# Sentiment, Sense and Sensibility in the Genesis of Utopian Traditions

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## Abstract

*This essay focuses on Koskenniemi's contribution to* Realizing Utopia, *the first substantive chapter of the book. In it, Koskenniemi locates the source of international legal and institutional projects purporting to bring about world government in an 'oceanic feeling' – a primordial sentiment of transcendental unity with the world. Following Freud's analysis of the infantile nature of this sentiment in Civilization and its Discontents, Koskenniemi suggests that it invariably generates hegemonic utopias. My proposition complements this focus on the failing of uncritical utopianism with a focus on the weaknesses of uncritical realism, a realism that has given up on utopian thinking altogether. It may well be that 'fundamentalist' realism, no less than uncritical utopianism, accounts for the proliferation of mechanistic blueprints for the management of global problems, a phenomenon which Koskenniemi rightly laments. The observation that a certain kind of utopian thinking is objectionable need not generate an objection to all utopian thinking. The dialectic between hegemonic utopias and pluralistic utopias, a dialectic that I trace back to the book of Genesis, informs this proposition. In this manner, I further seek to complement while complicating the linear Enlightenment narrative of progress from religious to critical thinking.*

> *The paradox is the thinker's passion and the thinker without a paradox is like a lover without feeling: a paltry mediocrity.*[1]

Passionate thinking was the Ariadne's thread woven into the rich fabric of Antonio (Nino) Cassese's life and work, as a scholar, a judge, and an expert in international law. It is also his legacy. Indeed, it is no surprise that the delightfully complex marriage of the seemingly paradoxical notions of passion and reason culminate in conceiving a 'realistic utopia' (which was the title proposed originally for the book),

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[1]  S. Kierkegaard, *Philosophical Fragments: Johannes Climacus* (ed. H.V. Hong and E.H. Hong, 1985), at 37.

inviting international jurists to whet their oxymoronic appetites and imagine its topography.[2]

*Realizing Utopia: The Future of International Law* is a provocative title for a book published in 2012. Having witnessed the hopeful spirit of the Enlightenment degenerate into the Gulags, the industrialized, bureaucratized genocide in the death camps and other horrors,[3] thinkers as prominent and as diverse as Berlin,[4] Rawls,[5] Oakeshott,[6] Bell,[7] and Jacoby,[8] to name but a few, have all indicated the senselessness and indeed the menace inherent in thinking in terms of utopia. The utopian sensibilities of international legal scholarship have not fared much better: the attack of classical realism launched in the 1940s by Hans Morgenthau[9] and others[10] damned the metaphysical foundations of the discipline, its morally dubious principles, and the danger intrinsic in their application. Towards the end of the century, this critique of substance and function was supplemented by a critique of structure and form. Martti Koskenniemi's focus on the methodology of the discipline doomed its epistemological foundation: vacillating between the need to verify law's content by reference to a concrete practice and interest of states and the need impartially to determine and apply that very law regardless of the practice and interests of states, that is, between apology and utopia, we are already always arguing a political preference.[11]

Koskenniemi's contribution to *Realizing Utopia* is the first substantive chapter of the book.[12] It supplements his critical account of the utopian tradition in international law with a critique of the value of engaging in the project that became *Realizing Utopia* generally, and of the desirability and feasibility of international law's quest for a world community, more specifically.[13] In what follows I wish to engage with this critique. My main proposition is that Koskenniemi's focus on the failing of uncritical utopianism (with which I agree) should be supplemented with a focus on the weaknesses of uncritical realism; a realism that has given up on utopian thinking altogether. It may

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[2]   Cassese, 'Introduction', in A. Cassese (ed.), *Realizing Utopia* (2012), at pp. xvii, xxi.

[3]   Z. Baumann, *Modernity and the Holocaust* (1989).

