

*Transcending Imperialism:  
Human Values and Global Citizenship*

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## INTRODUCTION

Human values are not always humane, and the task for these lectures is to explore ways of transforming the human into the humane. By *human values* I mean the stimuli that motivate or guide human behavior, whether good or bad, for one end or another. These integral dynamics of ends and means, the fact that human values can have positive or negative manifestations, depend on the moral choices human beings make about the outcomes we seek to achieve and the manner in which we pursue our objectives. For instance, self-preservation is a universal motivation of all life, but its positive or negative formation in terms of human values depends on the purpose we seek to achieve beyond immediate self-preservation. This distinction can be clarified in terms of what *Ustadh* (master teacher) Mahmoud Mohamed Taha calls “the will to live” as unrestrained self-preservation and “the will to be free” as self-preservation subject to normative limitations. “At the level of this interaction [of the two wills] which produces the mind, the will to live is called the memory, while the will to be free is the imagination.”<sup>1</sup> Moral choice is therefore integral to the dynamics of human values and the ends we seek to achieve—in the above illustration, is it self-preservation of the will to live or for the will to be free?

In trying to navigate from the human to the humane, I propose an inclusive practice-oriented approach to human values through consensus building and pragmatic strategies for peace and social justice. This inclusive approach is necessary if we claim to speak of the values of human beings everywhere. The view of human values I propose to explore in these lectures deliberately, and as a matter of principle, avoids attempting to prescribe what these values are in general terms. This view is integral to my call for transcending imperialism in favor of self-determination. As I will explain in more detail later, the content of human values cannot be dictated by any person or society for others. Rather, the universality of human values must emerge from the exercise of self-determination, sustained dialogue, and collective action. In these lectures, I will try to clarify some parameters and dynamics of the process by which we can all exercise our moral choice in determining human values for ourselves

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1. Mahmoud Mohamed Taha, *The Second Message of Islam* (Syracuse: Syracuse University Press, 1987), 83.

regarding whatever priority concerns we may have. In other words, I focus on the practice through which human beings articulate their own human values to address their own primary concerns, rather than an abstract theory that is supposed to prescribe what these values are for human beings everywhere.

Also integral to this moral framing is that we can never abdicate responsibility for making moral choices—even our failure to make a deliberate choice is itself a choice for which we are responsible. I am also concerned with our ability to frame our moral choices pragmatically because we are responsible for being as persuasive as we can be about our view of human values and their implications for our lives as global citizens, as will be discussed below.

I will apply this inclusive practice-oriented approach to human values to an argument for transcending what I call “the imperial impulse” of domination and subordination in human relationships. I see imperialism on a larger political, social, and economic scale as a manifestation of the tendency of individual human beings to dominate others. Conversely, transcending imperialism is to relinquish the imperial impulse, “for behind all imperialism is ultimately the imperialistic individual, just as behind all peace is ultimately the peaceful individual.”<sup>2</sup> On the other side of the same coin, however, is the apparent willingness of human beings to acquiesce to domination or seek self-liberation. In terms of my focus on self-determination, it is the acquiescence of the subject of imperialism that enables the imperialistic individual to dominate and the resistance to domination that deters or dissuades dominators from acting on their imperial impulse. This is not to blame the victim, but rather to emphasize the possibility of self-liberation by all human beings through pragmatic means for realizing the purpose of their human value for themselves. When and to the extent that we exercise our self-determination, we transform ourselves from being subjects of empire to citizens of self-governing polity.

In other words, I locate the human person, whoever and wherever he or she may be, at the core of any conception of human values and deliberate action for their realization. This focus on the individual person enables us to apply the analysis to a wide range of relationships, from the interpersonal to intercommunal, on the national and global scale. I should also

2. Irving Babbitt, *Democracy and Leadership*, 3rd ed. (Indianapolis: Liberty Fund, 1979), 160.

emphasize that my argument for a moral choice is followed by deliberate action to transcend imperialism and not as a foregone conclusion, as if transcending imperialism is a matter of an inevitable progressive march of history. That is, in calling for the moral choice to transcend imperialism, I recognize the possibility of a moral choice reaching the opposite outcome, depending on the choice human beings make as moral actors as well as the means they have for realizing their choices.

#### OVERVIEW OF THE ARGUMENT

The premise of my argument is that human beings share certain physiological and emotional vulnerabilities, which require particular responses to redress them in the social and political realm. We are all vulnerable to physical dangers like arbitrary violence, disease, and environmental hazards or emotional trauma such as shame and anxiety. These vulnerabilities are experienced by all human beings everywhere, including the citizens of the most developed countries of the world today. As I said in relation to the terrorist attacks of 2001 and 2005, "My own position is that human beings everywhere are responsible for protecting each other against the risks of our shared vulnerability to arbitrary violence, poverty and injustice generally. As clearly shown by the terrorist attacks in New York, Madrid and London, the most technologically advanced countries are as vulnerable to arbitrary violence as the least developed ones, anywhere in the world."<sup>3</sup> The basic question I am raising in these lectures is whether this moral choice can be made in pragmatic ways that make its realization a global reality at every level of human relationship.

I am calling for transcending imperialism, defined below as the tendency to impose our will or values on others, because it undermines any possibility of an effective and sustainable response to our shared human vulnerabilities in the present global context. Transcending imperialism requires disavowing relationships of domination in all spheres: individual and communal, local and global. I will also argue for promoting global consensus around these values, to legitimize them as universal human values.

I am making this choice to these ends as a Muslim, which is integral to my identity and self-determination, without implying that this is the only way this choice can be made or justified. I wish to affirm this for myself

3. Abdullahi Ahmed An-Na'im, "Why Should Muslims Abandon Jihad? Human Rights and the Future of International Law," *Third World Quarterly* 27 (2006): 785.

because being a Muslim is integral to my conception of human values and my effort to live up to them in exercising my own self-determination, which is the only way any human being can have and act on a commitment to any principle or idea. This is not of course to imply that only religious believers can hold and act on such commitments. It does mean that religious believers can base their choice on religious principles, just as other people can invoke nonreligious principles, if they wish to do so.

By the same token, to affirm that I am making a deliberate choice is to acknowledge that different or contrary choices regarding the same issue are possible; otherwise, the notion of moral choice and responsibility would be incoherent. In other words, I am not assuming that the validity or wisdom of my call for transcending imperialism is too compelling for the counterview to be taken seriously. But the fact that both positions are possible means that the proponents of each view should be as persuasive as they can be about the pragmatic basis of their moral choice.

My personal approach to the subject is deeply influenced by *Ustadh* Mahmoud Mohamed Taha for the humane vision of the liberating mission of religion that has worked its way throughout human history, seeking to evolve human values from violent hostility to peaceful cooperation.<sup>4</sup> It is not possible to explain *Ustadh* Taha's approach in detail here, except to emphasize that it includes the need to organize our social and political affairs in ways that are most conducive to liberating each and every human being from fear, which is the cause of all inhibition, the father of all moral perversion and behavioral distortion.<sup>5</sup> As he explained:

To restore unity to one's being is for an individual to think as he wishes, speak what he thinks, and act according to his speech. This is the objective of Islam: "O believers, why do you say what you do not do? It is most hateful to God that you say what you do not do" (61:2–3 of the Quran).

This superior state [of being] can only be reached through a two-fold method: first, the good society, and secondly, the scientific educational method to be adopted by the individual in order to liberate himself from inherited fear.<sup>6</sup>

4. *Ustadh* Mahmoud lived by and propagated his liberating vision of Islam in Sudan until his execution on January 18, 1985, for political charges, when he was seventy-six years old. All his publications can be downloaded in Arabic from the site <http://www.alfikra.org/>.

5. Taha, *Second Message of Islam*, 84.

6. *Ibid.*, 152–53.

His reference to the good society in this age of intensive and expansive globalization applies at all levels, local, national, and global, and by “scientific educational method” he meant the religious methodology of trial and error in the process of self-transformation.<sup>7</sup> In this light, I will argue that addressing external causes of fear through the rule of law and protection of human rights at all levels of human society is necessary for enabling people to strive to liberate themselves from other forms and sources of fear. Conversely, if we remain moored only to the memory of mutual violent hostility, we remain mired in the fear that enables and perpetuates the aggression and domination of imperialism. The challenge is to exercise our moral choice to reach out to the liberating imagination of peaceful cooperation, while striving to be as persuasive as we can be for others to join us in that vision and the struggle for its realization.

For me as a Muslim, transcending imperialism is integral to my submission to the transcendental, supreme sovereignty of God (*twhid*), which is inconsistent with submission to any arbitrary human authority. “Human dignity is so dear to God that individual freedom is not subject to any [human] guardianship, not even that of the Prophet, irrespective of his impeccable morality. . . . God says [in the Quran]: ‘Then remind them, as you are only a reminder. You have no dominion over them (88:21–22). . . .’ This indicated that no man is perfect enough to be entrusted with the freedom of others, and that the price of freedom is continuous individual vigilance in safeguarding such freedom.”<sup>8</sup> At this theological level, I believe that the operational meaning of *twhid* in this context is to seek liberation from all forms of human domination in order to strive for restoring unity to myself. That is, transcending imperialism at various levels of its oppressive nature is the means to my personal goal of self-liberation.

Imperialism is commonly understood as “the creation and maintenance of an unequal economic, cultural and territorial relationship, usually between states and often in the form of an empire based on domination and subordination.”<sup>9</sup> Imperial domination can range from violent military conquest and control over territory and its population to varying degrees of political, economic, or cultural subordination of one society or country by another. The alleged justifications of imperial domination

7. Ibid., 152–64.

8. Ibid., 160.

9. Ronald J. Johnston, *The Dictionary of Human Geography*, 4th ed. (London: Wiley-Blackwell, 2000), 375.

can also range from serving the vital interests of the imperialists to civilizing and developing the subordinated people. The underlying rationale, whether explicit or not, is that the world should be “governed, and developed, as far as possible, by the races which can do this work best, i.e. by the races of highest ‘social efficiency.’”<sup>10</sup> This representation of the obligation of the allegedly superior people to expend the effort and cost of creating empire for the benefit of the subordinated people has been infamously expressed as the “white man’s burden” to civilize natives.<sup>11</sup>

In these lectures, I am particularly concerned with the *ideological/cultural* attitude of relating to other people in imperial terms of domination and subordination, regardless of the alleged justification. My working definition of imperialism focuses on the willingness of ranking state and government officials and opinion leaders of one society to justify the use or the threat of the use of force or other coercion in order to impose what they believe to be the values or vital interests of their society on other people. My plea to transcend imperialism is for overcoming this ideological or cultural attitude, wherever it exists, within as well as among nations, and whatever the alleged justification may be.

To further clarify the basic premise and thrust of my argument, I will now present my working definition of what I call the “imperial impulse.”

#### THE IMPERIAL IMPULSE

It seems that the dynamics of domination and subordination have been universal among human beings, transcending time and place, albeit in various formations and manifestations, depending on context, scale, power relations, and other factors. As Hannah Arendt explained:

The many recent discoveries of an inborn instinct of domination and an innate aggressiveness in the human animal were preceded by very similar philosophic statements. According to John Stuart Mill, “the first lesson of civilization [is] that of obedience,” and he speaks of “the two states of the inclinations . . . one the desire to exercise power over others; the other . . . disinclination to have power exercised over themselves.” If we would trust our own experiences in these matters,

10. J. A. Hobson, *Imperialism: A Study* (London: Cosimo, 2005), 154.

11. In the poem of that title by Rudyard Kipling, first published in *McClure's* in February 1899 with the subtitle “The United States and the Philippine Islands.” The poem was seen then as strong justification of the expansionist policies of the United States. “In Our Pages: 100, 75, and 50 Years Ago; 1899: Kipling’s Plea,” Opinion Archives, *International Herald Tribune*, February 4, 1999.



we should know that the instinct of submission, an ardent desire to obey and be ruled by some strong man, is at least as prominent in human psychology as the will to power, and, politically, perhaps more relevant. . . . [T]he will to power and the will to submission are interconnected.<sup>12</sup>

It is not possible or necessary for our purposes to discuss the wide range of explanations of these phenomena, whether psychological, sociological, political, or otherwise, except to note that such explanations will probably overlap and interact with each other rather than be mutually exclusive. For instance, the tendency of human societies toward hierarchical structures and relationships may create the historical conditions for domination by some individuals or subordination by others or both. The nature of such hierarchies and relationship may vary among different cultures, but the underlying conditions for domination and subordination remain universal.<sup>13</sup> This sociological perspective does not exclude the operation of psychological explanations at the individual level. Moreover, different types of explanation may be reinforced or rationalized by an ethical dimension. For instance, the imperial impulse on both an individual and a community level may indicate the failure to recognize the other as an equal human being. That ethical failure may explain the tendency to dominate other human beings in order either to erase their independent identity or to mold them into the dominator's own image.

The point for our purposes here is that every explanation of the imperial impulse permits the possibility of transformation. It is probably true that every encounter with the other is fraught with opportunities for domination, but that does not necessarily mean the inevitability of domination. The risk of domination in every encounter can be averted by creating conditions that are conducive to mutual acceptance and respect. I am arguing that the imperial impulse can and should be transcended precisely because this common risk of domination will probably provoke resistance, leading to a spiral of violence and counterviolence, as can be observed in the aftermath of the 9/11 terrorist attacks, noted later. Since I do not accept that some human beings are inherently superior to others, I would expect whatever rationale that tempts some to dominate will motivate others to resist domination once they realize the possibility of

12. Hannah Arendt, *On Violence* (San Diego: Harcourt, Brace, 1970), 39–40, quoting John Stuart Mill, *Considerations on Representative Government* (1861).

13. See, for example, Chris Smaje, *Natural Hierarchies* (Malden, Mass.: Blackwell, 2000).

effective resistance. In other words, the same psychological, sociological, political, or other motivation that prompts some human beings to seek to dominate others will probably motivate the subject of domination to resist. Moreover, the experience of being the victims of domination does not seem to immunize human beings from seeking to dominate others if and when they can. Such dialectic of domination and resistance is bound to lead to an indefinite cycle of destructive violence, which is one of the primary sources of our shared human vulnerability that I am calling on human values to redress. The challenge is therefore how to break this vicious cycle. According to Rene Girard:

Recent studies suggest that the physiology of violence varies little from one individual to another, even from one culture to another. . . . Violence is frequently called irrational. It has its reasons, however, and can marshal some rather convincing ones when the need arises. Yet these reasons cannot be taken seriously, no matter how valid they may appear. Violence itself will discard them if the initial object remains persistently out of reach and continues to provoke hostility. When unappeased, violence seeks and always finds a surrogate victim. The creature that excited its fury is abruptly replaced by another, chosen only because it is vulnerable and close at hand.<sup>14</sup>

Although I agree with the point Girard makes, the question is how to eliminate or address perceived reasons for violence beyond the assertion that such reasons should not be taken seriously. The answer I will be arguing for in these lectures is that as long as individuals are ruled by fear and not security, they are prone to self-centeredness, self-defense, and self-promotion. We therefore need to develop and promote normative and institutional mechanisms to guarantee the security of the self so that we can have meaningful community engagement at all levels, from the local to the global.

At one level of analysis, the imperial impulse manifests in an *act* of domination and, more important for our purposes here, in an *attitude* that authorizes and legitimizes the act of domination as appropriate, even necessary. The act of domination can be emotional, intellectual, psychological, economical, or physical, but it is the combination of both the act

14. Rene Girard, *Violence and the Sacred*, trans. Patrick Gregory (Baltimore: Johns Hopkins University Press, 1977), 2.

and the underlying attitude that constitutes imperialism on the large, complex, and protracted scale of modern imperialism and colonialism. I am not claiming that humanity can once and for all evolve beyond imperialism. Rather, my emphasis is on making imperialism unjustifiable in theory and untenable in practice. Both the basic nature of the imperial impulse and the specific features of its modern manifestation should be incorporated into strategies for transcending imperialism.

As I will argue, one can imagine a world in which the imperial impulse exists but is restrained by other actors and factors, disregarded at the source, or a combination of the two processes. The main thrust of my argument can be explained in terms of a dual process. First, we need human rights and the rule of law to create a space in which the imperial impulse is restrained by systemic forces, thereby enabling individuals to escape the pervasive fear that causes them to act on their imperial impulse. Second, under such conditions, persons will have a viable option to not choose the imperial impulse and may therefore refrain from doing so in view of the “cost” of being imperial. Moreover, there seems to be a symbiotic relationship between these processes: the more we protect human rights and uphold the rule of law, the more people will have stronger self-interested reasons for restraining their imperial impulse. Since the converse is also true, however, the challenge is how to encourage people “to give peace a chance” through human rights and the rule of law. That, I believe, is a matter of moral choice: the willingness to invest in that possibility in the longer term at the risk of suffering harm or injustice in the shorter term. To encourage people to make that investment, we need to promote the normative and institutional resources to protect people against the risk of harm or injustice, which include ensuring accountability and redress whenever such negative consequences materialize in practice.

Finally, I would emphasize the broad scope and multilayered nature of the imperial impulse. Although I tend to focus on large-scale modern Western imperialism, my critique and methodology of transcending imperialism applies not only to terrorism in the name of resisting Western imperialism but also at the intracommunal and interpersonal level. The imperial impulse is essentially the same and operates in a similar manner anywhere and always; it is premodern, modern, and postmodern, working within as well as among nations and local communities, wherever there are human relations of domination and subordination. It is important to understand the different manifestations of the imperial impulse and appreciate the need for appropriate strategies for each formation and

level of operation of the imperial impulse. But the phenomenon is essentially about the domination of the allegedly better, stronger, or superior over the lesser, weaker, or inferior.

To continue with presenting my thesis and analysis, it may be helpful to present an overview of the structure and sequence of these two lectures. I will begin the first lecture with an explanation of what I referred to above as the parameters of moral choices about human values, try to envision a world without empire, and review some recent experiences in self-liberation from imperial ideology/culture. The argument continues in the second lecture by addressing the question of pragmatic means for transcending imperialism. I start that lecture with a theoretical response to the charge that my call is utopian, but my more substantive response to this concern is the discussion of the practical possibilities of taming utopia. Such possibilities, I argue, may be realized through promoting consensus and action on ways and means for mediating the paradox of universality and difference, in relation to both human values and human rights. I discuss these possibilities under what I call the creative paradox of universality and difference and the politics of human values. In the final part of the second lecture I will call for reconceiving realpolitik by trying to show that transcending imperialism is in fact the more realistic politics in the present context.

