Protective Security or Protection Rackets? War and Sovereignty

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Abstract and Keywords
It is generally assumed that all forms of violence within the boundaries of the state are criminal and that the state guarantees internal security through the rule of law and policing. Externally, the state protects its citizens against foreign enemies using the military. This chapter suggests that the distinction between legitimate and illegitimate protection is breaking down because the traditional external role is no longer effective, and the distinction between inside and outside is becoming blurred. If states are to provide protective security, this is only possible, nowadays, within a multilateral framework in which protective security is something that every human being can expect and not just the citizens of some countries. In making this argument, the chapter starts by describing how contemporary war can be perceived as a protection racket and then consider the ways in which the distinction between legitimate and illegitimate protection is breaking down. In the final section, it discusses the prospects.
for reconstructing legitimacy around human or protective security.

Keywords: war, sovereignty, protective security, legitimacy, violence, internal security, legitimate protection, illegitimate protection

ACCORDING to Amartya Sen, protective security is one of the five distinct types of instrumental freedoms that help to advance a person’s capabilities. He uses the term to refer to protection against what he calls the “downside risks”—extreme contingencies like famines or financial crises that threaten survival. This notion of security has been applied in the literature about human security, with which Sen is closely associated. The Canadian definition of human security is often conflated with the “responsibility to protect”, the doctrine that the international community has a responsibility to override sovereignty in order to protect people in cases of genocide, ethnic cleansing or other large-scale violations of human rights. The broader and more expansive definition contained in Human Security Now (Commission on Human Security 2003), by the commission chaired by Amartya Sen and Sadako Ogata, refers to the “protection and empowerment” of individuals and communities and it applies not just to the threat of violence but to a range of other economic, environmental or cultural threats as well.

Yet, as Charles Tilly has pointed out, the term “protection” has two quite different meanings:

One is comforting, the other ominous. With one tone, protection calls up images of the shelter against danger provided by a powerful friend, a large insurance policy, or a sturdy roof. With the other, it evokes the racket in which a local strongman forces merchants to pay tribute to avoid damage, damage the strongman himself threatens to deliver... Which image the word “protection” brings to mind depends mainly on our assessment of the reality and externality of the threat. Someone who produces both the danger and, at a price, the shield against it is a racketeer. Someone who provides a needed shield but has little control over the danger's appearance qualifies as a legitimate protector. (Tilly 1982: p.1.)
Tilly suggests that the distinction between the state as legitimate protector and the criminal organization as racketeer was built up historically over a long period. In the sixteenth and seventeenth centuries, kings often employed outlaws and privateers and encouraged their soldiers to loot and pillage. Gradually, however, professional forces were established, bandits and pirates were marginalized and even eliminated within the territory of the state, increased taxation and borrowing was used to pay for public services such as the police or education and health, and the “master narrative” of the state, as Ulrich Beck puts it, was constructed around its role in protecting people against risk—the dangers posed by nature and personal risks of ill health and unemployment, as well as threats posed by foreign enemies (Beck 1992). Tilly (1982) suggests that three factors were crucial in building the idea of the state as legitimate protector—economies of scale in the production and use of force which allowed the state to become increasingly effective, the growing assent of the subject population, and international collaboration with other states.

Beck and others suggest that as a consequence of globalization, the state is failing to provide protection. In a world of global risk (climate change, the spread of disease, the uneven effects of the global market, terrorism or transnational crime) the state no longer has the capacity to protect its citizens. I do not disagree with this suggestion but, in this essay, I want to focus on protection from violence. It is generally assumed that all forms of violence within the boundaries of the state are criminal and that the state guarantees internal security through the rule of law and policing. Externally, the state protects its citizens against foreign enemies by using the military. I want to suggest that the distinction between legitimate and illegitimate protection is breaking down because the traditional external role is no longer effective and the distinction between inside and outside is becoming blurred. If states are to provide protective security, this is only possible, nowadays, within a multilateral framework, in which protective security is something that every human being can expect and not just the citizens of some countries. In making (p.472) this argument, I will start by describing how contemporary war can be perceived as a protection racket and then consider the ways in which the distinction between legitimate and illegitimate protection is
breaking down. In the final section, I will discuss the prospects for reconstructing legitimacy around human or protective security.
I. Contemporary War as a Protection Racket
We tend to think of war on the model of nineteenth- and twentieth-century wars, as wars with two sides, usually states, in which the aim is victory by one side over the other. Such wars are short, immensely destructive and decisive. However, the experience of the Cold War, the War on Terror and the “new wars” taking place in the Middle East, Africa and Central Asia suggests that war has become something different. David Keen refers to war as a “system” (Keen 2007). One could equally well talk about a racket, in which the “sides” are engaged in a sort of collusion to sustain a specific type of political economy. The idea of “protection” is at the core of such a system. I do not want to suggest that war is a deliberate or conscious racket (although conspiracies are often more real than we think). Rather, the system is shaped by a specific context, way of thinking, and set of vested interests.

