POSSIBLE FUTURE WORLDS:
Essays by Carnegie Council's Ethics Fellows for the Future 2015

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The Future of Dignity in a
Diverse, Decentered, and Digital Age

By Thong Nguyen

I n 1914, Andrew Carnegie established the Church Peace Union—now Carnegie Council for Ethics in International Affairs—in the hope of averting states from what was considered then to be the worst possible future: World War I. In the short-term, he and the institution failed. Yet when one looks at the world today compared to the long-term of the last 100 years, we can see remarkable progress in the state of humanity, based on the sole metric of eliminating war. Interstate war has been on a downward trend since World War II. We are in that possible world that he dreamed of. However, that Carnegie ideal of a world without war continues to remain beyond our grasp, not only because intrastate war is on the rise but also because modern conflicts of complexity, contradiction, and complication can still lead us to a much worse state of affairs. The Council must continue to play some part as an educational institution that promotes the work of many individuals who dare to deduce and dream what is possible. And we should do so in a manner that anticipates a future that is diverse, decentered, and digital.

This is why the Council launched its Global Ethics Network, composed of ethically minded citizens, students, professors, policy practitioners, theorists, and philosophers.[1] One of the core groups are the Ethics Fellows for the Future (EFFs), a selection of undergraduate and graduate students from around the world studying in a range of fields from philosophy, social science, history, psychology, religious studies, international affairs, and public policy. They are the students of Carnegie Council's network of Global Ethics Fellows, who are professors hailing from reputable universities. The Council challenged this next generation of scholars, policymakers, and practitioners to think deeply about the values that should guide international relations for the next twenty years.[2]

For six months, the EFFs, men and women of diverse backgrounds based in England, China, Japan, Singapore, Argentina, Brazil, Ghana, South Africa, Canada, and the United States, used the Global Ethics Network digital platform to take an online course based on my e-book, which was in part inspired by the Council's search for a global ethic raised in its journal *Ethics & International Affairs*.[3] The objectives of the course are as follows:

1. Systematically think about the future of the world.
2. Assess the global trends of the next fifteen to twenty years as predicted by citizens, academics, and think tanks in civil society; states; and international organizations as told in the reports by the United States, the EU, Russia, and NATO.
3. Categorize possible worlds that might emerge from these trends and compare different worlds conceived by major theorists and philosophers.
4. Establish what values might be used as metrics to evaluate possible worlds.
5. Mitigate and understand how selection biases (traditional, methodological, and temporal) shape predictions about and reactions to possible worlds.
6. Frame worlds according to the formal logic of possible worlds semantics and evaluate what future values will be possible, impossible, and necessary.
7. Compare how cosmopolitan, liberal democratic, and Rawlsian ethics might help us understand and achieve the best of all possible worlds

The course then asked each student to imagine their own future world and make policy recommendations to tackle specific global challenges.

Each EFF proposed their own ethical visions of the future, tackling topics ranging from global governance, sovereignty, the post-2015 development agenda, women, peace, and security, surveillance, Sha'ria law, intellectual property, and the good life. The students presented their proposals during the Council's Global Ethics Conference in New York City in October 2014. After the meeting, the EFFs reviewed and commented on each other's drafts before submitting their final essays, which make up this booklet.

Andrew Carnegie argued that moral dialogue is critical for achieving a more peaceful planet. A sincere form of this dialogue is not something that can be made in many other places. Not in governments. Not in international institutions. Not in newspapers or journals. But it is an effort that should be appreciated in all places and respected by all peoples because it is ultimately an effort that aims to push the frontiers of human dignity forward. The purpose of the course and following essays is the continuation of this dialogue that started 100 years ago—not perfection of argument, not clairvoyance in prediction, and not a grade. The Council is an institution that facilitates the thinking and daring of individuals to debate and imagine a world beyond the present. And for the next 100 years, such efforts by Carnegie Council as an institution and the Ethics Fellows for the Future and other individuals like them—whether they choose to give themselves to the gods, their government, or the good that only they know—will continue to drive forward the debates that will lead us to a future of more dignity in a diverse, decentered, and digital age.

Notes

[1] Visit www.globalethicsnetwork.org.
[2] View Carnegie Council for Ethics in International Affairs, "Ethics Fellows for the Future: Where is the World Heading?," May 15, 2015, available at www.youtube.com/watch?v=0PZevn8Upm4.
[3] Thong Nguyen, *Of All Possible Future Worlds: Global Trends, Values, and Ethics* (New York, 2013), available at www.possiblefutureworlds.com.

Thong Nguyen is Carnegie Council fellow, Future Worlds Project. Nguyen is also data lab program administrator at the International Peace Institute, having previously worked there as editorial assistant. In addition, he is the author of *Of All Possible Future Worlds: Global Trends, Values, and Ethics*.

Building on Individual Empowerment:
The Opportunities of Democratic Deliberation within Global Policy Networks*

By Marcos D. Kotlik

The empowerment of the individual is understood as a necessary trend in any foreseen world in the next fifteen to twenty years. In this paper I submit that, as the implementation of global policy networks is already influencing decision-making processes at the international level, we have the opportunity to make possible what initially appears to be impossible—we can actively work towards the effective realization of those values considered to be essential.

In the first section I will present the main features of these networks and highlight their resemblance to Michael Walzer's decentered world,[1] lying somewhere between the fusion world predicted by the National Intelligence Council of the United States[2] and the polycentric and interconnected world envisioned by the European Strategy and Policy Analysis System (ESPAS).[3] Although in such a scenario the values of peace, liberty, pluralism, and justice all appear to be necessary, I do not wish to adopt a one-world logic. Instead, in the second part of this article I will propose that fostering global policy networks enables us to influence the type of world we will have in the future, mainly by building on individual empowerment in such a way as to heighten the core values that are already recognized within the framework of international human rights law. I will argue that this is possible because global policy networks recognize the crucial role played by nongovernmental organizations (NGOs), channeling pluralism through democratic deliberation. As an example, I will especially consider the process that led to the adoption of the *International Convention for the Protection of All Persons against Enforced Disappearance*.

Global Policy Networks: A Real-World Path towards a Decentered World

In the fall of 2000, Michael Walzer argued that a decentered world provides larger opportunities for peace, justice, pluralism and individual rights, while

also providing the context for the widest engagement of ordinary citizens. He envisioned such a world as one with alternative centers of power and dense webs of transnational social ties: strengthened international organizations, regional organizations with important roles, and a large number of civil society organizations operating internationally, including political parties and labor unions, as well as single-issue movements.[4]

Only a few months prior to Walzer's publication, Kofi Annan released a report prepared in anticipation of the Millennium Summit. In it, he suggested that the United Nations (UN) must foster "coalitions for change," in the form of dynamic and temporary global policy networks that cut across national, institutional, and disciplinary lines, maximizing the capacities and resources of increasingly influential global actors. These could include NGOs, the private sector, local authorities, and scientific and educational institutions, among others.[5] The core of this model relies on the possibility that all actors fulfill their responsibilities.[6] In fact, Annan suggested that the UN is a unique forum for states and other actors to share information, conduct negotiations, elaborate norms, express their expectations, and, in general, pursue common plans of action.[7] Within these networks, the leadership role will sometimes be played by states, but also by NGOs or international organizations.[8]

The similarities between the concepts of global policy networks and the decentered world are striking. First and foremost, the latter builds on existing institutional structures, just as Annan proposes within the UN. Moreover, Walzer claims that civil society participation already strengthens democratic states by empowering men and women, and that it also enhances international organizations, although this could be much more extensive.[9] Precisely, Annan also emphasizes that global policy networks enable states to achieve in a cooperative way what they could not do unilaterally. At the same time, civil society organizations have

real chances to help establish the agenda and the direction of global policies.[10] In sum, the participants of global policy networks bring complementary resources to the process, such as: the legitimacy of NGOs, the financial capacity of corporations, as well as the enforcement and rule creation powers, capacity-building, and coordination skills of states and international organizations. In this context, all international actors may take advantage of their synergies and achieve more effective responses to current challenges.[11]

Hence, as a possible installation of a decentered world, global policy networks can also be understood as lying somewhere in the middle of the fusion world envisioned by the United States and the interconnected and polycentric world predicted by the ESPAS. It might not come as a surprise that both these scenarios rely heavily on the recognition of individual empowerment as a necessary mega-trend in the next few decades. However, although both reports agree on the factors that will make this megatrend necessary, they envision some different consequences.[12]

For the United States, individual empowerment is considered "both a cause and effect of most other trends,"[13] and its positive potential is "greater individual initiative as key to solving the mounting global challenges over the next 15-20 years."[14] In fact, the report highlights that "the ability of individuals to affect governance will be enabled by many existing and yet-to-be-developed communications technologies."[15]

In turn, the view presented in the ESPAS report is more daring, as it holds that the empowerment of the individual "may contribute to a growing sense of belonging to a single human community."[16] And despite a possible increase in awareness of national and sub-national cultural identities, "the pressing issues that must be confronted […] will be perceived as shared challenges by a global public with access to new instruments of communication that enable it to express its concerns and dissent."[17] Evidently, in

this context, civil society organizations will demand greater levels of participation in the political decision-making process, and new participatory mechanisms will likely be implemented.[18]

These differences also arise concerning the worlds in which non-state actors have very relevant roles. The fusion world still considers states as the primary actors, although there will be collaboration among the major powers and multilateral institutions will be reformed to make them more inclusive.[19] In this context, political leadership will be crucial, including that of non-state actors,[20] and states will "support subnational, regional, and global solutions to optimize our four values."[21]

The interconnected and polycentric world is based on the idea of a "global human community that values human development, human security, human rights, democracy, women's equality, non-conflicting identities, and the earth."[22] This world will see a plurality of actors with greater freedom to maneuver and middle powers with "a more prominent role on the world stage." [23] Civil society networks and private corporations will have greater influence than many states, which might lead to new forms of governance, where federated states, regional and local authorities may play a crucial role.[24] In this context, the demands of a self-conscious world citizenry will likely create a governance gap that will diminish the legitimacy of national governments and international organizations, and "the key to success will be strengthened links between national, regional and global governance, and between state and non-state actors to build a consensus among the different players."[25]

In short, a global policy networks approach shares with the fusion view the idea of a collaborative world where reformed multilateral institutions will be more effective, but it has an understanding of the role of non-state actors that is more closely related to that of the interconnected and polycentric world, as NGOs may actually assume leadership in some specific issues in the international arena, for example, in the realms of human rights and the protection of the environment.

Individual Empowerment in Practice: Channeling Pluralism through Democratic Deliberation

Global policy networks have already been used to deal with very complex governance issues,[26] including the advancement of rules in areas such as sustainable human development and human rights.[27] This progress has been possible because of the recognition of the interdependence between states, international organizations, NGOs, and corporations. It has been a fundamental step in confronting the core challenges of current governance, most notably the inefficacy of traditional diplomacy to cover the expectations of civil society at large, since it demands more participation in decision making on global policies.[28]

Although it has only been a few decades since we began considering NGOs as relevant international actors, they have grown in number and actions throughout the twentieth century, and for some time now many begun to participate in many decision-making processes at the international level.[29] One cannot ignore their huge influence at international conferences concerning international environmental law, criminal law and human rights law.[30] In sum, NGOs have already contributed to deliberative work, showing a capacity to articulate and defend global rules.[31]

Perhaps one of the most enlightening examples concerns the negotiation process of the *International Convention for the Protection of All Persons against Enforced Disappearances*, adopted in December 2006.[32] In the 1970s, NGOs from around the world (and especially from countries that had been subject to authoritarian regimes) began to demand greater levels of regulation and an institutional framework to deal with enforced disappearances. This was slowly accomplished as the UN Working Group on Enforced Disappearances was created in 1980 and the UN General Assembly adopted a *Declaration for the Protection*

of All Persons against Enforced Disappearances in 1992. Two years later, the General Assembly of the Organization of American States passed the first international treaty concerning this issue: the *Inter-American Convention on the Enforced Disappearance of Persons*. This sent a signal to NGOs across the world that it was time to demand a universal treaty.

After two years of debate on a project presented by rapporteur Louis Joinet, the Sub-Commission on Prevention of Discrimination and Protection of Minorities transmitted the draft treaty to the extinct UN Commission on Human Rights through resolution 1998/25.[33] The resolution was a landmark for NGOs, as they were explicitly invited to formally submit their comments on the proposed text. Various civil society organizations presented eight documents to the UN High Commissioner for Human Rights, in charge of the consultation process.[34]

From that moment on, NGO participation in the decision-making process concerning the Convention was boosted. Between 2003 and 2006, NGOs actively intervened in the debates conducted by a working group in charge of drafting the final text of the treaty. They exchanged their views with states' delegations, issued statements on the matter and made specific proposals to modify the draft text, many of which were considered and approved.[35] Of course, the adoption of the treaty was still subject to the voting process conducted exclusively among states. But it is undeniable that NGOs decisively participated in the design of the Convention. This involvement can be specifically observed by analyzing the enforcement mechanisms established under the mandate of the Committee on Enforced Disappearances (CED), which ensured non-state actors' participation in the implementation and monitoring of the treaty. This view is reinforced by the early practice of the CED, which has held public meetings with NGO representatives in order to discuss substantial and procedural issues. It has also issued a specific document on its

relationship with civil society actors (that was previously open to comments from all stakeholders).[36]

The dynamics of this particular process invite us to think about how individual empowerment, through the participation of civil society organizations in decision-making processes, can help heighten certain values in the best possible world scenario.

In this vein, it is important to remember that the only value that appears to be necessary in any possible world is pluralism. However, within the framework of international human rights law, and particularly in accordance with the content of the *Universal Declaration of Human Rights*, values are interrelated. This means, for example, that peace is more likely to be reached in a scenario where distributive justice, pluralism and liberty are all fully accomplished. In a similar way, the full exercise of individual liberties should lead to more possibilities in terms of cultural pluralism. Then, it may be possible to imagine that a positive boost of cultural pluralism can also have a positive impact on other values.

Pluralism is not only about the recognition of cultural identities at the national, subnational, and local levels, but also about enabling those groups to participate in decision-making processes. In fact, enhancing participation of some forgotten groups may be crucial in the construction of global discourse.[37]

Thus, at the international level, pluralism can be channeled and boosted through the enhancement of democratic deliberation mechanisms. International debates will benefit from the expression of multiple voices and diverse opinions, leading policy decisions toward heightening liberty, justice and peace. This was precisely the case within the process of creation of the *International Convention for the Protection of All Persons against Enforced Disappearances*. Among its participants were not only well-known international NGOs, but also locally based organizations and at least two federations formed by dozens of human rights organizations. Thus, numerous NGOs, with different

backgrounds and histories, were able to participate in debates and submit documents in the course of the decision-making process, achieving agreements on some specific ways to promote and protect core human rights.

As a minimum, Jürgen Habermas has explained that:
the institutionalized participation of non-governmental organizations in the deliberations of international negotiating systems would strengthen the legitimacy of the procedure insofar as mid-level transnational decision-making processes could then be rendered transparent for national public spheres, and thus be reconnected with decision-making procedures at the grassroots level.[38]

But the most developed models of global democratic deliberation in fact propose the existence of collective political subjects, including interest communities with clearly institutionalized rights. These rights are not limited to reactions when facing state decisions, but also comprise the possibility to propose new courses of action at any time.[39] For example, Samantha Besson envisions a global democracy where deliberation takes place simultaneously at the national, international, supranational and transnational levels, within a network of agencies and organs that includes individuals, states, international organizations and NGOs, with different levels of institutionalization for each specific case.[40]

Certainly, global policy networks do not amount to direct individual participation at the international level, but they do recognize the value of civil society organizations as carriers of multiple voices. In particular, they require thinking about ways to reform and reinforce existing institutions in order to enhance genuine deliberation.

Final Thoughts

In a decentered world that takes the form of global policy networks, the role of NGOs will not only be oriented towards their growth as relevant actors capable of carrying the views and opinions of thousands of individuals, but also towards enhancing the existing institutional framework. At the same time, an organized transnational civil society will develop a great ability to influence public policy in a non-reactive and rather proactive way, as it gains the chance to be adequately represented at every possible level of decision making.

In this type of world, it is possible to recognize some universal values, regardless of their conception as a singular global ethic or as shared values of particular ethics. The ethical framework I propose encourages pluralism as a path to recognize our most basic human rights as a common ground. The added value of a world where pluralism is boosted through increased democratic deliberation is its capacity to enhance liberty, justice and peace, as well as other values that may be considered of similar relevance in the course of debates among all relevant stakeholders.

See next page for notes.

*This paper reflects some partial conclusions of my ongoing research as a UBACyT Master's Degree scholarship holder at University of Buenos Aires. It was written as a part of my research activities as a Macro Universidades scholarship holder at the University of the Republic in Montevideo, Uruguay. Some aspects were previously dealt with in the blog post "Civil Society Organizations and the Committee on Enforced Disappearances—Towards Enhanced Participation in the Decision-Making Processes," in *Blog Opinio Juris* (http://opiniojuris.org/2014/08/15/emerging-voices-civil-society-organizations-committee-enforced-disappearances-towards-enhanced-participation-decision-making-processes/), August 15, 2014. I would like to thank professor Emiliano J. Buis for giving me the opportunity to be an Ethics Fellow for the Future and for his valuable comments and suggestions. I am fully responsible for the content and opinions presented herein.

Notes

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2 National Intelligence Council (NIC), "Global Trends 2030: Alternative Worlds," Washington, DC: Office of the Director of National Intelligence, December 2012, available at: http://www.dni.gov/files/documents/GlobalTrends_2030.pdf .

3 ESPAS, "Global Trends 2030: Citizens in an Interconnected and Polycentric World", Paris: Institute for Security Studies, European Union, April 2012, available at: http://www.iss.europa.eu/uploads/media/ESPAS_report_01.pdf .

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7 Annan, *op.cit.*, p. 6.

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12 NIC, *op.cit.*, p. iii; ESPAS, op.cit., pp. 12–13.

13 NIC, *op.cit.*, p. 8.

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15 *Ibid.*, p. 8.

16 ESPAS, *op.cit.*, p. 6.

17 *Ibid.*, p. 13.

18 *Ibid.*, p. 14

19 NIC, *op.cit.*,p. 116.

20 *Ibid.*, p. 116.

21 Thomas Nguyen, *Of All Possible Future Worlds: Global Trends, Values, and Ethics* (New York: self-published, 2014), available at: www.possiblefutureworlds.com , p. 95.

22 *Ibid.*, p. 43.

23 ESPAS, *op.cit.*, p. 18.

24 *Ibid.*, p. 19

25 *Ibid.*, p. 20.

26 Streck, op.cit.,pp. 123.

27 Witte, Reinicke and Benner, *op.cit.*

28 Jan Witte, Thorsten Benner and Wolfgang Reinicke, "Global Public Policy Networks: Lessons Learned and Challenges Ahead", Spring 2003, available at: www.brookings.edu/research/articles/2003/03/spring-governance-benner.

29 See Abram Chayes and Antonia Handler Chayes, *The New Sovereignty. Compliance with International Regulatory Agreements* (Cambridge/London: Harvard University Press), p. 250; and Annan, *op.cit.*

30 See, for example, Kenneth Anderson, "The Ottawa Convention Banning Landmines, the Role of International Non-governmental Organizations and the Idea of International Civil Society," *European Journal of International Law* 11, No. 1 (2000), p. 94; Kal Raustalia, "States, NGOs, and International Environmental Institutions", *International Studies Quarterly*, No. 41 (1997): 719-740; and United Nations Secretary-General, "Report of the Secretary-General in response to the report of the Panel of Eminent Persons on United Nations-Civil Society Relations," September 13, 2004, UN Doc. A/59/354.

31 See generally Streck, *op.cit.*

32 *International Convention on the Protection of All Persons against Enforced Disappearances*, 20 December 2006, available at: http://www.ohchr.org/EN/HRBodies/CED/Pages/ConventionCED.aspx. As of November 2014, the Convention has forty-three states parties and ninety-four signatories.

33 See UN Commission on Human Rights, *Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its fiftieth session*, September 30, 1998, UN Doc. E/CN.4/1999/4, pp. 70–71.

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35 See Reports of the intersessional open-ended working group to elaborate a draft legally binding normative instrument for the protection of all persons from enforced disappearances, of February 12, 2003, UN Doc. E/CN.4/2003/71, February 23, 2004, UN Doc. E/CN.4/2004/59, March 10, 2005, UN Doc. E/CN.4/2005/66, and February 2, 2006, UN Doc. E/CN.4/2006/57.

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A Qualifying Legal Cosmopolitanism

Zhuai Sian Lee

*Now, a value is like a fax machine:
it's not much use if you're the only one
who has one.*
—Kwame Anthony Appiah[1]

The quest for an ethical framework is often driven by the recognition of dysfunction in the world around us. Cosmopolitanism suggests that the disquiet stems from the existence of a universal moral obligation to treat every other individual as an equal unit of concern. Can the individual be ascribed an equal ethical duty towards all fellow humans on the basis of common humanity? Or does the individual bear a moral obligation only towards those with whom he or she shares particular affiliations?

The first section of this paper centers on the conceptual reconciliation of two apparently warring moral propositions: obligations to the universal (cosmopolitanism) and attachments to the particular (political realism).[2] The paper then advances auncontroversial argument that aqualified form of legal cosmopolitanism (hereinafter 'QLC') yields the normative framework for the confrontation of dysfunction in our world. Subsequent sections elucidate the three conditions QLC must meet to escape falling into the same fruitless rut in which other incarnations of cosmopolitanism have been buried. First, QLC must not be intrinsically incompatible with the principle of sovereignty. Second, QLC must flee 'methodological holism.'[3] Finally, QLC must retain great sensitivity toward the special history and critically circumscribed role of public international law.[4] By fulfilling these three criteria, legal cosmopolitanism may yet be rehabilitated as a functional framework through whichhumanity, that collective of individuals withdisparate dreams and discombobulating desires, can give expression to a collective desire for a brighter, shared future.

THE UNIVERSAL-PARTICULAR SCHEMATIC

Although up to six variants of cosmopolitanism have been described elsewhere, cosmopolitanism (derived from the Greek *kosmos* 'world' and polites 'citizen') may be generally understood as an appeal for a juridical, political or moral order at the global scale.[5] The universalism of cosmopolitanism is both a reasoned and visceral reaction to the perceived perversity of particularity and provincialism, which is thought to breed conflict through competition, diffidence, and glory-seeking.[6] Cosmopolitanism argues that, as a result of human psychology, evolution, or social conditioning, the peculiar affection of an individual for his or her own in-group

obscures the moral duty that individual has to *equally* care for more distant members of the human family. (Members of an in-group are typically connected by familial ties, linguistic, religious, ethnic, cultural, or national affiliation.) By carefully surveying the evolution and internal logic of cosmopolitan philosophy, this section aims to challenge the notion that universalism and particularity are mutually intolerant concepts.

Thomas Aquinas once declared that "it is natural for man…to be a social and political animal, to live in a group."[7] Socially-embedded individuals are susceptible to particularity, "essentializing projections of difference and otherness" through which identity, duty, and a sense of belonging is made possible.[8] Individuals emerge from a state of nature and submit to rules within political units because the naturally occurring hostility between them could be "exported to a higher level" in the form of intertribal or interstate competition and conflict.[9] Members of the same political unit cooperate in pursuit of "civil peace and political autonomy [which is] accessible only within a closed totality defined by opposing all that is not itself."[10] Patriotism is one familiar manifestation of particular sentiment.[11]

The cosmopolitan, on the other hand, is defined by his or her freedom from such particularity. Moral cosmopolitanism posits "all human beings are members of a single *moral* community and…have [equal] moral obligations to all other human beings regardless of their nationality, language, religion, customs, etc." (emphasis added)[12] Although moral cosmopolitanism is most commonly attributed to the ancient Cynics and Stoics, its twin ideals of inclusivity and equality may be discerned in the writings of an ancient Chinese philosopher whose work predates Aristotle.

Mozi advocated the doctrine jian ai ('inclusive care') which requires caring equally for all individuals regardless of their socioeconomic status or the closeness of familial or other ties so as to promote the virtue *ren*, which may be understood as humanity or goodwill.[13] 'Inclusive care'

was extraordinarily unpopular with the nepotistic political elite of the Warring States period to which the doctrine was addressed, though it is worth noting that achieving this ideal depended on the continued stratification of society. Only the enlightened elite ('sage') could discern the root causes of *luan* ('social disorder') and correct this through inclusive care.[14]

Moral cosmopolitanism was resurrected a century later by the Cynics and the Stoics, who respectively criticized petty parochialism and recognized in all humans "common rationality and moral capacity" ascribing each individual equal moral worth.[15]

Early cosmopolitan law provided for the codification of moral obligations into detailed and enforceable rights.[16] At first, this was narrowly intended to provide guidelines for the acceptable "interaction between states and individuals of foreign states insofar as their interaction is not regulated by legitimate treaties between those states."[17] The right of a traveler to be received without hostility on foreign soil, particularly if he is in a state of distress or necessity, was initially developed under early cosmopolitan law (this right has now passed into binding customary international law).[18]

While encouraging a universal ethic, early legal cosmopolitanism demonstrates a certain deference towards the superstructure of state sovereignty, whereas contemporary legal cosmopolitanism envisages the unification of all humankind into a global *legal* community governed by universally applicable laws distilled from "a rational entente and a common will which are operative for the whole planet" that are in turn enforced by institutions independent of the (partiality of the) sovereign state.[19] The reality of horizontal relations between sovereign states is evident in Kantian and other Enlightenment formulations of cosmopolitanism. These envision a future world in which "human societies are *organized into state-controlled communities*" and peace is contingent upon "the creation of a union of states, regulated by laws…which would apply to the whole

earth…built upon the universality of moral law…*and the respect for relations between states*" (emphasis added).[20] How is this marriage of universal moral obligation and national particularity possible?

QLC transcends the universal-particular binary because it accepts both the reality of social embeddedness and the existence of moral obligations to fellow human beings while rejecting the argument that such particularity and universalism are fundamentally incompatible. A necessary qualification is, of course, that QLC stops short of asserting the need for *equal* concern for *all* individuals on the basis of common rational and moral capacity; particularity remains an Aristotelean 'first principle' (an a *priori* truth not derived from any other proposition).[21] For the sake of brevity, the arguments and assumptions made by proponents of cosmopolitanism (universalism) and the defendants of political realism (particularism) have been outlined in Table 1 on next page.

THE NECESSARY STATE

QLC must not be intrinsically incompatible with state sovereignty for two related reasons. On a practical note, unqualified cosmopolitanism fails to address *how* the individual rights elaborated in cosmopolitan law will be guaranteed through legal enforcement. On a subjective, value-infused consideration of *who* ought to be the moral duty-bearer, unqualified cosmopolitanism also fails to identify a more legitimate alternative to the state.

Unqualified cosmopolitanism stands accused of trying to do the impossible: to strip individuals of their social context, out of which arises their chauvinism; to establish the existence of a universal standard to which all humanity can be held; to legitimate and possibly compel interventionism if that standard is not met. One of the strongest arguments against this unqualified legal cosmopolitanism is the lack of attention to **enforcement**.

The necessity of enforcement is latent in the purpose and exercise of law, which functions to take the individual out of

Table 1

QLC transcends universal-particular schematic

Premise 1 *mandatory particularity*	The individual is inescapably embedded in exclusive groups as a result of both choice andcircumstance. Exclusive groups encourage particularity because they are constituted negatively, i.e. in opposition to subjective Others.[22]
Premise 2 *particularity as moral relativism*[23]	Particularity ("essentializing projections of difference and otherness") claims that there aredisparateset-sofvaluesthatresultfromthecultural,political,linguisti-cand religious diversity in the world, each of which are valid and worthy of equal respect.[24]
Premise 3 *universalism as moral interventionism*	Universalism ("imperialistic projections of identity") asserts the existence of an objective and absolute (core) set of universal values applicable in all human societies and obligates intervention when this standard is not adhered to.[25]
Premise 4 *universal moral obligations*	On the basis of common rationality and moral capacity, every human individual has equal moral worth and deserves equal consideration by every other individual.[26]
1st Conclusion *particularity precludes universalism*	The reality of in-group affiliation and attachment (description) (particularity) precludes thepursuitoftheimpartial,inclusiveandequaltreatmen-tofallhumankind (universalism). (Rejects Premise 4)
2nd Conclusion *universalism precludes particularity*	Our moral obligation (prescription) to impartial, inclusive and equal treatment of all humankind requires an active denial of our particular natures. (Rejects Premise 2)

the state of nature and into ordered society through the implementation of rules for peaceful coexistence and the protection of individual rights.[27] Legal administration is possible only within a *vertically* organized and 'closed' system in which a "deciding power" adjudicates over systemic violence, competition, and intolerance.[28] This deciding power exists in the well-articulated systems of government, courts, expert judges and juries, dispute settlement mechanism, and laws of which the sovereign state is internally composed and in which is invested "a collectively-imposed *coercive* scheme" that can overcome *bellum omnium contra omnes* ("the war of all against all" that characterizes human existence in a state of nature).[29] As individuals surrender "private judgment in the interpretation of common rules governing a community" to

organs of state, the state comes to exercise an *internal* "monopoly of the legitimate use of physical force within a given territory…a compulsory association which organizes domination."[30]

Law enforcement encounters difficulty, however, when navigating the *horizontal* relations between nominally equal sovereign states within the modern state system.[31] The very definition of state sovereignty, *the* organizing principle of international society today, forestalls the existence, much less the pursuit, of another 'absolute' end (such as individual liberty, distributive justice, peace, cultural plurality, or the rule of law).[32] Horizontal organization inhibits the creation of a deciding power necessary for the enforcement of law.[33]

Herein lies the paradox: law is an absolute unto itself, yet its success hinges

almost entirely upon its enforcement, a duty which can only be executed by state-constituents who are themselves not supposed to be 'above the law.' Similarly, the state is sovereign unto itself and simultaneously constrained by itself and other sovereign states.[34] There are obvious problems with how this paradox is resolved in reality. Few national governments, tasked with maximizing the security and prosperity of their citizens, proactively curtail their own exercise of power if there are no significant benefits for doing so, no serious consequences for not doing so, and no powerful ideology motivating otherwise.

Duty is correlative to right; the absence of a specific duty-bearer detracts from the significance of being in possession of a right. Cosmopolitanism is consumed with the ascription of rights at the expense of identifying a suitable duty-bearer. The sovereign state, a political project and institution, has enjoyed unparalleled ideological and material pre-eminence for the past three hundred years of human civilization.[35] The state, that peculiar creature evolved of the tumultuous history of human interaction, has proven resilient in the face of challenges posed by globalization, market forces, and the normativity of communitarian or cosmopolitan discourse.[36] As the most stable unit of human organization today that can consistently and legitimately fulfil important providential and protective functions, the sovereign state is an indispensable bearer of duties in any rights regime.[37]

The immediate objection to legal cosmopolitanism may be that states are often themselves responsible for the violation of rights that should be guaranteed under law, and what is law that cannot sit in judgment of power and its excesses? This high-minded line of inquiry is undoubtedly valid. QLC does not, however, propose answering whether law or power should be the supreme organizing principle of our world. Rather, QLC's statist design flows from the distinct absence of a viable alternative to

the sovereign state as the bearer of moral duties.

The rights regime today continues to be underwritten by the sovereign state, which has by default fulfilled the missing how and who of legal cosmopolitanism's rights regime. QLC may be a platform for the enunciation of shared values, but it cannot realistically expect to supplant the sovereign state as an *enforcer* (instrumental, consequentialist argument) as well as *the only suitable, legitimate locus of moral duty* (prescriptive, non-consequential argument).

THE DANGEROUS METHOD

The danger in advancing QLC as an ethical framework lies in the potential for QLC to be mistaken as positive theory instead of what it was initially designed to provide: perspective. Whereas a theory aims at *descriptive* and *predictive* accuracy, a framework often possesses some measure of *prescriptive* capacity.[38] Frameworks reveal the broad scope of an issue; they identify widely accepted principles and values, the variety of desired outcomes and grounds for contention between different parties.

The fashionable argument that cosmopolitanism leads to moral imperialism "emerges from the misidentification of the addressees of cosmopolitan discourse" and the assumption that there are no possible overlaps between different worldviews.[39] Individuals and peoples with complex "lived histories" who subscribe to diverse moral theories as a result of their social embeddedness are the true subjects of global public reason.[40] The suggestion that QLC could somehow readily and mechanically allocate moral rights and duties in a world that is 'plural by default' is naïve and reductive because QLC is simply unable to communicate the non-trivial nuances and subjectivity of human traditions and 'lived experiences'. QLC is also not the panacea to social injustice nor substitutive of the moral register in public discourse.[41] However, QLC *can* avoid the "overly coherent," essentializing

worldview associated with uncritical cosmopolitanism.

THE LEGAL LIMIT

The special value of QLC lies in its ability to provide both a 'highest common factor' (HCF) and a 'lowest common denominator' (LCD). HCF refers not only to the cumulative and dynamic identification of cross-cultural, transnational commonalities but also to the maximum possible articulation of these as legal norms, rights and rules. On the other hand, the potential for the guarantee of these 'universal' rights *on the basis of their legal character* may be thought of as a sort of 'safety net', or LCD.

Nevertheless there are real limits to QLC as an ethical framework, the first of which is that **legally-assured rights will continue to bump up against the absolute sovereignty of the state**. To address this tension, David Held argues for a shift from exclusionary, secretive, club-driven, executive-led multilateralism to a transparent, accountable, and just form of international governance through capacity-building and reform at the global and regional levels.[42] This will not solve the fundamental problem of the horizontal superstructure of the international system, which prevents the coercive enforcement of law.

The second limitation to QLC may be found in the **etiology of international law**. QLC is unable to transcend the prior political reality of the equal sovereign state, because the international law it is a part of, is a product of the horizontal relations between (at least nominally equal) sovereign states.[43] Instead of interrogating the existence of the sovereign state or revolutionizing legal philosophy, cosmopolitan law is built *into* existing international law, most significantly in the form of human rights treaties *between states*, which are attributed moral and legal duties correlative to individual rights. International law today is instrumental and "substantially unjust," which compromises its moral legitimacy.[44]

'Law proper' or the rules and judicial systems that exist in a *vertically* organized system, **cannot conceive of an authority more absolute than itself.**[45] To develop 'law proper' at the global or regional level would require the empowerment of existing institutions such as the International Court of Justice, the International Criminal Court, the UN Security Council, and other governance structures such that these will be equal to the task of law enforcement analogous to that which currently takes place within the confines of a state. Legal cosmopolitanism fails to provide a program of action or narrative that will impel the reformation of the non-hierarchic modern state system. The consequent sacrifice of law proper pushes cosmopolitan law back into the existing international legal framework.

Finally, QLC does not and cannot fully capture the richness and subjectivity of human experience. The individual is irreducible to either universal obligation or particular attachment; culture, identity, and even legal principles and rules constantly evolve.[46] An **excessive reliance on legal articulations of moral philosophy** and its standard punitive response to moral failure essentializes the human experience and discourages critical considerations of the dynamic content of our moral obligation towards others.

CONCLUSION

QLC most closely approximates Kantian cosmopolitanism, in which peace can result from a union of states committed to the implementation of a universally acknowledged set of moral principles.[47] QLC contributes by further anticipating the gap between theory and praxis – the reality that the world is not *(yet)* at peace, that there is no consensus yet on the universal principles that *would* be translated into policy, that cosmopolitan law is imperfectly recognized and that supranational organizations remain incapable of independent legislation or enforcement.

QLC *does*, however, offer a way out of "the Scylla of moral imperialism and

the Charybdis of moral indifference," the former being politically unpalatable and the latter unacceptably irresponsible (relativism).[48] First, QLC does not abandon the reality of the sovereign state. Second, QLC does not attempt to reach the status of comprehensive theory. Finally, QLC recognizes the limits to legal interpretations of moral obligation. By reconstructing the sovereign state as the repository of cosmopolitan moral obligations and enforcer of legal principles and rules, legal cosmopolitanism may yet be rehabilitated as an ethical framework for the future.

Notes

[1] Appiah, K. A. (2007). *The Ethics of Identity* (Princeton University Press), p. 130.

[2] Baker, G. (2009). "Cosmopolitanism as Hospitality: Revisiting Identity and Difference in Cosmopolitanism."*Alternatives: Global, Local, Political*, Volume 34, No. 2, pp. 107–8.

[3] Benhabib, S. (2008). "The Legitimacy of Human Rights." *Daedalus*, Volume 137, No. 3, On Cosmopolitanism, pp. 94–104.

[4] Nardin, T. (1987). "Realism, Cosmopolitanism and the Rule of Law." *Proceedings of the Annual Meeting (American Society of International Law)*, Volume 81, p. 417.

[5] Canto-Sperber, M. (2006). "The Normative Foundations of Cosmopolitanism." *Proceedings of the Aristotelian Society*, New Series, Volume 106, p. 268

[6] Hobbes, T. (1651). *Leviathan: Or the Matter, Forme, and Power of a Common-Wealth Ecclesiasticall and Civill*. Ian Shapiro (ed.) (2010). Yale University Press.

[7] Aquinas, *De Regno*, Book 1 Chapter 1[4]. Retrieved November 30, 2014 from http://dhspriory.org/thomas/DeRegno.htm.

[8] Baker, G. (2009). "Cosmopolitanism as Hospitality: Revisiting Identity and Difference in Cosmopolitanism." *Alternatives: Global, Local, Political,* Volume 34, No. 2, p. 107.

[9] Canto-Sperber, M. (2006). "The Normative Foundations of Cosmopolitanism." *Proceedings of the Aristotelian Society*, New Series, Volume 106, p. 267.

[10] *Ibid*.

[11] Audi, R. (2009). "Nationalism, Patriotism and Cosmopolitanism in an Age of Globalisation." *The Journal of Ethics*, Volume 13, No. 4, p. 367.

