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Book Report

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American University  
Washington Semester Program  
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Richard Falk: On Humane Governance  
*Toward a New Global Politics*

author

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## Introduction

“The historical drama of our epoch is situated ...in the failure of social consciousness to imagine positive and progressive alternatives,”<sup>1</sup> says Samir Amin in his book “A world in Chaos.” Richard Falk, Professor of International Law and Practice at Princeton University does not want to accept this pessimistic point of view. His book “On Humane Governance. Toward a New Global Politics” is therefore not only an analytical “volume of the Global Civilization Project”<sup>2</sup> by the World Order Models Project (WOMP), a five-year international program examining trends toward the emergence of a global civil society. “On Humane Governance” also wants to answer the normative question, how “governance can be made more humane, more people-oriented, more focused on human rights and global demilitarization.”<sup>3</sup>

In the first section of this book-report I will present Falk’s answers to the question, how to achieve humane governance. The second part will provide an analysis of Falk’s arguments. I will finish this book-report by applying Falk’s theoretical model to one main challenge of U.S. policy: a rational U.S. foreign policy towards Latin America. By contrasting the traditional approach with Falk’s ideas, I will give a case-study evaluation of the relevance and applicability of “On Humane Governance.”

## First Part: Summary

“On Humane Governance” is structured by a basic analytical division in and distinction of two forms of governance. Falk calls them “inhumane governance” and “humane governance.” Inhumane governance is determined by unequal distribution of wealth, violation of human rights, exploration of the environment and a failure of transnational democracy.<sup>4</sup> Humane Governance in contrast “emphasizes people-centered criteria of success, as measured by declines in poverty, violence and pollution and by increasing adherence to human rights ... as well as by axiological shifts away from materialist/consumerist and patriarchal conceptions of human fulfillment.”<sup>5</sup>

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<sup>1</sup> Samir, Amin, “A World in Chaos”, New York NY, 1993, p. 8

<sup>2</sup>Falk, Richard, “On Humane Governance. Toward a New Global Politics”, University Park PA, 1995, p. viii

<sup>3</sup>Falk, Richard, “On Humane Governance. Toward a New Global Politics”, University Park PA, 1995, p. ix

<sup>4</sup>See: Falk, R., “On Humane Governance. Toward a New Global Politics”, University Park PA, 1995, pp. 1,2

<sup>5</sup>Falk, Richard, “On Humane Governance. Toward a New Global Politics”, University Park PA, 1995, p. 14

### **Humane Governance as Global Governance**

In the first part of his book, Falk looks through these divisional lenses of governance at “geogovernance.” This concept is defined as a rapidly emerging worldwide move toward a more integrated economic, cultural, and political reality resulting in “the control of the whole resource base of the world for the sake of the richest, militarily strongest, and most technologically advanced ... states and elites.”<sup>6</sup> Falk presents several ways of confronting the geopolitical leadership towards geogovernance. The most important are first in the short run strengthening the sovereign state against the global business pressure and second in the long run a “global civil society... with transnational citizens’ associations.”<sup>7</sup>

Falk also addresses the problem of realistic objections towards the idealist school of thought such as the argument that you cannot substitute the facts of power politics by dreaming an idealistic dream. Falk counters such a critique by three arguments: First, realism is limited in showing what is possible (failed forecast of the collapse of Communism). Second, it cannot explain what is desirable, and third, it did not achieve such minimal goals of work order as avoiding ecological collapses. Falk suggests a “turn to a politics of bounded conviction.”<sup>8</sup> A conviction bounded on humane governance and a “global constitutionalism.”<sup>9</sup> However, before outlining this concept Falk announces an important caveat: Humane governance means global governance, but global governance can also mean inhumane governance.

### **Falk’s Triple Indictment of Inhumane Governance**

The second part of Falk’s book points out three major failures of the geopolitical realist approach of governance: Capitalism is indicted as the underlying reason, because it is an operation, which reinforces in a particularly cruel way worldwide inequity, misappropriation of resources, impoverishment and feelings of worthlessness. The first indictment is called The Global Apartheid, characterized by race, class and gender correlated inequities in power and wealth, which are cumulated in the huge North-South disparity in terms of population, poverty and participation in global governance. The second indictment is avoidable harm, which is defined as policies pursued by authorities causing harm to humanity. This harm is illustrated at the examples of child and general poverty, oppression (torture, elimination of free speech, press, abuse of woman) and militarism (arm sales, culture of aggression and militarism, structural violence). The third indictment is the drifting

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<sup>6</sup>Falk, Richard, “On Humane Governance. Toward a New Global Politics,” University Park PA, 1995, p. 30 - However, Falk also acknowledges the contraire movement of fragmentation, that erodes the power and legitimacy of territorial states. (His analysis coincides with James Rosenau’s idea of “Fragmegration”)

<sup>7</sup>Falk, Richard, “On Humane Governance. Toward a New Global Politics”, University Park PA, 1995, page 35

<sup>8</sup>Falk, Richard, “On Humane Governance. Toward a New Global Politics”, University Park PA, 1995, p. 43

<sup>9</sup>Falk, Richard, “On Humane Governance. Toward a New Global Politics”, University Park PA, 1995, p. 44

toward Eco-imperialism. This means a growing dominance of the North over the South because of worsening environmental conditions and the persistence of growth-oriented economic priorities caused by a dominance of a neoliberal economic school of thought. This includes new Cold War scenarios of the developed North against the South as for example the so-called “war on drugs” or military responses to “Islamic terrorism”.