## LECTURE I. HUMAN VALUES, SELF-DETERMINATION, AND GLOBAL CITIZENSHIP

As already emphasized, I will try to clarify some parameters of the process by which we can all exercise our moral choice in determining human values for ourselves, without prescribing what these values are in general terms. I will begin this first lecture by clarifying some of those parameters and how they interact and relate to the objective of transcending imperialism. I begin by explaining, briefly, that my emphasis on the human agency of the subject in defining her own view of human values draws on notions of self-determination and citizenship, which can operate at various levels from the local to the global. The protection of universal human rights is necessary for people everywhere to be able to exercise their right to self-determination and to give concrete content to their

citizenship at various levels. That is, citizenship enables people to contribute to defining and implementing human rights for themselves, as a matter of self-determination, which is a collective human right itself. At the same time, as the entitlement of citizens of the world, human rights give concrete content to the concept and practice of citizenship. This view of citizenship and self-determination as parameters of the process of determining and realizing human values through human rights may be briefly explained as follows.

By human rights I mean the broad cross-cultural consensus over the entitlements of every human being by virtue of being human. I take this concept as a particularly promising representation of human values. From this perspective, I take the present articulation of human rights in the 1948 Universal Declaration of Human Rights of the United Nations and subsequent treaties as a “work in progress” that does not exhaust or conclusively define what human rights are for eternity. The present international standards are authoritative and binding to the extent that they reflect a genuine global consensus that is open to further development and refinement in response to the emerging needs and aspirations of all peoples around the world. Moreover, this continuing process of legitimization and evolution is possible through the practical application and protection of human rights as presently formulated, which inspire and empower people to act in pursuit of their vision of human values. At the same time, this inclusive approach to human values through human rights is conversely related to imperialism: transcending imperialism is both necessary and possible because of the synergy and interdependence of human values and human rights. In other words, the universality of human values and human rights is the ends of and means for transcending imperialism.

To briefly illustrate the interplay of these concepts, freedoms of opinion, religion and belief, expression, and organization are necessary for people to hold and articulate their views about human values and to collaborate with others promoting consensus and implementation of those values. The right to health, education, shelter, and favorable working conditions is necessary not only for protecting the dignity of human beings everywhere but also for their ability to exercise their freedoms of opinion, religion and belief, expression, and organization. In other words, human rights norms are inherently interdependent, defying rigid classification and the dichotomy of civil and political rights versus economic, social, and cultural rights as a relic of the cold war rivalry between ideologies of

liberal capitalism and Soviet Marxism. For human rights to be conducive to the articulation and realization of human values, the universality of human rights cannot remain hostage to such narrow ideological formulations or be allowed to be hijacked by major powers to advance their own imperial ambitions at home and abroad.

Another parameter to clarify is whether human values are to be understood to follow inherently from being human or as those values that people actually accept as such. Since both alternatives are difficult to verify in globally inclusive terms, it may be useful to conceive of human values in terms of the ability to redress our shared human vulnerabilities. Since what these vulnerabilities are and how to redress them are matters for each person to decide for herself, that brings us back to focus on human rights, self-determination, and citizenship. As I will emphasize, this view does not exclude the relevance of philosophical reflection or popular acceptance, but only seeks to avoid the stalemate of ideological competition or unverifiable empirical claims.

As briefly defined earlier, imperialism is an impediment to the affirmation of human values and the realization of citizenship at various levels because it threatens the peace and violates human dignity, which is in my view the rationale of the universality of human values. Imperialism is also futile and counterproductive because it will always be resisted, and more effectively so under present global conditions, which defeat the alleged justification or perceived success of the imperial impulse. Whatever good the imperial impulse may be said to achieve for its victims, like ridding Iraq of the brutal dictatorship of Saddam Hussein, is outweighed by its violation of their self-determination. In the end we are all better off as citizens of our polities and of the world than as dominators or subordinates no matter whether we are the former or the latter.

However, it is also futile and counterproductive to condemn imperialism and call for transcending it without showing how that can be achieved in realistic and sustainable ways. To that end, I will argue that global humanity today has the normative and institutional resources to address the legitimate concerns and mediate the competing interests of all societies through peaceful and orderly means. In other words, my approach emphasizes interdependence between these concepts in that human values are defined and realized by global citizens, whose citizenship is sustained and amplified by their entitlement to and responsibility for claiming the purpose of human values for themselves and all other human beings.

Historically, many ethnic and religious communities have sought to serve their view of human values by asserting their exclusive right to citizenship and dominating others as “subjects of empire.” In contrast, the human rights paradigm I am proposing offers probably the first possibility in human history for achieving this task for all human beings because of its potentially universal scale and global reach. As already noted, citizenship is both the basis of the claim of self-determination and the self-empowering means of realizing that claim. As I have argued elsewhere,<sup>15</sup> however, the concept of citizenship I am working with refers to multilayered and overlapping senses of belonging, entitlement, and responsibility, from local to national to global human community. I mean a sense of citizenship that recognizes and seeks to reconcile the varied ethical, political, legal, and other implications of each level of membership and participation in defining and applying shared understandings of human values. These varied levels are not mutually exclusive to the extent that they share the same human values and seek to protect the same human rights.

I am calling for this proactive conception of citizenship to be in global terms because the nature of the challenge is both local and global. If we are to transcend imperialism in a sustainable manner, we need to think locally and act globally, as well as think globally and act locally. Shared understanding and commitment to human values are necessary for all levels of this process. From this perspective, the question is how to realize that shared understanding and commitment to enable and facilitate universal self-determination, for all human beings, everywhere.

Self-determination is the means of transcending imperialism because the “human” in human values and human rights is a self-determining person, who is the true subject.<sup>16</sup> By definition, however, self-determination is specific to the “self” in her communities (in the plural) since the “determination” must be by the person for herself, not by or as someone else. This does not mean the self-determining person can or should always act alone in pursuit of her self-defined determination, because human behavior is influenced by many factors, including social relationships, material and emotional needs, and political context. Human beings also need to

15. Abdullahi Ahmed An-Na'im, “Global Citizenship and Human Rights: From Muslims in Europe to European Muslims,” in *Religious Pluralism and Human Rights in Europe: Where to Draw the Line?* ed. M. L. P. Loenen and J. E. Goldschmidt, 13–55 (Antwerp and Oxford: Intersentia, 2007).

16. Abdullahi Ahmed An-Na'im, “Who Is the ‘Human’ in Human Rights?” public lecture at the Center for the Study of World Religions of Harvard Divinity School, October 4, 2007, available at <http://www.hds.harvard.edu/cswr/resources/lectures/annaim.html>.

act in solidarity with each other in exercising their self-determination, although each one will experience that as herself, who she is as a person. However, the necessary means of collective action and solidarity, and the likely desire to experience one's self in community with others, should be consistent with the end of individual self-determination.

From this perspective, I am raising the question of whether human values are supposed to follow from being human or if they are values that all human beings actually accept. The first is a normative claim about the quality of being human that determines the nature of the values. The second is an empirical claim about universal agreement on a particular set of values. Both claims raise similar questions. For instance, who determines the quality of being human, and how do we extrapolate human values from that quality? How do we know which human values are in fact universally agreed upon among human beings everywhere? Even if such agreement can be established at any point in time, how do we know it continues to be true and valid into the future for the same people who agreed, let alone from one generation to another? In my view, the answer to both kinds of questions is self-determination for global citizenship, that is, our freedom to decide for ourselves provided we are willing to accept responsibility for our choices.

In my view, human values should be shaped by recognizing and responding to the empirical reality of our shared human vulnerability, broadly conceived, and not as an assertion of a particular metaphysical or philosophical claim about "human nature" as such. Consensus may emerge in due course around such claims about human nature, but I see that possibility as an outcome of a process rather than an assumption or a given. Moreover, by its own rationale of voluntary consent in the process of determining human values and their purpose, whatever consensus any of us believes to exist must constantly remain open to change and revision. Consensus is not only difficult to establish and verify, but cannot remain binding even on those who are supposed to have agreed, let alone others, including future generations who did not participate in the process in the first place. It therefore seems clear to me that what human values mean and what utility or rationale they have must be determined through inclusive and voluntary participation of self-determination and citizenship at various levels. That is why universal human rights are essential for any conception of human values and their implementation to enable and guide human beings everywhere in contributing to defining these values for themselves. Imperialism is simply totally and



irredeemably inconsistent with that sense of human values—indeed, it is the most inhuman human beings can be.

I am therefore concerned with the processes of identifying the true nature of our shared human vulnerabilities, deciding on appropriate responses to them, promoting consensus on those responses for more effective action, and then acting accordingly. In other words, I am concerned with the sort of questions that are necessary for these choices to be made and for deliberate action to be taken accordingly. The task is not to enumerate some abstract list of human values according to some conceivable criteria, but to conceive and work with human values that can best identify and respond to the shared human vulnerabilities of all human beings, everywhere. For that to happen, the process must be as inclusive and open-ended as possible, but how can that be in a world of permanent and profound difference, of competing demands and expectations?

The notion of universality is implicit in the concept of “human values,” which asserts a *human* quality to the values, in the sense that all human beings everywhere will find these values conducive to realizing their self-determination. However, this proposition is subject to the requirement that this conception of universality and its implications must be truly inclusive of all human beings as active subjects in their own right, not mere objects of the universalizing projects of others. This is a proposition I am seeking to advance through my own moral commitment to upholding it through personal struggle in solidarity with others, and not as an imperial imposition on or by others. The challenge of this conception of universality of human values, as it is for human rights, is the permanent reality of profound difference among human beings at all levels and contexts. That is, how to conceive the universality of human values as consistent with rather than antithetical to the permanent reality of cultural, religious, contextual, and other forms of human difference. The realities of difference are not only inherent to being human but also the basis of each person’s self-determination. The inclusive universality of human values is necessary for self-determination, which, in turn, affirms and enhances the reality of difference.

I am presenting this relationship as a paradox rather than a deadlock in order to emphasize the need for and possibility of mediation, instead of attempting to impose a categorical resolution. The difficulties of implementing this approach, from a human values perspective in particular, include issues of the scope and terms of that dialogue in view of differentials in power relations among human societies. There is also the difficulty

of cross-cultural understanding due to conceptual and epistemological diversity. Nevertheless, the consensus already achieved on the universality of human rights through international and regional institutions and social movements, as I will briefly explain later, provides a good model for overcoming these difficulties regarding human values.

#### ENVISIONING A WORLD WITHOUT EMPIRE

The main idea at this stage of my argument is that transcending imperialism is both necessary for and possible through the self-determination of global citizens, protected under the rule of law and universal human rights. To support this proposition, I will now try to explain why the notion of empire is not only untenable in this age of self-determination, but clearly dangerous under present conditions of globally shared human vulnerability. Making empire unimaginable is a more genuinely universal option today because it actually takes the idea of a global humanity seriously. Transcending imperialism means helping people to move beyond a worldview that pits the interests of humanity against itself by addressing the legitimate concerns of the victims of empire as well as the imperialists without conceding their ambition to dominate. I am calling for this to be done through the rule of law, embedded in appropriate normative and institutional resources, but ultimately founded on the human agency and political will of human beings around the world.

It seems to me that there are two main paradigms in discussions about empire. On the one hand, some policy makers and scholars attempt to justify empire as necessary for the vital interests of the imperialists, maintaining a peaceful world order or legitimated by benign concern for its victims.<sup>17</sup> This latter view persists today in calls for so-called humanitarian intervention or, more recently, “responsibility to protect.”<sup>18</sup> If this recent concept refers to the responsibility of states to protect their own populations, it is simply reaffirming an established principle. But if it is a claim to legalize humanitarian intervention by other states,<sup>19</sup> this could easily

17. See, for example, Niall Ferguson, *Empire: How Britain Made the Modern World* (London: Allen Lane, 2003); and Robert Kagan, *Of Paradise and Power: America and Europe in the New World Order* (London: Atlantic Books, 2003).

18. On the recent development of this concept and its need for clarification, see Edward C. Luck, “The United Nations and the Responsibility to Protect,” *Stanley Foundation Policy Analysis Brief* (2008).

19. See, for example, Stephen John Stedman, “UN Transformation in an Era of Soft Balancing,” *International Affairs* 83, no. 5 (2007): 933, 938. For the contrary view, see Carsten Stahn, “Responsibility to Protect: Political Rhetoric or Emerging Legal Norm?” *American Journal of International Law* 101, no. 1 (2007): 102.

be a pretext for imperial ambitions, unless such intervention is conducted by the international community at large, acting collectively through the United Nations or similar institutions. It is true that neither international law nor the United Nations is democratic and effective enough. However, the scale and scope of participation in these institutions make them good candidates for a global rule of law. As I will argue in the second lecture, we should use these resources to the extent that they can advance the purposes of the rule of law and peaceful mediation of conflict, while striving to overcome whatever limitations or problems we have with them.

On the other hand, the second paradigm, common among some anti-colonial scholarship, seems to focus too much on the volition of imperial powers, the colonial political economy, and Western interests.<sup>20</sup> For my part, I would rather emphasize the will and agency of global humanity instead of crediting imperialism with ultimate power and authority over national and international affairs. Moreover, fixed categories of the colonizer and the colonized, oppressor and oppressed, can be misleading. “Such stereotypical, black-and-white generalizations (often now referred to as a false ‘binary’ analysis) only served to perpetuate apartheid regimes (or apartheid theories) of ‘maintaining the West,’ ‘American values,’ and so on.”<sup>21</sup> The point I am making here is not only that these developments make it difficult to understand power relations in traditional imperial terms, but also to recall that the imperial impulse operates at all levels, within and among communities, as well as nationally and globally.

I do, of course, appreciate that drastic humanitarian crises require concerted action to protect victims, but that cannot be achieved through military intervention by one or a few states acting on their own initiative outside the framework of international law and institutions.<sup>22</sup> As we have seen most recently by contrasting aggressive intervention in Iraq with the failure to act on Darfur, Sudan, such claims will not only be selective,

20. See, for example, Mahmood Mamdani, *Saviors and Survivors: Darfur, Politics, and the War on Terror* (New York: Pantheon Books, 2009). I am not criticizing Mamdani here because I appreciate that he is probably focused on the role of Western imperialism in response to the way the Darfur issue was presented in international relations and domestic politics in some Western societies, especially in the United States, at the time he was writing. I also know that he has strongly criticized the Sudan government and local factions in Darfur when addressing those audiences. That need to address different audiences separately itself is part of my point about the dichotomy of such discourses.

21. Daniel Smith-Christopher, *A Biblical Theology of Exile* (Minneapolis: Augsburg Fortress, 2002), 15–16. See, further, Leela Gandhi, *Postcolonial Theory: A Critical Introduction* (New York: Columbia University Press, 1998), 122–40.

22. See Mourtada Déme, *Law, Morality, and International Armed Intervention: The United Nations and ECOWAS in Liberia* (New York: Routledge, 2005), xi–xiii, 1–11.

arbitrary, and unsustainable, but also be counterproductive for those it claims to save and protect, as I will argue later. The only legitimate and sustainable way to protect victims and hold perpetrators accountable is through multilateral and institutional action by the international community as a whole. Whatever political will and resources any state is willing to devote to protecting victims around the world should be directed at enhancing collective institutional action through the United Nations. I am strongly emphasizing this point because I fear that ambivalence about unilateral and extrainstitutional so-called humanitarian intervention or duty to protect will diminish the prospects of ever building the normative and institutional resources of the rule of law.

Nevertheless, although I do believe that imperial aggressors, whether local or external, must bear responsibility for their destructive legacies around the world, they should also be assisted in overcoming their own fears, insecurity, and immaturity. We should try to understand where the imperial impulse is coming from, and why people find it appealing, in order to be able to transcend it. We must also give people a credible alternative in the rule of law that is neutral and fair as much as humanly possible before we can expect them to give up on violence and aggression. This view does not condone imperial aggression, or naively assume that aggressors are only helpless victims of their overwhelming fear and insecurity. Aggressive motivations are often mixed, and claims of self-defense or protection of “vital national interests” are usually rationalizations rather than true justifications. The point is that the fear and security concerns of the aggressor should be taken seriously in order either to address those concerns, to the extent they are viable, or to challenge them, if used as a pretext. I take this position as a matter of principle out of respect for the dignity and well-being of all human beings, as well as for the pragmatic need to gain the trust and cooperation of those I believe to be aggressors. Regardless of what I think of the alleged justifications of imperialism, the question for me is how to understand the rationale of imperialism in ways that make empire unimaginable and imperial ideology unsustainable.

There are two sides to the objective of making empire unimaginable. On the one hand, since the logic of empire tends to emphasize power, the first side of the argument should demonstrate a significant shift in power relations in favor of self-determination and show how this trend is working in practice today. I prefer to give priority to this side of the argument to reflect the potential and rationale of self-determination itself, instead of relying on moral appeals to imperialists to refrain of their own

accord. The thrust of my argument on this side is to demonstrate the futility of imperial ambitions for their own purported rationale in the face of determined and highly motivated resistance. There are many experiences since the mid-twentieth century that support the mounting efficacy of this trend, from the great nonviolent movements of the past—Mahatma Gandhi, Martin Luther King Jr., and the global antiapartheid campaign for South Africa—to the environmental, human rights, and social justice movements across the world today. The capacity for just and effective self-government is an integral part of self-determination, but I am more concerned here with resistance to the imperial-impulse aspect of the concept.

On the other hand, the second side of the argument is to shift the paradigm in a way that addresses the assumptions and concerns of imperial ideology. The purpose at this stage is not to accept such claims at face value or take them as politically innocent, but to show that whatever validity they may have can be responded to in a different, even more effective way than through imperialism. This is what I call reconceiving realpolitik, as I will argue in the second lecture. I believe that this paradigm shift has already led to ending European colonialism in Africa and Asia, racial segregation in the United States, and apartheid in South Africa. This shift can also be seen in the evolution of the European Union out of the horrors of World Wars I and II, the most destructive wars in human history.

The most significant factor that combines both sides of my argument for envisioning a world without empire is the evolution of the necessary normative and institutional resources for realizing this revolutionary vision on a global scale for the first time in human history. In particular, the establishment of the United Nations in 1945 has had far-reaching consequences for the possibilities of the rule of law in international relations, including the peaceful mediation of conflict that can eliminate moral and political justifications for going to war. The two related developments are the rich experience of peoples in most countries around the world of constitutional democratic governance and the protection of universal human rights around the world. I will discuss these normative and institutional resources in the second lecture.

