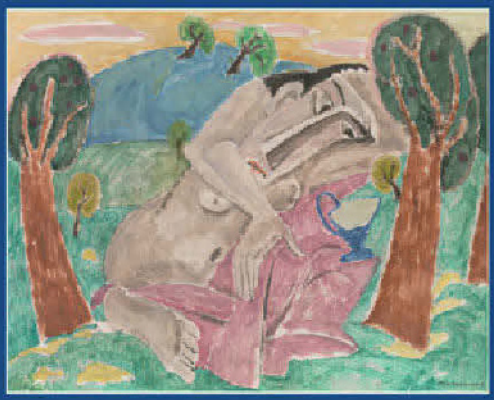

The Idea of Humanity in a Global Era

Bruce Mazlish

Palgrave Macmillan Transnational History Series

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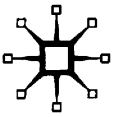

THE IDEA OF HUMANITY IN A GLOBAL ERA

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Series Editor Foreword

What does it mean to be human? Who speaks for humanity? When did the idea of "crimes against humanity" first emerge?

Bruce Mazlish, one of the most distinguished senior historians writing today, tackles these and many other related questions in the framework of global history and globalization. He shows that, whereas from time immemorial people all over the world, and of many divergent faiths, have developed their conceptions of man, the age of globalization (from the late nineteenth century on) has given the idea of humanity specific meaning. For instance, he notes that it was only in 1915 that crimes *against humanity*—an expression implying that all humans, regardless of nationality, race, or gender, were entitled to protection against an infringement on their beings—entered international vocabulary. It was not just a philosophical idea entertained by lone philosophers or theologians but was given international recognition as an essential part of what constituted the world community. While in the subsequent decades the idea of humanity was more honored in the breach than in practice, in the wake of the Second World War it merged with the newer idea of human rights. Beginning with the Universal Declaration on Human Rights (1948) and through numerous United Nations proclamations and events (such as UN women's conferences and the 2001 Year of Mobilization against Racism, Racial Discrimination, Xenophobia, and Related Intolerance), the idea of humanity has come to be seen as an integral part of the contemporary, global age.

If, today, words like *humanity* and *human rights* have become commonplace, that is in large part because the world has grown truly transnational; nations no longer, if they ever did, exist in isolation from one another, and people of different cultures, ethnic identities, educational backgrounds, and economic circumstances constantly come into contact with one another across national boundaries. Nevertheless, nations do remain, with their own legal systems and law-enforcing mechanisms. Under the circumstances, men, women, and children, while representing humanity, are never quite interchangeable legal beings. On the other hand, international institutions like the United Nations as well as nongovernmental organizations such as Human Rights Watch and Amnesty International consider it a moral duty to seek to protect the rights of all, regardless of circumstances. This is a far cry from the situation a hundred years ago when, while some began to note the coming into closer contact of people of different backgrounds, national, ethnic, and cultural distinctions tended to place them in rather rigid compartments. The enhanced moral conception of humanity is one of the lasting contributions of the twentieth century, an otherwise unspeakably brutal, ruthless, and violent epoch in history. How the newer idea of humanity will play itself out in the twenty-first century is a question that deserves close attention today, and this book will enable readers to ponder the question as it considers specific ways in which the ideal of a united humankind may come closer to reality.

But we do not want to anticipate the argument of the author or to summarize the many fascinating facets of the idea of humanity that are presented in this volume. We are delighted to add this title to the Palgrave Macmillan Transnational History series, which has already published pioneering works in the increasingly influential field of transnational history.

Akira Iriye
Rana Mitter
May 2008

Acknowledgments

This book has grown out of my concern with understanding present-day globalization and its overall meaning and possible directions. It is therefore built upon all the obligations incurred, intellectual and otherwise, over the past decade and a half to all those with whom I have worked in this general endeavor. They are too many to name individually.

However, there are a few whom I want to single out in regard to the present work. I owe much to my colleague and friend, Akira Iriye, whose enthusiasm inspired me to press on with the original manuscript and to develop it further. He and I (as a visiting professor) co-taught a course at Harvard University on New Global History, which we were then encouraged to offer a second year; while not devoted to the idea of Humanity, that course hovers over this book. It was Dominic Sachsenmaier who invited me to give a lecture at Duke University, where I first offered what has subsequently become Chapter 3; the interest expressed there by his colleagues has also sustained me as I labored to write the subsequent chapters. Others whom I wish to acknowledge for large or small assistance are Kate Bigger, Alexander Geppert, John Headley, Andrew Linklater, Emikio Ohnuki-Tierney, and Gabrielle Spiegel. As president of the American Historical Association (AHA) and herself a distinguished medieval historian, who has extended her interest to present-day globalization, Gabrielle Spiegel suggested that I organize a Presidential Panel for the 2009 meeting of the AHA. I look forward to receiving comments there on parts of this

book; to coin a phrase, it will be après *la lettre* but much welcome nevertheless.

I once wrote in regard to book reviewers that "[a] book reviews the reviewer as much as the reviewer reviews the book." If I may now paraphrase, an editor helps write the book along with its author. In this regard, I have been extremely lucky in having Chris Chappell as my editor at Palgrave Macmillan. His suggestions, his help, and his general role in bringing this book under contract were of enormous value to me. I owe him much gratitude and praise. Lastly, there is my wife Neva Goodwin. Herself an economist interested in globalization, she has not only served as my constant inspiration but as a wonderful and critical reader of the drafts of this work. Her part in its appearance is incalculable.

I believe that somewhere the Austrian satirist and critic Karl Kraus remarked that a historian is a prophet looking backward. It is in that spirit that I have written this book.

1
Introduction

This book is about humankind, humanity, and the concept of Humanity, terms that change over time but have core meanings. What makes the subject especially difficult is the fact that the three terms merge into one another, are given erratic usage in historical sources, and have a certain ambiguity hanging over them. My thesis is that a detailed analysis of their permutations, especially that of the concept of Humanity, is of *critical* importance if we wish to understand not only the human past but our present time and future challenges.

Though these terms are on a spectrum of meaning, there are major differences among them. *Humankind* means first and foremost the biological species or, as the dictionary has it, "the human race." A synonym is *Mankind*, but this has gender problems and has given way to the more neutral term. The term *humanity*, whose usage is restricted to the more recent past, is in part a synonym for *humankind*; one part of the dictionary definition is "the human race, mankind, people." However, another part of its definition is "human qualities, characteristics of human beings" and, even beyond that, "the fact or quality of being humane; kindness, mercy, sympathy."[1] Thus *humanity* is a more complicated word and concept than *humankind*.

The problem of language adds to the complication of our inquiry. I am working mainly with English and West European usage. Is the idea of Humanity to be found in Chinese sources, and with what connotations?[2] In Arabic? In numerous other languages? These are questions whose answers lie largely outside my skills, though I have consulted when possible with knowledgeable colleagues. My reluctant Eurocentrism is partly compensated by the fact that English in a globalizing world has, in effect, become a universal language.[3]

Dictionary definitions tend to be static. Historical treatment brings them to life. Such treatment is essential in regard to my story about the concept of Humanity and its emergence in a global epoch. Anticipating some of what I shall be saying in a later chapter, as I see it, Humanity, signaled by a capital H, is an idea that arises in tandem with the notion of "crimes against humanity." The latter, extending the legal notion of "war crimes," enters common consciousness at the end of World War II with the Nuremberg trials. Though these crimes are plural, the major one at the trial was genocide. I shall be arguing that the concept of Humanity emerges without intention from the legal briefs at Nuremberg and from the trials and tribunals of Yugoslavia and of Rwanda, which built on it.

I want to look at an anachronism in the case of humanity and the crimes against it. Thus, in a fine article, Eric Foner speaks of the fact that when the international slave trade was abolished by the U.S. Congress in 1807, it "was widely recognized as a crime against humanity."[4] This hardly seems possible. Slavery may have been viewed by the abolitionists, whether in the United States, Britain, or France, as an abomination, an act against God, or against humanity's moral nature, but "crimes against humanity" only enters the vocabulary as a legal assertion in the twentieth century. More in tune with history is the declaration in 2001 by the French National Assembly "that the Atlantic slave trade was a 'crime against humanity.'"[5] Noting this byway we are put on our guard against anachronism. I believe

that the *concept* of Humanity is not presently liable to this misuse, which tells us an important fact about its meaning.

I will argue my case in a sustained manner in the rest of this book. I want, however, to make a clear distinction in this Introduction between "humanity" (small h) as in "crimes against humanity," and the concept of Humanity (capital H). The former is a passive victim: crimes are committed against it. The latter is an active agent: in its name legislative degrees, moral interventions, and a host of other actions are or can be taken. Humanity is a newly conceptualized form of social integration, going beyond that of other bonds in the shape of tribal, regional, or national loyalties. It does this not only as an abstraction but as a reality, given legal form in various international organizations as well as actual form as a result of present-day globalization. Stretched to its limits, the concept is an ongoing development, offering "humanity" a new type of sovereignty. I shall return to this subject in other parts of this book.

So as not to mislead, I want to make it clear that I am not writing a history per se of humankind or humanity, that is, an account of its vicissitudes over thousands of years (although this is assumed as background). My main purpose is to analyze how the concept of Humanity has emerged in a global epoch.

The question of humanity cum Humanity has become a pressing one, especially because of recent events. I have already highlighted the post–World War II trials: if crimes have been committed against humanity, we must ask, what is the entity that is suffering? Possible extinction of humankind as a result of some of the factors entering into present-day globalization—the nuclear threat, environmental dangers, the spread of disease—hovers over the species and presses us to think of the subject of that extinction. More mundanely, the consequent rise of internal wars and of terrorist acts, such as suicide bombings, has caused a massive surge of anxiety and fear. As the saying goes, nothing concentrates the mind so much as the sight of the hangman (the mushroom cloud would update the phrase).

In spite of these terrible dangers, many positive developments have taken place: the growth in international organizations, such as the United Nations (UN); the rise in sentiments of increased global integration; the wish for peace, well-being, and justice in peoples everywhere (however blocked by their leaders) fostered by the communication revolution; and the explosion of human rights activities. These equally must be viewed as an invitation to examine the concept of Humanity.

Humankind, as we now know from data on evolution, goes back in the form of Cro-Magnon man to at least 35,000 to 40,000 years. The idea of humanity takes many shapes in different cultures but is particularly expressed in Greek and Roman antiquity. When the second-century BC Roman author Terence utters the now familiar phrase, "Nothing human is alien to me," he is articulating a general sense of a larger whole than the particulars of which it is composed. Here we catch the notion that aliens, those outside the tribe or nation, are in principle still part of humanity. This is still a notion with which we wrestle. So, too, is the question of what it means to be "human."

Attempts to answer this question have been made in many ages. "What is Man that thou art mindful of him?" is a religious question, addressed to God. "What is it to be human?" is a philosophical question, addressed to a range of thinkers and scientists. "What have humans thought about what it is to be a human?" is a historical and anthropological question, addressed to all sorts of professional social scientists and humanists. "What is our present position in regard to these questions, revolving especially around an emergent concept of Humanity?" is the inquiry upon which I am primarily engaged in this book.

The first question asked above is, of course, one that can only be answered by Him to whom it is addressed, namely God. (As the reader will immediately perceive, I am using here the terminology of the Christian religion; however, the same question could be addressed in almost any religious tradition.) If we pause for a moment, we can see that, in fact, it is answered

by human beings. They alone are the vessels into which the Deity's messages are presumably poured. It is through their interpretations of what they claim to hear that we get an inkling of what this privileged creature—Man—is, and what his nature might be. Millions and millions of pages have been written, many of them by theologians of various persuasions, on this subject. I do not propose to add more in this vein here.

My starting point, rather, is that humans stand at the center of both the question and answer concerning humanity/Humanity. To put it bluntly, the concept of Humanity emerges over time as humans—humankind—have experiences that reveal to them what it is that they are and wish to be. The word *reveal* can be misleading. What is involved is not a religious revelation, suddenly unveiled to human eyes, but a result of millennia of experience undergone by the animal that has called itself *Homo sapiens*. The concept is a social construct, to use present-day terminology, and is a dynamic one. Man should not be thought of as an essence. Instead, the human is a changing being in an ever-changing landscape.

An important aspect of the context in which these changes are presently taking place is globalization. A problematic word, only recently entered into the common vocabulary, it points to a process or set of processes that increasingly characterize our present time and circumstances.[6] Now that the word exists, we can apply it to much in the past, recognizing how humans have entered into ever-growing and expanding interconnectivity and interdependency. In our present time, we can see that the process appears to have accelerated.

The rest of this book will explore both of these large terms, *Humanity* and *globalization*, in some detail, and look at their relation to each other in "a global epoch." This introduction primarily attempts to look at some of the assumptions that stand, and should stand, in back of this inquiry. They make up the context in which that exploration can go forward.

1

The most fundamental assumption is that the human is an evolutionary animal. Indeed, it is only at the end of a long evolutionary process that the human has become the sort of creature that can look at the past in terms of a theory of evolution. That was initially Darwin's (joined at first by Wallace) great achievement: by the use of the scientific method, which allowed for the gathering of evidence from nature, coupled with theory (for the two must go together; there is neither pure empiricism nor pure reason), he built upon the work of Newton (to whom he compared himself), Lyell, Lamarck, and many others, and emerged with an explanation of how the process took place: his famous theory of evolution by natural selection.

Other scientists could quarrel with Darwin as to precise details and even parts of the theory—surely this is how all science proceeds—but the broad outlines of his theory stand firm. Answers as to human nature would come, no longer from God or gods but from humans, spinning their self-definition from inside. A daunting prospect, this growing awareness of their own nature is one that large numbers of people fear and reject. Nevertheless, though often disliked and not immediately applicable in detailed historical research, evolutionary theory persists in shadowing all human development.[7]

The theory of evolution is a piece of science. In many parts of the world, people are scientifically illiterate (as well as in terms of reading) and unable or unwilling to examine and judge the theory on its own terms. Or when literate, other convictions cause them to ignore or reject evolutionary theory. One of the most shocking examples is not in darkest somewhere but in the advanced United States. Poll after poll show that almost half of present-day Americans do not believe in evolution and derive their view of humankind's origins from other, nonscientific sources. As one recent poll reported, in the year 2007 "48% of those Americans surveyed reckoned that God had created

humans in their present form in the past 10,000 years."[8] The same attitude can be found in numerous other parts of the world, with Europe as a major exception.

How do we try to understand this backwardness, for such it is, in this most advanced scientific and globalized nation?[9] The answer is that religious belief trumps any other card in this matter. In a time of fear and upheaval, religions can offer authoritative out-of-world answers on important matters of life and death. Science and evolutionary theory, with their resort, for example, to genetic research and manipulation, appear to place humanity on a slippery slope of arrogance, wherein "Man" takes on Godlike powers. Having donned this mantle, humans can no longer displace onto any force outside themselves the consequences of what happens. Now, humans have to take responsibility, even while recognizing the feebleness of the resources at their disposal. In this situation, anxiety is understandable. How can one not be frightened at such a prospect, in which whirlpools of unintended consequences surround humans, both those with good and those with evil intentions? In this situation, religions offer escape and meaning.

The retreat from what has been called the "dark abyss of time,"[10] where the past is seen as now embracing much more than 10,000 years, is more than understandable. It must also be understood, however, that the results of evolutionary theory, and of the new science around us, however rejected verbally, have become part of humankind's lived experience. Creationists or intelligence design adherents can dismiss evolutionary biologists while nevertheless treating the illnesses of their own children with drugs developed by these same biologists (often working for pharmaceutical companies whose executives may be going to churches where anti-evolutionary sermons are preached).[11] Such are the mysteries of being human.

What the dark abyss of time has revealed, as we peek over the edge, is that the earliest hominids, which included the ancestors of contemporary humans as well as corollary lines, can be traced back at least two and a half million years. The evidence

is overwhelming by now, and it is indeed a miracle that millions and millions of humans succeed in rejecting it.[12] Yet this sort of rejecting behavior and belief is rooted deep within the human mind. The fact is that even in this "advanced" age and globalized society, many if not most humans are living in a time warp, out of sync with the most advanced aspect of their culture. The culture, as I have tried to suggest, incorporates the science and its findings that so affront many humans. Such a condition can be described as schizophrenic. It is a very human affliction. Nevertheless, in seeking to comprehend humanity in a global epoch, it is imperative that we recognize our real situation.

2

Religion is a troubling subject in this, our deeply troubled world. It has played, and plays, a fundamental role in the evolution of *Homo sapiens*. For a philosophical-minded observer, believer, or nonbeliever, the great books of religions of all sorts bequeath to humanity wisdom and profound insight into human desires, motives, and actions. Further, whether supplying a mythical explanation of the origins of the species, or giving that species a morality by which to guide and understand its actions, along with rituals and ceremonies to embody such myth and morality, religion in its many forms has served as a source of cohesion for those believing in it (in the Latin, for example, the word *religio* means "to bind together"). For its adherents, of course, it is much more, but for a social scientist it can be viewed as a fundamental and primary type of social relation, that is, of the ties that bind.

As such, religion can be thought of as an alternate approach to the idea of humanity. (Of course, there is no such thing as religion per se—only various religions as they developed in the course of humankind's evolution. For my purposes, however, I have been treating it more or less as a single subject.) In various monotheisms, such as Christianity and the religion of

Mohammed, the religion and its followers are viewed as being equivalent in shape and meaning to all humanity, even including those humans who stand outside the faith itself. Thus, for example, the Catholic Church claims to be ecumenical and both to embrace and to speak for all mankind. In the words of Benedict XVI, he, as Pope, is the "spokesman of humanity." He makes this claim on the grounds that Christ embraces all humanity.

Whatever the truth of such a statement, we must recognize that the Catholic Church and other religions have certainly served as inspiration for the idea of a single humanity. Needless to say, the idea of Humanity is a profound notion, only to be found in comparatively recent times. In Chapter 3, for example, I will try to give historical flesh to what I am saying here. As we shall see later, human rights, so intrinsic to thinking about humanity, has also in the West a historical connection to Christianity. To simplify a long and tortuous story, it can rightly be said that religion in its many guises has been a pointer to the concept of Humanity.

It is also frequently a block to the present-day secular concept of Humanity. Offering as it does an alternate form of social integration and its own imaginary community, that alternative encloses its followers in a group that necessarily excludes others. In principle, of course, through conquest or missionary activity it can bring everyone into its fold. In fact, as the record shows, it all too often leads to sectarian division and discord.

The present book, however, is not about religion per se. Rather, I have sought here to throw out a few observations in regard to its bearing on the issue of humanity. Leaving aside its spiritual qualities, I have been gazing at religion as one form of social bonding, which can now be placed alongside ethnic, regional, and national links. All these, again, can be viewed as a return to the reassurances of "tradition" (for the historian invented, for the believer eternal, a major part of their appeal). In a search for stability and resistance to the changing forces of modernity and now globalization, such "returns" to earlier

social links are a sort of antiglobalization that is part and parcel of globalization.

For many, of course, globalization represents a kind of liberation, just as did modernity before it. For many others, it brings anxiety and fear, whether in the economic, political, or cultural realm. For the latter, the desire to seek security behind walls of various kinds is very understandable. Civilization has been a matter of putting up walls for protection and definition; as it moves along it often tears them down. The tearing down of walls was a part of modernization. Globalization, in turn, has been an acceleration of the process of removing and transcending barriers of all sorts. The fact that new barriers are going up in many places—one thinks of the wall being built by the Israelis, of the fences being built in the Southwest of the United States, of the ubiquitous cry for protectionism in economic activities—is a sign of the confused times. Universalism versus the particular is an old conflict. It is now present in the struggle between those who claim to hold highest the interests of humanity and those who appear to seek their own interests in more "tribal" constructions.

In this situation, one must be very careful not to fall into the binary trap: all or nothing, complete good or evil, and all on one side. My immediate challenge is to understand the complex nature of globalization, as background for the concept of Humanity, in the sense of the experiences humans are having in a changing and scary environment. We all need to confront this challenge with an open-minded recognition and even partial acceptance of the ways that these binaries have been met in the past. We may need to be accommodating, building on the solutions to social integration—as represented, for example, by the nation-state—rather than dismissing them. Ethnic, religious, and tribal affiliations will not simply disappear at the behest of globalizers. Humanity has and will only develop as an outgrowth of these earlier forms of social integration.

Such are a few of the assumptions standing behind the chapters that follow. To repeat: The framework for understanding

humanity/Humanity must be an evolutionary one, in spite of the dislike it inspires in certain circles. An awareness of what is involved in science, modernity, and now globalization is requisite if we are to understand our present troubled situation. So, too, as I have been suggesting, we have to reckon with the reactions to these developments, which are not only of the present but have been involved for the last few centuries in the attraction to and repulsion from modernity. It is the mix of all these forces that will determine the future of humankind and of the concept of Humanity.

3

This entire book is an attempt to deal with the move to the concept of Humanity. I seek to do this in the six chapters that follow this introduction. Here, then, are the signposts for the highway we will be taking.

Chapter 2 is a sort of overview of how to view humanity in a global epoch.[13] It introduces the notion that the concept of Humanity is a novel one, emerging from post–World War II globalization and the war that stands in back of it. I then glance at the biological underpinnings of what it is to be human, and put the connection to evolutionary theory in play. Genocide and the trials and tribunals that arise to judge it are seen as essential features. Along with genocide, attention to human rights is required. Without going further into the details of this chapter, I simply highlight here its assertion that a new view of humanity emerges for which a new way of thinking is required.

Chapter 3 is where the grounds for this assertion are explained and explicated. The emphasis is on the way the concept of Humanity is based on a belief in human rationality and equality. It is an emergent reality rather than merely an abstract ideal, though leaning on the speculations about the ideal among the philosophers of antiquity. In its emergence the concept of Humanity draws on the cartography of the fifteenth century

and the mapping perspective to be found there. Humanism, as well as awareness of a global humankind, surrounds these discoveries. With these as background, a jump is then made to the contemporary period and the presence of total war, genocide, and subsequent trials. I then undertake to suggest ways in which we might measure the spread of the notion of Humanity. A comparison with cosmopolitanism is made, and then I conclude with a brief foray into the question of "Who Speaks for Humanity?"

Chapter 4 is a narrative of the emergence of the concept of Humanity as a legal matter. It resumes the story of the post–World War II trials and tribunals that starts with Nuremberg and extends to the recent establishment of the International Criminal Court. It revisits the earlier trials connected with the Turkish-Armenian controversy over the terrible events of 1915, taking up again the issue of genocide. To understand the latter in any of its manifestations over time, I find it requisite to look into dehumanization. I then place dehumanization next to human rights. These experiences amount to what I call a juridical revolution, with one result being a reexamination of the notion of sovereignty. In the process, the concept of Humanity is given legal reality.

Chapter 5 reverts to the question of "Who speaks for Humanity?" and focuses on the United Nations and its various offshoots. The UN, of course, is hardly united, and it must be looked at in terms of its Security Council, its General Assembly, and its Secretariat. I pay especially close attention to the secretaries-general. The UN is a constantly changing institution, with a dynamic balance of power. Nevertheless, it is the site in which the voice of humanity can be heard most clearly. It is the most vocal and visible public space in which the contesting claims of universality and particularity in our globalized world find expression. With a glance at war and the UN's military role, I conclude with an assertion that Humanity has taken on attributes of sovereignty that must be always borne in mind as legislators

and statesmen struggle with issues of peace, justice, and well-being.

Chapter 6 focuses on the varied meanings over time and place that have been accorded the term *human*. I attack this problem further by looking at the associated terms *humanism* and *humanities*. These are western terms now taking on a global cast. *Humanitarianism* is the next term to be given serious consideration. Its connection with the general idea of charity, and the specific one of western missionary and imperialist enterprises, leads to some skepticism as to its overall role in our time: humanitarians are generally fine people, doing good work, but stepping back from its good intentions, humanitarian aid appears as something of a salve for conscience, making little contribution—in fact, it may be a block—to the concept of Humanity, with which the future lies.

Chapter 7 obliges us to reexamine the whole concept of Humanity in regard to its universalistic claims. The fact is that at the heart of humankind is diversity. This is part of the gift of culture. I make the argument that diversity must also be viewed and analyzed as part of the universality of Humanity. It leads properly to dissent—the hope is for reasoned dissent—and democracy. Sentiment and feelings, however, are as crucial for the human being as is reason. All social integration is based on the presence of both emotional ties and rational thinking (though in different degrees in different cultures). Next I argue that because crimes against humanity are central to our theme, a comparison with crimes against nature is in order. I also present a further explication of the notion of civilization, so often invoked alongside calls to humanity. With a glance at the question of identity, I conclude with a last look at the way in which, in our global epoch, we are engaged in a "project" to achieve Humanity.

4

History is a valiant effort to comprehend the role of human agency in affairs of the past, present, and even future. It is a secular striving to explain events and experiences in ungodlike terms, in which contingency and chance are aligned with the effort to discern continuity and currents. Only by holding firm to our craft—history—as it bobs and sways in the rapidly flowing currents—can we see the direction in which they are flowing. Rather, I should say directions, and suggest that we think in terms of many currents, often cutting across one another.

One such direction, buffeted as it is, is toward increased globalization. The growing interconnection and interdependency of our world is obvious. This is so whether viewed from various points on the globe or from outer space, where may be seen the planet as a single whole. Equally clear is that for every action there is a reaction. So obvious is this truism that it is more frequently ignored than investigated. Why we should be surprised that the forces of globalization, in all their myriad shapes, should give rise to rejection and a desperate attempt to return to old "verities" of life and thought is itself a constant surprise.

To deal with the complicated and complex nature of globalization requires us to engage in constant reiteration of the details involved. Generally, in a historical/sociological account, repetition is to be avoided. In the present work, however, it is unavoidable. As in a kaleidoscope, each of the pieces of the puzzle of globalization must constantly be rotated and placed next to different ones, and then replaced. Only thus do we begin to have the optic needed to comprehend our more or less chaotic and fast-changing subject. It should be obvious to all that humankind has entered into an epoch in which the perennial issues of universality and particularity, of the bonds that tie persons to persons, and by so doing prevent other bonds from forming are omnipresent features. This fact, so to

speak, can be thought of as the forest that transcends the particular trees that form it.

Coming down from the trees, we return to our earthbound task of inquiring into the vicissitudes of humankind in a global epoch. My major thesis is that out of an epochal crime—global war and modern genocide—has emerged the idea of crimes against humanity. And out of crimes against humanity has emerged the concept of Humanity, reified as the concept of civilization was earlier reified.[14] Its steps are tottering. To shift metaphors again, the development of Humanity is as much a project as it is a concept. Whether it will gain additional reality depends on us—and contingency. In earlier times, instead of contingency we would have said fate or the gods; and surely, that is half the story. But the other half is our responsibility, dependent on the actions we take. This book is an attempt to shed light on the path ahead.

2
Global Humanity

We are all human. That simple assertion carries with it a Pandora's box of problems. The first is "What does it mean to be human?" Different peoples in different societies at different times have given disparate answers to that question. The fact is that in most cultures some people are considered more human than others. However, such views themselves often change over time. Thus a history of humanity, that is, "what it means to be human?" becomes interesting and useful. This is the context in which I shall pursue my inquiry, although here I shall restrict that inquiry to only one piece of the story: humanity as it has emerged in our present global epoch.

In my view, the question of humanity has taken on new salience and meaning in the last half of the twentieth century and into the new millennium. New forces have been and are at work bringing into being Humanity as a new imaginary, which is exercising its powers in a new actuality. That actuality, I am arguing, is mainly characterized by its being expressly situated in the processes of present-day globalization. As I proceed with the exploration of various facets of the Humanity/globalization conundrum, it is essential to reiterate that I speak of humanity with a lower case as different from Humanity with an upper case, as in the "concept of Humanity." Speculation about lowercase humanity has been around at least since antiquity—humanity as humankind can be said to

have existed since the origins of the species—whereas thinking about uppercase Humanity is more or less *de novo*. As will be evident throughout the book, the cases overlap, resulting in a usage that is vaguer than I would like.

Let me begin to give flesh to these assertions. At the end of World War II, the Nuremberg trials were held. There, the International Military Tribunal took the major step of moving from mere war crimes, as defined by existing codes, to what it declared to be "crimes against humanity." It redefined aggressive war as a crime against the world, and invited individuals to answer to their own conscience—and thus humanity—in refusing to obey the orders of their leaders. Hartley Shawcross, one of the prosecuting lawyers, argued that the accused had engaged in a campaign of deception, treachery, and murder—"How can any of them now say he was not a party to common murder in its most ruthless forms?"—and that their trial "must form a milestone in the history of civilization."[1]

"Crimes against *humanity*": this was an idea whose time had come, no matter how hedged in by the old terms of internationalism. Apparently first used at the time of the Armenian massacres of 1915, it emerged as if newly born at the time of World War II.[2] It meant that leaders could be seen as illegitimate because they fostered "inhuman" behavior. Such behavior, as described in various declarations and tribunal charges, included "murder, extermination, enslavement, deportation or forcible transfer of populations, imprisonment, torture, rape, sexual slavery, enforced prostitution, forced pregnancy and enforced sterilization, persecution, enforced disappearances, apartheid, and other inhumane acts."[3] This is a long list, and controversy can arise over the interpretation of any one of the charges. The current debate over torture in the United States is a case in point. Partly this is because the implication in such a matter is that a positive judgment could transcend national sovereignty; it would be made in the name of humanity, with punishment to be carried out by humanity as the plaintiff.

Unfortunately, *for the purposes of my analysis*, from the beginning another term, *genocide*, was tied to the notion of crimes against humanity, thereby limiting its scope. During the war, Winston Churchill, reacting to what he viewed as the unprecedented Nazi murders, commented, "We are in the presence of a crime without a name." In response, a Polish Jew and legal expert, Raphael Lemkin, whose family had been victims of the Nazis, introduced the term *genocide* in 1944 to describe the horrible happenings. He then campaigned for an international treaty making such practice criminal and subject to punishment. In 1948, the UN General Assembly adopted a law banning it, followed by the Genocide Convention.[4]

Thus the crime against humanity that had no name had now acquired one—*genocide*. For Lemkin, who had certain ideological predilections, *genocide* was defined as not only killing people but eliminating their whole way of life and culture. As one scholar, Gerard Alexander, puts it, "genocide is defined as an attempt to destroy communities defined in religious, ethnic, or cultural terms." Excluded from the treaty banning genocide were attempts "to destroy groups defined in political terms."[5] Thus the Soviet Gulag or the Maoist mass murders, not being defined as genocides, escaped under the radar identifying crimes against humanity. So, too, the power of the international covenanting powers to intervene in the name of humanity, transcending national boundaries in so doing, was severely limited in cases of terrible inhuman oppressions that were not defined as genocide. Only gradually and subsequently were the walls of sovereignty hedging around genocide breached, and the subject became a matter of global concern and intervention.