[4]   Berlin, 'The Pursuit of the Ideal', in E. Hardy (ed.), *The Crooked Timber of Humanity: Chapters in the History of Ideas* (Press, 1990); Berlin, 'The Decline of Utopias in the West', in *ibid.*, at 20.

[5]   J. Rawls, *Theory of Justice* (1971).

[6]   M. Oakeshott, *On Human Conduct* (1991).

[7]   D. Bell, *The End of Ideology* (1960).

[8]   R. Jacoby, *The End of Utopia* (1999).

[9]   Morgenthau, 'Positivism, Functionalism and International Law', 34 *AJIL* (1940) 260.

[10]  E.g., Schwarzenberger, 'The Rule of Law and the Disintegration of the International Society', 33 *AJIL* (1939) 56. For a discussion of the critique of normative legal positivism see Simpson, 'The Situation on the International Legal Theory Front', 11 *EJIL* (2000) 439.

[11]  M. Koskenniemi, *From Apology to Utopia: The Structure of International Legal Argument* (reissued with a new Epilogue, 2005).

[12]  Koskenniemi, 'The Subjective Dangers of Projects of World Community', in Cassese, *supra* note 2, at 3. The original title of this contribution, as submitted by Koskenniemi, was 'The Project of World Community': see Koskenniemi, 'The Perils of Publishing: Living Under a False Title', *EJIL Talk!*, 12 Apr. 2012, available at: www.ejiltalk.org/author/martti-koskenniemi.

[13]  Authors of the various chapters comprising *Realizing Utopia* take different positions on this issue. Isabel Feichtner's contribution to the present symposium provides an excellent conceptualization of these positions.

well be that this form of (fundamentalist) realism, not less than uncritical utopianism, accounts for the proliferation of mechanistic blueprints for the management of global problems, a phenomenon which Koskenniemi rightly laments.[14] The observation that a certain kind of utopian thinking is objectionable need not generate an objection to all utopian thinking. The dialectic between hegemonic (or fundamentalist) utopias and pluralistic utopias, a dialectic that I trace back to the book of Genesis, informs this proposition.

## 1 A Transcendental Narrative: 'Oceanic Feeling' and the Genesis of Hegemonic Utopias

In *World Community*, Koskenniemi locates the source of political and international legal and institutional projects purporting to bring about world government in a sentiment, indeed a transcendental experience known as 'oceanic feeling'.[15]

The *locus classicus* of the coinage 'oceanic feeling' is, as Koskenniemi notes, the psychoanalytical dissection of this sentiment by Freud in *Civilization and Its Discontents*.[16] The author of the term, however, is not Freud (who readily admitted he had never experienced this feeling);[17] it is Romain Rolland. In a letter to Freud dated 5 December 1927 and relating to *The Future of an Illusion* which Freud had published earlier that year,[18] Rolland referred to 'oceanic feeling' as 'a spontaneous religious feeling or, more exactly, a sensation ... of the "eternal" (which may very well not be eternal, but simply without perceptible limits, and in that way oceanic)'.[19] Rolland, attributing this sensation to a primordial force in all people, and finding it to be the source of all religions, further describes it as a 'subjective' experience of immersion in the universe and in humanity as an indivisible whole; an energy that may at some future point usher in universal brotherhood.[20] He invited Freud to analyse this feeling, an invitation Freud accepted in *Civilization and Its Discontent*.

Freud's admiration for Rolland, evidenced in the opening lines of the book, was not matched by an equal esteem for his notion of an 'oceanic feeling'. Such sense of fusion with the universe, says Freud, is characteristic of the ego development of infants; experiencing it in adult life is not indicative of the potential of limitless humanity but of limitless narcissism; it signifies regression, not the promise of progress.

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[14]  Koskenniemi, *supra* note 12, at 11. This is a critique he has been advancing elsewhere as well: see, e.g., Koskenniemi, 'The Fate of Public International Law: Between Technique and Politics', 70 *MLR* (2007) 1, at 15.

[15]  Koskenniemi, *supra* note 12, at 3.

