

## A Way of War in Crisis

The new Western way of war did not *require* the new grand narrative that spawned the Iraqi crisis. The new warfare had worked better in the Falklands and Gulf wars with limited, specific narratives about the crimes committed by the West's enemies, rooted in traditional ideas like upholding sovereignty, self-determination and international law. However 9/11 appeared to offer George W. Bush's right-wing US administration a golden opportunity to broaden the scope of the new warfare.<sup>1</sup> Bush's proclamation of the Global War on Terror opened up the first serious replacement for the Cold War narrative lost a decade before.<sup>2</sup> Now, once again, there was a generalised enemy, terrorism, on a par with Communism. Once again it was possible to proclaim, 'you are either with us or with the enemy'.

The Global War on Terror appeared to have two great advantages over the earlier Cold War framework. Terrorism was inherently nebulous, so that fighting this enemy offered Western leaders great strategic and tactical flexibility; and the core enemy, al-Qaeda, did not possess the capacity to destroy the USA. Nevertheless,

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<sup>1</sup> As the US Department of Defense "Defend America: Fallen Heroes" website put it, in a bizarre but revealing reversal, 'Sept. 11, 2001, marked the beginning of the war against terrorism. But it also brought to a tragic end a multitude of lives.' <http://www.defendamerica.gov/fallen.html> [21 November 2003]. By 15 March 2004, this statement no longer appeared on the site, which had been renamed 'Fallen Warriors'.

<sup>2</sup> The end of the Cold War had challenged Western leaders to develop new stories about world order. Traditional ideas were first repackaged in the loose rhetoric of the 'new world order', but this gave no strong steer on future war. Later, ideas of 'humanitarian intervention' provided a stronger ideological framework. Few saw humanitarianism as involving repeated wars, and it was hardly a compelling ideology for many in US and Western political and military elites.

after 9/11 no one could doubt that terrorism in general and al-Qaeda in particular were serious threats. The Global War on Terror appeared to offer the US leadership huge possibilities to legitimate a wide range of operations and discipline its electorate together with actual and potential allies. It appeared to offer a blank chequebook for repeated wars to Bush and his (initially rather less enthusiastic) military. This 'war' could pay off electorally and in global reach, and remain relatively low-risk.

However the transformation of the new Western way of war into *permanent war* threatened to undermine the viability that had been developed over the previous two decades. The Global War on Terror had huge drawbacks, the flipside of its strengths. Flexibility meant that Bush had no difficulty in defining Saddam Hussein's Iraq as part of the 'terrorist' threat, but the very transparency of this ideological stretching made it unsuccessful as a broad legitimisation. Few governments and fewer publics were prepared to follow, the mega-coalition of 2001-02 quickly fell apart, and the military venture in Iraq became more difficult. And although terrorists might not be able to comprehensively destroy or defeat any Western state, their weapons were far more usable than the old USSR's nuclear warheads and a much more immediate danger to publics. The USA and Western Europe might shrug off new al-Qaeda-linked massacres in Indonesia and Turkey; but the 2004 Madrid bombings showed the trap into which the War was leading. Massive terrorist outrages in Western capitals could bring swift and devastating reaction against participating governments. Under the pressure of well-timed terrorist devices, electorates could be extremely volatile and quick to punish leaders they saw as deceitful.

So with al-Qaeda also signed up to the Global War narrative, the first rules of the new Western way of war would be broken. The risks to Western societies were becoming real and painful, and the electoral risks to governments threatened to follow. The need to fight 'terrorism' might frighten publics into backing permanent war - but it could also lead them to question war. Western wars could no longer be discrete, quick fix military ventures confined to distant war zones. They would be long, messy, violent struggles threatening to turn Western cities into war zones. No longer would casualty numbers be minimal - on the contrary, larger numbers of military casualties would be compounded by the civilian victims of terrorist atrocities. This was a veritable crisis, not just of the Global War on Terror, but of the new Western way of war itself.

