

LOSING FAITH IN THE SECULAR
AND THE CULTURE OF
INTERNATIONAL GOVERNANCE

David Kennedy

THINKING ABOUT WHAT'S HAPPENING on a really global scale, law is certainly back. After the Cold War gridlock and the Gulf War hype, the whole regime thing is hitting a crescendo. Now we see law in the slow knitting of interdependent markets, where we once saw only economics, and in the stable patterns of governmental consultation or the machinery of sanctions, enforcement, and compliance, where we once saw only politics. Business at the International Court of Justice is up, if modestly, while the World Trade Organization has taken international economic relations from the mercantile world of bargaining to a smorgasbord of legal dispute settlement schemes. The neoliberalism of institutional convergence, the rational discipline of mobile capital, the peace of ideological consensus, and the civilization of market are upon us. Law is their handmaiden and their witness.

But so is religion. The Pope-mobile is everywhere, French youngsters lining up for a blessing, Russia as religious as Arkansas, a missionary energy in the Third World rivaling the late nineteenth century, while here at home, Jesus is on the Internet, alongside cults and chatroom confessionals. Children kneeling outside their schoolrooms, huddled like smokers on coffee break, begging just one quick nondenominational prayer. And then, of course, there is Islam, increasingly the modern figure for religion. Or, we should say, all the Islams, from the Million Man March to the Taliban, from sleek Gulf financiers to the butchery of an Algerian village, from the conventional liberal humanism of the mainstream Arab-American community to the anguished modernism of once secular politicians in Egypt, Iraq, or Syria, learning new fealties and vocabularies. It is hard to get firm

numbers from the religious sociologists—by last count it appeared there were 1,927,953,000 Christians—almost double the 1,099,634,000 Muslims and way ahead of the 225,137,000 “Chinese Folk Religionists.”¹ In the United States, although Christianity is losing market share in a growing population to conversions—an annualized loss in the 1990s of 317,900 per Year—there is some evidence that the religious intensity of conviction has increased in many quarters. *Time* magazine tells us that 69% of Americans believe angels exist, for example.²

It is difficult to know how real either of these trends are on the ground—Is Russia more or less governed by a rule of law today than in 1980? How many Americans believed in angels in 1950? And it is equally difficult to get much of a sense for what we mean by “law” or “religion” when we say they have returned. Which parts of the disaggregated regime of social regularity blossoming across cultures should we think of as “legal”? Or for that matter, “religious.” At the O’Hare airport bookshop, under “religion” we find the Bible, *Living Buddha, Living Christ, A Life of Jesus*, or *Jesus in Blue Jeans*, alongside *Foucault for Beginners*, *Aristotle and Machiavelli* and Norman Vincent Peale. Right next to *Storming Heaven’s Gate* we find *Snowboarding to Nirvana*.

What interests me here is the return of law and religion to the consciousness of the secular establishment. For an intelligentsia always deferential to law and faith, but preferring the savvy of power politics and secular rationality, law and faith are all the rage. And it’s not just the late Princess Diana or Mother Theresa. Here is Hollywood mogul (and Harvard grad) Marty Kaplan:

I’m the last guy you’d figure would go spiritual on you. . . . If Harvard had made me a more spiritual person, it would have failed in its promise to socialize me to the values of the educated elite. Those values are secular. . . . The educated person knows that love is really about libido, that power is really about class, that judgment is really about politics, that religion is really about fantasy. . . . The spirituality of [meditation] ambushed me. . . . To be awakened to the miracle of existence—to experience. . . . The God I have found is common to Moses and Muhammad, to Buddha and Jesus. . . . I used to think of psychic phenomena as New Age flimflam. . . . I used to think the soul was a metaphor. Now I know there is a God.³

If this was one giant leap for a man, how large a step for the secular establishment? And what links these uncanny returns of law and religion? If reli-

gion is no longer fantasy, is judgment also no longer politics? Love no longer libido? My responsive slogan, and also my title, is this: "Losing Faith in the Secular, and the Culture of International Governance."

