War and peace in Europe: a liberal perspective

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Introduction

The wars in former Yugoslavia, but most particularly the Kosovo intervention of last year, confronted Europe with the task of acting as a regional policeman. That function is difficult in practice and in theory, as the Europeans are not the first to discover. A few years ago, South Africa faced the thorny task of reestablishing order in Lesotho; Nigeria has been policing its region for years – with mixed results; India meddled in Sri Lanka, and failed; Russia got drawn into the troubles of Georgia; and the United States has been involved in the Caribbean any number of times. These interventions raise problems of various sorts, and their legitimization is especially difficult.

How can Europe legitimize such a role? And how can this be done from a liberal perspective? That is the question I have been asked to answer, and I will proceed in three steps. I begin with a presentation of the classical – and highly illiberal – European conception of war and peace. Then, as a second step, I go on to discuss the UN conception that, one tends to forget, was conceived by Wilsonian liberals. The presentation will end with a liberal analysis of the European predicament as a regional policeman.

Looked at from a liberal perspective, the predicament has a political dimension. Liberals, in contrast to communitarians or nationalists, conceive of man as having multiple political identities: Liberal man can at once be Catalan, Spanish, European, and a citizen of this world. As an individual, man is part of many collectivities, has various political allegiances, and cannot be segregated at any one level of social reality, be it local, national, or regional. \(^1\) In short, the liberal conception of man is inclusivist and not exclusivist. When it comes to fighting wars, liberals prefer to act on all levels at once. In the Kosovo War, this proved to be impossible, because the UN Security Council was blocked. Europeans were left with the choice of acting only at the national and the regional levels. It was a novel experience, and from a liberal perspective, not an entirely happy one. Europeans – conceived of as liberals – cannot do without the universal arena.

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Part I - The Classical European Conception of War and Peace

Until the middle of the 20th century, Europeans considered war to be normal, natural, legal, neutral, and rational. War was normal in the sense that it constituted the rule and not the exception. States went to war frequently and for many (frivolous) reasons: on dynastic, religious, and national grounds, and at times to maintain the European balance of power. Whatever the reason, peace was never an official foreign policy goal; it was at best a period of calm and stability between two wars.

War was considered natural, because it was a fact that could not be changed. War was given in “nature,” in the nature of the international system, the nature of the state, and also in human nature. This was a rather fatalistic conception of political life, but it accorded with the prevailing conservatism in all walks of life.

In the classical scheme, war was a sovereign right and therefore legal. Traditional international law permitted and regulated interstate conflict. It stipulated how wars had to begin (ius ad bellum), the manner in which they had to be conducted (ius in bello), and how they should end (law of diplomacy). A state had to declare either war or neutrality; it was supposed to abide by certain conventions that, for instance, respected neutral ships or prisoners of war; and it was meant to negotiate a truce or a final settlement. The Geneva Red Cross and the Hague Conventions are expressions of these rules and the aim to “humanize” war.

Because war was normal and natural, it was neither moral nor immoral – it was neutral and a simple legal fact. No one condemned states for going to war, and the concept of “aggression,” implying an illegal act of initiating war, did not exist. As Clausewitz said, war was nothing but the continuation of politics by other means. War was also seen as a rational act. States were said to profit from war – the calculation of costs and benefits was considered to be (mostly) in their favor. States were born in war; it gave them their reason for being, promoted their well being, fostered inventiveness and science, developed technologies, and stimulated the economy.

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So much for the classical European conception of war and of peace. Liberals disapproved of it, because they never considered war to be normal, natural, legal, neutral, and rational. In their eyes “statism” is not normal, because man lives in a pluralistic political world that embraces the communal, national, regional, and global levels of organization. People act in many arenas of social reality; as entrepreneurs they do business with locals, nationals, and foreigners. In his famous essay on “Perpetual Peace,” Immanuel Kant grants everyone the right of cosmopolitan hospitality.3 Man, defined as a human being, is neither exclusively Sicilian, Italian, European, or cosmopolitan. Social “inclusivism” is normal, social “exclusivism” abnormal.

