
COURAGE, POLITICAL RESISTANCE, AND SELF-DECEIT

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INTRODUCTION

Much of David Lyons's work over the past twenty years has been concerned with governmental authorities perpetrating systematic and occasional injustices on ordinary (and extraordinary) people. His recent essays, when taken together, offer a compelling argument that resistance and non-compliance are not only permissible, but in many circumstances do not need to be justified against the presumption of tacit obedience to extant laws.

Lyons has made extensive use of history, particularly U.S. history, in his arguments. His careful attention to historical specifics often leads him to notice problems that are not immediately apparent, and often underappreciated. To give just one salient example which will be relevant to my discussion, Lyons's paper *The Legal Entrenchment of Illegality* identifies an underexamined "subset of unlawful conduct [-] . . . *official* practices that are *clearly* unlawful, largely *open* (not hidden), and deeply *entrenched* (tolerated for a long period of time)," which Lyons refers to as "the legal entrenchment of illegality."¹

It is very surprising how little theoretical discussion there is of what is a pervasive and central fact in many apparently just or selectively just political orders: that they tolerate, mandate, and even require actions and oversights which are flagrantly illegal by their own stated public standards of legality. Lyons argues that the once recognized, officially condoned, and sometimes officially sponsored, open and flagrantly unlawful practices in the Jim Crow system in the American South and the body of law connected with them are at odds with the way that H.L.A. Hart frames rules of recognition in the first edition of *The Concept of Law*.² In this essay, as in many of Lyons's essays, theoretical claims are put to the test of specific historical examples, and theories of justice and legality are the better for confronting concrete examples of injustice and illegality.

Lyons's historical approach also focuses theoretical discussion by examining the ordinary and extraordinary people who resist these injustices.

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¹ David Lyons, *The Legal Entrenchment of Illegality*, in *THE LEGACY OF H.L.A. HART* 29, 29 (Matthew H. Kramer et al. eds., 2008).

² *See id.* at 39.

His classic paper *Moral Judgment, Historical Reality, and Civil Disobedience* explores how major practitioners of civil disobedience did not think that their practice needed moral justification as against a default presumption of political obligation.³ The very word “disobedience” in “civil disobedience” suggests that obedience is the normal state even under injustice. Again, in Lyons’s work, the specifics of history – the reported motivations of actors and the particularities of the injustices that they confronted such as legally entrenched illegality – challenge armchair moralizing in a way which falsifies less informed arguments.

I would like to consider one aspect of Lyons’s interest in resistance by discussing his recent paper *Courage and Political Resistance*.⁴ I will first describe Lyons’s essay and then consider the flipside – what stops people from engaging in the exemplary sorts of political resistance Lyons describes. I will argue that there is something more closely linked to exemplary political resistance than courage – a resistance to self-deceit when confronted with evident injustice.

In discussing character traits like courage, I am aware that there is a great amount of literature arguing that there are no stable character traits, stable virtues, etc., and that we are far less in control of our actions than our folk narratives might seem to imply. I am very sympathetic to the experimental literature; by centering my argument on resistance to self-deceit rather than courage, I hope to dodge some of these quite reasonable criticisms. That said, I think the literature tends to overstatement. From the “anti-character” camp, I will focus on John Doris and Dominic Murphy’s article on atrocities and war crimes to make my case.⁵ Most of my discussion will focus on one of Lyons’s examples: Hugh Thompson, the helicopter pilot who interceded in the My Lai massacre. Both Lyons’s essay and the Doris and Murphy paper address Hugh Thompson’s actions. I will also consider some of Lyons’s other examples and, briefly, a few of my own.

I.

Lyons begins *Courage and Political Resistance* by distinguishing the courage associated with and exemplified by soldiers in war from the courage required to engage in “political resistance.”⁶ The two kinds of courage do not necessarily exclude one another; in fact Lyons gives two examples of soldiers when describing the courage of political resistance.⁷ But soldiers’ courage is

³ David Lyons, *Moral Judgment, Historical Reality, and Civil Disobedience*, 27 PHIL. & PUB. AFF. 31 (1998).