### **Militarisms of massacre**

This crisis brought into focus the contrasting attitudes towards massacre, violence and cruelty in the Western and terrorist ways of war. The practitioners of the terrorist way of war not only intended their atrocities, in the full sense of aiming to achieving murderous results; they also openly embraced these results. On the other hand, Western warriors aimed to kill only combatants, and they took real measures to minimise civilian casualties; for them any such casualties were accidental and regrettable. The moral and political difference between the two could not, it seems, have been clearer. How was it then that the West often appeared to be losing the battle for legitimacy in global-era wars? The answer lay in the contrasting militarisms of massacre of the West and its enemies.

The murderous, even genocidal, logic of terrorist massacre clearly defied the basic moral standards of legitimate war, as understood not only in the Western tradition but also in Islam and other traditions. And yet this method of warfare was undeniably successful in mobilising Muslims worldwide for Islamist causes, and even more in generating local and global support for oppressed groups such as the Palestinians. The first key to this apparent paradox was that this was an identity-based way of war: it justified its killings by often obliterating (according to its ideological convenience) the distinction of combatant and non-combatant, so that 'enemy' civilians were as much the enemy as any armed personnel. However the second part was actually an equation of different civilian victims, justifying its own intentional killing of civilians by reference to the (however 'unintentional') killing of civilians by the West: 'If you don't stop your injustices, more and more blood will flow and these attacks will seem very small compared to what can occur in what you call terrorism.'<sup>3</sup> For the practitioners of this way of war, intentions were of little relevance: what mattered was that the West killed innocent members of their people. Deaths, whether accidental or intended, ended lives: and in the global media age they all added up to pictures of dead and mutilated bodies, which could be readily invoked by nationalist, Islamist and other ideologies to justify counter-killing. Thus were the 'accidental' civilian victims of Western bombing and counter-insurgency in Iraq, Afghanistan and elsewhere invoked by Osama bin Laden and others to justify their own more deliberate killing of Western civilians.

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<sup>3</sup> 'Statement by the military spokesman for al-Qaida in Europe, Abu Dujan al Afghani, Associated Press, March 14, 2004, <http://www.nytimes.com/2004/03/14/international/europe/14WIRE-QATAPE.html?ex=1081483200&en=e4cd73006599e6dc&ei=5070> [7 April 2004]

This terror-militarism had the virtue - for a mobilising ideology - of being explicit in its embrace of violence, both for itself and its people and for its enemies. 'You love life and we love death', claimed al-Qaeda's video-statement after Madrid.<sup>4</sup> In contrast virtually all other ways of war involved much more extensive denial of the acts of violence they committed.<sup>5</sup> The new Western way of war, especially, with its deep risk-aversion for its own soldiers and citizens, claimed the ultimately impossible standard of 'clean' or at least 'cleaner' war. Its pretensions to civilian protection - however real in some limited senses - were easily represented as hypocritical. Its thousands of civilian victims spoke otherwise. In the counter-insurgency operation at Fallajuh, Iraq, in April 2004, US troops may have killed 600 local people in a week: far more than the victims of Madrid in the previous month. Many of the killed, to be sure, were combatants, who had taken up arms against the US occupation. But many were unarmed children and adults of all ages. Likewise, the deliberate cruelty inflicted by guards in US military prisons - at Guantanamo Bay and in Afghanistan as well as in Iraq - was so widespread as to represent something that seemed to have been officially condoned if not encouraged. No wonder that the Islamist equation was credible to many ordinary Muslims.

In global surveillance warfare, each armed protagonist and its civilian constituency weighed massacres, cruelty and body counts in the light of their own priorities. Western governments and electorates valued 'their' lives over those of

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<sup>4</sup> 'Statement by the military spokesman for al-Qaida in Europe'.

<sup>5</sup> See Table 3.3 above. Of course al-Qaida statements also involve denial, for example of the innocence of most of their individual victims, but it is of a different order from the more common, especially Western, minimisation of violence itself.

others: killings of Western soldiers and civilians figured in their imaginations. But massacres and cruelty against civilians committed by the West were also authenticated by media coverage. The burgeoning regional television systems of non-Western parts of the world - notably stations like al-Jazeera in the Middle East - conveyed scenes of carnage to wide publics and easily facilitated radically opposed narratives of violence. Images like the shocking photographs of US soldiers torturing prisoners went around the world. Politically, therefore, the West's militarism of massacre-concealment seemed weak in contrast to its enemies' militarism of massacre-embrace. The former might have worked in wars with conventional state enemies, like the 1991 Gulf War: it had less purchase in the new conditions.

