

## **Return to the state of nature**

### **David Held**

The war against Iraq is worse than reaching a dead end in geopolitical affairs; it is in danger of dragging us back to a pre-legal order and a deeply uncivil international society.

### **Why?**

After the outrage of 9/11, the US and its allies could have decided that the most important things to do were to strengthen international law in the face of global terrorist threats, and to build up the role of multilateral institutions.

They could have decided it was important that no power should act as judge, jury and executioner. They could have decided that global hotspots like the Middle East which feed global terrorism should be the core priority. They could have decided that the growing separation between economic globalisation and social justice needed more urgent attention. They could have decided to be tough on terrorism and tough on the conditions which lead people to imagine that al-Qaida are agents of justice in the modern world.

But they have systematically failed to decide any of these things. In general, the world is now more polarised and international law is weaker.

### ***Wrong war***

Enter the war against Iraq – the wrong war.

It is the wrong war because the war against terrorism – which must be a war both to defeat terrorism and to displace the attraction of terrorism in the hearts and minds of millions – is far from won. Afghanistan remains weak and divided. Islam has been further radicalised in many sensitive areas, exacerbating conflicts in Kashmir and the Indo-Pakistani border, Israel and the occupied territories, the Philippines, Indonesia and Chechnya.

Key al-Qaida leaders are still free. Its terrorist networks and perhaps copy-cat ones appear to have spread, attracting more young men to the allure of violence. Al-Qaida terrorists have been ridiculously and dangerously romanticised as the Robin Hoods of the modern world. But festering impoverished conditions, often linked to decades of geopolitical stalemate, feed their ranks.

International institutions are suffering a crisis of legitimacy. Their capacity for impartiality has been called into question. They appear to speak for the powerful – or are cast aside by these very same forces if they fail to fall into line with the will of the most strong.

### ***Wrong reasoning***

The reasoning behind the war is all wrong because the maintenance of international law - the rule of law, the impartial administration of law, and the forceful defence of law – all require institution-building and respect for due procedure.

Of course, international legal and multilateral institutions need reform and development. The UN Charter structure is deeply flawed, splicing together, as it does, a commitment to cosmopolitan principles and values with a narrow defence of state sovereignty.

Yet for all its difficulties, this structure builds on the wisdom gained from the post-Holocaust world, wisdom which needs to be protected and nurtured – not weakened and disregarded.

Moreover, the rush to war against Iraq gives priority to a narrow security agenda which is at the heart of the new American security doctrine of unilateral and pre-emptive war. This

agenda contradicts most of the core tenets of international agreements and international politics since 1945. It throws out of the window a respect for open political negotiations amongst states (liberal multilateralism), as it does the core doctrine of deterrence and stable relations among major powers (the balance of power).

As an agenda focused on a narrow (American right-wing republican) conception of security, it displaces a much more urgent focus on human security and the essential conditions for human development, which alone could build greater legitimacy for our global institutions in a global age. The Clausewitzian dictum that in matters of war and peace “the mistakes which come from kindness are among the very worst”, is actively affirmed.

A massive effort might have been undertaken to create new forms of global political legitimacy, confronting the reasons why the developed west is so often seen as self-interested, partial and one sided. There has been no such effort, and the war against Iraq compounds a world already divided, vulnerable and open to new forms of violence and anger.

### ***Wrong priorities***

If a massive effort to underpin political legitimacy had been pursued it would have involved the condemnation of all human rights violations wherever they occur, renewed peace efforts in the Middle East, talks between Israel and Palestine, and a rethinking of western policy towards Iran, and certainly a tough-minded re-assessment of policy towards tyrannical states, including Iraq.

No such overall effort happened.

Such a policy can never be equated with occasional one-off efforts to create a new momentum for peace and the protection of human rights. It has to be part of a continuous emphasis in foreign policy, year-in, year-out.

In order to convince the world that the west's interests in security and human rights isn't simply a reflection of just short-term geopolitical or geo-economic interests, the powerful have to work through international institutions which recognize their economic and political strengths while placing limits on their interests – limits which, after all, have been struggled for in every liberal and democratic polity as part of a price which the powerful have to pay for winning legitimacy and consent to wider political concerns.

The US-led coalition, in pursuing first and foremost a military response to 11 September and a war against Iraq, has chosen *not* to prioritise the development of international law and UN institutional arrangements; and *not* to emphasise the urgency of building institutional bridges between its geo-economic and geopolitical interests and the priorities of political and social justice.

Peace in areas like the Middle East has been singled out occasionally as a priority, illustrated by the sudden rush to publish a ‘road map’ for peace as part of the effort to shore up support for the war from the Arab world. But there is little sign that this is part of a broader rethinking of foreign policy, and of the role of the west in international affairs more generally. These are political choices and, like all choices, they carry a heavy burden of possibility and lost opportunity.

The strategy of war against Iraq, in the context of the Bush administration's doctrine of a pre-emptive war, compounds anxieties of a world order suffering the breakdown of the rule of law, respect for political autonomy and human rights.

After Iraq, North Korea? And after North Korea, where?

And if pre-emptive war is justified for the US, why not for all other powers? Why not for Pakistan? Why not for India? Or Russia? Or China?

We see what this situation looks like already in daily life in the Middle East today. The increasingly intense pattern of extra-judicial outlaw killings (organised, targeted murders) on both sides of the Israeli-Palestinian conflict returns that world to Hobbes's state of nature: the 'warre of every one against every one' – life as "solitary, poore, nasty, brutish, and short".

