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# *Peace and Conflict Studies*

*His Holiness the Dalai Lama*

The Human Approach to World Peace

*Laurie Calhoun*

Killing, Letting Die, and the Alleged Necessity of Military Intervention

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Choices and Prospects

*Johan Galtung*

The United States, the West and the Rest of the World

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# THE HUMAN APPROACH TO WORLD PEACE

## His Holiness the Dalai Lama

When we rise in the morning and listen to the radio or read the newspaper, we are confronted with the same sad news: violence, crime, wars and disasters. I cannot recall a single day without a report of something terrible happening somewhere. Even in these modern times it is clear that one's precious life is not safe. No former generation has had to experience so much bad news as we face today; this constant awareness of fear and tension should make any sensitive and compassionate person question seriously the progress of our modern world.

It is ironic that the more serious problems emanate from the more industrially advanced societies. Science and technology have worked wonders in many fields, but the basic human problems remain. There is unprecedented literacy, yet this universal education does not seem to have fostered goodness, but only mental restlessness and discontent instead. There is no doubt about the increase in our material progress and technology, but somehow this is not sufficient, as we have not yet succeeded in bringing about peace and happiness or in overcoming suffering.

We can only conclude that there must be something seriously wrong with our progress and development, and if we do not check it in time, there could be disastrous consequences for the future of humanity. I am not at all against science and technology—they have contributed immensely to the overall experience of humankind; to our material comfort and well-being and to our greater understanding of the world we live in. But if we give too much emphasis to science and technology, we are in danger of losing touch with those aspects of human knowledge and understanding that aspire towards honesty and altruism.

Science and technology, though capable of creating immeasurable material comfort, cannot replace the age-old spiritual and humanitarian values that have largely shaped world civilization, in all its national forms, as we know it today. No one can deny the unprecedented material benefit of science and technology, but our basic human problems remain; we are still faced with the same, if not more, suffering, fear and tension. Thus it is only logical to try to strike a balance between material development on the one hand and the development of spiritual, human values on the other. In order to bring about this great adjustment, we need to revive our humanitarian values.

I am sure that many people share my concern about the present worldwide moral crisis and will join in my appeal to all humanitarians and religious practitioners who also share this concern to help make our societies more compassionate, just and equitable. I do not speak as a Buddhist or even as a Tibetan. Nor do I speak as an expert on international politics (though I unavoidably comment on these matters). Rather, I speak simply as a human being, as an upholder of the humanitarian values that are the bedrock not only of Mahayana Buddhism but of all the great world religions. From this perspective I share with you my personal outlook:

1. Universal humanitarianism is essential to solve global problems;
2. Compassion is the pillar of world peace;
3. All world religions support world peace in this way, as are all humanitarians of whatever ideology;
4. Each individual has a universal responsibility to shape institutions to serve human needs.

Of the many problems we face today, some are natural calamities and must be accepted and faced with equanimity. Others, however, are of our own making, created by misunderstanding, and can be corrected. One such type arises from the conflict of ideologies, political or religious, when people fight each other for petty ends, losing sight of the basic humanity that binds us all together as a single human family. We must remember that the different religions, ideologies and political systems of the world are meant for human beings to achieve happiness. We must not lose sight of this fundamental goal and at no time should we place means above ends; the supremacy of humanity over matter and ideology must always be maintained.

Despite the end of the Cold War, the threat of nuclear destruction continues to be a great danger facing humankind—in fact, to all living beings on our planet. I need not elaborate on this danger, but I would like to appeal to all the leaders of the nuclear powers who literally hold the future of the world in their hands, to the scientists and technicians who continue to create these awesome weapons of destruction, and to all the people at large who are in a position to influence their leaders. I appeal to them to exercise their sanity and begin to work at dismantling and destroying all nuclear weapons. We know that in the event of a nuclear war there will be no victors because there will be no survivors! Is it not frightening even to contemplate such inhuman and heartless destruction? And, is it not logical that we should remove the cause for our own destruction when we know the cause and have both time and means to do so? Often we cannot overcome our problems because we either do not know the cause or, if we understand it, do not have the means to remove it. This is not the case with the nuclear threat.

Whether they belong to more evolved species like humans or to simpler ones such as animals, all beings primarily seek peace, comfort and security. Life is as dear to the mute animal as it is to any human being; even the insect strives for protection from dangers that threaten its life. Just as each one of us wants to live and does not wish to die, so it is with all other creatures in the universe, though their power to affect this is a different matter.

Broadly speaking, there are two types of happiness and suffering—mental and physical—and of the two I believe that *mental* suffering and happiness are the more acute. Hence, I stress the training of the mind to endure suffering and attain a more lasting state of happiness. However, I also have a more general and concrete idea of happiness: a combination of inner peace, economic development and, above all, world peace. To achieve such goals, I feel it is necessary to develop a sense of *universal responsibility*, a deep concern for all irrespective of creed, colour, sex or nationality.

The premise behind this idea of universal responsibility is the simple fact that, in general terms, all others' desires are the same as mine. Every being wants happiness and does not want suffering. If we, as intelligent human beings, do not accept this fact, there will be more and more suffering on this planet. If we adopt a self-centred approach to life and constantly try to use others for our own self-interest, we may gain temporary benefits, but in the long run we will not succeed in achieving even personal happiness, and world peace will be completely out of the question.

In their quest of happiness, humans have used different methods, which all too often have been cruel and repellent. Behaving in ways utterly unbecoming to their status as humans, they inflict suffering upon fellow humans and other living beings for their own selfish gains. In the end, such short-sighted actions bring suffering to oneself as well as to others. To be born a human being is a rare event in itself, and it is wise to use this opportunity as effectively and skillfully as possible. We must have the proper perspective of that universal life process, so the happiness or glory of one person or group is not sought at the expense of others.

All this calls for a new approach to global problems. The world is becoming smaller and smaller—and more and more interdependent—as a result of rapid technological advances and international trade as well as increasing trans-national relations. We now depend very much on each other. In ancient times problems were mostly family-size, and they were naturally tackled at the family level, but the situation has changed. Today we are so interdependent, so closely interconnected with each other, that without a sense of universal responsibility, a feeling of universal brotherhood and sisterhood, and an understanding and belief that we really are a part of one big human family, we cannot hope to overcome the dangers to our very existence—let alone bring about peace and happiness.

One nation's problems can no longer be satisfactorily solved by itself alone; too much depends on the interest, attitude and cooperation of other nations. A universal humanitarian approach to world problems seems the only sound basis for world peace. What does this mean? We begin from the recognition mentioned previously that all beings cherish happiness and do not want suffering. It then becomes both morally wrong and pragmatically unwise to pursue only one's own happiness oblivious to the feelings and aspirations of all others who surround us as members of the same human family. The wiser course is to think of others also when pursuing our own happiness. This will lead to what I call "wise self-interest", which hopefully will transform itself into "compromised self-interest", or better still, "mutual interest".

Although the increasing interdependence among nations might be expected to generate more sympathetic cooperation, it is difficult to achieve a spirit of genuine cooperation, as long as people remain indifferent to the feelings and happiness of others. When people are motivated mostly by greed and jealousy, it is not possible for them to live in harmony. A spiritual approach may not solve all the political problems that have been caused by the existing self-centred approach, but in the long run it will overcome the very basis of the problems that we face today.

On the other hand, if humankind continues to approach its problems considering only temporary expediency, future generations will have to face tremendous difficulties. The global population is increasing, and our resources are being rapidly

depleted. Look at the trees, for example. No one knows exactly what adverse effects massive deforestation will have on the climate, the soil and global ecology as a whole. We are facing problems because people are concentrating only on their short-term, selfish interests, not thinking of the entire human family. They are not thinking of the earth and the long-term effects on the universal life as a whole. If we of the present generation do not think about these now, future generations may not be able to cope with them.



# **KILLING, LETTING DIE, AND THE ALLEGED NECESSITY OF MILITARY INTERVENTION**

**Laurie Calhoun**

## *Abstract*

Recent international developments have introduced the possibility of war waged on behalf of people unable to defend themselves, and when the attacking parties' interests appear not to be at stake. Are purely military forms of "humanitarian intervention" sometimes morally required? Can such military missions be reconciled with the widely held belief in the moral distinction between killing and letting die? In exploring these questions, the two dominant paradigms in writing about war are considered: just war theory and utilitarianism. The moral centrality of intentions emerges through an explanation of the distinction often made between natural and man-made catastrophe. Ultimately, the alleged permissibility of the "collateral damage" to which military intervention gives rise implies the permissibility of pacifism, thus invalidating the claim that the resort to deadly force is sometimes morally obligatory.

## **Introduction**

In civil society, to terminate another person's life is usually considered a crime. Exceptions to the prohibition against killing must be justified. Most people regard self-defense as permissible, but other forms of killing are far more controversial. Abortion and euthanasia are fiercely debated moral issues because it is unclear whether fetuses are persons and whether human beings have the right to terminate their own lives. Capital punishment is opposed by many on the grounds that the "self-defense" rationale fails, for a convict has already been incapacitated in the relevant way. Nor does there appear to be empirical evidence for any deterrent effect, which some maintain would permit an interpretation of the practice as a form of community "self-defense".

War, the socially coordinated use of deadly force by groups against other groups, prematurely terminates human lives. Because wars involve many different people, moral judgments regarding war and the various actions carried out by military personnel during wartime are highly complex. The diffusion of moral responsibility, characteristic of wartime activity, arises because a variety of agents are contributing in one way or another to what amounts, taken as a whole, to a war. Although leaders wage wars, rarely do modern leaders themselves wield deadly weapons. Rather, leaders order their troops to kill, and, far more often than not, the troops obey (Calhoun, 2002c).

In the standard public justification of war, an enemy nation has acted so as to mandate military retaliation by the victimized nation. The rhetoric of "just retribution" continues to be wielded by leaders, but the United Nations now officially condones the use of deadly force only in the name of defense. Allegedly



“just retribution” metamorphoses all too quickly to vindictive revenge. In the case of individual self-defense, only a threat to one’s very existence could justify the death of one’s aggressor, but less destructive forms of debilitation should be attempted, when feasible.

While the analogy to personal self-defense is frequently invoked and persuasive to many, the notion of “national self-defense” is fraught with difficulties. Because a nation is not a biological organism, the idea that a nation ought to protect its “life” does not apply. Furthermore, while persons are sentient, rational, conscious beings who were born innocent, no nation shares the first three of these properties, and some would insist that the establishment of most nations in existence has involved the victimization of indigenous peoples. In addition, analogies of nations to persons commit the fallacy of composition (Calhoun, 2000). Nonetheless, in spite of what appear to be intractable conceptual difficulties with “national self-defense”, rhetorically persuasive leaders nearly always garner support for their wars through appeal to precisely this notion.

Not all theorists regard war and the military activities within the context of war as susceptible of moral judgment. Two distinct forms of *realism* about war are sometimes conflated. One version of “realism” is simply moral relativism applied to the case of war. According to moral relativists, “Everything is permitted”, so “All’s fair...in war” as in everything else. However, some *soi-disant* “realists” about war uphold the absolutism of morality when it comes to the conduct of individual agents, (whether such a stance is consistent is unclear, given that wars are waged and executed by individual agents). Realist paradigms are frequently invoked in retrospective historical analyses of wars, while philosophers often attempt to reach normative conclusions, invoking one or another well-established idealist paradigm and assessing whether a given conflict passes that paradigm’s test. Leaders themselves invariably justify wars to their populace by appeal to moral frameworks. In public discourse regarding war, the dominant frameworks have been the idealist perspectives of just war theory and utilitarianism.

### **Standard Normative Approaches to War: Just War Theory and Utilitarianism**

Writers in the just war tradition have always insisted that a set of conditions must be met in order for a military campaign to be morally permitted. The just war tradition presumes what is widely accepted in modern societies, that civilians may never kill other civilians, except in self-defense, and even then only as a last resort. By articulating requirements upon a *just war*, ancient and medieval thinkers affirmed as the default position that it is wrong to kill, and that exceptions to this rule must be justified. Specifically, the *jus ad bellum* conditions require that war be publicly declared by a legitimate authority with right intention as a last resort with a reasonable chance for success and for a just cause sufficiently grave to warrant recourse to deadly force. Once justly waged, a war remains just (*jus in bello*) only so long as non-combatants (including prisoners of war and soldiers who surrender) are treated as immune from attack, and the means deployed are not disproportionate to the moral end to be achieved.

Self-defense is often regarded as a cause weighty enough to bear within it the other requirements of just war theory, and literal self-defense may be the only cause sufficiently weighty to justify killing, since any lesser cause would seem to violate the rational constraint of proportionality. Douglas Lackey applies the proportionality constraint in his analysis of the 1991 Gulf War as follows:

Since the damage to Iraq was nearly total, and Iraq is considerably larger than Kuwait, the restoration of Kuwait cannot counterbalance the destruction of Iraq. If Saddam is evil because he has brought so much death and destruction into the world, the moral remedy can hardly be to cause even more destruction and death (1991, p. 278).

Comparing the action provoking retaliation and the retaliation itself in terms of sheer numbers of deaths (several hundred versus several hundred thousand), Lackey's early assessment has become *a fortiori* persuasive more than ten years after the Gulf War. In any case, whether or not just war theorists agree with Lackey's assessment, they do share a commitment to the basic principle of proportionality.

Non-threatening civilians, including children, die in every modern war. According to some thinkers, the requirements of classical just war theory can no longer be met. But self-proclaimed "just war theorists" hold open the possibility of a just war, for they do not typically think that the requirement of non-combatant immunity implies the impossibility of a just war. In their view, so long as non-combatants were not targeted, they have not been wronged when killed collaterally by soldiers fighting in a just war, even if the deaths were foreseen.

The most important (idealist) rival to the just war tradition is utilitarianism. "Utilitarianism" is the ethical theory according to which one ought to act so as to maximize the utility (usually construed as happiness) of the greatest number. If through killing some people in war, one will thereby secure the well-being and/or happiness of the whole group, then utilitarianism deems killing not merely permissible but, further, obligatory. There is a sense in which a utilitarian constraint is built into just war theory, given its proportionality requirement. Although just war theorists insist that there are important distinctions between the two approaches, when leaders explicate their reasons for advocating war, they nearly always appeal to some variant of utilitarian reasoning. Regarding the need to consider consequences, Michael Walzer writes:

...the case for breaking the rules and violating those rights [to life of innocents] is made sufficiently often, and by soldiers and statesmen who cannot always be called wicked, so that we have to assume that it isn't pointless...the very existence of a community may be at stake, and then how can we fail to consider possible outcomes in judging the course of the fighting? At this point, if at no other, the restraint on utilitarian calculation must be lifted (1977, p. 228).

Note that Walzer overlooks a plausible alternative to calling soldiers and statesmen “wicked”. They may simply be ignorant. Walzer also fails to recognize that to accept utilitarian reasoning in war is to accept utilitarianism, *tout court*. To say that “rights always trump”, except when it comes to war, is simply to deny that “rights always trump”. (The expression “rights trump” is derived from Dworkin, 1978.)

Consistent utilitarians are ready and willing even to kill innocent people, if necessary. The alleged permissibility of “collateral damage”, and the euphemistic manner in which it is described by the military and the media alike, is perfectly in keeping with the utilitarian outlook. In view of the virtual inevitability of non-combatant civilian deaths attending any decision to resort to military intervention in the modern world, some contemporary scholars maintain that *only* utilitarian reasoning could justify war. Furthermore, international law now prohibits the waging of war for purely punitive or retributive causes (Richard Regan, 1996, chapter 3). Wars may be waged only when they will lead to an overall improvement in the current state of affairs. The “self-defense” rationale for war seems to many to be fairly straightforward in the utilitarian framework. If more people will die if one does nothing than if one goes to war, then, in this view, one is morally obliged to go to war.

