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From the Editor

This third issue of the *Jordan Journal of International Affairs* comes at a time of unsettling political, economic and security developments. International relations including inter-Arab relations, have been dramatically affected by recent events. There are signs of a possible return to a cold war era, which could have an impact on world peace and security. Upheavals in the financial markets, which began in the United States, have spread to the rest of the world. Arab countries are affected by this crisis yet seem to have no ability to influence its outcome. Arab policies on issues of importance to their peoples' well-being, such as national security and economic integration, lead the objective observer to question the effectiveness of Arab governments.

Many Arab countries now face the serious dangers of civil war and political unrest. Arab national security is subject to competing regional and international agendas and despite huge oil revenues, the fundamentals of Arab economies are weak. Arab educational systems including universities remain at the bottom of international rankings despite the tens of billions of US dollars spent on them. In the past ten years Arab nations have spent billions of US dollars on athletics, yet Arab nations remain behind the rest of the world in international competition. The 2008 Olympic Games in Beijing bear testimony to this fact.

The third issue of the *JJIA* contains valuable studies addressing these concerns. Articles by Ma'rouf Al-Bakheet and Kamel Abu Jaber appear in both Arabic and English. Ma'rouf Al-Bakheet writes in "The Arab Order: A Jordanian Vision" about the Middle East region and the conditions that surrounded the emergence of the so-called Arab Order. Kamel Abu Jaber in "The Arab Condition and the West" addresses why Arab states continue to struggle with issues of modernization, while other non-western nations have successfully transitioned from traditional to modern societies. Rosemary Hollis brings an international perspective as she describes in "Competing Agendas and European Dilemmas in the Middle East" the challenges facing European policy-makers as they develop their "Neighborhood Policy"; John Mearsheimer and Stephen Walt write in "The Israel Lobby in the United States" about the manner in which American supporters of Israel have influenced US Middle Eastern policy. To round out the English section of the issue a review essay by Christopher Joyner and a book review by Sawsan Gharaibeh address International law and the Arab Center respectively.

Tawfiq Hasou

1

The Arab Order: A Jordanian Vision*

Ma'rouf Al-Bakheet**

The Arab order is based on the ideal of a regional order designed to foster peace and security. The Arab League, which forms the nucleus of the Arab order, has not effectively addressed all major regional issues. A Middle Eastern regional security system modeled on the Organization for Security and Cooperation in Europe (OSCE) would be more effective by encouraging nations in the Middle East region to cooperate on matters of national defense, joint political and economic cooperation and support conflict resolution.

Introduction:

The discussion of the Arab order is an extensive task. Understanding this subject requires the precise definition of "the Arab order" and "Arab National Security." The concept of "the Arab order" originated from the debate about regionalism in international relations.

Two schools of thought emerged among thinkers concerned with issues of peace. Scholars differed over using "Regionalism" or "Globalism", to organize the international community and maintain peace among states. While supporters of globalization suggest a global system to include all states, the other school believes that regional organizations are a better option for achieving peace and security. Regional organizations are more realistic and their response to conflicts is more flexible and effective than global organizations.

Whatever the choice, the concept of a regional order depends on the presence of three main factors: a geographic framework, historical links and the will to interact politically, economically and socially. Associations may differ according to size and type, and from one region to another. They could have similar values, beliefs, interests and compatible goals, as is the case among Arab states. However when these links are fragile and the states wish to maintain their security and stability, then geography plays a more significant role.

The Emergence of the Arab Order:

The emergence of the Arab order differed from that of other orders. To begin with, it only emerged because the seven independent Arab states established relations based on a sense of political and social solidarity, a growing awareness of the Zionist threat and the wish of the British to establish an Arab regional order.

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Secondly, the Arab order was influenced by strong social, cultural, linguistic ties and similarities. Hence the interaction among Arab peoples and their social integration preceded regional political organization by the states. Thirdly, the Arab order came in response to the growing sentiment of Pan-Arabism which started initially as a political movement during the colonial period. Pan-Arab awareness further developed through: the spread of culture and exposure to western philosophy, the deterioration of conditions in Arab states, and the emergence of the Pan-Turanism[1] movement and its adoption of anti-Arab policies.

The Arab League was established to be the nucleus of the Arab order. Twenty-one specialized agencies and ninety-five regional unions emerged consecutively. Since its inception the league has contained contradictory ideas and principles. It combined the ideas of Pan-Arabism and therefore embodied the quest for Arab unity while its charter simultaneously called for respecting the sovereignty of its member states. The paradox regarding the role of the league is that it is a tool for the promotion of Pan-Arab thought, while encouraging Arab division. The ideas of the Arab regional order were unacceptable to the great powers. Hence, the league, since its emergence has witnessed extensive manipulation and interference from world powers. This made it vulnerable to pressure from conflicting wills, including the will of Pan-Arab ideas, the will of member states, and the will of external forces.

The Concept of Arab National Security:

In order to understand the concept of Arab national security, we need to understand the absolute meaning of national security and development. The term "national security" in political literature represents the organized expression of the national will of a group within a state. National security is achieved when a group feels secure within geographic boundaries as expressed through its organizational structures. Security is the feeling which the group experiences either as a result of the absence of possible threats, or because it possesses the means to confront threats once they occur.

Concepts of security vary according to this definition. If national security is understood and seen as a goal of foreign policy, then it is political in nature. If it is a group of principles related to the protection of the state entity and a framework for political action, then it is an absolute concept. If however, it is understood in terms of power and the ability to protect and defend the state, then it is military in nature. The military concept supersedes and takes priority in the event the state is exposed to a military threat.

There are several factors which influence the development of national security for any state. These include its national profile, the values of its peoples, the

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1. An ultra-nationalist Turkish movement which emerged in the Ottoman Empire and gained strength and influence after Kemal Mustafa Ataturk founded the Republic of Turkey in 1923.

level of its growth and development, and the prevailing balance of international relations. Moreover, there are different levels of national security, including the protection of the state, the freedom of political and economic decision-making and the achievement of economic prosperity, all of which are necessarily inter-dependent.

The interest in the study of national security at the international level coincided with the emergence of a new international political and military situation following World War II. After the war there was a need to better understand the political, economic and military balance between nations. Concerns increased as a result of changes in the international geo-strategic situation, the emergence of new alliances and the spread of improved weapons led to changes in military strategies.

It is noteworthy that the Charter of the Arab League ignored any mention of Arab national security. This led to a lack of coordination in joint military operations during the disastrous 1948 war. To correct this shortcoming the Joint Defense and Economic Cooperation Treaty was concluded on April 13, 1950. The treaty in turn, led to the establishment of three systems, the Joint Arab Defense System, the Military Consultative Body, and the Permanent Arab Military Committee. There was no interest in joint security, which explains why the Joint Defense Treaty was born paralyzed.

The defeat of 1967 led to a renewed interest in Arab National Security among academic circles. This continues today as witnessed by the many symposia and conferences held since, including the Arab Thought Forum's Conference held in Amman in 1987.

Recent contributions to national security have had a number of positive outcomes specifically: 1. An emphasis on developing the notion of national security beyond purely military elements to a more comprehensive understanding; 2. Explaining the differences between national, regional, and international security; 3. Clarification of the obstacles in implementing the concept of national security in the Arab World; 4. Identification of disparities between the concepts of human security, security of society, regime security and state security. Yet these concepts remain limited within their theoretical frameworks and have not been converted into actual policies.

The Arab Order: Successes and Failures

The question now arises: Has the Arab order and its main instrument, the Arab League, the oldest regional organization in the world, succeeded in achieving its goals? And, what is the current condition of the Arab order? Before attempting to

answer these questions, it is important to stress that the Arab League is a regional governmental organization representing sovereign states, that adhere to their own policies. Moreover, the league's political framework reflects the diversity of Arab society. The league does not have a superior authority to that of member states, it only expresses the will of its members. However, the Arab League has continued to function since its founding in 1945. Despite the numerous serious crises it has experienced, it has accomplished some goals and failed to achieve others, as will be explained in the following:

1- Joint Political Action:

There does not seem to be a single case of a unified foreign policy for Arab states. To the contrary, Arab policies continue to vary. Competition and hidden agendas among Arab ruling regimes have prevented the Arab order from adopting joint political action. Disagreements have given the opportunity for some Arab states to prioritize foreign policy with non-Arab states at the expense of their relations with each other. This inevitably led to serious inter-Arab conflicts and to divided positions towards critical issues, such as the Iraq-Iran War. Additionally, damaging unilateral decisions on crucial issues were taken outside the framework of the Arab League. The league thus had no role to play with the peace process that was launched at the Madrid Peace Conference of 1991.

2- Peace and Conflict Resolution among Arab States:

According to the Charter of the Arab League, one of its major tasks is to resolve conflicts among member states through peaceful means. It has resolved many conflicts, including border and ideological ones. It successfully resolved some conflicts, such as the Iraq-Kuwait crisis of 1961, while it failed in others when member states resorted to the UN Security Council, bypassing the Arab League, as in the Lebanese conflict of 1958 or resorting to the Organization of African Unity to resolve the Moroccan-Algerian conflict of 1963. More critically, the Arab League failed to undertake any role in resolving several serious conflicts, notably the Iraq-Kuwait conflict of 1990 leading to devastating consequences on the Arab order. By the same token, the Arab League has failed to resolve ideological conflicts between so-called "Capitalist" and "Socialist" member states, or between non-aligned and neutral states.

3- Joint Military Action:

The Joint Defense Treaty of 1950 was inactive until 1961. The Unified Command of the Arab Armies that was formed in 1964 went into oblivion until the beginning of 1967. As such the Unified Command had no role to play in the ensuing wars in 1967, 1973, the Iran-Iraq War of 1980-1988 and the repeated Israeli attacks. Violations of Arab security and blatant external interference in the sovereign affairs of some Arab states confirms the inadequacy of the Arab order.

In fairness, the weakness of Arab cooperation was responsible for the inability of the Arab order and the Arab League to jointly confront dangers, which has led to the present situation of the Arab world today.

4- On the Economic Cooperation Level:

Arab states early on expressed interest in economic cooperation, and formed the Arab Economic Council in the context of the Joint Defense and Economic Cooperation Treaty of 1950 and later the Council of Arab Economic Unity and the Common Arab Market in 1964. Furthermore, several economic agreements were signed within the framework of the Arab League, and established various specialized organizations. In fact, joint Arab action witnessed a qualitative leap in this domain by dedicating the eleventh Arab Summit of 1980 for the discussion of the strategy for joint Arab economic action. In spite of collective efforts and a prolonged process, what has been achieved has not necessarily produced the desired results.

In short, the Arab order stands today at an important crossroads, where success depends on its ability to adapt. It is an order which possesses huge resources and capabilities, but also faces numerous internal and external threats, and whose members witness contradictions within their respective societies and in their relations with each other. Moreover, there are other issues confronting the Arab order as a whole, such as a population explosion, and urbanization. Finally, there is the contradiction between the call for Pan-Arabism and the spread of regionalism with a narrow outlook.

The Arab Order and the question of a Middle East Order.

The positions of the Arab countries directly involved in the Arab-Israeli conflict witnessed drastic changes to reflect the changing local, regional and international climate during the last decade of the 20th century. The Madrid Conference of 1991 represented the beginning of a complex and intricate peace process. It became clear to the parties after decades of conflict that negotiation for peaceful solutions to regional problems was the best way to address the various challenges facing Middle Eastern societies.

When the peace process was launched in Madrid, it was organized on two tracks, bilateral and multilateral. The organization of the peace process in this form reflected two basic facts: Firstly, that the multilateral negotiations were a fundamental element in peace-making and complement the bilateral negotiations, thus influencing the final outcome of the process. Secondly, there was awareness among those Arab states directly involved in the Arab-Israeli conflict, that peace was more than merely establishing bilateral relations between Israel and any neighboring state. Participants believed that multilateral relations that helped resolve regional problems would be permanently institutionalized.

Thus the peace process would have transformed interactions between countries of the Middle East from patterns of conflict to patterns of cooperation. This transformation is by definition difficult and complicated, especially regarding the settlement of the core elements of the conflict. More importantly, the comprehensiveness and justice of the solution is what matters. The measure of success in creating this transformation is the ability to establish a system of regional relations in the Middle East characterized by cooperative relations and the establishment of permanent institutions.

The Jordanian Vision for the Future:

We in Jordan are aware that the road ahead of us to achieve a comprehensive, just and lasting peace is difficult and paved with dangers, and that wars in the Middle East region have exhausted its economic resources and hindered its growth. The resulting instability caused much suffering for the peoples of the region. Whatever hinders may face the peace process, only a peaceful and positive environment will guarantee a solid basis for progress and development for all peoples of the region.

A comprehensive understanding of the issues of peace and security on the national, regional, and international levels is vital for the pursuit of a comprehensive-interrelated approach to resolving multilateral issues as well as military and non-military challenges to security in the future. Jordan believes in the feasibility of establishing a regional security system similar to the Organization for Security and Cooperation in Europe (OSCE), where Middle East countries cooperate and interact. The establishment of such an organization will serve as a platform for the states of the region, as well as for foreign powers to deal with all security issues. It would also address non-military issues related to security including economic, social, energy, water, environment, population, and human rights issues.

We believe that efforts should be directed towards changing the social culture of the region from a culture of confrontation to a culture of re-education, confidence building, and the search for common ground. At the same time, it is important to establish an extensive network of institutions for the prevention of conflicts and their resolution if they occur.

It must be stressed here that the mere involvement of governments in such an organization does not necessarily commit them to recognizing the existing political realities of the region. It aims to provide a forum in which concerned parties can conduct dialogues openly and flexibly, an approach adopted in all serious arrangements to organize the international community.

As for us in Jordan, the most important goals of any security regime must lead to boosting stability, encouraging economic cooperation within the region, diminishing military threats −including the threat of a sudden attack−, reducing the arms race which will in turn reflect on military expenditures, encouraging democracy, the respect of human rights, and the establishment of the rule of law.

It is essential to afford membership of the organization to all states in the region that wish to commit themselves to a number of principles such as: non-interference in the internal affairs of other states, refraining from the resort to threats, taking practical steps towards preventing the proliferation of weapons of mass destruction and means of their delivery, refraining from developing military capabilities beyond legitimate defense needs and a zone free of weapons of mass destruction.

The future of the region, when peace and stability are advanced, requires new thinking based on a comprehensive national and regional vision of development. The new thinking will redefine the role of the Arab and the Middle Eastern state, and mean the revival of the public and private institutions of civil society. Most importantly, there will be a return to the citizen himself, the real beneficiary of development, security, and peace. What we need is creativity, innovation and ways of thinking that will enable the Arab nations to become participants in determining the future of the region. Otherwise all will pay the price for permitting others to determine the future of the coming generations.

The question remains: Will the new order end the Arab order and its main instrument, the Arab League? There is no contradiction between Middle East co-operation in the fields of security and development on the one hand and Arab nationalism and the Arab order on the other hand. In fact these two orders will complement and support each other. The European experiment is a good illustration. The existence of the Organization for Security and Cooperation in Europe which includes most countries of the European continent, including Russia, did not hinder the work of other European organizations, such as the European Union, West European Union, NATO, and the Council of Europe whose membership does not include all states of the continent. The truth is, all of these networks co-operate, co-ordinate, and complement one another for the purpose of maintaining peace and stability in Europe, and in the world at large.

