pragmatic instrument oriented to expediency, cold and sober. The belief in cleverness rests on motives much more cogent than metaphysical propositions. When even the dictators of today appeal to reason, they mean that they possess the most tanks. They were rational enough to build them; others should be rational enough to yield to them.<sup>209</sup>

This neutrality aids the material one-world vision not only by deconstructing minds but also by developing a kind of partial cleverness. The specialists and division of labor lead humans to do their jobs in the best way without regard to any aim. For example, any bureaucrat in his/her institution has to do his/her job in a perfect way, whether paving a road, killing innocents or transporting goods. The scientist has to do his/her job without considering the outcome will involve bombing cities or discovering a new medication. Under instrumental rationality and its apparatus, reason manipulates itself and becomes the new dictator.<sup>210</sup>

Under the rational market economy, instrumental reason is incapable of recognizing the difference between humans and nature because both employ materials to reach progress and efficiency. Everything will be allowed if it achieves this material aim.<sup>211</sup> Industrial society has imposed its notions on human beings. The impasse of modern humans produces some fatal manifestations such as alienation, standardization, commodification and reification due to the instrumental reason. Humans are estranged from their essence and have lost the link between their feelings and needs. That happens due to the incursion of rational impersonal domination of calculable capitalism with the rational law and bureaucracy apparatus to convert humans to objects. Humans cannot feel what the real goal to satisfy is. Like commodities, humans have

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<sup>208</sup> Alan How. *Critical Theory*. Palgrave Macmillan. 29, 33 (2003).

<sup>209</sup> *Id* at 29.

<sup>210</sup> *Id*.

<sup>211</sup> *Id*.

been treated as goods to be controlled by formal and positive law. Without standardization, this system cannot work. I propose, here, to show that this system converts humans into simple creatures in which their behaviors, whether in public or private spheres, not only become predictable but also become oriented towards by this one-world vision.<sup>212</sup>

There are many tangible examples of instrumental reason, but two examples show how intellectuals think instrumentally. Firstly, no law school does not mention Oliver Wendell Holmes. He is considered to be one of the legendary or giant scholars who has aided in the elevation of American jurisprudence. Plenty of writings explain his wisdom and the validity of his contribution to legal realism. However, and simply, in order to enhance the new powerful welfare America, Holmes believes that the role of law is to prevent “imbeciles” from living. Thus, he stands with sterilizing women without their consent to execute unfit babies.<sup>213</sup> Moreover, as a member of the high court, in *Buck v. Bell* case, he writes explicitly that

We have seen more than once that the public welfare may call upon the best citizens for their lives. It would be strange if it could not call upon those who already sap the strength of the state for these lesser sacrifices, often not felt to be such by those concerned, in order to prevent our being swamped with incompetence. It is better for all the world if, instead of waiting to execute degenerate offspring for crime or to let them starve for their imbecility, society can prevent those who are manifestly unfit from continuing their kind. . . . Three generations of imbeciles are enough.<sup>214</sup>

Similarly, in the debate about killing millions of millions of native Americans, Christopher Hitchens gives a real scandalous image of this mode of thinking in which there is no sanctity except for material victories. He affirms this point:

Those who view the history of North America as a narrative of genocide and slavery are, it seems to me, hopelessly stuck on this reactionary position. They can think of the Western expansion of the United States only in terms of plague blankets, bootleg booze and dead buffalo, never in terms of the medicine chest, the wheel and the railway. One need not be an automatic positivist about this. But it does happen to be the way that history is made, and to complain about it is as empty as complaint about climatic, geological or tectonic shift. The transformation of part of the northern part of this continent into ‘America’ inaugurates a nearly boundless epoch of opportunity and innovation, and thus deserves to be celebrated with great vim and gusto.<sup>215</sup>

In welfare America, it is not enough to be a human. It is necessary to be considered as a fit human in their vision. There is no place for unfit humans who eat and do not produce. Besides,

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<sup>212</sup> *Supra* note 66 at 35, 43.