The major distinction between the “just war” and the classical utilitarian approach is that the former insists upon the moral centrality of intention, while the latter does not. Intentions are, strictly speaking, morally irrelevant in utilitarianism. If a military campaign does not lead to an overall improvement in the state of affairs for all members of the moral community, then, according to classical utilitarianism, the executors of war have acted wrongly, even if they had the best of intentions. In contrast, the just war tradition demands that the *jus ad bellum* requirements be fulfilled, including right intention and just cause, in order for a war to be waged justly. Only a war waged with moral intention could be conducted justly, but some justly waged wars are conducted unjustly, viz., those in which the requirements of *jus in bello* are violated.

In its insistence upon moral intention, just war theory may seem more complex and demanding than utilitarianism. However, in another sense, just war theory is less demanding, for it permits radically divergent interpretations of the same sets of historical circumstances. Just war theory requires that there be a *reasonable chance for success*, while utilitarianism requires success *tout court*, an objective improvement in the state of affairs. So, for example, regarding the Gulf War, just war theorists hold every conceivable position ranging along the entire spectrum of possibilities. While some who apply just war theory conclude that the Gulf War was an abomination, others are convinced that it was just. In view of the problem of interpretation, some critics dismiss just war theory on the grounds that it is wielded at least as often for evil as for good ends and is, in reality, the criminal leader’s most deadly weapon. It seems fairly clear that every group that has committed mass murder at the behest of its leader has been persuaded to do so by appeal to an interpretation according to which those killings were “just” (Calhoun, 2002b).

But the problem of interpretation is pervasive and hardly unique to just war theory. Although utilitarianism is an ostensibly simpler theory, an accurate assessment of the morality of a war would require that one consider all

consequences of the resort to deadly force, a daunting task indeed. In reality, seldom are more than the immediate consequences of prospective military action taken into account. Ultimately, the conclusion one reaches through applying utilitarianism to a particular instance of war will depend upon the length of time over which one conducts one's analysis. While military action may seem to be the optimum solution in the short term, induction on the wars of the twentieth century might, in contrast, lead one to conclude that recourse to war will never maximize utility (Calhoun, 2002a).

In the end, we will be plagued by the problem of interpretation whether we favor just war theory or utilitarianism (or vacillate between the two). Still, from the perspective of either the "just war" or the utilitarian approach, we can appreciate Lackey's concern with proportionality. Although he focuses upon "Bush's Abuse of Just War Theory", Lackey's criticism of the Gulf War can be read equally plausibly as a utilitarian critique. The crucial point is that, in considering whether to resort to the use of deadly force, a leader must, morally speaking, bear in mind the consequences of his actions for his fellow human beings. According to utilitarianism, the right action maximizes the happiness of the greatest number. If waging war will result in a better net outcome, then war must be waged, and unless war will result in a better net outcome, war may not be waged. But just war theory, no less than utilitarianism, proscribes wars that culminate in pyrrhic victories.

### **Intervention, Sovereignty and Supererogation**

In spite of our default presumption against killing, when a person succumbs to disease or malnutrition, we do not hold morally culpable all those who might have saved the victim. There are two notable exceptions: parents are held responsible for their children's death through neglect, and physicians for deaths caused through their malpractice of medicine. Special responsibilities derive from the parents' or the physician's special relation to the victim.

Military missions of "humanitarian intervention" pose new and unanswered questions, for the attacking nations are not direct parties to the dispute allegedly justifying recourse to war. The widespread belief in the necessity of a "self-defense" rationale for killing explains why "humanitarian" military missions are often regarded with suspicion by both the populace and military personnel. Since, by definition, self-defense is self-referential, non-interventionists regard missions such as NATO's 1999 attack upon Kosovo as illegitimate, at best officious and at worst immoral. Of course, cynics about particular conflicts often insist that, during wartime, the self-interest of a nation *masquerades* as a moral cause weighty enough to justify the annihilation of innocent people. For example, (then) President George Bush justified the Gulf War sometimes as a reinstatement of justice and sometimes as "self-defense":

The state of Kuwait must be restored, or no nation will be safe, and the promising future we anticipate will indeed be jeopardized (cited in Sifray and Cerf, 1991, p. 229).

Many people suspected that what really motivated Bush and other United States strategists was concern over the control of oil in the region. This suspicion accrued plausibility through a sober consideration of the many previous cases of “naked aggression” committed throughout the world, and against which the United States had taken no action whatsoever. “National prudence” or political realism and morality are often conflated in public discourse about war.

According to some theorists, interventionism raises problems tangentially related to the issue of “self-defense”. Michael Walzer (1977) argues for communities’ rights to self-determination and the state sovereignty, which this implies. In Walzer’s view, only in extreme cases, what he terms “emergencies” of the magnitude of genocide, can intervention in the affairs of another nation be justified. According to advocates of state sovereignty, the right to self-defense on the part of a nation is so weighty that most (if not all) intrusions by other nations constitute veritable declarations of war against the people of the trespassed land. This idea, that the people of a nation have the right to contend with their own problems, is not simply a curiosity of political theory. Members of communities who regard intervention as in some sense degrading hold precisely this view. As an illustration of this perspective, in Randa Chahal Sabbag’s film *Civilisées* (2000), based on the twenty year civil war in Lebanon, soldiers attack a representative of “*Médecins sans frontières*” who insists that he has come to help them. Notably, even one of the wounded soldiers, who presumably would benefit directly from medical assistance, spurns the French doctor, telling him to mind his own business. The crux of this controversy revolves around the level and quality of political content that may be required in order for an established state to merit sovereignty. Some writers insist that other peoples have the right to erect and maintain state structures that we may view as unjust. Others would deny the status of “sovereign state” to incurably unjust structures (Beitz, 1980).

Champions of sovereignty reject the validity of any military mission that does not bear directly upon the attacking nation’s interests. But war advocates who believe that leaders are not morally obliged to weigh the interests of all people equally may insist (somewhat less emphatically) that no nation could be *required* to help outsiders in need, though this may sometimes be *permitted*. “Humanitarian interventions”, by definition, do not involve the “vital interests” of the intervening nations. Accordingly, it is sometimes said that the military personnel in such cases are acting supererogatorily, “above and beyond the call of duty”. In this view, the beneficiaries of military intervention should simply be grateful that any form of assistance whatsoever has been offered. The idea here is that, since the intervening nations are doing the recipients of their action a favor, to which they are in no way entitled, they have no grounds for complaint when the mission is not a resounding success.

Wars of “supererogation” may not cohere well with the requirements of just war theory, according to which just war is always a last resort and should not be undertaken without a reasonable prospect for success. To claim that war is a “last resort” is to assert that the situation is desperate. But it does not make sense, in a truly desperate situation, to select one’s strategies by appeal to popular opinion polls or the guiding principle that one’s own soldiers ought under no circumstances to be

harmed, even at the price of non-combatant lives. Yet precisely such considerations seem to have guided NATO strategists who refrained from deploying ground troops in the 1999 bombing campaign in Kosovo. By refusing to risk the lives of military personnel, strategists may significantly decrease the probability of success, making it far more likely that the entire mission will have been otiose or that the outcome will be worse than had they done nothing at all. In other words, while in the just war framework a war may sometimes be *waged* supererogatorily, it would seem that once war has been waged, the required *jus in bello* observation of non-combatant immunity precludes the deployment of means that decrease soldier casualties at the cost of civilian lives.

### **Interventionism as Consistent Utilitarianism?**

When leaders speak in utilitarian terms, they focus primarily on the net outcome for their own nations. As administrators, it is the primary professional duty of national leaders to be solicitous of their own citizenry. The possibility of “humanitarian intervention” might thus seem simply to require that leaders be less chauvinistic “utilitarians” than is ordinary. For example, United Nations Secretary General Kofi Annan’s mandate that powerful nations be more consistent in their interventions, rather than becoming involved only when their own interests are at stake, is a call to view all human beings as members of a world community (Williams, 2000). According to Annan’s cosmopolitan picture, what really matters is the outcome for humanity, not simply the net outcome for one’s own countrymen. If every life is equal to every other life, then a leader should not be more willing to fight wars abroad simply because his own nation’s civilian population will be at little risk during the conflict. Civilians are always at risk of death in modern war, but in a consistent utilitarian framework, according to which one’s place of birth is morally irrelevant, the members of one’s own community should not be prioritized to the members of other communities. Assuming that moral persons are human beings, one should not weigh more heavily one subset of humanity than another, even if one happens to be a national leader.

Precisely because national self-interest does not appear to be lurking behind the official (public) justification for military missions classified as “humanitarian”, actions such as that carried out in Kosovo by NATO seem less suspect to some liberals. Many people who vehemently opposed the Gulf War were not so averse to (and some even supported) NATO’s 1999 campaign in Kosovo, for its rationale appeared untainted by morally dubious ulterior motives. But, in retrospect, it seems difficult to reconcile the allegedly benevolent intentions of the attackers with their *modus operandi*. Non-combatant deaths and massive damage to civilian structures were directly effected by NATO during a campaign allegedly initiated to assist the Kosovars. If NATO was concerned with the plight of the people of Kosovo, then why were areas densely populated with civilians bombed? Why did ground troops not directly confront the enemy soldiers whose actions the campaign was supposedly intended to stop? Why did NATO reduce to rubble so much of the infrastructure of these people’s society? If the purpose of bombing “dual targets” such as bridges, power plants, and radio stations was to demoralize the civilian

population to the point that they would rise up against Yugoslav President Milosevic, then was not NATO using the civilians of Kosovo as means to its own military and political ends? Unalloyed benevolence does not obviously cohere with the type of insouciance regarding civilian casualty risk that attends the bombing of city centers.

Those who deny the legitimacy of “supererogatory wars” maintain that, because all military missions result in the deaths of people who might not otherwise have died, in “humanitarian interventions”, military personnel should be held to *even higher standards* than usual when it comes to non-combatant immunity. One “usual” standard involves “the doctrine of double effect”, by appeal to which just war theorists have for centuries interpreted the requirement of proportionality. In this view, unintended though foreseen deaths of persons officially immune from attack are permissible so long as they are not disproportionate to the moral end to be achieved. The other “usual” standard is provided by utilitarianism: the outcome of a morally permissible action must represent a net improvement in the overall state of affairs for all those concerned. Perhaps a “higher than usual standard” would combine the two requirements, but, again, some would say that the proportionality constraint of just war theory already embodies the utilitarian concern with consequences.

That military forms of “humanitarian intervention” must be especially observant of non-combatant immunity would seem to imply that an outside nation should be inclined to eschew intervention except in worse case scenarios (a position defended by Walzer and others). But, in the utilitarian picture, a life is a life. There is no extra value attached to non-combatant life, nor any reason to think that it is somehow intrinsically worse to kill a civilian than a soldier. Because utilitarianism does not accommodate our ordinary notion of “supererogation”, military intervention is never *optional* in a consistent utilitarian view. Only one action maximizes the utility of the greatest number, so any particular action *either* is obligatory, *or* it is forbidden. In a given set of circumstances, a leader will be morally obliged *either* to wage war *or* to refrain from doing so. Correlatively, a particular policy within a campaign, such as the decision of NATO leaders not to deploy ground troops in Kosovo, *either* is permissible, which is to say obligatory, *or* it is forbidden. If the refusal to deploy ground troops resulted in a less than optimum outcome, then that policy was simply wrong.

### **“Humanitarian Interests”**

In contrast to utilitarianism, just war theory provides a framework for defending not the moral *obligation*, but the moral *permissibility* of waging war. Nonetheless, during times of war, the rhetoric of justice becomes hyperbolic and the aspersion of the enemy nearly always absolute. It appears obvious to many that it is *permissible* to combat “Hitler”, the task remaining only to show how *obligatory* war has become. Because the permissibility of fighting “Hitler” seems so patent, war opponents often strike war advocates as ridiculous, certainly confused, if not downright immoral. Along such lines, one might claim that, in prospective cases of “humanitarian intervention”, even where the economic interests and integrity of

one's own community are not in jeopardy, a broader set of "vital interests", on the part of humanity, may be involved. Human beings should not be in the business of killing other human beings, and least of all as matters of institutional policy on a large scale. Thus all nations have interests at stake in preventing and halting the murderous policies of criminal regimes. Advocates of military intervention insist that recourse to deadly force is sometimes necessary. When the very existence of an ethnic or religious group hangs in the balance, outsiders may feel that they cannot simply stand by. The credibility of this stance might seem to fly in the face of the habitual refusal on the part of first world nations to intervene in notorious cases such as Rwanda. "Humanitarian interest" rationales also seem *prima facie* inconsistent with the refusal on the part of wealthy nations to provide significant aid to countries whose inhabitants succumb far more often to starvation, illness and natural calamities (such as floods, earthquakes and freezes) than to death by murder. Why should it be morally obligatory to save people from each other but not from non-human foes such as droughts, disease, famine and other natural disasters?

Those who morally distinguish man-made from natural disaster reason that death by murder is a direct result of volitional human action. In contrast, the mere lack of food, medicine, potable water, shelter, etc., is not attributable to malevolence on the part of human beings, and this is why instances of the former, but not the latter, involve "vital humanitarian interests" and thus necessitate intervention. Drawing such a distinction between artifactual and natural disaster is certainly the most charitable way of explaining what may appear to be inconsistent behavior on the part of nations far more willing to provide assistance in the form of deadly weapons than in the form of life sustaining food, water, and medicine. For example, the attitude of U. S. leaders vis-à-vis the AIDS epidemic in Africa can be understood along these lines. In this view, AIDS is a non-human enemy, so, although the entire continent of Africa is being ravaged by the disease, U.S. leaders have not felt obliged to offer significant assistance to combat and prevent the spread of the disease beyond its own national borders. The moral import of the distinctions between (1) man-made and natural catastrophe and (2) killing and letting die is crucial to any plausible defense of the United States' relative insouciance toward the plight of the people of Africa during the AIDS era.

Utilitarianism effectively denies the distinction between killing and letting die. A death is a death, no matter how it transpired. Utilitarianism would also appear not to distinguish between human and non-human generated disaster. Disaster is disaster, culminating in the loss of life. The origin of disaster is morally irrelevant. What matters, according to utilitarians, is that utility be maximized through one's response to disaster. Accordingly, it is unclear that a utilitarian can coherently support destructive military intervention (or the provision of deadly weapons to other groups) while neglecting to provide other forms of positive aid, for what matters, at the end of the day, is whether or not utility has been maximized. If a given amount of money provided in the form of medicine would save more lives than an equivalent amount of money provided in the form of bombs, then the consistent utilitarian must opt for the former rather than the latter allocation.

The distinction between killing and letting die, though rejected by utilitarians, is widely affirmed in our ordinary moral practices and crucial to just war theorists'

explanations of the moral permissibility of “collateral damage” (Calhoun, 2001c). Because military means of “humanitarian intervention” effect the premature deaths of human beings, defending such missions may require that we forsake our ordinary distinction between killing and letting die. On the one hand, in civil society, we uphold the moral significance of this distinction. On the other hand, during wartime, advocates of military forms of “humanitarian intervention” relax the distinction, sometimes going so far as to characterize war opponents as “cowardly”, “incoherent”, or even “immoral” for failing to intervene to stop the slaughter of people by criminal regimes. But advocates of military intervention often seem to want to have it both ways, insisting that military action, which will (in the modern world) result in the deaths of innocent people, is sometimes necessary, while denying that positive assistance is morally obligatory in other sorts of cases. Is this position consistent?

### **The Importance of Intentions**

In civil society we sharply distinguish positive cases of killing from negative cases of omission, wherein an agent refrains from helping. Parents and physicians are exceptions, for they have extra obligations to attend to the needs of children and patients. But even physicians and parents have incurred special obligations only to their own patients and/or own children, not to all of the people or children of the world. The simplest way of understanding the importance we ascribe to this distinction is that positive action is presumed to reflect a positive intention, while negative omission is presumed merely to evidence a lack of intention. In cases of negligence and malpractice, agents are held culpable for deaths resulting from their failure to attend (positively) to the needs of victims to whom they are specially related.