### **'Just war' theory and risk-transfer war**

One indication of the problems that the new Western way of war faced was the difficulty of providing a serious legitimation for it in terms of the West's own values and the global framework of law that they have informed. The principal moral tools that we had available derived from the 'just war' tradition. As Richard Falk, a radical international scholar and critic of most Western wars, claimed, 'The "just war" doctrine provides the most flexible and relevant normative framework. It has roots in the ethics of all the great world religions, it is a vital source of modern international law governing the use of force and it focuses attention on the causes, means and ends of war.'<sup>6</sup> According to this tradition, as is well known, both ends and means had to be just, and most debate has focussed

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<sup>6</sup> Richard Falk, 'In Defense of "Just War" Thinking', *The Nation*, 24 December, 2001.

on the problematic ends of some Western wars, especially in Iraq. However the moral examination of a way of war raises the question of the means, or of *jus in bello*.

The new Western way appeared to address important concerns of this tradition. As Michael Walzer had pointed out in the major post-Vietnam restatement of this framework, it was axiomatic that the destruction of enemy is justified: "Soldiers are made to be killed," as Napoleon once said; that is why war is hell.<sup>17</sup> There could be little argument then, it would seem, with the apparently sharper focus in the new way of war on killing the enemy. Of course, if killing could be shown to be superfluous to the goal of destroying the enemy's power, then its legitimacy would be put in question. Violence had to be proportional, not only to the goals of one's own side but also to the severity of the initial aggression. On first inspection, the intensive bombing of Taliban, al-Qaida and Iraqi fighters fitted this bill, and the awesome weaponry used – such as the 'daisy-cutter' bombs - was merely an efficient means to this end. But if 'bombing worked' to defeat these enemies, it did so surely by slaughtering them. There were legitimate concerns about these victims. Since the slaughter in the trenches, we had learnt to attach more significance to the lives of soldiers. When one side could minimise the risk to its own soldiers to very low levels, was it moral to practice industrial killing on a hapless enemy? Certainly, as we contemplated these inequalities of means, we might recall the slaughter inflicted on helpless office workers by terrorists using civilian airliners. But if the US's own killing was almost as one-sided, did the fact that Taliban soldiers or Iraqi insurgents were carrying guns make it so much more

tolerable? Hanson Davis' critique of '[t]hose who fight from afar, ... kill[ing] "good" infantry with a frightening randomness and little risk to themselves'<sup>8</sup> would suggest that it did not.

If risk-transfer war raised questions for just war thinking even around the treatment of enemy soldiers, the issues concerning civilians went to the heart of the tradition. As Walzer had continued, 'even if we take our standpoint in hell, we can still say that *no one else* [i.e. other than soldiers] *is made to be killed*. This distinction is the basis of the rules of war.'<sup>9</sup> Walzer had also noted that the doctrine of 'double effect' provided a way in which 'it is permitted to perform an act likely to have evil consequences', such as the killing of innocent civilians. The key condition was that 'The good act is sufficiently good to compensate for the evil effect; it must be justified under [the] proportionality rule.'<sup>10</sup> This was little justification for the atom bomb on Hiroshima, although US apologists for this act have used a similar argument. However it appeared plausible as an account of the 'accidental' killing of civilians in Afghanistan, Kosovo and Iraq, if only because the numbers of direct victims were much smaller and so the evil might conceivably be outweighed. And Walzer had perfected a rationale that has been widely applied in these instances: 'Double effect is defensible', he argued, 'only when the two outcomes are the product of a *double intention*: first that the "good"

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<sup>7</sup> Michael Walzer, *Just and Unjust Wars*, Second Edition, New York: Basic Books, 1992: 136. Emphasis in original.

<sup>8</sup> Hanson, *The Western Way*: 14-15.

<sup>9</sup> Walzer, *Just and Unjust Wars*: 136. True, Walzer is prepared to countenance the extension of combatant status to civilian munitions workers in their workplaces, while they are actually making weapons, and he is also prepared to say that this 'plausible line ... may be too finely drawn'. (p. 146)

<sup>10</sup> Walzer, *Just and Unjust Wars*: 153.

be achieved; second, that the foreseeable evil be reduced as far as possible.<sup>11</sup> The latter is exactly what the West now routinely argued it was doing - with more plausibility than in the days before 'smarter' bombing - in its claims to be 'minimising' civilian death.