Falk argues that the mentioned three indictments of inhumane governance can only be overcome by a rethinking of the three issues of sovereignty, democracy and development.

### **First Step towards Humane Governance: Redefining Sovereignty**

Sovereignty is the concentration of formal authority to act and command loyalty. In the last three centuries, it has fallen together with the state and built up the system of nation-states. Falk takes a critical stand towards sovereignty asking for the effects of state-sovereignty on humane governance. Sovereignty often serves to insulate inhumane assumptions from criticism by the misuse of the principle of “nonintervention in domestic affairs” (Bosnia, China). It also “territorializes” a sense of community instead of building a responsible feeling of world citizenship. Finally, powerful states can misuse the principle to provide an excuse for selfish power politics in disregard of international law. However, Falk argues that sovereignty can also be helpful in defending the interests of citizens against the pressures from a globalized economy and hence “slowing down the rush toward regressive forms of geogovernance.”<sup>10</sup> It also is one of the few means of protection for weak and vulnerable states and a chance of overcoming the militaristic idea of defense of national territory at any price.

In the context of self-determination, Falk sees the necessity to differentiate between sovereignty and the self-determination of peoples. This allows solutions such as a “pooling of sovereignty” (EU) or federated states with internal sovereignty (Germany). The concept of citizenship needs to be extended in order to define self-determination in a less militarized, more globally cooperative way: Either citizenship should be based on a national but tolerant community or on a “citizen pilgrim”<sup>11</sup> which consists of a commitment to an imagined humane worldwide community of the future.

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<sup>10</sup>Falk, Richard, “On Humane Governance. Toward a New Global Politics”, University Park PA, 1995, p. 82

<sup>11</sup>Falk, Richard, “On Humane Governance. Toward a New Global Politics”, University Park PA, 1995, p. 95

### **Second Step towards Humane Governance: Redefining Democracy**

Traditional Democracy is still a useful tool towards humane governance, but it is not enough in a globalizing world, argues Falk. He strongly supports classic democratic means like secular rule of law, fair elections, free media, constitutionalism and the protection of civil and political rights. However, a form of “cosmopolitan democracy”<sup>12</sup> has to be added to the traditional approach. This global democratization should consist of three dimensions. First the democratic regulation of transnational market forces (e.g. by global labor unions), second the democratization of intergovernmental arenas (UN, GATT, EU...) and third the empowerment of transnational social forces that are acting as a part of global civil society.

### **Third Step towards Humane Governance: Redefining Security**

Falk defines two models of security: the traditional militaristic view, which regards war as a rational option to support strategic national interests. Security in this context does not mean the wellbeing of people but securing the interests of ideological consensus on a nation-level (mainly to keep unwanted people, ideas and things out or destroy them). The second approach sees security not as a static condition, but as a process of value realization by individuals and groups. This line of thought expands the meaning of security dramatically, because the enemy can shift from “them” to hunger, poverty, environmental degradation, political oppression, and other forms of violence. Considering that, military security becomes less important, while food, ecological, energy and humanitarian security become crucial. For such a “real security”<sup>13</sup> war itself turns out to be a huge source of acute insecurity.

Falk presents three options to change militaristic security to real security: First, reducing violence at the level of the family (against patriarchal bondage), second to reduce violence at the level of national culture (against Rambo machismo, against materialist and highly individualist ideas about human happiness...), and third to strengthen “defensive defense” and “collective collective security.”<sup>14</sup>

### **Falk’s Adversary: Economic Globalization from Above**

Globalization from above is defined as the resistance of major states of the North and the media to inhibit on market global dynamics in the name of equity and sustainability. Falk sees only one chance to fight this globalization from above: “a new international economic order” that ends the indebtedness of the South as well as the widening gap between social classes within countries,

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<sup>12</sup>Falk, Richard, “On Humane Governance. Toward a New Global Politics”, University Park PA, 1995, p. 106

<sup>13</sup>Falk, Richard, “On Humane Governance. Toward a New Global Politics”, University Park PA, 1995, p. 144

which can be seen in homelessness and high levels of urban youth's unemployment. In order to achieve that new international economic order, the human rights approach has to be extended to the domain of economic policy. This "second" generation of human rights law are not yet implemented in national politics, although they are already formally acknowledged in international human rights law like the Universal Declaration on Human Rights, the International Covenant on Economic, Social and Cultural Rights and the Declaration on the Right of Development. Therefore Falk claims a "reallocation of priorities,"<sup>15</sup> to draw capitalism back towards a more humane pole. The concept of sustainable human development is a crucial step in this effort to resist the globalization from above. According to the World Game Institute a rededication of 25 percent of 1991 military expenditures would have had the capacity to meet the economic and social needs worldwide and pay for a global environmental clean-up. Monitored and reinforced by vigilant individuals and groups in a global civil society, "a new global compact"<sup>16</sup> could arise, to improve the economic circumstances of the peoples around the world – a task that globalization from above will never achieve, argues Falk.

