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The Search for Universal Laws

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DARRYL LI. *The Universal Enemy: Jihad, Empire, and the Challenge of Solidarity*. Stanford, CA: Stanford University Press, 2020.

INTRODUCTION

In 1896 a pioneer in the field of cultural anthropology, the German-born American scholar Franz Boas, wrote that "the most difficult problem of anthropology" was determining whether universal laws exist and, if they do exist, how scholars might study them (Boas 1896, 903; King 2019). More than a century later, Darryl Li began his fieldwork in southeastern Europe, where he grappled with the consequences of the idea of universalism in a bewildering political context of rapid globalization, reckless humanitarian intervention, and an unrestrained war on terror. Li's resulting book, *The Universal Enemy*, was published in 2020. It offers an anthropology—and a compelling critique—of universalism, anthropology's "most difficult" problem.

Li defines universalism as "a way for people of various nationalities and races to come together in the name of a vision for humanity while dealing with difference" (150). This concept of universalism is inescapable in contemporary law and politics: universal equality before the law is a central purpose of democratic societies, and a philosophical justification for human rights law is its universal applicability. United Nations policies, as well as much international law scholarship, have presumed the importance of universal rights in building political stability and international peace. But Li does not study universal rights. He turns his attention instead to universal enemies, which leads him to criticize the category of universalism itself as a form of empire.

The four universal enemies in Li's book are jihad, Non-Alignment, peacekeeping, and the global war on terror. This juxtaposition is original and intriguing. The first universalism—espoused by transnational Muslim fighters who believe that jihad has its "own language of justification" (172)—is Li's central focus. Jihad is commonly understood as an enemy of the other three state-based universalisms. But Li studies jihad empirically and not philosophically, theologically, or as a matter of national security policy as various others have done. He brings readers into his meetings with Bosnian and foreign Muslims who fought in the 1990s during the breakup of Yugoslavia. Li "brackets questions of explaining ... the 'problem' of jihad" to ask, instead, "how these jihads can help us see the broader world differently" (4). By studying how universalisms influence and travel beyond the nation-state, the book provides a

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helpful addition to sociolegal scholarship on those states' internal legal pathologies (see, e.g., Moustafa 2007; Rajah, 2012; Stern 2013; Cheesman 2015; Lokaneeta 2020).

Li finds remarkable similarities between jihad and state-based universalisms. In particular, by juxtaposing jihad—portrayed in international law and policy as arbitrary and violent, an antithesis to the rule of law—to other movements sanctioned by international law or done in the name of protecting human rights, Li makes two basic observations: first, that jihad and transnational jihadi fighters are much more ordinary than they might seem to be, and second, that those other movements are much more violent than they might seem to be.

To exemplify the first observation, Li considers Abu 'Abd al-'Aziz, a leader of Bosnian jihadi fighters in the 1990s. Abu 'Abd al-'Aziz argued publicly that peaceful secularism would be far better than any militantly religious or Islamic state that "leaves girls to be raped, children to be taken away … and youths to be … slaughtered" (30)—an uncontroversial view to the minds of human rights advocates. Similarly to Abu 'Abd al-'Aziz, many jihadi fighters whom Li met did not travel to Bosnia to kill; they migrated instead for work, study, or spiritual self-improvement (49, 212). Joining the war effort seemed as commonplace for them as joining international development agencies seemed for the survivors of war whom I met during my own fieldwork in South Sudan (Massoud 2015).

To exemplify the second observation, Li shows how policy makers create national or international laws that allow foreign militaries to enter countries under the rubric of peacekeeping operations or the global war on terror. This creates a kind of violent empire that Western policy makers justify, paradoxically, with their rhetorical commitment to peace. For instance, the UN Security Council created a military apparatus called the UN Protection Force (UNPROFOR) in the early 1990s, giving forty thousand troops the authority to use violence to create "no-fly" zones over southeastern Europe (174). UNPROFOR would become the largest military operation in United Nations history.

