Globalization, empire and natural law

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Three controversial concepts are central to discussions of how international order originates, how it operates and, ultimately, also how we should respect it: globalization, empire and natural law. Each has very powerful emotional and political resonances, and each excites passionately radical counterargument. The three concepts derive from clearly divergent traditions of thinking about international order. The globalization discussion thinks primarily of economic forces, or market-driven processes, as continually shaping and reshaping the international arena. We should (in this interpretation) embrace globalization because it is good for us. Because of the primacy of economic explanations, this perspective has an aura of Marxism, although it might be termed reverse Marxism since the main defenders of globalization usually think of themselves as standing in a liberal tradition. Analyses centred on ideas of empire and imperialism or neo-imperialism derive from realism and thinking in power terms. Nothing can be in everyone's interests, because these are always in conflict; if we as a group do well, it must be at someone else’s expense. By contrast, the third tradition, that of natural law, sees human communities as bound together by common values, which can be derived primarily from the application of human reason, although they might coincide with a divine plan. International order is a good that follows logically from basic human sensibilities. It is compelling because it is good, rather than being good because it is compelled (for the realists) or compelling (for the liberal globalizers).

The first two of these interpretative frameworks differ from the third in that, in some but not all versions, their exponents believe that they are undertaking a positive rather than a normative analysis. But in practice, many if not all positive analyses also seek ways of dealing with the stories deployed by participants in the international order that depend explicitly or implicitly on norms. Some of these analyses include, in line with constructivist approaches, the possibility that norms are generated or at least reinforced by sustained and repeated mutual interaction. In this sense, norms are regarded as endogenous to the system, and do not come from the outside, as they do in the natural law tradition.

Each of the three modes of thought is not only suspicious of the others, but additionally believes that the alternatives are for the most part either simply erroneous or naively masking interests. It is realists who have been most intent on and most persistent in unmasking the ideology that they suppose produces...
The competing explanations, and in denouncing as hypocritical attempts to evolve normative approaches. E. H. Carr, the founder of modern realism, was sceptical about ideas of the invisible hand of the market, and explained that “Economic forces are in fact political forces ... The science of economics presupposes a given political order, and cannot be profitably studied in isolation from politics.” Robert Gilpin concurs that “As a means to understand society and especially its dynamics, economics is limited; it cannot serve as a comprehensive approach to political economy.”1 Like E. H. Carr, Hans Morgenthau also objected to the notion of universal moral laws:

However much the content and objectives of today’s ethics of nationalistic universalism may differ from those of primitive tribes or of the Thirty Years’ War, they do not differ in the function they fulfill for international politics, and in the moral climate they create. The morality of the particular group, far from limiting the struggle for power on the international scene, gives that struggle a ferociousness and intensity not known to other ages.2

Equally, liberals (who tend to believe in and like globalization) are convinced of the short-sightedness of a focus on power. They also tend to worry about the way in which the powerful impose their own interests as part of the process of building order. From Schumpeter on, believers in the logic of economic integration see nationalism as an atavistic and erroneous force for disintermediation and destruction. In a fine recent statement of the Schumpeterian logic of integration, Martin Wolf shows how “Nineteenth-century nationalism coincided with a resurgence ... of pre-modern imperialistic and protectionist ideas. The aim of the countries became to create a protected sphere of their own. From the point of view of promoting prosperity, these shifts were in error.”3 Consequently, liberal ingenuity needs to be expended in working out ways of institutionally aligning interests so as to minimize the potential for conflict and for dysfunctional and destructive outcomes.

The natural law basis is surprisingly difficult to eradicate. And, in fact, the founders of the alternative traditions were acutely aware of the need to begin their argument with reasoning about natural human proclivities and potential. Recently, Noel Malcolm demonstrated the extent to which Thomas Hobbes, whose Leviathan is the founding charter of realists, in fact depends completely on a natural law foundation. Like previous natural law writers, Hobbes derived universal laws that were not dependent on the sovereign’s will: “The Lawes of Nature are Immutable and Eternall: For Injustice, Ingratitude, Arrogance, Pride, Iniquity, Acception of persons, and the rest, can never be made lawfull. For it can never be that Warre shall preserve life, and Peace destroy it ... And the Science of

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them is the true and onely Moral Philosophy.’ 4 Adam Smith, who is to liberals what Hobbes is to realists, was also committed to a natural law derivation of his ‘general rules of morality’.