[16]  *Ibid.* See S. Freud, *Civilization and Its Discontents* (trans. and ed. J. Strachey, 2005).

[17]  Koskenniemi, *supra* note 12, at 12.

[18]  S. Freud, *The Future of an Illusion* (trans. J. Strachey, 1989).

[19]  Cited in D.J. Fisher, *Romain Rolland and the Politics of Intellectual Engagement* (1988), at 8–10, available at: http://publishing.cdlib.org/ucpressebooks/view?docId=ft538nb2x9&brand=ucpress.

[20]  *Ibid.*

'Just as Freud knew', says Koskenniemi, 'the fact that one has an "oceanic feeling" is not proof of the truth of the religion',[21] any more than it is proof of the *'universal reality'* of the feeling.[22] The reality is that there is no authentic universal position that can serve as a basis for international legal and institutional blueprints for world community. This reality suggests that any such design represents a subjective world-view and particular interests cross-dressed as a universal value. The proof is in the historical pudding.

I have no quarrel with this position, but I think it should be qualified to a specific narrative of utopias. This narrative is rooted, suggests Koskenniemi in 'Origins: the Role of Providence', the aptly entitled second part of *World Community*, in the Christian reading of the 'fall occasioned by the original sin': God has created the world for the enjoyment of all humanity, and redemption means 'the reestablishment of the once broken unity'.[23] But could not the story of the expulsion from the Garden of Eden be read differently? Could it not be that the story does not suggest a trinity of sin, punishment, and redemption, but rather seeks to explain the human condition as is? In the following section I shall offer such reading of the first human attempt to build (literally) a utopia, the story of the Tower of Babel.

## 2 A Narrative of the Human Condition: the Genesis of Pluralistic Utopias

### A *The Human Pull towards Objects 'the Top of Which May Reach unto Heaven'*[24]

The image of an object grounded in earth the top of which is reaching the heavens is prototypical of utopia. It has existed in all cultures since time immemorial.[25] It is imprinted on our collective consciousness and indeed accounts for the *déjà-vu* effect of the image Cassese chose for the cover of *Realizing Utopia*.

The universal dream of an 'escape from men's imprisonment to the earth', as Hannah Arendt had observed, proved to be 'neither wild nor idle'.[26] It would eventually be affirmed by scientific exploration of space and symbolically realized in the construction of skyscrapers.

The opening line of Genesis may well reflect the origin of this aspiration: '[i]n the beginning God created the heaven and the earth'.[27] This source of the discourse implies three assumptions: first, that the heaven and earth are interdependent; each requires the other for its existence: without the 'there' there would be no 'here' and vice versa.

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[21]  Koskenniemi, *supra* note 12, at 11.

[22]  *Ibid.* (emphasis in the original).

[23]  *Ibid.*, at 5.

[24]  Genesis 9:4.

[25]  E.g., J. Frazer, *Folklore in the Old Testament* (abridged edn, 2003), at 228–230.

[26]  H. Arendt, *The Human Condition* (1998), at 1–2.

[27]  Genesis 1:1. Interestingly, in Hebrew the word for 'heaven' is '*shamaym*'; the root of the word '*shamayim*' is '*sham*'. '*Sham*' means 'there'.

Secondly, that the 'there' was created before the 'here'. This may well be read to mean that the idea is superior to earthly realities, and is indeed the epistemic condition of possibility for our perception of the real and the realizable. Thirdly, there is a separation, a distance between here and there. Bridging the distance is not a necessity; the journey is a matter for human choice. Some may choose not to undertake it. Surely, Parmenides, or the author of Ecclesiastes, to name two of the forefathers of realism and of material determinism, those who believe that '[t]he thing that hath been – it is that which shall be; and that which is done is that which shall be done: and there is no new thing under the sun',[28] will not choose to make it. For them, the flat horizon governing earth by the deterministic materialism of cause and effect exhausts the limits of the possible. Others, aware that there is no compulsion to take the journey, may nevertheless find that there are compelling reasons for them to do so. We identify them as 'utopians'. They would not necessarily attempt to defy the rules of gravitation or otherwise transcend the human condition. Hubris is not an inevitable component of the quest. Much like the man on the cover of the book, they would rather ground the ladder firmly in earth, and begin a step by step climb. The ladder, thus grounded, also allows for descending back to earth.

