The Legitimacy of War Today

https://www.e-ir.info/2008/07/26/the-legitimacy-of-war-today/

MARTIN SHAW, JUL 26 2008

War is one of the oldest social institutions and has been extensive throughout the period of large-scale civilisations. Although war has always been understood fundamentally as a violent contest between different bodies of armed combatants, as well as of the rulers who organised them, it has very widely involved violence against non-combatants, including women and children. Prohibitions against such violence have existed throughout history, but they have usually been violated as much as they have been observed.

The modern age is unique in that centralised nation-states have sought to achieve what Max Weber famously called the 'monopoly of legitimate violence', through which they have controlled political violence within their jurisdictions. Turning states, in Anthony Giddens' phrase, into 'bordered power containers', rulers have simultaneously mobilised society for greater violence than ever before, projected mainly externally against other states and in the conquest of far-flung regions (until 1945, most Western nation-states were also empires). Yet just as they regulated violence internally, states also sought to regulate it internationally, with the development of the laws of war from the Hague Regulations of 1907 to the Geneva Conventions of 1949.

The paradox of modern warfare, however, is that while its legal boundaries became more tightly defined, its practice became ever more murderous. The expansion of international law coincided with the industrialisation of warfare and the development of total war, the central dynamic of which was the dialectic between total mobilisation and total destruction. Before the Second World War, in any case, the development of the laws of war was primarily concerned with the protection of formal combatants, members of formal armed forces, rather than of civilians. During that war, even 'liberal' states regarded the mass murder of civilians – as in the British bombings of Hamburg, Dresden and many other German cities, and the US bombings of Tokyo and (with atomic weapons) Hiroshima and Nagasaki – as a legitimate extension of military strategy. The Axis powers, in their invasions of China, Poland and the Soviet Union, had often seen civilian populations as enemies to be decimated through starvation as well as slaughter. The war was, after all, the context of multiple genocides, not only by the Nazis but also by the Japanese, Soviet and other regimes.

After the war, in the 1949 conventions, the victors belatedly incorporated serious civilian protection into the laws of war. Yet the late 1940s were also the years in which the Cold War was taking shape, and the Soviet Union and United Kingdom followed the USA into becoming nuclear powers. While they were signing civilian protection into law, the great powers were also preparing the greatest potential destruction of civilians ever imagined, with hydrogen bombs and intercontinental missiles which would make the Hiroshima bomb seem like small beer. (Something similar happened with the new Genocide Convention, adopted months earlier at the end of 1948: the UN member-states who adopted it were the same powers who ratified the mass expulsions of Germans from eastern Europe, the two-way mass killings of the Indian partition and the destruction of Arab society in Palestine.)

From the 1960s, however, the total mode of warfare, with its ruinous dynamic of mass destruction, began to give way to new relationships between war and society. The hi-tech weaponry which nuclear weapons epitomised no longer required mass mobilisation, and in the end the doctrine of 'mutually assured destruction' made less and less sense to the great powers. Even the military loss of life and civilian destruction involved in limited war began to be seen, with the US failure in Vietnam, as imposing unacceptable political costs. After this crisis, the USA, UK and others began to develop a new Western way of war, based on quick fixes, risk avoidance, media management, precision targeting and eschewing the deliberate imposition of harm on civilians. Following the British success in the Falklands (1982),

The Legitimacy of War Today

Written by Martin Shaw

the US-led and UN-backed Gulf War (1991) was seen as a triumph of the new method, in which (as President George Bush Senior put it) the USA 'kicked the Vietnam syndrome'. Yet although the raining down of massive firepower on Iraq led to as few as 3,000 direct civilian casualties, maybe a hundred thousand or more died as an indirect consequence of this campaign, through disease (as a result of the US destruction of infrastructure) or the repression of the Shi'ite and Kurdish revolts which the war provoked. The less direct responsibility of the US-led coalition for these latter deaths, however, facilitated the avoidance of the political harm which could have come from large number of direct civilian casualties. Behind the claimed 'more surgical', 'cleaner' way of war lay a massive *risk-transfer* from Western military personnel to innocent civilians.

For in the new mode of warfare, media appearances were (almost) everything. War was increasingly fought, especially but not only by the Western powers, in a context of general *global surveillance*, mediated through international organisations, NGOs, public opinion, electoral contests, and international law, for all of which media coverage was critical. And in the aftermath of the September 11, 2001, attacks on New York and Washington DC, the Bush administration believed that it could mobilise overriding patriotic sentiment to successfully manage the media coverage of its new military campaigns in Afghanistan and Iraq. Yet internationally, while governments, publics and media were initially convinced of the legitimacy of the Afghanistan invasion, as a response to al-Qaida and its Taliban protectors, the Iraq 'regime change' was always an invasion too far. And even in the USA, media and public opinion which initially backed the war was eventually ground down by the success of armed resistance in inflicting casualties on US forces and in demonstrating, through mass murder, the failure of the USA to manage the aftermath of its initially successful invasion.

Iraq has demonstrated that the legitimacy of war as a method of policy is increasingly problematic for Western states in the era of global surveillance warfare. While insurgents and 'terrorists', who need to satisfy only limited constituencies, can utilise spectacular mass murder as a means of making a political point, democratic governments face potentially volatile public and international opinion, electorates and media, and must also take account of increasing legal surveillance. George W. Bush's belief that, in order to wage 'war on terror', US and world opinion would forever write blank cheques for any kind of military action and treatment of prisoners took him a considerable way, including his 2004 re-election, but in the end, Abu Ghraib, Guantanamo Bay and the mounting US and civilian death tolls in Iraq have undermined the legitimacy of the US war and occupation. Bush will leave office probably the least popular president of recent decades, while there is a growing consensus that the sooner the USA leaves Iraq, the better.

It would, however, be too simple to believe that the long-term disenchantment with war in the West, which can be traced at least to the disaster of the trenches in the First World War, and which was resumed in more recent times with the debacle of Vietnam, has now reasserted itself over the new Western way of war. The underlying legitimacy of war in Western and world society continues to allow new illusions to emerge: Barack Obama, for example, seeks to balance his commitment to US withdrawal from Iraq with a larger commitment of US forces to the increasingly futile war in Afghanistan. The tension between the growing demand for civilian (as well as force) protection and the enormous investments of states (especially the USA) in force-projection will remain a central contradiction of Western and world politics in decades to come.

Martin Shaw is Professor of International Relations and Politics at the University of Sussex. Graduating from LSE in Sociology in 1968, he taught at the universities of Durham and Hull, where he was Professor of Political and International Sociology, before coming to Sussex in 1995. His books include Marxism and Social Science (1975), Dialectics of War (1988), Post-Military Society (1991), Civil Society and Media in Global Crises (1996), Theory of the Global State (2000), War and Genocide (2003), The New Western Way of War (2005) and What is Genocide? (2007). He was founder-editor (2000-04) of www.theglobalsite.ac.uk and his personal website is at www.martinshaw.org.

About the author:

The Legitimacy of War Today
Written by Martin Shaw

Professor Martin Shaw is a sociologist of global politics, war and genocide, currently Research Professor at the Institut Barcelona d'Estudis Internacionals (IBEI), and Professorial Fellow in International Relations and Human Rights at the University of Roehampton, London. He is Emeritus Professor of International Relations at the University of Sussex and writes regularly at www.martinshaw.org.