

The Lineage of Another Just War Theory: Violence against "the Outlaw"

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We can paraphrase the saying, "a war against terrorism" as "a war against the outlaw." On the other hand, we can describe "a war against terrorism" itself as the behavior of an outlaw. The aim of this paper is to re-examine the lineage of such uncivilized violence against "the outlaw" on the periphery of society in the context of both colonial war and colonial domination. European political and legal theorists, including Grotius and Locke, tried to justify colonial violence against "the outlaw" and their nations' colonial domination by denying sovereignty to peoples they perceived as being in "the state of nature." The civil society and its central liberalism were based upon colonial violence against the uncivil other, and so they made a division between human and non-human beings. We call this kind of justification for colonial violence "another just war theory," and one which major just war theorists have ignored. Now, we can observe phenomena similar to the re-emergence of another just war theory in the so-called "war against terrorism." Is this backlash the result of several decades of decolonization?

There are some similarities between another just war against the other in the age of modern imperialism, and just or holy war against the outlaw in the transitional period to the postmodern empire system. However, we do notice some differences between violence under the former modern empire and that under the present post-modern empire system. The main function of violence under the modern empire system was to incorporate outlaw societies through domination of colonial territory and to promote capital accumulation through dispossession. Conversely, one function of violence under the present world system is to recreate "the outlaw" on the periphery, while subduing it by promoting the new interventionism.

Keywords: the outlaw, sovereignty, civilization, global civil war, just war

INTRODUCTION

It seems to be generally accepted that "the war on terrorism" is "a war against the outlaw." However, we should keep in mind that "the war on terrorism" itself tends to be outlawed in terms of the rule of law. The aim of this paper is to re-examine the lineage of such outlawed violence against "the outlaw" in the context of colonial or neo-colonial wars. European political and legal theorists, including Grotius and Locke, tried to justify colonial violence against "the outlaw" and their own nations' colonial domination by denying sovereignty to the "uncivil" societies. Even at the beginning

of the twentieth century, international lawyers tried to justify a dual structure of international law between the "family of states" and "uncivil" societies by applying the standards of civilization arbitrarily. The "civil" society in the suzerain metropolis was based upon colonial violence against the "uncivil" other, because it demarcated lines between human beings, who have rights, and non-humans, who do not.

This kind of justification of colonial violence can be called "another just war theory," albeit one which major just war theorists have ignored. According to this theory, the civilized power in the metropolis can do anything against the uncivilized other on the periphery, because the latter is not under the rule of law and does not have the qualifications for sovereignty. Here, we can observe the re-emergence of similar just war theories and their abuses. For example, Robert Cooper, a former special adviser on foreign affairs to Tony Blair, divides the present world states into three distinct categories: the post-modern, the modern and the pre-modern state. He emphasizes the danger from the pre-modern world, namely chaos (Cooper 2003: 77). Referring to Cooper's argument, Robert Kagan, a notorious neo-conservative policy advisor, legitimizes arbitrary use of American military power against those in a Hobbesian state of nature, i.e. the pre-modern world and criticizes the Kantian attitudes of the European side (Kagan 2003: 75). However, it is certain that this kind of war against the outlaw nation itself tends to instigate the outlaw nation's violence. It is therefore necessary to re-examine the lineage of another just war theory and its negative consequences in terms of human security.¹

1. LINEAGE OF ANOTHER JUST WAR THEORY: THE INTERNATIONAL SOCIETY (THE FAMILY OF STATES) AND THE OUTLAW

The post-Cold War period, the 1990s, could be interpreted as a watershed in the transformation of state sovereignty. In the transition from Fordism to post-Fordism, active deployment of violence in the guise of new interventionism also promoted the transformation of the Westphalia system and weakened state-sovereignty on the periphery, leading to the post-modern empire system that is now emerging.² We will re-examine human security issues in this context. "Humanitarian" military interventions or the enforcement of political conditions (democratization) tied to official economic development aid indicate to states on the periphery of the world system that they must

¹ The term "human security" is very ambiguous and vague, with some studies focusing on poverty (the freedom from want) and others on violence (the freedom from fear). While the UNDP Human Development Report focuses on the former, here we focus on the latter aspect of human security, and so consider it as the individual's right to live in peace. It goes without saying that we should have in minds not only freedom from political violence, but also freedom from economically structured violence.

