

Shifting Political Identities and the Justified Use of Force

Paper presented at the conference
Conflits, Paix, et Identité – Regard croisés franco-scandinaves
Institut de recherches sur la paix (PRIO) /Ambassade de France (18-29.11.2002)

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Comments most welcome!

Introduction

„Today little vitality remains in the idea that force is justifiable only to the extent that it is used to protect the common interest or well-being of society. This norm has ceased to operate as a limit because the ‘interest of society’ no longer coincides with either the geographic boundaries of society or the foreign commitments of a society“.¹

This is not a quote from a contemporary scholar discussing the impact of globalisation on the way that the justified use of force is viewed. It is from taken from Sheldon Wolin’s discussion of violence in Western political thought in the 1960s when the word globalisation did not yet enjoy its current, seemingly irresistible, appeal. But it points to a tension which has grown and received far reaching

¹ Wolin (1962: 28).

attention since the Wolin wrote his article: namely the tension between on the one hand the geographic boundaries of society and its foreign commitments and on the other the inside/outside boundaries which are used when thinking and reasoning about the justified use of force.

As I will argue in this paper, this tension has increased as a result of two parallel developments in political identities both of which make the inside/outside divide seem increasingly problematic and inadequate for thinking about the justified use of force. The first of these is the development of transnational political identities articulated in relation to issues which have boundaries broader than those of the state. The interest of the community no longer coincides with the geographic boundaries of the state in Wolin's wording. The second development is the parallel and related reaffirmation of the rights of individuals to resist oppressive states (and their use of force) – a privatisation of political identities – which creates uncertainty about the „foreign commitments of society“ to intervene in support of that right. As the last section of the paper argues, these developments have opened up the questions which are the stuff of the global governance debate. And as the paper concludes these „big“ questions deserve far more explicit and critical treatment than they actually receive.

Who defines the Justified Use of Force? A „bias for states“

Before taking stock of the ways in which shifting political identities are leading to a rethinking of the use of justified use of force, it is important to underline that although there has never been an uncontested agreement on what constituted a justified use of force, modern political thinking (and even more so modern international relations thinking) has relied heavily on the idea that *a priori* states have the ultimate authority to define which uses of force are justified and which are not.

The (still) most accepted and widely used definition of the state is the Weberian one, that it successfully monopolises the legitimate use of force. And in historical perspective this is a reasonable way of thinking about states. European states were established by claiming a monopoly on the use of legitimate force within their territories. As a variety of authors have argued, states did actually manage to wrestle the control of justified use of force from various alternative authorities and in the process of doing so constructed developed the administrative and legal apparatuses which we have

come to identify as states.² Moreover, in the course of the 19th Century the state claim to monopolise the legitimate use of organised force was extended to cover also the international realm.³ Clearly, this state monopolization was never total. There were pockets – even in Europe – where non-states authorities (e.g. the Sicilian Mafia⁴) successfully continued to claim a control over organised force and internationally practices of piracy and mercenarism never fully disappeared. But it became broadly accepted that states could and should make a claim to monopolise the use of force.

A discussion of monopoly, however, says little about whether states were justified or not in the way they used their monopoly. And although legitimacy figures prominently in the Weberian state definition, Weber himself is curiously silent on what the nature of the legitimacy he invokes is. One can read him (as Walker does⁵) as resting it on a version of German nationalism which has little to say about how that legitimacy is viewed by those inside and outside the polity who have other political identities. And many other authors prefer to simply let the issue of the extent to which the state is justified in its monopolisation of the use of force drop. Thus, Tilly prefers to refer to „controlling the principal means of coercion within a given territory“⁶ and Giddens to the „direct control of the means of internal and external violence“.⁷ The reason for the hesitance to refer to legitimacy is that it raises the glaringly obvious question „what legitimacy, defined by whom?“ And the authors prefer not to make a positive judgement of the legitimacy of the state use of force part of their definition of the state. Such a judgement would make any discussion of the substance of legitimacy totally circular and vacuous (the state is legitimate in its use of force because it is the state and hence sets the criteria of that legitimacy). Of course, „if we take states themselves as the assessors of legitimacy, it is clear that the state is the legitimate deployer of coercion. Rebel groups, separatist movements, and transnational groups are not viewed as legitimate deployers of coercion by the states or statesmen as a group.“⁸ But then the substance of the legitimacy claims of states drop out of the discussion.

² Classical accounts (emphasising different aspects) of this process include Elias (1998/1939), Hintze(1975), Tilly (1990).

³ Thomson (1994).

⁴ Gambetta (1993).

⁵ Walker (1993: 144-6).

⁶ Tilly (1975: 638).

⁷ Giddens (1985: 121).

This is precisely what has tended to happen in international relations. The peace of Westphalia in 1648 is widely read as setting the stage for the modern state system where it became part of the accepted international practice that polities should be allowed to determine the norms according to which they were governed on their own. The religious wars, where an essential goal was to change these norms, was to be a thing of the past. And should be replaced by a „bias in favour of states“, allowing states to define for themselves according to which norms their polities should be ruled. And hence also to define which uses of force should count as (un)justified. On this account, thinking about the use of force internationally was confined to thinking about which uses of force between states were (un)justified (*jus ad bellum*) and means could be justifiably be used in these wars (*jus in bello*).

