

Introduction

Is not the setting up of a neutral institution standing between the people and its enemies, capable of establishing the dividing line between the true and the false, the guilty and the innocent, the just and the unjust, is this not a way of resisting popular justice? A way of disarming it in the struggle it is conducting in reality in favor of an arbitration in the realm of the ideal? This is why I am wondering whether the court is not a form of popular justice but rather its deformation.

—Michel Foucault, “On Popular Justice: A Discussion with Maoists,” February 1972

Before the testimonies begin, I would like to briefly address as straightforwardly as I can a few questions that have been raised about this tribunal. The first is that this tribunal is a kangaroo court. That it represents only one point of view. That it is a prosecution without a defense. That the verdict is a foregone conclusion. . . . Let me say categorically that this tribunal is the defense. It is an act of resistance in itself.

—Arundhati Roy, “Opening Speech on Behalf of the Jury of Conscience of the World Tribunal on Iraq,” June 2005

It was February 15, 2003. Millions of people around the world were demonstrating against the war the United States, the United Kingdom, and their allies were planning to wage in Iraq. Marching in New York City, I was one of them. Despite the largest protest in human history,¹ the war on Iraq began rapidly on March 19, 2003. That summer, I was twenty-three. I recall the night

2 Introduction

I was first told about the World Tribunal on Iraq, yet to be named. It was in Istanbul. Three women—two friends in their forties, a translator, a publisher, along with a graduate student in her early twenties—asked me to participate in an international effort, which they described with palpable passion.

Numerous individuals and groups active in the global antiwar movement, the women said, were planning to put the United States, the United Kingdom, and their allies on trial for crimes committed during the invasion and occupation of Iraq. If official institutions of international law failed to act, they declared, then global civil society had the right and the duty to form its own tribunal to tell and disseminate the truth about the Iraq War. As the novelist John Berger had asserted of the need to found such a tribunal, “the records have to be kept and, by definition, the perpetrators, far from keeping records, try to destroy them.” Someone had to chronicle the untold death and destruction that the war would bring. Someone had to record the great opposition to this war, “so that the accusations become unforgettable, and proverbial on every continent,” Berger had said.² For this daunting task, these three women had volunteered themselves.

That summer night, they asked me if I had heard of the Russell Tribunal on Vietnam.³ I hadn’t. They asked me if I would return to New York City, where I was doctoral student at Columbia University, to help organize a tribunal on Iraq there. Many tribunal sessions would occur around the world and culminate with a final event in Istanbul, they explained. I was astonished by the enormity of the effort, by its daring ambition, the commitment, the time and the labor it would demand. I was provoked by the questions it raised. Who were *we*? And who were we to constitute such a tribunal on Iraq? Would we act critically in the face of international law or endorse its pretensions? Could the tribunal become grassroots in character? And what would this tribunal look like, what language would it speak?

* * *

It was June 27, 2005, about seven o’clock in the morning. From the roof terrace of the Armada Hotel, overlooking the Golden Horn and the Blue Mosque of Istanbul, I could observe satellite-broadcasting trucks lining the street below. Soon, the World Tribunal on Iraq was to hold a press conference to present its judgment and declaration. At that very moment, the text of the declaration



Figure 1. “Tribunal of Conscience Declared Its Judgment: Bush and Blair Guilty,” *Aksam*, June 28, 2005. Photo by the author.

(drafted in English) was passing from the hands of one translator to the next.⁴ The novelist Arundhati Roy, spokesperson of the tribunal’s Jury of Conscience, would, in a few hours, lead the way into the hotel’s conference room, accompanied by thunderous applause and slogans echoing in multiple languages. Two hundred journalists, international and local observers, and dozens of cameras and recorders had packed the room beyond limits. Several of these journalists would see their names just below the headlines of their newspapers the next morning, as “the news” would break in large and bold letters on the front page: “Tribunal of Conscience Declared Its Judgment: Bush and Blair, Guilty.”⁵