² Hardt and Negri emphasize the network character of the post-modern empire based upon deterritorial powers. According to them, contemporary global order can no longer be understood adequately in terms of imperialism. (Hardt and Negri 2000, *passim*.)

come to terms with many more restrictions, imposed by international society, on their own sovereignty.

The decay of state sovereignty on the periphery became much more conspicuous against the background of the end of bi-polar system. The bi-polar system was based upon bilateral nuclear deterrence and its end lead to the uni-polar system — the so-called American Empire, and asymmetric power relations between the North and the South. The decay of sovereignty occurred partly due to the failure of states in the South, when policy-makers in the North began to justify intervention there in reaction to human rights abuses such as genocide under the failed states. They argued that, "where a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure, and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention yields to the international responsibility to protect" (ICISS 2001: 9). In such cases, the international community, through UNSC Resolutions, has a right to intervene in the internal affairs of failed states in order to protect the people of that nation. During the 1990s, the Security Council of the UN began to interpret a series of humanitarian crises in Kurdistan, Bosnia-Herzegovina, Rwanda and Haiti as "threats to international peace and security" and permitted the use of force to stop them by applying Chapter 7 of the UN Charter (see Chart 1). Later, even "humanitarian" military interventions without UNSC resolutions were justified, as in NATO's air bombing campaign during the Kosovo Crisis. This kind of new legal approach to humanitarian crises certainly interferes with the principle of non-intervention (Article 2(7) of the Charter).

Chart 1: UNSC Resolutions Concerning
"Threats to International Peace and Security" during the 1990s.

660 (1990)	Iraq-Kuwait: "Determining that there exists a breach of <u>international peace and security</u> as regards the Iraq invasion of Kuwait"
748 (1992)	Libya: "Determining...that the failure by the Libyan Government to demonstrate by concrete actions its renunciation of terrorism and in particular its continued failure to respond fully and effectively to the requests in resolution 731 (1992) constitute <u>a threat to international peace and security.</u> "
788 (1992)	Liberia: "Determining that the deterioration of the situation in Liberia constitutes <u>a threat to international peace and security</u> "
794 (1992)	Somalia: "Determining that the magnitude of the human tragedy caused by the conflict in Somalia...constitutes <u>a threat to international peace and security.</u> "
841 (1993)	Haiti: "Determining that, in these unique and exceptional circumstances, the continuation of this situation <u>threatens international peace and security in the region</u> "
864 (1993)	Angola: "Determining that, as a result of UNITA's military actions, the situation in Angola constitutes <u>a threat to international peace and security</u> "
918 (1994)	Rwanda: "Determining that the magnitude of the humanitarian crisis in Rwanda constitutes <u>a threat to peace and security in the region</u> "
929 (1994)	Rwanda: "Determining that the magnitude of the humanitarian crisis in Rwanda constitutes <u>a threat to peace and security in the region</u> "
1054 (1996)	Sudan: "Determining that the non-compliance by the Government of Sudan with the request set out in paragraph 4 of resolution 1044 (1996) constitutes <u>a threat to international peace and security</u> "

1078 (1996)	Eastern Zaire: "Determining that the magnitude of the present humanitarian crisis in eastern Zaire constitutes <u>a threat to international peace and security</u> "
1080 (1996)	Eastern Zaire: "Determining that the present situation in eastern Zaire constitutes <u>a threat to international peace and security</u> "
1101 (1997)	Albania: "Determining that the present situation of crisis in Albania constitutes <u>a threat to international peace and security</u> "
1125 (1997)	Central African Republic: "Determining that the situation in the Central African Republic continues to constitute <u>a threat to international peace and security in the region</u> "
1127 (1997)	Angola: "Determining that the resulting situation in Angola constitutes <u>a threat to international peace and security in the region</u> "
1132 (1997)	Sierra Leone: "Determining that the situation in Sierra Leone constitutes <u>a threat to international peace and security in the region</u> "
1264 (1999)	East Timor: "Determining that the present situation in East Timor constitutes <u>a threat to peace and security</u> "
1267 (1999)	Afghanistan: "Determining that the failure of the Taliban authorities to respond to the demands in paragraph 13 of resolution 1214 (1998) constitutes <u>a threat to international peace and security</u> "