In this article I aim to suggest an alternative way of thinking about the challenges of globalization, and the ‘discontents’ that it allegedly generates,5 by taking up those aspects of the natural law tradition that are fundamentally embedded in the rival traditions of thinking about international relations. In particular, I shall suggest that the currently prevalent way of thinking about globalization simply as a system of interconnections, of processes and networks that span national and cultural boundaries, is bound to produce a backlash, primarily because it is widely assumed that it is simply a euphemism for some sort of imperial rule. From this follows disintegration. In other words, globalization tends to self-subversion. This development is quite analogous to the fate of previous waves of globalization. If we want to harness the power of globalization, and realize the chances that it offers not simply of more generally available prosperity (in a world that is still overwhelmingly poor), but also of a more meaningful existence that should follow from the availability of greater choice, then we should think also about the values that might guide particular choices. The power of globalization rests not simply on material prosperity, but on the ability to communicate and share ideas as well as goods across large geographical and cultural distances. If such communication is not to lead to destructive backlashes, the exchange needs to be underpinned by a sense of shared values that follow from what Aquinas called mankind’s ‘inclination to a good specific to himself, belonging to his rational nature’.6

Globalization

Globalization is understood by economists as the cross-national movement of factors of production (labour, goods, capital) as well as of ideas, including technologies. Political scientists see globalization as a control on traditional power as exercised by nation-states, or the diffusion of power through a web of international institutions and rules that establish a state of affairs that is, in Robert Keohane’s phrase, ‘after hegemony’.7 Economists in consequence find it hard to see why the concept is controversial, while political scientists cannot believe that anyone is so naive as to think that it is not.

Maybe the economists are winning. There now appears to be less debate about globalization and less questioning than there was five or six years ago in the very first years of the twenty-first century. The big ideological discussions about globalization

7 Robert O. Keohane, After hegemony: cooperation and discord in the world political economy (Princeton, NJ: Princeton University Press, 1984), p. 244. ‘Such regimes are important not because they constitute centralized quasi-governments, but because they can facilitate agreements, and decentralized enforcement of agreements, among governments.’
are largely over. They have been replaced by a generalized sense of gloom that is in striking contrast to the generally expansive and buoyant trend of the world economy in the years after 2002. The massive demonstrations that disrupted the 1999 WTO meetings, or the 2001 Genoa summit, or the annual meetings of the World Bank and the IMF or the Davos World Economic Forum seem to belong to a distant and rather innocent past. The authentic voice of anti-globalization is now that of a very different global vision, that of Islamic fundamentalism. Many former critics now see at least some advantages in globalization. The more intelligent insist that they always wanted a ‘better globalization’, rather than simply to turn back a clock. In particular, the dramatic growth of India and China seems to demonstrate that opening an economy to the world market is a way not only of producing growth but also of alleviating poverty. Third World activists want more not less globalization, and a dismantling of the trade barriers of the industrial countries.

Globalization also seems quite robust. It appears to have easily survived the shock of the terrorist attacks of 9/11. There has been no repeat of the contagious emerging market crises of 1997–8. The credit market anxieties of 2007 produced little echo in Asian emerging markets, with the result that many commentators began to speak of a ‘decoupling’. The resilience of the world economy is sometimes, but erroneously, interpreted as a demonstration of the inexorable character of globalization. In reality, there are great vulnerabilities. If the financial turbulence of 2007–2008 leads to a generalized and sustained downturn, a protectionist and populist backlash against trade and migration flows is highly likely. The intellectuals are calm, but everyone else is worried, and a number of prominent economists (Ken Rogoff, Brad DeLong, Nouriel Roubini) have become very gloomy.

Many of the former advocates of globalization in the business and political circles of the advanced industrial countries are now deeply concerned, because in their countries globalization seems to be responsible for both job losses and pay reductions, as well as for apparently illegitimate rewards for the owners of scarce resources, in particular superstars with a reputation, whether in sports or entertainment, or CEOs who market themselves like superstars. Whereas until recently the most dramatic effects of globalization were seen in the market for unskilled labour, and consequently most policy thinkers simply saw the answer in better training, it has become clear that skilled service jobs (most conspicuously in computer software but also in medical and legal analysis) can also be ‘outsourced’. Consequently, the gigantic western middle class—the great winner of the twentieth century—is now extremely alarmed by the prospect that it might be overtaken by an even larger (and harder-working) middle class in emerging market countries.

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The result is not only a political backlash, but also an intense populist concern in the rich industrial countries with corporate governance, corporate abuses and the excesses of executive pay. The new backlash naturally terrifies business leaders, who want to devise some appropriate response that will not hurt them too much. Events such as the World Economic Forum, formerly parodied as the fiesta of pro-globalization fanatics, are now packed with presentations by globalization critics and choruses about corporate social responsibility. ‘We have to pay for the sins of the past,’ said Klaus Schwab, the founding spirit of the Davos meeting, while George Soros claimed in 2008 that ‘This is not a normal crisis but the end of an era.’ It is hard to find defenders of classical rule-bound liberalism at events such as Davos. The readiness with which global captains of business embrace their opponents reminds me rather of the way in which the Florentine ruling and banking house of Medici sponsored the most vociferous and radical critic of commercial culture, the Dominican friar Girolamo Savonarola.