<sup>213</sup> Peter Schuler, *Law professor reveals another side of Oliver Wendell Holmes Jr. in new book on former Supreme Court Justice*. The university of Chicago chronicle. (March 15, 2001). <http://chronicle.uchicago.edu/010315/alschuler-holmes.shtml>

<sup>214</sup> This quotation is derived from Adam Doerr's article “*Three generations of Imbeciles Are Enough*.” The privacy report. (June 25, 2009). <https://theprivacyreport.com/2009/06/25/three-generations-of-imbeciles-are-enough/>

<sup>215</sup> This quotation is derived from the book of Richard Seymour. *Unhitched: The trail of Cristopher Hitchens*. Verso. 74 (2012)

killing millions of millions can also be considered as a kind of collateral damage. These examples are grotesque but not extreme. These are explicit and clear to underline how material instrumentality (value-free) works. Thus, it is a glance at the new world where we all share in promoting this vision. The dominance of instrumental capitalism, rational law and empirical science leads, every year, to the death of 18000000 humans due to structural poverty.<sup>216</sup> Humans cannot realize their role because the oppression of the one-world vision leads to the creation of one-sided humans.

The worst kind of oppression is when individuals cannot describe or determine its sources. In this world, reason has become the dictator. Humans are, like nature or things, invaded and oppressed. While Herbert Marcuse believes that humans' history is the history of their oppression, the new kind of oppression is the hardest one. That is because the new technological industrial society leads humans to adopt, voluntarily, its only ideology.<sup>217</sup>

The advanced industrial society only recognizes consumption and production. That leads to the redrafting of humans' minds to fit in that paradigm encompassed by the totality of administration and organization. Moreover, through rational technology, Marcuse affirms that knowledge and science do not maintain the one-dimensional vision only, rather, they also play a political role in deconstructing all old values and enhancing its paradigm. It gives a rational meaning to the loss of freedom in which humans believe is the limit of their freedom.<sup>218</sup>

Moreover, this system absorbs humans and produces a kind of illusion of freedom. It is not real liberty to choose between different goods or to choose to work or to die out of starvation. It is like the freedom of slaves to choose their master, but, eventually, they remain slaves. The one-dimensional humans are invaded even in their private lives and their free time. The domination of instrumental media aids in forging humans' minds to make them think in a unified manner where they cannot override the current conditions.<sup>219</sup>

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<sup>216</sup> *Supra* note 142 at 147.

<sup>217</sup> *Supra* note 1 at 13, 14.

<sup>218</sup> *Id* at 153, 160

<sup>219</sup> *Id* at 10 and 21, 23



Under the name of reason, organization and welfare, humans are forced to abandon their freedom to maximize production. As Marcuse assures, “One-dimensional thought is systematically promoted by the makers of politics and their universe of discourse is populated by self-validating hypotheses that, incessantly and monopolistically repeated, become hypnotic definitions of dictations.”<sup>220</sup>

The biggest concern, here, is that this system defeats any attempts to rebel against these conditions. I believe that Marcuse’s book is written to emphasize that one-dimensional man has no chance to rebel and eliminate this system due to the complete integration of humans in this paradigm. The mechanization, division of labor, enhancement of greed and competition, assimilation, increasing fragmentation, and the complete invasion and reshaping of social relationships imprison modern humans in a manner that prevents them from realizing the real aim of their lives, not to revolt.<sup>221</sup>

If Marx assumes that the cruelty of capitalist oppression will lead to the proletariat’s revolution, Marcuse says this opportunity has been beaten because the new advanced society assimilates them into its monstrous machine. Workers, as the fuel of rebellion, have been converted to one-dimensional humans in which consumption and fragile happiness have domesticated their minds. The concept of work turns out to be the only ontological aim. The logic of protest is completely defeated. The new society, in its rational oppression, is able to hide its inherent contradictions.<sup>222</sup> Our minds are normalized, and our fate is to submit to blind obedience.

