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Up Close and Personal: Ritual, Social Criticism, and the Russell Tribunal

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Up Close and Personal: Ritual, Social Criticism, and the Russell Tribunal

A thesis submitted in partial fulfillment of the requirement
for the degree of Bachelor of Arts in Government from
The College of William and Mary

by

Henry Sexton Blackburn

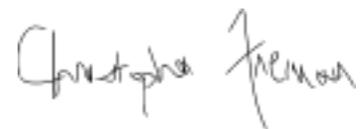
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Section One: Introduction

The Russell Tribunal, a body formed in 1966 by philosopher Lord Bertrand Russell, was a private assembly of writers, intellectuals, and jurists organized to judge whether the United States government was guilty of committing war crimes against North Vietnamese combatants and civilians during the Vietnam War. The Tribunal has faced many criticisms since its operation, from charges of bias and one-sidedness — it only investigated whether the United States and its allies, and not the North Vietnamese, were guilty of war crimes — to indictments of uselessness in changing the course of the War — the United States would continue spending tens of billions of dollars on military operations until the war's conclusion in 1975.¹ These criticisms make it seem hardly correct to view the Tribunal as a formal legal body that sought to practice international legal judgement and deliver an unbiased verdict on U.S. military action in Vietnam — a view I term the legal view of the Tribunal.

I will argue that the Russell Tribunal was, instead, a ritualized space that promoted the practice of and legitimization of performing social criticism among its members. My focus on ritual is strongly influenced by the work of Zachary Manfredi's article "Sharpening the Vigilance of the World: The Russell Tribunal as Ritual," which argues that the Russell Tribunal, through ritual, sought to engage with and influence the practicing of international human rights law. Under Manfredi's view, the Tribunal performed a type of political practice that primarily worked to bring regular citizens into the analysis and condemnation of both human rights abuses and crimes against international law.

While I believe that Manfredi is correct in using ritual as an analytical lens through which to understand the Tribunal and that many of the Tribunal's members hoped that the wider

¹ Alan Rohn, "How Much Did the Vietnam War Cost?" under "Economic Cost."

public, namely American citizens, would denounce the US' actions and demand an exit to the war, I think the subject of his analysis, that the Tribunal sought to directly engage with and influence the practice of international human rights law, is incorrect: both on account of criticisms offered by Geoffrey Nice and Arthur Blaser that people-led tribunals have little, if any, track record in affecting how international law is practiced, and the more likely explanation that the Tribunal, whether explicitly stated or not, truly intended to be a space for social criticism to flourish. In light of this, I argue that the Tribunal can be analyzed as a ritual *mimesis* of a legal tribunal that promoted an efficacious level of social criticism among its members that is not adequately captured by significant theories of social criticism. As such, I will rely on the theories of ritual and habitus offered by Pierre Bourdieu. While Manfredi only relies on a description and genealogy of ritual as provided by Talal Asad, I believe that Bourdieu's theory allows for a more capacious understanding of the Tribunal's internal operations as a form of ritual that, through the and promotion of certain dispositions and attitudes, strengthened its members' social criticism.

In making this argument, I will first provide a deeper background of the Tribunal and the legal view, provide an explication of the common criticisms this view faces, and explain how Manfredi's argument seeks to provide a new understanding of the Tribunal in light of these common criticisms. I will explain why I disagree with what he argues is the true purpose of the Tribunal — influencing the practicing of international law — though I wish to retain and rework his use of ritual as the prime way to understand the Tribunal. Second, I will choose three members of the Tribunal — Bertrand Russell, the founder, Gabriel Kolko, a key witness, and James Baldwin, a voting member of the jury — and explore their critical writings against the Vietnam War. This will serve to show how these members (and undoubtedly many others) were fundamentally engaged in different forms of social criticism, both on their own and during the

Tribunal, to disprove any idea that the Tribunal (or its members) was primarily focusing on the practice of international law. I will also show how the Tribunal-related writings of Russell, Kolko, and Baldwin displayed a more efficacious level of social criticism than their non-Tribunal writings to support the idea that the Tribunal might have affected how its members came to view and write about the Vietnam War. Third, I will engage with the literature on social criticism, specifically the theories offered by Michael Walzer, Sharon Welch, and Cornel West to investigate the writings of Russell, Kolko, and Baldwin and show how, on their own, they fail to hold the requisite critical distance to perform a fully effective social criticism.² However, in light of these three members' effective Tribunal-related writings, I will argue that viewing the Tribunal as a space for social criticism is ultimately a more useful, though still incomplete, way of understanding the Tribunal's purpose (counter to Manfredi's focus on the practice of international law). Lastly, I will return to the concept of ritual by using Bourdieu's theory of ritual and habitus as a way to understand what exactly was occurring within the Tribunal. I will combine the lens of ritual and the concept of social criticism — as the theories of Walzer, Welch and West fail to sufficiently capture the range of critical distance that a social critic can have — to present a novel account of the Tribunal as a body that performed a mimetic reproduction of a legal tribunal that allowed members like Russell, Kolko and Baldwin to perform more efficacious versions of their social criticism.

² Effective in the sense that while each performs a theoretically "pure" form of immanent, rejectionist, or prophetic critique, their non-Tribunal writings are simply less persuasive or forceful than their Tribunal writings.

Section Two: An Overview of the Russell Tribunal

Few events during the twentieth century were so widely discussed, denounced, or protested as the Vietnam War. Fought between 1955 and 1975 between the Democratic Republic of Vietnam (or North Vietnam) and the alliance of the United States, the Republic of Vietnam (or South Vietnam), New Zealand, Australia, and South Korea, the war was viciously opposed by the New Left, counterculture youth, veterans of the war, and civil rights proponents (among many other sectors of American society) in the United States.

One of the most interesting groups that opposed the war is also one of the least well-known: The Russell Tribunal. Founded by Bertrand Russell in 1966, the Russell Tribunal was modeled after a western legal court and consisted of 1). a jury that would vote on whether the U.S. was guilty of committing war crimes, 2). an executive president (somewhat akin to a judge) who directed proceedings, and 3). a panel of witnesses that presented evidence on topics such as U.S. military spending, Vietnamese geography and the burning of its jungles, and Western global military practices. The Tribunal was directed by Jean-Paul Sartre and counted James Baldwin, Simone de Beauvoir, and Kwame Ture, among others, as its members, and heard testimony from renowned journalists and academics such as Tariq Ali, Gabriel Kolko, and Malcolm Caldwell. The Tribunal held two sessions, the first in Stockholm and the second in Copenhagen, to answer the five following questions:³

1. Has the United States Government (and the Governments of Australia, New Zealand and South Korea) committed acts of aggression according to international law?⁴

³ Though these charges were formally listed against these four governments, the Russell Tribunal overwhelmingly focused on the United States government in its investigation.

⁴ Duffett, *Against the Crime of Silence*, 15.

2. Has the American army made use of or experimented with new weapons or weapons forbidden by the laws of war?⁵
3. Has there been bombardment of targets of a purely civilian character, for example hospitals, schools, sanatoria, dams, etc., and on what scale has this occurred?⁶
4. Have Vietnamese prisoners been subjected to inhuman treatment forbidden by the laws of war and, in particular, to torture or mutilation? Have there been unjustified reprisals against the civilian population, in particular, execution of hostages?⁷
5. Have forced labor camps been created, has there been deportation of the population or other acts tending to the extermination of the population and which can be characterized judicially as acts of genocide?⁸

At the closing of the Tribunal's second session, the body unanimously voted 'yea' on all of the charges presented, a move that was denounced by the American government.⁹ Nonetheless, Russell and Sartre attempted to widely publicize the findings of the Tribunal after its conclusions, hoping to stir popular dissent against the war so as to bring about its end.

One way to study the Tribunal is to emphasize its reliance on international legal codes in bringing charges against the US, its similar structure to traditional Western legal courts, and its deliverance of a legal verdict by a jury that passed judgment on the charges posed. In other words, one can believe that the Russell Tribunal truly operated like a legal court, albeit a novel one, that only sought to apply unbiased jurisprudence to the five listed charges. This is the "legal

⁵ Ibid.

⁶ Ibid.

⁷ Ibid.

⁸ Ibid.

⁹ Ibid 650; Mehta, "North Vietnam's Informal Diplomacy," 82. For a gripping account of the reasoning behind the affirmation of the final question, see Jean-Paul Sartre, "On Genocide.

view” of the Tribunal, and this is the most common interpretation of the body.¹⁰ Consequently, it is also the view of the Tribunal that faces the most criticism.

One such criticism comes from Staughton Lynd, a leftist political activist who was invited to join the Tribunal but refused to participate. Lynd criticized what he saw as its one-sided approach to investigating war crimes in the conflict; when asking an emissary whether the Tribunal would investigate alleged claims that the North Vietnamese were torturing South Vietnamese prisoners, Lynd received the reply, “Anything is justified that drives the imperialist aggressor into the sea,” a reply he immediately scoffed at as indefensible and juvenile.¹¹ As he (and many others might have) responded, “a "crime" is an action that is wrong no matter who does it... I [then] declined the invitation to be a member of the Tribunal.”¹² Modern legal scholars like Geoffrey Nice also have much to critique about the Russell Tribunal. Nice criticizes what he sees as its inherent informality, lack of unbiased investigation, and failure to ignite any long-term discussion in the wake of its verdicts.¹³ He questions why the Tribunal did not investigate whether North Vietnam was guilty of the same crimes or further implore the United States to defend itself — even if, he concedes, many of the Tribunal’s conclusions were to be supported by later investigations against U.S. military conduct.¹⁴

Even integral members of the Tribunal have made comments that lead to questions of whether the body was truly unbiased. One only has to turn to Russell’s own words about the Tribunal’s purpose to see further cracks in this view. In his inaugural address to the body,

¹⁰ To read more about this conception (though its terming is my own), see Mark Boyle and Audrey Kobayashi. “In the Face of Epistemic Injustices” 2015; to read more about modern iterations of the Russell Tribunal (and its further engagement with issues relating to international law), see Barbara Harlow. “Apartheid or Not Apartheid?” and Greg Tewksbury, “A Call to Justice.” 1989.