Moral relativist Gilbert Harman (2000) offers an alternative explanation for our ordinary distinction between killing and letting die (or negative and positive duties), viz., that morality is purely conventional, arrived at through a process of sometimes overt but usually tacit “bargaining”. A requirement not to harm would benefit both the rich and the poor, but a requirement to provide positive assistance would benefit the poor at the expense of the rich. Harman regards the existence of this distinction in our ordinary morality as evidence for the thesis of moral relativism. However, unlike Harman, those who defend the recourse to deadly force on moral grounds operate under the assumption that moral absolutism is true (Calhoun, 2001a).

In the just war framework, the distinction between “collateral damage” and “war crime”, mutually exclusive interpretations of positive and deadly actions, can only inhere in the *intentions* of the agents involved. The “doctrine of double effect” is a test for the moral permissibility of the “collateral damage” killings brought about during a war. According to the doctrine of double effect, non-combatants may never be targeted, either directly or indirectly as a means to another objective, but sometimes non-combatants may be killed, as an unintended though perhaps foreseen side effect. So, for example, if an elementary school is situated in the vicinity of a crucial military target, then bombing the military target may still be permissible, though doing so will in all probability result in the destruction of the

school and the deaths of numerous innocent children and teachers. In contrast, the doctrine of double effect would not sanction the direct targeting of the school, because non-combatants are immune from attack. Controversial cases arise when so-called “dual” targets, such as electrical power plants, radio stations, oil refineries and even water treatment plants are positively targeted during a war, as some of these were in Kosovo and all of these were in Iraq. What might “non-combatant immunity” mean, if densely populated civilian areas and structures basic to civil society are regarded by military strategists and spokesmen as legitimate targets?

Other people’s intentions are ultimately inaccessible. Accordingly, utilitarian analyses of the rightness or wrongness of human actions are in one way straightforward, for they do not require the divination of any actor’s intentions. As one example, consider U. S. President Truman’s atomic bombing of Japan in 1945. When Truman bombed Hiroshima, what did he intend? It might be difficult to imagine how a leader could deploy an atomic bomb in a location densely populated with civilians without in some sense *intending* that those within the radius of destruction be affected. Understandably, then, Truman apologists invoke utilitarianism in their explanations of his action. Difficult though it may have been, say Truman’s defenders, the deployment of the atomic bomb in Hiroshima actually saved human lives by bringing the conflict to a relatively swift conclusion rather than permitting protracted conventional bombings to continue on both sides. Is the utilitarian vindication of Truman correct? Retrospectively, utilitarian defenses always rest upon speculative historical counterfactual conditionals. Things might have been worse, or they might have been better. Which would they have been, had Truman not done what he did?

Utilitarian rationales are equally dependent upon projections of multi-variable functions when planning for the future. Will a prospective action ameliorate or exacerbate the current situation? Because the utility of an action is a function of the desires, beliefs and values of many different people, utilitarian calculations may seem to require supra-human abilities (indeed, omniscience) even in the more local and seemingly unproblematic cases. To confound matters, how the world will be affected by one’s own actions is crucially dependent upon how other persons are acting simultaneously. The net utility of an action is determined by a nexus of factors, including actions performed by a variety of agents. Still, after the fact, interpretations of military actions often take on a utilitarian cast, as in the defense of Truman sketched above. Sheer numbers of human lives are usually regarded as a crude proxy for utility, for only living agents can be the repositories of utility. Due to the seemingly intractable epistemological problems associated with utilitarianism, some of the theory’s defenders have proposed amendments such as defining “right actions” as those which can be *reasonably foreseen* to maximize the utility of the greatest number. If *ought* implies *can*, then no one could be required to do the impossible, so in assessing the morality of an action, what should matter is the agent’s *intention* to maximize utility.

Thus, superficial appearance to the contrary, the importance accorded intentions in moral matters need not diminish through affirming utilitarianism. Indeed, the typical utilitarian defense of Truman may well be parasitic upon a prior assumption regarding his moral intentions. Even those who condemn Truman’s actions in Japan

do not generally think that his *primary* intention was to cause thousands of innocent people to suffer and die. Nor did Truman intend to cause birth defects in the next generation of Japanese. Only under the assumption that Truman *intended* to stop the war would one be inclined to defend Truman along utilitarian lines. Assuming that Truman was not simply a mass murderer *tout court* (who would have bombed Hiroshima even if Japan had already surrendered), the harm that Truman wreaked upon the Japanese people was an unfortunate “side-effect” of his moral intention to stop the war. Of course, the problem with using intentions to dispel moral culpability for the deaths in which military actions result, is that the same logic applies to both sides of most conflicts. The doctrine of double effect insists upon the relevance of intentions in ascribing moral culpability for the deaths of other people, but when military personnel kill on command, their leaders have invariably characterized the deaths as mandates of justice. There may be rare cases in which an agent himself claims to be doing evil for the sake of evil, but far more frequently agents pursue what they take to be a good end through what they acknowledge are unsavory though necessary means. War thus construed is an instance of the more general “problem of dirty hands”, the alleged incompatibility of moral and administrative excellence. Consistent utilitarians reject “dirty hands” analyses as delusive, on the grounds that one’s moral obligations are univocal. If by waging war a leader will bring about a better net set of consequences, then it matters not, in the utilitarian picture, that doing so will culminate in the deaths of some innocent people.

### **War Opponents and Double Effect**

Military forms of “humanitarian intervention” are alleged by some to be morally obligatory under certain circumstances. One assumption made in accusing war opponents of “immorality” is that it is impermissible *not* to help those in need, that to fail to react is to capitulate to evil (Johnson, 1984). Even in the limiting case, where the pacifist refuses to fight back when personally attacked, critics claim that, by refusing to defend himself, the pacifist surrenders to evil. But, strikingly, the very doctrine of double effect so frequently invoked by military spokesmen to absolve their personnel from culpability for “collateral damage” deaths serves equally well to absolve pacifists from any responsibility for the deaths to which their inaction might be said to lead. The pacifist *intends* not to capitulate to evil but, rather, to not kill human beings. In other words, if intentions are constitutive of morality, then the war advocate has no real case against the pacifist. (Interestingly enough, St. Augustine himself, arguably the father of just war theory, considered killing in literal self-defense to be impermissible, a manifestation of covetous attachment to terrestrial life.)

War opponents naturally reject the insinuation that their inaction is *causally connected* to the deaths effected by other agents. The causal nexus is far too complex and their own threads to the deaths much too tenuous to ascribe responsibility to war opponents for other people’s acts of killing. Moreover, if the murderers suddenly decided not to kill their victims, the pacifist’s plan of action would in no way be altered. The pacifist “intends” the negative consequences of

refusing to fight back neither as an end nor as the means to the deaths brought about by other agents. In other words, the deaths said by some war advocates to “result” from the pacifist’s inaction are, *at the very worst*, a form of “collateral damage” (Holmes, 1989). Perhaps if the war opponent does nothing, then a murderer will kill innocent human beings. But the pacifist cannot (reasonably) be held responsible for and surely ought not to bear the burden of the existence of evil in the world. If *ought* implies *can*, then no one could be morally obliged to prevent all of the people of the world from being killed, for no one is capable of doing that. Strikingly, the very framework by which just war theorists defend actions resulting in the foreseen though unintended deaths of innocent people, simultaneously exonerates the pacifist. If “humanitarian intervention” is best construed as supererogatory, then the pacifist is nonetheless vindicated, merely declining to fight where the just war theorist allows that it is permitted.

Pro-military champions of sovereignty may retort that defending one’s self and one’s fellow citizens is a special case, since one has special connections to these people and, therefore, relational duties to them, on analogy to the cases of the parent and the physician. Such a position would seem to be unsound in a consistent utilitarian framework, if it is true (as is plausible) that where one happens to have been born is morally irrelevant. And surely no one is morally obliged to support the local regime in power simply because it is the local regime in power. Counter examples such as Nazi Germany leap immediately to mind. Obviously, if the leaders of one’s nation are evil, then the last thing that one should do is support them. But, given that all criminal leaders lie to their people, one really has no way of knowing, contemporaneously, whether one’s current leaders are criminals or not. Tragically, the leaders most adept at molding the information to which their citizenry are provided access may well be the most criminal of all. Even under the assumption that the distinction between just and unjust wars can be made, we know from history that all leaders rally their troops by claiming to have justice on their side. Accordingly, a pacifist may quite rationally reject all calls to war on the grounds that at least half of all rationales offered by leaders throughout history have been duplicitous or confused. If it is always wrong to kill human beings, then no leader’s call to war should ever be heeded by anyone.

### **War Opponents as Long-Range Utilitarians**

Due to the nature of weapons and the structures of societies in the modern world, military interventions result in the deaths of people who would live were it not for the willingness of other people to opt for the use of military force in circumstances of crisis. Perhaps the most significant distinction between war advocates and opponents is the breadth of their vision of history. Calls to arms satisfy an immediate desire to take action and effect a swift solution to a difficult conflict. But the swiftest solution is seldom the best solution. In order to fashion a response that will have some chance of improving rather than aggravating the situation, one must assess the events and circumstances leading up to the present crisis. How did the world become such a murderous place?

A long-range utilitarian recognizes the ultimate inefficacy of “quick fixes” and the masking of symptoms with no attention to root causes of deadly strife. The dictum “violence breeds violence” succinctly expresses the long-range utilitarian’s concern that the *last* way to put a halt to killing is to engage in yet more killing. Likely consequences of the recourse to deadly force by powerful nations are not difficult to predict. Bombing campaigns create new victims who view themselves as unjustly harmed and often seek revenge. The use of deadly force by nations serves as a highly visible example of what are supposedly appropriate means to conflict resolution. In this way, military campaigns perpetuate and reinforce the view that killing is sometimes required in the name of morality, a view, which is of course, shared by factional terrorists and vigilante killers. By deploying military means, nations also frustrate progress toward the establishment of an effective international war crimes tribunal for the prosecution of criminal leaders. Finally, and, most importantly of all, military states produce and distribute weapons internationally, thus concomitantly empowering (indeed, creating) future potential despots. Unfortunately, these sorts of utilitarian considerations are virtually never entertained by policy makers during times of conflict. Leaders galvanize support for their wars by appealing to short-term consequences, usually in conjunction with claims about the injustices committed by their adversaries.

From the perspective of a long-range utilitarian, military missions are “quick fixes” in that they bring to a halt conflicts presumed to be situated in a limited time and space coordinate. But apparently isolated conflicts never occur in a vacuum and have consequences that invariably ramify in many directions and well into the future. Military actions are preceded by events that led one group to cross over the proverbial “line”, beyond what another group will tolerate. Given the default proscription to intentional killing within society, no military campaign considered out of context could withstand a moral analysis. While the results of a “just war” analysis require consideration of the stated cause of a military mission (in addition to an assessment of the other requirements of *jus ad bellum*), the results of a utilitarian analysis depend entirely upon the length of time over which one reflects upon history. In actual practice, it is nearly always presumed to be the time of the act of destruction or mass murder immediately preceding the violent retaliation currently being defended. But consider, for example, the plight of Iraqi civilians in the aftermath of the Gulf War. To some it seems quite difficult to understand (much less justify) “the silent war” of more than a decade that continues to victimize innocent people, and which is said to have been provoked by an act of naked aggression ordered in 1990 by Saddam Hussein, a dictator. Tragically, many of the recent victims of U.S. policies in Iraq were not even born at the time of Saddam Hussein’s invasion of Kuwait. Orders of magnitude more people were destroyed by the response to what was deemed “naked aggression”, than by the invasion of Kuwait itself.

### **Concluding Remarks**

People often appeal to utilitarianism when retrospectively defending military actions such as Truman’s bombing of Hiroshima. However, utilitarian defenses of

recourse to deadly force do not fare well when a broader time slice of history is considered. In addition, while most people seem to accept the distinctions between (1) natural and manmade disaster and (2) killing and letting die, these distinctions are untenable in the utilitarian picture. Military supporters are more than willing to forsake our ordinary distinction between killing and letting die when it comes to responding to the conduct of a criminal regime, often insisting that the use of deadly force is morally required. But rarely do military supporters so enthusiastically advocate the provision of life-sustaining resources to the people of other lands in crisis. Yet it is obvious that food, water, clothing, shelter and medicine tend to sustain the lives of people, in stark contrast to bombs, which terminate human lives and destroy the fruits of human labor. Although the epistemological problems with utilitarianism are ultimately insoluble, it can hardly be denied that the bombs are inherently destructive of life and property, while food, water, clothing, shelter and medicine are not.

A multitude of economic and political forces conspire to shape foreign policy and impel leaders to engage their nations in war. Not unrelated to the distinction between manmade and natural catastrophe is the fact that most of the weapons in existence were exported by first world nations (the leading exporter being the United States) to less powerful and, more importantly, less stable nations. It is essential to recognize that criminal dictators are not born but made. Until empowered, no person can commit crimes against humanity. An inductive analysis of the wars of the twentieth century leads one quite reasonably to predict that exported weapons will at some point be used to murder human beings. Accordingly, one way of gauging the sincerity of nations involved in allegedly “humanitarian interventions” such as occurred in Kosovo in 1999 would be to examine their own policies regarding weapons exports. Massive amounts of money are allocated by powerful nations to the production of deadly weapons, all in the name of morality. But surely many cases of starvation and disease could be prevented through the simple redirection of military resources. The provision of medical assistance to combat AIDS in Africa would seem to be one case where redirection of resources might eventually save millions of lives. The fact that nations such as the United States are so loath to offer assistance in any form other than military destruction provides some evidence for the claim that apparent cases of disinterested intervention are really self-serving, when all is said and done.

Although major weapons exporters do not typically (at least not wittingly) provide their declared enemies (and associated allies) with weapons, it is indisputable that regimes remain in existence, on average, for shorter periods of time than do stockpiled weapons. Furthermore, international allegiances ebb and flow with the changing political climate. Because the weapons supplied to a given regime will be transferred to (or appropriated by) the successor regime of a nation, the only way to avoid aiding and abetting a future regime is to halt the transfer of weapons across national borders (Calhoun, 2001b). Unfortunately, little work toward “humanitarian intervention” is done along preventative lines. Rather, powerful nations tend to wait until massive havoc has broken out before considering the possibility of retaliatory bombing. But surely the best way to minimize the probability of slaughters by future regimes would be to halt the exportation of

weapons today. What could be less objectionable than to prevent the creation of future criminal dictators? The tragic irony of weapons commerce in the contemporary world is that the figures who evolve into enemies of human rights were supported, either directly or indirectly, by the international community during the formative phases of their military careers.

War results in the deaths of people who often have nothing to do with the crimes allegedly justifying violent retaliation. Although the moral permissibility of “national self-defense” is uncritically accepted as a justification for massive military expenditures, in reality, the modern means of “rescue” deployed during times of crisis are bombs, the effects of which are purely nocent. To interpret ghastly acts of destruction such as the demolition of water treatment facilities (with long-term ramifications for civilian life) as strategies of “self-defense” stretches credulity. While according to just war theorists intentions are crucial, virtually any action can be interpreted as permissible, provided only that it be construed as the “collateral damage” to a good end. The doctrine of double effect forgives Truman and Bush, but Hitler, Hussein, and factional terrorists no less.

