

'There are occasions when the use of force should be required'. Discuss.

Written by Jonathon Mark Woodruff

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JONATHON MARK WOODRUFF, JUN 4 2009

'Not only are there occasions when the use of force is justified, there are occasions when it should be required'. Discuss.

This essay will attempt to examine the validity of the claim that not only is there such a concept as 'justified' or 'legitimate' force, but that in certain circumstances such force is not merely permissible, but an absolute necessity. Perhaps force is required in order to ferment global peace by enforcing international laws, which ultimately promote global justice. In order to achieve this critical analysis, it is necessary to draw upon the ideas of 'idealist' or 'liberal' thinkers in the field of international relations. Furthermore, it is useful to consider conceptions of international law and theories of 'just war' in such an analysis. It would also be useful to draw upon examples of historical and contemporary case studies of conflict resolution involving the use of 'legitimate force'.

When considering the implications of promoting a concept of 'justified force', it is perhaps not possible to ignore the development of the 'just war' theory and in particular the concepts of 'jus ad bellum' (based upon Article 2(4) and Chapter VII of the UN Charter)[1] and 'jus in bello' (Geneva and Hague law)[2].

In order to clarify briefly the meaning of these terms, 'jus ad Bellum' is generally considered to include considerations for the justification of the use of force in international relations and is primarily governed by United Nations law[3].

On the other hand, 'jus in bello', governs and seeks to regulate the conduct of states during armed conflicts, ultimately seeking to minimize the atrocities and humanitarian suffering during wars. It is considered to be separated into two sub-categories[4]; 'The 'Geneva' law (established during the four 1949 conventions), which is concerned with the protection of victims of armed conflict and the 'Hague' law (established and developed in 1899 and 1907), which is concerned with the methods and means of warfare.

In response, critics such as Carl Schmitt[5] have condemned the notions of 'jus ad bellum' and have claimed that conceptions of a 'just war' or the necessity of 'justified use of force' have in fact lead to gross abuses of human rights and war crimes in the name of promoting international 'justice' by force. Schmitt makes his case in his critique of Thomas Hobbes's Leviathan, that 'justice' has no place in the consideration of inter-state war, the state has order within, but the international system is anarchical and so exists in an amoral 'state of nature'.

Schmitt further argues against war being subjected to normative considerations and that this political 'ideal' is not only fallible but leads to a dangerous 'dehumanisation' and 'criminalisation' of the enemy. This 'demonisation' of the enemy then further results in a negligence of 'jus in bello'. According to Schmitt, if one group of actors involved in any given conflict consider their cause to be a question of the victory of absolute 'good' or absolute 'evil', then this will lead to them stopping at no lengths to destroy their enemies and can lead in particular to the use of "weapons of mass destruction".

This so called "perverse relationship" between 'jus ad bellum' and 'jus in bello', is exemplified by the context of the

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advances in the development of the concept of 'jus in bello' between the period of the Treaty of Westphalia (1648) and the outbreak of the First World War. Critics of the 'just war' doctrine claim that during this period with the advent of conceptions of just conduct in war, focus declined upon medieval considerations of a 'just cause' for war and this trend tends to be repeated throughout history. Consequently, where one finds correspondingly greater conceptions of 'jus in bello', one finds less focus and practice of 'jus ad bellum' and vice versa.

Perhaps the most potent account of the necessity of legitimate force in the international system, is found in the terms of the Kantian "Democratic Peace Thesis"[6]. Kant's peace thesis arose in the context of the European enlightenment period and was based upon the conception that democratic states are inherently more peaceful in their relations with other democratic states than were despotic states.

The belief that democratic states were inherently less likely to wage war was primarily based upon the apparent liberal notion of a universal propensity towards benevolence; Kant's belief in man's nature being essentially an optimistic one, although he was aware of man's capacity for negative behavior. Kant argued that human beings were generally rational and pacifistic in terms of achieving their interests. Due to the conception that in democratic states the government is accountable to the people, they will necessarily follow a more pacifistic approach to formulating foreign policy, when dealing with other democratic states.