¹¹ Lynd. *The War Crimes Tribunal* 10.

¹² Ibid.

¹³ Nice, *Justice for All, and How to Achieve It*, 111.

¹⁴ Ibid. 112.

Russell argued that the Tribunal was a legitimate institution that deserved respect and attention by virtue of its bravery in directly criticizing the U.S. and putting its government on trial for war crimes. He claimed that,

Our Tribunal is not a group of disembodied formalists, quibbling over definitions or posturing an immoral lack of decision about these events. There is one reason for this International War Crimes Tribunal: Overwhelming evidence besieges us daily of crimes without precedent. Each moment greater horror is perpetrated against the people of Vietnam. We investigate in order to expose. We document in order to indict. We arouse consciousness in order to create mass resistance. This is our purpose and the acid test of our integrity and honour.¹⁵

He even goes on to exclaim that “We are not judges. We are witnesses. Our task is to make mankind bear witness to these terrible crimes and to unite humanity on the side of justice in Vietnam.”¹⁶ His words are illuminating: according to this comment, it seems that he created the Tribunal primarily to criticize the government of the United States for carrying out this war rather than to judiciously apply legal criteria to the actions he believed constituted war crimes.

Russell’s less-than-objective comments make it even easier to see how the Tribunal has been criticized by legal academics and jurists since its inception. Combining Russell’s comments with the critiques of Lynd and Nice, the claim that the Tribunal was akin to an unbiased western legal court seems shaky at best. However, Zachary Manfredi argues that there is a better way to view the Tribunal: as an organization rooted in ritual.

Manfredi, Ritual, and International Law

Manfredi’s article, “Sharpening the Vigilance of the World: Reconsidering the Russell Tribunal as Ritual,” offers an excellent analysis of the Tribunal as a body that democratized the discussion of human rights abuses; he argues that it does this through a political practice that allowed its members to “[reexamine the] aims and purposes of international criminal and human

¹⁵ Duffett, *Against the Crime of Silence*, 49.

¹⁶ *Ibid.* 315.

rights law” that goes beyond attempting a formal legal analysis of the Vietnam War.¹⁷ For Manfredi, the Tribunal was less concerned with meticulously applying jurisprudence and more focused on engaging everyday citizens in the upholding of international law. He argues that the Tribunal does this through the use of ritual, a type of symbolic and deliberate activity. Manfredi bases much of his discussion of ritual on the work of Talal Asad, an anthropologist and theorist of religious and secular ritual. Asad argues that rituals are primarily performed to affect the inner dispositions and states of its actors; ritual is an immanent activity, one that “[transforms] the affective lives of their performers through practice” and, through its use, becomes a form of action that trains us to behave in certain ways.¹⁸

Through ritual, Manfredi argues, the Tribunal allowed citizens without any political office to become acquainted with and responsible for investigating and condemning crimes against international law.¹⁹ he further writes,

In the Russell Tribunal, the charge against a “government” shifted the question of responsibility onto all citizens whom that government purports to represent. Sartre claimed that the Tribunal “worked for” the American people—but it also endeavored to “work on them.” In claiming the actions of the government itself to be genocidal, the Tribunal sought to resist that government’s practices and actions; by placing the responsibility for resisting state violence on citizens, Sartre’s verdict [that the American government was committing genocide in Vietnam] hoped to catalyze active popular resistance and challenge the impunity of powerful states.²⁰

Here, Manfredi argues the Tribunal can be viewed as a ritual that, through this directed and concerted activity, allows its members to become defenders of international law and have an effective stake in upholding it. World powers could no longer commit crimes against

¹⁷ Manfredi, “Sharpening the Vigilance of the World,” 77.

¹⁸ Asad, “The Concept of Ritual,” 57.

¹⁹ With qualification; it would be misleading to imply that Bertrand Russell, Gabriel Kolko, and James Baldwin were every day, ordinary citizens. Each held esteem in their respective fields of philosophy, history, and literature, had the resources to upend their lives and, over two years, dedicate much of their time and energy to this exercise. The same could not be said of most of the world. Still, the opportunity for individuals, unaffiliated with any political power, to weigh in on one of the most pressing issues of their day is still a win for democratizing legal power.

²⁰ Manfredi, “Sharpening the Vigilance of the World,” 85.

international law without any repercussion. The Tribunal allowed citizens, whose own governments would often decline to sanction such international acts, to hold hearings and perform legal rebukes on these actions; protecting against war crimes and genocide moves from being solely in the hands of powerful states to each of us.²¹ Manfredi makes this crucial in his analysis: in ritualizing the practice of investigating atrocities, the Tribunal can be seen as more focused on the activity of investigation, exposition and mobilization around international law rather than only (but still also) rendering a verdict on the alleged crimes committed.²²

Manfredi's Account: Close, but No Cigar

Manfredi's discussion of ritual is apt, and, in light of the criticisms of the legal view, I think that this approach — thinking of the Tribunal as a ritual body that sought to inculcate certain dispositions and affects its performers' lives — is the most fruitful. Further, Manfredi's conclusion — that the model of the Russell Tribunal has the ability to radically reinvent how we think about and practice international justice — is similarly quite provocative. This conclusion, though, like the legal view, faces many challenges. One can easily return to Nice to see further criticisms of the Tribunal that test Manfredi's claim. To Nice, not only does the Tribunal fail to emulate any traditional western legal court, but it also fails to meaningfully engage with the international legal community or any of the discipline's precepts — namely, the lack of subjectivity in international criminal law.²³ Nice cites David Horowitz, who spoke with Sartre and heard him claim that the Tribunal refused to assess the actions of the Viet Cong during the conflict, as, "...the North Vietnamese and National Liberation Front were *incapable* of committing war crimes..."²⁴ Nice argues that this claim is not only incorrect but also dangerous.

²¹ Ibid.

²² Ibid. 81.

²³ See *The Rome Statute*, specifically articles five and eight.

²⁴ Nice, *Justice for All, and How to Achieve It*. 111.

No serious legal institution would legitimately accept this claim, and the conclusions of the Russell Tribunal should and would be dismissed entirely if this was part of its reasoning.²⁵

Arthur Blaser's "How to Advance Human Rights without Really Trying: An Analysis of Nongovernmental Tribunals" also fights the view that the Tribunal sought to engage in international law or its practice. Blaser argues that the Tribunal had no meaningful impact on the practicing of international law when compared to other organizations that existed around the same time (and that it seems doubtful that it intended to have a realistic impact at all). He cites organizations like Amnesty International and the World Council of Churches as providing much more worth to the international legal community in publicizing war crimes and human atrocities.²⁶ He believes that these organizations are better established in their ability to influence public opinion and government responses to human rights abuses given their cooperation (and constructive disagreement) with, rather than indictment of, governments like the United States and thus have more trust in the international community.²⁷ Further, he cites Anthony D'Amato's argument that the Tribunal "clearly got carried away with itself" and that "members of the panel often asked witnesses to make legal conclusions or to testify about irrelevant matters," leading both D'Amato and Blaser to speculate that the Russell Tribunal either had no intention of seriously following expected legal conduct (and thus did not truly care about engaging with international law) or were hopelessly idealistic in what they expected their conclusions to influence and accomplish.²⁸

However, though Blaser disagrees with its attempt to 'meddle' with international law, he believes that tribunals like the Russell Tribunal *do* have a purpose: such tribunals make public

²⁵ Ibid. 114.

²⁶ Blaser, "An Analysis of Nongovernmental Tribunals," 361.

²⁷ Ibid.

²⁸ D'Amato et al., *War Crimes and Vietnam*. 57 Cal. L. Rev. 1055, 1055.

atrocities that are being committed across the world, requiring that, "...all of the world's citizens...must make an important choice: either witness the further denigration of international law or contribute to its revitalization." Blaser's meaning here is nuanced and is different than Manfredi's: rather than providing a space for regular citizens to change or alter international law (he rejects these conclusions outright), these tribunals — like the Russell Tribunal — can instead indirectly promote its "revitalization" by giving these citizens the ability to witness and denounce actions that are sanctioned by international law.

These critiques of the Tribunal as either a formal legal body *or* a body seriously engaged with practicing international law are strong, and I agree with them. Given the criticisms presented, I believe that the Tribunal was clearly neither of these types of institution. However, I believe that the core of Manfredi's argument, that the Tribunal was a form of ritual, to be correct. Where I differ is in believing that the Tribunal should not be thought of as a ritualization of practicing and applying international law but a ritualization of, as Blaser implies, *social criticism* that sought to condemn military actions committed by the United States. In other words, the Russell Tribunal, not a formal legal tribunal that would impartially administer justice and not a body engaged with affecting or influencing international law, actually serves a more novel and meaningful purpose: in collectively assembling to collect information about and comprehensively study American military action in Vietnam, the members of the Russell Tribunal were able to investigate, contextualize, and, most importantly, severely criticize the ways that the U.S. waged a brutal war of domination against the Vietnamese.