There are opposite interpretations of this new legal approach. According to the positive interpretation, this kind of new interventionism will promote an international community based upon cosmopolitan values (Teson 1997; Wheeler 2000). Blair's Doctrine represents this kind of view. Noting that the NATO bombardment of targets in Yugoslavia was designed to induce Yugoslavia to refrain from carrying out a systematic campaign of expulsion and killing of ethnic Albanians in Kosovo and to persuade it to accept the terms of the draft Rambouillet/Paris Accords, British Prime Minister, Tony Blair, stated: "This is a just war, based not on any territorial ambitions but on values. We cannot let the evil of ethnic cleansing stand" (Blair 1999). Blair's statement represents a thought typical of the new interventionism.

On the other hand, others criticize this kind of new just war theory for its tendency to debase the rule of law by allowing much room for the use of force. According to these critical views, loosening restrictions on the use of force led to weakening the multilateral rule of law and to enfeebling the UN, similar to the manner in which the League of Nations lost power (Chesterman 2001). In addition, some scholars observe some sort of neo-colonial discourse or thought in this kind of new interventionism. For example, Anne Orford, a critical legal theorist, suggests that the nature of post-conflict reconstruction in places such as Bosnia-Herzegovina and East Timor mirrors the way in which the international community supported colonialism in an earlier period and that fresh enthusiasm for the new interventionism of the post-Cold War period is dangerous (Orford 2004: 11, 26). Certainly, we can discern the lineage of colonial thought in the way the use of force against the other, in particular the outlaw, is being justified.

In order to clarify the present situation of global (un-)civil war, we need to review the lineage of colonial violence against the outlaw state.³ It is well known that Las Casas criticized Spanish colonial violence against indigenous people in the so-called "New

World." However the fact that another just war theory, which tried to give legitimacy to colonial violence against the other, had been invented and sustained by various Western political or legal theorists like Grotius and Locke, is often ignored or underestimated. That kind of just war theory led to making of the myth of the frontier in North America⁴ and eventually to discourses justifying modern empires, such as those espousing the mission of civilization or the standard of civilization. Is it an exaggeration to say that we can now observe the re-emergence of this kind of discourse justifying colonial violence against the outlaw?

The prototype of another just war theory was presented by Sepúlveda at the Valladolid debate with Las Casas (Hanke 2002: 111-132). Sepúlveda gave comfort to Spanish officials and conquistadores by proclaiming their conquest to be just. According to him, it was lawful and necessary to wage war against the natives in the New World for four reasons:

- 1) For the gravity of sins which the Indians had committed, especially their idolatries and their sins against nature.
- 2) On account of the rudeness of their natures, which obliged them to serve persons having a more refined nature, such as the Spaniards.
- 3) In order to spread the faith, which would be more readily accomplished by the prior subjugation of the natives.
- 4) To protect the weak among the natives themselves (Hanke 2002: 120).

To the Indian, Sepúlveda applied Aristotle's theory that, since some beings are inferior by nature, it is only just and natural that prudent and wise men have dominion over them for their own welfare as well as for the service of their superiors. If the Indians failed to recognize this relationship and resisted the Spaniards, just war could be waged against them. He also declared that Spaniards had a perfect right to rule over the barbarians of the New World because of superior Spanish prudence, genius, virtue, and humanity. It is ironic that a Renaissance humanist of Aristotelian persuasion developed a Eurocentric just war theory against the natives in America. In opposition, Las Casas and Vitoria insisted that the land of the "New World" could not be designated *terrae nullius* and the conquest could not be justified because it violated natural law (Pagden and Lawrence 1991: 251). Although both shared the view that there was division between civilization and the barbarian, Sepúlveda justified the war against the barbarian, whereas Las Casas and Vitoria refuted it on the grounds of natural law. When one reflects upon the series of historical events following the discussion, it is clear that the justification of a policy urging war against the barbarian was much stronger than its criticism.