In other words, the world’s globalizers are suffering a collective loss of nerve. They are right to be uncertain and nervous. There is nothing inexorable about globalization. Past episodes ended badly. One of the comfort blankets that modern people sometimes clutch is the idea that there was only ever one big simultaneous world depression, produced by such an odd confluence of causes as to be quite unique: the legacy of the First World War and of the financial settlement of reparations and war debt; the chaotic banking system of the largest economy of the world, the United States; and inexperience in handling monetary policy in a world that was still pining for metallic money. Since these circumstances were unique, they can’t occur again. Historians should say that this reasoning may be quite wrong.

A great deal of the historically informed literature on globalization makes the point that there were several previous eras of increased worldwide integration that came to a halt, and were reversed, with painful consequences. The most familiar precedent for modern globalization is that of the late nineteenth and early twentieth centuries, which ended definitively with the interwar Great Depression. But there were also earlier epochs of integration: the Roman empire; the economic rebound of the late fifteenth and early sixteenth centuries (the economic backdrop to the Renaissance); and the eighteenth century, in which improved technology and increased ease of communications opened the way to global empires (for Britain and France). All of these previous globalization episodes ended, almost always with wars. Globalization is often supposed to have produced a universalization of peace, since only in a peaceful world can trade and an interchange of ideas really flourish. But in practice globalization of goods and capital and people often leads to a globalization of violence.

Bad policies can obviously wreck individual economies in a whole range of different ways; but systemic collapse is a product of militarized conflict.
Globalization as an economic phenomenon depends on the movement across state boundaries of goods, labour and capital. Security concerns produce heightened worries about all these kinds of mobility. Trade may create a dependence on imports that leads to strategic vulnerability, and one of the oldest arguments for agricultural protection was the need for autarkic self-sufficiency in case of attack. Labour flows may camouflage the movement of spies or saboteurs. Thus, for instance, First World War Britain was gripped by panic about the numbers of Germans employed in London restaurants. Finally, capital controls have often been justified on grounds of national security. One way of destabilizing politics was to try to promote financial panic, and restrictions on capital mobility might be a way of generating increased immunity to speculative attack.

There are obvious analogies in some of these past experiences to some of the threats to the economic order and to economic integration posed by the ‘war on terror’. Trade, financial flows and labour movements are all vulnerable in the post-September 11 world. After September 11, every part of the package that had previously produced such unprecedented economic growth in many countries—the increased flows of people, goods and capital—seemed to contain obvious threats to security. Students and visitors from poor and especially from Islamic countries might be ‘sleeper’ terrorists; or they might become radicalized through their perceptions and experience of western liberalism, permissiveness or the arbitrariness of the market economy. It soon became apparent that customs agencies scarcely controlled the shipment of goods any longer, and that explosives, or even ABC (atomic, biological, chemical) weapons, might easily be smuggled. The free flow of capital, and complex bank transactions, might be used to launder money and to supply funding for terrorist operations.

It is natural and legitimate to suggest that all these areas should be subject to more intense controls in the face of security threats. But there is a danger of giving an absolute priority to the war against terrorism. Every sort of control also offers a possibility for abuse by people who want controls for other reasons: because skilled immigrant workers provide ‘unfair’ competition; because too many goods are imported from countries where labour is cheap; or because capital movements are believed to be destabilizing, producing severe and contagious financial crises. A new debate about the security challenge posed by global terrorism offered the chance to present older demands for the protection of particular interests in a much more dramatic and compelling way. Protectionists of all sorts suddenly had a good story to tell about the harm done by international trade.

There are many signs that we are at the beginning of a new era, in which the ‘globalization thesis’ is being rolled back once more. In the new world, differences become important. Business leaders focus on the way they have ‘traditionally’ done business. Individuals see risks rather than opportunities coming from the outside. Citizens detect corruption. Countries are willing to fight trade and currency wars, and to resist external interventions in corporate affairs. Political leaders focus on redesigning the trading and monetary system in order to alter the balance of political and economic power. Power and hegemony matter again as
political decision-makers see a zero-sum game rather than the attractions of collaboration. In this world, conflict tends to escalate, and destroys the basis of prosperity and international order. Its inhabitants think about Mars, not Mercury.

Empire and imperialism

E. H. Carr saw national power sliding inexorably into the projection of imperial power. He quoted Reinhold Niebuhr to the effect that there existed ‘no possibility of drawing a sharp line between the will-to-live and the will-to-power’, and, referring to Hobbes and Machiavelli, then drew the conclusion that nationalism ‘develops almost automatically into imperialism’.15

When we are worried about the prospects for globalization, we often respond with the characteristically twentieth-century feeling that politics can offer a solution, and that societies can protect themselves more satisfactorily within a safe national cocoon. Perhaps good politics can also produce good governance at a global level? After all, one of the reasons why globalization was indeed so robust at the end of the twentieth century, and that there was no repeat of previous collapses (such as the interwar Great Depression), was the sophistication and robustness of the international system.