Beyond this, we believe that the formation of a cooperative Middle East order may provide the future conditions for the political, economic, and social development of the states of the region, and consolidate cooperative behavior, thus supporting a highly developed concept of Arab unity.

The Restructuring of the Arab Scene:

This futuristic thinking basically entails the restructuring of the Arab scene, re-examining the Arab order, and rectifying conditions bravely and realistically. Following are some examples of required corrections, which comprise new Arab strategic elements and address current challenges:

- The amendment of The Arab League Charter, especially on the issue of unanimity in decision-making.
- The establishment of centers for resolution of inter-Arab disputes, including arbitration.
- Arriving at a joint understanding of Arab National Security.

- Economic, political, and social openness among the Arab League member states.
- The adoption of democracy, political pluralism and public freedoms.
- The adoption of ideas, that may resolve critical variations of income, which have increased divisions among Arab states.
- Confidence-building between states.
- Providing legal protection for political regimes in their disputes with each other.
- The commitment to non-interference in the internal affairs of other states, directly or indirectly, and the respect of the choice of any state.
- Respecting the specificities of states and their privileges.

While this is an ambitious list it is vital that the region begins now to address these concerns. Failure to do so will only hold back the region and its peoples from fulfilling their potential. ∎

2   The Arab Condition and the West*

Kamel Saleh Abu Jaber**

Arab societies today are struggling with their transition to modernization. The historical relationship between Arab and Western civilizations and the dominance of Western civilization are the basis for the Arab condition today. Recent events indicate that Arab nations face serious challenges in addressing issues of modernization. Arab nations remain in a crisis of underdevelopment which affects everything from religious, social and cultural domains to political stability, and defense policies.

The aim of this article is to address the realities of the Arab condition today. Although there are many positive elements in Arab society and culture, the focus here is on its negative aspects as a call to think about and ponder these issues in search of solutions. Currently, the Arab world is weak, divided and degraded, to the extent that it is not a part of the decision-making process at regional or international levels. An indication of this is that western military forces have returned to the region. This has historical precedent.

From around 1000 A.D. until the advent of the twentieth century, the Arabs were ruled by others. During that long period, the art of governance was lost and the practices of tribalism and patriarchy, previously abandoned during the great Islamic period, reappeared. The tribal practices revived the Bedouin and pastoral way of life in all *Mashreq* (eastern) Arab states. This led to the deterioration of the city and state.

Today, the major questions facing the Arab states are; How to develop a new political culture? How to reconcile the past with the present? Why are the Arabs unable to even defend themselves? How did Arab nations reach this state of paralysis? How is it that the region today is at the mercy of Israel and Iran?

Israel, for example, did not acknowledge, nor has it yet given a reasonable response to the Beirut Peace Initiative of 2002. How did Arab states shrink and even disappear from the political, military and security world map? How has Arab wealth itself become a weapon to be used against Arab states?

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* This article was translated from Arabic by Raghda Abu-Nowar.

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At the threshold of this century Arab states are daily confronted with questions that they deal with as though they have no precedent in their own experience. What is the Arab problem with modernization? Why are Arab states still strangers to the modern era? Will this situation continue throughout the century?

How and why have countries with traditional cultures such as China and India successfully dealt with modernization? What allowed them, more easily, and with greater flexibility than Arab nations, to modernize?

What reasons lie behind the fierce and aggressive resistance to some aspects of modernization? What are the elements that pull nations backwards? How can we replace a passive and recipient culture with a pro-active one? How can Arab nations regain self-confidence?

Why are vast sectors of Arab societies so fearful of modernization that they prefer an escape to the past along with a total surrender to long held norms and traditions? Can prohibition prohibit what cannot be prohibited; specifically, ideas, in this age of the Internet? What does modernization mean and what is its essence? Does modernization mean westernization?

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For a significant length of time, the writer has researched, studied and analyzed the meaning of underdevelopment and why it prevails in the presence of many outward signs of modernity and development obvious in all Arab societies today. Arriving in any Arab capital or big city with its skyscrapers, congested traffic, supermarkets, malls, subways, cell phones, Internet cafes, universities, and institutes, it seems that one has entered one of the most developed societies of the 21st century. This is because signs of modernization appear in a superficial manner and are consumed in the same way as in western societies.

However, one soon realizes that assimilating aspects of modernization does not mean that traditional cultural attitudes and stereotyping have changed. It is true that Arab society uses modern technology, but it is also true that it has not yet grasped the logic behind it. It has disregarded the scientific system of trial and error with its emphasis on a constant evolution of ideas and development of knowledge. Societies that accept the scientific system of trial and error are more creative, innovative, and productive that those societies that only consume modernity.

The problem does not simply lie in the description of the Arab condition at present, aptly described as terrible, in regards to economic, political and security domains. As for the social condition, it is not much better, it may be described as one of uncertainty and confusion with one foot fixed firmly in the past, the other tentatively stepping into the present and fearful of what the future holds. It is a

society whose collective memory is steeped in traditional patterns of thinking.

What makes the leap from underdevelopment to modernity nearly impossible? More importantly, what makes the process of change from one condition to another easier for some societies than for others? What are the forces that pull some societies backwards and destroy opportunities for change, thus prolonging the transition period which all Arab societies have been experiencing since the dawn of the modern era? Why do life and death struggles between the forces of modernity and tradition continue at their peak in Arab societies? This seemingly intractable conflict also lacks meaningful dialogue to address it. Why is it that Arab intellectuals of the 21st century continue to ask the same questions posed by the intellectuals of the mid-nineteenth century? How did Japan become a major world power, while Egypt, which began its development efforts 70 years earlier than Japan, languishes in the past?

The focus of this article is on unseen forces that perpetuate the crisis of civilization in the Arab world. It will examine the hidden social and cultural elements that prevent individual and collective intellectual potential from exceeding socially constructed limits.

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The Arabs' image of themselves was shattered in the 19th century as they faced the modern world. As a people whose culture revolves around God, they do not know how to deal with western culture which revolves around man, his mind, and life on this earth; in daily life, values, occasions, and even individual and social identity revolve around the Creator, with religion as the defining touchstone for all people. At the same time, Arab society must deal with the modern western world which claims that it has surpassed religion and that its activities, values, and methodology are based on rationality. Western society believes that it is capable of controlling nature for the purpose of the well-being of man on earth.

Halim Barakat, in his book, *Lebanon in Strife* writes that "The ruling systems as well as the structures, institutions, and cultural approaches in Lebanon and the Arab countries are in a state of conflict." He claims that "These systems conflict with the self-fulfillment, growth and aspirations of all human beings to improve their lives. Therefore, we find that these nations are weak, submissive and insecure; countries who focus on symbols of appearances and appearances of ownership."

In acknowledging Professor Barakat's harsh judgment, it is important to return to a comprehensive view of Arab civilization as a whole. One must keep in mind that the most influential civilization, both negatively and positively, has

continuously been western civilization. Arab civilization in terms of time remains a median among the ancient civilizations: Pharaonic, Assyrian, Phoenician, and the ancient civilizations of Iraq, Persia, India, the Hellenic and Roman civilizations and the modern civilizations of the 21st century. Arab civilization may be considered a median between East and West, North and South geographically, as well as in time and place.

It is, therefore, a fact that Arab nations have been exposed to various cultures, languages, and religions throughout history, all of which have left their mark. Evidence of this is seen in the continuation of a mosaic society and the current prevailing multi-ethnic system.

It is also noteworthy that the clash with western civilization has existed since the dawn of history, and has been the most influential factor in Arab history. The conflicts with western civilization have led to the destruction of elements of Arab heritage. Familiar values and loyalties and lost without providing acceptable alternatives, which in turn led to a loss of self-confidence. The most important of these loyalties was the loyalty that Arabs had for the institution of the Caliphate and the Caliph. No substitute has ever been found for this; and no Arab leader today enjoys the complete loyalty which the Caliph enjoyed.

Is the problem of the Arabs merely a problem of loyalty and leadership? How can one explain the failure of Arab societies to produce transnational leadership when the Arab *Ummah* (nation) is confronting its greatest challenge since the rise of the Western Renaissance? While there has been praiseworthy local leadership, visionary leadership enabling the Arab nation to emerge from its current morass has yet to emerge. No modern Arab leader has developed a way to regain the Arab *Ummah's* self-confidence.

The Arabs and the West were on equal footing culturally, militarily, and technologically until well into the beginning of the sixteenth century. What actually happened to catapult Western society forward while Arab society stagnated?

Max Weber, in his analysis of the reasons behind the renaissance of modern western civilization, after the collapse of the feudal system and the end of the Middle Ages, claims it was based on the values of the Protestant movement of Martin Luther at the beginning of the sixteenth century. This movement opposed control by the clergy when it refused the notion of the "Divine Right of Kings." That action allowed individuals to improve their living conditions and even carry out the task of governance, since wisdom was no longer considered a trait solely of the ruler. The movement also encouraged reasoning based on trial and error, which liberated the western mind from being controlled by religion. This led to conclusions based on the scientific method, while not necessarily denying eternal

religious truths.

According to Weber, this is what freed the human mind to work on elevating the condition of humanity on this earth and the transfer of the entire society from an "other directed" to an "inner directed" one. Religion was no longer a public matter of state and society, but rather a private matter of the individual. This allowed the separation of church and state, and liberated both forces from each other.

It is important to note that such a separation between church and state may not be necessary to liberate the human mind; and that it is not essential to transfer the western experience to other societies. What is needed is the liberation of the human mind to allow creativity and innovation. The experience of the Shi'ah is the best example of this, for, right from the start, the religious institution was separated from the political state. This kept the door open for individual interpretation and *ijtihad*[1]. As for the separation between church and state, or what some call secularism, it did not mean then, nor does it mean now, the encouragement of atheism and non-belief. In spite of the secularism of the United States of America in particular, and of the West in general, religion there has become stronger. This is because it depends on individual conviction rather than on attention to appearances and religious rites to please a political or religious institution. Another important factor is that Arab societies revolve around religion. Religion in Arab societies surpasses being a matter of merely a relationship between a human being and his Creator to being a basic part of the political and social identity and character of all people. Such considerations make the transfer of secular experiences from one society to another unacceptable and even impossible.

Religious societies are naturally conservative and difficult to change, since belief in transcendent truths for all ages creates a fixed collective memory. Over time, this inability to question religion nurtured threads of opposition to logic, reason and even authority, with some forces coming to believe that a patriot is one who opposes authority.

Due to social and historical reasons; some related to the continuous pressure exerted on the Arabs from the Western world, and others due to the basic characteristics of the historically authoritarian non-interfering Arab state; the notion of fatalism arose. Sayings such as "What is written is written" and, the belief that "If it is the Will of God, no one can escape" developed along with other social practices related to witchcraft and the important role of the djinn. Attempts to replace

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1. An Arabic term in Islamic Law which means the use of reason to arrive at a knowledge of truth in Islamic (presently mainly Shi'ah) religious matters.

the inevitable are considered pointless and in vain. One must submit and accept.

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It is important to examine the reasons that keep Arab societies moving between the past and the present, as they oppose modernization. Underdevelopment is the inability of a human being or a society to think rationally and control itself and its surroundings. Additionally, underdevelopment means submission to past patterns of thought and blurs the issues of this life and the hereafter. People want things to change, but are unwilling to change things within themselves or in their way of thinking. Sociologist Emile Durkheim describes such a condition as "*anomie*" or complete bewilderment; in which, according to psychologist Carl Jung, people are unable to confront social reality.

Such an atmosphere and environment, particularly during the period of Arab decline, led to the establishment of an opaque society where the boundaries between the meta-physical and the earthly were not clearly delineated. It also led to the establishment of a society where what is forbidden by religion and what society deems shameful have been confused. The following sayings; "There is a speech for the private and another for the public" and "It is preferable for a person to have more than one face and more than one mentality," indicate particular beliefs. The following sayings are also forms of abstaining from expressing the truth; "For each event a saying and, for each position a speech." This led to a form of esoteric double thinking.

As for the status of women, it swings between extremes. At one extreme women are elevated to near sainthood with the saying, "Heaven is at the feet of mothers," and at the other extreme a woman is "*awrah*" one who excites the sexual instincts. This is exemplified by the saying "when a woman is alone with a man, Satan is also present." Such a confusing view regarding the status of woman and her role led to the consideration of woman as a source of shame and sin, and to her isolation from public affairs. It also undermined her and created the necessity to conceal and cover her to avoid shame. The status of women strongly correlates with the structure of the patriarchal family, where the father is referred to as, "*Rab* (God) of the family" with all that the word implies, not only for children, but for women as well.

Another important factor underlying the current Arab condition is the political legacy of the region. Modernity arrived through the Ottoman Empire. In spite of a spiritual heritage calling for the ideal state in which the leader was to consult the people, the constitution of the city, the hadiths–sayings of the Prophet Moham-

mad (Peace Be Upon Him)–, and references to the "just ruler," an important feature of the Arab state throughout the centuries is not only its authoritarianism but also its distance, and non-interference in the affairs of its people. That is except in matters related to security and taxation where the wise man keeps his distance from authority. Political legitimacy was derived from the institution of the Caliphate. The Caliph enjoyed loyalty and obedience, without being politically forced to consult his people, or socially obliged to raise their living standards, or to concern himself with matters related to their educational, cultural or health needs.

This political situation influenced the development of certain societal issues of which perhaps, most Arab countries are not even aware. The Millet, a system of many creeds, religious sects and communities, is, until now, among the most important problems facing the modern Arab state, and is sometimes exploited by external forces including Israel, to destabilize or fragment the Arab states.

At the advent of the Ottoman rule, there existed one religious community, the Muslim Millet, but by the end of this rule, in 1918, there were 18 religious communities. It is no mere coincidence that in Lebanon today, there are 18 religious communities; and that in Iraq, Syria, Jordan, and other states of Eastern Arab countries numerous sects and religious communities exist. They could be a reflection of the beauty, diversity and sophistication of a society, if that society is strong, and effective; but the situation, especially since the establishment of the modern Arab states, is quite the contrary. The states that emerged after the collapse of the Ottoman Empire are, in the first place, accused by Arab intellectuals of being "artificial," states established to satisfy the needs of colonialism, and not in answer to the ambitions of the Arab people.

While the minority Millets share the good times and the bad with their majority brethren, in the Arab world of today, they must be reckoned with. The modern Arab state must devise new methods to address and contain their problems. The situation in Lebanon, Iraq and Sudan are but a few of the "hot" examples of failing to deal with them. In other Arab countries there is unrest among minorities, who sometimes strike and protest violently against their situation. In Jordan, the Legislative Council created a quota system to deal with the political representation of minorities in Parliament. This has lead to on-going discussions in government.

The communal system of having more than one religious or ethnic community while, to a large extent, fosters humanitarianism and goodwill among neighbors, also contributes to certain negative characteristics. Most significantly it hindered the social integration process, one of the most important requirements of democracy and the modern state.

