

# False universalism and the geopolitics of exclusion: the case of Islam

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## Civilisational participation as a human right

In *Twilight of the Gods* Nietzsche insists that what makes Socrates interesting to the modern mind is not his thought or method, but the extraordinary societal significance for Athens of having taken so seriously such silly and banal ideas. I regard Huntington's 'clash' thesis in a similar spirit. What is interesting is not the argument, as such, which seems both simplistic and implausible, but its extraordinary resonance around the world. I can recall no other short piece, including even the famous 'X' article of George Kennan, that has elicited such an intense readership. My question, which anchors this paper, is this: what is this resonance telling us?

I believe that this resonance is closely related to the theme of this article. Namely, the emergent importance at this historical moment of *civilisational* identity as a potent political, moral and psychological category that is an aspect of a more multi-faceted challenge to the hegemonic, almost monopolistic, dominance of *statist* identity bound up with the role of the state in the modern world order system. In fairness to Huntington, his starting-point is similarly conceptual, asserting that, for the long cycles of human experience, the significant unit of collective identity was something resembling what we now call a civilisation rather than that which we label a state, the latter enjoying prominence only in recent centuries. Huntington, along with many others, sees the state as being in a waning phase, but unlike these commentators, he believes the defining emergent reality is not 'the global village', or more dynamically, 'globalisation', but rather inter-civilisational reality.<sup>1</sup> For Huntington, this re-emergence of civilisational identity implies, above all, a reconfiguration of geopolitical patterns of conflict, which in its essence will result in a new world order framework. My own view is less pronounced, although also questioning the intellectual viability of statist conceptions of world order, given the significance of global market forces and non-state political actors in the contemporary historical situation. I believe that the various dimensions of globalisation, especially the economic and cultural dimensions, are of defining importance with regard to superseding a world order system based upon the interaction of sovereign states. Nevertheless I agree with Huntington to this extent: that

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inter-civilisational relations are newly of great significance for world order thinking, and particularly so with reference to human rights, political ideology and the future of nationalism. But, I should hasten to add, not primarily because of the issue of cultural relativism, and the related challenge to the purported universalist claims put forward on behalf of international human rights standards and procedures.

Rather my concern arises in relation to an exposed deficiency of the human rights enterprise, as broadly conceived, namely the discriminatory treatment of non-Western civilisations, and especially of Islam, with respect to participatory rights. My focus is not on the broad array of established human rights as such, but on the posited human right to participate, directly or indirectly, in the authority structures, processes and practices that together constitute world order as here defined and understood. Each element of this perspective requires some explanation and is somewhat controversial: how has Islam been the victim of discrimination in this world order sense? if this is so, in what respects does it raise issues that are properly treated as falling within the domain of human rights? And, even if it is granted that human rights can be encroached upon at a civilisational level, how can the character of such rights be validated and implemented, and by what means? Can international law be extended to serve as an effective vehicle for achieving equitable inter-civilisational participation in world order structures and processes without eroding its achievements in regulating state-society relations by way of protecting individual human rights?

Perhaps I can best clarify my point of departure by reference to what might be called 'the geopolitics of exclusion, both with respect to the dynamics of global governance and those substantive and symbolic issues that seem to be of greatest concern to the Islamic world. By using such terminology, I am not implying a conspiracy among Western leaders to achieve such exclusionary goals, or even claiming a consistent, deliberate pattern of this character. Indeed, the implementation of exclusion occurs mostly as a result of what might be called 'false universalism', depicting the particular and partial as if it were synonymous with the general, not only with respect to substantive results, but more crucially in relation to the processes by which these results are reached. Without entering upon the treacherous terrain of cultural constructivism, I attribute this false universalism mainly to the Enlightenment Project, with its reliance on decontextualised reason, as embodied in the language, ideas, diplomatic style, experience and rules of representation that originated in Western Europe and gradually evolved into a global framework of sovereign, secular, territorial states over a period of centuries that is conveniently, yet arbitrarily, linked to the Peace of Westphalia in 1648. This evolution is convincingly depicted by Stephen Toulmin in his book, *Cosmopolis*, which shares the view that the era of statist dominance is coming to an end, but he sees the sequel as global humanist, rather than as inter-civilisational or some more complex tapestry of overlapping and intersecting identities, a conception of world order that has often been analogised to the multiple, interpenetrating levels of authority associated with Medieval Europe.<sup>2</sup>

In effect, the universalism that I am calling 'false' is a mask worn to obscure Western civilisational hegemony. This mask has been worn so long that it is

indistinguishable from the face itself for wearer and beholder alike. As would be expected, such a hegemony is far greater than the sum of its political, economic and even cultural parts, as it is civilisational, including distinctive ideas, memories, beliefs, practices, misconceptions, myths and symbols that go to the very core of human identity. In contrast, a true universality would acknowledge *significant* difference, as well as sameness, in *constituting* a world order based on procedures and norms explicitly designed to ensure equitable participation by each major world civilisation.<sup>3</sup> Inter-civilisational equality, as a constitutive principle of world order, seems to add a category to what David Held, Daniele Archibugi and others have been so usefully describing and advocating under the rubrics of 'cosmopolitan democracy' and 'cosmopolitan governance'.<sup>4</sup>

My purpose here is not at all to enter into a discussion of the *substance* of difference, or matters of relative merit, but only to support the view that the neglect of civilisational participation for Islam has produced a series of partially deformed institutions, practices and perceptions. In passing, it should also, of course, be understood that it is accepted that there is an enormous range of intra-civilisational differences in Islam that also need to be democratically negotiated as part of a human rights process. My emphasis here is far more limited, and in a sense preliminary, to the effect that at this historical juncture civilisational identity is sufficiently genuine for a sufficient portion of the more than one billion persons on the planet who consider themselves Muslim to be treated as an *essential* category in evaluating the legitimacy of world order structures and processes.<sup>5</sup> Reinforcing this contention is the increasingly articulate expression of grievance and demand on the part of those who affirm their Islamic identity, and increasingly adopt a critical stance of normative and emotive distance from the Western-emplaced, still largely prevailing, structures and processes of world order, while themselves affirming the quest for peace and justice in the relations among the peoples of the world.<sup>6</sup>