Finally, to accept the doctrine of double effect, as any just war theorist concerned about defending the legitimacy of war in the modern world, is simultaneously to vindicate the categorical opposition to war championed by pacifists. By reacting with violence to the acts of the murderous tyrant, war advocates capitulate to evil, their own actions having become purely reactive. War advocates (whether just war theorist or utilitarian) allow the criminal regime to transform them into killers (or accomplices). In contrast, pacifists refuse altogether to descend to the level of the killers. Accordingly, pacifists have no need to indulge in the self-delusive casuistry of “double effect” rationalization of killings foreseen though unintended. War opponents categorically refuse to permit killers to mold them in their own image. Pacifists alone uphold the motivating premise of absolutism, that the killing of human beings is morally forbidden. The morally high-minded war advocate’s resort to deadly force is aptly characterized by the war opponent as follows: “The road to hell is paved with good intentions”.

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# THE ISLAMIC PARADIGM OF NATIONS: TOWARD A NEO-CLASSICAL APPROACH

Amr G.E. Sabet

## Introduction

As late as 1966, Martin Wight could still pose the question: “why is there no international relations theory?” By this he meant the absence of a tradition of speculation about relations *between* states, family of nations, or the international community, comparable to that of political theory as speculation *about* the state. To the extent that it did exist, it was marked by “intellectual and moral poverty” caused both by the prejudice imposed by the sovereign state and the belief in progress (Wight 1995: 15-16 & 19). Unlike political theory, which has been progressivist in its concern with pursuing interests of state as “theory of the good life”, international politics as the “theory of survival” constituted the “realm of recurrence and repetition” (Wight 1995: 25 & 32). Essentially, therefore, it had nothing new to offer.

This challenging viewpoint spawned a dynamic of intellectual activities, which by the 1990s had enriched the discipline of international relations in ways earlier unforeseen. The assumptions of repetitiveness and recurrences, which had hindered the field’s potential for expansion and risked limiting its horizons, were contested. No longer was the field constrained by a preoccupation with state survival or lack of appropriate concepts with which to theorize about global politics. The discipline drew on advancements in the cognate fields of social and political theory, which opened new horizons of theoretical unfolding. It became sufficiently enriched and diversified to be able to challenge claims to a “consensually recognized or determined” nature of world politics and to overcome conceptual paucity and rigidity (Burchill & Linklater 1993: 7-8).

Much of what Wight had indicated in the 1960s may not be as pertinent to the current state of Western international theory, given the gamut of intellectual developments that have taken place since. In surpassing the simplicity of earlier approaches, the field, in fact, became a victim of its own success. Well into the 1990s it continues to suffer from a lack of an authoritative paradigm on the one hand, and a confusing array of proliferating paradigms on the other (Holsti 1985: 1-7). Nevertheless, the dynamism exhibited in addressing these contentions reflected a positive attitude toward problem solving, the highlighting of which could perhaps inspire similar outlooks among constituents of diverse cultures.

Alternatively, there appears to be a continued streak of relevance in this caveat as far as a potential Islamic theoretical counterpart is concerned. Since classical times around the 8<sup>th</sup> century AD onwards, the Islamic paradigm of law

of nations basically divided the world into two opposing domains. One constituted the abode of Islam (*dar al-Islam* or *Pax Islamica*), comprising the “sovereign” Islamic State ruling over both Muslims and protected non-Muslim communities (See Fig. 1).

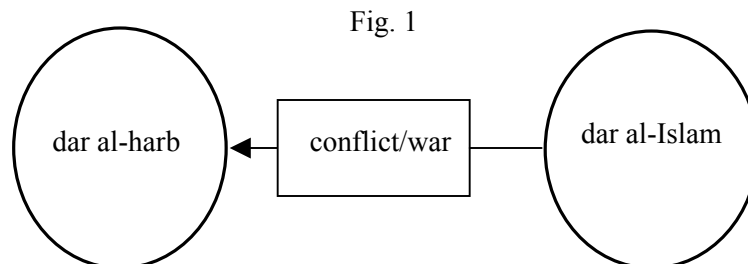


Fig. 1 represents the simple classical Islamic Theory dividing the world into the two broad categories of abode of Islam and abode of War (*harb*).

The other, falling beyond the pale of *Pax Islamica*, represented the abode of war (*dar al-harb*) (Khadduri 1966: 11). This law of nations was not considered to be separate from the broader aspects of Islamic jurisprudence, but rather as an extension of the *Shari'ah* or sacred law. As it developed over time and found its full expression under the Abbasid Dynasty (750-1258 AD), it came to acquire some kind of “sacrosanct soundness” as part of the *Shari'ah* itself (Al-Ghunaimi 1969: 133). Hence it made no clear distinction between the sources and sanctions of domestic or municipal law, and the analogous categories pertaining to external relations (Khadduri 1966: 6).<sup>1</sup> Islamic external outlook, thus, came to be persistently based on perceptions of foreign relations as guided and heavily influenced by a religiously based “domestic analogy” (Suganami 1989: 9). This was natural given the universality of Islam, and the fact that *dar al-harb* was not recognized on an equal footing as legitimate or sovereign. It was the territory yet to be brought from the “state of nature” into the fold of the Divine (Khadduri 1966: 13).

This static view had much to do with the Islamic paradigm’s religio-legalistic foundation. Since absolute moral values rarely change, theory acquired metaphysical dimensions. Elevated to the religio-moral level, theory lost its essential cognitive characteristics. Despite obvious and unrelenting transformations in the nature and structure of the global system, the classical paradigm endures as the realm of recurrence and repetition. Yet it continues to shape and influence Muslim consciousness, even as it increasingly comes under heavy strains. To what limits, though, could it sustain such influence, in the face of a starkly inhospitable global reality, and, without reinstating the cognitive aspects, has become a question of importance.

Its “analogous” structure further raises questions as to the extent it is possible to develop an Islamic theory of international relations without having first re-delineated this relationship. According to one view expressed by F. L. Oppenheim, “international” law assimilated by a domestic legal system beyond a certain demarcation is likely to contradict its essential qualities. Once crossing a threshold, it would cease being “international” law, as the medium through which relations are conducted between *sovereign* nations (Suganami 1989: 67). The dilemma this poses for Islamic jurisprudence is obvious. In conducting relations with non-Muslim *de facto*, though not necessarily *de jure*, “sovereignties”, whose law is to govern and set the conditions of interaction? To disrupt the inside/outside continuum is to subordinate sacred imperatives to positivist or non-Islamic values. This remains the case even where values may overlap, as the sanctioning source must continue, in principal, to occupy a super-ordinate position. Thus, the basic structure of the paradigm does not allow for conducting foreign relations, and if any sustained relations are to be conducted, the paradigm is rendered inapplicable. Nevertheless, only limited and un-systematized speculation about expanding the theory’s horizons has been pursued, allowing it to be judged by some Muslim scholars, perhaps hastily, as practically anachronistic and irrelevant (Sulayman 1993: 61 & 97).

The purpose of this paper is to introduce new elements of dynamism into the theory’s static structure and hence contribute to reconstructing and reexamining its possible relevance as a *neo-classical* conceptual device. This highly needed “therapy” for theoretical irrelevance aims at restoring “intelligibility” and “awareness” of the theory, and at founding a new, cleaned-up basis for conceptual and methodological construction and formation (Sartori 1984: 50). Ability to conceptualize is a prerequisite for any possible shift from being simply an object of world politics toward being a subject and a participant. Only subsequently, would it be possible to re-establish the significance of the Islamic theory of law of nations as a religious, ideological and political regime in the service of policies and strategies which touch upon world events. The purpose is to provide a guide for “knowledgeable practices”, constitutive of “subjects”, as *reflectivists* in the field of international relations would normally put it (Wendt 1992: 392).

### **Conceptual and Theoretical Issues**

To conceptualize is to understand. “‘Understanding’...means...having whatever ideas and concepts are needed to recognize that a great many different phenomena are part of a coherent whole” (Heisenberg 1971: 33). This involves a series of processes by which theoretical matrices achieve a significant measure of relative consensus and comprehension in any particular community. Conceptualization, in other words, allows for undergoing the theoretical process by which advancement from the level of abstract ideas or constructs toward policy development and application can be made. It guards against confusion and *ad hoc* decision-making, and serves to set and sustain subsequent policies within a congruous strategic framework. It follows, therefore, that a lack of conception or of a conceptual reference entails a lack of and inability to understand or comprehend. It further

means that the ability to tackle the flow of information becomes acutely diminished, and so is the capacity to judge or make decisions of a strategic nature. Failing to process information pre-empts the competence to act.

In discussing matters of strategy and war, B. H. Liddell Hart emphasized the crucial importance of conception as a guiding principle in peace and/or conflict. He underscored that distracting the mind and expectations of opponents deprived them of their freedom of action as a sequel to their loss of freedom of conception (Liddell Hart 1967: 341-342). The effectiveness of a strategic vision depends more “on the ability to paralyze an enemy’s action rather than the theoretical object of crushing his forces” (Liddell Hart 1967: 341-346). Such was the significance that in many instances of strategic or grand-strategic contestation, it took only conceptual maneuvering to determine a winning or losing outcome. Fighting became secondary or redundant as opponents lost their sense of self-representation and consequently changed their purpose, consciously or otherwise. Conception and strategy in the logic of this argument composed two mutually consolidating and fortifying constituents of reality. The absence of one almost invariably undermined the other.

The same underlying principles apply to matters, cultural and religious. Whereas Liddell Hart stressed the organic relationship between conception and strategy in the military realm, Edward Said highlighted the corresponding categories of culture and imperialism in the intellectual-ideological domain. The connection between the two categories rested on the power to narrate, or to block other narratives from forming and emerging. Cultural narratives reflected conceptual constructions which, from opposite vantages, justified or condemned imperial domination. Predators and preys became *narrations* in and of themselves, each in their own way (Said 1993: xiii). The very grand narratives of emancipation and enlightenment produced by the colonial predators served to mobilize colonized people against their former dominators, and herein were unveiled their inherent contradictions. Yet, in adopting the very idioms of their colonial masters, the population actually culminated in perpetuating and reproducing the very power relations of those narratives, and therein revealed the dynamic consistencies of imperial discourse.

Out of these combined and seemingly paradoxical manifestations, loss of conception led to strategic disarray, cultural/religious dissipation and hegemonic resurgence. Commensurately, imperial repression invited the return of the repressed (Sayyid 1997: 3). Counter eruptions categorized under the rubric of “religious nationalism” were the most conspicuous result (Juergensmeyer 1993). In its inflamed exposition, this took the form of both random and/or organized violence. In its more sober reflection, it induced a renaissance like intellectual effort which aimed both at re-instating and re-examining a people’s own identity, thought, history and experience. At the heart of this effort is a concern, under constraints and conditions of globalization and uncertainty, with the nature of the interaction between and among diverse cultures, religions and consciousness.

There is a commonality of concerns and issues among humanity at large, yet the diversity of priorities, agendas, interests and above all consciousness and worldviews, find their expression in different narratives or conceptual schemes. These refer to the manifold “languages” used in expressing, representing and reflecting collectivities’ distinct ways of perceiving or thinking about the world and

of “ordering” the “data” of experience. People with different conceptual schemes are frequently concerned with the same properties of objects or with corresponding data. The “given” though, is “somehow ‘organized’, ‘ordered’, ‘interpreted’, differently” (Walton 1973: 1 & 3). The “givens” of international and global issues are no exception. Both classical Islamic and Western traditions regarding relations among nations were largely cognizant of analogous matters. This could be observed from the early treatise (*siyar*) of the 8<sup>th</sup> century Muslim jurist Muhammad bin al-Hasan al-Shaybani (750-804 AD),<sup>2</sup> through Hugo Grotius, down to contemporary Hans Morgenthau and Kenneth Waltz. Broadly speaking, common themes which animated juristic and intellectual interests in the subject, revolved around three overlapping considerations: 1) the causes and justifications of war and the conditions of peace, security, and order; 2) power and position as an/the essential actor (units of analysis) in the community of nations; 3) conceptions and images of the international system and of the role of the “state” in that system (Holsti 1985: 8). These considerations of power and politics came to be largely articulated in the modern Western theory of (neo)realism. However, embedded in an Islamic theoretical counterpart, an alternative conceptual categorization is rendered essential in order to depict the ensuing substantive differences.

For this purpose, Abdel-Rahman bin Khaldun (1332-1406 AD), a Muslim philosopher of history, sociologist and political theorist, and his concept of *assabiyya* may be of significant help.<sup>3</sup> He identified three broad types of regimes. They reflected different forms of domestic leaderships: 1) a government/leadership based solely on natural social solidarity (*assabiyya* as unmitigated power); 2) a government/leadership based on reason and natural law in conjunction with *assabiyya* and 3) a government/leadership based on Divine Law (Shari’ah), again in conjunction with *assabiyya* (Mahdi 1963: 263). Within those three regime typologies, *assabiyya* figures prominently in all, while the rational and religious dimensions are introduced in the second and third classifications respectively. Should the purpose of *assabiyya* or core leadership mitigated by reason, be solely concerned with the worldly or mundane good of both the rulers and their subjects, then this polity would fall under what Ibn Khaldun termed as *rational regimes*. Should, however, the religious dimension be introduced such that the leadership is concerned as well with the good of the subjects in the hereafter (*akhira*), then a *Regime of Law (Shari’ah)* unfolds as the superior order of existence. The latter regime, according to Ibn Khaldun, is superior since its purpose is to maintain a balance between both life dimensions providing for moderation against excessive mundanity. Above all, it becomes a community (*Umma*) upon which God’s favor and pleasure is bestowed (Sabet 1994: 587).

In light of this Khaldunian classification and in extension into the international domain, realism and neo-realism would fall under the category of rational regimes, and not too infrequently, under that of pure domination. Classical Islamic theory would fall under the regime of Law. Like the rational category, the Islamic law of nations constitutes a way of thinking about the world, a conception of “order”, and a research program with its own set of assumptions and premises from which Islamic derivations and arguments can be developed and analyzed (Mustanduno 1999: 19). In contra-distinction, however, it designates an entirely different

conceptual worldview and moment of history with its own autonomous and independent discursive engagements. *Assabiya*, as a corresponding conceptual device grounded in the regime of Law, constitutes the Islamic theory of nations what the concepts of power and capability are to realism and structural neorealism. Whereas “power” serves the purpose of bridging the gap between international structures and processes, so is the concept of *assabiyya* crucial in linking international-global understanding to Islam. Such linkages help incorporate a religio-political theory about the part that can be “played by conceptions of the world and their associated values” in bringing about a desired change (Brockock 1986: 83). (Neo)realism and Islamic theory together with their concomitant concepts of power/capability and *assabiyya* respectively, do not only comprise analytical devices, but are in fact constituted and constitutive elements of distinct philosophical and religious discourses that influence and structure both conceptions and actions. Rationality/realism and *Shari’ah/assabiyya* in other words, infuse *power* with differentiated substantive bases of *action* and hence, reflect two categories of political behavior. The former constitutes “relational power” which seeks to maximize values, influence behavior and control outcomes from within a given institutional structure or regime. The latter reflects a “meta-power” concept and refers to efforts and behavior, which seek to change existing institutional structures and alter the rules of the game (Krasner 1985: 14).

*Assabiyya* is rooted in three types or categories of belief structures: 1) worldviews; 2) principled beliefs and 3) causal beliefs. These embody cosmological, ontological and ethical notions respectively, rendering them broader than mere normative outlooks (Goldstein & Keohane 1993: 8-10). Worldviews merge with peoples’ conceptions of their identity, beliefs and focus of loyalties. Islamic law or *Shari’ah* falls in this class, and together with secularism for instance, comprise two different and largely opposed worldviews. The second category, or principled beliefs, embraces normative conceptions about values. Frequently, though not always, they take the form of binary opposites such as justice vs. injustice, right vs. wrong, falling within the pale vs. falling without, or abode of Peace vs. abode of War. Principled beliefs interpose between worldviews and policy outcomes by translating key doctrines into guidance for present human conduct. This is equivalent to Islamic jurisprudence or *fiqh*, as the “media of making the *Shari’ah* accessible to common believers” (Ghunaimi 1969: 133).<sup>4</sup> The Islamic law of nations constitutes one manifestation of such an exercise. Thus, it falls short of a totalizing worldview and its full sanctity, but is more than a mere theoretical construct or policy guideline, to be subjected nonchalantly to allegations of irrelevance or variability.

