AN ANGLOPHONE LEGAL CULTURE FOR THE GLOBAL AGE: Religion and Values in Conflict with Civilian and Islamic Laws

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ABSTRACT:

Each of the three historic legal traditions, Anglophone, Civilian, and Islamic represents a very different premise of underlying values, especially those values expressed in supernatural or religious terms. Islam, with its universal values, makes no clear distinction between the realm of law by which practical affairs of the world are conducted and the divine tenets by which all men and women are admonished to live. The Civil law resembles Islamic practice in that traditionally it has also been based on universal values that were thought to provide equitable and humane standards applicable to all persons. Like Islam it has also encouraged a high level of personal cultivation as an aid to public order. However, its founding doctrines are based on the purely secular constructions of human rationality. Anglophone law is fundamentally different from the other two legal methods in several important ways. First, as a transcendent regimen it operates elevated above the public and is insulated from public understanding by a division of knowledge. Rather than an atmosphere of obligation or enculturation its pragmatic values allow for a wide freedom of personal behaviour within limits set down by authority. Historically, its legitimacy among the public has rested on an atmosphere of religiosity that conferred an aura of sanctity on its institutions of judicial rule and instilled faith in their procedures.

These differences between the three great legal traditions take on an added importance as the project of globalization becomes increasingly Anglicized: the principles and methods of Civil law are being subsumed by a process of convergence while Islamic practice is being reconstructed in ways to fit it within the definitions of a tolerated religion. Presiding over a global public of diverse culture and ethnicity Anglophone law rests on instrumental values expressed as a twin premise: the *Rule of Law* over all persons and things, and the uniform enforcement of *Human Rights* for each individuated legal person.

1. GLOBAL VALUES

a) GLOBAL PROJECT

The project to construct a regimen of global law involves institutions and issues, precedents and procedures, evolving legal doctrines and judicial practices. It engages a world of conflicting legal orders, of territorial states, and international jurisdictions. It takes place in a technological atmosphere of computer networks, media communication, of multi-national finance and trade. The project involves matters of diplomacy, regulation, legislation, commercial practice, criminality, and warfare. Constructing a legal order of such complexity and extensiveness requires enormous effort on the part of highly trained experts as well as persons with a broad understanding of global affairs.

Those involved in this undertaking come from the most diverse assortment of ethnic and geographic origin. But more importantly for legal purposes they come from either of the two Western methods of law, Civilian and Anglophone--or their derivatives around the world--or from the still widely influential Islamic

tradition. Yet, from such variegated origins the scholars, jurists, and practitioners involved must attempt to establish a workable commonality by which to proceed in their task. They must be generally agreed upon an end result that provides both a uniform and a workable framework for global governance. (Slobodian 2018)

A peaceful order that includes all peoples in all regions of the earth has long been the dream of prophets and philosophers, but in the twenty-first century it has become a real and tangible possibility. Much of the unified purpose shared by those involved in the work comes from a common regimen of specialized training they have received that qualifies them to take part in this massive project. That training has equipped them with knowledge of the requisite legal language, its specialized vocabulary, an assortment of advanced concepts, and applicable methods. Finally, joined together by an ethic that expresses their high purpose and provides their work with an assured legitimacy, they are able to engage the monumental task of building a global regimen of law. (Slaughter 2004)

b) TWIN PURPOSE

Because of the obvious need for a cooperative atmosphere in this legal project of globalization and the need for acceptance among a global public, the method and purpose that predominates in this great undertaking, along with the ethos that guides its participants has come to be expressed in terms of clear and understandable values. That is, both the underlying values of the project as a whole and the professed values that guide its participants are clearly and frequently expressed in succinct and easily understood terms. (Kennedy 2016)

Despite differences of opinion on minor issues, despite debate between schools of thought, or rivalry between institutions and nationalities, inevitable in a project of such massive scale, there exists at least two agreed upon aspirations that combine to provide the common purpose of their global work. The two elements, frequently affirmed by scholars and jurists and announced to the public, also form the twin premise by which those involved define their work. Those values are a seamlessly established global *Rule of Law* over all persons and things in every region of the world, and along with that, the guaranteed enforcement of *Human Rights* for every individuated legal person existing on the earth. (Habermas 2001)