[12] Kleingeld, P. (1999). "Six Varieties of Cosmopolitanism in Late Eighteenth-Century Germany." *Journal of the History of Ideas*, Volume 60, No. 3, p. 507.

[13] References to the Mozi cite page, section, and line numbers in the Harvard-Yenching Institute Sinological Index Series, No. 21, A Concordance to Mo Tzu, as quoted in Sturgeon (2011). Locations of the textual references given in this paper can also be determined using the Chinese Text Project website: http://ctext.org/tools/concordance.

[14] Sturgeon, D. (ed.) (2011). "Mohism, Book 4: Universal Love." Chinese Text Project. Retrieved November 30, 2014 from http://ctext.org. See also Ivanhoe, P. J. & Van Norden, B. W. (eds.) *Readings in Classical Chinese Philosophy*. (Indianapolis: Hackett, 2001).

[15] Kleingeld, P. (1999). "Six Varieties of Cosmopolitanism in Late Eighteenth-Century Germany." *Journal of the History of Ideas*, Volume 60, No. 3, p. 507.

[16] *Ibid*., pp.505–6.

[17] *Ibid*., p. 513

[18] Kant, I. (1783–1798). *Practical Philosophy (The Cambridge Edition of the Works of Immanuel Kant)*. Gregor, M.J. (ed.) (1996). (Cambridge: Cambridge University Press), pp. 328-331.

[19] Canto-Sperber, M. (2006). "The Normative Foundations of Cosmopolitanism." *Proceedings of the Aristotelian Society*, New Series, Volume 106, p. 271.

[20] Canto-Sperber, M. (2006). "The Normative Foundations of Cosmopolitanism." *Proceedings of the Aristotelian Society*, New Series, Volume 106, p. 270.

[21] Irwin, T. (1998). *Aristotle's First Principles*. (Oxford: Oxford University Press), year?)

[22] Baker, G. (2009). "Cosmopolitanism as Hospitality: Revisiting Identity and Difference in Cosmopolitanism." *Alternatives: Global, Local, Political*, Volume 34, No. 2, p. 110.

[23] Benhabib, S. (2008). "The Legitimacy of Human Rights." *Daedalus*, Volume 137, No. 3, On Cosmopolitanism, p. 98.

[24] Baker, G. (2009). "Cosmopolitanism as Hospitality: Revisiting Identity and Difference in Cosmopolitanism." Alternatives: Global, Local, Political, Volume 34, No. 2, p. 107.

[25] *Ibid*.

[26] Kleingeld, P. (1999). "Six Varieties of Cosmopolitanism in Late Eighteenth-Century Germany." *Journal of the History of Ideas*, Volume 60, No. 3, p. 507.

[27] Nardin, T. (1987). "Realism, Cosmopolitanism and the Rule of Law." *Proceedings of the Annual Meeting (American Society of International Law)*, Volume 81, p. 416.

[28] Canto-Sperber, M. (2006). "The Normative Foundations of Cosmopolitanism." *Proceedings of the Aristotelian Society*, New Series, Volume 106, p. 279.

[29] Beitz (2005); Hobbes' description of human existence in the state of nature (1642 *De Cive* "On the Citizen"); Nardin (1987)

[30] Warner, D. (1991). *An Ethic of Responsibility in International Relations*, pp. 9–10.

[31] Charter of the United Nations (1945). Retrieved November 30, 2014 from http://www.unwebsite.com/charter.

[32] State sovereignty is often discursively treated as an end in and of itself, although in actual fact it is (merely) a framework through which interstate relations are mediated. Sovereignty is *not*, technically, a legal right but the mutual recognition of states and agreement on the principles of equality and non-interference in domestic affairs.

[33] A possible response to this may be that states can surrender individual judgment to the authority of international courts and tribunals. This argument is problematic in at least two ways. First, the judges in international courts and tribunals, while expected to exercise impartiality, cannot themselves be stripped of a nationality, of 'particular sentiments' and prejudices. Critical legal theory in jurisprudence suggests that legal principles are deployed by already dominant states to further shore up their position of relative wealth and power. International law also lacks moral legitimacy because of related issues concerning representation and structural inequalities such as may be observed in the continued existence of the Permanent Five on the UN Security Council. Second, reality reflects a zealous desire on the part of states to retain internal and external autonomy. The paltry record of 'submission through consent' testifies to this.

34 Canto-Sperber, M. (2006). "The Normative Foundations of Cosmopolitanism." Proceedings of the Aristotelian Society, New Series, Volume 106, p. 281.

[35] Tilly, Charles (1990). *Coercion, Capital, and European States*, AD 990–1990. (Cambridge, MA: B. Blackwell); Krasner, S. (1999). *Sovereignty: Organized Hypocrisy*. (New Jersey: Princeton University Press).

[36] (Montevideo) Convention on the Rights and Duties of States (1933), retrieved November 30, 2014 from http://www.ilsa.org/jessup/jessup15/Montevideo%20Convention.pdf, art 1; Treaty of Westphalia (1648), retrieved November 30, 2014 from http://avalon.law.yale.edu/17th_century/westphal.asp.

[37] Waters, T. W. (2009). ""The Momentous

Gravity of the State of Things Now Obtaining": Annoying Westphalian Objections to the Idea of Global Governance." *Indiana Journal of Global Legal Studies*, Volume 16, No. 1, pp. 25–58. See also Rousseau's 'social contract'.

38 For a literal example it is worth examining the open-endedness of the 1994 United Nations Framework Convention on Climate Change.

39 Benhabib, S. (2008). "The Legitimacy of Human Rights." *Daedalus*, Volume 137, No. 3, On Cosmopolitanism, p. 101.

40 *Ibid*.

41 Morozov, E. (2013). *To Save Everything, Click Here*. (Philadelphia, PA: Perseus Book Groups). Video presentation retrieved November 30, 2014 from www.ustream.tv/recorded/31339661.

42 Held, D. (2003). "Cosmopolitanism: Globalisation Tamed?" *Review of International Studies*, Volume 29, No. 4, pp. 465–475.

43 Treaty of Westphalia (1648). Retrieved November 30, 2014 from http://avalon.law.yale.edu/17th_century/westphal.asp.

44 Nardin, T. (1987). "Realism, Cosmopolitanism and the Rule of Law." *Proceedings of the Annual Meeting (American Society of International Law)*, Volume 81, pp. 416–7.

45 *Ibid*.

46 Kriegman, O. (2006). "Dawn of the Cosmopolitan: The Hope of a Global Citizens Movement." *Great Transition Initiative Paper Series 15: Frontiers of a Great Transition*, p. 7

47 Archibugi, D. (1995). "Immanuel Kant, Cosmopolitan Law and Peace." *European Journal of International Relations*, Volume 1, No. 4, p. 452.

48 Baker, G. (2009). "Cosmopolitanism as Hospitality: Revisiting Identity and Difference in Cosmopolitanism." *Alternatives: Global, Local, Political*, Volume 34, No. 2, p. 108; also Benhabib, S. (2008). "The Legitimacy of Human Rights." *Daedalus*, Volume 137, No. 3, On Cosmopolitanism, p. 98.

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Culture Matters:
Constructing Real Dialogues through Local Context

Gabriel Guarino Sant'Anna Lima de Almeida

Tapirapé girl, Brazil

Introduction

During 2014 in the Global Ethics Network, the Ethics Fellows for the Future have worked with values for our future, imagining and thinking how an ethical framework could bond the actions of states and international agents. In order to do so, we have looked at Global Trends Reports from different organizations: The National Intelligence Council (NIC) of the United States, the European Union (EU), Russia, and North Atlantic Treaty Organization (NATO) have conducted reports about global trends and the future world of 2030.

Thinking about global trends lead us to imagine how ethical challenges of possible future worlds will be faced in each society around the globe. I start with the question: Why do we use only four global trends reports, from the EU, NATO, Russia, and the United States? The answer is quite simple: Asia, Africa, Latin America and the Middle East have produced no such reports.How do we react to this lack? Ignore it?

This silence from half of the globe is rather a "yelling" silence that we must consider in reflecting on our future values. Any value can only be understood in local context. And perhaps the reason why these regions have not produced reports is more complex than a lack of political will. Perhaps those values are not shared or understood in the same way in the global community as theorists have supposed them to be. Moreover, to simply say "justice," without conceptualizing it locally in each culture, is to work with an empty concept.My proposal is that the ethical framework for any possible

future world should consider culture as a presupposition or a background that gives meaning to our values.

I will clarify what I understand as a "local contextualization," and how it could be constructed in order to understand how values that at a first glance seem universal, such as justice or democracy, can only be understood from a local perspective. This local perspective must first be based on what we understand as globalization.

More than prescribe any framework or construct a methodology, my purpose in this work is to discuss some relevant categories and research which are vital to any perspective of real true dialogue – local or global. Otherwise, we will construct a monologue of many agents, with a lack of understanding that in the long term, words like 'empowering,' 'democracy,' and 'justice' are undefined and empty. Values must be taken as verbs.

From Global to Local

Global trends lead us to imagine not only scenarios of worlds and orders to come, but also how dynamics between countries will evolve. Globalization is a critical point in our wager on the future.

Globalization can be seen as a process of growing inter-dynamic relations and interchange of products, information, ideas and people, based on technology and communication and, as a process, somehow undeniable and unstoppable. Predictions based on that logic assume the world as a line that points to progress:

By 2030, individual empowerment will be the central mega-trend shaping all of our futures. A number of factors will elevate individuals. A growing global middle class will usher in the reduction of extreme poverty to the lowest levels ever known in human history. Throughout the world, people will be better educated and healthier. Women and men will enjoy more equal rights. Technological innovation will bring about the greatest change in individual empowerment. Big data, social

networking, and smart city information technologies will drive growth for both the developed and developing worlds. Leap-frog technologies such as smartphones will lift the poor out of poverty. Automation and manufacturing technologies such as robots, self-driving vehicles, and 3D printing will free the individual by permitting new and more productive work patterns. Resource technologies such as genetically modified crops, precision agriculture, and better water management will feed a more populous world while biofuels and solar energy will drive those new people to work. Health technologies will lead to new cures that will eliminate or alleviate many of today's diseases. Human augmentation will better allow the blind to see, the deaf to hear, and those with impaired limbs to touch. (Nguyen, 2014, p. 19)

But for someone from the so-called "third world," these predictions are far more than optimism: they almost look like a bad joke. But we don't even have to go that far: Europe and the United States have large marginalized populations, who do not have access to basic necessities. To imagine that the phenomenon of globalization is not linked to the socio-economic model makes any prediction a partial prediction, covering only those who already see progress in their daily lives, as *consumers*, as a socio-economic elite.

The analysis of globalization made by Portuguese sociologist Boaventura de Souza Santos illustrates how the definition of globalization is key to imagining a better world.[1] This definition thus is not only about scientific analysis or diagnosis, but rather a political choice. And just as the future is a choice, so is the present: a choice made in the past.

Boaventura points out that "the idea of globalization, as a linear, homogenizing and irreversible phenomenon, although false, is prevalent nowadays, and tends to be all the more so as we move from scientific discourse into political discourse and everyday talk" (Santos, 2006, p. 395). Boaventura identifies

two arguments, two motives that are central to convincing us that globalization is not a natural and inoffensive phenomenon:

The first is what we could call the determinist fallacy. It consists of inculcating the idea that globalization is a spontaneous, automatic, unavoidable and irreversible process which intensifies and advances according to an inner logic and dynamism strong enough to impose themselves on any external interferences. The fallacy consists in transforming the causes of globalization into its effects, obscuring the fact that globalization results from a set of political decisions which are identifiable in time and space (…).

The second political motive is the fallacy of the disappearance of the South. Whether at a financial level, or at the level of production or even of consumption, the world has become integrated into a global economy in which, faced with multiple interdependencies, it no longer makes sense to distinguish between North and South or between the core, periphery and semi-periphery of the world system. In the terms of this fallacy, even the idea of the 'Third World' is becoming obsolete. Since, contrary to this discourse, the inequalities between the North and the South have dramatically increased in the past three decades, this fallacy seems to have no other objective than to trivialize the negative, exclusionary consequences of neoliberal globalization by denying them analytical centrality. Thus, the 'end of the South', and the 'disappearance of the Third World' are, above all, a product of ideological changes which must, themselves, become an object of scrutiny (Santos, 2005; Sen et al., 2004). (Santos, 2006, p. 395)

These issues, related to neoliberalism, view globalization not as natural process but a result of choice.[2] Globalization, even with its 'global,' is in fact very precisely

localized in the globe—we might say northern, or central countries, or simply the West.[3]

A glance at the idea of "global" shows us that the asymmetries of the system and of the international order are not simply a mistake in the realm of action or failure, but perhaps, a product of the model itself. Thus, if global is not really *global*, the silence of those excluded—economically, geographically, politically—must be heard. A perspective of global trends that naturalizes these fallacies of hegemonic consensus will exclude part of the world's population of the future with the suppression of the South and global periphery.

Globalization, as a hegemonic process, has two models of production: the globalized localism and the localized globalism:

I distinguish two main modes of production of globalization. The first one consists of a twin process of globalized localisms/localized globalisms. Globalized localism is the process by which a particular phenomenon is successfully globalized, whether it is the worldwide activities of the multinational, the transformation of the English language into a lingua franca, the globalization of American fast food or popular music or the worldwide adoption of the same laws of intellectual ownership, patents or telecommunications aggressively promoted by the United States. In this mode of production of globalization, what is globalized is the winner of a struggle for the appropriation or valorization of resources or for the hegemonic recognition of a given cultural, racial, sexual, ethnic, religious, or regional difference. This victory translates into the capacity to dictate the terms of integration, competition and inclusion.

The second process of globalization is the localized globalism. It consists of the specific impact on local conditions produced by transnational practices and imperatives that arise from

globalized localisms. To respond to these transnational imperatives, local conditions are disintegrated, oppressed, excluded, destructured, and, eventually, restructured as subordinate inclusion. Such localized globalisms include: the elimination of traditional commerce and subsistence agriculture; the creation of free trade enclaves or zones; the deforestation and massive destruction of natural resources in order to pay off external debt; the use of historic treasures, religious ceremonies or places, craftsmanship and wildlife for the benefit of the global tourism industry; ecological dumping (the 'purchase' by Third World countries of toxic waste produced in the core capitalist countries in order to pay for foreign debt); the conversion of subsistence agriculture into agriculture for export as part of 'structural adjustment'; and the ethnicization of the workplace (devaluing of salaries because the workers belong to an ethnic group considered 'inferior'). (Santos, 2006, p. 397)

Both of those categories are useful to clarify when we are discussing global trends and ethical frameworks in our future. Some values that we see as universal are, in fact, a product of a globalized localism, in which a singular point from a specific society/country is widely spread throughout the globe. For example, the idea stressed above, that in the future Internet will be fully used, is not only a prognosis that assumes *everybody wants/has the possibility* to use it, but also a process that destroys specific ways of living and production of some traditional groups. Here, we would have a localized globalism: a disintegration of local forms, oppressed by those characteristics of something taken as global.[4] The danger in an approach that ignores this reality is to reproduce in the local level ways of living/production and process/systems of law that are not recognized by the population as legitimate.[5]

The twin process of globalized localism/localized globalism is just one way of

producing globalization. How can we construct a different scenario? Through dialogue with culture as the key.

From Global Dialogue to Local Dialogue

Boaventura de Sousa Santos offers an alternative process of production of globalization—"insurgentcosmopolitanism:"

It consists of the transnationally organized resistance against the unequal exchanges produced or intensified by globalized localisms and localized globalisms. This resistance is organized through local/global linkages between social organizations and movements representing those classes and social groups victimized by hegemonic globalization and united in concrete struggles against exclusion, subordinate inclusion, destruction of livelihoods and ecological destruction, political oppression, or cultural suppression, etc. (Santos, 2006, p. 397)

The perspective of including the silence of organizations and movements can be linked to the "yelling" silence I referred to above: the silence of Africa, Asia, the Middle East, and South America regarding reports of global trends. An inclusive process of globalization must involve an approach that examines how people give meanings to its practices in their daily lives.

The global perspective we had before now assumes a local aspect. And by taking it locally, we should examine how man interacts with others and how he builds and sees the meanings of actions in his own society. Those meanings—codes of right/wrong, appropriate/inappropriate—are integrated into a "web of meaning" (Geertz, 1975):

[T]he concept of culture I espouse (…) is essentially a semiotic one. Believing, with Max Weber, that man is an animal suspended in webs of significance he himself has spun, I take culture as one of those webs, and the analysis of it

to be therefore not an experimental science in search of law but a interpretative one in search of meaning (Geertz, 1975, p. 5)

"Meaning" here is a symbolic construction that passes through our practices and habits. For example, we can imagine that law is only a set of norms, laws, system of courts. But besides this perception it is possible to identify that each group operates a system of administration of conflicts in a very specific way, in which the actors in the system of justice operate values and ideals of right/wrong through the system of law. When a lawyer in the state of California stands before a trial jury, he does not evoke the same ideals, categories and perceptions regarding justice as a lawyer in Rio de Janeiro, Brazil. Those ideals, those words that construct a grammar in which we build values of operation of our social systems can be identified as the role of culture.[6]

> The role of culture must be understood in a more modest and fairest way: it does not dictate anything, it does not constrain the political will, it does not paralyze the sociological determinisms, it never completely immunizes against the most serious aberrations, but rather favors or impedes them, prepares or delays them. Thus, culture does not dictate any solution—it sets the conceptual background on which discussions start being felt. Culture allows to uncover a conceptual background, to find a vocabulary for which there are no dictionaries yet, a grammar that does not judge prematurely, but that enables retracing its genesis. (Garapon and Papadopoulos, 2008, pp. 9-10).

The challenge that we face in thinking about ethics on the international level is how to imagine or propose an ethical framework that respects different ideas, values, cultures, people, and their dignity. The problem is that we assume that all West/North values are shared by all populations all over the world and that they reproduce themselves.

The Brazilian anthropologist Roberto Cardoso de Oliveira, in his text entitled "Anthropology and Morality," (Oliveira, 1993), faces the problem of behavior in different cultures from his experience in research on indigenous societies in Brazil:[7]

> [...] how to judge the act of a person, a member of another society, who has been guided in their actions by values of their own culture? Of course it is not for the anthropologist to judge—this is a function of judges and moralists, but also of the ordinary man, who, immersed in his daily life, is always compelled to judge any and all actions (his or of others) as a condition to guide his own behavior. But the anthropologist as such, i.e., in the exercise of his métier, will always target seeking the meaning of the moral fact, to understand it, therefore, in order to clarify it minimally, either for himself or for his readers or his students. (Oliveira, 1993, pp. 1-2)

To illustrate this dialogue, we can examine Roberto Cardoso de Oliveira's experience involving the practice of infanticide and the presence of Catholic missionaries in a village of native Brazilians.[8] He explains that there was a sort of clash between Western (or Christian) values and tribal values, particularly with respect to the meaning of life.

The Tapirapé people established the practice of killing a fourth child during the displacement of the tribe to a distant region, where the important Tapirapé River was located. This displacement, necessary for the survival of the community, demanded the efforts of the entire population. According to the tribe's moral system, the elimination of the fourth child was intended to prevent the increase of the population, as it would be unable to survive within that ecosystem with a contingent larger than a thousand individuals.[9]

By the time he was involved in ethnographic research, the problem was that the tribe had no more than fifty-four individuals. As a result, the idea of killing the fourth child was no longer useful for demographic purposes and might instead lead to the elimination of the tribe. Still, the practice continued to be respected by the members of the tribe as it was an established cultural norm.

The Christian missionaries who worked with the tribe could not tolerate the practice of infanticide and had intervened. But the way in which they did so respected the cultural context – on the one hand, the local culture and, on the other, interfering without criminalizing them.

The missionaries tried to argue with the natives by asking them the reasons for this practice and establishing an argumentative field of work, where ideas of rightand wrong could coexist. In so doing, they had not judged the natives or labeled them as "immoral" people. They respected the cultural bases of the practice, and, assuming that a dialogue was possible, they understood that the origin of the infanticide was related to a no longer existent demographic issue. Thus, by explaining to the natives that they no longer needed to use that practice, they could convince them to stop it. What is of interest here is not the result—the end or reduction of infanticide—but the approach constructed by dialogue, and especially listening. The missionaries did not assume a superior place as the owners of morality but, by putting themselves on the same level as the natives, could hear from them how they saw the issues. The Christian missionaries had no theoretical construction in that case, but this strategy of constructing a dialogue is what I will call a *stance of hearing*. It is important to stress the possibility of a rational debate with two "ethnic groups" with two "ethics." Roberto Cardoso will call these "communication communities:"

> And when these communication communities are formed by at least two ethnic groups—as those considered ethnographic cases illustrate—we see that the exercise of rationality (which

certainly is not a privilege of Western culture) can flow naturally from when the parties or ethnic groups involved take the dialogic relationship with the willingness to accept the best argument on justification of moral judgments, put in evidence discursively. This opening to the better argument is only possible after all, because the two perspectives in confrontation are not absolutely invulnerable to reason, but they both are porous as shown in the above-mentioned theory of "fusion of horizons"; and assuming that the ethnic groups concerned admit talk, they would already be compromised in practice with the possibility of an agreement: first, about the rules that govern the dialogue, which in itself communication become viable interethnic; Second, the agreement on the own moral judgments under discussion, which would make real a community of argumentation, as proposed by a discourse ethics. (Oliveira, 1993, p. 9) [Sic]

Roberto Cardoso de Oliveira brings up another category: discourse ethics, as proposed by the German philosopher Jürgen Habermas. Cardoso argues that this proposition of an ethics constructed by the assumptions of a communicative enunciation is a very good way to move out from the limits of interpretative anthropology theory. The idea of recognizing another people—from different ethnicities, cultures, societies—as capable of engaging in a communicative interaction, by communicating rationalities, is the key point to move beyond the common idea that dialogue must be constructed from top down. As we have seen, the top down perspective, as the hegemonic pattern of globalization, is a political choice—just as the choice of the Christian missionaries to engage in conversation with the natives.

The proposition made by the Brazilian anthropologist is not just valid for anthropology.[10] It is precisely the key point that must be considered in order to engage in true dialogue at the local or global level:

hear from the other not what you want to hear or talk about, but what the other wants to say. The other's point of view is as important as ours.

I thus argue that an ethical framework for the future, based on any or no global trends report, should be based on listening to the perspectives of different people. And then, without constructing abstract and intangible values, we must talk about the "healthy relativist idea that values can only be understood inside concrete cultures." (Oliveira, 1993, p. 4)

Values as Verbs: The Making of Action

In this work, I have discussed issues of relevance in constructing true dialogues between different societies at the local or global level. These dialogues appear to be the only legitimate and useful way to construct an ethical framework for an international order in the future based on the idea that every human being has the capacity to work to construct his or her own future. Through dialogue, we can build new and better realities that are not based solely on abstraction and academic thinking. Yet it is only by reflection before, during and after dialogue that we will achieve a better future.

In reaching this conclusion, it was first necessary to clarify how the idea of globalization interferes with the dynamics of local/global and naturalizes oppression and inequalities. The identification of globalization as a process achieved through a series of political choices is a key point to propose changes. These changes, that Boaventura Sousa Santos calls "insurgent cosmopolitanism," are to be constructed by the participation of all, especially those who are excluded in the current scenario.

To imagine this participation, I point out that local must be considered with culture as an assumption. In this context, I understand culture as "webs of significance" that pass through our practices and beliefs, providing them with meaning. Thus, it is possible to create a dialogue between

different cultures, without reproducing asymmetries of power, as the experience of the Brazilian anthropologist Roberto Cardoso de Oliveira illustrates. The "communicative competence" of all human beings has to be recovered in all spheres of action and then, by dialogue that strives to understand the other's values, it is possible to have a "discourse ethics" that provide us with group-constructed solutions to our problems.

In so doing, only true dialogue can allow us to construct those values in the global society, allowing people from different countries and cultures to talk—and most importantly—to listen to what others have to say. That 'true dialogue' is nothing more than a dialogue that considers respect not as an assumption, but as a method and result.

Only by taking this local perspective into account can we have a true dialogue. The alternative is to construct a monologue of many agents, with a lack of understanding that, in the long term, makes 'empowering,' 'democracy,' and 'justice,' words that are undefined and empty.

I suggest respect as a first value, guiding all approaches. Respect, here, means not only tolerance and care, but also a stance of listening to those from other societies as equals with their own values, world views, and experiences. More importantly, we must hear what they have to say, and not what we—theorists, scholars, and thinkers—want to ask.

The values that philosophers speak of—liberty, justice, pluralism—are useless if they are only theoretic constructions to legitimate power, naturalize inequalities, sell books or circulate articles and theses for the academic world. I believe that my proposal is nothing new: values must be verbs. They must be the structure of our doing and our most daily practices. For what is democracy if we construct it by oppression? For what is peace, if we construct it by violence? For what is a dialogue, if we don't really listen?

Values must be verbs. This simple sentence is the key to making real changes

in our society, from the local or global perspective. If democracy is our ideal and participation in it our value, we must take it as a structuring point of our daily habits: To achieve dialogues by dialoguing, to promote participation through hearing and really learning from others. Then, global will be local without suppressing or oppression, but through the construction of us all.

Notes

[1] Boaventura de Sousa Santos is a Portuguese sociologist, professor of sociology at the School of Economics, University of Coimbra, who has mainly contributed to a critical point of view on globalization, sociology of law and the state, epistemology, and social movements. The two main works I rely on are *Globalizations*. (Santos, 2006) and *A Non-Occidentalist West? Learned Ignorance and Ecology of Knowledge*. (Santos, 2009).

[2] Although is not the main point here, Pierre Bourdieu in his work *The Essence of Neoliberalism* (Bourdieu, 1998) describes neoliberalism as a model somehow closely related to the process of globalization. With some similar arguments, but on the level of persons (instead of social structures), see *The Art of Shrinking Heads: The New Servitude of the Liberated in the Era of Total Capitalism*, of Deny-Robert Dufur (2008).

[3] The current model of globalization is more than a natural process, but a product from a defined model of the international order, based on a series of prescriptions. "The prescription is, in fact, a vast set of prescriptions, all anchored in the hegemonic consensus. This consensus is known as the 'neoliberal consensus' or the 'Washington consensus,' since it was in Washington in the mid-1980s that the core capitalist states in the world system subscribed to it, and it covers a vast set of domains (world economy, social policies, state–civil society relations, international relations). This consensus has weakened in recent years by virtue of both the rising conflicts within the hegemonic camp and resistance from social movements and progressive NGOs around the world (Fisher and Ponniah, 2003). However, it is this agreement that has brought us to where we are today and for that reason deserves to be analyzed. The Washington consensus encompasses four major issues: (1) the consensus of the liberal (or rather, neoliberal) economy; (2) the consensus of the weak state; (3) the consensus of liberal democracy; and (4) the consensus of the primacy of the rule of law and the judicial system. (Santos, 2006, p. 394)"

[4] One process that we could see as a localized globalism is democracy, as an ideal of political organization. It is interesting to note that every system presents itself as 'democratic' even though the institutions and rules of political participation are so diverse around the world.

[5] Boaventura goes further in this analysis, by discussing what he calls "orthopedic thinking" (Santos, 2009), the thought present in the West that ignores and suppress other epistemological perspectives and imposes itself as a unique truth. "Each way of knowing knows more and better about itself than about the others. This asymmetry I term epistemological difference. It occurs among ways of knowing within the same culture and more intensely among ways of knowing existing in different cultures. It is also complex because even though it is an epistemological asymmetry, as regards the praxis of relations among ways of knowing, it does not manifest itself simply as an epistemological question. Actually, it is experienced predominantly as a political question. That is to say, the asymmetry of ways of knowing overlaps the asymmetry of powers. As concerns ideal types, there are two opposite modes of activating this asymmetry. The first one is to maximize it by pushing to the utmost ignorance regarding the other ways of knowing, that is, by declaring the latters' nonexistence. This I call epistemological fascism, because it amounts to violent destruction or concealment of other ways of knowing. Epistemological fascism exists in the form of epistemicide." (Santos2009, p. 117)

[6] Clifford Geertz develops a category very useful for understanding the relations between law and culture: "That determinate sense of justice I spoke of—what I will be calling, as I leave familiar landscapes for more exotic locales, a legal sensibility—is, thus, the first object of notice for anyone concerned to speak comparatively about the cultural foundations of law.Such sensibilities differ not only in the degree in which they are determinate; in the power they exercise, vis-à-vis other modes of thought as feeling, over the process of social life (when faced with pollution controls, the story goes Toyota hired a thousand engineers, Ford a thousand lawyers); or in their particular style and content. They differ, and markedly in the means they use—the symbols they deploy, the stories they tell, the directions they draw, the visions they project—to represent events in judiciable form. Facts and law we have perhaps everywhere, their polarization we perhaps have not." (Geertz, 1975:175).

[7] Available (in Portuguese) at publications of the ANPOCS (National Association of Graduate Studies and Research in Social Sciences) http://www.anpocs.org.br/portal/publicacoes/rbcs_00_24/rbcs24_07.htm

[8] These illustration was drawn from the works of the Study Group located at the Estácio de Sá University, Rio de Janeiro, Brazil; and also from the text "The Impact of Culture on Global Ethics: Does Culture Really Matter?" by Professors Fernanda Duarte, Rafael Mario Iorio Filho and Bárbara Gomes Lupetti Baptista and presented at the Carnegie Council's Fourth Annual Global Ethics Conference, held in October, 2014, New York (Duarte, Filho,Baptista, 2014).

[9] According to the anthropologist, the native Brazilians had somehow discovered that three children was the ideal number in demographic terms to renew the population without increasing it. This "discovery" resulted in the institutionalized practice of infanticide in the region.

[10] His assumptions are "First, it would distinguish what for us anthropologists would be fundamental: namely, the *costume* (or agreements), *Sittlichkeit* in German, as distinct from *morality*, *Moralität* (or the action based on principles, which the anthropologist would able to identify through a well-done ethnography). This already leads us to a second idea: a dialogical ethics, one that links itself to the level of standards democratically established from a "community of communication" and "arguments" (...); it is the replacement of the Cartesian-Kantian tradition of the "I think" by the tradition of "we argue." Third, the idea that mankind is endowed with a "communicative competence" (as in Habermas's theory), and because of that, he were inexorably exposed to a dialogical relationship. This set of ideas seems enough for us to reach a morality approach as a matter renovated in addressing them in the field of anthropology." (Oliveira, 1993, p. 4) NB: as above, some translation mistakes here.

See next page for bibliography.

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Well-being, Science, and Ethics:
Science and the Search for a Global Ethic

Sebastian Porsdam Mann

The birth of Danica May Camacho on October 31, 2011 was chosen by the UN as a symbolic representation of the world's population having reached seven billion.[1] Since the years of Andrew Carnegie, advances in technology have allowed an unprecedented level of cultural exchange and interaction between an ever-increasing number of people. As Carnegie Council President Joel Rosenthal observed, "Global networks and communication are providing increased capacity to find common ground with people we will never meet. These interconnections are the new frontier for human relationships and politics."[2] Conversely, these same developments facilitate, sometimes force, cultural clashes and incompatibilities previously masked by distance. The growing dependency on trade partners and diplomatic relations in the international community necessitates the search for a global ethic to adjudicate

such clashes. Yet dissimilarities in culture, priorities, and moral history between nations and peoples render this a very difficult task. The violent nature of disagreements means we cannot afford to accord equal respect to differences in moral outlook, as relativists and politically correct voices have traditionally done.

It is to be hoped thatscholars will soon be able to formulate an understanding of "what exactly people are disagreeing about, so that, after arguing out our differences, we can either agree to disagree or work together to find common ground."[3] In the meantime, in the absence of a convincing global ethic, we must seek a practicable meta-morality capable of settling moral disputes in a principled and justifiable manner. The position to be defended in this essay is that an old idea—utilitarianism—enlightened by recent developments in science will serve as the

best place-holder as we await the maturity of a new global ethic.

Utilitarianism

Utilitarianism is an ethical framework which holds that the correct or proper action is that which produces the most good, usually referred to as 'utility.' Utility is defined differently by different schools of thought. Some hold that utility is equal to pleasure of any kind, such that whatever action produces the most pleasure (and the least suffering) is the most moral action. This hedonistic perspective on value was held by the founders of classical utilitarianism, Jeremy Bentham and John Stuart Mill. Bentham believed all pleasures were created equal and that the hedonic consequences of actions could be aggregated to distinguish the best action. Mill made a distinction between 'higher' and 'lower' pleasures saying, for instance,

that the joy of listening to a concerto is lexically superior to the joys of intoxication; no amount of the latter is worth any amount of the former. Mill relied on the judgment of people who had experienced both kinds of pleasure to make such distinctions.

In addition to hedonism about value, utilitarianism is characterized by impartiality and agent-neutrality. The good to be maximized is not my good but the good of all. The reasons an agent has for maximizing her good are the same reasons another agent has for maximizing his good. Further, no agent's good counts for more than any other agent's good. Under some interpretations, this view extends to non-human agents, although this view (along with certain other interpretations) is controversial.

The project of utilitarianism faces several challenges. These include the definition of utility, difficulties in measuring and aggregating utility, and the outright rejection of the premise that maximizing good is the proper goal of ethics. These have traditionally been seen as posing insurmountable practical problems for the realization of a utilitarian ethic. This essay argues that recent and near-future advances in scientific understanding are beginning to provide solutions to these practical issues and thus for a scientific renaissance of utilitarianism. We all see the sense in avoiding suffering and seeking well-being, even if we may not agree on the relative importance of doing so compared to other ethical values. Yet, to some extent, everything we do matters insofar as it colors the contents of a creature's consciousness. Combining this basic idea with recent advances in scientific understanding of the determinants of well-being and the means of measuring it leads to a very powerful, very simple framework for guiding international morality in the spirit of a truly global ethic.

The Argument

By assuming that:

1. Actions that tend to lead to well-being*, broadly defined to include all those things that bring us joy and happiness (momentary pleasures as well as achievements, familial relations and friendships, arts, humanities, and much else) are ethically good, and

2. Actions that tend to lead to suffering, equally broadly defined, are ethically bad, and

3. Well-being and suffering across cultures can now be measured in a meaningful way, we arrive at a temporary but highly workable morality with definite right and wrong answers. Whereas there may not yet be a definite moral answer to the questions of the type, "is [X] morally praiseworthy?" there will be a definite scientific answer to the question, "does [X] lead to suffering or well-being?"

In some cases, this strategy will only serve to push the question one step back. After all, what are we disagreeing about if not which things are conducive to our broadest notions of well-being? But in other cases, this simple approach will yield tremendous advances. Take, for example, the debate over responsibility. How responsible is somebody for improving their lot? If a person is born into unfavorable circumstances, or with unfavorable genetics, to what extent may we hold them responsible for failing to lift themselves out of harm's way, or for performing some crime? Under this approach, exactly to the extent that doing so would facilitate their well-being and that of those around them. If it can be shown that interventions aimed at increasing civic participation, education, nutrition, and inhibitory ability are effective in alleviating suffering among the disadvantaged, then some degree of responsibility lies with the designers of the environment and not fully with those individuals. It is then an empirical matter whether harsher penalties and admonitions (under the assumption of personal responsibility and retributive justice) or more compassionate, nurturing, and rehabilitative programs (under the assumption of environmental and genetic influences on behavior and a focus on treatment and prevention) lead to a greater reduction in crime and suffering.

A parallel argument may be made in the international context. Under this framework, the debate over R2P, the responsibility to protect, is reduced to the question of whether intervention would prevent more suffering than it would produce; whether more well-being would be generated than taken away. In some cases the answer will be straightforward. Yet caution is advised; if international intervention is likely to destabilize the local political climate to such an extent as to precipitate future atrocities, the framework does not necessarily argue for an intervention. In gray cases it may be better to rely on currently accepted political standards. Yet in more clear-cut cases, this principle provides a persuasive rationale for action, superseding concerns for sovereignty.

The Science

Several recent advances in science bear on the project of scientific utilitarianism. Three of the most important will be discussed here. Together, these advances provide a powerful toolkit for the observation and measurement of the determinants of well-being.

Positive psychology uses a variety of tools to measure the impact of various factors on positive emotion. One widely used tool is the survey or questionnaire in which lists of questions with pre-defined scores are used to assess an individual's current level of positive affect. The questionnaires are validated by reports from friends and family, re-test reliability, relationship to measures such as depression, and other methods. A recent review of nine such scales reported levels of reliability and validity ranging from good to excellent.[4] Another method is known as 'experience sampling;' researchers notify subjects at regular or random times using a beeper or smart phone application, signaling them to write down their current activities and self-reported level of well-being. Methods such as these have led to a number of highly useful discoveries. One is that the results of experience sampling methods often do not agree with an individual's professed beliefs. An individual may report receiving more pleasure from a cultural than a beach holiday before or after the fact, but when sampled during the holiday, report much greater

pleasure from the beach holiday. Phenomena such as these have led Nobel laureate Daniel Kahneman to propose a distinction between a 'remembering' and 'experiencing' self.[5] In a test of these ideas, Kahneman and colleagues discovered that prolonging a (painful) colonoscopy by a medically unnecessary additional sixty seconds led to a more favorable recollection of the event.[6] Thus, science is providing a more detailed understanding of the divisions, components, and distinctions of important concepts such as well-being.