The specific objective of this article is to link this analysis more directly to a concern with human rights. The contours of this concern can be briefly indicated: we are in the midst of a period in international history in which the normative architecture of international society has been increasingly expressed by reference to a human rights discourse that combines, somewhat confusingly, ethical, political and legal perspectives; these perspectives are intertwined in various ways, but more in the form of claims, grievances and practices than as stages in the articulation of binding rules and standards that are then implemented by those with the authority to interpret and apply 'law'. To a large extent, this human rights discourse is unavoidably perceived, with varying degrees of justification and opportunism, as tainted by false universalism and its relations to Western hegemony, one feature of which has been, and continues to be, the suppression of civilisational identity and difference, with a particular historical/political emphasis on the 'threat' posed by Islam.<sup>7</sup>

This statement about the prevalence of human rights discourse can be literalised somewhat by reference to the embodiment of the human rights tradition in contemporary international law, primarily by means of a series of declarations and agreements affirmed by states, most notably including the

Universal Declaration of Human Rights, the two Covenants of 1966, as well as through a series of regional formulations and more specialised conventions. On an intra-civilisational basis this tradition has been subjected to various kinds of assault, especially by those who affirm Marxist and socialist priorities, and were offended by an overly individualistic conception of rights that included extensive protection of private property rights; in fact, although not as implemented, and even as appreciated, the human rights tradition as entrenched in international law carries forward a compromise between market-orientated individualism and welfare-orientated social democracy.<sup>8</sup>

Additionally, from the beginning of this century there have been imaginative and quite successful efforts, particularly by Latin American jurists, to challenge a series of exploitative and unequal relationships protected by international law in relation to foreign investment, extraterritorial criminal jurisdiction and interventionary doctrines.<sup>9</sup> Such juridical critiques and innovations were framed as objections to the then prevailing character of inter-state, not inter-civilisational, relations, especially in the context of interventionary diplomacy. In the 1960s and 1970s this intra-civilisational critique from various Third World perspectives was generalised to emphasise the overall unfairness of the way rights and duties were distributed on a North–South basis, and was politicised within the United Nations, especially the General Assembly, in the form of calls for a ‘New International Economic Order’ that were articulated in a series of declaratory, quasi-legal instruments.<sup>10</sup>

The categories of North and South were very generalised designations, as was reliance on the Third World or Non-Aligned Movement as a point of reformist reference, referring to historical, geographical and developmental affinities, but not cultural or civilisational solidarity or encounter. These normative initiatives designed to promote mainly global economic reform were effectively disregarded as a result of a powerful market-orientated backlash associated with the neoliberal orientation championed in the 1980s by Margaret Thatcher and Ronald Reagan, and given the widening fissures in the Third World that resulted from modernising strategies that yielded high growth rates and surging export markets for a series of Pacific Rim countries.

What has survived in the 1990s, at least rhetorically, from this effort to bring normative pressures to bear for the sake of a more equitable international economic order is ‘the right to development’.<sup>11</sup> Whether this right has any operational content is doubtful, although important legal scholars have lent support to its validity. Although difficult to demonstrate, it would seem that the status of the right to development has shaped the way the international agenda on such other issues as environment, population and human rights generally is addressed, as at important consciousness-raising UN conferences.<sup>12</sup> It is suggestive, however, of efforts to register as ‘a right’ the perceived grievances of disadvantaged nations in relation to existing world order, and hence, is linked to an inquiry into how to overcome a circumstance of inter-civilisational inequity, although the unit of the claimant is not societal, national, or statal, but civilisational. These categories are overlapping rather than mutually exclusive identities.

The first truly inter-civilisational critique of the prevailing human rights

discourse and its world order implications emerged, somewhat surprisingly, from the concerted struggle of indigenous peoples in the 1980s and 1990s.<sup>13</sup> This struggle took shape against a background (and foreground) of exclusion, discrimination and persecution, even extermination, assimilation and marginalisation that were expressive of confusing admixtures of arrogance, racism and ignorance. These extraordinary efforts of indigenous peoples to protect the remnants of their shared civilisational identity, an identity that was coherent and self-consistent only in relation to the otherness of modernity, achieved two results of direct relevance to this article: first of all, it exposed the radical inadequacy of a civilisationally 'blind' approach to human rights, by which is meant the utter failure of the modernist instruments of human rights to take account in any satisfactory way of the claims, values, grievances and outlooks of indigenous and traditional peoples; second, transnational activism by indigenous peoples in the last two decades has given rise to an alternative conception of rights that represents an articulation after a long process by previously excluded civilisational representatives.

In this regard, the contrast of this recent authentic expression of indigenous peoples' conception of their rights with that of earlier mainstream human rights instruments is revealing. Also revealing is a comparison between these efforts by indigenous peoples and the paternalistic efforts supposedly on their behalf in the marginal arena provided by the International Labour Organisation. Such comparisons are confirmatory of the contention that participatory rights are integral to the acceptance of a political order as legitimate and to a reliable clarification of grievance, demand and aspiration.<sup>14</sup> This alternative conception has been developed by indigenous peoples in an elaborate process of normative reconstruction that involved sustained, and often difficult dialogue among the multitude of representatives of indigenous traditional peoples, especially as these have come together in recent years at the Informal Working Group on the Rights of Indigenous Populations, set up under the Sub-Commission on Racial Discrimination and Persecution of the Human Rights Commission that has recently taken the primary form of producing a Draft Declaration on the Rights of Indigenous Peoples, which is now being considered within the wider UN system. It is doubtful whether this Declaration of indigenous rights will eventually be validated by state-centric procedures; in effect, these remain the gatekeepers within the UN system of the still ascendant false universalism.<sup>15</sup> The resistance being mounted in reaction to this more adequate expression of human rights as formulated by indigenous and traditional peoples in relation to their own destiny is mainly centred on certain perceived tensions that could result if the right of self-determination were to be legally confirmed as possessed by indigenous peoples. To what extent this struggle of indigenous peoples succeeds or fails is conceptually and substantively beside the point of this inquiry into Islamic exclusion, except to illustrate by analogy the surfacing of a different type of inter-civilisational challenge within the same approximate historical time interval.<sup>16</sup> Of course, the indigenous struggle also reinforces the point that unless authentic participation in the rights-creation process occurs, the results are not likely to be genuinely representative and the whole process will be regarded as illegitimate and alien.