The world is now covered by a dense network of laws and rules. But this network is incomplete. Whereas trade is more and more subject to a genuinely international rule-making process through the WTO, in monetary affairs the development has been in the opposite direction, away from the rules set at the 1944 Bretton Woods Conference. Dani Rodrik concludes from this paucity that, ‘Contrary to conventional wisdom and much punditry, international economic integration remains remarkably limited.’16 In practice, the main source of international regulation remains national law, extended across borders through a process of extraterritorial judicial activity by which the law of powerful actors such as the United States or the European Union influences legal standards across the globe.

There is a serious unresolved problem in the governance of the system. Many of the institutions that were created to operate ‘after hegemony’ can adequately constrain neither their members nor others. The G8, with its massive overrepresentation of middle-sized European states, is not well designed to tackle global issues; the United Nations has a dysfunctional organizational structure; and there is a widespread belief that the IMF has lost its sense of mission, and in consequence a never-ceasing flow of projects to ‘reinvent’ Bretton Woods and reshape the international financial architecture pour out. However, the new malaise of globalization goes beyond problems related to the architecture of the international order, and relates to two further developments: first, a growing sense of paralysis in the major industrial countries, in which any serious economic and financial reform has become impossible; and second, the sense that power politics (largely and

15 Carr, Twenty years’ crisis, pp. 143–4.
Fortunately absent in the second half of the twentieth century) have come back. These are the developments that have paralysed collective attempts to formulate effective responses to global problems.

Sometimes we may think about the paralysis in terms too limited by an obsession with recent history. Commentators usually believe that George Bush and Tony Blair have been simply and hopelessly discredited because of the happenstance accident of a catastrophic misjudgement that Bush made about Iraq, with which Blair for some reason fully associated both himself and the British government. In fact, the obvious weaknesses of Bush and Blair have papered over the weaknesses and inadequacies of their rivals and opponents. And we can see the same paralysis in other countries that did not accept the Bush–Blair logic.

The most obvious expression of the problem is the fiscal overstretch that afflicts all major industrial countries. Since the 1990s fiscal discipline in the world as a whole, and also in the EU countries, has improved. But since the late 1990s deficits have increased dramatically in Japan (where the central government fiscal gap of 3.8 per cent in 1998 has widened to 7.0 per cent in 2005) and the United States (where the equivalent move is from 0.5 per cent to −3.4 per cent). The EU countries were constrained at first by the stability and growth pact, but since 2001 there has been widespread slippage, especially in the larger member countries. In the early twenty-first century, government deficits in the large states have soared.

The paralysis goes far beyond fiscal aspects. It is especially obvious in the ‘sick men’ of the EU: three of the four large countries, Germany, France and Italy. In each case, sluggish growth and slipping competitive advantage have produced a political blockage, with very narrow election and referendum results, and parties of both left and right that are bitterly divided internally about liberalization and globalization. The new divisions on the left are within the SPD, the French socialist movement, and the Italian Olive Tree coalition: one part in each case is opposed to globalization, and to the EU (these disputes came into the open especially in the course of the French referendum), while a centrist part wants to work within the system at both the global and the European level. Disputes between modernizers and reactionaries are mirrored on the right, where large business interests support the EU, while traditionally minded voters and small businesses are worried about immigration, the effects of the Basel II Accord on lending to small businesses, and competition from Asian producers. The Italian Northern League is uncomfortable with the EU, and France’s National Front is the most successful right-wing anti-globalization party; but similar sentiments also exist within parts of the Gaullist movement and the German CDU/CSU. On the other side, the hostility towards globalization of the German left is shared by many in the SPD. Similar developments are apparent in other large industrial countries: the US Republican and Democratic parties and the Japanese Liberal Democrats all have wings that fight with each other as bitterly as with notionally differentiated parties. Governments throughout the EU—as well as in the United States—have become incapable of effective action, and that incapacity spills over into the international arena.
But action is exactly what is required, because of the second and quite new development of the new century. The world of the early twenty-first century is obsessed with power in a way that the 1990s would have found puzzling, because the nature and dynamics of globalization have changed. Globalization (as seen in the 1990s) promised a world in which markets would simply work, and efficiently provide the goods that more and more consumers wanted. But global integration failed to deliver on that promise—at least to some politically sensitive constituencies. In the 2000s, instead, we see market failures everywhere: in relation to global warming and the environment, but also in energy markets.

Americans are worried about the stability of the Middle East, but also about Chinese efforts to set up special relations with producers of energy and raw materials in Africa and South America. Europeans (especially Central Europeans) are legitimately concerned about the possibilities of Russian political use of its control of gas deliveries, both from Russia and from Central Asia.