⁴ David Lyons, *Courage and Political Resistance*, 90 B.U. L. REV. 1755 (2010).

⁵ John M. Doris & Dominic Murphy, *From My Lai to Abu Ghraib: The Moral Psychology of Atrocity*, 31 MIDWEST STUD. PHIL. 25, 45-46 (2007).

⁶ Lyons, *supra* note 4, at 1756.

⁷ *Id.* at 1759-60, 1763-64 (describing the actions of Henryk Iwanski during the Warsaw Ghetto Uprising and Hugh Thompson during the My Lai Massacre).

often the courage to pursue a goal designated by superiors or to obey difficult orders, especially when that goal involves great personal cost. Pursuing this goal may involve ignoring, or at least being willing to cause, casualties – including civilians. We may condemn soldiers when the number of civilian deaths gets too large, when the cause is of little importance or even immoral, or when the atrocities are too overt. But the sort of courage we associate with soldiers is often closely connected with following and carrying out difficult orders even when they commit injustices in the process.

Lyons describes a very different courage of political resistance: the courage to disobey or subvert orders, laws, official arrangements, and some unofficial arrangements under the threat of great personal cost when disobedience is just or morally right due to great injustices or moral wrongs.⁸ This is how I will understand it, because the phrase “political resistance” is quite ambiguous. It is obvious that because the courage of soldiers often involves *following orders*, come what may, there will be many cases where the courage of soldiers and the courage of political resistance will be directly opposed. Resistance often clearly takes as much or more courage than actions of soldiers in war. Resisters may face death, rape, and torture, as well as many sorts of indirect harm. One of Lyons’s goals in his essay is to argue that political resistance takes a great deal of courage under many circumstances.

But one might respond: This is so obvious that no one could deny it! Furthermore don’t we have an exalted place in popular culture for the courageous but rebellious figure who bucks authority at great cost? Don’t many identify by default with the courage of those who resist coercive authority on behalf of the oppressed? Isn’t this the stuff of Westerns, *To Kill a Mockingbird*, *The Bourne Supremacy*, and of political advertisements (the lone outsider politician who courageously bucks Washington)?

The courage of political resisters, even if lionized after the fact or when spit-polished for the public, is often little appreciated at the time. In times of war, much of the public views protesters, soldiers who refuse deployment, and tax resisters as traitors or cowards. Many, however, only recognize political resisters as courageous when they are non-threatening. And insofar as their actions are recognized as consistent with what the law ought to be, or after the fact as consistent with the new laws they helped create, we attempt as much as possible to think of them as actually satisfying their obligation to the law even when they are disobeying it.

Lyons’s first two examples of political resistance in war are taken from the Warsaw Ghetto Uprising and the third from the Vietnam War. The first of the examples Lyons gives from the Warsaw Ghetto Uprising is of an action by Mordechai Growas, a group leader in the uprising. Growas put a heroic fighter named Yehieal who had been (presumably) mortally wounded out of his misery. Lyons writes, “Growas’s act was merciful. I think it was also courageous. Growas did not need to cope with fear or danger when he made

⁸ See *id.* at 1756-58.

this decision, but he had to overcome deep commitments and powerful, humane inhibitions.”⁹ I would like to disagree with Lyons in the letter (if perhaps not wholly in the spirit) of this remark. Overcoming “deep commitments and powerful, humane inhibitions” can give rise to some of the worst human actions. So the fact that one overcomes these inhibitions when difficult may be courageous, but this is not in and of itself admirable.

I contrast the following conversation reported between Hugh Thompson and Lieutenant Calley after Hugh Thompson and his helicopter crew had landed in the midst of the My Lai Massacre. Calley outranked Thompson:

“What’s going on here, lieutenant?” Thompson asked Calley.

“This is my business,” Calley answered sharply.

“What is this? Who are these people?” the angry pilot demanded, as his face grew more and more red.