However Walzer had also pointed out a major problem for this argument when he pointed out that 'Simply not to intend the death of civilians is too easy. ... What we look for in such cases is some sign of a positive commitment to save civilian lives. Civilians have a right to something more. And if saving civilian lives means risking soldiers' lives, that risk must be accepted.'<sup>12</sup> In risk-transfer war, this was precisely what was avoided at all costs. Aerial and artillery bombardments were undertaken in the firm knowledge that they would increase the risk to civilians compared to other possible means, military as well as non-military. High-altitude and long-range destruction was inherently indiscriminate.<sup>13</sup> Even UN peacekeepers were withdrawn when they at risk: to save their own and other Westerners' lives, they abandoned civilians to genocidal terror.<sup>14</sup>

Surprisingly, Walzer had provided a way out for Western strategists in this situation. He immediately qualified his statement by arguing, 'But there is a limit to the risks that we require. These are, after all, unintended deaths and legitimate military operations, and the absolute rule against attacking civilians does not

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<sup>11</sup> Walzer, *Just and Unjust Wars*: 153

<sup>12</sup> Walzer, *Just and Unjust Wars*: 153-54.

<sup>13</sup> Some forms, at least, of action on the ground, especially on the lines of armed policing, offer the opportunity to discriminate more and avoid civilian casualties to a greater extent. However here too armed soldiers have an inherent advantage over civilians: as we have seen, this has led to self-protective 'shoot first, ask questions later' killing of civilians suspected of being insurgents

apply. War necessarily places civilians in danger; that is another aspect of its hellishness. We can only ask soldiers to minimise the dangers they impose.' Exactly far they must go in doing this, he argued, 'is hard to say'; 'It is best ... to say simply that that civilians have a right that "due care" is taken.'<sup>15</sup> However, if this sort of escape clause made rough and ready sense in the context of wars where large numbers of Western soldiers were seriously risking their own lives, it was difficult to see how it can be sustained in the context of new Western wars like Kosovo and Afghanistan where, after risk assessments have been carried out, only relatively small numbers of Western soldiers were risked.

The nub of the matter was that, as we have seen, the care taken for civilians was not only much *less* than the care taken for Western soldiers; it was *undermined* by a policy adopted to keep the latter safe. Risk to civilians was reduced not as far as practically possible, but as far as judged necessary to avoid adverse global media coverage. Civilians' risks were proportional not to the risks to soldiers, as Walzer had envisaged, but to the political risks of negative coverage. Thus even if there was a limit to the risks we could require of soldiers, Western forces in recent wars had gone nowhere near to this limit. Even if we could conclude that the aims of Western wars - including the 'war on terrorism' - were just, its methods were insufficiently so on the basis of established Western criteria.

### **Human rights and the illegitimacy of war**

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<sup>14</sup> Notoriously in Rwanda in 1994 and at Srebrenica, Bosnia, in 1995.

<sup>15</sup> Walzer, *Just and Unjust Wars*: 154.

While this discussion confirms that risk-transfer war negates the criteria for just war, it has also revealed some of the problems of 'just war' thinking in contemporary conditions. The 'flexibility' that Falk lauded had allowed Walzer to propose some very doubtful escape clauses. And the nature of risk-transfer war weakened the effect of traditional just war reasoning: wars in which mortal risk to one's own combatants was reduced to very low levels, but dangerous risk was routinely inflicted on many more innocent civilians, required such flexibility that they extended the 'double effect' and 'proportionality' ideas to the point of absurdity. The problem was that even if, *prima facie*, the new Western way of war met many of the historic demands for just war, it threw up a persistent problem of civilian death, injury and other harm that was morally objectionable as well as politically damaging.

