



# Universal Values and Foreign Policy

Leading Thinkers on the Importance  
of Values in Foreign Policy

*Edited by Muqtedar Khan*



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**Our mission** is to provoke principled and transformative leadership based on peace and security, global communities, character, stewardship, and development.

**Our purpose** is to shape U.S. foreign policy based on a deep understanding of regional geopolitics and the value systems of those regions.



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# Introduction: The Normative Dimension Is Indispensable

*Muqtedar Khan*

For nearly a century, the international system has experienced challenges that were existential and radical in nature. These challenges were primarily ideological: Fascism in the early twentieth century, Communism in the second half, global terrorism after that, and now we are experiencing an uneasy lull in systemic challenges of human origin, but threats do loom over the horizon. The first two challenges came from a coalition of countries that sought to transform the norms and values that dominated the international order underwritten by Western nations, specially under the hegemony of English-speaking nations — first the United Kingdom and then the United States. These challenges did not alter the balance of power or undermine the norms that have governed the global order. They both failed. Fascism was defeated in

World War II (1939–45) and Communism via the Cold War (1945–89). One reason for the endurance of the current global order is its value system. Even though this value system gradually emerged as a system of multilateral global governance that privileged democracy and democratic processes, it has since remained at the core of the ideologies that have united, empowered, and kept Western nations hegemonic for such a long time.

These values are respect for human dignity through the human rights discourse, respect for democracy, multilateralism, freedom of religion (all through a plethora of international organizations), and a premium on prosperity through free markets (globalization) and technological innovation. Critics and cynics may point to many cases when the underwriters of the



global order themselves violated these values that they claim to uphold and promote. And they will be correct. But there are also many more examples of the international order upholding and promoting these norms and, whether fully realized or not, they have become the gold standard for judging state behavior and for developing visions for a more peaceful, cooperative, and fair global system. Today, key nations of the Western alliance, the United States and France, do not even qualify as full democracies, yet President Biden has cast the Chinese challenge to Western hegemony as a contest between democracy and autocracy. Advocating democracy, a multilateral order, and respect for human rights may be far from reality, but their cache as desirable values still makes them the cornerstones of global discourses of legitimacy.

The most important global issue that dominates foreign policy thinking and geopolitical analysis everywhere is how U.S.-China relations unfold going forward. What will dominate U.S.-China relations – selective cooperation on planetary issues like pandemics and climate change, competition in the economic and technological arena, or geopolitical conflicts in East Asia? Already the Biden administration is framing U.S.-China relations as a contest between governing models – democracy versus authoritarianism. Essentially what is at stake is the future of the universal values that undergird the current international order. It is in this global political environment that we present this book on the continuing relevance and desirability of universal values in foreign policy. We are very fortunate to be able to assemble such an illustrious and diverse group of scholars who have the highest experience in policy making, in international organizations, and in academia.

Professor Joseph Nye, who is one of the most prominent scholars of international relations and American foreign policy, discusses the relevance of universal values to a nation's soft power. He reminds us that most foreign policy decisions that nations make are not existential, and hence, leaders do have the opportunity on most foreign policy matters to define national interests more broadly to include universal values. He argues that soft power is an

important element of a nation's power, and it comes from, among other things, legitimacy. International legitimacy comes from democratic governance and from respect for universal human rights. He points out that on the soft power index "Soft Power 30,"<sup>1</sup> it is not accidental that the top nations are democracies. He makes an important argument that even nondemocratic nations (like China) are beginning to pay attention to the importance of soft power, and this raises the hope that universal values will receive more attention.

Michael Doyle, who is a very important voice on the role of ethics in international affairs, traces the origins of the powerful international norm RtoP (Responsibility to Protect), even as it challenges the U.N. charter, which frowns upon interventionism. Professor Doyle makes the nuanced argument that RtoP is both a *license* for and a *leash upon* use of force for interventions. He makes the case for RtoP as a responsible policy option that balances the need to protect vulnerable populations and preserve national sovereignty. Professor Doyle discusses both international legal and ethical debates, as RtoP becomes a serious international norm. He shows how, in a world where nations guard their sovereignty jealously, a new universal value that vulnerable communities must be protected by the international society of nations can rapidly become policy relevant globally. If RtoP does not send the message that universal values matter and are policy relevant and realizable, then nothing can.

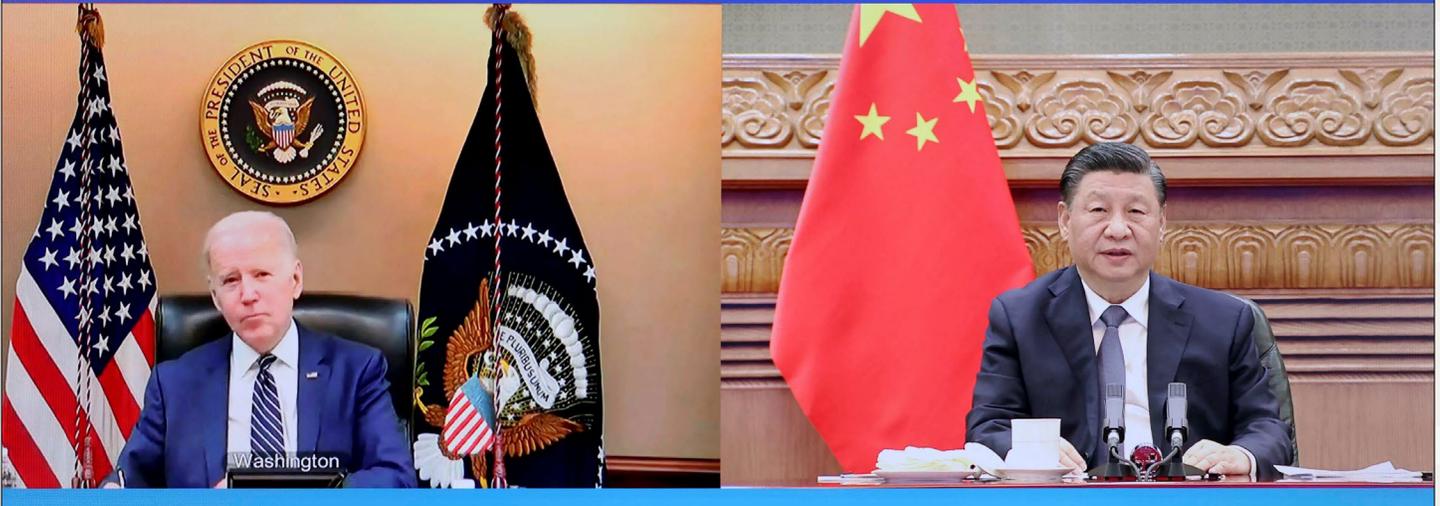
Stuart Kaufman is a prominent international relations theorist whose work on symbolic politics is well known. He examines the impact of norms and values on war and violence. He presents a mixed picture. In his assessment, we have witnessed a significant decline in interstate wars as well as civil wars, and he argues that while values are not the only cause for the decline, international norms and humanitarian values have indeed played an important role in reducing war and civil wars. He also, however, points to a troubling reality. When wars do break out, there is less respect and adherence to values by states, especially with regard to protecting civilian lives. He also warns that with the rise of populist tendencies worldwide and

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<sup>1</sup> See the index on the World Wide Web at: <https://softpower30.com/>.



## 习近平主席同美国总统拜登视频通话 Video Call between President Xi Jinping and U.S. President Joe Biden



Chinese President Xi Jinping (R) has a video call with U.S. President Joe Biden on March 18, 2022. (Getty Images)

the decline of democracy, the possibilities of war and violence in the future have increased. Kaufman's essay is important in that it shows that in the past century, the emerging regimes of norms and values have clearly made the world more peaceful. It is incumbent upon us who value peace and eschew war and violence to strengthen and promote universal values with greater commitment.

Jacqueline Anne Braveboy-Wagner is a prominent and recognized scholar of the international relations of the Global South. In her essay, she explores two characteristics of the literature on the Global South. One is the debate about nomenclature and collective shared identity. Is the Global South underdeveloped, developed, or developing? Is it fair to call it the third world anymore? And can China be considered as representative of the Global South, or can it even be included in the Global South? The second issue is, given the vast diversity of the nations that are considered to be part of the Global South, are there really common values that shape their foreign policies? She provides a thoughtful analysis and concludes that there are indeed common values that inform the foreign policies of nations from the Global South.

Opposition to armed intervention and hegemony are enduring principles that unite the Global South. But they are also committed to democracy, good governance, and the responsibility of nations to protect (RtoP) vulnerable populations. On the economic front, the Global South is a strong advocate of equality and fairness. Our takeaway from this essay is that values such as democracy, fairness, and good governance often associated with Western foreign policies are indeed global in their acceptance and desirability.

Deina Abdulkader is an important scholar studying Islam and social justice. In this essay, she focuses on the scholarship of Imam al-Shatibi, whose work on the higher purposes of Islamic law (*maqasid al-shariah*) is playing an important role in how some contemporary Islamic jurists are redefining Islamic law and seeking to apply it to contemporary matters. She identifies the principle of public welfare as one of the key elements of this approach to Islamic law. She examines the foreign policies of Middle Eastern nations and argues that the higher goals of Islamic law do not really inform their foreign policies, which are more influenced by *realpolitik*. Abdulkader's essay continues to strengthen the fundamental premise



that Islamic values are in congruence with emerging universal values of good governance, and Muslim nations too must sincerely seek to realize them in their domestic and foreign policies. For them it will be a win-win situation. They gain the benefits of good governance and also the legitimacy that comes from implementing Islamic values.

Jeffrey Haynes is one of the foremost scholars studying the role of religion in international affairs. In this publication, he explores how religious values influence the foreign policies of states, with particular attention to U.S., India, and Israel. He observes that while some countries may pursue certain policy goals influenced by religious values or identity, he also acknowledges that there are nonstate actors too in the international arena that are motivated by religion. He discusses how religion is also a source of soft power for some nations. While Haynes does not make a positive case for religion in foreign policy, he does succeed in showing that the world is not entirely secular, and even in democracies religion can play an influential role in the making of foreign policy.

Dan Bottomley is a rising star in the field of public diplomacy, with extensive experience in designing and conducting public diplomacy programs for the U.S. State Department. He compares the public diplomacy efforts of the U.S., Germany, and China, and shows how values are at the core of all of these public diplomacy programs. In all three programs – U.S.’

Fulbright program, Germany’s Goethe Institutes, and China’s Confucius Institutes – the goal is to generate strategic influence, but they are all seeking to promote and project values. Bottomley does point out that while Fulbright and Goethe Institutes are in line with democratic values and are open to criticism of sponsoring countries, the Confucius Institutes, however, are developing a reputation for lagging in this particular attribute. From the experience and relative success of these institutes, it appears that nations that incorporate universal values beyond advancing national culture and interests are likely to be more successful.

From the essays in this book, it is amply evident that values matter and are indeed indispensable. Whether a nation is seeking to develop soft power or gain strategic influence through public diplomacy, respect for and adoption of universal values is critical. There is a causal relationship between the decline in number of wars and political violence and humanitarian values. While the role of religious values in foreign relations is observable, it is not clear whether they are necessarily positive or negative. Most importantly, there is global acceptance of emerging international norms and values such as RtoP. Yes, indeed, there are worrisome global trends such as the decline of democracy, rise of populism, and growing economic inequity, but it is also true that values are a factor in foreign policy making of nations everywhere. □



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# The Relevance of Universal Values to a Nation's Soft Power

*Joseph S. Nye, Jr.*

International relations is often portrayed as anarchic. States must provide for their own defense, and when survival is at stake, ends are said to justify means regardless of other values. But this view ducks hard questions by oversimplifying. Some foreign policy issues relate to the survival of a nation, but most do not. Many important foreign policy choices about human rights or climate change or the distribution of vaccines do not involve war. Most foreign policy issues involve trade-offs among values that require choices, not application of a rigid formula. It is tautological or, at best, trivial to say that all states act in their national interest. The important question is whether leaders

define that national interest narrowly or broadly to include universal values.

Skeptics argue that the notion of a "world community" is a myth, and where there are no common values, leaders must think narrowly. John Mearsheimer argues that, "states operate in a self-help world in which the best way to survive is to be as powerful as possible, even if that requires pursuing ruthless policies. That is not a pretty story, but there is no better alternative if survival is a country's paramount goal."<sup>1</sup> Survival trumps universal values. If international relations is simply the realm of "kill or be killed," then there is no dispute about how the national interest is defined. But

<sup>1</sup> John Mearsheimer, *The Great Delusion: Liberal Dreams and International Realities* (New Haven: Yale University Press, 2018), 216.



international politics consists of much more than mere survival, and realists who pretend universal values do not matter are merely disguising their choice. Survival comes first, but that is not the end of the list of values. Most of international politics is not about survival.

Realists correctly argue that international relations is power politics, but power is more than bombs, bullets, and economic resources. Power is defined as the ability to affect others to get the outcomes one prefers, and one can do that by coercion (sticks), payment (carrots), and attraction (soft power). Soft power is the ability to get what you want through attraction rather than coercion or payment. A proper understanding of power must include all three aspects. Because soft power is rarely sufficient by itself and takes longer to accomplish its effects, leaders often find the hard power of coercion or payment more tempting. But when wielded alone, hard power can involve higher costs than when it is combined with the soft power of attraction. The Roman Empire rested not only on its legions, but also on the attraction of Roman culture. The Berlin Wall came down not under an artillery barrage, but from hammers and bulldozers wielded by people who had lost faith in Communism and were attracted to the values of the West. A nation's soft power rests upon its culture, its values, and its policies when they are seen as legitimate in the eyes of others. That legitimacy is affected by whether a nation's actions are perceived as congruent or contradictory of universal values. In other words, such values enhance a nation's soft power.<sup>2</sup>

While it is weak, a degree of international human community exists. Our intuitions about common humanity are hardwired into us by evolution. Most humans respond to pictures of starving children, even if not all would allow them to cross borders or take them into their homes. Cosmopolitans argue that basic human rights are universal. "They are not respecters of political boundaries and require a universalist politics to implement them; even if this means breaching the wall of state sovereignty."<sup>3</sup> While many people would not go so far as the cosmopolitans do, they

also hold multiple loyalties to several communities at the same time in a series of widening concentric circles that extend beyond national boundaries. That provides room for including some universal values in the definition of the national interest. There is an important difference between inclusive and exclusive nationalism.<sup>4</sup>

International anarchy simply means "without government," but that does not necessarily mean chaos. Liberals argue that rudimentary practices and institutions such as balance of power, international law, norms, and international organizations can create enough order to establish a framework for meaningful moral choices in most cases. Even in the extreme circumstances of war, law and universal values can play a role. The just war doctrine originated in the early Christian church and became secularized after the 17th century. Today, it provides a broad normative structure that considers all three dimensions of good ends, discriminating and proportional means, and the probability of successful consequences. The code is more than theoretical. It is enshrined both in international humanitarian law (the Geneva Conventions) and, in the case of the United States, the Uniform Code of Military Justice.<sup>5</sup>

Nonetheless, different perceptions of the degree of anarchy affect the way leaders and followers frame their choices. Writing after the English Civil War in the 17th century, Thomas Hobbes imagined a state of nature without government as a war of all against all where life was "nasty, brutish, and short." In contrast, writing in a somewhat more peaceful period, John Locke imagined a state of nature as involving social contracts that permitted the successful pursuit of life, liberty, and property. Liberal analysts say that although there is no world government, there is a degree of world governance. Anarchy has limits. While many "realists" have a mental map of a Hobbesian world composed primarily of warring states, "liberals" see a world of peoples with rights organized into nations that develop rules and institutions to manage their relations.<sup>6</sup> The rise of human rights law after World

<sup>2</sup> See Joseph S. Nye, *Soft Power: The Means to Success in World Politics* (New York: PublicAffairs, 2004).

<sup>3</sup> David Luban, "The Romance of the Nation State," *Philosophy and Public Affairs* 9 (Summer 1980): 392.

<sup>4</sup> Joseph S. Nye, *Do Morals Matter? Presidents and Foreign Policy from FDR to Trump* (New York: Oxford University Press, 2020).

<sup>5</sup> Michael Walzer, *Arguing about War* (New Haven: Yale University Press, 2004).

<sup>6</sup> G. John Ikenberry, *A World Safe for Democracy: Liberal Internationalism and the Crises of Global Order* (New Haven: Yale University Press, 2020).



Joseph Nye speaks at Harvard University in an interview with Xinhua, the Chinese news agency, in October 2019. (Photo by Xie E / Xinhua via Getty)

War II, including the 1948 Universal Declaration of Human Rights, was a reaction to the horror of genocide. While many nations have signed these conventions, they often fail to adhere to them or interpret them in different ways. The world is far from a consensus on universal values, and even within nations there are deep differences. Nonetheless, universal values affect politics and power.<sup>7</sup> In 2015, German Chancellor Angela Merkel acted boldly to allow entry for Syrian refugees. While her actions were consistent with universal values, they also provoked a domestic nationalist backlash.

Realism is an appropriate starting point for successful foreign policy leaders. The problem is that too many realists stop where they start. Instead, they should realize that cosmopolitan and liberal concerns for broad universal values often have something additional to contribute in many situations. Realism privileges order and national security over other values. Given how humans react when they feel insecure and the prevalence of “lifeboat ethics” when survival is in jeopardy, realism is a necessary foundation for a moral

foreign policy. But it is not sufficient. The question is one of degree. Since there is never perfect security, the crucial question is what degree of security must be assured before other values such as welfare, identity, or rights become part of a foreign policy. Many foreign policy choices involve questions like arms sales, or criticizing the human rights behavior of another country, or linking trade sanctions to political behavior. When realists treat such trade-offs as matters of life or death, they are simply ducking hard issues about values. It is not enough to say that security comes first. Leaders (and analysts) must assess accurately how Hobbesian or Lockean a particular situation is and where an action lies on a continuum between security and other important values. They must also consider the effect of their choices on their nation’s soft power.

As mentioned above, values affect a nation’s attractiveness or soft power. Various efforts have been made to measure and index nations’ soft power. One of the most prominent has been the “Soft Power 30” constructed by the British consultancy Portland.<sup>8</sup> While Portland found some variation from year to year, the top countries tended always to be democracies, suggesting the importance of universal values in generating soft power. Autocracies like Russia or China tended to rank in the lower end of the list. On the other hand, attractiveness depends on the perceptions of the beholder and can vary from country to country and group to group within countries. Public opinion polls are another common way to measure soft power, and they show such variation. Autocracies sometimes find other autocracies attractive. It is interesting that in the great power competition between the U.S. and China, polls find China lagging behind the U.S. on most continents, but the two countries are tied in Africa.<sup>9</sup>

The case of China is particularly interesting regarding soft power and universal values. As China dramatically developed its hard power resources, leaders realized that it would be more acceptable if it were accompanied by soft power. This is a smart strategy because as China’s hard military and economic power grew, it could frighten its neighbors into balancing coalitions. If it could accompany its rise with an

<sup>7</sup> Beth Simmons, *Mobilizing for Human Rights: International Law in Domestic Politics* (Cambridge University Press, 2009).