1

In seeking to understand globalization we must try to see what was and is happening holistically. Each piece of present-day globalization can be identified in some earlier time. It is the

synchronicity and synergy of the factors involved, their increasing depth and power, that is making for a new awareness of a common humanity. It must now be conceived in a planetary fashion. Once humans have stepped out into space, they can look back at a common homeland—spaceship Earth—in which national boundaries are invisible. It takes a while for the thinking and the terminology to catch up. When Neil Armstrong plants a flag on the moon, it is an American one, and he utters the famous words, "One small step for man," ignoring among other things the gender change taking place on his launching pad, Earth. This neglect is in tune with the Council for the Study of Mankind in the 1960s at the University of Chicago, and many other such anthropologically inspired efforts to map the "face" of mankind.

Such language is now anachronistic. Equality is a cornerstone of the conception of humanity. Manifesting itself specifically, for example, in the form of human rights, it insists on everyone—women, children, minorities, and not just male members—being equally entitled to what were formerly the privileges of one set and sex. John Stuart Mill referred to this change as the "Domestic Revolution," implicitly comparing it to the French Revolution. The drive to equality, obviously, has deep roots—in religions of various sorts, in the secular philosophies of the Enlightenment, even in the all-pervasive nature of consumerism. This drive has gathered speed and spread ever more widely. To be found in such venues as bibles and novels, the aspiration to various forms of equality has leaped across time and space via the new media and the Internet. Institutionalized in many non-governmental organizations (NGOs), it insists that everyone, not just every man, has rights because of belonging to humanity and not to a particular country and its legal system. Not everywhere triumphant, or accepted to the same degree, the notion that everyone is equal in the sense of belonging to humanity, and vice versa, is nevertheless a powerful and prevalent characteristic of our time.

Throughout this book, I am arguing that to see this shift requires a whole new view. Humanity today is being (re)defined in terms of the happenings of globalization. It is being formed by factors such as satellite communication, linking humans everywhere to a previously unknown degree. These bonds are tightened by the threat of nuclear annihilation; by the common danger of irreversible environmental damage, resulting from human actions; by the multiplication of multinational corporations (MNCs) and NGOs, made possible by the satellite and computer links; and by a host of similar factors involved in present-day globalization.[6]

The process of imagining Humanity gathers force from these factors and from something called by the philosopher Ian Hacking "dynamic nominalism." This means, we are told, that "once you invent a category—as, for example, the category of 'homosexual' seems to have been invented in the late nineteenth century—people will sort themselves into it, behave according to the description, and thus contrive new ways of being."[7] As the category "humanity" takes on greater imaginative power and existence, it attracts people into it, and swells the category itself. Perhaps another way to describe this process is to speak of a self-fulfilling prophecy. The notion of a category and its realization, however, give a firmer epistemological footing to the project. The notion of Humanity becomes more and more a self-realizing "destiny" for the species that used to be called Mankind.

2

At the most fundamental level, humanity is a matter of biology cum culture. The great classifier, Carl Linnaeus, was the first to introduce the term *Homo sapiens*, doing so in the tenth edition of his *Systema Naturae* in 1758. Placing the species under Mammalia and then Primates, the Swedish naturalist brought home the fact that Man was an animal, to be studied as one. This study was still set in the context of the two-thousand-year-old belief in the Great Chain of Being—a vision of a hierarchical

world reaching from God to the tiniest entity, in which each species and each individual was related to all the rest as either "above" or "below."[8] Clearly this was a static conception. Once it was replaced by Darwin's theory of evolution by natural selection, *Homo sapiens* could be conceived of as having a history.

Linnaeus had taken one of the first steps that would eventuate in Darwin and evolutionary biology. The Swedish naturalist also, however, separated man from man, by introducing racial distinctions. Thus he pursued his rage for classification by speaking of Wild Man, American, European, Asiatic, and African, with the implicit and often explicit claim that the European was superior and the American and African inferior. Still, the fundamental unity of humanity was implicit in the umbrella term *Homo sapiens*, generally interpreted as "wise man."[9]

Thus was created the biological category for imagining Humanity in scientific terms. Set in the discourse of the Great Chain of Being, humans were placed below the angels but above the other primates such as apes and chimps. Well before Linnaeus the resemblance of humans and apes was a commonplace observation. Even the groundlings of Shakespeare's time knew what he had in mind when he has Othello utter the words, "I would change my Humanity with a Baboone."[10] Self-definition is almost always in terms of what one is not: to be human is to aspire to be an angel and to recognize that one is not an ape. Thus humanity seeks to separate itself from the bestial.

Yet, with the work of Darwin, that separation became harder to make in some ways, while easier in others. Physical anthropology and evolutionary biology showed in detail how connected Man and the other primates were. Now there was a different chain, one that linked chimps to their collateral branches, and that produced early man in his various modes—*Australopithecus*, *Homo habilis*, *Homo erectus*, and then *Homo sapiens*. A major difference between the latter and chimps and gorillas lay in the larger jaws and smaller brains of these simian cousins. The fossil record tracks the evolution into *Homo* that began about 2.3

million years ago, beginning the long trek toward what I am identifying today as Humanity.

3

In that journey, *Homo sapiens* became wise mainly because of what we have come to call *culture*. Thus, if the basis of Humanity is the biological evolution that I have briefly touched upon, its exfoliation is in terms of cultural evolution. The record of that evolution is to be found in terms of history rather more than in fossils. It is this evolution that I have in mind when I speak of historical vicissitudes, culminating for the moment in the process of present-day globalization, which eventuates in our imagining of the category Humanity.

It is a long story. In my account, I have touched only briefly on some of its beginning and some of its present-day imagining. Throughout its existence, *Homo sapiens* remains an animal. Its nature is rooted, as sociobiology keeps telling us, in its genes, so closely resembling those of its cousinly primates. So are human social relations. In the case of chimps, as we now know, they live in groups, inhabiting a specific territory that they defend against others. They compete for females (and, in fact, vice versa, with the female competition for males perhaps less obvious), kill chimps from neighboring communities, and seek to expand their territories, and so forth. Not unexpectedly, we find similar traits in humans.

Any attempt to describe human nature must reckon with these facts, and how they are mirrored in human behavior. In seeking to understand the social construction of Humanity, we must recognize these foundations. Man's inhumanity is a constant part of his humanness. *Homo sapiens* is a covetous, murderous, and conniving beast of prey. To say this, however, is to give only half the story. As Thomas Huxley understood in his *Evolution and Ethics*, the species is in conflict with nature, seeking to deny its competitive nature and to aspire to something "higher." In the conflict described by Huxley, *Homo sapiens*' base

and basic instincts must be hedged around by barriers and restraints. These must be of both a legal and a cultural/social nature.

Once gifted by the evolutionary process with language and the ability to manipulate symbols, the species can imagine a past, present, and future. It can aspire to a self-realization, rooted in its own spiritual aspirations. In a long drawn-out and nondeterministic process, often in the form of two steps forward and one step back, *Homo sapiens* has been moving toward an ever-wider sense of community. One version was envisioned in the eighteenth century, for example, by Immanuel Kant. The German philosopher spoke of the "cosmopolitan nature" of Mankind, which leads the species in a transcendental direction. We ourselves can think in more dynamic and less teleological terms. Mankind has no fixed nature—there is no human nature as such, only a changing, kaleidoscopic set of characteristics, based as they are on certain evolutionary tendencies. Indeed, as I am arguing, the species is struggling *in* history to define itself.

4

If evolutionary theory tells us about human nature, an empirical matter, it tells us little or nothing about human rights, which exist at the core of the concept of Humanity, a normative subject. Human rights are a product of cultural evolution, which we know about basically as a matter of historical experience. As a concept, such rights can be traced back, in the West, to roots in natural law theory.[11] With the Dutch philosopher Hugo Grotius, the concept of human rights took a momentous step forward in the seventeenth century when he defined them as separable from God's will. As such they became intrinsically *human*, with humans conceiving of them in contractual terms. As Lynn Hunt argues persuasively, it required revolutions to bring such rights into actuality.[12]

It is worth repeating part of the story. The great revolutions in the West at the end of the eighteenth century enshrined

human rights in the form of declarations. What had previously been the privileges of the few now became the rights of the many. Where privileges had formerly been attached to individuals as members of an estate or a guild, they now were declared the birthright of any individual who was a member of the nation. Such at least they were in principle. In practice, women and minorities were excluded from the entitlements of the "rights of man." When the French entitled their declaration "Rights of Man and Citizen," they indicated the gender and political limits to the so-called human rights—hence the paradox of a universal declaration with local restrictions.

Still, an expanded version of humanity and human rights had been given to the world. To cite Lynn Hunt again, the revolution indicated "the depth of the challenge that human rights posed to hierarchical societies based on privilege and birth and the continuing challenge they offer to inequality, injustice, and despotic authority of all kinds."[13] Fenced in as that challenge was by the eighteenth-century declarations, it inspired those who wished to expand rights to all humanity and not just to members of particular states.

The shift, of course, did not take place all at once. As the eighteenth became the nineteenth century, the German philosopher Georg Friedrich Hegel marks one way station in regard to theory. Wrestling mightily with redefinitions of freedom and self, he sought to go beyond his compatriot, Kant, and the latter's exhortation to his Enlightenment colleagues to "Dare to Know." Hegel, instead, threw out the challenge to "Dare to Know Thyself," (my words) that is, to critique one's own self as historically developed and developing.[14] As part of this development, as explained by Hegel in his *Philosophy of Right* in 1821, "It is part of education, of thinking as the consciousness of the single in the form of universality, that the ego comes to be apprehended as a universal person in which all are identical. A man counts as a man in virtue of his manhood alone, not because he is a Jew, Catholic, Protestant, German, Italian, &c.

This is an assertion which thinking ratifies, and to be conscious of it is of infinite importance."[15]

Hegel, having glimpsed a promised land, faltered and lapsed into parochialism and provincialism, or at best, extreme Eurocentrism.[16] His reiterated use of the term *man* as what counts, though it reaches out to a larger conception, shows the partiality of his time and vision. Yet, when posed against the announcement, say, of the contemporary Savoyard/Frenchman, Joseph de Maistre, and his declaration, "Everywhere I see Frenchmen, Englishmen, Germans, etc., but nowhere do I see Man," we recognize how far Hegel has come. He has posited a consciousness—a self-consciousness—that needed only to come down from the abstract spaces of his philosophy into the actuality of human existence to give substance to the category, Humanity.

Jumping from Hegel to our own times, we note the pronounced shift from civic and national to human rights, mediated by the German philosopher's recognition of man as a being conscious of his humanity. This recognition took on enhanced legal and political form with the war crimes trials of World War II and the expansion of globalization, bringing more and more peoples closer and closer. A glance at the Universal Declaration of Human Rights by the UN in 1948 marks the difference from earlier, more limited declarations. The rights listed here are for all people and not just for those in particular nation-states. Deficient as to enforcement, vague as to economic and social protections, the 1948 declaration is animated by a sense that the idea or fact of Humanity confers rights that transcend local cultures and societies.

The establishment of the International Criminal Court was subsequently perhaps as important as the declaration. This tribunal, established by the 1998 Treaty of Rome, set up punishments for those who violated human rights. Opposed by some, such as the United States (as well as Russia and China), it has received approbation from most other nations, and is now in functioning existence. In less institutionalized form, we have

NGOs dedicated to the exposure of human rights violations and the mobilization of world opinion to combat them. Such NGOs avail themselves of the power of the information revolution that plays so central a role in the present process of globalization.

There have been many failures in all these early efforts to promote human rights. The trial of Slobodan Milosevic stretched over four years, and was still inconclusive at the time of his death. The genocide of Rwanda was not prevented and the punishments for its perpetuators hardly serve as a model of judicial procedures. Sudanese violations of human rights, perhaps to the point of genocide, have left over a million people homeless; again the international community has been laggard if not criminal in its neglect to do something. Yet, such failures must not be allowed to obscure the fact that human rights are actually and positively on the agenda of Humanity. For example, Kosovo has hardly been an unmitigated success, but it can and should be seen as the first war for human rights, a remarkable transcending of national sovereignty in the *name implicitly* of Humanity.

5

Humanity is global. It inhabits space. Human beings are local. They live in specific places. Crimes against humanity are also crimes against particular human beings. Murder, torture, and slavery take place in a territory occupied by women, children, and men who are individuals, as well as members of a tribe, ethnicity, or nation—and also of humanity. The actual victims of crimes against humanity are Bosnians, Rwandans, and Sudanese; they, not Humanity as such, suffer in their bodies and minds, as they are caught up in such global processes as the breakup or construction of nations, the global traffic in arms, and the resultant refugee and migration problems. Thus they experience these happenings in their own lives, not as mere history. This fact must never be forgotten. Nevertheless, it must not be allowed to obscure for us the additional fact

that the local is also always global; indeed, the two are elided. What is new as a result of present-day globalization is that the elision is narrowing. The two—global and local—are becoming more and more intertwined, as a reality and not a mere abstract notion.

It does seem true that there is a strong tendency, universally, for peoples in societies to be unwilling to "conceive outsiders in the same terms as themselves." Thus, in the past, many languages have had "no term for 'human being' except that used to denote speakers of the language concerned."[17] Nevertheless, today, while different cultures and languages and their local manifestations persist, as they should, it seems hard to imagine any that will continue to deny with a good conscience the appellation *human* to "others." Robert Burns's appeal for someone to "give us the giftie / To see ourselves as others see us" becomes more and more difficult to deny in front of our TV screens and computer monitors. In short, the various cultures are taking on more and more global components, of which the extension of humanness to others is one.

Analytically, the assertion of a "common humanity" can be attacked on the grounds that it can cover over differences in power and situation.[18] Attention must be given to the dangers inherent in this matter. The cure, however, is not to abandon the notion of Humanity, suitably hedged in by pragmatic considerations, but to bring the ideal and the reality, the global and the local, closer to one another. And this is exactly what globalization is doing. We are, admittedly, only at the beginning of what is an asymptotic process at best, but the awareness of belonging to a common species, historically forging its way toward common rights, is part of the realization of the ideal, partial as this may be. Without the ideal (a sort of utopia or, literally, no place), Humanity would be hampered in its quest to place itself in a new space and time.

6

The story to be told as to how the ideal has been becoming a reality, an example of Hacking's dynamic nominalism, is attempted in the remaining chapters of this book. This book is both an essay, as well as a historical analysis. It is only partial and necessarily repetitive in parts. It is even a moral exhortation, for that is part of the construction of Humanity, à la Hacking. History, in my view, while it strives for impartiality and as much objectivity as it can obtain—at least this is the way in which I strive to practice history—must also recognize that it has moral implications. After all, it is a "human" enterprise; and part of being human is, or should be, to possess a sense of what we want to become as well as what we presently are.

3
Humanity in the Global Epoch

On May 24, 1915, Humanity, so to speak, was born. The Allied powers of Britain, France, and Russia charged the Sublime Porte, Turkey, with "crimes against humanity and civilization." The crime being alleged was the genocidal slaughter of about one million Armenians. The actual "trial" did not conclude until 1921, when the Constantinople judicial process limped to an ending of sorts. The crime itself faded from memory as did the phrase *crimes against humanity and civilization.*[1] Humanity as a concept was, in fact, a still birth.

It took World War II and the subsequent Nuremberg trials to once again breathe life into the concept and the phrase. The charge spoke of "crimes against humanity" and listed them in detail. These crimes were alleged to have been committed from 1939 on. They are no longer spoken of as being against civilization, or as being merely war crimes. The latter have metamorphosed into crimes against humanity because of their vast and premeditated scale. Thus, dripping blood from all its pores, the concept of Humanity emerged full-blown upon the stage of history.

Humanity, I am arguing, is a novel concept, which has a long parturition. As noted, it emerges gradually during the evolution of *Homo sapiens*, the name given to a particular primate by Carl Linnaeus, the great eighteenth-century Swedish classifier

and biologist. In fact, the label is misleading; the creature so named is brainy but not wise. Despite this deficiency, this brainy animal has taken unto itself, somewhat accidentally, the project to become human. The concept, Humanity, itself is a social construct, a reification as I am employing the term, that is nonexistent before the events described in my first two paragraphs, changing over time and place, and only taking on legal and political actuality in the last half of the twentieth century.

My task in this chapter is to flesh out the concept, and then to sketch some of the leading questions attached to it: How do we measure the development of Humanity as concept? How is it related to cosmopolitanism? And how do we determine who speaks for Humanity?

1

The concept of Humanity is based, I shall argue, on two assumptions. One is that humans are rational, or rather capable of rationality, so that interests can be balanced by debate and discussion of common needs. It is for this reason that democracy as a form of government is viewed as most conformable to the desires and needs of Humanity. The other is that humans are equal in principle, that is, legally, and must be viewed as having equal rights rather than particular privileges. Thus the concept of Humanity carries with it ideals to be realized over time; it is an emergent reality.

There is another side of Humanity. It is not just an ideal, but increasingly an actuality, brought more and more into being by the processes of globalization. It should be obvious that if one thinks of humanity as an abstraction, whereas in fact real social relations are based solely or mainly on clans, or tribes, or nations, Humanity remains a disembodied idea. If, however, one thinks of Humanity as being increasingly interconnected and interdependent, in an epoch of compressed time and space, then a different picture results. If one's primary identity is defined in terms of Humanity, with lesser identifications clustered

around this foremost one, then the individual reigns supreme as the object of concern. Collectivities still exist, but it is the individual in each and every one of them who enjoys rights. Laws are made for this constituency—Humanity (which, admittedly, always manifests itself in local circumstances). Consequently Humanity takes on a legal shape. As a result, Humanity is rational, equal, and legal in its existence.

Before going further in this direction, we need to recognize that the notion of humanity *per se—not the concept as I am using it, in which Humanity is capitalized*—is not new. It can be traced back to antiquity, and especially the Stoics. It is especially to be found at the time of the Renaissance in Europe, where it is intimately connected to humanism. We should pause for a moment to explore this temporal manifestation of our subject a bit more closely. Here we can underline the connection of the new mapping fever of the fifteenth century to the effort to conceive of humanity as a universal. Cartography links with demography to allow us to rise beyond the quotidian and local and to take a Godlike view of populations around the globe. Humanist literature gives specific features to what it is to be human in this domain.

The scholar John Headley can be our guide as we enter upon this new region of thought and conception.[2] Highlighting the new cartography that opens with a publication in Bologna in 1477, Headley tells us that such mapping depicts "the then known inhabited world, the *oikoumene*." The volume offers at a glance "a perspective on all that mattered . . . a capacity to stand outside and beyond one's tiny home, this planet." The employment of such perspective along with mathematics culminated at the end of the century in the production of the first terrestrial globe, by Martin Behaim. The result was a "tangible reduction of the macrocosm to the microcosm," with Mercator's atlas (the word he chose for his collection of maps) raising humans by means of intellectual possession "to the level of god-like mastery and comprehension."

This new perspective is embodied in Montaigne's "culminating master idea of the *commun humain*: the definition and affirmation of the common, human pattern, universally applicable—the intrinsic solidarity and mutuality of all humankind." Then comes his wonderful statement: "Each person bears within oneself the entire form of the human condition." As Headley concludes, "For it has been said that the discoveries had thus invented humanity. Here presumably there is intended not the traditional, classical idea of *humanitas* as an individual, subjective endowment but rather an incipient notion of the human race as a single collectivity."[3]

Piggybacking on Headley, we have moved from the highly abstract notion in antiquity of humanity to a more embodied rendition of that notion. The voyages of discovery, guided by the new perspectival maps, giving scope to the Christian missionary impulse—let us not forget that coercion of various sorts accompanies the spread of humanity—means in its best moments the heightened actuality of humankind. Let us follow Headley one last time as he cites the Dominican priest, Bartolomé de Las Casas speaking of the American Indian. "They are our brothers, and Christ gave his life for them." Quoting Cicero and appealing to the Stoic idea of a universal brotherhood of man, Las Casas insists, "All the peoples of the world are humans and there is only one definition of all humans and of each one, that is that [all] are rational. . . . Thus all the races of humankind are one."[4]

With these selected quotations, I have tried to suggest how (Christian) humanism marks the shift to the perception of greater reality and content being accorded to the notion of humanity. It is now global, predicated on the age's discoveries and consequent knowledge that human beings inhabit one planet, a planet that can be mapped and represented in a "globe" divided into longitudes and latitudes. There are real peoples that can be found in these spaces and places, and while they are different in many ways they all share a common "humanity."

Our account has skipped over many gaps and spaces—a real history of the concept of humanity would do otherwise—but I hope that the general outline of such an account can be glimpsed. It describes how humanity takes on increased specificity and reality, in terms of its interconnectivity. It comes down from the airy spaces of the Stoics, for example, and takes root in particular societies and cultures. It would be ridiculous to say that it is not marred by, for example, racism, localism, and attitudes of inhumanity toward fellow human beings. But it would be just as foolish to ignore the faltering steps toward greater awareness, based on an emerging reality, of common origins and destiny of that strange creature, *Homo sapiens*.

2

The contemporary transformation of the notion of humanity into the concept of Humanity takes place in the context of humankind entering upon a time of total war. Now, everyone, and not just those in military uniform, is perceived as the enemy and thus to be destroyed. The enemy can also be internal, a part of one's own population, and totalitarianism the manner of dealing with such people. Seen in this way, totalitarianism is total war, all the time. Fascist Italy, Nazi Germany, and the Soviet Union are the avatars of this development (so imaginatively analyzed, for example, by Hannah Arendt). As Arendt argues brilliantly, colonization becomes the model for ruling over one's own population. In the colonies one can exterminate an entire people. What is new is that with totalitarianism, for the first time, the white race turns upon itself and eliminates whole categories of people within. We now call this genocide.[5]

The act of destroying whole peoples is itself not new. Spartan treatment of the helots, anti-Semitic outbreaks in the Middle Ages, the American colonists' destruction of the Pequod Indians—all can be seen as earlier examples. What is new is twofold. One, the genocidal act is marked by self-consciousness as to what one is doing. Indeed, this awareness amounts to an

ideology, justifying one's actions. Two, in a period of total war, genocide is not merely a "happening" but for some of the combatants perhaps the primary means of waging such a war. The aim is not merely to defeat one's enemy but to completely destroy a people.

Thus genocide becomes a defining mark of the twentieth century and now into the new millennium.[6] It also becomes a midwife for the birth of the concept of Humanity. In the strange ways of history, the attempt to annihilate identified portions of humanity fosters an awareness of the opposite of such inhumanity: Humanity. This development takes on concrete form, as I have tried to suggest earlier, at the time of the Nuremberg trials in 1946. Here, as noted, Humanity is given legal status. The struggle earlier to identify and punish "war crimes," that is, crimes committed during war, such as the illegal use of gas attacks, now becomes, via genocidal acts, "crimes against humanity."

Such crimes have been reckoned as "particularly odious offences in that they constitute a serious attack on human dignity or a degradation of one or more human beings. They are not isolated or sporadic events . . . but are part of a widespread or systematic practice." They lie on a spectrum with war crimes; for example, if a soldier kills or tortures a captured enemy soldier, it is a war crime but not a crime against humanity. The difference lies in intent and in not being a part of a systematic degradation. Legal nuances are of great importance.[7]

As described in various declarations and tribunal charges, the list of crimes against humanity—and it is worth citing them again—include "murder, extermination, enslavement, deportation or enforced transfer of populations, imprisonment, torture, rape, sexual slavery, enforced prostitution, forced pregnancy and enforced sterilization, persecution, enforced disappearances, apartheid, and other inhumane acts."[8] Clearly, this is a grab bag. What the list does is to indicate a range of behavior considered to be illegal even when committed internally

within a sovereign state. The rights of Humanity trump those of national and other such groupings.

Needless to say, declaration is one thing and enforcement another. In a slow and messy process, attempts are being made to establish tribunals of various sorts and jurisdictions, with the International Criminal Court (ICC) being the most "universal." These legal constructs will work out by trial and error the details of crime and punishment. The client is Humanity. A novel concept as such, Humanity is given actuality by both the juridical attempt to protect it as a "body," and by the globalizing process that makes that body real and worldwide in its nature. Just as a corporation is a fictive being, but no less real for all that, so is Humanity: it has taken on legal standing.

3

Having looked at the concept of Humanity in largely historical, philosophical, and legal terms, let us proceed to some of the questions attached to it. The first of these, broached in the introduction, is "How do we measure it?" How can we try to give definition to the concept in terms of social science data? How can we deal with Humanity in an "objective" way?

The answer is that it cannot be done directly.[9] We must seek indirect measures, surrogates about the development of Humanity. Our task is made more difficult by what can be called "methodological nationalism," the fact that almost all statistics are still collected within the national framework, for example, gross *national* product. In a world increasingly globalized, where much if not most of what we deal with is occurring in flows and processes sloshing across national boundaries, our quarry may easily escape us.

Nevertheless, the task must be undertaken. The footprint of Humanity may be found in such measurable developments as the growth of human rights. These are generally correlated with equality and economic well-being. Various declarations of rights can be mapped. For example, the Universal Declaration

of Human Rights by the UN in 1948 marks a voyage into new territory, going beyond the walls of national sovereignty toward universality. Indeed, to resort to our birth metaphors, we can think of the 1948 declaration as a second parturition of the concept of Humanity. Here, in contrast to its birth out of crimes committed against it, the concept has its origin in the assertion of positive rights.

Can we chart the declarations and assertions of rights across the globe and construct some sort of graph expressing visually the expansion of Humanity? Needless to say, a gap between claim and reality exists. Yet the claim is itself a form of reality, and exists to help in the passage to the realization in practice of the claim, the more graspable reality of everyday life. Such an effort would note literally hundreds of large and small declarations, manifesting themselves over the last half century and in different parts of the world. Together, they offer one sort of calculation that allows us to catch the concept of Humanity and bring it out of the shadows and into the light of actuality.

The charting of human rights declarations can be matched by a chart showing the number of tribunals to judge crimes against humanity, their locations around the globe, and their rates of failure and success. Is there a match between the two charts, or does each go its own way? In any case, the tribunals offer us a concrete expression of our awareness of a common Humanity, and can do so in quantitative terms.

Moving in a somewhat different direction, can we turn to human development indices as a measure of the phenomenon we are studying? The assumption here, explicit or implicit, is that Humanity requires the expansion of the right to self-determination, to the free unfolding of the individual's abilities, and to the maximization of the collective society's well-being. As we are told by the first United Nations Development Programme (UNDP) Human Development Report, "The basic purpose of development is to enlarge people's choices." Thus human development is about more than the rise of national incomes (though that may figure into the outcome). "It is

about creating an environment in which people can develop their full potential and lead productive, creative lives in accord with their needs and interests."[10]

Obviously, this definition is rather vague, and even vapid, but we see where it is going. One effort, not all that much more satisfactory, to give more precision is embodied in the annual UN Human Development Reports. For example, a specific report, the Arab Human Development Report of 2002, appears much more helpful, as it gives quantitative data on the twenty-two Arab nations of the region and compares them bluntly to other parts of the world. In a more qualitative vein, the report criticizes the Arab nations in terms of freedom, knowledge, and women's status, all seen as in deficit mode.[11]

Along comparable lines, one can cite the World Value Surveys, emphasizing the cultural element. Prominent among those collecting such data is Ronald Inglehart. Such surveys join other indicators in seeking to capture the shadow of Humanity. In almost all such data collection, we are still in the realm of methodological nationalism, rather than of the global spaces and processes in which Humanity more and more takes up its residence. One accepts, of course, what one can get—and then attempts to be more exploratory.

For example, can one undertake an enumeration of the number of times the word *humanity* is used, allowing for problems of translation and for the fact that its meaning in antiquity may differ from its meaning today, and certainly from the differentiation that I am making between humanity and the concept of Humanity that has emerged in the second half of the twentieth century? Would it help to count the number of computers in the world, and the trajectory of their growth, as well as the use of the Internet, in order to get a more precise idea of the expanding interconnectivity that underlies the coming into being of Humanity?

Does involvement in the UN and support for its activities—perhaps measured by a World Value Survey—also serve as a means of telling us that "Humanity was here"? Desperate

need requires desperate measures as we seek to give substance to this new imaginary as it attempts to exercise its powers in a new actuality. Here, there, and everywhere we need to give quantitative shape, by means of data collection and social science data, to what is, basically, a qualitative transformation in the nature of human solidarity and identity.

4

Before the concept of Humanity, as I am defining it, was Cosmopolitanism. While there may be a paucity of works on the former in the terms I am using it, there is a plethora of works on the latter. In its early formulations, in antiquity, a cosmopolitan was one who proclaimed himself a citizen of the world. We must remember, however, that the world was largely unknown at the time. Until the voyages of discovery, the western continent was a thing of myth, the oceans between the continents almost completely unmapped, and peoples in much of the world almost total strangers. Thus the "world" before the fifteenth century and the early stages of recent globalization was vastly different from what it is today.

As we come closer to modern times, for example, the nineteenth century, to be a cosmopolitan meant to be sophisticated, to be at home in cities anywhere—urbane—and to be above local prejudices. This is still its fundamental meaning. In today's context, cosmopolitanism is set off against nationalism and the worship of the nation-state. Additionally, cosmopolitanism needs to be understood in the context of the controversy over assertions of sovereignty versus the claims that the nation-state is weakening in certain areas. On one side, people turn to local reaffiliations and regional identifications, on the other to cosmopolitanism.

Surveys of present-day Europe, for example, show differentiation among age groups, with the young generally being more inclined to cosmopolitanism than their elders, city folk more so than their rural compatriots. Evidence comes from the World Value Surveys mentioned before. The shift to cosmopolitan

attitudes is a slow, fitful one in which, as Pippa Norris argues, "despite plausible theories that the rise of global governance may tend towards growing cosmopolitanism, most of the available empirical studies lean towards a skeptical perspective." Yet, because of the generational divide, in which the young favor international institutions more than domestic ones, Norris concludes that "in the long-term public opinion is moving in a more internationalist direction."[12]

Internationalism, of course, is not exactly synonymous with cosmopolitanism, but there does tend to be an overlap. Leaving the domain of surveys, there is much qualitative evidence to suggest that globalization has left people more willing to look beyond their local or national boundaries and to go out into the broader world. Thus in the realm of culture and communications, their daily lives are lived in what can be described as an increasingly cosmopolitan world.

Such a life endows one with an affinity for accepting the concept of Humanity. At the very least it favors an assumption of a common humanity underlying societies everywhere. This assumption easily turns into a predilection for humanitarian actions. Encouraging empathy, and seeing "ourselves" on the TV in dire straits, we are moved to try to help our fellow man. In the presence of genocide in Somalia or Rwanda we rush (or should rush) to support the UN as it seeks to provide emergency aid.