### **Demilitarization and Constitutionalism - Hope for the Era of Geogovernance**

In the latter part of the book, Falk analyses three paths to global governance: Regional integration like the EU, the United Nations and the G7 framework. The latter is seen as a vehicle for globalization from above that does not appropriately address the challenges of global humane governance. The same critic applies to today's United Nations. The UN is not capable to deal with the new security "challenge of weak states,"<sup>17</sup> because it remains in militarist reactive approaches instead of engaging in new anticipatory activities of stabilization, before crises occur. Falk's idea of humane global governance is based on an alternative UN that emphasizes on two normative goals: a demilitarization of global governance and a global constitutionalism. "The UN should define its own conception of the use of force as a last resort" and "a stronger reliance on the rule of law."<sup>18</sup> This would include concrete steps such as a reform of the Security Council and other international bodies. Falk's third path to global governance is enhancing the rule of law, democratization, and accountability on a global level.

## **Second Part: A Critique of Falk's Argumentation**

Richard Falk wrote "On Humane Governance" from a strong normative point of view,

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<sup>14</sup>Falk, Richard, "On Humane Governance. Toward a New Global Politics", University Park PA, 1995, p. 162f

<sup>15</sup>Falk, Richard, "On Humane Governance. Toward a New Global Politics", University Park PA, 1995, p. 189

<sup>16</sup>Falk, Richard, "On Humane Governance. Toward a New Global Politics", University Park PA, 1995, p. 203

<sup>17</sup>Falk, Richard, "On Humane Governance. Toward a New Global Politics", University Park PA, 1995, p. 213

which is often labeled as the international idealist perspective.<sup>19</sup> This normative conviction is the strength of the book, but also one of its main weaknesses. While the strong normative view allows Falk to make powerful cases for his point of view, it sometimes fuels a less analytical examination of the discussed foreign policy concepts. As an advocatus diaboli I will show, how this “analytical gap” hurts the argumentation of the book. I will further analyze three main inconsistencies within the author’s internationalist idealist world of arguments. By not addressing these inconsistencies,<sup>20</sup> Falk leaves some crucial questions unanswered.

Besides this, Falk’s book is a painstaking and diverse presentation of the key points that the international idealist perspective can provide to modern foreign policy. Falk covers all fields of foreign policy by analyzing a redefinition of four of today’s major challenges: globalization, sovereignty, democracy and security.

### **The Analysis Gap**

One of Falk’s main critiques is on capitalism, which he makes responsible for large parts of the so-called triple indictment of inhumane governance. However, Falk gives neither a clear definition of capitalism nor does he outline alternatives. Therefore, his main argument remains too vague. Falk admits this failure when he writes about capitalism on a global scale: “The absence of a theoretically plausible alternative is particularly serious since it makes the critique of existing economic arrangements and practices seem shrill and irrelevant.”<sup>21</sup> To avoid this, Falk should have first provided a clear definition of capitalism and its harmful mechanisms and second a viable alternative (non-capitalism? semi-capitalism? humane capitalism?).

Falk’s second analysis gap concerns his concept of global “non-violence.” One of the major distinctions in political science is the difference between domestic politics and international politics. The domestic area is defined by the rule of law and a state-monopoly of violence, which (at least in democracies) protects its citizens and enforces justice. The international arena, in contrast, is ruled by the Hobbesian natural “conditions called war; and such a war, as if of every man, against every man.”<sup>22</sup> Of course, Falk as an international idealist wants to overcome this natural condition of war by a system of global democratic governance. However, the establishment of such a global democratic regime only works, if a global citizenship is established that stipulates the acceptance of a

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<sup>18</sup>Falk, R., “On Humane Governance. Toward a New Global Politics”, University Park PA, 1995, pp. 226-227

<sup>19</sup>See: Christian Maisch, Professor, “An Introduction to the Main Schools of Thought in U.S. Foreign Policy,” Lecture, Washington Semester Program on Foreign Policy, American University, 3 September 1998

<sup>20</sup>... and by repeating many strains of thought for several times.

<sup>21</sup>Falk, Richard, “On Humane Governance. Toward a New Global Politics”, University Park PA, 1995, p. 188

<sup>22</sup>Thomas Hobbes, “Leviathan”, Pt. I, chapter 1, 1651

global rule of law.<sup>23</sup> At this last point Falk's argumentation is not analytical enough, because the book does not answer one crucial question: How can such a sense of global citizenship be created? The European Union shows that it is already very difficult, to stimulate a feeling of regional citizenship in a relative homogenous cultural unity. "There is no European ...shared political identity."<sup>24</sup> Falk's book does not make clear, how the more diverse and complicated project of a "global citizen pilgrim"<sup>25</sup> can be reached. Falk talks about an "individual and group identity ... in relation to governance."<sup>26</sup> The concept of identity, however, requires more than democratic "participation" and the highly theoretical "projection of a global identity."<sup>27</sup> Falk does not touch the other characteristics that often form identity such as collective feelings of community as well as common values, historical past, language, customs or ethnicity.<sup>28</sup> These parts of identity-building especially apply to the countries in the South, to which Falk wants to give more power in global governance. The societies in the South, however, often have incorporated very nationalistic or ethnic feelings and loyalties. Falk does not provide suitable ways to transform these national identities into a worldwide loyalty and to deal with the separatist power of today's identities. Without taking this step, the whole idea of humane global governance in terms of non-violence misses a very important analytical clarification.