Liberals also assume that it is normal for man to live in peace; conflict occurs, but it is the exception and not the rule. According to John Locke, man lived in peace before governments were set up, and the business of government was to maintain that kind of normality. Peace is part of human nature, and politics should not try to change that fact.4

Nature also provides man with rights, which implies that people have the right to make and unmake governments, to hire and fire rulers. If a ruler wastes the people’s tax money on aggressive imperial ventures, they not only have a right to resist but also to ask for a new “social contract.” This conception of politics is neither fatalist nor determinist, it is activist or, as some would nowadays argue, constructivist.5

Liberals also have a different view of legality. Law for them has two components: It must be authoritatively enforceable, but it must also be just. Justice has an individualistic and not a collective foundation; it must serve the individual before it serves the collectivity. It is the duty of the state to enforce such law, because without enforceability law is merely an expression of ethics. Law, therefore, has a normative and a positivist side, and the latter should be in line with the former. The state, in domestic and foreign policy, must do more than follow the law of the “stronger” or of the “fittest;” it has to abide by the “rule of law” as liberally defined.

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Liberals, therefore, see no need for neutrality. Wars are moral when fought to defend individualistically based law, but they are immoral when serving other purposes. The liberals at times also borrow from the medieval and Christian conception of a “just war” (bellum iustum). War can be ethical or unethical, depending on the purpose and the means involved.

Liberals also have a specific conception of rationality. War may at times be a regrettable necessity, but it does not constitute a justification for creating a state, and it certainly makes no sense economically. Mercantilist business might prosper from war, but for most producers and consumers it entails loss. War promotes the wrong kinds of science and technology; it stimulates the development of useless industries and the formation of military-industrial complexes. Most of all, it bankrupts the public treasury. In short, war is a negative-sum game, and it results in impoverishment and the decline of entire nations.

Let me conclude this first part by emphasizing that liberals were not surprised when the classical European system ran itself into the ground. In two world wars, the countries of the Old Continent ended up in exactly the kind of misery that the liberals predicted. Dean Acheson, secretary of state under President Truman, referred to the wars as “European civil wars” – and he was right. It was, within one generation, a massive act of self-destruction of a culture that had more to offer than “statism” and war. The European political heritage is ambivalent, and in the first half of the 20th century the dark side had the upper hand.
Part II - The United Nations Conception and the Cold War

If the classical conception was profoundly illiberal, then the conception of war and peace prevailing within the United Nations is close to the liberal ideal. Except for well-defined instances of self-defense, war is no longer a sovereign right of states but the business of all UN members, and particularly of the Security Council. In effect, war is being outlawed, and the term “war” is not even used. Instead, the Charter speaks of “coercive measures,” and these, when instituted by the organization under Chapter VII, are considered to be legal and the expression of a just cause (bellum iustum). Since the goal of the United Nations is the maintenance of universal peace, war is no longer a normal occurrence, and neutrality is not a normal policy either. It is considered normal for states to act collectively in the application of “measures” and “sanctions.”

Obviously, from the viewpoint of the United Nations Charter, war is not a phenomenon inherent to human nature, to the nature of politics, and to the anarchical structure of the international system. Politics is not a fatalistic realm of human activity. Man has the ability to negotiate contracts at the national and the international level and, most important for liberals, these must entail the construction of institutions at all levels of political reality. Without permanent bodies permitting the formulation of policy and their forceful application, the liberal conception of a peace is incomplete. John Locke assumes that as a rule man is peaceful and rational, but to handle occasional deviations from the rule, the enforcement of law is a necessity. Law insufficiently backed by force is not a liberal ideal.