In the world of globalization, small states do best, because they are more flexible and can adjust easily to rapidly changing markets. The winners of the 1990s were small states such as New Zealand, Chile and Dubai, or, in Europe, Ireland, the Baltic republics, Slovenia and Slovakia. But such states are vulnerable, and the historical stage of the past is littered with small and successful globalizers that lost out because of power politics: the Italian city states of the Renaissance; the Dutch Republic; or, in the twentieth century, Lebanon or Kuwait.

In today’s world, it looks as if the new winners are big states with large populations and rapid growth: China, India, Brazil, Russia. They project power more easily, but they also need to project power to compensate for their weaknesses. Three obvious flaws affict these big globalizers much more than the small globalizers who had done so well earlier. First, how can these highly populous countries integrate their poor and ill-educated underclass (mostly rural in China and India) as they engage with world markets? Second, China and Russia have financial systems that lack transparency, while Brazil and India are financially underdeveloped: these shortcomings put further integration in the world economy at risk and make for vulnerability to financial crisis. Third, Russia is already facing massive demographic decline and an ageing and sickening population, while China faces the near-certainty of a Japanese-style demographic downturn from the 2040s as a belated legacy of the one-child policy. Flawed geopolitical giants have in the past been a source of instability (Germany before the First World War is an obvious analogue). There are good reasons to see them presenting increased risk in the twenty-first-century future.

In a world in which a renewed priority is being accorded to power, even moderately sized states—such as the traditional big European states or Japan—are not big enough to act effectively on their own. The helplessness is especially visible in current debates over European energy policy. Britain, France or Germany (let alone the much smaller Central European countries) cannot tackle issues such as gas pipelines without a collective negotiating stance. The resulting sense of

impotence adds to the political paralysis, especially in countries which emphasize the centrality of democratic control.

There is also a new (and very twenty-first-century) problem with the operation of capital markets, which had seemed to be the central driver of late twentieth-century globalization. Capital markets are no longer effectively an arena in which outcomes result from the interplay of millions of independent guesses, decisions or strategies. Instead, the central banks of emerging markets and new sovereign wealth funds (SWFs) provide so much of the market that they have come to dominate it. With capital of at least $2.5 trillion, the SWFs are larger than the world total of hedge funds, and are large enough to move global markets. When entities of such a size make decisions, they are bound to act in a strategic way. All the parties begin to suspect political manipulation.

In November 2007, Abu Dhabi recapitalized Citigroup with $7.5 billion, and in December the Government of Singapore Investment Corporation took a SwFr19.4 billion ($17.2 billion) stake in the Swiss bank UBS. The more activist Singapore institution Temasek has acquired stakes in Standard Chartered, Barclays, Bank of China and the China Construction Bank, and in December 2007 took a $4.4 billion stake in Merrill Lynch. Since the second quarter of 2007, SWFs have put at least $46 billion into financial companies in developing countries. Substantial attention has also been attracted by other investments, such as the failed attempt of Dubai Ports World to buy the British company P&O which managed six major US ports; or the blocked bid in 2005 of the China National Offshore Oil Company for the Californian oil company Unocal. Even the highly successful model for the sovereign wealth funds, Singapore’s Temasek, which for a long time went largely unnoticed, is now attracting attention which from the point of view of its owners and managers is highly undesirable, and it has announced that it intends to avoid buying stakes in ‘iconic’ companies. It is possible to imagine a voluntary code of good management by SWFs, in which they apply a self-denying resolution not to purchase commanding shares in key industries, but even that may not be enough to calm the nerves of the old industrial countries.

Even leaving the politics aside, the sheer size of the SWFs makes them a major actor in financial markets. They have in part funded the big expansion of global stock markets over the past five years. The total world stock market capitalization was only $20.4 trillion in September 2002, but by October 2007 had risen to $63 trillion. In effect, the flow of savings from emerging markets has driven the global equities boom that followed the collapse of the dot com bubble, so that big emerging market states are directing the capital flows that are used to finance the payments and budget deficits of the world’s industrial economies.

Global systems seem to need global enforcers, but it appears to be impossible to develop a satisfactory mechanism for the democratic control of instruments of enforcement. The new vulnerability helps to drive a new obsession with empire, although ‘empire’ is almost always used as a pejorative description of what others

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19 Data from World Federation of Exchanges.
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do. It is not only modern America that is seen by its enemies as an empire: the word is now used quite regularly in regard to Vladimir Putin’s resurrection of a tsarist autocracy and to Europe’s attempt to project its interests as well as its ideals on a global stage. When I did a simple survey of the number of times ‘globalization’ occurred in major newspapers, I found rising numbers of citations until 2000, but after that a fall-off until 2004, while the number of references to ‘empire’ and ‘imperialism’ increased.20

Modern and rich industrial societies are not used to thinking in imperial terms and bitterly resist the implications attached to the idea. They recognize that imperialism has clearly failed in the past, and that the legacy of imperialism is a world of resentments and hatreds. Debating empire and imperialism has become much more difficult than the old discussions about globalization. What results is a widespread sense of despair. It is unlikely to disappear until and unless participants in the globalization process lose their current obsession with producing institutional fixes, and think instead more intensely about what common values can hold a global community together.