A last "analytical gap" can be found in Falk's (short) description of regional bodies like the European Union. He identifies the EU as a "regional trading and monetary system in the North." However, the European Union is more than a trading area. Falk misunderstands the concept of European Integration because he ignores the community aspect of the European Union, which for example includes the European Parliament with its strong stand on democratization and human rights. Though the EU is driven by economics, it has always been a political project to unify the peoples of Europe. The EU can be seen as an attempt to fight against "globalization from above" (speaking in the terms of Falk's book) through an expansion of the political leadership on a bigger, more powerful entity. By not perceiving this, Falk loses a good model for (sub)-global governance, which would have been worth mentioning.

### **Three Main Inconsistencies in the Author's Argumentation**

"On Humane Governance" claims to be a book against ideologies. Realism is described as

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<sup>23</sup>Comparable to a national citizenship that guarantees the domestic acceptance of the state violence-monopoly.

<sup>24</sup>Scharpf, F. W. , "Negative and Positive Integration in the Political Economy of European Welfare States," in Marks, G./Scharpf, F.W./Schmitter, P.C.: "Governance in the European Union", London, 1996, p. 26

<sup>25</sup>Falk, Richard, "On Humane Governance. Toward a New Global Politics", University Park PA, 1995, p. 222

<sup>26</sup>Falk, Richard, "On Humane Governance. Toward a New Global Politics", University Park PA, 1995, p. 253

<sup>27</sup>Falk, Richard, "On Humane Governance. Toward a New Global Politics", University Park PA, 1995, p. 252

<sup>28</sup> See: Keane J., "Nations, Nationalism and Citizens in Europe", in Rourke, J.T.: "Taking sides. Clashing Views on Controversial Issues in World Politics", Eighth Edition, Guilford Connecticut, 1998, p. 316

an “ideological and epistemological approach”<sup>29</sup> and capitalism as “essentially uncontested ideologically”<sup>30</sup>. Despite this disgust with ideologies, Falk sometimes is caught in the “ideological trap” exchanging rational argumentation with absolute beliefs. This can best be shown in his choice of words: When Falk talks about “the politics of bounded conviction,”<sup>31</sup> there seems to be little space for rational freedom of argumentation. Although Falk assures in a footnote that “conviction is not meant ... to subordinate politics and law to the realization of higher, unconditional, transcendent ‘truths’,”<sup>32</sup> his choice of words remains at least misleading. A similar case poses Falk’s conviction that mankind needs “a new spiritual/religious consciousness”<sup>33</sup> and has to shift “away from materialist/consumerist conceptions.”<sup>34</sup> These commitments contradict Falk’s support for human rights which definitely includes the freedom to chose a lifestyle, may it be consumerist or atheistic. A third example for the “ideological trap” presents Falk’s approach to democracy. “Democratization ... must be evaluated in relation to ... the implementation of human rights.”<sup>35</sup> Of course, I share this point of view, but it is an indicator for a human-rights-over-democracy attitude. The crucial question in this context is: “Are the standards products of Western law-generating or universal? How can we judge cultural and civilizational infractions of human rights?”<sup>36</sup> Falk’s answers are not particularly driven by “metacultural norms,”<sup>37</sup> but by his normative north-biased point of view. He admits this stating, “the normative project ... is ... a byproduct of Eurocentricism.”<sup>38</sup>

To round up my critique, I will point out two inconsistencies that are related to the above clash between the principle of non-ideology and the Eurocentric human rights approach. The first is the incompatibility of Falk’s argument of sovereignty/non-intervention and his idea of a non-militarized world. It simply makes no sense to demand a demilitarized world and at the same time call the West’s emphasis on nonproliferation a “hypocritical expression of hegemonic approaches to global security.”<sup>39</sup> In this case, Falk argues similar to a diplomat of an Asian country, who stated that his countries’ nuclear bomb was in the path of Mahatma Ghandi’s non-violence paradigm.<sup>40</sup> Ghandi would roll over in his grave, if he could hear Falk and the Indian official. The second inconsistency is the tension between sovereignty, democracy and non-intervention in relation to human rights. Falk

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<sup>29</sup>Falk, Richard, “On Humane Governance. Toward a New Global Politics”, University Park PA, 1995, p. 37

<sup>30</sup>Falk, Richard, “On Humane Governance. Toward a New Global Politics”, University Park PA, 1995, p. 48