These aims are so widely promulgated and readily agreed upon that they form more of an assumed background to the topic of global law than the substance of its discussion. Like the phenomena of technological development they are assumed to be simply occurring as part of an uninterrupted advancement leading into the future. They appear in conversation as obvious givens, beyond question, taken almost to be inevitable fixtures of human aspiration. The idea of legal rule has become a casual part of the global project even though its deeper implications may go unrecognized. The idea of rights is also reflexively accepted, without examination, as an indisputable good. Yet, when taken in the abstract neither term provides any specific understanding of what it actually might mean in a context of global rule or in its practical application to a global population. (Breyer 2015 & Dworkin 2013)

c) THREE TRADITIONS

When examined closely, in fact, these objectives are seen not only as the end result of the global project, they are also overriding values that guide the project itself. As such, they are remarkable in several ways. First of all, they are not ultimate values, but are merely instrumental in scope. They make no reference to divine origin, nor do they claim the imprimatur of any religious authority, or any apparent basis in an idea of human nature or human potential—except perhaps the unstated assumption that human beings must necessarily be ruled over and that rights are a beneficent good. When examined closely they have little necessarily to do with any larger purpose beyond the practical necessity of ordering human life and establishing the legal instruments which will be part of that process. Actually, these global objectives did not always exist, nor were they recently conceived by those involved in the global project. Instead, in their current usage, they are self-referential to a specific type of legal order rooted in the Anglophone past.

Taken within the context of the three great legal traditions, Anglophone, Civilian, and Islamic, these specific values represent a certain way of ordering human affairs. Yet, beyond that, there is still the question as to why these particular values prevail in the project to construct a system of global law instead of, for example, the values of fairness and openness, or conciliation, or of being easily intelligible and freely accessible. It was quite natural that the English language law would assume its role as vanguard and exemplar in a legal regimen that will prevail among all peoples in all regions of the earth. After all, being malleable and adaptable in its approach, it was unimpeded by the fixed doctrines and rigid logic of Civilian practice. Moreover, in a world shaped by

constantly advancing technological innovation, electronic realities, and mediated contact between persons, it was free of the deeply imbued anchor of direct human engagement so basic to Islamic *Sharia*. (Amanat 2007)

In the global project the many practices of Civil law are being subsumed by an enveloping legal regimen that is pragmatic and utilitarian, adaptable to changing circumstance. At the same time the Islamic way of life is being reconstructed, reconceived and redefined in ways that will make it a tolerable religion. Yet, to understand not only how this is happening, but also why it is happening, perhaps the greatest problem is one of perspective. Because the project involves all persons in all parts of the world, there is no detached vantage place from which to examine its processes. Thus, to understand this project and the three great traditions involved in its construction—and the tandem of values that shape it--the first problem is to find a way to gain perspective. One approach is to understand the values that define the global project by examining their historic origin, to understand how they are born of logical necessity from a certain method of law that has come to predominate in the global age. (Habermas 2008)

2. ANCIENT ORIGINS

a) CIVILIAN

Perhaps the most remarkable commonality of the three historic traditions of law is that they each may claim an originating source within a single geographic expanse, a single historical milieu. This general region included both Mesopotamia and Phoenicia of remote antiquity and is often viewed in a religious sense as the

birthplace of the three great Abrahamic Religions, Judaism, Christianity, and Islam. But in the global age this unity of history and geography is perhaps more important as the source of another influence that shapes the global age: the three widely influential traditions of law. Because of these elements of common origin it is inevitable that each of these strands of legal development has either assimilated to, reacted against, or in some way been shaped by the others. Although these connections may have occurred centuries or even millennia ago, some of those interactions have an impact into the modern world that can still be easily traced. (Wolff 1982)

This legal genesis reaches back to ancient Sumer, Babylonia, and Assyria, with survivals into Persia during the fourth and third centuries BC. Later, during the Roman period this tradition became important as merchant law and what was called the *jus gentium*, or law of peoples, an alien customary law that operated independently of Roman administration. During that time the Mediterranean city of Berytus (Modern Beirut, Lebanon) emerged as a centre of study that attempted to assimilate that Syriac-Aramaic law to the Latinic law of the Roman Empire. Legal codes produced there became highly influential, especially after about 200 AD, as the City of Rome went into decline, and after 300AD when a new imperial capital was founded at Constantinople (Modern Istanbul). Two centuries later, around 500 AD the scholar Tribonian was summoned from Berytus to the new imperial city where he presided over the compilation of the famous Code of Justinian. That work took its Latin title, *Codex Justinianus*, both from the name of the Emperor who commissioned it and the new format in which it was published; instead of the scroll it was issued as a *codex*, or bound book. (Ong 2003)