Natural law

In contemporary discussions of international affairs, natural law is most often invoked in grand and important debates, notably in establishing the case for ‘just war’. This emphasis is surprising, in that natural law as Aquinas (and Hobbes) conceived of it was primarily about peace and security. Traditionally, it produced rather mundane or low-level conclusions that explained why basic security for peaceful commerce was needed, why shipping should be allowed to pass unmolested, etc. But these conclusions are central to the debate about legitimacy, because they show how binding commitments can arise. The genius of the natural law tradition is, as John Finnis puts it, that ‘an authoritative rule can emerge without being made by anyone with authority to make it, and even without the benefit of any authorized way of generating rules’. In consequence, valid law can be made by bad men (or in the modern case by illegitimate and undemocratic governments), as it is the ‘law of nature that establishes that power through men, be they good or bad’.21

Such a solution would seem to be compatible with rule-directed liberalism, since in that order a key source of vulnerability lies in the fear that rules are being imposed in settings such as the WTO or the IMF in order to favour the interests of existing big powers (in today’s world, this means in practice the United States). But this debate about the relationship between ultimate values and practical rules that may be abusive is a very old one. It is sometimes treated (as it was in the classic

20 From Lexis-Nexis: the word ‘globalization’ occurred 665 times in the New York Times in 2000, but only 484 times in 2003; for the Financial Times the equivalent numbers are 683 and 435.
21 John Finnis, Natural law and natural rights (Oxford: Oxford University Press, 1980), pp. 218, 251. Keohane (After hegemony, p. 251) makes a similar point when he says that ‘Cooperation that has benign effects should be praised even if we do not extend our blessings to its architects’ (for instance, President Nixon’s rapprochement with China).
works of Edward Gibbon and Adam Smith) as a reflection on the story of imperial Rome. For Gibbon and Smith, Rome was a mirror for the problems of George III’s empire, just as it became a widely popular analogue in the late twentieth and early twenty-first century for the notion of American empire.

How did these imperial systems turn values into rules? The Roman empire at first tried to assimilate new areas into its expanding imperial rule by incorporating the local theologies into a pluralistic religious universe. More gods could simply be added to the capacious Roman pantheon, and local deities would sit alongside the imperial gods without rivalry or clashes. Polytheism was based on a deep but politically motivated respect for difference and local tradition. Romans saw polytheism as a basis for imperial rule, so that Rome became the centre of world religions: not just of the worship of the classic Roman gods, but also of the cults of Mithras, of Egyptian celebrations, and of course also of the highly intolerant Christianity. Other great empires made analogous concessions to local faiths: the Qing emperors of China tried to embrace the spiritual power of the Tibetan Dalai and Panchen Lamas; and the Ottoman emperor, even as caliph of the Muslim faithful, also tolerated and authorized Druze, Christian and Jewish institutions.

An important element in the comparison of past and present empires involves the way in which large-scale attempts to create international order handle the question of the plurality of cultures. The twenty-first-century equivalent, in a world in which the central culture is no longer religious, is multiculturalism: the encouragement of a broad diversity of cultures with a call for mutual tolerance and comprehension. Inhabitants of industrial countries are proud that they no longer just have ‘western’ music or traditional cuisine; they patronize oriental incense and mysticisms as well as scent shops with French perfumes. The result has without doubt made modern life, particularly modern urban existence, much more interesting and rewarding. Amy Chua has recently reasserted the idea that modern neo-imperial rule depends on its toleration and even propagation of diversity.22

But the extension of toleration as the fundamental principle for global governance involves the suspension of a particular human faculty, that of judgement. Diversity means the enthusiastic acceptance of other practices, and a restraint on judgement about difference or ‘the other’. ‘Judgemental’ becomes a pejorative attribute. The only basis for decision-making becomes a contentless utilitarianism, an approach originally developed at the moment when Europe was beginning its universal embrace. Jeremy Bentham famously argued that from the perspective of the legislator, it was important that pushpin were as valuable as poetry.

Rome began to break apart for precisely this reason. Subsequent attempts at universal or world rule (or an approximation of it)—by the Christianized Roman empire, or in the early phase of Islamic expansion—linked world domination with a single set of values, or monotheism. But the combination of monotheism and a strong version of a single and coherently defined set of beliefs is likely to provoke continual contestation and clashes.