The story I tell in *For the Love of Humanity* is based on two years of fieldwork with the transnational network of antiwar activists who created the World Tribunal on Iraq (WTI) from the autumn of 2003 through the summer of 2005 in some twenty cities around the world. I was a “participant observer” during the conceptualization and practical formation of the WTI, committed as an activist and anthropologist at once.⁶ The antiwar activists I worked

with—hundreds of them living continents apart—were lawyers, journalists, scholars, NGO workers, students, musicians, translators, scientists, editors, artists, filmmakers, writers, teachers, and the unemployed. They belonged to three different generations and spoke in English—and in Turkish, Arabic, Danish, French, Flemish, Dutch, Japanese, Korean, Hindi, Urdu, Malayalam, Italian, German, Spanish, Portuguese, Hebrew, Swedish—with each other.

In the absence of official institutions of justice willing or able to perform this task, the World Tribunal on Iraq established a transnational platform where the war on Iraq could be publicly judged. The WTI's ultimate session in Istanbul became a global public event, receiving considerable media attention throughout the Middle East and “alternative media” coverage worldwide.⁷ Its proceedings were later published as two separate books in Turkish and in English,⁸ while a number of documentaries preserve for the record other public hearings produced by the tribunal over its two-year existence.⁹

Within the tradition of “civil society tribunals,” the World Tribunal on Iraq was unprecedented in its global scale, scope, structure, and sophistication.¹⁰ Founded with the principal purpose “to tell and disseminate the truth about the Iraq war”¹¹ and to create an alternative historical record of Iraq's occupation, including the worldwide resistance to it, the WTI was produced through a decentralized, nonhierarchical network of transcontinental cooperation. In this important respect, namely its organizational form, the WTI was exceptional within the tradition of civil society tribunals.

Before Istanbul, the WTI network had conducted numerous sessions around the world and registered untold violations committed by the occupying forces in Iraq. While diverse in process and procedure, hearings associated with the WTI were organized in Barcelona, Brussels, Copenhagen, Frankfurt, Genoa, Istanbul, Lisbon, London, Mumbai, New York, Rome, Seoul, Stockholm, and several cities in Japan.¹² In this way, the WTI constructed a globally networked stage where the consequences of Iraq's occupation were demonstrated. During the tribunal, countless testimonies were offered by eyewitnesses to the invasion and occupation of Iraq, by international lawyers arguing that the war on Iraq was illegal, and by many journalists, scholars, and activists who all documented, contested, and often protested the reasons and consequences of Iraq's occupation.

I was particularly active during the many months of preparation for the World Tribunal on Iraq's early session in New York City (May 2004) and for its final session in Istanbul (June 2005). Participating in the conduct of multiple tribunal hearings and meetings in six different cities—Brussels, Paris,

Kyoto, Mumbai, New York, and Istanbul—allowed me to analyze the commitments and tensions animating the WTI's laborious cosmopolitics. It is on the basis of this intimate engagement with the WTI that I offer critical reflections on the tribunal's (and my own) praxis of transnational solidarity over two crucial years.

The World Tribunal on Iraq activists confronted many dilemmas during those intense years of political debate and action, which they negotiated in the context of a comparable politics of human rights and international law concurrently enacted by institutions that did not (unlike themselves) wave the flag of anti-imperialism. To address this predicament, I examine as well Amnesty International, Human Rights Watch, and the Iraqi High Tribunal in the context of Iraq's occupation. Engaging in this wider analysis allows me to present a stronger argument for our pressing need to reevaluate, ever more critically, the relationship between law and violence, empire and human rights, cosmopolitan authority and political autonomy. To this end, I demonstrate how and why a potent critique of the politics of human rights and international law must rethink the legal distribution of violence globally and reconsider the proper commitments of internationalism, including its dedication to political autonomy.