I have argued elsewhere that the Cold War is best understood as an “imaginary war”, which sustained and extended the institutions constructed during the Second World War (Kaldor 1991). The Second World War represented the apex of Tilly’s process of state-building during war. In the titanic struggle with the Axis powers, a new bargain was hammered out between the state and its citizens. In exchange for risking their lives and, in the West, for a huge increase in taxation and borrowing, citizens in both West and East gained employment, higher wages (though still higher in the West) and welfare services. But the cost of the war is unbearable even to contemplate. No one knows the true extent of the casualties. Estimates vary between 50 and 70 million dead. Six million Jews, Sinti and Roma, disabled people, homosexuals, and political opponents of the Nazi regime were killed in the Holocaust. Twenty million Soviet citizens died defending their country. Hundreds of thousands died in bombing raids on Dresden, Tokyo and Hiroshima.

The Cold War can be viewed as a way of reproducing the gains of the Second World War without the costs. Over and over again, in exercises on the North German plains, in strategic plans, in spy stories, in hostile rhetoric and in the action—reaction dynamics of the arms race, East and West enacted an imaginary (p.473) war, with many features similar to those of the Second World War. It can be argued that it was a mutually self-sustaining system, in which planning was based on
worstcase scenarios so that behavior by one side substantiated the threat hypothesis of the other and vice versa. Both sides had an interest in preserving the idea of war. In the West, it was an idea that reminded the world of the American contribution to ending the war and provided “reassurance”, to use Michael Howard’s phrase, that Western Europe was protected from the Soviet threat (Howard 1982: 3). It justified the continued flow of dollars to Europe, either in the form of aid or of troop presence, despite Congress's objections to the left-wing governments elected all over Europe after the war. And within the US, it provided a way for the Republicans to agree to maintain big government. In the East, the idea of war helped to sustain the notion of socialism as a continual struggle and it provided the rationale for Soviet domination over Eastern Europe, even though bloody methods had to be used in 1953 (GDR), 1956 (Hungary) and 1968 (Czechoslovakia). On both sides, it employed literally millions of men and women in laboratories, factories, and the armed forces and in a myriad of associated services.

Of course, there were real wars outside Europe. Indeed, roughly 5 million people died every decade in wars in the second half of the twentieth century. Whatever the underlying causes, they were viewed as proxy wars, as part of the overall global confrontation between East and West. They helped to substantiate a conceptual world order based on the binary opposition between East and West.

In other words, huge military budgets and a technological arms race offered people protection against an enemy, real or imagined, on both sides and thus sustained a system of world order in which military and industrial institutions were deeply embedded. The existence of each side and each action and reaction can be said to have constructed a threat against which people felt protected.

The War on Terror reproduces the logic of the Cold War. The use of military force to deal with a group of criminal extremists is, on the face of it, irrational and counter-productive. As David Keen (2007: 1) puts it: “Trying to apply the old militaristic model to the problem of terrorism is like trying to destroy a liquid with a sledgehammer or a virus with a bullet.” The use of military force in Afghanistan and Iraq has not reduced the terrorist threat. On the contrary, terrorist incidents have increased dramatically, especially in the Middle
East and Europe, and the evidence suggests that al-Qaeda cells are multiplying. So why did the Bush Administration launch the War on Terror? Part of the answer is conditioning. Members of the Bush Administration had grown up during the Cold War—their ideas and worldviews were shaped by that experience. Many of them had served in the Reagan Administration. Military responses were what they knew about—their knee-jerk reaction. Moreover, unlike Russia, the United States never had its perestroika. Behind the Bush Administration was a complex set of corporate and institutional interests, all of which required military spending for sustenance. And part of the answer is psychological. In an era of budget deficits, inequality, high levels of crime, and everyday insecurity, the memory of World War II and the Cold War provided for many ordinary Americans a sense of comfort, of being protected.\(^2\)

Precisely because the use of military force seems actually to stimulate terrorism, the War on Terror acquires a permanent justification, much like the Cold War. Every terrorist incident can be used to justify further military action and further defense spending, which, in turn, will provoke further incidents. The palpable relief of the Bush Administration after the uncertainty of the post-Cold War decade is evident in many of their statements. Rumsfeld and Bush talk about a “long war”, lasting perhaps 50 years. And according to Cheney,

> When America’s great enemy suddenly disappeared, many wondered what new direction our foreign policy would take. We spoke, as always, of long term problems and regional crises throughout the world but there was no single immediate global threat that any roomful of experts could agree upon. All of that changed five months ago [on 9/11]. The threat is known and our role is clear now. (quoted in Keen 2007: 68)

As long as the War on Terror continues to provide psychological reassurance, the racket can continue. The racket can be challenged only to the extent that ordinary Americans begin to question the narrative of protection.