<sup>8</sup> Portland, *The Soft Power 30: A Global Ranking of Soft Power* (London, 2019).

<sup>9</sup> Thomas P. Sheehy and Joseph Asunka, “Countering China on the Continent: A Look at African Views,” United States Institute of Peace, June 23, 2021, <https://www.usip.org/publications/2021/06/countering-china-continent-look-african-views>.



increase in its soft power, China could weaken the incentives for these coalitions. In 2007, Chinese president Hu Jintao told the 17th Congress of the Chinese Communist Party that they needed to invest more in soft power, and this continued under President Xi Jinping. Billions of dollars were invested to promote soft power, but China has had mixed success with its soft power strategy. Its impressive record of economic growth that has raised hundreds of millions of people out of poverty and its traditional culture have been important sources of attraction, but polls show it lags behind the United States, including in Asia.<sup>10</sup>

Much of a country's soft power comes from its civil society rather than from its government. Government propaganda is usually not credible and often does not attract, and thus, does not produce soft power. China needs to give more leeway to the talents of its civil society, but this is difficult to reconcile with tight party control. Chinese soft power is also held back by its territorial disputes with its neighbors. Creating a Confucius Institute to teach Chinese culture will not generate positive attraction if Chinese naval vessels are chasing fishing boats out of disputed waters in the South China Sea. And assertive "wolf warrior diplomacy" responds to popular nationalism at home, but is counterproductive abroad. It can undercut the soft power benefits from infrastructure spending in China's Belt and Road Initiative. Since the COVID pandemic, China has also used vaccine diplomacy to enhance its soft power, though with mixed results. It is interesting that unlike the Cold War days of Mao Zedong, China's soft power strategy has rested less on ideological proselytizing of universal Communist values and more heavily on transactional relationships.

In contrast, though American soft power also rests in part on transactions, it has also relied heavily on universal values related to democracy and liberal views of human rights. Some Europeans described the American presence in Western Europe during the Cold War as an "empire by invitation," in contrast to the Soviet empire in Eastern Europe.<sup>11</sup> In recent years, however, some Europeans and others have begun to

worry about the American commitment to universal democratic values.

As international polls show, the Trump years were not kind to American soft power.<sup>12</sup> This was partly a reaction to his narrowly nativist foreign policies of turning away from allies and multilateral institutions summarized in his slogan "America First." Friends became even more concerned when Trump undercut universal values of democracy by trying to disrupt the orderly transition of political power after he lost the 2020 election. Jan. 6, 2021, witnessed the shock of a mob invading the Capitol building. American attractiveness was diminished.

American soft power has suffered in the past, but the country showed a capacity for resilience and reform. In the 1960s, cities were burning over racial protests, and the country was mired in Vietnam War protests. Bombs exploded in universities and government buildings. Martin Luther King, Jr., and two Kennedys were assassinated. Yet within a decade, a series of reforms passed Congress, and the honesty of Gerald Ford, the human rights policies of Jimmy Carter, and the optimism of Ronald Reagan helped restore American soft power.

Moreover, even when crowds marched through the world's streets protesting American policies in Vietnam, the protesters sang Martin Luther King, Jr.'s "We Shall Overcome" more than the Communist "Internationale." An anthem from the American Civil Rights Movement based on universal values illustrated that America's power to attract rested not on government policy, but in large part on civil society and a capacity to be self-critical and reform.

Unlike hard-power assets (such as armed forces), many soft-power resources are separate from the government and attract others despite politics. Hollywood movies that showcase independent women or protesting minorities can attract others. So too does a diverse and free press, as well as the charitable work of U.S. foundations and the freedom of inquiry at American universities. Firms, universities, foundations,

<sup>10</sup> David Shambaugh, *China and the World* (New York: Oxford University Press, 2020).

<sup>11</sup> Keir Lundstadt, *Empire by Invitation: The United States and European integration* (New York: Oxford University Press, 1998).

<sup>12</sup> [https://www.washingtonpost.com/world/2020/09/15/global-views-united-states-trump-coronavirus-pew-poll/?utm\\_campaign=wp\\_post\\_most&utm\\_medium=email&utm\\_source=newsletter&wpsrc=nl\\_most](https://www.washingtonpost.com/world/2020/09/15/global-views-united-states-trump-coronavirus-pew-poll/?utm_campaign=wp_post_most&utm_medium=email&utm_source=newsletter&wpsrc=nl_most).



churches, and protest movements develop soft power of their own, which may reinforce others' views of the country. Peaceful protests can actually generate soft power.

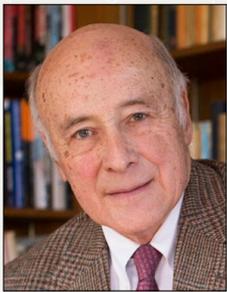
On the other hand, the mob in the Capitol was far from peaceful, and provided a disturbing illustration of the way that Trump exacerbated political polarization by making his myth of a stolen election a litmus test in the Republican Party. The U.S. has seen an increase in political polarization over the past two decades, well before the 2016 election. Many senators and members of Congress were cowed by threats of a primary challenge by members of Trump's base. Fortunately, in a federal system, a democratic political culture produced many local heroes, such as secretaries and state legislators who stood up to Trump's efforts to intimidate them into "finding" votes. It is important to remember that the 2020 election saw an unprecedented turnout of voters who were able to unseat a demagogue. And it was sustained in more than sixty court cases overseen by an independent judiciary.

This does not mean that all is well with American democracy. The Trump presidency eroded a number of democratic norms. Polarization persists, and a significant portion of Trump's base believes his lies about the election rather than the evidence of the courts. Social media business models exacerbate the existing polarization by being based on algorithms that

profit from polarizing extremism, and the companies are only slowly beginning to respond to their manipulation by conspiracy theorists. Public opinion and Congressional hearings are beginning to put pressure on companies like Facebook and Google, but the problem of polarization is far from solved.

At the same time, American culture still has great sources of resilience. The universal values of a democratic society, such as freedom of the press, independent courts, and the right to peaceful protest, remain among the greatest sources of America's soft power. Even when mistaken government policies reduce American attractiveness, the ability of American society to criticize itself and correct our own mistakes makes us attractive to others at a deeper level. Commitment of the younger generation to democracy and cosmopolitan values is also important.

In short, soft power is only part of a country's power. It must be combined with hard power in ways that are mutually reinforcing rather than contradictory. And universal values are not the only source of soft power. A reputation for being benevolent and competent also generates attraction. But legitimacy matters, and for much of the world where democracy and rights are important, a country's alignment with universal values is a vital source of soft power. We see this playing out in world politics today. True realism does not neglect universal values or soft power. □



**Joseph S. Nye Jr.** is a university distinguished service professor emeritus and former dean of the Harvard Kennedy School of Government. He received his bachelor's degree summa cum laude from Princeton University, won a Rhodes Scholarship to Oxford University,

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# The “Responsibility to Protect” and the New Moral Minimum

*Michael Doyle*

On March 17, 2011, the United Nations Security Council authorized “all necessary means” – the U.N. code words for armed intervention – against Gadhafi’s Libya<sup>1</sup>. The intervention may have been legal (authorized by the U.N. Security Council), but this was hardly justifiable as a classical humanitarian intervention. There was no massacre of the scale that any well-meaning state would have the right, and perhaps duty, to stop by overriding the nonintervention norm. It was more preventive than reactive. It was also proactive and

dependent on multilateral, procedural legitimacy. It was, instead, something new, an application of the Responsibility to Protect (R2P or RtoP)<sup>2</sup> – a new norm for humanitarian military intervention and a newly legitimate moral minimum of global order. This U.N.-authorized protection replaces, under special circumstances, the massacre standard underlying traditional humanitarian intervention.

Where did this new norm come from? This paper traces the roots of RtoP in international law and

<sup>1</sup> This essay draws on ideas developed in *The Question of Intervention: John Stuart Mill and the Responsibility to Protect* (Yale, 2015) and “The Politics of Global Humanitarianism: The Responsibility to Protect before and after Libya,” *International Politics* 53, no. 1 (January 2016): 14–31.

<sup>2</sup> R2P is the acronym of the International Commission on Intervention and State Sovereignty, and RtoP is the acronym adopted by the U.N. (“2” as “to” does not register across languages); both are discussed below.



international ethics. RtoP is in tension with established Charter law on the use of force, but it may be beginning to change the law. It is, on the other hand, deeply familiar to international ethics, a widening of the circumstances that allow for overriding nonintervention. It evolved out of the failures to protect the populations of Rwanda (1994) and Bosnia (1992–95) and NATO’s decision to intervene in Kosovo (1999). RtoP has been invoked, explicitly and implicitly, successfully and unsuccessfully, in cases ranging from Myanmar and Kenya in 2008, to Guinea in 2009, and then recently, and controversially, to Libya in 2011. And the last may have severe negative consequences for international protection for Syrians since 2011.

The distinctive feature of RtoP is that it is both a license for and a leash on forcible intervention. As such, it has contributed to the increasing pluralism, contested and contestable, of the normative architecture of world politics. But this confusion may reduce as RtoP norms become better institutionalized in the U.N., reshape the discourse of international ethics, and are accumulated in customary law. In any case, where the alternative to pluralism is a clarity that either abandons vulnerable populations or imposes unrealistic expectations of enforced human rights, contestation is a step forward. RtoP can now be a resource for responsible policy, and it is the best we are likely to get if we continue to care about both vulnerable populations and national sovereignty.

Significantly, Responsibility to Protect now constitutes a floor limit to global pluralism. States should respect and attempt to further the full range of human rights as expressed in the two covenants of civil and political rights, and economic, social, and cultural rights. But what they now must do, or be liable to enforcement action, is to protect their populations from genocide, crimes against humanity, war crimes, and ethnic cleansing.<sup>3</sup> The meaning of sovereignty has changed. States are still sovereign, independent in their domestic affairs, but they are no longer free to commit one of those four crimes without risk of legitimate international constraint.

A global commission chaired by Gareth Evans, the former foreign minister of Australia, and Mohammed Sahnoun, a prominent former Algerian diplomat, proposed that the international community widen the legitimate grounds for international protection to include protecting populations from serious and irreparable harm. In 2005, the U.N. General Assembly narrowed those protections to genocide, war crimes, crimes against humanity, and ethnic cleansing, but restricted the enforcement of these principles to authorization by the U.N. Security Council in order to preclude unilateral interventions. In other words, they created a new global governance norm, a norm that was both a substantive license to protect more and a procedural leash to avoid intervening too much.

Responsibility to Protect was articulated as part of the World Summit Outcome Document, which expressed the consensus of all 192 members of the U.N. at its 2005 Summit.<sup>4</sup> Responsibility to Protect’s core commitments are expressed in two key paragraphs, which are worth quoting:

***Responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity***

**138.** *Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it ...*

**139.** *The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with*

<sup>3</sup> These crimes are defined in detail in the Rome Statute of the International Criminal Court. Genocide is the killing or other severe harms intended to destroy a national, ethnical, racial, or religious group in whole or in part (Article 6). Crimes against humanity are widespread murder, enslavement, torture, rape, etc., against a civilian population (Article 7). War crimes are grave breaches of the Geneva Convention against, e.g., noncombatants, or mistreatments of prisoners of war, etc. (Article 8). Ethnic cleansing is deportation or forcible transfer of an ethnic population (specified in Article 7.d).

<sup>4</sup> GA Res. 60/1, U.N. Doc. A/RES/60/1 (Oct. 24, 2005).



U.N. peacekeepers stand at attention in Lebanon during a March 2018 ceremony commemorating the peacekeeping forces' 41st anniversary ceremony. (Getty Images)

## International Law & RtoP

Pillars One and Two are legally uncontroversial. The International Covenants on Human Rights, the Genocide Convention (1948), and Common Article 3 of the Geneva Conventions make it clear that states are prohibited from inflicting those crimes on their populations. Other states and international organizations have the right to assist countries at the request of the countries assisted in any internationally legal activity.

But Pillar Three, enforcement by the Security Council, is legally ambiguous. The council remains highly protective of the domestic jurisdiction of states. U.N. Charter Article 2(7) specifies, "nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state." The exception is "enforcement measures under Chapter VII," which in turn are formally limited in Article 39 to measures the Security Council finds appropriate "in order to maintain or restore international peace and security." Domestic abuses generally do not — in black-letter Charter law — qualify as "international" threats. The outcome document articulating RtoP is a General Assembly resolution, and as such it is a recommendation,<sup>6</sup> not a binding international obligation on the Security Council. And while the Security Council established tribunals for the former Yugoslavia and Rwanda in order to punish genocide and war crimes authorized by reference to international peace and security, the Security Council is neither a global legislature nor a global court. It does not set general legal precedents. Instead, it addresses specific cases according to its discretion.

*relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity ...*

The paragraphs identify what have been called three "pillars."<sup>5</sup> The first is the responsibility of each state to protect its own population. The second is the responsibility of the international community to assist states. The third, the most striking, is the residual responsibility of the Security Council to take timely and decisive action if a state fails to protect its own population from war crimes, crimes against humanity, ethnic cleansing, or genocide.

These paragraphs appear revolutionary. They have created much controversy. Indeed, the Pillar Three responsibility of the doctrine of RtoP overturns established international law that was designed to maintain national jurisdiction free from external intervention.

Thus, international law is contested. The strict legality of RtoP as a new basis for Security Council action supplementing global "international" peace and security thus has not yet been established formally. The Security Council may have the legal authority and states can exercise their obligation to prevent and punish genocide through the U.N.<sup>7</sup> But the Security

5 U.N. Secretary-General, *Implementing the Responsibility to Protect*, U.N. Doc. A/63/677 (January 12, 2009). RtoP Special Adviser Edward Luck, who did much during his mandate to refine the RtoP doctrine, authored this report.

6 Charter of the United Nations (San Francisco, 1945), 1 UNTS XVI, Article 10.

7 Common Article 1 of the Geneva Conventions imposes obligations, but they are less distinct. It requires that all states "undertake to respect and ensure respect for the present Convention." L. B. de Chazournes and L. Condarelli, "Common Article 1 of the Geneva Conventions," *International Review of the Red Cross* 857 (2000): 67–87.



Council so far has neither the authority, nor the legal obligation, to prevent or stop the four RtoP crimes unless it determines that international peace and security are threatened. Given the supremacy of the charter over all treaties (Article 103), a charter revision would be needed to formally incorporate RtoP as cause for international enforcement. Short of that, RtoP will remain legally contested.

### The Origins and Evolution of the RtoP Doctrine

Humanitarian intervention is also contested in international ethics: it pits the protection of global humanitarian rights against national self-determination and sovereignty. Its recent evolution as the international legitimacy norm of RtoP both reflects those tensions and helps to reconcile them. RtoP builds on but narrows humanitarian doctrine in ways that expand international legitimacy and address many, but not all, skeptics of humanitarian intervention.

The Kosovo crisis was a watershed event in the reformulation of the doctrine of intervention. When the U.N. did not protect the Kosovars, NATO did. U.S. President Bill Clinton, echoing earlier promises by British Prime Minister Tony Blair, announced a “Clinton Doctrine” to the assembled NATO peacekeeping (KFOR) troops on June 22, 1999, following their successful, though belated, occupation of Kosovo:

*[N]ever forget if we can do this here, and if we can then say to the people of the world, whether you live in Africa, or Central Europe, or any other place, if somebody comes after innocent civilians and tries to kill them en masse because of their race, their ethnic background, or their religion, and it's within our power to stop it, we will stop it.<sup>8</sup>*

U.N. Secretary-General Kofi Annan three months later also endorsed the principle of humanitarian intervention, but highlighted a problem: the requirements of international law — consent by a state, individual or collective self-defense, or Security

Council authorization — were missing in the Kosovo campaign. The imperative of “halting gross and systematic violations of human rights” had clashed with “dangerous precedents for future interventions without a clear criterion to decide who might invoke these precedents, and in what circumstances.”<sup>9</sup> Both the Blair-Clinton doctrine and the Annan equivocation alarmed developing states of the “South,” who feared that humanitarian concern might be used as a pretext for imperial intervention.<sup>10</sup> The G77 (132 states of the South) condemned “the so-called right of humanitarian intervention” in paragraph 69 of their Ministerial Declaration of September 24, 1999, three months after the NATO intervention.<sup>11</sup> The Non-Aligned Movement (114 countries of the South) was deeply divided, with Islamic countries overwhelmingly supportive of the NATO intervention, and non-Islamic countries (led by Cuba, Belarus, and India) opposed.<sup>12</sup>

The Kosovo Commission was then asked to write an objective, international, and nongovernmental report to assess the intervention. It famously concluded that the intervention was “illegal but legitimate.” It was not an act of self-defense, and it lacked the needed Security Council approval under Article 39, but it was a legitimate humanitarian rescue in the eyes of the commission of notables. In making the judgment, they defined what they saw as relevant “threshold principles” for a genuine “humanitarian intervention”:

The first is severe violations of international human rights or humanitarian law on a sustained basis. The second is the subjection of a civilian society to great suffering and risk due to the “failure” of their state, which entails the breakdown of governance at the level of the territorial sovereign state.<sup>13</sup>

The principles still were noticeably wide (“international human rights or humanitarian law”) and they allowed for action if the Security Council would not act, albeit as a last resort. The commission did not assuage the concerns of the South.

8 W. J. Clinton, “Remarks by the President to the KFOR Troops,” Skopje (Washington, DC: Office of the White House Press Secretary).

9 K. Annan, “Reflections on Intervention,” Ditchley Park, UK (June 26, 1998), in Kofi Annan, *The Question of Intervention* (United Nations, 1999), 4.

10 A. J. Bellamy, “Kosovo and the Advent of Sovereignty as Responsibility,” *Journal of Intervention and Statebuilding* 3, no. 2 (2009): 163–84. For a valuable survey of the roots of the concept of limited sovereignty, see Anne Orford, *International Authority and the Responsibility to Protect* (London: Cambridge University Press).

11 See discussion in Ian Brownlie, *Principles of Public International Law* 712 (2003).

12 Thalif Deen, “Third World Nations Split over Kosovo,” *Third World Network*, <http://www.twinside.org.sg/title/kosovo-cn.htm>.

13 Independent International Commission on Kosovo, *The Kosovo Report: Conflict, International Response, Lessons Learned* (2000).



