

Unit D 37: Statehood, War and Peace

1. Summary

Is it true that democracies wage less war than dictatorships? When is a war just or at least justified? How are sovereignty of states and national identity related? What is the connection between war and underdevelopment? What does the increasing privatization of wars mean? This text explores these questions, outlines the relevant debates, and seeks answers.

2. Statehood and war

In ► Unit C 18: "War as Armed Conflict," we looked in depth at the concept and meanings of war. Here, we are particularly interested in the relationship between state(lity) and war.

There is an age-old discussion about the question whether there can be "just wars" and what characterizes them. According to Messelken (2012:15), affirming the possibility of "just wars" implies two assumptions: First, wars can be subjected to moral evaluation, and second, wars are not to be morally rejected a priori and in principle. A distinction must be made between a "just" war and a "justified" war (cf. Messelken 2012:16). While the former is always also a moral-ethical question, a "justified" war can certainly be justified with extra-ethical or extra-moral arguments.

In the classical **ius ad bellum** ("**right to war**" - as distinct from "**ius in bello**", i.e., **right in war**, law of war), there are six criteria, all of which must be met in order to justify the start of a war or the entry of a warring party into war. They are:

- **Justifying cause ("causa iusta")**: according to Augustine, this includes the "injustice of the opposing side" (cited in Messelken 2012:20), although Augustine interpreted this very broadly, such as "when groups of sinners or other evildoers should be held (collectively) accountable and punished for their offenses" (Messelken 2012:21). Later, in Spanish scholasticism, *causa iusta* was limited to cases of self-defense against attacks suffered and emergency assistance (see Messelken 2012:21). After a

phase of classical international law from 1648 (Peace of Westphalia) until the beginning of the 20th century, when every sovereign state was granted a **free right to go to war ("liberum ius ad bellum")** and the question of the justness of reasons for war was excluded, in the 20th century an ever more extensive restriction of the reasons that justified war prevailed (cf. Messelken 2012:21). Today, according to Article 51 of the United Nations Charter, the only justifiable reasons for war are the "natural right of individual or collective self-defense" enshrined in international law.

Article 51 of the Charter of the United Nations

The provisions of this Charter shall in no way impair the natural right of individual or collective self-defense in the event of an armed attack against a Member of the United Nations until such time as the Security Council has taken such measures as are necessary for the maintenance of international peace and security. Measures taken by a Member in the exercise of this right of self-defense shall be reported immediately to the Security Council and shall in no way affect its authority and duty, based on this Charter, to take at any time such measures as it deems necessary for the maintenance or restoration of international peace and security.

<http://www.admin.ch/opc/de/classified-compilation/20012770/index.html#a51>

(translated with www.DeepL.com/Translator)

- **Right** inner attitude and honest **intention ("intentio recta")**: If a justifying reason for a war is only pretended or if there are other intentions besides the justified reason, then a war is not permissible. The intention is to prevent other, hidden goals from being pursued with a war.
- **Justified authority ("auctoritas principis")**: Originally, the idea of this principle was that only princes, not private individuals, were allowed to wage war. Today, international law assumes that only the UN Security Council can determine "whether there is a threat or breach of the peace or an act of aggression," which is why this body is the only institution under international law that can decide on any countermeasures, including military ones.

Article 39 of the Charter of the United Nations

The Security Council shall determine whether there has been a threat or breach of the peace or an act of aggression; it shall make recommendations or decide what measures to take under Articles 41 and 42 to maintain or restore international peace and security.

Article 41 of the Charter of the United Nations

The Security Council may decide what measures, excluding armed force, are to be taken to give effect to its decisions and may call upon the members of the United Nations to carry out such measures. They may include the total or partial interruption of economic relations, rail, sea, air, postal, telegraphic, radio, and other communications, and the severance of diplomatic relations.

Article 42 of the United Nations Charter.