The 'just war' answer to this would be to change the way that the West fights its wars, so that the balance of risk between soldiers and civilians was changed. If commanders abandoned long-range and high-altitude bombardment, if they exposed soldiers to greater risk so as to save civilian lives, if governments and electorates were prepared to accept greater casualties among their own forces as the price of protecting innocents, if they instituted more rigorous regimes to prevent abuses of prisoners, then Western wars would be more just. To raise these demands, however, was to confront the scale of the problem: such a transformation would fly in the face of the core sociological realities of new Western warfare that we have discussed in this book. It was not clear that any Western government would, or even could, try to bring warfighting into concordance with the serious demands of just warfare.

By the established moral criteria, therefore, the new Western way of war was fundamentally flawed and likely to remain so. The degeneracy of Western warfighting did not end with total war and nuclear strategy: it has been reproduced in a new form. Indeed, the sociological conditions of the new warfare highlighted the depth of the difficulty. The concern to protect soldiers' lives led inexorably to the counter-argument for civilian protection. The *idea* of civilian protection, embraced by Western governments, militaries and publics - indeed sometimes the very rationale for war - led just as surely to ever-growing demands to put it into practice. These demands came mainly from human rights organisations on the liberal-left wing of public opinion, but they had a broad resonance and constantly threatened to gain, even if they didn't always achieve, real purchase in political debate.

The underlying truth of contemporary war was that however good the rules for civilian protection, and however genuine the efforts of commanders to abide by them, it was not generally possible to simultaneously fight wars and protect civilian society in the zone of war. Britain's Falklands campaign, fought in the depopulated isolation of the South Atlantic, was the exception that proved the rule. Otherwise, new Western wars have been fought in populous regions with complex societies. Not only was it impossible to use powerful modern (even precision) weaponry without substantial killing of civilians. It was likely that even with the most scrupulous attempt to implement just war principles - if it were politically viable - war would still cause much of the considerable harm that recent wars have done.

It is time to face the truth that war and civilian safety are not generally compatible. If Western society is to become really serious in its desire to save civilian life and wellbeing, it will have to move on from just war thinking. That tradition has been designed, after all, to *enable* warfare, by indicating conditions in which killing might exceptionally be allowed.<sup>16</sup> And if we are not satisfied with just war justifications, we may be applying different standards. War has long been protected in Western thought from the norms that apply elsewhere in social life; but we may now be applying to war the standards from which it has previously been exempt. 'Thou shalt not kill' has been tightened as a general norm, with fewer and fewer exceptions allowed; many Western states even decline to impose the death penalty. And yet war has remained a huge exception. Could it be that now that exception is being challenged, that tight norms against killing are being extended even into the realm of legitimate organised killing itself?

A serious concern with civilian protection derives, therefore, from ways of thinking that are very different from 'just war'. In particular, it arises from human rights thinking according to which all individual human beings enjoy the same claims to safety and freedom from violence. If we follow this line of thought, we cannot be indifferent to lives lost or damaged, however few they are by gross historical standards. Just war ideas of 'proportionality' and 'double effect' - safeguards with an obvious potential for manipulation - have less relevance if we regard the rights to life and freedom from violence as fundamental.

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<sup>16</sup> For further discussion see my *War and Genocide*, Chapter 1.

In an age of human rights, the concern for individuals has been extended from Western soldiers to individual civilians, and even enemy soldiers too.<sup>17</sup> This concern was embedded in the rapidly developing raft of international law and legal institutions, which have been increasingly applied to actors in war. The International Criminal Tribunal for Former Yugoslavia (ICTY) provided a very significant model of impartial international justice, upholding the laws of war and genocide, albeit not without difficulties. Not surprisingly, the ICTY felt obliged to consider the case against NATO itself for its 'accidental' massacres of civilians in Serbia and Kosovo. The report of the committee it established made a case that there was no *prima facie* basis for formally investigating NATO's conduct of that war.<sup>18</sup> Whether, in terms of the current law of war, that was a correct conclusion is very arguable. But what *was* clear is that NATO *could* be held accountable, in principle at least, for the deaths of the civilian victims. What was driving the demand for justice was not so much the legal norms as the perception that all the individual lives mattered: the three people killed in the Chinese embassy, the 16 killed in the Serbian television station, the 70 killed when a railway bridge was bombed, and so on. Incidents as small as traffic accidents, in terms of numbers of victims, could be matters for which the world's most powerful state could be brought to account, and in basically the same way.