Grotius adopted Sepúlveda's theory and developed the principle of *terrae nullius*

³ Regarding the relation between the present state of war and colonial violence, see Hall (1993).

⁴ Regarding the myth of frontier, see Slotkin (1973; 1992).

and a just war theory against the barbarian, at the same time criticizing Vitoria (Tuck 1999: 103-104). According to him, wasteland that is not cultivated by its owners can be appropriated by others. The theory of the right to occupy *terrae nullius* justified Dutch colonial expansion under the principle of freedom of navigation. In addition, Grotius, justifying slavery or the appropriation of the savage, claimed that "kings and those who are possessed of sovereign power have a right to exact punishment not only for injuries affecting immediately themselves or their own subjects, but for gross violations of law of nature and of nations, done to other states and subjects" (Grotius 1901: 2-20-40). He endorsed a strong version of an international right to punish, and to appropriate territory which was not being used properly by indigenous peoples.

Writing in the mid-sixteenth century, Hobbes shared Grotius' view that the New World was in a state of nature and so was not qualified for sovereignty. In *Leviathan*, Hobbes discussed America as follows:

For the savage people in many places of America, except the government of small Families, the concord whereof dependeth on natural lust, have no government at all; and live at this day in that brutish manner. (Hobbes 1996: 89)

Hobbes signaled this graphically on the title page of *De Cive (On the Citizen)* (see Fig. 1). He contrasts the states of *Libertas* (the *savage* life of the American Indian) and *Dominium* (the settled agricultural landscape of Europe). The latter represented a political society based upon the social contract, which cannot be found in the former. "Savage" meant not meeting standards of political society, which Europe had fixed at last after its long and savage religious civil wars.

It was John Locke who elaborated an argument that colonial domination could be justified due to the absence of political society in the New World. As Barbara Arneil points out, most scholarship on the Two Treatises has not taken seriously Locke's repeated claims that the state of nature is an historical reality in the Americas of his day (Arneil 1996: 2). Locke denied sovereignty to Amerindians because of "the state of nature" in their land. Aware that the aboriginal nations England encountered in the new world could claim property through Grotius' right of occupancy, Locke developed a theory of agrarian labor which, through the right of agricultural labor, specifically excluded the Amerindian from claiming land. Locke's fundamental premise that one must labor in order even to use the land or any product of it goes a step further than Grotius', who argued that use or occupancy determines property. Two fundamental aspects of Locke's argument regarding property—namely, the right of the individual through labor to claim land, and the definition of labor on land as agricultural cultivation—were indeed used to justify both the appropriation of land by the English and the conversion of Amerindians to agrarian labor. Furthermore, Locke's arguments were incorporated into the thinking of early American ministers, jurists, and politicians. While it is well known that Locke pioneered the theory of political liberalism based on the rule of law, it deserves special mention that his theory also contributed to depriving Amerindians of basic human rights,



Figure 1. The Title Page of *De Cive* (1642 edition)



1642 edition



1649 edition

including those of property. In fact, the main function of Locke's liberalism was to protect and to expand private property and possessive individualism (McPherson 1962) by excluding and depriving the other.

In the field of international law, Vattel also advanced the same kind of argument in the mid-18th century. He claimed:

The savage tribes of North America had no right to keep to themselves the whole of that vast continent. ... The cultivation of the soil is an obligation imposed upon man by nature. ... Thus, while the conquest of the civilized Empires of Peru and Mexico was a notorious usurpation, the establishment of various colonies upon the continent of North America might have been entirely lawful (Vattel 1995: par, 78, 81).