Sudanese demonstrators set fire to barricades in Khartoum following the killing of seven anti-coup demonstrators, on Jan. 18, 2022. Rallies followed a coup that derailed Sudan's democratic transition. (Getty Images)

In an effort to include more viewpoints from the global South (and more representation from former government officials), Canada supported a new and more ambitious commission, one co-chaired by Mohammed Sahnoun and Gareth Evans. The International Commission on Intervention and State Sovereignty (ICISS) reframed the debate as “Responsibility to Protect” rather than a “right” to intervene and, by dint of numerous meetings at the regional level around the world, built a multilateral coalition. Building on former Sudanese Foreign Minister Francis Deng’s articulation of a “responsibility to protect” for internally displaced persons, they identified a dual responsibility: that of governments to protect their own inhabitants and then, should governments fail to do so, a residual international responsibility.<sup>14</sup> International responsibility had three parts: to prevent, to react, and to rebuild.

Compared to the Kosovo Report, they narrowed the triggers for action to the threat of or presence of “large scale loss of life,” whether by action or inaction of states, and “large scale ethnic cleansing.” Building on classic just war doctrine underlying humanitarian

intervention, they specified “right intention,” “just cause,” “proportionality,” and “right authority” as further qualifiers on when international force could be used if states failed to meet their responsibility to protect their own populations. “Right authority,” furthermore, should be the U.N. Security Council. “No better or more appropriate” authority could be found, but at the same time, it was not the last word. In “shocking situations ... concerned states ... may not rule out other measures” if the Security Council does not act. And “the Security Council should take note.” The ICISS had narrowed the triggers and the authority, but in 2001 much of the global South was still alarmed. Secretary-General Annan personally welcomed the report, but no U.N. venue would host its formal New York presentation in 2001.<sup>15</sup> (The commission unveiled its report in a hotel across the street from the U.N.)

This record reveals the significance of the 2005 Summit Outcome Document paragraphs (quoted in the introduction to the chapter) that won the unanimous assent of the 192 member states. Paragraphs 138–39 reflected four additional years of assiduous lobbying and doctrinal adjustment, overcoming the significant

<sup>14</sup> Francis M. Deng, et al., *Sovereignty as Responsibility* (Washington: Brookings, 1996).

<sup>15</sup> At SG Kofi Annan’s request, I approached the president of the General Assembly to see if a room could be found. His then-chief of staff, Ban Ki-moon, after checking with the group heads, determined that a U.N. venue could not be allocated for something so controversial.



distrust of the international community to any intervention following the 2003 invasion of Iraq.

The two paragraphs broadened the norm of legitimate intervention beyond the limited authority outlined in customary international law and the U.N. Charter's authorization to avert "threats to international peace and security." They greatly narrowed the norms emerging in U.N. Security Council practice of the 1990s. They also narrowed the triggers for RtoP from "international human rights" or "large scale killings" (the triggers specified by the Kosovo and ICISS commissions) to four specific elements: "genocide, war crimes, ethnic cleansing and crimes against humanity." To emphasize the point, these four specific elements are repeated five times in the original two paragraphs. In addition, the assembled states removed the ambiguity in authorization found in the earlier reports and clearly restricted "right authority" to use coercive means to the Security Council when it contemplates: "collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis. ..." (Paragraph 139). The U.N. reaffirms the importance of state responsibility and the triad of prevention, reaction, and rebuilding, and importantly, that RtoP is a "responsibility" – though only undertaken on a "case-by-case," hence discretionary, basis.

### Implications for Law and Ethics

The U.N. Charter is a "living constitution," and the U.N. members are nothing if not fluid in their commitments. So RtoP continues to evolve. The Security Council reaffirmed RtoP in Resolution 1674,<sup>16</sup> and operationally made the protection of civilians in ongoing peace operations an important commitment. In 2009, the secretary-general presented a valuable report outlining what the U.N. could and should do to help prevent and rebuild with the consent of the affected state.<sup>17</sup> It identified three pillars. The first reaffirmed national responsibility; the second covered measures of assistance the international community

could and should offer to assist states in meeting their national responsibilities; and the third covered international responsibility, including the variety of measures the U.N. could and should take to ensure protection. By emphasizing prevention and rebuilding, the report further distanced RtoP from a focus on coercive intervention.

In the summer of 2009, the General Assembly considered the secretary-general's report and RtoP more generally at a special meeting organized by General Assembly president and strong RtoP critic Miguel d'Escoto-Brockmann, a former Sandinista comandante and Nicaraguan foreign minister. Highlighted by an invitation to Professor Noam Chomsky to address the General Assembly, the session in d'Escoto-Brockmann's plan was designed to roast the doctrine.

Instead, a considerable majority of states – both developing and developed – reaffirmed their commitment. But many also warned of abuses that might follow from it. On behalf of the 118 member states of the Non-Aligned Movement, Ambassador Abdelaziz, while condemning the four crimes covered by RtoP, expressed concern that the doctrine could be abused by opening up the possibility of unilateral intervention or extending its triggers beyond the four elements, attempting thus to legitimize "intervention in the internal affairs of states."<sup>18</sup>

Only a handful of states, including Venezuela, Cuba, North Korea, and a few others, acknowledged sufficient "buyer's remorse" and pushed to outright reject the commitment made in 2005. Most southern states shared the concerns the Non-Aligned Movement expressed, and China, for example, averred: "The concept of 'RtoP' applies only to the four international crimes of 'genocide, war crimes, ethnic cleansing, and crimes against humanity.' No state should expand on the concept or make arbitrary interpretations."<sup>19</sup> Not authorizing an intervention in Myanmar implicitly excluded health, climate, and natural disasters as

16 SC Res. 1674, U.N. Doc. S/Res/1674 (April 28, 2006). Protecting civilians during an established and authorized peacekeeping operation is not, however, the same as legislating intervention whenever a government harms or threatens to harm its own nationals.

17 U.N. Secretary-General, *Implementing the Responsibility to Protect*, U.N. Doc. A/63/677 (January 12, 2009).

18 A. M. Abdelaziz, "Statement by the Permanent Representative of Egypt on Behalf of the Non-Aligned Movement," (New York: Permanent Mission of the Arab Republic of Egypt, 2009).

19 Liu Z., "Statement of Ambassador Liu Zhenmin at the Plenary Session of GA Debate on Responsibility to Protect" (New York: Permanent Mission of China, 2009).



appropriate triggers for RtoP.<sup>20</sup> Thus, when it came to a consensus endorsement of the secretary-general's report, the best that could be achieved was a tepid "takes note" rather than the more full-throated "approves" or "endorses" that traditionally signal approval in U.N. jargon.<sup>21</sup>

From the standpoint of international law, the commitment to RtoP was not legislative — not equivalent to either a charter amendment of Chapter VII or an international treaty. But it was part of a twofold process bending the meaning of "international threats to the peace" as defined by the council under Chapter VII.

First, while far from settled, RtoP is beginning to build the record of general practice supplementing the sense of obligation that builds customary international law. The RtoP norm does not quite qualify as *opinio juris vel necessitatis* — acting on the basis of legal obligation — that is required for the formation of customary international law,<sup>22</sup> but the repeated use of "responsibility" is approaching the normative commitment that evidences obligation.

Second, it is important to recognize that the vast majority of states in 2009 were explicitly and implicitly endorsing the RtoP elements of genocide, war crimes, crimes against humanity, and ethnic cleansing as legitimate causes for the Security Council (when necessary) to authorize coercive force.

They were attempting to transcend the national, unilateral standards that had informed past practice of humanitarian intervention.<sup>23</sup> The United Nations has set standards by both broadening the principles

and narrowing practice. Since General Assembly resolutions are not binding measures that could amend the U.N. Charter, states in effect were trying to redefine and broaden the standard that does authorize force, Chapter VII's "international peace and security." At the same time, these states were also denying the Security Council the discretion it had exercised so often in the 1990s to auto-interpret "international peace and security" seemingly without restraint or credible attention to "international." Will this new assertion of an authoritative, interpretive role by the General Assembly create a lasting precedent?<sup>24</sup>

RtoP could not claim clear legality, but it could claim "legitimacy" after the 2005 Summit Outcome. In this light, it is worth recalling that Security Council action during the Rwandan genocide was in part stymied by claims from Rwanda (then on the council) and its few supporters on the council that the crisis was a domestic issue, not one subject to international authority.<sup>25</sup> Ironically, the increasing power of the norm is reflected in the way in which the U.S. invoked humanitarian concerns generally and the way in which Russia invoked RtoP explicitly to try to justify their interventions in Iraq (2003) and Georgia (2008). But the experience of Libya and now Syria will prove decisive in strengthening or weakening the doctrine.<sup>26</sup>

This has implications for international ethics. On its face, it defines and limits acceptable communitarian standards from an international point of view. The principle of sovereignty can protect states from a wide range of international interferences, but no longer from proportional, Security Council–endorsed

20 K. Z. M. U., "Statement of the Deputy Permanent Representative of the Union of Myanmar to the United Nations on Agenda Item 44 and 107" (New York: Permanent Mission of Myanmar, 2009).

21 Department of Public Information, "Delegates Weigh Legal Merits of RtoP Concept," GA/10850, July 28, 2009, [un.org/News/Press/docs/2009/ga10850.doc.htm](http://un.org/News/Press/docs/2009/ga10850.doc.htm).

22 The standards from the *North Sea Continental Shelf Cases* (Ger. v. Den. & Ger. v. Neth.), Judgment, 1969 I.C.J. 3, 45 ¶ 77.

23 I have discussed these standards and practices in *The Question of Intervention: John Stuart Mill and the Responsibility to Protect* (Yale, 2015).

24 The charter has been informally amended before, as when states chose to define Security Council abstentions not to have the effect of permanent member vetoes despite Article 27's provision that substantive decisions of the Security Council have the "affirming" and "concurring votes" of the five permanent members. This process of deliberation and interpretation is well covered in Ian Johnstone's *The Power of Deliberation* (Oxford: Oxford University Press, 2011).

25 See the important personal account by the former Czech permanent representative to the U.N. and then–Security Council member Karel Kovanda. K. Kovanda, "The Czech Republic on the U.N. Security Council," *Journal of Genocide Studies and Prevention* (2010).

26 For a well-argued brief in favor of U.S. support for RtoP, see Matthew C. Waxman, *Intervention to Stop Genocide and Mass Atrocities*, Council Special Report No. 49 (New York: Council on Foreign Relations, 2009). For the latest presidential commitment, see Sophie Quinton, "Obama Highlights Efforts to Prevent Genocide," *National Journal*, April 23, 2012. And Global Centre for the Responsibility to Protect, "Policy Brief," January 2010; Security Council Report, "Update Report," January 11, 2010, no. 3.



actions to prevent or stop the four harms outlined in the RtoP doctrine.

It also clarifies the question of just authority. The Security Council has that legal authority to act against international threats. It also now has the legitimacy to address domestic crimes against humanity, war crimes, ethnic cleansing, and genocide. We should not

assume that it will resolve the most important issue of political will: getting states to take these principles seriously, abide by them, and be willing, where justified, to enforce them.<sup>27</sup> Nor does RtoP resolve debates in moral philosophy. Much of the value of ethical thinking is that it constantly questions received standards in the name of security, solidarity, and human welfare, and RtoP should not be immune from this critique. □

<sup>27</sup> At a special, unofficial meeting, a “retreat of the Security Council” at Pocantico in May 2001, all the permanent representatives of the fifteen members were prepared to acknowledge that R2P was a legitimate cause of action for SC enforcement, but none were prepared to publicly issue a statement that it constituted a general responsibility to act. The case-by-case language of paragraphs 138–39 reaffirmed in 2005 this reluctance.



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general and special adviser to United Nations Secretary-General Kofi Annan from 2001 to 2003. Doyle is the former chair of the Academic Council of the United Nations System. He has also been a vice president, senior Fellow, and a member (and chair) of the board of directors of the International Peace Institute between 1992 and 2018. He served as chair of the board of the U.N. Democracy Fund (UNDEF)

from 2006–2013. In 2001, he was elected a Fellow of the American Academy of Arts and Sciences; in 2009, to the American Philosophical Society; and in 2012, to the American Academy of Political and Social Science. On July 15, 2014, the University of Warwick conferred on him an honorary degree of Doctor of Laws (honoris causa) in recognition of his research and publications on peace theory. In 2013, Doyle was appointed director of the Columbia Global Policy Initiative, where in 2015 he convened a commission of experts that developed the Model International Mobility Convention. The convention serves the ambitious goal of creating a holistic, rights-respecting governance regime for all aspects of international migration, filling in the gaps in the existing international legal regime and expanding protections where needed.



Getty Images

## Normative Influences on War

*Stuart J. Kaufman*

In the early 21st century, the voices for restraining war are louder than ever, but news headlines illustrate the limits of their influence. The century opened in the middle of a bloody and savage conflict in the Democratic Republic of Congo (DRC) that probably killed over a million people (Pinker 2011, 319), and continued with internationalized civil wars in Iraq and Syria that probably killed about half a million each, with overall civilian victims outnumbering deaths of soldiers, and with accounts of unspeakable brutality widespread. Nevertheless, optimists led by Steven Pinker argue that not only is war in decline, so are violence and cruelty of all kinds. The main reason for this decline, Pinker and his allies contend, is moral progress — norms. The question this essay explores is the degree to which the optimists' claim is right that

both the occurrence and conduct of war are indeed being restrained by the force of norms.

My conclusions are mixed. On the one hand, war is indeed in decline: international wars are surprisingly rare, and the wars (overwhelmingly civil wars) that do occur are smaller in scale than in the past. The reasons for this decline are a mixture of factors: material factors such as industrialization and nuclear weapons; social factors like the rise of international trade, the spread of democratic governments, and the growth of international institutions; and normative changes including the rise of humanitarian norms and of the principles of national self-determination and the stability of borders. On the other hand, there is less progress on restraining violence during wars. Studies find that most belligerents in war — international



war and civil war alike – violate the norms of war regarding the treatment of civilians. This picture probably represents some improvement from the past – many states do show restraint – but it is difficult to say how much.

### Have Norms Caused a Decrease in War?

This section addresses two questions. First, is there less war going on now than in the past? Second, if there has been a decrease, to what degree have norms been the reason? Though there have been prominent arguments in favor of both propositions, most notably John Mueller’s *Retreat from Doomsday* and Steven Pinker’s *The Better Angels of Our Nature*, there are also not-so-prominent objections to their claims that require consideration.

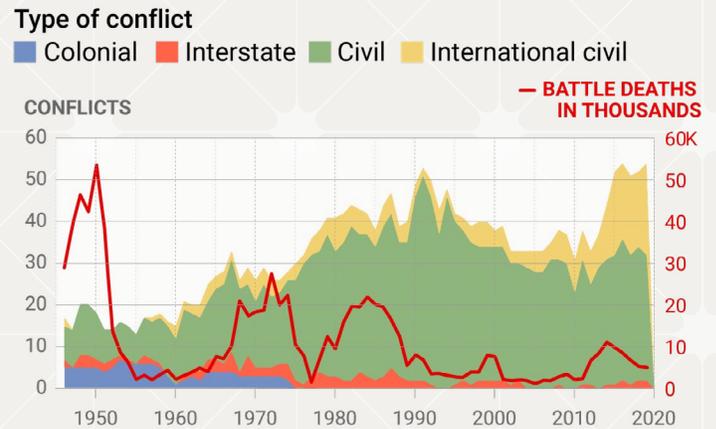
### Is War in Decline?

In Jack Levy and William Thompson’s summary of Pinker’s argument, “the most telling statistic since 1945 is zero: zero uses of nuclear weapons, ... zero wars between any two great powers, ... and zero internationally recognized states disappearing through conquest” (Levy and Thompson 2013, 412). Pinker goes further and claims, “since the end of the Cold War in 1989, wars of all kinds have declined throughout the world” (Pinker 2013, 400). Is this true? Pinker, relying on well-regarded existing data sets, shows that great-power wars and wars in Europe became steadily rarer in recent centuries (Pinker 2011, 229). Furthermore, since 1946, the global death rate from all wars has declined precipitously – both absolutely and relative to population, while international wars have become exceedingly rare (Pinker 2011, 301–2).

There are, however, limits to this trend. First, the claim of a centuries-long trend applies only to great powers – mostly European – since the 18th century. The accounting thus leaves out 19th-century bloodbaths such as China’s Taiping Rebellion. A second point, illustrated in Figure 1 (Palik et al. 2020, 8) below, concerns more recent trends: while the deadliness of war has decreased since World War II, the number of armed conflicts (mostly small ones) has increased dramatically. Importantly, however, these conflicts are almost all civil conflict: international conflicts are rare throughout the period, and colonial wars have

disappeared in recent decades. This, then, is the pattern: civil wars have become more widespread but generally smaller in recent decades, while international wars have become rare and wars among great powers (including nuclear wars) nonexistent.

**Figure 1: Number of Countries with State-Based Armed Conflicts, by Conflict Type, 1946 to 2019**



Sources: UCDP/PRIO Armed Conflict Database. UCDP Battle Death Database (Pettersson & Öberg 2020) and Lacina and Gleditsch Battle Death Database

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### Do Norms Explain the Decline of War?

I disaggregate this question into three smaller ones. First, to what degree do norms explain the absence of nuclear war? Second, to what degree do norms explain the decline in international war generally? Third, what is the impact of norms on the frequency of civil war?

### The Nuclear Taboo?

The most important positive trend in warfare is the total absence of nuclear war since 1945. The most common explanation for this absence is that nuclear deterrence has led to a “nuclear revolution,” characterized by the recognition among leaders of nuclear powers that nuclear war is unwinnable (Jervis 1989). The same phenomenon is also used to explain the absence of great-power war. Since all great powers either are nuclear weapons states or are protected by one, great powers universally recognize that to clash directly with another great power is to risk total and speedy nuclear devastation. The potential consequences are so clear and so costly that no one has dared to challenge a great power’s nuclear



Ukrainian President Volodymyr Zelenskyy addresses the U.N. Security Council on April 05, 2022. (Getty Images)

deterrent. Decline-of-war enthusiasts like Mueller and Pinker argue against this conclusion, but the direct evidence for it is compelling: when the world came closest to nuclear war, during the Cuban Missile Crisis of 1962, the fear of nuclear devastation was by all accounts uppermost in the minds of the American and Soviet leaders who decided to pull back from the brink. Nikita Khrushchev's famous Oct. 26, 1962, letter to Kennedy, for example, expressed the need to avoid actions that might "doom the world to the catastrophe of thermonuclear war."

The deterrence argument, however, does not explain the absence of unilateral nuclear use, for example by the U.S. in the Korean or Vietnam wars. The evidence suggests a normative answer: the nuclear taboo (Tannenwald 2005). In the Korean case, the U.S. military commander in Korea, General Matthew Ridgway, commented in retrospect that nuclear use would have been "the ultimate in immorality" (Tannenwald 2005, 445–46). In the Vietnam case, President Nixon rejected the nuclear taboo, but was nevertheless constrained by it, commenting that if the U.S. used nuclear weapons, "the resulting domestic and international uproar would have damaged our foreign policy on all fronts" (Tannenwald 2005, 450, 456). Later studies have shown that nuclear deterrence and the nuclear taboo actually work together: while most Americans accept the nuclear taboo (Carpenter and Montgomery 2020), even among those who do not, many support nuclear restraint out of concern that

U.S. nuclear use might make future nuclear attacks on the U.S. more probable (Sagan and Valentino 2017).