## **2- Ethics of Obedience**

Domesticated minds prevent human beings from distinguishing between good and evil. They cannot realize the final aim of their factual positions. According to instrumental rationality, this system does not need monsters only. It needs the voluntary participation of all human beings, especially ordinaries, to share in and obey this paradigm. The participation of sane humans in insane actions is not only because their minds are captured but also because evil itself is normalized. The new ethics of obedience relies, mainly, on the neutralization of evil and the

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<sup>220</sup> *Id* at 16.

<sup>221</sup> *Id* at 26, 37.

<sup>222</sup> *Id* at 127, 131.

fragmentation of brutalities into small parts to camouflage humans and prevent them from seeing the whole ugly picture. Evil has become far removed from being recognized under rational claims. The instrumentality spreads, and humans have no alternative except to obey.<sup>223</sup>

The old (solid) evil was a commitment to the blatant image of evil in such a way as to make it easy to recognize and avoid. Human beings can understand it by using reason. On the contrary, evil, nowadays, is in a state of fluidity whereby instrumental rationalization disguises its manifestations (not to look as normal or old evil). Reason has become the basis of evil, and this type of liquid evil can trick Satan itself. This preoccupation does not give humans breath or exit, and they have to submit and obey these unteachable coercive conditions.<sup>224</sup> Under the rule of law, distribution of tasks and giving misleading justifications, evil turns out to be a banal or a habit in which the focal point is eliminating the normal pity inside people. Sane people cannot bear the presence of physical suffering, so the solution is to overcome this obstacle through rational techniques. Even if a person who witnesses this kind of suffering cannot ask why he/she did that to others, rather he/she asks “what horrible things I had to watch in the pursuance of my duties, how heavily the task weighed upon my shoulders.”<sup>225</sup>

Thus, the new ethics of obedience does not need monsters or obsessed sadistic people. It needs complete submission and surrender from ordinary humans to value-free rational rules. Under the title of *Ethics of Obedience*, Bauman articulates how the Holocaust debunks the myth that it was monsters who perpetrated this brutality. The Holocaust was carried out by obedient and disciplined humans acting under the name of the law. In their jobs, they aided in killing millions. However, the evil ran away when those humans returned to their homes. They went on to have normal families and acted like sane persons. There is no way to identify them as devils. The problem here is the image of the liquid evil within the larger image of instrumental rationality in which humans are totally absorbed in it.<sup>226</sup>

Thus, there are three main features by which modern evil can be hidden. Firstly, if these evil actions come from authority and are organized by law, humans have to follow legal orders. Rules

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<sup>223</sup> Zygmunt Bauman, Leonidas Donskis. *Liquid Evil: Living with Tina*. Polity Press 1, 7 (2016).

<sup>224</sup> *Id.*

<sup>225</sup> *Supra* note 11 at 106, 109.

<sup>226</sup> *Supra* note 103 at 130.

are enacted to be followed. Secondly, when actions are routinized, there is a kind of free-floating responsibility. Under the rational organization and distribution of tasks, everyone feels that it is not his/her responsibility, and individuals honor and perform their duty to do their small part in the best way possible. Thirdly, using ideology and doctrine to convince people is also one of the tools in the concept of obedience.<sup>227</sup>

As discussed, citizens obey formal rational law because they believe in the validity and legitimacy of its general rules. Here, I aim to point out that, in this paradigm, if orders are legally valid, people have to comply without thinking. There is no option except obedience. Ironically, disobedience of unjust laws leads humans to bear the responsibility in front of courts and authorities. Words like violation or breaching are tied to disobedience in the legal community.<sup>228</sup> Indeed, punishment plays a significant role in obedience, but this paradigm needs voluntary compliance.