Another important dimension of envisioning a world without empire is the role of local and global civil society, as I will illustrate in the next section. By *civil society* I mean “particular types of social processes that relate to an intermediary participatory realm between the private and the public sphere, a network of institutions mediating between an

administrative source of power and the political-social actions and practices of peoples.”<sup>23</sup> Moreover, as Rajni Kothari argues, civil society needs to draw “upon available and still surviving traditions of togetherness, mutuality and resolution of differences and conflict—in short, traditions of a democratic collective that are our own and what we need to build in a changed historical context.”<sup>24</sup> By *global civil society* I mean the social networks of transnational, national, and local actors who are engaged in negotiations with governmental, intergovernmental, and transnational business actors about a wide range of concerns at various levels. “GCS feeds on and reacts to economic globalization, while seeking to expand its scope to include interconnectedness in political, social, and cultural spheres. These additional dimensions of globalization tend to promote and enhance a growing global consciousness of shared human vulnerability to political violence, poverty, and disease.”<sup>25</sup> In the vision I am proposing, local and global civil society are the means people use to realize their self-determination according to their own perceptions and experiences.

In the final analysis, however, the notion of envisioning a world without empire has to contend with the common perception that imperial imposition and military force are effective in achieving security and prosperity. As Sharon Welch observed, “The reasons for resorting to military force are simple, and not merely thoughtless arrogance and deeply ingrained bellicosity. People are responding to danger with the tools they have. While we may be able to imagine alternative responses—the use of international mediators, an international court, and so forth—these responses lack the known status and evident power of military forces.”<sup>26</sup> This belief in the efficacy of the use of force and the imperial impulse are mutually reinforcing notions, as if to say, “I need to dominate others to protect my security and keep the peace in the face of risk of the use of force by others.” It is true that reliance on the police and other law enforcement agencies is commonly seen as a viable alternative to self-help and vigilante justice, but this assumes or presupposes confidence in the

23. Abdullahi Ahmed An-Na'im, “The Politics of Religion and Morality of Globalization,” in *Religion and Global Civil Society*, ed. Mark Juergensmeyer, 23–48 (Oxford: Oxford University Press, 2005), 39.

24. Rajni Kothari, “Human Rights: A Movement in Search of a Theory,” in *Rethinking Human Rights: Challenges for Theory and Action*, ed. S. Kothari and H. Sethi (New York: New Horizon Press, 1989), 29.

25. An-Na'im, “Politics of Religion and Morality of Globalization,” 25.

26. Sharon Welch, *After Empire: The Art and Ethos of Enduring Peace* (Minneapolis: Fortress Press, 2004), 160.

belief that such official agencies are genuinely concerned about the safety and well-being of the community.

Conversely, “self-help” remains endemic in communities that feel ostracized or targeted by the police, as illustrated by the history of gangs and violence in major cities in the United States. I appreciate the apparent credibility of this perception but wonder whether “the known status and evident power of military forces,” as described by Welch, do in fact support the claims of imperial ideology. That is, are such imperial ways likely to enhance or diminish the security and material well-being of their perpetrators in the present global context? It seems to me that we have now reached a point where the imperial impulse has clearly become futile and counterproductive in the face of movements for self-determination and possibilities of the rule of law at all relevant levels. Thus, I agree with Sharon Welch when she continues her above quoted observation to say, “What is most needed now is not a mere denunciation of militarism. We can do far more. We can strengthen other institutional forms of response to terrorism and violence and make them more useful and usable. We can also be deeply grateful that these other forms of response do not need to be invented. Our task is to nurture the seeds of what is already in place.”<sup>27</sup> I agree and will apply this approach in the second lecture. For the rest of this first lecture, however, I want to highlight some recent experiences of self-liberation that may provide viable alternative strategies.

#### EXPERIENCES IN SELF-LIBERATION

I will now highlight some of the thinking and achievements of people’s struggles for self-determination to honor their proactive human agency, which is the positive side of my argument. The key element in all the cases I will review in this section is the concept of nonviolence, the ability of people to contest violence, oppression, and injustice without using violence themselves, thereby repudiating common assumptions about the power of violence and repression.<sup>28</sup> “Nonviolent direct action has been used throughout the twentieth century as a means of projecting immense political power. It has been employed to secure independence, establish rights, open up closed systems, prevent military coups d’état, resist military occupations, and

27. Ibid.

28. Stellan Vinthagen, “Non-violent Movements and the Transformation of Power,” in *The Modern Prince and the Modern Sage: Transforming Power and Freedom*, ed. Ananta Kumar Giri (Los Angeles: Sage, 2009), 161, 162.

create new democracies or preserve old ones.”<sup>29</sup> The underlying assumption of nonviolent action is that power is manifold and vulnerable, because the control of power sources depends on many groups.<sup>30</sup> The ruler’s power depends on obedience and cooperation by the subjects. “Obedience is at the heart of political power . . . to maintain the economic and administrative system and its supportive sanctions. . . . [It depends on the vast majority of the population] paying their taxes and following the rules of the society and not putting up collective resistance.” The fact that one cannot force anyone to do something unless they fear the punishment indicates that the key to successful resistance lies in finding ways of changing the relationship to punishment or other harmful consequences of disobedience.<sup>31</sup>

In the following review I will begin with Gandhi’s ideology of nonviolence that he deployed successfully to achieve national liberation from British colonialism and then observe how that ideology was adapted and applied by Martin Luther King Jr. in the civil rights movement in the United States. A third example to be highlighted is the case of the Velvet Revolution against Soviet imperialism. The last two brief case studies of people’s self-determination are the struggle for land rights in Brazil and the global campaign to ban land mines. The only slightly ambiguous case regarding nonviolence is that of agrarian reform in Brazil, but even that partial exception contributes to my argument because the risk of violent resistance is integral to the appeal of nonviolence.

### *Nonviolent National Liberation in India*

Gandhi did not invent the concept of nonviolent action, but he was probably its primary proponent, and his movement is the best-known model of effective nonviolent national liberation in the modern era. It is significant for my purposes, however, that the supreme example of Gandhi relied heavily on a religious rationale, though I am not, of course, suggesting that is the only possible foundation of an ideology of nonviolence. “For Gandhi, nonviolence was ‘Truth-creating,’ and he intended to replace violence with Truth. Truth, to him, could never fade or disappear, for Truth was God. . . . God, Truth and Love to Gandhi were all-pervasive, penetrating everything, and these are one. . . . Truth or God, for Gandhi, was ‘the search for realizing the truth of human unity.’”<sup>32</sup>

29. Mary King, *Mahatma Gandhi and Martin Luther King Jr.: The Power of Nonviolent Action*, Cultures of Peace Series (Paris: UNESCO Publishing, 1999), 1.

30. Gene Sharp, *Social Power and Political Freedom* (Boston: Porter Sargent, 1980), 23, 24.

31. Vinthagen, “Non-violent Movements,” 166, 167.

32. King, *Mahatma Gandhi and Martin Luther King*, 12.



Gandhi believed that human beings have the power to settle group conflicts without violence, instead of operating on the assumption that violence is a reasonable means of settling disputes. But he also offered an alternative form of power and strategies for its deployment. Had Gandhi simply said “no violence” and advocated abstinence from anything violent, it would have rendered him ineffective. He would have been called foolishly lacking in imagination. Instead, he offered something else, a substitute: a theory about the use of power and the methods for its use. “What made Gandhi’s core conviction so original and so lasting in its impact was that he foresaw nonviolent struggle as a practical alternative for all persons to use and its greater reliability in the end. Gandhi accepted the fact that struggle presupposes conflict.”<sup>33</sup> His alternative nonviolent strategy included “the creation of *competing* and alternative patterns of relations and interaction, through the production of parallel cultural, economic or political institutions. Through the ‘constructive program,’ Gandhi emphasized the social integration of the new society and the creation of alternatives to the oppressive institutions that the movement tried to overthrow.”<sup>34</sup> The alternative institutions Gandhi promoted emphasized decentralization, self-reliance, and self-sufficiency, to diminish dependency on the aggressor and his resources.<sup>35</sup>

Another dimension of Gandhi’s ideology and strategies that resonates strongly with the approach I am advancing in these lectures is the role of self-transformation in the process of nonviolent action. “Self-discipline is virtually impossible without respect for oneself and the pride that comes from dignity; and nonviolent resistance is ineffectual without self-discipline. A person operating from a nonviolent conviction does not feel the humiliation of insulting behavior by violent antagonists because self-respect neutralizes the effects of the insult. Instead, the aggressor is the one who loses dignity.”<sup>36</sup> His strategies also sought to enable the opponent to see the situation in a different light, to transform his perspective, and to protect his legitimate interests.<sup>37</sup>

The Salt March of 1930 is a good illustration of the power of civil disobedience as part of a broader political strategy with clear objectives. Gandhi selected the Salt Laws of the British colonial administration, which

33. Ibid., 17.

34. Vinthagen, “Non-violent Movements,” 176.

35. Gene Sharp, *Gandhi as a Political Strategist: With Essays on Ethics and Politics* (Boston: Sargent, 1979), 77–86.

36. King, *Mahatma Gandhi and Martin Luther King*, 38.

37. Vinthagen, “Non-violent Movements,” 176.

made it illegal for Indians to prepare salt from seawater. That prohibition penalized the poorest Indians while enforcing a government monopoly on and taxation of an essential, basic commodity. Gandhi chose the objective of removing these laws as the basis for a civil disobedience movement not only because of the fundamental injustice they represented, but also because the Salt Laws stood as an emblem of an unpopular and unrepresentative foreign government. “The Salt *satyagraha* [commonly translated as “truth power”] was to be part of a year-long-civil-disobedience movement in 1930 and 1931, undertaken as part of the political program of the Indian National Congress for independence.”<sup>38</sup> *Satyagraha* was a means of converting the power in nonviolence, or ahimsa, into political action.<sup>39</sup> The salt campaign was coordinated with a national boycott of imports, especially of British goods, and demonstrations in violation of prohibitions and injunctions. The 1930 campaign was so successful in compelling change of policy by the British colonial administration that, “although Gandhi did not like to use the words *compel* or *compulsion*, the Salt *satyagraha* was a supreme example of nonviolent pressure, all the time without a spirit of vengeance or revenge.”<sup>40</sup>

Gandhi demonstrated the power of *satyagraha* in forceful nonviolent struggles in a wide range of political and social transformations: against racism in South Africa and British imperialism in India, on behalf of the untouchables and against the caste system, to promote political awareness and participation by all people, against economic exploitation of the poorest peasants and workers, against sexism and cruelty toward women, and to promote interreligious tolerance and partnership among Hindus and Muslims. “By lifting fear and introducing self-esteem, self-reliance and vigorous ideas about the dignity and rights of all to the Indian people, Gandhi challenged not only the Indians and the British, but also the peoples of the entire world to reconsider their methods for the betterment of all of humanity.”<sup>41</sup>

38. King, *Mahatma Gandhi and Martin Luther King*, 62.

39. Gandhi explained the way this term was coined by the Indian people in response to Gandhi’s call for suggestions for a term to describe their struggle: “As a result Maganlal Gandhi coined the word ‘Sadagraha’ (Sat=truth, Agraha=firminess) and won the prize. But in order to make it clearer I changed the word to ‘Satyagraha’ that has since become current in Gujarati as a designation for the struggle.” Mohandas K. Gandhi, *Autobiography: The Story of My Experiments with Truth* (New York: Courier Dover, 1983), 284.

40. King, *Mahatma Gandhi and Martin Luther King*, 66.

41. *Ibid.*, 77.

*Nonviolent Struggle for Civil Rights in the United States*

An outstanding example of the global influence and remarkable success of Gandhi's ideology of nonviolent action is the civil rights movement of Dr. Martin Luther King Jr. in the United States. In contrast to the militancy of the Black Power, Black Panther, and Black Muslim constituencies of the movement, "King preferred a more sophisticated though no less decisive form of resistance, one in which he created a situation of moral paradox for the white South [of the United States]. . . . King favored an approach that would make white Southerners face the incongruity of their racism as something fundamentally anti-Christian. . . . In draping the demand for major upheaval in the fabric of a beloved community, King made the inevitabilities of what they faced more permissible and less threatening."<sup>42</sup>

The history of the American civil rights movement, from the Montgomery bus boycott in 1955 to the passage of the Civil Rights Act in 1964 and the Voting Rights Act in 1965, is familiar and need not be recounted here. Instead, I will highlight the ideology and personal example of Dr. King that inspired the momentous transformation of attitudes of all constituencies to advance the cause of racial and social justice throughout the United States and beyond. In particular, I wish to emphasize how the ideology of nonviolent action enabled King "to guard against any tendencies toward triumphalism. Mutual respect, he thought, could prevent white citizens from feeling defeated or humiliated, and would avoid the temptation for blacks to take on 'the psychology of victors.'" He succeeded in creating "a way for the Southern sense of justice, honor and history to be transformed into regional pride based on overcoming, without monstrous and widespread violence, the perversity of racial injustice. . . . Rather than assessing blame, his plea for a beloved community created a neutral political place where the ongoing struggle over how the past should be understood could continue, and in such a way that everyone would win."<sup>43</sup>

It is also important for my argument to emphasize the profoundly religious rationale of the American civil rights movement and its linkages to global causes of peace and justice, individual rights, and collective self-determination. The profoundly religious rationale and rhetoric

42. Ibid., 166, 167.

43. Martin Luther King Jr., *Stride toward Freedom: The Montgomery Story* (New York: Harper and Row, 1958), 221; King, *Mahatma Gandhi and Martin Luther King*, 168.

of the American civil rights movement are well documented and widely discussed.<sup>44</sup> For instance, the movement deployed the historical sense of civil disobedience and the deliberate defiance of laws, decrees, or military orders that the subject regards as illegitimate, unethical, or immoral with a particularly religious connotation. "In the civil rights movement, [civil disobedience] rested on the belief that legal statutes that violated God's law should be resisted. . . . American blacks . . . believed that they should not heed laws that denied them rights as human beings. They considered their entitlement to be ordained by an unseen and higher order." The linkage of the struggle of African Americans to global causes of peace, justice, and human rights is also well documented.<sup>45</sup> The two dimensions of religion, as well as global peace and justice, come together in a powerful fusion in Dr. King's acceptance speech of the Nobel Peace Prize in 1964.

#### *Nonviolent Liberation in Czechoslovakia*

The case of the protracted "Velvet Revolution" of the former Czechoslovakia against Soviet imperialism is also instructive in the nature and dynamics of the liberating power of nonviolent action. Czechoslovakia was "liberated" from Nazi occupation by Soviet forces in 1944 only to fall under Soviet domination by February 1948, when the then small Communist Party took control of the state in a bloodless coup d'état. In January 1968 Alexander Dubček became the Communist leader of Czechoslovakia and started introducing democratic reforms in the party apparatus and policies.<sup>46</sup> However, that liberation, which came to be known as "the Prague Spring" of 1968, came to an end by the summer of that year when the Soviet Union reasserted its domination of the country, together with the rest of socialist Eastern Europe. "Falling back on their history of bloodless revolutions, the Czechs and Slovaks chose to resist without resorting to violence. When the tanks of the five Warsaw Pact countries finally arrived, on 21 August 1968, they were greeted with peaceful demonstrations by Czechoslovakians."<sup>47</sup> As the protests and demon-

44. See, for example, Richard King, *Civil Rights and the Idea of Freedom* (New York: Oxford University Press, 1992), 28–38, 201–3; and Luther Donnell Ivory, "Towards a Theology of Radical Involvement: The Continuing Legacy of Dr. Martin Luther King, Jr.," <http://proquest.umi.com/pqdlink?did=747041011&Fmt=7&clientId=1917&RQT=309&VName=PQD>.

45. King, *Mahatma Gandhi and Martin Luther King*, 142, 371–81.

46. John F. N. Bradley, *Czechoslovakia's Velvet Revolution: A Political Analysis* (New York: Columbia University Press, 1992), ix.

47. King, *Mahatma Gandhi and Martin Luther King*, 426.

strations continued, the Soviet leadership deemed Dubček unable to rule and replaced him with Gustáv Husák on April 17, 1969.

With Soviet imperialism reinstalled in full force, Czechoslovakia was subjected to a rigid program of “normalization.” The new repression forced resistance underground and pushed many of its leaders into exile, but nonviolent resistance managed to continue.<sup>48</sup> “Throughout the early 1970s, it seemed as if an agreement of sorts had been reached between the government and the people. In essence, the government asked for conformist behavior and nonparticipation in politics and in return offered state-subsidized comforts. Traditions of nonviolent action, having been forged over time, would not easily dissipate but, rather, would hasten to emerge with renewed strength over and over in the coming decade.”<sup>49</sup> Religion had an important role in Czechoslovakia, where the predominantly Roman Catholic population gathered in places of worship and at religious functions to share their collective desire for change and to circulate bulletins about daring yet nonviolent ways to resist the bureaucracy. Under the influence of faith, even the more cautious members of the community found the resolve to take action, without fear, against the government’s repressive measures. To their political program for nonviolent reform was added the idea of Christian-based compassion.<sup>50</sup>

In 1975, Václav Havel, a playwright and actor, sent an “open letter” to Husák, protesting the effects of the normalization program. The letter was circulated by underground publication, and waves of dissent and repression continued during 1976. What came to be known as Charter 77 was released on the first day of 1977 with the signatures of more than two hundred citizens, calling for change from below. Although it was not a social movement as such, Charter 77 succeeded in inspiring a mass movement. In June 1989, another document calling for democratization, called “A Few Sentences,” began to circulate and gain additional signatures; more than forty thousand citizens signed it within a few months. “On 28 October, the anniversary of the founding of the Czechoslovak Republic, the streets of Prague filled with citizens demonstrating for rights and democracy. . . . By mid-November in Prague, Democratic Initiative declared itself the first independent political party to have been established since 1948.”<sup>51</sup>

48. Janusz Bugajski, *Czechoslovakia: Charter 77's Decade of Dissent* (New York: Praeger, 1987), 10.

49. King, *Mahatma Gandhi and Martin Luther King*, 429.

50. *Ibid.*, 428.

51. *Ibid.*, 433.