11

In the 1970s, when I studied *international relations and political science*, law was out; international law was a marginal and utopian wish to hard-headed realists with their strategic models and multilevel games. Law was just a hypothesis—while we thought we knew what a prisoner would do in a dilemma. But now it's all different—the study of "regimes" and "institutions," and now "governance" has taken political scientists interested in the international on a great looping trek toward law. Their journey coincides with a post-Cold War outbreak of enthusiasm for international law in the foreign policy establishment—the law of a "New World Order," the law of liberal democracies, the law of a global market. Numbers are hard to find, but it appears spending on "rule of law" injection projects around the world now rivals food aid, refugee assistance, humanitarian aid of all sorts—dwarfed only by military assistance. And even the military is pitching in. I spent some time in Senegal a year ago with a training team of military lawyers instructing the local officer corps on rules of warfare—the need for good discipline and clear rules of engagement merging, in a post-CNN world, into compliance with international humanitarian norms. And it's a big program, operating in more than sixty countries. Indeed, the U.S. military may now provide more training in international law and human rights than all the world's nongovernmental organizations put together.

At the same time, when I studied international law, the point was to demonstrate our savvy about power. Nothing abstract or utopian about it. We were interested only in how nations behaved, in the regularities of coexistence, and the modalities of cooperation. International law was technical and hardboiled. Although as lawyers we held back from the apostasy of conflating law with politics, for a century international lawyers had castigated the idolatry of naturalists and formalists in the name of reason and rationality and pragmatism, the law of international governance articulating its anticlerical cosmopolitanism with the convert's zeal, reducing concern about ethics and community and value to the periodic lamentations of crackpots and Catholics. Not so today. The study of human rights and democracy and the commonplaces of "liberal" societies has taken

international law on a goose chase after the ethical. In the euphoria of post-1989 triumphalism, the discipline's focus on the ever receding horizon of pragmatism's contact with idealism has been radically foreshortened. Suddenly we are almost there—disaggregate the state, embrace the ragtag institutions of civil society, and reach for the good life.

III

So the secular intelligentsia has a new sensibility about both political science and law. Political science takes a shine to law just as law embraces the worlds *both* of ethics, values, faith *and* of politics. And this new sensibility has an emotional tone, a tone of bravura and risk. Suddenly it's no longer suspect to stand for something, even if it is still feels scary—go ahead say it, I know it feels risky, but let's do something bold, now, here, all together—let's admit it, we're liberals.

I'm thinking of middle-class men thronging the capital to affirm their faith in masculinity *and* family values, of loud-mouthed law professors bravely standing up for free speech, of internationalists loosed from the Cold War's coexistence constraints, standing together now for democracy and the peaceful tendencies of liberal states. As I read in all seriousness some time ago, and you may not know this, two nations with McDonald's arches have never gone to war with one another. Think about that.

There is a thrill here—not unlike Marty Kaplan's thrill in his new found faith. The thrill of return, of confession, of taking a little risk, a risk suddenly fashionable among all the multitudes gathered together to keep promises and affirm commitments. The little high of saying something together in a big crowd that still feels so unpopular—like that you support good government, think all men are created equal, believe in the spiritual, in humanism, in love, and why not, in the sacred, even in God. This is the thrill of coming out, and after all, why shouldn't straight people get to come out? Religion and law provide the titillation of identity for great mobs of identity wannabes whom deracination has left so haunted and empty and jealous. And it's also the cheap thrill of fashion—it's so cool now to have a close friend who's a practicing Catholic!

This thrill, this tiny rush of transgression, plays against the background of an ebbing faith, an ebbing faith in the secular. As religion has become a secular blasphemy, ethics has become a tempting little legal Lolita, at once fresh and formidable, while law plays Mrs. Robinson to the

political scientist, all wet behind the ears with newfangled college talk about regimes and compliance loops. Like those first teenage rebellions—clunky boots or sagging bellbottoms—praying the common prayer pays homage to the secular parental authorities, who not only tolerate, but yearn, pray, for just *this* rebellion.

In all the clamor for God and law we can feel, faintly, the slight weightlessness of a pendulum reversing its course. And in the disequilibrium and equipoise of that moment, we can look briefly back at the secular, at the relations between religion and law, or law and politics, against which the blasphemous pendulum turns. It's elementary, after all, that you can't come out once everyone already knows—coming out must place you just ahead of the curve, be written on a denial, or at least on plausible deniability.