One of the most consistent findings in this field is that there exists a point of income above which each additional unit of income contributes little, if anything, to that person's well-being as rated by herself or others. Kahneman and Princeton colleague Angus Deaton have reviewed this cut-off point in the United States and determined that, although the level ranges substantially according to local purchasing power, the national average is around $70,000 (up to $120,000 in the most expensive states).[7] This finding is of interest for several reasons. First, it bears upon ethical issues of fair distribution of resources. More importantly, it raises questions about the legitimacy of pursuing higher incomes as the national goal—once the majority of a population reaches this golden level of prosperity, additional economic development will do little to advance their well-being. It may then be more ethical to pursue other goals rather than persist in the pursuit of prosperity beyond the level at which it bears significantly upon the well-being of a country's citizens. The Kingdom of Bhutan is the first country to have switched its national index of progress from gross domestic product to gross domestic happiness.[8]

Neuroimaging may also be used in the study of human well-being. Functional magnetic resonance imaging, or fMRI, is a relatively recent neuroimaging tool able to measure blood flow to particular neural regions in near-real time (with a lag of some 3–4 seconds). The theory behind this is that brain areas necessary to perform some task while in the scanner will have an increased need of energy due to higher levels of activation. As energy in the form of glucose is carried in the blood to where it is needed, the relative amount of blood flow to an area serves as an index of its metabolic demand

and thus of its activation level. It is possible to make crude associations between activations in particular brain regions and their behavioral correlates using this technique. Despite being in their infancy, fMRI and related techniques may be used to find physiological correlates of affective states in the future. This has already been done at a very basic level.[9]

An increased understanding of our evolutionary history has provided a broad conceptual framework for the study of well-being and morality. Evolutionary psychology seeks to elucidate the evolutionary dimensions of our moral behavior. The field examines human suffering and well-being in relation to the adaptive functions they have historically filled, and in relation to the match or mismatch between the environment they have traditionally operated in and the environment we currently inhabit.[10] One argument is that a variety of psychological mechanisms have evolved to cause distress under certain conditions. Depression, for example, may be understood as an adaptive response to successfully inhabiting a lower social status. A second view is that depression may be understood as a response to increasing disconnectedness with key social support networks, such as deep friendships and extended kin networks, owing to greater mobility and geographical access.[11] This approach, combined with the knowledge that human psychology evolved in the context of small social groups of 50 to 200 people provides a powerful framework for understanding the psychological reasons behind group aggression on the intra- and international scales.[12] Future work in this field may be used to alleviate the driving factors of group conflict.

Philosophical Issues

I have argued that a place-holder morality is necessary to adjudicate conflicting viewpoints as we await the maturity of a global ethic. I have further argued that utilitarianism, informed by advancements in the science of well-being, provides such a morality. However, a number of philosophical objections have been raised to this project, three of which, raised by Sean Carrol, I will address.[13]

The first argument is that there is no single

definition of well-being, and therefore we do not have a clear target in sight. People disagree about what constitutes well-being. An extreme example is provided by sadists and sociopaths, but more reasonable people disagree about individual practices or outlooks. How do we know whom to listen to?

This is a problem facing many areas of study, and does not admit a straightforward answer. It is exceedingly hard to provide a single definition of health or schizophrenia, for example, yet it is still possible to pursue these topics scientifically. It may not be possible to produce a solid definition of something as complex and multifaceted as well-being, yet this does not, in itself, speak against pursuing well-being as an ethical good.

Neuroscientist Sam Harris asks us to imagine a hypothetical 'experience machine,' which could be configured to provide the whole range of possible human experiences.[14] Having experienced them all, there would certainly be some overlap between the ones you and the next person considered to be enjoyable or good, and those you considered to be bad. It seems reasonable to suppose, for example, that not many would enjoy the experience of losing a child, or of contracting a painful disease; equally, it seems reasonable to assume that most would enjoy the experience of deeply satisfying personal relationships. There may be plenty of disagreements in the gray zone between pain and pleasure, yet our shared biological ancestry guarantees substantial overlap to be worked with, and the difference between these sets of experiences ought to be clear enough. Findings of moral behavior among newborns have demonstrated that a part of our moral tendencies are innate.[15] These observations support the notion of a partially universal morality rooted in our biological past.

Reasonable people may disagree whether well-being constitutes the *sole* proper goal of ethics, as classical Utilitarianism dictates. Yet it is clear that well-being constitutes a proper goal of morality, and more importantly, one we can agree on while we debate the constitution of a truly global ethic. A morality that does not take well-being into account hardly seems worthy of the name.

The last objection is the worry that there is no fair way to tally and compare

well-being across different peoples or individuals. There is no straightforward way to compare the pleasures of pilgrimage to those of playing video games. How are we to assign relative importance to different means of achieving well-being?

This is, in my opinion, the most important practical hurdle for utilitarianism. It may be that certain comparisons are too fine-grained to be made at the moment. Yet others will be easy enough to make. The pleasures of killing do not outweigh the pleasures of being alive under any reasonable conception of well-being. The argument put forward in this essay has been that recent advances in science have enabled more fine-grained distinctions to be made. We now know that the accumulation of wealth does not produce further well-being above a certain threshold, as mentioned above. The 75-year longitudinal Grant study on the determinants of happiness and well-being found that the strength of social relationships was among their strongest predictors. This effect was so strong that the lead author of that particular study concluded: "Happiness is love. Full stop."[16] Insights such as these—and there are many others—can now be used to tease apart the relationship between well-being and the work-life balance. The argument is not that direct or short-term effects on well-being are the only important measure. Levels of education and parenthood status, for example, do not seem to have a strong impact on well-being, yet these are crucial for other reasons—prevention of suffering through crime and violence, reduced susceptibility to chronic diseases, increased lifespan—which in turn are closely linked to well-being. Comparisons will not be easy, but they are now increasingly possible, a trend which will only continue as scientific and technological progress allows ever more meaningful analyses of the foundations of well-being.

Conclusion and Recommendations

The increasing connectedness of modern life has led to an unprecedented need for a shared morality. There is no doubt that the pursuit of this global ethic will be an extremely complex one, requiring the voices and input of all peoples. Yet the international community will need a place-holder morality to guide its actions as it awaits the consensus statement. The value of well-being for all humans is something everyone can agree on, even if it is accorded varying degrees of relative importance. Recent advances in understanding and technology are enabling the scientific study of the determinants of well-being, a trend which will continue over the foreseeable future. These advances provide the international community with a tangible yardstick by which to measure the likely impacts of their actions.

The recommendations of this article are as follows. International bodies, as well as national governments, should acknowledge human well-being as an important goal for policy in its own right. Specialized bodies dedicated to the understanding of positive psychology and related fields ought to be assembled and charged with an advisory role to the leadership. Political decisions ought to routinely include an assessment of the likely impact of policy decisions on the well-being of those affected, rather than focus solely on proxies such as economic or political impact. Separate bodies ought to be established for the implementation of policy decisions specifically designed to influence well-being, much as organs such as the World Health Organization are currently charged with the improvement of international public health. These institutions must operate in accordance with the current evidence. Furthermore, the success of policy implementations should be monitored by these bodies. It is not argued that the recommendations of a possible 'World Well-being Organization' should be taken as paramount. Rather, more attention to this incredibly important aspect of life should be afforded to promote not only human flourishing, but also the many political values associated with it.

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*For the purposes of this essay, 'happiness' refers to a transitory moment of positive affect which one may fluctuate in and out of, whereas 'well-being' refers to a more stable, lasting state. This usage is not universal and quoted material may reflect different terminology.

Notes

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2 Joel Rosenthal, "In Search of a Global Ethic," Carnegie Council, August 31, 2011, available at www.carnegiecouncil.org/studio/multimedia/20110831/index.html.

3 Michael Ignatieff, "Reimagining a Global Ethic," *Ethics & International Affairs* 26, No. 1 (2012): 7–19.

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9 Antoine Lutz et al, "Meditation and the Neuroscience of Consciousness." In *Cambridge Handbook of Consciousness*, edited by Philip Zelazo et al. (Cambridge, England: Cambridge University, 2007).

10 Bjørn Grinde, "Happiness in the Perspective of Evolutionary Psychology," *Journal of Happiness Studies*, 3 No. 4, 331–354.

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12 Robin Dunbar, "Coevolution of Neocortical Size, Group Size, and Language in Humans," *Behavioral and Brain Sciences*, 16, 681–735.

13 Sean Carroll, "Science and Morality: you can't Derive 'Ought' from 'Is,' *National Public Radio*, May 4, 2010, available at http://www.npr.org/blogs/13.7/2010/05/04/126504492/you-can-t-derive-ought-from-is

14 Sam Harris, "The Moral Landscape," (New York, NY: Free Press, 2010).

15 Paul Bloom, "Just Babies: The Origins of Good and Evil," (New York, NY: Broadway Books, 2014).

16 Scott Stossel, "What Makes Us Happy, Revisited," *The Atlantic*, April 2013, available at http://www.theatlantic.com/magazine/archive/2013/05/thanks-mom/309287/.

Integral Pluralism and Ethics in a Global World

By John-Harmen Valk

Dr. Martin Luther King, Jr. speaking at the Civil Rights March on Washington, D.C., in 1963.

The world today is marked by rising fundamentalisms. One might think of the unfolding events in the Middle East to note the influence of an extreme variant of religious fundamentalism. But, one might also give thought to the rising fundamentalism of a secular, atheistic variety that is particularly prevalent within the West. The popularity of the "Four Horsemen of the Counter-Apocalypse" suggests that fundamentalism is not solely the purview of one side of the so-called religion/non-religion dichotomy.

The world today is also marked by rising nationalisms. With respect to the West alone, one might think of the spread of the far right in Europe, evident in countries such as France and the Netherlands among others. One might think also of the anti-immigration rhetoric rife in countries like the United Kingdom, the United States, Australia, and Canada. Such

fundamentalisms and nationalisms reveal the forces that militate against a pluralist ethos in the contemporary world.

But imagine another world. A world in which persons recognize the contestability of their own perspectives.[1] A world in which persons recognize the potential for universal insights in the position of the other. A world in which dialogue centers on the particularities of a plurality of cultural and religious traditions, and this for the sake of deep engagement with the perspective of the other.

Within the context of the efforts by the Carnegie Council for Ethics in International Affairs to foster conversations on global ethics, Michael Ignatieff and David Rodin have each presented suggestions as to how we might understand global ethics—indeed, even a global ethic in the singular—so as to work toward ethical engagement in a world of multiple positions and perspectives.[2] But one

wonders whether the suggestions forwarded by Ignatieff and Rodin can actually move us toward the sort of alternative world and ethos imagined above. One wonders whether Ignatieff and Rodin provide the resources from which an integral pluralism of deep engagement might unfold.[3]

Michael Ignatieff: Argumentation and Purification

Ignatieff differentiates a global ethic from global ethics. Global ethics refers to a set of institutional practices that have emerged from a global conversation between the states of the world. These include such agreements as the UN Charter, the UDHR, the Geneva Conventions, and the Refugee Convention (p.8). They are the result of a process of discussion and debate among the states of the world (p.9). They represent a universality in so much as they

embody the common ground shared between a plurality of perspectives. However, the character of this universality, in so much as it is the output of a discussion, is historical for it has only emerged as universal in and through history. A global ethic, according to Ignatieff, is not a set of practices but a certain discourse (pp.8,12). The purpose of this discourse is to force both particular moral perspectives and the institutional practices indicative of actually existing global ethics to justify their moral commitments (pp.13-14).

Now, there exists within Ignatieff's articulation of a global ethic—that is, an ethic that forces justification—a dual character that should be recognized. Ignatieff argues that his notion of a global ethic infers that moral particularities are to justify themselves according to the structure of argumentation. This structure, says Ignatieff, stipulates that agreement is to be determined on the basis of sharing reasons, rather than by violence or coercion, with the better argument prevailing. The better argument, he adds, is determined according to the criteria of what is more persuasive (p.14). Yet, Ignatieff further qualifies his characterization of a global ethic. He also embeds a strategy of purification of particularity as necessary to a global ethic.[4]

The strategy of purification within Ignatieff's global ethic manifests itself in two ways. First, Ignatieff argues that a global ethic is the common ground found by bracketing particular commitments. Common ground can be found only by bracketing fundamental commitments because the metaphysical or scientific character of these commitments, he argues, are essentially contested and thus incommensurable (p.10). Second, Ignatieff suggests that even global ethics—those institutional practices existing within international affairs—must be called to the bar of the global ethic—that (particular) discourse which is the purview of a specific tradition of Western philosophical thinking (p.16). Hence, according to Ignatieff, even the universality of global ethics—universal in so much as representative of a historical consensus among all states of the world—is not sufficiently universal. The universality of global ethics must be held to account—that is, purified—by the universality of the "view from nowhere" which is that position articulated by the tradition of philosophical thinking to which he alludes (p.11). Thus in both respects his ethics of argumentation, in so much as it serves to provide the common ground for the determination of a global ethic, seeks to purify ethics of particularity.

The problem with such a strategy of purification embedded within an ethics of argumentation is the failure to recognize particularity as a resource for openness and inclusivity. Particularity is not simply anathema to universality; that is, particularity is not simply the barrier to an other-regarding ethos. Particularity in fact serves as the resource and motivation for an outward looking disposition. It is precisely from within the particularity of one's perspective that one finds the resources for concern for the other. Hence to bracket one's particularity is to abandon the very resources that might assist one in opening to the other.

David Rodin: Moral Progress

Rodin speaks of global ethics as the reflection, study, and argumentation toward a global ethic. He suggests that a global ethic is characterized by a pull factor which he locates in a purported universal core that is implicit in the very idea of ethics. Rodin identifies human rights as the best example of this pull factor within a global ethic, as the best example of universality (p.33). But what precisely is the pull factor for Rodin? On the one hand he speaks of a global ethic as the result of consensus, of global agreement regarding effective principles to address global issues (p.34). On the other hand, however, he pushes back against relativism by defending the existence of universal moral truth. The universality of a global ethic cannot simply be ascribed to the fact that it is the product of agreement between parties (p.38). Rather, to defend a conception of a global ethic as involving universal moral truth, Rodin argues that the reality of difference in moral positions across time is not due to the absence of moral truth, but is rather due to moral progress (p.39). Rodin argues that progress towards a more perfect moral state explains the historical shifts in the understanding of the subjects of human rights.

He adds, furthermore, that it is by asserting the existence of moral progress that we have reason to hope that the minimalist global ethic framework that currently exists will develop into a more maximalist framework over time (p.37). Hence the pull factor of a global ethic to which Rodin alludes is the movement of progress inherent in history which slowly draws us closer to a universal moral truth beyond particularity.

Problematic about this notion of a pull factor in a global ethic is that it loses sight of the role of particularity in what should rather be understood as a series of contingent shifts in the understanding of humanity and of human rights. The development in the history of rights in the West—which Rodin traces as an ever-widening category which has come to include women, children, racial minorities, and homosexuals, among others (p.39)—is not the story of a progress inherent within reality itself, but rather the story of contingent shifts in the perspective of what it means to be human, that is, shifts in philosophical anthropology. Therefore, there may certainly be developments in the understanding of the scope of humanity and thus of those who are subjects of rights, but that development is not a latent progress towards a universality disconnected from particularity. Rather, the shifts in the understanding of humanity and of the subjects of rights are integrally connected with contingent shifts in the particular articulations of what it means to be human.

Further problematic about this notion of a pull factor in a global ethic, itself premised on the positing of latent moral progress in history, is that such an assumption relegates other particular perspectives as epiphenomenal. There exists little need to engage a plurality of cultural and religious perspectives at a deep level, for such perspectives are ultimately deemed irrelevant to the thrust of progress inherent in history. Lacking is the recognition of potential universal insights in the particularity of other traditions of thought.

Martin Luther King Jr.: Anticipation and Expectation

A reading of Martin Lurther King Jr.'s "I Have a Dream" speech serves to elucidate the two arguments presented above—that

particularity provides the very resources for a pluralist ethos and that particularity underlies what are ultimately contingent shifts towards greater inclusivity in moral perspective.[5] Key to recognize in King's speech is his framing of the American Declaration of Independence. Striking in this regard is his use of the terms "check" and "promissory note" to refer to the Declaration, and specifically to the famous words of the preamble: "We hold these truths to be self-evident, that all men are created equal." In referring to the Declaration as a check or promissory note, King is bringing into relief the Declaration as an unachieved possibility, a future past.[6] It is for this reason, after all, that he calls for the nation to "live out the true meaning of its creed." The Declaration, he is arguing, contains an aborted vision that can be seized anew and built upon; there is another possible future to unleash.[7] It is for this reason that King asserts that "We refuse to believe that there are insufficient funds in the great vaults of opportunity of this nation." The claim that "all men are created equal" (of course, noting the sexism of this language would be to bring to light another unachieved possibility), King is arguing, can and should be interpreted to include black Americans. There is an unfulfilled possibility within the Declaration that calls for the accordance of equal rights to black Americans.

King is thus identifying the Declaration as an anticipation—however unfulfilled and unachieved—of the expectation and hope that he has for a future world. If re-interpreted, the Declaration represents an anticipation of his dream that he characterizes later in the speech as follows: "that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character" and that "little black boys and black girls will be able to join hands with little white boys and girls as sisters and brothers." The Declaration represents an anticipation of the expectation and hope which manifests itself in King's dream. Furthermore, in so much as King identifies the Declaration as an anticipation of his dream, he reveals the close manner in which his expectation and hope connects with the American national tradition itself. It is for this reason that King asserts that his dream "is a dream deeply rooted in the American dream." Thus King calls for a re-interpretation of the Declaration by situating it as an anticipation of his expectation and hope; and he re-assures his audience that his expectation and hope is faithful to the American narrative self-understanding.

But, the unachieved possibility within the Declaration is not simply a force that marches forward of its own accord; the unachieved possibility is not simply implicit and latent within the Declaration. The Declaration only becomes an anticipation from the perspective of the expectation and hope that King holds. That is to say, it is only from the perspective of this dream that the Declaration can be understood as such an anticipation or unachieved possibility. Without this dream, the Declaration's claim to equality can be understood to pertain only to white Americans. Thus, when King asserts that "the architects of our Republic . . . were signing a promissory note to which every American was to fall heir" and that the Declaration "was a promise that all men—yes, black men as well as white men—would be guaranteed the unalienable rights of life, liberty and the pursuit of happiness," it is important to understand that King is not inferring that the drafters of the Declaration themselves envisioned its opening preamble to apply equally to black and white Americans, but rather that the Declaration becomes such a statement only from the perspective of the dream that he presents. Framing the Declaration as a promissory note, King pinpoints a temporal understanding characterized not by a latent linearity, but by the interweaving relationship between anticipation and expectation.

It is also important to note that King can identify the Declaration as an anticipation of his dream precisely because his dream—his expectation and hope—draws its shape and substance from the expectation and hope characteristic of another tradition. This tradition is, of course, quite evident in his speech—the Judeo-Christian tradition, and the specifically African-American inflected version of this tradition. King explicitly draws from the themes of justice and liberation in the Judeo-Christian tradition by incorporating two biblical passages in his speech. First, when King speaks of not being satisfied "until justice rolls down like waters and righteousness like a mighty stream," he directly references the prophet Amos. Amos was centrally concerned with warning the ancient Israelites that their mistreatment of the poor and vulnerable would result in God sending them into exile. He connects the plight of the poor and vulnerable in Israel with the Israelites' prior experience of slavery under the Egyptians. Amos' allusion to the Israelites' liberation from slavery in Egypt thus suggests that justice is central to the expectation and hope of the Israelite tradition and therefore should be practiced.[8] Second, King appeals directly to the prophet Isaiah when he states that he dreams of the day when "every valley shall be exalted, every hill and mountain shall be made low. The rough places will be made plain, and the crooked places will be made straight. And the glory of the Lord shall be revealed, and all flesh shall see it together." This passage envisions the return and reunification of the ancient Israelites dispersed as a result of captivity under the Babylonian Empire. King therefore appeals to both passages as anticipations within the Judeo-Christian tradition of the expectation and hope for the future world of justice and wholeness that he envisions. He thus roots his expectation within the expectation of that tradition, an expectation of justice and liberation that draws sustenance from the narrative accounts of that tradition's history.

The specifically African-American inflected version of the Judeo-Christian tradition is apparent when King cites an African-American spiritual at the end of the speech: "Free at last, Free at last, Great God a-mighty, We are free at last." This spiritual directly connects the ancient Israelite experience of liberation from slavery in Egypt with African-American hopes for liberation from slavery. He is therefore inferring that African-Americans, like the ancient Israelites, are children of God. By incorporating this spiritual into his speech, King thus ties together the expectations and anticipations—those

of justice and liberation—of the Judeo-Christian tradition, its African-American inflected variant, and his dream of civil equality. And, it is with the appeal to the Judeo-Christian tradition by speaking of "all of God's children" a move absolutely crucial to the shape of the argument in his speech, that King can expand the scope of the interpretation of "men" in the Declaration that was prevalent at his time. It is precisely the appeal to the notion of "all of God's children" that, for King, enables a re-interpretation of the prevailing understanding of the Declaration such that black Americans and white Americans can be recognized as equal.

In summary, then, King draws together two examples of futures past—or anticipations, buried in the past, of expectations and hopes for the future—in order to share his dream and to rally action for its attainment. He draws from anticipations of the expectation and hope of liberation, justice, and wholeness for "all of God's children" in the Judeo-Christian tradition so as to argue that black and white Americans are equal. Moreover, he does so in order to re-narrate the Declaration as an anticipation—an unachieved possibility—of a future world in which black and white Americans are equal. King re-interprets the Declaration from the perspective of his dream, itself nurtured by the expectations and hopes of the African-American inflected version of the Judeo-Christian tradition. He identifies and mobilizes two futures past in a call to action for the realization of a future world in the present.

Integral Pluralism

A reading of King's "I Have a Dream" speech thus challenges the articulation of global ethics and of a global ethic advanced by Ignatieff and Rodin. It serves as a prime example of particularity providing resources for openness to the other. In King's speech we see the crucial role played by a particular religious tradition in the push toward greater inclusivity; particularity provides anticipations and expectations that assist in re-interpreting and re-narrating the Declaration in a manner that challenges the interpretation and narration prevailing at the time. Such a reading of the speech would therefore suggest that, counter to Ignatieff's assertions, the point is not to bracket and purify particular moral resources, but to engage the potentials that they offer.

Such a reading of the speech also serves to challenge Rodin's assumption of latent progress within history, and the resulting sidelining of particularity. It suggests an understanding of temporality in which anticipations are uncovered from the perspective of particular expectations and hopes. The very possibility of historical shifts in understandings of humanity and of the subjects of rights arises from the anticipations, expectations and hopes of particular perspectives themselves; shifts in moral understanding are contingent historical shifts rather than shifts that represent manifestations of a latent progress. A reading of King's speech shows the potentials for a pluralist ethos that can emerge from deep engagement with the particularities of a plurality of perspectives, when such perspectives are not bracketed and when they are not relegated as epiphenomenal to a supposed "real" thrust of history identifiable from outside the frame of particular perspectives.

Notes

1 For a position which emphasizes the importance of recognizing the contestability of one's own perspective, see the work of William E. Connolly, for example, *The Ethos of Pluralization* (Minneapolis, MN: University of Minnesota Press, 1995).

2 Michael Ignatieff, "Reimagining a Global Ethic," *Ethics & International Affairs* 26, no. 1 (March 2012): 7–19; David Rodin, "Toward a Global Ethic," Ethics & International Affairs 26, no. 1 (March 2012): 33–42. Articles hereafter cited in-text by page number.

3 For one vision of integral pluralism, see Fred R. Dallmayr, *Integral Pluralism: Beyond Culture Wars* (Lexington, KY: University Press of Kentucky, 2010).

4 On the strategy of purification embedded within certain ethics of argumentation, see Paul Ricoeur, *Oneself as Another*, trans. Kathleen Blamey (Chicago: The University of Chicago Press, 1992), 286–87.

5 Martin Luther King Jr., "I Have A Dream" (speech, Washington, DC, August 28, 1963), http://www.archives.gov/press/exhibits/dream-speech.pdf.

6 On the notion of "futures past," see Reinhart Koselleck, *Futures Past: On the Semantics of Historical Time*, trans. Keith Tribe (Cambridge, MA: MIT Press, 2004), particularly the essay "'Space of Experience' and 'Horizon of Expectation:' Two Historical Categories."

7 On unleashing unaccomplished possibilities, see Paul Ricoeur, *Time and Narrative*, Vol. 3, trans. Kathleen Blamey and David Pellauer (Chicago: The University of Chicago Press, 1988), 216

8 Michael Walzer, *Interpretation and Social Criticism* (Cambridge, MA: Harvard University Press, 1993), 89.

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Toward All Possible Future Worlds: Implications of Climate Change and Global Environment

By Mi-lan Chen

Introduction

The demographic shift, the stress on the availability of resources, and the changing power between states will all play crucial roles in shaping the world in the next fifteen to twenty years (Nguyen 2014). Institutions, think tanks, and organizations have explored various possible future worlds based on different analytical approaches and perspectives. These blueprints provide us possible pictures of the future power structure in fifteen to twenty years, ranging from a decentralized world, an inter-connected polycentric world, or a hierarchical world. Although these worlds are varied, they all share one common problem: climate change and its impacts on human security.

Over the past several years, issues related to climate change and global warming have assumed a prominent role in national and international policy agendas around the world. Despite this prominence, there are enormous gaps in the international community's capacity to manage climate change problems, such as reducing greenhouse gas (GHGs) emissions, managing industrial pollution, and ensuring a low-carbon energy transition. It is clear that the effects of climate change are not only transboundary and crosscutting, but also lack appropriate governance. The impact of global warming requires multi-level cooperation to prevent further exacerbation. This chapter will then focus on the challenges (the fragmentation of global governance) and opportunities (the institutional interlinkages) of current global climate governance, and look for implications for all possible future worlds.

To address the significance of global

environmental governance, we begin by outlining the prominent ethical perspectives of climate change. Next, we will elaborate the current challenges of global environmental governance and its fragmented and multi-level nature. This is followed by a discussion of various forms of governance, ranging from transnational to institutional, with further elaboration on institutional interlinkages and normative structure. The chapter concludes with the theoretical implications of global environmental governance for a more ethical future.

Why Climate Change Matters in Pursuing an Ethical Future

Although environmental transboundary issues, ranging from ozone layer depletion to toxic waste, are not unprecedented, they had not been fully addressed by the international community until the UN Conference on Environment and Development, "Earth Summit," in 1992. The establishment of the UN Framework Convention on Climate Change (UNFCCC) and the Kyoto Protocol in 1997 has brought climate change concerns to a higher level in international affairs, and has also specifically shown that all forms of economic activities contribute significantly to global warming. The Copenhagen Accord in 2009 specifically indicated that "social and economic development and poverty eradication are the first and overriding priorities of developing countries and that a low-emission development strategy is indispensable to sustainable development." In addition, the Intergovernmental Panel on Climate Change (IPCC) indicates that man-made climate change is a scientific certainty in the fifth assessment report in 2013, meaning that human activities are the major sources of GHGs and global warming. The continuing rapid growth and economic development of both developed and developing countries has contributed to global energy emissions to an unprecedented degree, and the energy sectors are expected to account for nearly 70 percent of the total amount of CO_2

emissions in 2020 (Hirst and Groggatt 2012, p. 6). On the other hand, according to the UN Office of the High Commissioner for Human Rights (OHCHR), climate change-related effects are posing a great threat to several fundamental human rights, especially for the poorest communities, which are expected to be hit the hardest.

Hence, under the premise that the future we are pursuing is an ethical world, along with other key aspects, it is equally important to draw attention to climate change and global warming, considering the four core values for an ethical future proposed by Nguyen: individual liberty, distributive justice, peace, and cultural pluralism (Nguyen 2014).

In terms of individual liberty, every individual should have equal access to water, food, energy, and other very basic human needs. These fundamental rights should be well safeguarded by the world instead of being compromised by man-made global warming and the prosperity of certain interested groups. In the context of distributive justice, people must have the right and the opportunity to improve their living standard without suffering from land degradation or sea-level rise. Each deserves to enjoy the fruits of technological advancement, green technology in particular, and to live in a sustainable way. As for peace, although climate change has accelerated the speed of resource consumption, there should not be a war over water, food, and energy while the rest of the world enjoys these resources extravagantly. The responsibility for dealing with resource scarcity should be shared by all, not solely the poorest communities. These aforementioned values should be pursued under the notion of cultural pluralism, since the world belongs to all without consideration of race, color, and religion.

Thus, climate change is not just an environmental problem, but an economic, political, and more importantly, ethical issue. It will require much more global awareness, governance, and political will in tackling and preventing upcoming climate change problems.

Challenges of Today's Global Environmental Governance

Albert Einstein famously remarked: "If I had an hour to solve a problem I'd spend fifty-five minutes thinking about the problem and five minutes thinking about solutions." This idea also applies to tackling climate change problems and better governance. Thus, before proposing solutions to climate change and a more ethical world, it is essential to understand the current challenges and opportunities in global environmental governance.

Starting with a broad understanding of global governance, scholars' definitions are far from uniform in contemporary academic debate (Biermann et al. 2009). The debate surrounding the meaning of global governance stems mostly from two questions: Who should govern and how should they do so?

With respect to the increasing numbers of social and economic interactions in recent decades, James Rosenau contends that "the sum of the world's formal and informal rules systems at all levels of community amount to what can properly be called global governance" (Rosenau 2005, p. 18). Such a definition emphasizes that global governance is no longer confined to nation states but characterized by the rising involvement of multi-level actors, who "bring more orderly and reliable responses to social and political issues that go beyond capacities of states to address individually" (Weiss and Gordenker, 1996).

This notion of global governance is constituted by multi-level social interaction in pursuit of common public goods, yet it is also worth noting the rapidly growing degree of fragmentation within the governance (Zelli and van Asselt 2013, p. 345). On the one hand, there is a high degree of material and functional overlap among institutions, organizations, and groups, including regulations and legalization processes (Zelli and van Asselt 2013, p. 347). On the other hand, responsibilities for governance, such as adopting regulations reducing GHGs emissions and supporting climate funds, are shared among multiple

actors, organizations, and groups that have diverse memberships and operate on different scales (Abbott 2012, p. 26; Keohane and Victor 2011, p. 8).

Much literature has focused on analyzing individual environmental policy instruments that can be used by national and sub-national actors. Instruments range from emissions trading, the taxation of carbon emissions, subsidies for low-carbon energy technologies, to feed-in tariffs for renewable energy (Falkner 2014, p. 191).

However, there is a gap between the existing instruments and how institutions and groups respond, interact, and adopt these policy instruments (Florini and Dubash 2011). Due to the highly fragmented nature of global governance, scholars have identified the urgent need for systematic research on constructing more effective and feasible governance approaches. Considering the diffusion of authority across levels and types of organizations, groups and actors, more adequate and effective governance mechanisms are needed for steering international society toward better outcomes (Andonova, Betsill, and Bulkeley 2009).

Fragmentations of Global Governance

One of the most concerning phenomena and challenges in today's climate regime is rapidly growing fragmentation (Zelli and van Asselt 2013). Fragmentation has become unavoidable due to the material and functional overlaps between institutions, organizations, and various actors and their regulation and legalization process (Zelli and van Asselt 2013). Biermann et al. define fragmentation as the "patchwork of international institutions that are different in their character (organizations, regimes, and implicit norms), their constituencies (public and private), their spatial scope (from bilateral to global), and their subject matter" (Biermann et al. 2009). In other words, in today's climate regime, institutional fragmentation is an inherent structural characteristic, and there is not a supranational authority under which all environmental provisions can be placed (Zelli and van Asselt 2013). Neither can

a single institution have sufficient binding force and legitimacy in implementing environmental regulations.

Although the United Nations Framework Convention on Climate Change (UNFCCC) plays a major role in setting provisions and climate change initiatives, there are an increasing number of cooperative efforts, talks, and multilateral agreements taking place outside of the auspices of the UNFCCC (Zelli and van Asselt 2014). National governments often develop and implement policies under national agendas, institutions, or the umbrella of international regimes (Andonova, Betsill, and Bulkeley 2009). Yet many cases do not follow the pattern and take unilateral or bilateral agreements outside intergovernmental negotiation (for example, the U.S.-China climate deal in 2014). In addition, initiatives taken by subnational and private actors have greatly increased during these decades. Policies that are adopted by cities, nongovernmental organizations (NGOs), and corporations are often ahead of state authorities, and have made significant contributions in shaping the climate change dialogue with the public (Andonova, Betsill, and Bulkeley 2009; Risse 2011).

In short, the climate regime is neither hierarchical nor decentralized, but covers multiple dimensions including legal coherence among actors and institutions, jurisdictions and memberships, and partnerships between public and private actors. Hence, the complexity and diversity of the climate regime can be considered a great challenge in developing an efficient global governance system, yet it is also an opportunity for new forms of cooperating mechanisms.

The New Mechanism for Global Environment Governance

Despite the disintegrated nature, amplifying legitimacy and organizational gaps between actors, scholars have developed analytical and systematic approaches to examine the linkages

and relationship among various actors. Conceptual frameworks of global governance are established to examine the formal and informal arrangements in which state and non-state actors are involved (Falkner 2014). Substantial empirical studies have been conducted on the role of the 'new actors', ranging from epistemic communities, multilateral corporations, and transnational networks. The novelty of these actors is not just their increasing numbers in the global arena, but their ability and influence in steering the global political system (Biermann and Pattberg 2012, p. 4).

For instance, a substantial number of studies focus on the role of epistemic communities, private sectors and NGOs, and their influence in environmental policy-making. Scholars have also suggested that subnational actors and transnational networks are filling state-centric gaps and steering global governance to a certain extent (Andonova, Betsill, and Bulkeley 2009; Schreurs, Selin, and Vandeveer 2009). Other scholars have proposed the 'shadow of hierarchy', which recognizes the important roles of public-actor-based governance, but also indicate that this type of governance mainly operates under certain rules and norms that are imposed by supranational institutions (T. Börzel and Risse 2010; T. Börzel 2010, 193). Similarly, based on the English school and social constructivism, several international forums are able to exert a significant impact on global climate negotiation with support from powerful countries (Karlsson-Vnkhuyzen and McGee 2013; Zelli and van Asselt 2013).

Among various approaches of governance, much theoretical analysis is built upon institutionalism. In the context of global governance, institutions are designed in response to demands for steering mechanisms to guide societies toward beneficial outcomes (Young, King, and Schroeder 2008). Each institution stands for different functions and purpose. Internally, factors such as religion, norms, culture, and sense of community impact institutional outcomes and have substantial

influence on policy outputs. Externally, institutions performance is also shaped by the character of the sociocultural environment in which they operate (Young, King, and Schroeder 2008; Young 2002). Subsequently, while assessing the role institutions play in global governance, it is also important to consider the compatibility of institutional arrangements and the principle features of the relevant social cultural governance (Young, King, and Schroeder 2008).

The Institutional Interlinkages

Given increasing concerns about environmental problems like climate change and global warming, researchers have taken a strong interest in the establishment and performance of institutions for better governance. Why and how institutions respond to environmental issues, and their interplay and strategic choices, have gained substantial attention.

Although institutions are often examined individually, increasing prominence is given to discussing how institutions interact and influence each other's policy-making and performance (Haas, Keohane, and Levy 1993; Oberthür 2009; Young, Breitmeier, and Zürn 2006; Young 2002). Through investigating the current inter-institutional relationships within global environmental governance, the concept 'interplay management' provides a systematic empirical assessment to identify the current strengths and shortcomings in promoting environmental policy integration (Oberthür 2009). Following the notion of 'institutional interplay', three types of interplay were proposed for further investigation: utilitarian interplay, normative interplay, and ideational interplay (Stokke 2000). Yong et al. brings the level of investigation to the composition of institutions. Institutional interactions are discussed from three perspectives: the collective-action perspective, the social-practices perspective, and knowledge-action perspective. Members' individual interests, institutional cultures, and interpretation of global issues are examined systematically to illuminate the roles that institutions play both in causing and addressing particular environmental problems (Young, King, and Schroeder 2008).

Although the taxonomies of interlinkages remain scattered (Selin and VanDeveer 2003, p. 15), as scholars observe, the key factor that connects these institutional interlinkages is the overarching focus on climate change norms and principles (Stokke 2001; Young, King, and Schroeder 2008; Zelli, Gupta, and van Asselt 2012). Although the scale remains limited, many areas are gradually incorporating environmental norms and regulations into policy-making: the trade realm under the World Trade Organization (WTO), the biodiversity convention, regulation on genetically modified organisms (GMOs) (Zelli, Gupta, and van Asselt 2012), the international transportation and communication industries, and forestry.

This does not imply that norms are the only driving force for better global environmental governance, but it does suggest that climate change normative structures are the key aspect in steering institutions to deal with environmental problems in general. In this chapter, due to space and time constraints, the normative power of climate regime will not be further elaborated, but only indicated as a crucial deciding element for better global governance. It would be intriguing to explore whether normative orientation has dominated global environmental governance, and whether it has served as the primary/effective strategy for the UN climate regime towards negotiation with other institutions.

Conclusion

The blueprints of all possible future worlds might build upon different scenarios and frameworks, ranging from various civilizations, cultures, religions, or ethnicities, but the independent variable of these settings remains the same: These future worlds must all face the challenges of climate change, global warming, and resource scarcity. No civilizations, nation-states or ethnic groups will be immune from climate change impacts. Multi-level actors have come together making provisions and agreements in securing the future world and generation. Hence, by focusing solely on the issue of climate change and environmental governance, the interaction among actors, groups, and institutions might be able to provide a glimpse into the environmental status of our possible future worlds, and also map out several collaboration mechanisms for the future power structure.

See next page for references.

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Values and Technology: Future Environmental Game-Changers?