If someone feels that laws are unjust, there are more than justifications that humans can rely on to normalize the chosen evil. Mainstream scholars argue that there is a moral obligation to obey the law, and an individual has prior consent even if it is an unjust law. Hobbes argues that this is a brutal and nasty world in which “man is a wolf to his fellow man.” It is war all against all, so the social contract, to which individuals surrender some of their freedom, is a necessity just to live together. In the Hobbesian paradigm, the state can do whatever it wants, and humans have to obey whether these laws are evil or not.<sup>229</sup> John Rawls explicitly declares, “The injustice of a law is not, in general, a sufficient reason for not adhering it.” He claims that this fair play duty leads to the obeying of unjust laws because citizens voluntarily live under the rules in their community. It depends on the duty of reciprocity.<sup>230</sup> There are many justifications that can be used such as gratitude to your society that you obey orders to prevent the harm of your society. All in all, law enhances obedience through coercive punishment and moral justifications to obey if individuals feel there is a kind of evil. Obedience has become a necessity, not a choice.

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<sup>227</sup> *Id* at 21.

<sup>228</sup> Michael Sevel, *Obeying The Law*, 24 Legal Theory 191-215 (2018)

<sup>229</sup> J. L. Mackie, *Obligations to Obey the Law*, 67 Va. L. Rev. 143,144 (1981).

<sup>230</sup> John Rawls, *A Theory of Justice*, Chapter 6, 308- 312., Harvard University Press. (1999). It is necessary to mention that Rawls distinguishes between obeying the law under just institutions, and obedience under unjust regimes which is a reason to disobey. It is clear that Rawls wants to avoid the dilemma between Nazi's brutal actions and the concept of obedience, so he makes this classification. He sees that a democratic liberal regime is just. However, when he wrote this book in 1971, the USA was committing massacres against Vietnamese citizens. And that was not a reason to consider the USA as an unjust system to disobey.

The second factor is routinization and distribution of actions. As discussed bureaucratization creates specialists without spirit in which they become small cogs in the machinery of modernity. Everyone has to do his/her special small job without hate or love in his/her daily routine. Thus, in the age of the fluidity of evil, it is hard to determine one direct killer because the fragmentation of duties camouflages this brutality. Everyone shares in these brutalities, but no one feels that it is his/her individual responsibility. The structured fragmentation created by instrumental rational organization creates a free-floating responsibility.<sup>231</sup>

Liquid evil needs liquid responsibility. The real responsibility is lost due to the distance between the actions and the result. Humans cannot see the causal link between their jobs/roles and the final outcome. Under defining and written rules, humans have to follow without thinking. The separation of transcendental values and morals is replaced by the honor of the bureaucratic in doing the job. Then, the new moral paradigm requires following the highest rules and doing the specific job. Notions such as duty, loyalty and discipline are the central keys to defining the responsibility in which the real assessment relies on how poorly or perfectly the job is done.<sup>232</sup>

Free-floating responsibility facilitates obedience. Everyone feels that responsibility bears on the person who gives the order. Obedient and disciplined bureaucrats cannot see the full picture to know their factual position. They cannot tie together what they do and how brutality happens. Their jobs are small steps performed under the daily routinization. Maybe the job is scheduling trains, driving or fixing them, writing papers, filling lists or paying taxes to aid this system, and whether or not these steps are used to transport goods or humans to their death.<sup>233</sup> This instrumental organization leads humans to become involved in this kind of “banality of evil,” which becomes “terribly and terrifying normal.”<sup>234</sup>

The last factor is the justification by ideology. If the rule of law and free-floating responsibility are not enough to enhance obedience, the ideology will play its role. There is no option except obeying. As discussed, the comprehensive mode of thinking is instrumental rationality where

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<sup>231</sup> *Supra* note 103 at 139, 141.

<sup>232</sup> *Id* at 138.

<sup>233</sup> *Supra* note 198.