One can see the sequence of events as the progression of the same self-liberation struggle that began with the Prague Spring of 1968, or take the demonstration of November 17, 1989, as marking the beginning of the second “Velvet Revolution.” As that peaceful demonstration condemning the Nazi occupation extended for days under waves of official violence and repression, Havel addressed the demonstrators, saying, “We are against violence and do not seek revenge. . . . Our gratitude goes to the students for giving this revolution a beautifully peaceful, dignified, gentle and I would say loving face, which is admired by the whole world. This was a rebellion of truth against lies, of purities against impurities, of the human heart against violence.”<sup>52</sup>

The sequence of events in the transition to democratic governance in Czechoslovakia is well known.<sup>53</sup> What is significant for my argument here is the peaceful and orderly manner in which masses of people determined and pursued their own collective liberation. “While it may have taken years to reach the point of creating sustained mechanisms of mass non-violent change, when it happened the popular adamancy against violence, and the fact that so few lives were lost, made it all the more gratifying. The Velvet Revolution of 1989 was the climax of a history and tradition that blended both the ethical and the practical.”<sup>54</sup>

### *Agrarian Reform in Brazil*

Agrarian reform has been a major political issue in Brazil since the 1960s, when the first concerted effort of President João Goulart in this regard was resisted by Parliament and effectively blocked by the military coup d'état of March 31, 1964. The military junta opted for promoting the technical modernization of agriculture and the growth of commercial crop production instead of redistributing land.<sup>55</sup> While the modernization of agriculture under military rule was successful, the gap between rich and poor segments of the population grew only wider. The massive unemployment due to mechanization of agriculture caused extensive migra-

52. Michael Simmons, *The Reluctant President: A Political Life of Václav Havel*, 185, 189.

53. See, for example, Bradley, *Czechoslovakia's Velvet Revolution*; Václav Havel, “The Power of the Powerless,” in *The Power of the Powerless: Citizens against the State in Central-Eastern Europe*, ed. John Keane, 23–96 (New York: M. E. Sharpe, 1985); and Josef Josten, “Czechoslovakia: From 1968 to Charter 77—a Record of Passive Resistance,” *Conflict Studies* 86 (1977).

54. King, *Mahatma Gandhi and Martin Luther King*, 442.

55. Gabriel Ondetti, *Land, Protest, and Politics: The Landless Movement and the Struggle for Agrarian Reform in Brazil* (University Park: Pennsylvania State University Press, 2008), 12.

tion from rural areas to the cities, which “exacerbated the inequitable distribution of land, and by 1985 just over 10 percent of the landowners in the country controlled almost 80 percent of the land.”<sup>56</sup>

Protests for agrarian reforms resumed by the end of the 1970s and intensified in the 1980s. The Movement of Rural Landless Workers (O Movimento Dos Trabalhadores Rurais Sem Terra, known as MST in Portuguese) was founded in 1984 to organize “the landless poor throughout Brazil to enter (occupy) ‘unproductive’ estates and demand title to the property. Since 1984, the MST has organized over 250,000 such occupations throughout the country and won land for almost 300,000 families.”<sup>57</sup>

With the return of civilian rule in 1985, agrarian reform reemerged as a key national issue, with mounting protest by the landless poor and resistance by landlords, throughout the 1980s and 1990s. The massive land reform program implemented by President Fernando Henrique Cardoso during his first term in office (1995–98) seems to have encouraged rather than dampened the scale and intensity of protests. “The MST had expanded far beyond the South and become a truly national organization, with a centralized leadership structure, a large corps of activists, and a strong collective identity. Despite the slow pace of land reform, tens of thousands of MST ‘campers’ had gained land.” After a period of massive growth in the scale of the movement by the late 1990s, there was a period of decline during the second term of President Cardoso (1999–2002) followed by another significant rise. During the first term of President Luis Inácio Lula da Silva, “protest for land experienced a strong resurgence nationwide. Land occupations more than doubled in number relative to the previous year and other tactics seem to have intensified as well. Landless camps grew in size and number.”<sup>58</sup>

The dramatic rise in agrarian protests in Brazil has been attributed to several factors. There is first the context of agricultural restructuring in the countryside that created a large landless class and the return to democracy in 1985 that provided the political opportunity for organization. There is also, of course, the ability of a well-organized popular protest movement to keep an issue on the national political agenda, though sometimes attracting negative publicity as well. “Although its tactical repertoire had

56. Wendy Wolford, “Families, Fields, and Fighting for Land: The Spatial Dynamics of Contention in Rural Brazil,” in *Latin American Social Movements*, ed. Hank Johnston and Paul Almeida (Lanham, Md.: Rowman and Littlefield, 2006), 165.

57. *Ibid.*, 163.

58. Ondetti, *Land, Protest, and Politics*, 14, 15, 16.

never been limited to land occupations, during the late 1990s the MST increasingly resorted to marches, occupations of government offices and highway toll plazas, and even looting. Effective in provoking media coverage and harassing authorities, some of these tactics were at the same time quite controversial and met with widespread public disapproval.”<sup>59</sup>

One important factor to consider, from my perspective, is the support of religious centers located throughout rural Brazil.<sup>60</sup> “Catholic clergy and lay activists inspired by liberation theology played a critical role in the landless movement, providing leadership, ideological support, and access to material resources.”<sup>61</sup> The creation of Ecclesiastical Base Communities after the 1968 Latin American Bishops’ Council held in Medellín, Colombia, provided important meeting places throughout rural Brazil during a time of severe repression by the military government.<sup>62</sup>

Other significant features of the movement of the landless in Brazil include its ability to continue to grow after the establishment of democratic rule. The survival of the movement is said to be largely due to the ability of the MST to “transform itself from a loose network linked to the Catholic Church and largely restricted to the South into an autonomous, centralized, national organization with a large corps of activists and a strong collective identity. . . . The adoption of the tactic of land occupations had the effect of creating an unusually favorable set of incentives for movement participation. In particular, it used the social contexts created by the occupations and resulting encampments as spaces for political indoctrination and the generation of group solidarity and organizational loyalty.” The leaders of the MST deliberately cultivated a strong collective identity among its members, initially based on religious faith and later through a methodology for promoting friendship and solidarity, common values, and the sense of a common struggle.<sup>63</sup> As one scholar observed, small farmers decided to join the MST

because they saw a chance to create a new frontier—a *political* frontier instead of a *spatial* one. . . . The people who saw the MST as an

59. Ibid., 15. See p. 126 for more on the tactics of the MST that border on violence.

60. Wolford, “Families, Fields, and Fighting for the Land,” 163.

61. Ondetti, *Land, Protest, and Politics*, 13. See also David Lehmann, *Democracy and Development in Latin America: Economics, Politics, and Religion in the Post-war Period* (Philadelphia: Temple University Press, 1990).

62. Wolford, “Families, Fields, and Fighting for the Land,” 165.

63. Ondetti, *Land, Protest, and Politics*, 138 (quote), 122.



opportunity to produce a new frontier had emotional or social ties to working the land—where the land represented tradition, subsistence, social reproduction, and community. . . . The settlers' strong association of property ownership with household sustainability helped them legitimate claims to new land while simultaneously delegitimizing claims made by wealthy absentee landowners. MST's characterization of wealthy landowners as thieves fit with the small farmers' sense that the "right" to land was earned through work and overseen by God, not awarded through position and overseen by politicians.<sup>64</sup>

In conclusion, I would emphasize that I am citing this movement as an example of an alternative power formation for self-liberation, while aware of the fact that some features of that movement tended to mirror the imperial ideology it sought to resist. That was reflected, for instance, in the hint of violence in the hymn and flag of MST.<sup>65</sup> Another indication is the way the movement dismissed the claims of native populations and deemed their land "empty" and open for occupation.<sup>66</sup> This is not surprising, because "not only do colonized peoples display too many of the elements, both negative and positive, of their colonizers, but also that colonizing societies are permanently affected by the colonial enterprise, both materially and culturally."<sup>67</sup>

### *Global Civil Society and the Banning of Land Mines*

The subject of arms control is probably one of the most difficult issues for a social movement to tackle because it is assumed to be at the core of state security and national sovereignty.

Yet within the short span of five years, conventional wisdom about humanitarian law and arms control negotiations was turned on its head as the 1997 Mine Ban Treaty was born. For the first time in

64. Wolford, "Families, Fields, and Fighting for the Land," 168.

65. "The flag, adopted in 1988, featured a young couple, the man holding aloft a machete, superimposed on a map of Brazil. A bright red background surrounded this central symbol. . . . [T]he hymn was a call to arms for Brazilian workers, making only passing reference to land: 'With our arm raised we will dictate our history/Suffocating with force our oppressors/Let's raise the red flag/Let's wake up this sleeping fatherland/Tomorrow belongs to us, the workers.'" Ondetti, *Land, Protest, and Politics*, 122, 123.

66. Wolford, "Families, Fields, and Fighting for the Land," 168.

67. Smith-Christopher, *Biblical Theology of Exile*, 15–16. See also L. Gandhi, *Postcolonial Theory*, 122–40.

history, a weapon widely used for many decades was banned. . . . The mine ban movement also demonstrated that it is possible for small and medium size countries, acting in concert with civil society, to provide global leadership and achieve major diplomatic results, even in the face of opposition from bigger powers. It showed that it is possible to work outside of traditional diplomatic forums, practices, and methods and still achieve success multilaterally.<sup>68</sup>

The adoption of the Mine Ban Treaty by 122 countries in December 1997 was a dramatic high point, but the achievements of the movement continued to inspire international cooperation among governments, land-mine survivors, representatives of civil society, and international organizations.<sup>69</sup> The process also included the Nairobi Summit on a Mine Free World, the First Review Conference of the Mine Ban Treaty, held in November 2004. It is also important to note that the treaty has actually achieved significant compliance in practice. The available evidence indicates impressive levels of compliance regarding the production, use, and transfer of antipersonnel mines by state parties to the treaty.<sup>70</sup>

With reference to the civil society dimension of my analysis, the International Campaign to Ban Landmines “is seen as a quintessential expression of the ability of committed civil society to play a meaningful role in resolving key issues of our times. . . . ICBL activists exemplify those who work for human rights writ large by accepting their responsibility to act as global citizens working for a better world.”<sup>71</sup> The significance of the role of civil society extends to the compliance monitoring process. Since the Mine Ban Treaty lacks a standing institutional structure to oversee implementation, a civil society–based system of verification of compliance, the Landmine Monitor, was established in Oslo in June 1998.<sup>72</sup> “The annual *Landmine Monitor* publication, a comprehensive report on the global

68. Jody Williams and Stephen D. Goose, “Citizen Diplomacy and the Ottawa Process: A Lasting Model?” in *Banning Landmines: Disarmament, Citizen Diplomacy, and Human Security*, ed. Jody Williams, Stephen D. Goose, and Mary Wareham (Lanham, Md.: Rowman and Littlefield, 2008), 181–82.

69. Shannon Smith, “Surround the Cities with the Villages: Universalization of the Mine Ban Treaty,” in *ibid.*, 71.

70. See Alexander Kmentt, “A Beacon of Light: The Mine Ban Treaty since 1997,” in *ibid.*, 19–20.

71. Elizabeth Bernstein, “Still Alive and Kicking: The International Campaign to Ban Landmines,” in *ibid.*, 46.

72. Mary Wareham, “Evidence-Based Advocacy: Civil Society Monitoring of the Mine Ban Treaty,” in *ibid.*, 50–51.

landmine situation, is recognized as the main reference source and used by states and NGOs [nongovernmental organizations] alike. The same members of the NGO-based system, the Landmine Monitor research network, are permitted to participate in treaty meetings with governments whose performance they examine—a truly remarkable departure from 'normal' diplomatic practice, especially in the disarmament sector."<sup>73</sup>

The Monitor has become an accepted part of the process surrounding the Mine Ban Treaty, but it remains unofficial since it is an initiative by the ICBL that is carried out by NGOs and individual members of civil society. This civil-society monitoring system has significantly improved the regularity and quality of state reporting under Article 7 of the treaty. "Since 2001 the number of States Parties [that is, those that ratified the treaty] submitting their initial reports has increased dramatically from 63 percent to an impressive 96 percent compliance rate."<sup>74</sup>

It is true that the success of all aspects of the land-mine ban would have been impossible without the cooperation of governments at every stage of the process, including monitoring and verification.<sup>75</sup> But it is also true that civil society organizations can influence the behavior of their own governments: to ratify the treaty if they have not yet done so and to improve compliance when they do join. The alternative to imperial ideology I am proposing does not assume that states and their governments can be made redundant, or voluntarily compliant, with our vision of a world without empire. Rather, the point is that the concerted civic engagement of local and global citizens can ensure transparency and accountability of governments and influence their conformity to the rule of law and protection of human rights. I will discuss these strategies in the next lecture, but for now I wish to conclude this first lecture with an overview of that argument in light of what I have said so far.

#### CONCLUSION

I hope that these brief examples clearly demonstrate the possibilities of positive outcomes of peaceful nonviolent self-liberation and self-determination under extremely difficult circumstances. I am not suggesting that positive outcomes were inevitable or easy to achieve in these and other similar situations. On the contrary, part of my point is to show

73. Kmentt, "Beacon of Light," 27.

74. Wareham, "Evidence-Based Advocacy," 53–54.

75. Kmentt, "Beacon of Light," 28; Williams and Goose, "Citizen Diplomacy and the Ottawa Process," 195–96.

that it takes concerted struggle and perseverance to realize the objectives of the moral choices we make, as nothing worthwhile is risk-free. I also realize that many counterexamples can be cited where moral choices did not succeed in achieving their objectives, and may even be seen as complete failures. The more important conclusion I would draw from these examples and the reality of counterexamples is that we should strive to facilitate positive outcomes by promoting the necessary normative and institutional resources to enable people everywhere to opt for peace with justice, respect for human rights, and supporting the rule of law in all human relationships. Another important lesson I wish to draw from these examples in nonviolent self-liberation is that there is no final defeat as long as people continue to make and pursue their moral choices. As the above five examples show, I believe, regression is integral to progression; setbacks and apparent failures can be part of the process of achieving and sustaining positive outcomes of human struggles for peace with justice, protection of human rights, and the rule of law.

To conclude with a summary of this first lecture, I have opened with a brief clarification of some parameters of the process by which we can all exercise our moral choice in determining human values for ourselves, without prescribing what these values are in general terms. Then I presented my vision of a world without empire, followed by a review of five examples of experiences in self-liberation to illustrate that possibility in the modern context. I have also emphasized throughout this first lecture that although I believe imperialism is futile and untenable in this age of self-determination, I am not underestimating the reasons some people have for believing in its plausibility and staying power. In conclusion, I see the issues in terms of a moral choice each of us should make: whether to uphold imperialism or seek to transcend it. I also see plausible reasons as well as costs and benefits for whichever choice we make. However, the advantage of this framing is that if we acknowledge that we are indeed making a choice, we can change it when we realize that we have made the wrong choice. In contrast, if we pretend that our position is the inevitable and permanent way of the world, a fact of nature, then we are abdicating that responsibility for our lives.

LECTURE II.  
TAMING UTOPIA: PRAGMATIC MEANS  
FOR TRANSFORMATIVE VISION

TAMING UTOPIA

The task for this second lecture can be framed as follows: assuming that it is desirable to transcend imperialism, how can that objective be realized in a practical and sustainable manner on a global scale today? This is what I mean by “taming” the unruly power of idealism in order to effectively serve the purposes of human values. In particular, I see the task for this second lecture as consisting of the following elements.

First, I need to respond to the charge that my vision is utopian in the sense of unrealistic idealism. I will begin doing that in this introduction by presenting my theoretical counterclaim of pragmatic vision, but the more substantive response will come in the subsequent sections in which I will discuss the practical possibilities of taming utopia.

Second, that substantive response will begin with the need to mediate the paradox of the cultural and contextual specificity of self-determination, on the one hand, and the universality of human values and human rights, on the other. This mediation is necessary for achieving sufficient consensus for local and global citizens to work together to address our shared human vulnerabilities.

Third, to facilitate and enhance the necessary political will to act in concert with other citizens, I need to highlight the normative and institutional resources that I claim will enable us to transcend imperialism and how that might work in practice. I also need to explain how the rule of law can be sufficiently inclusive in conception and neutral in application to contribute to transcending imperialism.

Finally, there is the challenge of motivating people to join in that universal vision without expecting them to abandon their own legitimate security and other concerns. This is what I call reconceiving *realpolitik*.

On a theoretical response to the charge of utopia, I would first note that this is an aspect of the moral choice I am making in opposing imperialism. This orientation is reflected in the meaning I prefer to adopt for the term *utopia*, provided that it is etymologically plausible and relevant. As I will explain below, the term *utopia* can mean either a “good place” or a “nonexistent place,” and I prefer to understand it to mean a “good place” by combining visionary ideals with pragmatic strategies for their

realization. The difference is in our human agency rather than being an inevitable state of affairs ordained by divine command or the inherent nature of things. To concede the inevitability of the politics of imperialism is to doom the future of humanity to vicious cycles of aggression and retaliation that can culminate in the destruction of all human civilization under present conditions of nuclear proliferation and accessibility of chemical and other means of mass destruction. The image of “taming utopia” is a metaphor for harnessing the power of visionary ideals through pragmatic strategies and action in order to shift from the negative sense of utopia as a “nonexistent place” to the positive meaning of it as a “good place.” Moreover, I believe this purpose and goal to be necessary for the very survival of humanity in this age of radical self-determination and risks of mass destruction. If we are unable to secure self-determination with equal human dignity and social justice for all, we risk unleashing massive arbitrary violence on an unprecedented scale in human history.

To frame my response in a wider theoretical perspective, I would emphasize that the fact that language is a matter of convention and usage raises both the possibilities and the limitations of human communication. On the one hand, since the meaning of words changes over time, one can propose an appropriate usage over other meanings and connotations of a word. On the other hand, the chosen usage should fall within the range of plausible meanings for language to remain a coherent means of communication. In this light, I am proposing to use the word *utopia* in the plausible sense of a pragmatically achievable ideal, rather than a futile fantasy, in the following sense.