The conflict against Iraq makes a tragedy out of a crisis, it weakens international institutions, distracts from the war on terrorism and the conditions which feed it, and collapses a concern with human security into a narrow security agenda.

### ***Wrong timing***

Why Iraq now? Saddam Hussein is a tyrant who has committed massive, continuous crimes against the Iraqi and Kurdish peoples, and countries close by. But Iraq was contained. It was no longer perceived as a threat to its immediate neighbours. The evidence of a link between Iraq and global terrorist networks was weak, if not highly embarrassing to both George W. Bush and Tony Blair. The UN was in, and the inspectors doing their job. Disarmament was occurring, albeit slowly and haltingly. More time could have been given – more time to save precious lives on all sides, to strengthen the international consensus, to nurture international law and to protect multilateral institutions.

Even at one minute to midnight, there was a possible compromise. The US/UK could have offered more time to the UN Security Council in exchange for France, Germany and other countries helping to fund and staff the military presence in the Gulf. This would have sustained military pressure on Iraq, given the UN Inspectors more opportunity, and produced a sustainable consensus on the Security Council.

The Bush/Blair strategy blows all this out of the water. Their war is not driven out of necessity, but out of choice. And within the context of the UN Charter, it is illegitimate and unlawful.

It could have been different. After 9/11, Blair was right to say that Britain stood shoulder-to-shoulder with Bush and the American people. But his support for the US should have been based on principle and conditional upon the US championing international law, multilateral institutions, and a deepening commitment to the pursuit of justice in the world. This, after all, was the vision he set out in his speech to the British Labour Party conference in 2001.

Unfortunately, his support for the US was unconditional. It needn't have been so devoid of principled exit options. US public opinion is sensitive to international opinion, and if Blair had held out against Bush, this may well have provided serious pause for thought throughout the US polity.

### ***Hobbes versus Kant***

Some American commentators, notably Robert Kagan, have reflected on the US as a Hobbesian sovereign, providing security and protection to a world in need of conflict management and conflict resolution.

These commentators also see the EU as a 'Kantian' haven of peace and economic exchange, albeit parasitic upon the Hobbesian protector.

In fact, US strategy is best perceived as *pre*-Hobbesian because it's a return to the state of nature.

Hobbes conceived of sovereign power as justified in so far as it delivers security, safety and a 'commodious' life to its people. The US strategy does none of these things, endangering its citizens (especially abroad), further dividing and polarising international affairs, and weakening the international institutions of peace and justice.

On the other hand, it needs to be asked: is the French-led resistance to US policy anymore satisfactory? Is it coherent as it is currently formulated?

I welcome Chirac's role and those who support him. But the French position does not pursue the alternative human security agenda sketched above. It is a position of luxury parasitic upon American power, which knows that someone else is threatening force and, piggybacking on this, demands more.

Bush and Chirac: a plague on both your houses.

### ***For a new international settlement***

For those who, like myself, are not pacifists, it is urgent to recognise the questions which arise when coercive power must be wielded. The history of the 20th Century confirmed that there are tyrannical threats to cosmopolitan values and democratic life.

Three issues must be confronted: under what conditions should legitimate coercive power be wielded, to what ends, and by whom?

In the destructive climate of the current global order, there seem to be only a few plausible answers to these questions. If one objects to the Bush-led answers, then one looks either to alternative powers and institutional structures for solutions or altogether elsewhere. As things stand, the EU has no credible defence and strategic capacity, and the UN certainly lacks any such ability.

So what other options are there?

After all other forms of negotiation and sanction have been exhausted, the remaining option is to link directly the use of force to the necessity of defence in the face of clear attacks on international humanitarian law (the law of war and human rights law), attacks by tyrannical regimes on stable and pacific international relations, and immediate threats posed by disintegrating states to global affairs.

Such a link ties the use of force to conflicts to restore the international rule of law, the role of multilateralism and a pacific order. Moreover, such a link must be served by the independent authority and capabilities of international institutions – capabilities which could be bolstered, for example, if a proportion of a nation-state's military were permanently seconded to a UN peace-making force or if international enforcement capabilities were increased by creating a permanent independent force recruited directly from among individuals who volunteer from all countries.

There is no shortage of possibilities.

For a new settlement to be forged between the three elements of coercive power, accountability and justice, the UN system would have to be overhauled and reformed. The geopolitical settlement of 1945 would have to be replaced by a Security Council and a set of assemblies that reflect the changing balance of nations in the 21st century, and the new forms of power engendered by globalisation. International law and the security of nations would have to be connected to a wider agenda of ensuring human well-being.

Furthermore, the legitimacy of international institutions would have to be addressed by not only taking seriously the 4,000 lives lost on 9/11, but also the 30,000 children under 5 who die every day of preventable diseases.

There is much that is open to discussion and debate. But we need *broader* discussion and *wider* debate, both now and in the future. We cannot afford to let these pressing matters be resolved by hegemonic states, rogue powers and the princes and princesses of the modern world.

Now that the war has started we can only hope it will be swift, with the minimum loss of life on all sides. But the impoverished politics it articulates cannot be allowed to continue.

There is an alternative to the strategy for dealing with 9/11 and the war in Iraq – an alternative strategy for a rule-based and justice-oriented, democratic multilateral order.

It is temporarily lost from view. We must fight to regain it.

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