<sup>234</sup> *Supra* note 11 at 276.

means can be justified to achieve any chosen aim. Thus, everything can be collateral damage in the achievement of the chosen material end. Then, the image of evil is minimized in order to progress, maximize profit and reach efficiency. The dominant material vision does not have any sanctity or particularity for humans. It does not know whether it is good or evil, but the only good thing is to achieve progress. Thus, the new ethics of obedience consists of the concept of law-abiding citizens, fragmentation of actions by the rational organization and promoting specific ideology.

To sum up, after humans enter the iron cage of modernity, the world converts to be a prison, and its inmates turn towards blind obedience. This obedience needs minds that cannot focus on the real question or the real aim. Hence, instrumental minds have become the basis of our minds. Then, this system needs obedience. The answer is to camouflage the evil. People obey when they cannot determine what is evil or not. The modern liquid evil creates no choice but obedience. Under the rule of law, free-floating responsibility and material instrumental ideology, there is comprehensive normalization, and humans give voluntary obedience. There is no difference between officials or ordinaries because all share and obey this paradigm.

### **B- The Last Metamorphosis: Humans as Killers**

Dwight Macdonald warns that “we must, now, fear the person who obeys the law more than the one who breaks it.”<sup>235</sup> Blind obedience to the law is a form of participation that aids states in producing suffering. The problem here is that most atrocities occur in our names and through our participation. Officials have become small cogs and share in this monstrous machine. Ordinaries share, support and, at least, pay taxes in which we all are partners in our state atrocities. This is a paradigm by design in which there is no escape from the collective guilt. All of us bear the responsibility and share the guilt. There are four types of guilt which are metaphysical, moral, political and criminal guilt.<sup>236</sup> Humans, now, are guilty of all four types. The mode of instrumental thinking has shaped and forced us to be one essential part of its brutality, to be killers.

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<sup>235</sup> *Supra* not 134 at 144.

<sup>236</sup> Karl Jaspers. *The Question of German Guilt*. Trans: E.B. Ashton. Fordham University Press. New York 25, 26 (2001).

Before describing the types of guilt. I have to affirm that this paper aims to praise humanity and defend human beings, not condemn them. It is a kind of outcry about our positions in this world. It is a scream to alert us that this material vision transfers to us to the negative means to be exploited and employed in explicit or implicit crimes. To describe my idea, I have to borrow one of Foucault's main ideas. Foucault believes that under the overwhelmed paradigm of power/knowledge (in our case instrumental rationality) humans are not only subordinated and forced but also have a role in the production of this structure. Without humans, this inhuman paradigm cannot be produced.<sup>237</sup> Indeed, it is a negative vision but with real insight. Thus, if there is no way to override this structure, let us try to deconstruct it. Here, I need to say that within the disability of change, it is inevitable to diagnose how this system has converted us to becoming partners in its crimes.

After the dominance of instrumental rationality, the world converts to a monstrous prison in which there is no way to escape. Domesticated minds and ethics of obedience do not allow any human outside this paradigm. Humans do their small and undetectable participation in this paradigm, as discussed. I believe that all humans bear metaphysical, moral, political and criminal guilt.

While this paradigm fights to extinguish any kind of sanctity surrounding humanity, humans are still special and holy creatures. One of the human's metaphysical features is solidarity with each other. When others survive and others die, as humans, we feel that we have a kind of obligation to aid them.<sup>238</sup> Millions of people are killed and live in poverty due to this instrumental paradigm, and we cannot give them a small hand. Under the concept of solidarity, we have to do anything to help others. Because of the dominance of value-free rationality, surviving humans do not do anything to help others, but we aid this system because we are small cogs in this machinery. This paradigm denies any kind of metaphysical notions, but the fact is that humans are metaphysical creatures by nature and bear this guilt.

Sane humans would feel moral guilt if their nation or state committed crimes against others. An individual cannot bear what happens under his name; however, what if this guilt is based on civil

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<sup>237</sup> *Supra* note 116 at 93, 99.