The Millet System

Today, in the Arab states, each ethnic group has its own personal status law, which regulates its everyday social affairs. This, has led to the formation of small communities within the larger community. Social and economic loyalty, and, to a certain extent, political loyalty are given first to the religious community. This loyalty extends beyond the geographic borders of a state. Members of each religious community work together, exclusive of other communities, within that society. Interestingly geographic proximity between the communities does not bring them closer to each other, nor even create a sense of goodwill. On the contrary, over time, each community believed that it was superior to the other communities. While the Sunni, Shi'ah, Alawi, Bahai, Ebadhi, Zaidi, Ismaili, Christians and Jews, may interact, they still know little about each others' way of life. The greater the geographic proximity of communities with distinct creeds (*al nihal*) and different denominations (*al milal)*, the greater the social distance between them.

Modern Arab states are unaware of the repercussions of such a social reality. Stereotypes in society are reinforced because the daily life of each sect revolves around its own religious and social occasions. Some of these sects have their own distinctive language, dress, music, poetry, matrimonial and other popular customs. Some may even have their own means of conflict resolution. It is important to note that the modern Arab state respects and supports this communal way of life.

Where a strong state exists, encouraging this system contributes to the maintenance of social peace, and may be considered an indicator of modern civil society. If, however, the state weakens, these communities may rapidly attempt to strengthen themselves and adjust the political and economic equation to their benefit. This is one of the major causes for the ongoing Lebanese conflict since the middle of the nineteenth century. Should the central state weaken as happened in Iraq after its collapse following the American occupation in 2003, or as previously took place in Somalia and Sudan, tribal, communal and sectarian loyalties quickly surface, resulting in violence and instability.

The communal system also contributed greatly to maintaining strict adherence to social norms. In such a strictly patterned social order, it is advisable not to deviate from the norm. Even in poetry, it is desirable to follow rhyme, and in music, to keep within the tradition, in painting, the repetition of geometric shapes; in conversation, one should preferably start speaking with a common saying, to absolve oneself of responsibility. While it is true that the modern era, to a great extent, departed from these norms, it is also true that this development is still at its beginning, and while the community is adapting to it, the call of the past remains very strong.

The communal system survived because the state was distant, non-interfering, and primarily concerned with maintaining security. From the dawn of Islam, external pressures have forced the state to support religious communities. The state has also relied on authoritarian security means to maintain stability. Such a situation has led many of the intellectuals, throughout the ages, to call for the leadership of a "just dictator," in spite of the paradox in the expression. They did not notice that justice disappeared while dictatorship remained. Such states remain concerned, in the first place, with maintaining security through obedience and conformity to traditional social norms. Needless to say, the ruler prefers those who obey to those who question and wonder, very much like the father in a patriarchal family.

The patriarchal family structure is rooted in the pastoral heritage of the region, which dates back to the Prophet Abraham, the father of all the monotheistic religions. Few have paid attention to the seriousness of transferring the metaphor between the ruler and the shepherd with its religious connotations to the political sphere: For while a shepherd is supposed to attend to the needs of his flock, he is, at the same time, free to milk them, fleece them, slaughter or sell them, at will. The image of the compassionate shepherd, who is concerned for the welfare of his sheep seems frightening when moved from the religious to the political context, for it gives the ruling hand the freedom and authority to act without being questioned by anyone. Everything, even the state treasury, becomes part of the shepherd's own personal wealth.

The communal system remains one of the major reasons behind political and social non-integration in Arab societies. Non-integration, in turn, helps maintain the traditional political system, in which each group regards the ruler/shepherd, as their special leader. This contributes to the personalization of power: Libya's Ghaddafi, Egypt's Nasser, and Yemen's Ali Abdullah Saleh. The description of the leadership and ideas of the ruler, often referred to by the strictly controlled media as enlightened and inspiring–characteristics of prophets–frees him to do as he pleases. Even today, in most Arab countries, a leader's photos as well as his nuggets of wisdom festoon the streets and highways of his country.

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Modern Arab states, which emerged at the end of World War I adopted modern constitutions, without understanding how the communal system inherited from the Ottoman Empire would affect their societies. The constitutions of these states, all taken from western constitutions, were based on equality between all citizens regardless of differences in race, creed, or color and, recently, gender. This hasty adoption of western systems remains and is in contradiction to the

socio-political legacy of the area.

The constitutions, which were rapidly adopted, did not reflect political and social realities, or the widespread poverty and illiteracy in these countries. They also disregarded the absence of institutions of modern civil society and paid no attention to the importance of political parties, both of which are necessary for democracy to flourish. The democratic process, where it exists, is devoid of real meaning since it is merely the holding of elections. In these elections meritocracy is not linked to election results.

In addition to the pressures within each Arab state, external pressures and the establishment of Israel radicalized the politics of the Arab world. Between the two World Wars, the liberal approach of the new constitutions rapidly collapsed and was followed by nationalist and socialist approaches that also failed in confronting either internal or external challenges. The Arab state returned once again to a traditional political legacy that focused on security, with most development efforts geared towards stability and social harmony at any price.

Modern Arab states, like their peoples, are confused over which approach to follow. Although lacking a clear vision of the future, the states, seriously strive to respond to the rising expectations of their peoples. Sometimes they ignore certain problems, in the hope that time will solve them.

It is important here, to identify the differences in the contextual meaning of the two words "citizens," *muwatineen*, which suddenly entered the Arab political vocabulary, and the word "flock," *ra'iyeh,* which is a historically commonly used term. The word citizenship frankly means that the state is guided by the light of reason based on a constitution which determines the rights, limits, and institutions of the state. All of which are unfamiliar to the Arab, his state and its leader. As for the word "citizen," it revolves around the concept of political and social equality. Are all citizens, whether Sunni, Shi'ah, Christian or other equal before the law, and does each enjoy the same rights without exception? It is clear that Arab political thought seldom deals with the concepts of freedom and equality, and mainly focuses its attention on the concept of justice.

As for equality, the question is equality with whom? And as for freedom, the question is freedom from what? Is there freedom for man from state interference? These are issues of great importance, which without introduction entered the Arab political vocabulary. Additionally, Druze, Christians and others were surprised to learn that they were theoretically equal to Muslims. According to the new constitutions, this was the case, but according to political reality it was not the case. The state did not act as its constitution demanded, but in accordance with traditional and social reality. All the Millets and religious communities acted with each other

and with the state in accordance with their social and traditional positions. It never occurred to any of these groups that it would be possible to overcome this reality except in a situation where the state was weak. This resulted in instability and political violence and encouraged the strongest group to seize the most power.

Some constitutions of the *Mashreq* Arab states affirm that the religion of the state is Islam. This contributes to the strengthening of the communal system. Historically there had been no need to confirm the religion of the state in a written document, it was simply understood. However, the presence of this provision in some constitutions led to questions about its content. How Islamic, how Muslim is this state? This question opened the door to the rise of Political Islam and some of its extremist and *takfiri*[2] movements.

The problem here is that Political Islam, to date, has offered no real solutions, and shown itself capable of only theorizing. Thus far it has offered condemnations of the existing state, especially as compared to the idealized, early Islamic state, but little else.

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Recently, and after the collapse of the nationalist and Nasserite ideologies, in the wake of the Six Day War, and the collapse of communism and the Soviet Union, an ideological vacuum was created in the Arab world. It paved the way for the advancement of the slogan, "Islam is the solution."

The emphasis, historically placed by the state, on stability and the fear of internal strife led to an alliance between the political establishment of the state, on the one hand, and the religious and educational establishments, on the other; the goal being to maintain the status quo at any price. Such an unwritten and perhaps unconscious alliance between the three institutions, most important to the life of the individual, and the state turned out to be the major factor in hindering the transformation of society from an "other directed" to an "inner directed" one, governed by reason in dealing with worldly affairs.

From the point of view of the state, stability is the most important goal. To achieve this end, the state does not hesitate to resort to violence in all its forms, which encourages the religious institutions (particularly in the Sunni countries) to value security above all else. This hidden alliance, between the state and the educational establishment, tacitly focuses on instilling traditional values, particularly submission to established authority, and discouraged innovation as a *bid'ah* (heresy) that might lead to waywardness and deviation from the accepted pattern.

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2. A small minority group of Muslims who call others infidels.

The educational approach in Arab countries continues to follow a rote system, characterized by spoon-feeding and memorization. This domesticates the mind rather than encourages problem solving through trial and error. Even at the university level, the educational process, remains designed to instill the values of submission to authority, and surrender to tradition.

It is important to note that the Arabs did not invent the practice of tying religion to the state, since other civilizations exercised the practice: the Pharaoh claimed divinity, using religion as a means of achieving political peace and stability. Western civilization, itself, until recently, used religion as a means of governance. Even the great thinker, Machiavelli, advises the "Prince" to "fake" being religious if he is not so because, as he states, it makes governance of the people easier.

However, the majority of the greatest European Renaissance and Enlightenment thinkers such as Hobbes, Locke, Montesquieu, Voltaire, and Rousseau, stressed separating church and state. Friedrich Nietzsche referred to the Christian religion as "the religion of slaves and servitude," further stating that "God is dead"; enjoining man to depend on his own mind in managing his life affairs. As for Karl Marx, he referred to religion as, "the opium of the masses," concluding that not only should the state be separated from the church, but that it should fight it.

In western civilization, the age of the Enlightenment taught man that he is a thinking creature even though he is able to believe in God. This opened the door to the humanist movement, placing man at the center of life and changing society from God-centered to man-centered. ∎

3

Competing Agendas and European Dilemmas in the Middle East

Rosemary Hollis*

The Middle East and Europe have a shared heritage that allows them to see each other as reference points and to better acknowledge their distinct cultures, politics, values and objectives. European policy-makers concerned about immigration and economic growth developed the Euro-Mediterranean Partnership Programme and later European Neighborhood Programme. These programs seek to export models of governance and development to Europe's neighbors. Yet those neighbors are suspicious of Europe's intentions and recognize the inherent contradictions in Europe's open trade policies within the European Union and the limits established for those on the outside.

Almost every two years or so, Europe comes up with a new initiative for the Middle East. In July 2008 France hosted the inaugural summit of "The Barcelona Process: Mediterranean Union". Commenting in *The Jordan Times*, Hasan Abu Nimah questioned the value of yet another grand plan for economic integration around the Mediterranean, while the central conflict of the Middle East remains unresolved. If Europe is truly concerned about stability and security on its southern borders, he maintained, the real need is for "a principled, bold, decisive and compatible with international law policy towards the resolution of the Arab-Israeli conflict."[1]

Abu Nimah is not alone in his dismay at Europe's seeming inability or reluctance to act decisively to solve the real problems of the region. The aim of this paper is to offer some explanations for this apparent negligence through an examination of European relations with and policies toward the Middle East.

1. Policy Parameters

Europe and the Middle East are so extensively interconnected that both regions are affected by developments in the other that can both serve and damage their various interests. Europe depends on energy supplies from across the Arab world and Iran, it is also the net beneficiary in bilateral trade in other sectors and has been the preferred destination of many investors, visitors and migrants from North Africa and the Middle East. However, Europe presently is not as influential or intimately involved in the Middle East as it was historically.

In the nineteenth and early twentieth centuries two European powers, Britain

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1. Hasan Abu Nimah, "Another Mediterranean Union, another futile shortcut", *The Jordan Times*, July 16, 2008.

and France, carved up the Middle East and North Africa into colonies and spheres of influence which they left only when obliged or forced to do so. To a lesser degree Spain, Germany and Italy sought a presence as well. However, as the age of European empires came to an end, the era of internal European peace and co-operation dawned, culminating in the creation of the European Union in 1992 and its expansion to 27 member states by 2007.

Herein lies one explanation for Europe's relative lack of decisive political influence the Middle East today. Europeans simply do not "do empire" any more in the traditional sense and in many respects the Americans have filled the vacuum, not with colonies, but in terms of spheres of influence, economic leverage and armed interventions. As allies of the United States and the beneficiaries of the US role in World War II, post-war reconstruction assistance and US protection during the Cold War, the Europeans have adhered willingly to US leadership in the Western alliance, even if they have disagreed on specific issues.

Meanwhile, the Europeans have become increasingly preoccupied with the internal politics, economics, institutions and bureaucratic processes of their Union. Latterly, European efforts to develop a coherent and unified approach to climate change and energy security have seen the EU become engaged with China and East Asia generally on a range of related issues.

Thus, EU external policies are expressive of the nature of the EU itself, which is a process and an evolving phenomenon distinct from other state actors including the US. Individual member states still have separate interests and policy preferences and they have to bargain with each other in order to reach common positions. There are, for example, considerable differences within Europe, between member states, over the "correct" relationship to have with the US. This affects their attitudes towards the Israeli-Palestinian conflict, on which member states hold a range of positions, from pro-Israeli to pro-Palestinian.

Since 2004, EU membership has expanded to twenty-seven states but they have yet to agree on a new set of decision-making arrangements to achieve greater efficiency and coherence. Meanwhile, the identity of the EU is evolving, and challenged within by social, ethnic and sectarian tensions compounded by the terrorism issue since September 11, 2001 (9/11). In any case, EU governments and leaders must answer first to their domestic constituencies and taxpayers, rather than the needs and wishes of their external neighbors.

Consequently, Europe does not formulate policy toward the Middle East purely on the basis of an objective assessment of the needs of that region. Instead, policy is made through consultation and bargaining between states and is influenced by the fears, aspirations and prejudices of the public in each country. In viewing the Middle East, both elites and the general public are affected by vested interests, material needs and the historical legacy.

2. A Shared Heritage

A brief expedition into history is necessary to understand the contemporary relationship between Europe and the Middle East and in particular why disappointments and suspicion are not uncommon.

For many centuries the Mediterranean was the centre of the world for Europe. Successive imperial powers, Greek, Roman, Byzantine, Umayyad and Ottoman, among others, held sway around its shores. Each left their mark on the development of art, language, religion, philosophy, politics, science, architecture, urban planning and trade – legacies of which are evident everywhere.

By the eighteenth century, however, the Europeans had established a presence across the globe. Spain and Portugal dominated Latin America; Britain in North America, South and East Asia; and others, notably France, Belgium, Portugal and Holland as well as Britain were making their presence felt in Africa too. For them the Mediterranean and the Middle East were not central preoccupations, but rather the communication routes to areas of greater material interest.

By the nineteenth century France had expanded into North Africa, colonizing Algeria, Morocco and Tunisia. Having established imperial command in India, Britain proceeded to impose its authority around the shores of the Persian Gulf and Indian Ocean. The British bought shares in the Suez Canal, linking the Mediterranean to the Red Sea, and thereby gained control of this strategic artery and Egypt too in the 1880s. Both Britain and France were then poised for the final carve-up of the Ottoman Empire in the early twentieth century.

In 1914, even before they had gained full mastery of the Middle East, the Europeans held sway over some eighty percent of the world through their colonies, protectorates, dominions and commonwealths. Their empires defined the world order. America had long since gained independence, but was yet to assert its presence in the world.

For Europe and the Middle East what distinguished them, the Occident and the Orient, was both real and imagined, as Edward Said demonstrates so eloquently in his work on culture and imperialism.[2] The distinction or contrast between the two regions was real (or material) in so far as the Occident was more powerful and more able to prevail or dictate than the Orient. The Middle East, as part of the Orient, was on the receiving end of European imperial power in the nineteenth and half the twentieth century.