## Understanding the geopolitics of exclusion

At this point, it seems important to set forth the basic elements of the argument for 'normative adjustment' in response to the inter-civilisational challenge being mounted from an Islamic perspective. Normative adjustment is understood in two senses: the reshaping of the human rights discourse to make provision for inter-civilisational participation; the further legitimating of world order by improving the procedures for inter-civilisational participation and by establishing better means for inter-civilisational representation in the main authority structures of the world.

Although the wider conceptual and normative concern is one of inter-civilisational participation in general, my focus is upon the specifics surrounding Islamic exclusion and its implications. Arguably, a parallel inquiry could be made from a Confucian or Hindu or African perspective, as well as from a variety of indigenous perspectives. Further, to the extent that the analysis rests upon either the existence of a civilisational right to participate or the dependence of a legitimate world order upon equitable civilisational participation, then the wider inquiry is tied to this narrower one that dwells upon Islam. The narrower focus has the advantage of responding to the subjective side of civilisational exclusion in the crucial sense that Islam perceives itself as having been victimised within the framework of world order, and in turn, is perceived in the West as posing a multi-dimensional challenge. It is important in light of this adversary inter-civilisational interaction to assess whether there appear to be objective grounds for the subjective perceptions of grievance. It is in this spirit that the following steps in the argument will be taken:

- 1) the psycho-political sense of grievance and significant difference that is characteristic of Islam's civilisational self-image in relation to the West and world order in general;
- 2) a presentation of empirical, yet impressionistic, evidence in support of the view that Islam has been excluded from world order arenas and subjected to discriminatory regimes of control and prohibition;
- 3) an insistence that the combination of perceived grievance and objective grounds provides the basis for 'normative adjustment' so as to enhance the legitimacy of contemporary structures and processes of world order;
- 4) a conclusion that it would be useful to crystallise the case for normative adjustment by an extension of human rights to incorporate an essentially new right of civilisational participation, to be applied specifically to overcome Islamic grievances, but potentially available on a comparable basis for any civilisational unit of major stature in the present system of world order.

It is important, at this point, to recall the limited nature of this analysis: that the geopolitical exclusion of Islam is real, that it has negative world order consequences, that its rectification would be of benefit to Islam, and that expanding human rights coverage to include civilisational rights of participation provides one, but only one, mode of rectification.

*Islam's sense of grievance and significant difference in relation to contemporary world order*

There is little doubt that there is a generalised Islamic sense of grievance that overrides the very deep intra-civilisational cleavages (on the level of state, class, religious tradition and geographic region) that currently exist in the Islamic world. Possibly less self-evident is an appreciation that this sense of grievance is coupled with an Islamic civilisational self-image that is capable of providing an alternative normative grounding for world order. The psycho-political confirmation of these assessments can be gleaned from many sources and is sufficiently established that it doesn't need elaborate documentation. I would refer anyone seeking such documentation to the range of presentations made at the Just World Trust (JUST) conference, 'Images of Islam: Terrorising the Truth', held in Penang, Malaysia in October 1995. For a more specific, sophisticated analysis of Islamic grievance and world order reconstruction I rely principally on a book by one of the Penang participants, Ahmet Davutoglu's *Civilizational Transformation and the Muslim World*.<sup>17</sup>

In a useful passage Davutoglu specifies the main elements of Islamic grievance in a manner that warrants extensive quotation:

There has been a tendency in recent years in western political and intellectual centers to misrepresent Muslim societies as incongruous elements in the international order. The issue of Salman Rushdie and the discussions of the Islamic dress code in France and Britain have provoked historical prejudices against Islam. The mass media has been extensively used to strengthen this imagination. Lastly, in the Gulf crisis, although the other front was also supported by many Muslim-populated states, Saddam has been misrepresented as the symbol of the increasing threat of Islamic fundamentalism.<sup>18</sup>

The point here is not to evaluate such a set of perceptions, but to set it off as representative of Islamic perceptions. In a similarly useful passage, Davutoglu extends this sense of grievance to the functioning of world order:

... the Muslim masses are feeling insecure in relation to the functioning of the international system because of the double standards in international affairs. The expansionist policy of Israel has been tolerated by the international system. The *Intifada* has been called a terrorist activity while the mass rebellions of East Europe have been declared as the victory of freedom. There was no serious response against the Soviet military intervention in Azarbaijan in January 1990 when hundreds of Azaris were killed while all Western powers reacted against Soviet intervention in the Baltic Republics. The international organizations which are very sensitive to the rights of small minorities in Muslim countries, did not respond against the sufferings of the Muslim minorities in India, the former Yugoslavia, Bulgaria, Kashmir, Burma, etc... The atomic powers in some Muslim countries like Pakistan and Kazakhstan have been declared a danger when such weapons have been accepted as the internal affairs of other states such as Israel and India. Muslims who make up about 25% of the world's population, have no permanent member in the Security Council and all appeals from the Muslim World are being vetoed by one of the permanent members. The Muslim masses have lost their confidence in the international system as Neutral Problem-solver after the experiences of the last decade.<sup>19</sup>

Again it should be emphasised that it is not the accuracy, or even the reasonableness, of such assertions that is being argued (although they seem accurate and reasonable), but their representativeness.