If the Security Council considers that the measures provided for in Article 41 would be inadequate or have proved inadequate, it may use air, naval or land forces to take such measures as are necessary to maintain or restore international peace and security. They may include demonstrations, blockades, and other operations by air, naval, or land forces of members of the United Nations. Source: <http://www.admin.ch/opc/de/classified-compilation/20012770/index.html#a51> (translated with www.DeepL.com/Translator)

However, in 1999, when a UN Security Council decision for intervention failed to materialize, NATO states invoked the right and even the duty to intervene in the name of defending human rights. However, this argumentation is problematic because an independent international institution for interpreting human rights on a collective, i.e. interventionist, level does not exist (see Messelken 2012:25).

A particular problem is the fact that more and more wars are domestic wars (e.g., in Ukraine 2014/2015, in Syria 2013-2017, in Iraq 2014-2017, etc.). In this context, Michael Walzer (2000:195), for example, has pointed to the increasing claim of guerrilla groups for classification as prisoners of war, or the extension of the law of war to them, and conversely to the need to limit the right of regular states to wage war.

- **War only as a last resort ("ultima ratio"):** Only when all other options for conflict resolution have failed should war even be considered. This "ultima ratio" attitude also excludes - according to Messelken 2012:27 - reckless war activities and even preventive wars.
- **Probability of success:** wars may only be started if there is a reasonable prospect of success or of achieving the war's objective.
- **Appropriateness (proportionality):** Accordingly, the use of appropriate means is a condition. Appropriate means are those which lead to the achievement of the goal without causing excessive negative effects (collateral damage!). From this point of

view, war is always a weighing of costs and benefits (the appropriateness of means is also a topic of *ius in bello*, i.e. the law of war).

In summary, the law of war has been continuously developing and the grounds for war have been reduced more and more. Manfred Hechtel (2011:39) even concluded in his dissertation that "the general prohibition of the use of force under the Charter of the United Nations ... represents the provisional conclusion of a development in international law [in which] the right of states to help themselves by force has gradually been pushed back further and further. The free *ius ad bellum* has been replaced by the fundamental prohibition of any form of military use of force in interstate relations, which is also reflected in the framework of customary international law" (Hechtel 2011:39).

2.1 Sovereignty as Identity

Tanja E. Aalberts (2012:62/63) has pointed to the dual role of state sovereignty as an "organizational (game) rule ("rule") regulating international exchange ("traffic") between states" and the role of sovereignty as an "identification of political entities as actors at the international level."

In the sense of the "constructivist turn" (cf. also Ansorg 2013) since the early 1980s and early 1990s, sovereignty can also be understood as an "identity generator" in addition to its organizational role in international politics (cf. Aalberts 2012:65). By understanding sovereignty also as identity, additional and new insights of the state open up, especially in situations of war. For before and during wars, state sovereignty loses its rational behavior to a considerable extent and becomes an emotional factor. This was recently demonstrated again in the Ukraine conflict, when the Ukrainian government mobilized tens of thousands of soldiers in early 2015 to defend "the homeland" - i.e., the separatist, pro-Russian territories in eastern Ukraine - against the "separatists" and "Russian occupiers."

Alexander Wendt and Daniel Friedheim (1995:698) have also pointed out - with reference to the former GDR - the close connection between state sovereignty as possession and

exclusive control over a given territory and the state identity of its citizens. Analogous to the function of identity in individuals, the two authors see three aspects of state sovereignty as identity: sovereignty and state identity only become recognizable in exchange and through demarcation from other states, which firstly helps to prevent violations of sovereignty vis-à-vis other states, secondly states are able to perceive egoistic interests and thirdly they want to reduce their dependence on other states (Wendt/Friedheim 1995:699). Seen in this light, it makes perfect sense to see states as a kind of acting "mega-persons"

2.2 On the Relationship between Economic and Social Development, Democracy and War

For a long time, the equation was: democracy = peace / dictatorships = violence, civil war or war with neighboring states.

According to D'Anieri (2014:233), there is a **close correlation between peace and prosperity and democracy** on the one hand and **war and lack of prosperity or poverty and dictatorships** on the other.