Ironically, the promulgation of that law from the imperial capital proved to be a complete failure and the entire project was quickly forgotten. But five centuries later, a copy of the legal text was taken from an Italian archive to the city of Bologna, Italy, where, in 1088, a university was founded. The purpose of the scholars assembled there was to resurrect the ancient Roman law and to derive from its sophisticated precepts the rudiments of a legal order for a backward and agrarian domain. Those labours would eventually produce a medieval law for Christendom called the *jus commune*. Bologna was the first of the historic European universities that would later become centres for the study not only of law, but also the surviving heritage of ancient Greece and Rome, as well as the principles of philosophy and theology. Over time, advanced learning from the Islamic world was also included, not only in medicine and the physical sciences, but also especially in philosophy. In part, it was because of the disputation caused by these philosophical teachings from Persia and Andalusia, and the unity of knowledge arising out of them, that the great Christian edifice eventually began to break down. Later as that scholastic paradigm was displaced by a modern scientific *Methodus*, the *jus commune* was also superseded by a non-religious Civil law tradition, the *Jus Civile*. (Barker 1966)

Although European legal precepts would become avowedly secular, in fact, they built upon a pattern of law and learning that had originated in medieval Christianity. One benefit of that heritage was that the legal premise of Europe came to be based on values and aspirations that were instructed to all the population, whatever rank, high or low. Moreover, the scholar remained at the centre of law and just as the theologian had presided over the life of Christendom, the philosopher became a central public figure in modern times.

b) ISLAMIC

What came to be known as the *Sharia* began to take shape in the century following the time of Justinian. In fact, much of the story of the development of Islamic law can be written as a reaction against and an alternative to the Justinian system, a system that worked through a policy of *in terrorem*, judicial terror, combined with a strictly enforced religious obeisance. Unfortunately, the imposition of that highly centralized method of rule was extreme in its brutality, causing much conflict and suffering, and provoking widespread resistance among peoples both within and outside the borders of the Empire. For that reason, the invading Bedouins—who also revered the name of *Isa,* or *Yesu*--were not only resisted as conquerors, but also often welcomed as liberators. In fact, the way of life imposed by the *Nova Roma*, or New Rome, had provoked rebellion and uprising on many fronts; Arabia was only one source of these numerous outbreaks. (Hallaq 2010)

The original Empire of Rome had a long history and, despite lapses into corruption and tyranny, had originally been founded on the very humane tenets of Stoic philosophy. Those principles recognized the various traditional forms of tribal ritual and custom to be merely different expressions of a universal human impulse to venerate the divinity of the universe. In the Stoic view the main function of the Empire was military—stated in the martial principle of *Imperium*--to maintain peace between the many tribes and peoples and to guard against foreign invasion. In fact, the Romans encouraged the customs and rituals of the tribes and kingdoms as sources of cohesion and stability within the various regions of the Empire. For the Stoics, culture in terms of human cultivation in thought, word, and deed was the only

true foundation for peace and order. But under the new model of empire, after 300AD the philosophers were driven into exile, their schools made illegal, and the light of their teachings was extinguished. The New Rome ruled on the legal principle of *Dominium*, the imposition of direct judicial authority over every person and thing within the Empire, mobilized for the production of wealth. (Hadot 2002 & Erskine 1990)

To a certain extent the teachings of Mohammed carried the same spirit as that of the old Stoics, especially the emphasis on personal cultivation. Islam set forth a daily routine of prayer, a calendar of holy days, and the requirement of pilgrimage, all of which, when taken together, defined a way of life. But Mohammed also had the instrument of the *codex,* or book, that made possible a uniform widespread mnemonic culture, in a single language, and in a way the cumbersome scroll could not. It might be said that whereas Justinian had employed the book to impose a uniform judicial rule on a slavish population—from the top down, by contrast, Mohammed used the book to raise the understanding of a tribal population—from the bottom up. The *Prophet* taught a unity of the divine as an advance on the many deities represented at the *Kaaba.* Similarly, the practices of *Sharia* carried forward the spirit of conciliation and harmony that, despite differences of language and outward form, was already a commonality throughout the traditional world. Ultimately, those methods of justice and mercy, of sacredness and practicality, came to be standardized and memorized across a vast territory and a growing multitude of followers. (Donner 2010)

c) ANGLOPHONE

What came to be called the Common law of England was also born out of the context in which the Justinian Code was first being promulgated from the University at Bologna to all of medieval Christendom. Following the Norman Conquest of England in 1066 AD King William I was able to establish a highly centralized and punitive form of Kingship on his inescapable island domain. Although the Kingdom of England, as part of the Christian world, was nominally governed according to the medieval *jus commune*, William also established three exceptional Royal Courts of Justice that served directly under his auspices. The original purpose of these courts was to oversee questions of land title and possession among the nobility. Land was of utmost importance at that time, because land was the primary form of wealth. Moreover, William actually resided in France while he ruled England as a distant servile kingdom, mainly useful as a source of revenue. Evidence of his efficient policies of seizure and impound from farmstead and village survive in the famous *Domesday* book, listing all chattels of a captive population. (Baker 2005)