### Norms and the Decline of International War

The case that anti-war norms explain the decline of international war was first brought to prominence by John Mueller. Mueller's key point is that until World War I, international norms evaluated war favorably: one review concluded that "the intellectual elite of Europe embraced the war not merely as unpleasant necessity ... but as spiritual salvation and hope of regeneration" (Mueller 1989, 38). Among those Mueller (1989, 39–45) quotes articulating such views are Oliver Wendell Holmes, Winston Churchill, Theodore Roosevelt, and Emile Zola.

The contrast with post-1945 norms cannot be starker. The new consensus is summarized in the preamble to the U.N. Charter, which begins, "We the peoples of the United Nations, determined to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind ..." The charter lists first among the purposes of the United Nations "to maintain international peace and security." According to Mueller, the "historical movement of ideas" exemplified by those statements is the prime cause of the decline of international war. Pinker adds a wide array of additional evidence, including the decline in pro-military ideologies such as fascism and communism, and a well-established



norm against violent changes in international borders (Pinker 2011, 259). Finally, one might add evidence from survey data: in a 2010 poll, when asked whether the use of military force was sometimes necessary “to maintain order in the world,” majorities in Germany, Egypt, and Jordan refused to endorse the idea, taking an essentially pacifist position (Pew 2010).

There are, however, also material reasons for the decline in war. First, modern technology has changed the basis of material power. In the pre-industrial world, as Rosecrance (1986, 160) points out, war was efficient: “it was cheaper to seize another state’s territory by force than to ... derive benefit from commercial exchange with it.” Since the Industrial Revolution, in contrast, it has been increasingly the case that no matter what a state might want — power, wealth, status, security — the best route to achieving those goals is economic development, which is best achieved in peacetime and through trade as well as domestic technological progress. From this point of view, international war is becoming rare not because its costs are high but because its benefits are low. Conquest does not pay in the long run. The most recent great-power attempt to make it pay was Soviet control over its Eastern European empire, but by the 1980s it became clear that maintaining that empire cost more than it yielded, as demonstrated in a study tellingly entitled “The Empire Strikes Back” (Bunce 1985).<sup>1</sup> Call this argument the “industrial peace.”

Another explanation for the decline of war has to do with social organization: the notion of the “Kantian triad.” According to this argument, it is the combination of the spread of democracy, the rise of international commerce, and the growth of international organizations that accounts for the absence of war among democracies (Oneal and Russett 1999). Supplementing this insight is another: that the democratic peace is essentially a liberal peace, requiring not only liberal institutions to work but also liberal values (Owen 1994). The key point is that these factors work *together*. The Europe of 1914 featured industrialized economies tightly linked by international trade, and by the standards of the time the leading powers (including Germany) were democracies. The missing elements were liberal values — especially

a high valuation on peace itself — and a network of international institutions to facilitate the peaceful settlement of international disputes.

In sum, the decline of great-power war seems to have four necessary elements. First, industrialization provided a path to national power and security that was superior to war. Second, the spread of liberal norms and the decline of militaristic ones made the peaceful alternative desirable. Third, the growth of international institutions and international commerce made strategies of peaceful rise practical, while the growth of democracy, especially in the great powers in the West, constrained leaders of democracies to consider popular preferences on the subject. Finally, nuclear deterrence and the nuclear taboo made the avoidance of great-power war necessary.

The factors that make for great-power peace also explain the broader decline in international war. For small and middling powers, as for large ones, nationalism makes foreign conquest unprofitable, and trade and economic development offer a superior route to progress. Additionally, as Saddam Hussein learned, liberal norms and institutions like the U.N. help make aggressive war infeasible, as the aggressor is likely to face opposing great-power intervention coordinated by the U.N. or other international security institutions like NATO.

### Effects on Civil War

Civil war, unlike international war, is not clearly in decline. Indeed, as Figure 1 shows, armed conflicts inside states have actually increased in frequency in recent decades. While most of these armed conflicts are small, the increase in global battle deaths in the 2010s is mostly the result of the civil wars in Afghanistan, Syria, and Iraq (Palik et al. 2020). The worst cases tend to be internationalized civil wars in which intervention by foreign armies lengthens wars and makes them more violent. The United States is the most prolific intervener, but by no means the only one. The most violent civil wars include cases in which U.S. intervention worsened the violence (Iraq 2003–2010 and Afghanistan 2001–2021) and cases in which the U.S. did little while other states intervened (Syria

<sup>1</sup> Peter Liberman (*Does Conquest Pay?*) argues the opposite about the Soviet case, but this conclusion primarily applies to East Germany and primarily to the short run. Liberman (1998, 150) concedes that returns decline over time.



and DRC). However, foreign intervention sometimes has pacifying effects: NATO military intervention ended Bosnia's agony in 1995, for example, while tacit collaboration between the U.S. and Iran helped Iraq defeat the ISIS uprising after 2015. The sum of these effects is clear, however: civil wars still kill very large numbers of people.

All of this is true, however, primarily in places where the factors driving international peace are weak. The most important such factors are institutions, especially those of the state. It is widely agreed that state weakness is a key permissive factor in causing civil war (Fearon and Laitin 2003). Also vital are nationalist sentiments: when ethnic or nationalist narratives pit groups in a state against each other instead of fostering national unity, civil war can result (Kaufman 2015). Poverty is also a key factor: civil war is most probable in poor states (Collier and Hoeffler 2004), not in states where the industrial peace is most advanced. Finally, liberal norms also matter: liberal democracies, whether rich or poor, are not commonly victims of civil war. The effects of such normative change, however, seems to be limited primarily to wealthier parts of the globe.

### **Do Norms Temper Belligerent Behavior During War?**

Given the prominence of evidence that wartime atrocities remain distressingly widespread, it may seem improbable that *jus in bello* norms have had an appreciable effect on the actual conduct of recent wars. Nevertheless, this is a great deal of evidence for the widespread acceptance of *jus in bello* norms, and some evidence for their efficacy. I will review them in that order.

#### **The Spread of Norms of Restraint**

The first set of evidence for the spread of norms of restraint in war comes from international law: the fact that virtually all countries have signed a series of Geneva Conventions encoding such restraint. If the original Geneva Conventions were mere lip service, they would have been ignored and allowed to atrophy after their signature in 1949, but they have not. Instead, they have been updated and tightened with the articulation and signature of a series of additional protocols and follow-on conventions (Fazal

2018, 20–21). It is universally acknowledged among sovereign states that atrocities in war, including the killing or targeting of civilians, rape, and ethnic cleansing, are wrong.

Pinker provides copious evidence that the spread of these norms is merely one part of a broader global rise in humanitarian values. Torture in the past was not only common, but also provided sources of amusement (Pinker 2011, 67); now even judicial torture is banned virtually everywhere (Pinker 2011, 149). Similarly, capital punishment was once a universal practice, but now virtually every European country has abolished it, and most countries, like the U.S., that still allow the practice rarely employ it (Pinker 2011, 150–51). Slavery, too, has been eliminated on moral grounds, with England and the U.S. paying high prices in the nineteenth century to achieve that goal (Kaufmann and Pape 1999).

Most importantly, the norms of *jus in bello* have come to be coded in military ethics, at least in some places. Pinker (2011, 264–65) mentions the example of the code of the “Ethical [U.S.] Marine Warrior,” whose mantra is: “The Ethical Warrior is a protector of life. Whose life? Self and others. ... All others.” Similarly, the U.S. Army War College organizes an annual mock trial during which U.S. “Air Force General Carl A. Spaatz is indicted ... for crimes against humanity for the indiscriminate aerial bombing of Dresden, Germany, during World War II” (Swift 2001, 13). Additionally, *jus in bello* rules are starting to be enforced at the international level, most prominently in special tribunals such as the International Criminal Tribunals for the Former Yugoslavia and for Rwanda. This normative change gives reason to expect that wartime atrocities might as a result be in decline in recent years. Are they?

#### **Observance of Humanitarian Norms in Warfare**

On the surface, evidence that humanitarian norms are not observed in warfare seems overwhelming. In the Darfur conflict, for example, the Sudanese military used bombs that were “terror weapons aimed solely at civilians,” and together with Janjaweed militiamen, would attack villages and “shoot all those who could not run away. Small children, being light, were often tossed back in the burning houses” (Prunier 2005, 99–100). The overall strategy was one



of ethnic cleansing that drove more than 2 million from their homes (Human Rights Watch 2007, 5) and killed 200,000 or more (“Bashir Charged”). In the war in the DRC, according to Human Rights Watch, “Indiscriminate attacks, extrajudicial executions of civilians, rape, and large-scale destruction of civilian property characterized the conduct of the belligerents” (“D.R.C. Human Rights”). A flare-up in fighting in 2017 involved “boys being forced to rape their mothers, ... militia, some of whom sported female genitals (clitorises and vaginas) as medals,” and “people cutting up, cooking and eating human flesh” (“Mass Rape”).

What the cases of Darfur and DRC prove is that there are still places where humanitarian norms of *jus in bello* are utterly ineffective, restraining neither governments nor rebel groups.

On the other hand, while the U.S. has gone to war repeatedly in recent decades, it has gone far in its efforts to reduce casualties, especially among civilians. In Afghanistan in 2008, Pinker notes, “the U.S. Air Force followed a set of humanitarian protocols ... that Human Rights Watch praised for its ‘very good record of minimizing harm to civilians’” (Pinker 2011, 266). These efforts are highly imperfect, however, failing to prevent repeated instances of attacks on civilian targets including medical facilities and wedding parties. U.S. use of drone aircraft presents a similarly mixed picture. Pinker similarly notes, quoting Joshua Goldstein, that the U.S. tactic of drone strikes is far more discriminate than were previous tactics, such as ground assaults on villages. On the other hand, the fact that drone strikes are so low in cost – including, comparatively, their human costs – means that they are used more prolifically than other tactics were. Similarly, the precision of their aim points is little help when flawed U.S. intelligence mistakes innocent civilian targets for terrorist ones.

Going beyond anecdotal evidence, a few scholars have compiled data sets assessing compliance with the laws of war, finding that the picture is mixed. One study, led by James Morrow (2007, 562), considered the behavior of each belligerent toward each of their enemies in 48 international wars between 1899 and 1991. It found that about two-thirds of these cases involved “non-compliance” or “low compliance” with the laws of war regarding the targeting of civilians.

There was no clear trend of increasing or decreasing compliance over the course of the century studied (Morrow and Jo 2006, 108–9).

In a separate study, Jessica Stanton compiled a data set of every civil war in the world from 1989 to 2010, identifying those parties to the conflicts that showed restraint, and distinguishing them from those who systematically violated the norms of war. She finds, in sum, that among rebel groups, 30.1 percent massacred civilians and 29.1 percent committed other major violations, while 41.8 percent generally observed the key norms of war. Among governments, 24.5 percent massacred civilians and 26.5 percent carried out other major violations, while 49 percent generally observed the norms of war (Stanton 2016, 4–5).

However, the largest civil wars all feature large-scale violations of the norms of war. Inspecting Stanton’s (2016, 84–88) data, I compared her set of conflicts to separate estimates of casualties, and identified 15 where estimates of total deaths reach at least 100,000, including the wars in Darfur, Iraq, and DRC. Among these 15 largest civil wars, seven featured restraint by the government side, but none featured restraint by both sides according to Stanton’s codings.

In sum, the norms of *jus in bello* have had some effect, but that effect is spotty. Certainly the U.S. has made an effort to avoid civilian casualties in its recent wars. Stanton’s data suggests U.S. allies such as the regimes in Iraq and Afghanistan (after the U.S. invasions of those countries) made similar efforts, as have 49 percent of the states in her sample. However, as the examples from Darfur and DRC illustrate, atrocities remain distressingly common: most of the time, either governments or rebels engage in large-scale violations of humanitarian norms in war regarding the targeting of civilians, if not both. Historically, most belligerents in international wars have done the same.

## Conclusion

Evidence indicates that the norms of war do matter: belligerents and potential belligerents are more restrained than they were in past centuries. This restraint is most marked in the rising disinclination of states and peoples to resort to war. War has become exceptionally uncommon across large swathes of



the world, and international wars are vanishingly rare everywhere. Anti-war norms such as those encoded in the U.N. Charter have played an important role in this decline of war, though material and social factors have also made necessary contributions. On the other hand, these developments have not prevented an increase in the frequency of civil wars since 1946.

When war does break out, normative restraints have less effect. The largest wars all feature atrocities: most civil war rebels engage in them, as do most governments. Nevertheless, in recent civil wars, nearly half of governments have made sustained efforts to avoid inflicting civilian casualties. This is probably an improvement compared to past centuries, when atrocities were apparently more routine, but it is difficult to know how much improvement there has been.

Future prospects are not necessarily rosy. Populist political forces, most importantly in the United States, are undermining commitment to all of the factors driving the democratic peace — democratic institutions and practices at home, participation in international trade and international institutions, and liberal norms and values. At the same time, the profound irrationality of these movements casts doubt on their willingness to recognize the costs of war and the benefits of peace. George Bush’s magnification of American nationalism to motivate the war in Iraq illustrates how these dynamics can work. In the longer run, climate change will exacerbate key factors leading to war, such as poverty, state weakness, and destabilizing migration flows, and their effects will be concentrated in already-fragile areas such as Africa and the Middle East. Norms of war will be increasingly challenged in these conditions. □



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# The Challenge to the Liberal Order: Norms of the Global South

*Jacqueline Braveboy-Wagner*

## Introduction

This is a time of rising interest in the Global South in Western academia, matching increased interest in policy circles. In support of this contention, Haug (2021, 1924) cites Elsevier's Scopus database, where references to the "Global South" in titles, abstracts, and keywords in Anglophone publications have expanded from one registered publication mentioning the term in 1994, to thirty in 2005, and more than 1,600 in 2020. In policy circles, China, still considering itself a champion of the South (Char 2016), has gone from being considered

an emerging power with a very long way to go in the 1980s and 1990s to being an economic powerhouse with regional military ambitions and global reach.

Scholars and commentators have for some time now been remarking on and writing about the perceived threat of China's rise (for example, Luttwak 2012; Layne 2018). Meanwhile, in U.S. policy circles, both former President Donald Trump and current President Joe Biden (using slightly differing strategies)<sup>1</sup> have prioritized China in their strategic planning, vowing to keep it from continuing, as they see it, to threaten *the liberal order*. In the Interim National Security Strategy

<sup>1</sup> In National Security documents, both presidents have adopted similar views: that China is a threat to U.S. values and interests and should be contained both by building up domestic capabilities as well as countering China's initiatives globally, that the U.S. can engage with China on some global issues, and that close cooperation with allies is advisable. In practice, however, President Trump was less cooperative with allies (seeing them as functioning to magnify U.S. power [NSS 2017: 46]), whereas President Biden has been more willing to see them as global partners in initiatives to contain China as also on global issues in general. Biden has also articulated more clearly that indeed, there are issues on which cooperation with China is needed (case in point, his signature climate change focus).



document of March 2021, the Biden-led administration has clearly expressed this rising alarm:

*We must also contend with the reality that **the distribution of power across the world is changing, creating new threats** [emphasis per original]. China, in particular, has rapidly become more assertive. It is the only competitor potentially capable of combining its economic, diplomatic, military, and technological power to mount a sustained challenge to a stable and open international system. ... In many areas, China's leaders seek unfair advantages, behave aggressively and coercively, and undermine the rules and values at the heart of an open and stable international system. When the Chinese government's behavior directly threatens our interests and values, we will answer Beijing's challenge. (The White House 2021, 7–8, 20)*

While China is, for obvious reasons, the main focus of analysts, there has long been a concern in the West<sup>2</sup> about “third-world” (now Global South [GS]) countries’ potential challenges to the “open and stable international system.” Since the heyday of the 1970s, third-world countries have been vexing the West by articulating new norms, with the more radical of them having even sought alternatives to the Western-dominated international economic system. The question is: does the increasing visibility today of Global South countries — the so-called “rise of the rest” in the “post-American world” (Zakaria 2008) — really constitute a challenge to the existing world normative order? To assess this, most scholars and analysts have been concentrating on the wealthier countries constituted as the BRICS (Brazil-Russia-India-China-South Africa) or, for our purposes, more accurately the IBSA since Russia is not a GS nation. The BRICS are seen by most as neither cohesive (Pant 2013; more recently Nuruzzaman 2020) nor revolutionary (Bond and Garcia 2015), and therefore their significance in this regard is considered to be overestimated. Indeed, one analysis, steeped in more scientific international relations theory than most, even uses Bayesian change-point modeling to assess the identity and behavior of the BRICS, concluding that they are less focused on revisionism than on assimilation (Thies and Nieman 2017).

However, few analysts focus on the GS as a whole, assuming rather that there is no identifiable and cohesive grouping that can collectively threaten global institutions or rules. Collective “troublemaking” in the form of radical third-world rhetoric is assumed to be a thing of the past. Still, the increasing influence of some developing nations is arguably tied to collective perceptions and norms, articulated in individual foreign policies as much as in international organizations and multilateral negotiations. This brief article suggests that GS states do still share certain principles and beliefs that will be elaborated here, that we should remember that those seeking more influence in international affairs are not just the BRICS, and that some change in the world structure as well as in attendant global norms can and should be anticipated. However, as other analysts already cited have concluded, I too maintain that based on the evidence elaborated briefly below, such changes are likely to be gradualist and negotiated over the long term.

First, what is the liberal order? The bones of this order were instituted post–World War II around one main idea: liberalism. In the political sphere, this meant that leading nations were committed to the principles of democracy and the rule of law; in the economic sphere, the commitment was to freedom of the market. This liberal order owes much to the United States, which emerged from World War II as the leader of the free world. In Neack’s words, “The liberal international order is the product of the United States acting as a hegemon, so it is correct to call it a **hegemonic order**” [emphasis per original] (Neack 2019, 150). This is also stressed in Robert Keohane’s (1984) concept of hegemonic stability — based on Charles Kindleberger’s work — which is integral to international relations’ neoliberal institutionalism approach. In this respect, then, the challenges to the liberal order that are cause for alarm refer to possible disruptions to the ideal of free polities and free economies, and a global order led by the United States and its allies, particularly now that there is no longer any Soviet competition. What follows is a brief discussion of the political, economic, and cultural norms promulgated by GS nations: norms that might be the cause of some concern.