<sup>31</sup>Falk, Richard, “On Humane Governance. Toward a New Global Politics”, University Park PA, 1995, p. 41

<sup>32</sup>Falk, Richard, “On Humane Governance. Toward a New Global Politics”, University Park PA, 1995, p. 258

<sup>33</sup>Falk, Richard, “On Humane Governance. Toward a New Global Politics”, University Park PA, 1995, p. 36

<sup>34</sup>Falk, Richard, “On Humane Governance. Toward a New Global Politics”, University Park PA, 1995, p. 14

<sup>35</sup>Falk, Richard, “On Humane Governance. Toward a New Global Politics”, University Park PA, 1995, p. 118

<sup>36</sup>Falk, Richard, “On Humane Governance. Toward a New Global Politics”, University Park PA, 1995, p. 67

<sup>37</sup>Falk, Richard, “On Humane Governance. Toward a New Global Politics”, University Park PA, 1995, p. 68

<sup>38</sup>Falk, Richard, “On Humane Governance. Toward a New Global Politics”, University Park PA, 1995, p. 243

<sup>39</sup>Falk, Richard, “On Humane Governance. Toward a New Global Politics”, University Park PA, 1995, p. 159

<sup>40</sup>Wajahat Habibullah, Minister Embassy of India in the United States, “The Indian Government’s View on Security in South Asia and Indian-Pakistani Tensions,” Briefing, Washington Semester Program on Foreign

acknowledges that “not all human suffering is a consequence of governance.”<sup>41</sup> However, Falk has difficulties dealing with reasons such as non-peaceful societies or cultures. He admits that the population of the U.S. strongly supported the Gulf-war. Still, Falk refuses to answer the question, how to deal with these cases, in which democratic principles and human values are contrary. The same argument could easily be made for Bosnia, Kosovo and other regions with high levels of internal violence. So, on the one hand Falk states that “deference to tradition and cultural diversity under all conditions”<sup>42</sup> is not appropriate, but on the other hand he does not want to provide a supranational protection against human rights abuses. He proclaims that “the commitment does not imply an advocacy of intervention in state/society relations even under UN auspices.”<sup>43</sup> This last inconsistency points to a general problem of the international idealist approach: How can it be applied to present-day foreign policy?

### Third Part: Evaluating the Applicability of “On Humane Governance”

In the summarizing chapter of the book, Falk depicts ten dimensions of his normative idea of humane governance. Using this structure, I will evaluate the relevance and applicability of the author’s arguments to a main U.S. foreign policy challenge. Due to the limited space in this book report, I will focus on one specific major U.S. challenge, a rational foreign policy towards Washington's closest neighbor, Latin America. This sector of U.S. foreign policy seems to be especially suitable, because many indicators point out that the history of U.S. foreign policy towards Latin America has been driven by a mainly realist approach. Dr. Christian Maisch analyzes: “The primary U.S.-objective has always been to secure its own security by preventing foreign influence.”<sup>44</sup> Therefore it should be interesting to contrast the “realistic” U.S. foreign policy with the radical opposite as it is proposed in “On Humane Governance.” Of course, it is true that “we can never know, what would have happened, if a more peace-oriented approach had been adopted.”<sup>45</sup> However, I will use Falk’s perspective as a tool to evaluate the (im)-possibilities of new U.S. foreign policy approaches to Latin America in the future.<sup>46</sup> In addition, I will contrast Falk’s ideas to three theoretical schools that emphasize three possible future U.S. policies towards Latin America: Benin

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Policy, American University, 15 October 1998

<sup>41</sup>Falk, Richard, “On Humane Governance. Toward a New Global Politics”, University Park PA, 1995, p. 36

<sup>42</sup>Falk, Richard, “On Humane Governance. Toward a New Global Politics”, University Park PA, 1995, p. 65

<sup>43</sup>Falk, Richard, “On Humane Governance. Toward a New Global Politics”, University Park PA, 1995, p. 173

<sup>44</sup>Christian Maisch, Professor, “A Historical Overview of the Latin American Policy of the United States,” Lecture, Washington Semester Program on Foreign Policy, American University, 5 November 1998

<sup>45</sup>Falk, Richard, “On Humane Governance. Toward a New Global Politics”, University Park PA, 1995, p. 42

<sup>46</sup> I will exclude Cuba from my analysis, as Cuba is a different question from a political science perspective.

neglect, rediscovery of the region and hegemonic policy.<sup>47</sup>

Falk's first two dimensions of humane governance are the taming and abolishing of war. If one looks at the history of U.S. intervention in Latin America, this approach has undoubtedly not been the guideline (see gunboat diplomacy, covered interventions and direct interventions). Even in the post Cold War era, some signs indicate that the use of violence remains a U.S. policy towards Latin America. In addition to the military presence in Central America and the military training of Latin American military in the School of Americas many critics see the so-called "war on drugs" as a policy filled with violence. "The definition of counternarcotics as a military action has fueled militarism and human rights violations in Latin American countries and did not have an effect on the domestic drug problem,"<sup>48</sup> explains a spokesperson from a Washington-based research institution. Applying the principles of "On Humane Governance" to this problem would provide a better understanding of the misleading of the U.S.-military approach. Falk's theses provide alternatives to the current U.S. foreign policy such as building a wealthy civil society in Latin American countries and addressing the drug problem as a medical issue at home. However, Falk's non-violent approach is less applicable in another dimension of the "war/military intervention-problem." Falk cannot handle cases of humanitarian intervention, like in Haiti, due to the inherent inconsistencies of his argumentation between sovereignty and non-intervention, as I showed in my critique of Falk's argumentation.