In arguing this, I first wish to turn to an in-depth study of the critical writings that Russell, Kolko and Baldwin provided about the Vietnam War. As integral members of the Tribunal who respectively represented important aspects of the body (Russell provided its *raison*

d'être, Kolko served as a witness during the presentation of evidence, and Baldwin was a voting member and helped determine the verdict), the Tribunal and non-Tribunal related writings of these three paint a clear indication that these members, individually and communally, had no intention of rigorously practicing international law and were instead clearly practicing different forms of social criticism, I will also demonstrate how each of these writers, in both iterations of their writing, fit the respective critical practices of performing an immanent critique, a rejectionist critique, and a prophetic critique of America's role in the Vietnam War. My last goal in this section will be to show the difference in efficacy between each's Tribunal and non-Tribunal related writings, priming me to analyze and attempt to explain this disjunction by turning to multiple theories of social criticism.

Section Three: History Invoked: Bertrand Russell

Russell was a stout critic of the Vietnam War, and his critical writings are perhaps the clearest and easiest to analyze between his, Kolko's and Baldwin's. Russell was most critical of what he saw as the American populace's tacit support (in that any refusal to loudly and publicly rebuke the U.S. government was indicative of this tacit support) for a brutal and unnecessary war — support that Russell thinks is antithetical to American values of liberty and justice. Much of Russell's criticism takes the form of an immanent social critique: the taking of important beliefs and ideals that a society holds dear and directly applying them to actions or more subsidiary beliefs currently also held or practiced. In this case, the criticism in his writings that were published before the Tribunal operated mostly perform an immanent critique of America's support of the war — a war he thought was oppressive and imperialistic — by invoking America's own history of revolt against oppression and imperialism.

A Just History in America

While he wrote vociferously against the war during the 1960s, Russell penned his most biting pre-Tribunal criticism of the Vietnam War, a work titled "Appeal to the American Conscience," in 1966, just before the Tribunal began. An attempt to rouse any American who is "concerned with liberty and social justice," Russell makes an appeal to these ideals as a common legacy of the American Revolution that all citizens share, and it is clear that he is trying to shift the responsibility (though not blame) for the war to U.S. citizens themselves.²⁹ As he sees it, if American citizens are complacent in the face of such tyranny and domination then they are betraying their own national history of resisting such injustices. He even appeals to the history of the Nuremburg Trials for rhetorical force and claims that German citizens "were considered

²⁹ Russell, *War Crimes in Vietnam*. 116

guilty if they acquiesced in and accepted the crimes of their government,” making the same implications for Americans: either one protests the gross injustices being committed, or one must accept that they support the U.S. regime.³⁰

Near the end of the piece, Russell announces that he is assembling an “international War Crimes Tribunal” that will shine a light on the actions committed by the United States and make an irrefutable case about the injustices committed.³¹ It is his hope, then, that such evidence will truly awaken Americans to protest the war. Russell closes the piece by expressing his hope to provide an “exhaustive portrayal of what has happened to the people of Vietnam” as a way to lay the blame for these atrocities at the feet of the American government.³² Russell’s goal here is clear: to create an institution that uses all methods and evidence available to condemn the actions of the United States government in Vietnam — and, more importantly, to awaken Americans so as to prevent these injustices from occurring again.

This short piece is, again, a strong example of Russell’s immanent critical abilities before the Tribunal began: by invoking the American tradition of resistance in the face of tyranny and oppression, Russell shows how the actions of the American government — actions that the American populace are, he argues, complicit in by failing to denounce them — betray the nation’s own revolutionary history. For Russell, the verbal championing of liberty rings hollow when Americans think it only applies to them. To believe this is to sacrifice these ideals, and Russell hopes that by rousing Americans they can protect their proud history and legacy from ruin.

³⁰ Ibid 122.

³¹ Ibid. 121.

³² Ibid 124.

Russell and the Tribunal's Beginnings

Russell's critical abilities are quite clear before the Tribunal — and they seem even more powerful after the Tribunal finished investigating American conduct during the war. Turning to his "Introduction" to *Against the Crime of Silence*, a collection of the Tribunal's verbal proceedings that were written after the conclusion of investigations, Russell's criticism again re-emerges as a call to action for Americans to abandon the tyrannical behaviors of their government: "I hope that the American people will repudiate resolutely the abject course on which their rulers have embarked," as, he argues, they are the only ones with the ultimate democratic authority to call off the war.³³ While thematically similar to "An Appeal to the American Conscience," Russell's tone and aim in his "Introduction" seems much more robust. His argument is more grounded than his previous appeals to American history and liberty; he does not speak to some storied past values that all Americans supposedly hold, but instead implores Americans to protect the democratic authority they possess *right now*. Though the United States government professes to believe in "slogans of freedom and democracy," it is clear that it does not hold these ideals to be true; only its citizenry can reaffirm their immanence.³⁴ Further, instead of calling for mass resistance in the form of demonstrations and protests so Americans can signal their virtue and verbally oppose the war, he is calling for a clearer and more consequential rebuke of the American political elite: vote them out of office or demand their resignations, and call for an immediate defunding of and exit from the Vietnam War.

His "Introduction," is, then, just as immanent as his "An Appeal to American Consciousness," though he appeals to clearer and more-present ideals of democracy rather than a recollection of the resistance to the oppression of Americans by the British. The bar and demand

³³ Duffett, *Against the Crime of Silence*, 4.

³⁴ *Ibid* 4.

for action also seems to be higher and greater than when he wrote his “Appeal,” and I would argue that his witnessing of the mass destruction of Vietnam’s infrastructure, the burn wounds on Vietnamese children, and the internment of Vietnamese citizens in camps further galvanized his call to action (a point I shall return to in section seven). Before the Tribunal’s findings, fighting against the war was a matter of signaling moral virtue against the U.S. military machine; after its findings, fighting against the war is the only way to reassert democratic power over the American government — to do anything less is to admit defeat.

Section Four: History Re-Evaluated: Gabriel Kolko

Gabriel Kolko, an American professor of history and a dogged critic of what he saw as U.S. imperialism in Vietnam, served as a key witness during the Tribunal's evidence-gathering period during both sessions, providing important testimony on American military and diplomatic history for the Tribunal's jury. Much of Kolko's analysis, both in his own writings and in his testimony to the Tribunal, contains incredibly strong elements of rejectionist social critique: unlike Russell, who argued that the Vietnam War was antithetical to the values of liberty and democracy that Americans have held or presently hold, Kolko believed that the Vietnam War was nothing but the logical conclusion of American imperialism and economic liberalism. He argued that a radical rethinking of both domestic American culture and, more importantly, the United States' global role was needed to elevate America above its pattern of domination and exploitation; to Kolko, hearkening back to old virtues and history will not solve anything, as it is *because of* these practices and beliefs that the Vietnam War occurred.

America the Free?

In two of his major non-Tribunal works, *The Roots of American Foreign Policy* (henceforth *Roots*) and *Crimes of War*, Kolko argues that the post-World War II American global order is founded upon a drive for hegemony and global domination. As he sees it, America has provided the world with two options: one can either cooperate with its machine of economic exploitation or prepare to be the next domino in its global military conquest. Kolko argues that this spells trouble not only for global society but also for America itself, as such conquest is indicative of unsustainable social ills at home, namely racism, inequality, and sexism. Like Russell, Kolko believes that American citizens are the only agents who can bring about any change to America's domestic and international political agenda (and thus usher in

necessary cultural change) but qualifies this by squarely attacking American liberalism as the main culprit in keeping Americans from calling for this change. Kolko writes,

This liberal myopia immunizes most Americans to the dominant political facts, experiences, and trends of our age—to war, repression, and war crimes everywhere. Such illusions become a defense against reality as well as a means for its perpetuation, and this mentality makes it impossible for many citizens to recognize war crimes in Vietnam just as they cannot perceive racism and repression at home—and generalize upon it in a manner that leads to fundamentally new alternative visions of society or political strategies.³⁵

Here he lays the blame at the foot of mainstream U.S. liberalism, practically calling it a brainwashing force upon American society. He argues that the refusal of American citizens to reject and denounce the actions of their government is not due to any personal choice or conscious avoidance of responsibility, but because America's dominant culture inhibits any chance for a re-evaluation of its priorities. These priorities (and the actions that follow) are not, he argues, hypocritical or contradictory to what the country believes. Instead, American liberalism *necessarily* leads to these outcomes. As he writes, the American citizenry, "...duns itself into believing...that somehow it is uniquely "open," "liberal," "rational," and most certainly not predatory. Aberrations from conduct and goals consistent with such a society are regarded as errors and scarcely as the essence of the game."³⁶ An interpretation of this indictment can seem like a form of immanent criticism, as Kolko is taking these words that Americans hold dear (open, liberal, and rational) and using them to critique the policies of modern America to show how it has strayed from its goals.