The deeper argument, of course, moves beyond criticism to the claim that Western civilisation as the dominant force in international life is having a destructive impact and that Islam, properly understood, presents the reality of a constructive alternative. Davutoglu also presents this case clearly, arguing, especially, that the economic globalisation that he associates with the West is in the process of destroying the other 'authentic cultures and civilizations' that together constitute world order.<sup>20</sup> In effect, Davutoglu argues that the Islamic recovery from a long period of suppression, culminating in the colonial era, offers the world a strong and coherent alternative to what he calls 'the modernist paradigm'.<sup>21</sup> In essence, then, the foundational premise of the argument here is the double Islamic awareness of grievance and self-limitation on one side and potential contributor to the emancipatory project of an ethically (and civilisationally) enhanced world order, on the other. In effect, in its more assertive expression, Islam and its proponents are committed to the rescue of the West (and others) from the calamity of modernism.<sup>22</sup>

### *Assessing Islam's grievances*

Accepting the anthropological insistence that all knowledge is 'situated knowledge', reflecting the experience and outlook of the observer, and eschewing any pretension of an Olympian position above the fray, it still seems possible and useful to evaluate the reasonableness of Islam's sense of grievance and significant difference. Indeed, such an assessment underlies both the critique of false universalism and the argument favouring the incorporation of rights of civilisational participation into the discourse and protective framework of international law.

There is little doubt that much of the recent discussion of Islam and the West, whether in the form of journalistic portrayals or academic writings, is afflicted with the Orientalist construction of the other in stereotypical terms that validate hostile behavioural and policy responses. Since the globalising hegemony of the West tilts this debate, especially by its dominance of TV, there is a strong disposition to perceive Islam as disposed towards violence and extremism, driven to terrorist action by hostility towards the West and Western values, and epitomised by Ayatollah Khomeini's Islamic Revolution and the ordeal of the hostage seizure in the US Embassy in Tehran that dragged on for many months until resolved in January 1981. This prevailing perceptual framework helps explain the extent to which the literature on Islam v the West is preoccupied with the question of whether Islam does or does not pose a threat. Even the writings most sensitive to the Islamic reality,<sup>23</sup> seek mainly to reassure the West that Islam is not as militant as often presented, that even political Islam is heterogeneous and not necessarily aggressive towards Western interests, and that it is important for the West not to make the Islamic threat into a self-fulfilling prophecy. What such perspectives tend not to do, except by way of acknowledging the historical extent of prior Western encroachment and abuse, is to examine



the plausibility and structured character of Islamic grievances and the desirability of a world order reconstructed to take into account inter-civilisational identities and aspirations.

The main grievances enumerated by Davutoglu can be briefly considered in terms of their reasonableness.

*Participation in the United Nations system.* Despite having more than one billion adherents spread across over 45 countries, no permanent member of the Security Council is part of the Islamic world and, in most proposals for UN reform, calls for the expansion of the Security Council usually do not propose rectification. This, to be sure, in part, reflects the statist and Eurocentric origins of the United Nations at the end of World War II. And possibly it also reflects the failure of the Islamic countries to press harder for representation of this character in the most symbolically important organ of the United Nations. But the impression of exclusion is reinforced by the realisation that none of the secretary generals of the UN to date have been of Muslim faith, and very few of the important specialised agencies have been headed by a Muslim. Again this can be explained, in part, by the contention that officials are selected on the basis of secular criteria of merit and political support, not because of ethnic nor religious identity. Yet when combined with other factors, there would be reasonable grounds for believing that Islamic participation could make a difference with respect to the role of the United Nations on such issues as Palestinian self-determination and the status of Jerusalem, the approach to international terrorism, and the maintenance of the nuclear non-proliferation regime.

The Bosnian diplomatic and peace process can also be viewed as one that denies the Islamic world a sense of equitable participation: each of the factions except for the main victims of atrocity and aggression, the Bosnian Muslims, were represented by an external actor with civilisational ties;<sup>24</sup> Turkey, the only European state with an Islamic identity and a steadfast member of the Western alliance, although highly secularised at the level of the ruling elites, was not included in 'the contact group' of countries with a special role in the peace process, while Russia, with fewer claims in many respects, was included. In isolation, this pattern in Bosnia would perhaps not warrant comment, but as part of the larger picture, it does seem to add a dimension to the geopolitics of exclusion.

*Double standards.* Here again it is difficult to circumvent the subjectivity of interpretative standards. Nevertheless, the orientation of the media and of US foreign policy has seemed to produce consistent support for actors pursuing goals inimical to Islamic interests and opposition or indifference to issues of major symbolic and substantive concern to those with an Islamic interest.<sup>25</sup> To varying degrees the Arab-Israeli conflict has been dominant over many years, fostering an impression that Israeli violence against Palestinian refugees and others is generally acceptable as an act of war and expression of security policy, while Palestinian violence is treated as 'terrorism' of a character that undermines whatever political and moral claims may exist to support the Palestinian struggle.

Other conflicts that have involved Islamic victims of violent abuse, such as Bosnia, Chechnya and Kashmir, are confirmatory of the accusation of double standards to the extent that it is probable that, if the identities of victim and perpetrator were reversed, the international response would have been altered. Such a pattern exists, and although each instance can be partially explained by other factors such as deference to state coercive power, deployed within territorial limits, or the infeasibility of challenging major states acting within their own geographical zone of dominance, the cumulative weight of instances and the selective reliance on international law to condemn and condone gives the accusation of double standards a rather strong presumption of validity.

*A discriminatory non-proliferation regime for nuclear weaponry.* Aside from China, the declared nuclear weapons states are Western in orientation, and claim a continuing right and intention to retain possession of this weaponry of mass destruction, and even proceed with further development. At the same time, states with genuine security concerns are being denied, to the extent possible, access to such weaponry. But even this dual structure is not being implemented uniformly. Communist states (North Korea) and Islamic countries (Iraq, Iran, Libya and Pakistan) are the object of strong non-proliferation efforts, while the Israeli acquisition and development of nuclear weapons is completely overlooked and, according to some sources, deliberately facilitated.<sup>26</sup> The media reinforce this impression by writing about Pakistan's possible acquisition of nuclear weapons as creating the danger of 'an Islamic bomb', although Pakistan's motivation is clearly directed at offsetting India's military, and probable nuclear, threat. No one would seriously write about 'a Jewish bomb' or 'a Confucian bomb' or 'a Hindu bomb', and doing so about Pakistan's capability conveys the impression that civilisational identity does count, but only negatively, and only if it is Islamic! Such a double standard, as reasonably perceived from an Islamic perspective, is taken as irrefutable proof of an anti-Islamic structure of world order. Again there are extenuating circumstances, ranging from Israel's isolated and endangered circumstance (but would not such extenuation apply to North Korea, and to several other states seeking to possess a nuclear option?) to the Western impression that there is an Islamic threat that could materialise in a dangerous way if backed by nuclear weaponry. Nevertheless, the implementation of the global non-proliferation regime appears to have an anti-Islamic component.<sup>27</sup>