By Tony L. Gregg

" But your scientists were so preoccupied with whether or not they could that they didn't stop to think if they should." This quotation from the American cult classic, *Jurassic Park*, is a criticism of the capitalist dream to exploit the economic value of nature. We could address this same criticism to the architects of our current fossil fuel regime, although it might be unfair to accuse our past generations of wanting to improve the human condition absent a real understanding of climate science. It is not unfair, however, to apply that critique to ourselves. As we prepare to mitigate emissions and adapt to climate change with an array of technological measures, we should be prepared to question each of those methods and determine not simply whether we can use them, but also whether we should. We are far past an era that can adequately address climate change by divesting from technology, but this fact is far from a blanket endorsement of technological interventions or an acceptance that technology alone can be our savior. I argue that values ought to play a role in formulating our response as well. Technology and the values that determine how we use it will shape the environmental landscape of the future. In this chapter I review a series of global mega-trends identified by the United States' National Intelligence Council (NIC) and the European Union Institute for Security Studies (EUISS) that were used by these organizations to predict future possible world scenarios. I then discuss the genesis and shortcomings of the prevailing post-Enlightenment idea that man can master nature through science and technology. I go on to posit that these trends and this conception of the human-nature relationship would lead to a grim future for our global environment. Finally, I argue that the only way to prevent this future is to develop an ethic based on communal rather than capitalist values.

Global Trends

The NIC introduces the fifth installment of its global trends series as "a framework for thinking about the future."[1] Similarly the EUISS identified the purpose of its own trends report as being "to map major, existing trends that are likely to shape the future and will need to be taken into account by the Union as it defines coherent strategic options for the next governance cycle."[2] Generally the methodology for both projects was to identify global trends that are expected to shape the future social, economic, and political landscapes of the world. The NIC contends that these trends are knowable, but stresses that the exact impacts are impossible to fully predict: "By themselves they point to a transformed world, but the world could transform itself in radically different ways."[3] For that reason the NIC report includes a series of 'game-changers' that,

when combined with the identified trends, produce a set of potential future worlds. The EUISS report does not distinguish between trends and game-changers in the same way, but it incorporates the same basic logic in its projections.

The trends that I focus on from these reports are the NIC's 'individual empowerment' and 'food, water, energy nexus;' and the EUISS's 'empowerment of individuals' and 'greater human development but inequality, climate change and scarcity.' First, the NIC explains that "Individual empowerment will accelerate owing to poverty reduction, growth of the global middle class, greater educational attainment, widespread use of new communications and manufacturing technologies, and health-care advances."[4] The EUISS defines its version of this trend as "the empowerment of the individual, which may contribute to a growing sense of belonging to a single human community."[5] These trends collectively point to a burgeoning middle class with access to information, education, and human services. Two salient environmental impacts of this middle class are greater consumption of natural resources and the potential for a far more influential global civil society. Greater consumption will drive the need to develop new technologies capable of maximizing efficiency in production and minimizing waste. The impact of a growing civil society, however, is less clear.

Will the demand for equality be premised on raising people up to the traditional level of consumption and waste of the middle class, or will it demand a total revaluation of consumer practices? I propose that the response will depend on the values of this growing middle class.

Second, with respect to resource scarcity, the NIC explains the 'food, water, energy nexus' thus: the "demand for these resources will grow substantially owing to an increase in the global population. Tackling problems pertaining to one commodity will be linked to supply and demand for the others."[6] The EUISS defines a similar trend, 'greater human development but inequality, climate change and scarcity,' as "greater stress on sustainable development against a backdrop of greater resource scarcity and persistent poverty, compounded by the consequences of climate change."[7] These trends point very clearly to the fact that the development of new technologies is essential to balancing growing populations, decreasing resources, and the threat of a harsher climate. I argue that economics alone cannot be used to determine the technologies we employ to address these factors: population, resources, and climate. Each of these includes deeply ethical considerations, therefore values should play a commensurate role to economics.

This is by no means a complete summary of the NIC or EUISS trend reports. Nor have I considered trends identified in either the NATO or Russian 2030 trend reports. My intention is to offer a brief analysis of how state and interstate actors use trends to project future possible worlds in order to show how and why values should be incorporated into these projections. I chose the trends of individual empowerment and resource scarcity to show that technology will be essential to our future success. I will next discuss the way in which technology is a double-edged sword. On the one hand, it provides essential solutions, while on the other, it creates enumerable problems. Only the appropriate values can ensure that we wield these technologies responsibly.

Technology, the Future Environment, and a Communal Ethic

If these trends indeed represent our momentum toward future possible worlds then how should ethics and values be incorporated? Since the purpose of this chapter is to identify values that will enable us to achieve the best possible environmental future, we should begin with how we understand humanity's relationship to nature. The predominant western human-nature relationship can be traced back to the post-Enlightenment's autonomous conception of the human being. According to Sir Francis Bacon, this human subject was independent and indeed capable of mastering nature with science and technology.[8] This conception of the human-nature relationship came under great scrutiny in the mid-twentieth century by those environmentalists and philosophers who argued that our relationship to nature is better understood as communal.

Given a notion of mastery over nature combined with the mega-trends of individual empowerment and resource scarcity, what might our future environment look like? Jessica Mathews provides just such a picture in her work concerning security and the environment. She projected that by 2050 our impact on the environment would include increases in UV-related diseases, increases in biodiversity loss from a few species to hundreds per day, human consumption of roughly 80 percent of the planet's energy production, unmanageable quantities of toxic waste, drastic losses of arable land due to soil degradation, and near complete loss of all tropical forests. She concludes that this future is grim, but stresses that this is only a projection and not yet guaranteed.[9] Such is the optimism of looking into the future; we are merely forecasting what could be in the hope that we are still able to affect the outcomes we project. Given the projections that the above trends point to, we should ask ourselves whether we are satisfied with the environmental future we have laid before us? For the first time in the history of the planet, we have the ability to alter the course of its climate. An alteration is already underway to be sure, but the final outcome is not yet fully guaranteed. One thing that the aforementioned trends tell us is that there is no going back. This is true in a number of ways. We cannot reverse the impact we have already had on the climate, nor simply revert to a pre-industrial age as a way of mitigation. Global trends of increasing populations and decreasing resources point to a dire need for yet undeveloped technologies that can increase efficiency and reduce waste. These realities require that we continue to embrace technology, but we must do so responsibility.

Aldo Leopold's *A Sand County Almanac* marked the beginning of the modern environmental movement and was one of the first to offer an ethical framework for understanding humanity's normative responsibilities to protect and conserve nature. His criticism of humanity's treatment of the land was that it lacked a concept of community; in its place was a relationship of ownership.[10] Lynn White, Jr. found "man's transcendence of, and rightful mastery over, nature" deeply problematic because "what we ought to do about ecology depends on our ideas of the man-nature relationship."[11]

He also foresaw even then that it was "unlikely that disastrous ecologic backlash can be avoided simply by applying to our problems more science and more technology."[12] Mike Hulme describes one narrative of the human-nature relationship that he calls the Myth of Constructing Babel, which is the story of humanity's hubristic attempt to master nature; he argues that it is the leading motivator in international policy. All of this is not to say that we ought to abandon science and technology. As I argued above, both are essential to our future survival. As Jared Cohen argues, technology can no longer be simply thought of as good or bad.[13] We cannot simply choose not to embrace technology; its inevitability requires us to prepare for its role in the future. Bruno Latour argues that humanity should not fear, but rather respect and be accountable for its technology.[14] Benjamin Barber asserts that "where technology takes our political and social institutions will depend, in part, on where we take technology,"[15] but warns "that the intractability of nature is ameliorated, but not overcome by our technical mastery of the world."[16] The predominant values that guide today's global systems are capitalist: growth, expansion, and wealth. But, as we are quickly learning, such values will not lead to the best possible future world when that world is comprised of finite resources.

I propose that the values necessary to produce the best possible future for our natural environment must be grounded in a community conception of the human-nature relationship. I call this proposed ethic *naturalism in extension*, which is an expansion of Merleau-Ponty's humanism in extension. In framing this transition, I rely heavily on the phenomenological work of Merleau-Ponty, who challenged the Enlightenment conception of humans as autonomous beings. I should note, however, that many cogent ethical arguments would suffice to establish the importance of a communal ethic and that the argument proposed here is only one of many.

Merleau-Ponty presented a theory of perception that refuted the assertions of logical positivism and idealism, by arguing that the world cannot be studied as merely a sum of its individual parts and that our experience is not independent from others. Instead, the world is one web of interrelated beings such that we cannot truly understand ourselves as independent from our relation with the world, the things around us and the myriad of other beings we interact with.[17] His assertion that we are all interconnected led him to reject Western humanism in favor of what he called humanism in extension, which accepts the situated and interconnected nature of our being, rather than our autonomy from one another.[18] I extend this human ethic to a community ethic in accordance with the logic Aldo Leopold employed to develop his own community ethic:

> All ethics so far evolved rest upon a single premise: that the individual is a member of a community of interdependent parts […] The Land ethic simply enlarges the boundaries of the community to include soils, waters, plants, and animals, or collectively: the land.[19]

By naturalism in extension I mean 'naturalism' to be the philosophy which confronts the relationship between natural beings, and by 'in extension,' I intend as Merleau-Ponty did, that members of this community of natural beings possess value "beyond their products."[20] Leopold shares in this notion as well as evidenced by his statement that "it is inconceivable to me that an ethical relation to land can exist without

[…] a high regard for its value."[21] This is just the grounding premise, the first principle, that an ethic be based upon the community of all things; much more is needed if this ethic is to be helpful, namely, the values it is capable of producing.

It follows that the values, or second principles, of naturalism in extension would mirror those of humanism in extension. Berman argues that an existential ethic entails virtues that are "indicative of the experiential relation that occurs, in its most basic form, in the meeting between the self and other."[22] He goes on to argue that situational existence is the source of virtue: "The interrelational, dynamic, and open world-matrix of interlocking phenomena is our home which we inhabit and which inhabits us. In this sense, the meaningfulness of the world is also constituted by the ethical aspects of our inherent sociality."[23] It does not seem that, given Berman's overall argument and dedication to Merleau-Ponty's phenomenology, he would radically, if at all, object to the extension of 'sociality' to 'naturalness,' such that our grounding of values could be expanded to the interrelatedness of the *biotic* community and that we derive meaning in the world not only from our relation to others, but in our relation to all beings, living or not. If we can indeed achieve this expansion then the values of humanism in extension seem equally applicable to the values we could imagine for a naturalism in extension, namely, "respect, responsibility, philanthropy, altruism, tolerance, openness, courage, compassion, and so forth."[24] Thus the ethic of naturalism in extension is ontologically grounded in the lateral relation of beings within the biotic community. This grounding yields a set of relational values that guide us toward interacting responsibly within the complex and interwoven web of the natural world.

From Values to Policy

How should these values be incorporated into the trend studies mentioned at the outset of this chapter? This communal ethic is not a call to elevate the environment

above other ethical problems such as poverty and famine. Rather, it is a call to understand these problems as interconnected. This ethic should guide our use of technology toward addressing the mutually constitutive problems of environmental degradation and human insecurity which both exacerbate one another and constitute vulnerabilities to climate change. Environmental degradation reduces resources in already resource-constrained societies and also reduces the Earth's capability to stabilize the climate. These vulnerabilities lead to human insecurity, which has a causal link to environmental degradation through the 'resource curse' and the 'race to the bottom.' In short, a positive feedback loop exists between human insecurity and environmental degradation. Only by addressing both of these problems can we hope to stabilize our environment. States will not be the genesis of this ethic. They are by design incapable of embracing this form of ethic as their sole function is the protection of their citizens. States wield great power in this discourse and will have a role to play, but we cannot expect representative governments to take up this ethic if their constituents have not yet accepted it. If this ethic takes hold it must begin elsewhere and then be imported into state policy and finally global discourse. Its success then depends upon the actions of the rising middle class identified by the NIC and EUISS.

Will this middle class embrace a view of entitlement, as the middle classes of the West have done, or will this burgeoning global middle class embrace a global communal view? The NIC predicted that 'the impact of new technologies' could significantly impede or bolster the impact of the mega-trends they identified. "Will technological breakthroughs be developed in time to boost economic productivity and solve the problems caused by a growing world population, rapid urbanization, and climate change?"[25] I posit that the ethic and values of the burgeoning middle class will be just as instrumental. The NIC recognized briefly that "any expansion or adoption of both existing and next-generation resource technologies over the next 20 years will largely depend on social

acceptance and the direction and resolution of any ensuing political issues," but largely subordinated this normative concern for technological innovation to a much larger analysis of the economic hurdles to developing and employing climate intervention technologies.[26] This points to the NIC's assumption that our decisions to employ nature-altering technologies are based more on whether we *can* and not whether we *should*. Society's acceptance of these technologies ought to be of greater concern, but this requires first that society be engaged on the topic. This is where values will be most influential. The growing access to and use of information technology identified by both the NIC and EUISS ensures that acquiring the knowledge of our impact on the natural world is no longer a question of possibility, but one of desire. Individual empowerment will usher in a new civil society, more diverse and more influential than ever before in the history of the world. It will no doubt transform the future. What this transformation will be, however, remains unclear. I posit that the values this burgeoning civil society adopts will be the greatest game-changer of them all. Practically speaking, a communal ethic would require a shift from the current capitalist values of growth in favor of communal values of equity, renewability, and responsibility. The most salient policies that reflect this communal ethic are redistributive, such as technology transfers and investment in adaptation funds.

It seems only fitting that since I began with a critical social comment from a cult classic I end with one as well. In closing, I reiterate that we are situated in a truly historic moment where we not only recognize our great impact on the natural environment, but also our capacity to transform that impact, and thus I stress in the words of Stan Lee, "that with great power, comes great responsibility."

Notes:

1 National Intelligence Council (NIC), "Global Trends 2030: Alternative Worlds," *Office of the Director of National Intelligence*, December 2012, www.dni.gov/files/documents/GlobalTrends_2030.pdf.
2 European Strategy and Policy Analysis System (ESPAS), "Global Trends 2030: Citizens in an Interconnected and Polycentric World," (Paris: Institute for Security Studies, European Union, April 2012), www.iss.europa.eu/publications/detail/article/espas-report-global-trends-2030-citizens-in-an-interconnected-and-polycentric-world ,5.
3 NIC, "Global Trends 2030: Alternative Worlds," 3.
4 Ibid., ii.
5 ESPAS, "Global Trends 2030: Citizens in an Interconnected and Polycentric World," 6.
6 NIC, "Global Trends 2030: Alternative Worlds," ii.
7 ESPAS, "Global Trends 2030: Citizens in an Interconnected and Polycentric World," 6
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Human Security Framework for a Post 2015 Agenda

By Honami Iizuka

First session of the UN open working group on Sustainable Development Goals (SDGS).

Introduction

Now is a time to be marked in history because of all of the changes that the world is currently facing. While some of the changes may be positive, most will be seen as threats. We are living in a critical era in history, in an age of Anthropocene,[1] a term recently coined by scientists, to explain that we are now living in a human-driven age of the planet. As a result, the world is facing a series of issues of serious concern that have never been experienced before.

For example, we are experiencing a population increase that is faster than ever. By 2050, the world population is expected reach a new high of nine billion, and by the end of the century, this number will rise to ten billion.[2] Overpopulation has caused a series of threats, including food insecurity and resource scarcity. In addition, global warming worsens daily due to human activities and thus the environment is being seriously damaged. Irregular weather patterns on a frequent basis are directly putting human lives at risk. In 2014, the Ebola pandemic killed thousands of people and caused a wave of insecurity on a global level.

Therefore, we are living in a world with pressing needs that must be immediately addressed. The lives that our future generations will lead will be the result of the actions we take today. The year 2015 is very significant, as the Millennium Development Goals will be expiring. Now is the time to develop a new framework for tackling the existing issues in order to realize a sustainable future. We must take our descendants into consideration, so that future generations can live by the same values that we hold today and pass them on to subsequent generations.

Millennium Development Goals (MDGs)

The twenty-first century began with an unprecedented international commitment to a new consensus on ending global poverty. World leaders from 189 countries, including 147 heads of state and government, gathered at the UN General Assembly to adopt the Millennium Declaration.[3] Throughout the past decade, this has served as the milestone for global and national development efforts.

MDGs are a set of eight global development goals with twenty-one specific targets and sixty indicators to measure them. [4]

The eight goals, which will expire at the end of 2015, are as follows:

1. Eradicate poverty.
2. Achieve universal primary education.
3. Promote gender equality and empower women.
4. Reduce child mortality.
5. Improve maternal health.
6. Combat HIV/AIDS, malaria, and other diseases.
7. Ensure environmental sustainability.
8. Global partnership for development.

While seemingly promising, unfortunately, only three out of eight goals have been achieved thus far, and progress has been stagnant and uneven within and across countries. It is highly unlikely that all targets will be met by the end of this year.

Sustainable Development Goals (SDGs)

In fact, various stakeholders around the world are currently busy finalizing the post-2015 vision of the world and Sustainable Development Goals (SDGs), which is to serve as an extension of the MDGs. The SDGs are meant to be a newly improved framework for global development initiatives, to be in effect from 2016 till 2030. Seventeen goals have already been identified and agreed upon as SDGs on the basis that they are "action-oriented, concise and easy to communicate, limited in number, aspirational, global in nature, and universally applicable to all countries while taking into account different national priorities."[5]

Now that the goals have been decided, we must consider how and under what framework these seventeen goals should be implemented so that they can be successfully achieved within and across borders in an ethical manner. MDGs were not as effective as the international community expected, and thus there is much to be learned from

the past fifteen years. Upon considering the weaknesses and criticisms of MDGs, I would like to develop a new framework for implementng SDGs that will promise to better produce tangible results.

Traditional Consequentialist Approach versus Non-Consequential Virtue Approach

Several frameworks have already been proposed in the way that SDGs should be implemented. One such framework is the 'getting to ZERO' and 'finishing the job' of the MDGs approach.[6] Through this approach, the international community is meant to finish what the MDGs failed to accomplish and effectively end extreme poverty and basic deprivations. When put into an ethical framework, this would be considered a traditional consequentialist approach.[7] This framework directs attention to the future effects of actions which are determined by the capacity to produce the most good. Therefore, it is a very goal-driven and result-oriented approach and the means to achieving the result are not considered.

This is not an appropriate approach as it strongly lacks consideration of the humanistic elements in meeting the goals. It is only concerned with 'getting to ZERO'; however, numbers are not representative of the quality of development. While in the short term and on the surface, it may appear effective, in the long run, we will see that many issues must be improved on a fundamental basis, and problems that are deeply embedded must be solved to maintain a favorable and acceptable condition.

For this reason, a non-consequential virtue approach seems appropriate.[8] This is an approach that places more emphasis on the *process* of solving the issue. Thus, it begins by involving and fundamentally motivating stakeholders. This results in changing and developing the character of those involved, unlike the traditional consequentialist approach, where the means of achieving the goals were not considered, This approach focuses on

human development and advocates educating individuals to achieve better overall outcomes. Therefore, this is a more productive and effective approach which will produce longer-lasting effects.

Failures of the MDGs and Considerations for SDGs

In discussing a suitable framework for SDGs, it is important to take into consideration the failures and weaknesses in the implementation of the MDGs. One weak aspect of the MDGs was the fact that they held 'global goals with global targets.'[9] The eight goals carried a target number on a global scale—such as halving the number of people in poverty worldwide. The problem that arose from setting such global goals was that individual countries were not sure what number to reach nationally to meet this goal globally over a fifteen-year span. Therefore, the scale was too large and countries were unable to identify the weight of their responsibility in tackling a global target.[10] The approach was too general and it was unrealistic to assume that universal goals and a one-size-fits-all approach would solve global issues, given the complexity of the world.

For this reason, SDGs should adopt global goals that resonate universally but can be tracked on a more micro-level, perhaps on a national level.[11] Such an approach would acknowledge that each individual country has different starting points and diverse needs. In addition, it would enable a more meaningful connection between global goals and domestic priorities; the new targets could serve for national needs as well.[12] This would, in effect, encourage each nation to be more active and responsible in achieving its target, ultimately resulting in meeting the global goals. By not just aiming to achieve a number on a universal scale, but rather taking a more grassroots approach, those executing the goals can pay attention to the local contexts through a human-centered approach.

Another major weakness of the MDGs is that they were founded upon the North-

South paradigm, reflecting the power relations between rich and poor. The goals were designed in a way in which the 'locus of change' was overwhelmingly expected to be in the developing countries.[13] As a result, in the last fifteen years, many of the decisions have been made and execution has occurred in a top-down approach, where the developed countries would implement systems and solutions in developing countries. While the ultimate goal of the MDGs was to mitigate the gap between the North and South and to eliminate the concept of the North-South divide, such a top-down approach has instead worsened the situation.

Furthermore, as the MDGs were perceived as goals for the South to overcome, the North had less incentive and felt less responsibility to contribute to achieve those target numbers within their own nations. These goals were considered to be 'their goals' and were not perceived as issues for the North as well. There was thus a lack of commitment on the part of some stakeholders. In implementing the SDGs, the industrialized nations must overcome the 'us versus them' mindset, and pursue those set targets as their own. Today's world has become much more complex and the North-South paradigm should no longer apply. We need a more inclusive approach, in whichthe bottom-up style is encouraged. During the execution of the SDGs, all parties, including the West, must consider themselves as the subjects of these goals for which they will be held responsible.

A New Ethical Framework for Post-2015 Agenda: Human Security Framework

After considering the aforementioned suggestions—the non-consequential virtue approach, tackling issues on a more micro-level, and a need for a more inclusive approach—I propose that the human security framework would be the most appropriate approach in executing the SDGs in the post-2015 world. In this framework, individuals are considered as the unit of analysis.

The meaning of security was reconsidered in 1994; this gave birth to the concept of human security. The notion of security originally referred to militaristic and violent state issues, but after the term human security was coined in the 1994 Human Development Report, security was viewed in a different way.[14] Individuals became the unit of analysis and the international community started to pay more attention to their security. Today, the global security agenda has widened to encompass not just traditional security issues such as war and violence, but also non-traditional matters, such as health, environment, and poverty issues,[15] which is truly fitting for the SDGs.

According to the 2005 Human Security Report, the narrow approach to human security attempted to protect the individual from external threats to his or her physical security or safety.[16] Humans are said to be in a secure situation when there is an absence of violent threats to the individual. A great emphasis is placed on the concept of protection—to make individuals free from fear.[17] Therefore, this approach is generally applicable to traditional forms of violence and security threats.

However, the broad approach to human security carries a wider framework, including the narrow approach. In the Final Report of the Commission on Human Security, Amartya Sen and Sadako Ogata propose that the broad approach will take into account not only freedom from fear but also freedom from want and freedom to take action on one's own behalf. It not only places emphasis on protection from physical violence, but also from structural violence. For this reason, this approach provides a more open-ended definition of human security and is closely linked to the concept of human development as well. As Thomas noted, "Development is moving to the center stage of global political agenda, largely on account of the realization of current leaders of global governance agencies that development and security are intimately linked."[18] Through seeking human security accompanied by aspects of development, Sen and Ogata wish for

individuals to become free and gain the ability to exercise their freedom. Thus, from a broad approach, the ultimate goal is individual empowerment and to create conditions where human freedoms and fulfillment can be maximized.

The United Nations Development Program has classified the various existing threats to human security into seven categories.[19]

They are as follows:
1. Economic Security
2. Food Security
3. Health Security
4. Environmental Security
5. Personal Security
6. Community Security
7. Political Security

These categories directly align with the SDG areas of focus. The fact that human security is applicable to a variety of security matters makes it a fitting approach for implementation of the SDGs which include various goals set for tackling a wide range of issues

We can be one step closer to the future that we seek by achieving all of the SDG goals through the use of the human security framework. SDGs are a set of goals that have been determined after extensive research and discussions by various stakeholders of ranging generations. Thus, we must put our energy towards executing the SDGs using the human security framework which can best lead us to reaching the 2030 targets.

First, the 'getting to ZERO' approach had a very goal-oriented nature, which tended to produce results by bandaging the issue on the surface and fixing it temporarily. This directly aligns with the point made by the co-chair of the High-Level Panel that "there is a need to address the causes of poverty, not just the symptoms."[20] As the human security approach would resolve the issue from the core, such as tackling issues of structural violence and matters that are deeply rooted within the society, fundamental conditions can be improved, leading to long-lasting changes

for the better. By focusing on the means of reaching the results, we can expect higher quality improvements through the human security approach.

Second, the human security approach can direct us to analyze and deal with matters on a more micro-scale, as individuals are the unit of analysis. With the case of the MDGs, the fact that the issues were outlined in a very macro manner made it difficult for countries to view these issues as their own and they were thus unable to feel the weight of their responsibility in this global compact. Additionally, as nations were all at different starting levels, certain goals did not seem applicable for some countries.[21] However, by considering the issues from a human security point of view, issues can be placed into a more local context and goal-setting can be done on a domestic scale. Countries will thus treat the SMGs as their domestic needs. This would give them more incentive to put effort into achieving the target, resulting in more commitment and visible results from all nations. If all countries in this global compact are responsible for their own respective parts, we will more likely reach the goals set for 2030.

Finally, the MDGs ultimately failed in mitigating the North-South divide. For the concept of this divide to be valid, one must consider countries as the unit of analysis. However, through the human security approach, with individuals as the unit of analysis, such a concept of developed countries versus developing countries will no longer be applicable.[22] Rather, this approach will encourage us to regard all humans who are subjects of SDGs as equals. This framework will help remind us that those in the South are no different from those of the North and that we are all in this fight together. This approach should help to minimize the 'us versus them' mindset that has served as a hindrance to the execution of the MDGs and make us realize it is the responsibility of us all to accomplish the SDGs. More bottom-up approaches should be implemented to help keep the all actors motivated in achieving the goals.

Conclusion

In conclusion, the world I envision for the future is a world that has achieved the Sustainable Development Goals. When all seventeen SDGs are accomplished, we will have realized an ideal world, where the values that hold today will also be true for future generations. In order to tackle the SDGs in an effective manner, I believe that the human security framework should be utilized. By considering individuals as the unit of analysis, the SDGs can be implemented in a way that pays close attention to the means of reaching the goals. Furthermore, by regarding the issues on a micro-level, each country will feel more responsibility and commitment towards realizing these global goals. Lastly, as human development is the core of this approach, we can expect to see more bottom-up initiatives where the people can empower themselves by being committed to achieving the SDGs. Therefore, the human security framework, which places emphasis on the means of achieving results and human growth, is the suitable approach towards achieving the SDGs.

We live in an Anthropocene age that has come to be dominated by humans. No matter how hard we try, the fight for realizing a sustainable future cannot begin unless the quality of life of humans is improved universally. With more humans empowered globally and each individual more capable of taking action on his or her own behalf, we can arrive one step closer to realizing an ideal world. The human security framework will allow us to do so.

See next page for notes and bibliography.

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How Can Asia Contribute to Future Global Ethics?

By Seiko Mimaki
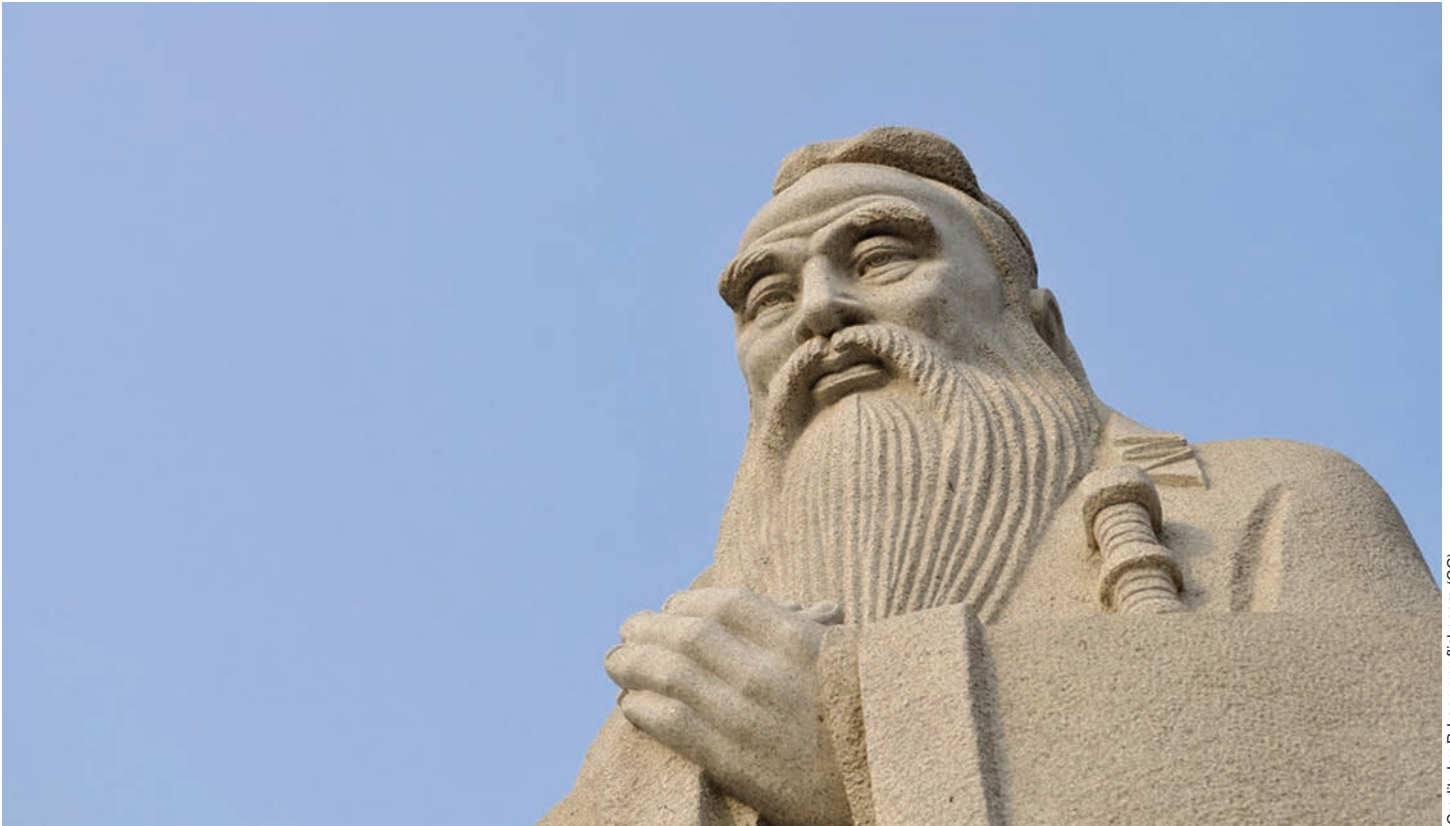
Credit: Jay P. Lee www.flickr.com (CC)

Statue of Confucius overlooking Incheon Harbor in South Korea.

Asia Needs More Discussion of Values

Witnessing Asia's growing influence in the world, many have been increasingly interested in predicting what Asia will look like in the coming decades.Can the continent sustain its fast economic growth? Can it develop not only economic but security-related political cooperation? Will the twenty-first century eventually become the "Asian Century?"

Thus far, opinions have been divided into two opposite camps. Optimists still believe that, with effective management, Asia can continue to enjoy robust levels of growth and keep its status as the center of world economy. For example, "Asia 2050: Realizing the Asian Century," a report issued by the Asian Development

Bank in August 2011, proposed the "Asian Century" scenario as the most plausible, where Asia could account for half of global output, trade, and investment by the middle of this century. Some three billion additional Asians would be considered part of the rich world, with capita income levels equal to that of Europe today. Yet of course, this scenario is not pre-ordained. In order to realize this goal, Asian leaders should skillfully meet numerous challenges:sustain high growth rates, avoid the middle-income trap, address widening inequities, and mitigate environmental degradation. Still, the overall tone of the report is optimistic about its realization.[1]

However, we should note that the optimistic "Asian Century" scenario is based on some key assumptions, including peace, stability, and cooperation in the region. In this regard, many political analysts show

much more pessimistic views. They point out that Asia's future will be characterized by increased political tensions and rising military budgets, which would spill over and impede trade, tourism, investment, and economic growth.

Unfortunately, the pessimistic views have become increasingly convincing. Asia is now facing various challenges. Economically, distribution of justice will be one of the fundamental future challenges for Asia. Although the fastest growing region in the world, Asia still remains home to nearly half the world's extreme poor. However, more serious challenges lie in the political realm. The region of Northeast Asia in particular has been characterized by growing political tensions and deep mistrust caused by territorial issues and disputes over Japan's past aggressive policy. The area is still enjoying "peace," if we define

this term quite narrowly as "absence of war," yet it is a "cold peace" with many potential conflicts.

How then can we mitigate political tensions in East Asia and build a more stable regional order? Realist IR scholars who assume that international relations are fundamentally characterized by conflicts of national interests might argue that unless Northeast Asian countries can find mutually acceptable solutions to mitigate the conflicts of vital interests, especially territorial issues, stable regional peace cannot be expected. Liberalist scholars are generally more optimistic about creating harmony of interests among Northeast Asian counties. They believe that increased interactions in the realms of economy and culture have promoted favorable feelings toward each other, which would ultimately eliminate political tensions and mutual suspicion.

While it should be absolutely important to maintain efforts to improve diplomatic relations and deepen economic cooperation so as to create harmony of interests among East Asian countries, we should also recognize that the current situations in Northeast Asia reveal the limits of interest-based cooperation. Conflicts of interest are not the only reason that Northeast Asian people are so divided. Today we are increasingly witnessing a deepening ideological and spiritual divide among peoples in this region, to which neither realism nor liberalism have provided sufficient solutions.

Mutual suspicions widely spread among peoples have intruded even into the realm of higher politics. In May 2012, Korea's defense ministry announced the finalization of a Korea-Japan General Security of Military Information Agreement (GSOMIA) toward building a legal framework for the two countries to share classified and other confidential data. After this announcement, however, harsh criticism came not only from the opposition party but from the public, who were not ready to share military information with "militaristic" Japan.

Contrary to liberalist optimistic belief

that deepening economic ties would create closer relations among peoples, East Asian countries are now facing the "Asian paradox," in which deepening economic interdependence *coexists* with political tensions and mutual suspicion. The ties of trade, tourism, and cultural exchanges are deepening, yet these material interactions cannot erase the Chinese and Korean peoples' deep-rooted suspicion of "unapologetic" and "militaristic" Japan.

These situations in East Asia suggest that we should go beyond realism and liberalism, both of whose main concerns are creating interest-based international cooperation through balance of power and economic interdependence, and explore the third approach, constructivism, to search for common values which can be a spiritual bond among people in the region.

As Amitav Acharya has noted, institutionalization in the Asia-Pacific region has been largely driven by interests rather than ideological forces such as a shared identity or values.[2] Thus finding common values and promoting value-based cooperation are a task not specifically for Northeast Asia, but for other regions in Asia. While the EU clearly states that "Human dignity, freedom, democracy, equality, the rule of law and the respect for human rights" are "the core values of the EU,"[3]Asian countries have not thus far sufficiently developed agreement on common values which would bond together diverse countries.

Asian Values Cannot Be Compatible with Western Values?

We can nevertheless find several pioneers who have searched for Asian common values in past regional history. Facing the encroachment of Western colonialism in Asia in the nineteenth and twentieth centuries, many intellectuals and activists enthusiastically engaged in various forms of the "Pan-Asian" movement to form "Pan-Asian" solidarity based on shared values and cultural traditions against the West.

It was in the 1990s, however, that

the "Asian values" theories were comprehensively developed by South East Asian political leaders, such as Malaysian Prime Minister Mahathir and the former Singaporean Prime Minister Lee Kuan Yew. During the World Conference on Human Rights in 1993 in Vienna, the Chinese and Singaporean delegates emphasized the "Asian" understanding of human rights and opposed universal application of human rights. They argued that the traditions of Asia, which had been deeply influenced by Confucian collective values, were inherently incompatible with the West's individualistic emphasis on emancipative values and liberal democracy that inspired the idea of universal human rights.

These past "Asian values" arguments do not provide a good point of reference for those who are searching for global ethics to realize peaceful coexistence of diverse peoples in an increasingly interconnected world. These arguments were motivated by strong anti-Western feeling rather than a sense of affinity among Asians. "Asian values" were defined as fundamentally alien to what they saw as "Western" values such as democracy, freedom, and human rights, which are recognized as a universal value that all should enjoy, regardless of his or her origins. In short, these past "Asian values" arguments were for denying the existence of global ethics, not for exploring Asian positive contributions to global ethics.

In his essay "Human Rights and Asian Values," Amartya Sen critically analyzed the conceptual deficits of the "Asian values" thesis and its political misuses.[4]Sen bitterly criticized Southeast Asian political leaders who justified their authoritarian governance by utilizing the logic that freedom, tolerance, and human rights were "Western" notions and thus alien to Asian value systems, which had put more emphasis on order and discipline. According to Sen, these "Asian values" arguments are fundamentally wrong in many senses. First, conscious theorizing about tolerance and freedom has been a substantial and important part of Asian

traditions. Second and more importantly, human rights should be recognized universally, because they are not constitutionally created rights guaranteed for specified people but rights to which any person is entitled as a human being. They are thus affirmed independently of the country of which the person is a citizen, and also irrespective of what the government of that country—or any other country—wants to do.

"Confucian Peace" is Our Future?