As coined by Thomas More, the term *utopia* refers to a fictional island in the Atlantic Ocean where an ideal society has a perfect political and legal system.<sup>1</sup> This term is often used pejoratively to indicate an unrealistic ideal that is impossible to achieve.<sup>2</sup> Etymologically, however, *utopia* can refer to either a nonexistent place or a good place, depending on the Greek origin one accepts.<sup>3</sup> Instead of a nonexistent or inaccessible place,

1. In his book *Of the Best State of a Republic, and of the New Island Utopia* (Leuven, 1516).

2. *Utopia*: 1551, from Modern Latin *Utopia*, literally “nowhere,” coined by Thomas More (and used as the title of his 1516 book about an imaginary island enjoying perfect legal, social, and political systems, from Greek *ou* (“not”) + *topos* (“place”). Extended to “any perfect place,” 1613. *Utopian* originally meant “having no known location” (1609); the sense of “impossibly visionary, ideal” is from 1621; as a noun meaning “visionary idealist,” it is first recorded ca. 1873 (earlier in this sense was *utopiast*, 1854). *Online Etymology Dictionary*, <http://www.etymonline.com/index.php?term=utopia>.

3. According to [http://en.wikipedia.org/wiki/Utopia\\_\(book\)](http://en.wikipedia.org/wiki/Utopia_(book)), “In English, *Utopia* is pronounced exactly as *Eutopia* (the latter word, in Greek *Εὐτοπία* [*Eutopiā*], meaning “good

I prefer to speak of a “pragmatic utopia,” an accessible vision of an ideal that may be difficult, but not impossible, to reach.

I am particularly encouraged to advance this view by the fact that many objectives that numerous people would have dismissed as utopian in the sense of being unrealistic have come to be lived in reality. It is also heartening that many have affirmed this proposition through the ages. For instance, William Blake said that “what is now proved was once only imagined.” Christopher Reeve said, “Many of our dreams at first seem impossible, then they seem improbable, and then, when we summon the will, they soon become inevitable.”<sup>4</sup> Relevant examples of this truism include major developments in constitutional democratic governance and international law. For instance, the vision of the founders of the Constitution of the United States in the 1770s and the Charter of the United Nations in the 1940s must have sounded unrealistically utopian to many people at the beginning, yet both have come to be so well established that we now wonder how anyone could have failed to see the practical utility of these visions.

Moreover, I am compelled to take the positive view of utopia because I am unable to accept the alternative: What can human values mean without visions of peace and justice for human beings to struggle for? Indeed, how can human life be possible without hope for a better future? If *utopia* can mean “good place,” how can we not strive to get there? We all need dreams to strive for in our everyday lives, from personal relationships to career plans, in sports and in the arts, in our communal politics and in our economic affairs. In my own conception of human values, which I suspect is widely shared, it is truly human to seek utopia and, when realized, envision a further utopian horizon to seek. Utopia is so immanent in human affairs that we all experience it constantly, if only fleetingly, and we retain of it what is within the realm of our imagination. This is what has propelled evolution of all life since the beginning of time and continues to propel all drive and advancement in the social, intellectual, artistic, scientific, and other fields of human endeavor.

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place,’ contains the prefix *eu-* [eu-], ‘good,’ with which the *ou* of *Utopia* has come to be confused in English pronunciation. This is something that More himself addresses in an addendum to his book *Wherefore not Utopie, but rather rightely My name is Eutopie, a place of felicitie*” (notes omitted).

4. [http://thinkexist.com/quotation/what\\_is\\_now\\_proved\\_was\\_once\\_only\\_imagined/153140.htm](http://thinkexist.com/quotation/what_is_now_proved_was_once_only_imagined/153140.htm); Christopher Reeve, speech at the 1996 Democratic National Convention (August 26, 1996), transcript available at <http://www.chrisreevehomepage.com/sp-dnc1996.html>.

At the same time, I see myself as a “pragmatic optimist” because I believe in the progressive possibilities of positive transformative change, without being naive about the practical difficulties of realizing my vision of human values or underestimating the risks of regression. I accept that there will be setbacks, sometimes failure, but I also see the possibility of adjusting our vision and correcting our strategies and practical methods to recover and succeed in the future. I believe that temporary regression is integral to progression in the long term. I do not expect anything human beings do to be perfect, but I do believe that human beings can consistently advance toward perfection, though never fully realize it. I also see clear evidence of that in every aspect of life around me.

Seeking to tame and enable utopia in the sense of “good place” can be realized through reconceiving *realpolitik*, as I will argue later. In terms of the moral choice paradigm I am proposing, we can insist on traditional conceptions of *realpolitik* that will conform to self-fulfilling prophecies of vicious cycles of violence and mutual destruction, or, alternatively, we can reconceive *realpolitik* to seek ways of mediating difference and conflict. Both perspectives have bases in our lived experience, and we sometimes combine the two. Judging by our personal experiences, we know that sometimes we embark on a course of action that turns out to be undesirable or unproductive, so we then shift to an alternative course that works better for our objectives. I am framing such pragmatic experiences in terms of moral choice not only to indicate the possibility of an alternative choice but also to emphasize our responsibility for the choices we make.

To be clear on the point, the utopia I am seeking is one where both the constant reality of conflict and the possibilities of its mediation are integral to the human condition. For me as a Muslim this is by divine design, which is affirmed in at least thirteen verses of the *Qur'an*.<sup>5</sup> My vision of utopia is not a place without conflict, but one where conflict is peacefully mediated, one where wrongs can be committed but their perpetrators will be subject to accountability to the rule of law. Human difference and disagreement are real, profound, and permanent. There are no homogenous political entities anywhere in the world, and within every political

5. See 2:113; 3:55; 5:48; 6:164; 10:19, 93; 16:39, 92, 124; 22:69; 32:25; 39:3; 45:17 of the *Qur'an* (cited by chapter number followed by verse number). For example, the meaning of verse 10:19 can be translated as follows: “Mankind was a single nation but then they fell into discord. Were it not that a prior decree had come from your Lord, a judgement would have been pronounced regarding that over which they dispute.” Tarif Khalidi, *The Qur'an: A New Translation* (London: Penguin Classics, 2008), 162. The “prior decree” is what I mean by the divine design of human difference.



or social unit imaginable there are constantly intersecting formations of minority and majority communities, large or small, many or few, with whom the political or social unit must reckon. Every person, anywhere in the world, is a member of a majority in some sense and a member of a minority in another sense, and the two types of identities tend to overlap and interact. For instance, one may be a member of an ethnic majority, while also being a member of a religious or political minority, and each identity may be influenced by the other. These overlapping and intersecting identities are also an aspect of our shared human vulnerability: the most privileged and powerful human beings can fall victim to violence or disease, anytime, because of such identities or associations.

It may be helpful to clarify here my sense of utopia as a “good place” by noting a qualification I have regarding the ideology of nonviolence highlighted in the first lecture. In my view, the Gandhi-King paradigm is necessary but insufficient if it does not include a theory of the legitimate use of force, as distinguished from the illegitimate use of violence. The use of force is legitimate when it is institutional and collective, and only to the extent that is necessary and proportionate to rebel aggression or to enforce the rule of law. I will try to clarify what I mean by these propositions later, but I also realize that they are too complex and controversial to be fully addressed at a theoretical level. In other words, my vision of a world without empire includes not only acknowledgment of the permanent reality of conflict in human affairs but also the possibility of the regulated use of force.

I am not suggesting that Gandhi and King lacked this appreciation, but I am not discussing their work in detail. Instead, I am only emphasizing their ideology of nonviolence in rejecting the illegitimate exercises of imperial power and violence through collective, institutional mechanisms for mediating conflict including the use of force. For instance, Gandhi was very effective in systematically demonstrating to the Indian people that the colonial state and its legal institutions lacked legitimacy. He kept pushing and testing British colonial administrators until they arrested him, and then he used his arrest to expose the contradictions of British pretensions of impartial justice in order to generate and motivate mass support for the struggle for national liberation from colonial rule. However, the more effective that mobilization and motivation are in discrediting the legitimacy of the colonial state and its rule of law, the harder it may become to reinvest the postcolonial state and its rule of law with legitimacy in the eyes of the same population.

The way out of this deadlock is to distinguish between the politics of empire, on the one hand, and the legitimate democratic state and rule of law, on the other. That is, it is not the state as such and the rule of law itself that are illegitimate, but a certain political quality of an oppressive state and its rule of law that are illegitimate. In the case of Gandhi's India, it was the colonial nature of the state and its rule of law, which should not remain true of the state and law in the postcolonial context. However, the colonial nature of the state may not be limited to external imperialism and can apply to indigenous colonialism, even within communities, because the test is whether human relationships are in the nature of domination and subordination or mutual respect of the equal humanity of the other.

In other words, my analysis applies at varying levels, from the local to the national to the global. Thus, international institutions and the rule of international law can be legitimate or not, depending on their consistency with the requirements of inclusive justice and self-determination. In other words, the requirements of justice and self-determination apply equally to constitutionalism at the domestic level and international law at the global level. As emphasized earlier, imperialism is the attitude of domination and dehumanization of the other, which can happen at home as well as across the world. I will return to these issues in my discussion of normative and institutional resources.

#### THE CREATIVE PARADOX OF UNIVERSALITY AND DIFFERENCE: AN ISLAMIC PERSPECTIVE

The reality of human difference and the possibility of its mediation is what has guided human civilizations since the beginning of time, and can continue to do so into the future. It was the constant practice of that mediation that ensured the survival of the species and the persistence of difference as the hallmark of being human. Various human civilizations survived and thrived to the extent that they were able to mediate this paradox in their specific context of time and place and declined and collapsed when they failed to sustain the necessary mediation. As the risks of failure in today's globalized civilization have become unimaginable, our capacity to mediate the paradox must also rise to this new level of the challenge. Human difference is now more immediately experienced by more people than ever before in history because of the interconnectedness of our lives. We all stand or fall as a global human civilization today, and our ability to mediate this difference should be enhanced by the same facilities of exchange and cross-cultural interaction that intensify our experience of difference.

We must also develop ways of mediating the paradox of self-determination, with its cultural and contextual specificity, on the one hand, and the universality of human values and human rights, on the other. The paradox is that confronting the reality and permanence of profound human difference requires the establishment of universal human values of peaceful cooperation, yet the universality of human values is hard to achieve precisely because of the realities of human difference. Difference is inherent to the human person, while the universality of human values is a necessary means of keeping the peace and upholding the dignity of the human person. In other words, human difference makes the universality of human values both imperative and difficult to achieve. Moreover, the variety of human experiences and the myriad cultures and traditions are also valuable aspects of being human, making each of us unique and enhancing our individual and communal vitality, creativity, and imagination. I see these tensions as a paradox rather than a deadlock in order to emphasize the possibility of mediation, instead of the counterproductive futility of attempting to impose categorical resolution.

The reality of difference and the need for mediation are at the core of my whole argument and analysis while operating at various levels. For instance, as I argued in the first lecture, it is imperative to transcend imperialism because it is counterproductive and futile. Imperial imposition is counterproductive because it threatens the peace and diminishes the human dignity of both the aggressor and the victim, thereby negating the rationale of the universality of human values and human rights. The mediation of this paradox—the need for universality, on the one hand, and the reality of difference, on the other—underlies my core claim about imperialism and self-determination. We need mediation of this paradox to achieve sufficient consensus for local and global citizens to work with in addressing our shared human vulnerabilities. This mediation is necessary for the legitimacy of governance and the rule of law at all levels, as noted at the end of the preceding section.

Mediation is also needed for me at a personal level for reconciling my own religious and cultural identity with my commitments to universal human values and human rights. As already noted in the first lecture, I approach the subject of these lectures as a Muslim, because that is the core of my identity and worldview, the basis of my ethical commitments, and the purpose of my understanding of human values. This is the position I personally believe to be the most effective for me in affirming universally inclusive human values and claiming global citizenship, without implying

it is the only or best approach for others. I realize that this approach may well be seen as “utopia upon utopia,” in the sense of a futile fantasy of expecting a religious view to sustain and effectuate a commitment to the rule of international law and protection of universal human rights. Yet if this is a utopia at all, it is one that we must strive to tame and realize because the alternative is tenable. Global humanity cannot do without international law, and believers are unlikely to abandon their religion in order to uphold international law.

To begin with the underlying paradox of the idea of universality itself, it is already helpful to appreciate that the paradox is shared by all human beings and not limited to some cultures or religious traditions. The difficulties of implementing this approach, from a human-values perspective in particular, include issues of the scope and terms of that dialogue in view of differentials in power relations among human societies. There is also the difficulty of cross-cultural understanding due to conceptual and epistemological diversity. Let me elaborate on these difficulties and their implications.

As already noted earlier, I tend to see human rights as proxy for human values because of the utility of human rights in realizing an inclusive conception of human values necessary for an effective response to our shared human vulnerability. The protection of human rights must also remain the objective of human values. Moreover, the inclusive conception of human values I am seeking faces similar conceptual and practical challenges of normative universality and practical efficacy. It may therefore be useful to draw on experiences with mediating those challenges in the human rights field for achieving mediation of similar tensions in relation to human values. To recall the example given in the introduction to these lectures, self-preservation is a universal motivation of all life, but its positive or negative formation in terms of human values depends on the purpose we seek to achieve beyond immediate self-preservation. Decades of reflection and action in pursuit of the universality of human rights might be helpful in promoting global consensus over a positive formation of self-preservation and combating a negative formation.

The idea that all human beings are entitled to the same fundamental rights without any distinction on such grounds as race, sex, or religion remains as challenging to all human societies today as it was when first proclaimed in the Universal Declaration of Human Rights (UDHR) of 1948. This idea tends to contradict the common human impulse either to discriminate among people in terms of these attributes or to expect them to conform to our own ethnocentric and uniform notion of a

universal human being. Universal values, like those affirmed by human rights norms, do not exist in the abstract to be discovered or proclaimed through declarations and treaties, as we all tend to perceive such values through the relativity of our own cultural and contextual worldview and experience. If universal values are to exist at all, we have to construct them through debate and action, as I will briefly explain in this section.

The universality debate can perhaps be clarified by breaking down the idea of human rights to be considered in terms of the concept of human rights, the content of that concept, and the context in which the content is elaborated or applied or both. The universality of the concept itself is the idea that all human beings are entitled to the same rights by virtue of their humanity, without any distinction or discrimination. The universality of the content relates to the actual normative principles that one claims to be universal, and not simply the idea of universality. It is at this level of determining specific human rights norms that serious disagreement arises. Whereas most people would probably readily accept the concept of universality in the abstract, agreement on the actual content of that concept will need to be “negotiated” to achieve consensus. The third element is the context of the negotiation of the content as well as its practical application, including issues of postcolonial or neocolonial relations or significant power differentials among the parties.

A related point to briefly note here is the dialectic relationship between universal norms and the cultural and contextual specificity of practical application. It may be argued that allowing concessions to cultural and contextual factors, even if only at the level of practical application, undermines the universality of human values. One response to this sort of claim is that, to begin with, consensus on the values is unlikely without due consideration to cultural and contextual factors. In principle, moreover, it is a denial of the premise of the universality of human values itself to exclude any human being from participating in determining what these values are or should be. Indeed, the term *concession* implies that the values one is asserting as human values are already universal, though in reality that claim is contingent on the consent of human beings who are located in their cultural and contextual setting.<sup>6</sup>

Yet the UDHR is more universal now than when it was adopted through the collaboration and voluntary acceptance of its principles by many nations and social forces of all cultural and religious traditions. It

6. Abdullahi Ahmed An-Na‘im, “What Do We Mean by Universal?” *Index on Censorship* 23, nos. 4–5 (1994): 120–28, esp. 120–21.

is this process that will enhance consensus and improve compliance with human rights norms over time, and not aggressive intervention that will always serve the imperial ambitions of major powers without succeeding in protecting the human rights of victims. This consensus-building and -promotion process is intergenerational and dynamic, whereby each generation needs to establish its own commitment to universal values rather than expect them to be passively handed down from the previous generation. To say this does not negate the value of the effort of previous generations in building consensus and enacting fundamental rights at the national level and universal standards through international treaties. Such documents remain legally binding from a formal point of view, while the intergenerational consensus-building process enhances their legitimacy and practical efficacy.

In this consensus-building process, we all need to engage culture and religion and appreciate the relevance of the local context in promoting respect for human rights anywhere in the world. We should also note that dialogue is a two-way street. If we are not prepared to be persuaded to change our minds about an issue, we should not expect others to do so, either. There must be good faith and respect for dialogue to work. In particular, we should appreciate that culture and religion are inherent to any conception of human rights, but that conception does not become universal until accepted by others. This is as true of so-called Western conceptions of human rights as it is of any other conceptions from the rest of the world. No society, whatever its cultural and religious orientation, has an inherent universal understanding of human rights while the rest of the world is struggling with cultural or religious relativism. We are all relativists, shaped by our culture, religion, and context, and there is no “universal human being.”

Since every view of universality of human rights is integral to someone’s culture, religion, and context, the effort is to reconcile competing visions of who is the human and what is due to her by virtue of her humanity. For this reconciliation to succeed, all views must be taken seriously on their own terms, without assuming the automatic superiority of one view over others. “It is not possible, or desirable, in my view, to identify a set of neutrally formulated human rights. Any normative regime, which justifies a set of rights and provides for or informs their content, must necessarily represent a commitment to a specific value system. . . . [W]hat is at issue is not the possibility of abstract or absolute neutrality from any religious, cultural, or ideological regime. Rather, the question is

how to reconcile commitments to diverse normative regimes with a commitment to a concept and set of universal human rights.”<sup>7</sup> In this regard, I am in agreement with Jürgen Habermas:

The “universalism” of the old empires was of this sort, perceiving the world beyond the distant horizon of its borders only from the centralizing perspective of its own worldview. Modern self-understanding, by contrast, has been shaped by an egalitarian universalism that requires a decentralization of one’s own perspective. It demands that one relativize one’s own views to the interpretive perspectives of equally situated and equally entitled others. It was precisely the insight of American pragmatism that reciprocal perspective-taking paves the way for grasping what is in each case equally good for all parties. The “reason” of modern rational law does not consist of universal “values” that one can own like goods, and distribute and export throughout the world. “Values”—including those that have a chance of winning global recognition—don’t come from thin air. They win their binding force only within normative orders and practices of particular forms of cultural life. If thousands of Shiites in Nasiriya demonstrate in equal measure against both Saddam and the American occupation, they express the truth that non-Western cultures must appropriate the universalistic content of human rights from their own resources and in their own interpretation, one that will construct a convincing connection to local experiences and interests.<sup>8</sup>

The consensus-building process I mean is particularly important for most people around the world in view of strong memories of the colonial discourse of “the white man’s burden,” that is, the idea that European societies are already enlightened and are invading other peoples to “civilize them for their own good.” This concern can be addressed through multilateral and institutional action instead of unilateral and extrainstitutional intervention. The more states from all regions of the world work together

7. Abdullahi Ahmed An-Na‘im, “Toward an Islamic Hermeneutics for Human Rights,” in *Human Rights and Religious Values*, ed. Abdullahi Ahmed An-Na‘im et al. (Grand Rapids: William B. Eerdmans, 1995), 229.