Yet Europeans and Middle Easterners were also bound into a power relationship which shaped their aspirations and informed their understanding not only of each other but also of themselves.

For the enterprise of empire depends upon the idea of having an empire … and all kinds of preparations are made for it within a culture; then in turn imperialism acquires a kind of coher-

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2. Edward Said, *Culture and Imperialism* (London: Vintage Books, 1994), pp.230-65.

ence, a set of experiences, and a presence of ruler and ruled alike within the culture.[3]

It is in this sense that the imperial relationship between Europe and the Middle East existed in the minds or imagination of both ruler and ruled.

History reveals, however, that while the rulers were busy inventing justifications for their superior position, the ruled were seeking ways to throw off the imperial yoke. The Arab Revolt against the Ottomans was thus inspired, but then betrayed by the British and French. And no sooner had these Europeans imposed their designs on the Middle East than the Arabs rebelled again. The British faced and suppressed popular Arab revolts in Iraq in the 1920s and Palestine in the 1930s. It was not until after the Second World War that left Europe weak and exhausted that the tide turned in favour of Arab nationalism, and Zionism, in the Middle East.

The impetus to independence was replicated across the globe while the European appetite and capacity for empire receded. Winning independence through struggle gave legitimacy to the new states and regimes that emerged from the former empires of both Britain and France. Their nadir in the Middle East came in the Suez War of 1956 when they secretly colluded with Israel to topple the champion of Arab nationalism Gamal Abdel Nasser in Egypt and the United States intervened to force them to withdraw.

From that moment the British preferred to draw closer to America to nurture a "special relationship" while France pulled away and became more assertively Europeanist. It would take another decade for France to give up Algeria and Britain to be driven out of south Arabia. Yet, by the 1970s empire was not only out of fashion but frowned upon. Instead, national self-determination and statehood was the new norm and the contest between communism and capitalism, the United States and the Soviet Union, was the global order of the day.

Under cover of the Western alliance, Western Europe was regrouping and just as the Cold War ended in 1989-90, the European Community was poised to transform into the European Union. Theoretically the time was ripe for reconciliation between Europe and the Middle East. In fact, there has been a comprehensive recasting of relations between the two regions, yet neither seems fully able to grasp how the legacies of the past still inform the present.

Neither the Middle East nor Europe would be what they are today without their shared history. However, this common heritage has left people in both regions more intent upon emphasizing their differences than embracing their interdependence. Thus, Europeans and Middle Easterners collectively and individually relate to each other as reference points, the better to define and assert their respective cultures, politics, values and objectives. This has affected both Euro-

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3. Ibid., p. 10.

pean policymaking on the one hand and Middle Eastern reactions on the other.

3. Complex Interdependence

Since 1995, when the Euro-Mediterranean Partnership Programme (EMP) was launched with the Barcelona Declaration, successive European initiatives and pronouncements have simultaneously espoused the language of partnership while manifesting ambivalence and imbalance.

Contemporary European policymakers like to portray themselves as well meaning, committed to conflict mediation and determined to promote political reform and economic development in the Middle East and North Africa.[4] They also profess no wish to 'interfere' and claim to have a limited ability to effect change. For their part Middle Easterners are protective of their independence as they simultaneously complain that Europe is not doing enough to help sort out their problems.

Europe is attractive to migrants from North Africa and the Middle East because of its comparative economic advantages. Statistics collated by the EU for 2006 reveal huge contrasts between the 27 EU member states on the one hand and individual neighboring Arab countries on the other.[5] While GDP per capita in Europe was €23,500, it was €2,770 in Algeria, €1,873 in Jordan, and €1,068 in Egypt. The unemployment rate in Europe in 2006 was 7.9% for the whole working age population, compared with 12.3% in Algeria, 14% in Jordan and 11.2% in Egypt.[6] Among youth under the age of 25 the rates were 17.1% in Europe, 24.3% in Algeria, 35.6% in Jordan and 34.1% in Egypt.[7]

For some would-be migrants Europe represents a haven in terms of civil rights, the rule of law, freedom of speech and security. Yet, by the same token, Europeans are increasingly fearful of being overrun by migrants whom they cannot integrate quickly or easily into their societies without a popular backlash. European tax payers and voters demand protection of their jobs and relative affluence in the face of migrant pressures and European policymakers respond with ever stricter immigration controls and technical barriers to trade. However history, geography and economic interchange make it impossible to seal off Europe from its Mediterranean neighbors.

Whereas once the Europeans regarded their colonies as assets for exploitation to benefit their core economies, today they talk of wanting to export models of

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4. Richard Youngs, ed., *Survey of European Democracy Promotion Policies* 2000-2006 (Madrid: FRIDE, 2006).
5. "The European neighborhood Policy: Overview of Recent Economic Developments", *Eurostat Compact Guide*, 2008.
6. Ibid.*,* the figure for Egypt was for 2005.
7. Ibid.

governance and development. Assuming conflict, poverty and lack of opportunity drive migrants out of Africa and the Middle East, European policymakers seek to promote economic growth and government accountability around the Mediterranean to stem the flow. In doing so, they appear to be acting to redress the imbalances. However, those on the receiving end of European advice remain sceptical of their motives. While the EU espouses the free movement of goods, capital and labour within, Brussels insists on limiting the flow of goods and preventing the movement of labour when it comes to dealing with its neighbours.

The Euro-Mediterranean Partnership Programme (EMP) and the successor neighborhood Policy (ENP) of 2004-5 are both designed to promote economic liberalization, inward investment, accountability and pluralism in Arab countries in the interests of Europe as much as the neighbors.[8] The reasoning behind the EMP was based only partly on assessments of the needs and hopes of the partner countries. The southern Europeans, France and Spain in particular, instigated the EMP in order to match Europe's programme for development in the former Soviet satellite states, championed by Germany – the economy most exposed to instability further east. Yet, whereas the ultimate reward to the East Europeans for undertaking painful reforms was membership in the EU with all the benefits that entails, no such incentive is available to the Mediterranean neighbors.

Morocco was bold enough to challenge this discrepancy and profess an interest in joining the Union. The response from Europe was simple–the Union is only open to Europeans. However, they have run into problems responding to Turkey's quest to enter the EU since both the secular nationalist Turks who still champion the ideals of Kemal Ataturk and the observant Muslim leadership of Turkey's Justice and Development Party (AKP) aspire to EU membership and regard themselves as Europeans. That is not how many existing EU members see the Turks. In Austria, France and Germany reservations about admitting them to the Union approach outright opposition.

For the time being, the EU has delayed the moment of final decision on Turkish membership pending completion of a long transition programme. Meanwhile, Europe and the Middle Eastern and North African members of the EMP discovered that while the EU operates as a bloc, the partner countries are not so grouped and therefore are at a comparative disadvantage in negotiations. In any case, the Arab states have resisted EU efforts to promote full regional security cooperation or economic integration inclusive of Israel, pending resolution of the Arab-Israeli conflict. The result has been the development of a hub and spokes arrangement between the EU and individual partner countries.

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8. See George Joffé, ed., *Perspectives on Development: The Euro-Mediterranean Partnership*. (London: Frank Cass, 1999); Frederica Bicchi, *European Foreign Policymaking toward the Mediterranean* (London: Palgrave, 2007).

The impetus for the ENP was partly a response by the EU to the contrasting needs and levels of development in the partner countries. The idea was to introduce a "differentiated approach" with the EU agreeing to tailor-made "Action Plans" with each neighbor. However, the genesis of the ENP also had to do with Europe's need to develop a formula for dealing with East European neighbors Ukraine and Moldova, both of which were not expected to be able to harmonize their political and economic systems sufficiently with those of the EU to qualify for membership any time soon. Another impetus was a desire in Europe to match the US reform initiative for "The Wider Middle East" that emerged in 2004 with a strategic approach of its own, encompassing the EMP.

The ENP Action Plans embody various measures and goals extrapolated from the body of legislative reforms required of EU membership candidates, the *acquis communitaire*. As such these plans reflect European ideals and models for democracy, the rule of law and free market economic development. According to European thinking, therefore, any state embracing some of these measures and frameworks is bound to benefit and will come closer to harmonising standards with the internal EU market.[9]

From the perspective of many Arabs, however, the introduction of such measures is impossible without fundamental changes in their decision-making procedures and bureaucracies. Crucially, many of the political reforms proposed by the EU threaten vested interests among existing elites in the partner countries and require more skilled and trained manpower to implement than exists in the state bureaucracies.

For Egypt the diplomacy of EU-Mediterranean relations provides an opportunity to exercise its influence. There are also economic gains to be made, but the government has resisted making the changes to domestic political and judicial arrangements called for by Brussels.[10] Jordan signed up for a comprehensive package of reforms to its economic and political infrastructure, but domestic resistance to changes in these areas and capacity problems have held back implementation of not only the Action Plan agreed upon with the EU in 2005, but also Jordan's own national reform agenda.[11] Algeria chose not to enter negotiations for an Action Plan at all.

Israel, by contrast, has forged ahead with the introduction of a range of measures designed to harmonize standards with those required in the EU and thereby gain better access to the EU internal market. However, the Europeans have not succeeded in making progress in bilateral relations with Israel dependent on

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9. Interviews with EC officials by the author, 2006-7.
10. Ben Hall, 'Egypt joins French-led Med group', *Financial Times*, July 7, 2008.
11. Marwan Muasher, *The Arab Center: The Promise of Moderation* (New Haven and London: Yale University Press, 2008), pp. 246-53.

changes in Israel's policies towards the Palestinians. In agreeing upon an Action Plan with the Israelis the EU insisted on some clauses referring to the need for progress in a negotiated solution to the Israeli-Palestinian conflict, but did not attach any conditions for progress on economic relations, scientific and technical cooperation.

4. Europe's Role in Peacemaking

Expectations of Europe on the Arab-Israeli conflict are coloured by EU declarations and positions adopted in the past which were in advance of the United States at the time. More recently, however, the EU has acted in concert with the United States (as too the UN) and has been more cautious.

In 1980, the European Community demonstrated both unity and prescience when it issued the Venice Declaration[12] calling for the Palestinian people to be able "to exercise fully their right to self-determination" and stating that the Palestine Liberation Organization (PLO) would have to be involved in peace negotiations. For several years the Venice Declaration formed the basis of the European stance on the conflict, although the United States was the peace broker.

When the Palestinian uprising or intifada erupted in Gaza and the West Bank in December 1987, European opinion was shocked by television coverage of Israel's military response to stone-throwing Palestinians. The European Parliament debated how to respond and in 1988 voted to deny finalization of three protocols on Israel's trade and financial relations with the EC. The Parliament also criticized conditions set by Israel for implementation of an EC provision for direct dealings between Palestinian exporters and European importers. The move forced Israel to alleviate those conditions prior to passage of the protocols later in the year.[13]

The tactic of delaying approval of bureaucratic instruments affecting trade with Israel was to be used on subsequent occasions, as a way to convey European disapproval of Israeli policies in relation to the Palestinians. For example, ratification of Israel's partnership agreement with the EU, reached in 1995 under the EMP, was held up the following year to signal dissatisfaction with the policy of the Netanyahu government (which took office in 1996), with respect to the peace process.

The Europeans were only given observer status at the November 1991 Madrid conference that launched the peace process following the Gulf War. This process gave birth to both bilateral and multilateral tracks and the EC was made convener of the working group dealing with regional economic development. For the du-

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12. See Hollis, R., "Europe and the Middle East: Power by Stealth?" (1997) 73:1 *International Affairs,* pp. 15–29.
13. Ibid.

ration of the multilateral process–which eventually went into abeyance because of problems on the bilateral tracks–the EU used a number of initiatives. Among them, commissioning a World Bank report that laid the basis for an economic aid and development plan for the West Bank and Gaza.

Under the so-called "Oslo Process" the EU became the largest single donor to the Palestinian Authority (PA). In the late 1990s the European Commission funded a major inquiry into the functioning of the PA, identified sources of corruption, questionable procedures and overlapping mandates, and initiated measures for reform.[14] The US administration kept to itself management of actual peace negotiations, but acknowledged that the whole process was facilitated by the EU role. For their part, the Europeans remained critical of some Israeli policies, but worked more to support than to impede US mediation efforts.

Nonetheless, neither the Americans nor the Europeans were able to save the peace process when the make-or-break summit at Camp David in July 2000 collapsed without agreement and the second intifada ensued. Under the premiership of Ariel Sharon, from February 2001, the conflict raged anew, with Palestinian suicide attacks in Israel reaching unprecedented levels and the Israelis re-occupying Palestinian autonomous areas in Spring 2002.

The EU did not support the decision of the Bush administration to boycott and sideline PLO Chairman Yasser Arafat, and emergency aid from the EU kept the PA afloat, when US assistance was suspended. Responding pragmatically to US President George Bush's endorsement of a two-state solution to the conflict, in Spring 2002, the EU worked through the mechanism of "the Quartet" (the EU, US, UN and Russia) to produce the "Road Map," formally launched in 2003, spelling out steps to reach that goal.

While the EU, along with other members of the Quartet, continued to cite the Road Map as the recipe for peace, Ariel Sharon pursued a unilateralist strategy, beginning with disengagement and settlement evacuation from Gaza, in preference to an approach coordinated with the PA. When this failed to bring an end to settlement expansion in the West Bank or violence on both fronts, the EU took the lead in organizing new Palestinian legislative elections in January 2006. These proved a turning point for Europe's position and leverage in the conflict.

Contrary to expectations in Europe and Washington, the Palestinian Islamist movement Hamas won a clear victory. This presented a problem for the EU, since it had included Hamas in a list of terrorist organizations and EU law prevented Brussels from funding such groups. Meeting in crisis mode, the members of the Quartet decided to withhold financial support to the PA pending acknowledge-

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14. Council on Foreign Relations, Task Force Report, "Strengthening Palestinian Public Institutions" available at: *http://www.cfr.org/public/pubs/palinstfull.html*.

ment by Hamas of three principles; renunciation of violence, acceptance of agreements previously reached by the Palestinian leadership, and recognition of Israel. In the meantime, Brussels introduced a temporary mechanism to funnel aid to vital service personnel in the West Bank and Gaza. Having tried and failed to form a unity government, in 2007 Hamas and Fatah clashed in Gaza, resulting in Hamas having sole control there, while Mahmoud Abbas formed a new administration in the West Bank to whom the EU resumed direct support.

In late 2007, the Bush administration announced its intention to re-invigorate the peace process and convened a multinational conference in Annapolis attended by Arabs, Israelis and the Palestinian leadership, but excluding Hamas. At a subsequent meeting in Paris, substantial new funds were pledged to support the Palestinians through the process, including €440 million from the EU. President Bush himself followed up with his first official visit to Israel and the West Bank in January 2008, pledging to work for a two-state solution to the conflict by the end of the year. The intention, however, was to continue to exclude Hamas from the process. In the face of rocket attacks into Israel from the Gaza Strip, in 2008 the Israeli government imposed a blockade on Gaza which caused consternation among the donor community. The EU denounced the boycott as 'collective punishment' but did not break it.