There is a key difference, though, between the immanent criticism of Russell and what Kolko is doing. Rather than trying to convince Americans to reclaim their heritage — implying that there was once a time where America believed these ideals, acted upon them, and achieved

³⁵ Kolko, *Roots of American Foreign Policy*, 288.

³⁶ Kolko, *Crimes of War*, 13.

results consistent with these ideals — Kolko is putting the entire system, including these beliefs, on trial. He is performing a type of rejectionist critique of the dominant values that American society holds and implying that how Americans think of these values is a lie. There is no brave American history of resistance to oppression, championing the common man, or standing up for what is right. Instead, America's history is one of oppression, suppressing the masses, and violently preserving its own self-interest. Appealing to the qualities of being “open,” “liberal,” and “rational” leads nowhere, as Kolko sees these qualities as being outgrowths of America's hellbent path of global domination. America will only claim to be these things as long as it is beneficial — and when it is no longer so, America's true intentions will reveal themselves.

If this is true, can Americans become aware of these rotten ideals and create new ones? Kolko thinks they can by acknowledging “racism and repression” in America's dominant domestic culture. It is only through a sobering reflection of America's own state of affairs and a re-evaluation of the priorities that lead to these tragedies that Americans can, “...cure their own moribund social illness so that the nation will never again commit such folly and profound evil.”³⁷ Here, a further point of Kolko's criticism becomes clear: it is not enough for Americans to simply recognize how their society promotes these social ills, though it is an important step. Those who have been trampled on and forgotten by American capitalism and liberalism — such as racial minorities, women, and the poor — must not only be further included in society, but also must have the ability to help reshape America's priorities and ideals into newer ones that promote the health of *all* of society.³⁸ It is because of America's cherished beliefs that these groups were left out in the first place, and new ones must develop to avoid the mistakes of the past.

³⁷ Ibid 415.

³⁸ Ibid.

American Hypocrisy in Vietnam

Kolko did not contain his criticism to his academic writings; he was, of course, also a key witness during the Tribunal's proceedings. He wrote and submitted two pieces of evidence: the first, a lengthy historical report about U.S. military action in Southeast Asia, and the second, an analysis of the destruction of dikes in Holland during World War II with a comparison to similar actions committed by the U.S. military in Vietnam.

Kolko's historical report paints a damning picture of U.S. military aggression in Vietnam. He provides a sobering twenty-two year history (from 1944, nearing the end of World War II, to 1966, the time of his writing for the Tribunal) of U.S. involvement in Southeast Asia, arguing that, despite early WWII-era promises to 'nurture' an underdeveloped Vietnam and put it on the path towards prosperity, the American government repeatedly used the country as a tactical location to secure in both their global crusade against communism and promotion of a US-led global order. As he writes,

Ultimately, the United States has fought in Vietnam with increasing intensity to extend its hegemony over the world community and to stop every form of revolutionary movement which refuses to accept the predominant role of the United States in the direction of the affairs of its nation or region...On the outcome of this epic contest rests the future of peace and social progress in the world for the remainder of the twentieth century...³⁹

Kolko's report is less wrapped-up in discussions of liberal ideology and mass complicity than *Crimes of War* or *Roots*. Here, he is rather clear and humble in his goal: show that the U.S. has a pattern of deliberately exploiting Vietnam despite its verbal assurances to the contrary. Year after year, military operation after military operation, the U.S. has killed civilians and burned jungles and villages to use the country for its own crusading purposes. There is no benign interest in

³⁹ Kolko. *The United States in Vietnam*. 1967.

helping Vietnam develop — the country's only purpose in the U.S. military agenda is to be a bulwark against interests that oppose America's.

His second testimony to the Tribunal presents a much shorter but still-nonetheless condemning account of U.S. military action, whether intentional or otherwise, against civilian infrastructure (and civilians themselves). Presenting a historical analysis of Nazi-occupied Holland during World War II, Kolko describes how the Nazis systematically destroyed over 500,000 acres of Dutch land to slow the allied-military advance into Europe, throwing the Dutch land economy into disarray and destroying the food supply of the majority of Dutch citizens.⁴⁰ Enumerating the Allied denunciation of the Nazis' tactics, Kolko then describes similar actions taken by the U.S. military in the Korean War against North Korean villages and discusses how the U.S. has already begun destroying dams in Vietnam. He writes,

...the U.S. Government within a decade followed the precedent of the Nazis, fully aware of the human and political consequences of their actions. The United States has already begun the destruction of the dams of Vietnam, but it has also clearly defined the nature of the action for what it is — a war crime of the first magnitude.⁴¹

Kolko's argument is clear: the U.S. is committing actions that it consciously and intentionally decried as war crimes during WWII, and its refusal to abide by its own judgement of not twenty years ago shows the militaristic opportunism inherent in the country's plans to spread itself all over the globe. For him, this is not the case of a great power forgetting its own legacy or history, as Bertrand Russell might say, but a naked look at how clearly such actions are the norm for America.

Kolko's reports mirror much of his own writing in *Roots* and *Crimes of War*. He presents the Tribunal with the same rejectionist critical lens: the war is not some great, unfortunate

⁴⁰ Duffett, *Against the Crime of Silence*, 224.

⁴¹ *Ibid* 226.

misstep in a long list of good deeds, but the only logical conclusion for a world power hellbent on shaping and leading the globe. However, there are important stylistic differences in his argument to draw out. In *Roots* and *Crimes of War*, Kolko invokes American liberalism and domestic culture —abstract concepts, for sure — as his tool to expose how, unlike Russell, he does not believe there is an inconsistency between how Americans act and what they profess to believe. In his two historical reports, his argument, though of the same subject (the consistency of America's ideals and actions) of *Roots* and *Crimes of War*, finds more concrete ground to stand on in providing both a clear, step-by-step account of American actions in Southeast Asia and a concise, understandable comparison of military actions taken by Americans and the Nazis in destroying civilian infrastructure. In claiming that his latter writings contain a stronger critical edge than his former writings, I am not arguing that historical analyses of ideology (such as the arguments in *Roots* and *Crimes of War*) are unconvincing or untrue; instead, they often rely on such a high level of understanding of complex topics and ideas that they are not accessible (and thus persuasive) to many people — especially those whom the critique is aimed at. *Roots* and *Crimes of War* — both written after the Tribunal — were perhaps taking the insight Kolko gained as part of his time as a witness: one could venture that he was able to move from a concrete chronology and comparison of U.S. military action to that of the Nazis to a comprehensive ideological and in-depth historical account (and criticism) of American liberalism and how it connects to imperialism in Vietnam for an academic audience. However, his work during the Tribunal remains more accessible and, to laymen, much more forceful.

Section Five: History Realized: James Baldwin

Few writers have equaled James Baldwin in capturing the contradictions of America's own culture in professing liberty and equality despite systematically enforcing racism and marginalization. Much of his writing contains biting social commentary that not only exposes these racist practices among everyday citizens but also calls attention to a looming catastrophe (namely, a not-yet-seen level of racial animosity and conflict) we will face if we do not transcend our current social mores. Lawrie Balfour's *The Evidence of Things Not Said*, a thorough and comprehensive exploration of Baldwin's focus on race and its effect in American society, further clarifies just how deeply Baldwin was, at his core, engaged in this form of social criticism. Balfour argues that Baldwin was, "a prophetic figure, someone who interrogated whiteness long before interrogating whiteness was fashionable" and framed it as the foundational piece in understanding many of the conflicts of the twentieth century.⁴² Balfour's use of the term "prophetic" is apt, as Baldwin's criticism of the war can most accurately be defined as a prophetic critique: his focus is on the internal structure of society — namely, the practices and effects of racism and domination on African Americans — and how these structures play out in day to day life. More centrally, he uses his experience with such structures (and the experiences of his fellow African Americans) so as to understand society's past and prophesize where it will lead in the future. One must engage with these structures, as a refusal to do so is akin to ignoring the pertinence of race and racism to many of the social issues of his time — such as the Vietnam War.

⁴² Balfour, *The Evidence of Things Not Said*, 90.

Exporting American Racism Abroad

Baldwin wrote profusely on how America's domestic racism in the 1960s was bleeding into, if not directly foundational in, the creation of American foreign policy as it related to the Vietnam War (and much of Southeast Asia, if not the world). In his article "A Letter to Americans," a piece published in 1968 (two years after the Tribunal's end) by the African American journal *Freedomways* as a defense of Stokely Carmichael's (later Kwame Ture) displays of civil disobedience to protest systematic racism, Baldwin takes aim at America's foreign policy and deconstructs it as nothing more than a strategy of racist global domination by the white minority of America upon the nonwhite majority of the world. He writes,

Let us attempt to face the fact that we are a racist society, racist to the very marrow, and we are fighting a racist war. No black man in chains in his own country, and watching the many deaths occurring around him every day, believes for a moment that America cares anything at all about the freedom of Asia. My own condition, as a black man in America, tells me what Americans really feel and really want, and tells me who they really are. And therefore, every bombed village is my hometown.⁴³

Baldwin's mode of criticism here may seem rather similar to Kolko's, though it holds important differences. Kolko, a practitioner of rejectionist critique, focuses on revealing the relationship between oppressive and oppressed communities (the rich and the poor, whites and Blacks, and Americans and the Vietnamese) in an expository (though no less incendiary) way. Baldwin, on the other hand, fuels his prophetic critique by using his identity as an African American to draw comparisons between the struggle against oppression that he faced in America and that of the Vietnamese in their country. Similarly, he also calls upon hopes of liberation (and fears of revelation) that he believes are relevant for both oppressed African Americans and Vietnamese citizens during the war. The kinship he describes directly ties to his own views on where African Americans find themselves in modern America: beaten, thrown-out, and forgotten by white

⁴³ Baldwin, "A Letter to Americans," 116.

