

# FORUM

## State, Sovereignty, War, and Civil Violence in Emerging Global Realities

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### INTRODUCTION

#### Old Permutations, New Formations? War, State, and Global Transgression

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The very institution of the state is widely conceived of as inseparable from war. If it constitutes peace within the borders or order of its sovereignty, this very peace may be the condition for its potential for war with those other states and social formations outside it. Indeed, in different state systems their very internal order depended on predation beyond their borders. The one was the function of the other. Since ancient times it has been observed that the distribution of wealth within states, even the creation of what the Greeks recognized as democracy, was critically related to the perpetration of war. Hobbes's royalist vision of the state within the context of England and Europe is consistent with that founding paradox of the state that I have outlined here. This is so despite his famous legitimation of the state as necessary for the overcoming of conflict and violence that was inherent in human being and especially in social processes otherwise not mediated through the institutions of the state. In other words, for Hobbes the state is an extension of fundamental human nature. The state is peace-making by virtue of its appropriation and monopolization of the wherewithal for violence. But this direction toward peace is a protective function organized to the benefit of the citizens of the state who surrender their capacity for violence to the state. Clausewitz's celebrated recognition of war as an extension of politics expands on Hobbes making more explicit the paradox of the state. This paradox arises from the monopolization of violence, for it can lead to excessive violence demanding political constraint.

What generations of later social and political philosophers and theorists (especially anarchists and Marxists) criticized in Hobbes was his reductionism. They argue contra Hobbes that his “warre of all against all” was itself a creation of state formation and not essential in the human condition. War was no more natural or less unnatural than the social peace that the existence of the state guaranteed. Such a critique of Hobbes (and its implications of individualist, psychological and essentialist reduction—the starting point of *Leviathan*) is central to that work which is critical of state orders and their effects. The anti-Hobbes position locates war firmly within the structure of social formations, both those constituted by the state and those that are outside state orders.

Much of the critique of the state has concentrated on the state as an organization for war and violence, refusing the grounds for its legitimation as an ordering or a peace-making agency within the territories of its control, let alone beyond its borders. Of late there has been a celebration of the demise of the state, most particularly the nation-state. It became conventionally seen as the instrument of the social ills of modernism. The end of the nation-state, possibly a premature vision, was hailed as a liberating advance establishing the circumstance for the emergence of Empire (with the U.S. as its heart), a force instrumental in the destruction or diminution of a global order founded on the nation-state (exemplified in the U.S. subversion of the UN in the progress toward the war against Iraq). A major ideological instrument (which does not deny a certain—if ironic—factuality) of U.S. global reconfiguration is the corruption of the nation-state and of the UN.

This Empire, the new imperialist force of vital impact in the diverse structuring of global socio-economic realities, might be seen as the transmogrification of previous state forms, a New Leviathan extending from the nation-state but not reducible to it in its distinct socio-economic and political formation. In some contemporary postmodernist terms it is Leviathan’s last blow, indeed a kind of end of history. Thus, it is conceived of as generating the conditions for a new beginning indicating the emergence of original social formations that will ultimately free human beings of the shackles of the state: in effect, the start of a new era of human history (see Hardt and Negri 2000 and Negri 2003 for the major development of such a perspective; also, for one criticism, see Kapferer 2002).

The New Leviathan, since September 11, has of course ideologically legitimated itself as an agent of peace and universal democracy. War is justified as a means in the last instance for creating peace within the horizons of the imperial reach of Empire, which in the understanding advanced by Hardt and Negri is globally all-encompassing. Effectively, the United States under Bush has expanded the notion of the state as a domain of peace. Furthermore, it has ideologically resolved the paradox of the democratic state as realized in ancient times (that democracy within the state may necessitate war beyond it) by expanding its aims of democratization to all those within the global region of its influence. In this orientation democratization and Human Rights may be seen as ideological instruments for the perpetration of war and ideological methods for the legitimate incorporation of other states and societies within a