In the face of the embodiment of growing cosmopolitan feeling in humanitarian efforts, however, we must assume a critical stance. To anticipate what I will be saying at greater length and detail in a later chapter, humanitarianism carries within it the seeds of imperial condescension. It can come close to Christian charity.[13] Next, it is generally a one-shot affair, a Band-Aid (admirable as such) to temporally heal a lesion. It does not deal with the structural problems per se. Lastly, and for our purposes most importantly, humanitarianism, along with cosmopolitanism, is separate in a fundamental sense from the concept of Humanity.

Both humanitarianism and cosmopolitanism are predispositions toward the embodiment of Humanity as a legal being and as a coming-into-being, to use Hegelian terms, in actual life. They are clearly not the same, however. There is a before and after the Nuremberg trials, which symbolizes and gives actuality to the notion of crimes against humanity. Quickly, humanity becomes reified into Humanity—who and what is it that these crimes are committed against? Henceforth, it is the process of globalization that gives shape and reality to this sinned-against being. Such shape and reality, in turn, must be seen as a changing, developing, emergent phenomenon, the result of the continuing historical vicissitudes of the species known since the eighteenth century as *Homo sapiens*.

5

The remaining question is "Who speaks for Humanity?" The question of who speaks is hardly unique to this concept, it hovers over all such abstractions. Who speaks for a nation, for a religion such as Christianity, or other such reifications and abstractions? The question immediately involves the issue of legitimacy.

In a representative democracy, elected legislators are supposed to provide a voice for the people. As we know well, a dilemma arises: does one vote for the "people's" immediate wishes or for their long-term needs? Edmund Burke argued in favor of the latter; Jean-Jacques Rousseau was in anguish over the whole issue and how we come to know what is the general will. The issue arises at all levels of government. With Humanity we are, fundamentally, in the same situation.

Can we look to the UN for a solution in this particular case? The Security Council is composed of fifteen nation-states, of whom five are permanent, voting in most matters according to their national interests. Yet in terms of its declarations of rights, the UN addresses itself to individuals and their needs: it is the rights of Humanity that is presumably being protected.

Here, then, we have a precedent for how we might consider the general question.

When in 1975 the Helsinki Accords were approved and signed, an opening was made in the Soviet Union as well as elsewhere for persons and peoples to speak up for their rights. This they did through circles, clubs, charters, and networks. Political parties were not a possible vehicle for the realization of their desires. In Czechoslovakia, a document emerged, Charter 77 as it became known, whose signatories, as Tony Judt tells us, "described themselves as a 'loose, informal, and open association of people . . . united by the will to strive individually and collectively for respect for human and civil rights in our country and throughout *the world*'" (italics mine). Representing no one but themselves, in fact they were representing Humanity.[14]

Nongovernmental organizations (NGOs) also function as a voice of Humanity. With all their problems of transparency, nondemocratic organization, difficulty of defining them, and generally western orientation, they are certainly one answer to the "who speaks?" question. Alongside these organizations, ranging from an international amnesty rights group to a small, local environmental group, we might wish also to place foundations. Again, these foundations range from small to large and all points of the political compass, but out of the cacophony of their voices often arises an effort to speak for Humanity.

The actions of all such institutions, ranging from the UN to NGOs, and of diverse groups of individuals, are partial answers to who speaks for Humanity. Anyone who so chooses can do so, as long as it is in accord with the basic principles underlying the concept. If you and I so choose, it probably will hardly be noticed. When it is done by a group, such as Charter 77, at a particular moment and in a particular situation, it can take on special historic weight. Speaking in the name of themselves, each individual is actually speaking in the name of all. Not

philosophically tidy, we recognize the validity of the action when we see it.

It is actions that constitute Humanity. This is one of my basic arguments. It is when international tribunals bring justice to bear on those who commit crimes against humanity that we recognize a voice speaking for the abstraction. It is when the UN issues declarations about basic human rights that we see Humanity stalking across the stage of history and learning new lines. In an epoch when national sovereignties are increasingly being interrogated, we recognize a new sovereign—Humanity. The question "Who speaks for Humanity?" is answered by new historic developments.

6

There are many questions remaining and much more thinking and research to be undertaken regarding the concept of Humanity. In this prolegomenon I have simply tried to bring the subject front and center, view it in regard to cosmopolitanism and humanitarianism, ask how we might give quantitative as well as qualitative shape to it, and touch on the issue of how we can recognize its spokespersons. Amidst all the uncertainty to be found in these matters, only one certainty can be discerned. Humanity has arisen as a new constituency for political, economic, social, and cultural legislative deeds, and as a new sovereign power. It plays its role in a new globalizing world, and thus differentiates itself from previous incarnations of humanity. It has become Humanity at last. This is certainly not the End of History, but a new beginning, the major part of whose history lies ahead of us.

In this regard, a paradox opens before us. At the same time that Humanity is born, as part of its caul comes the prospect of its demise in the near future. The birth of Humanity is accompanied by such human-created catastrophic possibilities as nuclear disaster and destructive climate change. These make it possible—and, given human nature as it presently is, perhaps

likely—that the species will destroy itself or at least make its habitat unlivable. Only if Humanity grows up fast are these clouds over its development likely to be avoided. Insofar as we are Humanity, the future can be said to rest largely in our own immature hands.

4
The Judicial Revolution

A revolution may not necessarily take place in a few days, or months, or even years, but it can manifest itself in a very slow and prolonged manner. Such appears to be the nature of the judicial revolution, one of the most important developments of our global epoch. Almost unnoticed as a result, it is nonetheless of enormous significance for the emergence of the concept of Humanity. It is a truly consequential "happening," deserving of the rubric *revolution*.[1]

In the simplest terms this revolution can be described as giving body and actuality to Humanity as a *legal* being. With deep roots in the past, especially in the eighteenth century and its expression in the declaration of human rights, occurring as it did in the context of actual revolutions, such as the British and the French, the revolution of which I speak is continuing at the hands of international lawyers and jurists, the unsung heroes of our times.[2] They are transforming the law of domestic crime into that of international crime, and in the process turning abstract morality and its primitive legal expression into carefully defined jurisprudence.

I am not a lawyer. I am, by training, a historian. The first statement points to the fact that I have a difficult time perusing the fine print of the documents emanating from international tribunals. My acquaintance with the case material is relatively

limited. The second statement suggests that my training and disposition allow me to take the long view (not always embraced by historians immersed in their monographic endeavors), and thus to rise above the trees and see the great forest of what I am calling the judicial revolution of our time. It is a perspective that allows for, indeed necessitates, a look both backward and forward.

1

The emergence of the idea of humanity, as I noted in the previous chapter, has deep and tangled roots. Greek philosophy, Roman legality, and Christian theology all contribute in various ways.[3] Especially pertinent in our account has been the Renaissance rediscovery of antiquity and its concomitant discovery of new lands and peoples. With the seventeenth-century efflorescence of natural science, and the subsequent Enlightenment of the eighteenth century, the notion of humanity spread widely. At the end of that century, and at the beginning of the nineteenth, philosophers such as Kant, Herder, and Hegel expanded upon these developments. In the realm of international affairs, a tentative move toward giving reality to their thoughts could be discerned.

Yet it would be a mistake to see an inevitable and sustained development in these particulars. They arise out of varied human experience, often in a fitful manner, and in partial shapes. Only looking backward can we plot a simple linear narrative. What we can assert is that change exists amidst continuity; this allows us to see strong currents pulling us in a given direction. Such metaphors, however, may lead us astray as we navigate toward a global situation. Here we have to formulate new metaphors and new conceptions, and take into account the way in which abstract notions and actual reality are pushing us in the direction of the concept of Humanity. To view what has been happening as a "rupture" may be the best way to approach the past.

We must see things in both narrower and broader terms. We must concentrate our attention on trials and tribunals, and view them in the wider dimension of the emergence of Humanity. Hague accords and Geneva conventions with their additional protocols initially play the major role, as they seek to safeguard the "dignity of man" during wartime.[4] What we witness are attempts made to establish the rules of war, rather than to abolish war and its causes. *Humanitarianism*, to be further discussed in the next chapter, not Humanity, is the key term. It is exactly here that the revolutionary shift to a juridical revolution begins. War crimes are set to become crimes against humanity and civilization.

The shift, of course, occurs in stages. We must take note of the trials and tribunals characterizing World War I—Leipzig (not mentioned earlier, where German leaders after defeat, were tried in their own courts) and Constantinople, and their limited success. This phase is caught up especially in the Armenian question—massacre or genocide—and we will return to this disquieting question shortly. For now, however, I want simply to move anew to the Nuremberg trials of 1946 through 1948—post World War II—and their conscious concern with the newly coined topic of genocide.

As remarked upon previously, Nuremberg marks the giant step from war crimes to crimes against humanity.[5] A number of observations are in order. The fact is that genocide was an "invention." This was true in two senses: one, its coming about at the hands of the Nazis and their collaborators as an incremental development of various measures to deal with Jews, Poles, gypsies, and other "undesirable" peoples, measures such as expulsion, ghettoization, marking (e.g., badges on their clothing), and so forth, before culminating in mass execution—the final solution; and two, as a mental construct to describe what was judged to be the most heinous possible crime, the destruction of a people and their entire way of life.[6]

Next, it must be noted that it was as if humankind were sleepwalking toward recognition of this crime. Great reluctance

characterized the use of the term at Nuremberg. Indeed, though the phrase was used, in passing, in an early draft setting up the trial, it then ceased being employed; as Mettraux tells us, "The phrase 'genocide' disappeared in later draft proposals and was never discussed by the Allied representatives, nor was it included in the Tribunal's Charter."[7] Illustratively, the French prosecutor, François de Menthon, was uncomfortable, we are told, with "the very concept of 'crimes against humanity'—he preferred 'crimes against peace'—and throughout the trial he made no reference to the deportation or murder of Jews."[8] It appears as if almost by accident the phrase *crimes against humanity* took the place of genocide as a less damning indictment.

It is also especially interesting to note that the entire context of globalization, not unexpectedly, was missing: that term is simply never used. This was still an era in which the mind-set was almost completely limited to the nation-state. At Nuremberg, however, only individuals could be prosecuted; consequently, nation-states were not on trial, and their sovereignty remained untainted. Events in Germany before 1939 were as if expunged from the record.

Resuming our brief overview of the phases involved in the juridical revolution, we pass on to the Yugoslavia and Rwanda tribunals, in which genocide and crimes against humanity are conjoined and come front and center. Again following Mettraux, we see how genocide, for example, becomes a "genuine legal norm of general application, rather than as a symbol of a unique historical phenomenon."[9] We have moved from the Nazi Holocaust as a particular experience, representing the pinnacle of evil and perceived as such, to a universal legal system. The documents related to these tribunals, and the law drawn from their trials, become exquisitely detailed and nuanced, as is the wont, necessarily, of lawyers. What is a war crime; wherein lies the responsibility of the perpetrator (merely obeying orders? a prime mover?); what, if any, are the mitigating circumstances; how do we define torture, rape, cruel treatment? These legal

discriminations are the constraints upon sheer, brutal aggression, contrived by the judges and lawyers of the tribunals. Then, just punishments are devised. All this becomes the continuing heritage of Humanity.

The next step in our story is the institution of the International Criminal Court as a permanent structure. On July 17, 1998, the UN Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court (Rome Conference) adopted the Rome Statute of the International Criminal Court (ICC).[10] There are a number of special features to this extraordinary step forward. Unlike the other tribunals, which were mandated via the Security Council of the UN, the Rome Statute developed through multilateral negotiations involving 160 states. Its definition of crimes against humanity does not require a connection to armed conflict—thus a step further from war crimes—and does not require proof of a discriminatory motive—the acts, such as apartheid and enforced disappearance, speak for themselves. Potentially any inhumane act, committed by states or individuals, is subject to the jurisdiction of the ICC, and thus of Humanity.

Having come to this assertive conclusion, caveats are now in order. A glance at the preamble brings us jarringly back to the local. As one clause asserts, "[N]othing in this Statute shall be taken as authorizing any State Party to intervene in an armed conflict or in the internal affairs of any State."[11] The shadow of state sovereignty hovers over the entire document. This shadow takes on substance when we realize that nations such as the United States and China have refused to sign the document. Their fear is that it could be used to bring them under the law, which is intended to preserve "common bonds," guard against crimes that "threaten the peace, security and well-being of the world," and operate "for the sake of present and future generations."[12] To accomplish this, in a globalized world, breaches in national sovereignty may be necessary, and such transcendence of existing boundaries is abhorrent to

those who are afraid of being placed under universal law and who place national interests and power above the needs of Humanity.

2

Before proceeding in this general line of argument, I will pause briefly for a further look at genocide and at the Turkish-Armenian controversy over the word and deed. Judgments about genocide are inevitably tied to politics, as is the crime itself. Thus, for example, no such charge was made in regard to Kosovo or Croatia for prudential, not juridical, reasons. Some have asserted that genocide is inextricably linked to nation building, and must be judged in that context.[13] For this reason and others, it appears that the 2005 Report of the International Commission of Inquiry made to the UN Secretary-General declared the atrocities in Darfur to be instances of war crimes and crimes against humanity, but not genocide.[14] Most strikingly, although the term *genocide* was first explicitly used in the judgments at the Rwanda trials, Kofi Annan's successor, Ban Ki-moon of South Korea, refused to apply the word in regard to that unhappy country.[15]

Obviously, the very definition and applicability of the term *genocide* is highly controversial. Further, in the juridical revolution, it complicates our treatment of the term *Humanity*. Genocide is at once the most horrendous of human crimes and in some ways the most restricted of the crimes against humanity. It claims our attention by its dramatic and terrible nature, and thus may obscure the drive to conceptualizing Humanity and its inbuilt tendency to transcend national boundaries and to invade established sovereignties. Sovereignty is only an indirect concern of genocidal studies; it is at the center of concerns about Humanity. In the former, the horrors take place generally within a state, though often spilling across borders; in the latter, Humanity is necessarily a transnational phenomenon.

One of the problems in dealing with the Armenian "genocide" is that at the time, 1915, when the crimes were committed, the Genocide Convention (which came into force on January 12, 1951) did not yet exist. Nevertheless, that a massacre of around one million people took place seems beyond doubt. The trial judges at the time—1919—were in no doubt that actions that had taken place were "unacceptable to human and civilized sensibilities."[16] Seizure of property, deportation, and ethnic cleansing were preludes to mass slaughter. Were they planned and premeditated by the Young Turks as a form of genocide?[17] This becomes a historical as well as legal question—though as noted the legal is post hoc—to be settled by an appeal to evidence. Such evidence centers primarily on individuals rather than the state itself. It is they that were on trial, and only subsequently the Turkish state itself. However, as is well known, that state has been placed on trial in the court of public opinion subsequent to Nuremberg.

Others who have immersed themselves in the details over a lifetime are in a better position than I to pass judgment.[18] For my purposes, it is essential to place the Armenian question as a major forerunner of the juridical revolution, which then comes into full start at the Nuremberg Trial. The history of Nuremberg and the Nazis suggests that all genocides arise gradually, largely unplanned as such until events tumble into one another in such a way as to lead to a "final solution." The point I want to make here is that the Armenian "happening" did not result in lasting legal conventions—Nuremberg did. On the way to this conclusion, war crimes, with genocide as the most appalling, gave way to crimes against humanity. This, in turn, led to the concept of Humanity, gradually taking more precise shape in the Yugoslav and Rwanda tribunals, culminating at the present time in the International Criminal Court (ICC).

A central feature of all the trials cited, and the judgments accompanying them, has been the question of state of mind. As both the courts for the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the comparable one for

Rwanda (ICTR) observed, the perpetrator of a genocidal act had to have "the intent to accomplish certain specified types of destruction."[19] That intent is to destroy in whole or in part a national, ethnic, racial, or religious group. It is this peculiar mental state that primarily distinguishes genocide from other international crimes. A crime against humanity, in contrast, does not require its perpetrator to have intended or even to know about the consequences of his actions upon a given segment of the population. In legal terms, lawyers talk about *mens rea*. (Here we should note the pervasive use of Latin, a previous "universal" language, though largely to be found in the Roman and Christian West, as lawyers and jurists struggle to establish a new universal global legal structure. Terms such as *jus ad bellum*, *jus in bello*, and similar phrases crop up frequently in the trial accounts.)

State of mind (*mens rea*) is both difficult to establish and far-reaching in its possibilities as an idea. It carries us into culture at large and the way the mores of a society shape its perception of, and attitude toward, "others." It is why, for example, hateful speech as well as action may be banned, in spite of the possible conflict with free speech and behavior. Nazi Germany and its racist ideology was not so different in this regard from the American antebellum South (and subsequently even after the liberation of slaves); under different circumstances, might the American condition, too, have resulted in genocide? Although slaves were certainly viewed as inferior beings, was it their economic value that prevented this outcome? (The Nazis, too, were constrained for a while by the economic value of Poles and Jews, especially in a wartime economy.)

Such questions point us in a particular direction. Do they imply that the concept of Humanity requires us to inquire carefully into state of mind in general? Of the role of the media in shaping attitudes and beliefs? Should those who spread rumors of supposed crimes committed by the "other" be held liable in some fashion? Or must such allegations be accompanied by calls to violence by their enunciators of hate? Clearly, we are

on shaky terrain, yet attention must be paid to the underground tremors—the state of mind—preceding crimes against humanity. How much such attention must result in legal strictures, how much in political actions, and how much in historical contemplation also remain open questions. Yet I must raise such issues and be aware of them. Attention to an individual's state of mind at a trial must be echoed by everyone's attention to the context in which that state of mind has come into being.

3

The first step toward crimes against humanity is to dehumanize those against whom the crime is to be committed. If the victim is not judged human, how can a crime be committed against him? Evidence for this assertion can be gathered everywhere; it is especially abundant in the Nazi case, in which ideology became the optic through which one viewed lesser beings.

Speaking of the Jews, Goebbels declared, "They are no longer human beings, they are animals. Thus our task is no longer humanitarian but surgical. One must cut here, and indeed quite radically."[20] The mishmash of ideas, the implications of what is said and not said, is striking. First, although the Nazis embraced social Darwinism, they did not seem to admit that humans are also animals. Nor would they have been interested in the bearing of that statement on their own behavior. To call the Nazi task "humanitarian," in any sense of that word, defies belief. As for the radical surgery, it was not just mere ideology, but it took on actuality at the hands of Nazi doctors sterilizing, experimenting on, and cutting up the inhuman "animals," that is, gypsies, Jews, and so forth.

The abstraction *dehumanizing* takes on grisly reality when we read how the Nazi exterminators, driving a number of Jews into a synagogue, forced them "to crawl through the bench seats while singing and constantly being beaten by SS men with whips. They were then forced to take down their pants,

to be beaten on their naked behinds. One Jew who out of fear had gone in his pants, was forced to smear excrement in the faces of the other Jews."[21] This is in the report of the commanding general, whose tone throughout is one of approval. High and low, the task for Nazis was to suppress their "humanitarian" instincts and to brace themselves to commit their "good" but painful deeds in the name of a higher morality. Such was the imperative announced by Heinrich Himmler.

The sadism involved is clear. So is the amount of distancing involved: "they are animals, I am a human." The term *parasite*, incidentally, is often found in such diatribes. Extermination is the final solution, but before that point, the Other is to be cordoned off from association with and thus contamination of the pure Germans. These others are to be marked, say, with a yellow armband, to indicate their leperlike state. To further cut them off from other humans, they were not to be allowed radios or newspapers; in short, they were to be cast outside the circle of humanity in every way possible.

In the course of World War I, the Germans were called criminals—war criminals—by the Allies. Now, in the 1930s, that labeling was transferred by the Nazis to the Jews, who were defined as criminals and subject to extreme punishment. Were the Nazis barbarians? No, they told themselves, the true barbarians were the Bolsheviks, of whom the leading members were Jews. Projection is obviously involved: "they—Jews, Poles, and so forth—have been doing evil things to me, and I am merely retaliating in kind. And I do it in the name of civilization."

Such are some of the mechanisms of dehumanization. If we move to the cases of Yugoslavia and Rwanda, the details are different but the process is the same. For dehumanization, in whatever form, is the necessary prelude to a possible crime against humanity. The process need not end up in the actual crime, for, alas, dehumanization is a frequent if not normal factor in ordinary times and societies. It turns murderous only under certain circumstances—war, population pressures, and political opportunism. Nonetheless, the potential is always

there. Dehumanization, carried to its "logical" conclusion, leads to actual crimes against humanity.

4

Dehumanization finds its antithesis in the Universal Declaration of Human Rights. Here we find an affirmation of what it is to be human, with a clear boundary drawn around that definition to prevent inhuman acts. These rights exist because one belongs to the human community, and not because one is a member of a particular nation, ethnic group, or religion. They are universal rights; and some would say timeless rights, but this would be to ignore that they have not always existed. They emerged historically.

As remarked earlier, their origins can be found in the abstract thinking of philosophers and religious thinkers, going back, for example, to antiquity. In the European Middle Ages they seem to vanish. I am not, however, writing a history of human rights, so I will jump to the early modern period, ignoring the possibilities to be found in other, non-European societies, and highlighting British and French contributions. Human rights came down from an abstract world and closer to actuality at the time of the French Revolution and its consequent Declaration of the Rights of Man and the Citizen.

Following the fundamental work of Lynn Hunt, we can speak of the invention of human rights.[22] In her view, between the American Declaration of Independence and the French Declaration of the Rights of Man, something previously inconceivable emerged—the idea that it was "self-evident" that humans had social and political rights. These were perceived as innate (rather than historical as I am presenting them). As such they were the right of every man, and inviolate.

It hardly needs to be said that, in fact, they were violated from the very first. In America, slaves were deprived of such rights (largely on the grounds of their not being fully human—our old friend dehumanization coming into play). In France

and elsewhere, women were not accorded equal rights, with Napoleon and his laws tightening the constrictive bonds around them shortly into his despotic reign. If anything, in most of the world, the observation of these "self-evident" rights was entirely missing. The long task of enlightenment lay ahead (and still does).

Rhetoric was one thing, reality another. Lynn Hunt is not driven to despair, however, for she persuades us that the declarations are transformative. That is, they make us become the beings they posit by words. The story of human rights can, thus, be seen as an asymptotic drawing together of rhetoric and reality, suffering setbacks and retreats along the way but generally resuming the march forward to a realization that may not be self-evident but becomes so more and more over time.

Then and now there are challenges to all that Lynn Hunt and I are saying. The first set of challenges comes from the reality itself. Impartial realizations of human rights are the norm only at the best of times; more frequently, there are glaring violations. Partly this is so because there is little in the way of punishment of such transgressions. To put it another way, the juridical revolution is extremely sketchy and partial at this point.

The second set of challenges is intellectual in nature. Foreshadowed by the thinking, for example, of the reactionary Joseph de Maistre at the time of the French Revolution, it is to be found in stark, though convoluted, shape in the twentieth century by the brilliant but perverse thinker, Michel Foucault. As he puts it, "Ought we not rather to give up thinking of man, or, to be more strict, to think of the disappearance of man . . . as closely as possible with our concern with language?" In this French philosopher's view, man is a linguistic invention, and thus ephemeral. Foucault concludes, "As the archaeology of our thought easily shows, man is an invention of recent date. And one perhaps nearing its end."[23]

In short, human rights are attackable both on the grounds of their imperfect realization in reality and their tenuous

grounding in certain philosophical positions. Neither of these flaws, however, has prevented the effort to further enunciate and defend them. The next great burst emerged after World War II, as the UN Universal Declaration of Human Rights of 1948. Here the shape of Humanity takes on more specificity in the clauses relating not to nation-states but to "We the peoples." This is the context in which the various trials and tribunals mentioned at the beginning of this chapter must be placed. It is in this context moreover that the juridical revolution is taking place.

5

In this revolution, competing sovereignties are present. However, a gradual shift is taking place in which the balance between Humanity and, say, the nation-state is edging more and more to the fore. The contest takes place especially in the legal arena. When crimes against humanity are committed, jurists and their laws are now present to bring charges against the criminals. A key to the matter is punishment: crimes that go unpunished have little force. Thus we pass quickly into the area of enforcement, and here the picture remains unpromising, for the tribunals must depend on the nation-states to carry out their verdicts.

The overall mind-set behind the developments sketched above is best described as "modern." At the core of modernity is the belief that practices and institutions are considered legitimate only insofar as they are justified by reason. That is the bar to which they must be brought before being accepted. It is a universal bar (I play on words, for it is, in fact, not a barrier but a test). In general, those who oppose the sovereignty of Humanity and the notion that crimes against it should be punished frequently tend to be against the major beliefs of modernity.

In short, modernity and Humanity have tended to march together.[24] Now, with globalization replacing modernity as the overarching category of thought as we seek to understand what is happening around us, the matter becomes far more

complicated. Yet the same attachment to a universalizing reason remains central. Once again, we cannot expect someone like Foucault to enroll himself in the ranks of Humanity. Rather, it is those who believe in the universality, for example, of human rights who are enlisted in the cause. And it is when those rights are established by law that Humanity is served everywhere.

Human rights and Humanity are embodied in law primarily through the actions and institutions of the UN. It is a miracle that a UN made up of over 190 nations and devoted in large part to the protection of existing national sovereignties nevertheless also protects the rights of peoples. As I have remarked elsewhere, the UN is a schizophrenic institution. It is, in one of its moods, the agency that established the ICTY and ICTR statutes and tribunals. Aside from the UN, we have the Rome Statute setting up the ICC, declaring in the preamble that the state parties to this statute, "conscious that all peoples are united by common bonds . . . mindful that millions of children, women and men have been victims of unimaginable atrocities . . . [are determined] for the sake of present and future generations to establish an independent *permanent* [my italics] International Criminal Court *in relationship with the United Nations system* [my italics], with jurisdiction over the most serious crimes of concern to the international community as a whole."

What an audacious declaration, in the face of so much contradictory reality! Here we have the assertion of Humanity as an ideal to be realized, in which the assertion itself is part of the realization. That realization takes place in many fora but especially in the trials and tribunals set up by the UN. In the body of law taking shape gradually in the give-and-take of these tribunals we see the emergence of the juridical revolution. And with that revolution, Humanity steps forward more and more into the light of day.

5
Humanities, Humanitarianism, and the Human

There is an enormous cluster of words all emerging from or connected with the term *human*. It is useful to examine some of the cluster in order to gain greater understanding of the emerging concept of Humanity.

The first thing is to resume the inquiry into the definition of the term *human* itself, first taken up in the introduction. According to an ordinary dictionary, such as the *Webster's New Collegiate* (1949), which is the edition I used when I first started teaching, *human* derives from the Latin *humanus*, and means "belonging or relating to man; characteristic of man." *Man*, in turn, comes from the Anglo-Saxon and is defined as "a human being; esp., a male human being." What are we to make of this usual roundabout and tautological way of defining a word, so often encountered in any dictionary? It is worth initially noting the gender problem: as we have noted before, men, it is implied, define the human condition. The issue of human rights, in which women are equal to men, is unresolved in the initial definition of what it is to be human.

Obviously, the word is a European one, reflecting the Latin beginnings of what has come to be called western civilization. In other societies and cultures, literally hundreds of them, we encounter other terms for what in English is called human. In

some of these other cultures, a human is defined as that which is "us" and not other people. Here we meet with a huge research topic, into which I will not plunge further in this venue.[1] Instead, having flagged the matter, I will turn back to the western usage.

Let us next consult the *OED*, a historical dictionary often regarded as authoritative. Under Human (n) we find "1. A human being; a member of the human race, first used in 1533." It is further defined as "(a) the human race, humanity." Such is the noun. The adjectival form is actually more interesting. The first citation informs us that human means "of, belonging to, or characteristic of mankind, distinguished from animals by superior mental development, power of articulate speech, and upright posture." The first usage given is 1378, followed by 1475. Here, then, we have the notion of humans as separated from animals. This separation was not broken down officially until Linnaeus and Darwin in the eighteenth and nineteenth centuries but was brought into question unofficially much earlier. The implication is that man, to follow such linguistic usage, is a beast who can behave bestially (while aspiring to be an angel).

Under 3.a. we find "as distinguished from God or superhuman beings . . . mundane; secular. (Often opposed to *divine*.)." According to the *OED* this is first presumably employed around 1533. Thus the picture darkens. Humans are either not animals or a special kind of one, but they are also marked off from the gods. They are to be thought of in secular terms as a subject of study—the human sciences?—a study that claims that the gods are created by man. Here we are in the realm of anthropology and biology, in which the human is a member of the classification *Homo sapiens*. In this sense it is proper to speak of the human race, even though this opens the proverbial can of worms and can be a prelude to racist thought—one of the primary challenges to the concept of Humanity.[2]

A preliminary summary: in seeking to understand what it is to be human we must note its inclination, historically, to a masculine attachment, and its affinity to the racial and the biological

as well as to the animal and the divine. Hence, our inquiry, while not centered on these connections, nevertheless must bear in mind their existence as constituting part of the context within which we operate.

There are, in fact, innumerable associations with the term *human*. Immediately after the term in my Webster's Dictionary comes *humane*, *humaneness*, *humanism*, *humanitarian*, *humanitarianism*, *humanity*, *humanize*, *humankind*, and *humanly*. The *OED* can supply many more.[3] Nor should we forget *inhumanity* and the numerous terms associated with it. In any case, the point should be clear. The human being is surrounded in ambiguity and complication. To be human is to seek to define what being human means. It is perhaps the essential quest. In my view, the human is not a static being, but it defines itself afresh in the course of its historical experiences.[4] As part of that experience, humanism, or as I shall deal with it, the humanities, and humanitarianism are defining moments. It is to these parts of the human experience to which I now turn.

1

I will start with the humanities, whose practitioners in the Renaissance are frequently also humanists. The humanities themselves go back to the works of Greek and Roman antiquity, the literary remains of philosophers, historians, and playwrights. As is well known, these are the classics, what will come in later years to form the canon. They also serve as the core of what came to be called a liberal education. In the Roman period, seven liberal arts were identified, including rhetoric. They were essential studies in ways of doing and behaving in the world.

More broadly, the humanities were concerned not only with philosophy and rhetoric but with the arts, including music and literature. Their essential task was to answer the question "What does it mean to be human?" That is still the aim of the humanities, though now joined by the inquiries of anthropology and sociology, along with history.