This reading of Westphalia and its implications for thinking about the justified used of force received backing (for opposite reasons) from both of the two grand traditions for thinking about the relationship between violence and politics.⁹ The first of these traditions (which most IR scholars would call „realist“) backed it because it seemed the best way to ensure order. In their understanding violence is always an inevitable part of politics (because of human nature, the irreducible and conflicting nature of norms or because of some structural logic of anarchy). In such conditions, the question becomes how to manage inevitable and omnipresent violence and how to keep it from propping up and becoming openly expressed in politics. Relying on states to monopolise violence within and possibly to establish some kinds of norms and institutions (if one follows the so called English school¹⁰) for how to regulate it without seemed an obvious way of diminishing conflict.

The other tradition (which most IR scholars would call „idealist“ or „liberal“) backed it because it seemed the most adequate way of allowing polities to rule themselves. Indeed, on this account politics can (and sometimes does) take place without violence. In fact, a crucial question for politics is how to keep violence out of political processes and hence make it possible for polities to determine their own fate according to un-imposed rules. Relying on states to keep violence out of politics (by legislation and law) within and by non-interference (and possibly the development of international law) without is a necessary, but not sufficient, condition for preventing violence from interfering with politics. It is hence

⁸ Thomson (1994: 8)

⁹ I draw these traditions from Arendt (1969) who develops them as general ways of thinking about the relationship between violence and politics. But I think that they are neatly mirrored in thinking about violence and international politics.

¹⁰ Buzan (2002: chap. 1).

not surprising that „liberals“ such as Frost or Walzer have the principle of non-interference figuring as high on their agenda as do classical realists such as Kissinger or Morgenthau.¹¹

The touching agreement around an *a priori* stance which make states central in defining and the justified use of force within their boundaries and which by the same token reduces the international discussion of which uses of force are (un)justified to the use of force in wars between states has of course never been absolute. There are three obvious (and widely acknowledged and discussed) cases where there is no way around taking a stance on the substance of claims that internal uses of force are justified. The most obvious of these are when competing authorities claim statehood (and hence the right to monopolise the justified use of force) on the same territory. Thus, in wars of secession as well as in the cases of civil wars or revolution, it is impossible to ignore the question. There is no way around deciding which authority is right in its claim. It is a practical matter of deciding who to deal with as a state. The second case is when state violence is enormous that we cannot ignore it because they „chock the moral conscience of mankind“. ¹² One could also take a more legalistic stance and point to the development of international law (human rights; genocide convention etc.) which indicate limits to which human rights abuses are condemned. ¹³ However, as amply illustrated by history, reactions to human rights abuses may come with considerable delay if at all and our „common moral understanding“ as well as our interpretation of legal norms may be very elastic. But gross state violence certainly does place the norm of arguing that states define the justified use of force on their territory under considerable strain. The third case, is when there is no state to refer to and hence no appeal to a state which defines the justified use of force is possible. ¹⁴

The question of how to think about the justified use of force is in clear a profoundly vexed one. While modern political thinking rests on the idea that states monopolise the justified (legitimate) use of force, this idea is either a tautology or in need for further elaboration to get at what the substance of that legitimacy (defining what the justification is). In this section I have briefly indicated that although in (national) political theory the question is extensively dealt with in international relations, there has been a broad agreement (for contrasting reasons) to keep the door closed on the question of how states define

¹¹ Frost (1996), Walzer (1977), Guzzini (1998).

¹² Walzer (1994: 107).

¹³ Linklater (2001).

¹⁴ Hassner (1995b: 352).

the justified of force, except as it touches the use of force between states. Whether for reasons of order or because states have been seen as expressing the standards of legitimacy within a polity, the generally accepted norm has been (in crude terms) that „once a population is incorporated into complete citizenship, a nation-state is given almost complete authority to subordinate the population. it can expropriate, kill, and starve with relatively little fear of external intervention.“¹⁵ I have also pointed out though (as indicated by the „almost“ and „relatively“ in the quote), that this closure has never been totally successful as the question of the substantive nature of justifications for the use of force has crept in through the back door. In the remainder of this paper I am going to argue that because of the ongoing redefinition of political identities, it is becoming even harder to keep that door shut.

The Development of Transnational Political Identities

The first point I want to argue, is that political identities are increasingly defined in relation to political communities which have borders different from those of the state. The implication is that Frost’s claim that „all normative issues in world politics today refer, either directly or indirectly, to the state, interstate relations and the role of individuals as citizens of states.“¹⁶ is decreasingly valid except as a tautology: With few exceptions (stateless people in particular) most people belong to states since states cover the entire globe. Rather, the implication of this changing definition of political identities is that the polity in relation to which the use of force is justified has boundaries which are often different from those of the state. I will make this point first by giving some indications of the reasons behind the shifting political identities. And then by showing that this makes places the definition of the justified use of force on a transnational agenda as well as on the agenda of international (inter-state) politics as governments are under pressure to take position on the use of force in and by other states.

Political identities are increasingly defined in relation to issues and borders which are different from those of states. There has been an enlargement of the political space to which people refer, take part in and feel concerned by. There has been a transnationalisation of the polity in relation to which they define their political identities. In part this is due to the increasing mobility of people. As tourists, migrants, or neighbours of migrants, people feel concerned by what goes on in a much wider polity than

¹⁵ Meyer (1980: 119).