“new global order” of Empire. The argument of Hobbes could be seen to have been innovatively reissued with the exception that this state order is not necessarily based on one commanding ‘monarchical’ center. As Hardt and Negri argue, developing on Foucault, this postmodern Empire distributes a highly differentiated power (political, financial, and media) across a number of different centers. I note here that the formation of the state in what was to become the U.S. was constituted in conscious rejection of European models. De Tocqueville is one significant early commentator on this fact. The U.S. was already postmodern from the early days of its conception and development. It was constituted in conscious opposition to European monarchical forms and ideally sought to distribute governmental power to its citizenry. The Behemoth of the state was a submerged and distributed force. In many respects, the political and social theories that have emerged apace in recent years from within its borders might be seen as ideologically internal to its postmodern imperial interests. This is so for even many otherwise positive dimensions of a largely North American postmodern anti-nation-state attitude (the language of Rumsfeld’s war-speak during the Iraq conquest was scattered with postmodern cultural studies-like phraseology).

The emergence to relatively undisputed dominance of the U.S. (perhaps only momentary, for as Arrighi (1994) and others suggest the current situation may express a new crisis in the organization of capital which may place an ultimate limitation on U.S. hegemony) and other global social economic extra state forces (e.g., the emergence to sovereign power of corporations, but nonetheless dependent on state regulatory controls, particularly those centered in the U.S.) are major factors in subverting the sovereign power of other states. I hasten to add that the U.S. is far from the only factor.

The postcolonial independence of many nation-states was often a superficial phenomenon disguising their continued colonial dependence by other economic and political means. Within the colonial field there was a diasporization of elites into colonial centers and these often reproduced their local national domination through vital extra national links established in the colonial era and further propelled in postcolonial times. Particular wars have been fuelled in the relatively abstract ideological commitments not only of persons exiled as an immediate consequence of civil war but by expatriates more voluntarily absorbed into dominant political and economic metropolitan worlds. (The circumstances surrounding the enduring ethnic conflict in Sri Lanka are one example.) Local oligarchies formed in colonial times or systemically replaced in the formation of postcolonial revolutions and dictatorial coups often expanded their powers (and external involvements) in the inter-Imperium years. These contributed to the collapse of states or their fragmentation in civil, often ethnic, strife, both the rapaciousness of local oligarchies and the general failure in economic and social mechanisms of redistribution being further factors.

But to return to an earlier point. The widespread failure of states or the intensifying autocracy of their ruling oligarchies (and, as well, the patterns of ethnic and religious resistance as aspects of state failure) are not to be seen as

some kind of Hobbesian reduction, least of all an essentializing that sees violence as psychologically intrinsic and endemic to human kind. Their internal wars most often follow structural fault lines constructed in and through modern state formation. These on occasion are fuelled by ideologies, sometimes related to earlier state formation or other preceding social orders, reinvented or given new significance in contemporary state fragmentation and in attempts to renew modern state hegemonies. Such ideologies—reinvented as they may be—give form and destructive passionate direction and shape to the human destructiveness. This is exemplified in numerous devastating events of human destruction such as Stalinist pogroms, the Holocaust, and more recent Cambodian, Yugoslavian and Rwandan genocidal atrocities.

Nonetheless, Hobbes still lingers. For most arguments see the internal state, civilian focused wars of current realities as largely a function of states in decline or in threatened or weakened condition. The violence of the state against armed civilian populations (enabled by a global arms trade often facilitated from dominant centers) is, in Weberian-style, a struggle for the legitimate control over the machineries of violence. States, furthermore, are engaged in strife concerning their sovereignty vis-à-vis their civilian populations. Conceived as sovereign wars the destruction itself displays the character of the sovereign, hidden in a Hobbesian orientation, but integral within a great variety of state formations.