*Punitive peace.* It is worth contrasting the way in which Serbia and Iraq have been treated after the cessation of hostilities—lifting sanctions and a rapid restoration of normalcy in one instance, compared to intrusive intervention and the maintenance of sanctions well-known to have caused prolonged great suffering and loss of life to the poorest sectors of Iraqi society without contributing to the downfall of Saddam Hussein's regime, in the other.<sup>28</sup> Janna Nolan points out that the insistence on the extensive demands for Iraqi verified destruction of portions of its military capabilities, especially those relating to weaponry of mass destruction, 'have some parallels to the Allied program to

disarm Germany after World War I'.<sup>29</sup> The failure of the Versailles punitive approach to a defeated enemy led to the abandonment of an imposition of humiliating and punitive conditions in the wake of military victory partly because it was seen as contributing to the rise of Fascism, but now it has been resurrected against Iraq, an approach extended in certain respects to Iran mainly by unilateral action. There seem good grounds, then, for regarding such policy approaches to countries in the Islamic world as part of the broader pattern of the geopolitics of exclusion, even to the extent of adapting the language of containment, central to the West's posture *vis-à-vis* the Soviet Union, in relation to Iran and Iraq. This latter policy is being discussed by Washington policy-makers under the rubric of 'double containment'.

*Policy making and participation in the world economy.* As with the permanent membership of the Security Council, the directorate of the world economy, the Group of Seven, or G-7, includes no Islamic state. Would not Indonesia, Malaysia or Saudi Arabia have as good a claim as Canada or Italy? In an era of globalisation, with the Asia-Pacific region in the ascendancy, it would seem reasonable to expect greater representation for Islamic countries. The same pattern of exclusion pertains, as well, to the Bretton Woods institutions that are administered by top officials normally drawn from the West. A further source of suspicion is the drastic, terminal manner of dealing with the disclosures of fraud on the part of the Bank of Credit and Commerce International (BCCI), leading to the immediate dissolution of the only international bank with primary Islamic funding and direction.<sup>30</sup>

*Responses to terrorist incidents.* There does seem to be a hostile attitude to Islam evident in the global media and Western governmental responses to incidents of major terrorism. This pattern was evident in the differences with which the US government responded to the World Trade Center bombing in New York City on 26 February 1993 and the bombing of the Federal Building in Oklahoma City on 19 April 1995. Perhaps most revealing was the reflex of suspicion directed towards political Islam, despite the timing of the Oklahoma explosion coinciding with the anniversary of the Waco, Texas raid on the Branch Davidian cult that was known to have agitated rightist militias and led several of them to contemplate retaliation. Further, the government reaction in the USA was to investigate whether excessive force had been used in the Waco raid and to dismiss several of those in the government who seemed responsible, to pay compensation for Federal force used in another attack on a survivalist family in Montana, and to strengthen international laws on terrorism. The prosecutorial strategy included reliance on a conspiracy theory to reach those indirectly involved in the Trade Center bombing, especially the Islamic figure Sheik Rahman, while the indications are that the US government will limit its indictments arising from the Oklahoma incident to those individuals accused of being the actual perpetrators. A further difference is the removal of the trial for the sake of fairness to the defendant from Oklahoma, the venue where the crime was committed, while denying a similar motion for a change of venue to the

Islamic defendants in New York, where the atmosphere was probably more adversely inflamed.<sup>31</sup>

*Stigmatisation of states as 'outlaw' or 'rogue'.* The stigmatisation of several states as 'outlaw' or 'rogue', especially by the US government, has again seemed to focus particular attention on the Islamic world as the main irritant to world order other than that associated with such communist survivors from the Cold War era as Cuba and North Korea. Libya, Iran and Iraq have been consistently so treated with varying degrees of justification, but reinforcing an impression that an Islamic orientation, if militant, will be dealt with as aggressively as possible, while non-Islamic states that violate basic norms of international law and offend the global conscience, such as Burma in recent years and South Africa during most of the apartheid period, are dealt with by way of 'constructive engagement', either formally or informally.<sup>32</sup>

*The right to democratic governance.* After the Cold War the West proclaimed its commitment to the spread of democratic governance, which meant especially the encouragement of constitutionalism in the form of multiparty elections. Yet its concern with the spread of political Islam apparently led it to overlook the coup that occurred in Algeria to deprive Islamicists of an electoral victory in 1990.<sup>33</sup>

*The unevenness of compassion.* Media treatments of Islamic suffering tend to be abstract, general and scant, if given at all, and are dwarfed by repeated inquiry into the tactics and mentality of extremism. Little attention is given to understanding the moral and political pressures that might explain the desperation that induces such extremist acts as suicide bombings and the like. The support given by Palestinian refugees and some anti-Western governments (Libya and Iran) to horrifying acts of terrorism is appropriately noted, but not the Israeli calls for vengeance in ethnic terms (attacking Palestinians at random, chants of 'death to the Arabs!'). These are delicate, complicated matters of assessment, but the imbalance is cumulative in that treatment of the suffering being experienced within the Islamic world tends to be comparatively much less sympathetic than that accorded to the provocations and tactics of its enemies. It is instructive to compare the small statistical advantage enjoyed by the house in gambling casinos, where the gambler will certainly lose if he or she keeps playing long enough. That is, a seemingly trivial imbalance in the appreciation of justice claims can register over time a decisive edge in support of the moral claims being favoured.<sup>34</sup>

Recalling the analogy to the emergence of indigenous peoples as a claimant, the argument here is that Islamic perspectives have not been equitably represented in key authority structures and processes of world order, which seems to account for the impression and actuality of an anti-Islamic bias in addressing policy issues of the global agenda. Further, if civilisational rights of participation existed, such an impression and its reality would be diminished and the policies

produced would probably be more balanced, and viewed as such from Islamic perspectives, if assessed on an inter-civilisational basis. Such an analysis is minimalist in the sense that it does not give weight to the anti-modernist, anti-secularist, anti-globalisation dimensions of the Islamic critique of the structures of world order or to the contention that positive Islamic contributions by way of balancing community values against individualist claims would contribute to a more stable foundation for social relations and inter-civilisational understanding.