Instead it was Israel that broke the impasse by agreeing to a limited truce with Hamas, through Egyptian mediation, in the summer of 2008. By that time Europe appeared to be stuck in a policy of technical and financial support to the PA,[15] to the neglect of Gaza, while the various regional players made the running on negotiations. Even President Bush's new peace strategy, including the isolation of Hamas, appeared to be overtaken by regional developments.

The July 2008 inaugural summit of the Union for the Mediterranean meanwhile won little enthusiasm in the Middle East and was criticised, as noted previously, for avoiding the core problems.

5. *The Terrorism Factor*

Since 9/11, Europeans have become increasingly concerned about transnational terrorism. Therefore measures to counter this phenomenon have cut across other initiatives for conflict resolution and closer integration around the Mediterranean.

Most European countries are looking for ways to counter the phenomenon of radicalization among Muslims in Europe itself. There are now several million Muslim Europeans, most deriving from former colonies and dependencies

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15. For details see "Building the Future Palestinian State", *European Commission Press Release*, Jerusalem, PR/023/2008, June 18, 2008.

and most of whom would apparently prefer to avoid any confrontation with the authorities in Europe. But since 9/11 and some other serious or attempted terrorist attacks inspired by Al Qaeda in Europe itself, there has been a backlash of Islamophobia against Muslim minorities and increased security measures to monitor and counter the influence of radicals.

Recent studies of radicalization among European Muslims indicate that their alienation derives as much from their circumstances and experiences inside Europe as from problems in the Middle East.[16] However, there are connections. Firstly, attitudes informed by the imperial legacy, noted above, affect relations between the indigenous and migrant communities in Europe. Also, the suffering of the Palestinians and other Arabs and Muslims embroiled in conflict is assumed to epitomize the suffering and discrimination experienced by Muslims in general.

Both before and after the US invasion of Iraq in 2003, key European politicians, among them British Prime Minister Tony Blair, repeatedly emphasized the importance of resolving the Israeli-Palestinian conflict as a necessary component of Western policy toward the Middle East. However, for fear of appearing to endorse the logic of Al Qaeda and others railing against Israel, such politicians denied that the continuation of the conflict was the principle cause of terrorist attacks such as 9/11 or the subsequent bombings in Madrid and London. By contrast, Western intelligence agencies concur with their Middle Eastern counterparts that the conflict fuels extremism and anti-Western sentiment everywhere.

Among other measures the Europeans have responded by sending more forces to peace-keeping missions in the region, such as UNIFIL in Lebanon and the multinational forces in Iraq following the invasion. The North Atlantic Treaty Organisation (NATO), to which most EU member states belong, has expanded "out of area" to engage in naval exercises in the Mediterranean, liaison missions in the Gulf and deployment in Afghanistan, all in the interests of countering threats to regional and thence European security.

However, European military deployments to the Middle East and Afghanistan represent a liability as well as an instrument of policy. The French increased their representation in UNIFIL in 2006 to reinforce the ceasefire at the end of the war between Israel and Hezbollah militias, yet they appeared anxious that their forces could become targets, trapped between the belligerents. The Western forces in Iraq and Afghanistan inflame as well as combat extremism.

Meanwhile, the situation in the region has become more complicated, with non-state actors like Hamas and Hezbollah achieving new prominence and defying US and Israeli attempts to curb them by force.

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16. See for example Olivier Roy, *Globalised Islam: The Search for a New Umma* (London: Hurst, 2002) and Gilles Kepel, *The War for Muslim Minds: Islam and the West* (Cambridge, MA and London: Harvard University Press, 2004).

6. *Competing Agendas in and for the Region*

In their dealings with the region the Europeans, whether singly or collectively, face a complex landscape of interacting forces and cross-cutting movements which render it difficult to locate points of leverage on which to focus their efforts. Since the invasion of Iraq, not only has US influence been compromised and Iran gained strength by default, but also local ethnic and sectarian groupings have emerged, challenging the stability of states and the capacity of governments to control developments.

Since the Cold War, the United States has tended to deal with the Middle East in a manner designed to line up its allies against its foes. In the early 1980s, the Reagan administration attempted to sign up the Gulf monarchies, Jordan, Egypt and Israel to the concept of "Regional Consensus" to confront the Soviet Union. This scheme failed to gain momentum largely because Washington's Arab allies failed to buy in to the idea that the Soviets represented a priority concern. Stability was threatened, they argued, first and foremost by the Arab-Israeli conflict and while the Soviets could exploit the anger and dissent it generated among the Arabs generally, Soviet ambitions were not the core problem facing the region. (That said, Saudi Arabia was prepared to assist the *mujahedin* opposed to the Soviet occupation of Afghanistan.)

Following the Iraqi invasion of Kuwait in 1990, the United States assembled a multinational coalition, including many but not all Arab states, to liberate Kuwait. The choice of whether to join or oppose the 1991 US-led campaign against Iraqi occupation of Kuwait split the Arab League and divided opinion in the region.

Following 9/11, the United States identified terrorism as a global threat and labelled all Muslim groups using violence to pursue their causes in the region, plus some governments, as enemies. Most Europeans were uncomfortable with this dualism. Key European governments and European public opinion generally opposed the invasion of Iraq, irrespective of whether Iraq had an arsenal of weapons of mass destruction. After the invasion they shared the horror of most Arab governments and people at the carnage unleashed.

Fear of extremist forces and the disintegration of Iraq nonetheless united many in the region and Europe in reluctant support for the US effort to re-impose stability. However, this support has been lukewarm and has not translated into acceptance of the US depiction of a regional confrontation between extremists and moderates. To lump together Iran, Hezbollah, Syria, Hamas and Al Qaeda on the enemy side and the United States, its Arab allies and Israel on the other is too simplistic. It conflates the nihilist adherents of Al Qaeda with separatist, sectarian and nationalist groups using violence and ignores Arab antipathy toward Israel so long as occupation continues.

Rather than conform to the schema of the Bush administration, the governments of Saudi Arabia, Egypt, Jordan and the United Arab Emirates joined forces to promote the Arab Initiative of 2002, and instigated its re-launch at the Arab Summit in Jeddah in 2007.[17] This "Arab Quartet" represents a non-violent approach to that conflict and what Marwan Muasher, the former Foreign Minister of Jordan, calls the "Arab Center" is a broader grouping of Arabs invested in promoting reforms in their respective countries.

Both the Arab Quartet and the Arab Center take issue with the Bush administration's dualistic depiction of the battle lines dividing the region. Saudi Arabia managed to broker a power-sharing deal between Hamas and Fatah in 2007, only to face anger in Washington and countermeasures by the Israelis. Yemen, Egypt and Syria have subsequently made new attempts to broker Palestinian unity and Qatar succeeded in ending the stand-off between Hezbollah and the Lebanese government.

By June 2008, Israel had agreed to a cessation of hostilities with Hamas brokered by Egypt which threatened to undermine the Fatah leadership of Mahmoud Abbas favoured by Washington. Syria and Israel meanwhile entered informal negotiations through Turkish mediation, notwithstanding US efforts to isolate Damascus, and the French President feted his Syrian counterpart at the Paris Summit in July 2008.

Faced with this complex landscape, it is not easy for the Europeans to adopt a decisive posture. In the interest of conflict resolution they may welcome the Doha deal on power-sharing in Lebanon, the renewed Israeli-Syrian talks and the cessation of violence on the Israeli-Gaza front, but their influence was not instrumental in the achievement of any of these developments.

Conclusion

The contention here is not that Europe is inactive in the Middle East. On the contrary the EU is performing a vital function for the Palestinian Authority keeping it afloat and pursuing various initiatives to boost educational standards among Palestinians, train a new Palestinian police force, strengthen the rule of law and promote trade promotion. Yet none of these efforts are transforming the overall situation and at worst could be helping to sustain occupation and conflict.

Europe has come up with successive schemes for economic development around the Mediterranean inclusive of the Middle East, such as those discussed previously. Yet both the EMP and the ENP have failed to live up to expectations in Europe or generate enthusiasm or significant benefits in North Africa and the

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17. Marwan Muasher, Op. cit.

Middle East.

Europe will continue to fall short of exercising decisive influence in the Middle East for a number of reasons, explored above. First, Europe is not a coherent, unitary actor, but a union of states preoccupied with domestic concerns and competing agendas. Second, the ties that bind Europe and the Middle East limit as well as enhance mutual understanding, interests and values. Third, European recipes for stability in North Africa and the Middle East are basically premised on a false assumption – namely that the states and peoples in the region are sufficiently similar to those in Europe to want and be able to emulate the EU.

Fourth, governments in the EU share with both their Arab and Israeli counterparts a fear of religious extremists and terrorism that cuts across their policies for conflict resolution and promoting economic development and political reform. Lastly, there are regional and ideological factors militating against the adoption of more effective policies by Europe. ∎

4 The Israel Lobby in the United States*

John J. Mearsheimer and Stephen M. Walt**

Stephen Walt: The Israel lobby wields significant influence over American foreign policy. This situation has had negative consequences for the United States, for other countries in the Middle East, and for Israel itself, yet the subject is rarely discussed openly in the United States. We wrote, *The Israel Lobby and U.S. Foreign Policy,* to get that conversation started.

Of course, this subject has to be approached carefully, since there are many conspiracy theories based on old anti-Semitic notions about a secret Jewish cabal to take over the world or a plot to control the United States. Zionism does not control Europe or the United States and our book has nothing to do with those various conspiracy theories. Rather, the Israel lobby is an interest group like lots of other interest groups in the United States and its activities are a normal form of democratic politics; it is the way democracy works in the United States. I will first describe the "special relationship" between the United States and Israel and then discuss how the lobby works to encourage that connection.

The United States has a special relationship with Israel. It is the largest recipient of American economic and military aid. We also give Israel consistent diplomatic support, and of course anybody running for office in the United States, has to indicate strong support for Israel across the board. The question is: Why is this the case?

There are three arguments one often hears in the United States to explain the special relationship. The first argument is that Israel is a vital strategic asset for the United States. This may have been true during the Cold War, but the Cold War is over and today it is hard to argue that giving Israel unconditional support makes the United States more popular around the world or makes Americans safer at home. Today, the "special relationship" is in fact a strategic liability for the United States.

The second argument is that Israel is a democracy with the same values as the United States. Israel is a democracy, but so are many other countries around the world and none of them gets the same kind of support. Furthermore, there are important aspects of Israeli democracy and many things that Israel does that are sharply at odds with American values, such as Israeli treatment of its own Arab citizens and its Palestinian subjects. Therefore "shared democracy" does not explain the special relationship.

Finally, some argue that US politicians back Israel because the American people are very pro-Israel. If you look closely, however, public opinion polls in the United States show that the public is not demanding that politicians give Israel unconditional support. They want Israel to do well, but most Americans do not think the United States should back Israel no matter what it does. In fact, most Americans think there should be a normal relationship and that the US should favor neither side in the Israeli-Palestinian conflict. So why are politicians so beholden to this special relationship?

The reason is the activities of the Israel lobby. The lobby is a loose coalition of individuals and organizations that works openly in the American political system to maintain the special relationship, to get the United States to give Israel unconditional support. In America, interest groups are at the center of how the political system operates. Freedom of association is guaranteed in the American constitution, and teachers, lawyers, workers, corporations and many other groups form organizations to put pressure on politicians. These groups do a variety of things: they give money to people who are running for office, they write books and articles that push their point of view in public, they write letters to politicians to try and get them to do what they want and they put pressure on newspapers, radio and televisions to get them to report things that support the views that these different groups want. This is how the US political system works.

Because America has drawn its population from all over the world, some of these groups in American politics reflect different ethnicities or national origins, and people in such groups sometimes have a strong historical attachment to another country. So Indian Americans -people who came originally from India and are now American citizens- have become increasingly active in American politics, often by trying to promote more cooperation between India and the United States. Since the US has taken in people from all over the world, this is quite normal behavior in the United States.

So what is the Israel lobby and why is it so effective? It includes organizations like: AIPAC, the Anti-Defamation League, some "Christian Zionist" groups like Christians United for Israel, think tanks such as the Washington Institute for Near East Policy, and magazines such as *The New Republic, or The Weekly Standard*

that take a hard-line pro-Israel position across the board. This tells you something important about interest groups in the United States: they are usually not just one organization; they have lots of different pieces to them.

The lobby is not a centralized organization, and in fact the groups that make up the lobby do not agree on every issue. Some groups are strongly in favor of a two state solution, for example, while other groups favor a "greater Israel." But what they agree on is unconditional American support. Even the groups that favor a two-state solution do not support cutting aid to Israel to bring that about.

The last point is that the lobby is not synonymous with Jewish-Americans. Many Jewish Americans, perhaps twenty or thirty percent, do not care very much about Israel. Others do not agree with the positions that groups like AIPAC take, and some key members of the lobby such as the Christian Zionists are not Jewish. There is much misunderstanding about this so I will try to clarify things here.

Christian Zionists are a small subset within a larger US Christian Evangelical movement. Christian Zionism is based on the theology of *Dispensationalism*, which claims that Old Testament prophecy reveals a series of steps that herald the end of the world when Christ will come back and take all the believers up to heaven. The return of the Jewish people to Palestine and the creation of a greater Israel is one of these steps, but it is not fifty-five or seventy or eighty million Americans who believe that. It is a much smaller group of Christian Evangelicals who believe that. For most Christian Evangelicals, foreign policy, or the Middle East is not the most important thing. They care much more about domestic issues. So we see the Christian Zionists are an important adjunct to the lobby; they strengthen it to some degree but they are not the critical element behind the lobby.

Finally, a word or two about the neo-conservatives is in order. Neo-conservatives are a particularly hard-line subset of the Israel lobby. Most of them are American Jews with a strong attachment to Israel, but some prominent neo-conservatives, such as John Bolton and James Woolsey, are not Jewish. All this merely reinforces a central point of our book: the "lobby" is defined by its political agenda, not by religion or ethnicity. And the key is that people and groups in the lobby *actively work to* defend and expand the "special relationship," because they tend to see US and Israeli interests as almost identical.

Now, why is the lobby so powerful? Given the way the American political system is organized, small groups that care a lot about a single issue often wield much more impact than their size would indicate. For example: only two percent of the American population are now farmers, but every year the US Congress votes billions of dollars of aid to agriculture. They are well-organized and there is nobody on the other side to oppose them. So politicians vote knowing that they will get support in key states.

The Israel lobby tries to get sympathetic people elected to office or appointed to key positions in the government, and then it gives them incentives to do what it wants. That is one strategy playing the standard political game. AIPAC has an annual budget of about fifty million dollars. It is very visible in Washington and especially on Capital Hill, helping congressmen draft legislation and providing them with information that presents a pro-Israel perspective. AIPAC also screens anyone who wants to run for Congress. Candidates for Congress are asked by AIPAC to write a memo outlining their position on key Middle East issues. If AIPAC approves, they will put the word out that a certain candidate is pro-Israel and it will be much easier for that candidate to raise money with various pro-Israel fundraising groups. If AIPAC does not agree with the statement, they will put the word out and that money is likely to go to one's opponents.