Success is not guaranteed. Given the universality and timelessness of the quest, it is not surprising that the exploration of the conditions of possibility for success would be undertaken by ancient texts designed to explain the human condition. One such text, widely regarded as more universal while being more concrete than most others, is the Bible.[29]

## B  *A Tale of Two Utopias*

The book of Genesis contains two stories of human interaction with an object the top of which reaches unto heaven: the first is the story of the Tower of Babel; the second is the story of Jacob's ladder. In what follows I propose that the two texts are complementary in the sense that it is impossible to understand the first story (on which I will focus) without the second, and that their complementarity provides a significant ontological insight for realizing utopia.

This proposition rests on a literary approach to the Bible, as distinct from other possible perspectives (e.g., historical, theological, psychological). The literary approach reads the biblical narrative as a purposive social discourse, that is, as 'a means to a communicative end'[30] oriented to an addressee on which the narrator wishes to produce a certain effect. The focus is on the text as a pattern of meaning and effect, of which the reader, using methodologies developed in literary criticism, attempts to make purposive sense.[31]

The sorry story of the Tower of Babel reads as follows:[32]

> *1:* And the whole earth was of one language, and of one speech. *2:* And it came to pass, as they journeyed from the east, that they found a plain in the land of Shinar; and they dwelt there.

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[28]  Ecclesiastics 1:9.

[29]  M. Sternberg, *The Poetics of Biblical Narrative: Ideological Literature and the Drama of Reading* (1987), at 57.

[30]  *Ibid.*

[31]  *Ibid.*, at 1–57.

[32]  Genesis 9:1–9.

*3:* And they said one to another, Go to, let us make brick, and burn them thoroughly. And they had brick for stone, and slime had they for morter. *4:* And they said, Go to, let us build us a city and a tower, whose top may reach unto heaven; and let us make us a name, lest we be scattered abroad upon the face of the whole earth. *5:* And the LORD came down to see the city and the tower, which the children of men builded. *6:* And the LORD said, Behold, the people is one, and they have all one language; and this they begin to do: and now nothing will be restrained from them, which they have imagined to do. *7:* Go to, let us go down, and there confound their language, that they may not understand one another's speech. *8:* So the LORD scattered them abroad from thence upon the face of all the earth: and they left off to build the city. *9:* Therefore is the name of it called Babel; because the LORD did there confound the language of all the earth: and from thence did the LORD scatter them abroad upon the face of all the earth.

This story is written as a theodicean narrative. Generally, the purpose of such narratives is to remove responsibility for the human condition from God and locate it in human sin. Given that the human condition this story seeks to explain is why we live in a world divided into different nations, lacking in a common language and devoid of solidarity, it is of particular interest to international law. Yet, the story is enigmatic: it fails to give a justification for the punishment and, in that sense, appears to frustrate its own purpose.

The people of Babel appear industrious, creative, even ingenious: they invent urban architecture; establish the technology of building with stones; their community is based on a common understanding which is the condition of possibility for solidarity, an understanding and a solidarity that post-punishment we can only, well, dream of. What is wrong with their wish to cease being nomadic, establish a permanent town, and build a tower as a point of reference, like a lighthouse in the sea, to indicate to those who wander away a point of return, a safe, welcoming haven? More generally, given that the transformation of the organizing principle of a community is the common denominator of all utopias,[33] are we to understand from the destruction of this utopia that we should not engage with such transformations?