“Just following orders.”

“Orders? Whose orders?” Thompson asked.

“Just following . . .”

“But, these are human beings, unarmed civilians, sir”

“Look, Thompson, this is my show. I’m in charge here. It ain’t your concern.”

“Yeah, great job,” Thompson said sarcastically.

“You better get back in that chopper and mind your own business.”

“You ain’t heard the last of this[!]”¹⁰

Calley was also inviting Thompson to ignore deep humane inhibitions by following orders – in this case an order not to interfere with the massacre. In discussing Growas, I presume Lyons wished to say that Growas overcame these humane inhibitions in order to do something fundamentally humane, i.e., to put a mortally wounded soldier out of his misery. This is of course the stuff of standard war movies as well, so I further presume that Lyons’s point is that the sort of courage we identify with soldiers following a chain of command can

⁹ *Id.* at 1763.

¹⁰ TRENT ANGERS, *THE FORGOTTEN HERO OF MY LAI: THE HUGH THOMPSON STORY* 119-20 (1999). I am aware that this is reported dialogue and the descriptive interpolations are not to be trusted. But because it comes from an interview with Hugh Thompson, I think we can assume the substance of the exchange is accurate (lacking further evidence). *See id.* at 237; MICHAEL BILTON & KEVIN SIM, *FOUR HOURS IN MY LAI* 138 (1993) (“The officer said it was none of his business because *he* was in charge of the ground troops.”).

The Scottish anarcho-punk group the Dog Faced Hermans captured the exclusionary force of this statement in their “Calley.” *DOG FACED HERMANS, Calley, on THOSE DEEP BUDS* (Alternative Tentacle 1994). In the song, Calley yells when asked about My Lai after the war in his Georgia store – “Get out, get out, get out, this is my place of business.” *Id.* That cutting out the tongues of women being raped and bayoneted so their screams could not be heard could be presented as “business” in the dialogue above, says a great deal.

also be found in resisters who are not submitting to or even defying a chain of command; that is, such courage can be present in a political resister as well as a soldier following orders, and consequently if one finds it exemplary in soldiers one ought also to find it exemplary in resisters. So it seems that Growas's act was courageous *not* because he overcame deep humane inhibitions, nor because overcoming deep humane inhibitions is courageous in and of itself, but rather because he undertook an action which he knew for good reasons to be humane, but also involved overcoming the resistance to "killing one's own." This is imputing a lot of motivation to Growas on the basis of a brief passage, but it seems plausible enough.

Still, I do not think it makes much sense to call Growas's act "courageous" in a way specially connected with political resistance, as the comparison with war movies makes clear. More strongly, I am not even sure the act was courageous in any colloquial sense. Soldiers get used to killing, and get used to killing even their comrades. Some of the deaths in My Lai were due to soldiers of Charlie Company who had not played a direct part in the massacre putting civilians in pain "out of their misery."¹¹ In the horror of the Warsaw Ghetto Uprising it is equally plausible, even likely, that a commander might kill with little afterthought or courage (in the usual sense we use this). At best, I think we can say an act like Growas's is no more or less courageous than an act undertaken by a soldier not involved in resistance.

II.

If there is nothing in Growas's action that is particular to or distinctive of someone engaged in political resistance, nor even clearly courageous, what character traits, virtues, or propensities are closely connected to political resistance? In his essay, Lyons is concerned with showing that political resistance often takes as much or more courage than other actions that are more commonly called courageous. I agree with Lyons, but in asking this question I am going beyond Lyons's arguments, while hopefully still in the same spirit.

Let us start by asking whether Thompson's actions were distinctive *because* they were courageous. In presenting Thompson's actions for teaching purposes, the United States Naval Academy describes him as a man of "extraordinary moral and physical courage."¹² His actions at My Lai were extraordinary insofar as not every soldier would have stopped a massacre by confronting a superior officer (eventually at gunpoint) and arranged an airlift for the survivors. It is important to remember that Thompson did not act alone, though – the whole helicopter crew (pilot Thompson, crew chief Glenn Andreotta, and helicopter gunner Lawrence Colburne) supported each other in their actions and Glenn Andreotta (who died in combat a few weeks later)

¹¹ See ANGERS, *supra* note 10, at 119; BILTON & SIM, *supra* note 10, at 124, 128.