8. Jürgen Habermas, “Interpreting the Fall of a Monument.” This essay condemning the invasion of Iraq by the United States and its allies originally appeared in German in the *Frankfurter Allgemeine Zeitung* on April 17, 2003. It was published in English translation in the *German Law Journal* 4, no. 7 (2003): 701–8, quote on p. 709, available at [http://www.germanlawjournal.com/pdfs/Vol04No07/PDF\\_Vol\\_04\\_No\\_07\\_701-708\\_European\\_Habermas.pdf](http://www.germanlawjournal.com/pdfs/Vol04No07/PDF_Vol_04_No_07_701-708_European_Habermas.pdf).

through the United Nations, the less likely it will be that others will see that action as advancing the imperial interests of the intervening powers. I realize that there are many problems with the United Nations, structurally as well as operationally. However, the imperative is to correct those faults instead of using them as an excuse for unilateral action. For all its faults, the United Nations is our best multilateral institutional organ for the protection of human rights, and we are unlikely to do better through extrainstitutional unilateral action because that imperial mode is counterproductive and futile.

Finally, I would note that although the human rights paradigm is an extremely useful and necessary project, it is only part of a wide range of approaches and strategies for sustainable development and economic and social justice at home and abroad. The true test of any country's commitment to the universality of human rights is what else it is doing to address other issues of international cooperation, fair trade, as well as its own domestic policies on immigration, treatment of minorities, and so forth. Lack of consistency with human rights values in these related issues will probably undermine the credibility of the country's human rights policy as hypocritical and self-serving.

Turning now to my own perspective and experience as a Muslim advocate of the universality of human rights, I will first clarify the sense in which the question is relevant, and then present the methodology I propose for enhancing the cultural legitimacy and practical efficacy of human rights. On the first issue, the relevance of Islam to the universality of human rights is in the sense of its being a broad framework and general background for specific activities for the promotion and protection of human rights among Muslims. This reference to Islam as an important component of the worldview and framework for the social and cultural values and institutions of Islamic communities does not mean it is the sole determining factor or suggest that Islam is understood and practiced in the same way in all situations where it is relevant. The level of compliance with human rights norms is more likely to be associated with conditions of political instability and economic and social underdevelopment in postcolonial Islamic societies than determined by Islam as such. Moreover, to the extent that Islam is a factor, its role cannot be understood in isolation from other factors that influence how Muslims interpret and attempt to comply with their religious tradition. In other words, one cannot predict or explain the degree or quality of human rights compliance by Islamic societies as the logical consequence of the relationship between Islam and human rights in an abstract, theoretical sense.



Regarding the methodology for mediating the paradox of universality, I see this as a product of a process, and it cannot mean the assertion of the values of one society or group of societies over the rest of humanity. Since our perception of human rights is necessarily relative to our own cultural and religious traditions, consensus on any set of norms must be developed over time and not simply proclaimed or taken for granted. As I have argued elsewhere, this process of promoting consensus over the universality of human rights should occur through an internal discourse within different cultures and dialogue among them.<sup>9</sup>

There are two aspects to these two processes, one internal to the particular community and the other external, relating to its relationship with other communities or constituencies. On the internal front, advocates of universality should use arguments that are likely to be persuasive to the specific community, or able to address their apprehensions and concerns, in relation to whatever frame of reference is accepted by that community as authoritative or applicable. The external aspect of the process is about the relevance of what is going on in the rest of the world, especially in relation to the particular concerns of the community in question. The objective of working with both aspects of this process is *persuasion*, by showing people how human rights norms “make sense” in their own daily lives, without being too threatening for them to accept. It is to be expected that oppressive regimes will continue to try to justify human rights violations in the name of law and order, upholding social morality, economic development, and other pretexts. The question is therefore whether the arguments that human rights advocates can make are capable of overriding such objections by appealing to more fundamental, widely held values, or capable of building alliances to overcome such objections, rather than expecting the validity and utility of human rights to be self-evident to all.

Since it would be unrealistic and inconsistent with the underlying rationale of the universality of human rights to confront Muslims with a stark choice between Islam and human rights over such issues, I would seek to transform the understanding of Muslims of the scriptural sources of Islam in favor of greater acceptance of the universality of human rights. That is, it is better to attempt to change the interpretation of Sharia by Muslims, through an internal Islamic discourse, than to attempt to superimpose presumably universal human rights norms over what Muslims believe to be required by Sharia. In my view, this internal transformation

9. See, for example, the introduction to *Human Rights in Cross-Cultural Perspectives: Quest for Consensus*, ed. Abdullahi Ahmed An-Na'im (Philadelphia: University of Pennsylvania Press, 1992).

approach is required as a matter of principle because it is more respectful of the freedom of religion and self-determination for Muslims, as well as more desirable in pragmatic tactical terms. I have argued for this approach in more detail elsewhere, but the point here is about the need for and possibility of such internal transformation.<sup>10</sup>

Moreover, due regard must be taken of conditions or circumstances that are likely to influence the persuasiveness of the human rights view in any given context. For instance, a community's perception of how seriously others take human rights claims will influence their own attitudes and responses. That is why perceptions of "double standards" in the domestic or foreign human rights policies of other countries are so damaging to the universality of these rights. Moreover, when a community feels under siege by external threats, for instance, it tends to be more conservative and entrenched in its ways, a natural defense mechanism. The credibility of reform proposals can also be influenced by perceptions of ulterior motives by their authors or their association with hostile foreign powers. Regarding our subject here in particular, my ability to persuade Muslims of the validity and efficacy of the international rule of law or protection of human rights can be undermined by the failure of other international actors to uphold these principles.

In conclusion, the preceding brief discussion of the universality of human rights is relevant because I tend to see human rights as proxy for human values for the reasons outlined at the beginning of this section. This approach to the mediation of the paradox of universality and difference is part of the substantive response to the charge of negative utopia. I now turn to the role of normative and institutional resources in transcending imperialism through the rule of law at home and abroad.

#### THE POLITICS OF HUMAN VALUES: CONSTITUTIONALISM AND INTERNATIONAL LAW

The task for this section is twofold. First, I need to briefly elaborate on what I mean by the normative and institutional resources that I claim will enable us to transcend imperialism and how that might work in practice. As noted several times already, I believe these resources to be the rule of

10. See, for example, Abdullahi Ahmed An-Na'im, *Toward an Islamic Reformation: Civil Liberties, Human Rights, and International Law* (Syracuse: Syracuse University Press, 1990) and "State Responsibility under International Human Rights Law to Change Religious and Customary Law," in *Human Rights of Women: National and International Perspectives*, ed. Rebecca J. Cook, chap. 7 (Philadelphia: University of Pennsylvania Press, 1994).

law and protection of human rights. For these resources to be consistent with the rationale of self-determination and citizenship, both elements must be sufficiently inclusive in conception and neutral in application to contribute to transcending imperialism. The second task for this section is to consider how these resources can be applied in practice. Since I have already examined the human rights dimension in the preceding section, I will focus here on the rule of law at the domestic level, which is what I call constitutionalism, and at the global level, which is the rule of international law.

Briefly stated, constitutionalism is a framework for the mediation of certain unavoidable conflicts in the political, economic, and social fabric of every human society. This proposition assumes that conflict is a normal and permanent feature of human societies, and defines constitutionalism in terms of being a framework for mediation rather than a permanent or final resolution of such conflicts. But since struggles over power and resources cannot be practically mediated by all members of any society, there has to be some form of delegation from those who, as a practical matter, cannot be part of the daily and detailed processes of administration and adjudication. At the same time, however, those who have to delegate to others also need to ensure that their interests are served by this process by participating in the selection of delegates as well as in holding them accountable to ensure that they act according to the terms of delegation. These pragmatic considerations underlie the basic constitutional principles of representative government, including bureaucratic aspects of democratic administration of public affairs, which is fully accountable to its citizens.

For the appropriate processes of constitutional governance to work properly in each setting, the general population must be able and willing to effectively exercise its powers of delegation as well as accountability of public officials, whether elected or appointed. There are many aspects to such ability and willingness, some relating to the population side while others pertain to the government and its organs, or the conditions of the interaction between the two. On the first count, for instance, the population at large must be capable of exercising intelligent, well-informed, and independent judgment about the ability of its representatives and officials to act on its behalf and to verify that they do in fact act in accordance with the best interest of the population. The public must also have the capacity to challenge and replace those who fail to implement its mandate. To ensure and facilitate a wide range of operations and functions

of democratic government, all citizens must enjoy certain individual and collective rights, like freedoms of expression and association, access to information, and effective remedies against excess or abuse of power by official organs. But in the final analysis, the best principles and mechanisms of constitutional governance will not operate properly without sufficiently strong civic engagement by a critical mass of citizens. This may be extremely difficult to realize and harder to maintain over time, but it has been done to varying degrees of success in stable democratic countries, such as Sweden and Norway.

My conception of constitutionalism requires respect for and protection of collective as well as individual fundamental rights because the two sets of rights are interdependent not only in that one cannot be effective without the other but also in the sense that the specific meaning of each one draws on the content of the other. For example, individual freedoms of opinion, belief, and association are necessary for the realization of collective freedoms of ethnic, religious, or professional and trade union associations, whereby the freedom of the individual person is meaningful within the context of the relevant group. However, since rights are ultimately tools for realizing the objectives of social justice, political stability, and economic development for all segments of the population, they should be perceived as dynamic processes rather than abstract legal rules. For instance, the content and rationale of a collective right to the use of language or protection of cultural resources of an ethnic group can shift and change in response to internal transformation within the group or challenge from outside.

Moreover, such rights as freedom of expression and association are not useful without the institutional means for exercising the sort of judgment and continuous accountability of government officials envisaged by the principle of constitutionalism. To begin with in this regard, officials must not be able to obscure their activities or hide their excess or abuse of power—hence the general need for transparency of official action. Moreover, people are unlikely to invest energy and resources in holding officials accountable when there are no realistic prospects of effective remedy against officials who violate the obligations of their office or contrive to evade responsibility. Administrative and financial transparency is unlikely to lead to effective legal and political accountability without competent and independent institutions that can investigate possible violations and adjudicate disputed issues and questions. This aspect of the process relates to various matters that cannot be discussed in detail here,

ranging from technical questions of administrative law and tribunals to practical arrangements for securing the independence of the judiciary or political accountability of elected or appointed officials.

The most critical aspect of constitutionalism, I believe, is a sufficiently strong civic engagement by a critical mass of citizens. This includes the motivation of citizens to keep themselves well informed in public affairs and to organize themselves in nongovernmental organizations that can act on their behalf in effective and sustainable ways. People are unlikely to assert and pursue avenues of accountability and redress without the material and human resources as well as the psychological and cultural orientation to do so. Public officials and the agencies and institutions they operate must not only enjoy the confidence of local communities but also be familiar, friendly, and responsive when approached. This is the practical and most foundational meaning of popular sovereignty, whereby people can govern themselves through their own public officials and elected representatives. Constitutionalism is ultimately concerned with realizing and regulating this ideal in the most sustainable and dynamic manner possible, whereby the combination of theory and practice of this concept is capable of ensuring self-determination now and responding to changing circumstances in the future.

The fact that constitutionalism includes representative government, transparency and accountability, separation of powers, and independence of the judiciary does not mean that these features must all be present in particular models. In fact, such principles and conditions can emerge and develop in a variety of models only through a process of trial and error over time.<sup>11</sup> The rationale and purpose of representative government, transparency, and accountability can be realized through different models, such as the parliamentary system of the United Kingdom or the presidential system in the French or American approach. These models achieve transparency of governmental practice and political and legal accountability in different ways. The principles of separation of powers and independence of the judiciary are implemented and safeguarded in various ways specific to each constitutional model. Each model of these successful constitutional experiences works in its totality, though not always, and is transformed

11. J. T. McHugh, *Comparative Constitutional Traditions* (New York: Peter Lang, 2002); Daniel Franklin and Michael Baum, "Evolutionary Constitutionalism," in *Political Culture and Constitutionalism: A Comparative Approach*, ed. Daniel Franklin and Michael Baum (Armonk, N.Y.: M. E. Sharpe, 1995); Michael Rosenfeld, *Constitutionalism, Identity, Difference, and Legitimacy* (Durham: Duke University Press, 1994).

or adapted in its own ways in times of crisis, as illustrated by the series of French constitutions adopted during the twentieth century.

Recalling my earlier discussion of the mediation of the paradox of universality, I will now briefly demonstrate the relevance of that process to what might be called the dialectic of universality and relativity of constitutionalism, namely, the philosophical and political assumptions of the concept of constitutionalism and its application in different parts of the world. For example, does constitutionalism presuppose or require certain social, economic, and other conditions or circumstances? If or to the extent that is true, can the essential elements of constitutionalism be reproduced under apparently unfavorable circumstances? How can reflection on these issues help us better understand how constitutionalism gets to be established and consolidated in some places or undermined and eroded in others?

An underlying tension regarding concepts like constitutionalism, as defined by the experiences of societies where they were first developed and established, is whether they have universal applicability so that they can be “transplanted” into other settings. In my view, such concepts can be accepted as viable philosophical, political, and analytic categories for evaluating the experiences of Islamic societies, provided they are open to contestation and reconceptualization from the perspective of those societies. That is, what would apply in different societies is the locally adapted and legitimized version of some universal conceptions of constitutionalism and democracy, provided all human societies contribute to the formation of such universal concepts. How might that universalization and respecification be achieved and applied in various settings?

To begin with, it would be helpful to avoid asserting a categorical dichotomy between Western and non-Western societies. There is no uniformity among so-called Western or non-Western societies to justify lumping them into mutually exclusive categories. As shown by the rise of fascism in Spain and Italy, Nazism in Germany, and Soviet totalitarianism in Russia during the twentieth century, so-called Western societies are as vulnerable to regression into despotic authoritarianism as any other human society. In referring to *Western*, *non-Western*, or *African* as shorthand terms, I am neither implying total uniformity among or within any of these broad categories nor suggesting permanent differences in their constitutional experiences.

From this perspective, I hold that the universal validity and applicability of concepts like constitutionalism is a pragmatic necessity in view

of the universalization of the European model of the nation-state through colonialism and postcolonial relations. This model is likely to continue for the foreseeable future as the dominant form of political organization in national politics and international relations. The persistence of these realities requires the development and implementation of concepts such as constitutionalism and democracy that have been found to be necessary for regulating the powers of the state and organizing its relationship to individuals and communities who are subject to its jurisdiction.

Accordingly, it would be desirable to articulate some “universal” principles around each of these concepts as political and philosophical parameters for domestic territorial and international practice. In other words, the commonality of tensions in state-society and state-individual relations recommends giving notions such as constitutionalism and democracy broader applicability by expanding their meanings to include the experiences of other societies now seeking to adapt the same notions to their own respective contexts. As I argued in relation to human rights earlier, however, this process should be premised on mediating the generality of purportedly universal principles and the cultural and contextual specificity of the particular situation. The claim about the universality of a specific “content” of such concepts can be realized only through a coherent framework for deliberate processes of consultation and consensus building.

Moreover, a purportedly universal principle of constitutionalism must still be specified and adapted for local application in a given setting. That is, any candidates for “universal” principles of constitutionalism will need to satisfactorily answer the questions and concerns arising from the socioeconomic and political context and cultural traditions of each time and place. It logically follows from this requirement of adaptation of universal principles to a local context that some of them may or may not work in relation to a specific place at a given point in time. A failure to adapt such universal principles to local conditions can also be temporary or continue for a long period of time.

Turning now to issues of the rule of law in international relations, I would argue that international law is an indispensable means for realizing universal ideals of peace, development, and the protection of human rights everywhere. For international law to play its role in realizing shared ideals of justice and equality under the rule of law for all human beings, it must be both truly international and legitimately lawful. It has to be equally accepted and implemented by all human societies, not one that

some may choose to ignore while others are required to observe. From this perspective, the issue cannot be framed in terms of the so-called West being the primary author of international law and fully conforming to its principles and underlying values, while the rest of the world is struggling to subscribe to and comply with them. Moreover, it is often the failure of Western countries to live by these principles and values that is more difficult to overcome in practice.

Although there have historically been several parallel systems for regulating interstate relations, present conditions of global integration and independence seem to require a single system. That is, there can be some specialization in this single system, such as in the fields of trade, human rights, or humanitarian law, and it is no longer feasible or desirable to have completely separate systems operating regionally or thematically. But international law cannot be limited to the European system of interstate relations that evolved since the eighteenth century, which was simply a regional system, like the Chinese, Hindu, Roman, and Islamic systems that preceded it. The fact that European powers managed to extend the domain of their regional system farther and more completely than any of the earlier imperial powers does not make it truly international. After all, that parochial European system had justified the military conquest and colonization of much of Asia, almost all of Africa, and elsewhere on the basis of European conceptions of sovereignty and legality. The vast majority of the peoples of Africa and Asia had no possibility of being true subjects of international law until the decolonization process after the Second World War. Native populations of the Americas and Australia are unlikely to qualify as subjects of traditional international law because the European colonizers of their historical territories would not recognize their "sovereignty" in European terms.

The history and current consequences of traditional "European" international law cannot, of course, be changed overnight, but the process of correction has already been under way for several decades now. From this perspective, I take international law to mean the legal system and institutions that have evolved since the end of the Second World War, especially through the United Nations and the decolonization process of the second half of the twentieth century. It is only during this phase of decolonization that international law has become the legitimate legal framework for recognition of national sovereignty and territorial jurisdiction throughout the world, including all Islamic countries. Earlier international law was not truly international not only because it excluded the colonized



peoples of Africa and Asia but also because it legitimized colonialism itself. This system has also become the legal and institutional framework for international relations in a much wider range of matters, from highly politicized issues of international peace and security to countless routine yet essential daily transactions, in such fields as health, postal services, trade, travel, and the environment, than used to be the case before the Second World War.