This kind of war system also characterizes the genuine new wars taking place in other parts of the world. Many of these wars are about ethnic or religious identity and commentators often talk about “ancient hatreds”. But it can be argued that
the idea of “ancient hatreds” is actually constructed through violence. It helps, of course, if there are historic injustices to be cited. But anyone who has witnessed the evolution of today’s identity conflicts will have experienced a similar phenomenon—the surprise expressed by the participants in these wars, whether Sunnis and Shi’a in Baghdad, Catholics and Protestants in Belfast, Muslims and Serbs in Sarajevo—that they were friends and able to live together as cosmopolitan citizens before the war began. The experience of violence creates fear and trauma and the need to seek protection from those who are actually creating the enmity through sectarian violence. The narrative of “ancient hatreds” only compounds the fears. As a Bosnian colleague of mine from Banja Luka put it: “This war had to be so bloody because the ties between us were so strong.” It was al-Qaeda’s attacks on Shi’ite neighborhoods in Baghdad that mobilized the Shi’ite death squads. In other words, through violence, political adventurers are able to mobilize round extreme and exclusivist ideas as a way of gaining power, especially where state institutions are weak.

These wars have an economic dimension as well. During the Cold War, the different sides in the conflict were financed through superpower patrons. In the latest conflicts, the warring parties have to seek alternative sources of finance—looting, pillaging, booty, “taxation” of humanitarian aid, kidnapping and hostage-taking, remittances from the diaspora, or various kinds of smuggling (drugs, cigarettes, people, oil, diamonds). Indeed, a kind of predatory political economy is established in which it is no longer clear whether the war aims are profit or power. All of these sources of finance depend on violence. The wars provide a framework, a racket, for a kind of primitive accumulation.

Some would argue that war has always been a racket, that what is happening now is no different from earlier wars. Both Rousseau and Kant observed the way in which monarchs emphasized foreign threats in order to consolidate power at home. “War”, wrote Rousseau, “furnishes a pretext for exactions of money, and another, no less plausible, for keeping large armies constantly on foot, to hold their people in awe” (quoted in Hoffmann and Fidler 1991: 91). But during these wars, states did construct the institutions of protective security, such as emergency services like the police and the fire brigade. The wars did provide a framework for
establishing domestic security. The problem now is that many people experience a renewed insecurity arising from terrorism as well as other global risks like climate change and poverty. There is a gap between what is offered in terms of protection—the war rackets of today—and everyday experience of insecurity. How did this come about?

II. The Breakdown of the Distinction between Legitimate and Illegitimate Protection

By legitimacy, I mean both legality and public consent. Or to put it another way, an institution is legal if it can be justified in a court of law, and legitimate if it can be justified to public opinion. In a law-governed society, legality is a necessary condition for legitimacy even though there are sometimes moments—and these are dangerous moments—when the two do not coincide. Legitimacy could be said to be the outcome of a social contract implicit in the political process.

There are three main reasons for the breakdown of the distinction between legitimate and illegitimate violence: the growing ineffectiveness of military force; the illegitimacy of attacks against civilians; and the re-privatization of organized force, which also means the blurring of the distinction between political violence and organized crime. I will deal with each of these reasons in turn.

II.1 The Growing Ineffectiveness of Military Force

Charles Tilly argues that a key factor in establishing the legitimacy of states was economies of scale in military capabilities that allowed states to build up a monopoly position within the territory they controlled. The professionalization of troops, the application of technology to weaponry, the improvements in logistics all required substantial funding. Additional resources resulted in disproportionate increases in the effectiveness of military force. As the state's military capabilities became more and more effective, it became increasingly difficult for any organized group apart from other states to challenge them.

It can be argued, however, that during the twentieth century, military technology reached a point of diminishing returns. That is to say, every additional dollar or ruble devoted to increasing military effectiveness led to ever smaller gains in effectiveness. The First World War had already revealed the immense destructiveness of modern military technology and
the huge difficulty of securing a decisive victory over a similarly armed opponent. The stalemate of the First World War was eventually overcome by the invention of the tank. The mass production of tanks and aircraft in the Second World War was critical in ensuring the dominance of the United States and the Soviet Union. During the Cold War, the arms race took the form of technological competition to improve the speed, destructiveness, accuracy and protection of what were called weapons systems (tanks, aircraft, warships and rockets). There was, however, a steady increase in the cost of achieving extra increments of speed, destructiveness, accuracy and protection; moreover, any improvements achieved were often associated with costs such as increased complexity, increased logistical requirements, and greater difficulty in operating equipment. The consequence has been a reduction in the scale of the military effort and a reluctance to risk battles in which expensive equipment and expensively trained men and women might be lost.

Meanwhile, small arms—rifles, machine guns, hand grenades, hand-held rockets—have become cheaper, lighter, more easily available and easier to use (Small Arms Survey 2007). Together with the spread of commercially available communications (mobile phones, Internet, air travel), this has meant that the entry costs for non-state armed groups have become much lower. 9/11 is a case in point: a small group of men were able to inflict damage equivalent to a small nuclear weapon by hijacking civilian airliners.