¹² Dr. Albert C. Pierce, Director, Ctr. for the Study of Prof'l Military Ethics, Welcome Address, Moral Courage in Combat: The My Lai Story 3 (transcript available at http://www.usna.edu/Ethics/Publications/ThompsonPg1-28_Final.pdf).

initiated the sequence of events resulting in the intervention.¹³ Thompson certainly did face a possible death – he could have been killed by Calley with little consequence because he initially stood down Calley and the troops unarmed. Furthermore, the killing could easily have been claimed to be an accident.¹⁴ Thompson's actions also had great personal cost. After initially being decorated for heroism, he was shunned and mistreated for years, including by receiving death threats and mutilated animals on his doorstep.¹⁵ Many of his fellow officers likely thought he had tarred decent soldiers with the brush of My Lai and had represented a noble war as a moral outrage cheapening the sacrifices of many American soldiers.

But although I think Thompson's (and Andreotta's and Colburne's) resistance to the chain of command when confronted by an evident injustice may have been courageous, I think it is more closely connected with a different character trait. Thompson's own description of why he was led to act the way he did was that he was not "taught to murder and kill" and that he did not do something when he thought it was wrong.¹⁶ From his and Colburne's descriptions, it seems that Thompson may have been frightened but that he acted mostly without much fear on his mind. If anything, it seems that he and Andreotta acted impulsively from anger and shock when they saw, as they circled, that the killing of frightened, unarmed civilians had not stopped.

Let us return to the dialogue between Calley and Thompson. When the discussion took place, Charlie Company had already killed most of the inhabitants of the village. After the brief discussion I quoted above, Thompson, Andreotta, and Colburne returned to the helicopter, then circled, frustrated, until they saw Charlie Company firing into a ditch full of bodies in an attempt to kill any survivors, and chasing a group of unarmed civilians.¹⁷ It was at this point that Thompson and his crew landed their helicopter between the remaining survivors and their pursuers and faced down a superior officer.

In the dialogue, Thompson continued to ask Calley specific questions attempting to get at what was happening at My Lai: "What's going on here, Lieutenant?"; "What is this? Who are these people?"; "Orders? Whose orders?"¹⁸ At each point, Calley responded with the same sort of answer – this is none of your business. Because Calley outranked Thompson, this was not just any non-answer, it was a tacit order and had some coercive force as well. And what Calley said was not false, however horrifying – it *was* Calley's business not Thompson's, Calley was following orders from Captain Medina, and Calley was the superior officer and was in charge. At each point Thompson had an easy out – he could have accepted Calley's responses. But

¹³ BILTON & SIM, *supra* note 10, at 138.

¹⁴ I assume this given that they went to such great lengths to cover up My Lai.

¹⁵ Pierce, *supra* note 12, at 12.

¹⁶ *Id.* at 7, 16.

¹⁷ See ANGERS, *supra* note 10, at 121, 124.

¹⁸ *Id.* at 119-20.

he refused the outs (“this is my business” was clearly being offered by Calley as an out with the additional motivation of tacit coercion) and continued to try to piece together what had actually happened.¹⁹

In his *Fifteen Sermons Preached at the Rolls Chapel*, Joseph Butler characterized self-deceit as a tendency to undermine our examination of our actions in relation to what we know or feel to be right by seeking outs.²⁰ “Outs” is my term, not Butler’s – meaning excuses offered by others, or at least responses by others that engender excuses or that can initiate a chain of excuses. In the seventh sermon, Butler commented on the story of Balaam, in which ambassadors from Moab (an enemy of Israel) asked Balaam to curse the Israelites for a substantial reward.²¹ Balaam initially turned the ambassadors away because he knew the action that they wished him to perform was wrong. The Moabites responded by sending a second group of ambassadors with the promise of a much greater reward. Instead of sending these ambassadors away, Balaam let them stay the night, which undermined his resolve to reject their entreaty.²²