In this context, Michael E. Brown et al. (2011, cf. Lynn-Jones 2011:xii) posed the intriguing question of whether - and if so - why democracies usually win wars. According to Reiter/Stam (2011:3-5), democracies have won more than three-quarters of the interstate wars in which they have been involved since 1815:

		Dictatorships	Mixed forms	Democracies	Total
Beginner of the war	Victories	21	21	14	56
	Defeats	14	15	1	30
	Share of victories	60%	58%	93%	65%
War aims	Victories	16	18	12	46
	Defeats	31	27	7	65
	Share of victories	34%	40%	63%	41%

Source: Nach Reiter und Stam 2011:12.

As a reason for this, the two authors simply cite the fact that in these countries "elected leaders are accountable to their constituents" (Reiter/Stam 2011:3-5) and can be held accountable by them. As another reason for the frequent military victories of democracies, Reiter and Stam (2011:4) state that democracies only go to war when their chances of winning are very high. Democratic leaders, they argue, are far less willing to risk decisive defeats than authoritarian leaders.

One could also argue: Democratic leaders must first convince their people (voters) when they go to war, which raises the barrier to entering the war. This was evident, for example, before the U.S. entered the war in World War I and World War II, and also when France entered the war in World War II. But it also plays the other way around: the U.S. lost the Vietnam War not so much for military reasons, but because ever larger segments of the population in the U.S. turned against this war (anti-war movement).

As another reason for the majority military victories of democracies, Reiter/Stam (2011:5) see that fighters from a democratic country are more motivated because they have (democratic) rights and privileges to lose.

However, one would have to question the thesis that democracies usually win more wars than dictatorships for three reasons:

First, the criterion of "democracy" or "democratic" is very fuzzy, and quite a few democratic winners of wars fought in alliances with non-democratic regimes (see Desch 2011:99). Second, it could be that democracies simply fight more wars than dictatorships, and third, the "democratic" victories could simply be the result of a large economic-military preponderance of democracies-primarily the United States-because the United States has only ever fought wars against smaller, weaker states since World War II. After all, in absolute terms, the U.S. spent five times as much on armaments as China in 2009 (see table below), and relatively speaking, the clearly smaller democratic states of Great Britain, France and Japan spend almost as much on defense as Russia, which is much larger, and still more than a third of the armaments of China, which is 10 to 15 times larger. According to Desch (2011:105), only three democracies were involved in 56% of the wars according to the

Reiter/Stam (2011) count, namely the USA, Great Britain and Israel, whereby in the case of Israel against the Arab conflict partners, technical-economic superiority also played a role.

In addition, many Western democracies have intervened militarily in crisis areas and dictatorships in recent times, especially in the context of the "war on terrorism," such as the United States, Great Britain, France and - in part - Germany in Afghanistan, Iraq, Libya, Syria, and in West African and North African states.

In contrast, the argument of Reiter/Stam is probably indirectly true: Because democratic systems can usually manage their economies more efficiently than dictatorships, they can also afford to spend more on armaments over a longer period of time and build up a more efficient army. Without a doubt, precisely the economic argument - or in other words, the high burden of armaments on the economy - was one of the main reasons why the Soviet Union lost the Cold War and why the socialist state system ultimately collapsed.

2.3 Is Military Armament a War Driver?

It is a highly controversial question - and strongly dependent on the political worldview represented - whether military armament per se is war-driving or not. Representatives of a strong state see military (re)armament and an army that is as modern as possible as a cause for the absence of war (deterrence!), while others see military armament and rearmament more as a war-driving cause.