Causal beliefs pertain to “cause-effect” relationships based on the opinions or consensus of members of “recognized elites”, through whom authoritative rulings or decisions are made. They come closest to being the detailed paradigmatic judgments or *ara’/fatawa* (sgl. *ra’y/fatwa*), of an Islamic epistemic community or *Ulama*, the consensus of whom, constitutes *ijma*.<sup>5</sup> Causal beliefs fall at the interface between the normative and the cognitive. They entail *strategies* of attaining goals “themselves valued because of shared principled beliefs, and understandable only within the context of broader worldviews outlooks” (Goldstein

& Keohane 1993:10). Thus, changes in the conceptualization of this latter category tend to be more flexible and frequent than the former two, which reflect constants and continuities. All three categories however, constitute a closure based on symmetric relationships among *Shari'ah*, *fiqh* and *fatawa*, for which *assabiyya* becomes the operationalized or cognitive-praxis. What is meant by closure is that the domain within which the micro is related to the macro, and where political and strategic insights fit into a larger Islamic whole. Whereas “normative closure requires *symmetrical* relations between the components of the system where one element supports the other and vice versa, cognitive openness ... requires *asymmetrical* relations between the system and the environment” (Luhmann 1990: 230). Normativity maintains its symmetry by being non-adaptive (i.e. “closed to information and control”). By linking with a cognitively open framework it could nevertheless, remain “open to energy” and non-entropy (Ashby 1956: 4). Normative closure and cognitive openness constitute the systemic *self-referential* unity of the reconstructed Islamic theory of nations.

### **The Modern State as a System of Durable Inequality**

Beliefs and ideas play an important tangible, though sometimes less visible, role in the differing ordering, organization and interpretation of “data”, beyond the mere justifications of pure interest. By providing order and conception of the world, they contribute to shaping agendas and programs. Particular ideas and beliefs chosen rather than others, act as “blindings” or “invisible switchmen” influencing policies and possibly effecting their transformation. They serve to reduce the number of conceivable alternatives, and to channel action onto certain tracks while obscuring others outlooks (Goldstein & Keohane 1993: 12). They can further assist in unsettling discredited institutional frameworks, old or extant, in favor of alternative formations (Jackson 1993: 119).

Modern state structures and currently emerging blocs are congruent with particular international and global designs and their constitutive and/or constituted interests. They incorporate thus, certain symmetrical ideas, beliefs and concerns while excluding others. The crucial question from the Islamic theoretical perspective is who and what has been excluded by international and global structures, and what role the modern state plays in such exclusion. Ian Clark for instance, observed that “a theory of the global is itself an integral dimension of a more plausible theory of state”. Theorizing about the latter structure thus carries us over the “great divide” between the inside and outside, to how we think about relations between states. According to this vision, the state is “the common but contested ground that brings the national and international together, rather than as the barrier which marks the line of separation between them”(Clark 1999: 17-18). This is in stark contrast to the power and anarchic assumptions of the realists and neo-realists, the latter of which, has yielded to the international system a distinctive and virtually autonomous existence.

Neo-liberals in their turn have come to perceive the state as the instrument through which external demands of capital flows are imposed on domestic target groups. This constituted both, a reversal in its earlier role of projecting national

economic demands into the international system, and an alternative form of structuralism to that of neo-realism. Instead of the latter's "anarchic/power configuration" organization shifts to the "competition/neo-liberalism" of global economy (Clark 1999: 94). State formation in its modern structural sense further was attributed by Charles Tilly to war. Demands imposed by violent conflict promoted the dynamics of state-making processes, which ranged from territorial consolidation and centralization, to administrative differentiation and monopoly over the means of coercion. "War made the state", as he put it, "and the state made war" (Tilly 1975: 42). In contrast, Ibn Khaldun perceived the rise of the state, as an outcome of human co-operation rather than anarchy. People co-operate because they stand to benefit more, and out of such cooperation, which represents the "human condition", emerges the state. This human condition is based on reason, social reproduction and social cohesion or, *assabiyya*. Unlike Thomas Hobbes, Ibn Khaldun rejected the "state of nature", which pit all against all, rendering man willing to accept tyranny rather than live under conditions of sheer self-help (Pasha 1997: 60).

The purpose here is by no means to present a theory of the state or its origins. Rather, it is to stress that the concept of the state is both contingent and variable, simply reflecting the varying empirical realities with which theory and practice concern themselves (Nettl 1994: 11). "Competing theories of the state, in effect, invariably come perilously near to being competing ideologies" (Ferguson & Mansback 1989: 4). To challenge the territoriality of the state thus does not contest the concept's abstract necessity. Rather it simply affirms its contingent structural underpinnings and vested inside/outside interests, and by the same token denies any inherently "natural" existence of the form that the modern state has taken. The "universalization" of the "sovereign" equality of states for instance, was a contingent development based on pressures from newly independent and weak states hoping to protect their new freedoms, analogies made to domestic politics of juridical equality, and great power calculations of interest (Krasner 1985: 74). This suggests that inferences derived in each historical setting about political conduct are unique (Ferguson & Mansback 1989: 3).

Religio-political re-conceptualization of the modern state as contingent rather than necessary is a pre-requisite to the effective representation of an updated Islamic theory of nations, yet one which retains the essential qualities of its classical antecedent. As a first step this entails the deconstruction of the modern state concept and its normative connotations, which served to reflect this relatively novel structure as a competing consciousness and discourse. Contingency of the state allows us to deconstruct it as a structure of domination and to better perceive the underlying sources of tension between Islam on the one hand, and the modern state and the ensuing international-global system, on the other. This helps expose the violent hierarchy of opposites (e.g. territorial/non-territorial, progressive/regressive, equality/inequality), in which the formers control the latter both axiologically and logically (Derrida 1976: lxxvii).

Landscapes, of which the modern nation-states are constitutive structures, have come to be seen as "texts" and discourses combining narratives, as well as conceptual, ideological and signifying, representations (Barnes & Duncan 1992: 8).

In this light the “state” constitutes an *inter-textual* artifact actualized to reflect a particular self-image constructed and reconstructed through historical and political processes. The contemporary meaning it has come to bear had been produced from “text to text” rather than between “text and the real world.” The consequence is that

writing is constitutive, not simply reflective; new worlds are made out of old texts, and old worlds are the basis of new texts. In this world of one text careening off another, we cannot appeal to any epistemological bedrocks in privileging one text over another. For what is true is made inside texts, not outside them (Barnes & Duncan 1992: 3).

Both Western theory and the “nation-state” are examples, of spatio-temporal intertextuality, which has rendered the state, “like virtually all concepts in the field of international relations...drenched with normative connotations” (Ferguson & Mansbach 1989: 3). Being more or less the product of a common Western civilizational matrix, one can refer to an intertextuality that is *intratextual*. R. B. J. Walker was to the point when he indicated that theories of international relations are aspects of contemporary world politics that need to be explained rather than being an explanation. They are to be comprehended as a typical discourse of the modern state and a “design” for constitutive practice that sought to limit and delineate the horizons beyond which political action by “others” would be risky or prohibited (Walker 1993: 6). Imperial and hegemonic constitutive designs required the support of structures of power, which sustained their greatest impression by availing from clearly articulated ideas. The outcome has been a conception of “order”, which inherently benefited some at the expense of others (Paul & Hall 1999: 3). The modern state was the vital instrument of that order. Initial hopes that the principle of state sovereignty would protect the weak through the universalization of legal “equality,” have proven false as many states crumble and collapse under the weight of the global system. This was the logical consequence of a Western international order, which not only reflected leading states’ power and material interests, but also their identities’ constitutive aspects (Ruggie 1988: 14). In this sense Frantz Fanon had perceived notions of “respect of the sovereignty of states” as a colonial “strategy of encirclement” (Fanon 1963: 71).

Whereas before 19<sup>th</sup> century European nationalism Muslims defined their “self” first and foremost in religious terms, as Islam would normally have demanded of them, the subsequently superimposed nation-state structure introduced competing secular-Western instruments of identity formation. Islamic autonomy, conception and self-referentiality were challenged at the normative level, and behaviorally at the state and systemic levels. With the current wave of hegemonic neo-liberalism this portends to reach down to social structures (e.g. family) and individual attitudes. Very few of the Muslim failed pseudo-state structures are likely to be able to meet this challenge, nor does the global system afford them a substantive change of policy in response. The “state” in the abode of Islam remains a constituted object not a constitutive subject, existing as a contingent by-product of outside formations not as a necessary sign of inside principles. It has receded into a self-reinforcing

condition of dependency, penetrated by external actors, and a reflection of extratextuality. As such, it continues to strike at the very identity of this abode, the most conspicuous manifestation of which has been the recognition by those states of the region's antithetical identity—Israel.

What applies to the Western world in a changing global system thus is different from what applies to Muslim nations, in the same system. Unlike the former there is no mutual global and state reconstitution, which would allow for intratextuality or even for a measure of intertextuality. In many ways, the relationship between globalization and the international system resembles that between post-modernity and modernity. As far as the Muslim world is concerned, globalization seeks to deconstruct their "state" structures, along non-territorial pre-colonial "pre-organizational" lines, if possible, so as to re-inscribe them. In this sense, globalization seeks neither to destroy nor to consolidate the state, but basically to re-construct it in a particular image. The question hence is not whether the "modern state" as a sovereign entity is going to be undermined as such, but rather *which* states will be dismantled, deconstructed, consolidated, nominalized, re-inscribed and *how*. Like post-modernity, globalization may be post-international coming after, yet representing a return to and questioning of earlier constructs (backward looking) in order to reconstruct (forward looking). It is an act of restoration and a forward looking dynamic simultaneously, still within the normal progression of Western history. Despite all the uncertainties associated with globalization, it remains simply the autonomous linear sequel of that history, reflected in the form of continuation of an American hegemonic order (Ikenberry 1996: 89-91; Ikenberry 1999: 125).

The world this gives rise to will likely be based on intratextuality vs. extratextuality, or what some observers have termed "a tale of two worlds" (Goldgeier & McFaul 1992; Wildavsky 1993: 3). One world consists of a core or "great power society" of *nonunitary actors*, focusing primarily on maximizing wealth, sharing common liberal norms, and a horizontal relation of cooperative interdependence. The other world, in which Muslim societies fall, consists of periphery states, largely dependent on the core, and conducting their policies among themselves according to the tenets of anarchy and structural realism (Goldgeier & McFaul 1992: 468-470). Essentially that is, there will be two separate worlds with horizontal cooperative and anarchic relations respectively, but which stand in a vertical-hierarchical relationship vis-a-vis each other. One that is, of inequality.

"The state", as Michael Walzer once observed, "is invisible; it must be personified before it can be seen, symbolized before it can be loved, imagined before it can be conceived" (Walzer 1967: 194). Deconstructing the modern state structure in the abode of Islam requires developing a discourse and an ideological thrust, which while undermining its force as it stands constructs a conceptual alternative. This calls for the reconstitution of the state by changing its dimensions, signification and content, and from thereon its meaning (Zartman 1995: 267); an "essentially ... normative" as well as a "scientific question" (Holsti 1985: 7). While it is not uncommon in Western discourses to come across arguments supporting such transformations the significance and implications for the two worlds remain worlds apart. To the great power society it will mean more integration and unity *à*

*la* the European Union or North American Free Trade agreement (NAFTA) between Canada, Mexico and the US, or the consolidation of the power and hegemonic influence of the Jewish state of Israel over its neighbors. Israel, according to this discourse, would become the Trojan horse for a regional, imperial neo-liberal power structure.

To the Muslim world in contra-distinction, the same Western discourse regarding the state translates into “humanitarian intervention”, “minority rights” and “right to secession (self-determination)” among other supposedly lofty yet practically fragmentary principles. For, as Barry Buzan has indicated, “the idea of the state, its institutions, and even its territory can all be threatened as much by the manipulation of ideas as by the wielding of military power” (Buzan 1991: 97). Whereas for the society of great powers the above values are mutually constitutive and therefore inter and intra-textually sovereign, for the Muslim *umma* they represent an authority over their Islamic values and their social and political structures. The practical outcome of this extra-textual discourse is to re-constitute notions of “sovereignty”, “recognized borders” and entitlement to “independence”, allowing for a new and massive wave of colonial expansion to proceed unhindered by formal legalistic encumbrances. The purpose is to serve global neo-liberal interests as the supreme loci of power. This not only further de-legitimizes Arab/Muslim pseudo-state structures but also de-constructs them for the purposes of new inscriptions. Sovereignty of Islamic values are further undermined as a stepping stone toward their total marginalization, depriving it in the process of any possible domains of competing domestic or external functioning space. The consequence as the Islamic landscape readily manifests, is social and political fragmentation, identity crisis, splintering, diminution, conflict, and in the final analysis, colonization.

As a prerequisite to expanding the horizons of an altered meaning of sovereignty under global conditions, transformation in the “epistemic dimension” of social life, or the system of meaning and signification embedded in collective mentalities, is required. In order to allow for relational changes between the inside and the outside, the extra-textual apparatus that ruling regimes in Muslim countries have come to draw upon in imagining and symbolizing forms of political community will have to undergo a fundamental re-orientation (Ruggie 1988: 184). So will their very conception of problem solving. No longer is the state simply a means to power and wealth from the inside shielded by sovereignty from the outside—which some may call corruption—but a structure of “durable inequality” of which the former predicament is but one source (Tilly 1999).

Self-referential standards of “civilization” set by a European model of statehood and state organization, serving what were basically European interests and reflecting their own moment of history, were all congenial to the structuring and perpetuating of a world system of inequality (Kingsbury 1999: 74). Binary oppositions associated with the state corresponded to “invisible” discursive categorical differences locking groups in permanent structural relationships of contrasts. Categories of inequality even when evidently employing cultural labels, justifying for a particular group its own inferior position, relative or absolute, thus rendering it natural, always depend on far-reaching, socio-political organization,

belief and enforcement. In the field of international relations this translates into the structural-global, the ideological-neo liberal, and the power-imperial respectively. Durable inequality among categories develop because great powers which, control access to “value-producing resources” solve defined systemic problems by means of categorical distinctions based on constructed systems of closure, exclusion and control (Tilly 1999: 7-8).

Policies, which sought to maintain colonial rule over “non-sovereign” territories, came to increasingly depend on the structuring of categorical and binary distinctions among ethnic and racial groups (e.g. civilized/uncivilized). Many of those excluded and controlled, on the less privileged sides of the categorical divide, eventually developed and acquired stakes in the formulated solutions, despite their dominant hierarchies. Afro-American civil rights activist Malcolm X had this point in mind when he struck the example of the slave in the field versus the slave in the master’s house. Meeting in their free time, the latter would tell the former about the joys of serving at “home”. In his speech he uses the first person plural—in our house, our mansion or our palace, whatever the case may be, we do so and so. Unlike the slave in the field who recognizes the reality of his status and resents it, the one in the house is doubly enslaved: once because of the fact of being a slave and twice by acquiring a stake in being a slave.