Importantly, Kant claimed that wars were primarily the result of despotic state governments (absolutist monarchs in the Kantian historical context), influenced by greed, a desire to increase their reputation and a desire to promote dynastic self interest. However, as democratic regimes were accountable to the rational will of the people, democracies would not go to war with each other as the majority of people sought prosperity, liberty and the peace that naturally follows from adherence to the categorical imperative.

According to Kant, it is crucial to their survival that democracies must arm themselves in order to defend themselves against the aggression of despotic states. War was to be conducted only to promote the security of democratic states. Any waves of global 'democratization' would occur not by enforcing democratic change by the sword, but through intra-state political revolution; something which he believes would follow inevitably once the citizens of despotic states recognized the benefits of liberal-democratic government.

The Kantian democratic peace thesis has had a powerful effect in forming the foreign policy objectives of certain democratic states such as the United States. It could be argued that many international institutions such as the United Nations and NATO have developed a tradition of 'justified' military intervention, based upon the ideal of 'defending' the democratic rights of every 'global citizen'. Amounting some may argue, to an 'armed democratic league'.

This concept of the 'right to self defense' of nations is also reflected in international law. International UN law specifically forbids the right of states to wage an aggressive war since the Nuremberg trials of 1945. However, article 51 of the United Nations charter specifically states that: "nothing in the present charter shall impair the inherent right of individual or collective self-defense (of nations) if an armed attack occurs against a member of the United Nations, until the security council has taken the necessary measures to maintain international peace and order"[7]. Therefore, in accord with the Kantian democratic peace thesis, the use of force is legally permitted and may be necessary for the self-defense of states and perhaps in particular to defend democracies.

Rousseau's version of the "Perpetual Peace Thesis[8]", calls for a revolutionary approach to the establishment of a 'social contract' of a 'confederation' of Republics within Europe. Rousseau critiques Hobbes's view of humans as egoistic, violent and corrupt in nature. Instead, Rousseau claims that this is only a misconception of Hobbes and other *apparent* 'realists', as they are merely perceiving human nature in the contemporary socio-historical context of despotic government along with the advent of capitalism, which corrupts 'European man's' essentially noble nature (the concept of the noble savage).

This leads Rousseau to argue that other peace theses including the Kantian model, are obsolete as rulers are not always rational actors as was previously argued by realist thinkers, they mistake the international order which leads

'There are occasions when the use of force should be required'. Discuss.

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to war as being in their interests to maintain. Rousseau argues therefore, that the use force and violent revolution is not only legitimate, but is necessary in order to overthrow these rulers and to establish international governance and peace through his social contract theory.

This concept of global 'governance' as is suggested in both of these 'perpetual peace theses' has become apparent in liberal theories of international relations, particularly in a Post-Cold War context. According to Oran Young[9], global governance involved the establishment of "social institutions", that are capable of producing international laws to define and govern normative behavior among inter-dependant states.

Paul Taylor[10] however, highlights a supposed inherent problem with the role of international 'governance' as an institutional mechanism for legitimately formulating and then effectively enforcing these international normative standards through law. This problem lies in the distinction between 'government' and 'governance'. Governments (usually considered to be the political executive of the state) are generally accepted to possess a monopoly upon the domestic legitimate legal authority, power and violence within the state.

Contrary to this, 'governance' in an anarchic global context of inter-dependent but 'sovereign' states depends upon 'horizontal' policy making. This is opposed to the hierarchical authority afforded to governments, which enables them to enforce normative standards through social institutions and, where necessary to uphold these standards through by a monopoly of 'legitimate' force.

Is it therefore desirable, if not necessary to equip international institutions such as the United Nations with the military capabilities to enforce international laws in order to promote justice and peace at an international systemic level?

According to the apparent 'Liberal-Realist' thinker Thomas Hobbes's work 'Leviathan' (1651)[11], the use of 'legitimate' force is not only desirable in creating a 'normative' based international 'society of states', but it is ultimately necessary.

Hobbes argued that mankind in an anarchical 'state of nature', was inherently self-interested, violent and motivated to make war upon others by the desire for reputation, glory and the scarcity of resources. Life in the 'state of nature' for mankind, according to Hobbes was "nasty, brutish and short". Faced with this 'state of nature', individuals come together egoistically and rationally to form a 'society' through the creation of a 'social contract'. This social contract requires them to surrender the unlimited freedoms of the anarchical 'state of nature' and in doing so all power and legitimate authority is vested into the being of a despotic 'sovereign'.