IV

The lawyer's denial that law is political *or* ethical, apology *or* utopia, the political scientist's denial that politics is legal, and the secularist's denial that humanism is religious have all been equivocal denials at best. Sure, we know law is a secular project, just as we are all, all secular men and women. However prone legal scholars have been to deny the politics of law, to charge only communists and other no-good-niks with having claimed that law is political, they have also developed a range of admissions to go with their denial, places for politics, exceptions. constitutional moments, moments of private cynicism. However sure political science has been that only utopians (and lawyers) dreamed of the normative, there were also regimes and stable expectations and feedback loops of legitimation and compliance. Law and politics have been disciplinarily divided by a smoky mirror, the lawyer claiming to see in politics only subjective arbitrariness and ideology, the political scientist in international law only hapless dreaming. In such a situation of willful blindness, when one comes out, transgresses to the other discipline from either direction, one will find only what one has already had—a liberal realism, hardboiled and hopeful.

But what about religion? What religion might read as "sacred" and "profane," the secular intelligentsia has read as "secular" and "religious," alternate domains, social configurations, spheres of influence, separate but (once) equal. The intelligentsia has said religion is private where the law is public. Religion is what we had before we had law. Religion is the

domain of irrationality and charismatic authority, law the realm of reason and the bureaucratic. International law understands its birth as a flooding forth from the darkness of religious strife, antidote to the passions of faith, on guard against their re-emergence as ideology. Evil were not empires—we have much to learn from Rome—but imperial ambitions emboldened by religion, or ideology, straining against the leash of an agnostic territorial limit—that's evil. Religion, like cliterodectomy, was the sign of the inalienably different—which must be puzzled over and suppressed and tolerated and denied and accepted and outgrown. And religion marked not simply the crazy and the sane, passion and dispassion. As one international lawyer told me, "Religion is about what happens after you die, and international law doesn't have anything to do with it"—read, "we are worried about life, not death, too busy lighting a single candle to contemplate the dark."

Still, even in the dark of the secular night, legal culture managed a relationship with religion. Religion was to be respected, even honored, in its own sphere—the domain of private commitment and spiritual meaning. Law could also honor its roots in religion, from which it inherited the "principles" and "values" of something as broad as the "Judeo-Christian" tradition. Religion begins as a social force, is then transcended and cabined by a new international plane of ecumenical insistence on the prince's prerogatives, is transformed into a "philosophy," the naturalist antidote to an emerging positivism, and survives in our pragmatic century as a set of "principles" guiding the practice of institutions.

Religion, reconfigured as a "tradition," would often rise to its new role in the secular establishment. I attended a conference in which the world's great ethical traditions Christianity, Judaism, Islam, Confucianism, and (puzzlingly I thought) International Law were invited, alongside various strands of "liberalism," to contribute to thinking about an appropriate regime to govern territorial boundaries, personal mobility, and citizenship. As we went around the room, it became clear that all the great traditions ended in consensus on a clear utopian vision, remarkably consonant with enlightened Upper-West-Side thinking—that utopia would roughly correspond to our current world, shifted perhaps two or three inches to the left. Suitably domesticated, churches might well take over civic responsibilities, act as arm of the law, provide social services. Religious organizations are prominent among the new NGOs whose "civil society" has been scripted to counteract both illiberal, if often elected, post-colonial governments and corrupt international bureaucracies.

And legal culture, in the old secular days, also knew a deeper truth about itself—that it had displaced religion, and would need to function as a religion—a civic religion, a secular faith. This could be high-minded—the constitutional pole star of a new covenant—or populist, even cynical—give the people courtroom spectacle, the savvy judge a strategic thinker, manager of a legitimation account always in danger of being overdrawn. If religion must be tamed to be deployed, law must also be careful to manage a faith that remains secular. And we find within law not only the narratives of religious redemption and delayed gratification—a substantive justice projected just in front of an interminable procedural present—but also a formidable machinery for purging the secular faith of the apostasy of sacrality. Chief Justice Bedjaoui of the World Court castigates us for “legal paganism.”⁴ “Formalism” has become an epithet. Our most dispassionate secular modernists denounce enduring faith in something called “sovereignty”: Brierly notes “the confusion which the doctrine of sovereignty has introduced into international legal theory”⁵; Henkin insists that “[s]overeignty is a bad word . . . a substitute for thinking and precision”⁶; Lillich proclaims, “the concept of sovereignty . . . is an idea whose time has come and gone.”⁷ Indeed, washed clean of its idolatrous stain, the law of international governance sees the sacred only at the margins, in the three horsemen of terrorism, fundamentalism, and nationalism.