American society, the Black condition is one of resilience in the face of oppression — and it is the condition of all who find themselves threatened by the American order, such as the Vietnamese.

As he closes the piece, he claims that he hopes for an end to the war, to a re-evaluation of Western racism by its adherents; he craves this possibility as a chance to “change our common history” and build a better future.⁴⁴ However, he laments that if this does not happen (which he sees as more likely), he writes that, “we, the blacks, the most despised children of the great Western house, are simply forced...to remember that we come from a long line of runaway slaves who managed to survive without passports.”⁴⁵ If change and liberation do not arrive, then preparing for revelation — in this case, the revelation of a supposed inability to live in racial harmony — is the only other option.

Apocalypse Now?

Baldwin’s writings about what he witnessed at the Russell Tribunal connect strongly to his independent personal activism in opposing the war, though, similar to Russell and Kolko, these writings have a stronger and, specifically for Baldwin, a more hopeful tone. In another *Freedomways* article titled “The War Crimes Tribunal,” Baldwin writes an impassioned explication of his experiences during the Tribunal informed by the arguments and evidence that he witnessed, making an even clearer case for what he sees is the inherent racialized backbone of the Vietnam War:

Long, long before the Americans decided to liberate the Southeast Asians, they decided to liberate me: my ancestors carried these scars to the grave, and so will I. A racist society can’t but fight a racist war — this is the bitter truth. The assumptions acted on at home are also acted on abroad, and every American Negro knows this, for he, after the American Indian, was the first ‘Vietcong’ victim. We were bombed first.⁴⁶

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ Baldwin, “The War Crimes Tribunal,” 244.

Baldwin captures the racialized element of the war that he saw as fundamental to its perpetuation. He argues that every time that the U.S. would try to make areas of the world “safer for democracy,” whether in its own borders or abroad, the country would face the rejection of these practices by the groups they were hoping to “liberate.”⁴⁷ In these instances, the only logical action for the U.S. in its current form is to erase all signs of discontent from the rebelling populations — in other words, total destruction of significant portions of the population to pacify the rest.

Baldwin sees this as the truth behind America’s foreign policy laid bare: the securing of American interests all over the globe without a single thought for how the country treats those it perceives as ‘the other.’ He writes,

The American endeavor in Vietnam is totally indefensible and totally doomed, and I wish to go on record as having no part of it...the terrible probability is that the Western populations, struggling to hold on to what they have stolen from their captives, and unable to look into their mirror will precipitate a chaos throughout the world which, if it does not bring life on this planet to an end, will bring about a racial war such as the world has never seen, and for which generations yet unborn will curse our names forever. I think that mankind can do better than that, and I wish to be a witness to this small and stubborn possibility.⁴⁸

Just as in the writings of Russell and Kolko, we see important differences in these instances of criticism practiced by Baldwin. In “The War Crimes Tribunal,” we see Baldwin end on this glimmer of hope rather than close by cynically (as is his tone in “A Letter to Americans) reminding the reader of a coming revelation (while he definitely references such revelation, the rhetorical force reads much more like a warning rather than an expectation). Both pieces are undeniably prophetic in character, calling for hope and belief in liberation and deliverance from the conditions in which oppressed peoples find themselves. But, in “The War Crimes Tribunal,”

⁴⁷ *Ibid.*

⁴⁸ *Ibid* 244.

it seems like he wants to fight this apocalyptic prophecy and implores others to do the same, and his repeated appeal to avert course from the coming catastrophe has this same prophetic character; the future is uncertain and bleak, but we *must* hold out hope that, through concerted change, a better world is possible. As Balfour writes, “The alternative Baldwin offers is neither to wallow in history’s miseries nor to relinquish the aspiration toward a more democratic forms of life,” but to constantly re-evaluate the racialized situation we find ourselves in and never cease to act as social critics to push the boundaries of our societies and, even more hopefully, tear these boundaries down.⁴⁹

The cynical tone of “A Letter to Americans” reminds one of the differences between Kolko’s *The Roots of American Foreign Policy and Crimes of War* and his Tribunal writings: not in that Baldwin’s non-Tribunal writing is more abstract, but his tone is markedly different. Perhaps in his time after the Tribunal Baldwin’s view and understanding of the war, like Kolko’s, came to change; seeing that the war continued even after the publication of the troves of evidence produced by the Tribunal, Baldwin’s probable bitterness possibly began to seep into his writings that opposed the war. While fully understandable (and perhaps his original piece serves a different purpose than “The War Crimes Tribunal), his more hopeful piece reads as a much stronger call for consciousness and a more effective criticism in the hope of spurring change.

⁴⁹ Balfour, *The Evidence of Things Not Said*, 108.

Section Six: Social Criticism as a Solution?

With stylistic differences, the critical writings of these three individuals follow a similar pattern: each's writings that are not directly related to the Tribunal (Russel's "An Appeal to the American Conscience", Kolko's *Roots and Crimes of War*, and Baldwin's "A Letter to Americans") all lack a similar level of concreteness, force, and strong critical energy that each's Tribunal-related writings all hold. One way to try and interpret the way these authors wrote these critiques of the Vietnam War is through the lens of social criticism. More specifically, we might be able to paint a clearer picture of the Tribunal's members and what they were trying to do (rather than focusing on international law, as Manfredi argues) by resting on several theories of social criticism that attend to critical distance, the type of connection that a social critic holds with the community they are criticizing.

Michael Walzer, in his work *Interpretation and Social Criticism*, provides a compelling view of the prime social critic as one who is a member of the community they are judging. For Walzer, a good social critic is the "connected," or immanent, critic, who,

...earns his authority...by arguing with his fellows—who, angrily and insistently, sometimes at considerable personal risk...objects, protests, and remonstrates. This critic is one of us...he is not intellectually detached. Nor is he emotionally detached...Social criticism, for such people, is an internal argument.⁵⁰

On Walzer's account, the best social critics are people embedded in the social fabric of the society they criticize. They do not impose objective, imperial-like standards onto society. We should, then, imagine Walzer's immanent critic as the "one-among-us," the local judge who, though perhaps marginalized by the accidental trait of disagreeing with broader society rather than by virtue of some substantial trait or characteristic like foreign status, shares in a common

⁵⁰Walzer, *Interpretation and Social Criticism*, 39

history and subjects society to a reckoning of the shared principles of that history.⁵¹ This connection to the critiqued community is, for Walzer, the quintessential and *only* way for an immanent critic to hold the relevant critical distance: through both holding this connection and possessing the right critical tools (the latter anyone can possess; the former, for Walzer, requires this special immanence). The critic who practices this form of immanent critique can, then, often be taken as more grounded and persuasive in their criticism (and, thus, more successful in their critical enterprises) than a more disconnected critic.

Walzer's theory of criticism is, of course, not the only one. The theories of social criticism offered by Sharon Welch and Cornel West seek to emphasize, rather than downplay the importance of critics who often stand opposed to the dominant values and traditions of societies, opposing them in favor of a re-evaluation of society's core tenets. Tyler Roberts, in his article "Walzer and the Critical Connection," argues that Welch and West appeal to the marginalization and oppression that critics other than the immanent critic might experience (and that, as Roberts claims, Walzer implicitly rejects as necessary) as a stimulus for criticism.⁵² As such, Welch and West present somewhat different theories as to the way such criticism is mobilized: Welch argues that this is done through the practice social critics rejecting dominant existing norms to construct new collaborative norms that consider histories of oppression and marginalization — histories that these critics, by virtue of their identities, are often quite familiar with and embedded in — and West supports his own theory through an appeal to a prophetic and visionary outlook that does not critique society's norms simply to make them better, but instead critiques them (by similarly invoking marginalized and oppressed histories and how his critics

⁵¹ Ibid.

⁵² Roberts, "Walzer and the Critical Connection," 345.

experience them) to struggle against a future revelation that is often informed by religious experience and community.⁵³

For Welch, internal principles, as used in immanent criticism, are often not enough to provide a more holistic critique of society, as “we can see foundational flaws in systems of ethics only from the outside, from the perspective of another system of defining and implementing that which is valued.”⁵⁴ Instead, social critics can find ammunition in rejecting the traditions and values of dominant society in favor of investigating the traditions and values of groups that have been suppressed by such dominant groups — not to prefer the latter over the former, but to reject these dominant traditions in favor of newer, more collaborative norms between these groups. As such, Welch can be thought of as valuing a sort of rejectionist critic, one who struggles against oppressive dominant norms and principles of these societies to build better norms and principles (and ultimately, a better society). For Welch, though, it is not enough to simply notice the cleavages between dominant and oppressed communities — one finds the best position to notice the failures of a dominant community by actually *standing* outside of such a community as a critic, often without a choice; it is here that a rejectionist critic, for Welch, gains their critical distance. In her theory, those who can often effectively perform this critique (and thus begin to suggest how these dominant traditions need to be eschewed) are those who have been on the unfortunate end of these dominant traditions, such as being a woman in a patriarchal society or a Black individual in a white-supremacist society. As difficult as these identities can be to live out under oppressive societies, they are often the ones that provide the best — and sometimes only — opportunity to perform this valuable critique.