Integration across large geographical and cultural distances also requires well-understood and well-applied rules if it is not to be seen as capricious and arbitrary. If this is true, then the modern drive to polytheism or multiculturalism poses a major problem. Relativism subverts the acceptance and acceptability of a system of rules. This is another way of expressing what I have elsewhere termed the ‘Roman predicament’: and the Roman empire recast itself under Constantine—in the move that Gibbon so deplored—from polytheism to monotheism.23

Modern academic discussions of international order are most frequently based on a functionalist logic. According to this approach, international institutions and networks have a legitimacy generated by the simple fact of their existence, and that as a consequence can be taken for granted. The order simply generates its own rules in its procedural practices. Even great powers will collaborate in order to deal with a limited range of specific policy problems, and generate in consequence transnational agreements that constitute practical codes of conduct (such as the Bretton Woods Agreement or the Basle Accord).

The functionalist approach ignores the ethical foundations that are needed to build legitimacy in a longer run. There is a limit to the extent to which the demand for good politics can be satisfied by essentially internal procedural debates about which countries should be given permanent seats on the United Nations Security Council or be represented in the G7, G8 or G9, or whether voting in the EU should be determined by the Treaty of Nice or alternatively by the 2004 constitutional treaty. Functionalism tends to produce fierce debate about who is included in and who is excluded from the transnational ‘clubs’. At the same time, the architectural debates not only sidestep the major issues but also frequently make for harsher conflicts. Practical experience demonstrates that some common agreement on basic principles is a prerequisite for setting successful agendas in international meetings. Debates that are confined solely to process tend to increase mistrust: Is the agenda being manipulated? Is the other side using unfair negotiating tactics, or are they simply (and unfairly) cleverer?

Looking at past instances, the most successful cases of benign hegemony involved the elaboration of values that drew other and different societies into a peaceful order. Peace is a value, and it does not emerge simply out of processes. Ancient Rome found the formulation of such a vision completely impossible—and so does any order that thinks of itself as imperial. The contemporary European problem lies in the confusion of reverence for process with reverence for some higher goal, which cannot easily be formulated.

In 1959 the great Oxford philosopher Isaiah Berlin pointed out the problem in a remarkable essay on ‘European unity and its vicissitudes’. Berlin saw a reversion to a Europe that was universal in that it rejected the celebration of the particular and the different in late eighteenth-century Romanticism. Before that era, the world was ‘a single, intelligible whole. It consisted of certain stable ingredients, material

and spiritual; if they were not stable they were not real.’ After the catastrophes of
the mid-twentieth century, which could not be overcome as easily politically or
psychologically as they were materially (in the age of the Marshall Plan), there was
a need for a new vision: ‘there is a return to the ancient notion of natural law, but
for some of us, in empiricist dress—no longer necessarily based on theological or
metaphysical foundations’.24

As Berlin noticed, the eighteenth-century thinkers saw the problem of a legiti-
mating principle very clearly. Adam Smith had been acutely aware of the necessity
of formulating what he called ‘general rules of morality’. They were derived from
experience: ‘experience of what, in particular instances, our moral faculties, our
natural sense of merit and propriety, approve or disapprove of’. Such general rules
of conduct, ‘when they have been fixed in our mind by habitual reflection, are of
great use in correcting the misrepresentations of self-love concerning what is fit and
proper to be done in our present situation’. This code provided a natural law frame-
work for human legislation. It existed as a primary given. ‘Human society would
 crumble into nothing if mankind were not generally impressed with a reverence
for those important rules of conduct. The reverence is still further enhanced by an
opinion which is first impressed by nature, and afterwards confirmed by reasoning
and philosophy, that those important rules of morality are the commands and laws
of the Deity, who will finally reward the obedient, and punish the transgressors
of their duty.’25

Another way of formulating the Roman dilemma, then, is to ask how to deal
with a basic human proclivity for violence. The most obvious answer is that, in
the process of civilization, law (or in other words a system of rules) is needed to
restrain violence. Ancient Rome actually found it almost impossible to engage in
a systematic elaboration of the fundamentals of rule and law. The basic model is
given in the Abrahamic faiths by the Ten Commandments. The Commandments
are derived from God, not from an argument about pragmatic necessity, or from
the functional logic of increased interaction and communication. But the Jewish,
Christian and Islamic traditions all include powerful interpretative strains that
emphasize the centrality of reason in ascertaining the contents of natural law, and
from this the divine purpose (since the divinity cannot be unreasonable).26

It is important to note that this kind of interpretation leaves little room for
the vision of clashing civilizations made famous by Samuel Huntington. When
Huntington’s original Foreign Affairs article appeared in 1993, it was widely
denounced or ridiculed. Since September 2001 it looks to a substantial body of
pundits like a highly prescient analysis of the new dilemmas of the twenty-first
century. The ‘clash of civilizations’ is another version of the non-globalization

(London: John Murray, 1990), pp. 175, 204.