<sup>238</sup> *Supra* note 236 at 25, 26.

obedience or political loyalty. When I live in a state that brutalizes others, I bear a moral responsibility because all of these deeds occur under my name as a citizen. This type of guilt relies on individual moral judgment.<sup>239</sup> It is obvious that the concept of morality is outside the scope of instrumental rationality scope, and only empirical judgment counts. Thus, if this material paradigm cannot acknowledge metaphysical and moral guilt, modern humans also bear political and criminal guilt.

Political guilt occurs when citizens are involved in or support the crimes of their regimes. The main point, here, is the concept of support or corroboration. It is collective guilt because the concept of support contains obedience to the state's laws. Even the helpless silence, which is not a real silence due to paying taxes, is a kind of support from all citizens to the crimes committed under our names. Hannah Arendt assures that "politics is not like nursery; in politics, obedience and support are the same."<sup>240</sup>

In her book about the Nazi criminal Eichmann, Arendt shows the arguments of this criminal in which he just did his work and followed the legal orders. Eichmann said that he was a law-abiding citizen, but the dangerous claim is that his role in this massacre was an accident. He meant that if anyone took his place, he/she would obey the order and follow the Nazi's crime.<sup>241</sup> Unfortunately, he was right, and the examples show that even ordinaries complied with this system if their fate put them in proximity to these killing processes. It proves that there is equal guilt between the German citizens.

The Holocaust is an explicit example to build this claim of collective guilt. In implicit rational examples, citizens can defend their position through silence. But the reality is that it is not a real silence. It is a kind of support when citizens, at least, pay taxes to this system. The silence option has disappeared in this comprehensive normalization and material instrumental paradigm. Being a member of a monstrous society is not an excuse. It is collective guilt and the rational paradigm absorbs all humans because there is no escape from the concept of support.

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<sup>239</sup> *Id.*

<sup>240</sup> See the Epilogue of *Supra* note 11.

<sup>241</sup> *Id.*

Finally, I argue that all concerned humans also bear criminal guilt. The basis of this guilt is the direct violation and breach of the formal written laws. Thus, criminal guilt happens when individuals are involved in the crimes of the state.<sup>242</sup> If I give someone money to kill or oppress others, I am a partner in this crime. Let us give a broader vision: I am obliged to pay taxes to the state, and it uses them, in part, to kill or oppress others. Then, I am a criminal due to this participation. Thus, this system does not let a chance for officials to share explicit criminal responsibility. Moreover, there is no place, here, to speak about innocent civilians because their money is one of the tools in the hands of the criminals.

Some scholars may reject this claim because participation without intention does not count as criminal guilt. Indeed, as discussed, this system covers responsibility through the rule of law and the creation of free-floating responsibility. People cannot absorb the full picture. The idea, here, is that this system forces people to participate without thinking when the law legitimizes suffering or organizes instrumental exploitation. The focal point is to highlight the role of humans in this system. However, under the logic of formal law, individuals are partners when they realize what is behind these actions.

There is no difference because the designed paradigm does not give us a chance to except sharing (at least by obeying and paying taxes). What about explicit examples such as the Israelite occupation and the ongoing killing of Palestinians or the innocents who died in Iraq, Vietnam or Afghanistan by the US? What if it is explicit that the state builds deadly prisons with my money and under my name to oppress others due to their political opinion? The tax money from civilians plays a role in all of these atrocities. The concept of innocent civilians is another trick in this mode of thinking but the reality is that we bear (and we are forced to bear) the criminal guilt.

Scott Veitch echoes Arendt when he asks “in law, are obedience and support the same?”<sup>243</sup> It is the same kind of collective guilt because the law plays its role in legitimatizing suffering as the instrumental paradigm or the political apparatus. Under the concept of obedience, the law also does not give us a chance but converts us to be partners in the authority’s brutalities. The monstrous machine of the instrumental paradigm captures us in the tiny iron cage in which we all

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<sup>242</sup> *Supra* note 236 at 25, 26.