The World Tribunal on Iraq remains a seminal exercise in transnational solidarity and political philosophy. So I convey the complexities attending its praxis, including the tribunal's global form of organization as an open network that functioned horizontally. Thinking alongside key jurists, theorists, and critics of global democracy, I situate disagreements among WTI activists philosophically, politically, and historically and demonstrate how they exemplify well the impasses of a transnational politics of human rights with anti-imperialist commitments. These impasses are particularly difficult to resolve when they concern the virtues of self-determination—that is, the problem of autonomy—in relation to the violent universalism of an international law that attempts to govern humanity with the promise of peace and justice.

Methodologically, I enact a model of scholarship that combines ethnographic work on global political action with close readings in political theory. The WTI's praxis was provocative on several counts. I approach the global constitution of the WTI by hundreds of persons and organizations embedded in national and local antiwar movements as fertile ground to explore the paradoxical politics of human rights and international law at the turn of the twenty-first century. The context is the thorny geography of cosmopolitics, on whose grounds, wars, occupations, and antiwar movements alike are waged

through the language of human rights and international law, in the name of freedom, liberation, and democracy.

I explore situations where the language of human rights and international law is particularly able to bear what political theorist Nancy Fraser defines as “discourses of abnormal justice.”¹³ According to Fraser, discourses of abnormal justice reflect the destabilization of a prior hegemonic grammar, whereby the what, the who, and the how of justice become subject, at once, to substantive debate.¹⁴ To date, there is hardly a more revealing *global* case of “abnormal justice”—a legitimation crisis, in the lexicon of Jürgen Habermas—than that evidenced by the occupation of Iraq. In that moment of crisis recognized and augmented by forces of anti-occupation resistance worldwide, particularly in Iraq, WTI organizers produced public debate on the what, the who, the how, as well as, I add, the why of justice.¹⁵ On a globally networked stage, the World Tribunal on Iraq placed the grammar of global justice at stake.

Through a detailed analysis of the WTI, I interrogate cosmopolitan politics occasioned by the occupation of Iraq to examine the antinomies of this politics for establishing a theoretically grounded understanding of its lasting dilemmas and persistent dangers. In particular, I demonstrate how and why ideals of human rights and international law become entangled with the violence of imperial practices. The growing hegemony of a cosmopolitanism that can endorse the use of violence by many means—in Afghanistan, Iraq, Libya, and Syria to offer a few examples—because it is dedicated to the idea of peace, renders the paradoxes I pursue all the more relevant as they continue to inflect and inform global politics.

While in most of the book I focus on cases of disagreement within the WTI network, I hereby aim to reveal how they reflect competing understandings of justice, legitimacy, and authority imagined in response to the occupation of Iraq. But also, along the lines of Richard Falk—jurist of international law, theorist of cosmopolitan democracy, and spokesperson of the Panel of Advocates at the WTI’s final session in Istanbul—I consider the translingual, transgenerational, transcontinental, transformative travail that was the WTI as “an experiment from the perspective of achieving global democracy.”¹⁶ If the result of this experimental demonstration is an agonistic, yet dialogical polyphony, this, I suggest, is a symptom of a crisis afflicting what Carl Schmitt called “the *nomos* of the earth,”¹⁷ the principle of legitimacy orienting the world. More specifically, the cosmopolitical dilemmas I examine expose, left and right, a limit afflicting the democratic idea since its inception: the limit between the universality of principles posed within the horizon of humanity

and the particularity of autonomies of decision constituted in the form of popular sovereignty.¹⁸

Consequential for the inquiry offered throughout this book is the decision to posit on a single plane of consideration the cosmopolitics of the WTI network *and* the cosmopolitan principles that affirmed the constitution of a democratic Iraq before or after the fact of its occupation. I thereby highlight revealing commonalities between the two sides of the war of legitimacy over Iraq's occupation: those who proposed and those who opposed it. I remain convinced that implicit commonalities and convergences between adversarial camps are as telling as explicit disagreements and divergences.