A common and obviously apologetic explanation points to hubris. The text, however, contains no allusion to this deadly sin. Textually, it is God, rather than human beings, who strikes a rather unattractive figure in the story: he is self-interested, standing guard over his monopoly of power; fearful rather than fearsome; afraid of competing with the power humanity is acquiring. A theodicity that instead of providing a justification for God's intervention ends up portraying a Divine tycoon acting like Apple Company and destroying brilliant start-ups for fear that they will challenge its hegemony, is poor theodicity indeed.

The coupling of the unity of the Biblical text[34] with the sophistication of the narrator suggests that an explanation may be hidden elsewhere in the text. It is discovered in the story of Jacob's ladder.[35]

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[33] Parker, 'Utopia and the Organizational Imagination: Eutopia', in M. Parker (ed.), *Utopia and Organization* (2002), at 217, 218.

[34] Gros Louis, 'Some Methodological Consideration', in K.R.R. Gros Louis, J.S. Ackerman, and T.S. Warshaw (eds), *Literary Interpretations of Biblical Narratives Volume II* (1982), at 15.

[35] Genesis, 28:10–19.

On first reading there seems to be no connection between the two stories: the story of Jacob's ladder tells of a dream of Jacob who, having deceived his father and stolen from his brother the father's blessings, had to run for his life.[36] It is a story of an individual who experiences, for the first time in his life, a religious awakening, a revelation which alters him. He sees angels going up and down a ladder, and amidst the angelic movement God appears, identifies himself as the God of his progenitors, Abraham and Isaac, and promises him and his offspring protection and land.

Given the apparent thematic difference in the stories, the idea that the story of Jacob's ladder may illuminate the meaning of the story of the Tower of Babel appears quite speculative. Appearances, however, are notoriously deceptive.[37] Indeed, it is not only the erect presence of an object grounded in earth with its top reaching unto heaven that invites their joined reading, but numerous other linguistic and substantive cross-references. Thus, both stories are travel stories; both begin by reaching a new place,[38] and involve building and stone.[39] The major event in both is divine intervention which changes the course of human history: in both this intervention relates to 'spreading over the earth',[40] but such spreading is construed differently: it is a blessing in the case of Jacob's ladder, and a disaster in the case of the Tower of Babel, where the destruction generates the human condition the people sought to avoid. Finally, both end with a new name being given to the place where the event took place, signifying the latter's transformative nature. Given that the story of the Tower of Babel is designed to explain, *inter alia*, the plurality of languages and the need for translation, it is interesting to note that both names are signifiers which get lost in translation: Jacob renames the place where he had the revelation 'Bethel', the Hebrew meaning of which is 'House of God'.[41] The name given to the place where the tower was built is 'Babel' and the text explains this choice as follows: 'because the LORD did there confound the language of all the earth'.[42] In Hebrew, the word used for 'confound" is 'balal' which shares the same root as 'Babel'. In Acadian (the ancient language of

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36   Genesis, 27.

37   In reference to the language used by Judge Krylov in his dissenting opinion in *Conditions of Admission of a State to Membership in The United Nations*, Advisory Opinion [1948] ICJ Rep 57, at 107.

38   Genesis 9:2: 'And it came to pass, as they journeyed from the east, that they found a plain'; Genesis 28:10–11: 'And Jacob went out from Beer-sheba, and went toward Haran. And he lighted upon a certain place.'

39   Genesis 9: 3–4: 'let us make brick, and burn them thoroughly. And they had brick for stone, and slime had they for mortar. And they said, Go to, let us build us a city and a tower ...'; Genesis 28:12: 'and he took of the stones of that place'; Genesis 28:18: 'And Jacob rose up early in the morning, and took the stone that he had put for his pillows, and set it up for a pillar.'

40   Genesis 9:4: 'let us build us a city and a tower ... lest we be scattered abroad upon the face of the whole earth' and Genesis 9:8: '... So the LORD scattered them abroad from thence upon the face of all the earth'. This is repeated in verse 9; Genesis 28: 14: 'and thou shalt spread abroad to the west, and to the east, and to the north, and to the south'.