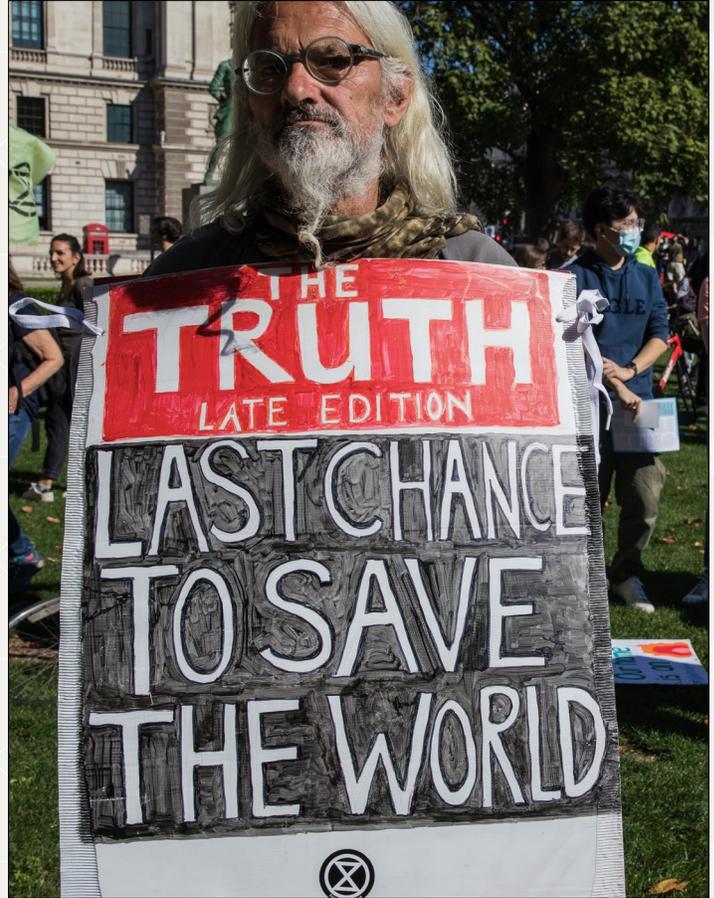
<sup>2</sup> By “West,” I am referring to the historically dominant European and North American countries. I recognize that “West” and “non-West” are contested terms in the post–Cold War era, but a debate on this is not needed here.



Just to clarify our terms, note that reference was made above to both the third world and the Global South as if they were equivalent. It is true that there is some contention about the term “Global South,” primarily among academics (among other discussions, see Haug, Braveboy-Wagner, and Maihold 2021). It is not a lay term: average inhabitants of Africa, Asia, or Latin America are more likely to refer to “third-world” values than “Global South values,” usually while using the term “third world” in a pejorative fashion. This is unfortunate, given that “third world” originally simply referred to those countries that did not wish to be aligned with East or West.<sup>3</sup> Unfortunately, over time, connotations of inferiority were read into the term by critics both in and outside the third world.

As I noted in 2009, “as far back as the 1970s, dissatisfaction had already surfaced over the stagnation and inequality that could be read into terms such as ‘third world’ and ‘less developed’” (the latter itself changed later to “developing”). “Thus the term ‘South’ began to appear more frequently in U.N. documentation by the 1970s” (Braveboy-Wagner 2009, 3). As illustrations of the growing acceptance of the designation “South,” one can point to the fact that in the 1970s, U.N. documentation routinely referred to the “North-South” division of the world (as opposed to the Cold War East-West divide), and “South-South cooperation” was adopted as a new focus. (We will return to this later.) “Global South” is a logical post-Cold War nod to globalization in that it has generated greater integration among countries as well as the “rise” of some developing countries, even while also not erasing the traditional inequalities between economic and political haves and have-nots in the international system. It is used primarily by governments and international organizations.

There is certainly some fuzziness in determining the membership of the group. For one, is China really “Global South”? This is not a new issue. In my own early book on the third world (1986), I questioned whether China was “third-world” based, among other things, on its already-rising economy and nuclear weapons advances. It is an even more complicated question today, though it suffices for our purposes



A climate activist demonstrates during a Global Climate Strike in Parliament Square, London on Sept. 24, 2021. The protest was organized to show the influence of the Global North through its colonialism, imperialism and other exploitation. (Getty Images)

here to use the common experiences and longstanding connections China has had with the South as a key to determining its GS identity. Or is Turkey a Global South country? Some include it on the basis of its hybridity and contentious place within Europe. I do not. Are former “third-world” countries that are accepted into the Organization for Economic Cooperation and Development (OECD) or the G20 to be deemed as having left the Global South? While there is no space here to debate these issues, for the purposes of this article the GS, the South, and the third world are all terms referring to the countries that were colonized or quasi-colonized by European powers in their contestation over centuries for territory overseas.

<sup>3</sup> The origin of the term is usually dated to Alfred Sauvy’s coinage in 1952, but it may have originally been used to describe the third parties of France in the 1940s (Allen Merriam 1979).



Domination and attendant exploitation have left their legacy of material and cultural distortions, and have diminished their global influence. This has impacted their foreign policies even today. While the issue of “graduation” from the South designation is academically interesting, it is usually based on a wealth criteria that is not a necessary condition for belonging to the GS. The reader will also note that the GS, as used here, is territorially based. This is because foreign policy and diplomatic action are still centered on state actors, despite the rise in importance of nonstate actors. In sum, then, GS refers here to the states in Africa, Asia, the Middle East, and Latin America and the Caribbean.<sup>4</sup>

### How Do GS States Respond to Northern Demands for Democracy and Good Governance?

In the 1990s, political and economic liberalism spread worldwide, after the demise of the Soviet Union. But several decades later, the “charm” of democracy seems to have worn out in many parts of the South, with repression and civil violence occurring in some countries (for example, today’s Myanmar, Ethiopia, and Syria), dubious attempts to tweak constitutions to prolong stays in power (Côte d’Ivoire, Haiti, and Venezuela, for example), a return to authoritarianism or military rule (today’s Egypt, Tunisia, and Sudan, for example), and arguments and standoffs between governmental factions (Sri Lanka, Somalia, Ecuador, South Africa, and Samoa). Even in countries where democratic rule is on firmer ground, there have been hints of authoritarianism (India and Brazil, for example) and sometimes widespread politically oriented popular protests. In short, the path to democratization has proven to be fairly perilous.

In foreign affairs, however, GS states do not profess any aversion to democracy at all. Indeed, any search of U.N., Nonaligned Movement (NAM), or the documentation of the numerous regional organizations would turn up strong declarations by states in support of democracy. For example, one of the best

ways to assess GS norms is to refer to the NAM’s declarations since this is a grouping of all or almost all the GS states.<sup>5</sup> Early in the 2000s, NAM states openly endorsed the “defence and consolidation of democracy, reaffirming that democracy is a universal value based on the freely expressed will of people to determine their own political, economic, social, and cultural systems and their full participation in all aspects of their life” (NAM 2009), and they continue to reiterate these principles today. There is no reason to believe, then, that nonaligned or GS states *oppose* democracy as a norm or indeed, oppose international action to curb instances of bad governance. The charters of most regional organizations contain a commitment to democracy and measures to oppose undemocratic governance. Even more agreement can be found with respect to “crimes against humanity.” African states and Caribbean states, in particular, were proactive in endorsing the creation of the International Criminal Court (ICC).

The problem, however, is that, given their historical experiences, GS states do also tend to still guard their sovereignty closely. Thus, *nonintervention* is a norm that is treated very seriously by states that have historically been ruled by foreigners and subjected to takeovers, blockades, and sanctions. In this sense, the defense of democracy runs up against the adherence to the norm of nonintervention and noninterference in others’ domestic affairs. It is interesting, for example, to read in the speeches of President Xi Jinping fairly constant references to the “Five Principles of Coexistence” (for example, Xi 2017) because these principles, the Panchsheel – respect for each other’s sovereignty and territorial integrity, mutual nonaggression, noninterference in each other’s affairs, equality and mutual benefit, and peaceful coexistence – remain a fundamental part of the principles of the nonaligned. While it is certainly self-serving in many ways (and unacceptable) for GS states to cling to nonintervention in cases where accusations of human rights and other governance violations are pointed at them or their allies, it is also the case that

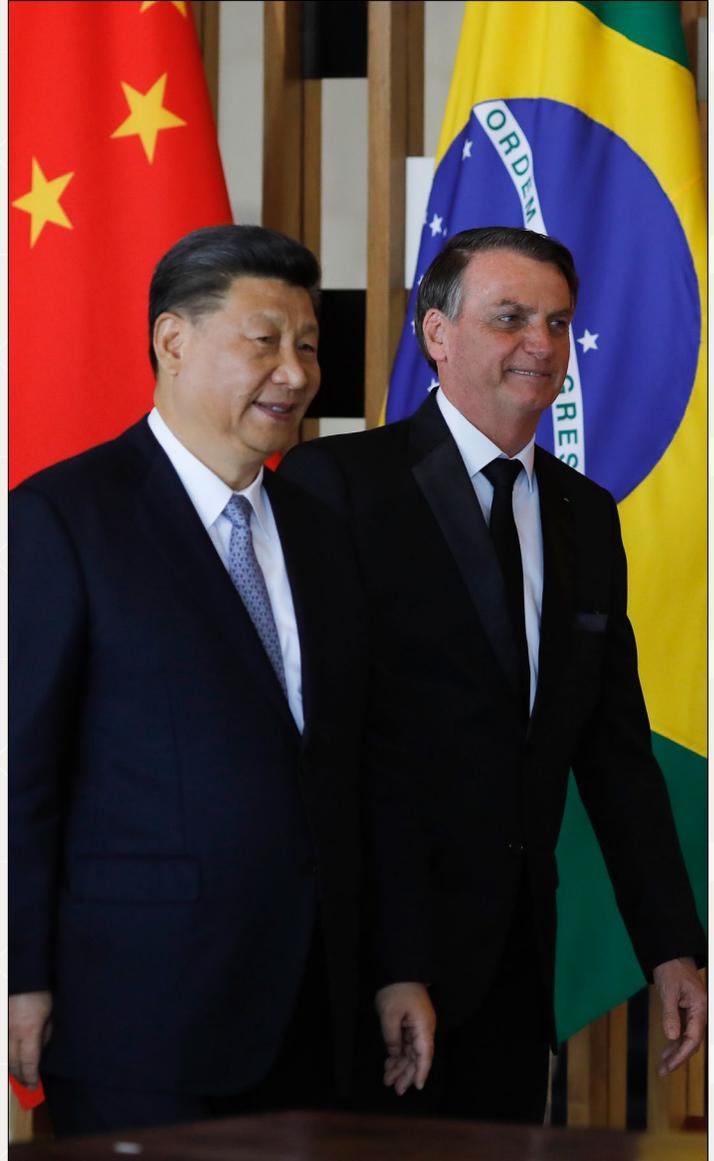
<sup>4</sup> It should be noted that “Global South” is sometimes used as a reference to decoloniality, that is, to the movement to decolonize knowledge and critique colonial/Western superiority (Mignolo and Walsh 2018). In this sense, the South can refer to many marginalized groupings, racial, gender-based, class-based, etc. While this approach can lead to the identification of crucial issues, the focus here is on foreign policy in a traditional state-based sense.

<sup>5</sup> Despite a certain loss of visibility, the NAM is still a crucial community for states of the Global South. One hundred twenty diverse countries from all three regions of the traditional South as well as the newer states of Central Asia Azerbaijan and Belarus, in addition to China and other observers, meet together every four years (and caucus at the United Nations in the interim). Note, however, that the grouping has always included European states. Yugoslavia, a founder, no longer exists, and Cyprus and Malta left to join the EU.



sometimes punitive coercive measures, imposed unilaterally or even multilaterally, *can* reflect the self-interest of those that do the pointing, in particular the leading powers. This explains, for example, why GS states are universally opposed to continuing U.S. sanctions against Cuba, and vote accordingly in the U.N. General Assembly each year. It also explains why the Association of Southeast Asian States' (ASEAN) approach to Myanmar over the years has generally been oriented toward constructive engagement (despite some intragroup contestation) rather than sanctions. Similarly, the small Caribbean countries comprising the Caribbean Community, always aware of the dangers of intervention because of their size, have preferred a noninterventionist, negotiated approach to the situation in Venezuela even as U.S., European, and even Latin American neighbors have imposed (to be sure, smart) sanctions against the government of Nicolas Maduro (CARICOM 2017).

A particular subset of this general GS skepticism about the use of punitive measures to bring undemocratic actors in line has been the GS approach to the Responsibility to Protect (R2P) norm, adopted by the international community in the wake of the genocides in Bosnia and Rwanda. GS states initially were wary but approving, but concerns grew after the Western intervention in Libya in 2011. There is, however, no disagreement with the norm itself: as Brazilian scholar Oliver Stuenkel says of the BRICS: "The BRICS are in fundamental agreement about the principles that undergird R2P. Their support for R2P[] s pillars I and II is absolute, therefore sponsoring the idea that states have the primary responsibility to protect their populations from genocide, war crimes, ethnic cleansing, and crimes against humanity, and that the international community must have a role in assisting States to do so. [But] ... the BRICS diverge from Western countries ... about when and how to apply the norm" (Steunkel 2016, 212, note 38). This is indeed the position of most GS states. It is not the principle of protection itself that is disputed, but rather the way it has been applied. What are the criteria for determining the need to intervene? What are the limits to be imposed? Who determines when to intervene? Certainly, the intervention in Libya seemed tainted by France's self-interest, and the application of force went beyond the original mandate of the U.N. to protect citizens.



Chinese President Xi Jinping (L) and Brazilian President Jair Bolsonaro meet on the eve of the BRICS Business Council in November 2019. Bolsaro has sought to boost ties with China. (Getty Images)

Of the BRICS, Brazil is probably the country that has most opposed the use of force in its foreign policy. Historically, it has tried to ease tensions with its neighbors by avowing its nonmilitary intentions. Notably, today it is credited with promoting the concept of "responsibility *while protecting*," which focuses primarily on securing the peace and human security needs of the affected populations (Kalil and Braveboy-Wagner 2016).



Similar hesitations by GS states have been observed with respect to the operations of the ICC. Most states readily signed on to the court and indeed were unhappy that the United States did not. But as time has gone on, concerns have grown about the way in which the court has exercised its role. In 2016, a number of African states threatened to withdraw because of the court's seeming preoccupation with cases in Africa (Kuwonu 2017). Although in the end this threat was not carried out, it did raise a reasonable doubt about the court's evenhandedness, despite the fact that African (and other GS) judges and prosecutors have actually played prominent roles on the ICC.

A more recent restatement of an old norm has been the affirmation by the leading GS nations of their commitment to anti-hegemony. This is new in the sense that whereas hegemonic concerns used to be directed at the West/North, the rise of countries such as China and India has generated some intra-South wariness about the intentions of their own; while GS countries may harbor hopes for favorable changes in the world structure, they are also aware that they may be equally exploited by their more influential counterparts. In this regard, it is noteworthy that the BRICS/IBSA states have gone to rather great lengths to assure other GS nations that they do not have hegemonic intentions. China is, of course, the main country whose intentions can be doubted, given its vast economic investments around the South. President Xi has stressed on a number of occasions that China is not to be feared:

*China will never pursue development at the expense of others' interests, but nor will China ever give up its legitimate rights and interests. No one should expect us to swallow anything that undermines our interests. China pursues a national defense policy that is in nature defensive. China's development does not pose a threat to any other country. No matter what stage of development it reaches, China will never seek hegemony or engage in expansion. (Xi 2017)*

As already noted, Brazil too, the largest country in South America, having borders with all countries but Ecuador and Chile, has long maintained that it is only interested in cordial relations with its neighbors. Other regional powers beyond the BRICS have asserted similar sentiments: Nigeria, for example, provides

security and economic assistance to its neighbors but prefers to be perceived as a "big brother," not the hegemon that its neighbors might be tempted to call it (Adogamhe 2016). Of course, academics recognize that hegemony may be benign (hegemonic stability theory has already been mentioned), but in the GS the term is uniformly seen as carrying negative connotations.

In the discussion of democracy so far, nothing has been said about the search for equality and justice at the global level, yet this is an important focus of the GS. There is a reason why GS states embrace multilateral institutions, and that is because they are able to have a wider voice and impact while participating in international forums than they would otherwise. This does not mean, however, that they are happy with the current global institutions. In particular, for some time now they have been seeking to democratize the biggest organization of all, the United Nations. The concern about the "democratic deficit" in the U.N. Security Council is well known, as is the longstanding debate on how to fix it. Space does not permit a long discussion of the various proposals that have been tabled across the years, but they include expansion of the council to include more African, Asian, and Latin American seats, without or without veto power, and also a seat for small states. No proposal, including also Western proposals to include Japan and Germany on the council, has yet been accepted, each of them being opposed by some proportion of member states. However, in the meantime, the U.N. General Assembly's regional groups have been enabling more diverse representation themselves: for example, in the 2020–21 term, the Latin American and Caribbean group voted in the smallest nation ever to hold an SC seat, St. Vincent and the Grenadines.

In sum, there is certainly some contestation by the GS *in re* certain political norms. However, this contestation rests more on disagreements about *modalities* than about basic principles. Moreover, since the evidence is that GS states are inclined toward negotiation and dialogue, there is no reason to believe that they cannot achieve via negotiation reforms that would better their position and influence in international affairs.



Chinese Premier Li Keqiang (C) and the heads of the International Monetary Fund (IMF) meet at the Third “1+6” Roundtable in Beijing on Nov. 6, 2018. (Getty Images)

### What are GS Norms in the Economic and Cultural Spheres?

Many define the GS, like the third world before it, as primarily referencing the countries at low levels of development. This is inaccurate inasmuch as there has always been great variety among the third world and now GS countries: indeed, for their policy purposes, international institutions use measures indicating high, medium, and low levels of development to classify countries in Asia, Africa, and Latin America. Still, it is important to remember that third-world unity was from early on crafted around development issues (at least, once the decolonization period was underway), and that there are shared norms and goals that continue to be articulated today, as the search for sustainable development and the reduction of the gap between developed and developing nations continues. Even as globalization has deepened linkages, in fact, because of it, GS nations have articulated concerns that reflect their preoccupation with *inequality*. In trade, that has meant seeking fairness along with free trade; in investment, that means seeking partnership agreements that bring more economic and social benefits to the host countries; and in aid, that means seeking assistance that is properly targeted to

economic, social, and environmental purposes and not unduly burdened by conditionalities. As the world has become increasingly more globalized, it has also become even clearer that a healthy world economy depends on all states progressing and working together. Indeed, the shutdowns and obstacles to global trade experienced during the COVID-19 pandemic of 2020–22 have proven this point while also emphasizing global structural inequalities in the production and distribution of vaccines.

Given their histories, many GS countries have viewed developed-country assistance as compensation of sorts for past exploitation, and indeed, former colonial powers have usually responded by instituting preferential arrangements and relationships. In this liberal era, the language has turned to partnerships rather than preferences but a patron-client tone still remains in the governance and environmental conditionalities required in exchange for aid. There is also a very visible push by many countries today to openly phrase the search for compensation in the language of *reparations* for colonialism, slavery, and the abuses of indigenous peoples that occurred under and after European occupation.