Political use of the "Asian values" thesis is not a thing of the past. As China has emerged as a dominant power in international society, "Confucian Pacifism" arguments are increasingly popular among Chinese policymakers and intellectuals. Arguing against the widespread view that the rise of China would significantly threaten the international order, the proponents of "Confucian Pacifism" have stressed that China would rise peacefully because of its deep-rooted Confucian ethics, which put great emphasis on morality and harmony. According to them, unlike the Western great powers and Japan, which have engaged in numerous aggressive wars and expanded power and interests recklessly, China has historically acted in accordance with the dictates of Confucianism and behaved much more peacefully toward other states. They conclude that China will definitely be a hegemon, yet it will be a "benign" hegemon which would live side by side with other nations, and thus never threaten the existing order. For example, Yan Xuetong, one of the best-known Chinese international relations (IR) scholars, argued that "The rise of China will make the world more civilized . . . The core of Confucianism is 'benevolence' . . . This concept encourages Chinese rulers to adopt benevolent governance . . . rather than hegemonic governance . . . The Chinese concept of 'benevolence' will influence international norms and make international society more civilized."[5]

However, many IR scholars, especially those in the realist school, have cast serious doubts on these "Confucian Pacifism" arguments. For example, reviewing various arguments such as former paramount leader Hu Jintao's remark that "China since ancient times has had a fine tradition of sincerity, benevolence, kindness, and trust towards its neighbor," John J. Mearsheimer stressed that China had acted aggressively toward its neighbors whenever it could, and there was no reason to expect China to behave any better than the other past great powers. He concluded that far from providing a peaceful alternative to Western hegemonic world order, the "Confucian Pacifism" arguments were only a convenient pretext to justify Chinese hegemony.[6]

Not all scholars, however, disagree with the "Confucian Pacifism" arguments. For example, Robert E. Kelly advocated the "Confucian Long Peace" theory, emphasizing that during the Qing dynasty before the Western arrival (1644–1839), East Asia enjoyed a protracted peace because of its shared Confucian norms. Nevertheless, he also emphasizes that while China was peaceful toward its Confucian neighbors, it exploited its power asymmetry against non-Confucian ones.[7]

Whether China will become a benign hegemon or just another imperialist hegemon is debatable. In either case, however, what we can expect from the "Confucian Pacifism" arguments is a China-centric order, which cannot be our ethical goal. At the same time, it might be too early to conclude that Confucian ethics cannot be any source of inspiration for creating new global ethics. In April 2012, UNESCO and the Confucius Institute of the People's Republic of China Headquarters jointly hosted a forum on "Confucianism and New Humanism in a Globalized World" in Paris in order to investigate if the Confucian tradition can serve as a bridge for trans-civilizational dialogue on universal ideals.[8] In the increasingly multi-civilizational world, rich ethical potentials of Confucianism should continue to be explored.

Asian Traditions of "Coexistence without Common Values"

The Preamble to the ASEAN Charter, which was adopted at the thirteenth ASEAN Summit in November 2007, states that member countries will adhere to "the principles of democracy, the rule of law and good governance, respect for and protection of human rights and fundamental freedoms." Here, we can clearly see European influences in Asian values. The core values of the EU such as human rights, freedom, and democracy have been increasingly admitted as fundamental values by Asian countries as well.

The next question then is, instead of just passively importing European values, can Asia offer some distinctive "Asian values" which can be recognized as fundamental by those in other regions and in turn enrich their values? Indeed, the diversity of cultural and historical traditions has made it difficult for Asian people to find common regional values. Seen from a different perspective, however, the fact means that in its regional history Asia has achieved peaceful coexistence through developing tolerance toward different values rather than exploring and sharing a common set of values.

Recently, tolerance toward different values and their peaceful coexistence have been increasingly recognized as an important regional asset in Asia. In 2004, the UNESCO Asia and Pacific Regional Bureau for Education issued a report titled *UNESCO Sourcebook on Teaching Asia-Pacific Core Values of Peace and Harmony*, in which Sheldon Shaeffer, director of the UNESCO Asia and Pacific Regional Bureau for Education, emphasized that Asia was "the birthplace of peaceful coexistence," which had been "marked by a culture of peace whereby tension is solved not by conflict but through harmony." While admitting that the Asia-Pacific region had witnessed much war and violence, he puts more emphasis on the fact that "its diversity in culture, religion, ethnic and linguistic terms creates a favorable environment in

which to learn not only to tolerate diversity but also to respect it as a cultural and human asset." He concluded that the Asia-Pacific region, with its deep-rooted traditions of peaceful coexistence of diverse cultures, can serve as a "visible model for the rest of the world to follow." [9]

In his critical analysis on the "Asian values" arguments, Sen also warned us of "the temptation to see Asia as a single unit," emphasizing that "there are no quintessential values that separate the Asians as a group from people in the rest of the world and which fit all parts of this immensely large and heterogeneous population." [10]

In Search of Future Global Ethics: Dialogues Between Asia and Europe

The long traditions of "coexistence without common values" do not prevent Asian countries from embarking on the endeavor to find common values toward a better regional future. As the ASEAN Charter emphasizes that, "The ASEAN motto shall be 'One Vision, One Identity, One Community' (Article 36)," Asian countries have increasingly stressed the importance of strengthening their spiritual ties through sharing values and identity.

It should be particularly mentioned that recent exploration of common values have often been conducted jointly by Asia and Europe for the purpose of finding common values between the two regions. Prominent examples are those by the Asia Europe Meeting (ASEM) and the Asia-Europe Foundation (ASEF). Founded in 1996, ASEM has provided a high-level and large-scale inter-governmental platform bonding together twenty-eight European Union member states, two other European countries, the European Union, twenty-one Asian countries, and the ASEAN Secretariat. Inter-governmental dialogues at the ASEM have been supplemented by the ASEF, which was founded in 1997 as an informal forum among civil society leaders and experts from the ASEM participant countries. Since its foundation, the ASEM and the ASEF have served as a valuable forum where Asia and Europe can engage in dialogue on an equal footing in a wide range of areas including politics, economy, culture, and society.

Recently, faced with rising inter-cultural/religious tensions, the ASEM and the ASEF have worked on numerous cross-cultural and religious issues that Europe and Asia have been commonly facing. Based on the results of the five-year ASEM Interfaith Dialogue, conducted since 2005, the ASEF organized its sixteenth meeting, "The Common Denominator: Are there Universal Values for Interfaith Dialogue?" in November 2009, in Barcelona, Spain. A group of education and interfaith experts from both Asia and Europe pointed out that the referendum in Switzerland in which the majority of Swiss voted in favor of banning the construction of new minarets there had re-ignited the controversial debate on religious freedom and tolerance in Europe. Instead of regarding the crisis as a purely European one, the participants emphasized that what was happening in Switzerland and in Europe should be a common concern both for Asia and Europe, and declared that "acting on the common moral values and ethical norms that are shared by all religious and philosophical systems is a compelling response to the multicultural challenge facing our diverse societies today." They went on to discuss a variety of questions, such as "Can a set of common values bind people from different cultures in a way that could resolve, or offer more enlightened ways of interpreting and reacting to, the problematic differences?" "What would this catalogue of values look like?" "How could it be produced, accepted and propagated with due consideration to the widely differing cultural contexts of Asia and Europe?" Numerous possible answers were offered to these tough questions. Toward a better future world, rather than sticking to past, fixed answers, Asia and Europe should continue to engage in frank dialogue and explore these open-ended questions.

Notes

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The Future of Track II Diplomacy: The Case of Northern Ireland

By Amanda Schmitt

The Megalith at Delamont Country Park, County Down, Northern Ireland.

"The psychology of victimhood is sustained by a fear of further aggression and a sense that the attackers have no moral values that the victims can recognize. There is, therefore, no possible basis for trust between the two sides. Thus, unless the aggressors acknowledge the injustice of their actions against the victims, and show they are very much aware of—and ideally openly regret—the losses their victims suffered, no reconciliation or real peace is possible, no matter how many treaties or so-called peace accords are signed by political leaders."—Joseph Montville[1]

The creator of the Track II diplomacy concept, Joseph Montville, asserted that unofficial dialogue parallel to official negotiations is necessary for the true viability of an agreement and peace. Negotiations conducted only on an elite level disregard the power of the population to spoil such an agreement if similar types of reconciliation of arguments and acknowledgements of the opposition are not undertaken on a communal level. Given the increasing significance of peace and pluralism trends, society's involvement in peace processes through Track II diplomacy will prove a necessary condition to support an official peace process. With growing individual and group empowerment and global interconnectedness through technology and transportation advancements, I postulate that Track II diplomacy will continue to grow in scope and significance by 2030, supplementing and supporting Track I negotiations to forge a more peaceful world. Using the Troubles in Northern Ireland as a case study, I will analyze the historical, current, and potential future use of Track II involvement in Northern Ireland and its effect on the level of peace there.

Track II Diplomacy

I define Track II diplomacy as coined by Joseph Montville in 1981: "unofficial, non-structured interaction designed to assist official leaders by exploring possible solutions without the requirements of formal negotiation or bargaining for advantage, [seeking] to promote an environment, through the education of public opinion, that would make it safer for political leaders to take risks for peace."[2]The underlying assumptions of individual and group empowerment are bolstered by steadily increasing access to technology and means of global communication. These media facilitate an unparalleled level of rapid organization and sharing of ideas, which can be utilized for both positive and negative purposes. This heightened level of global interconnectedness supports the growing Track II process by creating a greater sense of global civil society, by

potential camaraderie across communities to better facilitate understanding of one another's narratives, and by facilitating the organization of dialogue.

Various researchers have broken down the Track II process into stages, however, the contrasting RAND report's thematic steps versus Dr. William Cunningham's social reconstruction processes provide a unique mechanism of comparison. Dr. Cunningham breaks down Track II diplomacy into the three steps of establishing problem-solving workshops and forums, affecting public opinion toward better understanding opposing perspectives, and creating cooperative economic development.[3] He sees these methods as a means by which to reconcile at least some of the initial resistance to compromise, rehumanize the "other," and foster greater interdependence and stability economically. The report created by the security policy think tank RAND, takes a more thematic approach with suggested stages of socialization, filtering, and policy adjustment.[4] Socialization would include impacting public opinion and could incorporate workshops and forums as a means for this development. However, it is broader than Cunningham's suggestions, extending to any mechanism of reframing the conflict mentality and identities to less exclusive, divisive forms. Thereafter, filtering this new framework to all of society, beyond those who participated in the dialogue, becomes the challenge. Montville supports the importance of this aspect, highlighting, "Efforts made at the leadership level must be pursued in conjunction with a strategy to create support in public opinion for peacemaking."[5] As with Margaret Keck and Kathryn Sikkink's Transnational Advocacy Networks, Track II networks and organizations often aim to alter norms and frame issues through socialization tactics, opening political space for discussion rather than directly and immediately channeling their initiatives toward policy outcomes.[6] The final policy adjustment step involves the manifestation of dialogue in a policy outcome, coordinating the Track II and Track I official dialogue processes. In Tobias Bohmelt's research, the first quantitative study of third-party interventions in diplomatic dialogue, he discovered that negotiations are more effective with both Track I and Track II efforts, supporting these steps toward societal and political progress.[7]

Northern Ireland: The Troubles

Following the Irish War of Independence from Britain and the 1921 partition of Ireland, Northern Ireland maintained a majority Protestant population with a large Catholic minority, while the Republic of Ireland was largely Catholic.[8] Within Northern Ireland, the diversity of community classifications varies from strongly republican to staunchly loyalist depending largely on national identity and willingness to resort to violence, including both Catholic nationalists and republicans (CNRs) and Protestant unionists and loyalists (PULs).[9] The 1960s Catholic community's civil rights movement rebelled against their second-class citizenship conditions, as the Unionist government repressed their parade, flag, and publication rights, as well as voting rights that were disproportionately given to the majority Protestant business owners. [10] In Londonderry/Derry in 1968, a civil rights march initiated the period of the Troubles, including the insertion of British troops in an attempt to restore peace in 1969 and shift to direct rule by the British government in 1972.[11] The Provisional Irish Republican Army (IRA) was the paramilitary organization defending the Catholic republican position, albeit through violent tactics targeting PUL combatants and civilians. They perceived their enemy as the British army, police, and Protestant loyalist paramilitaries, such as the Ulster Volunteer Force (UVF) and Ulster Defense Association (UDA).[12] The IRA aimed to tire the British into acquiescing to allow Northern Ireland to join the Republic of Ireland.

With the establishment of internment in 1971 and the Bloody Sunday killing of thirteen Catholics by British soldiers during a protest in 1972, the IRA became more aggressive in its violence.[13] Furthermore, IRA prisoners undertook hunger strikes to demand prisoner of war status.[14] Despite being widely considered the political wing of the IRA, Sinn Fein began representing the republican political agenda, thus opening the door to more fruitful negotiations toward a peace process.[15]

In 1998, the Good Friday Agreement was signed, instituting the determination of nationhood as a matter of majority choice.[16] If the population shifted to a Catholic majority, a referendum would determine whether Northern Ireland would stay in the United Kingdom or join the Republic of Ireland.

The thirty-year conflict resulted in about 3,600 deaths and 50,000 people injured; yet the intangible damage was the greatest of all.[17] The neighbor-to-neighbor nature of violence and crisis of identity created a heightened sense of divisive communities in Northern Ireland that, despite a lack of systemic violence, exist to this day. Many Northern Irish spent the first decades of their lives in a context of asymmetrical violence—terrorist tactics by paramilitary groups and occupation by the British military—and territorial warfare between different geographical sections of their cities. Community lines are often still delineated by flags, peace walls, and murals commemorating violent images, demonstrating that the conflict's legacy continues to permeate society.[18]

Track II Toward Peace and Reconciliation

Throughout the peace process, various councils, community organizations, and public opinion polls played large roles in facilitating both intra- and inter-community dialogues to mitigate the spiraling ethno-religious violence and blind hatred. Public opinion polls, for example, were run by academics who published information through public media sources.[19] The parties to the Stormont negotiations were supportive of the polling process and vetted the questions, demonstrating that they would also take the results into consideration.[20] The questions were drafted both to relay public perception of the causes and issues of the conflict and to prescribe potential solutions. A scale of potential question responses, including "essential," "desirable," "acceptable," "tolerable," and "unacceptable," were a helpful method of measuring the potential reactions to certain aspects of an agreement.[21] This process established confidence and accountability in the peace process and also made citizens feel invested in the process.

Other community organizations addressed local needs for dialogue and peaceful community space. In Derry/Londonderry, a Peace and Reconciliation group took on a multifaceted approach to quell violence, including dispelling rumors, facilitating dialogues, and working on police training.[22] A non-governmental community organization, Counteract, worked to end hostilities and sectarianism in the workplace.[23] For cross-community dialogue, North Belfast Community Development Centre facilitated communication between community leaders in North Belfast to limit violence.[24] Youthlink, another cross-community organization reached out to young people on both sides of the conflict in an attempt to prevent them from growing up with a solidified divisive mindset.[25] Since religion was also of great importance throughout Northern Ireland, churches became involved in cross-community initiatives in the 1990s.[26]

On a larger scale, the 1994 Forum for Peace and Reconciliation met weekly, including multiparty representation.[27] Although boycotted by unionists, the forum provided a space for unofficial dialogue and negotiation of issues. The forum unfortunately ended with the broken ceasefire and anger over leaked policy proposals. Nonetheless, the 1996 Northern Ireland Forum was created under the restored ceasefire with occasional meetings.[28] It incorporated the Northern Ireland Women's Coalition and Northern Ireland Labor Party, two additional parties elected to the negotiation process.[29] This forum never officially ended and could potentially be reinvigorated for post-conflict use today. Political parties also engaged in trips with training and analog comparison aims. For example, Harvard University's Kennedy School of Government hosted parties for problem-solving workshops in the 1990s to offer tools for a breakthrough in the peace process.[30] The parties also traveled to South Africa to learn from their transition out of a culture of ethnic inequality and dealing with truth and justice in the Truth and Reconciliation Commission.[31] On a more Track 1½ level of dialogue, incorporating members of government and parties to the conflict in a more unofficial manner, UK Prime Minister John Major's administration engaged in secret talks with the IRA.[32] Facilitated through clergymen, businessmen, and professionals as indirect points of contact, this channel largely strengthened the parties' ability to shift to official dialogue with a better understanding of one another's objectives.

During the conflict, community level initiatives, polls, and localized forums informed the policy angles negotiators adopted in the Track I Multi-Party Talks, particularly since the parties' forum participants could directly add their insight in official negotiations. However, while the Track I initiatives took precedence due to their legitimate authority during the conflict, Track II actors had significant influence in the post-conflict setting. While the government undoubtedly restructured and created many institutions to reflect the new power-sharing system, the lack of a government-initiated truth and justice mechanism left much of the major reconciliatory work to non-state actors. By 2001, there were 130 organizations for cross-community work.[33] Churches and community centers host events to facilitate interaction across the communities that still live in largely segregated areas. Other local organizations have endeavored to archive people's stories in an effort to protect their narratives and experiences. When the government has failed to take significant action post-conflict, community level actors have stepped in to fill the gap and offer inter-personal mechanisms of reconciliation.

Current Post-Conflict Challenges

On December 3, 2013, Belfast City Council reduced the number of days the union flag was to be flown over City Hall to make it consistent with the eighteen days of flag-flying throughout the United Kingdom to recognize national holidays and royal birthdays.[34] However, in comparison to the previous daily flying of the union flag, the PUL community was outraged at what they perceived to be an attack on their tradition and culture by the CNR community. The then-recent power shift in City Hall from the previous Protestant unionist majority to a new Catholic nationalist majority caused many to fear any limitation on PUL power or perceived rights.[35] Downtown Belfast saw massive protests and riots for months, significantly limiting any sense of calm or regularity of operations in the city. These protests cost Belfast business owners around $25 million in potential revenue and resulted in the injury of 147 police officers.[36] Thereafter, the Cardiff talks, unofficial negotiations between political parties and police hosted in Wales, received widespread media attention as a significant Track II process that needed to bear fruit to combat the more recently tumultuous atmosphere in Northern Ireland.[37] The talks resulted in a joint statement of "a commitment to non-violence, support for the role of the Police Service of Northern Ireland in upholding public order, and an intent to continue the conversation."[38] Such commitments were extremely critical to reasserting the political will for compromise and dialogue rather than violence. Without the reconfirmed commitment to nonviolence, parties could have indirectly propagated aggression rather than calming their own parties and paving the path for diplomacy.

Only months following the Cardiff talks, the Stormont Parliament in Northern Ireland established multi-party negotiations to deliberate on outstanding issues of flags, parades, and dealing with the past, bringing in U.S. former diplomats Dr. Richard Haass and Professor Meghan O'Sullivan.[39] The Cardiff talks had paved the way for more official negotiations, and while the Haass-O'Sullivan talks were unsuccessful, they too initiated a more serious approach to addressing the remaining issues in Northern Ireland. As the Catholic population continues to grow and the Protestant population declines, similar policy shifts will take place as representation adjusts to reflect these trends.[40] It is imperative that the parties continue their negotiations to reach an agreement that will prevent recurrent violence and an inability to peacefully handle policy changes.

Implications for Track II Diplomacy

Internationally, ethno-political conflicts have grown in number and significance, becoming one of the greatest threats to global security.[41] From 1989 to 1992, the

United Nations Development Programme documented only three wars and seventy-nine intra-state conflicts.[42] The dynamic of conflict internationally is changing, increasing the influence of non-state actors. By nature, non-state actors—whether terrorist organizations, rebel groups, non-governmental organizations, or social movements—interact within society more than traditional diplomatic or military actors, forcing the consideration of state governments. Thus, their impact is more lasting and contagious on a population-wide level, necessitating coinciding bottom-up and top-down peace processes to forge lasting progress in any conflict. The pervasiveness of the conflict, particularly in circumstances of ethnically motivated violence, requires some type of reconciliation or dialogue process on more local or interpersonal levels, otherwise leaving societal communities as potential spoilers to a Track I agreement.

Ultimately, peace agreements must be determined and signed through Track I diplomacy. However, I believe that Track II diplomacy propels the true shift in public sentiment. A peace agreement may be a volatile, lengthy journey but the political transition from "conflict" to "peace" occurs on a historic date. Yet, for the public, that shift is a process, and reconciliation must be motivated by grassroots initiatives aimed at creating empathy and understanding between opposing communities over time. Thus, a staunchly established arena for Track II diplomacy during a conflict will only forge a more effective and trusted process for post-conflict reconciliation. Furthermore, these same Track II institutions and forums for dialogue can act as spaces for reconciliatory cross-community interaction and further deliberation of post-conflict issues. As is evident in Northern Ireland, the systemic violence subsided with the Good Friday Agreement, but many significant intrinsic issues remained unsolved. Track II bodies are still necessary post-conflict to fill in gaps in governance, particularly when the government is focused on infrastructure and political restructuring immediately after an agreement or when it fails to establish truth mechanisms. By bolstering this system of Track II diplomacy internationally over the coming decades, peace processes will have a stronger support base both among the socialized public and policymakers drawn into the dialogue. Therefore, peace agreements will have greater success, enabling an increase in the efficacy, prevalence, and prioritization of peace.

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World Security through Women's Equality: The Ethic of Gender Equality for Peace

By Oumie Sissokho

What will our world be like in the next fifteen to twenty years? There are many possible answers to this query. While some will project increased human contact because of global technological revolution, others will answer that economic inter-dependence will be affected by possible market failures caused by mass corruption in some of the large economies. Another possible answer could be that nations will meet the goal of providing universal primary education for all children; or, that thanks to medical and agricultural revolutions, even resource-constrained nations will succeed in protecting children from destructive diseases and health complications such as polio and malnutrition. All these answers take into account indicators that are important to social, economic, and even political development, but I will answer this question from a gender perspective. Therefore, my question is: what will the status of women be in the next twenty years? In answering this, I will first discuss the global status of women, the meaning of gender equality, and trends that support this value. Second, I will analyze the strategies that can help us attain a more gender-equal world and the most prominent opportunities that support women's equality. Finally, I will examine the dangers that threaten this value.

A Look at the Global Status of Women

A world where equality and freedom thrive is essential for sustainable peace and development that all humans can benefit from. Economies will thrive, gains in social sectors such as health and food security will improve. Capacity of public and private institutions will likely increase and political institutions and processes will become more democratic, accountable, and responsive to the needs of entire populations. This is an illusion for most countries across the world. According to the World Economic Forum (2013), no country on earth has achieved full parity between men and women. Up to now, being born female in certain cultures or countries is the beginning of a lifetime of discrimination and limited opportunities. Discrimination can be felt throughout many women's lives for being the *other* (not a son), with little chance of bringing hope to an already deprived family.

Gender equality matters. There is no

doubt about that. It is essential to make a serious commitment to it, no matter what form our future world will take. It is an ethic that is beyond social, economic, and political interests but rather a call for cultural advancement. What 2035 will offer women depends a great deal on our commitment today, not only in resources but in our moral obligation to ensure that one half of humanity is empowered to live in healthier relations and in dignity without socially constructed barriers or economic isolation. The achievement of liberty, equality, and justice for women around the world can boldly be defined as one of the longest unmet goals for humanity. In almost every country of the world, women are disproportionately affected by insecurity and lack of recognition and are most vulnerable to abuse and exploitation that bar them from achieving their ambitions or meeting their full human potential.

As of December 2014, women held 21.9 percent of all parliamentary seats in the world.(Inter-Parliamentary Union 2014). The World Food and Agriculture Organization said that many women are involved in agriculture but with minimal resources such as land, fertilizer, mechanical tools, and money. In a similar vein, the World Food Program (2015) reports that up to 79 percent of women who are economically engaged in the developing world are farmers. Despite these challenges, this group produces food for the majority of vulnerable groups such as children and often entire families. Although Doss (2011) challenges an FAO (2010–11) statistic, which claims that women produce 60-80 percent of all food products in Sub-Saharan Africa, the Caribbean, Asia, and Latin America, she acknowledges their tremendous contribution in feeding the world. Thirty-one million primary school-aged girls are out of school today due to cultural, social, political, and economic factors in the developing world (UNESCO 2013). Additionally, 64 percent of illiterate adults are women (Women Deliver n.d.). In Africa, young women are more often unemployed compared to their male

counterparts. In some parts of the globe, women are still forced to marry as early as six years old because of discriminatory and economic factors. Terrifyingly, the UNFPA (2013) predicts that there will be 14 million child brides by 2024. The same report highlighted that 20,000 girls under the age of eighteen give birth each day in the developing world. That is a total of 7.3 million births per annum. The lack of family planning is disturbingly high in Sub-Saharan Africa. One hundred and twenty million women and girls in the developing world do not have access to modern contraception methods to determine their reproductive choices (Osotimehin 2012; Cohen 2012). Maternal mortality is still a threat in many resource-constrained communities. While gains have been made in the reduction of maternal mortality, the World Health Organization (2014) estimates that almost all pregnancy and birth- related deaths occur in the developing world. According to inter-agency data compiled by the World Bank (2014), in 2013 alone, 980 women died from childbirth in Chad, 430 in Gambia, and 560 in Nigeria for each 100,000 live births.

Another brutal assault on women and girls' bodily integrity and a sabotage of their sexual and reproductive rights is the practice of female genital mutilation. This act is practiced in Africa, parts of Asia, the Middle East, and increasingly, in migrant communities in Europe and other Western countries. In 2014, the World Health Organization revealed that 125 million of girls are already victims and survivors of female genital mutilation and 3 million girls are expected to be mutilated each year in Africa alone even though the trend is going down, according to UNICEF 2013 data. These statistics are not abstract numbers but deal with threats that half of the world faces. The figures point to the brutal reality of inequality, injustice, disempowerment, and deprivation that women face in almost every corner of the world.

Despite these realities, all is not lost. In fact, there is perhaps the most intense global movement for gender equality

in this century than at any other time of human history. There is a growing popular movement to improve women's status with many initiatives intended to "empower" girls and women, and increasingly, men and boys are involved in these processes. It is a time of intense commitment to improve the status of women in almost all nations of the world. Verveer (2012) argues stirringly that this is a time when women are to be put in the forefront of development as equal leaders and not to be always seen as hopeless victims. This, she argues, is a "moral imperative," with the potential of lifting many more lives out of insecurity and political under-representation. Several organizations, international conventions, and domestic policies have emerged as a result of a worldwide feminist movement. In fact, gender equality and women's empowerment has emerged as a top foreign policy issue (Markham 2013; Verveer 2012). From the first world conference on women in New York City in 1970 to the Beijing Conference in 1995, world politics is experiencing a new momentum around development through women's equal participation. To put it in a context close to Nguyen's work, these organizations and movements are spurred to provide opportunities that will ensure women have the freedom to make the best of opportunities that will improve their lives. Social justice programs, on the other hand, seek to ensure that freedom from deprivation and poverty is granted to demonstrate a respect for our diverse needs as men, women, boys, and girls. The "struggle" for gender equality is an ethical movement. Although it might be seen as a political tactic when misused, gender equality is an important indicator for global peace. Today, in addition to the United Nations and its agencies, states, through their foreign embassies, development aid agencies, and sometimes research and educational institutions, are demonstrating commitment to investment in women and girl's matters. Even in the most deprived or hard-to-reach villages in Mali, there are now small neighborhood

groups created either to reduce unwanted or risky adolescent pregnancy or to send many more girls to school.

In addition to committing to the third millennium development goal, from the United States' USAID, Denmark's DANIDA, the former Canadian Development Agency to the AUS AID of Australia, the aid coordinating machineries of these nations are providing financial and technical resources that will directly improve economies and social standards in other parts of the world. According to Fleischman of the Center for Strategic and International Studies (2014), with the United States' investment in women's health and girl's education in poorer countries, substantial gains are being made in economic growth and poverty reduction. In a striking manner, the Swedish Foreign Service is making great strides in advancing women's leadership and economic improvement across the world. Sweden's former Minister of Foreign Affairs Carl Bildt once said: "Working for a world of equality is a fundamental principle of Swedish foreign policy. It is a world in which everyone's rights must be respected regardless of gender, skin color, belief or sexual orientation." In some cases, these states provide funding to recipient countries' government machineries, such as women's bureaus and ministries, health departments, economic affairs and trade ministries, the agriculture sector, or education. In other cases, their embassies or foreign councils work directly with civil society and grassroots organizations to ensure that small-scale but evidence-based investments are carried out to reduce marginalization, violence, and oppression perpetrated against women and girls.

The Meaning of Gender Equality

Gender equality is a fundamental human right that guarantees men, women, boys, and girls freedom, justice, liberty, peace, security, and non-discrimination. It is about breaking the cycle of marginalization and oppression women and girls face as a result of the social construction mandating what it means to be a man or woman. Gender equality is about achieving parity between men and women in all spheres of life. It is about having economic equality and justice so that both genders have equal opportunities in the economic activities and structure of their society. When gender equality exists, women and men have equal pay for equal work. Women's economic activities are respected and valued and not treated as secondary. Gender equality means that employment policies and laws are non-discriminatory, labor rights are respected, and women are not exceptionally vulnerable to exploitation and degrading treatment because of their reproductive choices or status. It means that women are not denied essential resources such as land and capital on the basis of their gender identity or because of weak collateral strength.

When gender equality exists, men and women have equal rights and opportunities to participate in the governance process of their societies. Gender equality guarantees universal franchise through which governance is democratized and the voices of women are included and respected. It results in the mainstreaming of women's needs, experiences, and concerns, which are then incorporated into local and national policies. In addition, gender equality makes leaders and institutions accountable to women. It gives women equal voices, and thus an ability to advocate for fair and transparent allocation of national resources to meet their needs and lift them out of poverty and insecurity. It is about equally investing in women and girls' social needs, such as in education, health, and nutrition. In short, gender equality is a strategy to attain socio-economic and political equality by eliminating social and cultural biases that have resulted in the domination of one gender over the other. The World Bank report reveals that the world's economy will increase tremendously if women and men are accorded equal participation in all spheres of life. When gender pay gaps are eliminated and women's reproductive roles are no longer barriers to economic participation, the world will realize ample financial gains. In any case, the achievement of gender equality and the advancement of women is more than an economic, social, or political gain. It is of ethical value—the values of equality and a commitment to justice. Many more people will enjoy their fundamental rights and will be free from want or exploitation created and sustained by exploitative political, economic, and social practices.

Trends that Support Gender Equality

According to the United States NICS (2012) report, individual empowerment will become an extremely important megatrend by 2030. This means that marginalized groups such as women will increasingly have their voices heard on matters that concern their lives. Because of a widening middle class and poverty reduction, there will be increased equality between men and women, the report continues. According to Nguyen (2014), human rights will be enjoyed more by men and women around the world. In a similar vein, the EU claims that the world has realized more gender equality than before. The EU believes that women's present access to information, education, and political opportunities have increased, thus the prospects for social transformation and economic improvement are high.

The rise of the global middle class (especially because of this group's potential of increasing demand for democracy) is giving tremendous support to women's causes in many societies across the world. When the United Nations and global leaders tasked themselves with reducing global poverty by half by 2015, this goal became a practical solution of approaching an endemic problem that has threatened the lives, well-being, and dignity of entire generations in the developing world. In 2014, the UN reported that the target of halving the number of people living in abject poverty was achieved in 2010. Seven hundred million people are no longer in abject poverty, the report shows.

Despite this, Women Deliver reports that poverty still has a "feminine face,"

with 70 percent of the world's poorest being women. Changing this situation rests at the center-stage of many development interventions. Whether or not development programs focus entirely on women, the mainstreaming of gender and women's issues is evidently becoming a value. From Action Aid International's land-right campaigns for poor and indigenous women to the intermittent preventive treatment component of the Global Fund to Fight AIDS, TB, and malaria, the hunger and health burdens of women are specifically targeted. When women's earning power increases, their health and nutritional levels are likely to improve. Therefore, the widening of the middle class will improve the economic position of women with a possible trickle-down effect for many families and communities.

In addition, the exploration of the important roles non-state actors are playing in global development and security is closely linked to women's affairs. Despite political leadership from states and their commitment to making women's advancement key on the global development agenda, non-state organizations are leading the mobilization and provision of resources to enhance women's development. From major international organizations such as The Global Fund for Women, The Bill and Melinda Gates Foundation, The Clinton Foundation, and Women Deliver, to the smallest grassroots groups that exist in the underserved suburbs of Ethiopia, Mexico, Nigeria, Liberia, and Bissau, these groups are shaping the global feminist agenda, giving and spending on women's health, leadership, economic position, and education.

Furthermore, technology has helped put women in the global development spotlight. Whether through agricultural advancement via large-scale commercial practice, the use of improved seed varieties, and access to fertilizer to improve harvests for women farmers, or through the advancement of medical care to halt complications in child birth, technology is a driving force that has the power to improve women's lives. In a similar vein, television channels with

a global reach, the creation of the Internet, and expansion of social media have created ample opportunities for ideas and messages to reach individuals and groups in the most cost-effective and efficient manner. Despite the global technological divide and the severity of the lack of access to basic resources such as electricity, young human rights activists in low-income nations are accessing the Internet for capacity-building programs hosted by universities and research and advocacy organizations, free of charge.

These programs can focus on resource mobilization and management or advocacy skills for sexual and reproductive health rights. In some cases, they are specifically meant for the empowerment of adolescent girls by providing comprehensive sexual health training, education, and life skills. In many instances, such interventions are creating dividends. Realistically, tweets on female genital mutilation will not reach the majority of the gatekeepers of this harmful practice, but the power of encouraging young people to discuss such sensitive and often "hush-hush" topics is indeed revolutionary. The introduction of mobile technology in some of the most resource-constrained places of the world has catalyzed the emergence of access to reproductive health goods and services. This alleviates serious constraints that young people of reproductive age face. The outcomes of these trends are greater opportunities for women's self-reliance both economically and socially.

How We Will Attain a More Gender-equal World and the Most Prominent Opportunities to Support Women's Equality

Increased education for women and girls is one of the top priority interventions to end lifelong marginalization, under-representation, and violence. This should include both formal training and informal education for adults, out-of-school young people, and others. Education is a lifetime "insurance" that each human deserves irrespective of gender, race, or social class.

It is first of all a fundamental human right that can make the greatest changes in the lives of individuals. Education provides everyone, regardless of gender, with unprecedented skills and opportunities that can protect or free them from exploitation and domination. In 2013, Anne Murray explained that when boys and girls attain equal opportunities to education, families, entire communities, and nations benefit. Under trees, improvised mobile classrooms (empty shipping containers), night classes at village centers, and many other creative initiatives are being introduced to ensure that girls and women in poor countries attain at least some sort of basic literacy.

In countries like Kenya and Gambia, the private-public cooperation to ensure that girls are not only enrolled but retained in school is very impressive. Through the provision of school uniforms, meals, menstrual pads, and cash-transfers for families, daughters are able to transit from primary to junior schools, although retention at the tertiary level could still be a limitation in many cases. If the problem of retention is curbed at the junior high level and access to higher education improves, women and girls can be better offered economic opportunities, whether in business or engineering. Finally, education widens the middle class and enhances greater human contact and partnership in community, national, and global affairs either through access to technology or via other means.

Investment in women's health, nutrition, and other fundamental needs such as contraception can provide great dividends just as investment in education does. Because of their under-representation in relevant government institutions, women face tremendous development and security challenges. Their needs in health are closely related to both their reproductive and productive or communal functions. This is why Jill Sheffield of Women Deliver keeps repeating that when there is an equal investment in women's health, entire families and communities benefit. Women and girls are disproportionately vulnerable to serious health problems such

as HIV/AIDS. Often, their infections lead to devastating consequences such as poor childhood development for children they might leave behind. Such children are prone to dropping out of school, and to suffering from hunger, malnutrition, and deprivation. Their health conditions can be poor and they are susceptible to a lifelong cycle of stigma and poverty. In countries like Malawi and Congo, the consequences of AIDS on the orphans left behind have serious economic and social burdens on families and communities. In the event that there are weak or no formal social security or safety net systems, the consequences can be even more catastrophic.

Gender equality is only attainable through serious partnership. Partnership through different actors—individuals, states, civil society organizations, faith-based organizations, educational and research institutions in the interest of women's progress—can yield better results. It is no longer enough or possible for states alone to lead and achieve development initiatives or global commitments. Around the world, there is an exceptional level of collaboration between different entities working in diverse program areas that are intended to improve the status of women and increase their security. From projects that are initiated by young fellows of the Women Deliver Young Leaders program, funded by Johnson & Johnson (a private multinational corporation) or other funding agencies such as the Global Fund for Women, countries such as Uganda, Ethiopia, Tanzania, Nigeria, Senegal, Mexico, Colombia, and Malawi are implementing and sharing solutions to challenges of maternal and newborn health, reducing the adolescent pregnancies, halting child marriage and degrading practices such as female genital mutilation.

Anne Murray argues that women's labor —paid or unpaid—contributes immensely to global economic development and advancement. Despite contributing 66 percent of global labor, she argues that women earn minimal economic resources in most parts of the world. In some countries, they are denied an opportunity to participate in the economy while others have persistent discriminatory labor laws. Free and fair participation of women in the economic lives of their societies provide them with resources to enhance skills and live better and dignified lives. Whether their participation in the labor force is valued or not, equal financial opportunities enable women to demand for the respect of their rights and use their resources and influence to bring change in some of the most conservative societies. In some cases, their economic positions become gateways to access political institutions and freely demand how policies are formulated. In addition, women's economic opportunities provide positive dividends for their families (Iversen and Sheffield 2014). In some rural African settings where illiterate women benefit from income generating projects sponsored by the World Bank or other agencies, children's access to improved nutrition, health care, and education increases. The trickle-down effects can protect an entire family from the challenges associated with poverty and marginalization. Access to economic resources, in short, means that women are no longer perceived solely as "dependents" and empowers them to make critical decisions about their lives –decisions that in the past would have been made by partners, parents, or other members of an extended family or clan.

Dangers that Threaten Women's Advancement and Equality

Despite the tremendous advocacy and demands to promote the respect and protection of the human rights of all women around the world, threats to the gains made are apparent. Around the world, patriarchal forces are yet to be eliminated in the majority of societies. In some cases, this is evident in increased religious and cultural fundamentalism. The use of terror to attack a girl's right to education is one of the most cruel human rights violations that threaten the route towards gender equality. Illiteracy can keep millions of women outside formal economic settings and trap them in exploitative jobs that can keep them vulnerable to a vicious cycle of poverty and repression. Whether it is the Taliban's attacks on schools and children or the abduction of the more than 200 school girls in a Nigerian village, growing fundamentalism is a direct threat to gains such as increased school attendance of girls.