For Butler, this illustrates the general pattern of self-deceit. We sometimes would prefer not to do what we know is right because it conflicts with our more selfish motivations and desires, or “self-partiality.” In order to avoid doing what we know is right we sometime seek “outs.” We try to put ourselves in circumstances where we know our resolve to do what is right will be naturally diminished. So, we seek out friends or others who we know will be sympathetic to us, knowing they will help undermine our resolve, just as instead of throwing the ambassadors out immediately, Balaam let them stay the night. Or we just ask questions politely in a way that we know will have a side effect of closing off certain kinds of responses that will push us to act. To be polite is certainly not blameworthy in and of itself, just as letting ambassadors spend the night is hospitable and seeking friends is natural; none is blameworthy in itself. The blame hinges on putting ourselves in situations where we know that a blameworthy consequence will naturally follow from actions which are not blameworthy individually.

According to Butler, this form of self-deceit hinges on a combination of self-partiality, non-blameworthy motivations, and our natural credulity. We tend to believe what others tell us, particularly when we want to believe what

¹⁹ For an excellent example of this see *Hugh Thompson’s Crewmember Remembers Helping to Stop the My Lai Massacre*, DEMOCRACY NOW!, Jan. 18, 2006, http://www.democracynow.org/2006/1/18/hugh_thompsons_crewmember_remembers_helping_to.

²⁰ See generally JOSEPH BUTLER, *FIFTEEN SERMONS PREACHED AT THE ROLLS CHAPEL* (London, W. Botham 2d ed. 1729).

²¹ JOSEPH BUTLER, *Sermon VII: Upon the Character of Balaam*, *supra* note 20, at 117, 122-25. *But see Numbers 22:7-14* (indicating that Balaam let the first visitors spend the night, but did ultimately send them away).

²² JOSEPH BUTLER, *Sermon VII: Upon the Character of Balaam*, *supra* note 20, at 117, 122-25; *Numbers 22:15-21*.

they tell us. Our natural tendency to believe our friends, combined with the fact that seeking their company or talking politely is usually not blameworthy, allows us to dismiss acting on what we know to be wrong (or to ignore it). It provides us with an out. For Butler, self-deceit involves putting ourselves in situations that allow this natural credulousness to kick in and to defeat our reasonable beliefs in what is the right course of action, thus satisfying other more selfish desires. It hinges on our acting in ways that, but for self-partial motivations, are not blameworthy and then using these actions (seeking out friends, deferring to superiors, making polite conversation) as a kind of bait and switch tactic to avoid acting on pressing injustices.

Thompson could have politely deferred to a superior officer and taken Calley's responses to his questions on face value. Many soldiers would do just that; rank is to be respected and respecting rank is part of what makes for a good soldier. But Thompson took Calley's responses not as outs but as poor answers to his questions, insofar as they failed to explain what was wrong. This initiated Thompson's political resistance – opposing the chain of command to organize an airlift for the few survivors of the massacre and then telling everyone he could about the incident.²³ I add it was political resistance to legally entrenched illegality, a massacre of civilians (and there were and have been many other massacres of civilians, so it is reasonable to view the practice as entrenched) ordered and approved by superior officials as a means of open and clearly illegal (by the military's own rules) coercion. It was also perpetrated by a society that many would have considered “nearly just.”

I want to suggest that this refusal to engage in self-deceit when aware of injustice and of oppressive practices is particularly closely connected to political resistance, in particular in political resistance under difficult circumstances. Sometimes the difficult circumstances are in one's face, as in the cases of Thompson, King, Gandhi, Samuel Block,²⁴ and Annie Devine,²⁵ but sometimes they are not, as in the case of Thoreau. Yet, all these actors share a refusal to avail themselves of “outs.”