As they have with the U.N., GS countries have over the years sought reform of the Bretton Woods institutions. This led across time to the opening of many new windows by the International Monetary Fund (IMF), the noteworthy introduction of a facility for debt-ridden and poor countries by the IMF and World Bank, the creation of funds for climate change and food security, and other reforms. GS states have long also sought more voice in the decision-making process of these institutions, where voting power coalesces around the wealthy industrialized nations. First China and Saudi Arabia, and later India rose to the top 10 in donors (and therefore voting power). But in the 1990s and 2000s, fatigue with the international financial institutions’ structural adjustment (neoliberal) policies set in and many countries moved away from IMF borrowing in particular. Interestingly, Latin American countries went further: facilitated by the election of left-wing regimes in Brazil, Argentina, Venezuela, and other countries, Latin America established institutions that were touted as alternatives to the World Bank and IMF. These included the Bolivarian Alliance for the Peoples of Our America and the Union of South American



Nations, which generated a Bank of the South to lend money on soft terms for programs primarily for social development (Gardini 2015). These alternative institutions were intended to showcase the norm of *South-South cooperation (SSC)*, which has seen encouraging growth since the first major conference on technical cooperation among developing countries in 1979. This South-South cooperation (SSC) is supposed to be based on the following norms:

*SSC ... is supposed to be undertaken in the spirit of mutual benefit, respect for sovereignty and non-conditionality. The lack of political and policy interference in the affairs of the recipient – referred to as the partner to emphasize horizontality in SSC – is seen as differentiating SSC from traditional assistance. SSC assistance is also intended to be more directly focused on sustainable, equitable development. Economic and technical assistance are targeted to specific areas identified by the recipients, which should help countries deal with specific human security as well as economic deficiencies. (UNOSSC 2019, 78)<sup>6</sup>*

SSC norms are intended to be guidelines not only for intra-South assistance but also for triangular cooperation with developed countries. Certainly there is a trend by many of the latter – the EU countries in particular – to give more agency to host countries in the identification and implementation of projects for development assistance. Nevertheless, as I noted elsewhere, it would be hard for donors to conform absolutely to SSC norms, given that the ability to establish and monitor not just financial conditions but also governance, democracy, and environmentalism are now a fundamental part of the existing aid architecture. Ethical concerns have also been raised about nonconditional aid, and some civil society actors in the South are also concerned that nonconditionality may lead to missed opportunities to reinforce important commitments to human rights, anti-corruption, and environmental sustainability (UNOSSC 2019).

To sum up, GS countries are focused on *equality and fairness* in their approaches to foreign economic policy. SSC norms address this as well as directly

address their concerns about interference and agency in decision making. While Latin Americans have sought to create more social-leaning institutions, this has not been the case with institutions such as the BRICS New Development Bank or the Chinese Asian Investment Bank. In economics as in politics, then, it can be said that the general GS approach has been not to completely change the international structure, but rather to reform it.

### **A Brief Word on Culture**

It is not just in the political and economic spheres that GS countries have adopted or tried to adopt new paths. Cultural values (broadly speaking) have also impacted their image of themselves and the world and what foreign policies they have put in place. A few such impacts can be mentioned here: for one, given the preoccupation of the West with democracy, it should be noted that for the GS' highly multicultural states, democracy has also meant accommodating religious, racial, and cultural differences. Nonaligned statements speak of the “recognition of the equality of all races, religions, cultures and all nations, both big and small” and the “promotion of a dialogue among peoples, civilizations, cultures and religions based on the respect of religions, their symbols and values, the promotion and the consolidation of tolerance and freedom of belief” (NAM 2009). This idea of the dialogue of civilizations is directly counterposed to any idea about an inevitable clash of civilizations, especially between Islam and the West (per Huntington 1998). GS declarations also stress the right not only to civil freedoms, but also to development and human security (including the right to food, for example). This is balanced against the equality of rights of states, which also means the right to determine whatever economic and political system they see fit. Of course, any realistic portrayal of the actual adherence to rights by GS states must recognize the variety of practices among these countries. Some (English-speaking Caribbean states, for example) are notably proud of their longstanding tradition of respect for political and civil rights; others (such as Singapore or Middle Eastern states) have their own views of societal order and legal punishments sometimes decried by the

<sup>6</sup> The author wrote chapter 4 of this report, from which the following quotation, as well as the assessment following it, are taken.



West; yet others (for example Cuba) emphasize social rights even at the expense of the political. The extent to which some systems are unacceptably repressive can and has spurred significant debate. The balance between culture and the rule of law (as put forward in the West) remains unresolved, but cultural relativism cannot completely be ignored.

### In Sum

The theme of this exercise has been to identify certain common principles and values held by Global South states that are likely to be reflected in their foreign policies. It should, of course, be clear that this is a highly differentiated group of countries, held together mainly by their past experiences of global

subordination. The norms they have developed have come to some degree from their precolonial histories in some cases, but more so their experience with colonialism. They coalesce around an aversion to interventions and hegemony, a constant search for global social justice and equality, and a strong desire for equal voice and respect. Does the West need to worry about GS challenges to the liberal order? Although China is the focus of this “threat,” it is also a state that is benefiting from the current economic order, as are also its counterparts in the BRICS. Indeed, there are so few “resistant” or revisionist states (Iran, North Korea, less so Cuba and Venezuela) that they are hardly representative of the overall GS. For GS states, then, reform and persistence in negotiation seem to be the “name of the [long] game.” □



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# Islamic Law

Myths and Realities

Getty Images

## Human Rights in Islamic Law, Realpolitik, and Middle East Foreign Policy

*Deina Abdelkader*

This paper intends to analyze al-Shatibi's monumental contribution to Islamic law and how it elucidates Islamic legal thought with regard to basic human rights. Unfortunately, there are many examples of Muslim leaders who do not respect those laws, both domestically and internationally. This paper will highlight cases where realpolitik controls and guides those states, rather than defending their kin Muslims according to principles that have historically guided Islamic legal thought and practice.

### **Al-Shatibi's Significance in Islamic Jurisprudence**

#### **Al-Shatibi's Life and the Sociopolitical Environment of his Age**

Al-Shatibi is a well-recognized Muslim jurisconsult (faqih). He lived most of his life and got most of his education in Granada, Spain. His date of birth is not known; however, he died in 1388. Al-Shatibi lived in an age of political turmoil for two reasons: (1) Muslims were losing power in Andalusia, and (2) there was a



lot of fighting for power in Granada, and specifically, the city of Jativa (where al-Shatibi gets his name) had signed an agreement with King James so that Jativa became semi-sovereign under its Muslim leader. Along with this unrest came the instability of political life, even though the advent of people from Andalusia created a thought-provoking milieu. The Andalusians who fled to Granada at the time were said to have the best clothes and the women at the time were well adorned with jewelry.

The arrival of the Andalusians in Granada transferred to them knowledge about farming and small-scale industry. The Andalusians were also very fond of singing, and Granadins noted that Andalusians sang in public, even in the market.

The Andalusians' as well as North Africans' travel to Granada at the time definitely led to a lively cultural exchange. It is in the midst of this exchange that al-Shatibi grew and learned from various religious scholars and linguists traveling through Granada, and specifically Jativa because of its well-known paper production.

### Al-Shatibi's Cultural and Religious Education

In al-Shatibi's time in Granada, there were two important religious institutions: 1) the Great Mosque, where people prayed and where lectures were held, and 2) the Nasserite School (founded in the mid-1300s), a school that was architecturally impressive and a place for scholars traveling through Granada to lecture. Many Andalusian and North African scholars taught and exchanged ideas at this institution.<sup>1</sup>

Therefore, even though political life was not stable in Granada and Muslim Spain, generally speaking at the time, Granada continued to be a lively metropolis that attracted scholars from different fields and from different parts of the Muslim world.

This rich cultural and intellectual milieu surrounded al-Shatibi in the 1300s.<sup>2</sup> Among the scholars who taught and influenced al-Shatibi were scholars from Andalusia, Loja, Granada, and also many from Tlemcen of North Africa. One of the major influences

on al-Shatibi's thought and methodology was the philosopher Mohamed al-Farabi (al-Raysouni 1991, 98).

Al-Shatibi's most famous contribution was in his book *al-Muwafaqat* (*The Agreements or The Agreed Upon*). The title of this book, according to al-Shatibi (*al-Muwafaqat*, 24), was suggested by one of his contemporaries, who felt that Muslim jurisconsults from different *madhahib* (Muslim legal schools) would agree on what al-Shatibi has to say.

*Al-Muwafaqat* has gained him notoriety till this day because it is in this book that he writes about the sources of Islamic law and links that to the theory/principle of *maqasid* (the end goals of shariah).

### The Relevance of al-Muwafaqat

*The Agreements'* importance stems from its emphasis on a principle in Islamic law called "*maslaha*" / "*maqasid*." The end goals of shariah are five: preserving religion, preserving the mind, preserving the self, preserving wealth, and preserving posterity. However, preserving those five elements is part and parcel of the more encompassing principle of public welfare in Islamic law. The five principles mean the following:

- Preserving religion: Abiding by the five pillars of Islam and the protection of practicing the faith and those five pillars through prayers, fasting, almsgiving, professing the faith, and the pilgrimage to Mecca.
- Preserving the mind: Allowing the followers of the faith a proper education and the freedom to express their faith in public (e.g., wearing the headscarf for women, calling to prayers five times a day, etc.).
- Preserving the self: Protecting the body against any harm and protecting the sanctity of human dignity and life (e.g., the due process of law and the prohibition of captivity and torture in captivity). Preserving the self also includes the freedom to travel and the freedom to express oneself.
- Preserving wealth: Protecting private and public property from negligence and harm, or protecting against the usurpation of private property. Preserving property is concerned with four main principles: the

1 Abu Al-Ajfan 1984, 29).

2 Al-Shatibi's date of birth is not certain, but it is thought that he was born before 1318 (Abu Al-Ajfan 1984, 32).



circulation of assets, clarity in all dealings, justice/equity, and protecting property from transgression.

- Preserving posterity: The emphasis on the role of the parents in the upbringing of their children, including their education, especially their religious education.

His contribution in this text is mainly to legal theory (*usul al-fiqh*).

The sources of Islamic law, or *usul al-fiqh*, are divided into two categories. One category is comprised of *al-nas* (the text), i.e., the Qur'an and the Sunna. The other constitutes human judgment in several forms, e.g., *al-ijma* (the consensus of the fuqaha) and *al-qiyas* (analogical reasoning).

Theoretically, therefore, there are two kinds of issues in shariah: *qat'iyat* and *dhaniyat*. Issues that deal with *qat'iyat* (definitive rules) are rules that are not changeable according to Islamic law, for example, times of prayer, fasting, alms giving, etc. The second type deals with *dhaniyat* (doubtful issues), i.e., issues that allow for thought and speculation. Those issues are open to *ijtihad* (exercising one's thoughts or making an effort to analyze and contextualize legal principles), and those issues change with time and place – especially those pertaining to interhuman relationships.

**A few scholars have recognized the importance of public welfare and the end goals of Islamic law. For example, Esposito writes:**

*While all fuqaha came to accept the four sources of law, Islamic jurisprudence recognized other influences, designating them subsidiary principles of law. Among these were custom (urf), public interest (istislah), and jurist preference or equity (istihsan). In this way, some remnant of the inductive, human input that had characterized the actual methods of the law schools in their attempt to realize the sharia's primary concern with human welfare, justice and equity were acknowledged. (Esposito 1988, 34)*

**Sardar also stresses the importance of public welfare in Islamic law:**

*Beyond these limited parameters, the sharia is completely open: it can be developed and shaped according to the needs of society and time by any*

*number of its other sources: al-ijma, al-qiyas, al-ijtihad and istislah. The sources of the sharia that supplement the Qur'an and the Sunna are problem-solving tools; they provide a methodology for adjusting to change. (Sardar 1985, 114–15)*

**Aside from the few scholars who have recognized the importance of public welfare as a guiding Islamic legal principle, contemporary moderate Islamists have also stressed its importance. For example, Yusuf al-Qaradawi, a contemporary member of the Muslim Brotherhood, writes:**

*First, we need to investigate and analyze our cultural heritage in fiqh literature with its different schools and at different ages, in order to choose what will ensure the enforcement of al-maqasid (end goals of sharia) and the resurrection of al-maslaha (public welfare) in light of the changes taking place in contemporary life. Second, we need to go back to our roots: i.e., to the Qur'an and the Sunna, to analyze it in light of al-maqasid (end goals of sharia). Third, we need to spend more effort in understanding contemporary issues that were not part of our ancestors' life, i.e., where the old fuqaha did not contribute to the issue as it relates to our modern times. (al-Qaradawi 1973, 108–9)*

**Al-Qaradawi also writes:**

*If one takes a verse from the Qur'an or any particular hadith, without relating it to al-maqasid (the end goals of sharia), one is likely to misunderstand and misinterpret the sharia. This is why al-Imam al-Shatibi in his book al-Muwafaqat, insisted that to understand al-sharia one has to comprehend and know its end goals. This only happens when one is knowledgeable about the verses of the Qur'an and the Hadith; why, how, and when they were revealed, the reason behind revelation, which hadiths are eternal, and which were temporal ... etc. (Qaradawi 1981, 152)*

**As mentioned by al-Ghanouchi indicates that “the end goals of sharia should provide a legal basis for future Muslim societies” (Darwish 1992, 130–39).**

**Also, the late al-Turabi wrote:**

*Worship is the most inclusive of all end goals of sharia. The end goals of sharia agree with another source of jurisprudential reasoning and that is istishab (using*



*precedence from other cases until opposite rules prove to be better for the common good). Istishab promotes gradual change, i.e. it does not negate all that came before Islam and generate a totally new system, istishab is a state of continuous change. Therefore if we combine istishab with al-masalih (public welfare) we will find the essence of public life in Islam. (al-Turabi 1980, 26)*

The principle of public welfare stresses the importance of developing Islamic law based on the idea that good is lawful and that lawful must be good. It basically extends Islamic law to adapt and change according to the time and place it exists in. Public welfare also integrates the use of human reasoning in the application of Islamic law (without crossing the realm of *qat'iyat* [absolutes] that are clearly stated in the textual sources).

Thus, the principle connotes issues such as modernity, civil society, and governance according to Islamic law and Islamic mores. By implication, public welfare and preserving the mind, religion, self, posterity, and wealth are the essence of the ideal Islamic state and of the importance of human rights in Islamic legal practice. Whether domestically or internationally, Muslim leaders should uphold those principles as a guide to their actions and foreign policy. With the rise in Muslim-minority genocide in China and Myanmar, Muslim-majority countries should leverage their foreign policy with both countries to help stop those violations.

### **The Far East's Muslim Minorities: The Antithesis of Public Welfare and the Goals of Islamic Law**

Whether one writes about the Uyghurs or the Rohingyas, according to most human rights NGOs these groups are recognized as minorities facing gross state violations, if not genocide, in China and Myanmar, respectively. Muslim societies feel strongly about the persecution and genocide of Muslim minorities in China and Myanmar, however, Muslim state leaders have not been supportive in the least to those minorities.

#### **Arab Involvement in China**

China is today the largest importer of crude oil (European Council of Foreign Relations Report 2019), with most of its importation based in the Middle East.

China is also interested in developing the Belt and Road Initiative (BRI), which would establish secure land and sea routes to connect Europe and Africa to China more easily. The Chinese government produced two documents solidifying those interests, the Arab Policy Paper in 2016 and the "Visions and Actions on Jointly Building Silk Road Economic Belt and 21st Century Maritime Silk Road" in 2015 (European Council on Foreign Relations 2019).

As a result, China has signed agreements with 15 Middle Eastern countries (European Council on Foreign Relations 2019).

China claims to seek a higher moral ground than the U.S.'s presence in the Middle East by stating that it promotes stability in the region by means of "developmental peace," however, its policies indicate otherwise; China already has a military base in Djibouti and supplies a limited number of arms to some Middle Eastern countries (European Council on Foreign Relations 2019).

Saudi Arabia is the second largest exporter of crude oil to China as well as many GCC countries like the UAE, Kuwait, Oman, Qatar, and Bahrain (European Council on Foreign Relations 2019).

Therefore, Saudi Arabia, as well as other GCC countries, did not utilize crude oil as a bargaining tool to save the Uyghurs, like they did in 1973 with the oil embargo against the U.S. GCC countries chose realpolitik economic interests over requesting humane treatment of the Uyghurs: preserving life, faith, the mind, property, and posterity, in al-Shatibi's words.

#### **The Myanmar Rohingyas**

The Rohingyas have a history of being accepted as migrant labor, especially in Saudi Arabia. King Faisal granted them the right to migrate in the 1960s (Associated Press News 2017).

However, with the recent change in monarchy came a switch in both how the migrants already in Saudi Arabia were treated and policies toward the Rakhine State's flagrant genocide of the Rohingyas (Glimpse from the Globe 2020).



Although Saudi Arabia has condemned the human rights abuses in Myanmar under pressure from the OIC (Organization of Islamic Cooperation), it has overnight imprisoned thousands of immigrant Rohingyas. GCC countries are also strengthening their ties with Myanmar regardless of how they are treating their Muslim minority, to the extent that Kuwait not only invited Myanmar's diplomatic representation, but it is also providing the salaries of Myanmar's public diplomats (Glimpse from the Globe 2020).

The GCC countries, especially Saudi Arabia, have a vested interest in economic ties with ASEAN countries: Saudi Arabia's oil line runs through Myanmar to the Chinese province of Yunnan (Associated Press News 2017).

The GCC countries have around 1.5 million migrants from Myanmar and, as with all migrant labor in the GCC countries, there is a lack of accountability for basic human rights abuses regarding the kind of work, the length of hours of labor, and many other documented abuses (Glimpse from the Globe 2020).

## Conclusion

In the case of both the GCC's and Saudi Arabia's foreign policy with China and Myanmar, realpolitik has dominated those relations without the slightest moral commitment to mitigating human rights abuses, ethnic cleansing, and genocide in either Myanmar or China

with regard to their respective Muslim minorities, the Uyghurs and the Rohingyas.