This financial support is significant. Over the last fifteen years, pro-Israel fundraising groups (called "Political Action Committees" or PACs) have given about fifty-five million dollars to different candidates for office. By comparison, Arab American PACs gave eight hundred thousand dollars in that same period. That is a major reason why Bill Clinton said that AIPAC was "better than anyone else lobbying in Washington," or why Congressman Lee Hamilton, who served in Congress for thirty-four years, said "there is no group that matches it. They are in a class by themselves." When he retired from the Senate, Senator Fritz Hollings said: "You can't have an Israel policy other than what AIPAC gives you around here." Again it is not AIPAC alone that is responsible, there are other organizations that do a variety of things to influence the policy process as well.

The second broad strategy is to try and influence discourse in the United States and in particular media coverage in the US so it presents a pro-Israel point of view. Mainstream newspapers, TV and radio in the United States tend to be very pro-Israel especially in terms of editorial commentary and columnists. If you compare coverage in the United States with coverage in Europe or coverage in Israel itself, you'll see a dramatic difference. For example, there is no columnist or pundit in a major American newspaper today who is as critical of Israeli policy as Akiva Eldar or Gideon Levy, who write for Haaretz in Israel. Even so, groups in the lobby put pressure on newspapers, TV, and radio to refrain from publishing or broadcasting things that cast doubt on Israel's conduct. When Jimmy Carter published his book "Palestine: Peace Not Apartheid" the Anti-Defamation League took out ads in newspapers all over the United States, which included the publisher's phone number, for people to call and complain.

Similarly, when CNN broadcasted a three part series on Christian, Muslim and Jewish fundamentalism in the fall of 2007, the Conference of Presidents of Major American Jewish Organizations, a key part of the lobby, urged its members

to call companies that had bought advertising time on CNN for that program and complain, so CNN will think twice about broadcasting a show like that again.

Finally, this effort to influence discourse also includes attacking anyone with questions about the special relationship by accusing them of being anti-Semitic. For example, Martin Peretz who was then editor and publisher of the *New Republic* magazine, wrote that Jimmy Carter will "go down in history as a Jew hater." Other pro-Israel newspapers accused Carter of being sympathetic to Nazi war criminals.

Or consider another example. After the 2006 Lebanon War, the non-partisan group Human Rights Watch issued a report critical of Israeli behavior in the war. Kenneth Roth, the director of Human Rights Watch, was repeatedly attacked for being anti-Semitic, even though Roth is Jewish and his father was a refugee from Nazi Germany. It is worth noting that Human Rights Watch was also very critical of Hezbollah's actions during the war, so this was not a case of anti-Israel bias.

The lobby uses the charge of "anti-Semitism" to try to silence or marginalize people. It has to do this, because the case it is trying to defend is actually quite weak. I am not talking about the case for Israel's existence; rather, I am talking about the case for the United States giving Israel so much support, and giving it so unconditionally. Because the case for this "special relationship" is so weak, the lobby tries to discredit anyone who casts doubt on it. The result is in the United States there is little serious debate about US Middle East policy, although everyone understands that the country is in deep trouble in this region and that our policy is not working.

The lobby's influence would not be a problem if the policies it recommended were good for the United States, for other countries in the region, and for Israel itself. However, as we argue in our book the lobby's influence and the policies it has pushed have been bad for the US, for our friends in the Middle East, certainly for the Palestinians but also, ironically deeply harmful to Israel as well. That is the great irony and tragedy of this situation: America's current policies are not good for anyone, and that is largely due to the political influence of the Israel lobby.

As successful as the Israel lobby is, it is not infallible. The lobby does not control every aspect of American Middle East policy and occasionally the US makes decisions that the lobby and the Israeli government do not want. In 1956, President Eisenhower put great pressure on the Israelis and threatened to cut off economic aid if they did not get out of the Sinai having attacked Egypt. At that point AIPAC was in its infancy, and was basically a one-man operation, run by Si Kenen. Still there were pro-Israel groups that put pressure on Congress, which forced Eisenhower to make a televised speech explaining his policy. The key point is that the lobby, then, was not nearly as powerful as it is now. The lobby

fought but failed to halt the sale of AWACS aircraft to Saudi Arabia in 1981, although their efforts helped convince the Reagan administration not to try to challenge them again. Similarly, Secretary of State James Baker and the first President Bush were able in 1991-1992 to briefly withhold the loan guarantees that Israel wanted. The Bush administration merely delayed the loan guarantees, in order to get the Israelis to Madrid and to temporarily halt settlement building, however they were not able to do it for very long. As soon as Shamir was out of office and Rabin was in, the loan guarantees went through.

Former Israeli Foreign Minister Shlomo Ben Ami's book, *Scars of War, Wounds of Peace* addresses this same point. Ben Ami points out that the two American presidents who did the most for Israeli-Arab Peace were Jimmy Carter and the first President Bush. Ben-Ami goes on to say that the reason they were able to make progress towards peace is that neither one of them was particularly sensitive to the demands of the Israeli lobby. They were better friends for Israel and better friends for the Arabs, precisely because they were willing to sometimes ignore the lobby. This is an important lesson for subsequent American presidents.

John Mearsheimer: There are four possible ways to think about rectifying the present situation and limit the power of the lobby. The first two strategies do not hold out much hope, while the other two strategies seem promising, maybe even in the short-term.

The first strategy is to create a counter-lobby. It could be a Palestinian-American lobby or an Arab-American lobby. It is clear that one of the great advantages that the Israel lobby now has is that it has no serious opposition. Contrary to the conventional wisdom, the oil lobby is not involved in the formulation of US foreign policy in any significant way. There is no meaningful Palestinian-American or Arab-American lobby. One might say: why not create one?

It would be difficult to create such a lobby for two reasons. First, Arab-Americans are relatively recent immigrants to the United States, and it takes a couple of generations before any immigrant group is fully assimilated into the American way of life. In other words, it takes decades before an immigrant group is familiar enough and comfortable enough with the American political system to throw its weight around. The great wave of Jewish immigration into the United States took place in the period between 1890 and 1924. Arab-Americans only started coming to the United States in large numbers after World War II. There is another significant obstacle to organizing the Arab-American community: it is not close to being unified because it is comprised of people from a wide variety of countries and backgrounds who hold a wide variety of beliefs. The American Jewish community tends to be more homogeneous.

A second possible strategy would involve Arab states becoming more directly involved in the American political process. Some have suggested that wealthy Arab states might create a lobby of their own in Washington or maybe help Palestinian-Americans or Arab-Americans create a lobby of their own. But this would not work, because Arabs, as opposed to Arab-Americans, are foreigners. The Israel lobby is comprised of American citizens. The Israeli government is not part of the lobby and it certainly does not provide it any financial support. Any effort by Arab states to establish a lobby of their own in Washington or to bankroll an Arab-American lobby would surely be viewed with great suspicion, if not hostility, by most Americans.

The third way to rectify the present situation would be to encourage the Israel lobby itself to change its policy preferences. Israel, as most of you know, is pursuing a very foolish set of policies in the West Bank and Gaza. Despite its denials, it is in the process of incorporating those territories into a greater Israel, which is effectively going to be an apartheid state. This would be a disastrous situation for Israel and its supporters. Steve and I find in our travels around the United States that increasing numbers of American Jews are coming to recognize what is happening. They understand that Israeli policy in the Occupied Territories, which has been strongly supported by most of the key organizations in the lobby, is misguided, and that it is imperative to reinvigorate interest in the two-state solution.

In response to this situation, there is growing interest in the American Jewish community in creating new centers of power that strongly favor the two-state solution and can challenge the more hard-line policies of organizations like AIPAC. I am sure that some of you have heard about the new lobbying organization called J Street, which is an effort by some of Israel's staunchest supporters to get the United States to push hard for a peace settlement between Israel and the Palestinians. J Street understands that this means making sure that Israel leaves the Occupied Territories and allows the Palestinians to get a viable state of their own. I believe that over time more and more American Jews will come to realize that Israeli Prime Minister Ehud Olmert was correct when he said that if there is no two-state solution, Israel will end up in a "South African-style struggle." Consequently, at least some American Jews are likely to put increasing pressure on the key organizations in the lobby as well as the US government to push Israel to accept the need for a Palestinian state. Of course, this will all be for the good.

The fourth strategy for getting out of the present mess is to win the war of ideas. What does this mean? It is important to understand that the conflict between Israel and the Palestinians is in good part a war of competing narratives, and in the past, Israel has won that war. The result is that Israel has enjoyed great

legitimacy in the United States, where it has long been seen as the white hat fighting against a lot of black hats.

Let me be more specific. The thinking of most Americans about the Arab-Israeli conflict has been heavily influenced in the past by, *Exodus*, the famous 1958 novel by Leon Uris, which sold 20 million copies and was made into a popular movie. It deals mainly with the events surrounding the creation of Israel in 1948. Uris tells the story from Israel's perspective. He portrays the Arabs as evil and unclean and very much like the Nazis in Europe. The Zionists, on the other hand, are portrayed as noble and decent, making this a clear-cut case of good versus evil. And fortunately, according to the book, the good guys won in 1948.

This narrative, however, has been seriously questioned in recent years, thanks mainly to the writings of Israel's "new historians," who have described in great detail what the Zionists actually did to the Palestinians in 1948 for the purpose of creating a Jewish state. It is not a pretty story from Israel's perspective, and it is certainly a different story from the one Uris told. Very importantly, the real story is beginning to spread in the United States, and increasing numbers of Americans are coming to understand the broad outlines of what really happened in 1948.

This point is nicely illustrated by recent events surrounding the celebration in the United States of the sixtieth anniversary of Israel's birth. For the first time, there was a serious discussion in the American media of the *Nakbah (Catastrophe)*. If you went back ten years to the fiftieth anniversary of Israel's founding, you would find little discussion in the mainstream media of what happened to the Palestinians in 1948, and virtually no mention of the term *Nakbah*. That word was not in our vocabulary in 1998. But that situation has changed drastically. There were numerous articles about the *Nakbah* this past spring, which means that many Americans now understand that the Zionists did horrible things to the Palestinians in 1948 for the purpose of creating Israel. This shift in the discourse is a major development.

Let us move away from 1948 and talk about the present situation, and please remember, we are talking about the war of ideas between Israel and the Arabs. It is not commonplace yet, but increasing numbers of people are describing Israel as either an apartheid state today, or heading in that direction. Remember that Jimmy Carter's book is titled "Palestine Peace Not Apartheid," and Stephen and I argue in our book and in our public appearances that if Israel continues on its present course, it will turn itself into an apartheid regime. Bishop Desmond Tutu has also used the term apartheid to describe Israel, as have many Israelis. Remember, Prime Minister Olmert said that Israel will find itself looking like South Africa if there is no two-state solution. Indeed, he went on to say that "as soon as that happens, the state of Israel is finished." In effect, Olmert was saying that it would be

impossible to defend Israel in the West if it was an apartheid state, because most people would link it with the detestable South Africa under white rule.

In short, ideas matter. The simple fact that substantial numbers of people in the West are talking about the *Nakbah* for the first time, that they are raising the possibility that Israel might become an apartheid state, will have an effect on how many people think about the Arab-Israeli conflict. Discourse matters, and the discourse about Israel is changing in the West.

In this regard, let me say a few words about the Israel lobby itself. Until Steve and I wrote our article, hardly anyone in the American political mainstream talked about the lobby, much less the fact that it had a profound influence on US Middle East policy. It was, as we like to say, a taboo subject. But that situation is changing. An excellent indicator of this change is a recent segment on the highly popular "Daily Show" on Comedy Central. Jon Stewart, the host, made fun of Hillary Clinton, John McCain, and Barack Obama, for pandering at the recent AIPAC conference. This would not have happened five years ago. The fact that everyone in this room recognizes that the presidential candidates, especially Obama, are pandering to the lobby, the fact that the AIPAC conference is a hot topic of discussion in the United States, the fact that so many people now understand that there is a powerful Israel lobby, is all evidence that how we think and talk about Israel is beginning to change. This matters because it will affect the legitimacy of the Palestinian cause in the United States, and hopefully make it possible for an American president to make a serious effort to achieve peace.

I do not want to overstate my case, but I do believe that legitimacy matters. When I was young, the Arabs and the Palestinians had hardly any legitimacy in the United States, while the Israelis had an abundance of legitimacy, which helped tilt US Middle East policy in a pro-Israel direction. This was due in good part to the legacy of the Holocaust and publications like *Exodus*, not to mention the efforts of the lobby. But that situation has changed markedly, not because of any change in how we think about the Holocaust, but because many of us now understand what really happened in 1948, and because we can watch what is happening in the Occupied Territories on television and on the internet. The balance of legitimacy is shifting and it is likely to have significant consequences.

Let me conclude with a few words about why the discourse about Israel is changing. First, the "new historians" in Israel have played a major role in setting the record straight on the history of their country. Second, Arab-American students on campuses in the United States are increasing in number and they are much more outspoken and articulate than their parents' generation. It is quite clear that many of them are well-integrated into American society and feel comfortable speaking out about US Foreign Policy and the Arab-Israeli conflict in ways

their parents never dreamt of doing. Third, large numbers of Arabs have become especially adept in recent years at making their voices heard in the West. This is due in good part to the fact that many Arabs have been educated in the West and therefore they understand how to engage in discourse with their American and European counterparts.

Furthermore, globalization makes it relatively easy for people in the Arab world to make their views known in the West. In important respects, we live in a transnational intellectual universe in which Arabs and Arab-Americans are making their views known in sophisticated and effective ways. Of course, their numbers will grow with the passage of time, and the number of institutes like this one will increase as well. This is a very different world from twenty-five years ago when Israelis and their American supporters dominated the discourse about the Arab-Israeli conflict. Finally, there have been a small but growing number of voices in the American establishment who have been willing to criticize Israel and the US-Israeli relationship. They include, former President Jimmy Carter, scholars like Noam Chomsky, Norman Finkelstein, and Tony Judt, as well as Stephen and me. I believe that our ranks will grow with time.

In sum, I think that there are two reasons to be cautiously optimistic that we may make meaningful progress in causing peace between Israel and the Palestinians in the not too distant future. First, there is solid evidence that the discourse about the conflict is changing in encouraging ways. Second, there is reason to think that increasing numbers of American Jews are coming to realize that Israel will end up bearing marked resemblance to apartheid South Africa if there is not a two-state solution. This realization might very well cause many of them to become forceful advocates of peace, which is surely in Israel's interest. Let us hope that I am right, because the alternative would be disastrous for Palestinians and Israelis alike. ■

5

International Law in a Globalizing World

Christopher C. Joyner*

Mary Ellen O'Connell, *The Power and Purpose of International Law: Insights from the Theory and Practice of International Law,* Oxford: Oxford University Press, 2008. 391 pp.

Andrew Hurrell, *On Global Order: Power, Values, and the Constitution of International Society,* Oxford: Oxford University Press, 2008. 354 pp.

Human societies can enjoy peaceful and orderly progress, but only under the rule of law. Conflict breeds chaos; law produces order. This applies to domestic and international society. In an increasingly complicated, interdependent, multistate system, the rule of law becomes even more essential if conflict is to be avoided and cooperation is to be engendered. Thus, there arises the need to regularize state behavior by creating norms and rules that guide and indeed govern relations among states and other international actors. This point underscores the central themes in both these volumes, namely to critically examine the fundamental principles, processes and institutions that have historically developed over the past four centuries to foster and facilitate orderly conduct within international society.