## Wild Sovereignties

Agamben (1998) has most recently been concerned with the issue of sovereignty, exploring its history from ancient times to the present. Similar to numerous other approaches in anthropology the sovereign is an externality, an outside, a constitutive force outside the orders, and their moralities, that are sovereignly constituted. The sovereign is a wild power, often the vital dimension of its divinity (numerous Roman emperors might be examples), which defines itself in its free unconstrained capacity to act independently of the rules it institutes. This sovereign power is conventionally exercised against persons defined as themselves outside the sovereign order. Sovereignty in other words is that externality which asserts itself unconstrainedly against another externality.<sup>1</sup> (This externality, like the sovereign, is defined as an asocial, amoral being—in Agamben's analysis, "bare life" and beyond the protection of the sovereign order, open to being killed with legal and moral impunity.) The process of asserting sovereignty, of becoming sovereign, and perhaps especially in situations when sovereignty is in dispute, gives rise to its destructive, wild potency, and, most importantly, the creation of a domain of bare life upon which sovereign powers or their agents can demonstrate their sovereign power—that instituting, originating power which is outside all constraint (the constitutive force of the sovereign). Foucault operates a similar argument in his discussion of the regicide which marks the historical disjunction between centralized power and the emergence of the distributed, diversified power of modernity. Agamben

argues for a stronger continuity in the wildness of the sovereign, of sovereignty (a continuity in difference, somewhat akin to a Deleuzian perspective and evident also in Foucault) demonstrating its marked reemergence in modernity. The examples are legion: the situation of Jews up to and including the Holocaust, of Romanies even today, of Palestinians in the West Bank and Gaza, of Tutsi and various other African populations, the prisoners in Guantánamo Bay, and those in refugee camps in Australia, Europe, and elsewhere. The War on Terror has created the space of Islam not merely as a domain of threat but as a region vital to the demonstration of the emergence of a new constituting global sovereign power: spaces of legitimate human destruction. All of these domains mentioned may be conceived as regions of bare life (what Agamben describes as the “homo sacer” of Roman conception), whom the law does not protect and who become the subjects of unconstrained sovereign power.

The resurgence of wild sovereignty (or what otherwise is disguised in the ordinary, even benign and protective, appearance of sovereign power) is most apparent in its contestation or dispute or in moments of the transformation or transmutations in the orders of power, for example, in the emergence to virtually absolute global domination of a relatively new political economic formation such as the Empire centered on the U.S. The rejection of the general international authority of the UN and especially of the War Crimes Tribunal at the Hague is a refusal of the subjection of sovereignty to the authority of the law, sovereignty constrained which is the negation of sovereignty. Something similar might be detected in the maneuverings of Blair and Bush around attempts to limit and subordinate sovereign power to the rule of law. I refer to the attempt to reinsist Nuremberg and constrain the danger of the sovereign power of nation-states to the encompassing authority of the law. In effect to negate a vital possibility of sovereignty which both Bush and Blair have gone to great lengths to reassert. The power of the state, reconfigured in the emergence into Empire, reasserts a wild sovereignty as integral to the process of establishing a different constellation of control, order and morality.

## **Distributed and Deterritorialized Sovereignities**

Of course, the global situation is a context of distributed sovereignities. Corporations are in many respects state-like structures. This was apparent in earlier colonial times (e.g., the East India Company) but contemporary transnational, deterritorialized, cyber-linked, corporations are increasingly asserting a sovereignty independent of state orders. Their wildness (manifested in corporate scandals) is being constrained within the rule of law acting in the interest of state sovereignty, but increasingly the law relating to the sovereignty of the imperial center rather than states in dependent or subordinate position to the power of Empire.