The implication of these developments is two-fold. First, states are much less willing to go to war with other states. Battles have become too destructive and too indeterminate to be fought. The Iran—Iraq war was the exception that proved the rule. The war was a stalemate much like the First World War, in which a million young men were killed after seven long years in which the two armies faced each other across trenches, occasionally taking or taking back very small chunks of territory.

Secondly, non-state armed groups can inflict considerable damage on states. They cannot, of course, defeat the armed forces of states militarily. But they cannot be defeated by states, either. And as all the counter-insurgency manuals point out, as long as they do not lose they are winning. Conventional military force is immensely destructive. Grozny has
been reduced to rubble; yet violence continues. The damage done by Israel during the war with Lebanon in 2006 was extensive—all the bridges on the roads south of Beirut were destroyed and there was widespread destruction of Shi'ite suburbs and villages. But Hezbollah emerged as a victor.

In other words, military force is becoming less effective as a hard instrument of power; it cannot compel others to behave in certain ways. Paradoxically, the power derived from military force may be soft rather than hard, to use the terminology of Joseph Nye. In other words, it rests on appearance, on ritual rather than on physical coercion. It reminds us of past victories and it threatens us with destruction. And as long as the ritual is reassuring, military force will continue to serve some function in the construction of legitimacy. But the more the ritual is challenged, as in Iraq or Afghanistan, the more legitimacy is eroded.
II.2 Civilians as Victims

To say that military force is less effective as a form of hard power does not mean that it is any less destructive. On the contrary, the key characteristic of contemporary wars is that the main victims are civilians (Kaldor 1999). The statistics are notoriously poor but one number often quoted suggests that, at the turn of the twentieth century, 90% of the casualties in war were military and 10% civilian, while at the turn of the twenty-first century that ratio has been precisely reversed. Already in the two world wars, the mobilization of whole societies meant that the distinction between the military and civilians was beginning to break down. In World War I, three quarters of the casualties were still military if the figures for the Ottoman Empire are excluded. In the Ottoman Empire, some 4 million civilians died during World War I, both because of disease and the deliberate genocide of Armenians. In World War II, civilian casualties were much higher, both because of aerial bombing and because of the Holocaust. During that war, some 65% of casualties were civilians.

Today, the share is much higher. In the Iraq War, there have been some 655,000 deaths as a result of the Coalition invasion in 2003 and the subsequent violence up to July 2006. Of these, some 600,000 were the direct result of violence and some 25% were due to Coalition attacks. Most of these Iraqi deaths were civilian. By contrast, some 3,316 American soldiers and 144 British soldiers had been killed up to April 2007 (Iraq Coalition Casualty Count 2007a). In Darfur at least 200,000 civilians have been killed since 2003 through direct violence (UN News Centre 2007). In Afghanistan the number of civilian casualties is not counted. An estimate by the Project on Defence Alternatives suggests that some 3,000 civilians died as a result of air strikes or lack of access to humanitarian assistance during the 2001 invasion, (p.478) but many more have died since then. At the time of writing (October 2007) some 707 Coalition soldiers have died since the start of the US-led Operation Enduring Freedom in 2001 (Iraq Coalition Casualty Count 2007b).

One of the most striking characteristics of contemporary political violence is the huge rise in population displacement. According to the United Nations High Commission on Refugees (UNHCR), the global refugee population has increased from 2.4 million in 1975 to around 10 million today; in addition, the UNHCR estimates that there are some 8
millon internally displaced persons (IDPs). Other estimates are even higher; the American Refugee Committee claims that there are over 32 million refugees and displaced persons. The number of refugees and internally displaced persons per conflict has been estimated to have increased more than threefold from 1969 to 2004—from 327,000 to 1,093,300 (UNDP 2006: 12).

In the “new wars” in the Balkans, Africa and the Middle East, the killing of civilians is deliberate. It is a central component of military strategies that have evolved over the past few decades as a way of getting around concentrations of advanced military technology and the diminishing utility of conventional military force. Instead of trying to control territory militarily, by defeating an opposing army, paramilitary groups or a combination of regular and irregular forces try to control territory politically by using violence to control the population. Whereas revolutionaries like Mao Tsetung or Che Guevara aimed to control territory by winning the support of the local population—by appealing to “hearts and minds”—today the aim is to sow “fear and hatred” by expelling or killing those of a different ethnicity or religion, or even just dissidents and intellectuals. This, for example, is how Serb forces controlled territory in Bosnia. Regular Serb forces would shell a village to create an atmosphere of panic. Then paramilitary groups with names like “Tigers” or “Chetniks” or “Scorpions” would enter the village. Men would be separated from women and killed, especially if they were rich or intellectual, or imprisoned in detention camps. Women would be raped and/or expelled—the argument was that Muslim women would feel so ashamed of being raped that they would never want to return to their homes. Symbols of culture and historic buildings would be destroyed.