As these arguments suggest, colonial violence, justified by a dual international legal structure (the sphere of rule of law, namely the Family of Nations and the sphere of the outlaw), was employed against the other in the outlaw state (see Fig. 2-1). At the end of 19th century, this dual legal structure was reinforced by the theory of the standard of civilization. International law theorists such as Lasca Oppenheim and John Westlake advanced the typical arguments. They suggested that the notion of "civilized" states is fundamental to determining the scope of sovereign rights within international law. Their opinion was that the only territorial titles recognized by international law were those held by states sufficiently well organized to be able to protect the white settler or traveler in the pursuits of civilized life, while territory that had not been appropriated by a civilized or semi-civilized state was considered open to occupation (Gong 1984; Oppenheim 1912; Westlake 1914: 139-145). In other words, the test of civilization at that time was whether or not there was a sufficient degree of political organization

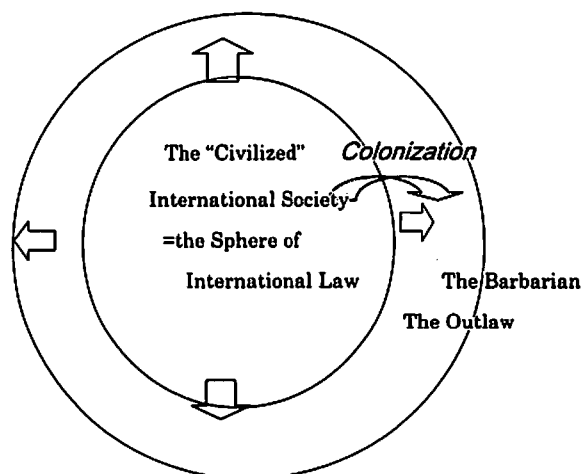


Figure 2-1. The Family of States (the International Society) and the Outlaw

within the state to allow European settlers to live with much the same degree of personal safety that they had enjoyed in their countries of origin.

Las Casas, Sepúlveda and Vitoria defended the rights of non-Europeans by the precepts of natural law in which the rights and duties of all humankind were paramount; the law of nations had no important role in their argument. In other words, the defense of the rights of non-Europeans by these earlier writers was grounded in natural law, which did not draw any clear distinction between individual and state. Grotius also worked from the precepts of natural law, but by his time states had begun to loom larger, thus occasioning the need for a law of nations. According to Grotius, the law of nature and the law of nations (*jus gentium*) encompasses more than simply Europe and Christendom, for the law of nations includes natural law and the latter concerns all humans, everywhere. But he nonetheless dismissed the rights of non-Europeans for all practical purposes. By the mid-eighteenth century, Vattel clearly excludes individual human beings from the direct subjects of international law by moving away from Grotius' inclusion of individuals via natural law. At the end of nineteenth century, natural law finally gave way to positive international law. From the ascendancy of positivist theories of international law, a view emerged that international law did not exist outside the territories of the European states (Keal 2003: 111).

Even after WWI, the theory of standard of civilization, which was based upon the binary division between the civilized and the barbarian, survived and remained as Article 22 of the League of Nations Covenant.

To those colonies and territories ... not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilization and that securities for the performance of this trust should be embodied in this Covenant.

This kind of theory justifying paternalistic domination was based upon the world view of social Darwinism, and has superficially disappeared with the advent, after WWII, of the age of de-colonization, although we can notice its vestiges in Article 73 of the Charter of the UN ("members ... accept as a sacred trust the obligation to promote to the utmost ... the well-being of the inhabitants") and Article 38 of the Statute of ICJ ("The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply: c. the general principles of law recognized by civilized nations"). As a consequence of the decolonization process, two concentric circles superficially coincide with each other, so that it seems that there is no remaining sphere of the outlaw standing outside international law.

2. GLOBAL CIVIL WAR AND ENCROACHMENT OF THE OUTLAW STATE

The decolonization process was expected to put an end to the Age of Imperialism.

