January 2008

The Soft Power and Persuasion of Translations in the War on Terror: Words and Wisdom in the Transformation of Legal Systems

Donald J. Kochan
Chapman University School of Law

Follow this and additional works at: https://researchrepository.wvu.edu/wvlr

Part of the Language Interpretation and Translation Commons, and the National Security Law Commons

Recommended Citation
Available at: https://researchrepository.wvu.edu/wvlr/vol110/iss2/4

This Article is brought to you for free and open access by the WVU College of Law at The Research Repository @ WVU. It has been accepted for inclusion in West Virginia Law Review by an authorized editor of The Research Repository @ WVU. For more information, please contact researchrepository@mail.wvu.edu.
THE SOFT POWER AND PERSUASION OF TRANSLATIONS IN THE WAR ON TERROR: WORDS AND WISDOM IN THE TRANSFORMATION OF LEGAL SYSTEMS

Donald J. Kochan*

The power of words is the power of persuasion. The exportation of the foundational legal principles that helped form the American republic can serve as instrumental "soft power" tools in the war on terror. Efforts promoting projects like the Arabic Book Program are important vehicles to cross-cultural and cross-lingual international relations. This Article argues that an arsenal of

* Associate Professor of Law, Chapman University School of Law. The author thanks Katherine Darmer for insightful comments, and Jennifer Spinella and Michael Rossiter for valuable research assistance. I also thank Omid Khalifeh, Mazi Bahadori, Jameel Hamud, Paola Hamieh, Alexandra Hanson, Alaa Yasin, and Mohammed Youseff for their assistance in providing translations. For a shorter commentary on this topic, see Donald J. Kochan, Words and Ideas Are Power in the War on Terrorism, L.A. DAILY J., Feb. 26, 2007, at 6.

1 In Arabic, this phrase is translated as "the pen is greater than the sword," in line with the maxim "the pen is mightier than the sword." In Arabic-English text, the maxim translates as Haad Al Qalam Aqwa Min Haad Al Saif. The Latin translation for the maxim is calamvs gladio fortior.

ABSTRACT (ENGLISH VERSION) ............................................................................................................ 545
ABSTRACT (ARABIC TRANSLATION) .................................................................................................... 546

I. INTRODUCTION .................................................................................................................. 546
II. THE POWER OF IDEAS ........................................................................................................ 549
III. THE IMPORTANCE OF SOFT POWER ................................................................................... 553
IV. THE IMPORTANCE OF TRANSLATIONS IN FOREIGN POLICY AND INTERNATIONAL RELATIONS .................................................................................................................... 559
A. The Arabic Book Program .................................................................................................. 562
B. Other Selected Translation Projects ............................................................................... 564
C. Translational Impact .......................................................................................................... 565
V. CONCLUSION ....................................................................................................................... 569

ABSTRACT (ENGLISH VERSION)

The power of words is the power of persuasion. The exportation of the foundational legal principles that helped form the American republic can serve as instrumental "soft power" tools in the war on terror. Efforts promoting projects like the Arabic Book Program are important vehicles to cross-cultural and cross-lingual international relations. This Article argues that an arsenal of
words can be as, or more, powerful than an arsenal of artillery. The West has much to offer, but the rest of the world needs to be able to read it without getting lost in translation. Providing linguistic access to the documents that have spurred American progress economically and in governance can be a valuable tool for international peace and progress. For that effort, translations are key.

I. INTRODUCTION

The power of persuasion cannot be underestimated, and sometimes the pen is truly mightier than the sword. Persuasion is a “soft power” weapon that has a place in the plan in the war on terror. Military or “hard power” alone may

---


3 In 1839, Edward Bulwer-Lytton presented this adage in his play Richelieu; Or the Conspiracy. 1 Lord Lytton, Richelieu; OR THE CONSPIRACY: A PLAY IN FIVE ACTS act 2, sc. 2, in The Dramatic Works of Sir Edward Bulwer-Lytton 53 (Frederick A. Stokes Company ed. 1890) (1839). See also Edward Sherman Gould, Good English 63 (4th ed. rev., W.J. Widdleton 1870) (1867). The Library of Congress displays the phrase at the Thomas Jefferson Building. Charles Bingham Reynolds, Library of Congress and the Interior Decorations: A Practical Guide for Visitors 15 (Foster & Reynolds ed., 1897). Consider also that Abu’l Fazl ibn Mubarak, personal assistant to Akbar the Great, wrote of a man having “been promoted from the pen to the sword and taken his place among those who join the sword to the pen, and are masters both of peace and war.” H. Beveridge, The Abarnama of Abu-E-LFazl (1902). King Abdullah of Bokhara has been attributed to have said that “He was more afraid of Abu’l-Fazl’s pen than of Akbar’s sword.” Syad Muhammad Latif, Agra Historical & Descriptive with an Account of Akbar and His Court and of the Modern City of Agra 264 (Asian Ed. Services ed., 2003) (1896).

4 “[H]ard power” is the ability of the United States to conduct foreign policy and achieve its wishes on the world stage through means of force, force projection, threats, and implied threats. “Soft power” is the ability of the United
not achieve desired goals. "Hard power" simply may not be enough to spread freedom and democracy. The era of globalization should involve not just military or economic intervention, but also the export of ideas—perhaps the most valuable commodity the United States has to offer and the one that might bring the greatest return. To borrow the words of Edmund Burke, "[w]hen bad men combine, the good must associate; else they will fall, one by one, an unpitied sacrifice in a contemptible struggle." That association requires translation, where the battlefield of ideas can be won.

There exists a dearth of translations and transmissions of key ideas regarding governance and rights—disappointingly so, as these translations can have serious consequences. Far too little attention has been paid to communi-

States to achieve these same goals by powers of persuasion or envy or other emotions felt by those countries that are the target of U.S. policy.

JOSEPH NYE, JR., BOUND TO LEAD 1-20, 220-36 (1990). See also Paul Schiff Berman, Seeing Beyond the Limits of International Law, 84 TEX. L. REV. 1265, 1293 (2006) (book review) ("[I]t is difficult to see how a state could hope to further its long-term interests without being able to convince others to follow certain policies simply through the power of persuasion and moral authority.").

Ian L.G. Wadley, U.S. and Them: Hubs, Spokes, & Integration with Reference to Trans-boundary Environment and Resource Issues, 21 BERKELEY J. INT’L L. 572, 603 (2003) (stating that “the United States needs not only the dominance of raw military and economic power, but more importantly the “soft power” of persuasion and influence”). See also id. (“The success of U.S. primacy will depend not only on our military or economic might but also on the soft power of our culture and values and on policies that make others feel they have been consulted and their interests have been taken into account.”); Joseph S. Nye, Jr, Lessons in Imperialism, FIN. TIMES (U.S. Edition 2), June 17, 2002; Diane F. Orentlicher, Unilateral Multilateralism: United States Policy Toward the International Criminal Court, 36 CORNELL INT’L L.J. 415, 1130 (2004) (“Nye’s conception of “soft” and “hard” power approaches to diplomacy provides a useful framework for addressing this question.”).

Mark A. Drumbl, ‘Lesser Evils’ in the War on Terrorism, 36 CASE W. RES. J. INT’L L. 335, 348 (2004) (arguing that soft power may need to step up because, “[i]n the seemingly multi-generational war on terrorism carried out in multiple spheres of engagement, eventually the deployment of this hard power may become too exhausting and too overwhelming”); Jutta Brunnée, The United States and International Environmental Law: Living with an Elephant, 15 EUR. J. INT’L L. 617, 644 (2004) (“[T]here is a keen sense that a ‘realistic sheriff’ cannot rely exclusively, or even primarily, on military power to accomplish its goals. Therefore, the United States must harness and develop . . . ‘soft power.’”).

1 EDMUND BURKE, SELECT WORKS OF EDMUND BURKE 146 (Francis Canavan ed., 1999) (excerpting from EDMUND BURKE, THOUGHTS ON THE CAUSE OF THE PRESENT DISCONTENTS (1770)). See also generally RUSSELL KIRK, THE CONSERVATIVE MIND: FROM BURKE TO ELIOT 45-46 (7th rev. ed. 1994).