Similar tactics are used by the Janjaweed in Darfur and in Chad. Reports speak of systematic and often race-related rape raids, with some women having been branded on the hand in order to stigmatize them permanently. Abductions of girls and boys, random killings of civilians, and the destruction of private property as well as water sources and other essential civilian properties are common (Human Rights Watch 2004). In places like West Africa and Uganda, hideous atrocities have been carried out—like beheadings, throat cutting, and cutting off limbs, ears, lips and noses. In Iraq, Sunni suicide bombers attack crowded Shi'ite areas and Shi'ite militia organize death
squad. And a 2007 report by Amnesty International documents a dramatic increase in deliberate attacks on civilians by Afghan insurgent groups, primarily Taliban and Hezb-e Islami forces (Amnesty International 2007).

*(p.479)* Suicide bombing carried out by terrorists, as in New York, Madrid and London, or Palestine, Iraq and Afghanistan, is another tactic for avoiding direct confrontations with superior military forces. Suicide bombing is sometimes intended to create fear and panic among the civilian population. It is also sometimes used as a cost-effective way of attacking heavily protected strategic targets (the Twin Towers of the World Trade Center in Manhattan, American forces in Iraq and Afghanistan, or a political figure, like the late Rajiv Gandhi). But because civilians are unprotected they are usually the main victims.

Counter-terrorism is supposed to counter those tactics. But counter-terrorist tactics actually have the same effects. Because combatants cannot be separated from non-combatants, supposed attacks on insurgents by the US in Iraq, Russia in Chechnya, and Israel in Lebanon and Palestine mainly kill or displace civilians. This is particularly true of air strikes, which are a way of minimizing military casualties while trying to attack strategic targets or combatants. Even though Western governments claim to minimize so-called collateral damage, air strikes are necessarily imprecise, despite advances in technology, and in addition, are terrifying for those on the ground. Indeed, this is the point of tactics like “shock and awe”. The use of cluster munitions—bombs that explode into tiny fragments—by the Israelis in Southern Lebanon or Gaza, for example, leaves large amounts of territory unusable and results in casualties, especially children, long after the bombs have been dropped. Where ground forces are used, killing is often arbitrary—some five to ten Iraqi civilians have been killed on average each week by Americans at checkpoints. Thousands of young men are detained and interrogated: Israel currently holds some 10,000 Palestinian prisoners; the US holds around 17,000 Iraqi prisoners and this number is growing (Centre for Research on Globalization 2007). Walls are built to divide people, which often separate families or landholdings or prevent access to work, like the Israeli wall in Palestine, or the new walls being built by the Americans in Baghdad. Casualty levels from counter-terrorism are actually much higher than from
terrorism itself. In the 2006 war in Lebanon, for example, the Israelis killed some 1,200 Lebanese civilians; estimates of combatants killed vary from 500 (Israeli defence forces estimate) to 74 Hezbollah fighters (Hezbollah estimates) and 46 Lebanese soldiers (Lebanese figures). Some 44 Israeli civilians died, along with some 119 members of the Israeli Defense Forces.

Wars can be described as legitimate killing. The legitimacy derives not just from the authority of the state but also from rules that have developed over centuries about the conduct of war. These rules were codified in the late nineteenth and twentieth centuries into what is known as international humanitarian law or the “laws of war”. These laws cover such issues as the treatment of prisoners, the sick and wounded, and non-combatants, as well as the concept of “military necessity” and the definition of weapons and tactics that do not conform to this concept.

In the period after World War II, war itself was prohibited except in self-defense, thus narrowing further the definition of legitimate killing. In addition, human (p.480) rights norms, which apply to the way states treat their own citizens, were codified in the Universal Declaration of Human Rights, the International Covenants on Human Rights, the Genocide Convention, and the Convention on Torture, as well as the European Convention on Human Rights and other conventions dealing with discrimination against women, the rights of the child, and the rights of the disabled.

All killing of civilians is illegal in the international framework of human rights. The killing or detention of civilians can sometimes be justified if it is judged within the framework of international humanitarian law to be “militarily necessary” and proportionate. The anodyne term “collateral damage” is used to justify the killing of civilians, for example, in counter-terror tactics, when the civilians are killed or displaced as a consequence of attacks on what are thought to be combatants. But legality is not always the same as legitimacy, in the sense that those who inflict violence are not necessarily able to justify what they do in a court of law, but rather in terms of public opinion. The “collateral damage” justification may be convincing for Western publics but these kinds of deaths in Iraq, Afghanistan, Palestine and Serbia are viewed by the victims and their communities as violations of human rights or
as terror. By the same token, suicide bombings or attacks by insurgents are usually justified in the name of war—they are the only way to attack a stronger enemy. But their victims and their families consider such attacks as terrorism.

Protection rackets thus depend on the extent to which they can be presented in the framework of war and the extent to which war itself is considered legitimate. The more that protection rackets are viewed within the framework of human rights, the more difficult it is to sustain their legitimacy. Precisely because communities nowadays cross borders and because we can witness what happens in faraway places, the distinction between war and terrorism, or between legitimate and illegitimate violence, is being increasingly eroded.

