

Foreword

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It is probably one of the most remarkable, if not paradoxical, effects of the global financial crisis that questions of power and justice, which have become ever more pressing since the collapse of the Soviet Union and the military interventions following 9/11, nowadays feature prominently within debates on international relations and regularly make the headlines of the world media. While American economist and winner of the Nobel Memorial Prize in Economic Sciences, Paul Krugman—to mention but one outspoken columnist—, frequently warns of the disastrous consequences that “the emergence of a power vacuum at the height of the [financial] crisis” (Krugman 2008) might have on the US economy as well as on American interests in general, others, especially leaders of so-called “rogue States,” assess the situation more optimistically in light of their own (national) interests of re-distributing power and wealth worldwide. Iranian leaders like President Mahmoud Ahmadinejad, for example, hail the global financial crisis as “the end of capitalism” (AFP 2008), and see in it an unmistakable sign that, finally, “the oppressors and the corrupt will be replaced by the pious and believers” (AFP 2008). Be it as a consequence of excessive deregulation, as economists critical of neo-liberalism usually point out, or rather as a result of Western “decadence,” as some Iranian leaders contend (AFP 2008), or even of individual avarice, as Pope Benedict XVI suggested in his 2008 Christmas message (Pope Benedict XVI 2008): the global financial crisis shows quite clearly, as do the violent conflicts of the past two decades, that questions of power and of justice are crucial to understanding the process of globalization; that they are inextricably linked to one another; and that they are multifaceted, allowing for no simple—unilateral—answer.

In contrast to the historico-philosophical thesis of the “end of history,” put forward by American political scientist Francis Fukuyama in his infamous book explicitly praising Western liberal democracy as “the final form of human government” (Fukuyama 1992, 5), the following collection of essays takes up alternative readings of the current state of affairs, readings that recognize the importance and urgency of once again subjecting questions of power and justice to academic scrutiny. With respect to Foucault’s dictum that the “paramount concern” (Foucault 1994, 34) of any analysis of power should be “the point where power surmounts the rules of right which organize and delimit it and extends itself beyond them, invests itself in institutions, becomes embodied in techniques, and equips itself with instruments and eventually even violent means of material intervention” (Foucault 1994, 34), the contributors to this volume share a common interest in

critically assessing how the international community—far from simply being a guarantor of human rights and global justice—and the system of international relations it institutes often give rise to violent power plays, be it on the level of military aggressions, or of hegemonic discourses.

Intended as a tribute to the work of internationally acclaimed Austrian philosopher and international relations expert Hans Köchler, who dedicated a major part of his extensive *œuvre* to the perennial question of how international law and international institutions need to be revised and transformed in order to truly promote global justice, the present publication contains essays that draw on some of his main theses and reflect issues central to his work. It presents to its readers outstanding and thought-provoking work by renowned academics, professionals, and experts in the fields of international relations, contemporary legal theory, political philosophy, and economics. In particular, the book provides up-to-date and in-depth analyses of current developments in international politics, with a special focus on the (unilateral) use of force in international relations and its implication for international law following the events of 9/11 (Part 1); on conceptual disputes in contemporary international law (Part 2); on the question of epistemic violence with regard to hegemonic discourses in the theory of international relations, such as *nation-building*, *human rights*, etc. (Part 3); and on the need and conditions for global social and ecological justice in international economics (Part 4).

Köchler's 60th birthday, celebrated in October 2008, is a joyful occasion for us editors to dedicate this volume to a man who like no other is devoted to the promotion of global justice on the basis of sincere philosophical reasoning, intercultural understanding, and respect.

Hans Köchler: Life and work

Born 1948 in the Tyrolean town of Schwaz, Köchler's professors and colleagues soon became aware that he was about to exceed the standards of his academic discipline, philosophy—something he had certainly done by the time he graduated from the University of Innsbruck under the auspices of the President of the Austrian Republic in 1972. Already as a student and young academic his political and social engagement was outstanding. Starting at the university level, as Chairman of the Working Group for Sciences and Politics at his *alma mater*, Köchler soon started reaching out to the broader European scale—as founder and Secretary-General of Euregio Alpina, a transnational planning group for the Alpine region and predecessor of the concept of *Euro Regions* in the framework of the European Union—and subsequently to a global one, in 1972 founding and to this day retaining the presidency of the International Progress Organization (IPO), an NGO with consultative status at the United Nations.