In an age of globalization, the humanities have been broadened by the addition of the "classics" of other parts of the world. When I first entered, as a student, the course in "humanities" at Columbia College, the readings consisted more or less of the staples of European thought from Plato to the present. We joked about the "Great Books" course. I confess to having found the course fascinating, and to having been more or less unconscious of their Eurocentric nature. Within a few years, however, that course was matched at Columbia by an equivalent and pioneering one on the Asian great books. And gradually, some of this nonwestern literature found its way into humanities courses per se. In fact, this geographical broadening was matched in other subjects, for example, art history, by the awareness that the human march across time probably started some thirty-five thousand years ago with the cave paintings to be found in France.

Clearly, being human was perceived as being an increasingly complex matter. The humanities were no longer about "doing" so much as studying what humankind had done. Thus the humanities became associated with the ivory tower. This removal from the field of power is probably one of the reasons teachers in the humanities are paid less than, say, economists.

The humanities also became a preparation for liberalism, in the sense that a liberal was one who had received a "liberal" education, that is, in the humanities, making for knowledge of and toleration for other cultures and other ways of life. This is one set of implications of the humanities as they sought to free their students from parochialisms of time and place. At least such was the ideal. In fact, as I have noted, the humanities were deeply European in their origins and dispositions, and many people working in them were conservative in political and social inclination.

As part of that European heritage, we must recall that the humanities were largely lost during the so-called Middle Ages. Their recovery or rediscovery took place during the Renaissance, or rebirth of classical learning. Aided, as is well known, by

scholars from the Arab world, who had retained much of classical literature, and by refugees fleeing the fall of Constantinople and coming to Italy to be teachers, the humanities took on a new meaning. Now they became the training for humanists. While still retaining large elements of Christianity—historians speak rightly of Christian humanism—the new version of thought struggled toward a secular bias. Humans were to be thought of as separate from the divine, to be studied in a naturalistic fashion. So, too, was their behavior, as per Machiavelli.

In my third chapter, I instanced John Headley as our guide to much of what was happening at the time in regard to geography and the enlargement of humanity's view of the globe. I also looked at the consequences for a broadening conception of what it is to be human. Now I want to emphasize the break with the divine and the placement of humanity in a secular surround. Let me quote Gabrielle M. Spiegel in this vein. She writes of how, "in challenging the divine authority of pope and emperor, the humanists crafted a vision of history that engendered nothing less than a *new kind of humanity* [italics mine], entailing a belief in the free, autonomous subject in charge of his or her self with the power to affect the fate of others."[5]

Now Spiegel may be projecting onto the humanists some of our modern way of thinking, but in the main she is behaving as a good historian, noting the new as it was emerging from the debates and discourses of the Renaissance. The humanists, therefore, can be seen as forerunners of an attempt to define humanity in a novel way. It is for this reason that I instance them in our own present-day effort to understand our situation in a "new" world, aglobalizing. The humanists and the humanities in general were and are part of the effort to describe what it means to be human. From this basis, we, in our turn, can attempt to carry on with the task of seeking a new conception of Humanity, grounded in our particular experiences involving a juridical revolution and the global transformations of contemporary life.

2

Let us now turn to humanitarianism. The humanities, I have suggested, hark back to a distant past and are "European" in their origins but, in the course of their history, became increasingly free of their beginnings and dedicated themselves to understanding what it is to be human, anywhere and everywhere. In contrast, I will now argue, humanitarianism as a belief system and a movement is of quite recent origin. While it claims to be universal, its roots are European, or western, and can plausibly be viewed as an ideology that disguises its continued service to the interests from which it sprung. Humanitarians are devoted, wonderful people; but, as remarked earlier, humanitarianism as such does nothing to ameliorate the structural causes of inhuman behavior. As such, it can be seen as a Band-Aid covering a continuing abscess.

These are harsh words for the work done by dedicated people, who often put their lives on the line for the causes in which they toil. What is the evidence behind such a severe judgment? We need to go back in history, take a running start, and come up to the present in order to understand the strictures I have just invoked.

The predecessor of humanitarianism is charity. In the West, it has generally taken the form of Christian care, although charity is a worldwide practice by many cultures and societies going back to ancient times. Jesus, of course, centrally preached charity, as did many of his disciples. Those who exemplified this part of the Christian tradition were frequently viewed as saintly, and were, in fact, sometimes accorded the status of saints. Ordinary nuns and monks, however, were also expected to practice charity as a daily matter, and to serve as inspiration for lay followers of the Church.

The story of what follows parallels the shift in power between the religious and the secular, which gathered force around the time of the Renaissance and has persisted ever since (though, as recent developments have shown, with much to-and-froing).

This shift was accompanied by new class alignments as well as intellectual framing. In western Europe by the seventeenth century and especially by the eighteenth century, something called the bourgeoisie emerged as the locus of command in an ever-expanding capitalist system. A subject of much debate, it is yet generally recognized, and not only by Marxists, that the bourgeoisie heavily influenced governments, morality, and culture.

Within their own ranks, a conflict was perceived between benevolence—the secular term for charity—and self-interest, the marching orders for capitalism. The sufferings of the lower orders were to be ameliorated by bourgeois benevolence, specifically in the form of sympathy. The expression of this sentiment was to be found especially in the women novelists in England ranging from Elizabeth Gaskell to George Eliot.[6] Not structural changes, or revolution, but the extension of fellow feeling was to be the remedy for the unprecedented wave of ills that resulted from the early years of the industrial revolution. In this, bourgeois benevolence played the same role that, I am alleging, humanitarianism would play shortly thereafter.

In a fascinating article, which still holds its worth since its publication in 1985, Thomas Haskell inquired into "Capitalism and the Origins of the Humanitarian Sensibility."[7] His contention was that the bourgeoisie could not or would not shield itself, as did the aristocracy, from the evidence of its senses. Neither social geography nor ideology could allow it to numb its awareness of the suffering of others. And because reform came naturally to members of the bourgeoisie, they felt they had to do something about the conditions of the poor. With many of their members in England being evangelical Christians, the bourgeoisie testified to the gradual displacement of charity by benevolent action and institutions.

By the middle of the nineteenth century, the humanitarian impulse took another turn. It began to involve itself in the constant wars, previously the preserve of the aristocratic class. The suffering and disease attendant on military conflict, hitherto accepted as part of the natural order of things, now became a

subject not for saints but for reformers. Again, of course, the lines were blurred. The International Red Cross, founded in 1863 after experiences attendant on the battle of Solferino, by the Swiss Henry Dunant, reflects the shift in its name: with the word *Cross*, the religious inspiration is flagged. The link of war and humanitarianism is strong and persistent from the beginning.

So, too, is the connection of humanitarianism and imperialism. The former became an excuse for invasions. In a secular form of missionary activity, western nations used the need for humanitarian aid as an excuse for sending military forces to "backward" regions. As John Tirman has written, "Nowadays, the notion of humanitarian intervention almost always means the use of armed force." The examples he cites are the controversial U.S. actions in Kosovo, Afghanistan, and Iraq. Then, he adds as evidence, there is the absence of action in other desperate places, notably in Rwanda in 1994.[8] However, with different examples, the same could have been said in the nineteenth century of numerous western actions: *plus ça change, plus ça reste.*

The other word needed here is *civilization*. *Civilization*, as defined by the West, means a certain level of behavior. Peoples and societies that fell below this "standard," as Gerrit Gong reminds us, faced "legitimate" invasion on humanitarian grounds.[9] Whether it be advanced societies such as China or less developed ones as in Africa, all were open to "legitimate" intervention on the grounds of humanitarian necessity because of their default status vis-à-vis the standard of "civilization." It need hardly be said that the standards were set by the invading western nations.

In Gong's account there is a smooth transition between the "old standard of 'civilization' and a 'new standard of human rights.'"[10] Given this sort of evidence and logical progression, it is hard not to be cynical about the West's altruism and claim to benevolence. The road to hell, as is often said, is paved with good intentions. There is no question about the good intentions of humanitarians—indeed, if such people didn't exist, they would have to be invented. Hard-eyed as this view may seem,

humanitarianism takes on a Nietzsche-like quality under close and sustained examination.

To conclude our sorry tale, how well does philanthropy, another heritage of the bourgeois reformist tendency, hold up to this kind of inquiry? Is it truly un-self-interested? Undemocratic in its governing boards, is it also deficient in respect of transparency? Can the same be said of NGOs? Dedicated to humanitarian ends, especially in the case of human rights groups, they do not always measure up to their stated principles. A case in point is their role in refugee crises. Talking a good game, they rarely seem able to achieve their humanitarian goals, as Darfur today illustrates.[11]

Looking back over the dismal picture I have painted, I realize how distorted it can appear. It ignores, or downplays, the wonderful work done by NGOs, various philanthropies, and saving benevolent interventions.[12] This one-sidedness is purposeful in order to underline the fact that humanitarianism is a flawed step on the way to the concept of Humanity. It deflects attention from the need for structural and institutional changes to deal with the woes of humanity. It unintentionally serves as a salve to our conscience as we write out checks for this and that NGO.

3

Humanitarianism, I have been arguing, has existed at other times, in other forms, and in other societies. It took on its modern shape, however, as a movement and an ideology, in its affinity to capitalism and to war. It ameliorates the worst features of both, stepping in to assuage the iniquities of industrialism and to bind up the wounds of unrestricted warfare. It allows humans to hold onto the shreds of their humanity, while doing little or nothing to change the structural conditions in which it has its existence.

Can we imagine, for example, a world without war? In such a world would there be a need for humanitarian organizations and aid? Would there still be refugees, needing assistance?

Without land mines, would there be the organizations set up to succor the victims? A host of similar questions could be raised in a similar rhetorical fashion.

At the moment, it is difficult to even raise such questions in regard to the consequences of capitalism, for capitalism seems so victorious in regard to other versions of economic organizations as to make thinking of its absence "unthinkable." Yet, we know that another system may replace it in the future. Still, we recognize that now there are victims, both domestically and "away," that result from the dominant capitalist system. Poverty lurks within its interstices, despite the claim by some of its supporters that capitalism will lift all sectors of society, inside and outside. Where there is no state support for those suffering from poverty, humanitarian groups can step in—so, too, with problems of pollution, population pressures, and so forth.

It looks as if, one way or another, humanitarianism has great staying power. This is so especially in regard to certain recurrent features of human behavior. A prime example is torture. The propensity to visit pain on other humans in order to extract information or simply out of sadistic impulse appears deeply rooted in human nature. Recent events show how easily torture can resurface, despite its being mainly suppressed in modern times. Without institutional restraints, the practice of torture can break out in moments of anxiety and fear.

Here, humanitarian organizations find one of their missions. As Amnesty International declared, "the eradication of every form of torture was 'a common humanitarian duty.'" In 1973, a UN resolution "condemned torture and other cruel, inhuman or degrading treatment and punishment," and under the prodding of rights organizations sought to end such practices.[13] Alas, the rhetoric did not change the reality of much state and local practice.

While humanitarian groups according to one observer have become something of an industry, their actual product is not in proportion to the demand for pragmatic results.[14] Inhuman practices persist to an unacceptable degree. The sovereign rights

of states trump the requirements of humanity and prevent effective restraints on the inhuman. The sadistic actions of local groups persist, unchecked by the larger, more "civilized" world. Of course, this is the black side, for not all interventions are bad in their results or intentions. Nevertheless, even when the human community gets its act together, domestic politics dictate how far intervention will go. Only certain situations are chosen for such intervention and constrain the lengths to which it will be carried.

Emergencies seem constantly to erupt. Their images are conveyed to humanity via the ever-more powerful media, whose attention span is famously limited. Without sustained attention and efforts toward structural reform, the picture in regard to inhuman practices is not promising. It is this situation that plays out as we seek to align humanitarianism and the concept of Humanity. Only the latter, it appears, holds out the promise for long-term and fundamental change in these matters, including torture.

Meanwhile, of course, we live in the present. Here we have to look to the "associational revolution," that is, the growth of NGOs, for immediate help. Closely connected to increased globalization, their growth in the last half century has been phenomenal. It has basically taken the form of a J-shaped curve, starting in the 1960s with a few thousand and rising in the next few decades to the hundreds of thousands all over the world.

It is in the NGOs that the line between humanitarianism and progress toward the concept of Humanity can most clearly be seen. Many of the NGOs are purely humanitarian. Their mission is to minimize the ravages of AIDS or to offer food and shelter to refugees, simply to mention a few tasks. (And the mention of AIDS reminds us that it is not only human cruelty or war that creates human suffering.) Many other NGOs, however, work to foster human rights, for example, and here the connection to the development of the concept of Humanity is manifest. This connection tends to run through the UN. With all its faults

and weaknesses, as we shall see, this international agency borders on being the spokesperson for Humanity, setting up trials and tribunals, and using NGOs as one of its arms. Here is where much of the future development, uncertain as it is, must lie.

4

As with all our other terms, humanitarianism is a complex entity, with many arms and faces. Among its values are that it reminds us who we are, that is, what it means to be human. Another is that it justifies intervention as a violation of sovereignty, and thus can foster globalization and its implied support for the concept of Humanity. Some of this was implicit in Grotius as early as 1625, when he wrote that the principle of non-intervention could be breeched if "the wrong is obvious [and some tyrant] should inflict upon his subjects such treatment as no one is warranted in inflicting, the exercise of the right vested in human society is not precluded."[15] Since then, both these values have received extensive development in a variety of guises, a number of them outlined above.

In one of its manifestations, it is a subject of discussion in the field of international relations. The so-called English School has always been concerned with ethical issues and the notion of international norms. One group within the school defines humanitarian intervention as "a violation of the cardinal rules of sovereignty," on which the international system is based, and whose invasion undermines the necessary rules to preserve it. But another takes a more radical position and espouses the view that a minimum standard of humanity is required for the system to continue to function, hence intervention is justified under certain conditions to preserve the international community as a whole.[16]

An anomaly of sorts in the international state system is that of the Vatican. It is the only NGO, for so it can be regarded, that has diplomatic representation at the UN. Further, the Papacy operates as both a secular power and a religious one,

maintaining its own far-flung diplomatic corps. Its claim to this special status, disputed by others, is that, as one account puts it, the Catholic Church strives "for the good of humanity." A glance at its agenda suggests that it primarily serves the views of the Holy See, fostering, for example, antiabortion proposals and a desire to secure international status for Jerusalem. In this mode, we can see why and how humanitarianism becomes a vehicle for narrow interests, in this case not of sovereign states but of a worldwide religion.[17]

The nature of humanitarianism as a self-interested ideology is well illustrated by a glance at the United States. It serves as an excellent example of the link between humanitarianism and national aims. In this case, it is also connected to a deep strain in American philosophy. Thus we are told, in a discussion about the evolution of American attitudes toward international institutions, that "[t]he US approach is pragmatic—each institution is assessed in terms of its ability to advance US interests."[18] Humanitarian involvement is judged in the same fashion.

An irony is that the American public sees itself as a model of generosity and altruism (a self-image not unique in this regard but more pronounced than in other nations). As is oft mentioned, American public opinion polls show that the perception is that foreign aid accounts for 24 percent of the federal budget, whereas the actual figure is about 1 percent. This false view is actually a reflection of a self-image fostered by propaganda agencies, media (American soldiers handing out aid packages), and political speeches that go into the fantasies of an overall mind-set. The fact is that Americans are generous—but not that generous. Humanitarian aid is given as part of a quid pro quo, in which national interests get their own back in generous measure.

The recent turndown of federal funds for food aid by CARE, the preeminent NGO in this area, shines a bright spotlight on the situation. CARE is described as "walking away from some $45 million a year in federal financing, saying American food aid is not only plagued with inefficiencies, but may also hurt some of the very poor people it aims to help."[19] Although there

is much debate on the matter, there is much evidence that shipping American food, say, to Africa, subsidizes American farmers more than the local populace, driving the latter out of production. In CARE's view, helping a native business is better than a charitable venture. This particular case, whatever the arguments about the details, illustrates the fact that humanitarian aid often benefits the giver more than the people to whom it is given.

Of course, with this said, such aid must still be given. Humanity cannot let people starve. Humanitarianism, operating in this spirit, however, is often a highly wasteful and self-interested way of going about the problem. Even though operating frequently under the aegis of the UN, humanitarian aid remains within the nation-state sphere, serving first and foremost national interests and only secondarily those of humanity at large. This is not cynicism, but a fact. In short, humanitarianism is an ideology whose tenets and actual behavior must be carefully scrutinized, and whose multifaceted nature must be taken into account.

5

The humanities, I have suggested, are the studies that tutor humanity in the way to be human. They also tend to foster the humanitarian spirit. Paradoxically, however, humanitarianism seems to undercut the nerve required to move beyond our present system of war and peace toward a larger concept.

I am certainly not suggesting that we do away with humanitarian aid, or turn a blind eye to the suffering of real people in the present. Such inhuman behavior would corrode the emotions so necessary to the advancement of the concept of Humanity, which must be linked to the cool reason to be found in increasing globalization and the juridical revolution accompanying it.

What I am suggesting is that we be clear, or at least clearer than we have been, as to the necessary discriminations in our thinking about the humanities, humanitarianism, and the

human. All three are rooted in our earlier attempt to think about what the word human means, and what it is to be human. From this common source, the three terms, and many more like them, move along different channels and head toward different oceans of thought. Insofar as we choose to navigate in these waters, we will be helped by as accurate a compass as we can obtain. The map of knowledge requires constant redrawing, along the lines of the best compass readings in our power.

6
The UN as a Voice for Humanity

I have touched on the UN sporadically in previous chapters of this book. I have invoked its name in regard to human rights serving as a possible measure for the presence of Humanity, as an agency dealing with economic development, as aspokesperson for Humanity, as a convener of tribunals, and as being schizophrenic in structure and outlook. Other, scattered references have run through my earlier remarks. Now, I will address directly and in greater depth the issue of the UN as a voice for Humanity.

The name United *Nations* is misleading and ambiguous. The fact is that the organization emerged out of World War II as a coalition of the victors, building upon the earlier experience of the League of Nations. As early as 1941, during the war, we are told that "FDR himself coined the term 'United Nations' for the anti-Axis coalition. (Churchill preferred 'Grand Alliance.')."[1] A January 1942 declaration by the United Nations affirmed the principles of the Atlantic Charter, including a pledge to cooperate in order "to preserve human rights and justice in their own lands as well as in other lands." In the new international organization, the victors' triumph is enshrined in the Security Council, in which the United States, the Soviet Union (now Russia), France, Great Britain, and China (under

first nationalist and then communist guise) each has a veto to protect its sovereign rights and block any action it dislikes.

Subsequently, of course, the UN that came into being at San Francisco in 1945 eventually included defeated countries and expanded greatly in membership. At this writing, they number 192 and are all represented in the General Assembly, which meets in New York every September, where one nation, one vote obtains. Division, however, prevails both in the Security Council and in the General Assembly. I have spoken of the UN being schizophrenic. One part points in the direction of preserving the peace by protecting national sovereignty; and another, in the Universal Declaration of Rights of 1948, affirms the transcending rights of "peoples" in the economic and social as well as political arena even if it means invading national sovereignty.

If anything characterizes the UN it is constant change, and one may even speak of expansion, amidst persistent rigidity. As we estimate the UN as a voice for Humanity we must bear this fact in mind. Innumerable committees, inquiries, meetings, tribunals, and so forth have been institutionalized along with a whole host of specialized agencies, ranging from UNMIK (United Nations Mission in Kosovo) to UNTSO (United Nations Truce Supervision Organization) to name a few almost at random. Indeed, as various observers have noted, there are many United Nations.[2] And there are innumerable scholars to recount their structures and experiences. So much so that I can hardly claim to add to these accounts anything but a focus on the question: is the UN a legitimate voice for Humanity as I have been trying to conceptualize it?

1

I will attempt to answer this question less in terms of a frontal attack, and more in terms of darting around it; only at the end will I try to come to a conclusion. In the beginning, the UN was humanity's latest attempt to preserve peace, and prevent the

sort of misguided policies and tragedies that had brought about World War II. The main mechanism to achieve this goal was the Security Council, with its powers sketched out especially in Article 43 of the UN Charter, which allowed it to call upon all members to provide armed forces, assistance, and facilities "for the purpose of maintaining international peace and security." Although there were various proposals to allow the UN to have its own armed forces—there was at first a Military Staff Committee, even John Foster Dulles spoke in favor of an autonomous UN military body, and Brian Urquhart argued for a standing army responsible to the Security Council—nothing came of these proposals.[3]

Always having to raise money for each operation, the UN was crippled by its lack of power to tax, and even to borrow. Its blue helmets numbered at most around 75,000 at any one time. Their duties were always amorphous, and they were hampered by the fact that they were generally not authorized even to defend themselves when attacked. There is no need here to go into further details. Peacekeeping was ad hoc, carried out at the behest of the Security Council whose members were armed with the veto but often invested with little else, and who mostly voted in the pursuit of national self-interest rather than in the interests of humanity at large. The lack of military power, however, can be seen as less crucial than it might appear. For scholars like Inis L. Claude, Jr., for example, the absence of meaningful coercion is overridden by the existence of community interest as embodied in the UN[4] (or, to put it in my terms, by the moral power of the UN as a spokesperson for Humanity).

Yet, as is often pointed out, there was no war between the great powers after World War II, and an overall decline in the number of intermember wars of any kind.[5] National sovereignty in this regard was preserved (see Article 2, Appendix II), and states for the most part did not invade one another as in the past. On such a measure the UN was successful in preserving the peace. This is obviously a gain. How much of this was due,

however, to the existence of the UN is debatable. It was primarily the European Union that was the mechanism by which the combatants of World War I and World War II avoided any future traditional European wars. Perhaps the shadow of the nuclear bomb also served as a deterrent. Whatever the reasons, great power wars were a thing of the past. Surely, this was a blessing for humanity.

But if there were no such wars, something else arose to take their place. Crises now prevail, leading to armed conflict in many cases, instead of old-fashioned wars. One thinks of the Suez crisis of 1956 (from which the blue helmets first emerged), the Congo crises of 1960, and a whole host of others such as recalled by the names of Abkhazia, Angola, Sudan, and Kashmir. Frequently of low intensity, simmering for years, without victory or defeat, their presence was made known by the media: in many ways they can be seen from the West as "media wars." They involved ethnic, religious, and nonstate actors and exploded *within* nation-states or failed states. No transcending of sovereignty was involved, though effects—migrations, refugees, and so forth—did cross existing borders. Preventive diplomacy was the preferred mode for dealing with these crises, rather than the exercise of military force. Such became the new face of violent conflict. (In this light, the preventive war of the Bush administration in Iraq is an anachronism; others might add that it is also an atrocity.)

For such crises, the UN had not been formed. These struggles were often fought originally in the shape of client wars during the cold war, and they have persisted into its melting. The UN is even less equipped in the case of terrorism, which some perceive as involving a "war on terrorism." The overall result is that numerous wars still persist, but the victims, aside from those who are the targets of terrorism, are not the peoples of the developed nations (and those on the edge) but those of the less developed parts of the globe. The question arises, are they not also part of humanity? Are such peoples not to be thought of as existing

under the concept of Humanity, that is, with legal protection and interdependence with others as a result of globalization?

Needless to say, the UN is neither a government nor a world state, as fantasists and fearmongers have often asserted. In its origins, it was created for sovereign nations, to preserve their sovereignty and prevent war among them. In this part of its mission, it can be seen as a success. But the world around it was changing rapidly. After 1945, a shifting sense of sovereignty emerged as globalization took hold. This was no longer a world in which one country's ability to block the will of the entire international community any longer made sense (though, as we know, this senseless state of affairs has persisted). It was a world in which a new "sovereign" had to be reckoned with. It is a world in which the concept of Humanity emerged from the trials and tribunals embodied in the term *Nuremberg* and its offspring.

2

It is also a world in which new problems—the environmental threat was not even mentioned at the beginning of discussions about the UN—and others, such as human rights and economic development, were mainly shadows in the background.[6] As I remarked earlier, change is a hallmark of the UN, even if not at the pace desired. Within three years of the organization's establishment, a declaration of human rights was drafted and approved, setting up a rival sovereign to the nation-state, that is, We the peoples, or can we say Humanity? Its seeds, of course, were already planted in the wartime allies' rhetoric about the four freedoms, and then nurtured by Eleanor Roosevelt and other protagonists of rights. While the cold war still "raged," implementation of such rights could be and was easily blocked by one or other of the superpowers.

Partly because of the cold war, the less developed nations could expand political rights in the direction of economic and social rights. In addition, to balance the Security Council, the

Economic and Social Council (ECOSOC) had been established from the very beginning. Its composition, functions, and powers were enumerated in Chapter X. Its Article 61 explains how it will consist of fifty-four members of the United Nations elected by the General Assembly. Article 62 speaks of how ECOSOC "may make or initiate studies and reports with respect to international economic, social, cultural, educational, health and related matters" and submit consequent findings to the general membership of the UN. Clearly ECOSOC had a broad mandate. And just as clearly, the council had an invitation to convene numerous study groups and conferences, and to set up various subgroups to deal with the problems it identified. However, the council's powers to enforce any of its decisions were limited.

Under ECOSOC an alphabet soup of agencies emerged, ranging from UNESCO (UN Educational, Scientific, and Cultural Organization) to UNICEF (UN International Children's Emergency Fund), and up and down and around. Here sprang up a bureaucracy often marked by corruption and incompetence, and mocked by opponents of the UN at large. Yet out of this scene emerged not only bureaucratic inertia but bureaucratic "creep." An underestimated feature of bureaucracy, this involved their tendency to expand their mission and to fight for greater turf. *Creep* became a servant of Humanity, unintended and amorphous but nonetheless real for all that.[7]

The other thing especially to be noticed for my purposes is that whereas peacekeeping was mostly connected to the Security Council, the bodies dealing with the enormous array of economic, social, cultural, and other issues that were embodied in the numerous subagencies of ECOSOC reported to the General Assembly. Here then do we find another candidate within the UN to speak for the cause of Humanity? The answer must be "in part," but it is a squeaky voice, with many accents and timbres, and mostly with limited authority. Further, by various means it could be manipulated by the members of the Security Council. Nevertheless, it must be accounted as a voice.

There are, needless to say, many voices within the UN. They are inflected and amplified by the NGOs that have proliferated as part of globalization. These nongovernmental organizations have spread in number and power in what can be called an "associational revolution."[8] Inside and outside the UN they need to be viewed as part of the governance apparatus. Exhorting, advising, and doing much of the research on which the UN is dependent, NGOs have become a fourth wheel of internationalism. This is especially true in regard to human rights, discussed earlier as a marker of Humanity, with organizations such as Amnesty International and Human Rights Watch acting as canaries in what is often a minefield.

In short, peace is seen as indivisible in the sense that abuses of human dignity and the economic and social impoverishment of peoples everywhere set the context in which armed conflict is fostered or prevented. The work of the Security Council and the Economic and Social Council, both advised by NGOs, are intertwined. Surprisingly (given their weaknesses and limitations), these two councils must be accounted as achieving much success (along with glaring failures) in speaking up for that ambiguous client, Humanity.

It is, after all, the UN that set up the trials and tribunals for Yugoslavia and Rwanda. It is the UN that continued the work started by Nuremberg and stands therefore at the core of what I have called the "Judicial Revolution," which is so central to the emergence of the concept of Humanity. Though the ICC had to be established outside the frame of the international organization, it could not have come into being without the earlier efforts. Not a sufficient but a necessary condition, the UN was required for Humanity to take on legal form, now encountered everywhere because of present-day globalization. This new "population"—Humanity—may be spread thin on the ground in many places, and function in a haphazard manner, but it exists and is gaining legitimacy and, indeed, sovereignty in both geopolitical and virtual space.

3

In order to answer the question whether the UN speaks for Humanity, I have had to delve more deeply into the question of who speaks for the UN. The answer has been, "many councils and groups." I must now pay attention to yet another key actor at the UN—its secretary-general. As Thomas M. Franck and Georg Nolte remark in their chapter in the excellent collection already cited, *United Nations, Divided World*, "The General Assembly could make more noise, and the Security Council could act more decisively. . . . But to the limited extent that the UN was having any salutary effect on the real world beyond its own compound, it was primarily because of the functions being performed by the Secretary-General."[9]

His (there has not been a "her" yet) task is more or less impossible. As Franck and Nolte explain, "The Secretary-General cannot be everywhere at once. He heads a large bureaucracy (the Secretariat), must perform ceremonial and public relations functions, act as an inspirational leader of public opinion, and meet with world leaders. He is expected to attend important public meetings of the principal organs and engage in discussions about their proposed resolutions with the sponsors. He heads numerous field operations and needs to be aware of their activities as also of impending crises in far-flung parts of the world." The list of his functions could be made much longer, but one of them is especially important. He can offer his "good offices," or delegate that task to someone else of his own choosing.

Both the individuals holding the office and scholars observing these players' conception of their assignment describe their role as serving as the representative of the broader community. Thus the first secretary-general of the UN, Trygve Lie, saw himself as a "spokesman for a world interest overriding any national interests in the councils of the nations." Going further, Lie commented, "The political role of the Secretary-General of the United Nations is something new to the world. The concept of a spokesman for the world interest is in many ways far ahead of our

times." With Lie's statements in mind, along with those of other secretaries-general, the scholar Inis L. Claude, Jr., comments, "International organization is slowly acquiring its vital minority of men who view its evolution in terms of the general needs of humanity rather than the particular interests of nations."[10]

Secretaries-general have varied in their abilities, and their view of their powers. Some have taken a limited view of their office, others a more expansive one. Some have shown more leadership qualities, others more bureaucratic ones. Always, and all of them, have had to keep a wary eye on their "bosses" in the Security Council. Thus, when Trygve Lie pushed for dramatic action during the Korean crisis during a time when the Soviet Union was foolishly absent from the UN, he paid the price when it returned, and was dismissed. His successor in 1952, Dag Hammarskjöld, turned out to be the perfect model of a secretary-general. Where Lie, for example, utilized his good offices too publicly, his successor performed them discreetly and behind the scenes. To speak of a few others, where Kurt Waldman was a compromised leader, Kofi Annan was more of an idealist who promoted the cause of humanity in a polished and polite way.[11]

Clearly, the individual counted. But it is the office on which we must keep our eye. Hampered by the great powers, constricted by the numerous members of the General Assembly, the occupant of the secretary-general's office had to tread his way through the demands of numerous constituents. It was easy for the constituency of Humanity to get lost in the cacophony of self-interested parties. But underneath, as a steady bass note, the office of secretary-general could serve as a sounding board for the greater interest, in a world in which globalization was producing global problems requiring increasingly transnational solutions. The secretariat alone could claim to represent the human community in these areas.