¹⁶ Frost (1996: 79)

that of their own state.¹⁷ Thus, migrant networks play an important role in reshaping politics both in the „host“ and „home“ states. And their involvement is growing not only as a consequence of the increasing number of diasporas/migrants, but also because of the growing possibilities of using these communities to organise (illegal) trade to finance political movements, raise „taxes“ [viz. the PKK or the UCK in Germany], disseminate propaganda, or even simply to get votes in regular elections.¹⁸ They in fact play an important role in creating a transnational political space which can be used for contesting the use of force by states.¹⁹

In addition to this, even if there is no immediate personal reason to feel concern, people may well enlarge the polity with which they identify and in which they participate. The media brings the politics of a much larger polity in peoples daily lives. as argued by Shaw „wars [and one might say more broadly the use of violence] lose their spatial location, and, through their telegenic (re-)presentation, become *political crises* in which questions of justice and intervention must also be publicly discussed and decided in the far-off centres of global civil society“.²⁰

The redefinition of political identities is further accentuated by enlargement of the political agenda to cover issues which are inherently transnational. Indeed, there has been a tendency to expand the sphere of the political and „previously de-politicized areas of decision-making now find themselves politicized“.²¹ Thus, issues such as ecology, science, food safety or the gender relations have been placed solidly on the political agenda. An although these issues also lead to question justifications of the use of force in and by states, the most obvious and clearest example of where the political agenda has expanded greatly in ways which clearly lead to questioning the use of force is in the area of human rights. One might argue with Habermas that since the defeat of fascism after the second world war there is an attachment to human rights and democracy and a belief that these are principles which demand universal respect.²²

And finally, to avoid giving an overly voluntaristic picture of what drives the redefinition of

¹⁷ Beck (2000: 72-77), Held (1999 : 321-326).

¹⁸ Political parties in countries of emigration do their best to organise the emigrant vote. The religious Refah/Virtue party in Turkey e.g. has organised transport back to Turkey for voting for its supporters on a large scale.

¹⁹ Angoustures (1993), Bozarslan (1993), Weissman (1993).

²⁰ Shaw (1996).

²¹ Beck (2000: 99) and Pizzorno's (1987) work on „absolute politics“.

²² Habermas (1998a: 71-9).

political identities, it is important to underline that it is not only a matter of changing self-definitions, universal values or expanding political agendas. Rather, the expansion is just as often imposed by the de facto linking up of social spaces through what one might term structural changes. This is not only true in the sphere of the economy where it is most often argued and situated.²³ Also political, cultural and social space is directly affected. International networks, education, funding, and media play an important part in setting local political and cultural agendas.²⁴ Moreover, studies of states in Africa (and more generally the developing world) concur on the importance of the international granting of statehood rather than its internal constitution.²⁵ Many states, their conflicts and ways of justifying the use of force is shaped by international factors and concretely by the cold war. In Buzan's wording the international system is increasingly penetrating.²⁶ The situation in Mozambique, Angola, Columbia or Afghanistan are hardly comprehensible without the past interferences of other states.

The implication is that a state (or its citizens) cannot simply declare that it does not want to be affected by a nuclear disaster or re-conceptualizations of gender or human rights: they are affected. And it is hence not surprising that both those who welcome and those who contest (sometimes violently as they become members of „international terrorist organisations“) these developments redefine their understanding of the polity they are relating to as being far larger than those of the state within which they find themselves.

These changes in political identity have as a consequence that the extent to which the claim to define the justified use of force by any one state becomes something which is an immediate concern far beyond the polity as delimited by the boundaries of that state.

It is something which can be (and is) challenged, contested or approved by a wide range of actors and movements in a transnationalised political space largely by non-state actors. It is contested by individual citizens who do not necessarily lobby directly, but still have firm beliefs about what is justified or not for other states to do. They find it important that children should not be used as soldiers in Columbia, Falungong members tortured in China or tribal law (including murders of honour and blood

²³ Leander (2001).

²⁴ See e.g. Loureiro (1998), Lebaron (1997).

²⁵ For Africa see Bayart (1997), Clapham (1996), Reno (1998). And Tilly's monumental overview of state-making concludes on a „drift from internal to external state building“ that is the increased importance of access and handling of external (as opposed to internal) capital and means of coercion Tilly (1990).

²⁶ Buzan even argues that „it is not clear how states develop under these conditions [a very strong and

money) applied in Pakistan. It is further contested by a wide array of advocacy groups of various forms, including private business and NGOs who try to influence the ways in which force is used. Lobbying by Amnesty International in the UN a way of contesting the legitimacy of the Myanmar governments use of violence against the Karen, and blocking Shell stations in Germany a way of contesting the Nigerian government's violent treatment of the Ibo. And finally, it is contested (more or less violently) by groups that have a direct stake in a conflict. Thus, Kurdish terrorism on the territory of the German republic becomes a way of contesting the Turkish state's claim to use force in a justified way. The overall consequence in Beck's wording: „where the dominant political image of modernity was Leviathan, the moral standing of 'national' powers and superpowers will, for the future, be captured in the picture of Lemuel Gulliver, waking from an unthinking sleep to find himself tethered by innumerable tiny bonds“.²⁷

But the redefinition of political identities also makes it more difficult to shut the door on the substantive issue of how justified use of force in interstate relations. Because indeed, much of the transnational politisation runs through states.²⁸ The individual, expert communities, advocacy groups or NGOs who mobilise around questioning the use of force in and by states in other parts often do so by putting pressure on their own states. Concretely translated, this means that there is pressure on states to intervene with the definition of what is a justified use of force in other. The most spectacular illustration of this is the development (and pressure in favour) of so called „humanitarian interventions“. And it certainly is no longer case (as conventionally argued²⁹) that only interventions have to be justified. On the contrary as shown by the debates around Algeria³⁰ and Rwanda³¹ governments also are under strong pressure to justify *non-intervention*. But the increased international (meaning inter-state) involvement in the definitions and debates about the justified use of force nationally, is also visible in less spectacular – but equally important – policies. Thus, governments use sanctions (e.g. the EU Sanctions against Zimbabwe), the use of political conditionality on loans and aid to influence the ways in which force is used. And there is growing pressure by states on firms to become „good citizens“ and shoulder their „social responsibilities“ in particular by checking that their activities do not encourage or benefit from

penetrating international system], or even whether they can“ (1995: 195).