Categorical institutionalization of this kind serves to sustain relations of durable inequality, as the master divides and conquers. Should the slave in the field rebel, his counterpart at “home” can only have the limited option but to be his antagonist. This condition is the inevitable outcome when debilitated Muslim states feel obliged to sign on a human rights convention, a peace treaty or clauses of specific gender “empowerment”, all supposedly bearing connotations of universal equality. Not only do they submit to the bidding of a great power like the US in such instances, but also in so doing they tie down their future options as they face greater prospects of exacting compliance. Lacking significant influence on the principles of international commitments they put their signature to, they become exposed to both outside impositions and inside structural fragility. “Globalisation affects not just their bargaining power at the time of negotiation, but more widely, their relative power to make choices in the future” (Hurrell & Woods 1999: 456). As such, it is inextricably intertwined with the propagation of inequality. Globalization, in other words, negates in practice what universalization of values demands in theory. Thus any “relationship between globalization and human rights”, for instance, becomes “far from straightforward” (Clark 1999: 131). Or perhaps it is if the latter is nothing more than an instrument of the former. As “particular” identities are being developed with reference to the neo-liberal vision of the “universal”, and as globalization is being universalized as a system of durable inequality, then it is clear that human rights is nothing more than the ideological underpinnings of such a global order.

Basically an old/new colonial project aimed at re-inscribing Muslim “state” and society, by justifying intervention and enforcement. After all, as Andre Beteille has insightfully observed, “Western societies were acquiring a new and comprehensive commitment to equality at precisely that juncture in their history when they were also developing in their fullest form the theory and practice of imperialism” (1983:

4). Recently, W. Michael Reisman provided a consistent sample of this pattern. Attempting to build a legal case for foreign intervention he argued that, national sovereignty in its classical sense has become “anachronistic” and that it was legitimate to intervene in countries deemed “undemocratic”. Human rights constituted the basis for such intervention. State sovereignty was no longer to be a protective shield if popular sovereignty is suppressed. Much in the same fashion that the “wealth of a country can be spoliated as thoroughly by a native as by a foreigner” so can popular sovereignty be “liberated as much by an indigenous as by an outside force”. He added however, that its suppression constituted only “a justifying factor” for intervention, “not a justification *per se* but *conduit sine qua non*” (1990: 871-872). American global interests no doubt would be the determining factor.

Like any political system, globalization requires mechanisms of control, which in a global hierarchy function as sources of durable inequality. These include *exploitation*, *opportunity hoarding*, *emulation* and *adaptation*. The first two fall at the systemic level of analysis, and are largely responsible for the installation of the categorical boundaries of inequality. The latter two, at the state and also the individual-leadership levels, reinforce, consolidate and generalize the former arrangements (Tilly 1999: 10).<sup>6</sup> *Exploitation* occurs, when powerful actors in the global system (insiders) command the resources and values from which they draw increased returns. This takes place by coordinating the efforts of weaker actors (outsiders) who are excluded from the full value added by that effort. *Opportunity hoarding* provides stakes to the latter categories. It offers rewards or values, yet monopolized, resources selectively to the segregated structures of the “sovereign” state in order to undermine the force of revisionist tendencies, while keeping the “unequal” divided. *Emulation* generalized the state system by copying or imposing it not only as an established organizational model, but also by attempting to transplant its concomitant yet alien social and political relations from one cultural and historical milieu to another. It further served to lower the costs of maintaining the *status quo* below any of the modern states’ potential or theoretical alternatives. *Adaptation* articulated and elaborated regimes of systemic interaction among states on the basis of presumably recognized, categorical inequality. The purpose was to render the costs of moving to theoretically available alternatives prohibitively high. Adaptation thus, locks categorical inequality by taking it for granted. Emulation multiplies categorical inequality by producing “homologies” of form and function. Together, they create the illusion of “ubiquity” and therefore “inevitability” of the modern state, rather than its variability (Tilly 1999: 10 & 190-191).

Each of the above four mechanisms constituted “a self-reproducing element” and together have all locked neatly into “a self-reproducing complex” (Tilly 1999: 191). Their impact can be clearly followed in the historical process of emulation and adaptation, which had taken place in the Muslim Ottoman Empire during the 19<sup>th</sup> century (abolished in 1924) and subsequently by the fragmented Arab states during the 20<sup>th</sup> century. The purpose of achieving parity and equality with the West basically embodied these goals’ very antithesis. Yet, this process is still underway as a “state” project increasingly being opposed by societal forces. Consequently and in contrast to the European “nation-state”, the outcome has been a “state” contra the

“nation”, to use Burhan Gholyun’s adept depiction (1994: 27-28). In the former historical experience the state affirmed the nation, in the latter, it negated it. Infusing this *same* structure with new ideas, sound or mistaken, while possibly mitigating or exacerbating the effects of those mechanisms, will neither stymie nor necessarily initiate them.

Democracy applied within the modern state—the structure, which has come to embody those elements—will not contribute to rectifying this systemic configuration of inequality. Allowed to function seriously, democracy is likely to bring Islamist forces to power, which both religiously and ideologically, cannot accept such a global order or state structure. This helps explain the absence of any real systemic interest in having a functional democracy in the Muslim world, and the intense American hostility to Islamic values. Nor by the same token, would the mere implementation of the *Shari’ah* provide a ready solution as the “state” will inevitably come to confront a hostile environment. Being constitutive of Islamic identity, the *Shari’ah* means neither emulation nor adaptation. By extension this challenges the control and distribution of resources and values undertaken by exploitation and opportunity hoarding. Yet the holistic dimensions of the *Shar’iah* cannot be fully expressed as the force of those mechanisms come into play. A change in organizational forms—the installation of different categories, or the transformation of relations between categories and rewards therefore, becomes necessary (Tilly 1999: 15).

Defining those alternative organizational structures is part and parcel of any possible autonomous and self-referential conceptual change. The crisis that the Muslim world faces extends thus, beyond the issue of regimes’ legitimacy to that of the legitimacy of the “state” structure itself. The Muslim “states” will have to relent reciprocally on what is by now a fictional sovereignty—a seemingly paradoxical dynamic of surrendering intra-sovereignty to gain in inter-sovereignty. Despite inevitable systemic resistance this will have to proceed in such a fashion so as to impose that “the ‘domestic’ is as much a part of the fabric of the international system as any abstracted ‘structure’ of the relations between states” (Clark 1999: 5). If a theory of state is largely a theory of its external environment, and if the international-global order as it stands, is not what Islamic values and Arab and Muslim people would readily accept, then it follows that to alter or significantly influence that system, they will have to transform their extant state structures as well. Much in the same fashion that a domestic change in the attributes of the family, as the basic unit in society, would lead to transforming society and social relations and vice versa (agent-structure), so would a change in the attributes of the state, as the basic unit of the international-global system, alter the system and its relations, and vice versa. With form and content in the Muslim world no longer coinciding, either the state structure must be altered to fit the *umma*’s principled beliefs, or the Islamic worldview must be diluted to suit the requirements of this structure. Between an Islamic choice opting for the former, and global forces opting for the latter, the modern Muslim “state” and its contradictions have reached an historical impasse.

### Toward a Neo-Classical Islamic Framework

Much like globalization, Islamic theory merely induces a particular conceptualization of the meaning of state. It does not necessarily negate statehood as such even as it challenges its territoriality, but rather contests the association of identity formation with bounded territory. The state in this new/old conception is a means toward securing an Islamic or “good” life and not an end in itself. Islam, as Ayatollah Muhammad Hussain Fadhlallah has put it, was not revealed in order to establish a state as an end, but to spread a message based on which a state would come into existence, only as a subsequent means toward achieving this goal (1996: 28). Whereas globalization is currently increasingly setting the state in service of transnational flow of capital, goods and information, Islam sets it in the service of religious values. The equality of Islamic *universalism* is about to confront the inequality of primarily American *globalization*. A new binary dichotomy is taking shape, not just between historically fixed categories, but more so among dynamic flows of forces and values. The trajectory of the previously marginalized Islamic law of nations seems to be catching up with the flow of current history.

Within the abode of Islam, the nature of external relationships between states will have to be transformed. This means that Muslim states cannot continue to maintain the structure of their relationships on the basis of supposedly unitary actors engaged in an anarchic self-help power setting. They must move to an “*abodic*”/macro level based on meta-power or *assabiyya*, as an endogenous/co-operative—exogenous /conflictive concept. Unlike mere Third Worldism which, sought to guard security and independence by jealously defending the pseudo “nation-state” structure, notwithstanding calls for transnational unity of one kind or the other, *assabiyya* seeks to promote those very objectives among others, by challenging the very imagery and conception of the modern state. Substantive issues of this kind pose both theoretical and practical revisionist challenges to the status quo, particularly so as issues of identity come to the forefront. The crucial and most central issue hence is to determine where the *assabiyya* of Islam lies and to coalesce around it, transcending territorial and vested or modern state interests. It is the rational and reasoned tackling of primarily political and strategic questions of this kind that will determine answers in the light of which categorical provisions of the *Shari’ah* and determination of Islamic interests could be made.

Theorizing about the state, under such conditions, must itself begin by subverting the framework of the great divide, whether between the inside and the outside or between the abode of Islam and the abode of War. This does not mean eliminating categorical distinctions, but rather recognizing that the stability of fixed categories under conditions of fluidity and transformation is likely to experience, powerful pressures (Clark 1999: 16 & 31). Fixed categories are inherently disposed toward maintaining closures. *Closure* generally leads to entropy as loss of energy and *openness* to entropy as loss of identity. The seeming opposition between both forces frequently contributes to distress and uncertainty, particularly so as elements of conservatism creep in, opting in response for the security of static norms to the insecurity of dynamic interaction. This is problematic because systems of thought, as well as geo-political structures, which seek to seal themselves off from outside

forces, will tend to exhaust their ideas as well as their human and natural resources respectively, and hence undergo high levels of entropy (Demko & Wood 1994: 28). A branch-less tree may continue to grow for sometime until it reaches certain limits, which it cannot go beyond. Only the branches however, can allow it to “pro-create” and in a sense reproduce itself. Manifesting closure, recurrence and repetition, the Islamic law of nations collapsed theory into law, the branch into the stem and the part into the whole. Its potential evolutionary and contributive energy was thus exhausted.

Shifts in the systemic order and capabilities are strongly intertwined with qualitative and quantitative factors ranging from conceptual change, political, economic or social structural organization, to an increase in space, resources or external more favorable conditions. Non-territoriality, as one such organizing principle, is linked to relative and absolute power changes in the international/global system, not simply as a matter of stretch or expanse, but also in terms of the concomitant changes necessary for the effective management of space. To talk about non-territoriality thus is to incorporate qualitative as well as quantitative transformations both at the state and “abodic”/macro levels. If successfully constitutive of a new geopolitical and strategic reality, the impact could eventually translate into a broader measure of global influence or better internal control over the external environment, hence a relative reduction in conditions of inequality.

Two “postulates” may help in justifying the principle of non-territoriality, and perhaps in developing the argument further in harmony with rational Islamic theoretical underpinnings and religious principles. First, that “*a state’s relative capability in a system will increase when its rate of absolute growth is greater than the absolute growth rate for that system as a whole (the systemic norm)*”. Second, that “*a state’s relative capability growth will accelerate for a time and then (at a point of inflection) begin a process of deceleration*” (Doran 1991: 4; italics in original text). Both assumptions transcend the divide between the inside and outside in that intra-Muslim state borders and sovereignty lose much of their significance while at the same time new reorganizing principles of state are introduced. Reforms which may cause positive increase in a state’s capabilities are likely to be constrained and limited by territoriality and thus will reach their limits long before being able to attain an essential actor role.

Conversely, in the hypothetical situation where two or more Muslim states happen to unite without internally reorganizing, the same sources of failure will simply be transposed from what was previously a smaller structural failure to a larger one. Should both reform and unification occur simultaneously, then a situation might emerge in which the absolute growth of the “Islamic State” could be greater than that of the system. This is one important reason why the US is hostile to Islamic geopolitical conceptions and values, which seek to change the connotations of the state. These considerations have much less to do with Islamic “radicalism” or “moderation” as such and more with systemic idiosyncrasies. This is illustrated by American policy toward the experiences of the two countries of Iraq and Egypt. When the US mobilized to reverse the Iraqi invasion of Kuwait in 1991, it was, among other reasons, to protect the ultimate structure of “sovereign”

states, and the mechanisms serving that purpose—the Arab bordered “state”.

Breaking the borders “taboo”, irrespective of intentions, would have allowed for a change in conception regarding the ubiquity and inevitability of the state structure, and an increase in the relative autonomy and power of an emerging regional power. This was not only in the case of Iraq. When Egypt attacked Libya in 1977, with the prospect of taking over the oil fields of that country the US made its disapproval amply clear. Despite American hostility to Muammar Qadhaffi’s regime and its friendly relations with the Egyptian counterpart, a warning was conveyed to Egyptian President Anwar Sadat indicating opposition to such a takeover. The US would not countenance an increase in Egypt’s capabilities at an accelerated rate once it had laid its hands on Libya’s oil (Heikal 1996: 228 & 247). This may have been explained by reason of international law had the US not previously supported Iraq’s invasion of Iran, and had not American international behavior in other cases been similarly aggressive. In addition, it remains highly unlikely, that the US would at any point of time look favorably, say, to a possible union between Egypt, Libya and Sudan, even if it was consummated peacefully. The reasons have much to do with the idea of global order and the bordered state system “switching-off” that of a unified Arab and/or Muslim nation as well as with considerations of absolute and relative power.

Robert Gilpin has observed that, “a more wealthy and more powerful state (up to the point of diminishing utility) [can] select a larger bundle of security and welfare goals than a less wealthy and powerful state” (Gilpin 1981: 22 & 23). Whereas the consolidation and mobilization of a collective Islamic-Arab identity in response to globalization would have been required, systemic interests have sought instead to impose the state secular identity as the highest value. As a result primary and/or secondary identities are imposed not chosen. Supporting a tribal emir in Kuwait, perpetually in a state of fear of an “inside” neighbor and in need of permanent “outside” protection to stay in power, constitutes a self-reproducing mechanism of regional control and durable inequality. Even by the standards of primacy of state values, the Muslim “state” has been a failure. Yet, Muslim states continue to pursue contradictory and conflicting state policies ultimately leading to a progressive dynamic of fragmentation, bringing them under total systemic colonization and domination. The tragedy of the Muslim community/*umma* if one may paraphrase Jean Jacques Rousseau, is that it is in all Muslims’ religious and values interests to unite under a commonly agreed upon sovereign/Imam in order to have a better chance at attaining a larger security bundle. Yet it is in the interest of each single regime or state to obviate that authority when it is to its own expediency (Williams et. al 1993: 100).

Calls for Muslim states to develop policies of cooperation and mutual assistance in different forums and at different levels (Sulayman 1993: xiv) while continuing to maintain their structures of durable inequality, are unrealistic and naïve to say the least. First, global imperatives may render such cooperation untenable, and may compel its norms in such a fashion that each Muslim, state considerations, may find it more rewarding and in its interest, not to cooperate—most such states being highly penetrated and dependent, if not outright colonized. Secondly, as Geoffrey Garret and Barry Weingast have put it, “to assert that institutions help assure

adherence to the rules of the game is to overlook a prior and critical issue. If the members of a community cannot agree to one set of rules, the fact that institutions might facilitate adherence to them would be irrelevant” (quoted in Goldstein & Keohane 1993: 18).

Mere cooperation therefore, is no substitute for unity, both functional and political. As a matter of fact, in a world of realism the former is highly unlikely without the latter. Only the ability of a centralized (federal or otherwise) authority to extract the collective resources of the *umma* would allow the state to exert more control over its external environment. The resources at the disposal of the Muslim world cannot be mobilized or extracted through goodwill, moral exhortations, or sympathy. Notwithstanding the necessity of the former *bona fide* factors, they must be translated into centralized and structured imperatives. Fareed Zakaria made an insightful point when he distinguished, in his politico-historical study of the US, between state and national power. Only when the “state” could establish centralized control over the extraordinary resources of the American “nation” by 1890, was it possible for the US to pursue a coherent foreign policy that would serve that country’s purpose of exerting control over its external environment well into the 20<sup>th</sup> century and beyond.