Mary Ellen O'Connell, an international law professor, is the Robert and Marion Short Professor of Law at the Notre Dame Law School. Andrew Hurrell, an international relations theorist, is the Montague Burton Professor of International Relations at Balliol College, at the University of Oxford. Both explore the nature of international relations and how legal rules affect state to state interactions. O'Connell's study is a tour de force of the international legal theory undergirding the creation of legal rules and upholding their propensity to attract compliance and be enforced. The intellectually weighty volume by Hurrell provides a rich theoretical treatment of contemporary global society and the man-made threats that humans will confront in this century. To their credit, both authors provide valuable insights and sound methodical theoretical reasoning into revealing how the international system operates, the ways and means that international law works to make world affairs proceed more smoothly, and the grave challenges that confront global society in the decades to come. In this context, three themes appear common to these volumes that highlight the main purposes the authors aim to achieve.

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The first theme concerns the evolution and development of international legal rules as a genuine system of law. For Hurrell, the central focus here is the nature of international society and how it has progressively grown over the last four centuries. He examines the international society of states, with a view to ascertaining whether and how a "practically viable and normatively acceptable framework" for securing global order can be secured in an age of intensifying globalization. (pp. 1-2) To achieve this, the author seeks to critically evaluate the nature and gravity of the challenges and threats that confront international stability, especially the necessity to attain mutual interests among competing states. Additionally, the ability to manage inequities in national power, and the prospects for balancing conflicting values and developmental priorities in a multicultural world are covered. Successfully meeting these goals in the real world, Hurrell contends, can only be achieved through an international political process. To an impressive extent, the author explains the vital role that norms play in making political compromise possible in a diverse international community.

Hurrell's view of the growth of global governance proceeds from rejecting the abstract notion that the distribution of national power is the critical determinant of how the international system is shaped and how governments interact with each other. Hurrell argues, it is not power that shapes and assigns international conduct and the rules for global governance, rather, he argues, it is a process of historical evolution that governments and people experience in the course of developing common perceptions, norms, rules and mutual expectations for their international behavior. Whatever meaning governing institutions attain will proceed from the social practice of governments interacting with each other. This is largely a constructivist approach that contends international legal rules grow out of shared ideas that evolved historically among state actors–not through a strict legalist approach–, but more importantly, within the context of politics. In short, a normative cycle is created in which law evolves out of political processes (i.e., common perceptions fostering negotiation, compromise and eventual agreement among states); likewise, the international politics evidenced by governments in their foreign policies is expected to be guided (or "regulated") by the shared legal rules and norms that are created.

Regarding Hurrell's theoretical perspective, he sees the rules, norms and institutions for global governance playing several roles simultaneously in international relations. While they do establish the parameters for what conduct by states may or may not be permissible in their international dealings, they also help to identify the systemic nature and setting of international affairs; they set out the criteria for what constitutes a legitimate subject (or actor) within the international legal system; they articulate the appropriate ways and means for punishing offenders that violate norms and rules of that legal system; and they furnish strategies and procedures to facilitate agreements and settle international disputes.

Many contemporary international relations theorists, especially those from the "realist school," believe that states coexist in an "anarchical society." In this international system, there is no world government. The preservation of state

sovereignty remains the dominant factor and international affairs are largely determined by considerations of state power and national interest. The extent, to which stability occurs, realists contend, is contending states' ability to balance power successfully among themselves. As Hurrell rightly suggests, that view is far too limited and parochial. In the contemporary world, a more pluralist view of international dealings is required, not only to attain a more balanced perspective of world events, but also to gain a more realistic and accurate picture of complex globalization processes.

Over the last five decades most of the 194 recognized states have emerged, as have other actors. These actors engage in transnational affairs (and requiring the massive expansion of new international rules and norms to guide and direct their interactions) has proliferated immensely. Today, more than 6,500 intergovernmental organizations, 45,000 international nongovernmental organizations, and 500,000 multinational corporations and their subsidiaries—not to mention 6.5 billion individual human beings—are constantly engaged in international dealings with one another. Such international dealings do not occur haphazardly, like billiard balls randomly scattering about on a pool table, bouncing around and careening off of each other with no directed patterns of behavior except those stemming from the mechanical force of physics. No, there have grown up regularized patterns of behavior that form conduct, which permits interactions to occur smoothly, with minimal accidental or intentional collisions. Those patterns of behavior are called international law.

In the "anarchical" international society of 2008, the forces of chaos, arbitrary behavior or national power do not satisfactorily explain how national, corporate or personal international relationships occur or operate. The reality is that, over the past four centuries, but especially since the end of the Second World War, international norms, rules and institutions have become necessary to enable international interactions to proceed with relatively minimal conflict. This growth in the depth and breadth of international legal development is nothing short of extraordinary. It stems from the evolution of shared interests, the emergence of common values, the development of functional international institutions, and the realization among the governments of states that it is in their national interest to develop ways and means to live together, to cooperate in solving common problems and to strive toward achieving greater prosperity and bettering the physical human condition.

O'Connell cogently examines the theory of enforcement under international law and its enforcement in contemporary international relations. Classical enforcement theory tends to focus on the basis of law's authority in natural law that served as the system of behavior underlying all human activities. Several leading commentators on the nature of law historically contributed to the legal reasoning underpinning how and why international rules should be enforced, and O'Connell traces that historical development. As she points out, the writings of early scholars such as Thomas Aquinas, Francisco de Vitoria, Francisco Suarez

and Hugo Grotius laid the foundation for applying natural law to the international conduct of sovereign polities in war and peace. In their view, while punishment for a wrong committed was a necessary evil to enforce the law, that punishment must be proportional to the harm inflicted and be done to right a wrong through legal means, not to obtain a sense of revenge. For the great eighteenth century Swiss positivist scholar Emmerich de Vattel, resort to war and reprisals as forms of punishment must be carried out only for a just cause and applied in moderation. Moreover, he argued, normative decisions, such as whether to go to war or remain at peace, must be determined solely by sovereigns. Adherence to international law can only be accomplished by voluntary consent of the sovereign.

O'Connell also notes the contributions of Hans Kelsen, a legal scholar who wrote in the 1940s and 1950s. Kelsen proposed a "pure theory of law" in which war and reprisal were the necessary sanctions of international law. War was lawful if it were fought as a just war to counter the unlawful use of armed force by another state. Furthermore, Kelsen advocated the need for individual responsibility and accountability for violations of international law and to this end he recommends that a special court be created with the power to impose sanctions for noncompliance. That development has never occurred.

As O'Connell rightly asserts, compliance theory has attained an increasingly salient place in the study of contemporary international law. A fundamental starting point must be that for a legal system to exist in fact, legal rules must be effective. However, for adherents to the international relations realist school (such as Hans Morgenthau and George Kennan) and post modern critical legal theorists (such as David Kennedy and Martti Koskenniemi), the key question was: How can an international legal system be effective in an anarchic global system, dominated by sovereign states competing for power and seeking to protect and assert their national interests? Their answer echoed that of the influential nineteenth century British jurisprudential arch critic of international law, John Austin, and it was emphatic: It could not. Hence, both realists and critical legal theorists tend to dismiss international law altogether unless it mirrors the interests of powerful states. In its actual operation, they aver, international law perpetuates current power structures. In reaction to these realpolitik conclusions, in the 1960s new theoretical views of international law emerged. In the forefront was the New Haven School of thought, headed by Myres McDougal and Harold Laswell at Yale University, who argued that international law should be re-conceptualized within the context of the behavioral sciences, especially psychology, sociology, anthropology and political theory. For them, law and public order must be founded on the promotion of human dignity. The problems lay not in the lack of enforcement sanctions, but in the availability or weaknesses of applying them.

For O'Connell the contemporary critics of international law also have it wrong. She takes serious issue with the "new classical enforcement theory" propounded by Jack Goldsmith and Eric Posner in their volume, *The Limits of International Law* (2005). The Goldsmith-Posner thesis holds that international law has deficient sanctions and other inadequacies and therefore, fails to exercise independent

pull on governments to comply with its rules. The upshot is that international legal rules are not enforced. According to Goldsmith and Posner, international law merely describes what states would do anyway and amounts to little more than "a special kind of politics." They reject that international law embodies a set of obligatory legal rules. In reaction to this conclusion, O'Connell skillfully and painstakingly dissects their complicated argument against the utility of the sources of international law, as well as the lack of sanctions and the political willingness of sovereign states to comply. She concludes that the rational choice theory of law underlying the Goldsmith-Poser argument is "poorly applied," especially since it is predicated on "implausible assumptions." Not only are the book's conclusions not corroborated with actual cases, the cases in fact reveal that "international law does attract compliance" (pp. 130-31).

A second theme common to these volumes concerns the tensions between the goals of preserving peace and international security and the quest for human rights and justice. A prominent impediment to attaining a just world order may well be the national self-determination that Hurrell examines. Political nationalisms contained within the territories of states are the foundation for the modern nation-state system. States are usually deemed legitimate when they embody the experience of national self-determination; they allow individuals to express their political values, cultural mores, and individual identities; and they proffer protection to groups of persons who otherwise might be vulnerable to discrimination or persecution. Still, throughout the twentieth century, the politics of identity continued to assert powerful influences on the history of states and their relations with one another. It is an astounding irony of the modern era that on the one hand, processes of globalization penetrate all societies and bring the people of the world ever closer together, but on the other hand, they promote greater cultural division and diversity. The dislocations and disruptions of globalizing forces; the massive transnational exchange of ideas, information and peoples; the heightened intrusion and intervention of political ideologies and cultural values—all these complicate and confound the politics of identity worldwide. Perhaps even more important, these movements and the ideas generating them might promote the rights and identity claims of people beyond the territorially based nation-state. If that should turn out to be the case, then a large step towards a new global order might be unfolding–one in which international norms and rules work more effectively in directing transnational behavior amongst multilateral actors.

Fundamental in this respect are the rights and opportunities for individuals, set out mainly in fundamental notions of democracy and the protection of human rights. Here norms of international law come plainly into view. Little argument exists that over the past sixty years, concern for human rights has progressively grown, and with it the norms, rules and laws to enshrine and promote those rights. The evolution of human rights law is particularly interesting because it has occurred in a universalistic context. That is, individual persons are accorded certain inherent, fundamental and inalienable rights, merely because they are human beings, regardless of economic, social or political status. One main category

contains civil and political rights, such as the right to life and liberty, freedom of expression, freedom from torture, freedom from racial discrimination, and equality before the law; a second category sets out social, cultural and economic rights, among them the right to participate in culture, the right to food, the right to work, the right to social security, and the right to education. There are also bodies of law for collective rights to protect, for example, women, children, refugees, migrants, armed forces in combat, and victims of genocide, crimes against humanity and war crimes. These rights cannot be taken away, or be detracted from by another person or government. No less significant is that the protection and promotion of these rights presumably can be accomplished more successfully in a democratic political system, but no guarantees can ensure that outcome.

Regarding peace and security, O'Connell rejects the contention made by Professors Thomas Franck and Michael Glennon that Article 2(4) in the UN Charter (which prohibits the threat or use of force against the territorial integrity or political independence of states) is dead. Rather, she decisively asserts that the rules for self-defense today reaffirm the viability of UN Charter provisions and general principles of international law regarding the use of force. That is, force may be used by a state in self-defense if an actual armed attack has occurred (under Article 51), the armed response in self-defense is directed at the actual attacker or the agent responsible for the attack, the response is necessary to defense, and the response is proportional to the harm being inflicted.

While largely left unsaid by O'Connell, this reviewer would go farther and contend that resort to "preventive war" as advocated in 2002 by the Bush administration stretches international law to the breaking point. The argument for preventive war runs as follows: If some state some day in the unforeseeable future might be perceived by a second state as presenting a threat, the latter state may lawfully intervene at present into the first state to prevent (or preempt) that possibility. That interpretation is plainly wrong. International law is more purposeful, more tempered and more discrete than that. The threat must be real, not hypothetical; the action in self-defense must be necessary, not contrived; and the recourse to force must be proportional to the aggrieved armed offense, and not launched to overthrow the authority structure of the target state.

Similarly, O'Connell is a strict constructionist when it comes to the use of force, and she strongly favors UN Charter law in determining when force may be used in all circumstances. The use of armed force as collective security clearly is permissible under Chapter VII of the UN Charter, but only with the consent and approval of the Security Council. This means for an action to be approved, no veto can be cast by one of the permanent five members, i.e., the United States, United Kingdom, Russia, China or France. In O'Connell's view, the Security Council remains the only body with legal authority to authorize the use of force in circumstances other than in self-defense. This of course eliminates the argument that humanitarian intervention might be lawful and the suggestion that it would be legal for states to use armed force to intervene into another state in order to halt gross human rights atrocities, including widespread acts of genocide or crimes against

humanity. In this case, it seems that international efforts to attain justice must fail for the sake of a strict and literal interpretation of UN Charter law.

The end of the Second World War and all that went with the creation of the United Nations did not bring about an end to international conflicts, internal wars or transnational terrorist violence by sub-national groups. To be sure, the United Nations has done much to make the world a better place by dissuading violence and providing means to settle disputes peacefully. But it cannot prevent war nor guarantee the peace. The vital notion of collective security touted in the aftermath of the 1991 Gulf War's success remains hamstrung by the same forces that impaired it during the Cold War era, namely the unwillingness of the five permanent members on the Security Council to find sufficient common ground to undertake concerted action against violent offenders. The perennial problem is that parochial national interests are given priority over solutions for worsening global problems by one of the permanent five members. If global problems are to be satisfactorily managed, this nationalistic narrow mindedness must be set aside.

Intensifying the goal to obtain peace with justice is plainly evident in the recent creation of several new international tribunals. Over the last thirty years, international law has made notable progress in strengthening its enforcement capacity by creating a raft of new courts and tribunals, both to settle disputes between states and to prosecute individual persons for committing international crimes. As O'Connell makes clear, these judicial bodies are created under law and are limited to the authority granted to them by their founders. Some international courts do not have the power to enforce their decisions, for example, the Permanent Court of International Justice associated with the League of Nations and the United Nations' International Court of Justice (ICJ). It should be noted that the ICJ to date has heard only around 100 contentious cases since 1947, and issued some 24 advisory opinions. Still, since the end of the Cold War, the ICJ has become more attractive as a dispute settlement option for several states.