At the age of only 35, Köchler was appointed Professor of Philosophy at the Department of Philosophy of the University of Innsbruck, serving as Head of Department from 1990 to 2008. His main research areas include phenomenology,

legal and political philosophy, philosophical anthropology, and cultural hermeneutics. Köchler has received numerous awards, among them a doctoral degree *honoris causae* from Mindanao State University (Philippines), a honorary professorship from Pamukkale University (Turkey), the honorary medal of the Association des Marocains dans les pays Germanophones, and the adoption as a son of the Royal Sultanate of Marawi, earning the title “Prince of Charity, Peace and Solidarity.” In 2006 he was elected Life Fellow of the International Academy for Philosophy.

Köchler has organized dozens of major international conferences on current affairs, for example on “The Concept of Monotheism in Islam and Christianity” (Rome 1981), “Democracy in International Relations” (New York 1985), “Human and Peoples’ Rights in International Relations” (Seoul 2001), or “The United Nations and International Power Politics: The Future of World Order” (Chicago 2004). His list of publications contains more than 300 scholarly books and articles. In 2003, the Hans Köchler Political and Philosophical Society was founded on the Muslim island of Mindanao, Philippines, followed by the establishment of the Hans Köchler Centre for Civilizational Dialogue one year later.

The complex antagonisms of power and justice in international relations are certainly the central motif of his academic activities and the key concern of his personal engagement as a prominent actor within international civil society. The pursuit of global justice and a repudiation of pure power politics is thus the unifying theme of his wide-ranging efforts, which include the following four major issues: promoting global justice by means of civilizational dialogue; grounding and institutionalizing international criminal justice; conceiving a just world order on the basis of a reformed UN; and reconciling the demand for international human rights with the need for respecting cultural pluralism.

Long before the catastrophe of 9/11 and the subsequent military “interventions,” Köchler was already painfully aware of the fact that cultural, ideological and even religious differences might eventually come to pose a significant challenge to the hegemony of Western discourses and interests. As a result, he consistently rejected the ethnocentric paradigm—i.e. the assumption that one’s own way of living, thinking and moral reasoning is the only one true and rational—as an inexcusable philosophical as well as political fallacy. He argued that this paradigm was at least partly responsible for the rise of violent conflicts between militarily powerful countries and the “global South” in the wake of increasing trends towards globalization. The events of 9/11—still not conclusively investigated—as well as their aftermath, gave rise to a sentiment that Köchler opposed from the very beginning: widespread xenophobia leading to the stigmatization of entire populations, even an entire religion. In the IPO’s Baku Declaration of November 2001, Köchler strongly advocated the principle of co-existence, which “requires that each side respect the other’s right to live according to its specific value system, without trying to impose its own” (Köchler 2003, 385). Acknowledging the other, Köchler argued, not least as an indispensable requirement for shaping one’s own personal and social identity, can clear the way for a civilizational dialogue that is

fully conscious of the deep hermeneutical inter-dependencies among people and cultures (cf. Köchler 2006).

International criminal justice, the second major theme of Köchler's interests and activities, became more prominent in his work when he was appointed observer to the "Lockerbie Trial" by UN Secretary-General Kofi Annan in 2000.¹ During the observation of this extraordinary sensitive criminal procedure which ended with one conviction and one acquittal, Köchler witnessed first-hand the discrepancies between power politics and the demand for justice. After analysing various inconsistencies in the Scottish Court's line of argument, as well as deficiencies with regard to the human right to a fair trial, he concluded that in this court the principles of justice were ultimately sacrificed on the altar of power politics (cf. Köchler 2003, 363). Köchler also highlighted the fact that the rule of law is incompatible with the rule of power politics with regard to the UN *ad hoc* War Crime Tribunals for the former Yugoslavia (ICTY) and for Rwanda (ICTR). He saw a consistent separation of powers, partially² reflected in the International Criminal Court (ICC) established in 2002, as the necessary precondition for the institution of international criminal justice.