There is also a dearth of discussion on the use and importance of translations in diplomacy. See Dan Eggen, F.B.I. Agents Still Lacking Arabic Skills: 33 of 12,000 Have Some Proficiency, WASH. POST, Oct. 11, 2006, at A1 (discussing the familiarity of the Arabic language as, at best, just one percent of 12,000 FBI agents); Editorial, What FBI Agents Don’t Know: Five Years After Sept. 11, Only 33 Agents Can Speak Arabic—And Most of Them Can’t Even Speak It Well, WASH. POST, Oct. 16, 2006, at A20 (describing the same, explaining ramped up efforts to hire translators, and concluding that “[l]anguage skill and training need to be priorities.”); Thomas X. Hammes, Lost in Translation: Interpreters for Iraq, INT’L HERALD TRIB., Aug. 26, 2005, at 8 (“Without an
cation that can bridge cultural gaps. "[H]umans ignore at their peril efforts to find ways to develop and articulate universal values." A common lingual bond or translatable discourse with historical roots keeps those on the same planet on the same page. It is all about the critical utility of discourse. Values must be communicated in a manner that resonates with the audience. As a former U.S. ambassador to Syria and Israel stated, we are in a "battle for the minds of this very important part of the world." Cross-cultural interchange is vital to diplomacy and in a successful war on terror—thus, words matter. Communication is key to "soft diplomacy," and translation is key to communication.

In the days immediately following September 11, 2001, President Bush framed the war on terror in terms of a "Good vs. Evil" dichotomy. As one interpreter, Americans in Iraq are essentially blind to what is happening around them.

9 John E. Noyes, The United States, The Law of the Sea Convention, and Freedom of Navigation, 29 SUFFOLK TRANSNAT'L L. REV. 1, 22 (2005). See also All Things Considered: European Muslim Intellectuals Chart New Course (NPR broadcast Sept. 24, 2006) (quoting Soheib Bencheikh), transcript available at www.npr.org ("[I]n our sermons and prayers we [should] use the language of Shakespeare or of Moliere. We must show that Islam can be experienced in any culture. We must put the accent on its universality.").

10 RALPH WALDO EMERSON, IN PRAISE OF BOOKS: A VADE MECUM FOR BOOK-LOVERS 8 (1901) ("We owe to books those general benefits which come from high intellectual action. Thus, I think, we often owe to them the perception of immortality. They impart sympathetic activity to the moral power.").

11 Victor Hugo, Preface to CORNWELL, reprinted in 39 PREFACES AND PROLOGUES TO FAMOUS BOOKS 354, 394 (Charles W. Eliot ed., 1910) ("A language does not become fixed. The human intellect is always on the march, or, if you prefer, in movement, and languages with it.").


13 See id. ("[T]his is a battle for the minds of this very important part of the world") (quoting Edward Djerejian).

14 Sheryl Gay Stolberg, 'Islamo-Fascism' Had its Moment, N.Y. TIMES, Sept. 24, 2006, at 45. ("David Frum, a former speechwriter for Mr. Bush, said the president turned to [the term] 'evildoers' right after Sept. 11, 2001, in part because it translated well in Arabic and in part because it appeared in Psalm 27, which Mr. Frum says is one of the president's favorite psalms. ('When evildoers came upon me to devour my flesh:'.)").
scholar phrased the altered environment, “The world as we knew it changed, irrevocably, on that day in history.” In the aftermath, there has been a notable lack of discussion in the popular media, and in political and academic circles regarding the necessity of the exchange of ideas. This Article argues that the United States needs to address that dearth in our strategic discussion. If we print our foundational materials in understandable text, others might read it and consume it. If others read it, they might just have their own ammunition in the struggle against terror.

In this Article, Part II explains the importance of the importation and exportation of ideas. Part III describes the influence of “soft power” in international relations. Part IV describes some of the existing American efforts toward expanding the availability of translations, including the Arabic Book Program and its utility in changing the landscape of debate in the war on terror. The Article then concludes that an enhanced effort at trans-cultural and trans-lingual communication is one of the fundamental means for introducing the world to the founding values that will allow others to progress and prosper, and, therefore, these efforts should be propped up.

II. THE POWER OF IDEAS

Ideas are an influential tool for progress, but only if they can be injected without censor and challenged without punishment. Perhaps the concept is best encapsulated in a statement attributed to John Adams during the American Revolution: “[w]ithout the pen of Paine... the sword of Washington would have been wielded in vain.” Of course this is a reference to Thomas Paine’s incredibly influential short work, Common Sense, that was considered a document providing a vital justification for the American Revolution.

\[\text{\indent}15\quad \text{M. Katherine B. Darmer, Introduction to CIVIL LIBERTIES VS. NATIONAL SECURITY IN A POST-9/11 WORLD 11 (M. Katherine B. Darmer et al. eds., 2004).}\]
\[\text{\indent}16\quad \text{See generally RICHARD M. WEAVER, IDEAS HAVE CONSEQUENCES (1948).}\]
\[\text{\indent}17\quad \text{See Michael J. Zwiebel, Why We Need to Reestablish the USIA, 86 MIL. REV. 26 (2006).}\]
\[\text{\indent}18\quad \text{Joannie Fischer, A Nation Made of Poetry, U.S. NEWS & WORLD REP., Sept. 22, 2003, at 80. See also Williams C. Kashatus, Revolution with Pen and Ink, 34 AM. HIST. 52, 54 (2000) (“No wonder John Adams, Congress’s strongest advocate of American independence, both respected and feared him, remarking that ‘without the pen of Paine the sword of Washington would have been wielded in vain.’”). As Galles explains: ‘Common Sense’ was the most widely read pamphlet of the American Revolution. The Crisis’ essays were read by a larger segment of the population of its day than now watch the Super Bowl. The first essay (opening with ‘These are the times that try men’s souls’) was read aloud in every Army camp.” Gary Galles, Thomas Paine Scripted the Revolution, O.C. REGISTER, Jan. 29, 2007, available at http://www.ocregister.com/ocregister/opinion/localstatecolumns/article_1556239.php. See also Robert C. Berring, Deconstructing the Law Library: The Wisdom of Meredith Willson, 89 MINN. L. REV. 1381, 1405 (2005) (“Thomas Paine’s Common Sense was a pamphlet that changed the course of the history of the United States . . . .”).}\]
\[\text{\indent}19\quad \text{See generally THOMAS PAINE, COMMON SENSE AND OTHER WRITINGS (Gordon Wood ed., 2003).}\]
Thomas Jefferson wrote something similar in a letter to Paine: “Go on then in doing with your pen what in other times was done with the sword; shew that reformation is more practicable by operating on the mind than on the body of man.”

The reverence for the power of ideas was well understood at the Founding. Words and ideas can help one win friends, engaging their rationality rather than engaging their rage. “The most formidable weapon against errors of every kind is reason,” and access to works of reason can lead to more rational decision-making on all sides.

Works like The Federalist, for example, had a profound influence in seeding the foundations for the American Republic. The Federalist provides an excellent example of an emerging country building upon the wisdom of past explorations into political philosophy and experiences in governance, and it represents an analysis of successes and failures among historical governance regimes. Our Founders learned from history, and emerging democracies can do the same, in part by piggybacking on what the United States has already learned. We want other nations to cherry-pick on our historical understandings and experiences, but they need to have access to the ball. In relation to what we knew, what we learned, what we know, and what we want still to know, the United States can make the pass.

---

20 Letter from Thomas Jefferson to Thomas Paine (June 19, 1792), in 20 THE PAPERS OF THOMAS JEFFERSON 312 (Julian P. Boyd ed., 1950). One might also consider such works as projecting vision, the power of which cannot be discounted. As Sowell articulates, “visions are the foundations on which theories are built.” THOMAS SOWELL, A CONFLICT OF VISIONS: IDEOLOGICAL ORIGINS OF POLITICAL STRUGGLES 14 (1987). But visions must be transmitted, and that is what a translation and dissemination project can accomplish.

21 Michael J. Glennon, Seventeenth Waldemar A. Solf Lecture in International Law, 181 MIL. L. REV. 138, 151 (2004) (“It's much more effective to win friends by persuading them that they want to do what you want to do rather than by making them do [what you want to do].”) (brackets in original); Louis Klaveras, W Version 2.0: Foreign Policy in the Second Bush Term, 29:2 FLETCHER F. WORLD AFF. 165, 168 (Summer 2005) (“The United States has tremendous material resources . . . . Soft power—the ability to attain outcomes through appeal and attraction—has become the everyday currency of international relations . . . . [I]n the old adage of catching flies, soft power is the honey and hard power is the vinegar.”).