II.3 The Privatization of Organized Force

In the last two decades, private security companies have been increasingly used for policing and protection not only at home but also in overstretched peacekeeping missions and in other military interventions. Coalition forces are heavily dependent on private security companies in both Iraq and Afghanistan. These companies are not subject to the same degree of regulation as military forces and, on occasion, this has mired peacekeeping or intervention forces in difficult situations. The recent case of the shooting of Iraqi civilians by Blackwater is a good example.

“New wars” are fought by networks of state and non-state actors. The latter can include warlords, paramilitary groups, mercenaries, and criminal groups. Both state and non-state actors increasingly finance themselves not through taxation but through various types of illicit activities—the origins of which can often be traced back to authoritarian regimes.

(p.481) Within the framework of authoritarian regimes, all kinds of independent economic activity are criminalized. There is a tendency to assume that the opening up of such regimes will lead to the establishment of legitimate markets. In fact, the demise of Soviet Communism and South Africa’s apartheid system was associated with the explosion of organized crime, which had its roots in the illicit interstices of authoritarianism. In South Africa, the Goldstone Commission and the Truth and Reconciliation Commission revealed the extraordinary range of criminal activities in which security forces were engaged: drug, ivory, precious gem and mineral running; bank robbery,
embezzlement and money laundering; falsification of records, illegal sales of licenses, and fabrication of evidence. In addition, of course, they were involved in illegal political violence—human rights abuses, torture and maiming, and political killings as well as fomenting violence and racism. As any visitor to Russia in the last days of Communism will testify, smuggling, black market exchanges, trafficking and other activities were rampant.

What Carolyn Nordstrom (2004) calls “shadow networks” are the underside of the growth of the global market. The “new wars” have provided a fertile zone for these transnational networks of state and non-state actors, who are engaged in a range of illicit activities related to violence. These include: looting, pillaging and hostage-taking; establishing checkpoints so as to control the flow of necessities and charge “customs duties”; smuggling in valuable commodities like oil or diamonds or illicit commodities like drugs, cigarettes, alcohol and people; and “taxation” of humanitarian aid. Remittances, illegal trading and humanitarian assistance all provide ways of recycling foreign exchange so that local actors can purchase weapons and equipment (as well as luxuries) on international markets.

Remittances from abroad have become an increasingly important source of finance for the “new wars”. In Kosovo, for example, the shift in diaspora funding from the non-violent movement to the KLA was a key development in the descent towards war in the late 1990s. An organization like Hezbollah in Lebanon depends on support from its members who work in places like the Gulf or Western Europe, as well as from outside powers like Iran and Syria. In Southern Sudan, fighters gained access to remittances sent to poor families from family members working in the Gulf by controlling the price of food at checkpoints.

Another increasingly important source of finance is smuggling in goods like cigarettes, alcohol and drugs as well as human beings (illegal immigrants or abducted women and children) and illegal trading in valuable commodities like oil and diamonds. Countries which are dependent on valuable primary commodities have been shown to be particularly prone to violence (Kaldor, Karl and Said 2007). This is partly because of geopolitical competition for control over the sources of valuable commodities. But it is also because such countries
develop rentier societies in which different groups or individuals struggle for access to the state because it means access to oil or diamond revenues and because commodity revenues can be used to finance wars. In Chechnya, local warlords sold oil drawn from backyard oil wells to Russian generals who, in turn, sold the oil they had received from the government on the Moscow market in order to finance soldiers' wages. In Colombia, different irregular forces have developed different techniques for accessing oil revenues: blowing up pipelines, taking oil workers hostage, controlling municipalities that receive oil revenues. In the war in Angola the government was financed by oil revenues and the rebels by diamond revenues.

In other words, in place of the national formal economy, with its emphasis on industrial production and state regulation, a new type of globalized informal economy is being established in which external flows, especially humanitarian assistance, remittances from abroad, transnational smuggling and trade in valuable commodities, are integrated into a local and regional economy based on looting, pillaging, hostage-taking and forced manipulation of local prices. Some argue that these new types of violence are actually motivated by private gain. It is certainly true that, in conditions of conflict where the rule of law breaks down, there are also many opportunities for criminal activity. In Iraq and Gaza, much hostage-taking is for ransom rather than to achieve political goals. In the former Yugoslavia, many paramilitary fighters were able to take control of new homes or small businesses. But it is also true that many politically motivated fighters or terrorists engage in economic crime in order to finance political violence.

Moreover, many of these forms of violence are also criminal in the sense that they violate international law. The point is rather that the difference between organized crime and war is breaking down in our contemporary era.