²⁷ Beck (2000: 72).

²⁸ Zürn (2000).

²⁹ By for example Frost (1996).

³⁰ Malmvig (2001).

³¹ Barnett (2002).

„illegitimate“ practices in other countries (as illustrated e.g. by the Kimberly process and the establishment of a code of conduct to limit the trade in „blood diamonds“).

In clear then, the fact that political identities are increasingly conceived (by choice or imposition) in relation to politics and issues which are transnational (though not necessarily „global“) in nature has made it more difficult to fall back on the state as the institution with ultimate authority to define which uses of force are (un)justified within its territory. Rather it has made that question of which uses of force are justified and which are not part of a transnational debate and this transnational debate, in turn, has been important in also pushing the issue higher up on the agenda of interstate politics. That is claims about justified uses of violence are not taken at face value but discussed. There is deep breach in the bias in favour of accepting states as the ultimate authority.

The Privatisation of Political Identities

The breach in the bias in favour of states has been further widened by the fact that political identities are often formulated *against* the state, rather than in relation to or as constituted by it. In much of contemporary thinking about the relationship between political identity and the state, that state is construed as the main threat to political identities and also the key source of (unjustified) violence. This reading of the relationship between the state and the individual runs straight against the kind of Hegelian reading proposed by Frost (where individuals are constituted and given political identity through their relationship to the state³²) or the communitarian reading proposed by Walzer (who thinks that morality is „thick“ inside states and „thin“ outside³³). Below I want to outline four reasons for why this kind of „privatised“ political identity has become increasingly accepted and all four are rereading of the relationship between individual political identities and the state which have profoundly influenced contemporary political thinking. The aim of this exercise is to bring home the point that it has become increasingly difficult to defend any a priori assumption to the effect that sovereignty and the state system are positive and important per se.³⁴

The first, revisiting of the relationship between the state and political identities has deep roots in modern political understandings of legitimacy. Indeed, the „dilemma“ of how to reconcile the multiplicity

³² Frost (1996: 147-150).

³³ Walzer (1994).

³⁴ Frost (1996: 106-9).

of individual political identities and the dominance of the state is a fundamental and persistent part of modern political thinking stemming from the disenchantment of enlightenment. Because indeed, „the issue of legitimacy blossoms when appreciation of the conventional character of social norms and institutions becomes widespread“ and we can no longer ground legitimacy in some religious or transcendently derived understanding.³⁵ This dilemma is all the more pronounced as the state expands into all spheres of social life. As it gets involved with everything from labour relations, to film-making and the constitution of the family, the pressure on the state to legitimate the rules it enacts becomes greater. And at the same time, it becomes harder for the state to actually legitimate these rules.

This is all the more serious as the expansion of the state (often prompted by a demand that it and guarantee rights in various fields) centralises and mobilises power. Yet, „this very mobilization of power endows it [the state] with awesome potential for evil“.³⁶ And it might well be the case that this „potential for evil“ becomes a key source of oppression of identities which are at odds with the „hegemonic identity of the state“.³⁷ In fact, the state may be fundamental in creating those identities (by defining nationals, criminals, madness etc.). And although this does not justify a total rejection of the state and even less of democracy, it certainly has a sobering effect on thinking about the relationship between the state and political identities. It makes for considerable caution – and awareness of the need for reflexivity – about any kind of blanket approval of states claims to use force justifiably: a „perhaps“ position as Connolly argues.³⁸

The second, revision is similar in that it also poses the potential that the major threat to political identities might come from the state, in a very immediate and physical manner. This revision is tied to the re-readings of the history of the twentieth century, where the state stands out as anything *but* an institution which can be counted on to use force in justifiable ways. Indeed, one reading of the history of the massive totalitarian state violence is that it is not only not opposed to the process of monopolising the legitimate use of violence in state institutions but a sign of the fragility and potential reversibility of that process (this is Elias argument³⁹) or even more strongly a logical consequence of that process.

Bauman’s work on the Holocaust epitomises this position. It argues that it is precisely the

³⁵ Connolly (1984a: 2).

³⁶ Connolly (1984b: 17).

³⁷ Connolly (2000).

³⁸ Connolly (1991: 220-222).

concentration of power in the state and the development of bureaucratic culture which is the cause of the Holocaust. The development of the bureaucratic culture gives the Holocaust not only its peculiar shape and efficiency, it is at the origin of the very idea of the final solution.⁴⁰ And the monopolisation of the use of force with the state had the effect of freeing the use of violence from moral calculus.⁴¹ Hence, „in the face of an unscrupulous team saddling the powerful machine of the modern state with its monopoly of physical violence and coercion, the most vaunted accomplishments of modern civilization failed as safeguards against barbarism. Civilization proved incapable of guaranteeing moral use of the awesome powers it brought into being.“⁴² The implication of this kind of rethinking of the relationship between the political identity of the individual and the state, clearly makes it very difficult to see any reason for an a priori „bias in favour of sovereignty“. The way that political identities are articulated after a 20th century revisiting of the state makes it far from clear that as Hobbes argues:

..the estate of Man can never be without some incommodity or other; and that the greatest, that in any form of Government can possibly happen to the people in generall, is scarce sensible, in respect of the miseries, and horrible calamities, that accompany a Civill warre; or that dissolute condition of masterlesse men, without subjection to Lawes, and a coërcive Power to tye their hands from rapine, and revenge...⁴³

The point Bauman makes is not only that the state is *not* a lesser evil. Rather, it is that the modern state *can* turn out to be the key source of evil in some contexts.