I am suggesting that corporate power is interestingly distinct (if not separate) from state power, though on the surface sharing some similarity (therefore

state-like and often having what Trouillot 2001 calls state effects). Corporations have the character of war machines in the sense of Deleuze and Guattari (1987). That is, they are rhizomic, spreading laterally through a number of nodal points. These points operating quasi autonomously, themselves providing new centers that may cross-cut into other organizations. The intersections and spread are often so complexly interwoven (as in the distribution of board members through a number of apparently distinct companies) as to yield a politics and structure of responsibility that is often more opaque than it is transparent. Overall the political dynamics of corporations are to be separated from that of states no matter how much neoliberal programs appear to be transforming states into a more corporate (managerial rather than bureaucratic) form as in the privatization of state bureaucratic function into NGOs or QUANGOs. (Wedel 2001 describes as a “flexi system” that evolving NGO pattern of the same personages to hold position in different organizations often with competing interests.) I note that states continue to be territorially based (even if moving beyond national/ethnic definition) and confronted with the problematic of popular legitimacy which in dominant metropolitan regions appears to be resolved once more at the ideological level: for example, in a fetishism of democracy and individual rights coupled with an intensification of technologies of control and surveillance—indeed ultimately an anti-democratic move.

The emergence of corporate sovereignty, the wildness of this particular kind of sovereignty, is most evident at the peripheries of powerful state orders or at the increasingly controlled ‘inner defenses’ of Empire (including the expanding European Community). Here the capacity of corporations to subvert state orders and institute their own regimes of war and violence is most apparent (e.g., in various parts of the ex-Soviet Union, in East and West Africa, etc.). Paramilitary organizations usually outside any state control are increasingly the organizational-form-for-war that is closely tied to an expansion of corporate sovereignty.

While I have drawn a distinction between state and corporation it should be stressed that the latter is often, as in the past, a key force in state or imperial expansion. Corporations are agencies in economically dependent areas in subverting local state controls and frequently drawing subject populations into violent confrontation with state agencies (the overtly responsible bodies which may have little regulatory power over corporate bodies). There is a growing pattern of corporate atrocity against subject populations (as well as state violation). This is manifest in increasing ecological and environmental destruction (affecting the routine livelihood of already impoverished populations and causing mass death, e.g., Bhopal) as well as corporate involvement in action that is directly in contravention of Human Rights. One further effect of this is the corporate undermining of the sovereign power of states which in turn gives rise to the unleashing of the wildness of state sovereignty. Additionally such subversion contributes toward a form of structured chaos at the peripheries. This opens the way both for greater corporate intervention as well as creating domains for apparently legitimate imperial military intervention.

A contrast can be usefully made between current imperialist moves, on the one hand, and that of earlier colonialism coming out of the European imperial expansion, on the other hand. The present imperialism does not involve the resettlement of populations from the center to the periphery, rather an acceleration of a reverse movement of populations from the periphery to dominant metropolitan centers. This is generally not of the poor and the depressed (often enslaved or indentured) needed for labor exploitation at industrial centers, as was the case in earlier centuries, but instead a movement of members of local elites and the educated and technically trained to service the managerial and scientific/ technical postindustrial establishments of the dominant orders. Such a migration characterizes the postmodern, postcolonial era; has weakened peripheral or dependent states; and is further contributing to their crises and formations of violence.

However, of possibly greater significance is a change in the nature of imperial control. Joxe (2002) notes a shift away from a doctrine of ordered, pacified colonial or imperial territories (*Pax Romana*, *Pax Britannica*) to an imperialism that has no such direction. Indeed, he suggests that the strategy of control in the outer regions of imperial interest is one of low intensity warfare rather than peace. This involves little expense (such as in the establishment of a long-term colonial administration), and deflects local resentments onto puppet regimes (as in Afghanistan and probably in Iraq). If and when these high tensional local regions uncontrollably flare-up, they can be reregulated or made submissive once more by limited, and short-term interventions by small well-trained and technically equipped forces controlled by the agents of Empire (Liberia, Sierra Leone, Haiti, the Solomons, etc.). In other words, the new form of imperial rule is a major factor in the perpetration of war and violence as its very means of control. Peace is no more the ultimate objective of order. Order and chaos are functionally intertwined.