This new type of predatory political economy has a tendency to spread. The cost of war in terms of lost trade, especially where sanctions or communications blockades are introduced or where borders are closed, either deliberately or because of fighting; the burden of refugees, since it is generally the neighboring states who accept the largest numbers; the spread of illegal circuits of trade; and the spillover of identity politics—all these factors reproduce the conditions that nurture the new forms of violence. It is possible to identify
“bad neighborhoods” where weak states are further weakened by the spread of the globalized informal economy—these include places like West and Central Africa and the Horn of Africa; South-East Europe, the Caucasus and Central Asia; and Iraq, Lebanon and Israel/Palestine.
II.4 Establishing Protective Security

What is the difference between a barroom brawl and a boxing match? Nothing, save that one is recognised as legitimate based on certain fictions (no one will get hurt, etc.).

What is the difference between the Cosa Nostra and state sovereignty? Nothing, save that one is recognised as legitimate, but based equally on a series of fictions. (p.483)

This is why violence is kept at arm's length—the carefully crafted notions that war takes place on “battlefields” and that criminal violence is constituted of marginal elements that can be contained ... the illusion that violence is “outside society” and that the state keeps society, keeps us safe.


I have argued that the illusion that violence is “outside society” and that through war, the state keeps us safe is becoming harder to sustain because war itself produces insecurity, either as a counter-reaction, or because violence is inflicted on civilians rather than enemies, or because of the growing links between political violence and organized crime. If protective security is to be recognized as legitimate, it has to have some basis in reality. The gap between what is carried out in the name of security and people's lived experience has to be narrowed. Given the growing ineffectiveness of military force, the other two aspects of legitimacy—wider assent from the population and external recognition—are becoming more and more important.

The best way to provide protective security is what happens inside some well-run societies—namely a rule of law, backed up both by the consent of the population and by protection services, such as the police, and emergency services, including firefighters and medical services. Rather than appearing to keep the violence “outside”, what is needed is to spread the “inside” outside so that every society experiences a similar level of protection. If we are to counter the new forms of violence, we need, first and foremost, to protect civilians—the main victims of the violence. This requires the (re-)establishment of a legitimate political authority that can
guarantee a rule of law on the basis of trust, and that can (re-)establish a monopoly of legitimate violence (to deal with the proliferation of non-state actors) and a legitimate economy (to counter transnational criminal activity), and that, above all, uses new communications to transmit a convincing message about justice, fairness and reconciliation so as to counter the propaganda of hate.

But this has to happen within a multilateral framework. Protective security can no longer be provided unilaterally. States do need to provide protective security for their citizens, but within a global framework that constrains those states that produce insecurity either as a consequence of authoritarianism or state weakness or both. The combination of international humanitarian law and human rights law does provide the basis for an emerging international legal regime based on the rights of individuals rather than states. States, of course, remain the only authorities capable of upholding the legitimate use of force but their use of force is much more circumscribed than previously by international rules and norms. States derive their legitimacy from an explicit or implicit social contract in which they provide protective security in exchange for taxation and votes. Not only does the protective security side of the social contract need to be renegotiated, but it also needs to be supplemented by a global social contract in which the citizens of the world are guaranteed protective security by the club of states within the framework of the United Nations.

There is a role for military forces in such a system, but not for war against other states—rather, as a contribution to global security and to implementing a global social contract which enshrines human rights. Military forces are required, in conjunction with police and other civilian experts, in cases where international law is being flouted and there is an impending humanitarian catastrophe, e.g. ethnic cleansing, genocide or other large-scale violations of human rights. The legitimate use of military force by states would need to be approved by the United Nations or to conform to a clear set of criteria that are agreed internationally. The adoption of a “responsibility to protect” by the United Nations General Assembly in 2005 is an important step in this direction.
Essentially, military forces would be used together with other types of protection forces, for law enforcement rather than for war-fighting or peacekeeping. Both war-fighting and peacekeeping are defined in terms of a war between collective enemies. The job of war-fighting is about defeating enemies and even though counter-insurgency operations often adopt a “hearts and minds” approach, the task of protecting civilians is secondary to the task of defeating the enemy. The job of peacekeepers is to separate warring parties, monitor ceasefires or collect weapons; in the past, peacekeepers have often been unable to prevent violations of human rights. In law enforcement operations, the main job is protecting civilians.

But using military forces in a law enforcement role is very different from a warfighting or peacekeeping role. The ways in which military force should be used are as important as the ends. In what follows, I briefly define three principles that distinguish the use of military forces in a law enforcement role from their role in war-fighting or peacekeeping.

First of all, the primary task of the law enforcement role is the protection of civilians, upholding human rights. Killing is never permissible except in self-defense or to save a third party. Thus the killing of an attacker is only permissible if it is necessary to save civilian lives. Of course, it could be argued that this also allows for war-fighting actions that may risk civilian lives. The British forces defending the United Nations safe haven of Goradze in the last stages of the war in Bosnia-Herzegovina did shell Serb forces for several hours in order to prevent the Serbs from overrunning the town and in order to negotiate the safe passage of civilians. This was in contrast to Srebrenica, where Dutch forces failed to prevent the massacre of 8,000 men and boys. One of the reasons why mandates were so restricted in Bosnia-Herzegovina was because of fears that active defense of safe havens could slide into war; the term “crossing the Mogadishu line” was coined by General Rose in reference to the disastrous consequences of a shifting to a war-fighting strategy in Somalia. However, there is a difference between active protection and war-fighting. In “new wars”, the warring parties do try to avoid battle because the growing symmetry of military technology makes the outcome dangerous and uncertain. One should not, of course, dismiss the risk of escalation or of an unconstrained extension of violence; in the confusion and emotion surrounding all wars, warring parties do not behave as expected and an extremist
logic often takes over, as Clausewitz argued. But the starting point, in ethical and operational terms, is protection rather than defeating an enemy, as opposed to the other way round, which is the characteristic of war.