Accordingly, I take the Charter of the United Nations of 1945 to be the most authoritative normative framework of international law we have so far, though it is certainly not sufficient for addressing some of the fundamental challenges facing the prospects of international legality today. The UN Charter is so foundational not only as the most widely binding treaty that establishes a viable institutional framework for realizing the fundamental purposes and rationale of international law, but also because of its commitment to self-determination and equal sovereignty of all the peoples of the world. It follows from this premise that the use of military force is not allowed except in accordance with the Charter of the United Nations, namely, in self-defense under Article 51, or when sanctioned by the Security Council under Chapter VII. It is imperative, in my view, that there cannot be any possibility of lawful use of force beyond those two grounds, whether claimed as “pre-emptive self-defense,” “just war,” or Islamic jihad. My point here is not simply that it is illegal to use military force beyond the strict limits of the UN Charter, but also that the illegal use of force undermines the possibility of the rule of law in international relations.

Moreover, to achieve its objectives and rationale, this limitation on the use of force must apply with categorical consistency to all states, equally. I do not see any moral, political, or practical difference between international terrorism in the name of Islamic jihad, on the one hand, and the so-called preemptive self-defense or humanitarian intervention claimed by the United States in Iraq, on the other. Both are instances of “self-regulated” use of force outside the institutional framework of the UN that are so inherently arbitrary and unaccountable that they undermine the very possibility of international law. It is true that we need to find ways of extending the application of international law to so-called non-state actors, like al-Qaeda or Somali pirates off the coast of East Africa. However, it is not possible to redress this situation unless international law is consistently observed by states as its primary subjects. It is futile for state actors to demand observance of international law principles by

nonstate actors when states are unwilling to abide by those principles in the first place.

The impressive record of daily success of international law in a very wide range of fields from international peace and security to facilitating trade and cooperation in the fields of health, postal services, trade, travel, and the environment is often overlooked due to understandable concerns about a few highly visible difficulties in the fields of international peace and security. We must therefore supplement any deficiencies and correct any problems with international law and international institutions because we cannot do without them. Since those limitations are due to our failure to invest in international legality, it can be corrected by determination and action. Integral to this process is our own commitment to uphold international legality by upholding our commitments in order to have the moral and political standing to demand the same from others. For our purposes here in particular, this means compliance with international law by all states, without exception, in all matters, whether routine regulation of trade and postal services or peace and security. This is particularly important for major world powers that seem to have a choice in the matter, because their compliance is a stronger indication of the legal authority of international law, as the practice of weak states is likely to be dismissed as more motivated by fear of retaliation or opportunistic calculations than a sense of legal obligation.

It is equally clear that the ability of international law to achieve its objectives is contingent on the willingness and ability of a wide range of actors to voluntarily comply with its dictates. The total and continuous coercive enforcement of any legal system both is impossible in practice and also assumes high levels of political commitment and institutional capacity that may not necessarily be available or forthcoming. Since no enforcement regime can cope with massive and persistent violations, any legal system must assume a high level of voluntary compliance in order to have the will and ability to enforce its rules in the exceptional cases when that is necessary. This is not to suggest that coercive enforcement is immaterial, but only to emphasize that its role is both limited and contingent. Direct use of force or the threat of it may ensure compliance with rules in the short term, but it is not sustainable over time. That is, the limited though important role of coercive enforcement should be understood in a broader context of the other factors that make a legal system work. In particular, it is necessary to understand the factors that motivate or encourage the subjects of a legal system to voluntarily comply with its

dictates to a sufficient degree that makes coercive enforcement possible, when necessary.

As a general rule, states do in fact comply with the vast majority of international law norms, for the same sort of reasons people have for obeying any legal system, such as self-interest and fear of retaliation by others. In particular, the clear limitations of the military or economic power of all states, big and small, mean that all of them have to rely on international legality for their own survival. As noted earlier, events like the terrorist attacks of 9/11 clearly show that even the most powerful states are vulnerable to the arbitrary action of individual international terrorists for whose crimes no state can be held accountable under traditional notions of state responsibility when the act cannot be shown to be legally attributable to the state as such. I would therefore conclude that it is both dangerously unrealistic and unnecessarily limiting to focus exclusively on “state practice” as the primary source of international law unless we are all willing to hold all states accountable for their failure to respect fundamental principles of international law as a whole.<sup>12</sup> For example, it is illusory to emphasize traditional notions of exclusive territorial jurisdiction unless all states are held accountable to the same principles. Take the example of international criminal charges by the prosecutor of the International Criminal Courts against Omar Hassan el-Bashir, the president of Sudan, for his alleged responsibility for crimes of war and crimes against humanity during the Darfur civil war. I support this initiative because it seeks to hold high officials accountable for their actions, *provided* this principle is applied consistency in all similar situations, from Israeli responsibility for humanitarian law principles in Gaza in 2009 to the United States for its illegal invasion and occupation of Iraq in 2003.<sup>13</sup>

The final element in the rule of international law framework is the role of global civil society, which corresponds to the role of citizens to uphold the integrity and efficacy of constitutionalism at the domestic level. Since states cannot be trusted to uphold the rule of international law without

12. Under the current structure of international law, state practice is the basis of all four sources of international law, as formulated in Article 38 of the Statute of the International Court of Justice, which is generally accepted as the most authoritative statement of the sources of international law. For the text of this article see, for instance, Barry E. Carter, ed., *International Law: Selected Documents, 2009–2010* (New York: Wolters Kluwer, 2009), 36.

13. I have made this argument in several articles. See, for example, “Why Should Muslims Abandon Jihad? Human Rights and the Future of International Law,” *Third World Quarterly* 27, no. 5 (2006): 785–97; and “Islam and International Law: Toward a Positive Mutual Engagement to Realize Shared Ideals,” *Proceedings of the 98th Annual Meeting of the American Society of International Law* (2004): 159–66.

the ability of global citizens to hold them accountable, global civil society should be the means for global citizens to ensure international accountability. Yet it cannot be assumed that this may not necessarily happen since some elements of civil society may be antagonistic to notions such as constitutionalism and protection of human rights. To make this point, some scholars distinguish between “civic community” and “civil society.” Civic community is said to be marked by an active and public-spirited citizenry, egalitarian political relations, trust, and cooperation, where the public domain is more than a battleground for pursuing personal interests. In contrast, civil society includes particular class interests, ethnic concerns, individual egotism, and all types of religious and secular fundamentalism.<sup>14</sup>

Since civic community in this sense is clearly more conducive to the protection of human rights and realization of social justice, we should be concerned about how to promote this quality in all civil society organizations rather than assume its existence or deem it impossible to achieve. In other words, I am not calling for ignoring civil society organizations when they fail to uphold principles of civility and international legality. Rather, my point is to engage the full range of civil society organizations on the ground, to work with those who uphold the universal human values of individual freedom and social justice in persuading those who do not to accept those values. To disregard those who disagree with us or seek to impose our values on them coercively is precisely the sort of imperialism I am seeking to transcend, whether practiced by local actors in the local community or by international powers.

An important point to emphasize in the postcolonial context is that colonial policies and practices have sometimes continued by default for several decades after independence. In particular, the exclusion of much of the population from the political process during the colonial period has clearly been maintained by the new ruling elite after independence, contrary to the principle of self-determination that brought that elite to power. Formal independence sometimes signified the transfer of control over authoritarian power structures and processes of government from colonial masters to local elites. Unfortunately, these local elites also had little commitment to popular participation in governance and sharing of power among different segments of the population. Unable to govern effectively and humanely, postcolonial governments have tended to

14. Robert Fatton Jr., “Africa in the Age of Democratization: The Civic Limitations of Civil Society,” *African Studies Review* 38 (1995): 71.

employ colonial legal and institutional mechanisms of domination on their own populations.

In conclusion of this section, my argument does not overlook the apparent plausibility of the unilateral use of force and other means available to sovereign states to protect themselves and advance their own conception of their national interest. Instead, I argue that these vital concerns are better served by the rule of law and protection of human rights than through self-help and imperial imposition. The choice is not between self-help and helplessness but between arbitrary unilateral self-help, on the one hand, and collective and institutional self-help through the rule of law, on the other.

#### RECONCEIVING REALPOLITIK

The term *realpolitik* is commonly understood to refer to foreign policy that is based on practical rather than ethical or ideological considerations, which only begs the question of what is “practical,” who determines that, and how. My argument in this section is that an imperial conception of “realism” for *realpolitik* is shortsighted both temporally and ethically. It is shortsighted temporally in that it applies only to the immediate consequences of our actions and short-term goals of gaining and retaining power and resources. It is also shortsighted ethically because it seeks to engage from and for the benefit of national, ethnic, or other narrow political allegiance to the exclusion of those we deem to be “our enemies.” This means that benefits will be achieved at extremely limited levels, and therefore imperial realism is bound to invite retaliation from the proponents of similarly narrow and hostile conceptions. As the current misadventures of the United States in Afghanistan and Iraq clearly show, I argue, it is unrealistic to expect people to submit to imperial power, regardless of the empire’s justification for its actions. In my view, imperial *realpolitik* is not realistic at all for this age of global self-determination because more actors are now able to retaliate more effectively against aggressors than in the past age of imperialism.

The term *realpolitik* in German means “the politics of reality,” the end of which is to promote the security of the state, instead of attempting to promote some religious or humanitarian objectives. The negative connotations of the term *realpolitik* are due to some of the ways in which its legitimate purpose (security of the state) is defined rather than inherent to the concept. Instead of encouraging war and expansion, *realpolitik* promotes pragmatism and moderation and cautions against grand designs of power that can easily become counterproductive. Even in its traditional

sense, the idea of realpolitik is to serve the true security of the state by adjusting goals and strategies, building resources, and seeking a balance of power with adversaries. The proper use of realpolitik rationale, based on realistic assumptions, is unlikely to lead to aggression. Legitimate concern about miscalculations, limitations, and the bias of leaders should militate against exaggerated objectives.<sup>15</sup>

Two academic schools of thought incorporated competing conceptions of key elements of realpolitik thinking during the twentieth century. The realist view emphasizes the concept of balance of power, citing human nature as the source of the quest for power.<sup>16</sup> The neorealist view, in contrast, sees the structure of the international system as the source of state behavior rather than human nature as such.<sup>17</sup> In this view, the anarchic international order in the absence of an effective world government produces a self-help system that requires states to maximize their security through armaments and alliances. Both perspectives, however, call for a cautious foreign policy that avoids ideological crusades or other policies that might lead to complex entanglements and open-ended conflict. Recalling what I said earlier about the imperial ideology, I find myself in agreement with Emma Bonino: “Realists’ are wrong when they say we must choose between realpolitik and idealism. If a policy is to be sustainable, it must be based on an ideal. . . . The big challenge as the end of the [twentieth] century approaches is therefore to change the meaning we have given to realpolitik. . . . An international policy based on respect for laws, agreements and rules is the only one possible. . . . The journey is a slow one, but progress is being made.”<sup>18</sup>

An instructive illustration of the possibilities of reconceiving realpolitik can be seen in the shift in the position on nuclear weapons by George Shultz, William Perry, Henry Kissinger, and Sam Nunn, who are now advocating the elimination of nuclear weapons.<sup>19</sup> As Henry Kissinger

15. Robert Rauchhaus, “Realpolitik,” <http://www.polsci.ucsb.edu/faculty/rauchhaus/files/other/Rauchhaus-Realpolitik.pdf>.

16. See, for example, Edward Hallett Carr, *The Twenty Years’ Crisis, 1919–1939*, 2nd ed. (London: Macmillan, 1946); and Hans J. Morgenthau, *Politics among Nations: The Struggle for Power and Peace*, 5th ed. (New York: Alfred A. Knopf, 1973).

17. Kenneth Waltz, *Theory of International Politics* (Reading, Mass.: Addison-Wesley, 1979).

18. Emma Bonino, “For an End to Double Standards,” [http://www.unesco.org/courier/1998\\_10/uk/dossier/txt12.htm](http://www.unesco.org/courier/1998_10/uk/dossier/txt12.htm).

19. George P. Shultz, William J. Perry, Henry A. Kissinger, and Sam Nunn, “A World Free of Nuclear Weapons,” *Wall Street Journal*, January 4, 2007, A15. See also “Nuclear Tipping Point,” <http://nucleartippingpoint.org/home.html>. Shultz was secretary of state from

said in an interview on National Public Radio, “Classic notion of deterrence was that there were some consequences before which aggressors and evildoers would recoil. In the world of suicide bombers, that calculation doesn’t operate in any comparable way.” Sam Nunn said in the same interview: “We’re now in a race between cooperation and catastrophe, and unless we accelerate that cooperation now, obviously, the dangers are going to grow.” Shultz added, “Time is not on our side. . . . And we shouldn’t wait around for the U.S. and Russia to further reduce our arsenals. It’s not a U.S. initiative. It’s not a U.S.-Russia initiative. It’s got to take the aspect of a global enterprise.”<sup>20</sup>

The paradigm shift in *realpolitik* I am urging is a difficult and complex process, but there is no alternative, in my view. As noted at various points in my analysis, the implicit underlying claim of the proponents of the status quo is that there is no alternative to the imperial impulse in national politics and international relations. To illustrate the possibilities and challenges facing my proposal for reconceiving *realpolitik* in dealing with the realities of national politics and international relations, I will now briefly discuss two current crises regarding Zimbabwe and Iran. By reviewing these two crises, I am trying to show that the proposed paradigm is as workable as the old-style *realpolitik* in confronting domestic imperialism in national settings like Zimbabwe and balancing the competing demands of national sovereignty and international security in the case of Iran. I will conclude this section with some comments on how reconceiving *realpolitik* in such cases relates to my thesis and argument in these lectures.

### *Humanitarian Crisis in Zimbabwe*

In terms of my analysis, the severe humanitarian crisis in Zimbabwe, outlined below, is an example of domestic imperialism for which President Mugabe and his clique bear full responsibility. Still, it is important to understand the role of external imperialism not only in creating some, not all, of the root causes of the present crisis, but also in continuing to hamper the prospects of adequate response to this crisis.

1982 to 1989, Perry was secretary of defense from 1994 to 1997, Kissinger was secretary of state from 1973 to 1977, and Nunn is former chairman of the Senate Armed Services Committee.

20. All three remarks were made in a segment of *Morning Edition* of National Public Radio, entitled “Documentary Advances Nuclear Free Movement,” hosted by Mike Shuster, January 27, 2010, available at <http://www.npr.org/templates/story/story.php?storyId=123012569>.

Robert Mugabe was educated at a Jesuit mission school and graduated from the University of Fort Hare, South Africa, in 1951, when the apartheid regime was taking complete control of that country with serious ramifications for the whole region of southern Africa. He spent several years teaching and earned another two degrees in Rhodesia (now Zimbabwe and Zambia) and Ghana, which had just gained independence from British colonial rule in 1957. After returning from his studies in Ghana in 1960, Mugabe assumed the leadership of the Zimbabwe African National Union (ZANU), which was one of the two nationalist parties resisting domination by white European settlers who constituted a small minority of the population. ZANU initially emerged out of a split with the Zimbabwe African People's Union (ZAPU) of Joshua Nkomo.<sup>21</sup>

In 1964 Mugabe was sentenced to eleven years' imprisonment by the British colonial administration for "encouraging subversion," while the white minority in Southern Rhodesia declared unilateral independence from Britain in 1965, under the leadership of Prime Minister Ian Smith. Upon his release from prison in December 1974, Mugabe fled to Mozambique to join his exiled ZANU colleagues in waging their war of liberation. In 1979 Mugabe participated with other African leaders of Zimbabwe in negotiating the peace agreement and independence constitution at Lancaster House, in London. In February 1980 Mugabe and his party won the election and have continued to retain complete power since then by any means they deem necessary.

It is commonly accepted that Mugabe was initially an effective leader who turned autocratic and oppressive as he continued to hang on to power at any cost. On the positive side, Mugabe's early administration is credited with improving opportunities for the black population of Zimbabwe, developing public health facilities, and striving to persuade white farmers to remain in the country.<sup>22</sup> But serious oppression was already happening on a massive scale in 1982, when Mugabe sent a special division of his army into Matabeleland, the home of his primary opposition, Joshua Nkomo's ZAPU. During that campaign of terror, "at least twenty thousand civilians were slaughtered, while many more were driven from their homes, flogged, starved to the brink of death, raped. . . . The terror was brought to a halt only in 1987, when Nkomo, who had fled into exile,

21. Jon Lee Anderson, "The Destroyer: Robert Mugabe and the Destruction of Zimbabwe," *New Yorker*, October 27, 2008, 54–64.

22. Douglas Rogers, *The Last Resort: A Memoir of Zimbabwe* (Johannesburg: Jonathan Ball, 2009), 11, 34.



signed a 'unity' pact, and what remained of his party was subsumed into Mugabe's, transforming Zimbabwe into a de-facto one-party state."<sup>23</sup> This united party, the Zimbabwe African National Union—Patriotic Front (ZANU-PF), has continued to completely dominate the country under Mugabe's exclusive control to the present time.

To consolidate his power further, Mugabe abrogated various clauses of the 1979 Constitution in order to abolish the post of prime minister and made himself executive president. In that way, Mugabe achieved the combination of the powers to dissolve Parliament, declare martial law, and control all senior posts in the police, civil service, and military, in addition to unlimited terms as president.<sup>24</sup> As was to be expected, Mugabe's dictatorship continued to turn more and more oppressive and corrupt, the situation in the country drastically declined throughout the 1990s, and it turned catastrophic after Mugabe was defeated in a national referendum on a new constitution in 2000. As one author described the tragic collapse of the country:

Suddenly, the government began forcibly redistributing commercial farms and ranches owned by whites. . . . Mugabe's cronies and war veterans seized the farms, neglecting them ruinously in most cases. The destruction of the country's agriculture industry, which had provided half of Zimbabwe's foreign exchange, precipitated the collapse of the economy. Over the next seven years, the situation declined steadily. Thousands of offices, shops and factories closed. The inflation rate soared. At least 80 per cent of Zimbabweans were unemployed. A quarter of the population fled the country in search of a better life in Europe or South Africa. One third of children dropped out of school because their parents could no longer afford the fees. One fifth of Mugabe's citizens were infected with HIV, about 400 of them dying each day of Aids-related infections.<sup>25</sup>

As noted earlier, there is no doubt that Mugabe himself, and ZANU-PF leadership in general, bears full responsibility for the severe

23. Philip Gourenvitch, "Wasteland Comrade Mugabe Is Clinging to Power, and Taking His Country Down with Him," *New Yorker*, June 2, 2002, available at [http://www.newyorker.com/archive/2002/06/03/020603fa\\_fact1#ixzz0lYw4af26](http://www.newyorker.com/archive/2002/06/03/020603fa_fact1#ixzz0lYw4af26).