Falk's third dimension of humane governance is making individuals accountable for state-guided human rights abuses through crime tribunals. At this time, Latin America provides an ideal case study of the (non-) applicability of the accountability of individuals: the Pinochet case. Britain arrested the former Chilean president, when a Spanish judge asked for his extradition accusing him of the murder and torture of Spanish citizens during Pinochet's military dictatorship in Chile. On Wednesday, November 25, Britain's highest court ruled that Pinochet could not claim legal immunity for crimes he may have committed as Chile's president.<sup>49</sup> However, while Europe follows a "Falk"-approach<sup>50</sup>, the U.S. remains skeptical on overruling the Chilean immunity, which Pinochet received when made a senator. An official from the executive branch of the U.S. Government<sup>51</sup> confirmed that the U.S. would never demand an extradition of Pinochet, although the U.S. citizen and former

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<sup>47</sup> Christian Maisch, Professor, "A Historical Overview of the Latin American Policy of the United States," Lecture, Washington Semester Program on Foreign Policy, American University, 5 November 1998

<sup>48</sup> Winifred Tate, Research Associate, Washington Office on Latin America, "A Critique of the U.S. 'War on Drugs' as It Impacts U.S.-Latin American Relations," Briefing, Washington Semester Program on Foreign Policy, American University, 5 November 1998

<sup>49</sup> Reid, T.R.: "British Official Weighs Fate Of Pinochet", The Washington Post, Friday, November 27, 1998

<sup>50</sup> "A bona fide triumph for the new international order," judges Dr. Larry Birns, Director of the Council on Hemispheric Affairs in a Press Release on 25 November 1998 (<http://www.coha.org/pressr/>)

<sup>51</sup> Mr. Wittman, "U.S. Policy towards Mexico," Briefing, Washington Semester Program on Foreign Policy, American University, 13 November 1998

Chilean ambassador Orlando Letelier was killed allegedly on Pinochet's order in 1976 in Washington. Reasons for the U.S. reluctance are the (realistic) arguments, that such an action would endanger the U.S.-Chilean relations and "Falk's principle" of individual accountability is highly questionable in cases of heads of state. Falk would demand a radical shift in U.S. foreign policy concerning this dimension that would certainly include the establishment of a strong International Criminal Court.<sup>52</sup> The ending of the Pinochet case in Europe will better answer the question, if Falk's idea of making individuals accountable can be applied in international foreign policy, than I could answer here.

The fourth dimension in "On Humane Governance" is collective security, which shall "replace balance of power geopolitics with a rule-governed global security system that protected states threatened by aggressive war."<sup>53</sup> If one analyzes the history of collective security in the Hemisphere, Falk's concerns seem reasonable. The U.S. did not guarantee the security of Chile and Argentina during World War II for strategic reasons, although the 1938 consultations on a system of collective security had led to the "security and neutrality zone throughout the Hemisphere."<sup>54</sup> Falk wants to overcome this principle of "countries without strategic relevance [being] on their own."<sup>55</sup> From an analytical viewpoint, the U.S. today certainly has the power to protect weak and "strategically uninteresting" countries in contrast to the situation in World War II. Falk's idea of a working system of collective security has become applicable after the end of the Cold War. The relevance in present-day foreign policy, however, depends on the political question, whether the U.S. should follow the realist or the idealist school of thoughts, and this question cannot be answered by this book report, but only by the American people.

Falk's next demand is the strict obedience of politics to the rule of law. During the history of U.S.-Latin American relations this principle was important in its international dimension: The World Court in The Hague decided in 1986 that the U.S. was illegally sponsoring the Contras violence against Nicaragua, an established state. Although the U.S. did not accept the ruling, the decision itself "has epitomized ... [the] logic of world peace through law"<sup>56</sup> according to Richard Falk. I believe that regarding Latin America the rule of law today is also important in the national dimension. "Latin America is ill - the name of the disease is endemic corruption,"<sup>57</sup> warns Larry Birns, Director of the Council on Hemispheric Affairs. Applying the principle of the (national) rule of law to U.S. foreign

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<sup>52</sup>Gerald Fowler, Esq., Attorney, the Lawyers' Committee for Human Rights, "International Human Rights Law and U.S. Foreign Policy – an Independent Perspective," Briefing, Washington Semester Program on Foreign Policy, American University, 4 September 1998

<sup>53</sup>Falk, Richard, "On Humane Governance. Toward a New Global Politics", University Park PA, 1995, p. 247