Originally, the Three Royal Courts of Justice were presided over by judges trained in law at Bologna. But the judges had surrounded themselves with a retinue of scribes, servants, and messengers who assisted them in the mundane processes of litigation. In the practice of the time those functionaries joined themselves into guilds of trade by professing a strict oath of fraternal discipline, the medieval beginning of what would become the modern profession. A turning point occurred in 1166 when, in a dispute with King Henry II, the Royal Court justices were expelled. In their place the King granted a monopoly of trade to the court guildsmen allowing them to conduct legal

matters as a system of commerce in litigation. The guild members, only semi-literate and with only a perfunctory knowledge of legal methods, began to administer each of its courts as a regal sanctum. Theirs was a pragmatic approach, based on internal consensus, mostly unconstrained by established principle. Over time, the lay judges became virtual sovereign oracles, their recorded words taking on the authority of law. But by their close attachment to the absentee kings, their jurisdiction came to transcend all other forms of judicial authority within the realm. The Kings were pleased with the arrangement, because the guildsmen were self-supporting by the fees and gratuities they collected from the litigants, while a constant flow of fines, bails, and forfeitures poured into the Royal Treasury. (Coquillette 1999)

Inevitably, the law guildsmen harboured a special animus toward their most dangerous rivals, legal scholars at the universities, including Oxford and Cambridge. Actually, at the time, their method of administering this parochial type of justice would not have been thought to constitute a legal science or a system of law, nor would their work have been viewed within any large framework of philosophy or theology. The guiding purpose of those joined together was to carry out the policies of the king and to reap a profit in doing so. Like any bureau or department, theirs developed internal practices and procedures over time, while their authority rested on the overawing majesty of royal prerogative. What eventually came to be recognized as an alternative tradition of law was originally merely a fraternal order of trade with its own internal rites, internal habits and ways established on the medieval pattern. Only later, after the Puritan Revolution of the seventeenth century, when the fellowship of Common law became part of the ruling hierarchy, did their ascendency require an announced ethos in justification of their

rank and authority. They satisfied this need by defining themselves in the Calvinist judicial tradition that imagined itself extending back through Justinian to Berytus, and Mesopotamia, to Hammurabi, and even to the judicial priests, their Cuneiform progenitors at ancient Sumer. (Rosenblatt 2008 & Schochet 2008)

3. ULTIMATE AND UNIVERSAL

Over long centuries the three historic legal traditions inevitably borrowed from or acted upon one another—including the comparable use of religiosity in the expression of their underlying values. During the middle Ages a cosmopolitan and sophisticated Islam influenced a backward and insular Christendom in this way. Of particular importance were specific pivotal occasions, for example, during the reign of Charlemagne in the ninth century, the reign of Frederick II during the thirteenth century, and the era of Aristotelian—or Averroist--philosophy among the Scholastic philosophers of the medieval university. Finally, both periods of what historians call *The Renaissance* and *The Enlightenment* were profoundly affected by the Islamic world, including its conceptions of law. Just as *Sharia* scholars of Muslim Spain had influenced the Jesuit philosopher Francisco Suarez during the seventeenth century, they would, in turn, influence Leibnitz, Hume, Montesquieu, and Goethe during the eighteenth century. (Cardini 2001, Bevilacqua 2018 & Osterhammel 2018)

But from the beginning of the nineteenth century the direction of influence was reversed. European methods of law and learning, shaped by the *Age of Reason* began to be adopted within the Islamic world.

4. INSTRUMENTAL AND TRANSCENDENT

The relationship between law, religion, and values in the tradition of English law was shaped by a long historical process leading up to the present age. That process began with the Norman Conquest in 1066 when there was a close correlation in the general law of Christendom between ecclesiastical and secular governance. Law and religion were thought to be two halves of a single whole, with both spheres taught at the university as equal parts of the *jus commune*. Because of this correlation between the adjudicative and the educative, the legal and the religious, the medieval law of England was correlated with the values and norms that prevailed among the population—except within the Royal Courts of Justice. (Parish 2012)

Because England was governed for long periods of time mostly by absentee kings, the Royal Court lawyers were able to operate without close oversight. They enforced no code of law, operated outside limits of dogmatic principle, answered to no academic or ecclesiastic authority. Instead the Royal Courts existed as insular bureaus that followed by succession their own recorded practices. Their guiding ethos was necessarily to please their Royal Master and to exploit the commercial opportunities of their trade.