Sometimes this resistance to self-deceit is connected with a general attitude towards honesty and accuracy. In *Truth and Truthfulness*, Bernard Williams describes Primo Levi's renewed commitment to the “dignity and majesty” of science under Mussolini, as it provided “an antidote to ‘the filth of fascism which polluted the sky,’ because ‘[scientific facts] were clear and distinct and verifiable at every step, and not a tissue of lies and emptiness, like the radio and the newspapers.’”²⁶ Levi's attitude seems connected to his extraordinary resistance to self-deceit in his writings and in his interactions:

When a Bayer director observed that it was ‘most unusual’ for an Italian to speak German, Levi countered: ‘My name is Levi. I am a Jew, and I

²³ See BILTON & SIM, *supra* note 10, at 138-40.

²⁴ See Lyons, *supra* note 4, at 1765-67.

²⁵ See *id.* at 1767-68.

²⁶ BERNARD WILLIAMS, *TRUTH & TRUTHFULNESS: AN ESSAY IN GENEALOGY* 144 (2002).

learned your language at Auschwitz.’ A stuttering apology was followed by a silence. As an Auschwitz survivor, Levi could hardly pretend he was in a normal business relation with the Germans.²⁷

This response could be construed in a number of ways, but it certainly shows a resistance to papering over the unpleasant truth with niceties, to taking an attitude that ignores monstrous injustices in order to be polite. Thompson engaged in this sort of refusal as well with Calley. Many aspects of Thompson’s life would have gone much easier for him had he responded, “Yes Sir!” as opposed to continue to ask questions.

That said, I do not want to suggest that the robust attitude towards honesty and accuracy of the kind Levi describes is necessary to counter the sort of self-deceit I am describing in cases of political resistance, or even a common source. Consider one of the best-known examples of political resistance to injustice in American history: the raid on Harpers Ferry. There is no doubt that the raiders’ actions were courageous in every normal sense. There is also little question that all refused to accept the systematic and pervasive injustice of slavery and all wished to overthrow the injustice by whatever means.²⁸ The motivations of the raiders, however, were quite varied. John Brown was motivated, as far as one can tell from his letters and statements, and from contemporary descriptions, by an unshakable belief in basic human equality and strong, almost messianic, religious motivations.²⁹ He also may have been motivated by something like the commitment to honesty and accuracy described by Levi above (although he may not have been). Dangerfield Newby, in contrast, was motivated by much more pressing and proximate experiences. He was a freed slave “who had dreamed of freeing his enslaved wife, who was waiting for him with their children thirty miles south of Harpers Ferry.”³⁰ He was the first killed at Harpers Ferry and died with letters from his wife in his pockets.³¹ This makes him no less extraordinary an actor, nor less courageous. But his reasons for participating in the raid were quite different from John Brown’s. In Dangerfield Newby’s case, the truth of the horrors of the slave system were quite evident and personal. Many extraordinary and driven political resisters share many of these different motivations.

It is clear that both were quite different from the many American citizens who did excuse the slave system (or did little or nothing to try to stop it) and thus took the various outs offered them by their friends and leaders. Returning to Lyons’s discussion of the legal entrenchment of illegality, illegal and entrenched practices persist because of a lack of resistance to self-deceit at many levels. We refuse to ask questions, or find excuses for the practices, or find support for our self-interested beliefs that the costs are far too high for us

²⁷ IAN THOMSON, *PRIMO LEVI* 272 (2002).

²⁸ See DAVID S. REYNOLDS, *JOHN BROWN, ABOLITIONIST* 55-56 (2005).

²⁹ See *id.* at 118, 122.

³⁰ *Id.* at 320.

³¹ *Id.*

to resist by drawing on the support of those around us with similar attitudes who also have not thought them through.

III.