A third, kind of revisiting of the state which has led to a growing acceptance of political identities articulated against it, stems not from a rereading of modernity or modern history, but from rethinking of the state outside the European context. While with some stretch of imagination (and neglect of the violence entailed in the process) one can argue that state building in Europe was based on some kind of community building process, a similar move is literally impossible in the rest of the world. Most blatantly in Africa, existing political organisations, communities and boundaries played a very limited role as states

³⁹ Elias (1982).

⁴⁰ „The light shed by the Holocaust on our knowledge of bureaucratic rationality is at its most dazzling once we realize the extent to which the very idea of the Endlösung was an outcome of the bureaucratic culture.“ Bauman (1989: 15).

⁴¹ Bauman (1989: 28).

⁴² Bauman (1989: 111).

⁴³ Hobbes (1651 (1985): 238).

were established by European colonial powers.⁴⁴ But also elsewhere (post-) colonial states developed in conditions which are very different from those in Europe and which make it difficult to imagine states as embodying polities sharing a thick moral and political culture.

To imagine this is made all the more difficult because of the oppressive, exclusionary nature of many states, confirmed in any counting of instances of internal-wars, violent deaths and ethnic cleansing.⁴⁵ This insight which is well anchored in political and academic discussions. In fact, to denote that a „state is not a state“ scholars (as well as policy-makers) attach adjectives to states who become quasi-states⁴⁶; failed-states⁴⁷; rogue-states⁴⁸; criminal states;⁴⁹ war-lord states⁵⁰ etc. And one of the key characteristics of these „states with the adjectives“ is that they cannot – or do not want to – control the use of force on their territories, but are on the contrary the source of some of the most serious uses of force and oppression. The armed forces are often openly used against large groups of the population. And even when they are not, they allowed (encouraged) to finance themselves by looting and racketing.⁵¹ In these kinds of conditions it is clear why observers (academic and political) find it hard to grant the state any „a priori bias“ in defining the legitimate use of force and on the contrary find it easy to sympathise with the many political identities articulated against state violence.⁵²

This lead straight onto the final point I want to make which turns around the fact that in „risk society“, identities are increasingly formulated around issues of security to which the private sector is increasingly called to reply. The argument about the rampant sense of insecurity is nicely articulated by Bauman who argues that it has triple roots in uncertainty about the distinctions which guide everyday life, insecurity about the future (linked to flexploitation), and physical/bodily safety.⁵³ However, as visible in political debates, there is a tendency to slide into a focus exclusive on the safety part of insecurity and in

⁴⁴ Appiah (1993), Clapham (1996).

⁴⁵ E.g. Rotfeld (2001) Holsti (1996).

⁴⁶ Jackson (1990)

⁴⁷ Bilgin (2002).

⁴⁸ Chomsky (2000) who reverses the usage and applies it to the US.

⁴⁹ Bayart (1997).

⁵⁰ (Reno 1998).

⁵¹ Howe (2001),

⁵² When pushed on this issue (in relation to a study of gang-rule in Lagos' suburbs William Reno (personal communication) that he saw no a priori reason to think higher of the state police or army than of any other armed gang. And the position is not untypical.

⁵³ Bauman (1997).

particular on the safety of the body, protection from crime and military matters. But this slide in unlikely to do anything to alleviate the underlying problem: „There is a story of a drunken man who searched for a lost banknote under a lamp-post – not because he lost it there but because the part of the pavement underneath was better lit. Transferring anxiety from global insecurity and uncertainty, its genuine causes, into the field of private safety follows roughly the same logic.“⁵⁴ The result is that „politics“ does not seem capable of seeing (let alone dealing with) the problem.

This situation is aggravated by the fact that politics appears increasingly irrelevant to people’s daily concerns. There is a gap between the sense that the state is expanding and that politics seems not to actually capture the key preoccupations people have. Bauman expresses this in terms of the disappearance of the „agora“ and the difficulty of articulating private grievances politically and „agglomerating them“ to give them political force.⁵⁵ In a very similar way, Bourdieu deplores the fact that the many „small sufferings“ are not articulated politically. The „big sufferings are gone“ and now each individual is left to deal with what seems private personal problems detached from the larger context.⁵⁶

The consequence of this is that politics as embodied by the state and its institutions appears effect of making private responses stand out as not only legitimate, but necessary. In a world where the state is seen as either incapable of picking up and/or of articulating adequate responses to insecurity (mostly formulated in physical terms) threats it is only fair enough to bring in private alternatives. The so called „neo-liberal revolution“ and the rethinking of the state in utilitarian terms (as essentially self-serving and rent-seeking) has added legitimacy to this move by making giving an aura of effectiveness and appeal to private solutions.⁵⁷ The result is a rather spectacular growth in the reliance on private security guards, private police-forces, private prisons, and private military companies, many of these are roofed under efficient service-providing firms operating transnationally.⁵⁸

It certainly is no longer the case that „practices [of non-state violence] are not only prohibited but have become unthinkable“.⁵⁹ Rather, there is a mounting effort to ground this privatisation in ethical and political terms. Thus two political philosophers conclude that „...in a mercenary context there may well be

⁵⁴ Bauman (1999: 49).