As foreseen by Jacques Derrida in an interview reflecting on the World Tribunal on Iraq, the debates I narrate were underwritten by a crisis in which WTI activists were not "able to avoid talking about sovereignty, about the crisis of sovereignty."¹⁹ I suspect this crisis is not unrelated to a core question that orients the thoughts to follow: *why* do we care about justice, about the freedom and the happiness, the life and the death of each other, here and there? An answer offered by the World Tribunal on Iraq could be: for the love of humanity.

* * *

In May 2003 two philosophers—Habermas and Derrida—published a joint appeal in two prominent German and French dailies of the liberal Left.²⁰ If not a philosophical one, between the two a "tactical alliance" was forged to address, exclusively, the European public sphere. The spectacular event of inspiration was the global demonstrations of February 15 against the impending war. Selectively reflecting on the day's manifestation in "the core of Europe," however, Habermas and Derrida read this day to assert a European identity in the singular, coupling it with the hope for a global domestic policy that would "defend and promote a cosmopolitan order on the basis of international law."²¹

The same May in Jakarta, hundreds of activists who had helped organize the February 15 protests composed the "Jakarta Consensus" and addressed a global public in the singular.²² There, empowered by the demonstration of their own power around the world in February,²³ and despite the beginning of the war in March, elements of a global antiwar constituency arrived at several

strategic decisions. For one, the idea of “holding a war crimes tribunal was endorsed as among the must-do tasks of the movement.”²⁴ The following month in June, the task was already assumed in other gatherings of the global antiwar movement in Berlin, Brussels, Cancun, Geneva, and Paris: those who were separately yet simultaneously inspired to constitute a civil society tribunal had begun to connect and coordinate with one another.²⁵

“First, I would like to tell you that I am not going to give my testimony in English, because it is the language of the occupiers.”²⁶ With this sentence pronounced in Arabic before some five hundred people in the audience—and countless others witnessing her testimony live on the radio, television, and Internet through simultaneous translation in Turkish and English—Nermin al-Mufti began her testimony before the WTI’s final session in Istanbul. Al-Mufti’s testimony was one among fifty-four presentations delivered by a Panel of Advocates and witnesses before a Jury of Conscience from across the world.²⁷ Considering “the problem of global justice,”²⁸ what is the significance of this testimony from Iraq, which asserted “the Occupation as Prison”?²⁹ What is the meaning of the myriad cases made before the WTI by lawyers, scholars, and activists to evidence the illegality and the illegitimacy of the occupation of Iraq? And what status could be claimed for the World Tribunal on Iraq itself—according to which geography of legitimacy, which global justice, law, or society?

Writing for *Le Monde Diplomatique*, Richard Falk argues, “In the absence of formal action on accountability, such informal initiatives [as the WTI] fill a legal vacuum, at least symbolically, and give legitimacy to non-violent antiwar undertakings.”³⁰ Elsewhere, dedicating a chapter of his book to the WTI, Falk reiterates his jurisprudential rationale for the tribunal, appraising that its “claim of authority is to some extent *ex nihil*—that is without constitutional or positive law foundations. It rests on an ethos of concern and responsibility for fundamental law and morality . . . expressive of the impulse to feel, think and act as a global citizen in an increasingly globalizing world.”³¹ Nonetheless, when it comes to claims of global authority, cross-examination reveals crucial convergences between the two sides of what Falk calls “*the legitimacy war* that often ends up shaping the political outcome more than battlefield results.”³² For one, how can the cosmopolitan ethos of concern and responsibility predicating the legitimacy of the WTI be distinguished from the cosmopolitan ethos that conferred legitimacy, *ex ante* or *ex post facto*, to the constitution of a “liberated” Iraq?³³ In the rest of the book, I reflect on this question by examining foundational and consequential debates among WTI activists, including

disagreements on the “sources” of the tribunal’s own authority and legitimacy.