In opposition to this claim, some scholars attribute that role to the Security Council, which could lay claim "to being the equivalent of a 'global parliament' or 'global jury.'"[12] On this reading, it can make this claim because it represents "not merely

the individual states of which it is composed but also a collective will and voice of the 'international community.'" This seems to me a dubious claim. A global parliament should have roughly equivalent representation of its members—the international community—without a few members having veto powers. Moreover, the Security Council represents mainly the self-interest of the five great powers, with too rarely even the pretense of speaking for mankind. Occasionally, it will back up a secretary-general as he seeks to represent the larger constituency of humanity, if not Humanity itself. More often, it tends to thwart him in his efforts.

The sublime power the secretary-general has at his command is to appeal to moral authority. That authority emanates from the fact that he does speak for humanity. His appeal is to "world opinion," vague as that notion may be. Woodrow Wilson, almost a century ago, tentatively moved toward resting his hopes on that amorphous and shifting basis. True, the eminent historian E. H. Carr recognized that what he called "common feeling between nations" was embryonic because of a "relative lack of shared values and a sense of common identity."[13] Subsequently, and only in part and erratically, globalization has strengthened the bonds between peoples: this is what is meant by increased interdependency and tightened links. Such increased connectivity takes its place alongside my definition of Humanity emerging out of the international legal system.

One should recall Napoleon's smirking "How many battalions does the Pope have?" Battalions can be quantified, moral authority cannot. Yet to assume that it neither exists nor has power is to ignore its central role in both peace and war. In the eighteenth century, the *philosophes* appealed with great effect to enlightened public opinion. The revolution that followed was partly in response to the resultant shift in common feeling and a new sense of identity. Obviously, moral authority at some point must connect with some form of battalions; that is the way revolutionary changes, whether peaceful or not, generally proceed.

On the fields of both preserving the peace and dealing with the economic and social preconditions that may lead to war, the secretary-general can call upon his moral authority, embedded in his offer of "good offices," to exert his leadership. Sometimes successful, other times not, the record shows that the appeal is hardly "unrealistic." To enlist a cliché, we are told that "Man does not live by bread alone"; yet so-called realists ignore at their, and our, peril the moral and spiritual part of humanity's existence.

4

To stretch my claims to the utmost, one can speak, as some do, of a "moral transformation of political man."[14] This moral change is an "innovation." This is the revolution of our times, wherein the interests of one's own country must be transcended in the name of the larger interests of humanity. It is a revolution to a large extent in the name of future generations, as well as our own: environmental concerns make this point especially. The generations to come are also the UN's present clients.

Politicians in general believe that their responsibilities (and their own self-interests) are identified with their nation and its "interests." They see little need to justify their policies before the world, even if they sometimes keep a wary eye on "world opinion." In the moral transformation characterizing our global times, this can no longer suffice. If nothing else, the existence of the UN stands in the way. So, too, does the change in circumstances, wherein the nation's self-interest is ineluctably tied up with that of all their fellow humans, whether in regard to war and peace, or economic and environmental developments. As refugee flows and migrants demonstrate, and as the view from outer space illustrating climate change emphasizes, such "events" do not say, "Oh, here's a national boundary. I should stop."

The question of loyalties is a key issue here. National politicians must and should be beholden to their national constituents. What needs to be redefined is what constitutes national interests

in a global epoch. As I am suggesting, the global has become local (and vice versa), and a nation's true interests are more and more in necessary alignment with those of humanity at large. To go even further, we may need even to reconsider the meaning of treason. Is this an outrageous suggestion? For example, in the United States, loyalty to states' rights in the antebellum South became, on another level, treason to the national interest. Are we in the process of now moving in the same way from national to human rights? Put simply, are we not required by the circumstances of our times to rethink established verities and truisms? Are the UN and its secretaries-general as much our leaders as the often despotic and myopic "misleaders" of our particular nation?

5

Such is the siren call of Humanity. Yet idealism of this kind without a heavy dose of realism is potentially dangerous. Such realism should have as its context the notion of unintended consequences. To put it in older terms, "Man proposes and God [or Nature, or fate] disposes." In short, human efforts must be undertaken with a keen comprehension of the way agency is circumscribed or aided by developments that may be no part of an original intention. Yet these developments may move humanity in the direction in which it wishes to go, yet by means it would, in the best of all worlds, not wish to use.

I am neither advancing a Pollyannaish view of the world nor claiming that all is always best in this best of all worlds. Nor am I asserting that determinism ensures a better world to come, or that unintended consequences are all good. What I am saying is that we can discern strong historical and present currents, which, under certain circumstances, are moving to desired outcomes, and look as if they were "providential." It is the Scottish thinker Adam Ferguson, in his Essay *on the History of Civil Society* (1767), who clearly grasped this fact: "Like the winds that come we know not whence, and blow whithersoever they list, the forms of society are derived from an obscure and

distant origin; they arise . . . from the instincts, not from the speculations of men. . . . Every step and every movement of the multitude . . . are made with equal blindness to the future; and nations stumble upon establishments, which are indeed the result of human action, but not the execution of any human design."[15]

It is with this notion of unintended consequences in mind that I want to look at the very thing that the UN, serving either the great powers or Humanity, is trying to make obsolete—war. Because many scholars of a liberal persuasion dislike violence, they therefore tend to neglect the military factor in history. I share much of this value orientation, but am convinced that moral dislike is not a legitimate ground for ignoring an important aspect of humankind's existence. One must know the enemy that one is trying to eliminate.

The fact is that war, while always a great scourge, sometimes has unintended consequences of value, in this case for the development of the concept of Humanity. One can argue that the emergence of the warlike nation-state has been essential for the development of internationalism, and that it is the latter that provides the structure for the development of agencies such as the UN, which, in turn, is one of the loci for the emergence of Humanity. If one accepts this line of reasoning, then one must acknowledge the way in which war has had a role in this development. This chain of logic is not charming, but it is one that we must look at in a hard-headed manner.

If we do this, we must agree with the paradox that armed conflict has in the last few hundred years played a major role in the evolution of international organizations aimed at doing away with violent conflict among nations. World War I and World War II, in which we encounter wars among nation-states, has been the basis for the international organizations, such as the League and the UN, being established, following upon earlier attempts to ameliorate if not to do away with such violent conflict. To go further and to collapse a lengthy argument, for example, not a single one of the members of the Security

Council, along with the council itself, would exist in its present form if it had not emerged from the cauldron of war. Now those nations, in unintended fashion, are shaping the UN itself. And that UN carries the potential of actually serving the cause of peace as well as the concept of Humanity. Such can be the unintended ways of history.

Let me try to go a bit further in my speculations about war. In the past, and persisting until today, there has been much talk among political philosophers about "just wars." Now it would appear that we must add the possibility and even the necessity of "good wars." It can certainly be argued that Kosovo is one example. For another, would military intervention in Somalia be justified? The battle between national sovereignty (assuming for the moment that Somalia is a functioning nation-state) and the common interests of humanity is one that increasingly will have to be joined in the effort to achieve a better "one world." The answers to these dilemmas are not clear, but a plausible argument can be made that the current of events is tumbling over itself in that direction.

The invasion of Iraq by the Bush administration can serve as a warning example to this line of thinking.[16] Still, one can argue that such an invasion, if carried out under the aegis of the UN and in a multinational fashion, might be a legitimate transcendence of national sovereignty in the name of Humanity. At some point in the future, the global community may have to contemplate more such "invasions." A comparison can be made with the intervention by the U.S. federal government into the civil rights case in which the state of Arkansas refused to abide by the larger law. States' rights gave way to national rights, and now the world community faces the possibility that national rights must give way to the international or global. Such a move can be viewed either as starting down a slippery slope or else as a brave step forward to a better world.

In an epoch when crises are taking the place of war, the challenge to the UN is to transcend national sovereignty in appropriate circumstances and to act more and more in the

service of Humanity. This it must do in regard to both political and economic/social matters. Erratically, and with many failures to its discredit, the UN has moved in the ideal direction set out by its founders. Rhetoric has led to reality, even if it is a reality not really desired by many of the members. The UN, as remarked, now has about 75,000 troops scattered across the globe. It has numerous agencies and aid units engaged in everything ranging from disease control to child relief. To serve Humanity is to serve it imperfectly. That appears at present to be the price necessary to serve it at all. The bottom line, however, is that notwithstanding all its failures, the UN is one of the best hopes of humankind.

6

In concluding this chapter, I wish to turn to the future, and to ask what ways exist to strengthen the mission of the UN, as it is evolving. Our guide here can be an example from the past. It concerns the way in which public opinion, that new actor in the eighteenth century, was mobilized against slavery. One of the major vehicles in this mobilization was the Society for Effecting the Abolition of the Slave Trade. It built upon the thinking of evangelical humanitarians and Enlightenment proponents of natural rights. It enlisted Methodists and Quakers along with *philosophes*. It appealed to an idea of universal humanism, and called upon this idea as it had previously appeared in two thousand years of erratic but inspiring manifestations.

Two features, in my view, stand out. The first is that it took over fifty years for the movement to be a success. Thus patience on the road to Humanity is required; indeed, it may involve a century or more rather than a half century. It does little good to cry out that humankind may not have that much time in a global epoch, marked by atomic and biological threats of extinction. Historical analysis is little interested in such demands, except as they inspire a sense of emergency.

The second is that, alongside outstanding leaders such as Thomas Clarkson and Wilbur Wilberforce, the campaign

against the Atlantic slave trade depended mainly on institutional change and the gradual weight of public opinion. This, in turn, depended on organizational activity, and the abolitionists' mobilization of public sentiment through tracts, pamphlets, and other publications. I do not wish to underestimate the economic and political forces that helped promote the labors of emancipation. Slavery and its abolition was a complex affair.[17] But neither should one underestimate mobilization, which stood at the heart of the movement.

Different times, different problems, a different movement—but all directed at the idea of universal humanity.[18] Is there a moral to be derived from the experience in which abolitionists were confronted with that affront to humanity, the slave trade? If there is one, I would argue that it is the need to mobilize disparate voices and groups in support of the UN. A campaign needs to be mounted to tackle a much more complicated issue than slavery and the trade in it. Whereas the actors in the slave trade were fairly few in numbers—slave owners, ship owners, and the governments that benefited from the revenues involved, along with the forces of tradition—those concerned with the UN are almost innumerable.

I will not go into the details of how mobilization in regard to the UN should be carried out. It certainly involves more than making a financial contribution to the UN Appeal. My only contribution here is to state starkly that the job needs to be undertaken, to supplement the work of individuals such as the secretary-general, of institutions such as the various councils, and of nongovernmental organizations.[19] Also, I wish to flag the realization that long-range campaigning is essential. The goal is clear: national interests, while not disappearing, must be complemented if not supplanted in many areas by the interests of Humanity.

Globalization is increasingly presenting humankind with challenges that transcend the usual boundaries in which they have previously appeared. But the challenges are themselves accompanied with the solutions that they make possible. Thus

the emergence of the concept of Humanity sets the context in which the latest challenges must be understood and their confrontations envisioned. The UN, as I have tried to show, is one of the imperfect means by which such challenges must be dealt with. (In fact, it is the organ from which various of the tribunals have emerged, whose work has been inviting us toward the concept of Humanity.) Or, should I say, that rather than being one such means, it is the essential forum in which the voice of Humanity can make itself heard.

7
Humanity
A Reassessment

In this book I have spoken about Humanity almost exclusively in universalistic terms, that is, as a unified entity whose values are accepted universally. A reassessment of this definition, and various qualifications to it, are now essential. The unity and universality of Humanity, in fact, is ineluctably tied up with diversity. To be human means to share certain common traits, one of which, paradoxically, carries with it cultural differences. One cannot be human without having a culture, which, along with a common nature, shapes one. Indeed, we must conclude that there is not a single "human," but many different humans, whose coexistence in difference goes to make up humanity.

Further, as Norberto Bobbio reminds us, "[B]y universal we mean not an objective reality, but subjectively accepted by the universe of humanity."[1] It is in the course of human experience—of its history—that common accord is reached. Human rights are not grounded in philosophical abstractions, though these may be present, but rather in the fact that most humans come to believe in them as a result of decades of experience with their absence. They are pragmatically based. As yet not everyone gives adherence to them, for reasons that I will explore shortly, and, when they do, sometimes qualify this by defining *human* in a limited fashion. Nevertheless, more and more people of the globe, in this global epoch, are arriving at agreement about the

rightness and necessity of such rights and are determined to secure them in enforceable legal form.

We might start by thinking about diversity within Humanity.[2] This essential piece of the human puzzle manifests itself vigorously in the form of culture. Here, in languages, customs, behaviors, and laws, for example, it seems to undercut any assertion of universality already made. Cultures and their constituent parts, of course, are constantly in a dynamic state. Thus, most recently, cultures have morphed into national as well as tribal and other "local" shapes. These will not go away, although they continue to change, and are now faced with what some have called a global culture.

At this point, the issue of globalization as homogenization versus heterogeneity may arise. In my view, this is a false dichotomy. The question is really: how much of each, that is, how much homogenization and how much heterogeneity, do we find as we look at the effects of globalization, and in what areas, in what degree, and so forth? These are all matters for detailed research, but even at the beginning of such examination we know that we will encounter extraordinary diversity amidst a drive to universality.[3]

The next thing to underline is that dissent is a necessary correlation of diversity. While individuals share a common humanity, they differ in "nature," that is, genetic disposition, as well as in their culture (and, again, individuals come away from their cultural surround with different gifts), and we are thus faced with a multitude of diverse actors entering into often heated dissent. As can quickly be seen, the assertion of universality in Humanity is no simple matter.

I wish now to speak of *reasoned* dissent. There is an affinity between such dissent and democracy. The latter only makes sense on the assumption that a common acceptance of reason and arguments made in accord with it can triumph over mere interest, or at least reach an accommodation with it. As Marlies Glasius nicely puts it, deliberative democracy contains the idea that "proposals can be debated on their merits through

rational arguments rather than solely on the basis of the representation of interests."[4] It is the interplay of reason and interest that is at the heart of the democratic process, which in practice can take diverse forms. Nevertheless, this interplay, while preserving diversity, is predicated on a belief in the universality of reason. Few will dispute the claims of science to have the same results despite being made in different climes and climates.

By science here, of course, I am referring to the natural sciences. We must now extend this claim to the human sciences, which need to be studied as on a spectrum with the natural ones. A prime example is in regard to human rights, so closely linked to the concept of Humanity. Thus torture violates human "nature" as much as a denial of the laws of gravity would violate physical nature.[5]

It has been fashionable until recently to indulge in postmodern attacks on reason. Such doubts have sought to erode the ground under such notions as Humanity (as we saw earlier in regard to Foucault and others). Of philosophical interest, and even value, postmodernism's subversion of reason is both intellectually misguided and has had nefarious political consequences (insofar as philosophers can be said to have public roles, as indeed they do). In a general failure of the belief in the possibility of a common reason to trump interest—Nietzsche's claim, for example, is that all thought is merely a disguised grab for power—a claim to universality (or the common interest) crumbles into partisan squabbles.

Leaving postmodernism aside, an interesting claim is made by Wai Chee Dimock that interprets Immanuel Kant's defense of universal reason as basically resting on an aesthetic universality. Following in the footsteps of Hannah Arendt, Dimock argues that *Critique of Judgment* advances the view that "the aesthetic theory . . . affirms the unity of the species by way of the faculty of judgment."[6] Arendt had read *Critique of Judgment* as a theory about "an original compact of mankind as a whole, and derived from this idea is the notion of humanity as

what actually constitutes the humanness of human beings, living and dying in this world, on this earth that is a globe, which they inhabit in common, share in common, in the succession of generations."[7] In Kant's own words, which accord with what he says in *Perpetual Peace*, such common feeling "aims at justifying judgments which contain an ought. It does not say that everyone will agree with my judgment, but that he ought."

I have invoked Dimock's handling of aesthetic judgment to emphasize that feelings enter into the underlying basis for the claim to universality of Humanity, along with reason. There is, indeed, no pure reason, except as a philosophical concept, for reason is embedded in emotion. But, while not pure, reason may still be universal, as I have argued in regard to natural science and human rights, the property of all humans. Like the power of reasoned dissent, common universal feelings underpin the emerging concept of Humanity.

One such "feeling," if I may so put it, is sociability. It underlies Arendt's "original compact of mankind." This does not, in my view, give support to the idea of an original state of nature in which the individual exists by himself and then enters into a social contract. He is in one from the beginning, as in the state of hunter-gatherers, and can only be imagined as an "individual" by sophisticated societies much later. Thus when the notion of human rights arises, it is for this newly constructed individual. Necessarily, however, it is for an individual living in society.

The other feature underlying society is the agonistic nature of human beings. The story of Cain and Abel carries conviction with it. As a creature of evolution, the human strives not only against nonhumans but against his own kind. Even a short stay on the Galapagos Islands would convince one about sibling sea lions pushing the weaker one away in order to get to the mother—and to survive. Humans, by instinct, are no different. This is the moral of *The Origin of Species*. Darwin, however, wrote another book, *The Descent of Man*, in which he spent hundreds of pages explaining how the survival of humanity depended on another instinct, altruism. Since the beginning,

mankind, which Kant called a crooked stick, has rotated between self-interest and sociability. The latest turn in this struggle, I am arguing, is embodied in the concept of Humanity.

1

I have tried in various ways to define crimes against humanity. This topic is related to what has been called "crimes against nature [*contra naturam*]." Our guides in this matter are Lorraine Daston and Fernando Vidal and the colleagues they have gathered about them in their exploration of the topic.[8] It must be first noted that the idea of crimes against nature goes back to antiquity and then flourishes in the eighteenth century, the setting for Daston and Vidal's reflections. In turn, their work offers us a wonderful comparison with our own contemporary inquiry, in which humanity displaces nature as the sinned-against party.

The specific crimes against nature are brought forth in the West in the late medieval and early modern period in the sodomy trials of the time. Sodomy is judged to be unnatural in the eyes of both God and nature, with nature seen as second only to God and reflecting his universal order. It allegedly violates the boundaries that define humanity.[9] Such charges persist even into the period of the Enlightenment. Thus Kant condemned onanism, often used as a synonym for masturbation, as unnatural, following in this judgment the juridical, medical, and pedagogical arguments current in his time. Perhaps his *Critique of Judgment* gave grounds for such a verdict as much for aesthetics as for reason issuing rational arguments.

In any case, the question arises as with Humanity: who speaks for nature? According to Daston and Vidal, at the time the answer was "doctors, scientists, jurists, theologians, politicians, activists."[10] Scientists and theologians were in an especially favored position, for they could lay claim to a supposedly "disinterested view from nowhere," that is, possessed of objectivity.[11] The theologians, of course, were the spokespeople of God, and

the scientists that of God's nature. Both were authorities on what was conceived of as a universal order.

On one side the crimes against nature connected with a growing belief in natural law. This, in turn, was linked to the development of the early modern state and an interest in international order, with thinkers such as Emmerich de Vattel and Hugo Grotius playing prominent roles. On another side, the debate contributed to the role of culture as setting man off from nature. Culture, rather than what is "natural" in the theological sense, becomes the defining attribute of humanness. Man in this view is a linguistic animal that constructs his own nature.

Everything, of course, can be made to contribute to anything. Still, the lines leading out from the debate over crimes against nature can be seen as suggestive of later developments that contribute to the concept of Humanity. If this is too large a claim, the more modest one can be made that we seem to have before us a rehearsal of sorts for the notion of crimes against humanity in the guise of crimes against nature. In the latter case, homosexuality and related "perversions" is the subject of concern and persecution. In the former, it is genocide and its perpetrators who are on trial. The second, homosexuality and onanism, are thought to be against nature, the first, judged to be against humans who, in the eyes of their murderers, have lost their humanity.[12] In each, there is an implicit statement as to what being human means.

Globalization adds a later wrinkle to our speculations connecting crimes against humanity to crimes against nature. This is the idea that, as Robyn Eckersley puts it, perhaps the international community should "also be concerned about massacres perpetrated against critically endangered species." From this idea follows the legitimacy of ecological intervention and what she calls ecological defense, that is, the preventive use of force in response to the threat of serious and immediate environmental harm flowing into the territory of a victim state. Her conclusion is that the perpetration "of mass extinctions and massive ecosystem destruction be regarded as 'crimes against nature.'" To deal with

this situation she raises the question as to whether we need "an international environmental court."[13]

This is an intriguing line of thought. It obviously connects with the increasing tendency to erase sharp boundaries between humans and the rest of the animal kingdom as well as with nature at large. Once it is postulated that a human being requires certain social and economic rights to be fully human, the environment, as indeed the UN has recognized, becomes part of the equation. For some a slippery slope, for others a logical progression, it is certainly a heady idea. For our purposes here, crimes against nature is an interesting way of thinking further and deeper about crimes against humanity, as it leads toward the concept of Humanity.

2

Let us now pursue another line of thought. In various trials and tribunals, going back to those in connection with the Turkish atrocities during the First World War, the idea of crimes against humanity has been linked to the idea of civilization. Implicit is the notion that somehow or other humanity can be found only in connection to civilization. Outside the walls of the latter, the species manifests itself as barbarians or savages, who exist beyond the circle of humanity.

It is religion that supposedly turns early man into human, and also creates civilization. This connection is asserted in the initial use of the reified term civilization in 1756. Mirabeau the Elder, in his book, *L'Ami des hommes*, first introduces the term, embeds it in religion, and links it to humanity. "Religion," as he tells us, is "without doubt humanity's first and most useful constraint; it is the mainspring of civilization."[14] Volumes can and have been written on this subject. Suffice it to say that two lines of thought stand behind this line of argument and the debate over it. One is that religion, and religion alone, provides humans with morality, as a part of their "nature." This view is taken on faith by true believers. Such a view is not

accepted by secular thinkers, who can argue that, in fact, many people have been moral without being religious; David Hume is a famous example. The other line of thought asserts that religion is a force for social bonding, the basis of most if not all societies. Here, one can instance Durkheim, and then find one's way to Norbert Elias, who is open to the notion that religion may be one of the ways to constrain impulse and thus forms part of the "civilizing process."

Certainly, religion is a major component of civilization, from the time such bondings emerged around twelve thousand years ago. Indeed, one can argue that civilization softened the features of religion—doing away with some of its savage features—at the same time that religion helped constitute civilization. Similarly, at least until now, most humans have embraced some sort of religious belief. Thus today, for example, Christians account for about a third, and Muslims over a fifth of humankind. Both religions, however, as well as the others now in the world, must accommodate themselves to the forces of globalization as well as face reexamination in terms of the concept of Humanity. So seen, religions both serve as an inspiration for the belief in one humanity (as we have noted in an earlier chapter) with universalistic features and stand as an obstacle, dividing humanity into irreconcilable groupings.

The fashionable but fanciful notion of a clash of civilizations, seen as religiously based, highlights what has been said. John Headley, who was cited in Chapter 3, speaks of "incivilization," a felicitous phrase, reminding us that religion can both underlie civilization and render it inoperative. (He also reminds us of the "*inhumani*" who lacked knowledge of geography and thus the extent of the human population.)[15] In short, religion and civilization are many-sided features of the human experience, and their contribution to humanity and the concept of Humanity is both ambivalent and unclear. In the past, for example, Christianity has had a complicated relation with the "humanities," and has so today. Secular humanism is now often cited as standing in opposition to religions. Each of

these commitments, the religious and the secular, defines the emerging task of becoming "human" in very different terms.

We are today engaged on a "project of humanity."[16] I am arguing that this is a task only attainable in society, and today in a society that is increasingly engaged in the processes of globalization. The question revolves around the mix of universality and diversity that will best make the cake of humanity. Religions and civilizations have their own version of that mix. They are part of the ingredients to be found at present in the recipe for executing the (a?) project of humanity. They are only part of the recipe, and, leaving that metaphor aside, one must also allow for the fact that often they are either not interested in or opposed to the project itself as I have outlined it. As Matthew Arnold put it a century ago, humanity (or at least its western part) was engaged in a "clash by night," that is, between faith and reason. Today, a "clash of civilizations" (and religions) appears to hover over the battlefield, hindering the effort to end warfare, which forms part of the project and concept of Humanity.

3

Diversity, as I have stated, is an integral part of humanity. When, like patriotism, it is used to mask selfish interests, it operates against humanity. This is searingly the case in much of the opposition, for example, to the UN's attempts to transcend national "sovereignty." Thus the excuse of diversity has been invoked in the case of the Sudan, where one group seeks to oppress another by rape, arson, genocidal-like actions, and violent killings. Innumerable other examples could be cited, ranging from Serbia to Saddam Hussein's Iraq. The particulars are different, but in all such cases a struggle for domination is hidden behind a claim to sovereignty. Though historically such a claim has been used to protect a people from the ravages of colonial powers, it is employed more often, and certainly today, as a defense of arbitrary privilege.

This is so obvious that it is taken for granted, and a blind eye generally cast on the matter. National entities, racial groups, religious groups, and ethnic groups all try to protect their behaviors of domination and discrimination by sheltering under the tent of sovereignty. In 1789, in France, a revolution was necessary to shatter the reign of privilege. In the twenty-first century, the battering ram appears to be the UN and the concept of Humanity.

The violation of human rights is often pursued under the mantra of sovereignty as well. Who are you, it is asked, to interfere in the way we treat "our" people? Besides, human rights runs counter to our "culture," our claim to particularity. Such is the familiar litany hiding internal oppression from outside "human" interference. When males in a given society "protect" their right to keep females "down"—and identification with the aggressor, and so forth lead many women to embrace their inferiority—they claim it has always been so (i.e., tradition), and frequently also shelter their domination under the heading of diversity. This they put forward in opposition to the claim of Humanity as a universal value. Though the particulars vary greatly, the struggle is monotonously the same.

In its development, humankind has experienced the stages of clan, tribal, regional, and national "loyalties" based on the fact that social structures tend to repeat the pattern of subordination of the kind just described. The concept of Humanity will not do away entirely with this social fact. Realism suggests supra- and subordination will persist, but also that it can be ameliorated. This is the case exactly because Humanity is more and more emerging as a meaningful tie. As I have been arguing, globalization, while often tearing apart other connections, is contributing greatly to a new expression of social bonding, one encompassing greater equality and justice.

The fight over sovereignty has stretched over recent decades, and is now being waged in a global epoch. A glance, for example, at the National Security documents of the Bush administration will demonstrate how lip service must now be given to the

global, even while the assertion of national sovereignty is in fact made stronger.[17] A typical example of the struggle and the rhetoric surrounding it can be found in the U.S. tergiversations over the Law of the Sea Convention. Without going into details, John McCain, who once supported the treaty, as a candidate running for president in 2008 hemmed and hawed: "It would be nice if we had some of the provisions in it. But I do worry about American sovereignty aspects of it." His opponent at the time, Rudy Giuliani, was more forthright, saying he "cannot support the creation of yet another unaccountable international bureaucracy that might infringe on American sovereignty and curtail America's freedoms."[18]

Perhaps one can dismiss such statements as campaign rhetoric. However, they are uttered on the assumption that they are what the electorate wishes to hear—the raw meat of national sovereignty is being tossed to them. Needless to say, the United States is not alone in this matter. The rantings of a Serbian nationalist, for example, Vojislav Seselj, are simply more egregious.[19]

There is increasing reason on the part of leaders and the led alike to fear agencies and judgments that claim to transcend sovereignty, such as that embodied in courts like the ICC. Jack Goldsmith, a former Bush administration adviser, warned his superiors that their actions in regard to torture and detention might justify their being brought up on charges of war crimes.[20] In this vein, the World Tribunal on Iraq (WTI) was convoked in 2005, and, though without legal or governmental power, held serious hearings.[21] In Serbia, a mock hearing condemned Clinton and Blair as war criminals. Such a happening can be read as testimonial—a nod thrown by vice to virtue—to the increasing power and prominence of the concept of Humanity, and the trials and institutions set up in its name.

The steady drumroll of charges of crimes against humanity brought against individuals who seek to hide behind claims of national sovereignty is a telling sign of our global epoch. While the violators still dominate the air, other voices are increasingly

being raised. Typical is that of Bernard Kouchner, foreign minister appointed by Nicolas Sarkozy, who, while asserting French national interests, nevertheless talks about "'the image we have of ourselves,'" that is, of being human, "and the promotion of human rights."[22] Here we have the recognition that national interests must now be secured by also including the greater interests of the human community.

What needs to be remembered, or at least noted, in this whole discourse is that the "nation" for which sovereignty is claimed is initially assumed to be eternal. In fact, though, to take one example, "France" was not the identity assumed by "its" inhabitants from the eighteenth to the early twentieth century, and they were not aware of living in a territory united under that nomenclature. As a recent book by Graham Robb documents, such a description might have meaning for Paris and a few powerful individuals, but not for the "locals" who made up the vast bulk of the population. They thought of themselves as Provençals or as Bretons. Similarly, the constructed identity, and much of that recently, of, say, Africans and Europeans is made evident in recent books that demonstrate that neither party at first thought of itself in such terms. Speaking of the slave trade, we are told that the "Mandinke men who captured Ayuba, like the Hebohs who captured Ibrahima, were selling a stranger. They were no more betraying a natural African solidarity than the British, in expelling the Dutch from Cape Coast, were betraying some natural European solidarity."[23]

Evidently identity formation and loyalties are fluid and changing—and, once momentarily fixed, then asserted as being eternal. I am not dismissing the tribal and the national as trivial or merely ephemeral. Instead, I am calling attention to their constructed nature, assisted, incidentally, by the practitioners of history and of mapmaking. These loyalties are looser than their adherents proclaim (which may partially explain why they must be so loudly defended). Both identities and territories are always requiring newly constructed boundaries in order to prevent their being transcended. Today, that transcendence is

increasingly in the name of Humanity. It is a new form of identity and "territory," in the sense that it breaks past geographical lines and exists in space, outer and inner. Its construction, its "project," is the challenge of our global epoch. As such it is simply one more link in the human imaging and construction of social bonds.

4

What sort of line, if any, can we draw at this point under the concept of Humanity? In the material above I have tried to emphasize that the concept operates with an awareness of diversity as well as universality, that it acknowledges that complete harmony is a utopian illusion, and that, like other social bonds, that of Humanity is a construction, and as a construction it should be viewed as a "project." Earlier in this book I referred to Ian Hacking's notion of dynamic nominalism, the way in which an assertion, say, about homosexuality, can then take on reality; or in Lynn Hunt's formulation that ideas have transformative power, as in the case of human rights. My assertion and formulation is that the concept of Humanity should be viewed in this manner, taking on increasing reality now as a legal and global "being."