Further, it also points to the fact that the right to life, security, and education can be the most vulnerable to violation in social and cultural settings that are still grappling with problems of weak governance. Terrorist groups are not only afraid of education because of its multiplying effects on women's rights and ability to demand for change; they also believe that women's empowerment are "Western values." These are values that are contradictory to their own ideologies. The rejection of these ideologies can incite anger and put the lives of many girls and women in harm's way. Indeed to some of these groups, an idea of the universality of certain values such as equality and freedom will continue to be nonexistent.

It is not uncommon for gender and women's rights activists to be condemned by traditional gatekeepers and opinion leaders, especially in distant rural communities. In a remote location far from the UN Women office, custodians of tradition, especially those who support wife battering, the mutilation of the clitoris of children and adolescents to protect their virginity, and who support early and forced marriage, are likely to interpret the demands of a local feminist movement to be Western indoctrination. This is a common practice among individuals and groups that are not willing to accept that women's equality, liberty, and freedom are important indicators for development and security.

Other than terrorist attacks and misinterpretation of the need or goals for gender equality, imperial approaches for the acceptance of women's equality can be catastrophic. When demanding change, it is always important that local cultures are

understood and entry points are observed to minimize the threat of local disobedience (this does not mean that change will not be demanded). Inasmuch as outside organizations can provide support and in some cases they can initiate projects that will lead to increased activism in support of gender equality, taking the most radical approaches can be seen as a sense of cultural colonialism. During George W. Bush's tenure, the administration provided funding for tailor-made HIV-related programs that did not necessarily translate to the needs of beneficiary nations (Garrett 2007). If the provision of condoms to sexually active young people is denied in a sexual and reproductive health project, it means that such a project will only likely meet the desired indicators but the objective of empowering and protecting the young from HIV and other STIs will remain an illusion.

Sometimes, resources are not the threat to women's equality and freedom. It is not because they lack access to improved maternal health clinics or do not have a chance to obtain parliamentary seats or talk to their local representatives. The lack of political will to eradicate patriarchy and other age-old practices that limit women's equality also exist. In some cases, leaders are reluctant to support change that advances women's lives because of political reasons. In countries like Sierra Leone, where local politicians can use "secret societies" such as those that practice FGM to mobilize support and trust, political will is not provided to human rights organizations and initiatives that seek to end violence against women. In some cases, leaders provide financial and moral support for the perpetuation of harmful traditional practices despite the fact that they signed and ratified gender-friendly and women's rights agreements and laws.

Conclusion

Global security and progress will be attained when human equality is emphasized not only from the political perspective but in terms of gender. To achieve this, there will be serious commitments, sacrifices, and compromises towards certain values that we hold as a culture, religion, or race. This idea as discussed above is contentious—and getting even more so. The forces of patriarchy, illiteracy, and extremism will be the greatest challenges to face and contain. Extremists will despise a world of empowered and informed citizens who demand liberty, freedom, and fair representation (as they will continue to be insensitive to the needs of women because of their deeply rooted beliefs of women's inferiority to men). In many ways, these are the values that are seen as belonging to the "infidels." They will be challenged with any means possible even if this sometimes involves going against some of the very tenets of their own beliefs like peaceful coexistence and mutual respect. The competition over religion and secularism, education and illiteracy, and democracy, monarchy, or theocracy will be realities in the world despite a global movement that supports democracy and citizen participation and education for all.

In addition to rational socio-political and economic strategies, the struggle towards equality between men and women becomes an ethical value that moves our future towards justice, peace, and freedom. Indeed, a future that is fair and just for the other half of our global population will maximize gains for tranquility. Through greater representation of the other half of the human race, which is mostly seen as "vulnerable," "weak," and "exploited," the world will become more equal, progressive, and peaceful for the coming generations. This world will only come to reality through an intense focus on and commitment to investing in women and girl's education, liberalizing economies that will benefit women as important players, using technology for the interest of the majority of humans, and ensuring that political systems are accessible, transparent, and accountable to women and girls.

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Of War and Peace: An Ethical Inquiry

By Josh Tupler

Introduction

Immanuel Kant first argued for the novel idea of perpetual peace in 1795.[1] Kant's ideas have been brought to light by scholars like John Mueller—who argues that war is simply an idea that was that will become obsolete[2]—and Stephen Pinker—who contends that numerous measures of violence have decreased during our lifetime, making this one of the most peaceful times in history.[3] However, a more rigorous ethical inquiry into the concept of peace will reveal a conceptual impediment that problematizes the Neo-Kantian arguments and must be overcome if true peace is ever to be achieved. I will demonstrate that peace and war are intimately intertwined, and should be understood as cultural and evolutionary concepts. This will mandate a change of understanding of the current practices associated with waging war in order to lead to more desirable future worlds.

Peace

In the discipline of international relations, many scholars define peace in terms of an absence of war. Such an understanding might seem intuitively appealing, but is highly problematic—as demonstrated by Susan Sontag's Jerusalem Prize acceptance speech:

What do we mean, for example, by the word "peace?" Do we mean an absence of strife? Do we mean a forgetting? Do we mean a forgiveness? Or do we mean a great weariness, an exhaustion, an emptying out of rancor?
It seems to me that what most people mean by "peace" is victory. The victory of their side. That's what "peace"

means to them, while to the others peace means defeat.
If the idea takes hold that peace, while in principle to be desired, entails an unacceptable renunciation of legitimate claims, then the most plausible course will be the practice of war by less than total means . . .[4]

Sontag's shrewd remarks succinctly reveal the conceptual problem: although almost everyone desires peace, there is still immense disagreement on whose terms. There is not a dichotomy between peace and war, as victory in war allows the victor to dictate the terms of peace. This is certainly not a new argument. Aristotle thought it was obvious that the purpose of war was peace. He first raised the point by questioning the purpose of winning a war to lose the peace that follows in *The Politics*, intending his arguments to warn

against the failures of the Lacedaemonians and Spartans.[5] Even St. Augustine argued, "they who intentionally interrupt the peace in which they are living have no hatred of peace, but only wish it changed into a peace that suits them,"[6] suggesting even thieves and bandits desire peace—but on their own terms.

This understanding stretches across the course of history. Scholars describe vast stretches of peaceful times as *Pax Romana, Pax Britannica*, and *Pax Americana*; the nomenclature itself is evidence of what cultures, values, and practices defined such times of 'peace.' *Pax Romana* entailed imperial domination of subordinate city-states. Any attempt at changing the Roman order was brutally repressed; the Roman response to the Great Revolt in 66 C.E. accounted for the slaughter or enslavement of over 100,000 persons alone.[7] In *Pax Britannica*, hardly a year passed in which cruel punitive expeditions were not launched to pacify social strife. The British response to the Mutiny of 1857, which included intentionally strapping Indians to the mouths of canons to mutilate their bodies and violate their fundamental religious beliefs,[8] serves as only one example of many acts of barbarity. Within *Pax Americana*, several proxy wars, civil wars, genocides, acts of terrorism, and domestic forms of repression have occurred quite frequently. From the horrific bombing campaign in Vietnam to the inhumane treatment of prisoners at Abu Graib, it is clear that the American peace contains instances of moral repugnancy. Thus, thinking about peace entails thinking about war—paying close attention to the culture, values, and practices that victors deem acceptable.

Kant thought that rational deduction would lead to a singular truth and allow one to argue others out of 'wrong' beliefs. This optimism was probably buttressed by his belief in Euclidean geometry, commonly taught in secondary schools. However, mathematicians and physicist robbed us of this illusion by demonstrating that non-Euclidean geometry is equally as valid; not all triangles need to have interior angles equal to 180 degrees. Thus, a statement that is true in one mathematical system may be false in another.[9] If hard scientists can accept such duality, social scientists should also acquiesce. If we agree that our humanly constructed world contains statements of belief that can be both true and false in different senses, we might be able to move forward. Philosopher Walter Gallie coined the term "contested concepts" to explain this phenomenon, using the example of a work of art. The only way to gain universal agreement would be to find a definition of art that all disputants could agree to, force them to accept a particular definition, or allow all to accept that a work of art can refer to different concepts at the same time. The first option seems impossible for peace as there are multiple legitimate, competing claims, and the second option would entail colonization of peace, which seems equally unsatisfactory. However, recognizing the existence of multiple "legitimate claims" that cannot simply be resolved through renunciation is a useful step in moving the debate forward.

This understanding proves problematic for Kant, who thought a universal sense of morality would develop around the world to create an "unwritten code of the civil and international law."[10] He hoped for moral uplift: a fundamental change in human consciousness resulting in a sense of moral maturity that would necessitate the elimination of war by universal recognition of human values. This belief seems to be shared by American presidents on both ends of the political spectrum. President George W. Bush also expressed this sentiment in a speech delivered to West Point cadets when he said, "different circumstances require different methods, but not different moralities. Moral truth is the same in every culture, in every time and in every place." Although President Obama certainly does not go so far as President Bush, he still believes that "only a just peace based on the inherent rights and dignity of every individual can truly be lasting" and that "America will always be a voice for those aspirations that are universal."[11] Those remarks, taken from a section of President Obama's Nobel Peace Prize acceptance speech, stressed the importance of respecting unique culture and traditions but nevertheless contain a belief that certain universal values should exist in all future worlds.

However, the empirical reality is that not everyone accepts what U.S. presidents deem to be universal values. We see a singular example of this problem when a NATO spokeswoman admitted that a vast majority of women in Shia areas were in favor of a law that effectively legalized rape in marriage,[12] which the government reluctantly changed after the strong objection of several Western governments.[13] The United States and NATO allies have withdrawn from Afghanistan and Iraq, not because their goals of behavior change were achieved but because they have given up on them.[14]

This example serves as a broader point, that instead of thinking about universal morality it might be more helpful to understand Presidents Bush and Obama's conceptions of peace as what Charles Taylor calls "social imaginaries."[15] These are narrative accounts of sets of moral beliefs that can be more or less useful in different situations and times. The presidents' rhetoric can be seen as part of a broader Western democratic imaginary that contains "an elusive set of self-understandings, practices and expectations which include some very specific Western inventions such as the sovereignty of the 'people' who understand themselves to be a self-constituting group that exist prior to the formulation of any formal political set of laws, conventions and customs."[16] This imaginary sharply contrasts with non-Western imaginaries that start with a view of humanity that takes the particularities of a culture or religious institutions to be the very substance of what it means to be human, opposed to assuming a universal notion of humanity to which particular cultural or religious institutions are mere accretions.

The Western view of universal human rights might not translate into a code that some Muslims, or other deeply religious persons, find consistent with what their

own faith means to them. It is for this individuated notion of humanity that some Jihadists renounce and fight the West. By analyzing data from a Pew Research Center poll that used phone and face-to-face interviews with nearly 7,000 Muslims in fifteen countries across the Middle East and Western Europe, Zhirkov et al. found that 25 percent of respondents rejected democracy as an appropriate political system for Muslim countries. The authors also found a relationship between those who blamed the West for negative international relations with greater support for terrorism.[17] This study is by no means exhaustive nor does it claim to speak for the beliefs of all Muslims, but it does provide empirical evidence that a Muslim social imaginary could principally reject Western notions of universal rights.

More broadly, the Western social imaginary appears to be increasingly rejected by countries in Eurasia. In the July/August 2014 issue of *Foreign Affairs*, Alexander Lukin argues that the recent Russian annexation of Ukraine is simply one example of a deeper rift between Eurasian and Western cultural values, noting that "liberal secularism, with its rejection of the absolute values that traditional religions hold as divinely ordained, may be on the rise in western Europe" but in "former Soviet republics, all the major religions—Orthodox Christianity, Islam, Judaism, and Buddhism—are experiencing a revival. Despite the significant differences between them, all these religions reject Western permissiveness and moral relativism, and not for some pragmatic reason but because they find such notions sinful."[18] This different conception of values that is deeply held by many religious faithful has also allowed Vladimir Putin to establish a regional power center based on a fundamentally non-Western social imaginary that principally rejects a notion of universal human rights.

Turning our attention to East Asia, the applicability of universal rights is a highly contested topic. In an interview in the March/April 1994 issue of *Foreign Affairs*, Singapore's former prime minister Lee Kuan Yew asserted that the fundamental difference between Western and East Asian

concepts of society and government "is that Eastern societies believe that the individual exists in the context of his family" and "the government does not try to provide for a person what the family best provides," arguing that the basic conception of their civilization starts with self-reliance and builds into the role of government, while in Western society "it is the opposite." Lee is careful to note that different cultures have emerged in various parts of Asia, but still maintains that Asian societies are fundamentally different than Western ones. In recent years, although liberal reformers are fighting for democracy and universal values in East Asia, we need not look further than the empty chair incident in 2010 in which the Nobel Peace Prize committee awarded the prestigious award to an empty chair—as Liu Xiaobo, the intended recipient was imprisoned in China for political dissidence[19]—to see that Western social values are not universally embraced. In light of these non-Western conceptions of humanity, the view that peace entails upholding fundamental universal human rights should be viewed as one legitimate claim about the constitutive nature of peace that is challenged by non-Western views. For this reason, peace would best be understood as a contested concept.

War

Since peace is a contested concept with multiple legitimate claims, war can be understood as a method of promoting one vision over another. Those who are highly optimistic about 'peace' coming soon like Pinker and Mueller tend to subscribe to the Western perspective and point to various decreases in forms of conflict and the lack of great power wars as evidence that their vision is coming to fruition. One problem is that those who oppose the Western imaginary are willing to use conflict to challenge the precarious peace. As long as there are people willing to fight—and even sacrifice themselves—for their beliefs and principles, war will continue to exist. In multicultural societies some people are confronted with a choice between identity

and embrace of the other; when they think the latter is a threat to their identity, some become jihadists who are willing to wage war of any kind to defend the cultural and religious intuitions they find essential to their humanity.

The question still remains, what does war as a concept entail? For Mueller, war is simply an idea that we reasoned ourselves into believing to be fruitful. Mueller sees the lack of great power conflict as evidence that we are reasoning ourselves out of this idea, and it is going out of fashion just like slavery. The problem for Mueller is that this understanding is too simplistic, as slavery still exists in reinvented forms like bonded labor, child slavery, early and forced marriage, forced labor including prostitution, descent-based slavery, and trafficking of various forms.[20] The International Labor Organization estimates that about 21 million people are currently in forced labor or some other form of slavery.[21] The Free the Slaves project estimates that there may be as many as 36 million modern-slaves, an historic all-time high. Slavery has evolved and is as much, if not more, of a problem today as at any other time in history.

War, like slavery, has reinvented itself. War contains two features that make it more resilient and complex an idea than can be simply thought away. First, war has deeply seeped into and infused our culture. Countless important works of art, novels, and movies have contributed to our understanding and practices of war. Some authors have argued that war serves as a cultural enhancer, a concept that "goes beyond mere survival and that exists solely to promote the interests of the replicant inside its vehicle.[22]" That is to say, the notion of war has developed through our culture to promote interest consistent with the values underlying the concept. This seems true in a sense since many prominent novels and movies promote notions of sacrifice, altruism, and heroism. Yet, ISIS has used such cultural developments as a recruiting technique, asking those who have played the popular video game Call of Duty to answer

their call of duty. In a BBC interview, a jihadist who joined the fight in Iraq and Syria stated: "'It's actually quite fun, better than, what's that game called, Call of Duty? It's like that, but really, you know, 3D."[23] This instance is particularly frightening, as jihadists are using modern cultural institutions to instigate violence. War has moved from poetry and song to the novel, cinema, and virtual reality. This evolutionary transformation is testament to war's ubiquity in culture.

Second, war encourages a cycle of technological proliferation. Edward O. Wilson argued that war is an autocatalytic reaction that feeds upon itself and has created a cycle of military technology proliferation that cannot be unilaterally stopped.[24] This explanation seems accurate in terms of technological advances in the nature of warfare. The inventors of dynamite, airplanes, and machine guns all thought their respective inventions could bring an end to war because they would make the cost of fighting too high. Yet, the problem with technological invention is that once a machine is built, it can create ideas of its own. For instance, having the machine gun allowed Americans to impose their conception of order on groups who lacked it, driving Native Americans out of the West. However, in later wars, when their enemies had such technology, the United States found itself in "a moral no-man's-land of their own making."[25]

How does this conundrum relate to the current U.S. military? Apparently the Department of Defense (DOD) has not taken note of Pinker's findings; it spent nearly $640 billion in 2013. The first three protected and prioritized investments in technology are: cyber security, space, and airborne intelligence; surveillance; and reconnaissance (drones).[26] The United States spending shifts appear to be a response to the changing nature of threats, suggesting that war may be shifting away from the standard conventional human battlefield. The first focus on cyber security has resulted from the belief that cyberspace is now a battlefront. General Keith Alexander, first head of the U.S. Cyber-Command and former director of the NSA, stated in 2009 that the next war would be in cyberspace, noting that small groups of hackers can monitor, disrupt or even destroy important technological infrastructure.[27] Confirmed cyber attacks only include the Stuxnet worm that damaged Iran's Natanz nuclear enrichment facility in 2010 and the Syrian Electronic Army's infamous White House bomb hoax that briefly caused a 140-point drop in the Dow Jones Industrial Average. Nevertheless, security analysts and the DOD are taking steps to address potential fears that "enemy hackers—from countries like Iran, China, or Russia—could infiltrate the U.S. power grid, shutting down government agencies, crashing planes into buildings, and grinding the economy to a halt."[28] The second focus on space defense is also geared at a new type of threat. Not just military surveillance infrastructure is floating in space, but the satellites that provide basic infrastructure for internet access, communication, and navigation that is responsible for coordinating everything from business and financial institutions to airplane traffic and gas access at the pump. The DOD is no longer chiefly concerned with direct military engagements on U.S. soil, but more concerned by the apparent vulnerability of space technology that is essential to countless parts of everyday life.

Additionally, the proliferation of drone technology could be problematic if others appropriate the technology. Global access to technology is making drones increasingly affordable, suggesting that we should be wary of a world in which small groups can have access to such devastating technology.[29] Ukrainian citizens have been using online 'crowdfunding' to pool resources to buy drones to counter the Russian drone technology that wreaked havoc upon their allies. The small group found that they could buy state-of-the-art Israeli drones for $165,000, cheaper Americandrones for $120,000, or build their own for just $35,000.[30] Via their aggressive online donation campaign, the group was able to raise $300 million in eight months, with the volunteer production force making around forty drones a month using open-source technology.[31] The ability of this small group of Ukrainians to use modern technology to attain funding to proliferate complex drone technology is one example of how the future of war may be shifting. If terrorist groups or even small disgruntled groups of citizens can access such deadly technology, a conventional nation-state enemy and traditional notion of military engagement is not necessary for war to be waged.

Pinker's prediction that war is coming to an end as we are living in one of the greatest times of peace appears to be based on a faulty assumption about the relationship between war and peace. In Pinker's *The Blank Slate*,[32] he accepts Hobbes' view[33] that peace is a period in which war is suspended but that the natural state of politics is one war, viewing our current lifetime as one in which war appears to be suspended. This view fails to properly conceptualize peace and war. The peace that Pinker refers to is only one legitimate and Western interpretation. Many other groups reject this conceptualization of peace and are willing to wage war against those who propose it. In this sense, war should be understood as a deeply rooted cultural concept that is technologically evolutionary, adapting to the needs and desires of those willing to wage it. The evolutionary nature of military technology—that is being propelled forward by development efforts of Western countries—is allowing such technology to be appropriated by groups that reject Western values. For this reason, future violence seems more likely than Pinker might suggest.

Conclusion

Conceptualizing peace as an absence of war is an impediment to attaining more desirable future worlds. Peace should be understood as intimately intertwined with war, and war should be understood as a

culturally and technologically evolutionary concept. Kant, Mueller, and Pinker's suggestion that war will be eliminated fails to properly account for this relationship. Peace entails the promotion of particular values. As such, the vision of peace espoused by U.S. presidents should be understood in light of its Western ideological underpinnings. Since some of those Western values are not universally accepted, this vision of peace entails conflict or compromise. In the next twenty years, we must grapple with our Western values and decide if conflict is necessary to defend them or if other means of cultural understanding and reform may instead become effective substitutes.

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Moving the Needle: The Implications of Operation Odyssey Dawn in the Evolution of the Responsibility

By Erin Willahan

Two Norwegian F-16's return to Souda Air Base during Operation Odyssey Dawn in Libya.

Introduction

Kosovo. Rwanda. Somalia. Bosnia—each conjures up memories of horrific atrocities and infamous operations, instilling ideas about what intervention means on legal, moral, and political planes. Imprinted in the memories of the international community, the successes and failures in its response to each shaped the discourse surrounding the Responsibility to Protect (RtoP) in significant ways. While the world recoiled from interventionism after failure in Somalia, it later regretted a lack thereof in Rwanda. Meanwhile, the impact of intervention on Kosovo and Bosnia remains unclear to this day. With intra-state conflict on the rise and an increasing awareness of the occurrence of mass atrocities globally, each decision made by the international community on whether to act has an impact on subsequent responses to crises involving mass atrocities. In this paper, I seek to explore how the U.S.-led establishment of a no-fly zone in Libya in March 2011 fits into this dialectic and how its justification through existing RtoP discourse consecrates RtoP as a legal norm.

Background to the Situation in Libya

In early 2011, the Arab Spring swept across North Africa, bringing with it revolution, rebellion, and regime change. Inspired by the swift overthrow of President Zine El Abidine Ben Ali in Tunisia and President Hosni Mubarak in Egypt protesters in Libya launched a massive revolution in February 2011 to overthrow Colonel Muammar Qaddafi, in power since 1969. After several months of violent fighting and repressive pushback from the Libyan government against rebel groups and civilians alike, and amidst a growing list of deposed leaders in the region, the international community became increasingly invested in the outcome of this popular movement. Indeed, in the United States especially, a country founded upon the ideal that one holds not only the right, but the duty, to justifiably revolt in instances where a government fails to serve the general will,[1] the moral high ground was afforded

to the revolutionaries united under the National Transitional Council of the Libyan Republic (NTCLR) led by Mustafa Abdul Jalil.[2]

With the world watching, Qaddafi's subsequent decision to respond to the uprising with the massacre of civilian protesters in places like Tripoli[3] and Benghazi[4] in February only served to garner sympathy from the international community for NTCLR's cause. With Qaddafi's brutality the rebel groups gained the moral legitimacy needed to transform their cobbled movement into a viable transitional authority in the eyes of Libyans and the West.

In response to the escalating violence and widespread massacres of protesters, the Arab League called upon the United Nations to "bear its responsibilities towards the deteriorating situation in Libya, and to take the necessary measures to impose immediately a no-fly zone on Libyan military aviation."[5] After its March 12 meeting in Cairo, the League essentially revoked the sovereignty of the Qaddafi regime, citing a need to protect Libyan civilians from "serious violations and grave crimes committed by the Libyan authorities, which have consequently lost their legitimacy."[6]This followed a prior endorsement of a no-fly zone by the Organization of the Islamic Conference (OIC) and the Cooperation Council for the Arab States of the Gulf (GCC), as well as general support of the idea by UN Security Council permanent members like France, the United Kingdom, and the United States, so long as it was legally and rationally justified.[7] It should be noted though that all parties mentioned above opposed foreign military intervention on the ground.

Consequently, in response to this call to action by Libya's neighbors and the uptick in violence undertaken by the Libyan government, the United Nations convened on the issue. On March 17, as Qaddafi's troops advanced upon Benghazi, the base of the opposition forces, the Security Council drafted UN Resolution 1973 (2011) establishing a no-fly zone over Libya[8] as means to the international

community's authorization "to take all necessary measures . . . to protect civilians and civilian populated areas under threat of attack in the Libyan Arab Jamahiriya, including Benghazi, while excluding a foreign occupation force of any form on any part of Libyan territory."[9]

The Responsibility to Protect in the Case of Libya

Resolutions 1970 and 1973 were both grounded in the Responsibility to Protect (RtoP), an international norm unanimously endorsed by the United Nations as a key component of the Genocide Convention. RtoP was first coined in a 2001 document issued by the International Commission on Intervention and State Sovereignty (ICISS) in response to UN Secretary-General Kofi Annan's concern over how and when the international community could engage in humanitarian intervention in the face of genocide and other mass atrocities without violating principles of sovereignty.[10] RtoP was formally accepted by the UN member states at the UN World Summit in 2005 but has experienced difficulty in implementation ever since. It was often disregarded as unenforceable and problematic in its potential as a tool for Western powers to encroach upon the sovereignty of weaker states through neo-colonial interventions masquerading as humanitarianism. In its most recent form, outlined in a 2009 report by Secretary-General Kofi Annan, RtoP is defined as consisting of the following pillars:

1. The State carries the primary responsibility for protecting populations from genocide, war crimes, crimes against humanity and ethnic cleansing, and their incitement;
2. The international community has a responsibility to encourage and assist States in fulfilling this responsibility;
3. The international community has a responsibility to use appropriate diplomatic, humanitarian and other means to protect populations from these crimes. If a State is manifestly

failing to protect its populations, the international community must be prepared to take collective action to protect populations, in accordance with the UN Charter.[11]

In the case of Libya, the State was failing to protect its population. An International Criminal Court (ICC) investigation into Qaddafi's actions as crimes against humanity was launched after Qaddafi pledged on February 22, 2011 to "cleanse Libya house by house" of antigovernment protesters.[12]

In response to the inflammatory situation in Libya, the UNSC passed Resolution 1970 (2011) on February 26, which made reference to RtoP in "recalling the Libyan authorities responsibility to protect its populations."[13] The resolution, meanwhile, reaffirmed the UN's "strong commitment to the sovereignty, independence, territorial integrity and national unity of the Libyan Arab Jamahiriya."[14] Thus, in response to Libya's failure to uphold pillar 1, the international community attempted to fulfill its own responsibilities under pillars 2 and 3 via diplomatic means like the freezing of assets, and designations. However, at this point, it did not deem the belligerence of the Jamahiriya government as justification for intervention. Indeed, it was not until Qaddafi's continued refusal to heed calls for a ceasefire, and the massacre of civilian protesters made more forceful action appear to be the only option for the international community, that UNSC Resolution 1973 was passed to uphold the UN's own responsibilities to protect.

To be clear, RtoP does not give states the right to intervene, rather, it establishes the responsibility to protect, with military intervention being the least desirable option and reserved for when all other means of protection are exhausted.[15] This distinction is important to ensuring that state sovereignty remains a priority while providing mechanisms through which the international community can respond to mass atrocities. Despite an accumulation of legal documentation over the past decade, RtoP remains weak as a legally binding

norm. However, every time it is invoked as a legal basis for UN-sanctioned, multilateral action in the protection of extraterritorial citizens, its power is strengthened through precedence. Through customary law, RtoP may find permanence and a backbone. Or as Luke Glanville (2012) put it:

> While the key international statements and resolutions on the 'responsibility to protect' may not themselves establish legal obligations for the extraterritorial protection of populations, customary law developments in recent years do provide grounds upon which at least some aspects of the 'responsibility to protect' beyond borders can be rightly understood to rest.[16]

Operation Odyssey Dawn within the Context of RtoP

The U.S. government had already been in talks with its allies over a potential no-fly zone in Libya before Resolution 1973 (2011) was passed.[17] However, in response to the legal authorization provided by the resolution, Ambassador Susan Rice reiterated the U.S. position in support of protecting the Libyan people.[18] Shortly thereafter, on March 19, the United States launched Operation Odyssey Dawn. The operation relied on a coalition established by several other U.S. command operations and the State Department in the lead up to the UN-sanctioned no-fly zone.[19] Specifically, the United States strove to create a strong multinational coalition to undertake enforcement of the no-fly zone and avoid any semblance of unilateral action in the region.

The group that would carry out U.S. actions in Libya was the Joint Task Force Odyssey Dawn (JTF-OD). The JTF-OD was established in February 2011 by the U.S. Africa Command (USAFRICOM) and put under the leadership of Admiral Samuel J. Locklear III of U.S. Naval Forces Africa, with naval assets assigned from 6th Fleet and air assets from 3d and 17th Air Force.[20] Originally created to "facilitate civilian evacuation, provide humanitarian assistance

(HA), and transport Egyptian civilians from Tunisia to Egypt in support of the U.S. Department of State"[21] the Department of Defense (DoD) asked JTF-OD to transition into its new role as the operational controllers of the U.S. operation to enforce a no-fly zone and arms embargo in Libya after the passage of Resolution 1973. The U.S. contribution to the coalition effort included U.S. ships poised in the Mediterranean, off of which 124 Tomahawk Land to Air Missiles (TLAMS) were aimed at radars and anti-aircraft sites in the following days.[22] Simultaneous to JTF-OD's operations, based out of the USS Whitney stationed on the Mediterranean Sea, President Obama was working to hand control of the operation over to another entity to lessen perceptions of U.S. involvement in the region and ensure that the United States would not be responsible for operations in Libya long-term.[23]

By March 31, 2011 Operation Odyssey Dawn was declared complete; the JTF-OD disbanded when NATO assumed leadership over the effort under the new name, Operation Unified Protector. In the end, USAFRICOM succeeded in executing Operation Odyssey Dawn in so much as it halted Qaddafi's advance upon Benghazi, diminished Qaddafi's air and ground military capabilities, and paved the way for a no-fly zone.[24] One year later, General Carter Ham, commander of USAFRICOM, reflected on Operation Odyssey Dawn as a precedent for multilateral operations in the future, stating "we are always going to do them as part of some type of coalition."[25]

Regardless of the longer-term success or failure of the subsequent NATO-led operation in Libya, and removed from an evaluation of Odyssey Dawn from a tactical and logistical point of view, the operation itself provides an interesting example of the Responsibility to Protect in practice. Under the 2001 ICISS report, military intervention is only justified through RtoP if it meets the following criteria:

> The cause must be just, the intentions of the interveners must be pure, the use of force should be a last resort, it should

be sanctioned by the Security Council, it must be undertaken with proportional means, and it should have reasonable prospects of success.[26]

In order for the cause to be just, there must be actual or anticipated large-scale loss of life or ethnic cleansing; this requirement is satisfied by both Qaddafi's statements and actions mentioned above. Second, the use of military force in Operation Odyssey Dawn was sanctioned by the UNSC under Resolution 1973, satisfying the second condition. Further, the language used by President Obama echoed UN sentiments that the intention of the operation was to protect the people of Libya. He also stated "The international community is unified in sending a clear message that the violence in Libya must stop, and that the Gaddafi regime must be held accountable."[27] According to the ICISS report, multilateral operations and support of regional actors is important to establishing the "right intention."[28] In that regard, the United States stated it would "prepare for all contingencies, in close coordination with our international partners."[29] The multinational coalition led by JTF-OD, indeed, also operated under the blessing of the Arab League, a regional actor, after its initial request for the establishment of a no-fly zone, to "maintain the safety and sovereignty of neighboring nations."[30]

Additionally, Operation Odyssey Dawn was a last resort, undertaken only after previous UN attempts to establish a ceasefire and halt the massacre of civilians were ignored. Odyssey Dawn's commitment to the UN mandates that no boots should operate on the ground and that U.S. involvement should be swift (evidenced by steps undertaken by the Obama administration to hand off the operation to NATO as soon as it began) and clearly meet the precautionary principle of proportionality which states, "The scale, duration and intensity of the planned military intervention should be the minimum necessary to secure the defined human protection objective" (ICISS report, XII).

Finally, in deference to the above requirements, Operation Odyssey Dawn

did have a reasonable chance of success. Were this an analysis of the intervention as a whole, including the Operation Unified Protector continued by NATO forces, this would arguably not be the case, because the responsibility to rebuild is a crucial aspect of the responsibility to protect, and the operation as a whole did not clearly articulate desired political outcomes beforehand. A true fulfillment of Resolution 1973 needed to include a stabilization of the country in the aftermath of Qaddafi's fall, which, realistically, required a peacekeeping force unhindered by Resolution 1973's prohibition of foreign occupation in any form.[31] However, as merely the U.S. component of a larger multilateral operation, a task that the United States was never meant to lead in the long term, it was successful in achieving its limited goals.

Admittedly, an argument that Operation Odyssey Dawn did not meet the justifications laid out by the ICISS for military interventions under RtoP can be found in its failure to meet the operational principles. Operational principle B states that the intervention must include "Common military approach among involved partners; unity of command; clear and unequivocal communications and chain of command."[32] An analysis on the success of the JTF-OD, however, found that "planners and operators on all staffs lacked clear doctrinal understanding of the various command relationships—in particular operational control, tactical control, and direct support."[33] This created clear risks to both security and the success of the operation due to confusion and lack of cohesion. However, I would argue that these command challenges are to be expected when working with the multilateral coalition necessary to a politically legitimate intervention and will only improve as multilateral coalitions increasingly interact with one another. The report further found that:

> Guidance from the White House and DOD was confusing. Many people at USAFRICOM were unsure as to whether "regime change" was an intended option, as stated by the president, or whether operations were to be focused solely on protecting civilian life and providing humanitarian assistance to the refugees, as implied by the defense secretary's warning orders. Without a defined end stated for operations in Libya, USAFRICOM was uncertain as to what resources it needed for operations (Lessons Learned, 150).

This failure in communication of operation objectives is in obvious violation of operational principle A which calls for "clear objectives; clear and unambiguous mandate at all times; and resources to match" (ICISS, XIII). However, this criticism does not necessarily undermine the legitimacy of Odyssey Dawn as a whole because the operational principles outlined in the ICISS report are not a part of the six principles needed to justify military intervention.

Conclusions

This paper has attempted to outline how the international community justified Operation Odyssey Dawn, a U.S.-led military intervention. Regardless of its success or failure, the operation enjoyed moral legitimacy because of Qaddafi's violent actions against his people and a romantic support for the right to revolution in the West; political legitimacy because of its foundation in a widely supported UNSC Resolution and because it hinged on a multilateral coalition that included regional actors; and legal legitimacy in its invocation of RtoP documents adopted by the UN. Of the three, the legal legitimacy is clearly the weakest. However, the fact that Operation Odyssey Dawn was launched nevertheless, with little protest from other states, and was considered within the boundaries of international legal norms, means a precedent was set for the future emboldening of RtoP via Security Council authorization. In his chapter on humanitarian intervention, political scientist Jack Donnelly states, "precedents are created by later practice that makes the precedent."[34] Only time can tell whether the evolution of RtoP in international law advances peace or complicates it; but the case of Libya certainly proves that acceptance of the norm is growing and may be used as a model for future multilateral interventions that serve to shift the paradigm closer to a global order based upon a standard of protection of human interests over those of the state.

See next page for notes and bibliography.

Notes

1 The right to revolution in the event that one's government is violating citizen's natural rights evolved from John Locke's *Two Treatises on Government* and provided the philosophical justification for the American Revolution. It is referenced in the Declaration of Independence which claims the right of the people to abolish any government "destructive" to a person's inalienable rights

2 This is in addition to the United States' less ideational motivations such as a desire for geo-political stability in a region where it has vested economic and political interest

3 David Kirkpatrick, "Qaddafi Brutalizes Foes, Armed or Defenseless," *New York Times*, March 4, 2011, http://www.nytimes.com/2011/03/05/world/africa/05libya.html?pagewanted=1&ref=world

4 Ian Black and Owen Bowcott, "Libya protests: massacres reported as Gaddafi imposes news blackout," *The Guardian*, February 18, 2011, http://www.theguardian.com/world/2011/feb/18/libya-protests-massacres-reported

5 Arab League, Resolution 7630, "The implications of the current events in Libya and the Arab position," March 12, 2011

6 Ibid

7 United Nation Security Council, *Update Report No. 1: Libya*, UN Doc., March 14, 2011, http://www.securitycouncilreport.org/update-report/lookup-c-glKWLeMTIsG-b-6621881.php

8 UN Resolution 1973 was met with a vote of 10 in favor, with none against and 5 abstentions: UNSC, Resolution 1973 (March 17, 2011), UN Doc, S/RES/1973, http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1973%282011%29

9 Ibid, "Protecting Civilians," Clause 4

10 United Nations, "Background Information on the Responsibility to Protect," available at http://www.un.org/en/preventgenocide/rwanda/about/bgresponsibility.shtml

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12 Stewart Patrick, "A New Lease on Life for Humanitarianism," *Foreign Affairs*, March 24, 2011, www.foreignaffairs.com/articles/67674/stewart-patrick/a-new-lease-on-life-for-humanitarianism

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16 Luke Glanville, "The Responsibility to Protect Beyond Borders," *Oxford University Press*, 2012, available at http://hrlr.oxfordjournals.org/content/early/2012/01/23/hrlr.ngr047.full#xref-fn-45-1

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18 UNSC Meetings Coverage, "Security Council Approves 'No-Fly Zone' over Libya, Authorizing 'All Necessary Measures' to Protect Civilians, by Vote of 10 in Favour with 5 Abstentions," March 17, 2011, SC/10200, available at http://www.un.org/press/en/2011/sc10200.doc.htm

19 In all, fifteen nations, including nations from NATO and the Arab League, agreed to join the coalition, with other nations agreeing to provide support if sanctioned by the UN. The combined efforts of J5, State, USEUCOM, Defense Logistics Agency, U.S. Transportation Command (USTRANSCOM), and the experience of the USAFRICOM and JTF staffs were crucial in overcoming the challenges faced by USAFRICOM as it strove to form the multinational coalition and JTF. Joe Quartararo, Sr., Michael Rovenolt, and Randy White, "Libya's Operation Odyssey Dawn," *Prism 3*, No. 2, p. 145.