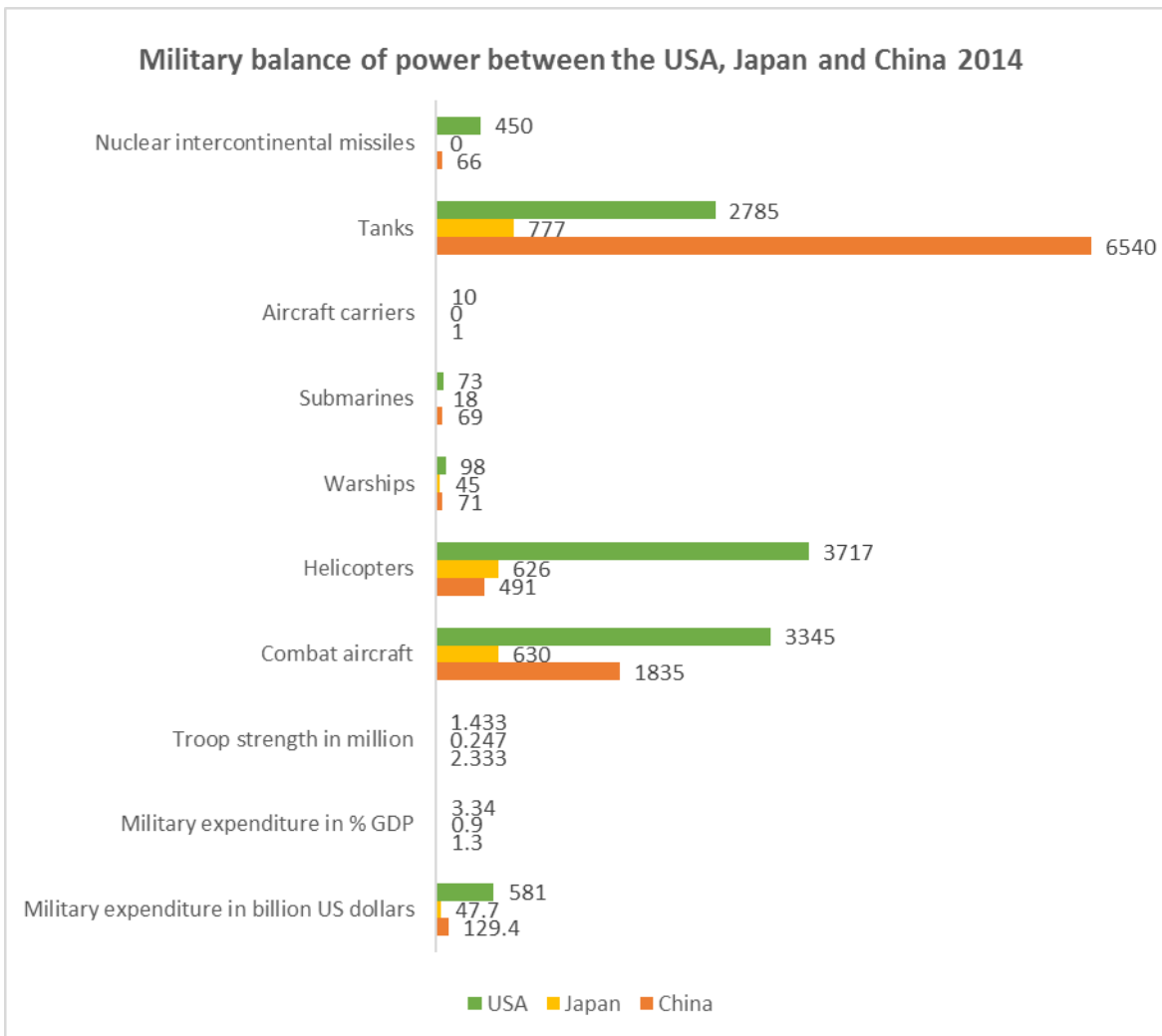
Today it is hardly disputed that private arms manufacturers and armament companies profit strongly from wars. It is not uncommon for two warring parties fighting against each other to have been, and still are, supplied by the same arms companies. When U.S. congressional investigators looked into the structures of the German Thyssen Group, the Union Banking Corporation, and other businesses with Nazi connections after World War II, it emerged that the influential U.S. families of Rockefeller, Harriman, and Bush - from which the two later U.S. presidents emerged - had been directly or indirectly involved "in providing vital support for the Third Reich's war preparations" (Engdahl 2009:192).

Rearmament, arms trade and geopolitics

"Bush, Rockefeller, Harriman, DuPont, and Dillon were instrumental in providing important support to the Third Reich in its early stages, because that was part of their grand geopolitical plan to get the major European powers, especially Russia and Germany, to destroy each other. ... [So] one British strategist spoke of these two powers 'bleeding each other to death,' and that was to pave the way for American Century hegemony. That was the real intent of the Rockefeller-funded War & Peace Studies.

Source: Engdahl 2009:192.