### **The difficult challenge of normative adjustment**

Normative adjustment implies a mutually reinforcing combination of moral, political and legal developments, combined with supportive historical circumstances, if it is to achieve important positive results. Concretely, normative adjustment in relation to world order conditions refers to alterations in patterns of practice and the modes of participation in authority structures and processes. It means overcoming grievances validated as reasonable. In the setting of this analysis it means correcting the grievances outlined in the prior section. With reference to Islam it means conferring and safeguarding rights of participation based upon civilisational identity. As such, this particular normative adjustment cannot be effectively achieved within the traditional framework of statism, even as modified to confer rights on individuals, minorities, groups and, arguably, peoples.<sup>35</sup> As earlier discussed, the struggle of indigenous peoples, conceived as an aggregate reality that is superimposed on diverse distinct indigenous nations, comes closest to staking a claim of right on behalf of a civilisation that seeks to be acknowledged as such rather than to be dissolved into constituent statist elements in line with Westphalian and post-Westphalian categories.<sup>36</sup>

The prospects for successful normative adjustment with respect to overcoming what has been called the geopolitics of exclusion are cloudy at best. For one thing, there is as yet no clear consensus that such exclusion is occurring, and those aggrieved have not chosen as yet to present their grievances in this manner. For another, there are strong policy grounds on the part of those social forces that benefit from false universalism to resist claims premised on the reality of civilisational identity and difference. Such resistance is likely to be particularly strong to the extent that an acknowledgement of bias would seem to benefit Islam. Finally, Islam is far from united in its self-definition with respect to normative adjustment, with some portions of the Muslim world accepting the premises of globalisation, secularisation and a world order that remains constituted at the level of rights primarily by states.

The experience of normative adjustments is varied, but the study of past instances would be instructive in bearing witness to the intertwined role of morality, politics and law. Among the instances that seem useful as precedents are the following: the prohibition of the international slave trade; the right of self-determination; the process of decolonisation; the anti-apartheid campaign; the prohibition of genocide as a distinct crime; realisation of civil and political rights. Each instance is a complex narrative that generates a wide range of appraisals in terms of impact, but each discloses a degree of normative

adjustment that resulted in some change in authoritative language and practices. It would also be illuminating to consider projects of normative adjustment that resulted in substantial failure: definition of aggression; establishment of a collective security system; realisation of economic and social rights.

The normative adjustment that is appropriate depends on the character of the grievances and the remedies being sought. My argument has been that the essential normative adjustment on behalf of Islam would be more equitable participation in authority structures (the United Nations, the administration of the world economy) and an acknowledgement of civilisational identity. Of course, even if such a position were to be generally accepted, difficult problems remain relating to representation and the contours of civilisation units. All the same, certain favourable conditions exist with respect to the prospect for normative adjustment: the reality of an Islamic resurgence and sense of grievance; the established reasonableness of the core grievances; the political interest of non-Islamic leaderships to avoid a hostile inter-civilisational encounter and to neutralise any Islamic threat; the similarity of these grievances to the claims of indigenous peoples. Thus, the moral and political preconditions for normative adjustment have been met to some degree but, as suggested, formidable obstacles remain.

### **Why human rights? Why a civilisational right?**

A characteristic of the last half of the twentieth century has been to translate grievances into a legitimating process for their rectification by way of an acknowledgement of rights. This has occurred generally in relations between individuals and their governments, and then with respect to more specific categories of claims relating to group discrimination, children, women, environment and even food, peace, life and development. Embodiment in the setting of human rights does not ensure behavioural implementation and enforcement. Reliance on human rights to alter conditions of perceived and actual injustice in the world involves all of the ambiguities and frustrations of 'soft law'.<sup>37</sup>

The main argument for suggesting a civilisational level of protection for human rights at this stage of history arises from the empirical circumstances that have been described, which have given rise to serious claims of grievance and pose dangers of conflict. The articulation of a right of civilisational participation would itself be a consciousness-raising educative process. An additional benefit would be to challenge the false universalism of globalisation and suggest an alternative in the form of an inter-civilisational world order that combines the ecological and biological conditions of unity with the civilisational conditions of difference and self-definition.

There exists one important cost associated with the analysis of false universalism. It weakens democratic forces in existing Islamic states in their efforts to uphold a secular conception of relations between religion and the state, and to protect the freedoms and autonomy of individuals. In this regard, even if the human rights framework is vulnerable to the civilisational level of criticisms set forth, it is still valuable, even indispensable, in relation to struggles being enacted at the level of the sovereign state in such countries as Turkey and Egypt.

In my view, this tension is essentially a creative one, invoking human rights norms as relevant, but fixing the framework to overcome the neglect of non-Western civilisations.

## Notes

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<sup>1</sup> Of course, this orientation was hardly original to Huntington, but rests upon a civilisational exploration by many others, most notably the extraordinarily important depiction of civilisational reality by Fernand Braudel, *The Mediterranean and the Mediterranean World in the Age of Philip II*, New York: Harper Collins, 1972, pp. 545–596. See also the monumental achievement of Arnold Toynbee, *A Study of History*. For a negative perception of the impact of resurgent Islam see Adda B. Bozeman, *Politics and Culture in International History*, New Brunswick, NJ: Transaction, 1994, esp. pp. xix–xxi. For a favourable Islamic orientation and perspective see Ahmet Davutoglu, *Civilizational Transformation and the Muslim World*, Kuala Lumpur: Mahir Publications, 1994.

<sup>2</sup> Stephen C Toulmin, *Cosmopolis: The Hidden Agenda of Modernity*, New York: Free Press, 1990. For other presentations of contemporary world order see James N Rosenau, *Turbulence in World Politics: A Theory of Change and Continuity*, Princeton, NJ: Princeton University Press, 1990; RBJ Walker, *One World/Many Worlds: Struggles for a Just World Peace*, London: Zed Press, 1988; and Richard Falk, *On Humane Governance: Towards a New Global Politics*, College Park, PA: Penn State University Press, 1995.