Until such a hold could be established and despite its tremendous resources, the US remained a “weak divided and decentralized” state, providing policymakers with “little usable power” (Zakaria 1998: 55). The same could be said about the European Union (EU). Despite the abundance of resources at that Union’s disposal, which match if not exceed that of the US, the EU remains limited in the amount of control it can exert on the external environment, whether in terms of foreign or military policy. No effective sovereign and/or centralized extractive institutions as of yet exist which could translate wealth into power. Both the US and EU federative experiences thus, provide for comparative empirical evidence in the light of which Islamic unifying religio-political concepts such as the Imamite and the Caliphate could be reformulated and operationalized geo-politically. The modified restoration of the Caliphate as an institution, contrary to claims projecting this as a return to the past and unrealistic, constitutes the Islamic, though perhaps yet unarticulated equivalent, to the secular European Union project and even to that of the US “federation”. Yet, it is dubbed regressive even as it transcends the modern “state”, and is hence visionary and futuristic.

Other relevant historical cases must also be examined and analyzed, such as those of the Austro-Hungarian Empire, the Soviet Empire, and most significantly, the Ottoman empire. Their rise and decline, in the framework of *assabiyya*, among potentially other concepts, could provide for a fresh historical and Islamic outlook—*assabiyya* in this context referring to the right and eligibility of a particular group to rule or otherwise, thus strongly intertwined with legitimacy. A comparative analysis between rational regimes and regimes of Law (*Shari’ah*) as related to those empires could lead to insightful conclusions. So would examining the possible links between *assabiyya* as theory of state, and corresponding increased control over the external environment as a systemic reflection—both being two aspects of a single dynamic breaking the inside/outside divide.

Severing this divide requires the cognitive opening of the closed categories of

the Islamic classical theory. This means being able to discriminate between closed normative aspects (Law—*stem*) and the theoretical and practical underpinnings (theory and praxis—*branch*). Khadduri made an important point in this respect when he distinguished between *jihad* as a doctrine of permanent state of war and the condition of actual and continuous *fighting* (Khadduri 1955: 64). A distinction of the kind is useful in elaborating and transcending the boundaries of fixed categories. The fact that the latter were considered stemic normative wholes or universals, led to the diffused incorporation of the partial (branch) and contingent condition of actual fighting, into the abode of War category. This implied that no distinction was made between the abode of War as a closed and necessary category on the one hand, and the open and contingent issues of peace and war on the other. One basically was inherently implied in the other. Thus, under circumstances in which fighting was neither feasible nor perhaps required doubts as a consequence, were cast on the normative category. A case in which the theoretical “system” turned against itself rather than opting to evolve while maintaining its own integrity.

A neo-classical Islamic framework is needed therefore to provide for new conceptions of relationships between norms and values on the one hand, and interests and interaction on the other. A relational distinction must be introduced between the macro-abstract worldviews and principled beliefs, and those of micro causalities. This is in contrast to the classical framework, which diffused both. In an Islamic frame of reference, normative principles as well as cognitive interests bear an originative influence in determining action. As such, a neo-classical framework’s starting point is to reformulate the cognitive problem in terms of how to bring forth the distinctiveness of the evolutionary branch in a dynamic unity such that closure and openness reflect “reciprocal conditions” rather than “contradictions”, thus recharging energy and consolidating identity.

In this unity openness of the Islamic value system bases itself upon self-referential closure, and closed reproduction refers to the environment (Luhmann 1990: 230). This is a different way of referring to subversion of categorical inside/outside distinctions in favor of mutual adaptation of a specific kind. Synthesizing Ibn Khaldun’s cyclical theory of state (*assabiyya*) and historical dynamics, with the Islamic law of nations caters to a promising ontological-epistemological Islamic framework, combining theory of state with international theory, forming what may be called a *power cycle theory*. One that “*encompasses both the state and the system in a single dynamic*” and which reflects structural change, at the two levels concurrently. It unites the structural and behavioral aspects of state international political development in a single dynamic and can be analyzed on each level by means of a variety of approaches. These may include religious interpretations, history, understanding of international and global political behavior, or empirical testing (Doran 1996: 19-20; italics in original text).

However, that the concept of “statehood” is also being concomitantly transformed elevates such a power cycle theory to the *meta*-level. In this context, introducing the leadership principle of *Wilayat al-Faqih* as a potential model and an empirical expression of *assabiyya* could help in building a commensurate theory of state.<sup>7</sup> The dynamism of this Islamic grounded causal belief and its institutionalized

practical and empirical manifestations, justify it as an operational Islamic conceptual construct.<sup>8</sup> Thus at this point, we could perhaps imagine three concentric circles including *Wilayat al-Faqih* (innermost), *assabiyya* (middle) and abode of Islam (outermost) (Fig. 2, below). The first indicates *who* is to rule (causal beliefs—*fatawa*), the second explains *why* (principled beliefs—*fiqh*), and the third delineates the non-territorial *domain* or “state”—*where* (worldview—*Shari’ah*). A neo-classical Islamic theory which introduces these elements of complexity into its structure, could help explain potential influence on global and international relations caused by the cyclical dynamic of state ascendancy and/or decline.

Fig. 2

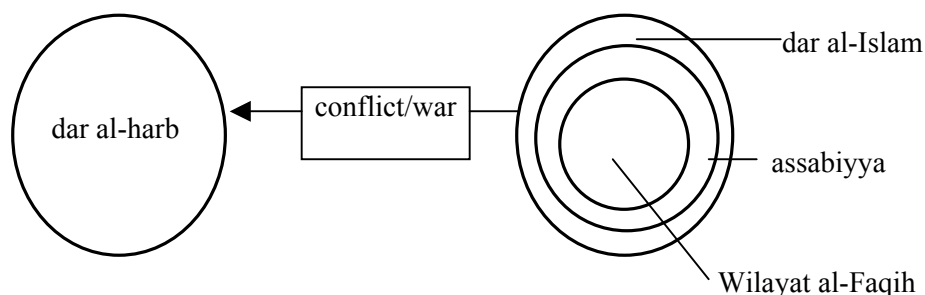


Fig. 2 introduces an element of complexity and depicts the suggested neo-Classical “state” approach.

At the same time, the closed normative categories of abode of Islam vs. abode of War would carry the different yet symmetrical connotations of identity and self rather than of permanent conflict and hostility. Branching out of them are the cognitive asymmetrical aspects of a) peace (*dar al-Ahd*), b) tension (*dar al-Sulh*) or c) actual war or aggression (*dar al-Baghy*) (Fig 3).<sup>9</sup>

Fig. 3

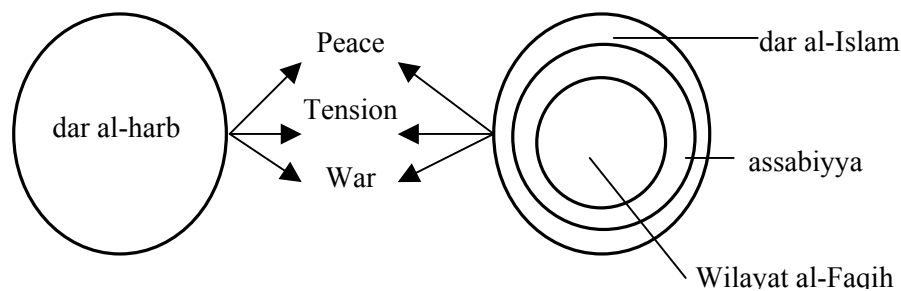


Fig. 3 represents the “branching-out” or the cognitive opening of the normatively closed categories reflecting the different states of peace, tension, or war. Peace = *dar al-silm*, Tension = *dar al-sulh*, War = *dar al-baghy*.

This allows for a measure of flexibility, fluidity and inferences, hence dynamism, as opposed to the static framework of fixed and immutable categories. The “West”, rather than being perceived solely in terms of the classical category (abode of war and conflict) may instead, remain as the abode of War (the other or separate identity), with mutual relations varying based on political contingencies. The latter reading reflects the “security of social relationship, a sense of being safely in cognitive control of the interaction context. It is relational at the most basic level of interaction: that of the mutual knowledge which is a condition of action, and which derives from a sense of *shared* community”. Essentially it becomes a source of “ontological security”, which “relates to the self, its social competence, [and] its confidence in the actor’s capacity to manage relations with others” (McSweeney 1999: 157), a condition of closure that is, being the prerequisite for openness.

Corresponding to the above cognitive aspects of peace, tension, or conflict/fighting, the “West” may be perceived along the fluid policies of a) non-imperial powers, b) semi-imperial powers and c) imperial powers respectively (Fig. 4).

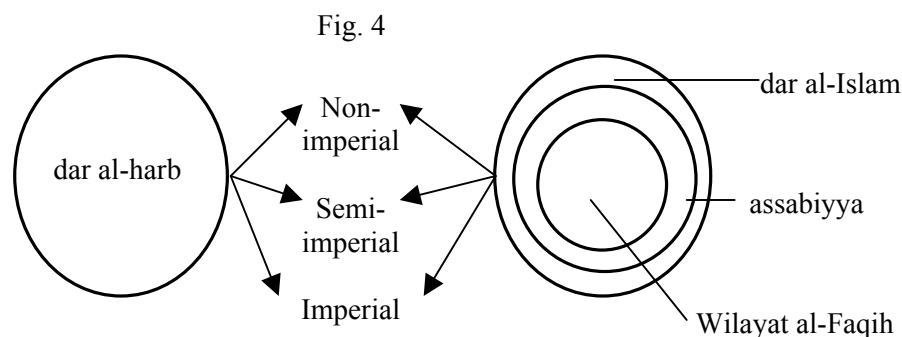


Fig. 4 suggests a policy framework which, while normatively closed is cognitively open. It is based on policies rather than generalized closed categories but which, also protects identity structure. The non-imperial, semi-imperial, imperial identifications correspond to the respective conditions of peace, tension and war in Fig. 3.

Conflict would hence shift from a fixed “Western” category toward a fluid *imperial* counterpart, as actors’ roles may change or alter over time. Reformulated accordingly, the “abode of War” against which, *jihad* or just war may in principle be conducted, becomes imperialism and not the West as such, policies not categories. In this sense *jihad* re-appropriates its just and defensive connotations. Fluidity by the same token requires the expansion of cognitive skills (*fatawa*) into fields of strategic planning, prioritization and political analysis as categories, change, mix or transform. It demands further the sharpening of dynamic theoretical inferences, while remaining at the same time cognizant of normative closures and red lines related to religious values and interests. It is perhaps this framework,

which has allowed the Iranian Islamic experience to evolve successfully, despite great systemic opposition, from revolution to a revolutionary state, to an institutionalized state, while remaining loyal to Islamic principles both domestically and externally. Its normative closure was the very condition of its evolution and cognitive opening. This is in contradistinction to the Arab, normatively open and cognitively closed, “state”. No wonder the former is dynamic and evolving, the latter static, fragmenting and decaying.

These considerations argue for the continued yet modified relevance of the Islamic classical approach to relations among nations. The respect with which it has been held, by Muslims through the centuries is therefore not necessarily misplaced. Where it is perhaps out of place, is in veneration, which does not allow for intellectual expansion, elaboration and complexity, combined with a state of paralysis and immobility emanating from a feeling of insecurity about being unable to preserve religious identity in a perceived “hostile” global environment. Fear, that is, fuelled by the implications of being an *adaptive* object rather than a *constitutive* subject. Islamic beliefs and ideas, for a myriad of historical reasons, have been largely detached from national and global structures and processes. As such they were unable to play an active role in shaping national and government policies or reach out beyond to influence systemic configurations. To the extent that beliefs determine and sway policy and thus, are potentially constitutive of the domestic and possibly the external environment could such fears be mitigated. This requires moving beyond the simplicity of normative closures toward a dynamic relationship with the complexities of cognitive openness. A neo-classical framework heralds the end of simplicity in much the same fashion that the end of the bipolar structured Cold War World has ushered in.

### Notes

1. It is true that the Hanafi school of thought recognized the territorial implications affecting religious rulings, as opposed to a pure non-territorial personal obligation to follow them. However, this hinged on a non-Islamic territorial law not contradicting any Islamic injunction (e.g. eating pork or drinking wine). The latter always had precedence even though a Muslim in non-Muslim territory was expected to obey local rules and laws.
2. Al-Shyabani was termed by Joseph Hammer von Purgstall as the Hugo Grotius of the Muslims (Khadduri 1966: 56). His works were described by Weeramantary as “the world’s earliest treatise on international law as a separate topic” (Weeramantary 1988: 130). As a matter of fact, Weeramantary argues persuasively that it was the influence of Islamic international law that served as the triggering factor in the development of the Western counterpart. Western scholars in the fifteenth and sixteenth centuries were well aware of Arab/Islamic literature and sciences through Spain and Italy. Weeramantary also provides a host of circumstantial evidence indicating that Grotius was influenced by Islamic scholarship even though he never acknowledged it (Weeramantary 1988: 149-158). Appreciative references to the Qur’an and to the Islamic law, pertinent to international relations, could also be found in the writings of Montesquieu (Weeramantary 1988: pp. 108-109).

3. There is a rather a negative religious connotation associated with the concept of *assabiyya* as a reflection of chauvinism and/or nepotism; characteristics which the Prophet Muhammad is reported to have condemned. Ibn Khaldun's usage of the term however, refers not to this negative aspect but to the more general sentiments of solidarity, which bring people together in order to create society, the foundation of any eventual good. *Assabiyya* in this sense refers not only to those primordial feelings, which are embedded in the natural ties of kinship and blood relations, but also to the broader context of group cohesion, affiliation and common concerns—an esprit de corps of sorts. It embodies both the natural and functional purposes of human social and political existence organized around those who lead and those who are led. This paper however will attempt to expand and reconstruct this concept beyond its conventional and narrow Khaldunian meaning in order to apply it to contemporary structures and contingencies.

4. Ghunaimi has indicated that "...it is not accurate to include the doctrines of the various Islamic schools of thoughts [paradigms] in the *Shari'ah stricto sensu*. These schools, in fact represent different processes of speculation on what the divine law, the *Shari'ah* might be" (1969:133).

5. An epistemic community, consists of knowledge-based experts who share both cause-effect conceptions and sets of normative and principled beliefs (Goldstein & Keohane 1993: 11). This does not mean that members of such a community have to agree on every detail. *Ijma'* by the same token does not necessarily mean the absence of differences, but rather their existence yet within a common Islamic normative structure. In this sense, differences between for instance, Hanafis and Shafi'is, regarding details of conducting relations with non-Muslim nations need not be understood or translated into discontinuity or an absence of *ijma'* at least as far as the Islamic theory in concerned. Michel Foucault for instance indicated that despite all the apparent challenge's that Marx's ideas presented to the power and domination of ruling classes and their ideologies, "at the deepest level of Western knowledge, Marxism introduced no real discontinuity". And while the erupting conflict and opposition to his ideas "may have stirred up a few waves and caused a few surface ripples...they [were] no more than storms in a children's paddling pool" (Foucault 1970: 261-262). In the Islamic religious field, it may be possible to make an analogy with the *sunni-shi'ite* divide.

6. In what follows in this section I draw on the work by Tilly. However, unlike his organizational and intra-state focus I expand his work to the international and global context.