This is necessarily a slow and gradual process (which can be reversed). The merest acquaintance with history should inform us that to every action there is a reaction, to every good intention a bad one (and vice versa), often produced by the good; and that humans beings, capable of both good and evil, need laws and institutions to maximize the good, the true, and the just. These are moral comments, made about what we can observe as a historical process tending in the direction dreamed of by Kant, now increasingly made real. In this direction, humans become more and more interconnected, requiring new commitments, such as those enshrined in the UN and its creation of international tribunals. Such institutions require interventions against previously conceived sovereignties, without doing away with

them. Indeed, as I have noted, one author has gone so far as to call for "ecological intervention" or the use of preventive force in response to threats of "serious and immediate environmental harm flowing into the territory of a 'victim' state."[24]

Will such a process toward Humanity as a power in a globalized world be derailed in fact? This is certainly possible. Perhaps only catastrophe can concentrate the human mind in the required direction. As Inis Claude comments, "[G]reat organizational enterprises are dependent upon great wars to demonstrate their urgent necessity and to stimulate recognition of their feasibility."[25] Will it require, therefore, something like a nuclear war or its counterpart, perhaps global climate change, to move humankind toward sufficient reflection as to its own identity and need for survival in a global epoch? Or would such a catastrophe leave humankind in such disorder and tumult as to stand in the way of such an outcome?

I believe that history, the description and analysis of the past, does move us into the future, by drawing on the past; clearly, this is not the same as prediction. The historian can only supply resources, in this case for the project of Humanity, and decry the dangers inherent in certain paths and predilections. In placing before the reader this historian's analysis of how the concept of Humanity has come into existence, the hope is that it will not only carry scholarly value but act in a transformative manner. What happens next is in the hands of readers and leaders, who will behave in terms of the concept and thus bring it about, at least to the extent that human agency can function in a world of unintended consequences.

Epilogue

As the title of this book indicates, my subject has been "Humanity in a Global Era." In the world in which we live, the concept of Humanity and the process of globalization, together, require us to reflect anew on what it means to be human. This concept and this process are ineluctably tied to one another. We can think of the concept of Humanity as mainly a matter of a new level of consciousness. We can do the same with the process of globalization, reducing it to a material change that brings humans into greater economic connections. As soon as we phrase it in this manner, we realize how myopic our formulation is: for Humanity, I have been arguing, is taking on actual legal existence as well as materiality in the form of social integration, while the globalization process in turn is not merely economic (as if such a thing could be, outside the reigning disciplines) but political, social, cultural, and intellectual as well.

The fundamental context for thinking of our two subjects, and their intertwining, is a changed sense of space and time. In this epilogue, I want to give a brief sense of what is involved by this statement. Simply put, we now exist in a novel space, one conjured out of emptiness by the space ships that enter it, and by the telescopes that we peer through to show us its outer limits. Such a space lies beyond our previous boundaries. This changed idea of where "we" are in the universe brings with it a changed sense of who "we" are.

Earlier thinkers and scientists, such as Johannes Kepler, had imagined themselves outside the earth, looking "down" at it. Before even Kepler, there was Copernicus, imaginatively stepping outside our solar system. No human, however, had actually had the experience of being outside the planet, Earth, and actually seeing it whole, where up and down had no real meaning. This was the insight of Buckminister Fuller, who preferred "in" and "out" as ways of signaling "towards" or "away from" our planet, Earth. He often cited the powerful photo of the "blue planet" seen by astronauts as they headed toward the moon. In fact, these moon seekers were also seeing a new humanity, unconscious as they themselves might have been about it. Was this what Neil Armstrong intuited when he uttered the now famous words, "one small step for man"? (Controversy exists over what Armstrong exactly said. Certainly his intent was to say "one small step for a man, one giant leap for mankind," but the "a" seemed to have been lost in the radio transmission.)

Clearly, humanity was taking a decisive step. Space travel, though anticipated in literature, opened up a new reality. Historians are prone to talking about "turning points." As one scholar, Alexander Geppert, says, surely October 4, 1957 and December 24, 1968 were such hinges of time and space. The first was when Sputnik was launched, the second was when Apollo 8 took off, and its crew shot the first photos of the entire planet Earth.[1] As a result, in a sense, humans had now become alien to their previous selves. Imaginary aliens landing on Earth from UFOs (unidentified flying objects) appear as a projection of the human "invasion" of outer space. Such "aliens," both ourselves and imaginary ones, can be seen as a new means by which humans seek to understand their identity in a new space. Indeed, over forty years ago, I wrote that "Man's thrust into outer space is, ultimately, a return to himself."[2] I believe that this statement is truer today than when I originally wrote it.

Most observers have focused on the revolution of space and time brought about by globalization in terms of the computer and its creation of "virtual space." Manuel Castells emphasizes,

in addition, the way in which market transactions now occur instantaneously and simultaneously in real time.[3] One can also stress the manner in which intellectual exchange can take place under more or less the same conditions. These are part of the processes of globalization on Earth that are making for the integration of Humanity as I am conceiving of it. Space has taken on a new meaning, as it had much earlier in the cartography of the fifteenth century (Cf. Chapter 3). It is matched, as I am suggesting, by the insertion of humankind into outer space. In a kind of boomerang effect, leaving the earth as humankind we can be said to return as a new kind of humanity/Humanity.

There is an incidental paradox. The initial space explorations have been western initiatives. This requires us, of course, to include Russia in the West, which makes much sense. Long before Sputnik, at the end of the nineteenth century and beginning of the twentieth, the Russian scientist Konstantin Tsiolkovsky pioneered in envisioning the principles of rocketry.[4] His work was taken up by the American Robert Goddard, and furthered by the German Hermann Oberth and his student Wernher von Braun. Coupled with the computer, and other developments, their collective work led to space launches that turned Jules Verne's fiction into an almost commonplace reality. In this phase it was almost solely a Soviet/American enterprise. Only subsequently, have other European and non-European nations come on board. Only now can we talk of true globalization in regard to the space/time revolution.

The paradox is that as a result of globalization, in which space exploration plays such a significant part, Europe has now been displaced, in the sense of losing its special place in the hierarchy of nations on Earth. However, in the form of the European Union it has assumed an important role in forging a new order of integration, a regional one standing between the national tie and the concept of Humanity. Significantly, the EU is in general a supporter of the rule of law and the search for justice that exists in back of the movement toward Humanity. In its new role, Europe stands very much at the

crossroad between the aspiration for the universal and the ties to a national and regional form of social integration. It stands as a prime example of the way the various bondings, all now in a new space, may interlock and pull apart. It may be a harbinger of humankind in an increasingly globalized world.

By stepping out of the earth's atmosphere, humankind has taken on much greater unity on its own turf. Thus the Apollo moon landing was witnessed on TV by about six hundred million people around the globe; or, to put it another way, approximately a fifth of the world's population in forty-nine countries shared a common experience in real time. What I am going to say next may seem a "way out" assertion, but symbolically this audience should be viewed as a gathering together of the human clan. Admittedly a TV media event, that medium, as McLuhan anticipated, has become the message.

This increasing unity shows itself in numerous other examples. As José Casanova claims, the Y2K New Year's Eve celebration "was the first common collective global celebration in the history of humanity." As he goes on, from the Durkheimian perspective, "it may be viewed as a sacred event, as the first collective celebratory virtual gathering of humanity."[5] Perhaps a bit hyperbolic, Casanova has caught the spirit of the way in which the new space/time is entering quotidian life.

On a more macabre note, Martin Albrow sees Hiroshima in similar terms, as a collective planetary experience.[6] Two threads can be picked out of his account. One is the way in which the nuclear threat imposes a more global attitude upon the human population. Elsewhere I have referred to the nuclear threat as a factor in increasing globalization, forcing us to realize that older boundaries no longer can protect the peoples of existing nation-states.[7] The other is that Hiroshima is also a cloud over humanity at large, posing the danger of its complete elimination, at least in the civilized form as we have known it.

We can find additional manifestations of how our push into new space is shedding light, or at least questions, on what it is to be human. The quest for extraterrestrial life forms is at least

as much if not more a search for our "other" than a mere piece of scientific research. Hitherto pursued in the form of science fiction, that exploration now continues in the search for water as a precondition of life. Our probes into the composition of other planets carry the broader search with them.

In this process of exploring and expanding what I shall call the human "footprint," for now it shows up in outer space as well as on the planet Earth, the consciousness of humanity becomes a reification. (On Earth, environmentalists speak of the human footprint as indicating our use of natural resources.) And as I have tried to argue, humanity and especially the crimes against it, now also lead us to the concept of Humanity. Here on Earth, we seek a life ruled by law and in accord with justice. The juridical revolution that I have described is a mundane matter, but connected by conceptual as well as real threads to the revolution of the heavenly bodies into which humans have inserted themselves. Space, so to speak, along with time has been turned on its head. Humans will never be the same again.

In fact, of course, most humans are unaware, consciously, of what has been going on around them. Has it not ever been so? Nevertheless, all humans have been changed in our global epoch, willy-nilly. Whether intentionally or by inaction, through committed or omitted behavior, humanity is engaged with itself in a novel fashion. Let me offer an outrageous example. Genocide surely is the result of ghastly actions by terrible humans. And so it is. It is also, however, the result of actions *not* taken, by all of us in the shape of the human community. I have written this book, and its analysis of humanity/Humanity, for two reasons. The first is as a scholar, fascinated with the world developing around me. The second is with the hope that, if we take seriously the new concept of Humanity in a Global Epoch, genocide and its kindred inhumanities will become an anachronism. In sum, where Humanity is, embodied in international organizations and public opinion, inhumanity retreats.

Appendix I
The Question of Global Identity

The possibility of global identity has taken on new meaning and specificity in the light of efforts to conceptualize global history itself, with some of those involved in the effort going so far as to claim the validity of a new emerging periodization: a global epoch. Recent globalization processes, which are transcending existing local, regional, and national boundaries—examples are environmental concerns, space missiles and satellites, and multinationals—suggest the possibility of a global identity, differing from previous utopian notions of a nebulous identification with "humanity" in that it is grounded upon actual real life and its vicissitudes.

Needless to say, the conceptualization of global history itself and, then, efforts to implement it in specific empirical work are only at the beginning stage.[1] Even more incipient is the attempt to think about global identity. What follows, therefore, is merely a few hints on the subject, a kind of sketchy prolegomenon to a future, more serious treatment.

The first thing to be said is that, certainly in the modern world, identity is neither static nor single. In regard to the latter fact, we may enjoy our identity in terms of family, tribal, regional, or national attachments, as well as ethnic and religious ones. They may all coexist, occasionally making conflicting demands. In regard to the nonstatic aspect, a glance at

humanity's evolutionary and historical development informs us that these "local" identities that I have just listed have not always existed (with the exception presumably of the family); "primordial" ties turn out not to be particularly primordial, and even our ethnic and religious identifications are constructed over time and change form, sometimes rapidly.[2]

In their important article, "World History in a Global Age," Geyer and Bright urge us to "[t]he recovery of the multiplicity of the world's pasts . . . because, in a global age, the world's pasts are all simultaneously present, colliding, interacting, intermixing."[3] No less is true in regard to our identities. We are constantly in the process of "recovering" their multiplicity at the same time as bits and pieces of them fray and even break free from us—or us from them.

The situation in Bosnia serves as a case in point. Bosnia's Muslims have been a notoriously secular group. Yet under persecution and the experience of genocide—with a good deal of prompting from the Iranians who have been helping them—an intensified religious identity is being forced on, or seized upon, by individuals who now see their identity first and foremost as "Muslims."

Similar cases can be found everywhere around the globe. In the United States, to offer merely one more example, efforts to maintain or, more usually, resurrect a "southern" identity have been entering into contemporary politics. The desired recovery or affirmation is mostly in cultural terms, though these echo dusty southern nationalist themes. Thus, Patrick Buchanan in the 1996 presidential primaries urged his followers to "stand up for their heritage," and, though he said "everyone," it was clear that he meant southern whites and not blacks.[4]

Bosnian Muslims may have to choose between their identity as Bosnians and Muslims. American Southerners, preserving their racial heritage, do not have to give up their "American" identity. In fact they may even, in a hierarchy of identifications, ultimately place the latter ahead of the former. In short, as with people everywhere, identities are multiple and layered.

Historically, the most recent possible identity has been the national. As with all other identities, debate rages as to its time of emergence, its exact nature, and its extent. Liah Greenfeld finds it in seventeenth-century England.[5] Others defer its emergence until the French Revolution, in which it manifests itself in an initial democratic form before, later in the nineteenth century, taking on as well the possibility of an authoritarian mode.

Similarly, debate is not restricted to nationalism's various political valences but even more stridently to its constituent features: is a common language important? a common territory? a common past? and so forth. And, as for both extent and real content, though "nationhood" has been sought by many groups or been conferred on them—there are now 192 "nation-states" in the United Nations (UN)—it is not at all clear that those that are in—for example, Somalia—really are endowed with nationalism, or that those without—for example, the Kurds—lack the sacred "secular" commitment.

It is again not my task here to say more about nationalism as such, only as much as is needful to juxtapose to it—as the most recent identity possibility—the possibilities of an emerging global identity. To do this, I want only briefly to highlight for our purposes two questions about nationalism. The first question asks whether in some fashion it is itself a forerunner of globalism and a global identity. The second question is to ask whether it is fading away, this perhaps being a necessary preliminary to the oncoming global identity.

In mid-eighteenth-century Europe, it was fashionable for philosophes to parade their cosmopolitanism. Looked at closely, however, such claims generally turn out to be a commitment to a particular city and its "cosmopolitan" culture, not to the world as a whole. So, too, a dedication to humanity and to being a "citizen of the world," as, for example, made by Voltaire, reveals itself to be a lofty rhetorical device rather than description of a true global identity. Voltaire was, in fact, the quintessential Parisian (whether actually living there or not).

Nationalism was vaguely in the air during the early eighteenth century, but it had not yet settled firmly (with the possible exception of England) on a set piece of ground. This was to occur mainly in the last two or three decades of that century. We see some of its vicissitudes in the figure of J. Hector St. John de Crèvecoeur. Starting life as a Frenchman, he served in the French army in Canada (against the British), and then, resigning his commission, he began to travel and eventually farmed in the American colonies. At this time—what was to become the United States of America, with its attendant possibility of national identity, was in the throes of being born—Crèvecoeur passed through a multitude of identity phases. He variously identified himself as a provincial—New York, Pennsylvania, Vermont all took their turn—and finally as an American, publishing his *Letters from an American Farmer* in 1782 with its classic essay, "What is an American?" Yet, this same man opposed the colonists' revolt against the British, supporting the Tory position, and, within a few years of the American victory and assertion of new nationhood, reasserted *his* identity as a Frenchman![6]

The case of Crèvecoeur illustrates the early jitters of nationalism. Yet, after the French Revolution—if not the American—the national spirit marched triumphantly across western Europe as well as infiltrating itself elsewhere. One's definition of oneself, for example, in France now generally included a national identity on top of more local and regional identities.

What needs to be noted is that such national identity carried with it in some cases an explicit dedication to a larger commitment to mankind. As Leonard Krieger, in a fine article on early nationalism, reminds us that, for revolutionary liberal nationalists, "[n]ations were convenient subdivisions of humanity, associations of equal individuals ordained by nature and history to realize the common goals of mankind. In Mazzini's words: 'Your first duties . . . are to Humanity . . . you have a country, in order that in a limited sphere . . . you may labor for the benefit of all *men* whatever they are and may be in

the future.'"[7] In such formulations, we seem to discern the results of a dialectic moving from prenationalistic, Voltaire-like identifications with "Humanity"; through Crèvecoeur-like tergiversations to a "national" identity; and to the actual emergence of strong commitments to fully accepted nationalism. The latter may also carry with it Mazzini-like exhortations to add to the national the burden of duties to Humanity. If this sketch is accurate, it may then be argued that an *internationalism*, which must presuppose strong nationalisms, emerged in the nineteenth century. This development, in turn, would be a necessary stage before globalization could occur, carrying with it the possibility of an actual global identity.

This is the first hurried argument I wish to make; the second addresses the question as to the future of nations and national identities. In *Nations and Nationalism Since 1780*, E. J. Hobsbawm declares that nations and nationalism "[are] no longer a major vector of historical development."[8] Does this mean that the nation-state is on the way out? Not quite; it is simply a diminishing force, unable to cope within its own boundaries with global forces. Does this mean that globalism, offering a new identity, will succeed nationalism? Anthony D. Smith, for example, is highly skeptical about the possibilities of a transnational culture and identity.[9] In a recent book, David Miller is not only skeptical about the possibilities, but is ethically opposed to the idea that nations and the individuals who inhabit them have responsibilities of a global nature outside their own boundaries.[10]

Our task is not to be drawn further into this debate about the future importance and the moral duties of existing nation-states. We wish merely to touch upon the subject as a precondition of our own discussion of the possible emergence of a global identity. All I need to affirm here, somewhat categorically, is that the nation-state will remain a prime grouping of peoples everywhere; that it will be challenged, however, more and more by more local and regional loyalties, even to the point of separatism; and that the spread of globalism necessarily both results from the

diminishing ability of the nation-state to control its own destiny and, at the same time, is a cause of that diminution. These seem to be conclusions based on the facts of recent history. We are now left with the question central to our own concern: In this situation, is the emergence of a global identity, on top of a national one, a real possibility?

We have spoken of some of the factors—language, territory, ethnicity, common history, and so forth—that seem to have played a major role in the formation of communal, and especially national, identities. Can we now speculate on how these or similar processes might serve in the construction of a global identity (not doing away with but adding to the others)?

For example, land is frequently a factor in a person's sense of identity: "I come from X land." Of course, X has not always existed in a given form—in that sense, it is constructed—but *some* territorial base seems favorable to group identity. Will the "globe"—Spaceship Earth, to use Buckminster Fuller's phrase—supply that base in the future? This notion at first seems fanciful, but Gaia hypotheses, the environmental movement, the perspective on the earth supplied from outer space, and so on, may indicate the direction in which future developments and commitments might make the notion realistic.

In fact, one's "homeland" may take on new meaning in an epoch of global migrations. Territory itself may be transformed by the imagination. Thus, in his collection of essays, *Imaginary Homelands*, Salmon Rushdie informs us, "*The Satanic Verses* celebrates hybridity, impurity, intermingling, the transformation that comes out of new and unexpected combinations of human beings, cultures, ideas, politics, movies, songs. It rejoices in mongrelization and fears the absolutism of the Pure. Melange, hotchpotch, a bit of this and a bit of that is *how newness enters the world.* It is the great possibility that mass migration gives the world."[11] His point is echoed in less poetic form, when E. J. Hobsbawm reminds us, "Urbanization and industrialization, resting as they do on massive and multifarious movements, migrations and transfers

of people, undermine the . . . basic nationalist assumption of a territory inhabited essentially by an ethnically, culturally and linguistically homogeneous population."[12] Yet, the undoubted undermining of nationalist assumptions and conditions does not itself establish the emergence of a global identity. It merely helps prepare the way by loosening one set of bonds and, thus, allowing space for another set to encircle people. We must remember that migration was the basic human condition until about twelve thousand years ago and the beginning of settled agricultural communities. It may be that migration is returning, for better or worse, as the basic condition for millions and millions of people, only now in an industrialized rather than hunting-gathering context. If this is so, such people may be ripe for a consciously held global identity.

In fact, because of the rise of new and more globalized forms of media, one may not have to leave home to gain a new sense of territory or, better still, emotional space. Here we find helpful Benedict Anderson's influential thesis on the importance of print for the development of an imagined community. As Ulf Hannerz nicely sums it up, "[E]asily accessible materials . . . in one's own language made it possible to recognize that there were people like oneself, in large numbers, beyond the local face-to-face community."[13] Such recognition helped in the construction of national identities.

Can we not speculate that satellite TV (and the common consumerism it spawns) may play a similar role in regard to a global identity? Much of the world now watches the same historical events: almost one billion people saw the first step for mankind onto the moon; the Persian Gulf War was seen concurrently on screens in Jerusalem, Baghdad, and all other major cities (as well as the countryside); and three billion people witnessed the Coca-Cola ads for the 1992 Olympics!

These visual images supply a common language. One "sees" as other people see, and consumes as they do, and perhaps thinks that they are like oneself. A new imaginary community is being formed by the flickering images on our TV sets (radio,

as in earlier decades, also continues to play a role).[14] Anderson's thesis, though metamorphosed by new technologies, may still be holding.

If we add to his insights some observations, derived from Durkheim on the sacred and profane, we may gain additional insight into elements helpful in the formation of a global identity. What appears to be merely instrumental—the wondrous results of modern technology—can take on the enchantment of the sacred. Thus, Jan Mejer suggests, "We might identify many phenomena in contemporary secular society that have a sacred character, such as the charged passions and sentiments evident at sports events, rock concerts, political demonstrations and even the collective aspects of private participation in national or global events that are increasingly televised. The latter medium sacralizes events. . . . The 'evening news' in this sense is a routinized participation in certain sacred mysteries of modern life."[15]

Along with the common visual language, there is another, more verbal and printlike, one. It is, of course, the spread of English as the new lingua franca, so to speak. During the last few decades of the nineteenth century when international telegraphic and signaling codes were being agreed upon—forerunners of our satellite communication systems—attempts were also being made to construct artificial universal languages. Esperanto is the most well known. Such languages did not take, but English, in a muddled way, has become the common tongue and print at least for the world's elites. In unintended and sometimes unclear ways, it may also be serving in establishing for them a global identity.

I would like to call attention to one other mode of both forming and expressing our identities: clothes. This may seem a pedestrian topic after the heights we have been on with TVs and satellites, but its everyday impact may be as important. We have long known, as Mark Twain has told us, that "clothes make the man." By the time of the early Industrial Revolution, it was also beginning to make the self and to create its identity.

Thus, as Neil McKendrick reports, "According to The London Tradesman of 1747 such was the power of the fashionable tailor that 'to some he not only makes their Dress, but . . . may be said to make themselves.'" As McKendrick continues, one author "mockingly described fashionable Londoners' dependence on, what he called, their 'Shape Merchant' in mid-eighteenth-century England: 'There are Numbers of Beings in [and] about this Metropolis who have no other identical Existence than what the Taylor, Milliner, and Perriwig-Maker bestow upon them: Strip them of these distinctions, and they are quite a different Species of Beings.'"[16]

It is not just individuals, however, upon whom clothes bestow an "identical Existence." As is well known, groups, including the national, also usually mark themselves by what they wear. Although generally worn only for pageants, "national costumes" are a recognized form of dress. Certainly, stereotypes continue to exist about Japanese or English clothing no matter how opposed such quaint costuming is to the streetwear they actually put on.

Is there anything comparable on the global level? On the elite scene, the ubiquitous business suit seems to symbolize a certain kind of global identification. Young people everywhere have a homogeneity conferred on them by the Nikes, jeans, and other fashions in which they clothe themselves. To carry the inquiry to a more ethereal level, we must note the common uniforms worn in the galactic universe portrayed in much science fiction and in TV series such as *Star Trek*. While we must not make too much of the phenomena cited in this paragraph, they do serve as signs that lead the imagination in a certain direction: toward global identity.

In the formation of national identities, war has played a fundamental role. It, too, offered a common costume, and conscripts from different parts of the country were taught a common language (started, of course, in the schools). Can we expect anything similar in the case of UN troops? The blue beret, of course, is a distinguishing mark, but it is not clear how much

unity it imposes on the national troops. Language is still often a barrier. While it seems certain that the UN will have to expand and professionalize a military force of its own, only time will tell whether such a force begins to take on a more global identity.

War, of course, has been a major unifying force that helps to bring into existence a national identity. As the saying has it, nothing unites like a common enemy. But who is the tangible enemy fought by, say, UN troops and in the name of what opposing united entity? Certainly, there is, as yet, no world government (except as a fantasy in the minds of many right-wing thinkers and a few idealists of the left).

Thus, war appears to contain within itself elements both promising in regard to an increasing global identity and at the same time negating that possibility. There is, however, one other factor present in the shaping of group identities that seems to be almost totally missing in the repertoire of the global possibility. Case study after case study suggests that a key factor in the rise of ethnic, religious, or national identity is a sense of humiliation. If members of a group feel insulted and humiliated, their self-worth is eroded. In reaction, they often become assertive and claim to be special—indeed, superior—and clothe themselves in a unique identity. In almost all cases, that unique identity, by definition, is closed to others.

Such a psychological factor and others like it appear not to be available to the formation of global identity. It cannot exclude "others" by definition, and global humiliation is difficult to imagine. Perhaps, however, a common enemy might be found in the environmental threat, and humiliation is visited upon globalists by right-wing forces that see a conspiracy to bring about a New World Order threatening existing national independence and identity.[17] This last, I confess, seems a fanciful form of humiliation to be visited upon those leaning toward a global identity.

Paradoxically, one factor possibly favoring the formation of a global identity is globalization itself. As First Lady Hillary Clinton asserts, "We're becoming as a culture, very hard, very

cold and sterile in lots of ways, partly because of technology and global competition. So, no matter how one defines one's political or ideological identity, I think all of us have to reach down and redefine our human identity first and foremost."[18] Such a spiritual and psychological quest may easily land us in the realm of human rights and, thus, a global human identity.

Let me touch on one last aspect of our inquiry. Jan Mejer, whom I quoted earlier, remarks, "Master fictions of nationhood, economic activity and compassionate similarity seem to provide modern sentiments of national identity.[19] Though opposed by postmodernists, with their distrust of metanarratives, such stories do seem to provide a needed unifying force (for good or evil). Might not a master fiction of globalization, backed by the reality of "economic activity and compassionate similarity," lead gradually to the reality of a global identity?

What I have provided here are a series of hints. I have suggested that we look at a variety of phenomena—migrations, media, language, clothes, war, psychological needs, human aspirations, and master fictions—as they might possibly relate to the formation of a global identity. I have made little effort to deal with them in depth. Before we can do that, we need a vast amount of empirical research concerning the factors composing globalization itself. Only when we know more about the process and its factors, such as multinationals, satellite communications, and so forth, can we continue more adequately to speculate and theorize about its consequences—one of which might be the gradual fashioning of a global identity.

Appendix II
The United Nations Charter

In the narrowest sense the United Nations Charter can be viewed as a successor to the Covenant of the League of Nations. In a broader sense it can be viewed as a major institutional innovation, suitable to the globalization processes of its time. Seen in these terms, it is one of the fundamental statements relating to the emergence of the concept of Humanity. Partial in its protection of national sovereignty, it yet opens the way to a different form, transnational in nature, of the assertion of sovereignty. Needless to say, it is an institution filled with tensions, relating to the central questions of universality and particularity, the global and the local.

A few articles relating mainly to minor procedural matters have been cut. Otherwise, the Charter is given here in its entirety, with critical articles such as Articles 42 (authorizing force), 92 (International Court of Justice), and 97 (Secretariat), as well as Chapter X (The Economic and Social Council) fully represented.

PREAMBLE 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, and
- to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights

of men and women and of nations large and small, and
- to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and
- to promote social progress and better standards of life in larger freedom,

AND FOR THESE ENDS
- to practice tolerance and live together in peace with one another as good neighbours, and
- to unite our strength to maintain international peace and security, and
- to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and
- to end social advancement of all peoples,

HAVE RESOLVED TO COMBINE OUR EFFORTS TO ACCOMPLISH THESE AIMS

Accordingly, our respective Governments, through representatives assembled in the city of San Francisco, who have exhibited their full powers found to be in good and due form, have agreed to the present Charter of the United Nations and do hereby establish an international organization to be known as the United Nations.

CHAPTER 1
PURPOSES AND PRINCIPLES

Article 1

The Purposes of the United Nations are:

- To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or otherand in conformity with the principles of justice and international law, adjustment or

settlement of international disputes or situations which might lead to a breach of the peace;

- To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;
- To achieve international co-operation in solving international problems an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and
- To be a centre for harmonizing the actions of nations in the attainment of these common ends.

Article 2

The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.

The Organization is based on the principle of the sovereign equality of all its Members.

All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfill in good faith the obligations assumed by them in accordance with the present Charter.

All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.

The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.

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 or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

CHAPTER II
MEMBERSHIP

Article 3

The original Members of the United Nations shall be the states which, having participated in the United Nations Conference on International Organization at San Francisco, or having previously signed the Declaration by United Nations of 1 January 1942, sign the present Charter and ratify it in accordance with Article 110.

Article 4

1. Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations.

2. The admission of any such state to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council.

Article 5

A Member of the United Nations against which preventive or enforcement action has been taken by the Security Council may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council. The exercise of these rights and privileges may be restored by the Security Council.

Article 6

A Member of the United Nations which has persistently violated the Principles contained in the present Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council.

CHAPTER III
ORGANS

Article 7

There are established as the principal organs of the United Nations:

- a General Assembly
- a Security Council
- an Economic and Social Council
- a Trusteeship Council
- an International Court of Justice
- and a Secretariat.

Such subsidiary organs as may be found necessary may be established in accordance with the present Charter.

CHAPTER IV
THE GENERAL ASSEMBLY
COMPOSITION

Article 9

The General Assembly shall consist of all the Members of the United Nations.

Each Member shall have not more than five representatives in the General Assembly.

. . . .

FUNCTIONS and POWERS

Article 10

The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and, except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters.

Article 11

The General Assembly may consider the general principles of co-operation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, and may make recommendations with regard to such principles to the Members or to the Security Council or to both.

The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations, or by the Security Council, or by a state which is not a Member of the United Nations in accordance with Article 35, paragraph 2, and, except as provided in Article 12, may make recommendations with regard to any such questions to the state or states concerned or to the Security Council or to both. Any such question on which action is necessary shall be referred to the Security Council by the General Assembly either before or after discussion.

The General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security.

The powers of the General Assembly set forth in this Article shall not limit the general scope of Article 10.

Article 12

While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present

Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests.

The Secretary-General, with the consent of the Security Council, shall notify the General Assembly at each session of any matters relative to the maintenance of international peace and security which are being dealt with by the Security Council and shall similarly notify the General Assembly, or the Members of the United Nations if the General Assembly is not in session, immediately the Security Council ceases to deal with such matters.

Article 13

The General Assembly shall initiate studies and make recommendations for the purpose of:

a. promoting international co-operation in the political field and encouraging the progressive development of international law and its codification;

b. promoting international co-operation in the economic, social, cultural, educational, and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

The further responsibilities, functions and powers of the General Assembly with respect to matters mentioned in paragraph 1 (b) above are set forth in Chapters IX and X.

Article 14

Subject to the provisions of Article 12, the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the provisions of the present Charter setting forth the Purposes and Principles of the United Nations.

Article 15

The General Assembly shall receive and consider annual and special reports from the Security Council; these reports shall

include an account of the measures that the Security Council has decided upon or taken to maintain international peace and security.

The General Assembly shall receive and consider reports from the other organs of the United Nations.

Article 16

The General Assembly shall perform such functions with respect to the international trusteeship system as are assigned to it under Chapters XII and XIII, including the approval of the trusteeship agreements for areas not designated as strategic.