The second principle, linked to the first, is that protection can be achieved through stabilization rather than victory. The point of stabilization is to create space for a political process that can lead to the establishment of legitimate political authority. As Rupert Smith, the former Commander of UNPROFOR in Bosnia, has put it:

We do not intervene to take or hold territory... Instead we intervene in... order to establish a condition in which the political objective can be achieved by other means and in other ways. We seek to create a conceptual space for diplomacy, economic incentives, political pressure and other measures to create a desired political outcome of stability, and, if possible, democracy. (Smith 2006: 270)

Stabilization can only be achieved with local support and consent. Of course, it can be argued that military victory is an effective method of stabilization; this is what the Americans claim to have done in Iraq and it is a view that runs deep in military establishments. But in some cases, military victory may simply be beyond reach—every excessive use of force further inflames the situation. In other cases, short-term military victory can be achieved but the cost in terms both of casualties and political legitimacy is too high. Israeli forces, for instance, have succeeded in slowing down the rate of suicide bombing but this has not led to any resolution of the conflict; indeed, it has only inflamed passion more highly on the Palestinian side. Military victory may mean that stability can only be sustained through massive repression and coercion. In Algeria, the French won militarily but lost politically and the trauma of that war has left a lasting legacy.

A third principle is that those who violate human rights are individual criminals rather than collective enemies. This means that military forces or the police have the job of arresting criminals and bringing them to justice. It also delegitimizes the enemy, who are no longer political foes but law-breakers (Kaldor and Salmon 2006). Thus British forces operating in Sierra Leone chose to arrest members of the
“West Side Boys” engaged in looting and pillaging a village rather than engaging them in a firefight. This greatly diminished their stature and correspondingly raised the credibility of the British forces. This approach, of course, is not easy; there is often a tension between what counts as political and what counts as criminal. In some cases, it is important to outlaw those who have committed terrible crimes in order to establish a legitimate political process. This is the case in the former Yugoslavia, where, in principle, excluding indicted criminals creates space for more moderate (p.486) politics. Likewise, the political situation in Iraq would have been greatly improved had there been a legal process, in the initial stages, leading to the indictment of those members of the Ba'ath Party who committed unspeakable crimes, thus preventing arbitrary revenge attacks which contributed to the development of sectarian conflict, and allowing those relatively innocent civil servants or teachers who joined the Party out of fear to continue their work. On the other hand, it may also be important to include groups like the IRA or Hamas, who are viewed as legitimate by some parts of the population, in the political process.

The British experience in Northern Ireland does provide an example of how to conduct such operations, especially after 1974, when the emphasis was placed on police primacy and support to civil power. The military did help to stabilize the situation and eventually create the conditions for a peace agreement. What made Northern Ireland different was the fact that the conflict took place on UK territory. Bombing Belfast was not an option. It could also be argued that the different response of American authorities to the Oklahoma bombing as opposed to 11 September can be explained partly by the fact that this was a domestic rather than an international incident. It is no longer possible, or relevant from the point of view of the victims, to distinguish between foreigners and citizens or between the domestic and the international. Although the state has primary responsibility for dealing with domestic violence, there are external situations where the local state itself is the cause of violence or where it is incapable of dealing with violence, where international forces intervene but with methods that are not so very different from the methods that might be used in a domestic setting. This reflects both the changed sensibilities of society, where concerns about people far away have become more urgent as a result of global
communications and transnational communities, and an emerging global social contract whereby the international community recognizes individual rights and not just state rights.

Of course, protective security is more than just protection against violence. It has to involve protection against natural disasters and economic crises as well. It has to concern itself with the conditions that lead to violence, such as unemployment and high crime rates. What I have suggested here is that today's military are often part of a protection racket. And I have proposed ways in which the provision of security, and the role of the military in providing that security, needs to change if states are to protect their citizens effectively and so restore their legitimacy.

Bibliography references:


Notes:

(1) The other four are: political freedoms, economic facilities, social opportunities and transparency guarantees. See Sen (1999).

(2) Keen (2007) details many of these psychological functions that the War on Terror fulfills—a sort of magic or witchcraft that allows people to displace their fears and humiliation.

(3) This estimate was based on a careful analysis of clusters of sample households and in the majority of cases, actual death certificates were produced. See Burnham, Lafta et al. (2006).