v

Against so equivocal a denial, what does it mean to come out, come out for the politics of law, the law of politics, the ethics of both—for the religious in secular society? The thrill in political science as the pendulum turns back to law is less the revenge of a liberal spirit against the perversions of an insistent, if largely imaginary, realism than the titillation of evading even for a moment the censor of pragmatism, finally enunciating the pluralist commitments that have hitherto dared not speak their name. For the secularly faithful, to speak of norms, still less of ethics, was to wash out the rocks of universalism, agnosticism, and reason, upon which were built the latter-day edifice of political science and the priesthood of policy pragmatism. For a generation, it seemed that coming out as legal might disarm the liberal hegemony, just as coming out for the ethical would throw the game of cosmopolitan scientific neutrality, would make one just one more Cold

Warrior. Only a studied ethical neutrality could steel the will of democratic hegemonies to do what was necessary, could sustain the science of strategic studies, for fifty years the bulwark political science offered the West against the East. And now, if all the subtle communications of one hegemony to another across an ideological divide were normative all along, each assured about what the other's prisoner would do in just this dilemma, all that past could be redeemed as the work of a liberal spirit, which, we now know, makes commerce, not war. We were not playing with destroying the world, fiddling while Rome armed, we were hammering a new covenant, modeling a new language, enunciating a new law.

Meanwhile, an obverse story for law. For a generation international lawyers began their training by learning a thousand and one explanations why their discipline was "legal," why international law was "law," rather than politics or ethics, now that it had renounced both positivist form and naturalist value for an engaged pragmatic sensibility. Paradoxically, to have come out as politics would both throw the game to the totalitarians and sully one's neutral posture, the cosmopolitanism of coexistence. At the same time, to have come out as ethical would throw the race to the political scientists, foregoing a hard-fought realist savvy.

The thrill in contemporary returns to the ethical, in collective confessions of faith in the old liberal pieties, lies not in their surface rebellion against the devils of "political correctness," but in their escape from the censors of this secularism, from the high priests of antiformalist pragmatism and the anti-clerical routines of a committed cosmopolitan establishment. The thrill lies in their inversion of liberalism's own disciplines. Would it be too simple to observe that we can say law is politics now that politics has come out everywhere for the ethical, the normative, the liberal? Else who will be my role model, now that all the role models are gone? After 1989, flush with victory over an ideological foe onto whom all challenges to law's legality had been projected, we find international lawyers saying, chapter one, page one, that "law is politics."⁸ Nothing else has changed: the thousand and one reasons for law's legality are still there, but now it can be said. And so also for political science—all the models and systems are still there, but now it can be said: the regime, my dear, is a legal one.

Ah, the new liberals: so brave, so risky, so risqué. But how dramatic is it to come out for the politics of law, or the law of regimes, when one dreams only of ideal speech situations, infinite time behind veils of igno-

rance, the endless dialogic consensus of a liberal procedural regime? It seems such cant to come out as Kant.

The puzzling thing is that all these things would seem risky were we still living with faith in the secular, in pragmatism and political realism. In the church of policy pragmatism, there is a Satan, waiting to be loosed by a slip of the tongue, and that devil is ideology, *first cousin of religion*. Law is not political—because politics is the primitive stuff of ideology, passion, unreason. Political science is not law for the same reason—because law is the temple of norms, beliefs, ideological commitments. And little would have so triggered the pragmatist inquisition than the pious incantation of a universal liberalism. *How satisfying, then, now to be able to come out for a global politics, which eschews the ideological, for a cosmopolitan, global liberalism. Or for a global law purged of ideological commitment but committed to liberal virtue. After ideology, all the censors can relax. Including, it seems, the secular separation from religion. How bad can it be, after all, to come out as religious if one means simply that “family values” or “patriotism” or “ethics” are important? I mean, don’t we all think that? Once the secular censors have relaxed, a little turn to religion provides a helpful divertissement.*

VI

Today’s turn to law and religion is thus more of a rotation, more an All-Saints’-Day role reversal than a transvaluation of values. Clausewitz said, “Is not War merely another kind of writing and language for political thoughts? It has certainly a grammar of its own, but its logic is not peculiar to itself.”⁹ Whether political scientists or lawyers, we are all Clausewitzians now, power a process of persuasion, the missile a missive. At the same time, our law has a religious sense and sensibility, a secret sentiment that powers are more than competencies, property more than a “bundle of rights,” rights more than technically enforceable claims. Where there is law there is also mystery: *judgment, doctrine, faith.*

What work we ask of functionalism to say of this merely that law “functions” like a religion—why not say it, experience the thrill, law is a religion—and not just any religion. An Islamo-Judeo-Christian faith in the secular, sustained by a complex movement, isolating religion, purifying itself in a catechism of antiformalism, while returning over and over to the idols it has shattered. Of course, to come out strongly, publicly, proudly, when everyone

has long known you're out as not out, is less risk than regression. When lawyers admit their faith in rights, politicians their faith in law, law its roots and reverence for religion, it may be a goldie, but it is certainly an oldie.