Before proceeding with this analysis, however, I should observe that the tensions and difficulties of distinction I examine here emerge in various related contexts and cases. First and foremost, they attend any attempt to critically address the paradox that the war on Iraq, as well as its occupation, were at once opposed and proposed in the name of universal human rights. In addressing this situation, many scholars, including some of those involved in the WTI processes, have asserted the abuse, the hijack,³⁴ or the instrumentalization³⁵ of human rights ideals and cosmopolitan dispositions by those pursuing a distinctly imperial project. Thus, evaluating the rhetoric that legitimated the invasion of Iraq, a cosmopolitan sociologist concludes, “this was undoubtedly a hollow, cynical and opportunistic appropriation of human rights discourse emptied of all substantive content.”³⁶ Rarely with exceptions, the promulgators of what I call the *instrumentalization thesis* proceed to affirm, in contrast, the authenticity of their own commitment to human rights and cosmopolitan solidarity. On the other hand, while some intellectuals of the Left dismiss the discourse of human rights as such, precisely on account of its propensity to be *used* as a justification for imperialist ventures,³⁷ others have insisted along with Derrida that “we must [*il faut*] more than ever stand on the side of human rights.”³⁸

I argue that in cases made through the instrumentalization thesis, neither the reasons nor the consequences of the particular vitality of the cosmopolitan ethos of human rights in justifying imperial war and occupation emerge as proper subjects of interrogation. If evidence were needed of this vitality, one could turn to passionate arguments reasoned in support of Iraq’s occupation “by those of liberal disposition who wrestled with their consciences and took a stand in support of the liberation of Iraq.”³⁹ In fact, analyzing the democratic reasoning of the occupation forces, Samera Esmeir, a legal scholar, is correct in arguing that “the war on Iraq was carried out *for* the law, the specific law of juridico-democracy.”⁴⁰ The conclusion must also be drawn with her that this “rhetoric” of democracy, rule of law, liberation, and human rights needs to be interrogated on its own terms. For her part, Esmeir considers how the promised nonviolence of juridico-democracy operated as an ideal that produced the occupation’s violence in Iraq. What I wish to highlight instead are the dispositions, ethos, and commitments of cosmopolitanism, which the promise of democracy mobilized to legitimate Iraq’s occupation. I am concerned, in other words, with the cosmopolitan commitments rallied by the

revolutionary attempt of the George W. Bush administration, its ancestors, and heirs “to impose political democracy through military force and to use democratization as the ideological arm of a neoimperial project.”⁴¹

In a situation where “the continuous slide of cosmopolitan ideas towards empire is one of the dominant motifs of modernity,” as critical theorist of international law Costas Douzinas asserts, the insufficiency of the instrumentalization thesis as a form of critique is particularly consequential.⁴² It is with acute awareness of this historical context that I insist: posing the problem as one of insincere instrumentalization of otherwise unproblematic ideals occludes confronting the constitutive entanglement of cosmopolitanism—including its assertions of humanitarian responsibility and care, and promotions of human rights and democracy everywhere—with imperial practices. The universal ideals of cosmopolitanism, in other words, are not merely the ruse of imperial politics. Their relationship, often mediated by violence, is more intimate and complex than the instrumentalization thesis suggests.

Political theorist Andrew Arato discusses such an entanglement in his essay “Empire’s Democracy, Ours and Theirs,” in which he explicitly delimits *us* to “all those to whom the norms and values of democracy, human rights, civil society and the public sphere remain the unsurpassable ideals of the present historical epoch.”⁴³ Building his argument, Arato first observes that the language of democracy and human rights, performing within the motif of democratic regime change, replaced the threat of weapons of mass destruction as the primary logic justifying the war on Iraq. Second, he asserts that even if democracy and human rights may not have been “the real reasons” underpinning Iraq’s occupation, once in operation as an ideology of justification, they carry their own particular force. I further contend that in cases of “occupation for liberation,”⁴⁴ the claim that ideals of human rights are insincerely instrumentalized cannot fully counter the ideological force of human-rights-based justifications of occupation. This is especially the case, in Arato’s designation, “when people suffer from dictatorship.”⁴⁵