For true liberals, the Lockean model applies both within and among states, and that is why the Security Council is so central to a liberal understanding of international peace and justice. Kant, of course, saw things differently. He saw no need for international organizations of any kind, and he certainly did not conceive of collective security.\(^6\) Kant thought that constitutional republics – in contrast to non-constitutional monarchies – would spontaneously coexist in peace. That idea is more pacifist than liberal! Collective security has its roots not in Germany,

\(^6\) The Kantian ideal is today identified with the theory of “democratic peace”: see Michael W. Doyle, “Kant, Liberal Legacies and Foreign Affairs,” in PHILOSOPHY AND PUBLIC AFFAIRS (1983), 12/3, pp. 205-35.
but mainly in Britain and France, and it was Woodrow Wilson who included the idea in his famous 14 Points.\footnote{Theodore P. Greene (ed.), \textit{Wilson at Versailles}, D.C. Heath & Co., Boston, 1957.}

Wilson was an exponent of the \textit{progressivist era} in American politics. He had a strong belief in scientific, technological, and economic progress, but he also advocated an activist and interventionist state that would rid the economy of monopolistic tendencies and the “interests” tied up with them. Interest groups not only distorted the market economy; they also tended to promote war and to profit from its pursuit. Wilsonian liberalism should not be confused with laissez-faire and with the neo-liberalism of today.

The New Deal with its Keynesian features was an expression of the same type of “progressive” liberalism, but Franklin D. Roosevelt was a much more resourceful politician. Where Wilson had failed, he triumphed, at home and abroad. FDR wanted the United Nations and, most of all, he wanted the United States to be a leading member – and he succeeded on both accounts. Roosevelt and his successors even managed to export the New Deal.\footnote{John Gerard Ruggie, \textit{Winning the Peace. America and World Order in the New Era}, Columbia University Press, New York, 1996; John G. Ikenberry, “Institutions, Strategic Restraint, and the Persistence of American Postwar Order,” in \textit{INTERNATIONAL SECURITY}, 3/23, 1998/99, pp. 43-78.} Institutions like the World Bank, the International Monetary Fund, and the Organization for European Economic Cooperation (now the OECD) are examples of this effort. Like the United Nations itself, these organizations were meant to promote peace. From a liberal point of view \textit{institutional multilateralism} plays a central role in the promotion of peace.\footnote{John Gerard Ruggie, "Multilateralism: “The Anatomy of an Institution,” in John Gerard Ruggie (ed.), \textit{Multilateralism Matters, The Theory and Praxis of an Institutional Form}, Columbia University Press, New York, 1993.}

During the Cold War, the UN institutions did not perform as expected. Given the ideological antagonism between East and West, the Security Council was paralyzed on most issues. Balance of power politics were again in fashion and now included the management of the nuclear balance of terror. The Neo-Clausewitzian “realists” were running world affairs, and their chief academic exponent was Kenneth N. Waltz, professor of political science at the University of California at Berkeley.\footnote{Kenneth N. Waltz, \textit{Theory of International Politics}, Random House, New York, 1979.} His brand of “structural” realism was an adapted version of the old European model.
When the Cold War finally ended, some “neo-realists” predicted that Europe would return to its old habits. To “satisfy” the newly united and potentially hegemonic Germany, and to balance the nuclear situation in Europe, neo-realists held that Germany should be equipped with nuclear weapons. From this perspective the disintegration of Europe, and the corresponding dismantling of NATO, was normal, natural, and rational – as would have been the next war between Germany and its neighbors.¹¹

Fortunately, the “realist” understanding of European politics turned out to be unrealistic on German unification, on European unification and, most particularly, on the situation in the Balkans. Had the Europeans acted in line with their tradition and according to “neo-realist” recommendations, an intervention in Yugoslavia would have been unlikely. Milosevic’s idea of a Greater Serbia did not directly affect the security interests of any European power, and certainly not those of an “enlarged” Germany. Serbian regional hegemony might have disturbed the European “balance” in the long run, but it did not do so between 1992 and 1999.

By historical standards, such conflicts were normal, natural, and rational, and classical international law permitted a stance of neutrality. Luckily, only the Swiss and the Austrians chose, in part, to pursue that path.¹² The rest of Europe refused to act in the spirit of traditional statism based on narrow national self-interest. The members of NATO and the European Union lived up to the expectations tied to their community. Tolerating the brutalities of Serb nationalism would have been a terrible blow to the idea of Euro-Atlantic partnership and would have sent the wrong signals to the enlightened elements in the Balkans and in other parts of Europe.