Criminalization involved treating war like any other human activity, no longer *de facto* excluded from norms that apply in all other fields. Taking 'Thou shalt not kill'

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<sup>17</sup> There is certainly some evidence to suggest this. The enhanced concern to protect Western soldiers' lives is in itself a historic change: it reflects the outcry over the deaths of GIs in Vietnam, and a rejection of the idea of 'cannon fodder' in favour of the notion of soldiers' rights.

<sup>18</sup> International Criminal Tribunal for former Yugoslavia, *Final Report to the Prosecutor by the Committee Established to Review the NATO Bombing Campaign Against the Federal Republic of Yugoslavia*, <http://www.un.org/icty/pressreal/nato061300.htm> [17 January 2002].

seriously did indeed threaten to make the practice of war very difficult. If the means of war were generally picked over with a fine toothcomb, in the courts, in the press and (indeed) in academia, then the legitimacy of war would be regularly undermined. As human rights conditions entered the governance of war, there was a fundamental threat to the very legitimacy of this institution. The laws of war were never really intended to be applied in criminal courts, and their enforcement threatened all warmaking. No wonder that the USA was so concerned about the establishment of the permanent International Criminal Court that came into existence in 2002. But however much the USA resisted this drive, it stemmed from general trends towards intensified global legal regulation, heightened awareness of individual rights and extensive litigation - which derived much of their momentum from American society.

It is difficult, therefore, to resist the conclusion that the door has been fundamentally opened to new kinds of delegitimation of war. Regardless of Western governments' success in mobilising media and public opinion in particular cases, the new Western way of war was generally vulnerable to new criticisms that were bound, sooner or later, to challenge its newly refined justifications. The failure of any of the transfers of risk could expose the West to risk rebound, and the risks of the new way of war would return to the West. In this process, it would be not just particular wars, but the way of war itself, that would be at stake.

### **Crisis of the new Western way of war**

The crisis of the US-UK war in Iraq is therefore more than the failure of a particular war, administration or ideology, although it is all of these. It is also a crisis of the new Western way of war that has been developed over the last quarter-century, since the last great failure in Vietnam. And since this new way has been an attempt to reinvent legitimate warfare after the horrors of degenerate war in the twentieth century, the crisis takes us right back to fundamentals. Has warfare, as a way of pursuing valid political goals, returned to the dead-end that it reached in the period of the nuclear arms race? How fundamental is the failure of the new Western way and what are its longer-term consequences?

A lot depends, of course, on whether and how the crisis of the Iraqi occupation is resolved, and whether President Bush has been re-elected despite it: neither of these is clear at the time of writing. However the failure has certainly been profound: for more than a year after the initial 'success' in toppling Saddam, the administration faced the mounting difficulties that were analysed in Chapter 5. Even if the difficulties have been contained and Bush has been re-elected, Iraq is unlikely to be seen as a success. Much of the failure is due to the adventurism of the 'regime change' and 'pre-emptive war' ideas, and the looseness of the Global War on Terror as a legitimating framework. As we have seen, it broke many of the 'rules' of new Western warfare that I outlined in Chapter 4. To this extent the failure has been specific to Iraq, and it remains theoretically conceivable that the USA (or in exceptional circumstances, Britain or France) could fight other more successful wars in the future.

However any such 'optimistic' prospect for the new Western way of war evaporates once we consider the wider political fall-out. At the very least, the outcome in Iraq put Bush's re-election in jeopardy, and it distracted from and was counter-productive for the campaign against al-Qaeda. More than this, it demonstrated the political dangers of the laws of escalation and unpredictable consequences in war. The very idea that a war can be packaged as a discrete political project, managed successfully and brought to a tidy conclusion, has been dealt a massive blow. A fundamental question mark has been placed against the idea that Western governments can use war effectively to achieve political ends, in today's global surveillance conditions. It must be doubtful if even Bush, if he has survived, will quickly repeat his adventure. Britain and other allies have surely had their fingers badly burned. To this extent, while it may still be too simple to say that Iraq is 'another Vietnam', the spectre is real. A whole way of fighting limited wars that was developed precisely to avoid Vietnams has become mired in something that has much of Vietnam about it. Many will learn anti-war lessons from this experience.