⁵⁵ Bauman (1999: 7).

⁵⁶ Bourdieu (1993).

⁵⁷ Evans (1997), Feigenbaum (1999).

⁵⁸ Blakely (1997), Johnston (1992), Moyle (2001) and Leander (2002).

⁵⁹ Thomson (1994: 145).

less killing motives around. The *moral economy* of a mercenarist world would appear to be preferable to that of the Statist societies we currently inhabit.⁶⁰ And politically, there is increasing pressure on governments to revise their stance on mercenaries (and in particular on „private military companies“). Hence, in response to the recent green paper the secretary of state argues that „we conclude that the employment of professional, responsible and well regulated PMCs could, in some circumstances, contribute to the establishment of maintenance of relative stability, under which lasting solutions to such problems might be worked out. We further conclude that PMCs may have a legitimate role to play in helping weak governments to secure revenue streams, for example by protecting border points and highways.⁶¹ It seems to me that the situation is nicely summed up by Shannon who argues that there is „a self-replicating dynamic that assigns private force to alleviate human insecurity only to deepen its root causes. As a result, these private armed groups are able to position themselves, where self-interest so motivates them, as guarantors of social and economic stability, and to selectively challenge the state; in an increasing portion of the world, this is a battle for hearts and minds that the state is losing.⁶²

It is impossible to say exactly how influential and widespread these identity constructions „against“ the state are and what exactly the links between them are. But I am also not sure that it is important to do so in this context. What ultimately matters for my argument here is that we do recognise them, for each of these discourses is a part of contemporary political thinking and practice. And – just as the transnational identity construction referred to above – they make state claims to define (and monopolise) the justified use of force questionable. These claims might be justified. But they might also not. And the „bias in favour of the state“ in judging the matter has suffered a rather substantial downgrading. There is an ill-articulated „perhaps“ which has made its way into thinking about states’ claims to have a monopoly on the justified use of force. Conventional doubts about the boundaries of the polity have taken on gigantic proportions as has conventional distrust of states and their oppressive powers. And at the same time private claims to define the justified use of force are increasingly legitimate. There is a denationalisation or privatisation of politics.⁶³

⁶⁰ Lynch (2000: 152).

⁶¹ Foreign and Commonwealth Office [, 2002 #2616: recommendation f; p. 3].

⁶² Shannon (2002: p. 45).

⁶³ Beck (2000: 1, 14).

Shifting Political Identities and Global Governance in Security

Once we start introducing conditional clauses when talking about states' right to define the justified use of force we are in trouble. We have opened a Pandora box out of which a whole range of questions and problems are flowing. If it is not the state who defines the justified use of force then who is it? And where does the authority of that who derive from? And what exactly are then the standards according to which the justified use of force are judged? And what and how (concretely) is it possible to do about the infringements of these standards. These questions which flow out of this Pandora box are the stuff of the debate about global governance in security: they turn around the issue how (and if) it would be possible/desirable etc. to organise a political rule over the use of force in the international „anarchical society“. This is of course a – if not *the* – perennial question of international relations. And it would be preposterous to pretend to give an ultimate answer to it in this or any other context. So I am not going to try. In fact, I am convinced that there can be no such answer and that this a debate which is bound to go on for long and that it is good that it does so.

However, I do think that there is an important point to be made, namely that the problems and questions have to be faced. They will not vanish because we neglect them. Not „doing anything“ – at least nothing concerted – is of course an option (perhaps the most likely one). But it seems important to acknowledge that non-action is a political choice. I want to make this point is by spelling out the intractable dilemmas caused by the shifting political identities just described and the related conditionality on the state's right to define the justified use of force. I will point to two such dilemmas which are linked mainly to the transnationalization of political identities and two dilemmas which are tied to the difficulty of dealing with the privatization of political identities. And I will use these dilemmas to illustrate and argue that the debate about „global governance“ in security is not only an abstract debate about providing blueprints for a world state (or arguing for why such blueprints will not work or are not desirable). But rather, it is a debate about a transformation of international politics which is already going on and from which there is no escape and conclude on the note that I think far more could be done in international relations to address it.

The transnationalisation of political identities and the related problematisation of states' right to define the justified use of force poses two kinds of related problems which have to do with the organisation of politics internationally: the first has to do with the creation (or reform of the existing)

institutions to organise formal political processes to deal with the resulting . The second, has to do with the problem the political community which can provide the context for these processes. And these two problems make up an important part of the discussion around the creation of „cosmopolitan democracy“.

The reason why the issue of formal political processes and institutions arises is that with the transnationalisation of political identities and the pressures on states' right to define the justified use of force (and the pressures to intervene) there is also – as argued above – a pressure to create more structured ways, embodied in formal institutions, of handling the problem. First, this is so because the agenda setting is highly inequitable. Not all abuses of state violence provoke international reaction and condemnation. In fact many would think that far from enough do. Characteristic of this position is Hassner's lament / question „Can we be on our little bourgeois island protected by tariff or police barriers, without even looking at the suffering of the planet at the TV, refusing the refugees and letting everyone massacre themselves around us? Such a perspective seems unacceptable, but, at the same time, I cannot demonstrate how we will pass from the present prevailing non-engagement to a 'contagion' which, eventually, would bring us back to our responsibilities for the world.“⁶⁴ The most obvious way of „brining us back“ to these responsibilities is to create processes which allow a setting of the agenda to become less arbitrary. That is less dependent on the fads of the media, the presence of NGOs or personal links that are established by migrant groups and policy makers.