⁵³ Roberts, “Michael Walzer and the Critical Connection,” 340.

⁵⁴ Welch, *A Feminist Ethic of Risk*, 126.

West agrees with Welch that the marginalized and oppressed have the best opportunities to begin critiquing dominating culture through the virtue of their existence outside of the norm. West, however, focuses his critique in a different way by emphasizing religious elements of deliverance, liberation, and revelation in the practice of such critique. In expanding on his theory of prophetic critique, West argues that the best critiques (and critics) have roots in the histories and stories of struggle that communities hold dear to provide a hope for deliverance and liberation — and it is the prophetic critic (examples that West gives are Martin Luther King, Jr., Malcolm X, and Frederick Douglass) who is themselves rooted in this struggle, often through a connection with a personal liberation theology that emphasizes these hopes (especially as they intimately relate to this community).⁵⁵ It is in appealing to this hope for a brighter future, influenced by a recalling of the pristine and pure concept of what the “Kingdom of God” once was in the past (and could, once again, be) on Earth, that the prophetic critic gains their critical distance; they can drive to agitate for a future distinct from a revelation of, most commonly, racial strife brought on by morally bankrupt social values that always have and will continue to marginalize.⁵⁶

Both Welch and West emphasize how subordinate traditions and communities relate to dominant ones; according to Roberts, neither wants to simply replace dominant tradition with minority tradition, but instead, “both advocate analyzing the *conflict* of traditions and communities for its power to give birth to new [communal] values.”⁵⁷ Instead of only appealing to common morality and values like the immanent critic to awaken members of society to

⁵⁵ This emphasis of religion is quite important for West, and perhaps marks the clearest difference between him and Welch (as, sans religion and its connected themes of deliverance/liberation and revelation, the only difference seems to be that West slightly values a stronger focus on subjectivity and experience more than Welch does).

⁵⁶ West, *Prophetic Fragments*, 44.

⁵⁷ Roberts, “Walzer and the Critical Connection,” 343.

injustice, critics can also reject the dominant morality through their connection to and awareness of those communities who suffer most under this morality. However, it is also important to note that Walzer's immanent critic has their own purpose; individuals "like Erasmus, Thomas More, and John Colet—all of them [were] social critics," and each was connected to the society they critiqued — and provided, of course, invaluable amounts of criticism.⁵⁸

The Necessity of Critical Distance (And How to Achieve It)

It is clear that Russell, Kolko and Baldwin each practices a form of criticism that Walzer, Welch and West respectively focus on (with varying levels of success, depending on which set of writings we look at), despite clearly not fitting the prescribed boundaries that each theorist requires for the efficacious practice of this criticism. How should we approach this disjunction? Walzer, Welch and West each argues that the personal qualifications they discuss are necessary to hold the amount of critical distance that is essential to practice these forms of critique — an immanent critic should be embedded in the critiqued society so as to have an intimate experience with the principles and ideals they are critiquing (often by buying into these same principles and ideals), a rejectionist critic must hold intimate experience with disenfranchised communities to understand how dominant cultures marginalize said communities to build new collaborative norms, and a prophetic critic needs a strong, continuous connection to the oppressed community they represent to communicate their hope and struggle for deliverance and liberation. Russell, Kolko and Baldwin, respectively, do not hold these personal qualities and thus do not hold the requisite critical distance (though Baldwin less so than the former two). Russell was a British philosopher and member of the aristocracy (though his commitment to democracy and progressivism cannot be overstated) who was so reviled by portions of American society that a

⁵⁸ Walzer, *The Company of Critics*, 7.

court case was filed to prevent his appointment to the City College of New York on the grounds that he was not an American citizen (among other reasons).⁵⁹ Kolko was a highly-educated white male academic who taught at Ivy League universities and certainly had little experience with systematic oppression in America; if anything, he most likely benefitted from it (though, he would most likely be one of the first to admit so).⁶⁰ Baldwin, though he lived the first twenty-four years of his life in America, was heavily involved with his church as a pastor, and certainly had a first-hand experience of racism, subsequently emigrated to Europe, renounced his Christianity (and indicted the religion as a perpetuator of American racism), and lived the rest of his life as an expat; he once remarked that he wanted to write outside of the “African American context” to avoid being seen as, “merely a Negro; or, even, merely a Negro writer.”⁶¹

The ensuing discussion is where the usefulness of the distinction I made between Russell’s, Kolko’s and Baldwin’s Tribunal and non-Tribunal writings becomes clearer: in being charitable to Walzer, Welch and West, I would concede that, while each member of the Tribunal certainly provided a strong critique that could be classified as immanent, rejectionist, or prophetic, there is cause to question whether, individually, their seeming lack of appropriate critical distance might have hampered their critique’s force. While Russell’s “Appeal to the American Consciousness” is certainly forceful, it constantly shifts between a detached abstractness about “American capitalists” and “federal concentrations of power” that hamper his lucid (and harrowing) descriptions of scores of dead Vietnamese civilians or the number of bombs dropped on villages. Aside from his one-off use of America’s history in resisting

⁵⁹ Russell was held in particular distaste by America’s religious community on account of his endorsement of premarital sex and atheism. For more, see McCarthy, *The Russell Case*, 1993.

⁶⁰ “Gabriel Kolko 1932–2014,” 2014.

⁶¹ James Baldwin, *The Price of the Ticket*, 171. For an autobiographical work relating to Baldwin’s experience of racism in America, see Baldwin, *The Fire Next Time*.

oppression, his comparison of silent Americans to Nazi collaborators, and a brief discussion of American poverty, it is in every case where he describes why Americans should be opposed to the War that he veers into abstract theory rather than keeping his discussion grounded in either his own experience or the conscious experience of his readers. Kolko's *Roots* and *Crimes of War*, despite their effectiveness in describing how American liberalism tramples any community or group that does not buy into or willingly subordinate itself to the ideology (and how a new collaborative culture and set of beliefs is needed to bring these minority groups into the fold), often feel like dry lectures about ideological brainwashing and domination that, while perhaps theoretically sound as a form of criticism, can seem so complex as to be inaccessible to those he critiques (and to those he is championing). Baldwin's "A Letter to Americans," written in 1968 — two years after the Tribunal's conclusion, when American opposition to the war was reaching a fever pitch — is, perhaps, ahead of its time in lamenting what Baldwin seems to believe is the growing futility in demanding for an end to the war.⁶² While undoubtedly prophetic and connected to the perennial African American struggle for freedom, Baldwin's prophecy is one of wearily predicting the revelation of a race war rather than hopefully and optimistically advocating for action that brings about a liberation from race — a theoretically strong form of criticism, to be sure, but one that both seems to find a disconnect with the growing (though now predominantly white) antiwar movement in the United States and begins to lose sight of the "promised land," as West might describe.

Whether out of lacking the personal qualities Walzer, Welch and West each hold is necessary or for some other undisclosed reason, the non-Tribunal criticisms that Russell, Kolko and Baldwin offer lack the efficacy and force that one might expect of good social criticism.

⁶² For example, 1968 saw many American musicians try and galvanize public opinion in increasingly large and united displays of protest music. See Arnold, "War Music and the American Composer," 320.

However, I believe this concession need only go so far: as I have argued, it is quite clear that in their Tribunal-related writings, each individual *did* seem to effectively practice the respective form of social criticism that Walzer, Welch and West discuss, and they do so with a level of persuasion and aplomb that cannot be denied: Russell’s “Introduction” provides a gripping immanent critique of America’s support of the Vietnam War and the need for a democratic exertion of power through a call for Americans to, again, “repudiate resolutely the abject course on which their rulers have embarked.”⁶³ Kolko’s reports eviscerate the American military and paint it as an aggressor seeking to exploit Vietnam for its own ends; these reports also forcefully compare the US’ actions to those of the Nazis during WWII, passionately arguing that this war machine must be stopped for peace to reign.⁶⁴ Baldwin’s “The War Crimes Tribunal” provides a prophetic account of historical oppression of African Americans (and all non-whites) by white Americans and expresses the need for a complete rebuilding of this relationship to avoid global catastrophe. He also provides a glimmer of hope that there is still a chance, if the struggle is not conceded, for a liberation of *all* the world’s population and a blissful revelation of racial harmony and tolerance rather than a disastrous revelation of racial strife and cleavage..

Despite still not holding the type of critical distance prescribed, each member of the Tribunal — when operating *as part of* the Tribunal — excelled in offering relevant, timely, forceful, and, most of all, convincing social criticism about the Vietnam War. Despite this, Walzer’s, Welch’s, and West’s theories of social criticism will not and could not include each of

⁶³ Duffett, *Against the Crime of Silence*, 4.