41   Genesis 28:17 indeed refers to the 'house of God' before Jacob decides to change the name of the place.

42   Genesis 28: 19: 'And he called the name of that place Bethel: but the name of that city was called Luz at the first'; Genesis 9:9: 'Therefore is the name of it called Babel; because the LORD did there confound the language of all the earth.'

Babel) 'Bab-ili' also meant 'the Gate of God', thus providing another cross-reference to 'Bethel'.[43]

The complementary reading that the texts thus invite should shed light on two questions: how does the story of Jacob's ladder explain the reason for the destruction of the utopia built by the people of Babel? And why did the Biblical narrator find it necessary to disclose that reason only 21 chapters later?

My proposition relative to the first question is that it is the difference between the stories that ties them together in a significant manner. The main difference is that Jacob's dream originates from Jacob. It is his *sui generis* dream; completely individual. The dream of the people of Babel is political. It originates from a collectivity where, we are told in the very first sentence, 'there was one language and one speech'; that is, no plurality of discourse; they all spoke in one voice.

This plurality is the lifeline of freedom; the space necessary for human potentialities indeed to dream up utopias, climb a ladder, and intervene and affect the outcome of this world for the better. Without it, realizing the utopia that is the Tower of Babel is a recipe for dystopian totalitarianism. The narrator's consistent reference to stone, brick, and cement (mortar) is instructive here: in biblical language these signify servitude and submission. A utopia where the individual, the singular, is subsumed in the collectivity, where the *volonté générale,* not the *volonté des tous*, reigns supreme,[44] would subvert a utopian dream into a nightmare. It is a fundamentalist utopia. Such a utopia does not resolve conflicts; it simply destroys its opponents. It should not be realized.

My response to the second question is that the Biblical narrator knows how difficult it is to refuse the seductive pull of utopias; the promise of a best way to organize the world, one that transcends conflicts. Such vision need not call itself utopia and may even insist that it is entirely realistic, and indeed the only course for reality, requiring no external measure other than itself. He knows that the power exerted by a huge tower, a solid skyscraper organized in a seemingly rational narrative, is too compelling to resist; that most of us will be tempted to be subsumed into it at the cost of our freedom, our singularity. After all we are not compelled to be free.[45] This Roussauist paradox is a sham: if we are, we are not free. We are, in fact, quite prone to shying away from the burden of our freedom, handing it over unreflectively for the sake of some utopian promise. The combination of human gullibility with the fragility of individual freedom and with the illusive, alluring face of utopianism, especially if it is neatly and beautifully packaged (indeed even if – *especially* if – it appears in drag, dressed up as universal *Gemeinschaft* or dressed down as realism or pragmatism), is dangerous. It takes some critical eye and distance to uncover it. The narrator thus gives us the required space; an opportunity to walk the distance between the two stories and reflect on the difference between them to realize that if the Tower which is a community dream is built so solidly as to leave no room for alternative visions, for

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[43]   G. Steiner, *After Babel: Aspects of Language and Translation* (1988).

[44]   In reference to J.J. Rousseau, *On the Social Contract* (2003).

[45]   *Ibid.*, at 11.

the multitude of discourses and discursive practices, it is but a reflection of imperial hubris. It is better not to build it.

The joint reading of these stories thus offers us a way to reflect on the meaning of utopia, distinguish between different kinds of utopias, and consider the conditions of possibility for the existence of a utopia that will not degenerate into a dystopia.

## 3 Concluding Thoughts

Freud's narrative, shared by Koskenniemi in *World Community*, is the narrative of the Enlightenment: its starting point is a primordial 'oceanic feeling' translated into an idea of human unity that overcomes all boundaries and eliminates all differences. Disclosing the infantile nature of this transcendental unity is the business of mature application of critical faculties. This narrative suggests that in the beginning God created the hegemonic utopia and that human development since has realized the dangers inherent in realizing utopia and is critical of utopianism.