Hobbes's 'sovereign' was the sole creator and arbiter of moral law within the political-community. As the 'essence' of the Hobbesian social community, the 'sovereign' was required to use the threat of force in order to enforce and maintain the social and religious doctrine that the 'sovereign' chose to enforce upon society.

It is not a great leap therefore to see this as analogous to the creation of a world 'society of states' coming together to empower international institutions with despotic powers in order to enforce universal, normative standards upon the international system. Considered this way, it may well seem that the use of legitimate force to uphold this 'global regime' to ensure prosperity and peace can be readily justified and ultimately to uphold normative conceptions such as 'international justice'.

Morris[12] considers the role of legitimate force and international law to be a fundamental part of conflict resolution and peace building. He makes it clear that in accordance with the United Nations Law, under article 51 of the UN charter, members of the United Nations Security Council are permitted to take the necessary measures (including the use of force) in order to "restore or maintain international peace and justice".

Miall[13] however articulates a damning critique of the necessity of the use of 'force' in peace-keeping and enforcing universal human rights laws. Miall gives us the example of the deployment of the first United Nations preventative peace keeping force 'UNPREDEP' in the year of 1993. This force of several hundred UN troops was deployed ultimately as a deterrent to any military threat that Mislovelic's forces posed to Macedonian territory.

'There are occasions when the use of force should be required'. Discuss.

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He goes on to argue that Milosevic's forces may never have posed a significant threat to Macedonian sovereignty and that in fact any military operations performed by the UN troops were merely to halt Serbian probes into Macedonian territory. The UN's preventative use of the 'threat' as opposed to the 'necessary use' of force as a neutral 'mediator', was purposefully intended to avoid the necessity of inter-state war.

Furthermore, the UN peacekeeping force was staffed with a specialist representative who negotiated with local Macedonian political parties having identified ethnic tensions in the region which had threatened to escalate to armed civil conflict in the future.

Miall argues that perhaps we must consider the role of international 'peacekeeping' forces to be 'preventative' of conflict in nature. Their strength resting in their capacity to promote mediation and open up diplomatic negotiations between conflicting political and social actors this, he argues should be their primary function in promoting just peace settlements that do not conflict with international law.

The necessity of the use of significant military force by international institutions, should therefore be seen as a last resort, if not a failure of the international community of states to uphold stability and justice in the international system.

On the other hand, perhaps the most significant argument in the case for the use of 'necessary' legitimate force, is that of upholding universal human rights laws. As Taylor explains[14], the absolute internal sovereignty of states is increasingly no longer considered to be acceptable as an excuse to ignore human rights abuses by regimes. A development increasingly apparent in a post Cold War context. As a result, the United Nations Security Council is bound by international law to provide military force in order to prevent genocide and other intra-state violations of human rights laws.

However, the failure of the UN Security Council to reach a resolution to prevent genocide in the case of the Bosnian War 1992-1995 presents such claims with a significant problem[15]. Due to Russia's reluctance to accept military intervention as a Security Council member, NATO was forced to act outside of UN jurisdiction, in order to provide military forces to put an end to the human rights abuses of the Milosevic regime.

This concerted action primarily taken by Western 'liberal democratic' states in using force to uphold humanitarian laws, while perhaps laudable in itself (or at least in its aims), nevertheless causes some disquiet. It prompts for instance the suggestion that this use of 'necessary' and 'legitimate' force in order to uphold international law, may be indistinguishable from the possible 'imperialist temptation' held by certain liberal thinkers.

However, we must also consider the justification of the normative standards that international law seeks to foster and uphold with legitimate force. It is apparent there may not be any specific universal conceptions of normative behavior in an anarchic global context. Cultural relativism has long posed a problem for establishing normative international laws, this is due to the fact that there are numerous and diverse value systems operating across the globe.

If there are no universally agreed conceptions of normative behavior in the international system, surely international institutions such as the United Nations could not seek to impose any normative behavior in the international system, without appealing primarily to notions of Western 'cultural imperialism'. This would render any use of force an illegitimate act of imperialist aggression.