Part III - Opting for Second Best

Needless to say, the strategy pursued by the Europeans and their American partners was anything but ideal. From a liberal perspective, the Kosovo intervention should have rested on the cooperation of actors at the global, regional, and national levels. The United Nations provides the best platform for legitimizing military action; NATO is a regional organization with a working military-institutional framework; and the individual member states can provide the actual fighting units.

Unfortunately, the UN Security Council was blocked, NATO suffered from the inability of the European Union to carry its share of the burden, and the actual fighting rested mainly on American shoulders. Liberals, therefore, cannot be content with the approach that was pursued, and it was the lack of global legitimization that hurt them most.

The liberal need for legitimization has philosophical roots. As shown, the Lockean argumentation rests on a universal definition of human nature. All people, irrespective of culture or nationality, have identical rights and deserve “human” treatment; the use of violence, however, is by definition “inhuman.” It can only be justified if the exercise of violence itself is guided by law and, most importantly, if it is decided upon by the proper authorities. What, however, are the proper authorities once the Security Council is paralyzed? The liberal finds himself in a veritable dilemma.

After the end of the Cold War, it appeared that the Security Council would no longer be blocked by the veto power of its permanent members, and the Gulf War of 1990-92 seemed to confirm this impression. Unfortunately, the action in Somalia showed the limits of United Nations effectiveness, and from a European point of view, the performance in Bosnia was particularly depressing.

The mandate of UNPROFOR (United Nations Protection Force), originally set up to protect the areas “liberated” by the Serbs in newly independent Croatia, was expanded to include humanitarian missions inside Bosnia. While the blue helmets managed to accomplish some of their functions, they could not restrain the local Serbs from pursuing their goal of ethnic

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cleansing. Under the nose of Dutch peacekeepers, 5,000 Muslims were massacred at Srebenica; and it must not be forgotten that over 50 European peacekeepers died between 1992 and 1995. From a European point of view, UNPROFOR was a performance not to be repeated.

When Milosevic put the pressure on Kosovo, the United Nations once again became involved. Various resolutions under Chapter VII of the Charter were passed, but the threat of a Russian veto prevented the massive use of force. The Russians argued that Kosovo was an integral part of the Federal Republic of Yugoslavia and that the United Nations lacked the authority to violate the sovereignty of one of its members. That argument had once been valid, but the interpretation of the UN Charter has evolved in recent years. Both in the case of Somalia and of Haiti, the Security Council had decided that the gross violation of human rights constituted a threat to “international peace and security,” therefore permitting the UN to intervene. The threat of a Russian veto made the application of this new interpretation impossible, which, from a liberal point of view, was particularly disappointing.

As part of their second-best strategy, NATO and the Europeans were left with the unpleasant option of “legitimizing as you go.” It was a precarious venture that could only succeed if force was judiciously applied. A regional policeman operating within an imperfect setting must be careful not to destroy the ends pursued by the means chosen to fight. Liberal experts of international law cite a number of criteria that must be observed in such cases:

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14 Urs Saxer, Kosovo und das Völkerrecht. Ein Konflikmanagement im Spannungsfeld von Menschenrechten, kollektiver Sicherheit und Unilateralismus, Basler Schriften zur europäischen Integration, 42/43 1999;

15 To legitimize NATO action at the universal level, some advocated unilateral action based on Article 51 of the Charter, which permits self-defense “until the Security Council has taken measures necessary to maintain international peace and security.” Most experts advised against such a step, however, because the argument rests on shaky grounds.