Thus, even if the United States administration may not have been truthful in its justification of the war and occupation as serving to foster human rights in Iraq, to the extent that “we” were interested in the latter end, this justification’s power over “us” remained in force. Arato manifests the stakes of this power when he claims: “it seems undeniable that in the midst of all that was wrong with the war, the overthrow of the Saddam regime and the freeing of political energies in Iraq were, (very) abstractly considered, a good thing.”⁴⁶

And the difficulty, (very) concretely considered, arose to the extent that the intended or unintended democratic *effect* of the war on Iraq, both as promise and as consequence, was itself desirable for “us.” How to draw a line then, between what Arato calls “the *imperial* democratization project and *ours*”?⁴⁷ What is this democracy, and who were “we”?

If the effective ends of imperial practices (say, the overthrow of Saddam Hussein in Iraq or Bashar al-Assad in Syria) and the desired ends for “us” potentially correspond, what is the difference between “the *imperial* democratization project and *ours*” beyond an occasional dispute over the proper means? This question is unperturbed by the finding that “in reality” the results of empire’s interventions turn(ed) out to be undemocratic. To the extent that desire and support for intervention precede the realization or failure of its promise, the anticipated result, the expectation of its realization already configures the substance of the promise as an effective force now—actualizing the promise “to deliver human rights” as an effective reality in the present.

Thus, in order to articulate with clarity the difference, if any, between “the *imperial* democratization project and *ours*,” it is necessary that the potential congruence of effective ends between adversarial camps be affirmed rather than negated (especially in principle). Along with the anthropologist Talal Asad who argues, “motives in general are more complicated than is popularly supposed and . . . the assumption that they are truths to be accessed is mistaken,”⁴⁸ I suggest that it may be necessary to bracket the problem of “true motivation” in cases of war and occupation legitimated in the name of human rights, as in Iraq. Not because “ulterior” motives are lacking, but because it is especially revealing to evaluate the promise to deliver human rights on its own terms.

Political theorist Wendy Brown is a rare scholar of the Left who has not hesitated, at least in passing, to signal this need. Considering Donald Rumsfeld’s declaration in 2002 that “the War on Terror is a war for human rights,” she finds: “It is not only that Rumsfeld has co-opted the language of human rights for imperialist aims abroad and antidemocratic ones at home, but that insofar as the ‘liberation’ of Afghanistan and Iraq promised to deliver human rights to those oppressed populations, it is hard both to parse cynical from sincere deployments of human rights discourse and to separate human rights campaigns from legitimating liberal imperialism.”⁴⁹ What accounts for the posited difficulty of distinguishing the sincere from the cynical here, if not what remains implicit in Brown’s formulation, namely, the very possibility that the promise to deliver human rights may in fact be fulfilled by liberal

imperialism? It is in the context of this troubling possibility that *For the Love of Humanity: The World Tribunal on Iraq* provides an ethnographically grounded, critical analysis of the politics of human rights, international law, and cosmopolitanism in the early twenty-first century. This troubling possibility is also why among the primary concerns of this book are the vectors of convergence and divergence between *imperial* mobilizations of international law, human rights, and ideas of humanity on the one side and *anti-imperial* ones on the other.

* * *

Years after the conclusion of the World Tribunal on Iraq, an important question remains: What is the enduring significance of the WTI today? First of all, we can expect the tribunal *form* itself to be continually mobilized by activists in local and global politics. Today, from the Russell Tribunal on Palestine to the Tribunal 12 on migrant rights in Europe, we see proliferating examples of political action that assume the form of a public tribunal. Because the World Tribunal on Iraq was a conscious experiment with the tribunal form itself—deconstructing its own employment of this form in the very act of making use of it—its example is of particular relevance for activists and scholars who may wish to mobilize, develop, or critique the tribunal form in the present and future.