22 THOMAS PAINE, Preface to Age of Reason: Being an Investigation of True and Fabulous Theology (Willey Book Co. ed.) (1794).


24 See, e.g., Citizens Against Rent Control/Coal. for Fair Hous. v. City of Berkeley, 454 U.S. 290, 294 (1981) (“[T]he practice of persons sharing common views banding together to achieve a common end is deeply embedded in the American political process. The 18th-century Committees of Correspondence and the pamphleteers were early examples of this phenomena and the Federalist Papers were perhaps the most significant and lasting example.”) For information concerning pamphleteering’s general history, see also, e.g., SANDRA CLARK, THE ELIZABETHAN PAMPHLETEERS: POPULAR MORALISTIC PAMPLETS, 1580-1640 (1983); JOAD RAYMOND ET AL., PAMPHLETS AND PAMPHLETERING IN EARLY MODERN BRITAIN (2003); and Donald J. Kochan, The Blogosphere and the New Pamphleteers, 11 NEXUS 99 (2006).

25 See generally THE FEDERALIST, supra note 23.
Admittedly, words and ideas have dual power, and, as a result, they should underscore the nature of competition for allegiance and the hearts and minds of individuals. Some concepts can become calcified—the real question is whether it is in a constructive or destructive way. The realization of these potential outcomes justify the characterization of this “soft power” war as a battleground. There is no doubt that a competition for influence and persuasion exists. That reality amplifies the necessity of injecting ideas into this particular competitive marketplace.

Every side in a conflict has available the weaponry of words. But not all need to wound—some are words of democracy and freedom that can be deployed as benign or empowering artillery in hitting individuals with a plea for reason. Regardless of the source, words can change human reactions, preferences, and informational competition. A true spontaneous order of information dissemination can be one of the best hopes for diffusing conflict.

Just as words can wound, they can also heal. In both contexts, they have power, which is precisely why they matter. Euripides wrote that “the tongue is mightier than the blade.” The Islamic prophet Mohammed is quoted as stating that “the ink of the scholar is holier than the blood of the martyr.” There is no doubt that the written word can persuade and cause reason or resistance. With that in mind, we cannot disengage from the exchange. As Shakespeare wrote in Hamlet, “many wearing rapiers are afraid of goose quills.” The quill, the pen, the typewriter, the computer—these are all bullets in the battleground, on all sides. Thus, we must be feathering the battlefield with reasonable words if we are to win the war of persuasion. Historical writings, particularly, help us understand how the United States has achieved clarity over conflict. Others can learn from that experience. Shared wisdom should be a goal for all societies, and we cannot let language barriers interfere in that exchange.

Words sometimes explode more powerfully than grenades—at least in long-lasting effect. They have a widespread impact and the linguistic and philosophical shrapnel has the possibility of positively impacting the targets of words with wisdom. Unfortunately, unwise words are being launched in the
Arab world, thus a counter-offensive based on words is necessary. As Robert A. Taft stated, the fruit of the good tree is the path to freedom:

We do not need to seek further than the Sermon on the Mount to know the first step we must take if freedom . . . is to survive in our country and in the rest of the world: “A good tree cannot bring forth evil fruit. Neither can a corrupt tree bring forth good fruit. Every tree that bringeth not forth good fruit is hewn down, and cast into the fire. Wherefore by their fruits ye shall know them.”

As a matter of effective foreign policy, parchment from the radical tree must face competition. This competition will come if we spread the expositional leaves of wisdom of human freedom from the good tree. Disseminating translated versions of classic governing documents can rattle the good tree and shake off the leaves that have contributed to the successful American political system, its economic prosperity, and the attendant freedom that has resulted.

Wise words should be part of the blend in the arsenal of attitudinal alteration when attitude adjustment is the goal. The utility of open communication is that it facilitates debate and leaves ideas open to scrutiny and acceptance; both words and their transmittal can be action-inducing in a governmental system.

This impact reflects the often tossed maxim that the pen is mightier than the sword. The sword, of course, represents “hard power,” while the pen is one component of “soft power.” Much of our history has been memorialized in texts, and effective legal systems and their creation are shaped by that history—


34 ROBERT A. TAFT, A FOREIGN POLICY FOR AMERICANS 8 (1951) (quoting Matthew 7:18-20).

35 See Karen DeYoung, Bush to Create Formal Office To Shape U.S. Image Abroad, WASH. POST, July 30, 2002, at A1 (explaining the U.S. brand as soft power in public diplomacy that advances “democracy, personal freedom and free markets”).


37 See, e.g., Adrienne Koch, Introduction, in NOTES OF DEBATES IN THE FEDERAL CONVENTION OF 1787 REPORTED BY JAMES MADISON vii (W.W. Norton Co. ed., 1987) (“‘We the People’ not only relish political debate . . . [we], passion unskaked, demand periodically that there be a ‘great debate’!”).
internally and externally within any regime. Just as Edmund Burke characterized morality and religion as having "an effective and well-distributed revenue" in the process of governmental change, so too can the general ideals of liberty available in Western texts provide such revenue. To change the world we must use that revenue to change minds.

III. THE IMPORTANCE OF SOFT POWER

Soft power is the means of leveraging popularity, power, prestige, prosperity, envy, enlightenment, and experience to affect foreign nations and foreign policy. The utility of soft power is directly proportional to a nation's credibility to make claims that it can offer quality intellectual and ideological commodities. Translations of books and other materials that have shaped our own political evolution, that have formed our traditions, and that have contributed to our political and economic progress in the United States seem to be logical tools of soft power. Populating anti-American societies with these documents—ready for consumption, i.e., readable because translated—is a functional use of soft power.

Translations facilitate the soft power of persuasion. Guns are louder and sometimes necessary, but the dissemination of words can create influence that can lead to exciting resistance to repression. Translations should be con-

---

38 Peter K. Yu, The Harmonization Game: What Basketball Can Teach About Intellectual Property and International Trade, 26 FORDHAM INT'L L.J. 218, 243 (2003) (“[T]he United States possesses immense “soft power . . . . By appealing to its ideas and culture, rather than by military means, the country successfully transforms others’ preferences by convincing them that the American way is more preferable.”).

39 Edmund Burke, Reflections on the Revolution in France, in PRINCETON READINGS IN POLITICAL THOUGHT 349, 350 (E. Cohen & N. Fermon eds., 1996). Burke also discusses these types of cross-cultural issues as traversing “mixed system[s] of opinion.” Id. at 351.


41 See Diane F. Orentlicher, Unilateral Multilateralism: United States Policy Toward the International Criminal Court, 36 CORNELL INT’L L.J. 415, 430-31 (2004) (“Power is more than the ability of one state to bend other states to its will through coercion; it is also the ability of one state to persuade other states that their interests align. In other words, soft power can, in certain circumstances, be more effective than hard power.”).
sidered part of the social forces that can be used as soft power to achieve political and cultural transformations.42

The principal academic examiner and articulator of "soft power" theory is Joseph S. Nye.43 He has articulated how the relevance of ideas and the empirical proof of their success can have, and have historically had, an influence.

Nye and Robert O. Keohane summarize the theory that nations can exert influence on other states sharing and disseminating the wisdom of their experiences:

Soft power . . . is the ability to get desired outcomes because others want what you want; it is the ability to achieve desired outcomes through attraction rather than coercion. It works by convincing others to follow or getting them to agree to norms and institutions that produce the desired behavior. Soft power can rest on the appeal of one's ideas or culture or the ability to set the agenda through standards and institutions that shape the preferences of others. It depends largely on the persuasiveness of the free information that an actor seeks to transmit. If a state can make its power legitimate in the eyes of others and establish international institutions that encourage others to define their interests in compatible ways, it may not need to expend as many of its costly traditional economic or military resources.44

Soft power is influence by attraction, not coercion45—and our foundational principles that attracted and enticed America to form "A More Perfect Union" can serve the same goal if we share these insights.46 Using soft power

---


43 Melissa A. Waters, Mediating Norms and Identity: The Role of Transnational Judicial Dialogue in Creating and Enforcing International Law, 93 GEO. L.J. 487, 503 (2005) (Joseph Nye coined the phrase “soft power” in the 1980s . . . . The key to worldwide diffusion of domestic norms is the exercise of so-called “soft power.” In other words, nation states export their own norms primarily through the exercise of persuasion rather than command.)