16 Neo-liberals like James Buchanan argue that there is a rational way out of the Hobbesian dilemma. At a certain point in the fight, so their reasoning, the two sides realize that further conflict impoverishes all. The warring parties consequently decide that it is in their self-interest to stop the fighting, to go to the negotiating table, and to set up joint rules permitting the peaceful production, exchange, and consumption of goods. The argument is valid when actors exhibit a high preference for material well being, but that is often not the case. If it were, economic sanctions would normally do the trick. But sanctions had been tried by both the United Nations and the European Union, and Milosevic did not appear at the negotiating table. See G. Brennan and James M. Buchanan, The Reason of Rules, Cambridge University Press, Cambridge, 1985.
(1) fundamental rights have to be at stake,

(2) the Security Council must demonstrate its inability to act,

(3) all non-military means must have been tried,

(4) force must be exercised collectively,

(5) the means chosen must be proportional to the ends pursued,

(6) the political solution must be in accordance with the UN Charter.¹⁷

In the case of Kosovo, four of the requirements are uncontested. There is little doubt that fundamental rights were at stake; the findings of the monitoring mission by the Organization for Security and Cooperation in Europe (OSCE) confirmed the massive violation of human rights (1). The Russians never exercised their veto power within the Security Council, but they publicly announced their intention of so doing (2). Before deciding on the use of force, numerous diplomatic solutions had been tried, amongst them the OSCE mission and the Rambouillet talks (3). The political solution that was eventually implemented received the full backing of the UN Security Council (6).

Whether the fourth and fifth requirements were met is debatable. NATO is unquestionably a regional security organization of long standing and has a membership that covers parts of Eastern Europe and portions of the Balkans. It does not, however, include the Federal Republic of Yugoslavia and is therefore not an organization of regional collective security, as is the OSCE. Given the earlier involvement of the OSCE and its structural inability to apply force, the exclusion of this organization was inevitable, however.

The proper involvement of regional organizations is never easy. The United States has at times managed to get OAS support (Organization of American States) when intervening in the Western Hemisphere, but at other times this has proved to be impossible. South Africa claimed that its intervention in Lesotho was backed by the SADCC (Southern African

Development and Cooperation Conference), but the claim was of questionable value. The same was true of Nigeria when it intervened in Liberia. ECOWAS (Economic Community of West African States), on whose behalf the Nigerians claimed to act, is not a security organization, and the approval came only after the Nigerian intervention.

In Kosovo the most serious problem was the operational side of the war. Instead of a bombing campaign, many would have preferred a ground invasion. Whether this would have saved lives, as some claim, is another matter. To get adequate ground forces in place and to overwhelm the Yugoslav army in Kosovo would have been time consuming, and it would not have stopped Milosevic from pursuing his lethal strategy and from trying to destabilize the Southern Balkans by producing hundreds of thousands of refugees. Whether the country’s infrastructure would have suffered less is also uncertain.

We know that the Kosovo problem should have been tackled much earlier; prevention is always preferable to intervention. It is also an ungrateful task to now administer Kosovo, both from a civilian and a military point of view. It puts the NATO claim of legitimacy to a severe test, because the Kosovars themselves will to a large extent determine the rightfulness of the venture. If they choose to pursue an exclusively nationalist path, the liberals will have failed.
Conclusion

The establishment of any new political entity, be it a state or a regional union, is accompanied by the creation of a new political identity. Unfortunately, this can also imply new forms of exclusivism, and in Europe it could mean the construction of “Fortress Europe.” Such a development could be harmful when the next crisis at the fringes of Europe has to be managed. To forestall this, European liberals must undertake strenuous efforts to be inclusivist. It is especially important not to lock Russia or Turkey out of Europe. When another European crisis is debated in the Security Council, Russia should have no reason to use its power of veto, and Turkey should have no incentive to blackmail Europe over Cyprus. This might also improve the functioning of the OSCE, an organization that would be of great help in the legitimization of another conflict.

Let me close by emphasizing that in presenting the liberal conception of politics, of war, and of peace, I do not mean to imply that this is the only valuable philosophy. Most Bosnians and Kosovars are Muslims, and liberalism has close ties to republicanism and to Christianity. I am not a specialist in these fields, but looking at the broad spectrum of social ethics, it appears that national exclusivism is a problem that transcends Western culture. Iran is ruled by fundamentalists, but there, too, people seem to be groping with the difficulty of defining politics that combine individualistic freedom and public order. I lived for three years in a Bantu culture, and based on my experience, the tensions are similar. Cultural differences exist, but that is no justification for outright cultural relativism. If Europeans want to overcome their past, they must shape a continent that can accommodate traditions of various types.