This need is reinforced by the inequities that exist in the ways existing institutions (and the UN in particular) handle the issues that are actually placed on the agenda. Thus criticism abounds of the way that some conflicts are singled out to justify intervention (viz. the discussions surrounding Iraq or Kosovo), while some are left running their course without outside intervention (Rwanda, Soudan). And even more so of the kinds of interventions that are then agreed upon.⁶⁵ And the obvious consequence is biting criticism of the (non)political processes in which these choices are made, the domination of the great powers (and the US in particular) in these process⁶⁶ and of the actual implications of the choices and calls for reform (including blueprints for such reforms⁶⁷) of existing institutions. In Neuman's words „In Kosovo, the end of the legitimate warring state was at stake. Where is the political entity that may

⁶⁴ Hassner (1995a: 381).

⁶⁵ See for example the chapters in van Ham (2002).

⁶⁶ Patomäki (2001; and 2002).

⁶⁷ Held is no doubt the key reference for this (1995; and 2002) but there are many others.

legitimately speak in the name of humanity.⁶⁸

A second issue which is directly related to this one is the question of whether it is possible and desirable to imagine that such institutionalised political processes could actually take place. What would be the „glue“ holding that political community together? What kind of „civil religion“ (Rousseau) or basic common contextual understanding could make legislation possible and legitimate? Human rights is an obvious contender for that role. But it is also a contender around which there is a high level of disagreement. Partly because these rights privilege an understanding of the individual which is specifically „Western“. It developed in the West. It priorities looking at the individual as detached from community religion and context and that it disregards alternative understandings of rights.⁶⁹ But perhaps more centrally, human rights is often argued to provide too thin a glue to hold the community together. As argued by Habermas „even a world wide consensus about human rights is no equivalent to the solidarity among *citizens* developed in the national frame. Solidarity among citizens has its roots in specific collective identities. However, solidarity among world citizens must rely exclusively on the moral universalisms expressed in human rights“.⁷⁰ And these „universalisms“ are too weak to provide the bonding of a real existing moral community. They risk merely serving the purpose of depoliticising politics by locating politics at such a distance from citizens that they no longer can or want to participate in it.⁷¹

The second pair of intractable dilemmas which arise are related to the second aspect of the shifting political identities, namely their increasing privatisation. Indeed, once it is the case that we see private political identities articulated against the state as contending for the definition of the justified use of force, we also have to confront a situation where it is increasingly difficult to think about international political processes as involving exclusively (or even mainly) states. A whole range of other actors claim a space for themselves in these processes and have obtained that space in actual political practice. NGOs, representatives of various nationalist movements as well as firms and banks play an important role in the already existing processes. They are consulted, have seats in the UN and often are the institutions through which policies are channelled. Clapham thus refers to the privatisation and NGOization of

⁶⁸ Neumann (2002: 80).

⁶⁹ Julie on human rights as a civil religion??

⁷⁰ Habermas (1998b: 162-3).

⁷¹ Kymlicka (2001).

politics.⁷² And Susan Strange heavily insisted on the fact that diplomacy had to be rethought in to include and non-state actors.⁷³

The first dilemma this situation poses for global governance in security is that there has to be some procedure for singling out (and justifying) why some private actors are included in the process while others are not. And this is clearly not an easy task. For one, many private actors make no claim (even theoretical) to representing any community at all. Such is the case of most firms and of many gang leaders who are driven mainly by economic interests. But even those who do claim representativeness of some political identity find it hard to uphold that claim. They by definition represent a specific group with a specific political identity. And this paves the way for contesting the representativeness of that specific community. For example, how important is really the community of battered women in Azerbaijan which the women's movement claims to represent or the international community of the women more generally which interantional feminist movements claim to stand for. Are these communities merely a construction of donors willingness to grant money (which is not to say that this construction is necessarily a bad thing)? But moreover, even if the community (and its identity is accepted as significant) there are considerable difficulties tied to establishing that private actor actually represents it in any meaningful way. How representative the PKK is of the Kurds in Turkey, the Fatah of the Palestinians in Gaza, the separatist Kashmiri groups of the muslims in Kashmir etc. is clearly not easy to settle. And these questions are not small. If these groups represent no one but themselves, a very marginal part of some larger group, or a fraction of the own group what is the justification for making them part of the political processes and what is the criteria according to which one can establish whether or not they should be allowed to take part?

The second dilemma is one related to the risk of the implications of including (and empowering) non-state actors. Even though Hobbes' spectre of the war of all against all might not be considered the worst prospect in all conditions, it still is a fearful one. Even to the most adamant defenders of the idea that there is no a priori reason to think that states are better (or more justified) in their use of violence than other actors, there is an acute awareness of the fact that empowering non-state actors might be very counter productive. This in particular the case if that empowering leads to a withdrawal (or weakening) of state institutions, so that large chunks of territory are simply abandoned and left to the mercy of

⁷² Clapham (1996).

whoever happens to be in the possession of most arms and/or the best contacts for getting those. And it is of course difficult to ignore that this was the concrete result of the privatisation policies (and the policies officially intended to encourage civil society development) pursued with great energy since the early 1980s. Thus, according to Kaldor, „instead of forging a new more responsive relationship between state and society, as the civil society theorists of the 1980s had anticipated, the state simply withdrew from large part of society. What was revealed beneath the layers of state control was not civil society but uncivility [...] Civil society was ineffective because there was no rule of law; there was no public control of violence.“⁷⁴