However, during the Cold War period, there were still informal empires without direct territorial domination (see, for example, the Brezhnev Doctrine). Furthermore, there was a noticeable neo-colonial moment in the new interventionism after the end of the Cold War. The expansion of international administration in troubled states like Kosovo and Afghanistan was a return to the principle of trusteeship that could be described as a plot to buttress the informal empires established by Western economic dominance, or to reclaim formal empires lost in the rush toward decolonization, or a plan to redress "international wrongs" such as remaining bystanders to genocide. Of course, it would be misleading to conclude that recent interventionism was merely reclamation of past modern colonialism, for in most cases recent trusteeship was tentative and multilateral, rather than based upon territorial ambitions. Alternately, however, it would also be hasty to conclude that "contemporary global order can no longer be understood adequately in terms of imperialism as it was practiced by the modern powers, based primarily on the sovereignty of the nation-state extended over foreign territory and that a network power, a new form of sovereignty, is now emerging" (Hardt and Negri 2004: 12). In short, in the post-modern empire system, we can discover not only systems of a new character, but also some degree of continuity from the previous era of the modern empire.

One continuation from the previous era of the modern empire may be the way in which sovereignty in the periphery is restricted, and how intervention there is then justified. As this paper has mentioned, earlier writers claim that the savage or uncivil society that does not meet the standard of civilization cannot be recognized as having the status of sovereignty. Now according to the theory of the responsibility to protect, if any government cannot protect its own citizens, the international community instead has the obligation and the right to intervene in domestic affairs in order to protect those citizens. The logic of the new interventionism is ostensibly based upon altruism and multilateralism, but seems to share in some measure the paternalism of earlier writers' views. It is noteworthy that one can treat another in a paternalistic way only if one carries the preponderance of power. (Just imagine who advocates human security for whom.)

As paternalism is based on asymmetric power relations, it tends to impose the values of the powerful upon the weaker in the guise of altruism. As Kant pointed out, such a paternalistic attitude infringes upon the freedom of others, and thus treating them paternally should be denounced as the greatest conceivable despotism for "no one can compel me to be happy in accordance with his conception of the welfare of others" (Kant 1991: 74). There may be irreducible tension between universal equality and paternalistic relationships. The belief that it is justifiable to treat an equal unequally by resurrecting some kind of trusteeship due to his or her deficiencies can lapse into a rationalization of colonial domination in the name of universalism, such as the theory of the standard of civilization. If the worst comes to the worst, a sense of mission to civilize the outlaw or to democratize an authoritarian rule may transform itself into ruthless violence against so-called evil, so that many more people suffer from insecurity, and subsequently resistance to the "missionary's" order becomes much stronger. It is

most ironic that intervention in the name of human security can actually beget more human insecurity and misery.

Positioned at the center of a concentric circle, it seems after all that the sovereign state as a modern institution fails to establish itself on the periphery in spite of decolonization. Failed states like Somalia seem to represent an atavism to the state of nature. In other words, it can be said that the sphere of the outlaw state is reemerging on the fringes of the international community. It is important to ask who is responsible for this situation. The forces of neo-liberalism insist that we attribute these chaotic situations to local societies, whom they suggest lack the capability to govern themselves. However, if the disorder is caused not only by bad governances or poor social capital in the local societies, but also by the structural contradictions of the world capitalistic system, it would be wrong to attribute chaotic situations only to the locality. Indeed many cases of ethnic conflict during the post-Cold War period occurred as a negative consequence of hasty political and economic globalization (democratization with neo-liberalism), rather than as a simple revival of historical hatreds. Consequently, it is not appropriate to attribute the expanding sphere of the outlaw state at the fringe of the international community to local situations. One must also consider an extreme case, like that of the Iraq War, where the empire itself fabricates and expands the sphere of the outlaw state by manipulating fears and employing outlaw violence.