46 Joseph S. Nye, Jr., The Paradox of American Power: Why the World’s Only Superpower Can’t Go It Alone 9 (2002) (“Soft power is not merely the same as influence,
gives our country the ability to export values, as we hope for the positive effect of foreign acceptance after nations and peoples are exposed to the foundations from which the exported values are derived.\textsuperscript{47} Soft power is persuasion and the influence of ideas and ideals.\textsuperscript{48} Some have called it “sweet power”—which is appropriate when it is focused on exporting ideas in the war on terror, contrasted with the bitter pill of hard ammunition.\textsuperscript{49} Others have termed similar concepts of foreign policy as “enlightened hegemony.”\textsuperscript{50}

though it is one source of influence . . . . Soft power is also more than persuasion or the ability to move people by argument. It is the ability to entice and attract. And attraction often leads to acquiescence or imitation.”).\textsuperscript{47}

\textit{See} Harvey Rishikof, \textit{Framing International Rights with a Janusism Edge – Foreign Policy and Class Actions – Legal Institutions as Soft Power}, 2003 U. CHI. LEGAL F. 247, 251 (2003). “Soft power involves the ability to influence action through the institutionalization of the values of liberty, human rights, and democracy.” \textit{Id.} at 275. \textit{See also} JOSEPH S. NYE, JR., \textit{SOFT POWER: THE MEANS TO SUCCESS IN WORLD POLITICS} 60-61 (2004) (“The attractiveness of the United States depends very much upon the values we express through the substance and style of our foreign policy.”).

\textsuperscript{48} KEOHANE & NYE, \textit{POWER AND INTERDEPENDENCE}, \textit{supra} note 44, at 220 (defining “soft power” as “the ability to get desired outcomes because others want what you want”); Nye, \textit{Propaganda Isn’t the Way}, \textit{supra} note 45 at 6 (“Soft power is the ability to get what you want by attracting and persuading others to adopt your goals.”); NYE, \textit{THE PARADOX OF AMERICAN POWER}, \textit{supra} note 46, at 9 (“Soft power rests on the ability to set the political agenda in a way that shapes the preferences of others . . . . If I can get you to want to do what I want, then I do not have to force you to do what you do not want to do. If the United States represents values that others want to follow, it will cost us less to lead.”).

\textit{See} WALTER RUSSELL MEAD, \textit{POWER, TERROR, PEACE AND WAR: AMERICA’S GRAND STRATEGY IN A WORLD AT RISK} 25 (2004) (describing “sweet power” as an element of Nye’s “soft power” that stems from American values, ideas, policy, and politics).

\textsuperscript{49} Randolph B. Persaud, \textit{Shades of American Hegemony: The Primitive, the Enlightened, and the Benevolent}, 19 CONN. J. INT’L L. 263 (2004). Persaud explains enlightened hegemony as the following:

\begin{quote}
By enlightened hegemony I mean a general (or grand) strategy which advances American interest, but which is prepared to employ a mix of policy instruments in bringing about the desired outcomes. . . . There are four key aspects to enlightened hegemony.

First, the advocates of enlightened hegemony take the position that the material power of the United States—military, economic, and technological—is not sufficient for a project of global hegemonization . . . .

The nodal point of enlightened hegemony, therefore, is legitimacy. The second element of enlightened hegemony is cooperation.

. . . .

Third, enlightened hegemony is clearly built on the notion that the United States ought to play the key leadership roles in the interstate system, and in the global economy.

. . . .

The fourth aspect of enlightened hegemony is based upon classical liberal principles of free trade, and an open world economy.
\end{quote}

\textit{Id.} at 267-69.
Soft or sweet power or enlightened hegemony can allow individuals to choose American ideals rather than feel they have been simply forced to accept them.\footnote{Peter H. Brietzke, Globalization, Nationalism, and Human Rights, 17 FLA. J. INT’L L. 633, 643 (2005) ("Cultural appeal is a ‘soft’ power: the force of ideas and ideals, which operates subtly by influencing others to support the United States of their own free will.").}

A country may obtain the outcomes it wants in world politics because other countries want to follow it, admiring its values, emulating its example, aspiring to its level of prosperity and openness. In this sense, it is just as important to set the agenda in world politics and attract others as it is to force them to change through the threat or use of military or economic weapons.\footnote{NYE, THE PARADOX OF AMERICAN POWER, supra note 46, at 8-9.}

As Nye poignantly explains, the United States’ strength in the world comes not just out of might, but also from our ability to transmit the idea of right. It is the concept of pollinating foreign plants with our ideas.\footnote{“The intellect is a dioecious plant, and books are the bees which carry the quickening pollen from one to another mind.” A NEW DICTIONARY OF QUOTATIONS: ON HISTORICAL PRINCIPLES FROM ANCIENT AND MODERN SOURCES 118 (H.L. Mencken ed., 1991) [hereinafter A NEW DICTIONARY OF QUOTATIONS] (quoting J.R. Lowell, Nationality in Literatures, 1849)).}

Along these lines, minds are malleable, but logic is not. Thus a foreign policy that projects logic as learned from experience should have influence.\footnote{NYE, THE PARADOX OF AMERICAN POWER, supra note 46, at xvi (noting the increasing importance of soft power).} At least we should strive to make it so. And, the United States is uniquely situated in light of its history and success to use soft power in the current state of foreign affairs.\footnote{Raustiala, supra note 45, at 7 (“Soft power is the power to attract; hard power the power to coerce. . . . [N]o state has more soft power than the U.S.—and the dominant direction of diffusion is clearly from the U.S. (and EU) and toward less advanced economies.”).}

It is possible to use soft power to project our own ideals upon others (with the belief that the ideals are representative of universal truths)—the ultimate goal being to use ideas to alter others’ behavior.\footnote{Josef Joffe, How America Does It, FOREIGN AFF., Sept./Oct. 1997, at 13, 24 (“Soft power is cultural and economic power, and very different from its military kin . . . . The United States . . . is definitely in a class of its own in the soft-power game . . . . This type of power—a culture that radiates outward and a market that draws inward—rests on pull, not push; on acceptance, not on conquest.”).} Our ideals must not be lost on the world, and any soft power that projects such ideals can help bring
peoples to a port of peace.58 The documents we rely on in the United States for the foundation of our own laws might just serve as the type of "compass" that Burke describes that others might follow.59 This is contrasted with a pure military, "hard power," interventionist strategy.60 Soft power is critical in the war on terror, where an understanding of governance and liberty must be forged.61 It can have a multigenerational effect beyond the battlefield.62 It is the use of actions or words to connect rather than simply confront seemingly disparate communities.63

Moreover, the exercise of soft power is less likely to incite opposition from the targets of influence than hard power.64 Again, that reality is not an argument against the necessity of hard power in many circumstances65 but it is an argument for a simultaneous dual-track strategy with a mix of hard and soft foreign policy.66 And, it is a cost-effective method to alter the political-

58 Burke, Reflections, supra note 39, at 352 ("When ancient opinions and rules of life are taken away, the loss cannot possibly be estimated. From that moment we have no compass to govern us, nor can we know distinctly to what port we steer.").
59 Id.
60 Yu, supra note 38, at 243 ("[T]he United States possesses immense 'soft power' . . . . By appealing to its ideas and culture, rather than by military means, the country successfully transforms others' preferences by convincing them that the American way is more preferable.").
61 While this Author does not agree with Harold Hongju Koh's criticism of the United States regarding its use of soft power or hard power in the war on terror, Koh does make a meta-point regarding the general importance of soft power. Why Obey International Law? Theories for Managing Conflicts with Municipal Law, 97 AM. SOC'Y INT'L L. PROC. 111, 114-15 (2003) (remarks of Harold Hongju Koh) ("Soft power provides the only way that the United States is going to, first, rebuild Iraq, second, rebuild Afghanistan, third, fight al Qaeda in a multilateral effort, fourth, address the North Korean diplomatic crisis, and finally, engage the Middle East peace process."). See also Harold Koh, The Value of Process, 11 INT'L LEGAL THEORY 27, 35 (2005).
62 Mark A. Drumbl, Guantanamo, Rasul, and the Twilight of Law, 53 DRAKE L. REV. 897, 918 (2005) (noting that "'soft power,' . . . is more relevant to the multigenerational and multipolar war on terrorism than to war as we traditionally have understood it").
63 See Thomas L. Friedman, The Lexus and the Olive Tree 101-11 (2000) (examining Western pressures on non-Western countries to conform and adopt political and economic values of the West); Joseph S. Nye, Jr., The Misleading Metaphor of Decline, ATLANTIC MONTHLY, Mar. 1990, at 86 ("Hard power consists of the reliance on the possibility of force and economic sanctions to exert influence, whereas soft power is the deployment of 'the complex machinery of interdependence.'").
64 Orentlicher, supra note 41, at 430 (arguing that "persuasion through soft power is more likely than coercion to produce enduring policy successes," because "persuasion through soft power is likely to draw less resistance than deployment of hard power").
65 NYE, SOFT POWER, supra note 47 at 5, 6, 31 (describing "hard power" as "military and economic might" that persuades "others to change their position" and comparing it against descriptions of soft power).