Baylis illustrates this possible flaw in liberal thinking in regards to any 'universal' conceptions of human rights and international law in the case of the Bosnian conflict[16] (1992-1995). He explains that according to the work of Ignatieff, the Balklands represented such a disturbing symbolism for the international community and in particular among the Western European powers as it represented the failure of any 'universal' conceptions of human rights laws to take hold 'even in their home continent'.

However as Taylor points out[17], even with the apparent failures presented to the UN's goal of the establishment and enforcement of the conception of universal rights among all nations, the world has reached a stage of high

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political aspirations, from which there is no easy 'climb down'.

According to Hague and Harrop however[18], it has become apparent that in a 'Post-Cold War' context, supposed waves of democratization have begun to establish universal normative values throughout what were traditionally considered to be ex-soviet bloc or 'developing' countries.

Neo-liberal thinkers place more emphasis upon the role of international institutions as instruments of governance that are capable of fostering further economic inter-dependence between states. This, they argue, is in order to effectively eliminate the possibility of inter-state war from occurring and is preferable to using force to uphold international law.

Neo-Liberal thinking is partly based upon the free market theories of Adam Smith[19]. They claim that economic interdependence will foster both formal (e.g. World Bank) and informal (e.g. Multi-National Corporations) international institutions to develop diplomatic dialogue and peaceful co-operation within the international system.

According to Hague[20], it can be argued that Western states' foreign policy (particularly that of the USA), had been based primarily upon a marrying of the Kantian Peace thesis and Smiths' theories of 'free market' liberalism. This, it is believed, will ensure peace through defensive force as well as through economic integration.

Bessma Momani[21], highlights one example of this neo-liberal doctrine. Monami explains that the Bush administration hoped to establish peace and stability in the Middle East region through greater-economic interdependence and co-operation in accordance with Neo-liberal ideology. This was to be mediated through the possible establishment of a MEFTA (Middle East Free trade Area), this would also act as a hub for dialogue between the US government and the Middle East.

This strain of neo-liberal thinking was also supported by Alan Collins'[22] research into the People's Republic of China's integration into the ASEAN (association of South East Asian Nations). He claims this has helped to deal with disputes over island territorial disputes between its member states in a diplomatic manner and has arguably averted the need for the use of force, partly through promoting economic and therefore diplomatic inter-dependence.

Perhaps therefore, force is not required to support governance in the international system. Instead, international institutions should foster greater free trade and economic interdependence among nations in order to guarantee peace. In response, John Perkins[23] has claimed that the spread of free market economics as a form of Western-centric consumerism, will only cause further global conflict due to the world poverty-wealth gap that is ever increasing as a result. This perhaps would then require poorer states to feed their citizens, or peoples marginalised by globalisation to take up arms to feed themselves.

Kant[24] also considered contemporary European colonial economic development to be similarly dangerous. He specifically declared that the use of force to establish free market economics by forcing nations to open up their domestic markets to free trade, was a transgression of the categorical imperative and autonomy of colonial subject states. This was not only morally abhorrent, but could also lead to global unrest. The Kantian peace thesis therefore, offers a damning critique of the use of force to establish global economic interdependency, as some neo-conservatives may advocate.

Yet as the noted neo-liberal economist Madsen Pirie[25] points out, that although Western countries are responsible for a large part of the world's consumption, they are also responsible for a large part of the world's production capacity. This suggests that they could offer trading opportunities to developing nations that could lead to international stability, averting inter-state or intra-state conflicts.

In conclusion, it seems that certain 'liberal' thinkers consider the use of force may be justified or even necessary on certain occasions. Perhaps force is necessary in order to establish, or then to uphold normative laws facilitated through the governance of international regimes. However, it seems that the necessity of implementing such force in the international system carries with it certain dangers, perhaps in the form of the 'imperialist temptation' or perhaps the very insistence of the use of justified force represents a deeper failure in the objective of liberal peacekeeping

'There are occasions when the use of force should be required'. Discuss.

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and conflict resolution efforts. Instead, it is perhaps impermissible to argue that force is ever justified or necessary and in its place greater economic interdependency and diplomacy should replace any use of force by international institutions.

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'There are occasions when the use of force should be required'. Discuss.

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