OVERVIEW OF *THE UNIVERSAL ENEMY*

Li begins the book by tracing the mobility of persons and ideas "across land and sea" (46), which led to a "Europeanization" of the jihad in Bosnia (47). He then explains how transnational jihadi fighters integrated the concept of jihad into their lives as they migrated across borders and settled. Collectively, the first two chapters show that the nation-state is not an essential feature of universalism. For Li, although nation-states and their borders constitute contemporary global geopolitics, they are also legal fictions that do not influence many people's self-identification or motivations, including their religious motivations (31). Li uses this argument to take on the field of terrorism studies for its unyielding devotion to national borders and sovereignty. (For a progressive defense of sovereignty, see Roth (2011).) Li criticizes self-styled American counterterrorism experts, whom he says conduct "reckless" research that nevertheless lands them on major television networks. To Li these people are "enterprising vendors eagerly hawking new wares in the hopes of catching the eye of a fickle and easily distracted person" (35).

In the following chapters Li offers a military history of the Bosnian army and the *ansar*, or foreign Muslims fighting in Bosnia. Li focuses on the miracles that shape wartime rhetoric—like martyrs' bodies smelling of musk after death or mysterious battle-field wins despite being outnumbered and outgunned. Li calls these miracles a "logic" of transnational and border-crossing solidarity (82, 84). He reveals how the mujahids themselves processed their differences amid the universal project of jihad. Jihadi fighters prided themselves on their ethnic diversity. But diversity also creates hierarchies, and in this case Arab jihadi fighters in Bosnia saw themselves as more "authentically Muslim" than Bosnian jihadi fighters (104).

Li then turns in Chapters 5, 6, and 7 to describe three other universalisms that have collectively "spurred a particular racialization of Muslim mobility as a threat" (135). Non-Alignment, the subject of Chapter 5, emerged in the context of the Cold War. Countries that aligned neither with the United States nor with the Soviet Union went to great efforts to attract students and supporters from Middle Eastern and North African nations. Like Non-Alignment, peacekeeping is also an "internationalist" or state-centric form of universalism (171). As with jihad, peace-keeping draws its authority in part from weapons, soldiers, and a certain understanding of law and authority, either from people's interpretations of God's will (scripture) or from law's will (UN Security Council resolutions). This is the subject of Chapter 6. Finally, Li moves to the global war on terror—an imperialist universalism that defined global politics in the first two decades of the twenty-first century—and its consequences for Muslims in Bosnia.

A short "Interlude"—situated between the four chapters on jihad and three chapters on the other universalisms—offers an overview of universalism's ambivalent relationship with violence. In addition to creating binaries, universalisms engender violence and violent backlash. In *The Universal Enemy*, violence is both a foil (for instance, to critique the idea that jihadist fighters are thugs) and a source of critique (for instance, to show that international peacekeeping operations are not a response to violence as much as they are violent processes in themselves).

The universalisms in this book divide the world into binary logics, which reappear across the chapters. Some of these include locals versus foreigners (31), flexible versus inflexible social mores (54, 69), childhood versus adulthood (56), and pan-Islamic activism versus nation-state nationalism (61). Li also distinguishes between a political theology of miracles and the concrete realities of politics (82, 84), violence authorized by state actors and by nonstate actors (85), and the promotion of ethnic diversity within democracies and among jihadi fighters (102–04). The politics of migration, too, creates its own logic between movement as a source of safety for migrants and as a threat that states try to contain (135).

POSITIONALITY AND PROSE

Li's tenacity—cultivating relationships as a foreigner and building enough trust with many different people, including hunger-striking prisoners—is extraordinary. He conducted fieldwork across many years during various visits to southeastern Europe and the Middle East. He worked in three languages—Arabic, Bosnian, and

English—sometimes all of them appearing within a single interview. He says he drew strength from his own often-contradictory identities as a human rights lawyer and an ethnographer. He writes, for instance, that "too often … ethnography helped me see what the law *cannot* do" (22). He also shares openly his positionality as a man (affording him access to jihadi fighters that a woman may not have had) of Asian origin (marking him in a place where Asian people have suffered systematic discrimination) who holds the privilege of a university appointment (helping potential interviewees understand that he was not a spy).