⁶⁴ I believe that Kolko might be the hardest case to make as following Welch’s rejectionist criticism in his Tribunal-related writing, but I believe the best case for making this argument is in still invoking his historical report — which, while still a clear chronology of American action in Southeast Asia, spends a significant portion of time arguing that the American military must be stopped if the Third World is to be left intact and allowed to join the international stage as equals with other world powers. If this is to be done, he argues, then the inclusion of the Third World can lead to a revitalization of international practice and culture, destroying the vestiges of a world dominated by western oppression and colonialism.

these members of the Tribunal as effective social critics. This disjunction between theory and practice is sound, though lamentable, in the case of Russell's, Kolko's and Baldwin's non-Tribunal writings; it is fatal, in the case of Russell's, Kolko's, and Baldwin's Tribunal-related writings, to the reliance on *only* a theory of social criticism in understanding what these members were doing. Thus, while I believe the lens of social criticism ultimately provides us an important framework for understanding the Tribunal (and I believe that its members were *of course* engaged in socially critical practices), resting on these theories of criticism alone provide us with an incomplete framework for understanding the effective and valuable criticism that was occurring within (and, as I will argue, because of) the Tribunal.

In light of this problem, can social criticism still provide a useful lens through which to analyze the actions of the Tribunal? I believe it still can, but only when considered as part of a greater operation — that of ritual, as introduced by Manfredi. I believe that a better understanding of the Tribunal's purpose can be understood through the study of ritual, and as such it can provide an answer as to how, through the Russell Tribunal, these individuals (and other members of the Tribunal) were able to practice such efficacious social criticism.

Section Seven: Up Close and Personal: Ritualized Social Criticism

To resolve the issues found in only relying on social criticism as an explanatory framework for understanding the writings of these members (and thus come to a better understanding of the Russell Tribunal), I believe that picking up Manfredi's use of ritual as an analytical lens (while jettisoning his focus on how ritual democratized the practice of international law) is most fruitful. However, instead of using Asad's genealogical account of ritual, as Manfredi does, I want to focus on a theory of ritual provided by Pierre Bourdieu that emphasizes the role of habitus. While Asad's account of ritual is strong in its own right and correctly discusses how ritual can affect the internal dispositions of its members, Bourdieu's theory of ritual, coupled with his discussion of habitus, provides us with a more capacious and comprehensive framework with which to understand the Tribunal as a form of ritual. This ritual, through mediating between the both the critical practices of Russell, Kolko and Baldwin and the theories of Walzer, Welch and West, promoted social criticism by virtue of the inherent structures and practices that the Tribunal used in its operation — namely, its *mimesis* of a traditional legal court — and inculcated a type of habitus that gave these critics (and many others) a suitable amount of critical distance to effectively practice their critiques.

Habitus and Ritual Practice

In attempting to re-make this argument of the Tribunal as a ritual (by using Bourdieu's theory rather than Asad's), it is necessary to discuss what ritual has the power to affect: our habitus. Our habitus consists of the internal dispositions, attitudes, behaviors, and actions that affect how we see the world, and as such our habitus conditions us to understand and act in certain learned ways in everyday situations.⁶⁵ A benign example would be shaking hands with a

⁶⁵ Bourdieu, *The Logic of Practice*, 16

new colleague in the western world: not only is it a social norm and an action rooted in meaning (trust, fraternity, etc.), but it can often (though perhaps not for everyone), on its own, begin to affect how we come to view each other in various ways: on the one hand (pun intended), we often form judgements about others based on their (strong, limp, rapid, slow, etc.) handshake, and these opinions themselves are rooted in our habitus. On the other hand (pun unintended), and possibly more importantly, the very act of shaking hands can signal an intention to do something as based on the act itself. While this is different than the instance of two new acquaintances meeting, shaking hands can also carry the intention to keep a promise, and the act is self-fulfilling: we are shaking hands because we want to keep a promise that we made to each other, and we will keep this promise because we have shaken hands.⁶⁶ These (and many other) acts/examples of habitus develop from birth all throughout our lives, and our social environments often control what form our habitus takes. Though habitus may be developed unconsciously, Bordieu cautions against viewing it as merely rote habit (in that it simply becomes something we do without any reflexive return), as its function allows us to act in and comprehend unfamiliar situations — for example, such as how we approach strangers as influenced by social rites and practices we have adopted — in ways that we have come to accept and rely on.⁶⁷ As such, our habitus becomes an important lens through which we view the world and, more importantly, make judgements about how to act in it.

⁶⁶ This is, of course, an imperfect example of the true breadth of habitus (and this clearly edges into the territory of ritual). However, it provides an accessible example to understand how our actions carry learned meanings with them, and how we can further impart meaning with our actions.

⁶⁷ Perhaps a clearer example would be the use of religion; through a religious habitus (our understanding of the world as influenced by our belief in a divine creator, a divine morality and theology, and a divine teleology) we can come to understand and rationalize occurrences and situations that are unfamiliar to us in the benign sense (learning a new fact about the world and thus squaring it with our theology) and in the more personal sense (understanding the tragedy of a family death through an appeal to, for example, God's plan for humanity).

One of the ways that habitus can be changed is, of course, through the use of ritual. A ritual, through artificial representations of spontaneous human activity in its most general form, becomes a, "...performative practice that strives to bring about what it acts or says, [and] is often...a practical *mimesis* of the natural process that is to be facilitated."⁶⁸ It is through this deliberate performance, if it is being followed and accepted correctly, that practices and dispositions — our habitus — become altered. Bordieu provides the example of marriage rites and creation of formal relationships between Arab cultures to better understand this phenomenon. There are deeply held cultural practices inherent in these rituals, such as showing respect for the family of the courted woman, bringing in increasingly distant members of the interested man's family to continue the courtship so as to foster familial inclusion, and many other ritualistic practices in this single instance of ritual. Bordieu notes that rituals like these also hold a formative power, as, in this example, it is in the performances of these rituals that these displays of respect and inclusion of one's family in this process actually *begin* the process of inculcating such respect and inclusion between the families (or, in the case of the handshake example, begin fostering feelings of fraternity or a dedication to keeping a promise because one has "shaken on it").⁶⁹ The habitus of these families, broadly speaking, evolves and adapts as the ritual is performed; it holds a dialectical relationship with its surrounding social structure. As Bordieu writes, it is the product of, "...the work of inculcation and appropriation necessary in order for those products of collective history, the objective structures...to succeed in reproducing themselves more or less completely, in the form of durable dispositions..."⁷⁰ Because of this

⁶⁸ Bourdieu, *The Logic of Practice*, 92.

⁶⁹ Ibid 34.

⁷⁰ Bourdieu, *Outline of a Theory of Practice*, 85.

dialectical relationship, habitus is never static and is always subject to change, especially with the introduction of new forms of practice.

Bourdieu's discussion of habitus and ritual carry significant implications for how we can view the Tribunal as it relates to the critical practices of its members, and here I will make the case that, through a ritual *mimesis* of a traditional western court, the Russell Tribunal allowed members like Russell, Kolko and Baldwin to provide stronger criticism because of their exposure to a trove of information, witness testimony, historical timelines, and other informational sources and accounts of the Vietnam War. This exposure repeatedly "worked on," to borrow Manfredi's phrase, members of the Tribunal, altering their habitus and, ultimately, providing them a more effective level of critical distance — not through a better grasping of the internal principles or carried-out actions (as each type of criticism arguably relies on these, and it is clear that each member had a strong grasp of these attributes), but in becoming incredibly familiar with the effects of these internal principles and carried-out actions (i.e. the level of destruction in the Vietnam War).

Mimesis and the Tribunal's Legal Structure

Any view of the Tribunal, whether it is the legal view, Manfredi's view, or perhaps others, often concedes that despite its apparent failure to behave as a normal legal tribunal should (whether through a balanced investigation of the conflict, the backing of state power, or a complete record of atrocities committed by both sides [as opposed to just by the American military]) its extensive recording and documentation of the atrocities committed by the American military is second to none.⁷¹ To return to Nice, he admits that much of the Tribunal's evidence-gathering period, despite his protestations to its one-sidedness, revealed immense amounts of

⁷¹ Nice. *Justice for All, and How to Achieve It*, 113; Zunino, "Subversive Justice," 215.

information about the war: from testimonies by Vietnamese civilians who lost their homes, families and neighbors to aerial bombardments by the U.S. military, victims whose bodies were viciously and permanently scarred by shrapnel, and American servicemen themselves who admitted to being ordered (and acquiesced) to torture Vietnamese on a systematic and widespread scale, the Tribunal was able to build an incredible record of what the U.S. military was doing in Vietnam.⁷² While harrowing to read any of these reports in this third-party context, Russell, Kolko and Baldwin were all at arms-length, so to speak, to the victims of these atrocities when participating in the Tribunal. They were in the Tribunal's chambers when reports of screaming children, pictures of crying mothers, and locations of mass burials were *repeatedly* described to attendees and participants in the Tribunal. While they were not in the jungles while the war raged on, they became quite acquainted with the damage its conflict wrought.