VII

Why do they do it? Because realism has been the Cerberus of the political savvy. Forswear law all who would enter here, law's door opens only for the realist. Once within, the routines and rationalities of lowest cost avoiders, profit maximizers and self-interested sovereigns can be codified. Across the hall, liberal ecumenicalism stands guard at the door of law's empire, insisting on a penitent and persistent pluralism. All who pass murmur Yes, we have no religion. Once inside, secular cosmopolitans recognize one another in declarations of faith, in progress, in the international, in the pragmatic, and worship together in the routines of bureaucratic power. Everywhere there is culture but here, in the cosmopolis. Everywhere there is ideology, politics, passion, but not here, among the reasonable men and women of the enlightenment, graced with infinite time, reason, and the modesty of the truly powerful. But some days it's just not enough. Terror and nation and fundament, held firmly at bay, shame us, mock us—how long can we inhabit the high road of cultural denial when we know that we too stand for something, dammit. It's not just the Sudanese and Chinese and Sinhalese who have roots and religion. My grandmother read the Bible whenever she was sad—she particularly liked Ecclesiastes and Psalms.

What is this wish for stronger stuff? Gay literary figure Mark Doty wraps his meditation on religion around this italicized sentence: "*My lover of twelve years died just last month.*"¹⁰ "It astonishes me to write that sentence," he continues. "It astonishes me that I am writing at all." Doty begins his meditation, "I grew up in two religions," a religion of "images," absorbed from his grandmother's songs and scents, and a "second religion, the codes of explanation and prohibition" learned after her death.¹¹ "The prohibitions," he remembers, "were worse than the explanations. They suggested that the divinity had constructed the earth as a kind of spiritual minefield, a Chutes and Ladders game of snares, traps, and seductions, all of them fueled by the engines of our longing: the flames of hell were stoked by human heats."¹²

To be queer and literary and a figure, Doty rejected one religion and forgot another. And yet, the dead lover's introduction is preceded by this reflection:

I cannot be queer in church, though I've tried, and though I live now in a place where this seems to be perfectly possible for a great many people. Here in Provincetown we have a wonderful Unitarian church, with a congregation largely gay and lesbian, and it pains me to admit that when I have gone to services there I have been utterly, hopelessly bored. There's something about the absence of imagery, an oddly flaccid quality of neutrality in the language of worship. I long for a kind of spiritual intensity, a passion, though I can certainly see all the errors and horrors spiritual passions have wrought. I don't know what I want in a church, finally; I think the truth is that I don't want a church.

Perhaps my discomfort has to do, still, with issues of desire. Wind, glimmering watery horizon and sun, the watchful seals and shimmered flurries of snow seem to me to have far more to do with the life of my spirit. . . . There is something so *polite* about these Sunday gatherings of tolerant Unitarians that I feel like longing and need must be set aside. Isn't the part of us that desires, that loves, that longs for encounter and connection—physical and psychic and every other way—also the part of us that knows something about God? The divine, in this world, is all dressed up in mortal clothes, and longing and mortality are so profoundly intertwined as to be, finally, entirely inseparable.

*My lover of twelve years died just last month.*¹³

VIII

Maybe only gay people can come out. Maybe no one can come out anymore, maybe it's already too late. Perhaps everyone already knows. Or maybe there is more than one coming out, sometimes reassuring, sometimes transgressive. In the end, less significant than the coming out of religion or politics or law are the sectarian questions—what religion, what law, what politics? The emergence of religion in the secular intelligentsia today affirms pieties of everyday life more than it risks secular martyrdom or blasphemy, is less Anabaptist than Episcopalian, less liberation theology than Unitarian. Now that Marty Kaplan knows there is a God—now what? Is judgment politics? Is love libido? Or has this new religion displaced his other knowledge, his confession replaced, come in the place of other action? You believe in God, very well, but also in Doty's desire? Law is politics, fine, but is it also ideology? A regime may well have ethics, but what are those ethics, what of choice

and conflict? It is all well and good to know that the regime is a legal one, but what are its distributional consequences? Losing faith in the secular—yet how would we know, the secular at once so pious and pragmatic? The temptation, so familiar in millenarian times, is to wish, even pray, for law and religion to make a violent return. Liberalism at last triumphant, riding the white horse across the plain of collapsed states, fallen idols, and empty ideologies. For I say you must first lose your faith to regain it.