My reading suggests that in the beginning God, in destroying a specific utopia – the hegemonic utopia – differentiated it from other types of utopias. In opposition to a linear narrative of progress from religious to critical thinking, it posits that the dialectics of hegemony and pluralism informs the primeval text: rather than advocating the religious trinity of sin, punishment, and redemption, the text advances the humanistic trinity of freedom, will, and imagination. That the text could be read as anticipating the Kantian (and Koskenniemian) conception of the rule of law[46] renders the traditional narrative of the Enlightenment more complex.

In the reading I engaged in, the problem resides not merely in uncritical utopianism but equally in uncritical realism, a realism that has given up on the possibility of a pluralistic utopia: not all objects the top of which reaches unto heaven are alike. This is the difference between the Tower and the ladder. Utopia, much like that famous rose, can come under many names or indeed remain anonymous, albeit very much present. It offers a vision of the organizing principle a community should adopt. The implication is that the very decision of what gets labelled 'utopian' and what we perceive of as 'realistic' is not only fragile, but ideological. This is so since a utopian vision tells us that a certain organizational principle and structure reflect the way the world works and that this is how it should work. Anything else is therefore the kingdom of the dreamer; unreasonable, impractical, infantile. In short, that principle gets naturalized and maintains its status by allowing no counter-realities. These are simply to be shot down as unrealistic. Over the past few decades global capitalism, symbolized by those other towers that reached unto heaven, seems to have achieved that status. It is not inconceivable that their destruction suggests that not everybody agrees that the

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[46] Kant, 'Ideal for a Universal History with a Cosmopolitan Purpose', in H.S. Reiss (ed.), *Kant: Political Writings* (1991), at 41; E. Kant, *Perpetual Peace: A Philosophical Essay* (trans M. Campbell Smith, 1917). These notions are discussed in their contemporary context in Koskenniemi, 'Constitutionalism as a Mindset: Reflections on Kantian Themes about International Law and Globalization', 8 *Theoretical Inquiries in Law* (2007) 9.

Pareto optimum is the only standard of the good life.[47] The existence of other standards does not mean that all utopias are illusionary; it simply underlines that a realistic, realizable utopia requires a pluralistic basis.

The universal wish to reach from 'here' to 'there' is part of the human condition: its origin is in people experiencing their real place as no place (outopia), and wishing to change their life conditions and reach a good place (eutopia).[48] From this perspective, a eutopian vision springs from miserable experience and necessarily contains critical consciousness of outopia, that is, a critique of present power relations within social reality. There are ladders, as Jacob's dream suggests, that it may well be worth our while to climb. Grounded in earth but aiming towards heaven, they also admit the dialectics of ascending and descending. The notion that international law can and should be aligned with a critique in order to advance change animates the consciousness of normative international legal scholarship and indeed the undertaking of the very project of *Realizing Utopia*.[49]

The biblical narrative thus suggests that utopia is intricately linked with reality: our world is not about utopia or reality; experience or experiment; law or politics. It is about utopia and reality; experience and experiment; law and politics. It is a world that is neither preordained nor random, but one of potentialities. It is about human potential to intervene and affect the outcome. Cassese realized, in both senses of the verb, that potential fully. This realization is the basis for *Realizing Utopia*.

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[47]   Koskenniemi, *supra* note 14. In Koskenniemi, *supra* note 12, at 3, Koskenniemi makes a similar point with respect to the crusade to restore democracy to Kuwait or to coerce the Iraqis to be free in operation 'infinite freedom'.

[48]   Thomas More's 'Utopia' is a pun on the original Greek terms 'outopia' and 'eutopia': T. More, *Utopia* (trans. P. Turner, 1965); Parker, *supra* note 33, at 211.

[49]   Cassese, *supra* note 2, at p. xxi.