<sup>54</sup>Christian Maisch, Professor, "A Historical Overview of the Latin American Policy of the United States," Lecture, Washington Semester Program on Foreign Policy, American University, 5 November 1998

<sup>55</sup>Falk, Richard, "On Humane Governance. Toward a New Global Politics", University Park PA, 1995, p. 248

<sup>56</sup>Falk, Richard, "On Humane Governance. Toward a New Global Politics", University Park PA, 1995, p. 249

<sup>57</sup>Larry Birns, Director of the Council on Hemispheric Affairs, "U.S. Policy towards Mexico," Briefing, Washington Semester Program on Foreign Policy, American University, 5 November 1998

policy towards the Hemisphere would include an active strengthening of democracy in Latin America after the Cold War. This would be the best way to decrease the high amount of corruption, because it would strengthen the judicial system. Current U.S. foreign policy, however, roughly ignores this national dimension of rule of law, as can be shown in the recent dispute over the so-called IBM-case. The U.S. is highly reluctant to extradite IBM representatives to Argentina, where they shall be charged for bribing Argentine officials in order to receive a large computer system order for Argentina's national bank. Again, Falk's approach offers an alternative foreign policy, which is technically applicable, but politically not relevant in current U.S. foreign policy.

Falk's sixth dimension of global human governance is the principle of non-violence. Latin America provides good examples to challenge this idea. Conflicts today are mainly internal violent disputes within countries fueled by violence not only by the state, but also equally by the opposition. One example is Columbia. The Marxist guerrilla that controls large parts of the country uses force against civilians as a legitimate means for its "guerrilla war." It is very difficult in such a situation to declare "unilateral" non-violence. The current peace politics of Andres Pastrana, the Colombian president, show this. While he pulled his troops back, the guerrillas continue to bomb police stations and pipelines killing innocent people. Falk does not explain, how he wants to "embody a pervasive ethos of nonviolence"<sup>58</sup> in such situations of violent societies. As far as it is explained in "On Humane Governance" Falk's idealist principle of non-violence seems to be not applicable to situations like Colombia, because large parts of the society have negative assumptions on the behavior of their environment. This line of thought probably provides an answer to the longstanding conflict between the realist and idealist school of thought, whether human beings are driven by selfish survival instincts or the will for peace. I may highly depend on the perception that persons have of the persons around them. If someone expects bad things from his environment, he will also behave in a selfish way and vice versa. Including this line of thought, Falk's argument becomes more relevant. If, for example, president Pastrana's "Falk-approach" leads to a change in the minds of the guerrillas, this could be the first step towards a peaceful resolution of the conflict.

Falk's seventh dimension is human rights. In contrast to the traditional idea, however, human rights are extended "from their civil and political character in liberal democracies to the economic and social concerns of the poor."<sup>59</sup> With this transition in thought, the human rights issue is linked to the concept of security and vital national interests to achieve real gains in human security. Such a view is strongly opposed in current U.S. foreign policy. An official from the executive branch of the U.S. Government states: "There is a fundamental difference between political and economic

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<sup>58</sup>Falk, Richard, "On Humane Governance. Toward a New Global Politics", University Park PA, 1995, p. 166

<sup>59</sup>Falk, Richard, "On Humane Governance. Toward a New Global Politics", University Park PA, 1995, p. 251

human rights.”<sup>60</sup> Of course, such statements are fueled by the unwillingness of western countries to include effective development aid in their foreign policies. “Industrial countries gave less in foreign aid as a proportion of their national incomes last year than at any time since comparable statistics were first collected in the 1950s,”<sup>61</sup> stresses Robert Chote in a Financial Times analysis on international development aid (IDA). U.S. foreign policy makers tend to counter with the argument that IDA has not been able to stimulate development as can be seen in Africa, Asia and Latin America.<sup>62</sup> However, a recent World Bank study showed that the success of IDA is achievable, but strongly related to the policy performance of the developing country. Taking this into consideration and applying Falk's demand for “social human rights” would mean a dramatic shift in today's U.S. foreign policy towards Latin America. Falk suggests a dramatically increased amount of foreign aid as a means of security for the U.S.. In this point, a coincidence is observable between the realistic demand for the own security and the idealistic idea of social development of the poor. Because of this coincidence, I think that this approach towards Latin America has a better chance to be realized than other ideas of “On Humane Governance.” Of course such a foreign policy would have to consider the above mentioned conditionality of development aid to the policy performance of the receiving country to avoid corruption and inefficiency.

Some U.S. foreign policy makers believe, however, that a better way to eliminate poverty in Latin America is free trade. “The North American Free Trade Agreement (NAFTA) has provided many Mexican workers with relatively well paid jobs, 200.000 have been created so far”<sup>63</sup> argues an official from the executive branch of the U.S. Government. However, critics in Washington-based research institutions believe<sup>64</sup> that NAFTA's only effect is to provide the U.S. with cheap goods and to undermine labor standards in the U.S. without improving the situation in Mexico. Again, Falk's idea of the economic right provides some charm because it would help to enforce labor standards, which have been only formally attached to the NAFTA agreement so far.