26 For modern presentations of this viewpoint, see John Paul II’s encyclical letter of 1998, Fides et ratio, http://
www.vatican.va/holy_father/john_paul_ii/encyclicals/documents/hf_jp-ii_enc_15101998_fides-et-ratio_.
en.html, accessed 19 Jan. 2008; David Novak, Natural law in Judaism (Cambridge, UK, and New York:
Cambridge University Press, 1998); Tariq Ramadan, Muhammad: vie du prophète. Les enseignements spirituels et
mindset that is currently gaining in popularity. It has a peculiar and mixed pedigree. The notion of an inevitable conflict between an Islamic (or, in an earlier alternative formulation, an Asian) vision and a western one is in fact based on two kinds of argument: one about the impact of economic and social modernization on non-western traditional societies, and another about inevitable and ineradicable cultural differences. In the clash of civilizations a widespread rejection of western models of modernization follows as a backlash produced by resentments generated after the breakdown of traditional order. Ideologues then create and manipulate an idealized vision of the past in order to counter the despiritualizing secular progress; but this anti-western reaction is very frequently cast in terms themselves borrowed from the West. This is the phenomenon that Ian Buruma and Avishai Margalit have in a different context dubbed ‘occidentalism’: the desire to overthrow and overcome western modernity or ‘rootless, arrogant, greedy, decadent, frivolous cosmopolitanism’.27

Depending on which of the above analyses is preferred, different solutions are held out. If cultural differences are really so profound as Huntington suggests, then imperial conflict and conquest is the only adequate answer. If, on the other hand, the problem lies in discontents about modernity, and poverty and marginality are the breeding grounds for violence and terrorism, then a better and more socially egalitarian modernization can hold a more effective cure. Much contemporary debate, especially since 11 September 2001, fluctuates between these poles. Should we fight or buy off the barbarians at the gate? Yet both options look like different aspects of the old but unsatisfactory Roman solution: conquer and provide prosperity. There is only a difference in emphasis. The first is arrogantly belligerent and the second arrogantly patronizing. Both recommend more power and more modernization.

But there is a fundamental as well as a fundamentalist objection to more modernization (or more globalization) as a simple answer. In the second half of the twentieth century, a powerful modernization paradigm had become a way of explaining the necessity of progress and development. It was based very explicitly on a means-rational argument, analogous to the functionalist approach to the question of the legitimacy of rules in a domestic or international context. Development was presented by its advocates as a good in itself that would be automatically seen as a good by any intelligent observer. It was not usually seen as linked to any higher value, any way of achieving greater human dignity or freedom. Instead, it was a technocratic mill through which humanity was supposed to be minced in the cause of progress and prosperity. And it was exactly the technocratic vision of modernization which produced as a response a new anti-western sentiment that claimed to be more profound and more spiritual than a superficial materialism, while at the same time holding out nationally defined styles of capitalism.

There exists an alternative to the challenge and response model which has as its outcome the clash of civilizations. The other path depends on dialogue within

a shared intellectual framework, one that is most clearly and uniquely displayed by the natural law tradition. Instead of thinking that technical development will automatically produce prosperity and thus solve it were by a kind of magic the problem of human values, we need to think and talk explicitly about values that are (surprisingly) shared across vast cultural and geographical gulfs, as well as across the boundaries created by income and wealth inequalities. We will identify more commonalities across cultures in this discussion than we initially might have supposed. A symbolic and perhaps important exemplification of unity around values was the line-up in modern Rome at the funeral of Pope John Paul II, the best-attended funeral in the history of the world. Christian, Jewish and Muslim leaders appeared in a show of unity, and the President of Israel shook hands with the President of Iran. The Financial Times commented that ‘There has been little like it since eight crowned heads of Europe assembled for the funeral of Britain’s King Edward VII in 1910.’

The frightened globalizers of the Davos World Economic Forum seem to be taking up the theme of spirituality by adopting as the symbol of their meetings an angel that is supposed to protect both them and their critics. At the same time, the angel is vague enough not to constitute too explicit a link with any one specific religious tradition.

A notion of the commonality of values despite difference should indeed be extended even beyond the brackets linking different religious traditions, since these values are obtained through an exercise of human reasoning. The kind of dialogue sustained between apparently rival traditions of thinking—such as the perennial dialectic between reason and faith—offers a way to provide a universal basis for restraining violence that is independent of the chance and necessarily unsatisfactory results of process and procedure. It does not depend on a simple functionalist logic. Our debate must avoid the non-value-based escapism of simply technocratic solutions, and it needs to concern itself with the fundamental values that follow from our acknowledgement of the intrinsic dignity of humans.

28 ‘Funeral presents opportunity to renew diplomatic contacts’, Financial Times, 8 April 2005.