<sup>243</sup> *Supra* note 134 at 136.



bear the criminal guilt and there is no exit. Finally, Harper highlights his vision of the concept of innocence nowadays and writes:

I am also troubled by the common prefix of 'innocent' before the word 'civilian'. If a civilian instructs and pays, through his taxes, others to kill his enemies on his behalf, I really don't think the term 'innocent' can be applied to him. I lived through the Blitz when it would never have occurred to either myself or any of my friends to have called ourselves 'innocent' and thereby have distinguished ourselves from our fighting men. We were all in the war together and privileged to share their dangers. Besides, when it came to killing 'innocent' civilians hardly anyone then decried the bombing of Dresden or Hiroshima.<sup>244</sup>

In conclusion, the dominance of instrumental rationality has converted the world into an image of prison. The aim of this image is to force humans to share in the ongoing state brutalities. It is necessary to capture and normalize humans' minds to produce and obey this paradigm. Then, I traced the new ethics of obedience in which there is no escape from obeying authority without thinking. The logical outcome is that humans become partners in the crime and bear their part of the new collective guilt.

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<sup>244</sup> This quotation from *Id* at 137.

## V- Conclusion

“I ate civilization. It poisoned me; I was defiled. And then I ate my own wickedness.”

-Aldous Huxley-

This paper argues that instrumental rationality captures our minds to serve a value-free paradigm which implicates human beings in its crimes. This system has to convert humans to killers who bear all types of guilt.

What if this paper is a novel? How can it be constructed? Primarily, the place is the west. The time started with the Enlightenment era, when all promises of reason, freedom and progress took place. There are two main characters. The protagonist is instrumental rationalization as the predominant and over-empowered to become the only unifying theme of western modernity. On the other hand, substantive rationality is the antagonist which is weak and cannot stand against the instrumental world vision. Instrumental rationality does not know any transcendental or moral values in which it reaches victory by enhancing empirical knowledge, impersonality and control. While the conflict is external and internal, instrumental rationality encounters nature, society, persons and itself and defeats all opposing forces. Externally, it discovers the mysteries of nature, understands its law and gains control of it. It shaped society to instrumental notions and applies the same law of nature to it. It also constructs social life under its shade. The biggest triumph is when it shaped human actions to fit with it. human beings are prisoned in its inescapable iron cage without any objections. Internally, instrumental reason defeats itself by betraying the promises of freedom, progress and welfare. It devours everything to take its form and becomes only a rigid vision without hope to rescue.

Then, what is the plot structure? It is important to give it an anatomy and historical roots to examine how it had its final victory from the promise of reason in the Enlightenment until its verification in every field as the only world vision. The beginning is the economic sphere, and capitalism as instrumental rationality constructed rigid material forces to maximize the

impersonal profit. Capitalism will be ruined without formal rational law, so highlighting the rule of instrumental law in imposing rational domination is important. the large scale of rationalizations needs human actions to fit with it, so they have affected actions to be instrumental. Then, rational modern law within bureaucratization enhances political domination where people obey orders voluntarily because they believe in this legitimacy.

Here, it is the time to rise action; the beginning of struggle is when rational value-free domination has created coercive material conditions in which humans suffer from the loss of meaning and freedom. This vision builds a world like a prison where all humans have become small cogs in this monstrous machine. Within this iron cage, there is no chance to escape.

However, unlike most novels, there is no falling of actions here. The resolution disappeared when human minds were captured to fit with this new image. The image of evil has also been changed under the justification of law-abiding citizens and free-floating responsibility. This vision within rational domination does not need monsters, but it needs all humans, officials to do their job or ordinaries duties by paying taxes, to share and patriciate in their crimes. The grand finale scene is a disaster and absurd because humans have converted to be killers, and they bear all types of guilt in its continuous vicious circle.