Li's prose is delicate and precise. Some of the book's richness of detail reads more like a literary or dramatic work than the result of a social scientific investigation. Consider the book's opening sequence: "The noontime air was sweltering, the outdoor market packed, and Fadhil was not in the best of moods. It was a summer day in Zeneca … " (1). Li soon refers to his interview subjects as the "protagonists of this story," much like in a fictional text (23). Chapter titles are single, evocative, and metaphorical words like "Authorities" or "Groundings." This ornamental style is a trend in humanistic scholarship, but it may frustrate some social scientists trying to understand the central argument of each section or chapter.

LESSONS FROM THE EVILS OF UNIVERSALISM

Near the end of the book Li cites the anticolonial revolutionary and former Ghanaian President Kwame Nkrumah, who called neocolonialism "the worst form of imperialism" (197). I am persuaded by this argument because, like Li had observed in Bosnia, I have witnessed the neocolonial consequences of universalist projects supported by United Nations agencies in East Africa. But I have also seen Sudanese and Somali people participate pragmatically and strategically in universalist projects like rule-of-law promotion; they earned a living and some material resources for their civic organizations, even if their participation in human rights universalism did not ultimately build the human rights that UN agencies had sought (Massoud 2013). The distinct and overlapping universalisms in Li's study—the political projects of jihad, Non-Alignment, peacekeeping, and the global war on terror—go much deeper, each one fostering its own violent superiority and imperialism.

I take two lessons away from this: universalisms are not actually universal, and solidarity is not a great starting point for peace. Universalisms are not universal because they create binaries that portray themselves at war with different universalisms, like the "us" and "them" of the West and Islam, which, of course, overlap. Like other forms of legal politics, universalisms are discursive tools in which proponents of any idea display that idea as general or inescapable in order to achieve political, social, or economic gains. That is, positioning any idea—for instance, diversity, love, decolonization, family, human rights, or the rule of law—as a universal idea is a rhetorical strategy to try to give that idea omnipresent authority across cultures, which the idea may not always deserve, and which makes those who do not conform feel like they do not belong.

If there is anything universal at all about universalisms, it is that solidarity, especially in its most uncompromising forms, divides and isolates rather than connects—an

eerie parallel to colonial policies of divide and rule (Mamdani 1996). Universalisms are made and reiterated by people who are seeking solidarity with others yet who are subjected to the social and political constraints where they live, work, pray, and play. Any universalism could in this way appear self-righteous, even arrogant, which will no doubt generate a few enemies as well as friends.

Anything deemed universal offers, to Li, a concrete "message directed at all of humanity [and] self-evidently compelling enough not to require coercion, yet valuable enough to preserve and defend by force" (136). But a question that readers should ask is how representative the four universalisms in this book are. This is a case selection question. That is, there are other universalisms that do not divide the world so violently into an "us" and a "them." Li's research opens space for scholars to consider universalisms that are valuable enough to protect with one's life but without resorting to violence or force like the universalisms in *The Universal Enemy* did. Some great places to pick up this question would be studying peace-centered universalisms like Buddhism especially as practiced in Bhutan (Long 2019), nonviolent "resistance committees" struggling against military rule in Sudan (Dahir 2022), the Catholic Worker Movement in the United States (Coy 2001), or even the universal appeal of pro bono lawyering in the twenty-first century (Cummings, de Sa e Silva, and Trubek 2022).

Ultimately, discourses of universalism can create solidarity across geopolitical borders, but they can also traumatize the people who dare to confront and criticize those borders. Here, Li ends the book with the harrowing experience of one of his interlocutors, a former jihadi fighter who suffers "frequent panic attacks and nightmares" (216). Another one of Li's interlocutors spent seven years in detention before the Bosnian government revoked his citizenship, leaving him without legal status or the right to work in the only place he called home. For these people, as it has been for so many immigrants and marginalized ethnic and religious minorities who face state-sponsored discrimination, the law is the universalism that terrorizes and trumps all the others.

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