Saudi Arabia is the key player in this drama, as it exports approximately 20 percent of Chinese crude oil needs. It defies the OIC and many Muslim countries' populations who revolted against conditions in Myanmar and China. The policies are diametrically opposed to any religious and cultural affiliation of the ideal observance of human rights according to al-Shatibi's notion of public welfare or the preservation of the five basic rights: life, mind, faith, property, and posterity. The gross domestic violations of basic human rights aside, many Muslim-majority populations have expressed solidarity with their kin in China and Myanmar; Sekin outlines how several Islamic organizations and religious scholars address those grievances as "informal Arab attitudes towards the 'Uighur' problem" (2015). Sekin lists the East Turkestan Education and Solidarity Association, Sheikh Salman Bin Fahd (a Saudi preacher), the Association of Algerian Muslim Scholars, the World Muslim League led by Saudi Arabia's Mufti, and the International Union of Muslim Scholars, aside from several online and various media sources, as organizations that address the issue. However, realpolitik interests and the lack of accountability of GCC countries to their own populations have led to current foreign policy choices that run against the rudimentary principles of human dignity in any faith and culture. □



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# Religious Values and Norms and Foreign Policy

*Jeffrey Haynes*

Religion may affect states' foreign policies in various ways. For example, Islam is often identified as an organizing principle for some Muslim-majority countries, including Iran, Saudi Arabia, and Turkey. Away from Islam, which is covered in another paper in this book, other religious traditions also influence some states' foreign policies, including those of the U.S., India, and Israel. On the other hand, a majority of states do not have foreign policies significantly affected by religion. Many are officially or de facto secular states, with clear separation of religion and state. Such countries include France, the United Kingdom, China, and Russia.

Many governments officially disregard religion when making foreign policy, even when a majority of a country's citizens claim to be religious believers, such as, for example, Brazil. There is a paradox to be explained here: more religion in general, but little religion in foreign policy. Why is this the case? How can this be the case when the world is undergoing what some contend is a near-global religious resurgence? Part of the answer is that international relations developed since the end of World War I in a decidedly secular environment. Recently, however, religion is said to have "returned" to international relations, although this does not mean that most governments "take religion seriously" when making foreign policy.<sup>1</sup> What

<sup>1</sup> Jeffrey Haynes, *An Introduction to International Relations and Religion*, 2nd. edition (London: Pearson, 2013).



the “return” of religion to international relations entails is a recognition of numerous actors in international relations, which might collectively be described as “religion oriented.”

For example, there are numerous nonstate religious actors in international relations, including the Holy See,<sup>2</sup> the Muslim Brotherhood, al-Qaeda, and the Organisation of Islamic Cooperation. However, their concerns are variable. Some pursue international cooperation in relation to “interreligious dialogue and greater religious engagement around questions of international development and conflict resolution.”<sup>3</sup> Others, such as al-Qaeda, compete for the hearts and minds of religious believers, not eschewing sometimes extreme violence to achieve their goals.

How and under what circumstances might religion<sup>4</sup> significantly influence a state’s foreign policy? To answer this question, it is useful to bear in mind that as “religion plays an important role in politics in certain parts of the world,” then it is likely that there will be “greater prominence of religious organizations in society and politics” in some countries and not others.<sup>5</sup> Second, the ability of religious actors to translate *potential* ability into *actual* influence on state foreign policies depends on whether they can access and potentially influence foreign policy decision makers. Third, religious actors’ ability to influence foreign policy is also linked to their wider ability to influence policy more generally. For example, the U.S. has a democratic system with accessible decision-making structures and processes, potentially offering actors — both religious and secular — clear opportunities to influence both domestic and foreign policy. Walt and Mearsheimer note that various kinds of “interest groups,” including those overtly motivated by religion, “can lobby elected representatives and members of the executive branch, make campaign contributions,

vote in elections, try to mold public opinion etc.”<sup>6</sup> This indicates that interest groups, including those motivated by religion, need sustained access to sympathetic policy makers in order to influence policy, including foreign policy. To do so, they exhibit what I call “religious soft power.”

The idea of “religious soft power” involves encouraging both followers and decision makers to change behavior because they are convinced of the appropriateness of a religious organization’s goals. International relations is characterized by a recent shift to “postsecular” concerns, and religious soft power ideas are significant in that change.<sup>7</sup> Some religious transnational actors — for example, the Roman Catholic Church (in relation to democratization during the “third wave of democracy” [mid-1970s to early 2000s]) and al-Qaeda (in relation to terrorism and extremism before and after 9/11, including in 2021 in Afghanistan) — significantly affect both domestic and international agendas and outcomes. On the other hand, using conventional measures (such as economic resources, diplomatic leverage, and threat or actual use of force — in short, “hard” power), states overall, especially the most powerful countries, such as the U.S. and China, still clearly dominate international relations.

On the other hand, not all religious political power is “soft.” In the U.S., for example, some Christian conservative groups donate money to presidential and/or congressional candidates. In India, Hindu nationalists use “hard” power methods to organize anti-Muslim riots and on occasion lynchings, most infamously in 2004 when Narendra Modi was governor of Gujarat. In Israel, Yitzhak Rabin was assassinated in 1995 by an “ultranationalist” linked to Israel’s religious right. The overall point is that, rather than soft power alone, in reach of the three countries, religious groups

2 The Holy See is both a nonstate and a state actor, with a seat at the United Nations and with formal diplomatic relations with many countries.

3 Thomas Banchoff, “Thematic Paper, August 5, 2005,” prepared as background material for Conference on the New Religious Pluralism in World Politics, March 16–17, 2006, Berkley Center for Religion, Peace & World Affairs, Georgetown University. For details, see <https://berkleycenter.georgetown.edu/events/conference-on-the-new-religious-pluralism-in-world-politics>.

4 In this paper, “religion” refers to religious actors, which may be either individuals or groups, overtly motivated by religious concerns and which seek to influence state foreign policies.

5 Shibley Telhami, “Between Faith and Ethics,” in Brian Hehir, Michael Walzer, Louise Richardson, Shibley Telhami, Charles Krauthammer, and James M. Lindsay, *Liberty and Power: A Dialogue on Religion and U.S. Foreign Policy in an Unjust World* (Washington, DC: Brookings Institution Press, 2004), 71–84, at 71.

6 Stephen Walt and John Mearsheimer, “The Israeli Lobby and U.S. Foreign Policy,” *The London Review of Books* 28, no. 6, March 23, 2006, <https://www.lrb.co.uk/the-paper/v28/n06/john-mearsheimer/the-israel-lobby>.

7 Jeffrey Haynes, *Religious Transnational Actors and Soft Power* (Aldershot, UK: Ashgate, 2012).



A Muslim man carries jugs used in ritual purification before Friday prayers in Gurgaon, India. Some prayer sites were closed by Indian authorities in 2021. (Getty Images)

may provide elements of “hard” power to sympathetic politicians and their parties.

Few governments are unequivocally or consistently ideological purveyors of religious ideas in international relations. The brief case studies that follow review three countries where foreign policies are not always thought of as being significantly influenced by religion. We shall see that contrary to expectations, each

exhibits evidence regarding the influence of religion on foreign policy.

### United States, India, and Israel

The U.S., India, and Israel are countries whose foreign policies are significantly influenced by religion. Compared to many other officially secular countries, the U.S. is an aberration: a “modern” society with a high proportion of apparently highly religious people, with a sustained influence of Christianity in foreign policy. America’s governments consistently seek to justify foreign policy in often-implicit references to a “Christian” morality, whose substance varies from administration to administration, yet consistently highlights the desirability of democracy, liberty, and prosperity. In recent years, that is, during the presidencies of George W. Bush (2001–9) and Donald Trump (2017–21), white conservative Christians have significantly affected American foreign policy in relation to religious freedom, democracy, and human rights.<sup>8</sup>

Like the U.S., India is an officially secular state. Nevertheless, the country’s government is dominated by religious Hindus, encouraged by the current Modi administration to pursue nationalist foreign policy goals, notably in relation to India’s key rival, Muslim-majority Pakistan. In India, two competing religious influences periodically influence foreign policy, paralleling the division between conservative and liberal Christian tendencies in the U.S. First, there is a tradition emanating from Gandhian pacifism. Second, *Hindutva* (“Hindu-ness”) informs a forceful version of Indian nationalism currently associated with the Narendra Modi government.

Israel is also officially secular. It has a Jewish-majority population, albeit with a significant non-Jewish minority, including Muslim Arabs of Palestinian descent. Israel’s foreign policy, especially in recent years, reflects growing Jewish nationalism, for example, in relation to the country’s sometimes hostile Muslim-majority neighbors, such as Egypt, Jordan, and Syria.

8 Jeffrey Haynes, “Religion and a Human Rights Culture in America,” *The Review of Faith & International Affairs* 6, no. 2 (2008): 73–82.



We look at the influence of religion in the foreign policies of the U.S., India, and Israel in the next sections.

## The U.S.

Christianity is prominent in U.S. foreign policy. This is surprising given that the U.S. Constitution states that there should be no institutionalized links between religion and the state. This instruction is found in the first amendment of the Constitution, “Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof,” thereby permanently restricting the state and religion to separate realms.

Yet, as Reichley (1986) notes, Christianity has traditionally played an important role in American politics, including the country’s foreign policy.<sup>9</sup> The republic’s founders drew on their Christian values and rhetoric in forming the new nation, and Christian churches were involved in various moral issues throughout the nation’s history, notably the abolition of slavery in the 1860s. Today, white conservative Christian groups are politically and electorally highly important. Their support led to George W. Bush and Donald Trump being elected president in recent years. Bush’s foreign policy was supported by many Christian Americans, for example in helping to end Sudan’s civil war, and in protecting Christians in what is now South Sudan.

What explains white conservative Christians’ strong support for the recent president, Donald Trump? What did he offer them — politically, culturally, religiously — to vote for him in 2016 and 2020, and how did their political support impact U.S. foreign policy during the Trump presidency? Domestically, Trump’s victory reflected many conservative Christians’ strong distaste for the status quo and a belief that America has taken a wrong turn. This includes the idea that the country has departed from its foundational Christian values.

A key issue is abortion and the right of women to give birth when they choose.

During Trump’s presidency, foreign policy was heavily influenced by the concerns of white conservative Christians. International religious freedom is an issue of particular importance for many white conservative Christians, and the Trump administration pursued this issue with gusto, consistently prioritizing what it labeled “Judeo-Christian” values. This contrasted with previous administrations, which did not pursue this approach. The Trump administration drew on Judeo-Christian ideology to prioritize religious freedom above other human rights, such as equality for women and sexual minorities. The Trump administration’s religious freedom policy, both at home and abroad, was informed by three initiatives: the Commission on Unalienable Rights, the annual Ministerial to Advance International Religious Freedom, and the International Religious Freedom Alliance.<sup>10</sup> The overall aim was to promote the paramouncy of Judeo-Christian ideology, which led the Trump administration to cease financial aid to countries that freely allow abortion, as this was seen to contravene the norms and values of Judeo-Christian ideology.<sup>11</sup>

## India

Hindu nationalism stands at the opposite end of the spectrum from Gandhian pacific universalism. As a nonmissionary “ethnic” religion, Hinduism does not exhibit the global ambitions of Christianity or Islam, although Hindu nationalists’ civilizational compass today extends far beyond the borders of India across the Middle East, Southeast Asia, and the worldwide Indian diaspora. Hindu nationalism is strongly cultivated by an influential social movement, the Sangh Parivar (Hindu nationalist umbrella organization), influential with the current Narendra Modi-led Bharatiya Janata Party (BJP) government.<sup>12</sup>

The rise to prominence of *Hindutva* (“Hindu-ness”) is manifested in India’s foreign policy. For three decades

9 James A. Reichley, “Religion and the Future of American Politics,” *Political Science Quarterly* 101, no. 1 (1986): 23–47.

10 Jeffrey Haynes, *Trump and the Politics of Neo-Nationalism: The Christian Right and Secular Nationalism in America* (London: Routledge, 2021). For details on the Commission on Unalienable Rights, the annual Ministerial to Advance International Religious Freedom, and the International Religious Freedom Alliance, see Jeffrey Haynes, “Trump and the Politics of International Religious Freedom,” *Religions* 11, no. 8 (2020): 385, <https://doi.org/10.3390/rel11080385>.

11 Ibid.

12 Giorgio Shani, “Towards a Hindu Rashtra: Hindutva, Religion, and Nationalism in India,” *Religion, State & Society* 49, no. 3 (2021): 264–80.



after independence in 1947, India's foreign policy was dominated by a secular vision of nonalignment and "Third-Worldism." During this time, India's government sought dialogue with Pakistan; expansion of trade and investment relations with China; strengthening of ties with Russia, Japan, Western Europe, and the United States; and was instrumental in the creation of a regional organization, the South Asian Association for Regional Cooperation.<sup>13</sup>

Over time, these emphases changed, reflecting four developments. Domestically, there was the political rise of *Hindutva* and the BJP. Internationally, the Cold War ended, globalization became more prominent, and, after 9/11, the U.S.-led "War on Terror" began. Reflecting these developments, BJP foreign policy shifted focus. Now, the aim was to build closer relations with the U.S. and Israel on the basis of a shared "Islamophobia" and anti-Arabism, isolate Pakistan internationally, and develop a more aggressive and dynamic Indian nationalism, ideologically informed by *Hindutva*.<sup>14</sup>

These goals were reflected in, first, a more abrasive stance toward India's Muslim minority as well as toward Muslim-majority Pakistan. The Modi government claimed that Pakistan's government was the main sponsor of "anti-Indian," "Muslim" terror groups seeking to wrest Muslim-majority Kashmir from Indian control. In an "anti-Muslim" move, India's government enacted in 2019 the Citizenship Amendment Act (CAA). As a result, people from six religious faiths – that is, Hindus, Sikhs, Buddhists, Jains, Parsis, and Christians – from three countries – Pakistan, Bangladesh, and Afghanistan – would be granted citizenship, while Muslims would be excluded. Second, the Modi government openly criticized nonalignment and promoted more energetic use of India's power to defend national interests from erosion by rivals, including Pakistan and China. Third, the Modi government actively pursued a policy of nuclear deterrence with Pakistan. Fourth, the new foreign policy focus included a desire to "help create an



Activists and citizens demonstrate against the Citizenship Amendment Act in Sivasagar, India in December 2020. (Getty Images)

'Axis of Virtue' against 'global terrorism,'" closely linking India with the U.S. and Israel.<sup>15</sup>

In conclusion, India's foreign policy under BJP governments reflects the influence of *Hindutva*. This is manifested in various ways: at home, in relation to the country's Muslim minority, and in foreign policy, a pronounced "anti-Muslim" focus, notably reflected in relation to India's relationship with Pakistan, which has seen rising tension in recent times.

### Israel

The State of Israel was founded in 1948 as a national homeland for Jews. Israel's creation, strongly

<sup>13</sup> Mira Kamdar, "India and the New American Hegemony," *Connecticut Journal of International Law* 19, no. 3 (2004), <https://www.mirakamdar.com/hegemony.html>.

<sup>14</sup> Shani, *op cit*.

<sup>15</sup> Sadanand Dhume, "Revealed: The India-Israel Axis. Ordinary Indians Instinctively Grasp the Natural Confluence of Interests with Israel," *WSJ Opinion*, July 23, 2014, <https://www.wsj.com/articles/revealed-the-india-israel-axis-1406133666>.



supported by the international community, followed the horrific, genocidal policy of attempted national extermination of Germany's Jews by the Nazis.

From the country's founding over seven decades ago, Israel's sense of identity has been based on a generic "Jewishness."<sup>16</sup> As Smith notes, however, within Israel "factions have always differed on what lands were essential to constitute the state of Israel."<sup>17</sup> The issue of the extent of the geographical area of Israel is at the center of the country's foreign policy dispute with the Palestinians and neighboring Muslim-majority countries, a conflict that became internationalized over the years, leading to involvement of numerous states, including the U.S., and international organizations, especially the United Nations. Conflict with the Palestinians, which began as a "conventional" secular security issue, evolved into an unresolved political battle with significant national *and* religious dimensions. For religious Zionists, it is imperative to maintain Israel's hard-line approach to maintaining control of the West Bank, as they believe that God gave the land to the Jews and it is therefore nonnegotiable.

Many Israelis appreciate the political clout of white Christian conservatives in the U.S., which became pronounced during the recent presidency of Donald Trump. Especially important in this regard is the support of Christian Zionists, who believe that strong support for Israel is essential.<sup>18</sup> It is not the case, however, that Israel's foreign policy is directed from outside by American Christian Zionists. Instead, as Chazan explains, Israel's foreign policy and, more generally, the country's international relations are also strongly influenced by three domestic factors with significant religious elements: (1) the "structure and composition of political institutions," (2) "social differentiation and the concern of specific groups," and (3) "substance of political debates and their relations to fundamental ideological concerns." In addition, Chazan notes a key implication of these factors: Israeli reactions to stimuli from outside the

country are "filtered through a domestic political lens which operates according to its own distinctive rules." Religious political parties and social movements have long been highly influential in relation to Israel's domestic and foreign policies.<sup>19</sup>

Religious Jews' political significance derives from three main factors: (1) the nature of the country's political system: proportional representation, giving an influential voice to an array of small parties, notably religious ones, (2) Israeli society's ethnic and religious fragmentation, and (3) the country's conflict-ridden, ideologically diverse political party system, with an array of secular and religious parties. Add to the mix the fact that Israel's public life also reflects the consistently influential voice of public opinion, and it becomes clear why Israel's foreign policy is strongly influenced by religious Jews, notably in relation to Israel's relationship with the Palestinians. This influence is significantly augmented by support from the "Israel Lobby" in the United States, which brings together both Jewish American organizations and Christian Zionists.<sup>20</sup> Finally, there is the significant role of religious Zionists in motivating the Israeli state's hard line on maintaining control of the West Bank. They have a powerful card to play in claiming that God gave the land to the Jews, and it is therefore inalienable.

## Conclusion

This brief paper does not claim to be a systematic survey of the influence of religious actors in the foreign policies of the U.S., India, and Israel. The purpose of the paper was to survey in as much detail as possible in a necessarily brief treatment the influence of religion on foreign policy in relation to these three countries.

Working from the premise that what I call "religious soft power" is an important factor in the recent foreign policies of the U.S., India, and Israel, the paper sought a modest conceptual innovation. The aim was to extend the use of the term "soft power" from Nye's<sup>21</sup>

16 Bhagat Korany, in *International Relations of the Middle East*, 5th edition, ed. Louise Fawcett (Oxford: Oxford University Press, 2019), 80-104, at 87.

17 Anthony M. Smith, *Chosen Peoples: Sacred Sources of National Identity* (Oxford: Oxford University Press, 2003), 220.

18 Christian Zionism is a belief held by some Christians that the Jews' return to the "Holy Land" and the establishment of the State of Israel were in accord with biblical prophecy.

19 Naomi Chazan, "The Domestic Foundations of Israeli Foreign Policy," in *The Middle East in Global Perspective*, eds. Judith Kipper and Harold H. Saunders (Boulder, Colorado: Westview Press, 1991), 82-126, at 83.

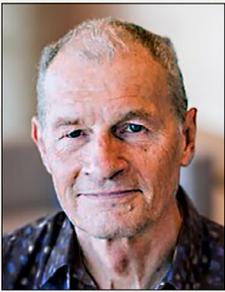
20 John Mearsheimer and Stephen Walt, *The Israel Lobby and U.S. Foreign Policy* (London: Penguin Books, 2008).