7. The real significance of the Islamic revolution and its structures of authority as an empirical model, have been frequently overlooked by Sunnis. By ignoring that experience as well as Shi'ite jurisprudence, a wealth of knowledge of immense potential benefit to the debilitated state of Sunni *fiqh* and political theoretical development is simply excluded. Yet having been a historical minority, Shi'ite

jurisprudence provides for *fiqh al-aqalliyya* (minority). Having been persecuted and weak, it provides for *fiqh al-istidh'af* (the weak/down-trodden). Having never closed the gate of *ijtihad*, it provides for *fiqh al-ijtihad* (innovation)—a talent which, Sunnis have apparently lost in favor of *taqlid* (emulation), whether of their predecessors or of the West. Having represented *opposition* to the Sunni ruling establishment, it provides for *fiqh al-thawra/al-khuru'j* (revolution), particularly in light of the Iranian Islamic revolutionary experience. Having been able, not only to establish an Islamic state, but also to institutionalize it under the aegis of *Wilayat al-Faqih* principle, it provides for *fiqh al-dawla* (state). Finally, having been able to deal dynamically with, and to exert increased influence on the external environment while credibly holding fast to Islamic principles, it provides for *fiqh al'ilaqat al-kharajiyya* (external relations). All these six aspects of jurisprudence provide for a comprehensive theoretical and empirical corpus of knowledge, which rationally justifies the principle of al-Wilayat. In a re-constructive effort of this kind, Sunni-Shi'i relations must be seen through a *strategic* rather than *historical* perspective.

8. The Islamic theory of nations and Ibn Khaldun together with the empirical experience of the Iranian Islamic revolution provide ample opportunity for broadening Muslims' intellectual/ijtihad horizons of research. The "Islamic" justification for the choice of *Wilayat al-Faqih* here as the most relevant leadership principle is based on the Prophetic Tradition narrated by Abu-Huraira, the companion of the Prophet. When the Qur'anic verse "...if ye turn back (from the path), He will substitute in your stead another people [non-Arab?]; then they would not be like you", was revealed (ch. 47:39) the Prophet was asked, who those substituting people may be. He put his hand on Salman's (the only Persian Muslim at the time) shoulder and said "this man and his people. By him in whose hands my soul is, if the faith were to be as far as '*al-Thurayya*' [secular epoch?] it shall be brought back by men from among the Persians [The Islamic Revolution?]"'. *Al-Thurayya* is a name of a star (Al-Tabari 1980: v. 26, 42); (al- Qurtobi, 1967: v. 16, 258). This does not preclude further rational justifications based on the theory and practice of the Iranian leadership. The concept will be used in this article in a more or less reified unproblematic form. On Iran, government and theory of state detailing Wilayat al-Faqih as an Islamic leadership principle, and as a praxis of Islamic assabiyya see (Sabet 1994, 583-605).

9. *Dar al-Ahd* or the abode of the covenant is used here to refer to peaceful relations of a more or less enduring kind (non-imperialists). *Dar al-Sulh* or the abode of peaceful arrangements, connotes temporality and contingency determined by less enduring more tense relations (semi-imperialists). *Dar al-Baghy* or the abode of aggression, refers to imperialist and hostile actors.

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**POLICY FORUM:**  
**In Response to September 11**



## SEPTEMBER 11: CHOICES AND PROSPECTS

### Noam Chomsky

*\*Editorial Note: The following is an edited version of an interview of Noam Chomsky by radio B92, Belgrade on September 18, 2001. Each section is in response to specific questions, which were posed by the interviewer who selected the topics to be discussed.*

#### Origins

In examining the attacks on the U.S. on September 11, we must first identify the perpetrators of the crimes. It is generally assumed, plausibly, that their origin is the Middle East region, and that the attacks probably trace back to the Osama Bin Laden network, a widespread and complex organization, doubtless inspired by Bin Laden but not necessarily acting under his control. Let us assume that this is true. A sensible person would try to ascertain Bin Laden's views, and the sentiments of the large reservoir of supporters of much of what he says throughout the region. About all of this, we have a great deal of information.

Bin Laden has been interviewed extensively over the years by highly reliable Middle East specialists, notably the most eminent correspondent in the region, Robert Fisk, reporting for the London *Independent*, who has intimate knowledge of the entire region and direct experience over decades. A Saudi Arabian millionaire, Bin Laden became a militant Islamic leader in the war to drive the Russians out of Afghanistan. He was one of the many religious fundamentalist extremists recruited, armed and financed by the CIA and their allies in Pakistani intelligence, and elsewhere, to cause maximal harm to the Russians—quite possibly delaying their withdrawal, some analysts suspect—though whether he personally happened to have direct contact with the CIA is unclear, and not particularly important.

Not surprisingly, the CIA preferred the most fanatic and cruel fighters they could mobilize. According to Simon Jenkins, a regional expert for the *London Times*, the end result was to “destroy a moderate regime and create a fanatical one, from groups recklessly financed by the Americans”. These “Afghanis” as they are called (many, like Bin Laden, not from Afghanistan) carried out terror operations across the border in Russia, but they terminated these after Russia withdrew. Their war was not against Russia, which they despise, but against the Russian occupation and Russia's crimes against Muslims.

The “Afghanis” did not terminate their activities, however. They joined Bosnian Muslim forces in the Balkan Wars; the U.S. did not object, just as it tolerated Iranian support for them, for complex reasons that we need not pursue here, apart from noting that concern for the grim fate of the Bosnians was not prominent among them. The “Afghanis” are also fighting the Russians in Chechnya, and, quite possibly, are involved in carrying out terrorist attacks in Moscow and elsewhere in



places where, as they see it, Muslims are under attack. Bin Laden and his “Afghanis” turned against the U.S. in 1990 when they established permanent bases in Saudi Arabia—from his point of view, a counterpart to the Russian occupation of Afghanistan, but far more significant because of Saudi Arabia’s special status as the guardian of the holiest shrines.

Bin Laden is also bitterly opposed to the corrupt and repressive regimes of the region, which he regards as “un-Islamic”, including the Saudi Arabian regime, the most extreme Islamic fundamentalist regime in the world, apart from the Taliban, and a close U.S. ally since its origin. Bin Laden despises the U.S. for its support of these regimes. Like others in the region, he is also outraged by long-standing U.S. support for Israel’s brutal military occupation, now in its 35<sup>th</sup> year: Washington’s decisive diplomatic, military and economic intervention in support of the killings, the harsh and destructive siege over many years, the daily humiliation to which Palestinians are subjected, the expanding settlements designed to break the occupied territories into Bantustan-like cantons and take control of the resources, the gross violation of the Geneva Conventions, and other actions that are recognized as crimes throughout most of the world, apart from the U.S. which has prime responsibility for them.

And like others, he contrasts Washington’s dedicated support for these crimes with the decade-long U.S.-British assault against the civilian population of Iraq, which has devastated the society and caused hundreds of thousands of deaths while strengthening Saddam Hussein—who was a favored friend and ally of the U.S. and Britain right through his worst atrocities, including the gassing of the Kurds, as people of the region also remember well, even if Westerners prefer to forget the facts.

These sentiments are very widely shared. *The Wall Street Journal* (September 14, 2001) published a survey of opinions of wealthy and privileged Muslims in the Gulf region (bankers, professionals and businessmen with close links to the U.S.). They expressed much the same views: resentment of the U.S. policies of supporting Israeli crimes and blocking the international consensus on a diplomatic settlement for many years while devastating Iraqi civilian society, supporting harsh and repressive anti-democratic regimes throughout the region, and imposing barriers against economic development by “propping up oppressive regimes”. Among the great majority of people suffering deep poverty and oppression, similar sentiments are far more bitter, and are the sources of the fury and despair that is part of the background for such atrocities as suicide bombings, as commonly understood by those who are interested in the facts.

The U.S. and much of the West prefer a more comforting story. To quote the lead analysis in the *New York Times* (September 16, 2001), the perpetrators acted out of “hatred for the values cherished in the West as freedom, tolerance, prosperity, religious pluralism and universal suffrage”. U.S. actions are irrelevant, and therefore need not even be mentioned (Serge Schmemmann). This is a convenient picture, and the general stance is not unfamiliar in intellectual history; in fact, it is close to the norm. It happens to be completely at variance with everything we know, but has all the merits of self-adulation and uncritical support for power.

It is also widely recognized that Bin Laden and others like him are praying for “a great assault on Muslim states”, which cause “fanatics to flock to his cause” (Jenkins, and many others). That too is familiar. The escalating cycle of violence is typically welcomed by the harshest and most brutal elements on both sides, a fact evident enough from the recent history of the Balkans, to cite only one of many cases.

### **American Inner Policy and Self Perception**

As U.S. policy has been officially announced, the world is being offered a “stark choice”: join us or “face the certain prospect of death and destruction” (R.W. Apple, *New York Times*, September 14, 2001). Congress has authorized the use of force against any individuals or countries the President determines to be involved in the attacks, a doctrine that every supporter of the measure regards as ultra-criminal. That is easily demonstrated. Simply ask how the same people would have reacted if Nicaragua had adopted this doctrine after the U.S. had rejected the orders of the World Court to terminate its “unlawful use of force” against Nicaragua and had vetoed a Security Council resolution calling on all states to observe international law. And that terrorist attack was far more severe and destructive even than this atrocity.

As for how these matters are perceived here, that is far more complex. One should bear in mind that the media and the intellectual elites generally have their particular agendas. Furthermore, the answer to this question is, in significant measure, a matter of decision: as in many other cases, with sufficient dedication and energy, efforts to stimulate fanaticism, blind hatred and submission to authority can be reversed. We all know that very well.

### **American Policy Abroad**

The initial response was to call for intensifying the policies that led to the fury and resentment that provides the background from which terrorist attacks arise and sometimes gain sympathy, and to pursue more intensively the agenda of the most hard line elements of the leadership: increased militarization, domestic regimentation, and attack on social programs. That is all to be expected. Again, terror attacks and the escalating cycle of violence they often engender tend to reinforce the authority and prestige of the most harsh and repressive elements of a society. But there is nothing inevitable about submission to this course.

### **Prospect: Fear**

Every sane person should be afraid of the likely reaction—the one that has already been announced, the one that probably answers Bin Laden’s prayers. It is highly likely to escalate the cycle of violence, in the familiar way, but in this case on a far greater scale. The U.S. has already demanded that Pakistan terminate the food and other supplies that are keeping at least some of the starving and suffering people of Afghanistan alive. [To quote the exact words on September 16, 2001, the

*New York Times* reported that “Washington has also demanded [from Pakistan] a cutoff of fuel supplies...and the elimination of truck convoys that provide much of the food and other supplies to Afghanistan’s civilian population”.]

If that demand is implemented, unknown numbers of people who have not the remotest connection to terrorism will die, possibly millions. Let me repeat: the U.S. has demanded that Pakistan kill possibly millions of people who are themselves victims of the Taliban. This has nothing to do even with revenge. It is at a far lower moral level even than that. The significance is heightened by the fact that this is mentioned in passing, with no comment, and probably will hardly be noticed. We can learn a great deal about the moral level of the reigning intellectual culture of the West by observing the reaction to this demand. I think we can be reasonably confident that if the American population had the slightest idea of what is being done in their name, they would be utterly appalled. It would be instructive to seek historical precedents.

If Pakistan does not agree to this and other U.S. demands, it may come under direct attack as well—with unknown consequences. If Pakistan does submit to U.S. demands, it is not impossible that the government will be overthrown by forces much like the Taliban—who in this case will have nuclear weapons. That could have an effect throughout the region, including the oil producing states. At this point we are considering the possibility of a war that may destroy much of human society.

Even without pursuing such possibilities, the likelihood is that a massive attack on Afghans will have pretty much the effect that most analysts expect: it will enlist great numbers of others to support of Bin Laden, as he hopes. Even if he is killed, it will make little difference. His voice will be heard on cassettes that are distributed throughout the Islamic world, and he is likely to be revered as a martyr, inspiring others. It is worth bearing in mind that one suicide bombing—a truck driven into an U.S. military base—drove the world’s major military force out Lebanon 20 years ago. The opportunities for such attacks are endless. And suicide attacks are very hard to prevent.

### **Reflection: Will the World Be the Same?**

The horrendous terrorist attacks on Tuesday are something quite new in world affairs, not in their scale and character, but in the target. For the U.S., this is the first time since the War of 1812 that its national territory has been under attack, even under threat. Its colonies have been attacked, but not the national territory itself. During these years the U.S. virtually exterminated the indigenous population, conquered half of Mexico, intervened violently in the surrounding region, conquered Hawaii and the Philippines (killing hundreds of thousands of Filipinos), and in the past half century particularly, extended its resort to force throughout much of the world. The number of victims is colossal. For the first time, the guns have been directed the other way. The same is true, even more dramatically, of Europe. Europe has suffered murderous destruction, but from internal wars, meanwhile conquering much of the world with extreme brutality. It has not been under attack by its victims outside, with rare exceptions (the IRA in England, for

example). It is therefore natural that NATO should rally to the support of the U.S.; hundreds of years of imperial violence have an enormous impact on the intellectual and moral culture.

It is correct to say that this is a novel event in world history, not because of the scale of the atrocity, regrettably, but because of the target. How the West chooses to react is a matter of supreme importance. If the rich and powerful choose to keep to their traditions of hundreds of years and resort to extreme violence, they will contribute to the escalation of a cycle of violence, in a familiar dynamic, with long-term consequences that could be awesome. Of course, that is by no means inevitable. An aroused public within the more free and democratic societies can direct policies towards a much more humane and honorable course.





# THE UNITED STATES, THE WEST AND THE REST OF THE WORLD

**Johan Galtung**

## **Diagnosis**

The world will never be the same again after the terrible attack on the economic U.S., the military U.S., the foreign policy U.S., and on human beings like all of us. We embrace the victims of the violence, of all violence, in deep grief, and express our hope that perpetrators will be brought to justice. Violence at this level can only be explained by a very high level of dehumanisation of the victims in the minds of the aggressors, often due to a very deep level of unresolved, basic conflict. The word "terrorism" may describe the tactics, but like "state terrorism" only portrays the perpetrator as evil, satanic, and does not go to the roots of the conflict.

The text of the targets reads like a retaliation for U.S. use of economic power against poor countries and poor people, U.S. use of military power against defenseless people, and U.S. political power against the powerless. This calls to mind the many countries around the world where the U.S. has bombed or otherwise exercised its awesome power, directly or indirectly; adding 100,000 dying daily at the bottom of an economic system by many identified with U.S. economic, military and political power. Given the millions, not thousands, of victims it has to be expected that this will generate a desire for retaliation somewhere, some time.

The basic dividing line in this conflict is class, of countries and of people. It is not civilisation, although the U.S. sense of mission, manifest destiny, and Islamic sense of righteousness are parts of it. Right now the confrontation seems to be between the U.S./West and Arabs/Muslims. But this may also be a fallacy of misplaced concreteness: the latter may possess more intention and more capability than other victims of the enormous U.S./West violence since the Second World War. We should neither underestimate the extent of solidarity in the "rest of the world", nor the solidarity of the world upper class, the West, and build solidarity with victims everywhere.

In placing the horrendous attack on the U.S. in the context of a cycle of retaliation there is no element of justification, no excuse, no guilt-attribution. There is only deep regret that this chain of violence and retaliation is a human fact. But it may also serve to make us break that vicious spiral.

## **Prognosis**

With talk of Crusades from the U.S., and of the fourth stage of jihad, Holy War, from Islamic quarters, the world may be heading for the largest violent encounter ever. The first jihad, against the Crusades 1095-1291 lasted 196 years; the Muslims won. The second, against Israel, is undecided. The third, against communism in



Afghanistan, ended with Soviet withdrawal and collapse as a factor ending the Cold War (and no thanks). Muslims are willing to die for their faith.

### **Therapy**

To prevent a slide into a large war with enormous, widespread suffering, the U.S., indeed everybody, should not rush to action. Dialogue and global education to understand how others think, and to respect other cultures, not debate to defeat others with stronger arguments, can lead the way toward healing and closure.

Governments in the West, and also in the South, cannot be relied upon to do this; they are too tied to the U.S. and also too afraid of incurring U.S. wrath. Only people can, only the global civil society. What is needed as soon as humanly possible is a massive peace movement, this time North-South. It worked last time, East-West. The future of the world is more than ever in the hands of the only source of legitimacy: people everywhere.

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