Joseph Nye, Clyde Prestowitz and others have argued that the United States cannot advance its interests with military or "hard power" alone. Our success
Balancing between options requires a cost-benefit analysis, but such analysis requires that we consider hard and soft weapons as mechanisms for achieving goals.

As so much of the war on terror involves a cultural conflict that is lost in translation, words matter toward the success or failure of the effort. Universal truths, individual rights, constitutional governance, the rule of law, and free markets have evolved from written documents debating these principles under the U.S. legal system. These principles have traction in international relations, but only if they are exposed to the outside world for reflection.

depends as much, or perhaps even more, on "soft power"—those attributes, such as our values and our culture, that make others in the world want to do what we want them to do, that make them respect us and even like us.

....

Much of India’s soft power, like much of America’s, or France’s or Japan’s, for that matter, derives from its cultural exports.

Id. 67 See NYE, THE PARADOX OF AMERICAN POWER, supra note 46, at 9.

68 Lionel Barber, America’s Soft Power Needs Hard Work, FIN. TIMES, July 22, 2005 (“Anti-Americanism is deeper and broader than at any time in modern history. It is most acute in the Muslim world . . .’’).


70 “Social visions . . . of the world have consequences that spread through society and reverberate across the years, or even across generations or centuries.” SOWELL, supra note 20, at 16. Visions can alter the atmosphere of discourse:
The role of rationally articulated ideas may be quite modest in its effect on a given election, a legislative vote, or an action of a head of state. Yet the atmosphere in which such decisions take place may be dominated by a particular vision—or by a particular conflict of visions. Where intellectuals have played a role in history, it has not been so much by whispering words of advice into the ears of political overlords as by contributing to the vast and powerful current of conceptions and misconceptions that sweep human action along.

Id. at 17.

71 Globalization involves more than economics, including also philosophy, politics, and freedom:

Wolf point[s] out that not only is there such a thing as social, political, and economic globalization, but inherent in all of these things is legal globalization. Law is an abstraction—it is a reflection of social norms and a recognition of economic relationships. . . . [T]he increasing influence of Western law has the power to transform human activity. . . . [I]t can fundamentally alter the way individuals understand and relate to one another.

IV. THE IMPORTANCE OF TRANSLATIONS
IN FOREIGN POLICY AND INTERNATIONAL RELATIONS

The ability of the United States to export moral authority can help shape foreign policy. Because of the hegemonic status held by the United States, there is a great opportunity to use the distribution of its founding principles to exercise influence through this type of "soft power." As Joseph Nye has explained, "[a] country may obtain the outcomes it wants in world politics because other countries want to follow it, admiring its values, emulating its example, aspiring to its level of prosperity and openness." An exportation of our own fundamental philosophical and political foundations can assist in that task.

Translations are a formidable weapon in cultural diplomacy and international relations. It is an easy enough process for the transmission of ideas. As Emerson stated, "I do not hesitate to read . . . good books in translations. What is really best in any book is translatable—any real insight or broad human sentiment." The ability to be understood is directly proportional to the ability to persuade, which is dependent on translations.

---

72 Thomas L. Friedman, Restoring Our Honor, N.Y. TIMES, May 6, 2004, at A35 (concluding that America's moral authority matters in international relations). See also generally Kathryn Sikkink, Restructuring World Politics: The Limits and Asymmetries of Soft Power, in Restructuring World Politics: Transnational Social Movements, Networks, and Norms 313 (S. Khagram et al. eds., 2002).
73 BRUCE CUMINGS, PARALLAX VISIONS: MAKING SENSE OF AMERICAN-EAST ASIAN RELATIONS AT THE END OF THE CENTURY 206 (1999) ("Hegemony is signaled when people do what you want them to do, without having to be told or, better yet, asked.").
74 Scheherazade S. Rehman, American Hegemony: If Not Us, Then Who?, 19 CONN. J. INT'L L. 407, 413 (2004) ("America's role as a cultural and social hegemon is what is generally referred to as having 'soft' power . . . normally represented through the public and its associated cultural norms and through economic prowess, as opposed to military or government power (or 'hard' power).").
75 NYE, THE PARADOX OF AMERICAN POWER, supra note 46, at 8.
76 See C.J. Moore, What's in a Word? Often, a Whole Culture, INT'L HERALD TRIB., Jan. 6, 2005, at 7. As Moore projects:

[C]ulture is where the dictionary ends and where the linguist finds real meaning, crossing over into the life and world of another people.

[. . .]

[T]his journey . . . becomes a vital necessity if we transpose the task to the field of international relations, where the call for translators, or translation by any means, human or mechanical, is ever more urgent.

Id.
78 Moore, supra note 76, at 7 ("Meaning arises from context and, by extension, from the external context of culture. Modern sociolinguistics describes the dynamic relationship between a culture and its language, each shaping the other with endlessly creative vitality.").
Importantly, misunderstandings must be avoided. A lack of translation is endemic to the industry of ineffective communication. A void in communicative diplomacy is currently a barrier to the type of transformative foreign policy desired if key Western values are to become accepted by other countries and societies. What needs to be recognized is that despite some factions, the Arab world is an open audience for the exportation of ideas.

Publications influence politics. The greater one's knowledge of the audience and therefore, the targeting to the same, the greater the influence of the publication. "The most important potential contribution to strategic success in public diplomacy will come through books." Books are important and books serve the purpose of memorializing ideas. Books have attributes that allow for

---

79 John Felstiner, "Ziv, That Light": Translation and Tradition in Paul Celan, 18 ON POETRY 611, 612 (1987) ("Translation presents not merely a paradigm but the utmost case of engaged literary interpretation."); HARRY MATHEWS, The Dialect of the Tribe, in COUNTRY COOKING AND OTHER STORIES (1980) ("[T]ranslation is the paradigm, the exemplar of all writing . . . . [I]t is translation that demonstrates most vividly the yearning for transformation that underlies every act involving speech, that supremely human gift."); THE CRAFT OF TRANSLATION ix (John Biguenet & Rainer Schulte, eds., 1989) ("The process of translating comprises in its essence the whole secret of human understanding of the world and of social communication" (quoting Hans Georg Gadamer, To What Extent Does Language Prescribe Thinking?).).

80 Moore, supra note 76, at 7 ("On a larger scale, the potential for huge misunderstanding can arise in diplomatic exchanges. Mistrust arises, especially in politics, when trying to cross an untranslatable gap.").

81 Adeno Addis, Cultural Integrity and Political Unity: The Politics of Language in Multilingual States, 33 ARIZ. ST. L.J. 719, 726 (2001) ("[T]rust can develop only when there is shared understanding. And such understanding cannot exist if people cannot, at a minimum, communicate with one another and have access to the same forums of political debate. This suggests that a common language (or languages) is of crucial importance."); Morning Edition: Translators in Iraq Work with More Than Words (NPR broadcast Feb. 16, 2007), transcript available at http://www.npr.org (quoting Steve Insepk discussing the role of “terps” (interpreters) in Iraq).