Further, neither the language of human rights and international law nor the eagerness to engage in practices of transnational solidarity is leaving the scene of global politics. If anything, given persistent calls for humanitarian intervention (in Syria, to name one example) and the emergence of various uprisings around the world, human rights and international law are only gaining further currency as the lingua franca of global politics and transnational solidarity. As the perplexities of liberal thought and practice negotiated by WTI activists on the battlefield of cosmopolitics remain in place, two intense years of political action offer tested strategies for navigating a global terrain of struggle saturated with the language of human rights and international law—a language that is spoken, all too often, without adequate reflection. It is in this context that the praxis of the World Tribunal of Iraq remains provocative because of its elaborate and creative engagement with the grammar of this language of global peace and justice.

Ultimately, through an analysis of the World Tribunal on Iraq, I probe the paradoxes, perplexities, and the potentials of this transnational praxis in order to clarify, as far as currently possible, the political, legal, and philosophical problems posed by the “liberation” of Iraq by the United States, the United Kingdom, and their allies. And I do so by challenging the constraints of contemporary liberal thought. In fact, *For the Love of Humanity* does not shy away from exploring how and why—and with what perverse effects—politics is articulated in the name of humanity, its rights, and its laws in the twenty-first century.

With this aim, each chapter explores the language of political action spoken by WTI activists and their adversaries. Chapter 1, “Constituting Multitude: Founding a World Tribunal,” offers an ethnographic account of the WTI’s founding meeting in Istanbul. At question are the grounds of the tribunal’s authority and the “sources” of its legitimacy. Based on my participation at this three-day encounter and a retrospective analysis of its meeting transcripts, I examine the moment of self-authorization of a “world tribunal” to raise questions about the political constitution of global civil society—a multitude—in action. I argue for the need to attend carefully to persistent tensions between *legalist* and *political* imaginaries that animate rival visions of global peace and justice.

In Chapter 2—“Whose Tribunal?”—I expand my analysis of the World Tribunal on Iraq comparatively and explore the human rights politics enacted by the Iraqi High Tribunal (which sentenced President Saddam Hussein of Iraq to execution) and the limited way in which Human Rights Watch criticized this tribunal inaugurated by the United States in the aftermath of Iraq’s occupation. To ground the comparison, I provide an account of the WTI’s culminating session in Istanbul. Throughout this chapter, I pose a common set of questions with respect to both tribunals in order to reveal some of the perplexities they share. These perplexities emerge, I argue, on account of the contentious nexus between law and violence on the one hand, and the competition between universal and national paradigms of justice on the other.

“Constituting Constitutions: The Fact of Iraqi Constitution, the Fatalism of Human Rights” is the third chapter, which reconstructs the ultimate controversy among the global network of activists who created the World Tribunal on Iraq. The particular dispute I analyze was sparked in 2005 by a specific campaign of Amnesty International demanding a “human rights based constitution in Iraq.” When some WTI activists wished to condemn Amnesty International for legitimating with this campaign an illegitimate constitutional

process initiated by the military occupation in Iraq, other tribunal activists disagreed with such a condemnation. Reconstructing this debate, I map its stakes along the contours of the political rivalry between “humanity” and “citizenry” as constitutional subjects, as I continue to highlight disputes about the lawmaking capacity of violence.

In the fourth and last chapter, “Humanity Must Be Defended,” I address liberal political visions that propose to institutionalize an allegedly egalitarian, novel, and superior form of cosmopolitan law in contradistinction to “classical” international law. Here, reflecting on a dramatic cross-examination at the WTI’s inaugurating session in Brussels, I analyze NATO’s 1999 military intervention in Kosovo and the framework of the Responsibility to Protect doctrine to argue that the liberal endorsement of this “exceptional” title provides the proper context for assessing cosmopolitan responses to the occupation of Iraq. I then turn to the colonial origins and structures of international law to evaluate contemporary cosmopolitan aspirations in the field of international law, which were shared by many (but not all) activists and jurists affiliated with the World Tribunal on Iraq. Ultimately, contrary to most cosmopolitans, I argue that “law’s empire” is not an alternative to, but an articulation of “empire’s law.”