The chief lesson of Iraq is, however, that the future of Western warfare does not depend only on the decisions of the West itself. Western power has shown its vulnerability to guerrillas, militias and terrorists, even if it has been more successful against conventional enemies like Saddam. The US failures in Iraq may embolden new enemies in other places. The West may not be able to choose, simply, to avoid wars; it may have wars thrust upon it. The worst danger is probably a sort of extensive (but less intensive) 'Israelisation' of the West, or at least of the USA: immersion in many unending, unwinnable if low-level wars, and

the corresponding brutalisation of state and society. In this case even political withdrawal may not be enough to fend off further violence. The temptation for leaders like Bush may be to go, as the Israeli regime has gone, down this road of permanent war. In this case, the 'rules' will change: although war would still be combined with 'normal' life, the permanent war situation will bring depressing new realities to Western societies. We have already glimpsed much of what this could mean in the first three years since 9/11. The failure in Iraq is perhaps the last opportunity to reassess the situation and avoid not so much another Vietnam as a global Palestine.

### **Alternatives to war?**

The challenge is to accept the full logic of the value that Western society places on human life, and to seek alternatives to war. It is easy to dismiss pacifism as a naïve, utopian ideology that fails to recognise the realities of power and violence in the world. Certainly war has a long history in human society and it is being renewed in many ways in the twenty-first century. Global surveillance warfare is integrated with many political and media conditions of global society. Whatever the West does, war will not simply or quickly disappear from today's world. Too many forces have too much to gain from it. However the historical experience of the twentieth century was the degeneration of war into an indiscriminate slaughter, which engulfed societies. In this sense, I suggested two decades ago, we need a 'historical pacifism', which increasingly recognises war as *in itself* a danger, to be avoided rather than chosen.<sup>19</sup>

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<sup>19</sup> See my *Dialectics of War*, Chapter 5.

Indeed the legitimate global order that was built after 1945 incorporated some of the lessons of this experience. It rested on a severe limitation of war, legally restricting it to national self-defence or under conditions of international authority. It also extended protection to civilians in war, codified genocide and developed the legal notion of crimes against humanity, and set up the UN Security Council as the ultimate authority in these matters. This structure assumed that war was no longer - if in strict law it had ever been - merely a *choice* of rulers. On the contrary it was a heavily circumscribed last resort in responding to aggression and threat. It was in defying this understanding that Bush broke the Western and international consensus over Iraq.

Faced with armed violence, it is tempting to respond in kind. It is easy to grasp the political force of Bush's declaration of 'war' on terror in response to what was indeed an 'act of war' by al-Qaeda. However it is clear that the choice of war, here, was deeply mistaken and counterproductive: it gave credibility to the terrorist enemy, increased its support, and invited further attacks. The alternative was to claim the high ground of international law, to criminalise the enemy, and to make a different kind of global spectacle - one of global order in determined but non-violent pursuit of criminals. Bush could have invited the UN to establish a special international tribunal (since in 2001 the ICC was not yet operating) to oversee the global capture and trial of the perpetrators of 9/11. Likewise the UN could have established, at any time during the 1990s or early 2000s, a similar tribunal to try Saddam and his cohorts for their crimes of genocide. Law alone is not the whole answer: but it has great potential to delegitimise murderous rulers and leaders, and

combined with a panoply of other coercive, non-violent measures it could achieve many of the results that are sought by war with fewer of the disastrous consequences.

It is certainly not possible, in our period, to exclude all armed elements from the exercise of global authority. Clearly a global legal campaign against al-Qaida, instead of the Global War on Terror, would still have involved elements of armed policing: it would not have been possible to capture dangerously armed men without it. Clearly there are circumstances in which armed force should be used under UN auspices, if only to protect unarmed civilians who are menaced with genocide in places like Srebrenica. In these circumstances the sort of guidance that the just war tradition has provided, that soldiers must put the safety of innocents first, remains very relevant. However these should be seen as exceptional, emergency actions, under the principle of avoiding war.

The crisis of the new Western way of war offers an opportunity, then, for Western and global society to reappraise the role of war itself in world society. It should be the beginning of the end of war.