Falk's eighth dimension is the stewardship of nature, providing a survival of human mankind by environmental politics. U.S. foreign policy towards Latin America is again a good epitome to test the applicability of Falk's idea. In November 1998, Argentina hosted the fourth International Climate

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<sup>60</sup>Michael Dennis, Esq./ Attorney – Office of the legal Advisor for Human Rights and Refugees, U.S. Department of State, “International Human Rights Law and U.S. Foreign Policy – A Government Perspective,” Briefing, Washington Semester Program on Foreign Policy, American University, 4 September 1998

<sup>61</sup>Chote, Robert, “Aid geared to governance”, The Financial Times, London, November 23, 1998

<sup>62</sup> See: Editors of The Economist, “The Kindness of Strangers”, in Rourke, J.T.: “Taking sides. Clashing Views on Controversial Issues in World Politics”, Eighth Edition, Guilford Connecticut, 1998, pp. 178-187

<sup>63</sup>Mr. Wittman, “U.S. Policy towards Mexico,” Briefing, Washington Semester Program on Foreign Policy, American University, 13 November 1998

<sup>64</sup>Sarah Lanahan, “A Progressive Critique of U.S. Foreign Policy,” Briefing, Washington Semester Program on Foreign Policy, American University, 11 September 1998

Change Conference in Buenos Aires. Over 180 countries discussed ways to reduce the worldwide emission of greenhouse gases like carbon dioxide. Two issues dominated the conference: First a clash between the U.S. and the developing countries like Latin America over who should reduce its emissions first. The second issue was flexible mechanisms of emission reduction like the so-called "Clean Development Mechanism," (CDM) through which industrialized countries would finance emissions-reduction projects in developing countries. CDM could provide Latin America with investment up to \$ 14 billion per year. The future negotiations about CDM and the U.S. commitment to its domestic reduction limits, which will take place in the next two years, will provide a litmus test showing if Falk's eighth dimension of global humane governance can be applied in real-world politics.

Falk's last two dimensions are the ideas of positive citizenship and cosmopolitan democracy. This includes a transformation of identities towards a "global citizen"<sup>65</sup> and the legitimization of democratic ideas of governance on a global basis. If one applies this ideas to a foreign policy towards Latin America, one problem rises again, which I already discussed in the previous chapter. How can such a sense of global citizenship be created? Peru and Ecuador are an example of countries with strong nationalist feelings. The neighbors fought three wars over the demarcation of their common border and made the recent peace agreement a very difficult issue, which was only achieved after three years of negotiations. However, the history of peaceful regions like Europe shows that justice is not enough. It was mainly the "economic miracle" in Germany, France and other major European countries that made people believe in democracy, peace and friendship. The economic incentives of integration overcame old nationalist feelings and simultaneously led to increasing prosperity on the entire continent. Unfortunately Falk does not mention this "economic dimension of peace," because he sees capitalism mainly as an enemy and not as a tool. However, to make fair capitalism work, Latin America would have to transform its highly unfair top-bottom societies into Europe-style middle-class societies with relatively equal distribution of wealth. In European countries like Germany or Sweden, the highest 20 percent of the population (ranked by income per capita) owns a little more than one third of the income share. In Brazil the same group 20 Percent owns more than two third of the countries income share.<sup>66</sup> The continent would need painful steps such as land and tax reforms to achieve the kind of "wealth justice" that made Europe so successful. This wealth justice would be the fertilizer for Falk's idea of positive citizenship and cosmopolitan democracy.

## **Conclusion**

It became clear during an analysis applying Falk's 10 dimensions to a U.S. foreign policy

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<sup>65</sup>Falk, Richard, "On Humane Governance. Toward a New Global Politics", University Park PA, 1995, p. 253

<sup>66</sup> The World Bank, "World Development Report 1998/99", Oxford, 1998, pp. 158- 159

towards Latin America that a future U.S. foreign policy à la Falk would be driven by a sense of rediscovering the region in a four pillar approach: demilitarization, democratization, development/environmental aid, and a focal point on human rights compliance. Is this approach applicable to a real world foreign policy? My analysis showed that the four pillar approach is practicable in the issues of the drug problem, common security, making individuals accountable for human rights abuses, strengthening the rule of law, improving security through the fostering of just economic development and the stewardship of nature. It is unrealistic, not totally thought out, or not consistent in the issues of humanitarian interventions, strict non-violence, and the idea of positive citizenship and cosmopolitan democracy.

Let me finish by rementioning an approach, which uses trade and capitalism as a tool to pursue humane governance. It would not oppose tools like NAFTA, the Free Trade Area of the Americas or the CDM, but work towards a humane goal within these agreements. This could lead to “the emergence of realism with a human face,”<sup>67</sup> which would be more open towards realistic concerns than Falk's proposal. In my personal judgment, I consider this as a better strategy to achieve Falk's goals, because it would not work against the powerful economic community but with it, and it would allow the inclusion of realistic approaches like security and the concept of mutual benefits.

Balthas Seibold

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<sup>67</sup>Falk, Richard, “On Humane Governance. Toward a New Global Politics”, University Park PA, 1995, p. 215

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