82 Day to Day: Kuwaiti TV to Bridge Sectarian Divide (NPR broadcast Feb. 9, 2007), transcript available at http://www.npr.org (quoting Professor Shafik Al-Gabr: "My motivation is to open up debate on issues that are usually not debated in my part of the world, issues from Islam to modernity, from Shiism to Sunnism, from radicalism to moderation, difference and diversity. And I think that there is a place for all of these issues and ability to connect with the larger audience on them.").


84 A New Dictionary of Quotations, supra note 53, at 116-19 ("Books are the legacies that a great genius leaves behind" (quoting Joseph Addison, The Spectator, Sept. 18)); Id. ("Books have always a secret influence on the understanding" (quoting Samuel Johnson, The Adventurer, Feb. 26, 1753)); Id. at 117 ("I cannot live without books" (quoting Thomas Jefferson, Letter to John Adams, 1815)); Id. ("My books are friends that never fail me" (quoting Thomas Carlyle, Letter to his mother, March 17, 1817)); ("Books are sepulchers of thought" (quoting H.W. Longfellow, The Wind Over the Chimney, 1867)).
self-reflection. Book translations are cost efficient and an empirically successful means of cultural diplomacy. Thus, an invigorated translation program may serve national security objectives. As the U.S. State Department has explained, translating our foundational scripts is a powerful channel of diplomatic success:

Indeed translation lies at the heart of any cultural diplomacy initiative; some misunderstandings between peoples may be resolved through engagement with each other’s literary and intellectual traditions; . . . It was a Frenchman, after all, Alexis de Tocqueville, who wrote the classic work on American democracy. And translation can lead to cultural cross-fertilization. . . . The 2002 Arab Human Development Report issued by the UN noted that, “Translation is one of the most important channels for the dissemination of information and communication with the rest of the world. The translation movement in the Arab world, however, remains static and chaotic. . . .” Translation is an inexpensive form of exchange, the fruits of which—the dissemination of information and ideas, the inculcation of nuanced views of foreign cultures, increased empathy and understanding, the recognition of our common humanity—will be on display for a very long time.

There is no doubt that the United States has much wisdom to share from its own political experiences, and translating the documents that navigated the United States to its position today might lead others to the lighthouse of a limited government based on liberty. But, translations have been “startling[ly]” and grossly under-prioritized as a means of soft diplomacy.

---

85 Emerson, In Praise of Books, supra note 10, at 7-8 (“[T]here are books which are of that importance in a man’s private experience . . . so medicinal, so stringent, so revolutionary, so authoritative . . .”).


A. The Arabic Book Program

Books are important, and as such they are the perfect tapestries for translation projects. As Sir Francis Bacon described it, “some books are to be tasted, others to be swallowed, and some few to be chewed and digested.” Translations are important, therefore, because no one can effectively swallow, chew, and digest if they cannot taste. Books are of no value if people cannot read them, access them, and evaluate their content. As Ralph Waldo Emerson stated, “The reader and the book—either without the other is naught.”

Twenty years ago, the U.S. State Department initiated a little-known but important project. The Arabic Book Program—particularly out of the Amman, Jordan embassy—began in 1986. The Arabic Book Program is a type of soft diplomacy or soft power. It should be expanded in its breadth and distribution.

As the Amman Embassy proclaims, the objective of the Arabic Book Program is “translating into Arabic, publishing and distributing selected books from American writers in various areas, including economics, management sci-

Frankly, we have been failed by our government and foundations in getting the message of what America really is out to the rest of the world. . . . The United States Information Agency was gutted in the mid-1990s, virtually defunded. . . . Its libraries, with American books, in Amman, Istanbul, and elsewhere, were shut down and the books remaindered.

. . . .

[T]here is, as far as I can tell, not a single Arabic-speaking university that teaches about the United States in Arabic. There is a bit of American studies in Arab universities, but it is almost always conducted in English, and it is usually sited in English departments. American literature is virtually the only area of American studies taught in the region, and then rarely and often fitfully. . . . Most American outreach to the Arab world focuses on the English-speakers, the ones who least need it!

Id.

89 EMERSON, Books, supra note 77, at 194 (“[W]e must cheer us with books of rich and believing men who had atmosphere and ambition about them. . . . [These books] have this enlargement, and inspire hope and generous attempts.”).

90 EMERSON, IN PRAISE OF BOOKS, supra note 10, at 8-9 (“In a library we are surrounded by many hundreds of dear friends, but they are imprisoned by an enchanter in these paper and leathern boxes; and though they know us . . . it is the law of their limbo that they must not speak until spoken to.”).

91 FRANCIS BACON, MEDITATIONES SACRAE (1597), reprinted in A NEW DICTIONARY OF QUOTATIONS, supra note 53, at 116.

92 EMERSON, Books, supra note 77, at 169.

93 LINCHPIN OF PUBLIC DIPLOMACY, supra note 87.

The SOFT POWER AND PERSUASION OF TRANSLATIONS

ences, politics, humanities, arts, and the environment." The effort includes translations into Arabic of our Declaration of Independence, the Federalist Papers, the U.S. Constitution and its Bill of Rights, other Founding documents, the works of classical Western philosophers, and some primary materials on constitutionalism, federalism, free market economics, and capitalism.

Books are an important factor for cultivating growth in every culture, and, like any commodity, they have value only in their ability to retain value and utility. A book’s value is measured by its ability to survive in the marketplace that has determined its content has sustaining validity and redeeming qualities. Accordingly, books can help transcend cultural obstacles.

The State Department has identified this as part of its “cultural diplomacy” effort. People should know that these resources exist to be read in non-English forms. Words can bridge gaps, exhort truths, invite debate, and expose failures in governmental systems (each of them).

Translations from the State Department provide powerful words from pivotal periods in the progression toward the American Republic sustained today. Exposure to the written analyses of governments and individuals allows for the thoughtfulness and dialogue that we all must encounter if we are to pave a path forward in any system. The effort is similar to the ongoing campaign to recruit translators in day-to-day operational measures, recognizing the historical utility of translations as an influential means of diplomacy.

---

96 Persaud, supra note 50 (Some believe that the “the global expansion of capitalism is in the fundamental interest of the United States, and that American foreign policy is essentially structured around that objective. . . . [T]he United States has built a veritable global empire, and that this empire is integral to American prosperity. . . . Further, the global expansion of capitalism is tied to U.S. national security.”) (citing ANDREW J. BACEVICH, AMERICAN EMPIRE: THE REALITIES AND CONSEQUENCES OF U.S. DIPLOMACY 61 (2002)).
97 An Arab proverb states that, “A book is like a garden carried in the pocket.” A NEW DICTIONARY OF QUOTATIONS, supra note 53, at 119.
98 “Books, like proverbs, receive their chief value from the stamp and esteem of ages through which they have passed.” A NEW DICTIONARY OF QUOTATIONS, supra note 53, at 116 (quoting William Temple, Of Ancient and Modern Learning, 1692).
99 Id.
100 “Books are the true levellers [sic]. They give to all, who will faithfully use them . . . .” Id. (quoting W.E. Channing, Self-Culture, 1838).
101 LINCHPIN OF PUBLIC DIPLOMACY, supra note 87.
102 Id.
B. Other Selected Translation Projects

Private and non-profit translation and distribution efforts exist as well. For example, Ammar Abdulhamid, a Syrian, founded DarEmar, a nonprofit publishing house that has translated many Western works into Arabic. Private thirst for access to and consumption of critical Western political and philosophical works exists, as evidenced by the Dar Emar project, and also the Global Americana project. Of course, a strong commitment to a translation project is necessary to satisfy that thirst, as Abdulhamid recognized.


105 The DarEmar effort is explained below:

Ammar Abdulhamid is using his nongovernmental organization, DarEmar, to promote a better understanding of American culture and democracy in Syria. DarEmar is translating appropriate English texts in an attempt to educate Syrian citizens about American culture and the philosophical foundations of democracy. Abdulhamid says, "When you have an intense project of translation, it leads to dialogue and questioning and hopefully a renaissance will come out of that . . . . If you want positive change in Syria, there is no substitute for positive engagement." . . . The effort will translate into Arabic many classical and modern Western works, especially in history, science, and the humanities.


106 See The Global Americana Institute, http://www.globam.org. The Institute explains their translation frustration and mission as follows:

The classics of American thought and history have been little translated into Arabic. . . . Worse still, the distribution system for Arabic books is poor, and there are few public libraries, so that many books that have been published in the past are no longer available to most readers. We have therefore begun a project to translate important books by great Americans and about America into Arabic, and to subsidize their publication so that they can be bought inexpensively. We are also subventing their distribution.