So my suggestion is that although courage is often closely connected to political resistance, the sort of courage Lyons ascribed to Growas is not really the courage *of* political resistance, it is courage *and* political resistance – the courage of a soldier who also was involved in political resistance. A resistance to self-deceit about injustices which most of us would recognize as clear and demanding response if we did not quickly scramble for outs, is very closely connected to political resistance. I have also suggested that a resistance to self-deceit can be present for many reasons. It can arise from questionable beliefs (John Brown), first-hand experience of injustice to oneself and one's loved ones (Dangerfield Newby), shocking first-hand experience of injustice combined with deeply held conviction (Hugh Thompson), or a general attitude towards accuracy and honesty (Primo Levi). I have defined it negatively in order to avoid suggesting that this resistance rests on a particular character type or a distinctive virtue (like courage); although the virtues of honesty and accuracy seem particularly closely connected in many circumstances.

In their article *From My Lai to Abu Ghraib: The Moral Psychology of Atrocity*, John Doris and Dominic Murphy argue that at My Lai, we cannot attribute responsibility to the perpetrators due to “the combination of war-fighting culture, racialization, and poor command supervision.”³² The conditions of the soldiers was “sufficiently cognitively degrading to constitute excusing conditions: given what is known about the My Lai massacre, the soldiers there could not have been reasonably expected to make the requisite determinations of manifest illegality.”³³ Doris and Murphy go on to admit that this is not meant to imply that many or even most of the soldiers could not have been responsible, and they indeed suggest that Calley likely was. But “the evidence regarding My Lai . . . makes this general presumption compelling.”³⁴

I have little doubt that the three factors Doris and Murphy describe were all in operation. But the evidence regarding My Lai does not make the case that these might be *excuses* for the actions of Charlie Company. Three important facts are ignored by Doris and Murphy. First, Doris and Murphy present the massacre “cleanly,”³⁵ as the military inquest did, as lining people up, or chasing them, and killing them.³⁶ But Charlie Company engaged in systematic rape of the women of the village; twenty cases of rape and mutilation are

³² Doris & Murphy, *supra* note 5, at 43.

³³ *Id.*

³⁴ *Id.*

³⁵ In fact, the word massacre itself lends itself to this false “clean” interpretation of the events.

³⁶ Doris & Murphy, *supra* note 5, at 31.

documented.³⁷ It is hard to imagine an excusing condition for this. Second, many of the members of Charlie Company did not take part in the massacre. Some ran away and some refused to shoot although none stopped the killing.³⁸ Third, Charlie Company had very limited group experience in fire fights.³⁹ The individual members of Charlie Company may have, but it seems implausible to take them as an example of a group bonded together in combat as they came under fire from an unknown and shifting enemy.

Doris and Murphy contrast Charlie Company with Hugh Thompson. They have no doubt that Hugh Thompson was heroic, but they suggest that Hugh Thompson's actions are indeed strong support for their position.⁴⁰ Thompson came from outside, from another military culture, into the midst of a massacre. He was not subject to the cognitive deformations that Charlie Company had been subject to.

I accept that entering into a crime scene from a helicopter is very different from being amidst the perpetrators of a crime, although Thompson and his crew had been in combat and could have availed themselves of all three of the excusing conditions which Doris and Murphy offer for Charlie Company. I also accept, in fact I think it extremely important, that Thompson, Andreotta, and Colburne all were in a small common space in which they had bonded, and all supported one another in their decisions. One could go further and say that the stories we usually tell about lone heroes are rarely true. There is usually a group who supports, prompts, scrutinizes, strategizes, and checks. The Civil Rights movement is a vivid instance of this.⁴¹ But none of this made it easy for Hugh Thompson to avoid seeking out, or made it impossible for Charlie Company not to take them. Of course, one of the many members of Charlie Company who refused to take part,⁴² or only took part insofar as they shot mortally wounded civilians in an attempt to put them out of their misery, could have intervened (although they might have been killed).