In addition, it seems likely that the liberal hawks advocating a new just war theory⁵ tend to ignore structural problems at the global level and to promote holy war against the outlaw state. It is noteworthy that just war theories are equivocal in terms of the rule of law. One function of just war theories is certainly to restrict the use of force by applying several conditions of *jus ad bellum* (justification for war) and *jus in bello* (justice in war). On the other hand, just war theories sometimes promote the transformation from just wars to holy wars by easily giving the term legitimacy through parlance such as the war against "threats to international peace and security" (or against rogue states harboring terrorists, enemies of civilization, evils etc.) This credence eliminates the checks on war by slackening conditions necessary to declare it, as in the case of a preemptive strike. Asymmetrical relations based upon the preponderance of power tend to relax conditions for the 'just' war. In this sense, the liberal hawks may cooperate with the so-called neo-conservatives to ruin global constitutionalism and so to expand the sphere of the outlaw. It is ironic that many more people suffer serious insecurity or death in wars waged for the purpose of expanding democracy or promoting human security. Unjust wars against the outlaw state (sometimes called counter-insurgency operations by policy-makers, but called state terrorism by the rebels) begin to intertwine with one another to form a *global civil war* situation under American full-spectrum dominance, by inviting the incursion

⁵ Michael Ignatieff is the typical liberal hawk and, to a lesser degree, Michael Walzer and even the late John Rawls are also in the same position. In particular, Rawls' *Law of Peoples* represents typical liberalism, in that it under-estimates the structural problems at the global level. See Ignatieff (2003); Walzer (2004: 3-22); Rawls (1999).

of the outlaw sphere (see Fig. 2-2). The attempt to promote by force a Lockean rule of law (liberty based upon possessive individualism), on the contrary breaks down the selfsame rule of law.

In short, imperial (supra-territorial) violence has dual functions. The main function of violence under the modern empire system was to incorporate the outlaw societies by dominating colonial territory, and to promote capital accumulation by dispossession. Even now, we can observe similar cases in interventions to secure resources like oil, natural gas, minerals, and water. In addition, as the privatization of war and the involvement of PMCs (Private Military Companies=postmodern mercenaries) in many armed conflicts indicate, waging war itself means making money for security industries. By stirring up fear, the military-industrial complex has become much more influential. The mass media and entertainment industries also support its expansion and its deployment of force through disseminating an anxious uncertainty. In short, war makes profitable enterprise, and, through fear-mongering, enterprise makes war.

One function of violence under the present post-modern empire system is to subdue "the outlaw" state on the periphery, when it emerges from the contradictions of accelerated capital accumulations or the inconsistent geo-strategic policies of major powers. It seems to be something akin to stepping on the gas by braking. When problems such as structural violence (which is the negative consequence of deterritorial powers) are not alleviated, supra-territorial violence leads to expansion of the outlaw state and promotes *global civil war* rather than *global civil society*. In order to re-conceptualize human security, we need to pay attention to hidden structural violence in a new guise and the boundaries drawn by the new racism based upon the binary division between civilization and barbarism.⁶

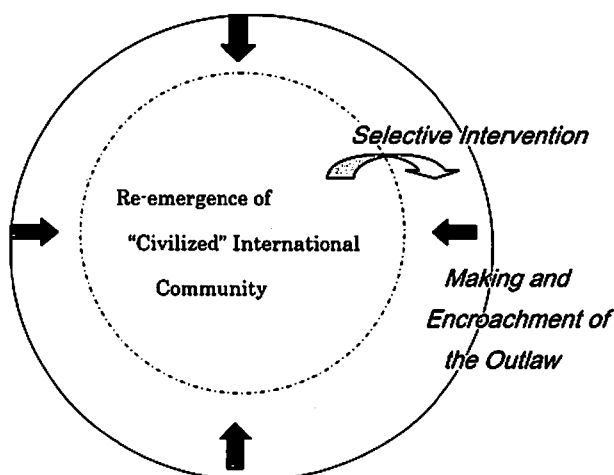


Figure 2-2. The International Community and the Outlaw

⁶ The more popular version of new racism is presented by Robert Kaplan. See Kaplan (2001).