5. GLOBAL CHALLENGE

a) CONVERGENCE:

Relations between the two legal traditions, Anglophone and Civilian, reached their great turning point, not so much as a *Conflict of laws*, but more as a supersession of one law by the other. In fact, historians sometimes mark the inception of a global law

based on Anglophone methods at the Nuremberg Trials, following the Second World War. Immediately after the Allied Victory in 1945, there had been (from both legal and geopolitical perspectives) introduced the possibility of transcendent legal oversight based on an English doctrine set forth by Chancellor John Sankey. That innovation would fundamentally alter the relationship between Anglophone and Continental laws. (Borgwardt 2005)

The basic principle of international law, which was recognized since Westphalia in the seventeenth century stipulated that, in matters of war, as in all other instances, authority over individual citizens rested with the individual states. Until that time the processes of international law extended between, but did not enter within, national borders. The innovation at Nuremburg, for the first time, allowed the sovereignty of nations to be penetrated by a supervening judicial forum, permitting it to act upon affairs even within recognized nation-states. The effect, in historical terms was twofold, it posited a worldwide atmosphere of *Dominium*, wherein a transcendent judicial power could directly reach every person and thing on earth. (Raful 2006, Byers 2003 & Lovell 2012)

Simultaneous with the developments at Nuremberg in 1945, the two legal methods, Civilian and Anglophone, were being applied in conjunction with the parallel founding of the United Nations and the International Monetary Fund. Together those institutions comprised a two layered regime that would redefine the geopolitical framework: an international legal structure based on the nation-state, the UN, and an enveloping legal atmosphere concerned with finance and trade, the IMF. While the former represented the explicit and public approach of the Civilian

method, the latter reflected in its composition the less explicit collegial approach of the Anglophone method. This simultaneous beginning also helped fill a legal vacuum left by the war, as two transcending doctrines were unfolded: the *Rule of Law* over all persons and things along with the uniform enforcement of *Human Rights* for every individuated legal personality in the world--including the legally created personality of the corporation. These concepts established an expanded jurisdiction for a post-war hegemonic system and reflected the importance of wealth production as a paradigm of world order, both primary values for an Anglophone regimen of global law. (Slobodian 2018)

Actually, for purposes of constructing a global order, the English tradition had several inherent advantages over its Civilian counterpart. Most obviously, its pragmatic methods were not impeded by cumbersome philosophical considerations and logical impediments. (Bell 2007)

b) CONFLICT

Anglophone legal engagement with the Islamic world during the twentieth century, however, was very different. There its approach might be typified by only one of its nineteenth century innovations, the doctrine, *Conflict of Laws*. Deep in the historic past the *Sharia* had made crucial contributions to an atmosphere that gave rise to a distinctive Western tradition of law. But in the twenty-first century the *Sharia* offered virtually no element that was anything but a contradiction of the English method—especially the Muslim encouragement of personal cultivation and legal learning among its followers. Equally important, while sectarianism and nationalism divided the modern Islamic world, the Anglophone nations were able to mobilize their own domestic

public sentiment against the *Sharia,* portraying it as backward and barbaric. In an increasingly hostile world Islamic law came under scholarly, regulatory, diplomatic, judicial, and even military attack. Although many in authority would have favored the complete eradication of Islamic influence, perhaps the more generally held public view advocated merely a reconstruction of its way of life, a domesticating of its doctrine and practice, and its incorporation as a religion, recognized and tolerated along with Christianity and Judaism. (Amanat 2007)

However, for several reasons, these assaults on the Muslim world only met with limited success. First of all its way of life was organic, synonymous with daily habit and local custom for millions of people. An attack on Islam was not an attack on a hierarchy of authority or a system of government. Instead it amounted to an assault on individual persons deeply enculturated and instructed from birth. When confronted by the West, the great weakness of Islam was that it had become a disunited collection of peoples and nations and often—especially as Western style governments had been adopted--bitterly divided within itself. Moreover, the legal dimension of this great encroachment was not easily recognized by the Islamic peoples. English law not only involved an unfamiliar vocabulary and system of knowledge, it also operated beyond public view or even beyond public awareness. Even persons highly educated at a Western university had no necessary understanding of how the law worked—only those who had been admitted to its fellowship of discipline had access to that type of knowledge.