Article 17

The General Assembly shall consider and approve the budget of the Organization.

The expenses of the Organization shall be borne by the Members as apportioned by the General Assembly.

The General Assembly shall consider and approve any financial and budgetary arrangements with specialized agencies referred to in Article 57 and shall examine the administrative budgets of such specialized agencies with a view to making recommendations to the agencies concerned.

VOTING

Article 18

Each member of the General Assembly shall have one vote.

Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the members present and voting. These questions shall include: recommendations with respect to the maintenance of international peace and security, the election of the non-permanent members of the Security Council, the election of the members of the Economic and Social Council, the election of members of the Trusteeship Council in accordance with paragraph 1 (c) of Article 86, the admission of new Members to the United Nations, the suspension of the rights and privileges of membership, the expulsion of Members, questions relating to the operation of the trusteeship system, and budgetary questions.

Decisions on other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a majority of the members present and voting.

Article 19

A Member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

PROCEDURE

Article 20

The General Assembly shall meet in regular annual sessions and in such special sessions as occasion may require. Special sessions shall be convoked by the Secretary-General at the request of the Security Council or of a majority of the Members of the United Nations.

Article 21

The General Assembly shall adopt its own rules of procedure. It shall elect its President for each session.

Article 22

The General Assembly may establish such subsidiary organs as it deems necessary for the performance of its functions.

CHAPTER V
THE SECURITY COUNCIL
COMPOSITION

Article 23

The Security Council shall consist of fifteen Members of the United Nations. The Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain

and Northern Ireland, and the United States of America shall be permanent members of the Security Council. The General Assembly shall elect ten other Members of the United Nations to be non-permanent members of the Security Council, due regard being specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution.

The non-permanent members of the Security Council shall be elected for a term of two years. In the first election of the non-permanent members after the increase of the membership of the Security Council from eleven to fifteen, two of the four additional members shall be chosen for a term of one year. A retiring member shall not be eligible for immediate re-election.

Each member of the Security Council shall have one representative.

FUNCTIONS and POWERS

Article 24

In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.

In discharging these duties the Security Council shall act in accordance with the Purposes and Principles of the United Nations. The specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII, and XII.

The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration.

Article 25

The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.

Article 26

In order to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources, the Security Council shall be responsible for formulating, with the assistance of the Military Staff Committee referred to in Article 47, plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments.

VOTING

Article 27

Each member of the Security Council shall have one vote.

Decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members.

Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.

PROCEDURE

Article 28

The Security Council shall be so organized as to be able to function continuously. Each member of the Security Council shall for this purpose be represented at all times at the seat of the Organization.

The Security Council shall hold periodic meetings at which each of its members may, if it so desires, be represented by a member of the government or by some other specially designated representative.

The Security Council may hold meetings at such places other than the seat of the Organization as in its judgment will best facilitate its work.

Article 29

The Security Council may establish such subsidiary organs as it deems necessary for the performance of its functions.

Article 30

The Security Council shall adopt its own rules of procedure, including the method of selecting its President.*Article 31*

Any Member of the United Nations which is not a member of the Security Council may participate, without vote, in the discussion of any question brought before the Security Council whenever the latter considers that the interests of that Member are specially affected.

Article 32

Any Member of the United Nations which is not a member of the Security Council or any state which is not a Member of the United Nations, if it is a party to a dispute under consideration by the Security Council, shall be invited to participate, without vote, in the discussion relating to the dispute. The Security Council shall lay down such conditions as it deems just for the participation of a state which is not a Member of the United Nations.

CHAPTER VI
PACIFIC SETTLEMENT OF DISPUTES

Article 33

The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.

Article *34*

The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise

to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

Article 35

Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly.

A state which is not a Member of the United Nations may bring to the attention of the Security Council or of the General Assembly any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligations of pacific settlement provided in the present Charter.

The proceedings of the General Assembly in respect of matters brought to its attention under this Article will be subject to the provisions of Articles 11 and 12.

Article 36

The Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment.

The Security Council should take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties.

In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.

Article 37

Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council.

If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take

action under Article 36 or to recommend such terms of settlement as it may consider appropriate.*Article 38*

Without prejudice to the provisions of Articles 33 to 37, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute.CHAPTER VII

ACTION WITH RESPECT TO THREATS TO THE PEACE, BREACHES OF THE PEACE, AND ACTS OF AGGRESSION

Article 39

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

Article 40

In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

Article 41

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

Article 42

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

Article 43

All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.

Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.

The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.

Article 44

When the Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfilment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.

Article 45

In order to enable the United Nations to take urgent military measures, Members shall hold immediately available national

air-force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action shall be determined within the limits laid down in the special agreement or agreements referred to in Article 43, by the Security Council with the assistance of the Military Staff Committee.

Article *46*

Plans for the application of armed force shall be made by the Security Council with the assistance of the Military Staff Committee.

Article 47

There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.

The Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member in its work.

The Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently.

The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish regional sub-committees.

Article 48

The action required to carry out the decisions of the Security Council for the maintenance of international peace and security

shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.

Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members.

. . . . .

Article 50

If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems.

Article 51

Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

CHAPTER VIII
REGIONAL ARRANGEMENTS

Article 52

Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.

The Members of the United Nations entering into such arrangements or constituting such agencies shall make every

effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council.

The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the states concerned or by reference from the Security Council.

This Article in no way impairs the application of Articles 34 and 35.

Article 53

The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council, with the exception of measures against any enemy state, as defined in paragraph 2 of this Article, provided for pursuant to Article 107 or in regional arrangements directed against renewal of aggressive policy on the part of any such state, until such time as the Organization may, on request of the Governments concerned, be charged with the responsibility for preventing further aggression by such a state.

The term enemy state as used in paragraph 1 of this Article applies to any state which during the Second World War has been an enemy of any signatory of the present Charter.

. . . . .

CHAPTER IX
INTERNATIONAL ECONOMIC AND SOCIAL CO-OPERATION

Article 55

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

a. higher standards of living, full employment, and conditions of economic and social progress and development;

b. solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and

c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

Article 56

All Members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55.

Article 57

The various specialized agencies, established by intergovernmental agreement and having wide international responsibilities, as defined in their basic instruments, in economic, social, cultural, educational, health, and related fields, shall be brought into relationship with the United Nations in accordance with the provisions of Article 63.

Such agencies thus brought into relationship with the United Nations are hereinafter referred to as specialized agencies.

. . . . .

Article *59*

The Organization shall, where appropriate, initiate negotiations among the states concerned for the creation of any new specialized agencies required for the accomplishment of the purposes set forth in Article 55.

Article 60

Responsibility for the discharge of the functions of the Organization set forth in this Chapter shall be vested in the General Assembly and, under the authority of the General Assembly, in the Economic and Social Council, which shall have for this purpose the powers set forth in Chapter X.

CHAPTER X
THE ECONOMIC AND SOCIAL COUNCIL
COMPOSITION

Article 61

The Economic and Social Council shall consist of fifty-four Members of the United Nations elected by the General Assembly.

Subject to the provisions of paragraph 3, eighteen members of the Economic and Social Council shall be elected each year for a term of three years. A retiring member shall be eligible for immediate re-election.

At the first election after the increase in the membership of the Economic and Social Council from twenty-seven to fifty-four members, in addition to the members elected in place of the nine members whose term of office expires at the end of that year, twenty-seven additional members shall be elected. Of these twenty-seven additional members, the term of office of nine members so elected shall expire at the end of one year, and of nine other members at the end of two years, in accordance with arrangements made by the General Assembly.

Each member of the Economic and Social Council shall have one representative.

FUNCTIONS and POWERS

Article 62

The Economic and Social Council may make or initiate studies and reports with respect to international economic, social, cultural, educational, health, and related matters and may make recommendations with respect to any such matters to the General Assembly to the Members of the United Nations, and to the specialized agencies concerned.

It may make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all.

It may prepare draft conventions for submission to the General Assembly, with respect to matters falling within its competence.

It may call, in accordance with the rules prescribed by the United Nations, international conferences on matters falling within its competence.

Article 63

The Economic and Social Council may enter into agreements with any of the agencies referred to in Article 57, defining the terms on which the agency concerned shall be brought into relationship with the United Nations. Such agreements shall be subject to approval by the General Assembly.

It may co-ordinate the activities of the specialized agencies through consultation with and recommendations to such agencies and through recommendations to the General Assembly and to the Members of the United Nations.

Article 64

The Economic and Social Council may take appropriate steps to obtain regular reports from the specialized agencies. It may make arrangements with the Members of the United Nations and with the specialized agencies to obtain reports on the steps taken to give effect to its own recommendations and to recommendations on matters falling within its competence made by the General Assembly.

It may communicate its observations on these reports to the General Assembly.

Article 65

The Economic and Social Council may furnish information to the Security Council and shall assist the Security Council upon its request.

Article 66

The Economic and Social Council shall perform such functions as fall within its competence in connexion with the carrying out of the recommendations of the General Assembly.

It may, with the approval of the General Assembly, perform services at the request of Members of the United Nations and at the request of specialized agencies.

It shall perform such other functions as are specified elsewhere in the present Charter or as may be assigned to it by the General Assembly.

VOTING

Article 67

Each member of the Economic and Social Council shall have one vote.

Decisions of the Economic and Social Council shall be made by a majority of the members present and voting.

PROCEDURE

Article 68

The Economic and Social Council shall set up commissions in economic and social fields and for the promotion of human rights, and such other commissions as may be required for the performance of its functions.

Article 69

The Economic and Social Council shall invite any Member of the United Nations to participate, without vote, in its deliberations on any matter of particular concern to that Member.

Article 70

The Economic and Social Council may make arrangements for representatives of the specialized agencies to participate, without vote, in its deliberations and in those of the commissions established by it, and for its representatives to participate in the deliberations of the specialized agencies.

Article 71

The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned.

Article 72

The Economic and Social Council shall adopt its own rules of procedure, including the method of selecting its President.

The Economic and Social Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.CHAPTER XI

DECLARATION REGARDING NON-SELF-GOVERNING TERRITORIES

Article 73

Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and, to this end:

a. to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;

b. to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;

c. to further international peace and security;

d. to promote constructive measures of development, to encourage research, and to co-operate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this Article; and

e. to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional

considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply.

Article 74

Members of the United Nations also agree that their policy in respect of the territories to which this Chapter applies, no less than in respect of their metropolitan areas, must be based on the general principle of good-neighbourliness, due account being taken of the interests and well-being of the rest of the world, in social, economic, and commercial matters.

CHAPTER XII
INTERNATIONAL TRUSTEESHIP SYSTEM

Article 75

The United Nations shall establish under its authority an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements. These territories are hereinafter referred to as trust territories.

Article 76

The basic objectives of the trusteeship system, in accordance with the Purposes of the United Nations laid down in Article 1 of the present Charter, shall be:

a. to further international peace and security;

b. to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement;

c. to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language,

or religion, and to encourage recognition of the interdependence of the peoples of the world; and

d. to ensure equal treatment in social, economic, and commercial matters for all Members of the United Nations and their nationals, and also equal treatment for the latter in the administration of justice, without prejudice to the attainment of the foregoing objectives and subject to the provisions of Article 80.

Article 77

The trusteeship system shall apply to such territories in the following categories as may be placed thereunder by means of trusteeship agreements:

a. territories now held under mandate;

b. territories which may be detached from enemy states as a result of the Second World War; and

c. territories voluntarily placed under the system by states responsible for their administration.

It will be a matter for subsequent agreement as to which territories in the foregoing categories will be brought under the trusteeship system and upon what terms.

Article 78

The trusteeship system shall not apply to territories which have become Members of the United Nations, relationship among which shall be based on respect for the principle of sovereign equality.

Article 79

The terms of trusteeship for each territory to be placed under the trusteeship system, including any alteration or amendment, shall be agreed upon by the states directly concerned, including the mandatory power in the case of territories held under mandate by a Member of the United Nations, and shall be approved as provided for in Articles 83 and 85.

Article 80

Except as may be agreed upon in individual trusteeship agreements, made under Articles 77, 79, and 81, placing each

territory under the trusteeship system, and until such agreements have been concluded, nothing in this Chapter shall be construed in or of itself to alter in any manner the rights whatsoever of any states or any peoples or the terms of existing international instruments to which Members of the United Nations may respectively be parties.

Paragraph 1 of this Article shall not be interpreted as giving grounds for delay or postponement of the negotiation and conclusion of agreements for placing mandated and other territories under the trusteeship system as provided for in Article 77.

Article 81

The trusteeship agreement shall in each case include the terms under which the trust territory will be administered and designate the authority which will exercise the administration of the trust territory. Such authority, hereinafter called the administering authority, may be one or more states or the Organization itself.

Article 82

There may be designated, in any trusteeship agreement, a strategic area or areas which may include part or all of the trust territory to which the agreement applies, without prejudice to any special agreement or agreements made under Article 43.

Article 83

All functions of the United Nations relating to strategic areas, including the approval of the terms of the trusteeship agreements and of their alteration or amendment shall be exercised by the Security Council.

The basic objectives set forth in Article 76 shall be applicable to the people of each strategic area.

The Security Council shall, subject to the provisions of the trusteeship agreements and without prejudice to security considerations, avail itself of the assistance of the Trusteeship Council to perform those functions of the United Nations under the trusteeship system relating to political, economic, social, and educational matters in the strategic areas.

Article 84

It shall be the duty of the administering authority to ensure that the trust territory shall play its part in the maintenance of international peace and security. To this end the administering authority may make use of volunteer forces, facilities, and assistance from the trust territory in carrying out the obligations towards the Security Council undertaken in this regard by the administering authority, as well as for local defence and the maintenance of law and order within the trust territory.

Article 85

The functions of the United Nations with regard to trusteeship agreements for all areas not designated as strategic, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the General Assembly.

The Trusteeship Council, operating under the authority of the General Assembly shall assist the General Assembly in carrying out these functions.

CHAPTER XIII
THE TRUSTEESHIP COUNCIL
COMPOSITION

Article 86

The Trusteeship Council shall consist of the following Members of the United Nations:

a. those Members administering trust territories;

b. such of those Members mentioned by name in Article 23 as are not administering trust territories; and

c. as many other Members elected for three-year terms by the General Assembly as may be necessary to ensure that the total number of members of the Trusteeship Council is equally divided between those Members of the United Nations which administer trust territories and those which do not.

Each member of the Trusteeship Council shall designate one specially qualified person to represent it therein.

FUNCTIONS and POWERS

Article 87

The General Assembly and, under its authority, the Trusteeship Council, in carrying out their functions, may:

a. consider reports submitted by the administering authority;

b. accept petitions and examine them in consultation with the administering authority;

c. provide for periodic visits to the respective trust territories at times agreed upon with the administering authority; and

d. take these and other actions in conformity with the terms of the trusteeship agreements.

Article 88

The Trusteeship Council shall formulate a questionnaire on the political, economic, social, and educational advancement of the inhabitants of each trust territory, and the administering authority for each trust territory within the competence of the General Assembly shall make an annual report to the General Assembly upon the basis of such questionnaire.

VOTING

Article 89

Each member of the Trusteeship Council shall have one vote.

Decisions of the Trusteeship Council shall be made by a majority of the members present and voting.

PROCEDURE

Article 90

The Trusteeship Council shall adopt its own rules of procedure, including the method of selecting its President.

The Trusteeship Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

Article *91*

The Trusteeship Council shall, when appropriate, avail itself of the assistance of the Economic and Social Council and of the specialized agencies in regard to matters with which they are respectively concerned.

CHAPTER XIV
THE INTERNATIONAL COURT OF JUSTICE

Article 92

The International Court of Justice shall be the principal judicial organ of the United Nations. It shall function in accordance with the annexed Statute, which is based upon the Statute of the Permanent Court of International Justice and forms an integral part of the present Charter.

Article 93

All Members of the United Nations are ipso facto parties to the Statute of the International Court of Justice.

A state which is not a Member of the United Nations may become a party to the Statute of the International Court of Justice on conditions to be determined in each case by the General Assembly upon the recommendation of the Security Council.

Article 94

Each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party.

If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment.

Article 95

Nothing in the present Charter shall prevent Members of the United Nations from entrusting the solution of their differences

to other tribunals by virtue of agreements already in existence or which may be concluded in the future.

Article 96

The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.

Other organs of the United Nations and specialized agencies, which may at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities.

CHAPTER XV
THE SECRETARIAT

Article 97

The Secretariat shall comprise a Secretary-General and such staff as the Organization may require. The Secretary-General shall be appointed by the General Assembly upon the recommendation of the Security Council. He shall be the chief administrative officer of the Organization.

Article 98

The Secretary-General shall act in that capacity in all meetings of the General Assembly, of the Security Council, of the Economic and Social Council, and of the Trusteeship Council, and shall perform such other functions as are entrusted to him by these organs. The Secretary-General shall make an annual report to the General Assembly on the work of the Organization.

Article 99

The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.

Article 100

In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on

their position as international officials responsible only to the Organization.

Each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.

Article 101

The staff shall be appointed by the Secretary-General under regulations established by the General Assembly.

Appropriate staffs shall be permanently assigned to the Economic and Social Council, the Trusteeship Council, and, as required, to other organs of the United Nations. These staffs shall form a part of the Secretariat.

The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

CHAPTER XVI
MISCELLANEOUS PROVISIONS

. . . . .

Article 103

In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.

Article 104

The Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes.

Article 105

The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes.

Representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connexion with the Organization.

The General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this Article or may propose conventions to the Members of the United Nations for this purpose.

CHAPTER XVII
TRANSITIONAL SECURITY ARRANGEMENTS

. . . . .

Article 107

Nothing in the present Charter shall invalidate or preclude action, in relation to any state which during the Second World War has been an enemy of any signatory to the present Charter, taken or authorized as a result of that war by the Governments having responsibility for such action.

CHAPTER XVIII
AMENDMENTS

Article 108

Amendments to the present Charter shall come into force for all Members of the United Nations when they have been adopted by a vote of two thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations, including all the permanent members of the Security Council.

Article 109

A General Conference of the Members of the United Nations for the purpose of reviewing the present Charter may be held

at a date and place to be fixed by a two-thirds vote of the members of the General Assembly and by a vote of any nine members of the Security Council. Each Member of the United Nations shall have one vote in the conference.

Any alteration of the present Charter recommended by a two-thirds vote of the conference shall take effect when ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations including all the permanent members of the Security Council.

If such a conference has not been held before the tenth annual session of the General Assembly following the coming into force of the present Charter, the proposal to call such a conference shall be placed on the agenda of that session of the General Assembly, and the conference shall be held if so decided by a majority vote of the members of the General Assembly and by a vote of any seven members of the Security Council.

CHAPTER XIX
RATIFICATION AND SIGNATURE

Article 110

The present Charter shall be ratified by the signatory states in accordance with their respective constitutional processes.

The ratifications shall be deposited with the Government of the United States of America, which shall notify all the signatory states of each deposit as well as the Secretary-General of the Organization when he has been appointed.

The present Charter shall come into force upon the deposit of ratifications by the Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, and by a majority of the other signatory states. A protocol of the ratifications deposited shall thereupon be drawn up by the Government of the United States of America which shall communicate copies thereof to all the signatory states.

The states signatory to the present Charter which ratify it after it has come into force will become original Members of

the United Nations on the date of the deposit of their respective ratifications.

Article 111

The present Charter, of which the Chinese, French, Russian, English, and Spanish texts are equally authentic, shall remain deposited in the archives of the Government of the United States of America. Duly certified copies thereof shall be transmitted by that Government to the Governments of the other signatory states.

IN FAITH WHEREOF the representatives of the Governments of the United Nations have signed the present Charter.

DONE at the city of San Francisco the twenty-sixth day of June, one thousand nine hundred and forty-five.

Appendix III
Rome Statute of the International Criminal Court

The Rome Statute of the ICC was established separate from the UN, though in accordance with, it by multilateral negotiations involving 160 states in 1998. It represents a major movement forward from the Nuremberg, Yugoslavian, and Rwandan tribunals. It is permanent and further removed from the nation-states of the UN. As such it can turn out to be a revolutionary step on the path to Humanity and its claim to its own form of sovereignty.

PREAMBLE

The States Parties to this Statute,

Conscious that all peoples are united by common bonds, their cultures pieced together in a shared heritage, and concerned that this delicate mosaic may be shattered at any time,

Mindful that during this century millions of children, women and men have been victims of unimaginable atrocities that deeply shock the conscience of humanity,

Recognizing that such grave crimes threaten the peace, security and well-being of the world,

Affirming that the most serious crimes of concern to the international community as a whole must not go unpunished and that their effective prosecution must be ensured by taking

measures at the national level and by enhancing international cooperation,

Determined to put an end to impunity for the perpetrators of these crimes and thus to contribute to the prevention of such crimes,

Recalling that it is the duty of every State to exercise its criminal jurisdiction over those responsible for international crimes,

Reaffirming the Purposes and Principles of the Charter of the United Nations, and in particular that all States shall refrain from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations,

Emphasizing in this connection that nothing in this Statute shall be taken as authorizing any State Party to intervene in an armed conflict or in the internal affairs of any State,

Determined to these ends and for the sake of present and future generations, to establish an independent permanent International Criminal Court in relationship with the United Nations system, with jurisdiction over the most serious crimes of concern to the international community as a whole,

Emphasizing that the International Criminal Court established under this Statute shall be complementary to national criminal jurisdictions,

Resolved to guarantee lasting respect for and the enforcement of international justice,

Have agreed as follows . . .

Appendix IV
Universal Declaration of Human Rights

This is an extraordinary document. It is as much a project to be realized as a declaration of human rights that follows upon earlier such declarations, such as that issued after the French Revolution of 1789. Transcending national limitations, and recognizing that humanity finds itself in a global era, it sets the UN in tension between the protection of national sovereignty and the realization of individual and collective rights assigned to peoples because they are human. Much of the history of the twentieth century will necessarily take place and be written in terms of this tension.

Adopted and proclaimed by United Nations General Assembly resolution 217 A (III) on December 10, 1948

PREAMBLE

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, Therefore THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1.

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2.

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race,

colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3.

Everyone has the right to life, liberty and security of person.

Article 4.

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5.

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6.

Everyone has the right to recognition everywhere as a person before the law.

Article 7.

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8.

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9.

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10.

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11.

(1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12.

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13.

(1) Everyone has the right to freedom of movement and residence within the borders of each state.

(2) Everyone has the right to leave any country, including his own, and to return to his country.

Article 14.

(1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15.

(1) Everyone has the right to a nationality.

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16.

(1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to

found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17.

(1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

Article 18.

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19.

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

Article 20.

(1) Everyone has the right to freedom of peaceful assembly and association.

(2) No one may be compelled to belong to an association.

Article 21.

(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(2) Everyone has the right of equal access to public service in his country.

(3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage

and shall be held by secret vote or by equivalent free voting procedures.

Article 22.

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23.

(1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24.

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25.

(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26.

(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27.

(1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28.

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29.

(1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30.

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

Notes

Chapter 1

1. The dictionary from which these definitions are taken is *Webster's New World Dictionary* (Toronto: Nelson, Foster & Scott, Ltd., 1957). Any dictionary, however, will do.
2. For example, Dominic Sachsenmaier informs me in an e-mail (January 3, 2008) that "there is the character 'ren' in classical Chinese, which connotes 'humaneness and benevolence.' It differs from the English term 'humanity' in the sense that it does not connote 'human kind' in addition to humaneness. This character is composed of two parts: the left part is a pictograph of a human being whereas the horizontal lines on the right mean 'two.' In other words, this expresses a social/collective understanding of the meaning of being human and humane. In modern Chinese, the term for 'humanism' is 'rendao zhuyi,' which means—in a literal translation—'human way-ism.'" Further of interest, focusing on human rights, is Hans Küng, "The Globalization of Ethics," *Policy Innovations* (December 13, 2007), a publication of the Carnegie Council, http://www.policyinnovations.org/ideas/commentary/data/000028. Obviously, an entire piece of research could be undertaken on the way different cultures and societies express the idea of "human." Such research should also look at the way the usage changes over time.
3. On English as a global language, see David Northrup, "How English Became the Global Language," (presentation, Global

History Seminar Series, Tufts University, March 27, 2006). A very different and less germane version under the same title, with the addition of the subtitle "Perspectives from South Asia and Africa," appeared in the *World History Bulletin* XXIII, no. 2 (Fall 2007). An international conference on "Humanity" was held in Hong Kong on November 11–12, 2007, where the conferees engaged with parts of the problem. The papers presented there are expected to be published in the future.

4. Eric Foner, "Forgotten Step toward Freedom," *New York Times*, December 30, 2007.
5. See Tom Reiss, "Laugh Riots," *New Yorker*, November 19, 2007, 50.
6. The term *globalization* was certainly present in the 1960s, though some scholars only see it emerging in the 1970s. As to where the usage first occurred, more research would be needed to nail this down. In my view, attention to its usage in Japan is required. There is also the problem of variations on the terminology, for example, *global, globality, globalism, globalization. Globality* seems to refer to a condition, whereas *globalization* to a process or processes; I prefer globalization because it best allows for an analysis that is dynamic. See, however, Martin Albrow, *The Global Age* (Stanford, CA: Stanford University Press, 1996).
7. Cf. Philip Pomper and David Gary Shaw, eds., *The Return of Science: Evolution, History, and Theory* (Lanham, MD: Rowman & Littlefield, 2002). My own article in this book is called "Evolving toward History," 55–71.
8. *Economist*, November 3, 2007, 20.
9. Many religious-minded individuals, whether opposed to Darwinian evolutionary theory or not, are deeply concerned with the issues involved in what it is to be human, and are convinced adherents of much that is caught up in the concept of Humanity.
10. For a magisterial treatment of the topic of extended time, see especially Paolo Rossi, *The Dark Abyss of Time: The History of the Earth and the History of Nations from Hooke to Vico*, trans.

Lydia G. Cochrane (Chicago: University of Chicago Press, 1984; orig. pub. in Italian, 1979).

11. Christian Scientists are best known as the group that is prepared to go all the way along the logical path of rejecting knowledge revealed through secular science.
12. The National Academy of Sciences, perhaps the most authoritative group of natural scientists in the United States, issued a book on the subject declaring that "attempts to pit science and religion against each other create controversy where none needs to exist," and concludes that "evidence for the theory of evolution is overwhelming and growing." *New York Times*, January 4, 2008.
13. A version of this chapter appeared in my book *The New Global History* (New York: Routledge, 2006), 94–102. Permission to build on it here has been kindly granted by Routledge.
14. For the reification of the concept of civilization, see my earlier book, *Civilization and Its Contents* (Stanford, CA: Stanford University Press, 2007), especially the initial chapters.

Chapter 2

1. Richard Severo, "Lord Shawcross, Prosecutor at Nuremberg, Is Dead at 101," *New York Times*, July 11, 2003.
2. The Constantinople trials, held by the British in the shadow of the collapse of the Ottoman Empire, for decades now more or less forgotten, were a forerunner of the Nuremberg trials. In the Constantinople case, the British finally gave up, swayed in part by the fact that in order to capture the "criminals" British soldiers might be killed—a familiar story today with different names. Now the Turkish/Armenian question is returning with a vengeance. Part of the question is what to call the events of 1915: atrocities, massacre, genocide, or what? Turkish nationalists reject the word *genocide*. Armenians insist on it as the correct description of what happened. For a sense of the discourse, see, for example, the work of the historian Fatma Muge Gocek and her e-mail, armworkshop@umich.edu. An excellent treatment of the general topic of genocide is Eric

D. Weitz, *A Century of Genocide: Utopias of Race and Nation* (Princeton, NJ: Princeton University Press, 2003), which starts with a short section, "An Armenian Prelude." Equally valuable is Gary Jonathan Bass, *Stay the Hand of Vengeance: The Politics of War Crimes Tribunals* (Princeton, NJ: Princeton University Press, 2000). To these books must now be added a detailed account of what happened: Taner Akçam, *A Shameful Act: The Armenian Genocide and the Question of Turkish Responsibility* (New York: Henry Holt and Company, 2006).

3. Cf. Dinah Shelton, ed., *International Crimes, Peace, and Human Rights: The Role of the International Criminal Court* (Ardsley, NY: Transnational Publishers, 2000), 39.
4. See Gerard Alexander, "The Realities of Confronting Genocide: A Review of Samantha Power's 'A Problem from Hell,'" *The Hedgehog Review* 5, no. 1 (Spring 2003): 93. See also Power's book (New York: Basic Books, 2002). Cf. William Korey's account, "A Curious Grapevine," in *NGOs and the Universal Declaration of Human Rights* (New York: St. Martin's Press, 1998).
5. Alexander, "Realities of Confronting Genocide," 100.
6. For more on viewing the present-day process of globalization historically, as exemplified in the work of the New Global History initiative, see my introduction to B. Mazlish and R. Buultjens, eds., *Conceptualizing Global History* (Newton Center, MA: New Global History Press, 2004, a reprint of the original 1993 edition from Westview Press), and Bruce Mazlish and Akira Iriye, eds., *The Global History Reader* (London: Routledge, 2004). Further, see the Web site http://www.newglobalhistory.org, which is under the sponsorship of the Toynbee Foundation.
7. Quoted in Joan Aocella, "Blocked," *New Yorker*, June 14 and 21, 2004, 128.
8. The classic work is Arthur O. Lovejoy, *The Great Chain of Being* (Cambridge, MA: Harvard University Press, 1953).
9. Cf. the account by Gunnar Broberg, "Homo sapiens: Linnaeus's Classification of Man," in *Linnaeus: The Man and*

His Work, ed. Tore Frängsmyr (Berkeley: University of California Press, 1983), 176.