. . . .

We intend to have all the founding fathers translated—Madison, Franklin, Washington, Paine, and so on. We would also like to see works that treat issues in democracy and multi-culturalism, as well as engaging histories of the United States.

Id.
C. Translational Impact

Words matter. Communication is key in an environment of international diplomacy tarnished by misunderstandings.

There is no doubt that words can have influence. As the historian Alexis de Tocqueville stated, regarding newspapers and pamphlets in early American history, "Feelings and opinions are recruited, the heart is enlarged, and the human mind is developed only by the reciprocal influence of men upon one another." De Tocqueville knew that the dissemination of information changes the character of a culture. Thus, changing the character of war may depend upon the accessibility of critical political documents translated into the native tongue of the targeted audience.


David K. Shipler, Arab and Jew: Wounded Spirits in a Promised Land 27 (1986) ("If the enemies are separated, distant, they can easily be dehumanized in each other's eyes, and the course of organized, governmental violence is not a difficult one for a society to incorporate into its values."). See also id. at 16 ("They will not find peace in treaties, or in victories. They will find it, if at all, by looking into each other's eyes.").

Alexis de Tocqueville, 2 Democracy in America 108-09 (1840) (Phillips Bradley ed., Vintage Classics 1990). See also Alexis de Tocqueville, 1 Democracy in America 182 (1835) (Phillips Bradley ed., Vintage Classics 1990) ("The words of one strong-minded man addressed to the passions of a listening assembly have more power than the vociferations of a thousand orators; and if it be allowed to speak freely in any one public place, the consequence is the same as if free speaking was allowed in every village.").

Alexis de Tocqueville described newspapers as follows:

[The press] causes political life to circulate through all the parts of that vast territory. Its eye is constantly open to detect the secret springs of political designs and to summon the leaders of all parties in turn to the bar of public opinion. It rallies the interests of the community round certain principles and draws up the creed of every party; for it affords a means of intercourse between those who hear and address each other without ever coming into immediate contact.

De Tocqueville, 1 Democracy in America, supra note 110, at 187-88. The dissemination of information facilitates education, debate, conversation, and combination for curious individuals and "wandering minds." De Tocqueville, 2 Democracy in America, supra note 110, at 111-12. See also generally Kochan, supra note 24 (discussing the history of pamphleteering and their modern day equivalents).

Center for Arts and Culture, Diplomacy That Works: 'Best Practices' in Cultural Diplomacy 13 (2003) ("[T]here should be a much greater selection of translations into certain
As the Supreme Court stated in *Talley v. California* in 1960, "[a]nonymous pamphlets, leaflets, brochures and even books have played an important role in the progress of mankind." An amplified translation and distribution project could be a useful and successful means of further spreading democratic values and concepts of liberty to individuals in oppressed nations, and it could assist in their transformation toward freedom. Similar to Radio Free Europe / Radio Liberty or the U.S. government-sponsored Middle East Radio Network, it could be dubbed the “Free Book Middle East” initiative as another effort to broadcast ideas. The foundation is set but needs expansion. Foundational philosophical principles were an important part of the Cold War agenda but are receiving less focus in this war on terror.

languages, most notably Arabic. Presently less than 400 English books per year are translated into Arabic, a lamentably small number.

---

**Footnotes:**

113 362 U.S. 60, 64 (1960).
117 A resurrection of using media as diplomacy occurred after the World Trade Center bombings:

> Until the events of September 11, 2001 and the war in Afghanistan, there was precious little public attention to the place of international broadcasting in the armament of external influence. Scholarly treatment of international broadcasting has recently lagged. But international broadcasting encapsulates many of the conflicts and difficulties that are central to understanding the need that one society may feel to shape the information space of another. ... Among these are the power purposefully to alter the mix of voices in target societies, to affect the composition of their markets for loyalties, to destabilize, to help mold opinions among their public and otherwise to assert “soft power” for the purposes of achieving the national ends of the transmitting state.

> ...

> “[H]earts and minds,” the mental and emotional kilns in which hatreds are stoked and positive attitudes formed, burst forth as a meaningful and urgent battleground for large scale state concern. ... It became clear that military responses were insufficient to counter reservoirs of intensely inculcated belief that nourish future terrorists or aggressors against the West.

*Id.* at 51-52.
118 *Linchpin of Public Diplomacy*, supra note 87, at 8 (“[A]fter the Cold War ... cultural diplomacy ceased to be a priority, [and] funding for its programs fell dramatically ... [m, marking] a retreat from the war of ideas raging around the world. ... Richard T. Arndt argues that ‘the sharp rise in foreign non-understanding’ is a function of this policy,” and left “a nation baffled by its apparent defenselessness against the cultural onslaught of an enraged Islamic fragment.”

---
Leafleting, pamphleteering, and books were instrumental in creating the drive for an American Republic and that experience serves as empirical evidence of the power of words.\textsuperscript{119} And, if the repository of words that exemplify the values we espouse is primarily in the English language, then a translation and dissemination campaign makes sense. As the U.S. Supreme Court stated in \textit{Lovell v. City of Griffin} in 1938, the "[l]iberty of circulating is as essential to that freedom as liberty of publishing; indeed, without the circulation, the publication would be of little value."\textsuperscript{120} Likewise, circulation of our foundational documents and philosophical expositions regarding constitutional democracy, liberty, and the rule of law\textsuperscript{121} are of little value if the individuals in cultures where they are circulated cannot read them.

Of course, we need to take action to avoid or overcome barriers to distribution in many of the targeted countries. Censorship will be an obstacle to full distribution.\textsuperscript{122} Even if the United States produces translated documents, there is no guarantee of availability,\textsuperscript{123} and unavailability is clearly an obstacle to the effectiveness of any such program.

But the mere creation and availability of the materials increases the likelihood that they will reach those populations. Moreover, many writings could be circulated in underground movements—much like they were during the Cold War in the Soviet Union,\textsuperscript{124} in Germany or Japan,\textsuperscript{125} and even the British colo-

\begin{footnotesize}
\textsuperscript{119} See generally Kochan, \textit{supra} note 24.
\textsuperscript{120} 303 U.S. 444, 452 (1938).
\textsuperscript{121} Yu, \textit{supra} note 108, at 24 (explaining that the "soft power of the developed countries . . . can be derived from the appeal of ideas such as democracy, the rule of law, human rights, and individual freedom. . . . [A]wareness [of these ideas] is particularly important in closed societies run by authoritarian governments, in which alternative sources of information are woefully deficient.").
\textsuperscript{122} See Ruth Wedgwood, \textit{The Limits of International Justice}, 8 UCLA J. INT'L L. & FOREIGN AFF. 45, 49 (2003) ("I endorse the claims made for 'soft power.' Norms have force . . . . Nonetheless, there are many occasions when you have to enforce norms with hard power. There are many spoilers in the world.").
\textsuperscript{123} Cole, \textit{supra} note 88 ("I think the Lebanese book fair, which had thousands of volumes, had maybe 30 translations of American works. . . . It was . . . very, very minor. None of the works translated by the State Department programs in Cairo and Amman were to be found.").
\textsuperscript{125} Frank Gibney, \textit{Lost in Translation: During WWII, the U.S. Taught Japanese to Thousands. Why Wasn't a Similar Program Put in Place for Iraq?}, L.A. TIMES, Sept. 28, 2003, at M1 ("There is nothing remotely resembling the corps of translators and interpreters we had in World War II."). See also id.:
nies in America, for example. There must be “victory in spite of terror,”\textsuperscript{126} and that requires the deployment of these soft power mechanisms.

Furthermore, in developing a soft power information strategy, it is important to recognize that opponents also understand the power of ideas. The United States is not the only power with a cache of potential influence.\textsuperscript{127} An ideological battle ensues, capable of being won based on the strength of principles, so long as efforts are made to transmit the information. This all requires a confidence that an open market for information and spontaneous order will facilitate an evolution toward optimal political structures and concomitant protections for individual liberty. That confidence requires some historical understanding and a bit of a leap of faith, but it can never occur if we do not attempt to penetrate closed societies with foundational truths about governance and freedom.