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23 Joe Quartararo, Sr., Michael Rovenolt, and Randy White, "Libya's Operation Odyssey Dawn", p. 145

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29 Ibid

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Peace in the Pursuit of Profit: How Commerce Drives Global Stability

By Matthew Prusak

Credit: HomeSudio/Shutterstock.com

"If goods don't cross borders, soldiers will." —Frédéric Bastiat

Historically, the pursuit of profit is not associated with creating a more peaceful world. From the Dutch East India Company's brutal regime in colonial Southeast Asia to the rebellion in the American colonies induced by increased duties for tea, business and peace do not always seem to be intuitive allies. However, in today's rapidly globalizing economy, there is immense potential for this to change. Market forces, taking the form of cooperation and international transactions, will be some of the biggest drivers towards stability and development in the twenty-first century. Creating a framework centered on these two goals and founded upon the promotion of international trade and foreign investment could be the most effective way to create a largely peaceful world in the decades to come.

The concept of a "capitalist peace" is far from a new idea. Political thinkers from the past, such as Montesquieu, Bastiat, Cobden, and Mill, theorized extensively about the possibility of a capitalist peace coexisting with or superseding liberal peace. Cobden optimistically labeled trade "the grand panacea."[1] At the turn of the twentieth century, Mill declared international market forces to be "rapidly rendering war obsolete."[2] Regrettably, the rise of markets has thus far failed to remove the specter of physical conflict from the modern world. However, the global economy is currently undergoing several shifts that could indicate an inflection point past which global conflict between participants in the global economy declines rapidly. This possibility to harness the global business engine for the greater good depends upon three factors that result from a robust and intertwined global economy: increased interdependence, an empowered middle class, and the diffusion of ideas alongside

products. While these three trends hold great potential, it is important to also recognize the risks that may prevent them from further evolving, as well as the means by which governments can turn theory into reality and aid in their development.

The Three Factors: Interdependence, an Empowered Middle Class, and Idea Diffusion

Interdependence is key to a market-driven peace. In the words of Thomas Paine, "Commerce diminishes the spirit, both of patriotism and military defense."[3] The emergence of global capital markets created a means for states to interact, compete, and communicate when they otherwise might be forced to fight. Once market players establish a trade relationship that is beneficial to both sides, the likelihood that the governments involved would be inclined to break off the trade pattern in favor of conflict becomes increasingly unlikely. Erik Gartzke best analogizes governments to be akin to individuals, needing to choose between trade and larceny in procuring required goods and services.[4]

But what induces states to favor commerce over warfare as a means of attaining wealth? Changes in the nature of production have rendered it difficult to cost-effectively subdue and then profit from modern economies through force. The inputs that industrial economies require increasingly rely upon inputs that are more cheaply and easily obtained by trade than through coercion. Moreover, the more that wealth becomes a function of easily distributable mediums, such as computer files and bank notes instead of tangible objects, the more it becomes difficult to seize.[5] While war and conflict disrupt these mediums of transaction, the wealth of nations can no longer be ransacked in the manner it used to be.

This general theory has exhibited several empirical iterations. First is the "McDonald's theory of international relations." This concept is based on the idea that countries with McDonald's restaurants are unlikely to go to war with one another because in order to be a market for McDonald's, a state needs to be integrated within the global economy, and as such the state would not attack another member of the economy because of interdependence. Granted, the theory is imperfect—the U.S. bombardment of Belgrade put an end to its record—but conceptually it illustrates precisely the sort of globalized interdependence that only increases as states' economies continue to entangle themselves with one another.[6]

Second is the "Dell Theory." Similar to the McDonald's idea, the Dell was conceptualized by Thomas Friedman to provide a further driver for capitalist peace. The Dell Theory postulates that "No two countries that are both part of a major global supply chain, like Dell's, will ever fight a war against each other as long as they are both part of the same global supply chain."[7] In a sense, major supply chains link together countries as much as they do businesses—even outside the home country of the corporation itself. Developing nations, who may each hold part of the overall supply chain, would be reluctant to risk conflict which could cause them to forfeit their newly gained wealth.

The third and most recent example can be found in the Middle East. For centuries a hotbed of sectarian violence, Middle Eastern states today are similarly becoming interdependent upon one another, creating linkages that induce them to cooperate when in the past they might have fought. The recent announcement by Israeli firms that they intend to sell $15 billion worth of natural gas to a Jordanian power company has the potential to strengthen the ties between the two diplomatically in addition to commercially.[8] Despite historical tensions in the region, this deal demonstrates the binding role that international business can play in fostering mechanisms for peace in the twenty-first century.

Together, these three examples illustrate how the increased interdependence arising from globalizing market forces may drive peace in the twenty-first century, creating an environment conducive to further cooperation and incentivizing states to work together for mutual gain. Whether such interdependence is realized through transactions or through a complex global supply chain, maximizing the links between states further decreases the likelihood of conflict.

Another element of the impact of international trade on the political realm is the increasing power of the business community on the political process. This multi-track approach to conflict prevention is not a new concept, but it has taken on increased importance in recent decades. With companies increasingly establishing multinational operations, it is in the business community's best interest to lobby for global conflict reduction as a means of safeguarding profits—especially in emerging markets. These markets, which the World Bank estimates could attain a majority share in world trade by 2020, are in many cases the ones that would benefit most from multi-track diplomacy efforts.[9] Indeed, the role of corporations in diplomacy is only likely to increase in the coming decades as firms look beyond borders for profits.

A third aspect to consider is the diffusion of ideas that develop as a byproduct of international trade. Trade does not just promote a physical marketplace. It also creates a global marketplace of ideas and information. In pursuit of profits, companies are creating entirely new dimensions of industry and culture around the globe.

A contemporary instance of this can be found in China. China is no longer simply the factory floor of the world. For years, Apple has produced its products in China, each with "Designed by Apple in California" emblazoned on their backs. China may have been the location of the assembly lines and production facilities, but it was American ingenuity that provided the impetus for the product. However, while the race for the most cost-effective manufacturing location may have benefited Apple executives in California, it also provided a chance for the Chinese to develop their own technology industry

and learn from Apple's best practices. Chinese technology company Xiaomi has been leading the charge. While it only produced its first phone three years ago, it has since risen to become the third largest smartphone manufacturer in the world and a contender for Apple's position as the largest global producer, within a decade.[10] As China's labor costs mount, Chinese firms like Xiaomi will have to imitate Apple and themselves look for new manufacturing locations. In their case, Africa now looks like the ideal location, with some Chinese companies investing billions in various African initiatives.[11] This further increases Afro-Chinese ties and the level of development in the region. Like China thirty years ago, Africa stands to reap the benefits of an increasingly globalized economy.

These benefits are not just limited to manufacturing. Google, known for its moonshot projects, has likewise proposed a project with the potential to spark a global shift in technology and society. Currently, only sixteen out of every one hundred Africans have access to the Internet, compared to seventy-five out of one hundred Europeans.[12] In search of new markets for its products, Google endeavored to invest in the infrastructure necessary to connect the two-thirds of the world's population without Internet access. Through establishing a global network of WiFi-enabled balloons, it aims to bring connectivity to potential customers. The effects of such activities extend far beyond simply acquiring more users clicking Google's online advertisements. Rather, providing Internet connectivity to new users has the potential to further diffuse knowledge around the globe. Non-profit enterprises, such as Wikipedia or EdX, which provides free online courses from some of the world's best universities, would also become available to these customers. In turn, this could increase development in areas currently at the fringes of the global economy and foster a more peaceful world. While the increased spread and access to technology does not always lead to peace, as the global diffusion of the AK-47 assault rifle can attest to, increasing diffusion of non-military technology creates value opportunities that cross borders instead of close them.

The Risks

While instances of global business bringing people together, whether through Middle Eastern commodity deals or East Asian cellphones, continue to take place, there remain some risk factors that could impede the ability of an increasingly globalized economy to bind states together.

First, wealthier states, wary of the ability of new competitors to negatively impact their domestic economies, may institute forms of protectionism as a means of placating their constituents and giving local firms an advantage in the domestic market. The product cost of sugar is six times higher in the European Union than it is in Brazil. Yet, the EU prefers to subsidize sugar production instead of importing it, a decision that *The Economist* describes as both "economically stupid" and "morally indefensible."[13] Ironically, this actually leads to so much sugar being produced that it is exported to poorer countries, further impeding their ability to develop local industry.

Second, if countries at the periphery of the global economy fail to be sufficiently included by globalization, they could remain mired in conflict. Areas in sub-Saharan Africa, for instance, will be unable to develop effective mechanisms of governance unless effective economic investments are made that link them to global civil society. Activities like Project Loon and the Honduran ZEDE provide a means to both link these nascent economies with the rest of the world and entice investors to set up shop.

Third, even though development may decrease the incentive for a country to seek to enlarge its territory though warfare, it greatly increases the technological capacity of states to project power globally.[14] Countries with air and naval capabilities can involve themselves in distant conflicts that a poorer country would be unable to reach. Moreover, states with a degree of surplus capital can afford to involve themselves in policy-driven fights that satisfy a secondary or tertiary interest beyond that of self-defense, e.g. ideological proxy wars in far-off lands. For these reasons, an increase in wealth and power can create issues if not balanced out by regional improvements and international mechanisms.

Accelerating the Trend

So how can the trend towards a market-driven peace be accelerated? Developed economies should do two things: seek to strategically entwine themselves by promoting international trade through mechanisms such as free trade agreements, and enhance "catch-up" opportunities in less developed countries as a means of improving their standards of living. Providing an open market for exports from developing countries is essential. In short, it makes both economies better off in terms of trade and in terms of relations.

Countries in both the Global North and the Global South should also continue efforts to build the human and infrastructural capital necessary to attain economic growth in the developing world. For developed countries, this includes programs such as training exchanges and backing development loans to poorer nations. For developing states, attracting foreign direct investment and shaping a diversified and competitive economy are critical. Honduras has proposed an innovative instance of this: the creation of "Zones of Employment and Economic Development" (ZEDE in Spanish), quasi-sovereign, business-friendly "charter cities" modeled on Singapore or Hong Kong.[15] While the impact of such proposals cannot yet be measured, there is little dispute about the importance of attracting foreign capital in developing economies.

Conclusion

Business and international trade have the potential to create unparalleled stability and growth in the twenty-first century. Whether through commercial transactions, supply chains, or global connectivity, harnessing the global business community can be an effective means of creating a more developed and peaceful world. Peace and development can best be achieved through a framework emphasizing global trade. When considering what ethical paradigm the world should operate under, fostering a commercially interdependent system has never had more potential to reduce global conflict.

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Why is Copyright a Problem?

By Bjorn Friborg

Introduction

Jerry Garcia was a progressive and outspoken advocate of a free society. His band, the Grateful Dead, did some of the first viral marketing in the music business: they relied on their audiences to promote their music and copy their demo tapes. This created a unique community around the band and helped make them popular. In other words, they urged their fans to share the music among themselves. In 2000 the Grateful Dead lyricist John Perry Barlow said, "The future will win; there will be no property in cyberspace."[1] This has been a rallying call for many in favor of free file sharing. However, the story of the Grateful Dead and their message to the world was turned upside down when Jerry Garcia passed away and his heirs sued a burrito chain for using his portrait in 2005.[2] Garcia's face had become a commodity that others could profit from after his death. Surely, this was not in the spirit of the Grateful Dead.

This essay explores several utilitarian points of view. This ethical framework is deeply embedded in the discussion of copyright since the earliest laws about intellectual property were utilitarian in aim. I will argue, however, that the current system is contrary to the utilitarian goal of maximizing welfare because the result of current copyright laws effectively removes the public domain.

Free innovation and sharing of ideas are bogged down in legal cases and economy. Our ideas are commoditized and stripped from the public domain. As a historian I have to ask, Was this the way we intended our laws to work?

Copyright, not Patents

It is crucial to separate the discussion of intellectual property into two categories: patents and copyright. Although the two categories are intimately related, they have different practical implications. Patents are acquired at great costs, have clear rules for being obtained, and are to a high degree regulated by national governments and courts. Copyright is the exact opposite: free to everyone, very vague rules, and less strictly regulated. In short, patents are *acquired* whereas copyright is *bestowed* automatically on any 'creator.' The following discussion

will only address copyright for several reasons. First, for reasons of brevity, a complete discussion of both copyright and patents is impossible. Second, the goal of this discussion is to explore the realm of copyright in a search for solutions to the aforementioned problem that it fails to serve a utilitarian purpose. Given the different nature of patents (as described above), the solutions for fixing copyright are not the same as those for patents. Indeed, it is not our aim to discuss whether a problem with patents exists. Finally, items being patented differ from those affected by copyright. Patents most commonly concern technological innovation whereas copyright mainly pertains to cultural innovation. The following discussion will exclusively focus on what can be described broadly as "the arts" because it is in this sphere that copyright has an impact.

The Problem

Our copyright laws are based on the premise that artists and authors need an economic incentive to work.[3] I will argue that this premise is false. The literature with the greatest impact on our lives today was written long before the notion of copyright was ever conceived. Van Gogh only sold a single painting in his life. Franz Schubert died in poverty. These artists contributed to our world *regardless* of whether they were paid. Viewing art as solely an industry and commercial endeavor must be a fallacy in its essence since art predated industry. It will not disappear if we change our laws. Since all artists potentially have their own motive for creating, it is unreasonable to conclude that economy is the sole reason for creation. What we *can* establish is that people have diverse creative urges which will not be extinguished even if no profit is to be made. As I will delineate below, current copyright laws hinder innovation instead of preserving it.

The war of copyright is a battle of how to define ideas. Let us then first examine the concept of ideas. If I have an apple and you take it, I'm left without an apple. If I have an idea and you take it, I still have an idea. Or, as Jefferson put it: "He who receives an idea from me, receives instruction himself without lessening mine; as he who lights his taper at mine, receives light without darkening me."[4]Art and ideas are therefore non-rivalrous and non-excludable and should be held in common, as everyone may benefit from them. It is contradictory that in order to multiply ideas we shackle them with property rights, hindering their free transmission between people. They are hindered by property rights because these grant the owner a monopoly on the idea which cannot transmit freely. Even if the owner of an idea is willing to give it away free of charge, this is often problematic if the third party wants a part of the action. These third parties include secondary right holders or guilds that seek to protect the 'interests' of the artist.

Another point to note is that non-western countries suffer from being excluded from the intellectual property industry, which has never been a global project. Pioneered by the World Trade Organization (WTO), intellectual property[5] has become a private venture with the aim of maximizing profits, not ideas.[6] A look at the American Copyright Law of 1790 shows us that copyright was never a global project from the outset. As Lewis Hyde has pointed out, this law includes a "piracy clause" in the sense that copyright was limited to American authors and reprinting of non-American authors' works was legal.[7] Since the legality of non-domestic piracy is explicitly stated in the law, it seems reasonable to assume that the intention has been to promote education domestically with the cheap availability of foreign books. Good intentions aside, this tendency to defend property rights nationally and not globally has not changed since 1790; the battle has merely shifted from bilateral to multilateral. The global south is on the losing side with insufficient resources to defend their rights.

A common defense of copyright is to highlight the value of originality. But originality does not exist. Every conceivable concept is based on something different, or as Jim Jarmusch puts it, "Authenticity is invaluable; originality is non-existent."[8] Take a touchscreen for instance: the "invention" contains several inventions—the electricity that runs through it, the display, and the sensors that register the touch of the finger. Everything is a remix[9] and what copyright law protects is arbitrary.

Another problem with our current system is that it disproportionately benefits a few famous artists.[10] This is due to the fact that a superior marketing capacity will allow the famous artists (and their respective labels) to conquer the biggest share of consumers. As noted by Banner, "Property has always been a means rather than an end"[11] and it is precisely this that I recommend that we change. As long as the ethical foundation of copyright is forgotten, it is up to the people profiting from copyright to steer our course. Conceding the power of copyright to the private sector is to concede civil rights, which should be unalienable. This point has been formulated beautifully by Rousseau: "if he who rules men ought not to control legislation, he who controls legislation ought not to rule men; otherwise his laws, being ministers of his passions, would often serve only to perpetuate his acts of injustice."[12] The current system is the exact opposite of Rousseau's utopian state. With the TRIPS agreement of 1995, the legislative power within the field of intellectual property shifted from the World Intellectual Property Organization (WIPO) to the WTO. This has had enormous consequences for the industry in that the reasoning behind enforcement of laws has changed. Whereas a clear ethical (utilitarian) foundation existed under WIPO, the ethical standpoint has been supplanted by profit maximization. As Rousseau explains, this dynamic will breed injustice. Having an organization like the WTO take care of utilitarian laws is problematic given their declared goal:

"to help producers of goods and services, exporters, and importers conduct their business."[13]

This leads to the question of what is and what should be property? Michael J. Sandel's perspective from his book *What Money Can't Buy* sheds light on this question.[14] Sandel is not interested in laws but in the ethics behind them. His main concern is the commercial invasion of society which is a product of increased commodification. He counters free-market triumphalism with two main points:[15]

• Coercion and unfairness: The market, and the selling of intellectual property on it, is not fair unless the buyer and the seller are equal both in economic necessity and information, which is rarely the case.
• Corruption and degradation: Some things should not be for sale—or rather—cannot be for sale without losing their meaning, like a citizen selling his or her vote.

Let us begin with the former. Who of the common citizenry has an in-depth understanding of copyright? Few indeed. On the other hand, record labels (and others making an indirect living from copyright) have attained specialized knowledge of copyright, thus information is not equal between buyer and seller. Even if the consumer and the seller were equally informed, the seller would generally have a larger economic capacity and therefore would be able to trample the individual in courts and intimidate most people into expensive settlements. An example is the case of Supap Kirtsaeng, a reseller of books on eBay versus John Wiley & Sons. "To help pay for grad school at USC, Kirtsaeng sold textbooks online—legitimate copies that he'd purchased overseas. But academic publishing behemoth John Wiley & Sons sued [him], claiming that his trade in Wiley's foreign-market textbooks constituted copyright infringement."[16] Faced with legal fees of at least $600,000, Kirtsaeng was saved by the bell when Google and eBay (among others) joined

his defense (in order to protect their own economic interests). Thus, we see that the market is unequal for buyer and seller.

Regarding Sandel's latter point about corruption, the overlap between economic interest and legislative power is striking. As stated earlier, the shift from WIPO to the WTO is in clear violation of the idea of the separation of powers as propagated by Rousseau and Montesquieu. But the WTO is not the only organization that corrupts intellectual property. The same can be said of the Motion Picture Association of America, Recording Industry Association of America, Business Software Alliance, and the Association of American Publishers, to name a few. It is important to note that these companies are not evil-doers; they merely act according to the system that *we* have built. Returning to the point of degradation, some things should not be for sale—and it is simply not in the common interest of people to have ideas for sale. This is not based on emotional outrage that degrading our rights is morally wrong; it is a matter of what is best for the society as a whole from a utilitarian perspective. The constant expansion of the duration of copyright has effectively stopped all new works of art from entering the public domain. With no works in the public domain, there can be no free transmission of ideas, which in turn halts innovation and means that fewer people have access to the works of art.If there is practically no public domain, the reason for having copyright also evaporates, since the goal of copyright originally was to encourage more works that could fall into the public domain. With the addition of private companies buying intellectual property rights, ideas are reduced to mere commodity, produced only to gain a monetary profit instead of benefitting humanity as a whole.

The Solution

Let us, for a brief moment, imagine a world without copyright. What would it look like? Some dare not ask the question, but as argued above, it is of outmost importance that we do. In a world without copyright, our laws would be radically

changed, which is easier said than done, as Rousseau argues:

> When once customs are established and prejudices have taken root, it is a perilous and futile enterprise to try and reform them; for the people cannot even endure that their evils should be touched with a view to their removal, like those stupid and cowardly patients that shudder at the sight of a physician.[17]

But is it really a futile enterprise to try to change our laws? Surely this cannot be so, because then our whole society would stagnate as our laws would become outdated. If changing our laws is perilous then our society would have devolved a long time ago, and that is not the case, is it? Let us leave that as an open question.

What would happen if we did actually remove copyright? In order to assess the benefits and damages that could occur, we have to assume the worst since it, in its essence, is a radical change that is difficult to reverse. Let us begin with the negative side of the possible outcome. A huge industry has been built on copyright in the western world, and thus many jobs could be at stake. In short, some businesses would be affected radically by removing copyright: distributors of copyrighted material (such as record companies, shops selling merchandise, etc.), organizations 'protecting' artists (such as the Motion Picture Association of America and KODA) and last, but not least, the artists. Now let us assume, for the sake of the argument, that all employees of the abovementioned industries would lose their jobs. Is this a problem? From the personal perspective it might seem so, but in order to assess the possible damage overall we need to take a broader approach. The anxiety at the removal of copyright is largely based on the Luddite fallacy—the fear of becoming unemployed because of technological advancement. If we do not have copyright, artists cannot make a living because of technological innovations such as the Internet and file

sharing networks. However, this argument is backwards. There were no laws against cars to protect horse breeders when the combustion engine was invented. Or as Tabarrok put it; "[if] the Luddite fallacy were true we would all be out of work because productivity has been increasing for two centuries."[18] Looking at history there seems to be no reason to assume that our technological advancement will permanently put people out of work. People living off copyright are naturally interested in preserving their power. The problem is that the middlemen living off copyright often are the very people who enforce the laws (like the WTO and MPAA). We do not, however, have to accept their position. In reality, the historical perspective, as presented here, reveals that many arguments defending copyright are not historically sound. This leads me back to the question of whether copyright should be a right at all. The exclusive right to an artwork has bred a workforce of middlemen who produce nothing but ways of exploitation of the artists' rights (record labels, for example). Innovation has not been enhanced and those administering copyright make a living extracting money from consumers rather than producing something themselves. This point must be stressed because it is for the common good to organize our society in such a way that most people gain the most utility.[19] Even if one does not adhere to the utilitarian doctrine, the point remains that the caretakers of copyright produce nothing beneficial for society.

Conclusion

When the American Copyright Law was written in 1790, legislators could not have foreseen the exact outcome of the law. They had the clear intention of furthering innovation by granting exclusive rights to authors. Now, three hundred years later, we see that the enterprise has ultimately failed and corrections must be made if we want further innovation. Looking back at the intention of the first copyright laws, we are presented with a paradox: in order to get more works into public domain, legislators granted individuals exclusive rights, which meant taking works *out* of the public domain. Like Mary Shelley's "Frankenstein's Monster," we have created something we did not fully understand and now it has turned on us. The only logical conclusion must be to abolish copyright and rectify our mistake.

Notes

1 John Perry Barlow, "The Next Economy of Ideas," *Wired*, Oct. 2000

2 "Jerry Garcia's heirs sue over burrito chain's use of his image" accessed January 5, 2015 http://edition.cnn.com/2005/LAW/01/13/moes.garcia/

3 "Statute of Anne" accessed January 5, 2015 http://avalon.law.yale.edu/18th_century/anne_1710.asp

4 Letter from Thomas Jefferson to Isaac McPherson: August 13, 1813

5 "TRIPS agreement" accessed January 5, 2015 http://www.wto.org/english/tratop_e/trips_e/wtowip_e.htm

6 Laurence R. Helfer and Graeme W. Austin, *Human Rights and Intellectual Property*, (Cambridge University Press, 2011), p. 39.

7 Lewis Hyde, *Common As Air*, (Union Books, 2012), p. 57

8 MovieMaker Magazine #53 - Winter, January 22, 2004

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11 Stuart Banner, *American Property*, Harvard University Press 2011 p. 291

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13 "What is the WTO" accessed January 5,2015 http://www.wto.org/english/thewto_e/whatis_e/whatis_e.htm

14 Michael J. Sandel, *What Money Can't Buy*, (Farrar, Straus and Giroux, 2012)

15 Michael J. Sandel, *What Money Can't Buy*, (Farrar, Straus and Giroux 2012), p. 186

16 "How an ebay bookseller defeated a publishing giant at the supreme court" accessed January 5, 2015 http://arstechnica.com/tech-policy/2014/11/how-an-ebay-bookseller-defeated-a-publishing-giant-at-the-supreme-court/

17 Jean-Jacques Rousseau, *The Social Contract*, p. 44

18 Tabarrok, Alex, "Productivity and unemployment" accessed January 5 , 2015 http://marginalrevolution.com/marginalrevolution/2003/12/productivity_an.html

19 Torbjörn Tännsjö, Understanding Ethics, 2002, p. 17

Dangerous Exchange: Liberty for Surveillance

By Justin Hosman

Introduction

"Liberty is worth paying for."
—*Jules Verne,* 20,000 Leagues Under the Sea

Dionysus offered Midas one wish. Midas asked that whatever he touched might be changed to gold. Initially, Midas was thrilled as he touched stones and trees, turning them to yellow-colored metal. Inevitably, Midas touched his beloved daughter and watched as she changed into a lifeless golden statue. It was not until after he had lost what he most loved that Midas regretted his wish. In an age where technology grants many wishes it is easy to wish and give little thought to consequence. Like Midas' daughter, liberty can easily be lost as security and surveillance are sought without considering the cost. Liberty is valuable because it enables people to choose and choice allows for meaning in our lives. To choose what is most important is uniquely human

and is safeguarded by liberty. Constant and pervasive government surveillance of its citizens infringes on liberty and changes people's behavior. It is important to discuss how surveillance exists at the cost of liberty.This essay will highlight the dynamic between liberty and surveillance, first by providing a working definition for liberty and why it is important for human meaning. Second, it will demonstrate the extent of surveillance's current power and its effects on liberty.

Liberty

"The most sacred thing is to be able to shut your own door."
—*G.K. Chesterton,* Woman

We will first attempt to narrow the larger discussion in regard to liberty. We will define liberty as it pertains to this discussion, highlight its importance, and why its loss is unacceptable. Finally, we

will demonstrate that liberty is in tension with other important values, but should be considered a top priority for states and their leaders.

Negative Liberty

Here, liberty will be defined as negative liberty.[1] Imagine yourself waking up in the morning and choosing from many different ways to cook your eggs. You choose to scramble your eggs, but nobody forced you to make that choice or placed barriers to you making another choice. This is an example of the concept of negative liberty because you were free from barriers or coercive influences that would inhibit your ability to choose. For negative liberty, "[c]oercion implies the deliberate interference of other human beings within the area in which [an individual] could otherwise act."[2] Negative liberty encapsulates the classic political conception of liberty, to be free from shackles, cages, and overwhelming influence. This essay will

also narrow the discussion of coercion by limiting it to government surveillance activity which is a threat to its citizens and to negative liberty.[3]

Importance of Liberty

Liberty is important because it enables human beings to add meaning into their lives through their choices. Just as a fish cannot understand the importance of water until it is removed from its natural environment, an individual who has enjoyed freedom can usually only begin to see liberty's importance in its absence. Imagine a world where liberty does not exist. Nobody is able to choose anything. All individual choice has become the purview of a few leaders. There are no consequences, good or bad, because an individual cannot claim the consequences of a choice she did not make by her own free will and choice. A world without liberty is not an attractive proposition.

Primary to liberty is the perception of free will.[4] Perceived free will allows for choices that are meaningful; "the ability to make one's own choices between conflicting values is the crux of one's identity as a moral agent."[5] Choices are important because they determine "what one is *to be* and *do*."[6] These choices, and the ability to choose, become extremely important because they are imbued with the power to give identity and meaning to their makers. In contrast, the absence of liberty has the ability to drain meaning from the lives of individuals. Liberty allows individuals to enjoy the richness of human life and the meaning therein.

Liberty and Security

Tension exists between liberty and security. In other words, strict security will impinge on the liberty of all. Moreover, absolute liberty and a lack of security will also have negative ramifications. As a thought experiment, Hobbes imagined the "state of nature" as the state of human organization before society and government, which was fairly grim. Hobbes stated, "[i]n the state of nature, Profit is the measure of Right."[7] It was a state of radical liberty with no constraints in the form of laws, and individuals could do as they pleased.[8] Proving inefficient, the state of nature was exchanged for leviathans, social contracts, and governments. In other words, liberty was exchanged for security. It seems as though liberty and security would be forever pitted against one another; "[f]or in a way beset with those that contend, on one side for too great Liberty, and on the other side for too much Authority [security]."[9] An absolute devotion to liberty alone will not solve all humanity's problems, but if liberty were completely jettisoned in exchange for surveillance then it would prove catastrophic.

Surveillance

"Under observation, *we act less free*, which means *we effectively are less free*."
—*Edward Snowden*

Rapid changes in government surveillance technology and its increasing pervasive use have serious effects on liberty. In this portion of the essay, we will define systematic and pervasive government surveillance (SPGS) and its current capabilities, demonstrate how SPGS constrains liberty, and show how SPGS impedes the transaction of ideas and the freedom to associate with others.

Systematic and Pervasive Government Surveillance

In an effort to produce an institutional building that could reform its inhabitants, Jeremy Bentham created the Panopticon. The brilliant key to the Panopticon's reforming power was simple: place the inmates under constant surveillance and they will bend to the will of the watcher. In regard to the Panopticon, Bentham describes, "a new mode of obtaining power of mind over mind, in a quantity hitherto without example."[10] He goes on to state that it would function as a "mill for grinding rogues honest."[11] For Bentham, the subjective perception that an individual was being watched was sufficient to modify his behavior to conform to the will of the watcher. Surveillance is not observation, but powerfully subtle participation in the lives of the watched.

Though anecdotal, Bentham's Panopticon is chillingly similar to the technological Panopticon that has been constructed by governments throughout the world. SPGS is defined by the government's ability to watch and aggregate large amounts of information regarding their non-suspect citizens. Currently, almost anyone who uses reasonably accessible technology is under surveillance. Widespread use of the internet allows for data aggregation and analysis. "*Ordinary Internet users*, American and non-American alike, far outnumber legally targeted foreigners in the communications intercepted by the National Security Agency from U.S. digital networks."[12] Similarly, the wholesale acceptance and use of mobile phones has made it possible to track an individual's movement and most intimate information and conversations. In addition, the advent of drones, both large and small, has undermined economic barriers to constant surveillance. Some drones are capable of nearly limitless flight, live-feed video cameras, infrared cameras, and radar.[13] Your government is capable of watching you at almost all times. As technological progress marches forward there will be fewer and fewer places where one can enjoy true privacy.

Psychological Effect

A person will act differently when he is watched. Surveillance constrains the choices of the individual being observed. The liberty of the watched is trampled by the watcher and is reminiscent of the future described by Orwell in *1984* as "a boot stamping on a human face—for ever."[14] Psychologists have observed that people will modify their behavior in response to their awareness of being watched; this is called the Hawthorne effect. In combination with the Hawthorne effect, Stanley Milgram's studies on obedience cast even more light on the situation. Milgram observed that individuals are likely to inflict large amounts of pain on innocent parties when instructed to do so by

a person in a position of authority. In other words, a person in a position of authority can force an individual to do something he would not otherwise do simply because of their authoritative status. The state wields a monopoly on violence, representing the pinnacle of authority. People will act differently as they are placed under constant government surveillance and as their liberty is constrained. Furthermore, constant surveillance will not provide foundations of trust between citizen and government. Surveillance implies suspicion and creates animosity between citizen and state.

Freedom of Speech

Freedom of speech is widely considered to be a fundamental right. This right is embodied in the United Nations' Universal Declaration of Human Rights:

"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions *without interference* and to seek, receive and impart information and ideas through any media and regardless of frontiers."[15]

The United States Constitution has also embodied this right in the first amendment:

"Congress shall make no law… abridging the freedom of speech, or of the press or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."[16]

People are not likely to exercise this freedom when they are constrained by their government's surveillance activities. It is even more unlikely that people would assemble and speak out against the existing government when they are constantly observed by the violence-wielding entity that always watches them. To lose freedom of speech would be to stall the acquisition of knowledge, diminish political transparency, and slow social progress.

Privacy

The fourth amendment of the United States Constitution states that,

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause."[17]

For many, this amendment embodies a right to privacy, a right to be free from government intrusion into personal life. It is in the private lives of individuals that some of the most meaningful events take place. SPGS is shrinking the private lives of individuals and encroaching on what individuals hold sacred.

Conclusion

"Big brother is watching you."
—*George Orwell,* 1984

The leaders of the world, like Midas, have been offered a wish by a technological Dionysus and must choose wisely. On the one hand, states can choose to grasp at empty promises of absolute security through massive surveillance in exchange for what is most important. On the other hand, states have the opportunity to protect liberty, which is easily taken for granted. Liberty enables the richness of meaning that can be gleaned from human experience. It is what allows for choice and consequences and is fundamental to the human paradigm. Systematic, constant, and pervasive surveillance constrain liberty. People act differently when they are watched and will, most likely, conform to the will of the watcher. It would be a tragedy and mistake to exchange liberty for surveillance.

Notes

1 This is not to say that negative liberty is the only conception of liberty. Additionally, an argument may be made for a positive legal right to privacy, but that will not be discussed in this essay.

2 Isaiah Berlin, TWO CONCEPTS OF LIBERTY 3 (Oxford University Press, 1958)

3 Constant and pervasive surveillance is not exclusive to governments, but is also carried out by corporations and ordinary citizens. Corporations participate in data aggregation and analysis and people create mountains of user-generated content through the use of cellphone cameras. The distinction between government and private surveillance is that the government has a monopoly on violence, which produces a more radical effect on the liberty of the person being watched.

4 This essay will not discuss the existence of non-existence of free will. But it is important that individuals are possessed with a perception that what they do is dictated by what they believe to be free will; otherwise choices have little meaning because their consequences are not deserved.

5 Stanford Encyclopedia of Philosophy, *Isaiah Berlin* (Jan. 5, 2015), http://plato.stanford.edu/entries/berlin/#5.4

6 *Id.*

7 Thomas Hobbes, *De Cive*, (Jan. 6, 2015) http://www.unilibrary.com/ebooks/Hobbes,%20Thomas%20-%20De%20Cive.pdf

8 To a certain extent, this is not true because people were definitely constrained by the decisions of others.

9 Thomas Hobbes, Leviathan 3 (Cambridge University Press, 1991)

10 Janet Semple, *Bentham's Prison*, 152 (Oxford University Press, 1993)

11 Jeremy Bentham, *Panopticon*, 29 (Miran Bozovic, 1995)

12 Barton Gellman, Julie Tate, Ashkan Soltani, *In NSA-intercepted data, those not targeted far outnumber the foreigners who are*, WASHINGTON POST (Jan. 5, 2015) http://www.washingtonpost.com/world/national-security/in-nsa-intercepted-data-those-not-targeted-far-outnumber-the-foreigners-who-are/2014/07/05/8139adf8-045a-11e4-8572-4b1b969b6322_story.html

13 https://www.eff.org/issues/surveillance-drones

14 George Orwell, *1984*, 267 (Signet Classsic, 1950)

15 Universal Declaration of Human Rights, Art. 19

16 US CONST. amend. I

17 US CONST. amend. IV

Our Future World: International Law from the International to the Global

By Lynette E. Sieger

Reflecting on the future of our world is a thought process that requires an attempt to overcome the limits of our knowledge and imagination in adequately conceiving of and then accurately projecting which possibilities of conflict, social movements, economic and environmental shocks, and radical population shifts might occur and drive the course of social cooperation and coercion. However, reflecting on the future offers an opportunity to look more deeply at where we now stand and imagine how—within or as challenges to our current frameworks— we might plausibly evolve, and then how we envision the way in which we *ought* to evolve. In thinking about our future world, I choose here to reflect on the field of international law and how it copes with and might evolve to more adequately handle the challenges of intensified globalization and transborder human, social, and environmental concerns. The methodology which I adopt for undertaking the question of the future of international law is to

understand its underpinnings, to identify normative and practical challenges which it faces now and in the near future, and how its roots and practical expressions might drive change where necessary or, alternatively, how change might be accommodated within the system.

In the first section, I offer an overview of two important aspects of the framework of contemporary international law. I will focus on the embeddedness of (1) state-centrism—which prioritizes the recognition of states as both the primary subjects and agents of international law and (2) liberalism as a principal normative driver.In the second section, I identify key normative and practical challenges which international law will have to address and adapt to in order to maintain legitimacy, effectiveness and relevance. It is important to note that the issues I identify are representative of only a fraction of the foreseeable challenges with which international law is confronted and have been narrowed down for the purposes of this contribution. The challenges which I

identify are broad in scope but fall into three categories: (1) democratic deficit within the system of international law and governance; (2) systematic socioeconomic injustice; and (3) inadequacy of the political/legal boundaries of the state/internationalist system to meet the trans-border scales of policy in the realms of environment, health, resource scarcity, and security threats.

I conclude with the idea that the future of international law lies in an increasing shift away from the state-centric model, towards a more global form of law with greater emphasis on individuals and layered spheres of participatory governance. I briefly explore how scholars and practitioners of international law might facilitate its evolution to meet the normative and practical challenges which it faces.

States, Liberalism, and International Law

The first characteristic of contemporary international law with which this paper

is concerned is that it is generated and negotiated at the level of states coming together collectively as states under constitutive international agreements to manage common problems and achieve common goals through rule-making, setting international standards, and fostering international norms. Primarily, international law emerges through international treaties that are then written into national laws with the expectation that states will enforce, finance, and cooperate with each other to give laws effect.Outside of state enforcement, compliance with international law can be arbitrated through specialized boards within international organizations—such as the Dispute Settlement Body of the World Trade Organization—or through courts—such as the International Criminal Court or the Permanent Court of International Justice. Though international law is dependent upon the cooperation of states, where cooperation and adherence is strong, it can stand above states and coerce through both custom and enforcement (via suspension of membership rights, trading rights, sanctions, for example)—even in states that are not signatories to treaties which set the standards. A key feature of international law is that only states and bodies or representatives of international organizations have standing.

International law circumvents important liberal norms of popular participation and will do so in the formation of law and governance by centering on states as agents and subjects at the exclusion of individuals. There is, however, a normative trend within international law towards increasing the value of and legal commitments to liberal principles, specifically, in the promotion of human rights agendas. This trend is evident in the Universal Declaration of Human Rights (1948) which promotes rights to security, due process, liberty, political equality, and social welfare. Since that time, human rights have been further promoted through specialized treaties such as the International Convention on the Elimination of All Forms of Racial Discrimination (1966), the International Covenant on Economic, Social and Cultural Rights (1966), the International Covenant on Civil and Political Rights (1966), the Convention on the Elimination of All Forms of Discrimination Against Women (1979), Convention on the Rights of the Child (1989), Convention on the Rights of Persons with Disabilities (2006), and the Declaration on the Rights of Indigenous Peoples (2007).