<sup>3</sup> The character of 'significant difference' is substantively complex, but procedurally relatively simple, referring to relatively equal access, representation and status in principal arenas of formal authority, as well as relatively equal treatment in the application of norms of behaviour and regimes of prohibition, for instance, the regime prohibiting the proliferation of nuclear weaponry. The qualification of a civilisation as 'major' is also potentially troublesome, raising the question of 'what counts as a civilisation?'

<sup>4</sup> David Held, *Democracy and the Global Order: From the Modern State to Cosmopolitan Governance*, Cambridge: Polity, 1995, esp pp 219–286; and Daniele Archibugi & David Held (eds), *Cosmopolitan Democracy: An Agenda for a New World Order*, Cambridge: Polity, 1995.

<sup>5</sup> The argumentative assertion here is the insistence on the word 'essential', reflecting a psycho-political, as well as a legal and moral, assessment. There is, of course, no implication that Islam (or any other civilisation) is monolithic, but only that the collective identity expressed by the label 'Islam' is a meaningful category in a manner analogous to the label 'Britain' or 'France'.

<sup>6</sup> An eloquent and persuasive Muslim expression, both critical towards the West and visionary in relation to Islamic contribution to an enhanced world order, is that of Chandra Muzaffar. See Muzaffar, *Human Rights and the New World Order*, Penang: Just World Trust, 1993. In his role as founder and director of Just World Trust Muzaffar has convened a series of meetings and issued many commentaries on world policy issues that react against what I am describing as 'the geopolitics of exclusion'. A particularly notable effort was an international workshop, 'Images of Islam: Terrorising the Truth', 7–9 October 1995, Penang: Malaysia. See also the publication of a collection of his essays that is more geopolitical than inter-civilisational in tone under the title *Dominance of the West over the Rest*, Penang: Just World Trust, 1995.

<sup>7</sup> For rather enlightened examples of recent literature, invoking as well the deep historical roots of the encounter, see Graham E Fuller & Ian O Lesser, *A Sense of Siege*, Boulder, CO: Westview/RAND, 1995; John L Esposito, *The Islamic Threat: Myth or Reality*, New York: Oxford University Press, 1992; and Fred Halliday, *Islam & the Myth of Confrontation*, London: IB Tauris, 1996. In the context of human rights, the uncritical call for universal human rights, without reference to inter-civilisational agency, is problematic. See for example, Ralf Dahrendorf, *The Modern Social Conflict*, London: Weidenfeld and Nicolson, 1988, p 181.

<sup>8</sup> But see an important caveat relating to their contention that overlooking the inter-ideological cleavages of the Cold War was a dangerous instance of false universalism. Harold D Lasswell & Myres S McDougal, 'Diverse and contending public order systems', in McDougal & Associates, *Studies in World Public Order*, New Haven, CT: Yale University Press, 1960, pp. 3–42.

<sup>9</sup> These efforts involved trying to insist upon sovereignty rights as a balance against interventionary claims whose identity was associated with the jurist or diplomat responsible for the assertion—as, for instance, 'the

- Calvo clause', 'the Drago doctrine'—as well as efforts to put foreign and domestic investors on a level of parity in relation to expropriation controversies.
- <sup>10</sup> The most prominent of these were the Declaration on the Establishment of a New Economic Order, Programme of Action on the Establishment of a New International Economic Order and the Charter on the Economic Rights and Duties of States. For convenient texts see Burns H Weston *et al* (eds), *Basic Documents in International Law and World Order*, St Paul, MN: West Publishing, 1990, pp. 550–575.
- <sup>11</sup> For the most authoritative formulation see 'Declaration on the Right to Development', adopted as UNGA Res. 41/128, 4 December 1986, text in *ibid*, note 10, pp 485–488.
- <sup>12</sup> For a powerful argument along these lines that emphasises the importance of the acceptance of the right to development as an integral element of human rights at the UN Conference on Human Rights held in Vienna, June 1993, see Upendra Baxi, *Mambrino's Helmet?: Human Rights for a Changing World*, New Delhi: Har-Anand Publications, 1994, pp 1–17, 22–54.
- <sup>13</sup> See Rosanne Ortiz, *Indians of the Americas: Human Rights and Self-Determination*, London: Zed Press, 1984.
- <sup>14</sup> See ILO Convention No 107, 'Concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries', text in Weston *et al*, note 10, pp 335–340, for a prime instance of paternalism; compare ILO Convention No 169 for a vastly improved formulation that reflects pressure from and participation by representatives of indigenous peoples, completed in 1989, text in Weston *et al*, note 10, pp 489–497. For a sensitive account of the consequences over a period of centuries see James Anaya's contribution to the Report of the Canadian Royal Commission on Aboriginal Peoples, 1995.
- <sup>15</sup> For a helpful account of the obstacles in the path of acceptance within the UN system see *Nouvelles Internationales* (newsletter), 4 (1–2), 1996, pp 2–5.
- <sup>16</sup> The comparison is meaningful along a number of axes, including the tendencies toward 'orientalism' and 'occidentalism', that is, the mutually demeaning, if not demonising, stereotypic images of the other that are characteristic of inter-civilisational encounter, especially if combined with relations of domination and subordination. Basic here, of course, is Edward Said's *Orientalism*, New York: Pantheon, 1978. Also suggestive is Jean-François Lyotard, 'The other's rights', in Stephen Shute & Susan Hurley (eds), *On Human Rights*, New York: Basic Books, 1993, pp 135–146. Also of relevance may be the shared element of anti-modernism in both the indigenous/traditional and Islamic challenges, which may be one aspect of an explanation for their co-emergence. For valuable varying perspectives on Islamic attitudes, see Akbar S Ahmed, *Postmodernism and Islam: Predicament and Promise*, London: Routledge, 1992; and Fatima Mernissi, *Beyond the Veil: Male-Female Dynamics in Modern Muslim Society*, Bloomington, IN: Indiana University Press, 1987.
- <sup>17</sup> Davutoglu, *Civilizational Transformation and the Muslim World*.
- <sup>18</sup> *Ibid*, p 101; see also the discussion in immediately subsequent paragraphs.
- <sup>19</sup> *Ibid*, pp 103–104.
- <sup>20</sup> *Ibid*, p 27.
- <sup>21</sup> *Ibid*, pp 114–117.
- <sup>22</sup> It should be noted that leading thinkers of indigenous peoples make similar claims.
- <sup>23</sup> Esposito, *The Islamic Threat*, and Fuller & Lener, *A Sense of Seige*.
- <sup>24</sup> It is true that the Bosnian government understated their Islamic identity throughout the war, emphasising their pluralistic character and their own refusal to emulate the ethnic cleansing of their Serbian and Croatian adversaries.
- <sup>25</sup> On media bias see Edward Said, *Covering Islam*, New York: Pantheon, 1981.
- <sup>26</sup> For an excellent overall presentation of the non-proliferation regime that accords with my analysis see Michael Klare, *Rogue States and Nuclear Outlaws*, New York: Hill & Wang, 1995. Klare points out that Pakistan's strategic relationship with the West definitely moderated to some extent efforts to obstruct Pakistan's efforts to acquire a nuclear weapons capability. See Klare, pp 156–157. On the Israeli weapons programme as facilitated by anti-proliferation states see Seymour Hersh, *The Sampson Option*, New York: Random House, 1991.
- <sup>27</sup> For a balanced analysis that supports this assessment, although not phrased in civilisational categories, see Janna Nolan's 'Sovereignty and collective intervention: controlling weapons of mass destruction', in Gene M Lyons & Michael Mastanduno (eds), *Beyond Westphalia: State Sovereignty and International Intervention*, Baltimore, MD: Johns Hopkins University Press, 1995, pp 170–187. Nolan's conclusion is pertinent: 'The Achilles heel of nonproliferation initiatives, as such, is emerging regional powers' perception of discrimination in a system that continues to place a high value on weapons of mass destruction as an indicator of state power and prestige, even while trying to promote the global prohibition of such weapons.' (p 187)
- <sup>28</sup> See especially the Harvard report based on field assessments by health specialists, International Study Team, *Health and Welfare in Iraq after the Gulf War: An In-Depth Assessment*, Cambridge, MA: Harvard University, October 1991. See also the report prepared by Eric Hoskins, Calvin Bauman & Scott Harding of Gulf Peace Team Special Mission to Iraq: Health Assessment Team, Amman, Jordan, 30 April 1991; and