This diagnosis leads to the third issue defining Köchler's engagement, namely the ideal of a just world order, which he thinks is only possible once the hegemonic attitude of the United States and its main European allies is being replaced by a multipolar world order based on the principles of *mutual respect* and *coexistence*, i.e. non-intervention and international cooperation. Currently the biggest obstacle to this goal, according to Köchler, is the present structure of the United Nations, in particular the five Permanent Members' Veto Power in the Security Council. Köchler takes the current UN system, which froze the international situation straight after World War II, as no longer tenable in or appropriate for a twenty-first century where power, wealth, borders, and populations are rapidly shifting. The powers victorious in World War II (the United States, the United Kingdom, France, Russia, and China) are not only facing increasing pressure to justify their Veto Power when it comes to the preservation of international peace and security; they also stand accused of abusing their power in the context of a (veto-)system which allows them to be judges in their own cases (cf. Köchler 1991). As a member of the International Advisory Council of the Committee for a Democratic UN, Köchler has long been warning that the present hegemonic world order may eventually lead to a situation of global anarchy. This warning becomes all the more urgent when considering the United States' self-proclaimed right of pre-emptive strikes, and its war against Iraq in 2003.

1 The criminal proceedings conducted by a Special Scottish Court in the Netherlands dealt with the blowing-up of a Pan-Am flight over the Scottish town of Lockerbie, with two Libyans accused of terrorist activities causing the death of almost 300 people, mostly passengers.

2 On the undermining of the Court's separation of powers due to its ties to the UN Security Council, see Köchler (2009).

Another domain of Köchler's engagement that deserves mention is his tireless work for the promotion and enforcement of international human rights. He considers the *self-determination of peoples* to be one of the core human rights for international relations scholars to focus on. It is this conviction that made Köchler an advocate of the Palestinian cause—as shown in his function as coordinator of the International Committee of Palestinian Human Rights since 1988—and it also made him turn his attention to the crisis in Muslim Mindanao, Southern Philippines. Moreover, as President of the IPO, Köchler was active in organizing a prisoner exchange between Iraq and Iran during the Iran-Iraq War; he has scathingly attacked UN sanctions-policies on account of their disastrous effects on civilian population, e.g., in Iraq; and, together with Irish Nobel Laureate Seán MacBride, he initiated the Appeal by Lawyers Against Nuclear War.

But beyond simply honoring the scholar, we also wish to honor the man Hans Köchler. A man whose cosmopolitan vision and ethos of impartiality made him a philosopher in the strongest sense of the word: a seeker and friend of wisdom. With respect to his relentless efforts for acquiring truth and grounding justice, Köchler was never an *Austrian* philosopher in the strict sense though. Transcending national boundaries by realizing their contingency, understanding himself as a citizen of the world, his thinking is committed to humanity as a whole rather than to a single people or particular territory. His quest for philosophical reasoning unspoiled by ideological bias distinguishes him as an enlightened character in the original, i.e. Kantian meaning of using one's own intellect without the guidance of others. This is wonderfully illustrated by Köchler's Lockerbie observation mission and his assurance, expressed in his final report, only to be bound by the dictates of his conscience (Köchler 2003, 363). As a professor of philosophy serving at several universities, Köchler has deeply influenced the thinking of several generations of students. Open-mindedness, tolerance, candour, fairness, and moral courage—these are the virtues he has always passed on and is still passing on to his fellow scholars and colleagues. It is precisely this unique combination of academic knowledge and moral authenticity that makes him such a highly respected and authoritative public intellectual.

The book: Content and structure

Due to his outstanding international profile it is no surprise thus that the contributions in his honor come from colleagues from all over the world and do not express one predominant worldview, but rather a plurality of perspectives. With regard to the overarching topic of *Power and Justice in International Relations*, the book is divided into four parts, each interdisciplinary in approach and scope, and systematically combining theoretical and methodological reflections with practical examples and concrete situations.