In 2014, the three Pacific Rim nations of the United States, China, and Japan had the following military resources:



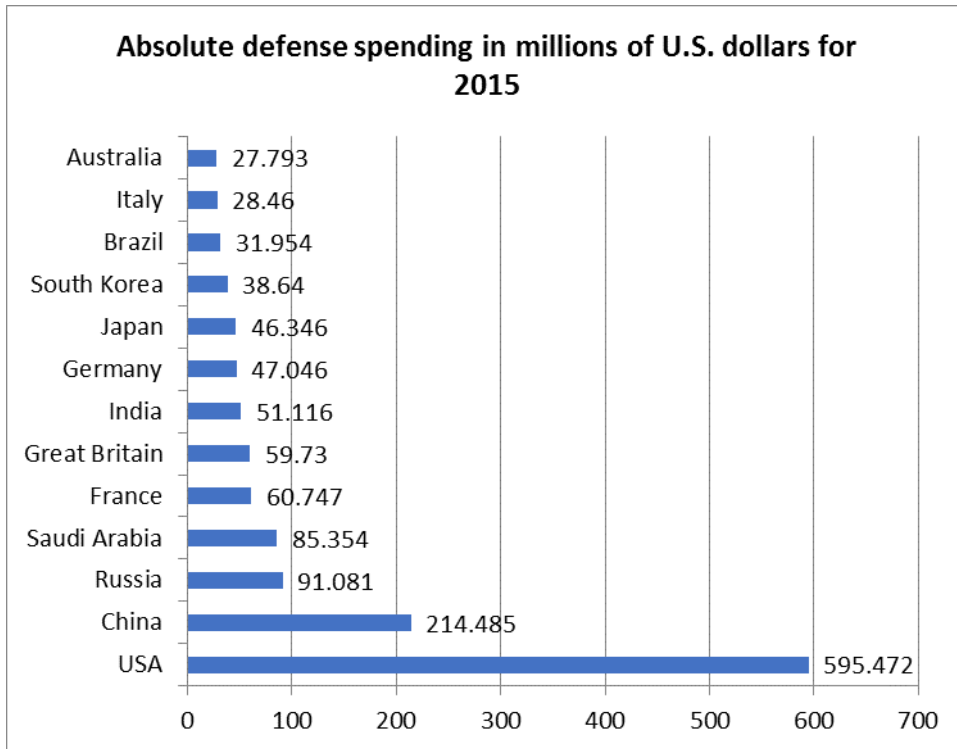
Source: Müller in Neue Zürcher Zeitung vom 5.3.2015:5; own representation.

At the same time, global arms spending was and is very unevenly distributed. The following chart shows the military spending of the 13 countries with the highest military budgets in 2015:

Unit D 37: Statehood, War and Peace

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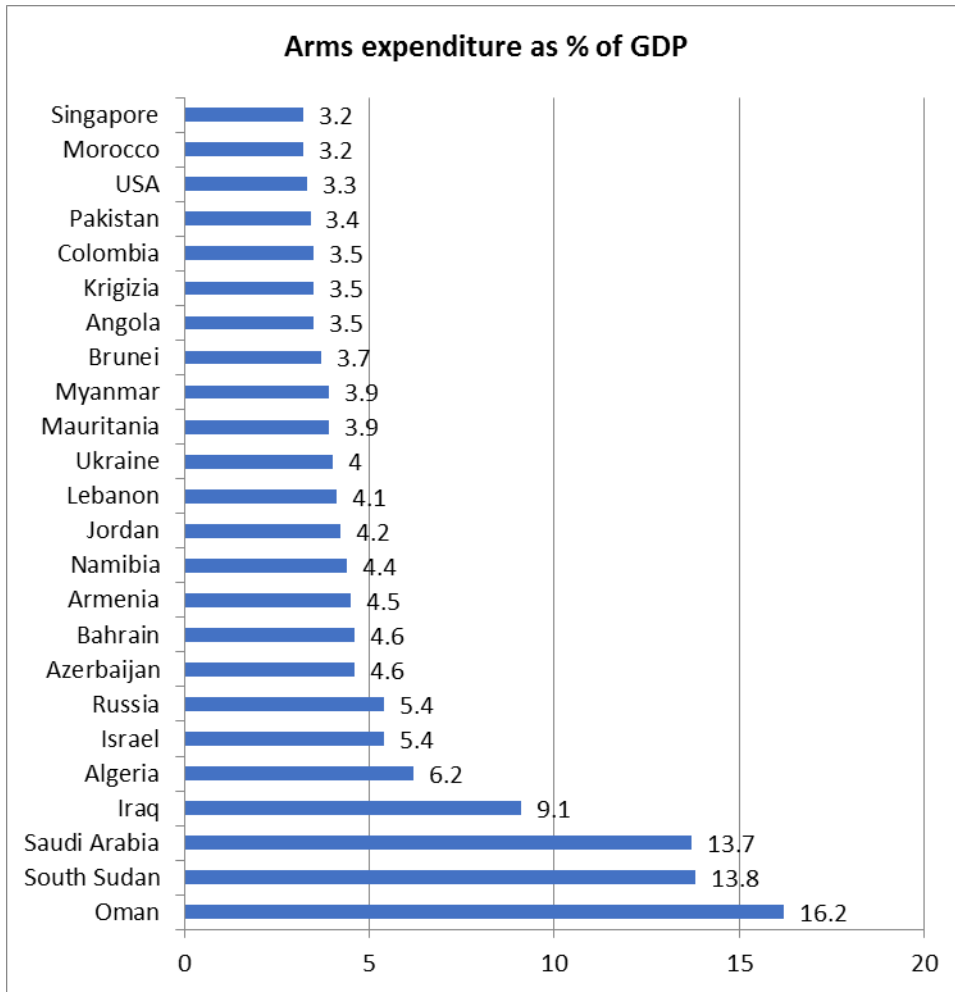
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Source: SIPRI 2016b; own representation.

Worldwide, a total of 1676 billion U.S. dollars or 1.676 trillion U.S. dollars was spent on armaments (see SIPRI 2016b).

The following chart shows arms spending as a share of gross domestic product in 2015, with Oman, South Sudan and Saudi Arabia spending the most on armaments:



Source: SIPRI 2016a, own representation.

While in 2015 Russia spent 5.4% and the USA 3.3% of its GDP on armaments, France's arms expenditure was 2.1%, the UK's 2%, China's 1.9% and Germany's 1.2% of GDP (cf. SIPRI 2016a).

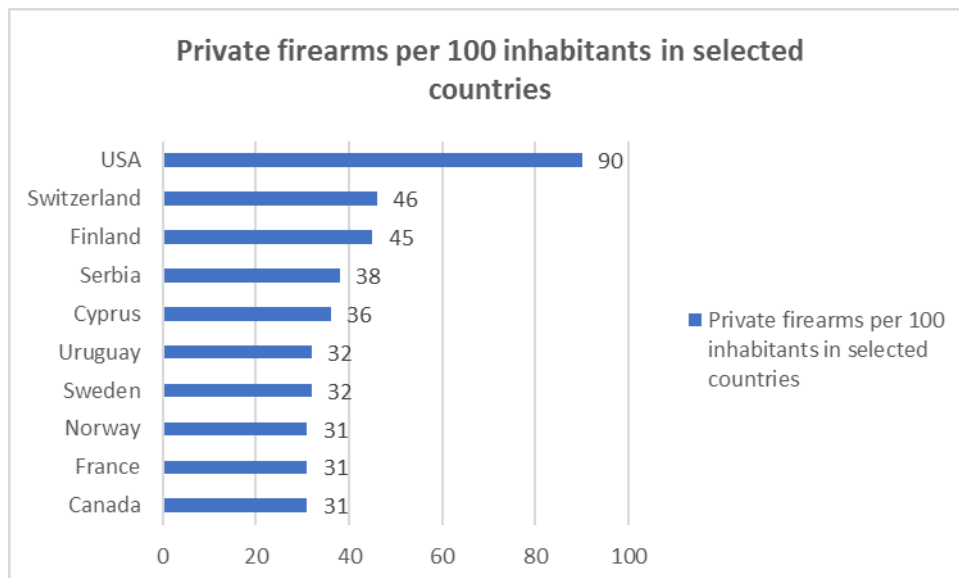
In 2011 - 2015, the total volume of global arms sales was "larger than at any time since the end of the Second World War," according to the SIPRI peace research institute (see Leymarie in *Le Monde Diplomatique*, May 2016:1). In 2016, the United States ranked first among arms suppliers with 32.5% of arms exports, followed by Russia with 25.3%, China 5.9%, France 5.6%, and Germany 4.7% (see Leymarie in *Le Monde Diplomatique* of May 2016:1).