A slightly less dramatic version of the problem arises in the discussions of how far to allow and encourage privatisation in security and what the implications of this privatisation is for state security. This is a debate which has arisen in many different context. In Central and Eastern Europe, there has been far reaching disagreement (reaching the top of the IMF in the dispute surrounding Stiglitz and his resignation) about the extent to which the creation of markets required the prior construction of institutions, or, if on the contrary the creation of markets were a necessary precondition for institutional reform. Applied to the realm of the use of force specifically, disagreements have raged between those who think that the privatisation of the control over the means of violence will lead to an Sicilian syndrome and those who think that it is merely a step on the road to creating order.⁷⁵ Similarly at the international level there is intense disagreement about whether or not the restrictions on the use of mercenaries (as defined by the UN and the OAU conventions) should be changed to make it possible to rely more extensively on PMCs to establish order or if undertaking such changes would lead to increasing disorder and violence.

I have insisted on pointing to these dilemmas because they are an unavoidable part of contemporary politics. Because political identities have been shifting, the definition of the justified use of force by states is increasingly conditional both on transnational scrutiny and on approval by whole range of non-state actors. But as these dilemmas indicate the consequent rethinking and reshaping of global governance in security faces problems to which there clearly are no easy – and even less agreed upon – answers. As this section has indicated though, it is also not the case that these are hypothetical dilemmas which might arise in the future if current trends continue. Rather these dilemmas are confronted literally

⁷³ Strange (1996) and Stopford and Strange (1991).

⁷⁴ Kaldor (1999: 203-4).

⁷⁵ Volkov (2000) contra Varese (1994).

everyday in international politics in different spheres. There are institutions which actually do take positions on the which uses of force are justified and which are not both within and between states. There are formalised procedures for dealing with this. It is assumed that there is a glue which strong enough to hold world society together. Private actors are all the time allowed to be part of politics and states are making choices about precisely which actors to give such roles and which to exclude.

Just as the ills flowing out of Pandoras box could not be stuffed back into the box, so these questions are bound to stay with us. And I would argue that a large share of what scholars in international relations are busying themselves with are precisely these processes. So I am not going to rejoin the common whole-sale complaints about the triviality of work done in IR and/or its irrelevance to international/world politics. But I am going to conclude on the fact that it seems to me that much of this work is being done without sufficient attention to the implications of these dilemmas for power relations in global governance or to how to changes in global governance structures might be used to change these relations.

Conclusion: Sociology and the Future of Global Governance

This paper has argued that shifting political identities has led to severe strains in the conventional notions that *a priori* (though not absolutely) states have the right to define the justified use of force on their own territory and that *a priori* discussions about the justified use of force internationally should be restrained to discussions about the use of force among states. It has also argued that as a result „global governance“ of the justified use of force has become a much more pressing issue in international politics. This is so both because existing institutions of global governance are under strain as they have to confront the dilemmas of dealing with transnational and privatised claims to define the justified use of force and because it is in the reform or recreation of global governance institutions that hopes for more equitable processes for dealing with the developments lie. My interpretation of the current resurgence and flourishing of the debate about global governance is that it is intimately tied to these developments.

This paper is obviously the outgrowth of debates that are taking place in international relations. It has made no claim to present new evidence on any single issue. And it has in the main relied on arguments that are present in the international relations debate. Yet, although there are floods of books

and articles on different aspects of the trends that I have dealt with here, it is striking that relatively few⁷⁶ of them tackle the grand questions about what the implications of these trends are for thinking about and practising global governance. In part this might be because of the dominance of „reindorsement discourses“⁷⁷ which take the ordinary language usage to be the correct one: since our ordinary notion is that the state has a monopoly on legitimate that claim is taken as a given. In part it might be because it is considered that the key challenge is not at the level of global governance but at the level of state- building: the trouble is that we need to construct more stable states and that is essentially a national process.⁷⁸ But it seems to me that both of these strands of argument really miss the point. Even if there is clearly a problem with weak states (a „weak state dilemma“ as Holsti phrases it) and even if we mostly continue to assume that states have a monopoly on the justified use of force, it is still the case (and I think none of the authors subscribing to these arguments would claim otherwise) that in the mean time we do *also* do give increasing space to transnational and private political identities and this *is* leading to a reform of the institutions governing the justified use of force.

Therefore, it is important to raise the big questions about what is happening to the substantive meaning of justified force, who gets a voice in reformulating it, what the implications of this are and how to think about making it more equitable. In 1994 Thomson argued that „Authority, violence, territory, the state, sovereignty: these are the stuff of global politics. As such one might well expect that it be central to international relations theory. Yet, until recently, international relations specialists have treated them as uncontested concepts, relegating them to the realm of assumption“⁷⁹ As I have just tried to point out I think that global governance (meaning the political arrangements for governing) might well be added to the list of things which has received nothing like the attention it actually deserves. I think that the most promising way forward is to look critically and sociologically at the way the dilemmas created by the transnationalisation and privatisation of the definition of the justified use of force are dealt with in actual politics. We need critical and reflexive sociology to spell out which reformulations of identity matter, when and why. It is clearly not only „what you say but where you speak from“⁸⁰ which is of importance in this context. But we also need it to pave the way for a realistic thinking about possible ways forward.

⁷⁶ NB. that I am not saying everyone and that there is a long list of exceptions.

⁷⁷ Gellner (1959).

⁷⁸ This is Holsti's position (1996).

⁷⁹ Thomson (1994: 11).

⁸⁰ Bourdieu (1982).

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