Even so, the weaknesses of Islam also reflected its great strength: rather than being invested in a frame of institutions and authority, it was instead a way of life among a population deeply

instilled with a sense of obligation for its preservation. Thus, whether involving the highly educated and sophisticated or those from backward regions on the fringe of world affairs, the eradication of Islam would require a root and branch assault on entire populations. But there was another source of resistance when attempting a conquest of the Islamic world, deeper than even the Qur'anic teachings or indelible custom. It touched more deeply than accoutrements of religion or consciously held values. The world of Islam, unlike the West, was still predominantly a human world of families and extended family relations. In other words, they were peoples who continued to live by the natural ties of consanguinity—no stronger bond between humans existed in nature. It was not an overstatement to say that an attack on the Islamic way of life not only involved the atomizing of families, and the individuating of persons. It also amounted to a reconstruction of human existence from a natural and familial, to an artificially objectified and orchestrated reality, a prospect that would inevitably provoke an instinctive response of great credulity. Hence, the question remained as to what kind of inducement would attract Muslims from their traditional way of life to another, and whether the Anglophone legal atmosphere could provide that incentive.

c) CHALLENGE

All legal regimes must exist in two dimensions, the coercive or adjudicative and the persuasive or educative. In the short-term judicial order can be imposed by brute force, *in terrorem*. But for a legal regime to be established with continuity and stability, the public must come to understand it in terms of the benefit it confers, they must be instilled with the habit of compliance. Yet, at the beginning of the twenty-first century neither strata of

Anglophone legal rule—British or American, entitled or professed, imposed by *Class* or by *Expertise*, based on heritable title or collegial regimen--could claim to produce a type of justice that had a necessary relationship to any scale of morality or standard of norms comprehensible to the public in natural human terms. Historically, both strands of this law had relied on a constructed religious mentality by which its obscure workings could be made understandable as producing a positive good: the conquest of malevolent human nature in the Christian plan of world redemption. But that source of understanding was dependent on a homogeneity of belief among the subject population. Within a global population of extremely divergent ethnicity, custom, and belief those conditions would be nearly impossible to duplicate. Furthermore, in the global project any strategy of missionizing to compliance by way of religious conversion seemed anachronistic, beyond possibility. (Moffitt 2017)

Nor would the legal values of the new global order be expressed in universal ideals, *Enlightenment* principles, or an affirmative idea of human possibility, secular or religious. Instead, they were self-referential, instrumental, technical, and pragmatic values: a transcendent *Rule of Law* and a unitary enforcement of *Human Rights*. However, the events at Nuremberg, Dumbarton Oaks, and Bretton Woods had also introduced another legal factor and another source of values that would become important in the legal regimen of the global age. That was the *Expertise* of an Americanized version of Anglophone law and the atmosphere of material consumption attached to it. Under this influence public aspiration invariably became highly focused on the single purpose of wealth production. The former cohesive educational instruction based on ultimate values taught through doctrines of

religion had been superseded by a more pragmatic and less reflective one—but it was a solution of questionable sustainability. The Anglophone project had come to rely on materialist or consumer appetites drawn from the American example--making the process of globalization often seem to be only, in fact, a process of Americanization. (Cannadine 1994 & Kennedy 2016)

The question of whether this quality of values would be embraced by a global public as adequate reason to abandon deeply inured ways of living, or whether it would be rejected as superficial and unsatisfactory, may have had much to do with the rise of popular resistance to the project of globalization that began to occur in many parts of the world in the early twenty-first century. For those who were joined together by entitled rank or professional discipline to impose the Anglophone method along with the values that were its correlate, this was also a crucial question. After all, such a vast undertaking, potentially the culmination of human history, required concerted effort, even in favourable times, when the global public seemed willingly compliant. As with all human projects, of course, elements of ambition, rivalry, and power were involved. Yet, by the unity of a professed fellowship, with its pejorative view of human nature, its limitation on public understanding, and its own proven collective resolve, those distractions could be overcome. However, the question remained: would the habiliments of *Class* and the instruments of *Expertise* be sufficient to withstand resistance from those who clung to ultimate values, whether expressed in terms of the supernatural or the humane? In the global age this could also be the final question of values for those peoples with a deep heritage of cultivation and learning in the Civilian and Islamic worlds. (Domingo 2010 & Cutler 2003)

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