## The Essays

The overall aim has been to include a diversity of material from different analytical standpoints and positionings within global processes. They open with Allen Feldman's exploration of new strategies for the reproduction of American sovereignty, shifts in policing, and especially innovations in surveillance. This contribution and Brown's, on the further development of the American ideology of the family as state discourse having major implications for a global politics of aggression, are visions from the inside. Lithman presents a European perspective concentrating on the internal divisions within Europe exacerbated as a function of the Iraq war. He discusses, with specific reference to the EU, the historically developed contradictions in Europe connecting the state to war and the effort to transcend them. Nordstrom examines the diverse practices of what might be called mafia economies, which are increasingly becoming the social-economic formation integral within Empire and in many ways informing both a politics of

domination and giving form to patterns of resistance and new forms of state-like potencies connected to what Rigi terms “chaotic domination.”

Ifeke, concentrating on West African materials, explores corporate involvement and especially the role of the oil companies in escalating violence, government crime, and ethnic war. Similar themes are present in the contributions that follow. Leif Manger focuses his concern on the long-drawn out war in the Sudan and the move to a precarious peace. He concentrates on the particular nature of the state itself in the circumstance of Empire and the role of new bureaucratic/managerial institutions in complicating the process toward peace, even playing a role in its subversion. Manger demonstrates the importance of examining the complication of the integration of particular states within large extra-state networks and how in the Sudan case this might militate against a successful peace.

Moksnes and Raman examine the situation of minorities in the circumstances of neoliberal economics. They demonstrate for different groups (the Chiapas resistance in Mexico and the *adivasi* resistance in Kerala) how global forces acting to transform the state bring dominant powers within the state into violent confrontation with depressed groups. Taylor presents an important argument on the dreadful human destruction in Rwanda. Like Moksnes’s, his is a culturally sensitive argument too easily ignored in those modernist/post-modernist invention-of-tradition perspectives. Taylor demonstrates the force of cultural metaphors, the significance of the cosmological embeddedness of modern nationalist politics, in the formation of the postcolonial Rwandan state and its move to genocide and beyond genocide.

The final contributions (Rigi, Bowman, and Lofving) concentrate on the effects of new imperial formations. Rigi explores the situation of Chechnya and the chaotic order of its processes and the Russian state against who it is aligned. Here are new forms of wild sovereignty. Bowman and Lofving examine the relative uniqueness of the Israeli state whose sovereignty is of a distinctive territorial/deterritorialized kind. Paradoxically the boundaries it erects are boundaries that deny the sovereign claims of others, particularly Palestinians. Israel, of course, has struggled to achieve its recognition and this struggle has often involved its intervention in the sovereign struggles of others. This it has often done in covert paramilitary fashion an issue which Lofving explores.

All the contributions are intended to extend toward further discussion and demand consideration of the many directions state and other political forms are taking in contemporary realities and the development of new formations of war and violence.

## NOTES

1. Agamben's argument has many other parallels. I note especially its similarity to Louis Dumont's (1980) argument concerning the caste hierarchy of India, whose order is sustained by the relation between two externalities, Brahmin and untouchable. Effectively, the Brahmin gives sovereign impunity to those within the order constituted by the Brahmin to act, often violently and without redress, against untouchables. But others have argued along similar lines and are especially relevant in relation to my discussion of 'wild sovereignty': I refer, for example, to the excellent discussion of the wild sovereign in Luc de Heusch's *The Drunken King or the Origin of the State* (1982). Much other scholarly work in anthropology is relevant also, such as that of Hocart and, most recently, Sahlins, to mention only two. A general import of such perspectives that should be noted is the move away from the position of Rene Girard, whose study of sacrifice and violence is set very powerfully within a dominant Christian cosmological ethos of the king being a victim (the bearer of communal violence) rather than its progenitor. I comment that the king or state as victim is very much the tenor of current ideological legitimizations for war expressed in U.S. and U.K. state-ideological discourse.

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