But even these are easy pieties. These days, when lawyers tell me it's all really politics, when political scientists admit their interest in law, when secular humanists confess to the spiritual, I usually smile. But sometimes there is more. Sometimes this great turn, pendulums of commitment poised to crash back on the secular imagination, offers more than a routine ritual of reversal, a euphoric recollection of the everyday religion we left behind. I'm thinking of the white Houston mayor who came out for affirmative action by saying, "don't let people like me get all the contracts." Coming out—here as white and male—can be a shock, an opening, a resistance—just as it can be a ritual, a repetition, nostalgia for the peace and quiet of the closet. As the secular prepares its fall back to the ethical, its shuttle weaving and unweaving the fabric of rulership, that was a gesture, a gesture of remembrance that we've been this way before, that ours is also an ambivalence without exit. Religion, law, politics—each can be reclaimed, invaded, embraced in registers of both routinization and resistance. But when we say they are "back," that law is back to politics, politics back to law, religion back to secular humanism, I'm afraid we usually mean only that the same pieties are being woven from the other side.

The gesture I'm after hints of new territory—new explorations across the boundaries of law and politics, and into a secular establishment's history of religious entanglements. And here we might find in international governance less a moment of tolerant generality, a culture above culture, than a practice of social exclusion, routinizing the exuberance of spiritual fervor as bureaucracy, cultural difference as tolerance. When we hear of religion's return, after all, we ordinarily do not think to upend the suppression of witchcraft, blasphemy, sorcery, or ecstasy of so much millenarianism, unraveling centuries of inter-sovereign/religious collaboration. We normally return to religion less to question than to confirm our eclecticism, less as a displacement of secularism than as a continuation of its will to power. Like most interdisciplinary gestures, the move of law to politics, of politics to law, of both to religion, seeks across the border for reasons to celebrate the most

central commitments of our own disciplinary domain. The interdiscipline comes not to confront, but to confirm, less to confound, than to comfort.

But while the pendulum pauses, we may have a moment to glimpse the transgressive, the innovative, before slipping into quiescent rotation among the pieties of a liberal politics, law or religion. For just a moment, we might think the realist adage that eggs must break to make an omelet in the language of sacrificial violence, we might read human rights violations in the register of pornographic desire, we might understand war "crimes" outside the usual list of quieting metaphors—"crime" joining "sin," "disease," "passion," the "unconscious" or the "primitive"—waiting to be routinized into the practices of global governance. If law and religion are indeed back, I pray we embrace this moment in all its delirium. Perhaps just for an instant we can glimpse together the pieties of power and the power of piety, the two sides of the liberal coin raised up against one another, a critical second of vertiginous equipoise, before one or the other is routinized as rebellion.

NOTES

1. "Religion," *Encyclopedia Britannica 1995 Book of the Year* (Chicago: Encyclopedia Britannica, 1995), 289, 298. Figures are as of mid-1995.
2. Nancy Gibbs and Howard G. Chua-Eoan, "Angels Among Us," *Time*, 27 December 1993, at cover.
3. "Ambushed by Spirituality," *Time*, 24 June 1996, 62.
4. Mohammed Bedjaou, *Towards an International Economic Order* (New York: Holmes and Meter, 1979), 98.
5. J. L. Brierty, *The Law of Nations*, 6th ed. (1963), quoted Louis Henkin et al., *International Law: Cases and Materials*, 3rd ed. (St Paul: West Publishing Co., 1993), 13.
6. *International Law: Politics, Values, and Functions*, Rec. des Cours 24 (1989-IV), 216, quoted Louis Henkin et al., *International Law: Cases and Materials*, 3rd ed., 15.
7. "Sovereignty and Humanity: Can They Converge?" *The Spirit of Uppsala*, ed. Grahl-Madsen & Toman (1984), 406, quoted Henkin et al., *International Law: Cases and Materials*, 3rd ed., 19.
8. Henken, et al., at 1.
9. Carl von Clausewitz, *On War*, ed. Anatol Rapoport (New York: Penguin, 1985), 402.
10. *Heaven's Coast: A Memoir* (New York: HarperCollins, 1996), 18.
11. *Id.* at 13-14.
12. *Id.* at 17.
13. *Id.* at 18.