- Francis A Boyle, 'Indictment, complaint, and petition by the 4.5 million children of Iraq for relief from genocide by President George Bush', document, 18 September 1991. A useful discussion is to be found in Sarah Graham-Brown's 'Intervention, sovereignty and responsibility', *Middle East Report*, 25, pp 2–12, 32. For a more general condemnation by way of international law see Hans Kochler, *The United Nations Sanctions Policy and International Law*, Kuala Lumpur: Just World Trust, 1995. An excellent overview, with useful chapters on the impact of sanctions on Iraq is contained in David Cortright & George A Lopez (eds), *Economic Sanction: Panacea or Peacebuilding in a Post-Cold War World?*, Boulder, CO: Westview, 1995; and Fred Tanner (ed), *Effects of International Sanctions*, Malta: Mediterranean Academy of Diplomatic Studies, January 1996.
- <sup>29</sup> Nolan, 'Sovereignty and collective intervention', p 175.
- <sup>30</sup> This impression is supported by the unquestionably hostile treatment of the scandal by two sophisticated books written by leading writers for the *Wall Street Journal* and the *Financial Times*, which nonetheless make the striking point that many of BCCI's most dubious practices were in most respects identical with those of mainstream international banking. See Peter Truell & Larry Gurwin, *False Profits: The Inside Story of BCCI, the World's Most Corrupt Financial Empire*, Boston, MA: Houghton, Mifflin, 1992; and Jonathon Beatty & SC Gwynne, *The Outlaw Bank: A Wild Ride into the Secret Heart of BCCI*, New York: Random House, 1993. Also relevant is the much less traumatising approach taken to deal with the savings and loan scandal of the 1980s in the USA. See Kathleen Day, *S & L Hell: The People and the Politics Behind the \$1 Trillion Savings and Loan Scandal*, New York: Norton, 1993.
- <sup>31</sup> For a fuller discussion see Richard Falk, 'Contradictory images and conceptions of international terrorism', unpublished paper, 1994.
- <sup>32</sup> For a critique of Libyan policy by a non-Muslim, see Fan Yew Teng, *The Continuing Terrorism Against Libya*, Kuala Lumpur: Egret Publications, 1993.
- <sup>33</sup> See Fuller & Lesser, *A Sense of Seige*, pp 49–50.
- <sup>34</sup> This gambling metaphor is borrowed from Mary Catherine Bateson's illuminating use of it in connection with bias against and demoralisation of women. See Bateson, *Composing a Life*, New York: Atlantic Monthly Press, 1989, p 205.
- <sup>35</sup> For the complexity of this latter extension of Westphalian thinking, see James Crawford (ed), *The Rights of Peoples*, Oxford: Clarendon Press, 1988; and William Felice, *Taking Human Rights Seriously: The Importance of Collective Human Rights*, Albany, NY: State University of New York Press, 1996.
- <sup>36</sup> A recent discussion of these conceptual issues in relation to the alleged erosion of sovereignty, with particular reference to intervention under the auspices of the international community, is to be found in Lyons & Mastanduno, *Beyond Westphalia?*
- <sup>37</sup> For important extensions of the scope and orientation of human rights see Abdullahi Ahmed An-Na'im (ed), *Human Rights in Cross-Cultural Perspectives: A Quest for Consensus*, Philadelphia, PA: University of Pennsylvania Press, 1992, esp ch by An-Na'im, pp 19–43; Smitu Kothari & Harsh Sethi (eds), *Rethinking Human Rights: Challenges for Theory and Action*, New York: Horizons, 1989; Myres S McDougal, Harold D Lasswell & Lung-chu Chen, *Human Rights and World Public Order*, New Haven, CT: Yale University Press, 1980; and Felice, *Taking Human Rights Seriously*.