I doubt Doris and Murphy would dispute this given the additional evidence. And indeed they are willing to accept that the particular circumstances of each soldier would need to be taken into account to come to a clear conclusion. As I

³⁷ JAMES S. OLSON & RANDY ROBERTS, *MY LAI: A BRIEF HISTORY WITH DOCUMENTS* 99-102 (1998). This conduct violated the third of the "Nine Rules for Personnel of US Military Assistance Command, Vietnam," printed on wallet cards and distributed to every American soldier, as well as the first rule of the widely available "The Enemy in Your Hands." *Id.* at 38-40.

³⁸ *Id.* at 23.

³⁹ See BILTON & SIM, *supra* note 10, at 93 ("All [Charlie Company's] casualties had come from mines and booby traps and snipers. They had never seen or encountered the enemy in any strength. . . . They were battle-scarred without being battle-hardened.").

⁴⁰ Doris & Murphy, *supra* note 5, at 45-46.

⁴¹ Thanks to Bryce Huebner for helping me to develop this point and stressing its importance.

⁴² See BILTON & SIM, *supra* note 10, at 122-24 (naming several soldiers who did not take part in the killing).

have said, I want to suggest that the actions of Hugh Thompson were not just courageous, but showed a profound resistance to self-deceit in circumstances where many outs were offered. Members of Charlie Company may have had to exhibit an even more powerful resistance, especially in the face of entrenched and pervasive illegality in war.

Another and at least equally plausible way to look at it, though, is that their cognitive impairments made for quick excuses and outs serving their worst impulses – such as raping the villagers – or non-action. But this does not make the desire to rape, murder, and mutilate any less reprehensible because one is cognitively limited. The cognitive impairments give an excuse for acting on the desire to rape, murder, and mutilate. The presumption should not be that once we are cognitively impaired no choices remain especially when confronted with clear and evident suffering.

This is no different in kind from the self-deceit of those who know, or even sense, a lynching is going on near them but fail to interfere because it is none of their business, or fear the consequences of their actions, or prefer a situation where they benefit from the suppression of a group and so act as if nothing is happening. When we look at it from the side of self-deceit and the resistance to self-deceit, as opposed to courage, we see that illegal entrenchment often depends on the fact that actors do not resist self-deceit when outs are offered which serve their local interests or allow them to pass on responsibility.

CONCLUSION

In conclusion, my suggestion is that although it often takes a great deal of courage to engage in political resistance, political resistance is closely connected to a resistance to the type of self-deceit that Joseph Butler described and analyzed. The resistance to self-deceit can have different sources, it can be momentary or long term, it can be connected with less laudable qualities, and it can make for unpleasantness at a dinner party.⁴³ But in situations of grave injustice not taking outs, including orders, when these outs conflict with the demands of addressing an evident injustice is closely connected with political resistance in the sense I have defined it. In the words of Hugh Thompson – “If you don’t think it’s right, it more than likely is not right, and they’re just too chicken to do it on their own. They want to drag somebody down with them

⁴³ I am not suggesting that all courage involves resistance to self-deceit, or that political resistance cannot involve self-deceit. John Brown was courageous, a political resister, and most certainly self-deceived in many ways (as are we all). He may even have been self-deceived in ways that supported and promoted his courageous political resistance. I am arguing that political resistance involves resistance to self-deceit and rejecting outs when one encounters or knows about injustice and suffering, and that the resistance to self-deceit and the rejection of outs is closely connected with the courage of political resistance. John Brown was certainly not self-deceived about the specific injustice he resisted, and most certainly did not avail himself of many outs when they were offered to him. Thanks to Amelie Rorty for helping me to clarify this.

when they get caught. So just think. All it is is think. . . . It's so simple it's weird."⁴⁴ This seems to be the crux of the issue. The lack of thinking, in the sense described by Thompson, combined with self-deceit as described by Butler, goes some way to explaining why there are many courageous people and yet the courage of political resistance remains rare. But its rarity and the conditions that make it difficult should not function as an excuse. It should be an enjoinder to create more conditions that support political resistance (as understood by Lyons) even in nearly just societies.

⁴⁴ Pierce, *supra* note 12, at 16.