Beyond the United Nations Conventions, the trend towards elevating the status of human rights has been seen in regional organizations and conventions, including the Banjul Charter (or the African Charter on Human and Peoples' Rights), the American Convention of Human Rights, and the European Convention on Human Rights. Primarily, committees are established with conventions relating to individual and group (outside of states) rights to monitor the degree of compliance with treaty standards within states. This opens the functionality of human rights within international law to the critique that it is hortatory and lacking the force and structure of the rule of law. Beyond monitoring, or naming and shaming functions of conventions, courts have been established, such as the International Criminal Court and the European Court of Human Rights, to receive and investigate complaints, mediate disputes and issue judgments related to human rights and human rights crimes.

Although the force of liberalism/ human rights within international law is undermined by overall weak standing and enforcement mechanisms where its principles have been adopted, I will argue in greater detail in section three that the conceptual terrain has been set for the evolution of international law away from states and towards a more global concept; that is to say, concerned with individuals and the institutions—including states—that play pervasive roles in how lives are lived.

Challenges to International Law

As explored in the preceding chapter, the procedural mechanisms for creating, promoting, and enforcing international law are pursued and negotiated through states as both agents and addressees. Whereas widely accepted principles of political legitimacy derive from a combination of a participatory role of the governed in forming governance structures (democratic norms) and the obligation of governmental institutions to meet and satisfy individuals' needs and access to public goods (human rights and political, economic, and social norms). These conditions of legitimacy, working in concert, form the definition of justice offered by Jean-Marc Coicaud as "the allocation of and access to resources and opportunities (political but also legal, economic, cultural, and others) due to each individual."[1] The international system circumvents the rights of the governed, substituting the people for the state. Coercive rules are then argued to be justified/legitimate by the consent of states acting as representatives of the people. When looking to the future of international law, we should evaluate whether state-centrism in the sphere of global governance sufficiently satisfies conditions of legal/ political legitimacy as here set out and if, in turn, it adequately addresses threats and challenges to the system as it stands. In this section, I will break down the critique of the current system of international law into three parts identified as the problems of (1) democratic deficit, (2) systemic socioeconomic injustice, and (3) mismatch between the legal/political boundaries of the states and the demands of global justice.

Democratic Deficit

The intensification of global inter-dependencies in and systemic global integration of economic, social, political, technological and legal interactions requires, as all societies do, a system of governance aiming at fair processes and outcomes in how we engage with each other individually and collectively. The question here is whether the internationalist, or state-centric, system of governance in the global sphere satisfies the demands of legitimacy and justice. A primary criticism of the internationalist system is its undemocratic character and the exclusionary and paternalistic form derived therefrom which has not been tempered by

promoting a floor of human rights standards within and between states.

States, as agents and addressees of international law, gain recognition through the means of controlling the state. It is this condition of power alone that gives them standing and entitlement to act in the name of the people of the state, irrespective of whether a dictator or democratically elected leader. Slaughter and Burke-White argue that statism is the form and ought to be the future of international law because states hold jurisdictional entitlements, police power and institutional capability to address transnational threats. In this sense "…force becomes the servant of the Law and not its master." [2]

Additionally, international organizations and law are a threat to democracy, state sovereignty, or both, based on their internal decision-making procedures. International organizations that conclude decisions based on majority voting impose binding arrangements on all member states, including states in opposition to the measure and even if those states are in opposition based on the demands of their democratic/participatory constituency. Perhaps even more popularly problematic are weighted voting schemas such as that of the United Nations Security Council. The UN Security Council exercises power not only over member states but, under the UN Charter, also over non-member states where it is determined as necessary to secure the peace (Article 2 (6)). The Security Council's five permanent members—China, France, Russia, the United Kingdom, and the United States—have the power to exercise a veto over the opinions and positions of the nearly 200 other member states as well as other non-member states that may suffer the direct or indirect consequences.

Finally, decisions made by consensus within international organizations face the charge of being unduly influenced by the overwhelming interests embedded in wealth and power rather than through true consensus. Although international organizations, such as the UN and the WTO, among others, are predicated on conceptual norms of fairness, equality, and consensus, the actual structure and practices of such institutions are tainted by asymmetrical power between wealthy and poor countries. Emerging as a result of this condition is the issue of coerced consent. Joseph Stiglitz alludes to this problem, identifying that lacking access to and control over the vast economic and intellectual resources that wealthy nations enjoy, poor nations are compelled to accept whatever terms the latter may impose as a condition for membership into the world's most influential political and economic institutions. While attempts to insist on fair rules may be made, poor countries lack the bargaining power to bear significant influence. This imbalance results in superficial consent, consensus, and structural violence against the global poor (further addressed in the following sub-section).[3]

We should note that at the state level, representatives do not necessarily match the interests of those within the state, and at the global level equal representatives of states do not match population sizes within states, leading to a lack of the possibility of democratic consent due to power asymmetries. Without democratic processes of representation within and between states, in the sphere of global governance the status quo is reinforced and reproduced at the state level through international recognition even if at the expense of the governed. Under such circumstances, a defense beyond the efficacy of dealing with states *because* of their power rather than predicated on standards of legitimacy and justice is difficult to defend and ties into the remaining current and future challenges to international law.

Systematic Socioeconomic Injustice

The greatest challenge which international law faces is how to overcome the link between the international order and structural poverty between and within states. Deeply rooted in the tradition of international law is a system of economic engagement based on exploitation, conquest, colonialism, and unbridled imperialistic tendencies. As an instance of the problematic nature of the structure of international law itself, Antony Anghie argues that the emphasis in international legal theory on the universal right to travel, as we find in Kant, was advanced and institutionalized on the basis that when non-European peoples contested and denied the recognition of the authority and right of Europeans to travel and engage in commerce under practices common to European custom, the European states would have grounds to declare war protected under principles of international law. It was in this manner, Anghie argues, that 16th-century jurist Vitoria moved the discourse of the right to conquer non-European peoples away from purposes of religious conversion to acts of travel to pursue the purposes of trade and commerce.

Anghie further asserts that when international law began to recognize the right of colonial territories to sovereign independence, responsibility for poverty and 'underdevelopment' internal to new states was placed on the states themselves. International law explicitly denies the link between the wealth of old states to the exploitation, extraction, and systematic oppression of new states. After the end of the exercise of formal colonialism, the international rules and legal system generated during colonialism continue to serve as the basis for international relations and arbitration, maintaining structures of domination and subordination closely linked to global practices of colonialism. The lasting effects can be seen in the World Bank and the International Monetary Fund (IMF). They exercise authority under the principle of self-government of states while at the same time establishing institutionalized economic practices that perpetuate economic imperialism of wealthy states which project conditionalities and socioeconomic policies onto poor states that lack the means (including within the legal language itself) and power to negotiate a better position.

That former colonial territories had no legal personality under international law before becoming a colonial state—when legal personality was invented so that people in colonial territories might be subjects to the law without authority to challenge or

participate in its creation, implementation, and enforcement—limits the scope of available redress for past economic injustice and renegotiating contracts, laws, and institutions to promote the best interests of newly independent states and their people. When new states attempted to modify international law and political relations through their majority in the United Nations General Assembly, the practices of domination and subordination embedded within the foundations of international law thwarted any such attempts on the grounds that new states could not create law that was in their own interest at the expense of or over the objections of wealthy states.[4]

Vasuki Nesiah draws out further complications of the international legal system by identifying the limiting nature of international legal/political language in constructing the space for justice. She argues for instance that the 1990 Chilean Truth Commission neglected fostering recognition of and redress for, human rights violations that resulted from Pinochet's neoliberal economic policies. Rather than working within the legal system, the unsatisfactory realm of justice in the international system is open to contestation from the global polity and the will of the governed "taking exception to the violence of the law and protesting its legitimacy to mark law's limits."[5] Onto this we might tag Thomas Pogge's charge against the international system for actively perpetuating the poverty-related deaths of 22,000 people per day through unfair distribution, trade, and patent regimes.

As it stands, the international legal system is a culprit in the production and reproduction of economic injustice. It fails to offer robust protection of economic rights, and individuals who are victim to this structural economic violence lack standing. Given the magnitude of this problem and in order to satisfy the condition of legitimacy whereby the governed are entitled to the goods necessary to lead their lives, the international legal system must evolve and adapt to redress past grievances and forge a stronger protection of individual and group (including states) economic rights. This, I later argue, will require acting against the power and interests of states.

Changing Landscape

In addition to the delegitimizing pressures of democratic deficit and structural socio-economic injustice, a third and final challenge to the future of international law is the mismatch between political/legal boundaries of the state and the demands of global justice. Increasing stresses—such as pollution, overpopulation and factory farming—on our shared environment is ushering in an era of unprecedented natural and manmade disasters which effect, and management of which transcend, the power of any one state. Environmental protection and regulation and the innovation, financing, and distribution of green technologies are needed on a global scale. In short, as Juha Uitto argues, the spatial scales of environmental projects and problems do not match scales of political jurisdiction.[6] States currently serve as the most powerful partners in generating a system of global environmental governance. But we must look beyond states towards a more holistic future and approach that may contest and clash with state interests and that may need to attach directly to the rights of individuals as human beings. Advances in travel technology have brought the world closer together and thereby extended the reach and speed with which pandemics can spread. Global public health is a trans-border issue related to the importance of individuals and to humanity as a whole, irrespective of state membership.

In the area of peace and security, we find that the nature of warfare is changing on several fronts. First, states are often belligerents in war crimes and human rights abuses because the majority of contemporary warfare takes place intra-state. Intervention by international bodies, particularly the United Nations, continues to reinforce the elevation of the importance of the individual as subject in international law. A most recent and dramatic example of this is the case of United Nations Security Council Resolution 2098 which, for the first time in UN peacekeeping history, authorizes an offensive combat force to neutralize and disarm Congolese rebels and foreign armed groups in the Democratic Republic of the Congo. Although the 'Intervention Brigade' is supporting the state forces of the DRC, it is nevertheless notable in its use of force in the project of defending the human rights of civilians and, secondly, because it is engaged in indirect conflict with the state of Rwanda which is supporting the M23 rebels.[7] Intervention is inconsistent and has seen dramatic failures in the past, as in the cases of the Rwandan genocide and Srebrenica. It is nevertheless significant that international law is introducing the willingness to use force in defense of peace and human rights in a move that challenges the conventions of state-centrism.

Second, we are seeing a recent move from wars of territorial conquest and regime overthrow to a type of warfare aimed at targeted killings of 'enemies of the state' via drones. The United States is the forerunner and is increasingly active on this front, often killing "hundreds of unintended victims, including children" in the process.[8] Although international laws on the use of force and war[9] prohibit targeted killings and warfare without Security Council authorization, the technology of war has outpaced international law and new legislation and enforcement mechanisms will have to be negotiated to stay the extrajudicial hand of violence from powerful states against individuals. What at the moment seems implausible, namely a body of global governance strong enough to tame the unregulated violence of states against people, may be necessary to the evolution of international law in order to maintain its effectiveness and legitimacy.

The list of de-territorialized global threats, challenges, and goods extends and includes transnational crime networks dealing in human and drug trafficking, the increasing value of human rights, and the status of stateless people. The global problems and opportunities which stand before us call for a move away from the international and towards the global. This is not to say that states should be de-legitimized but rather to suggest that we must strengthen a

system of politics and law that is responsive to the global community as an additional political/legal layer distinct from the needs and interests (though inclusive of) of states.In dealing with the three challenges outlined in this section, international law must overcome the overriding "fiction of national sovereignty" for a system that can offer greater legitimacy and justice to its subjects.[10]

The Future of International Law: Transition to a Global Legal Order

Thus far I have identified state-centrism as a key feature of the roots and contemporary form of international law, and also noted the emerging proliferation of liberal norms/human rights conventions as an important development. The challenges of democratic deficit, structural socioeconomic injustice, and the mismatch between the political boundaries of the state and issues of global justice are all components of liberal/human rights standards and all stand in contestation to the form of international/state-centric laws. Within this frame I argue that it is plausible that the future of international law will move away from the international to the global.

To conclude this paper, how might we facilitate the evolution from internationalism towards a global legal system?Responding to the first challenge of democratic deficit, it is necessary to systematize fair representation of subjects to the systems of law and governance at the trans-border level. Given (1) that states' political structures are often not representative of the will of the people over whom they govern, and (2) that at the global level the interests of wealthy and powerful states stymie the realization of an equitable system, we should not aim at appointment of representatives by states in the global sphere but rather by popular mandate based on trans-border population clusters. As David Held points out, one can currently "be a citizen of the city of Glasgow, the same person can vote in the Scottish election, the same person can vote in the UK elections, the same person can vote in the EU elections."[11] We can imagine that as the global community continues to come closer together through developments in communications technologies and shared problems and values, within 200 years, statism and co-national partiality as the basis for negotiating rules and norms at the global level unjustifiably excluding the majority of its subjects from access to the objects of justice will be unsatisfactory. An exclusively state-centric model is not only unjustifiable to those over whom it exercises authority but will ultimately be ineffective in addressing the complex nature of global governance—especially with reference to the challenges of climate change. Democracy as a mechanism towards legitimacy, accountability, and transparency in global law must be coupled with the continued fostering of human rights norms in order to safeguard the essential rights of minorities against the tyranny of the majority. It is through greater emphasis on human/socioeconomic rights that the international legal system must confront and reconcile its past and continued systems of structural socioeconomic violence.

In moving forward towards global law, we should be aware that in adopting too closed and fundamental (perfectionist) a conception of legal and political institutions, practices, and norms, we risk excluding from the outset alternative approaches and possibly superior alternative approaches to that which we conceive of as best. Scholars and practitioners of international law must then pursue liberal principles of democracy and human rights with a view towards their open and wide nature. One can thus value and promote the principles of liberty or equality in public law and policy but the exact definition of these terms and how they are expressed as law or policy is not fixed, decisive, predetermined, or closed to discourse, negotiation, and contestation.In short, value commitments are part of a human process expressed through individual and collective action. Critical thought and the exercise of justifiability to all affected parties should be a constant in the sphere of law.

Nearly a century ago, in 1917, Charles E. Hughes reflected on the future of international law. The world was mired in the bloody conflict of the Great War and the international system had essentially collapsed. Yet Hughes offered an outlook of pragmatic optimism, writing that "the shattering of past hopes should be an incentive to renewed endeavor, while it must always remain a warning against an easy optimism."[12] Whatever the challenges, whatever its form, this sentiment will ring as true in relation to international law 100 years from now as it did a century ago, and as it does today.

Notes

1 Coicaud, JM (2004: 18)
2 Hughes CE (1917:195)
3 Stiglitz (2007)
4 Anghie (2007)
5 Nesiah (2013)
6 Uitto (2012)
7 S/RES/2098 (2013)
8 O'Connell (2010: 1)
9 See O'Connell pp. 11–13 where she cites UN Security Council authorization, the reconfirmation of restrictions on the use of force in UN 2005 World Summit, the Hague Conventions, the Geneva Conventions and their Additional Protocols as sources for the illegality of targeted killings.
10 Habermas (2013)
11 Held, Global Justice Conversation
12 Hughes (1917:196)

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Ethics of *Shari'a* Reform

By Daniel Spisak

The current tumultuous state of Islamic law highlights the crisis this jurisprudence finds itself in today. Competing camps are struggling to direct the future trajectory of Islamic law, or *shari'a*. Extremist groups, like Boko Haram and the Islamic State (IS), wish to implement their interpretation of jurisprudence, a more constrictive reading of the law that returns legal values to pre-modern norms. Headlines are often filled with claims from these factions that Islamic law justifies violent and oppressive actions. Their surprising rise highlights the major role *shari'a* law will play in the future development of Muslim countries with Muslim majorities. While IS represents a small division of people working toward one particular interpretation of Islamic law, many other scholars are working towards legal progression, making the law compatible with modernity. This paper will analyze three particular reform methodologies employed by three Muslim scholars in order to combine their religious frameworks with Nguyen's ethical framework evaluated in his study of a possible future world. This study will show that the future of *shari'a* can work in conjunction with secular ethical values.

Al-Shatibi's *Maqasidi* Method

Abu Ishaq al-Shatibi (d. 1388 CE) was a fourteenth-century legal scholar from Andalusian Spain. No biographers mention a date or place of birth, but most of his education and maturation occurred in Granada, where he trained with numerous scholars from and outside of the city, studying Arabic grammar, jurisprudence, and Qur'anic recitation and exegesis. His major work, *al-Muwafaqat*, is where the majority of his legal theories are composed.

While this book has been studied since its inception, it is only recently that it has received tremendous attention, particularly in regards to its *maqasid*-related discussions (al-Raysuni 2005, 76-77).

Maqasid, or the goals, objectives, or purposes of the law, is one of the central themes of al-Shatibi's legal theory (Opwis 2005, 183; El-Mesawi 2012, 194).Before his work, this category did not receive appropriate attention in the early stages of developing legal thought. It was not until the highly respected scholar al-Ghazali began writing about *maqasid* and *maslaha*, or public interest, that this field took hold (Kamali 2008, 124-125). Ghazali integrated *maslaha* into legal analogy, making it a criterion to determine whether these comparisons were legally valid. Since legal texts only spoke to specific issues of their times, new situations needed a way to determine what was allowable. Public

interest became one of the main methods in helping to decide what conclusions these analogies drew (Opwis 2005, 193-194).

Al-Shatibi builds off of Ghazali's legacy, utilizing his concepts of *maqasid* and *maslaha* in his own legal arguments. Al-Shatibi distinguishes three categories of *maslaha* that play a role in the law: "essentials," which guarantee the preservation of the five categories of human existence, namely life, religion, mind, progeny, and property; "needful benefits," which are not essential but necessary to fulfill overall well-being; and "improvements," which contribute to the refinement of human life (Johnston 2007, 160: Hallaq 1997, 169). Al-Shatibi uses these three categories as the foundation for his *maqasid*-based theory of *shari'a*. He argues that the main purpose of *shari'a*, the *maqasid*, is to preserve these public interests (El-Mesawi 2012, 199).

Al-Shatibi concludes that the purpose of the law is to protect public interest by combining reason with revelation. He asserts that humans have the innate intellectual ability from God to determine right from wrong and to know the proper interests and dangerous harms available to humanity (Johnston 2007, 161). Al-Shatibi applies this reasoning to scriptural interpretation leading to two major contributions: the advancement of purposive interpretation, and the identification that the purpose of jurisprudence was "inscribed and sutured into the very texture of life" (Johnston 2007, 162). This is important as it has an impact on how this scholar reads the Qur'an.

Critical of the piecemeal way in which legal scholars dissect the scriptures, al-Shatibi argued that the holy texts, serving as a basis of law, must be read thematically and as a whole. When reading with an "atomistic" approach, legal scholars reduced the Qur'an to a mere set of legal edicts, which ignored their universal principles. Since the Qur'an was the "absolute and all-inclusive source of the *shari'a*… the paradigm of the message [of Islam]," jurisprudence needed to move past the line-by-line interpretation and draw its conclusions from the all-encompassing values permeating the scriptures (El-Mesawi 2012, 202).

The thematic approach al-Shatibi uses allows him to move beyond the particulars and focus on the universal values of the law throughout the Qur'an. He does this by focusing on the distinction between the Meccan and Medinian revelations. Al-Shatibi considers the earlier Meccan verses the universal sources of the law that are concrete and certain. The Medinian verses, along with the Sunna, or teachings and practices of the Prophet Muhammad, represent the particulars of the law. The universals of the Qur'an are to be the basis of the law, since preserving *maslaha* was one of the fundamental principles of the Meccan revelations. The particulars may be used as a source of law, as they were originally implemented, but these are subject to change. In fact, when a particular stands in opposition to a universal, the particular is discarded, since the goals of *shari'a* are to preserve the essence of the religion (Opwis 2005, 196).

In summary, al-Shatibi's *maqasid*-based theory of legal reformation is based on the purpose and goals of Islamic law. The purpose of jurisprudence is to protect the public interest of humanity, which is divided into three categories of essential benefits, needful benefits, and life improvements. These goals of the law are a part of the essence of Islam, the universal principles that form the basis of the *shari'a*. As this is the main goal and a major value of the scriptures, the *maqasid* of the law is able to abrogate the particulars found in the Qur'an, the Sunna, and other legal texts.

Mahmoud Mohamed Taha's Abrogation Method

Mahmoud Mohamed Taha (d. 1985) was a Sudanese scholar whose views are similar to those of al-Shatibi. Taha was born in either 1909 or 1911 in a small town in the Sudan, and trained as an engineer during the British colonial period (Mahmoud 2001, 66). However, his opposition to colonial rule and his support for Sudanese nationalism led him to become a political activist and to start his own political organization (Taha 1987, 3). While Taha's early involvement in this group focused more on nationalism, his party reflected at its core a strong spiritual element. In fact, the organization saw itself as both a political and religious movement (Mahmoud 2001, 69).

The religious aspect of Taha's movement eventually led to his execution by the government in 1985. Then Sudanese president, President Nimeiri, altered the established legal codes, a mix of English common law, customary tribal law, and *shari'a*, in 1983 to reflect a more "Islamic" system (An-Na'im 2010, 221, 223). Taha's party offered an alternative interpretation of the *shari'a* that contrasted with the restrictive and oppressive interpretation Nimeiri implemented. This challenge to the president threatened his authoritative power, and in a politically motivated trial in late 1984 to early 1985, Taha was sentenced to death for apostasy and leading an illegal political movement (An-Na'im 2010, 232). He was hanged on January 18, 1985 (Mahmoud 2001, 65).

When one evaluates Taha's teachings regarding the *shari'a*, one notices that his interpretation follows al-Shatibi's understanding of the universals and particulars of the law. Taha's main argument is that Islam was revealed in two stages; the first was revealed in Mecca and reflected the true essence of the religion, tolerance, and equality. This essence established during the early years of the revelation reflects the universal principles of the tradition. The Muslim community at the time of revelation rejected this message in practice. Thus, the second phase of Islam was delivered in Medina. The content of this stage differs from the first, as universal essences of the religion were replaced by legal edicts that addressed the particular issues that the community faced at this time (Taha 1987, 23).

Historically, the traditional *shari'a* developed from these legalistic Medina revelations. These edicts abrogated, or replaced, the earlier Meccan stage revelations, leaving them as subordinate

to the later Medina verses in developing the *shari'a*. Taha's reform methodology takes this notion of abrogation and flips it; rather than the Medina revelations repealing the Meccan, the earlier Meccan revelations abrogate the following Medina verses.Taha argued that these later revelations were speaking to the community at this particular time and were not meant to be universally applicable forever. He believed that humans would become mature enough to have *shari'a* evolve to encompass the original equality message of Islam as opposed to later legalistic rulings. Rather than these subsequent verses completely abrogating and nullifying earlier verses, they postponed the core message. These original revelations of the ethical message of Islam should now abrogate the time-bound *shari'a* verses. Thus, the foundation of the law should now come from the Meccan revelations and not the Medina ones (Taha 1987, 23–24).

Mohsen Kadivar's Structural *Ijtihad* Method

Mohsen Kadivar (b. 1959) is an Iranian philosopher currently teaching in the United States. Trained under Ayatollah al-'Ozma, Hossein 'Ali Montazeri, Kadivar achieved permission to practice *ijtihad*, a very prestigious honor where a scholar is allowed to interpret *shari'a* through independent reasoning. This allowed Kadivar to teach courses on Islamic jurisprudence, logic, and Qur'anic interpretation at seminaries and universities throughout Iran during the 1990s. While he never formally joined any political parties or held public office, he was politically active and very critical of the Iranian clerical government. This led to his 1999 arrest and subsequent seventeen-month imprisonment for "disturbing public minds." (Matsunaga 2008, 317–319) After his term in prison, Kadivar began advocating a new project of interpretation of the *shari'a* that highlights the spiritual aspect of the law that is still based in the framework of Islamic jurisprudence (Matsunaga 2011, 360).

One of the most important elements of Kadivar's method of legal reform revolves around the contemporary failings of traditional methods of jurisprudence.These classical techniques worked well during the pre-modern period, yet have fallen short of being able to resolve contemporary issues (Kadivar 2014, 1). He states, "It became definite that traditional Islamic jurisprudence could not be expected to solve this difficulty and that accountability rested on establishing new jurisprudence" (Matsunaga 2011, 366). The pre-modern approaches to jurisprudence worked in their medieval context, but these contexts do not necessarily apply today. In fact, the same mindset regarding historical context applies to the Qur'an and the example of the Prophet: "Had the Qur'an and Sunna issued rulings according to a human mindset that was not established until centuries later, the Muslims, who were the first addresses, would not have accepted them" (Kadivar 2013). Kadivar thus argues that the early elements of the tradition were developed according to historical settings.

Since traditional methods of jurisprudence are unable to meet contemporary needs, there must be a modern solution to answer these demands. Kadivar provides such a solution in his structural *ijtihad* method, which is more than just independent reasoning; it is a complete revision and overhaul of the principles and foundations of Islamic legal thought. This renovation includes two aspects: the first consists of the complete restructuring of the traditional methods of jurisprudence. The most important development to be refigured into this reconstruction must be critical thought. Scholars must be able to reinterpret texts using their own independent reasoning to situate jurisprudence in their own contexts, which allows for a diversity of understandings of different texts (Kadivar 2014, 4).

The second aspect of structural *ijtihad's* renovation challenges the entire structure of Islamic jurisprudence, which is founded upon pre-modern philosophical understandings. Kadivar argues that these foundations must be renegotiated to conform to modern sensibilities. Epistemology, cosmology, ontology, anthropology, sociology, psychology, theology, and ethics all must be reinterpreted

through this understanding (Kadivar 2014, 4-5). When these foundations are modernized, contemporary jurisprudence can be refashioned in order to solve today's legal issues.

Kadivar concludes his argument by returning to the early stages of the religious tradition. He states, "Islamic rules in the time of revelation had four characteristics. They were reasonable, just, ethical, and more functional than competing rules, according to the mentality of that time" (Kadivar 2014, 5). This is an important aspect of Kadivar's method of reform. These four characteristics are the major criteria through which the modern reinterpretations are to be employed. Structural *ijtihad*, when performed properly, will reflect these four features of traditional jurisprudence, which are universally applicable since they reflect the universal values of Islam. When modern understandings of these principles are enacted, reforming *shari'a* law is easily attainable.

The Future of Islamic Law

We can see from all three of these scholars that the *shari'a*, rather being stagnant and restrictive, can actually adapt to different social and historical contexts. Each scholar examined offers unique methods to advocate for legal reforms. Al-Shatibi proposes a *maqasidi* approach to legal reform, one that focuses on the universal principles that underline the goals and intentions of the *shari'a*. Taha, like al-Shatibi, argues that the universal principles of the message of Islam need to be the basis of Islamic jurisprudence. These universals are found in the earlier revelations of the religion. Taha asserts that these essential values are more important to the law than the particular legal edicts from the Medina period, and thus abrogate these later verses, rather than vice-versa. Kadivar offers a complete restructuring of *ijtihad* in order to reevaluate and reform Islamic jurisprudence. Critical thought and reasoning must be included in new readings of the law, and this new reasoning from modern understandings of ethics and

values will reflect the universal principles that underline the essence of Islam.

While each of these scholars emphasizes different aspects to arrive at his own unique methodologies, they all share similar approaches regarding universal ethical principles. Each reformer highlights the importance of establishing the foundations of the law on the underlying principles that are universal rather than time-bound. Al-Shatibi's *maqasid*-based method ties universal values of the essence of the religion to the goals of the law: a law that does not meet the universal standards is not valid. Taha places so much importance on the universal essences of Islam that he allows these verses to replace revelations that do not advocate these criteria. Kadivar's entire method is based upon reinterpreting traditional methods through universal principles. At the core of each methodology, contemporary ethical frameworks are established as the basis for the development of law. Their techniques of reform flow from these ethical structures, which, they argue, are the universal principles of Islam.

These scholars do not just postulate these arguments for purely academic purposes. These reforms are meant to impact the shari'a as experienced and practiced in Muslim majority nations. As such, these arguments have an impact on the future development of this jurisprudence.

While the arguments for legal reform are religious in nature, and are situated well within an Islamic ethical framework, these scholars' moral visions parallel closely with Nguyen's projected future values that are expected to emerge in the potential global trends of the future world scenarios up to the year 2030. Nguyen highlights four values: individual liberty, distributive justice, peace, and cultural pluralism (Nguyen 2014, 21). These values are secular in nature, as Nguyen compiled these standards from projections from various government agencies.

Particularly with Kadivar and Taha, as they are writing in modern times with contemporary notions and understanding of human rights, we see a strong overlap between Nguyen's secular future values and the universal principles that these

scholars argue should form the foundation of the *shari'a*. Individual freedom, defined as "an individual's positive and negative freedoms to pursue his or her desires without harming themselves or others," and distributive justice, "what we should owe to other people," are reflected in Kadivar and Taha's advocating for political freedom, economic liberty, justice, and equality for all people, men and women, Muslim and non-Muslim (Nguyen, 2014, 22–22; Kadivar, 2009; Kadivar, 2013; Kadivar, 2006; Taha, 1987). Elimination of apostasy laws, which execute those who leave the faith, and militant interpretations of Islam coincide with pluralism and peace (An-Na'im, 2010, 236–237). These projected future values provided by Nguyen correspond to the universal principles Taha and Kadivar promote.

As we can see, Nguyen's four projected future values—individual liberty, distributive justice, cultural pluralism, and peace,— are all projected to be key values by 2030. *Shari'a* law, which is receiving international prominence as majority nations with Muslim majorities have gained larger roles in the global landscape, will be a major factor in shaping the world through the same year. From what we have seen in the study above, *shari'a* law is more than capable of following these four future values. It is true that this jurisprudence can be altered to act as a force for oppression and dominance, but that can be the case for any ideology, religion, or belief. Instead, scholars have argued and established the tools to allow *shari'a* to play a positive role in the future.

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Mi-lan Chen

Mi-lan Chen is currently pursuing an MA in international studies at the National Chengchi University in Taiwan, from which she also obtained a BA in European studies. Alongside her studies, Chen is also working for National Chengchi University as a teaching assistant and a researcher. She is fluent in English, Mandarin, Spanish, and Italian. She believes young people must get involved with setting the social and political agendas of today, weighing in on issues such as inequality, child labor, climate change, and social justice.

Bjorn Friborg

Bjorn Friborg is pursuing an MA in history from the University of Copenhagen. He has a BA in religious studies. Currently, he is working with professor and Global Ethics Fellow Helle Porsdam on his Master's thesis, which focuses on the interaction between human rights and intellectual property, an issue of particular importance as he also works in the music and film industry. Friborg currently works in the human resources department of the Ministry of Foreign Affairs of Denmark. He graduated from the European Film College in 2010 and has been involved in various fictional and commercial media projects since then. As a director, he is very interested in the distribution of film, and how the emerging platforms (such as crowd funding) will affect the industry.

Tony L. Gregg

Tony Gregg is a lieutenant in the U.S. Coast Guard and is currently pursuing an MA in ethics, peace, and global affairs (EPGA) with a concentration in environmental justice from American University in Washington, DC. Gregg completed his undergraduate degree at the U.S. Coast Guard Academy where he earned a BS in government studies and has since completed an MA in criminal justice from the American Military University. Following the completion of the EPGA program at American University he will return to the U.S. Coast Guard Academy as an ethics instructor. Gregg's research interests include professional ethics, civil-military relations, and environmental ethics.

Justin Hosman

Justin Hosman is currently finishing his final year of law school at the S.J. Quinney College of Law at the University of Utah.

Honami Iizuka

Honami Iizuka is an undergraduate student majoring in international relations and minoring in politics at International Christian University in Tokyo, Japan.

Marcos Kotlik

Marcos Kotlik graduated in 2011 as a lawyer from the University of Buenos Aires (UBA), Argentina. He is an MA candidate in international relations (2013–2014) and he holds a research scholarship at UBA, focusing on international humanitarian law and international human rights law. Currently he is a consultant in human rights issues and for the research office of the UBA School of Law, where he is also an assistant professor of the courses "International Subjects and Jurisdictions" and "International Humanitarian Law." He has been a guest lecturer at the San Carlos University in Guatemala and at the University of Chile. In 2011 he was a visiting JD at Columbia Law School in New York.

Zhuai Sian Lee

Zhuai Sian Lee is currently undertaking a postgraduate course in international law and diplomacy at the Australian National University. She recently graduated from the National University of Singapore with a bachelor in social sciences (political science) hons. A summer internship at the Asian Human Rights Commission in 2012 clarified her key research interests, which include the theory and praxis of human rights in Asia, particularly as these pertain to human trafficking and international development.

Gabriel Guarino Sant'Anna Lima de Almeida

Gabriel G. S. Lima de Almeida is an undergraduate law student at the Fluminense Federal University (UFF), Rio de Janeiro, Brazil. Lima de Almeida is also a former researcher (undergraduate) at the UFF-affiliated National Institute of Science and Technology - Institute of Comparative Studies in Conflict Management (INCT-InEAC), and a student member of the Fluminense Laboratory of Procedural Law/(LAFEP). His scientific initiation research focuses on tensions between juridical cultures, specifically with regard to conflict management, dispute resolution techniques, and procedural law.

Seiko Mimaki

Dr. Seiko Mimaki is a Japan Society for the Promotion of Science Postdoctoral Fellow, and a visiting scholar at Johns Hopkins School of Advanced International Relation (SAIS). Her research field is international relations in the Asia-Pacific. At Johns Hopkins, as a Harry & Helen Gray/AICGS Reconciliation Fellow, she is investigating how to achieve historical reconciliation in East Asia, focusing on evolving transnational networks formed by various NGOs.

Sebastian Porsdam Mann

Sebastian Porsdam Mann is a Ph.D. student at the University of Cambridge under professors Sahakian (Cambridge), Mohammed (Linnaeus/Karolinska), and Savulescu (Oxford). His primary research interest is the interface between science, policy, and ethics.

Matthew Prusak

Matthew Prusak is a management consultant based in Singapore. He recently graduated summa cum laude from the University of Southern California with a BA in international relations (global business).

Amanda Schmitt

Amanda Schmitt is a senior at the University of Southern California, pursuing a BA in international relations with a concentration in international security and a minor in business administration. Schmitt has an interest in diplomacy and conflict resolution, specifically assessing whether there are prerequisites to democracy and the role and influence of religion in governance. Her research includes the study of nonproliferation and weapons of mass destruction while in Washington, DC and more recently, the study of religion and democracy while in Egypt and Turkey.

Lynette E. Sieger

Lynette Sieger is a Ph.D. student at the Division of Global Affairs, Rutgers University-Newark. She holds a BA in philosophy from Westminster College, and an MA from New York University, Gallatin School, with a concentration in global justice and ethics, pursued through NYU School of Law and the departments of politics and philosophy. In 2011–2012, Sieger served as an analyst and researcher on the Meta-evaluation of Peace Operation Effectiveness and Gender Mainstreaming report for the United Nations Office of Internal Oversight Services, under the principal investigator Dr. Patty Chang. Sieger's research interests are in political and legal theory and global governance regimes.

Oumie Sissokho

Oumie Sissokho is a first year Master's student in an English language program in international studies at National Chengchi University, Taiwan. She obtained her BS in political science from the University of Gambia in 2011. Sissokho has taken part in various initiatives at the country level that strive to improve the living standards of women and girls. Groups with which she is involved include The Girls' Agenda, the Network on Gender-Based Violence, Aging with a Smile Initiative, and the Global Youth Coalition against AIDS.

Daniel Spisak

Daniel Spisak is a graduate student at Duke University pursuing an MA in religious studies. He received his BA from Furman University in 2012 where he double majored in religion and political science. Spisak's current research explores contemporary issues in Islamic thought. His interests range from legal concerns, such as modern Shari'ah reform and human rights in Islam, to a number of social matters, particularly on the topic of homosexuality in Islam.

Josh Tupler

Josh Tupler is a junior at Dartmouth College, pursuing a BA in government with a focus on international relations and minors in ethics and public policy.

John-Harmen Valk

John-Harmen Valk is a Ph.D. candidate in the School of International Relations at the University of St Andrews. His doctoral research investigates how assumptions regarding the categories "secular" and "religious" have come to affect understandings of international politics. He has previously worked and interned with Canada's International Development Research Centre and the North-South Institute

Erin Willahan

Erin Willahan is an undergraduate at the University of Oregon pursuing degrees in both humanities and international studies with a concentration in peace studies and conflict resolution as well as a minor in Arabic.

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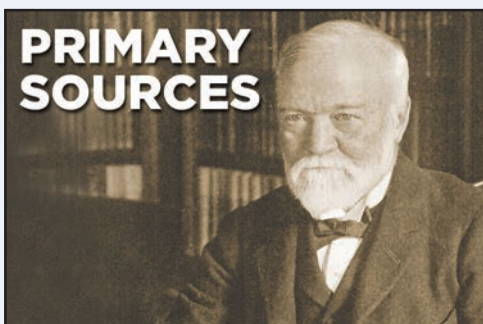
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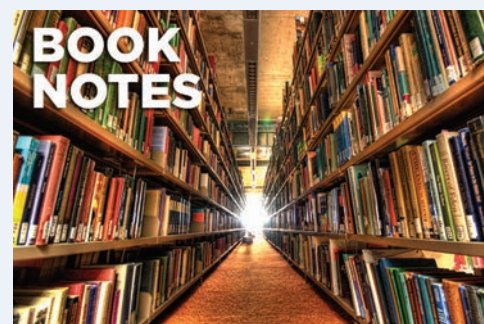
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