24. Andrew Norman, *Mugabe: Teacher, Revolutionary, Tyrant*, (Stroud, Gloucestershire: History Press, 2008), 79–80.

25. Heidi Holland, *Dinner with Mugabe: The Untold Story of a Freedom Fighter Who Became a Tyrant* (New York: Penguin Books, 2008), xx–xxi.

and protracted political and economic crisis of Zimbabwe. But it is also clear that the British colonial legacy and continued white-black racist politics, reinforced by the terms of the constitutional settlement of 1979, have contributed to the crisis. The colonial dimension has continued to complicate the political and economic situation in Zimbabwe up to the present time, three decades after independence, especially over land-reform issues. On the positive side, the independence constitution provided for a parliamentary system where the president was elected by Parliament, with a limitation to a maximum of two terms, and a strong bill of fundamental constitutional rights. But other features of that settlement enabled Mugabe to manipulate the system to retain power after independence. For instance, he was able to point to the fact that the independence constitution, which could not be altered for ten years, granted whites, who constituted only 5 percent the population, twenty out of a hundred seats in Parliament.<sup>26</sup> The continuation of racial politics by the white minority also gave Mugabe a combination of justification and pretext to retaliate in kind.<sup>27</sup>

The land issue is particularly instructive on the colonial-postcolonial dynamics of the crisis in Zimbabwe. The problem originated in colonial administrations at the end of the nineteenth century, “when great swaths of land were granted to white settlers, while Africans were forcibly confined to designated ‘communal lands’; a century later, most blacks [are] still landless.”<sup>28</sup> Mugabe’s government initially began by purchasing land from white owners to settle black families but turned to coercive requisition of land and setting the purchase price under a constitutional amendment in 1990. All sides agreed that land reform was necessary, but the process degenerated into opportunistic arbitrariness and corruption, with disastrous consequences for the basic economic survival of the vast majority of the population. Instead of being given to competent and motivated farmers among the disenfranchised black majority, land was taken from Mugabe’s political opponents and given to his allies and relatives. “Indeed, because of their association with the opposition, more than a million farm workers and their dependents have been displaced, and they are now at grave risk of starvation. . . . About 130,000 formerly landless

26. Anderson, “Destroyer,” 58.

27. Holland, *Dinner with Mugabe*, 114–15.

28. Anderson, “Destroyer,” 58.

peasants helped the ruling elites to take over the farms, but now that the dirty work is done, many of them are themselves being expelled.”<sup>29</sup>

However, as I have emphasized throughout, imperialism is futile in this age of self-determination because it will always be resisted. Resistance to Mugabe's domestic imperialism resulted in the emergence of a viable new political opposition, the Movement for Democratic Change (MDC), under the leadership of Morgan Tsvangirai, an experienced and popular trade union leader. The MDC was founded in 1999 by a broad coalition of civil society groups and individuals who successfully opposed Mugabe's proposal in the 2000 constitutional referendum. The MDC split following the 2005 Senate election, but the two factions subsequently won a combined majority in the March 2008 parliamentary election. In April 2007 the Southern African Development Community (SADC) authorized Thabo Mbeki, then president of the Republic of South Africa, to mediate between ZANU-PF and the MDC in order to facilitate fair and free elections in 2008. Negotiations in Zimbabwe and South Africa resulted in the signing of a power-sharing agreement on September 15, 2008. Tsvangirai won 47.9 percent of the vote according to Zimbabwe's Electoral Commission results, ahead of Mugabe's 43.2 percent, thereby making it necessary to hold a runoff election, since neither candidate won a majority of the total national vote. Before the election was held, however, Tsvangirai announced in June 2008 that he was withdrawing from the runoff. At the time of writing, Mugabe is still the president and Tsvangirai is the prime minister, and the power-sharing agreement continues to operate.

The international response to the crisis has also tended to be marred in the colonial-postcolonial rhetoric. For example, in response to the efforts of British prime minister Tony Blair to have Zimbabwe suspended from the Commonwealth of Nations (an intergovernmental organization of former British colonies), President Mbeki of South Africa said, “Those inspired by notions of white supremacy are free to depart if they feel that membership of the association reduces them to a repugnant position imposed by inferior blacks.” When the United States and European states imposed sanctions against Mugabe and seventy-four members of his inner circle, Mugabe received open support from other countries, like Malaysia, Libya, and Venezuela, and commented: “How can these countries who

29. Samantha Power, “How to Kill a Country: Turning a Breadbasket into a Basket Case in Ten Easy Steps—the Robert Mugabe Way,” *Atlantic*, December 2003, 89.

have stolen land from the Red Indians, the Aborigines, and the Eskimos dare to tell us what to do with our land?" It therefore seems clear that "the residual resentments are a huge psychological impediment to sensible action by African leaders. In many instances these leaders are simply deflecting attention from their own failings. But anti-colonial rants get a receptive hearing among ordinary citizens, because Western leaders have rarely acknowledged their past sins and still refuse to face up to the way the West's farm subsidies are ravaging African agriculture. Thus when things go wrong, it remains expedient—and easy—to blame the white man."<sup>30</sup>

In conclusion of this brief review, I suggest that the tragic crisis in Zimbabwe illustrates the paradox of how political leaders can mobilize their people in effectively resisting foreign imperialism only to become an indigenous imperialist inflicting similar domination and oppression on their own people. The humanitarian crisis in Zimbabwe also illustrates, however, how people always find ways of resisting domination and oppression, though outcomes are always contingent and vulnerable to regression and setbacks. I will comment briefly later on the relevance of reconceiving *realpolitik* to the alleviation of such crises.

### *Iran's Nuclear Program*

The limited purpose of the following review of the present crisis of the nuclear program of the Islamic Republic of Iran is to illustrate the possible utility of reconceiving *realpolitik* in international relations. This crisis and prospects for its mediation should be understood against the backdrop of the protracted confrontation between Iran and the United States of America and its Western allies since the Iranian Revolution of 1979. That confrontation should also be seen in light of the long-term imperial domination of Iran by Western powers since the nineteenth century and cycles of Iranian resistance throughout the twentieth century. Space does not permit a detailed discussion of this recent history, but a brief note on that aspect of the situation might be helpful.

Although it was not formally colonized, Iran has been dominated and exploited by Russia and Britain earlier and the United States since the 1950s. Throughout the 1920s and '30s, Russian and British influence remained relatively balanced. After the Second World War, Britain and Russia took control over Iran's oil and forced Reza Shah to resign in favor of his son, Mohammad Reza. In April 1951, a reformist, Mohammed

30. *Ibid.*, 98, 100.

Mossadegh, was appointed prime minister of Iran. However, when he decided to nationalize the British-dominated oil industry in 1953, the British Intelligence Service, with the help of the American Central Intelligence Agency, carried out a coup d'état that ousted Mossadegh and restored the shah to power. From that point onward, the United States replaced Russia and Britain as the dominant Western power in Iran, which enabled Mohammad Reza Shah to continue his father's coercive secularization and modernization of Iran. The shah further alienated much of the country by allowing a massive increase of Western, primarily American, influence in Iran after 1953.

Ayatollah Khomeini emerged at that stage by publicly denouncing the shah for his reforms as undermining Islam, for his attacks on the clergy, and for his dependence on Western powers and influence. Khomeini was arrested in 1963 and exiled until he was able to return to Iran in 1978 as the leader of the revolution. The Iranian Revolution of 1979 was as much against external imperialism as it was against domestic domination and corruption by the shah. A clear appreciation of this recent history of Western imperialism is critically important for understanding the current tug-of-war over Iran's nuclear program. Whether honestly or opportunistically for domestic political calculations, probably for a mix of the two types of motivation, conceding Western demands over the country's nuclear program is represented by the ruling elite as submission to Western imperialism.

Another important factor in this confrontation is the underlying tension between national sovereignty as the legitimate expression of self-determination, on the one hand, and the rule of law in international relations, on the other. Since the particular manifestation of this tension in the case of Iran relates to serious concerns about the risks of nuclear proliferation, the issue can be framed as follows. The Treaty on the Non-Proliferation of Nuclear Weapons (known as NPT) of 1968, entered into force on March 5, 1970, has 189 member states, excluding North Korea, which declared on March 12, 1993, its intention to withdraw in accordance with Article X(2) of the NPT. This treaty is reviewed every five years in review conferences of the parties to the treaty. Originally conceived as having a limited duration of twenty-five years, the state parties decided without a vote (that is, by consensus) at the review conference of May 1995 to extend the treaty indefinitely and without conditions.

The NPT seeks to balance competing interests. On the one hand, it allows for the transfer of nuclear technology and materials to NPT

signatory countries for the development of civilian nuclear energy programs in those countries, as long as they can demonstrate that their nuclear programs are not being used for the development of nuclear weapons. On the other hand, the treaty recognizes the inalienable right of sovereign states to use nuclear energy for peaceful purposes, but restricts this right for NPT state parties to be exercised in conformity with their basic non-proliferation obligations. Those obligations include placing all nuclear materials under International Atomic Energy Agency (IAEA) safeguards and pursuing negotiations in good faith on effective measures relating to the cessation of the nuclear arms race and to nuclear disarmament.

The NPT does not have a built-in mechanism for noncompliance. Instead, compliance is to be achieved through the IAEA. However, the NPT makes a distinction between nuclear weapons states (NWS), namely, the United States, Russia, the United Kingdom, France, and China, which are also the permanent members of the Security Council of the United Nations, and non-nuclear weapons states (NNWS). Accordingly, the NNWS are required to conclude agreements with the IAEA for safeguards to ensure peaceful nuclear activities within their territories. This obligation does not apply to the NWS. In case of noncompliance by the NNWS with IAEA safeguards, the IAEA Board is to call upon the violator to remedy such noncompliance and should report the matter to the Security Council and General Assembly of the United Nations, which may impose specific penalties, such as curtailment or suspension of assistance, return of materials, or suspension of privileges and rights. An incentive for the NNWS to comply is the possibility of peaceful nuclear assistance.<sup>31</sup>

Iran's nuclear program began during the shah's era, including a plan to build twenty nuclear power reactors, but was suspended after the Iranian Revolution of 1979. Iran ratified the NPT in 1970 and has allowed the IAEA to inspect any of its nuclear facilities since 1992. No violations were found by IAEA inspections prior to 2003. However, "Iran appears to be following a policy of complying with the NPT and building its nuclear power program in such a way that if the appropriate political decision is made, know-how gained in the peaceful sphere (specialists and equipment) could be used to create nuclear weapons (dual-use technologies have been sold to Iran by at least nine western companies during the early 1990's).

31. Center for Nonproliferation Studies, "Inventory of International Nonproliferation Organizations and Regimes," <http://cns.miis.edu/inventory/pdfs/npt.pdf>.

Also, in this atmosphere of deception, unconfirmed reports have been made that Tehran purchased several nuclear warheads in the early 1990's."<sup>32</sup>

The current confrontation over Iran's nuclear program began in August 2002 when the representative office of the National Council of Resistance of Iran in Washington, D.C., alleged that Iran had two top-secret nuclear sites without the knowledge of the IAEA. The United States declared on December 13, 2002, that it had reached the conclusion that Iran was actively working to develop nuclear weapons capability. On December 17 the Iranian government rejected the accusations of the United States. That was the beginning of a consistent pattern of charges by the United States and its allies and denials by Iran, deadlines, and sanctions, initially unilaterally by the United States and subsequently by other states and the Security Council as well, which continue up to the time of writing. There have also been a sequence of mediation by European states and initiatives by countries like Turkey and Brazil, as well as implicit threats of the use of force to destroy Iran's nuclear facilities.<sup>33</sup>

To conclude this section with some reflections on both crises, the reconception of *realpolitik* I mean is more a matter of attitude and orientation than a drastic shift in our responses to such situations of profound concern. Part of what I am proposing is an appreciation of the lingering negative legacies of colonialism in understanding the dynamics of developments at the domestic and global levels. Consequently, we must strive to transcend our own imperial impulse in whatever strategies we deploy in confronting all threats to our shared human vulnerabilities through the rule of law and protection of human rights. In particular, we must never engage in or condone the use of military force except through globally inclusive collective and institutional action by the United Nations. Mediation through regional organizations like the African Union or the SADC in cases like Zimbabwe or thematic organizations like the International Conference of Islamic States in the case of Iran is likely to be more productive because it cannot be challenged as neocolonial or imperial. For this rule-of-law approach to be workable, however, we must also strive to rectify and supplement whatever deficiencies exist in the necessary normative and institutional resources. For instance, we must correct

32. <http://www.globalsecurity.org/wmd/world/iran/nuke.htm>.

33. For the most recent sequence of developments, see "Iran's Nuclear Program," *New York Times*, January 18, 2011, [http://topics.nytimes.com/top/news/international/countriesandterritories/iran/nuclear\\_program/index.html](http://topics.nytimes.com/top/news/international/countriesandterritories/iran/nuclear_program/index.html).

and supplement whatever faults or deficiencies exist in the NPT or other resources for combating the risks of nuclear proliferation because any unilateral action will play into the hands of the ruling elites by enabling them to represent such efforts as imperial imposition and not the collective will of the global human community.

CONCLUDING REMARKS:

MORAL CHOICE AND POLITICAL ACTION

The underlying message of these two lectures is about the moral choices we make and follow through with: do we concede the imperial impulse and stay with our history of vicious cycles of aggression and resistance, or do we seek to transcend imperialism into our future of peace and justice? The cost of the first choice has always been excessive but may well have become too high for us to afford in this age of weapons of mass destruction and nuclear proliferation. The requirements of the second choice may also be difficult to fulfill, but I do believe that we have sufficient normative and institutional resources to succeed if we can summon the moral courage to try. I argue for this realistic option for peace and justice in the second lecture and will now briefly summarize how I attempted to clarify that underlying moral choice in the first lecture.

From a human values perspective, I have argued that values should be determined by each person herself according to her own rationale and purpose. This is a matter of moral choice for every person, whether she decides to exercise it or not. Furthermore, since the capacity to exercise her moral choice endures, she can keep exercising it as she feels the need to do so. In other words, the underlying principle of human values is our ability to make whatever we wish of them, and we do not exhaust our capacity for moral choice by the number of times or manner in which we appeal to human values. I start with this premise because I am simply unable to find another way of approaching the subject that is consistent with the empirical reality of our shared human vulnerability, profound human difference, and the right to self-determination as the core of the nature and rationale of human values. Applying this principle to myself means reflecting on how to make my own moral choices about human values in a way that ensures my ability to make and act upon my choices.

The moral choice I am making in these lectures is to seek to transcend imperialism, broadly defined as the culture and ideology of domination and imposition at all levels, because it is an impediment to my ability to determine and exercise my human values. This choice is also intended to



facilitate other moral choices I wish to make for myself, like striving for individual freedom and social justice. This line of thinking suggests to me the themes of self-determination and global citizenship as necessary means for making and realizing our moral choices about human values. Imperialism threatens the peace and obstructs the ability of citizens at local and global levels to exercise their self-determination.

The basic idea that human values are necessarily the individual moral choice of each person led me to the questions I attempted to address in these two lectures and to address these questions in a way that acknowledges the moral choices of others, including those who may wish to oppose my call for transcending imperialism. That basic idea also led to the realization that I must strive to be persuasive about my moral choices of human values because that is the only way to develop solidarity with others who might help me make my own moral choices and live by them. The necessity of persuasion also reinforced the questions I needed to address, such as how to imagine and realize a world without imperialism and what successful experiences in self-liberation teach us. To be persuasive, I must also consider whether my vision is too utopian to be taken seriously.

In the first lecture I started by affirming that my purpose is to advance an inclusive approach to human values in order to address our shared human vulnerabilities. I also emphasized my religious (Islamic in my case) approach to the nature and purpose of human values as the means for the liberation of human beings from any submission to an arbitrary human authority. While I see submission to imperialism as inconsistent with my submission to God as a Muslim, I believe my submission to the rule of law (which is inclusive in conception and neutral in application) to be a necessary means for my submission to God. In other words, I see the struggle to transcend imperialism as conducive to my submission to the transcendental sovereignty of God (*twhid*). This mandate indicates that I must seek liberation from all forms of fear, including human domination, by transcending imperialism through the rule of law since that is now realistically possible. My religious motivation is important for me, but need not be relevant to those who do not share it.

I also emphasized the strong correlation between human values and human rights as the appropriate normative and institutional means for liberation from fear. The protection of human rights inspires and empowers people to act in pursuit of their own vision of human values. In the overview of my argument I also said that whatever is good or bad in human experience is due to our success or failure to accept responsibility

for our lives, which is what I mean by self-determination. I also added that citizenship is both the basis of the claim of self-determination and the self-empowering means of realizing that claim. Since the context and challenges are now global as well as local, our citizenship should be multi-layered and overlapping, local and global, to be the effective means of our self-determination in the present globalized world. Since shared understanding and commitment to human values are necessary for all levels of this process, the question becomes how to realize that universally inclusive consensus in the reality of profound and permanent difference. This is what I call the paradox of the universality of human values as well as human rights, which is to be mediated rather than permanently resolved.

In the second lecture I opened with an attempt to tame utopia, justifying my counterclaim in theoretical terms. The more substantive response has to be in terms of developing the collective will to seek the realization of that vision, finding concrete resources for its realization, and making my vision realistic enough to be the political choice for most people. On the collective-will side of the issue, I sought to argue for mediation of the paradox of universality and difference: how people can build consensus around their moral choices of human values. The resources issue had to deal with an ideology and political legal system that can provide a credible alternative to imperialism—hence my discussion of constitutionalism at home and international legality abroad. The final question acknowledges the appeal of realistic politics but seeks to redefine it: what I call reconceiving *realpolitik*.

All human beings live by the moral and pragmatic choices they make, or fail to make, whether as members of ethnic, religious, or other forms of community; political actors; participants in social movements; and so forth. We are all responsible for our actions as well as for our omissions because we suffer the consequences whether we act or fail to act in the face of challenging circumstances. It is true that choices are often made in response or reaction to the choices made by others, but there are always possibilities for making different choices, even when responding or reacting to the choices made by others. However, it is unrealistic to expect people to make free moral choices without addressing their primary concerns for security and material well-being. That is what makes the rule of law and protection of human rights so central to my thinking about human values.