The most exported arms in 2016 were the United States, Russia, China, and the European countries of France, the United Kingdom, and Germany (see Leymarie in *Le Monde Diplomatique* of May 2016:19).

At the same time, India, China, the Arab states, Australia, Turkey, Pakistan, the USA and the North African states Algeria, Egypt, Morocco and Venezuela imported the most weapons (see Leymarie in Le Monde Diplomatique, May 2016:18).

It should also be borne in mind that there is a lively internal trade in weapons within many countries - and especially in countries with armed conflicts.

In some countries, private ownership of weapons is also widespread. In the USA, for example, 9 out of 10 Americans own a gun:



Source: Ruf in Neue Luzerner Zeitung vom 4.10.2017:3, own representation.

For the global political situation, all this means that mankind is sitting on a huge stockpile of weapons, which is also constantly growing. Weapons tend to be used at some point. This is in the interest of both the buyers (= increasing or securing power) and the sellers (replenishment).

2.4 The increasing privatization of war

Elke Krahnemann (2012:39) has pointed out that the increasing division of "security governance" between the military and private security firms in Europe and the United States

leads to two main problems: **First**, the purpose of "**security governance**" is increasingly **shifting from protecting** (one's own) **territory to securing commercial and economic institutions in the international and subnational spheres**. This results - **secondly** - in **profound changes in the values and norms** on which security governance is based. This "commercialization of security" (Krahmann 2012:39) calls into question key achievements of the Western security architecture, namely

1. the state monopoly on legitimate use of force,
2. the concept that security is more closely linked to the community than to individuals,
3. the role of the law, and
4. democratic control over the creation of security.

In many countries - such as the United States, the United Kingdom, Poland and Turkey - there were already more private security guards than public police officers in 2008, as the following table shows:

Country	Public police	Private security contractors	Armed private security contractors	Ratio of police to private security contractors (rounded)
United Kingdom	141.398	250.000	-	1:1.8
Poland	100.000	165.000	no data	1:1.7
Turkey	145.000	218.660	35.263	1:1.5
USA	861.000	1.200.000	no data	1:1.4
Germany	250.000	177.000	10.000	1:0.7
France	250.000	159.000	-	1:0.7
Spain	223.000	92.000	20.000	1:0.4

Source: Adapted from Krahmann 2012:42, modified by CJ.

In 2011/2012, there were already a large number of internationally active security companies:

Company	Subsidiaries, offices and operations	Employees
G4S (incl. ArmorGroup, Wackenhut, Ronco)	Subsidiaries in 38 countries, operations in 125 countries	625.000
Securitas	Subsidiaries or operations in 49 countries	295.000

Unit D 37: Statehood, War and Peace

Author: Christian J. Jäggi

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CSC (incl. DynCorp)	Offices in 35 countries and operations in more than 90 countries	97.000
L-3 (incl. MPRI, Titan)	Offices in 8 countries	63.000
Guardsmark	150 offices worldwide	17.000
CACI	More than 120 offices in North America and Europe	14.300
Control Risks	34 offices worldwide	Keine Angaben
The Risk Advisory Group	Offices in the USA, UK, Russia, Saudi Arabia, Dubai and operations in 100 countries	Keine Angaben
Olive Group	11 offices worldwide and operations in 30 countries	Keine Angaben

Quelle: Krahnmann 2012:45, Übersetzung aus dem Englischen durch CJ.