Part 1 serves as a general introduction to the overall theme of the book, and discusses the present-day state of international law and international relations

against the background of recent developments in international relations since 9/11. The guiding thread of all papers is their common concern for critically assessing the unilateral use of political as well as military force by powerful States, such as the United States and its allies, which might further weaken international law and its institutions. While Anthony Carty argues for a comprehensive (political) recognition of the fact that “international relations have now definitely entered a phase of multipolarity,” Chim Leng Lim provides an in-depth account of recent and contemporary US international law policies in light of Köchler’s own analyses. Jodok Troy, on the other hand, focuses on the issues of truth and social justice by introducing and discussing some of the major roles the Holy See is playing in international affairs, and asks whether it is living up to its self-proclaimed duty of shaping public morals. In his analytical contribution, Sienho Yee presents and examines some of the major and minor *difference arguments* that are used in international law and relations to justify inequalities among States.

Part 2 will analyze in more detail some of the major conceptual disputes in contemporary international law already touched upon in the first part of the book. In particular, the papers will address the question of whether it is at all possible to ensure international (legal) justice and security (other than in the winner’s own interest) within the framework of contemporary international law and legal theory. In light of the contributors’ practical experiences in international institutions and professional commitment to the enforcement of international law, the analyses will include theoretical reflections while focusing on current international criminal law cases. Andreas Th. Müller follows Köchler in drawing on the work of Austrian legal philosopher Hans Kelsen in order to highlight possible strategies for establishing an international legal order that is not primarily dictated by pure force. In a second step, Edward Mc Whinney, Q.C., after depicting the history of *ad hoc* War Crimes Tribunals, calls for the overcoming of victor’s justice by reform and extension of the ICC’s charter. Finally, Lyal S. Sunga gives a critical account of the concept of *human security* by providing an overview of its origins and meaning, followed by a thorough assessment of its various (legal, political and social) implications.

Part 3 focuses on an issue that often goes unnoticed in international relations theory, but which is crucial for any conception of sustainable alternatives to the current use of force: the question of whether knowledge—as generated in hegemonic discourses—potentially gives rise to a subtle web of epistemic violence. Belachew Gebrewold focuses readers’ attention on the problem that many of the concepts applied by scholars of international relations, in particular those applied to African situations, are “co-responsible for a situation of epistemic violence as they tend to simplify complex global structures and problems.” Michael O. Maduagwu also investigates this issue by providing a critical, Sub-Saharan African re-assessment of the genealogy and universal validity of human rights in light of intercultural challenges. From a Latin American perspective, Johannes Maerk illustrates the inherent problems of knowledge production with regard to the tension between the global South and “the epistemological centers situated in wealthier countries.” Drawing on the global financial crisis and the widespread criticism that economists

were not able to predict it, Jesús Crespo Cuaresma assesses the “tyranny of the *status quo*” by putting the functions and claims of economic modeling in proper perspective.

Part 4 addresses the question of (social) justice and power from an economic, philosophical and political perspective. As several of the pieces in this section point out, “power” is usually taken for granted in international economics, and is thus rarely discussed from a theoretical and methodological point of view—at least not until the global financial crisis of 2008, which marks a significant turning point. This final section tries to fill this gap by discussing both the “need” for and the “risk” of power in international economics with regard to general developments (global financial crisis, climate change, etc.) as well as particular institutions. Andreas Exenberger starts off by providing a thorough analysis of the relationship between economics and power by pointing out that this relationship is often obscured, as a result of which “international economics has become too narrow-minded and blind for a lot of interactions.” In the paper of Elmar Altwater the global financial crisis is critically examined against the background of some major Marxian concepts and the growing awareness that the dominant (capitalist) economic order might itself be problematic. Along these lines, Türkaya Ataöv impressively illustrates some of the main reasons for “the incompatibility between the capitalist system and the dynamics of nature” in order to highlight possible alternatives to the dominant capitalist order. From a philosophical perspective, Ulrich Metschl discusses the issue of *global public goods* in light of the need to promote social justice on the one hand, and the challenges posed by problems such as climate change and the lack of international cooperation on the other.

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May this collection of essays in honor of Hans Köchler inspire critical thinking and promote the values to which he is devoting his life.

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