21 Joseph S. Nye, "Soft Power," *Foreign Policy*, no. 80 (1990): 153-71.



original usage — that is, government A encourages government B to agree with and adopt the former’s (typically secular) objectives — to help explain how religious actors may influence foreign policy by the use of “religious soft power,” that is, encouraging foreign policy makers to incorporate religious beliefs, norms, and values into both domestic and foreign policies, in relation to specific issues and objectives. To achieve and maintain such influence, religious actors must in a general sense “get the ear of government,” that is, pursue, establish, and develop close relationships with key individuals who, presumably, share their religious convictions, including national leaders: in the U.S., presidents George W. Bush and Donald Trump; in India,

the prime minister, Narendra Modi; and in Israel, former Prime Minister Binyamin Netanyahu. But this is not all: religious actors must also be able to consistently influence foreign policy makers, not only national leaders, by their persistent efforts. This includes cultivation of personal relationships between religious leaders and key officials in foreign policy-making institutions. Finally, despite the existence of what often appears to be a secularizing world, the paper has demonstrated that in some countries that claim to be secular, religious soft power can be influential in encouraging governments to pursue what are, essentially, religious goals in foreign policy. □



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# Public Diplomacy: Projecting Values Through Strategic Influence

*Daniel C. Bottomley*

Public diplomacy as both a concept of study and process of action inherently involves values. Indeed, all countries engage in public diplomacy in some form or manner in order to project values to a wider audience, and these actions have a unified purpose: strategic influence. However, the ways in which individual countries attempt this strategic influence varies depending on context, culture, and capabilities. In this piece, I examine three programs, the United States' Fulbright Program, Germany's Goethe Institute(s), and China's Confucius Institute(s), to gain a better sense of the values each country chooses to project to foreign audiences, as well as the pathways through which they attempt to construct strategic influence and understanding.

I will proceed as follows: first, I clarify and define my use of "public diplomacy" and "strategic influence." From there, I connect these concepts to the cases noted above. While each case is indicative of strategic influence, the processes and values that underpin that purpose varies. For the United States' Fulbright Program, this is represented by relationship-building through mutual understanding; for Germany's Goethe Institutes, it is informed by reconciling the past to move forward. Finally, I argue that Confucius Institutes are representative of the Chinese government pushing an aggressively curated culture.

Before moving forward, it is important to note that this essay is not meant to serve as an evaluation of



the aforementioned programs nor demonstrate their efficacy in achieving strategic influence by affecting foreign views of each nation-state. Measuring success in public diplomacy is a markedly complicated enterprise, difficult to produce, and wrought with still more definitional disquisitions.<sup>1</sup> Nor am I attempting to map *all* of the programs or activities that fall under the public diplomacy umbrella each of these actors pursue. Given public diplomacy's inherent multilayered complexity, a comprehensive survey is beyond my scope. Further, the public diplomacy programs examined here are representative of "traditional" public diplomacy in that these are examples of "... governments talking to global publics and includes those efforts to inform, influence, and engage those publics in support of national objectives and foreign policies" (Snow 2020, 8).

While I accept that individuals, groups, and others can have a similar resonant impact, governmental public diplomacy programs remain the strongest "players" in the field and are therefore the focus here. Additionally, by highlighting government-sponsored programs and the differences of governmental control/intervention found in each, we are able to illuminate a referent vantage point through which each actor projects its values to external audiences, as well as orient further analyses of additional public diplomacy programs.

### Public Diplomacy and Strategic Influence: Clarifying Terms

Considering the discord among public diplomacy scholars and practitioners on the field's fundamental concepts, it is important to clarify my usage (Gregory 2008; see also Sevin 2017 and Snow & Cull [eds.] 2020). First gaining popularity in 1965 when Edmund Gullion coined the term, public diplomacy is closely linked to the concepts of soft power and indirect influence, as famously described by Joseph Nye. That is to say, instead of utilizing coercion by threats/physical force or economic inducements to "buy off" changes in behavior, powers of attraction

and co-optation persuade changes in nation-state behavior (Snow 2020).<sup>2</sup>

Persuasion is a bedrock of public diplomacy, as it necessarily involves engagement with another actor in order to influence. In the traditional sense, this is represented by nation-states *directly* engaging with foreign citizenries in an effort to influence and induce them toward a specific perspective or vantage point (Cull 2008; see also Hayden 2012). For the cases discussed in this piece, it means providing funding *specifically* to support knowledge-building for foreign citizenries and exposing them to particular values of each nation-state. In this way, public diplomacy programs serve as avatars for the political and cultural values each actor aspires to project, with the ultimate purpose being strategic influence.

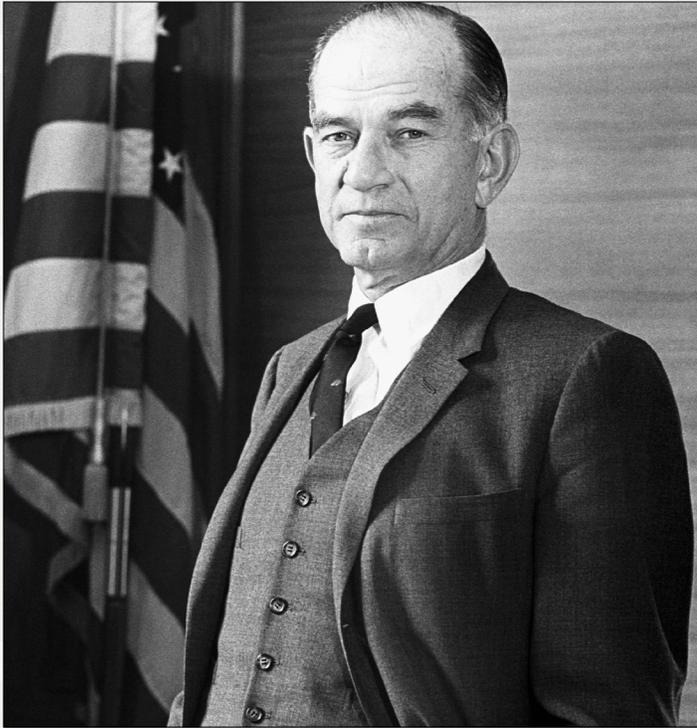
Strategic influence, I think, captures the essence of public diplomacy in a way that the other terms discussed here cannot. Necessarily situated within the framework of strategic communication, that is to say, "... a means of exercising strategic influence" (Waller 2008, 17), the term represents purposeful action on the part of a government to both expose foreign audiences to certain messaging and influence them in a way that aligns with the goals/objectives/desired outcomes/etc. of said government.<sup>3</sup> Moreover, time horizons are important to keep in mind when it comes to strategic influence. It is not something that happens just in emergency situations, times of upheaval, or during military endeavors. On the contrary, the "war of ideas" is a continual process of action. By exercising strategic influence in public diplomacy, the intent is to achieve an alignment of perspectives between those receiving the messages and those projecting specific values.

In sum, I use a traditional understanding of public diplomacy in this essay and argue that the purpose of public diplomacy programs is best understood as strategic influence. The next section builds on these foundational terms by briefly exploring the values underpinning particular public diplomacy programs from the United States, Germany, and China.

1 See Banks 2011 and Sevin 2017 for in-depth discussions on the uses (and pitfalls) of evaluating public diplomacy programs.

2 Snow also reminds us that while soft power may be one of the most common terms used in the public diplomacy ecosystem, its pervasiveness does not mean that there is uniformity in its definition or application.

3 See Waller 2008 for an in-depth discussion of strategic influence as well as its genesis as a term in U.S. government bureaucracies following the September 11 attacks on the United States.



Former Democratic senator from Arkansas James William Fulbright developed the international scholarship program in 1946. (Getty Images)

### The Fulbright Program: Relationship Reciprocity and Mutual Understanding

One of the most well-known public diplomacy programs in the United States, the Fulbright Program provides funding for approximately eight thousand awardees from the U.S. and over 150 countries to engage in educational and cultural exchanges. Emerging from the aftermath of WWII in 1946 and originally funded through the sale of U.S. war surplus materials abroad,<sup>4</sup> this program was conceived by Sen. J. William Fulbright of Arkansas as a means to promote “good will” throughout the world through student exchanges in the education, culture, and science fields (Fulbright 1946). This ideal was further clarified with the Mutual Educational and Cultural Exchange Act of 1961 (also known as the

Fulbright-Hayes Act), which established the U.S. Department of State’s Bureau of Education and Cultural Affairs (ECA, current administrator of the Fulbright Program) and set a goal of increasing:

*... mutual understanding between the people of the United States and the people of other countries by means of educational and cultural exchange; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations ... (Fulbright-Hays Act 1961)*

Here, we see the Fulbright Program’s values as well as a foundational definition for public diplomacy. By building relationships through American educational/ cultural experiences in foreign spaces and vice versa, the program intends to build cooperation on a personal level that enhances relations at the state level.

In order for this to work, the strategic influencer needs an influencee, and the Fulbright Program’s structure encourages foreign governments to “buy into” its values through binational commissions. Funded by both the United States and partner governments, the 49 Fulbright Commissions serve to coordinate program planning/implementation/decision making/ etc.<sup>5</sup> between the United States and its strategic partners. It is through this process of inclusion and shared coordination that the Fulbright Program endeavors to project the values of people-to-people reciprocity and mutual understanding that are viewed as representative of the United States, while also serving as a hub for supporting U.S. foreign policy and projecting influence in the global arena (Fulbright Commissions n.d.).

### Goethe Institute: Reconciling the Past to Bridge the Future

Founded in 1951 and now represented by 157 institutes in ninety-eight countries, Goethe Institutes have the stated goals of promoting German-language training and, mirroring the Fulbright Program’s goals,

<sup>4</sup> While the Fulbright Program is now principally funded through a U.S. government appropriation, it also receives support from participating foreign governments and host institutions, as well as U.S. and foreign corporations and foundations. See <https://eca.state.gov/fulbright/about-fulbright/funding-and-administration> and <https://eca.state.gov/fulbright/about-fulbright/j-william-fulbright-foreign-scholarship-board-fisb/ffsb-reports> for more information.

<sup>5</sup> For nation-states that do not have a Fulbright Commission, the programs are administered by U.S. embassies with the cooperation of the host governments.



fostering “international cultural cooperation” (Goethe Institut Organisation n.d.). Today Goethe Institutes are funded primarily through the German Federal Foreign Office as well as the Press and Information Office of the Federal Government of Germany. While connected to the German government, the Goethe Institute is described as an overarching quasipublic service organization since it is a private association whose assembly membership includes the German government and others (Zöllner 2020).<sup>6</sup>

Although in modern times Germany is often regarded in positive terms for contributing to the global good, the specter of Nazi Germany and the atrocities committed before and during World War II has influenced — and continues to influence — knowledge about Germany internationally (Wood 2017; see also Zöllner 2020). From its beginning to today, Goethe Institutes serve as important hubs of strategic influence to rebuild international relationships, as well as “rebrand” post-Nazi Germany (first as West Germany, and continuing through East/West reunification in 1990) by disseminating German language and culture throughout the world.

As of October 2021, Goethe Institutes operate in nation-states with whom Germany maintains strong alliances (EU member states, the United States, etc.) as well as authoritarian regimes (Myanmar, Syria, etc.) to provide language instruction, cultural understanding, and emphasize German heterogeneity (Wood 2017). Although these activities serve to underpin projected values, not all Goethe Institutes are created equal. Conventionally (and in similar fashion to the Fulbright Program’s origins), states that offered the strongest return on investment in the form of political, trade, or economic opportunities were the most strongly targeted and held the most robust activities for foreign audiences (Wood 2017). Here, we see both the strategic nature of these institutes as well as Germany’s touted principles to specific foreign audiences in a twofold manner. By highlighting the diversity and inclusiveness found within Germany, we see an implicit rejection of the Nazi past as well as pathways to guiding foreign opinions on Germany writ large.

Thus, Goethe Institutes represent pathways of reconciliation for post-World War II Germany through building cooperation and emphasizing German heterogeneity to targeted foreign audiences through education of German language and culture. In so doing, Germany’s past history, and the atrocities therein, are consigned to a previous epoch in order to build robust partnerships for targeted foreign populations in contemporary times. Although these institutes, as well as the Fulbright Program, emphasize cultural learning and education as part of their strategic influence, the processes emphasize mutual cooperation/understanding. Host countries are key partners in these activities, and neither the U.S. nor German governments insist on maintaining austere levels of control over the programs. In this way, the effects of persuasion are more passive in nature. For Confucius Institutes, this process is more unidirectional, active, and controlled in the portrayal of China and Chinese language/culture.

### **Confucius Institutes: Aggressively Curated Cultures**

First opening in Seoul, South Korea, in 2004, Confucius Institutes have quickly expanded to over 160 countries on six continents, with the majority of these appearing in the United States and Europe (Hubbert 2019). Confucius Institutes exist to pursue three interrelated goals: (1) developing and facilitating Chinese language instruction in foreign nation-states, (2) promoting education and cultural exchanges, and (3) facilitating cooperation between China and foreign communities (Liu 2019). While these goals mirror those of the Fulbright Program and Goethe Institute, Confucius Institutes are distinct in two key areas: (1) Chinese government control, and (2) presence in foreign higher education institutions. On the former, Confucius Institutes are managed by the Office of Chinese Language Council International (known colloquially as Hanban), and under the direction and funding from China’s Ministry of Education. Whereas Goethe Institutes emphasize autonomy from the German government (while also noting that the German government is an important stakeholder), government involvement is overtly present in Confucius Institutes.

<sup>6</sup> See <https://www.goethe.de/en/uun/org.html> for English-language information on the Goethe Institute’s organizational structure and legal principles.



Moreover, Confucius Institutes operate within foreign education institutions, and community activities can also include a presence in primary and secondary schools.<sup>7</sup> Higher education institutions typically receive start-up funding for an initial five-year term to establish Confucius Institutes on campuses and support Confucius Institute activities. Additional support provided by Hanban includes teacher recruitment and training, airfare and financial support for teachers being sent from China to the host Confucius Institutes, cultural programming, and curriculum material to be used in support of Chinese language and cultural learning (Hubbert 2019).

Establishing Confucius Institutes requires formal agreements to be signed by relevant parties. In the United States, for example, a college or university partners with a Chinese counterpart in an implementation agreement between the two as well as an agreement with Hanban as a signatory. Activities conducted under Confucius Institutes' auspices are governed by these agreements as well as the Confucius Institute Constitution, which states that while Confucius Institutes are required to abide by the laws of the host countries and respect the education traditions, they shall also not disregard Chinese law (Lum and Fischer 2021). Including this caveat is quite important, as it creates an opening for restrictions on free speech and open dialogue governing Confucius Institute activities that align with China's strategic influence through cultural curation.

More to this point, the education material provided by Hanban/Confucius Institutes to host institutions often ignore, and in some cases warp, contemporary Chinese issues and post-Chinese Civil War history. For example, discussions of the Great Leap Forward and Cultural Revolution are often absent, as are discussions of the "three T's" (Taiwan, Tibet, Tiananmen) at Confucius Institutes' events (Fulda 2019). Furthermore, controlling the hiring and training of Confucius Institutes' teachers, often with little to no involvement of host institutions, as well as

control of the Confucius Institutes' funding gives the Chinese government a powerful conduit to shape the pedagogy around Chinese language instruction and the means for indirect censorship on the part of host institutions who may be reliant on that funding stream<sup>8</sup> (Hubbert 2019).

Having a presence on foreign HEI campuses, and the capacity for overt strategic influence that affords, is what separates Confucius Institutes from the other public diplomacy programs discussed in this piece. Whereas both the Fulbright Program and Goethe Institutes provide funding for foreign audiences to engage in educational and cultural learning and promote their respective values, the processes through which these activities occur are much less assertive. Admittedly, both the Fulbright Program and Goethe Institutes portray their home cultures in positive terms. But there is still a willingness in both the U.S. and German cases to engage in the negative aspects of their histories/cultures, as opposed to a purposeful omission. It is here that the values being projected by Confucius Institutes are on full display and we get a more robust view of their aggressively curated culture.

### Public Diplomacy: The Beat Goes On

Although public diplomacy involves a multitude of actors and agents in the 21st century, I maintain that nation-state governments remain the essential actors in the field. What I have attempted to show in this piece is that while values may shift depending on culture and context, the pervasive purpose of these programs remains centered on strategic influence. Moreover, in order to achieve some sort of impact, the intended audience needs to "buy in" to the program through cooperation and collaboration. While each of the programs discussed here have similarly stated goals, how to define the terms "cooperation" and "collaboration" is dependent on each actor's values and the mechanisms through which programs emerge, expand, and, in some cases, contract.

7 In fact, two-thirds of Hanban-managed Chinese language programs take place in "Confucius Classrooms" at the primary and secondary levels (Hubbert 2019).

8 In addition to this, Hanban has attempted to negotiate Confucius Institutes as well as funding for host universities with qualifications for purposeful omissions. One oft-cited example is Hanban offering Stanford University four million dollars to create a Confucius Institute as well as an endowed professorship with the requirement that the professor not discuss "sensitive issues." Stanford refused, so Hanban pivoted to funding a professorship in classic Chinese poetry (a field believed to not likely discuss these issues) while also funding the Confucius Institute (Hubbert 2019). While a number of Confucius Institutes in the United States have closed in recent years, Stanford's Confucius Institute remains.



To be clear, assuming that foreign audiences passively accept *all* aspects of these programs is myopic at best, offensive at worst. Confucius Institutes, for example, have seen a recent backlash against their presence in higher education institutions. This is especially prevalent in the United States, where a number of Confucius Institutes have closed in recent years as various political leaders and government officials have raised concerns about Confucius Institute activities (Redden 2019a).<sup>9</sup>

Despite this reduction in U.S.-based Confucius Institutes, the number of institutes continues to grow globally. When the United States passed the National

Defense Authorization Act in 2019 that prohibited CI host colleges and universities in the United States from receiving Department of Defense funding for Chinese language study (Redden 2019b), that same year Hanban opened 27 new Confucius Institutes with eight countries establishing their initial Confucius Institutes (Xinhuanet 2019).<sup>10</sup> Putting aside conversations on strategic persuasion/competitions between the United States and China, what this controversy demonstrates is that although criticisms and in some cases hostility can materialize in response to specific public diplomacy mechanisms, the goals of projecting values to foreign audiences through strategic influence remain the same. □

<sup>9</sup> Debates have also emerged in relation to the Fulbright Program and Goethe Institutes. For instance, Senator Fulbright stated in 1986 that a CIA agent approached a Fulbright student in Paris and offered free housing in exchange for reporting on Vietnamese students, and that this use of Fulbright participants in such a manner could be a continued issue (New York Times 1986); and the Goethe Institute in North Korea shut down its reading room due to severe censorship concerns in 2009 (Bowen 2009).

<sup>10</sup> These are: (1) Haiti, (2) Central African Republic, (3) Chad, (4) North Korea, (5) Commonwealth of Dominica, (6) East Timor, (7) the Maldives, and (8) Saudi Arabia.



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