State governments are increasingly using security personnel from private security companies - up to and including private mercenaries - in military conflicts. The most recent prime example of this was the U.S. war in Iraq (against Saddam Hussein), where at times 160,000 private security personnel were deployed to support the military mission of Western countries (cf. Krahnmann 2012:54).

The state use of private security personnel and mercenaries becomes problematic when it circumvents political opposition to military operations (cf. Krahnmann 2012:62). According to Krahnmann (2012:62/63), the use of private soldiers and mercenaries has three highly problematic effects: First, private security companies can circumvent democratic control; second, private mercenaries and security companies can support or even keep anti-democratic factions in power in war zones; and third, private security companies weaken the legitimacy and accountability of international interventions (cf. Krahnmann 2012:62).

Florian Flörsheimer (2012:51) sees a fundamental transformation of the security apparatus in many states - such as Germany - as closely linked to neoliberalism. Thus, in the 1990s, there was a regular adaptation of internal processes of the security agencies to neoliberal ideas, for example in a "streamlining of the hierarchy," in greater "efficiency," in the "'outsourcing' of activities to the private sector" (Flörsheimer 2012:53). This has been made possible by the great development of information and communication technologies -

especially after 9/11. The expansion of data collections on extended circles of suspects and a virtual networking of institutions are an expression of this development: "The generally discernible trend is an increase in the density of control" (Flörsheimer 2012:57).

Neoliberalism: Reconstruction of the security architecture and higher repressive efficiency.

"- The 'clout' of the repressive security apparatuses is increasing considerably.

- The transformation of security apparatuses is taking place under the hegemonic social paradigm. Contemporary security policy can therefore be interpreted as an attempt to counter the social consequences of neoliberal policies with means and methods that are themselves shaped by neoliberal ideas.

- In places, contradictions arise between the upgrading of the repressive function of the state's coercive apparatuses and the interest in fulfilling the premises of the hegemonic neoliberal model (i.e., saving costs while increasing 'clout'). The consequence of this is the further 'opening' of the security sector to the exploitation interests of capital.

- A development is accelerating that tends to dissolve the separation between economy and politics or privacy and the public sphere that is constitutive for the capitalist state."

Source: Flörsheimer 2012:111.

One might ask, however, whether the widespread use of repressive means is not more a consequence of increasing geostrategic insecurity and increased terrorism than of neoliberalism. At best, the increasing privatization of individual areas of the security sector can be seen more in connection with neoliberalism.

3. Control Questions

1. Which two assumptions does the opinion that there are just wars presuppose?
2. What are the six criteria in the classical "ius ad bellum" to justify a war?
3. How did the "right to war" develop and what is the position of today's understanding of international law?
4. Why is the sovereignty of a country closely related to its (collective) identity?
5. What is the connection between poverty and war or prosperity and peace (cf. the corresponding world map)?
6. What connection do Reiter/Stam claim between democracies and victorious wars?

7. What are the counter-arguments to this?
8. Name the five countries with the largest arms expenditures (2009).
9. Which country spends the most on armaments as a percentage of its gross domestic product?
10. In which two respects has security governance changed in recent years?
11. According to Krahmhann, which four central Western achievements are being challenged as a result?
12. To what extent is the use of private mercenaries and security guards by the state problematic?
13. What connection does Flörsheimer see between neoliberalism and the restructuring of the security architecture?

4. Links

Charta der Vereinten Nationen

<http://www.admin.ch/opc/de/classified-compilation/20012770/index.html>

Liberale Demokratien und Krieg

Text von Anna Geis/Harald Müller/Niklas Schörnig

http://www.scm.nomos.de/fileadmin/zib/doc/Aufsatz_ZIB_10_02.pdf

Demokratie und Krieg

Text von Sven Chojnacki

http://www.ssoar.info/ssoar/bitstream/handle/document/11161/ssoar-2003-chojnacki-demokratien_und_krieg.pdf?sequence=1

Der Teufelskreis von Krieg, Armut, Unterentwicklung und Diktatur am Beispiel des Mittleren und Nahen Osten

Text von Mohssen Massarrat

<http://mohssenmassarrat.weebly.com/uploads/3/3/8/9/3389565/vortragstadtschleining07-08.pdf>

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