10. See entry for Humanity in the *Oxford English Dictionary*.
11. For other, non-Eurocentric sources of human rights, see "Recentering the West: A Forum," *Historically Speaking* November/December 2007. The question as to what extent human rights is a "western" invention makes for heated discussion.
12. Lynn Hunt, "The Psycho-Cultural Origins of Human Rights" (paper, American Society for Eighteenth-Century Studies [ASECS] meeting, Milwaukee, WI, March 24–28, 1999).
13. Ibid., 21.
14. Cf. Terry Pinkard, *Hegel: A Biography* (Cambridge: Cambridge University Press, 2000).
15. G. F. W. Hegel, *Philosophy of Right*, trans. T. M. Knox (Oxford: Clarendon Press, 1942), 134, 209.
16. For a fascinating effort to go beyond Hegel's Eurocentric definition of the conscious self, see Fernando Coronil, "Beyond Occidentalism: Toward Nonimperial Geohistorical Categories," *Cultural Anthropology* 11, no. 1 (February 1996).
17. Felipe Fernandez-Armesto, *Civilizations: Culture, Ambition, and the Transformation of Nature* (New York: The Free Press, 2001), 25. Cf. Jörn Rüsen, "Human Rights from the Perspective of a Universal History," in *Human Rights and Cultural Diversity*, ed. Wolfgang Schmale (Goldbach, Germany: Keip Publishing, 1993), 41. As Rüsen formulates the issue, "Many of the names known to be used by groups to describe themselves—such as Apache, Comanche, Khoi-khoi, Egyptian, Bantu and Roma—in fact mean simply 'human being'. The quality of being a human being is, in other words, originally only ascribed to those who are a member of one's own social grouping." In the last few centuries in the West, the word *civilized* tended to take the place of oneself being human and others not.
18. This is the charge made by Andrew Dobson in his thoughtful essay, "Thick cosmopolitanism," *Political Studies 54* (2006). In fact, however, his call for material ties that bind as the basis for justice is exactly what parts of globalization are bringing

about in increased measure. A very different type of criticism of the notion of Humanity can be found in Michel Foucault and fellow postmodernists (although Foucault denied that he was one). See Foucault's *The Order of Things*: *An Archaeology of the Human Sciences*, translator not given (New York: Vintage Books, 1973), especially chapter 10. For my own approach to the human sciences, see *The Uncertain Sciences* (New Haven, CT: Yale University Press, 1998).

Chapter 3

1. D. M. Thomas, in his novel *Ararat* (London: Abacus, 1983), a book suffused with the presence of the Turkish-Armenian question, has one of his characters say, "'Who now remembers the Armenians!' Hitler once remarked to me" (124). It appears that everyone now remembers the Armenians. The problem is vibrant in Turkey, in the Armenian community in the United States, even in the halls of Congress, and among scholars of genocide everywhere. Testimony to its presence is to be found in such an unlikely site as a popular "thriller" by Stuart M. Kaminsky, *The Dead Don't Lie* (New York: A Tom Doherty Associates Book, 2007), at the center of whose plot is the Turkish-Armenian massacre/genocide of 1915.
2. Amidst much literature on the subject, the writings of John Headley are especially germane for our purposes. The quotes that follow in this paragraph and the next are from his article "Geography and Empire in the Late Renaissance: Botero's Assignment, Western Universalism, and the Civilizing Process," *Renaissance Quarterly* 53 (2000), 1125 and 1131.
3. In his book, *The Europeanization of the World*: *On the Origins of Human Rights and Democracy* (Princeton, NJ: Princeton University Press, 2008), 20, Headley notes that a sixteenth-century writer declares that "now those are designated *inhamani* who lack a knowledge of geography".
4. This quote is from Headley's article, "The Universalizing Principle and Process: On the West's Intrinsic Commitment to a Global Context," *Journal of World History* 13, no. 2 (2002), 300.

5. Hannah Arendt deals with totalitarianism in many of her works, but the classic is *The Origins of Totalitarianism* (New York: Meridian Books, 1958; orig. pub. 1951). For genocide per se, already cited are the excellent accounts by Erik D. Weitz, *A Century of Genocide* (Princeton, NJ: Princeton University Press, 2003) and Gary Jonathan Bass, *Stay the Hand of Vengeance: The Politics of War Crimes Tribunals* (Princeton, NJ: Princeton University Press, 2000).
6. The term carries with it the danger of being overused and of making conflict, with its particularities, harder to understand. See, for example, Gerard Prunier, *Darfur: The Ambiguous Genocide*, rev. ed. (Ithaca, NY: Cornell University Press, 2007).
7. Such nuances have been pointed out to me by Herman Schwartz, who kindly assisted me in seeking to clarify the differences.
8. See Dinah Shelton, ed., *International Crimes, Peace, and Human Rights: The Role of the International Criminal Court* (Ardsley, NY: Transnational Publishers, 2000), 39.
9. Highly pertinent to what is being said here was the conference in November 9–11, 2006, hosted at the Orfalea Center for Global and International Studies, University of California, Santa Barbara, where the opening day's session was devoted to "Globalization and Social Science Data."
10. See statement by Mahbub ul Haq, founder of the Human Development Report, http://hdr.undp.org/hd/ (accessed July 16, 2008).
11. *Economist*, July 4, 2002.
12. Pippa Norris, "Global Governance & Cosmopolitan Citizens," in *Governance in a Globalizing World*, ed. Joseph S. Nye, Jr., and John Donahue (Washington, DC: Brookings Institute Press, 2000), 5 and 18.
13. See, for example, Harald Fischer-Tiné, "Global Civil Society and the Forces of Empire: The Salvation Army, British Imperialism and the Pre-History of NGOs (ca. 1880–1920)," in *Competing Visions of World Order: Global Moments and Movements, 1880s–1930s*, ed. Sebastian Conrad and Dominic Sachsenmaier (New York: Palgrave Macmillan, 2007). I will resume discussion of humanitarianism in Chapter 5.

14. Tony Judt, *Postwar: A History of Europe since 1945* (New York: Penguin Books, 2005), 502 and 569.

Chapter 4

1. In thinking about this problem, an early, unconscious inspiration was Geoffrey Elton's work on sixteenth-century England, especially his *Tudor Revolution in Government* Cambridge University Press, 1953). Although the details are now no longer in my memory, his general thesis that a bureaucratic and legal revolution had occurred, placing law in the hands of the king's courts and removing it from the local dignitaries, apparently remained in my mind.
2. Among them are M. Cherif Bassiouni, Antonio Cassese, René Cassin, Richard Goldstone, and Guénaël Mettraux, to cite just a few, and more or less at random. Few except specialists will recognize their names. As can be seen they come from all over the globe. Both at home and abroad, however, they are little known, which is why I call them unsung heroes.
3. And in back and around the Greek, Roman, and Christian contributions are those derived from other traditions, such as the Chinese, Indian, and Islamic. In fact, a "global" view takes for granted the mutual influence of various civilizations and cultures. I must leave to others, however, to spell out the case for particular nonwestern contributions (the Hong Kong conference of 2007 is a determined step in this direction). There is also an argument that must be undertaken as to the particularity of the western line of thought and action.
4. Guénaël Mettraux, *International Trials and the Ad Hoc Tribunals* (Oxford: Oxford University Press, 2005), 46. This is an indispensable book for anyone concerned with our subject.
5. The 1946–1948 Tokyo trial was not as important and left much less of a legacy. Although its charter and legal principles were similar to those at Nuremberg, the Tokyo trial was focused on the "conspiracy" from the later 1920s, was perceived as an American show (with General MacArthur casting a large shadow on it, and determining that the Emperor would not

go on trial), and had, rightly or wrongly, what was judged to be a less sterling group of lawyers and jurists. Specifically, the suppression of evidence in regard to Japan's use of germ warfare as part of the desire on the part of the United States to conceal its own work in this area distorted the work of the War Crimes Trial. "Imperial Japan's Germ Warfare," Chapter 4 of a work in progress by Jeanne Guillemin, makes this clear, as well as much else about the trial.

6. Cf. the splendid account by Christopher R. Browning, with a contribution by Jürgen Matthäus, *The Origins of the Final Solution: The Evolution of Nazi Jewish Policy 1939–1942* (London: Arrow Books, 2004), especially page 316, the last paragraph.
7. Mettraux, *International Trials*, 194.
8. Judt, *Postwar: A History of Europe since 1945* (New York: Penguin Books, 2005), 805.
9. Mettraux, *International Trials*, 200.
10. Cf. Darryl Robinson, "Defining 'Crimes against Humanity' at the Rome Conference," *American Journal of International Law* 93, no.1 (Jan. 1999): 43–57.
11. Much, therefore, will depend on what one means by *State Party*: is it a single state, or a coalition of states, or only the decision of 160 states that will allow for interference in the sovereignty of a perpetrator of inhuman crimes?
12. See Appendix III for the preamble to the ICC.
13. For example, Jens Meierhenrich declares, "The idea of forming states, and the imperative of defending them, which seized Europe in the early modern period—and not long thereafter the rest of the world—is inexorably connected with the phenomenon of genocide" (*The Genocide Trilogy: A Proposal*, February 3, 2006, 12 [unpublished manuscript]). We must remember this statement when we consider the relation of the concept of Humanity to modernity.
14. Meierhenrich, *Genocide Trilogy*, 19.
15. See George Packer, *New Yorker*, Oct. 9, 2006, 28.
16. Mettraux, *International Trials*, 240.
17. An important piece of evidence in this regard is the secret Young Turk Ittihadist Conference, and the resultant "Ten

Commandments" and their role in subsequent events. Cf. Vahakn N. Dadrian, "The Secret Young-Turk Ittihadist Conference and the Decision for the World War I Genocide of the Armenians," *Holocaust and Genocide Studies* 7, no. 2, http://hgs.oxfordjournals.org/cgi/content/abstract/7/2/173.

18. For the strong view that the Armenian happening of 1915 was genocide and not a "mere" massacre, see the well-argued article by Roger W. Smith, Erik Markusen, and Robert Jay Lifton, "Professional Ethics and the Denial of Armenian Genocide," *Holocaust and Genocide Studies* 9, no. 1 (Spring 1995). The most authoritative and in-depth treatment of the whole question, using a wide range of government documents and sources, appears to be by the Turkish historian Taner Akçam, *A Shameful Act*: *The Armenian Genocide and the Question of Turkish Responsibility* (New York: Henry Holt and Company, 2006), previously cited.
19. Mettraux, *International Trials*, 208.
20. Quoted in Browning, *Origins of the Final Solution*, 46.
21. Ibid., 74.
22. Lynn Hunt, *Inventing Human Rights* (New York: W. W. Norton, 2007). Also to be consulted in this context is Susan Maslan, "The Anti-Human: Man and Citizen before the Declaration of the Rights of Man and the Citizen," *South Atlantic Quarterly* 103, nos. 2/3 (Spring/Summer 2004).
23. Michel Foucault, *The Order of Things*: *An Archaeology of the Human Sciences*, A translation of *Les mots et les choses* (New York: Vintage Books, 1973), 386–87. As this quote shows, Foucault was aware of the historical emergence of the concept of man, which makes him a very appealing thinker. However, in my view, he erroneously thinks that this condition invalidates the effort to think in terms of man—now humanity—and of human rights. More recently, the always interesting intellectual historian, John Gray, unthinkingly declares that "'Humanity' does not exist. There are only humans, driven by conflicting needs and illusions, and subject to every kind of infirmity of will and judgment" (quoted from his book, *Stray Dogs*, 2002, in *New York Times Sunday Magazine*, November 25, 2007, 20).

While the last sentence is true in its way, it does not exclude the abstraction, humanity, though we can understand from whence Gray's animus is derived.

24. I say this fully aware of the complex nature of modernity and the arguments that, in fact, it has fostered inhumanity. The problem is too daunting to tackle here.

Chapter 5

1. As mentioned in an earlier note, an international conference took place in Hong Kong in November 2007 on pieces of this problem, with a collection of the papers presented there forthcoming.
2. Richard Kilminster, writing about "Globalization as an Emergent Concept," in *The Limits of Globalization: Cases and Arguments*, ed. Alan Scott (London: Routledge, 1997), 262, claims that "the word humanity derived from the Latin *humanitas* and corresponds to the French *humanité*, is first recorded as being in use meaning the human races in 1579 (*OED*). . . . As a synonym for humanity, the word humankind dates from 1645." Here, again, we have the connection to race.
3. The *OED*, incidentally, is both a fallible and a limited source; yet with this noted, it is still a valuable one, as much because so many people cite it for its intrinsic worth. I simply don't know whether its like is to be found in nonwestern literatures.
4. The relation of humans to tools and machines is an important part of this story. I have tried to deal with that topic in my book, *The Fourth Discontinuity: The Co-Evolution of Humans and Machines* (New Haven, CT: Yale University Press, 1993).
5. Gabrielle M. Spiegel, "Response to Constantin Fasolt's Limits of History," in "The Limits of History: An Exchange," *Historically Speaking* 6, no. 5 (May/June 2005): 12.
6. For more on the way in which this expression of sympathy in the humanities becomes apart of the origins of the social sciences, cf. Bruce Mazlish, *A New Science: The Breakdown of Connections and the Birth of Sociology* (New York: Oxford

University Press, 1989; and University Park: The Pennsylvania State University Press, 1993, paperback).

7. Thomas L. Haskell, "Capitalism and the Origins of the Humanitarian Sensibility," *American Historical Review 90*, nos. 2 and 3 (April and June 1985) 339–61 and 547–66.
8. John Tirman, "The New Humanitarianism," *Boston Review* (Dec. 2003/Jan. 2004), reprinted in the Global Policy Forum, 1–2, http://www.globalpolicy.org/empire/humaninty/2004/01new humanitarianism.htm.l
9. On the general topic, see the splendid book by Gerrit W. Gong, *The Standard of "Civilization" in International Society* (Oxford: Clarendon Press, 1984).
10. Ibid., 91.
11. For an excellent analysis of the refugee crises today, see Francis M. Deng, "Internally Displaced Populations: the Paradox of National Responsibility," MIT Center for International Studies, Audits of the Conventional Wisdom (May 2007): 1–5, http://web .mit.edu/cis/pdf/Audit_05_07_Deng.pdf (accessed August 14, 2008).
12. In the chapter on NGOs in my book *The New Global History* (New York: Routledge, 2006), I have tried to take a more rounded view.
13. William Korey, *NGOs and the Universal Declaration of Human Rights* (New York: St. Martin's Press, 1998), 172.
14. Tirman, "New Humanitarianism," 1.
15. Quoted by Richard Goldstone in a review of *War Crimes Law Comes of Age*, by Theodor Meron, *American Journal of International Law* (*AJIL)* 94, no. 2 (1998): 416, a work and review worth attention in their own right.
16. Nicholas J. Wheeler, *Seeing Strangers: Humanitarian Intervention in International Society* (New York: Oxford University Press, 2001) is a well-regarded treatment of this issue. See Julie Mertus's review of this book in *AJIL* 97, 224–27, from which the quote is taken. It should be noted that Wheeler's book tends to ignore the role of social organizations and stays largely with a state-oriented frame.
17. See *Economist*, July 21, 2007, 58–60 for a recent account.

18. John P. Cerone, "Dynamic Equilibrium: The Evolution of US Attitudes toward International Criminal Courts and Tribunals," *European Journal of International Law* 18, no. 2 (2007): 277–315; the quote is on page 314. This is a carefully researched and nicely nuanced account of the shifts in U.S. attitudes toward institutions that involve in any way the relinquishment of American sovereignty. It also serves in regard to humanitarian aid, with the same emphasis on national interests.
19. Celia W. Dugger, "CARE Turns Down Federal Funds for Food Aid," *New York Times*, April 16, 2007.

Chapter 6

1. For details, see Elizabeth Borgwardt, *A New Deal for the World: America's Vision for Human Rights* (Cambridge, MA: Belknap Press of Harvard University Press, 2005), 55. This book offers a suggestive and original treatment of America's role in the events leading up to the founding of the UN.
2. See, for example, the splendid account by Paul Kennedy, *The Parliament of Man: The Past, Present, and Future of the United Nations* (New York: Vintage Books, 2006), xvi.
3. For further details, see Kennedy, *Parliament of Man*, 71.
4. Inis L. Claude, Jr., *Swords into Ploughshares: The Problems and Progress of International Organization*, 4th ed. (New York: Random House, 1971). This book is classic, and though outdated in some ways—the Soviet Union and South African apartheid were still playing leading roles—its informed analysis, balance, and wisdom make it a timeless guide to the problems of international organizations such as the League of Nations and the UN. Its insights are still of the utmost value in our present global epoch.
5. James Traub usefully summarizes the "Human Security Report 2005" to this effect in his short article, "Wonderful World?" *New York Times Magazine Section*, March 19, 2006, 13–14.
6. For a fuller treatment, see Patricia Birnie's "The UN and the Environment," in *United Nations, Divided World: The UN's Roles in International Relations*, ed. Adam Roberts and Benedict Kingsbury,

2nd ed. (Oxford: Clarendon Press, 1993). As Birnie states in her fine chapter, "The UN Charter makes no mention of environmental protection" (327). This edited collection is indispensable for anyone working on the UN.

7. In a related vein, Akira Iriye has called our attention to the way an international civil service, laboring for what can be conceived of as the general interest, has arisen in the wake of the League of Nations and now of the UN.
8. For a fuller treatment of the associational revolution, see chapter 5, "The NGO's Movement," in my book *The New Global History* (New York: Routledge, 2006).
9. Thomas M. Franck and Georg Nolte, "The Good Offices Function of the UN Secretary-General," in *United Nations, Divided World: The UN's Roles in International Relations*, 2nd ed. (Oxford: Clarendon Press,1993), 148. The next quote is on p. 176.
10. Claude, *Swords into Ploughshares*, 174. The quotes from Trygve Lie are on pages 173 and 211.
11. James Traub's *The Best Intentions: Kofi Annan and the UN in the Era of American World Power* (New York: Picador/Farrar, Straus and Giroux, 2007) is an informed treatment of both Annan, the secretary-general, and the UN overall.
12. Michael W. Doyle and Nicholas Sambanis, *Making War and Building Peace: United Nations Peace Operations* (Princeton, NJ: Princeton University Press, 2006), 8–9. This book attempts to apply statistical analysis to those peace processes that had UN involvement and to those that did not. I confess to having a tin ear for such work, while approving in general of the attempt to employ the social sciences to the fullest extent possible. Paul Kennedy's use of the term *Parliament of Man* in his title is a poetic invocation, arising from the inspiration of Tennyson rather than statistics.
13. Quoted in Erez Manela's interesting article on Wilson, "A Man Ahead of His Time?" *International Journal* (Autumn 2005): 1124.
14. Claude, *Swords into Ploughshares*, 256.
15. Quoted in Fania Oz-Salzberger, "Civil Society in the Scottish Enlightenment," in *Civil Society: History and Possibilities*, ed. Sudipta Kaviraj and Sunil Khilnani (Cambridge: Cambridge

University Press, 2001), 69–70. For the full exposition of Ferguson's ideas, see his *An Essay on the History of Civil Society*, ed. with introd. Duncan Forbes (Edinburgh: The Edinburgh University Press, 1966). I would add to Ferguson's emphasis on unintentional consequences a comparable one on human agency. It is the interplay between the unintended and the intended that makes for much of the historical record. Morally, humans must do what they can to help determine a historical outcome, while recognizing that such a desired outcome is not certain. We can at least, to change metaphors, stick an oar in the currents.

16. See my chapter "The Hijacking of Global Society," in my book *The New Global History* (New York: Routledge, 2006), for a treatment of the Bush administration's perverse adoption of preventive war.
17. A very succinct but comprehensive treatment of this complexity can be found in the forum *Historically Speaking* (July/August 2007).
18. One might note that whereas in the nineteenth century slavery was viewed as "the ultimate in human oppression and evil," in the twenty-first century its place has been taken by genocide. See the forum *Historically Speaking* (July/August 2007): 27.
19. One way to foster the work of the UN and to aid it in its role of speaking for Humanity would be to have an ombudsman representing Humanity present at all major conferences and gatherings. Obviously, the question of how such a person would be chosen and under what conditions such a spokesperson would operate would have to be given much thought. Also, the exact relation of such an ombudsman to the UN would have to be carefully considered.

Chapter 7

1. Norberto Bobbio, *The Age of Rights*, trans. Allan Cameron (Cambridge: Polity Press, 1996; orig. Italian 1990), 15.
2. Even before thinking of human diversity, we might start by thinking of it in terms of biodiversity. Recent evolution has

produced more and more species, and such increase has meant even further increase, as more and more niches allow for more and more interaction and thus further speciation. To offer a simplified example, a new flower allows for a new insect, and this in turn allow for a new insectivore species. In turn, the new insect may provide a food supply for yet another, non-insectivore, species. In the opposite direction, humans and the changes they are bringing about in the environment are affecting this ecology and presently pushing many species to the edge of extinction. Biodiversity, as a result, is a major subject in the global epoch, undergoing increased pressures in the current processes of globalization.

3. This view correlates with a shift in work on global history. As Pierre-Eves Saunier points out, "One of the major shifts in the literature has been from an emphasis on globalization's homogenizing effects to its differentiating impacts." See Saunier's "A Texans' [*sic*] Universe: First Draft of a History of Universals," *New Global Studies* 2, no. 1 (2008): 2,http://www.bepress.com/ngs/vol2/iss1/art8/. *New Global Studies* is a peer-reviewed electronic journal.
4. Marlies Glasius, "Does NGO Involvement Make International Decision-Making More Democratic? The Case of the ICC Statute," manuscript, 5–6.
5. If the reader wishes to go further into this difficult and complicated problem, he or she can turn to my book, *The Uncertain Sciences* (New Haven, CT: Yale University Press, 1998; New Brunswick, NJ: Transaction Publishers, 2007, paperback ed. with a new introduction), in which I treat the human sciences in great length and depth, and which includes extended references and a critical bibliography.
6. Wai Chee Dimock, "Aesthetics as the Limits of the Nation: Kant, Pound, and the *Saturday Review*," *American Literature* 76, no. 3 (September 2004), 528.
7. Quoted in Dimock, "Limits of the Nation," 531. The quote from Kant follows on p. 532.

8. Lorraine Daston and Fernando Vidal, eds., *The Moral Authority of Nature* (Chicago: University of Chicago Press, 2004); the phrase *crimes against nature* is on p. 7.
9. Cf. Daston and Vidal, *Moral Authority*, 13.
10. Ibid., 12.
11. Ibid., 357.
12. Interestingly enough, and sadly so, the two crimes, against nature and humanity, are connected through the body of the gypsies. Thus, we are told that "Gypsies were the first group whose passports and safe conduct documents . . . were declared invalid by Imperial legislation in the whole Holy Roman Empire in 1551. . . . People of such a treacherous nature, it was implied, could only have forged identity papers." Valentin Groebner, "*Complexio*/Complexion: Categorizing Individual Natures, 1250–1600," in *Moral Authority*, ed. Daston and Vidal, 374. We need hardly be reminded that the gypsies were also deprived of their identity as humans in the genocides of the Nazi regime.
13. Robyn Eckersley, "Ecological Intervention: Prospects and Limits," *Ethics and International Affairs* 21, no. 3 (Fall 2007): 293.
14. Quoted in my book, *Civilization and Its Contents* (Stanford, CA: Stanford University Press, 2004), 5. This book is recommended in its entirety. Chapter 1, however, is especially pertinent to what is being said here.
15. John M. Headley, "Geography and Empire in the Late Renaissance: Botero's Assignment, Western Universalism, and the Civilizing Process," *Renaissance Quarterly* 53 (2000): 1128.
16. José Casanova, "Religion, the New Millennium, and Globalization," *Sociology of Religion* 62, no. 4 (Winter 2001): 415–41. This is an extremely suggestive article on both religion and globalization. In regard to the notion of a "project" of Humanity, Casanova suggests that it is only possible when humans become reflectively aware of their actions and possible results.
17. Cf. my book, *The New Global History* (New York: Routledge, 2006), chapter 6, "The Hijacking of Global Society," 61–62.
18. Quotations are from *New York Times*, November 3, 2007.

19. Though Vojislav Seselj is on trial for war crimes at The Hague, he is still a popular nationalist in his home country, Serbia. He expressed regret that the death penalty was not permissible in his trial, so that "proudly, with dignity, my head held upright like my friend Saddam Hussein, I could die and put the final seal on my ideology. It would become immortal." November 9, 2007.
20. See Jeffrey Rosen, "Conscience of a Conservative," *New York Times Magazine*, September 9, 2007.
21. See Richard Falk, "Civil Society Perspectives on Humanitarian Intervention" (draft paper prepared for International NGO Conference on "Governance and Accountability in International NGOs," Orfalea Center for Global and International Studies, UCSB, Nov. 10–11, 2006). As Falk tells us, the tribunal was held in Istanbul, "with a distinguished panel of world citizens, presided over by the Indian novelist, Arundhati Roy, issuing a Declaration of Conscience that . . . the Iraq War was a war of aggression and its perpetrators were indictable under international criminal law. The WTI heard testimony from 54 expert witnesses, including several Iraqis as well as international law specialists and high ranking former UN officials." The tribunal's judgment, needless to say, had no legal force, but was an expression of conscience and perhaps a forerunner of trials to come. As early as 1993, in my introduction to the volume *Conceptualizing Global History*, ed. by myself and Ralph Buultjens (Boulder, CO: Westview Press, 1993; repr. Newton Center, MA: New Global History Press, 2004), I raised the question "Should we have nongovernmental 'trials' of national leaders in the light of a global history perspective. . . . They would have to be carefully prepared, as if they were legal trials" (20). The wheels of justice are rolling, even if slowly.
22. *Economist*, October 13, 2007, 52.
23. The book by Graham Robb is *The Discovery of France: A Historical Geography from the Revolution to the First World War* (New York: W. W. Norton & Co., 2007). The quotation in regard to Africa is from *New York Review of Books*, September 27, 2007, 42.

24. Robin Eckersley, "Ecological Intervention," 293.
25. Claude, *Swords into Ploughshares*: *The Problems and Progress of International Organization*, 4th ed. (New York: Random House, 1971), 49.

Epilogue

1. Cf. Alexander Geppert, "Cosmic Visions: Outer Space, Extraterrestrial Life, and the European Imagination, 1923–1975" (paper, Center for European Studies, Harvard University, December 12, 2007). As I was unable to attend, Geppert sent me the notes for his talk, which I have found enormously suggestive and inspiring. See, for example, p. 1 of these notes. He was also kind enough to read this epilogue and comment on it. I look forward eagerly to the publication of his full article.
2. Bruce Mazlish, ed., *The Railroad and the Space Program*: *An Exploration in Historical Analogy* (Cambridge, MA: MIT Press, 1965), 52. Looking back it seems as if I had been sleepwalking to this present book for a long time.
3. In general, see the pioneering work by Castells, *The Information Age*: *Economy, Society and Culture*, 3 vols., especially vol. 1, *The Rise of the Network Society* (Oxford: Blackwell Publishers, 1996).
4. Cf. my book, *The Fourth Discontinuity*: *The Co-Evolution of Humans and Machines* (New Haven, CT: Yale University Press, 1993), 186 and passim.
5. Casanova, "Religion, the New Millennium, and Globalization," *Sociology of Religion* (2001): 422.
6. Martin Albrow, "Hiroshima: The First Global Event" (paper, workshop on Collective Memory and Collective Knowledge in a Global Age, Centre for the Study of Global Governance, London School of Economics and Political Science, April 17–18, 2007).
7. For example, see my introduction to *Conceptualizing Global History* ed. by myself and Ralph Buultjens (Boulder, CO: Westview Press, 1993; repr. Newton Center, MA: New Global History Press, 2004).

Appendix I

1. First published in *Psychohistory Review* 25, no. 2 (Winter 1997): 165–76. This journal ceased publication shortly after 1997.
2 This article was written at a comparatively early stage of my inquiry into present-day processes of globalization, and I present it with few changes, inviting the reader to view it as an early and incipient treatment of the subject. As the reader will note, it approaches the notion of a global epoch gingerly. Now, I do so more assuredly. As for the concept of Humanity, my thoughts on it have because much more extensive, with the whole of this present book devoted to that subject.
2. For an incisive article on the construction of "primordial" ties, see Allan Hoben and Robert Hefner, "The Integrative Revolution Revisited," *World Development* 19 (January 1991).
3. Martin Geyer and Charles Bright, "World History in a Global Age," *American Historical Review* 100 (October 1995): 1042.
4. Quoted in *The New Yorker*, March 18, 1996, 72.
5. See Liah Greenfeld, *Nationalism: Five Roads to Modernity* (Cambridge, MA: Harvard University Press, 1993).
6. For the details, see my essay "Crèvecoeur's New World," *Wilson Quarterly*, Autumn 1982, reprinted in my book, *The Leader, The Led, and the Psyche* (Hanover, NH: Wesleyan University Press, 1990), 173–80.
7. Leonard Krieger, "Nationalism and the Nation-State System: 1789–1870," *Chapters in Western Civilization*, Columbia College Readings in Contemporary Civilization (New York: Columbia University Press, 1962), 2:124.
8. E. J. Hobsbawm, *Nations and Nationalism Since 1780* (New York: Cambridge University Press, 1990), 163. The introduction offers a good short series of definitions as to what are the characteristic features of nationalism, which the book as a whole expands upon.
9. Anthony D. Smith, "Toward a Global Culture?" in *Global Culture*, ed. Mike Featherstone (London: Sage, 1990), 6. See also his *National Identity* (London: Penguin, 1991).
10. David Miller, *On Nationality* (New York: Oxford University Press, 1995). See further the review essay, Michael J. Green,

"National Identity and Liberal Political Philosophy," *Ethics and International Affairs* 10 (1996): 191–201.

11. Salmon Rushdie, *Imaginary Homelands* (London: Granta, 1991), 394.
12. Hobsbawm, *Nations and Nationalism*, 157.
13. Ulf Hannerz, "The Withering Away of the Nation? An Afterword," *Ethnos* 58 (1993): 387.
14. The following comment, however, must give us pause. Remarking on Benjamin Barber's "Jihad vs. McWorld," Philip Gourevitch asks, "Is the TV show 'Baywatch' or a bottle of Pepsi really the same for a mother of seven who works in a sweatshop in Karachi as it is for a jobless teen-ager in Bangkok, any more than Jihad is the same for each of them?" ("Misfortune Tellers," *The New Yorker*, April 8, 1996, 98). This comment reminds us of the general problem of how different people "read" the same text, anywhere.
15. Jan Mejer, "Les Evénements de mai-juin as a Modernity Crisis," *Theory Culture and Society* 10 (February 1993): 60.
16. Neil McKendrick, John Brewer, and J. H. Plumb, *The Birth of a Consumer Society* (London: Europa Publications Limited, 1982), 49. Stephen Greenblatt, *Renaissance Self-Fashioning* (Chicago: University of Chicago Press, 1980), argues that the conscious creating of self and identify began much earlier, in the Renaissance.
17. We can see the passion behind this version of "The friend of my enemy is my enemy" (to paraphrase a saying) in Dostoyevsky's description of westernizers as "destroyers of Russia, enemies of Russia." As he went on, "[A] Russian who has become a genuine European cannot help becoming at the same time a national enemy of Russia." (Quoted by David Remnick, "The Gamblers," *The New Yorker*, June 17, 1996, 6). For some people, perhaps many, identity must be single (of course, "Russia" itself is hardly a single identity, but we shall let that pass) rather than inclusive and multiple.
18. Hillary Clinton, quoted in Henry Louis Gates, Jr., "Hating Hillary," *The New Yorker*, February 26 and March 4, 1996, 133.
19. Jan Mejer, "Les Evénements," 57.