CONCLUSION

The representation of outlaw barbarians or terrorists invokes fear. To escape from this fear, we sometimes try to exterminate or exclude them while consolidating our own identity. Discourses on security usually involve the politics of exclusion/inclusion. As the etymology of the word "security" indicates, discourses on "security" presuppose the existence of outside threats through which we consolidate our identities. The outlaw represents one of many threats to "us," the people in the civilization. If people are identified as the outlaw (or now, terrorists), they will be put outside the law and will not be protected by the law. As the case of Camp X-Ray [later Delta] at Guantanamo Bay [Fig. 3] indicates, "today it is not the city but rather the camp that is the fundamental biopolitical paradigm of the West" (Agamben 1998: 181). The state of exception, which should be outside the inner circle (the rule of law), starts to encroach on it and to become the rule (Agamben 1998: 38).

The politics of securitization usually entails a demarcation between the inside and the outside—the human and the non-human, who represent an enemy for the human. In this sense, the fashionable term, "human security," sounds strange because the ethics of quasi-cosmopolitanism seems to connote the politics of exclusion as a hidden script. So the problems of human security must be reconsidered as an individual's right to live in peace, not as a derivative of national security policies (exclusionary politics). In addition, it should be stipulated that many troubles related to human security are caused by hyper-securitization of issues (such as demarcating a sanitary cordon and containing or excluding the other).

If there is a case of extreme human insecurity that the state cannot solve by itself, it is understandable that an outsider may intervene there in order to stop it. However, as

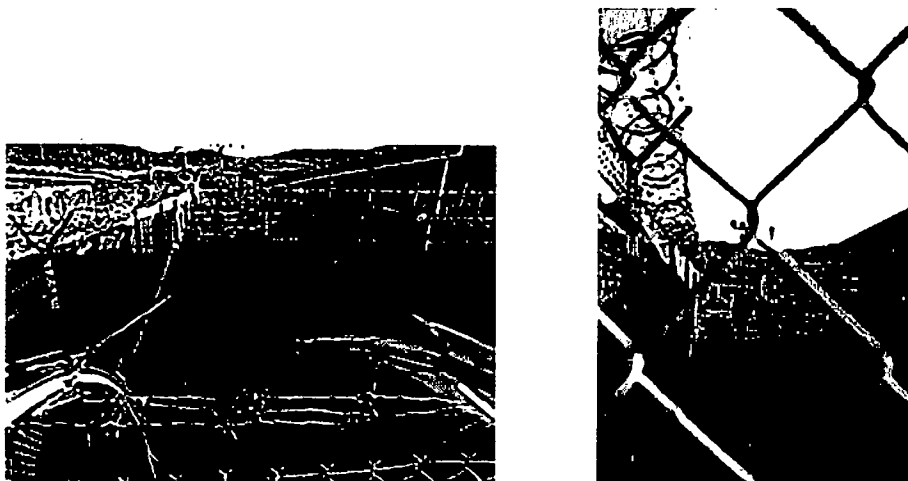


Figure 3. Guantanamo as a Representation of the Outlaw
(Prisoners in Camp X-Ray, Getty Images)

we reviewed above, there pitfalls await those people who try to use force on the pretext of saving the other. In facing the difficulties associated with saving other states, we tend to attribute all responsibility to local factors such as evil leaders or poor indigenous organization without paying attention to systematic or institutional factors at the global level. One is reminded of the case of Somalia. As the Hollywood film, *Black Hawk Down* (2001) indicates, it is local interruption that is perceived as the evil or the outlaw in civilization.⁷ Currently, local people in Iraq who object to American occupation are construed as obstacles to civilizing missions such as the "democratization of the Middle East" and who are branded evil and named as terrorists. Without questioning the negative consequences of unilateral idealism (based upon manifest destiny) and its systematic violence based on the preponderance of power at the global level, the attempt to eliminate the outlaw by force will expand the sphere of the outlaw much more and deteriorate the situation in terms of so-called human security.

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⁷ See also Razack (2004).

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