So a three pronged approach can be valuable: an expanded translation project; an increased production of translated materials; and a concentrated effort to disseminate and circulate copies of the written documents that laid the foundation for American independence, liberty, and advancement. The grassroots foundations for liberty would be served by the philosophies and ideals that inspired America’s creation, transformation, and development.

\textsuperscript{126}Sir Winston Churchill’s words regarding World War II enemies are equally applicable to the war on terror:

\begin{quote}
We have before us an ordeal of the most grievous kind. We have before us many, many long months of struggle and of suffering. . . . You ask, what is our aim? I can answer in one word: Victory—victory at all costs, victory in spite of all terror, victory, however long and hard the road may be; for without victory, there is no survival. . . . I feel sure that our cause will not be suffered to fail among men.
\end{quote}

\textsuperscript{127}The concept of ideas as weaponry is not lost on perceived enemies, and the media can be conduits for either side in the battle for world opinion. “Media-generated world opinion” has become “a resource of war, behind which and in which the combatants on the weaker side seek cover and protection.” HERFRIED MÜNKLER, THE NEW WARS 90 (2002) (Patrick Camiller trans., Polity Press 2005). See also STEPHEN M. WALT, TAMING AMERICAN POWER: THE GLOBAL RESPONSE TO U.S. PRIMACY 167-69 (2005).
Thus, we should embrace and enhance the State Department's effort to provide foundational documents on philosophical principles of liberty, constitutionalism, democracy, republicanism, and federalism.\textsuperscript{128} We should support private projects that attempt to accomplish the same. Congress and the President should reinvigorate their support and funding for (and thereby "nourish") these programs.\textsuperscript{129} This is a war of words that can be won. As Nye posits, we cannot "squander our soft power."\textsuperscript{130}

American foundational, formational documents can help prop up our moral authority, even when challenged by isolated dissent due to isolated and unfortunate incidents that make others question their confidence in our soft power. Information on Western-style governance, and its respect for liberty, is soft power. It is also a necessary complement to the hard power of conventional war.

V. CONCLUSION

Words and ideas are the soft power infantry—whether it be in Iraq, Iran, North Korea, or right back here in the United States. But the words ring hollow if they are not read because they cannot be disseminated or are lost in translation. That is what makes the State Department's Arabic Book Program and others like it so important. We must fill the void in the caves of culture and communication and expand the wisdom that has allowed the United States and its citizens to prosper economically and politically.\textsuperscript{131} If we truly believe that these documents expound universal human values, then we should strive to advance beyond language barriers to their exposition and increase their accessibility.

\textsuperscript{128} John F. Murphy, The Impact of Terrorism on Globalization and Vice-Versa, 36 INT'L LAW. 77, 86 (2002) ("If the United States is to do better in this struggle for hearts and minds than it has in the past... it will have to make effective use of what Nye has termed 'soft power.'... To enhance its soft power, Nye calls for the United States to invest much more in such instruments of soft power as information and cultural exchange programs.").

\textsuperscript{129} Robert A. Peal, Combatant Status Review Tribunals and the Unique Nature of the War on Terror, 58 VAND. L. REV. 1629, 1656-57 (2005) ("Arguably, while United States' hard power is at an all-time high, its soft power is reaching an historic low.... Both hard and soft power are important in the war on terrorism. However, soft power is much less expensive than coercion, and is therefore an asset that must be nourished.").

\textsuperscript{130} Joseph S. Nye, Jr., Lonely at the Top, BOSTON GLOBE, March 28, 2004, at C1 ("The administration understands hard military power, but it has largely failed to combine it with equally important soft power... anti-Americanism has increased sharply over the past two years, with serious consequences for American foreign policy... We are squandering our soft power.").

\textsuperscript{131} EDITH HAMILTON, THREE GREEK PLAYS 16 (1937) ("There are few efforts more conducive to humility than that of the translator trying to communicate an incommunicable beauty. Yet, unless we do try, something unique and never surpassed will cease to exist except in the libraries of a few inquisitive book-lovers.").
Of course, this recommendation is susceptible to a claim of "cultural imperialism" or "colonialism."  But if we choose documents, books, and other materials that we believe discuss universal truths, it has nothing to do with culture. Moreover, the beauty of the written word is that it is susceptible to acceptance and understanding, or rejection, or rebuttal through the same form. The competition of ideas has no power without an open vault of ideas. Emerson captured this sentiment when he stated that "it seems easy and inevitable to render the rhythm and music of the original into phrases of equal melody." Everyone we care to influence should have the opportunity to hear the music of ideas. But there must be translations to provide delivery with the appropriate embouchure.

In that vein, we should endeavor to make these translations available, but also urge the government to make available English translations of Islamic texts. "America is still trying to fight a war conducted in languages it does not understand." We have learning to do, too. Only through translatable correspondence can we effectively transmit American ideas or respond to ideas transmitted against us:

If we [are to] outthink our enemies, we must know how their minds work in war time. If we are to anticipate the reactions of our friends, we must know enough of their thought processes to be able to communicate and avoid clashes. In any case we must "talk their language." To comprehend what a man says is to increase our understanding and appreciation of him and his language, the part of him that expresses his genius, his thinking. Through his language a man reveals his most intimate side, and grows intellectually.

... Languages have always imposed a barrier to worldwide human relationship, and produced prejudices, intolerance, and an anti-social attitude toward "the foreigner."

---

132 See José E. Alvarez, Do States Socialize?, 54 Duke L.J. 961, 974 (2005) ("An academic theory that stresses that states are driven to conform with human rights may exacerbate rather than lessen the charge that Western regimes and institutions are vehicles for neocolonialism or the imposition of the hegemonic powers' 'soft power.'").

133 See, e.g., Thomas Paine, Common Sense 8 (Classics of Liberty ed., 1992) ("I draw my idea of the form of government from a principle in nature . . . .").

134 See generally Weaver, supra note 16.

135 Emerson, Books, supra note 77, at 182.

136 The Linchpin of Public Diplomacy, supra note 83, at 14 (A senior Egyptian official stated that "this should be a process of building bridges, not a one-way street. Developing respect for others and their ways of thinking—this is what cultural diplomacy does. Let there be a dialogue.").

137 Foreign Languages and Security: Know Thine Enemy, Economist, May 7, 2005, at 79.

This recognition of the need to overcome language barriers is in part what has led to much criticism regarding the dearth of Arabic translators within the FBI, other parts of the Department of Homeland Security, and the military in this modern world of a war on terror. The importance of translators is comparable to the importance of translations. Although that flaw in our security system is a separate issue, it at least colors the conclusion that communication has the ability to influence minds.

Let us strive toward mutual sharing in the market of information that can shape the structure of governance and mutual understanding. In the marketplace of ideas, dissemination of those ideas and information help everyone learn from each other. Some things are universal and some things are matters of policy judgment, but we can never discern the appropriate direction when we are lost in translation or lacking information. So, responsible governmental agencies should reinvigorate their funding and commitment to such book programs to help all languages and all ethnicities understand the arguments on human rights and constitutional principles that guide the evolution of world politics.

---

139 Thomas X. Hammes, Interpreters for Iraq: Lost in Translation, INT’L HERALD TRIB., Aug. 26, 2005, at 8 ("Insurgencies like that in Iraq are defeated not on the battlefield but by good governance and effective police work. The United States will not achieve either if it can’t understand what its allies are saying, much less what its enemies are saying."). See also Souheila Al-Jadda, Lost in Arabic Translation, CHRISTIAN SCI. MONITOR, Sept. 16, 2004, at 9 ("[T]he US government and its allies in this war must do more to increase the number of translators, screen them properly, improve their skills, and double-check translations."); 149 CONG. REC. S10598-99 (daily ed. July 31, 2003) (statement of Sen. Akaka) (explaining that efforts to increase the population of translators in U.S. agencies is "critical to preserving our national security").

140 MONA BAKER, IN OTHER WORDS: A COURSEBOOK ON TRANSLATION 4 (1992) ("[Translators] have to prove to themselves as to others that they are in control of what they do; that they do not just translate well because they have a ‘flair’ for translation, but rather because, like other professionals, they have made a conscious effort to understand various aspects of their work.").

141 Joseph S. Nye, Jr., Soft Power, 80 FOREIGN POL’Y 153, 164, 168 (1990) (examining the necessity to control cooperation with less powerful states).