It is in this evidence gathering and presentation period that the Russell Tribunal's emulation of a legal court becomes key: this, I believe, is the quintessential *mimetic* activity to focus on in considering the Tribunal as ritual. During this period, the Tribunal was able to "close the gap" between its attendees and the effects of the war and provide members of the Tribunal an appropriate amount (though perhaps still different than what Walzer, Welch and West would prefer) of critical distance. This critical distance allowed its members to ground their critiques in concrete experiences and testimonies of the War's effects rather than abstract ideas and arguments (such as invoking history and ideology, in the case of Russell and Kolko, or perhaps just freshening the appearance of a need to strive against all odds to end the war, in the case of Baldwin). Further, through the repeated acts of, in the case of Russell and Baldwin (and other members of the jury), listening to witness testimony and, in the case of Kolko (and other third-

⁷² Nice, *Justice for All and How to Achieve It*, 108-9.

party witnesses who were not victims or American servicemen), analyzing and testifying about American aims, goals, and actions during the War and becoming especially familiar with the history of American military actions in southeast Asia, each Tribunal member's habitus — in this case, their attitudes regarding the war, proximate understandings and experiences with the horror that the U.S. military was unleashing, and perhaps their fervor (not to imply that any member was lukewarm on the conflict) in advocating for its end — was altered in a glaring way:

Each member was repeatedly exposed to horrific evidence of practices and actions that for many, though they often already considered the war wholly immoral and detestable, all but confirmed in deliberate, brutal detail the type of atrocities being committed by the American military. It did not matter whether one was a simple panel member, a witness, Sartre (the executive president), or Russell himself; everyone in attendance was spared no reprieve in learning just how destructive and harrowing the war was. In revisiting the differences between Russell's, Kolko's, and Baldwin's non-Tribunal writings and their Tribunal writings, it seems evident that *something* was different in the critical force, sense of urgency, and clear, unabstracted tone each employs in the latter versus the former. My explanation is that each's habitus was different between the composition of these works; in the case of Russell, the proximate exposure that he and other members of the Tribunal had to the Vietnam War affected their internal dispositions towards the conflict (in that they had witnessed photographs and heard from victims rather than simply reading newspaper bylines), and, in the cases of Kolko and Baldwin, their initial critical writings as informed by their experiences during the Tribunal contained a clearer (at least for Kolko, as Baldwin is exceptionally clear in both instances) and more fiery critical edge (applicable to both) than their non-Tribunal writings held, possibly

implying that their gradual separation from the Tribunal would have inevitably affected their habitus — and thus their critical distance.

The only other explanation is that, such as might be the case with Kolko and Baldwin, their Tribunal and non-Tribunal writings simply held different aims; perhaps Kolko's *Crimes of War* and *Roots* were written to provide a more abstract historical investigation of American liberalism in promoting the Vietnam War and Baldwin's "A Letter" was written simply to defend both Carmichael's actions and his own cynicism about America's danger to the world. Even if this were true, the shortcomings of Walzer's, Welch's, West's theories of social criticism would still remain unresolved; despite not traditionally holding the requisite critical distance that each prescribes, Russell, Kolko and Baldwin *all* performed efficacious and grounded social criticism. Russell was no longer a disconnected British philosopher—he was the sponsor (and a member) of what appeared to be a legal tribunal that was placing the United States on trial for war crimes, something which earned him much the ire of the Johnson administration.⁷³ Kolko was no longer a highly-educated leftist history professor who spouted anti-capitalist beliefs—he was an expert witness regarding the history of U.S. global strategy as it related to Southeast Asia after WWII. Baldwin was no longer an expat casting judgement on a home he left behind; he served as a juror in a legal tribunal about the Vietnam War and had the opportunity to both scrupulously assess a trove of information about the U.S. military's actions in Vietnam and doggedly argue that, by invoking his time on the body in "The War Crimes Tribunal," it was beyond evident that America was waging a racist crusade against an oppressed population not unlike African Americans.

⁷³ Mehta "North Vietnam's Informal Diplomacy," 83.

Despite not possessing the critical distance each theorist argues is necessary for the practice of social criticism, Russell, Kolko, and Baldwin were able to practice exceptionally sharp social criticism that was connected to their time in the Tribunal. The Russell Tribunal was, then, a common space for its members to both become acquainted and intimate with the war's effects, thus affecting their habitus and critical distance, and to criticize and cast judgement on the acts of the American government in Vietnam. Under this view, it does not matter whether the Russell Tribunal was a formal, unbiased legal body that was rigorously applying legal criteria to the war; after all, Russell, Kolko, and Baldwin had already *clearly* cast their own judgement on the war, and many other members, such as Schoenman, Horowitz, and Sartre, held similar views. Instead, the Tribunal brought its members into a common space to communally investigate and condemn the Vietnam War. Every member saw the exact same evidence, heard the exact same testimony, and voted to hold the U.S. guilty of committing war crimes. Through its mimetic activities, the Tribunal cultivated a novel form of critical distance and gave individuals like Russell, Kolko and Baldwin (and many others) the ability to perform a more efficacious form of social criticism — social criticism that, while often as equally immanent, rejectionist, or prophetic as Russell's, Kolko's, and Baldwin's non-Tribunal writings, can be seen as more grounded in discernable facts and evidence than the simple appeals or analysis provided by these three individually. The importance of the critical distance that the Tribunal provided by giving its members a more intimate look at the actions (and, more importantly, their effects) being committed by the United States cannot be overstated; it is only through this novel attainment of critical distance that these members were able to enhance their social criticism, as informed by

their experiences at the Tribunal, and rise up to, in Russel's own words, "the acid test of [their] integrity and honour."⁷⁴

⁷⁴ Duffett, *Against the Crime of Silence*, 49.

Section Eight: Further Points of Exploration

I believe I have given a strong account for the internal structure of the Russell Tribunal as a ritual *mimesis* of a legal court that strengthened the ability to practice social criticism. However, there is still much to say about its external effect — both in that many academics still debate whether the Tribunal ever had a material effect on the war, and what effect it exactly hoped to have.⁷⁵ Much of the attention the Tribunal faced its dissolution was decisively negative; in publicizing their verdicts, Russell and Sartre faced harsh reprisal from the American government which sought to denounce, de-legitimize, and destroy every shred of credibility that the body could claim. The State Department instructed all U.S. embassies to portray the Tribunal as a communist organization hoping to brainwash Americans, and American media organizations continued to question whether the verdict of the Tribunal was unbiased-enough to be useful — a familiar critique, to be sure.⁷⁶ While the intended effect of stopping the war was never realized during Russell’s life, the fact that the U.S. government worked so hard to oppose his findings implies that, on some level, the Tribunal was taken seriously (and that, perhaps, it could become influential enough to interrupt the U.S. military agenda).

In light of this issue, I believe ritual may still prove to be a fruitful mode of analysis for understanding the Tribunal in this external fashion. While I only intended to provide a cohesive internal account of the Tribunal here, other theories of ritual provide persuasive accounts of how rituals promote “common knowledge” of their activities.⁷⁷ This may inevitably prove more difficult, as there is much stronger scholarly consensus on whether the Tribunal acted like an unbiased legal tribunal as opposed to whether it had any material effect in stopping the war;

⁷⁵ See: Nice, *Justice for All and How to Achieve It*, 112; Blaser, “An Analysis of Nongovernmental Tribunals,” 341; Zunino, “Subversive Justice,” 220.

⁷⁶ Mehta, “North Vietnam’s Informal Diplomacy,” 84-5.

⁷⁷ See e.g. Chwe, *Rational Ritual*; Bell, *Ritual Theory, Ritual Practice*.

further, estimating any external effect of an organization like this on public opinion, government policy, and military action is much more difficult than internally analyzing the practices of such an organization. However, given its novelty, there is clearly much more research to be done on the Russell Tribunal — especially in understanding how its members impacted the world around them.

Section Nine: Conclusion

In this thesis, I set out in the hope of providing an internally consistent and sufficiently comprehensive account of the Russell Tribunal as a form of ritual. Through *mimetic* ritualized action that mirrored the operation of a traditional legal tribunal (most specifically in the gathering and presentation of evidence) and altered its members habitus, the Russell Tribunal provided its members an invaluable amount of critical distance in order to practice their social criticism; through the act of witnessing, deliberating on, and understanding the trove of evidence regarding U.S. military action during the Vietnam War, members of the Tribunal were afforded a level of intimacy with the war and its effects that few onlookers had the chance to hold. I argued this conclusion in opposition to both the legal view of the Tribunal, a view that holds that the Tribunal was nothing more than a traditional legal court assessing whether the United States was guilty of committing war crimes in the Vietnam War, and the view of Zachary Manfredi, who argues that the Tribunal was a ritualization of the practice of international law by everyday citizens. Agreeing with the criticisms that both views face, I set out to present my novel view as a way to correctly understand the Tribunal.

Through my analysis of selected members of the Tribunal — Bertrand Russell, Gabriel Kolko, and James Baldwin — I argued that their critical writings about the Vietnam War that were *not* directly connected to the Tribunal lacked the full critical ability and edge that their Tribunal-related writings clearly possessed. To better understand this, I turned to a discussion of prominent theories of social criticism — those of Michael Walzer, Sharon Welch, and Cornel West — to affirm that these selected members of the Tribunal suffered from a lack of appropriate critical distance in their non-Tribunal writing, which I believe contributed to their less forceful effect. However, in light of their Tribunal-related writings' possession of such strong and

efficacious social criticism, I argued that these individuals *did* possess the necessary critical distance to perform these critiques when participating in the Russell Tribunal. As a ritualized space that affected the habitus — one's dispositions, attitudes, behaviors, and actions — of its members through a *mimetic* reproduction of a legal tribunal's discovery and presentation of evidence, the Tribunal gave its members this novel form of critical distance through their cultivated intimacy of the effects of the Vietnam War. By repeatedly bearing witness to the atrocities committed by the American military in the war, members of the Russell Tribunal were able to, consciously or unconsciously, adjust their habitus through this engagement with the war's effects. It is through this argument that I believe I have provided a strong internal account of the Russell Tribunal, and I have provided future routes of possible research related to the body that I believe might be fruitful.

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