Newer courts, however, tend to have stronger powers of enforcement both on states and individuals, which mark positive development efforts to promote compliance with decisions. The Iran-US Claims Tribunals was set up to settle thousands of claims between these governments and their corporations in the aftermath of the Shah of Iran's overthrow in 1979, and it has performed this mission with astonishing success. Nearly every claim submitted to this tribunal has been successfully resolved. The new International Law of the Sea Tribunal was created to resolve interstate disputes involving issues of ocean law, and has handled fifteen cases since 1997. Created in 1994, the World Trade Organization provides for mandatory, binding arbitral panels to settle trade dispute between governments and has so far contributed to resolving nearly 380 cases. Concerning accused individual offenders, three principal tribunals have been created since 1993 to hear cases involving persons accused of war crimes, crimes against humanity and genocide. In 1993, the Security Council established the International Criminal Court for the former Yugoslavia. Since it began hearing cases in 1995, more than 165 persons have been tried, with at least 106 cases completed by early 2008. In

the aftermath of the massacre of 800,000 persons in Rwanda between April and July 1994, the Security Council set up the International Criminal Tribunal for Rwanda. Since that tribunal began operation in 1995, it has indicted some 75 individuals, with 35 cases completed and 30 others in progress. The International Criminal Court (ICC) was established in 1998 and began operation in July 2002. While no cases have yet been completed, the ICC has indicted eleven persons from the Republic of the Congo, Uganda, Central African Republic and Sudan for acts of genocide, crimes against humanity and war crimes. Finally, there are a number of regional tribunals that deal with contentious cases. The European Court of Justice, which interprets European Community legislation uniformly and rules on its validity, has heard 775 cases since its founding in 1953 and its Court of First Instance has heard an additional 388 cases since 1989. The European Court of Human Rights (which issued more than 4260 judgments during 2001-2005) and the Inter-American Court of Human Rights are both concerned with allegations of violations of the human rights conventions under which they were established. The latter three courts can entertain applications from either states or from individuals.

A third theme that surfaces throughout these volumes is that we now live in a complex world and are bombarded positively and negatively by forces of technology, information exchange, and worldwide trade. Hurrell is surely correct when he posits that global governance "is best understood as a response to the increasingly serious collective action problems generated by growing societal, ecological, and economic interdependence." (p. 15) These forces unmistakably comprise salient features of globalization—a complex multifaceted process that today draws governments and societies ever closer together through worldwide information exchange, satellite communications technology, transnational transportation of persons, goods, and commerce and multinational patterns of migration. It is also true that with globalization comes the increasing demand for international rules and norms to regulate how these transnational forces interact with societies and effect their citizens' social, economic, cultural, and political development.

A strong argument can be made that the processes of globalization, the escalating economic interconnections and the growing severity of threats to the earth's environmental condition have brought about the need for a "liberal solidarist conception" of international society. As Hurrell makes this case he avers that the foundation of a different kind of global society to deal with these problems must be built on foundation of solidarism that includes four essential dimensions, namely the needs: (1) To take greater recourse to use international institutions and the escalation of international rule-making; (2) to develop and implement modifications in how international law is made and justified; (3) to place greater importance on the enforcement of international norms and rules; and (4) to accept a revised understanding of the state and the nature of state sovereignty. (p. 58) His points are well taken and compellingly made. To be sure, if a global society is to manage successfully the critical challenges that now confront humankind, the present international system and the ways in which it functions will have to be altered such

that greater international priorities can be given preference over narrower, more selfish national interests. Yet, at the risk of appearing politically sophomoric, to this reviewer achieving such a precondition seems an incredibly difficult—if not impossible—task, largely because it must overcome four centuries of state behavior that operates in a system purportedly based on national priorities grounded in state sovereignty. Governments rarely take the initiative to deal with international events unless those events are perceived to constitute so severe an international crisis that the very existence of the state is imperiled. Consequently, if a world order founded on global solidarism is to be attained, an essential ingredient must be resolute, committed leadership from the Great Powers of the twenty-first century, especially the United States, Russia, Europe, China and India, coupled with genuine support from the middle powers. As Hurrell deftly explains, the key here is creation of a new, compelling conception of legitimacy—one that gives rise to greater appreciation for the role of international norms, common values and shared interests in an increasingly globalizing world.

Notwithstanding these plainly impressive and deeply thoughtful theoretical considerations, overarching pragmatic questions rear their ugly heads: How can national governments translate these theoretical considerations into concrete, concerted international policy action? How can perceptions of foreign policy-makers be made to accept the need for true world-wide cooperation to rescue humankind from global warming, persistent population growth, spreading economic dislocation and depression and environmental degradation, at the likely expense of national economic, political and perhaps even security self-interests? How can necessary economic priorities of capitalism and private free enterprise be tamed by the needs for a cleaner global environment and substantial improvement of the human condition in all its developmental, political, and social dimensions? These are critical questions that will require much more serious thought by national foreign policy-makers in coming years.

In this era of increasing globalization and deepening ideational penetration of societies, the international culture of human rights is coming into tension with the multifaceted nature of a world earmarked by cultural, religious and social diversity. This is not to imply that a Huntingtonesque clash of cultures is crippling the human rights process. Rather, it is to highlight that contemporary human rights norms, though conceived and created for universal application, are meeting resistance by certain groups of people who see their own political priorities, social interests and traditional cultural mores being threatened and contaminated. Once again, these difficulties cannot be solved by theoretical constructs or appeals to moral values, righteousness or aspirations of justice. The political will of national governments will be critical for ensuring that human rights objectives are being met, without impairing the social and cultural values that underpin non-western societies.

In conclusion, what has become starkly evident since the September 11, 2001 attacks against the World Trade Center and the Pentagon is that the greatest threat to contemporary world security (especially for Western governments) is not nu-

clear war between states, or conventional international conflict, or the spread of nationalist civil wars. Rather, the real nightmare for global security is the prospect of nuclear terrorism. Should a terror group such as al-Qaeda acquire a nuclear weapon or obtain enough fissile material to build a nuclear device and detonate it in a major western city such as New York, Los Angeles, London or Paris, the world will be forever transformed. Current international interests and realities no longer will be operable. Present priorities in international politics will evaporate, the international economy will likely collapse, and a new global paradigm characterized by national insecurity, paranoia, and worldwide apprehension will take over and dominate relations between western states and the rest of the world for years to come. The politics of cooperation and consensus will be lost to the politics of universal suspicion, driven by the privative mandate of survival of the fittest. It will be a world estranged from international law and removed from the search for the normative order that both Hurrell and O'Connell strive to describe and explain.

The United States in 2008 may be an economic and military superpower—and even qualify as a hegemonic power as some international relations theorists suggest—but it is neither self-sufficient nor sufficiently powerful to pursue its foreign policy ambitions unilaterally. The last eight years have made this abundantly clear. The United States needs the world and the world needs the United States. This mutually beneficial relationship must be repaired through compromise, conciliation and cooperation in the coming decade. The world's problems in 2008 are indeed global, complex and intertwined. Whether one thinks of nuclear proliferation, global warming, ecological collapse, worldwide economic disparities or pervasive human misery brought about by hunger and disease, the fact remains that any hope for managing these problems must come through resolute commitment, driven by the political will of governments, to cooperate on a grand scale. International norms, rules and institutions will be essential to showing governments how to make necessary changes in our wasteful and wanting lifestyles. This is the overriding thesis that emanates from both the O'Connell and Hurrell volumes. The rules, norms and values inherent in modern international law are necessary conditions for international relations to occur and to progress. However they are not sufficient. If positive changes are to be made, they must be carried out by purposeful actions, driven by concerted multilateral policies. This can only happen when governments are willing to accept the gravity of the international situation and commit themselves to make the sacrifices necessary for change. In the coming years, this will remain a very tall order to fill. ∎

6

The Arab Moderates

Marwan Muasher, *The Arab Center: The Promise of Moderation*, New Haven: Yale University Press, 2008.

Reviewed by *Sawsan W. Gharaibeh**

Political and economic reform in the Middle East is hindered not by a lack of enforcement ability, but by the absence of a genuine desire for reform. Many Westerners believe that conservatism is pervasive in the Arab mentality, and that this conservatism conflicts with attempts for peace and reform. Examining Jordan as a case study is one way to understand the bigger picture of reform, peace efforts, and the future of moderation.

Successive reform initiatives have barely reflected the needs and the reality of the challenges facing Jordanians today. The National Agenda is one such initiative. Other initiatives include, *Jordan First* and *We are All Jordan*. However these latter ones are considered by many to be empty slogans. Still, slogans can indicate a genuine attempt to promote and enforce change. Additionally, several major investment projects have, unintentionally, contributed to a social and economic imbalance that is considered by many experts as "worrisome."[1] This leads some analysts to believe that a constant state of frustration will turn Arab countries into incubators for extremism and religious fundamentalism.

This frustration, accompanied by half a century of enmity, confrontation, and a harsh period of occupation has left many hopeless. Nevertheless, over the past year several notable Arab reformers have taken courageous steps to publish their personal accounts and testimonies in an attempt to chisel what will always be a rocky path to reform. This review focuses on Muasher's account.

Marwan Muasher's work is timely and provides unique insights that unveil the frustrations of reformers within the Middle East. He outlines the challenges associated with reform efforts and the impact of terrorism on the Middle East's efforts to introduce lasting reform. He stresses the moderate position Jordan has always played in the region. Muasher's work has sparked a public debate in Jordan on these issues, and on Jordan's position and future.

Another recent book, *Hussein as Father and Son: Jordan in Thirty Years*, by Randa Habib complements Muasher's work and focuses on the same issues and

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1. See Randa Habib: *Hussein as Father and Son: Jordan in Thirty Years* (in Arabic), Beirut: Dar al-Saqi, 2008.

time-frame. Both works contribute to an elaborate jig-saw puzzle which, when read simultaneously, presents a realistic picture of progress in Jordan and the wider Middle East.

The Arab Center is attracting attention in the Middle East and the United States.[2] Its author is a distinguished diplomat and Arab thinker who gained public recognition as a "shaper of realities in the Middle East." Muasher allows the western and Arab reader to better understand and realize that Arab moderates not only exist, but have worked earnestly without public recognition, to attain positive outcomes such as the Road Map and the Arab Peace Initiative.

I offer three interpretations of *The Arab Center*. The first, a "minimalist" interpretation, concludes that the book represents the memoirs of the author, or at least should be understood as the practitioner's own explanations of the successes, failures and frustrations in advocating for moderation, peace, reform, and also fighting terrorism in the Arab World. Many reviewers and commentators of *The Arab Center* have labeled the book as a memoir, consider Chapter 2, which documents ten months of the author's experience as an ambassador in Tel Aviv. The chapter unfolds a thrilling chain of events such as the land expropriation issue, Jordan's prisoners in Israel, and Rabin's assassination, which is also documented in Habib's work at length. However, reducing *The Arab Center* to a memoir will deprive the reader of a deeper and more intriguing analysis.

The second possibility is to read it as an "historical" interpretation. In that case, the book presents detailed case studies of the regional dynamics, thereby informing the leader of the linkage between various developments in the Middle East. For those who express ambivalence with respect to the Middle East conflict or displeasure with poor reform initiatives, Muasher documents what took place behind the scenes, forecasts possible consequences and presents possible solutions. Muasher offers a detailed account of the US-Jordan Free Trade Agreement, the emergence of the proposed two-state solution, and the Arab Peace Initiative. The narratives contained in *The Arab Center* are well chosen and they provide striking illustration of the complexities of the challenges in the Middle East peace process. A number of them also offer riveting accounts of the development and deployment of extensive diplomacy.

The third possible interpretation, and the one that I believe is the most ap-

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2. Thomas Freedman, Op-Ed, "It's All About Leverage," *New York Times*, June 1, 2008, http://www.nytimes.com/2008/06/01/opinion/01friedman.html?_r=2&oref=slogin&oref=slogin ("Retired Arab statesmen don't often write books about their time in office, but Mr. Muasher has, and his argument is a powerful one[.]"); Scott MacLeod, "Fighting for Arab Moderation," TIME, May 28, 2008, http://time-blog.com/middle_east/2008/05/fighting_for_arab_moderation.html?xid=rss-mideast ("*The Arab Center* is one of the most important books on the Middle East, and is required reading for everyone interested in finding solutions to the many problems the region faces today."); and David Ignatius, "Squeeze on the Middle East's Moderates," *Washington Post*, May 15, 2008, at A15 (arguing that Muasher's book offers "the most damning criticism of the Bush administration's Middle East policy[.]").

propriate, is the "controversial claims" perspective. This approach deciphers the theoretical discussion at the heart of the book. Muasher offers several suggestions, some are repetitive (and are depicted in a plethora of other publications) such as Muasher's commitment to a two-state solution. Muasher's anecdotes not only bring the two-state solution to life but also expose Arab politics. Although changing the contours of diplomacy in the Middle East can be difficult, Muasher asserts that all changes must come soon in order to have a profound impact on international public opinion.

Readers of *The Arab Center* cannot avoid the following paradox, which forms the crux of Muasher's thesis. The term "moderation" covers peace and reform, yet Arab moderates are concerned with either peace or reform. Muasher begins his argument by highlighting the existence of Arab moderates. By doing so, Muasher debunks common stereotypes and successfully demonstrates, as mentioned above, that Arab moderates do exist. Nonetheless, Muasher describes these moderates as "one-dimensional." This paradox arises from the fact that Arab moderation consists of two components, the furthering of regional peace, and the promoting of internal reforms. However, such moderation is subverted as parties that are considered peace moderates, including several prominent government figures, are mainly opposed to reform. Parties that are reform moderates (such as democracy advocates) are opposed to peace. In order to reconcile this apparent paradox, Muasher believes that moderation should cover peace and reform to maintain the Center in the Middle East. *The Arab Center* calls for pro-peace moderates to focus their attention on additional challenges such as political development and women's rights. According to Muasher, failure to do so will inevitably lead to social frustrations, the abandonment of moderation and the proliferation of extremism.

Muasher has set himself a high hurdle. Namely, to convince his readership that the possibility of attaining full economic reform, as opposed to gradual reform, is nothing more than an unrealistic aspiration. Muasher does not explain how to make Arab elites realize that allowing the population to share in the wealth is a means for self-preservation through the creation of stakeholders. He fails to properly address any workable strategy to persuade regime officials (many of whom are maximalists) who prefer to exercise control over the economy, even at the risk of alienating the population and furthering the potential for social unrest and radicalization. In 2005, Muasher supervised the construction of a comprehensive reform framework called *al-Ajenda al-Watanyyah* (The National Agenda).[3]

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3. The National Agenda (2005), http://www.nationalagenda.jo/default.aspx (last accessed July 12, 2008).

He believes that a detailed account of the National Agenda offers a rich and complicated case of how economically dominant elites succeeded in launching a preemptive strike on the National Agenda even before it was officially launched. The failure of the National Agenda as an exercise, however, does not undermine its value as one of the most important reform documents in Jordan.

Muasher predicts that the weakening of Arab moderates poses challenges not only to reform on a regional level but also on the national level, and that there is constant danger that radical groups will successfully oppose reform. Habib offers several examples in support of such religious resistance especially after September 11, 2001 which Habib regards as a turning point in favor of radical groups.

Having offered his suggestions and identified the challenges, Muasher offers concise steps to move forward. Preaching reform is no longer sufficient and Muasher's recommendations aim at embedding a reform philosophy in every man and woman. The recommendations come in two categories. The first one consists of steps that political parties and governments can take in committing to cultural and political diversity. The second is made up of measures that require commitment by individuals. These include commitments to peace and change, and importantly, a commitment to follow through on such change through voting for reform. Muasher repeatedly states that his goal is the restoration of the lost equilibrium; true political development as well as respect for a peaceful rotation of power.

The Arab moderates, as depicted in the pages of *The Arab Center,* are not at odds with Muasher's beliefs and accomplishments, yet he himself asks whether there is hope for the Arab moderates? Muasher questions whether radical ideologies and authoritarian regimes will prevail? Ultimately, *The Arab Center* is an important and timely book and represents a valuable contribution if policy-makers hear its message. ∎