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Human Rights A Source of Conflict, State Making, and State Breaking

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When the George W. Bush administration justified its invasion of Iraq by appealing, belatedly, to the need to liberate the Iraqi people from the oppression of Saddam Hussein, it was making a normative argument based implicitly on universal human rights. This was a dramatic recent occasion when rights arguments have been used to legitimize the use of arms by the United States or other nations and movements. Much of this book focuses on the problem of trying to enforce contemporary international legal standards for human rights during the course of intrastate violent conflicts, in which the combatants usually and often deliberately inflict violence on noncombatants. The volume also deals with the problem of bringing past violators to justice after a war. The practitioners who must deal with these problems in countries in conflict are obviously correct to seek ways to mitigate them. Ellen Lutz's chapter presents an excellent starting point. However, these problems are embedded in a much larger and more fundamental global-historical process, whereby human rights principles themselves and the values that they seek to legalize often contribute to conflicts over state making and state breaking. Differing human rights come into conflict with one another, and the principles and discourse of human rights themselves can contribute to violent conflict. Human rights are not simply something that may or may not be abridged or enforced amid a conflict; they are often what the conflict is about.

By arguing that human rights can be part of the problem and not always a solution, I do not mean only that gross human rights violations by oppressors often trigger violent reactions from the oppressed. That is one

way in which conflicts arise. More fundamentally, interstate and intrastate conflicts often have been *clashes between differing societal and international normative orders*—between a status quo order and a rival new order—and thus between the competing entitlements and rights that the antagonists each claim are inalienable under these respective contending orders. Conflicts frequently arise when major changes in the prevailing political rules that govern the social, economic, and political relationships in a society are occurring but are also contested and resisted. Conflicts are waged not simply between forces promoting rights and forces denying rights, but between differing notions of right and of rights.

This reality requires focusing on a broader challenge for U.S. and international policy and practice that goes beyond promoting current human rights standards within violent contexts. The challenge involves the reconciling and balancing of competing notions of rights when old orders are giving way to new ones in the *first* place, so that the tensions and disputes that arise do not lead to the outbreak of violent conflict but instead result in peaceful change. Put another way, it involves deciding whether our priority in other peoples' countries is to safeguard one of the most fundamental human rights, the right to life—security against physical threats due to social conflict—or to promote civil or other rights, which can lead to disorder and death if the social change is not managed.

In her passages about the differing perspectives on human rights held by conflict protagonists, intervenors, and victims, and about the American Civil War and recent conflicts, Lutz recognizes that human rights can drive conflicts. But that discussion can be usefully nested within the broader perspective of globalization and state and nation building that is developed in the following section. By the same token, although this book implicitly limits its focus to situations of active armed conflict or postconflict reconstruction and thus to the “middle” stages or “back end” of conflicts, the tensions between contending notions of rights, such as between peace and justice, also arise at the “front end,” whenever a society's social and political disputes and tensions initially have the potential to erupt into violent forms. The problem thus involves not only postconflict societies but also those where no armed conflicts have occurred recently but where they might erupt in the future. The conflict early-warning lists that are being set up by the United States, other governments, the United Nations, regional organizations, and nongovernmental organizations seek to identify where such violent escalations of hostilities, and state collapses, are most likely to occur. So these are the places where more attention needs to focus proactively on managing the tensions that arise between old and new normative orders and their competing sets of rights.

This argument that human rights can cause conflicts may sound like a gratuitously provocative, theoretical diversion from the more operational concerns of this book. But applying this perspective has very timely and practical implications for how the United States and other major international actors ought to approach the now-forming future conflicts, and the current concern about potential “failed states,” including the problem of dealing with “rogue” regimes such as Iraq under Saddam Hussein. The chapter’s later sections develop these policy implications.

The Globalization of Liberal Human Rights, 1500 to the Post–Cold War Era

To put in this wider perspective the contemporary dilemma of bringing a human rights agenda to intrastate conflict, it is useful to start by reviewing the role of human rights in past conflicts and, in particular, tracing the spread of the principles of liberal democracy as a basis for state making and world order.

Universal rights inhering in the members of a society go back at least to the Greek city-states and Roman law, but these ideas began to gain wide and lasting political influence after the Reformation of the 1500s and the subsequent formation of national states. Many of the violent conflicts of the next five centuries came about because new beliefs in the universal political, economic, or social rights of some aggrieved or awakening people—usually articulated by intellectuals, political and religious leaders, or other visionaries—were juxtaposed with these peoples’ status in an existing order. Wars were clashes between the putatively superior principles of a new order and the reigning principles of the prevailing order, fought because the aggrieved group often sought to overturn the existing order through violence.¹

The religious wars of the early 1600s, fueled by the Protestant doctrine that the relationship between individual believers and God can be mediated only by Scripture and not by the Church, were fought over whether local rulers had the right to choose which Christian persuasion their subjects would follow, or whether they would remain under the Holy Roman Empire. The Treaty of Westphalia in 1648 confirmed the victory of the former right and established a new order, expressed in the principle of *cuius regio, eius religio*. In the next four hundred years, as absolutist monarchs and nationalist leaders extended military control over certain territories, the major Western European states began to take the form we know today. The most powerful European powers of the time—Portugal, Spain, England, France, and the Netherlands—also exerted mercantilist dominion over far-flung colonial territories.

Within some of these powers, the Lockean notion was also emerging that the rulers who had unified their territories and established a central government had obligations to the national citizenry they thus created, and that those citizens had certain rights.² A government's right to rule existed, not by the prerogatives and power of a king or nobility, but solely through the freely given consent of the governed or some portion thereof, to whom the governors were accountable. Thus, the English civil war in the 1640s asserted the rights of citizens, through Parliament, to reject hereditary monarchs and their claims to embody the interests of the nation. In the "Age of the Democratic Revolution" of the late 1700s, revolts swept much of continental Europe and America (of which the American and French Revolutions were the most significant), advocating the inalienable liberty and equality of all mankind.³ Notwithstanding his personal imperial fantasies, Napoleon's military campaigns against the other European powers were justified as liberating the common man from the depredations of aristocracies. About the same time, almost all the Latin American countries achieved independence from their colonial masters. Similarly, nationalist uprisings in the nineteenth century against the Ottoman and Habsburg empires appealed to the awakening desires of newly conscious ethnic and regional communities in Eastern Europe and the Balkans to rule themselves.

As each wave of conflicts was fought, the notion of inalienable rights influenced and was adopted by leaders of later struggles and in other lands. Baronial rebellions against domineering kings, which gave rise to the Magna Carta, influenced the principles behind the English civil war. The American Revolution was influenced by political philosophers who had challenged rule by divine right of kings. In turn, the American Declaration of Independence influenced the French Revolution's Declaration of the Rights of Man. These revolutions' principles also shaped later populist movements within the independent states, such as workers' protests against the social dislocations produced by industrialization, and, eventually, women's suffrage. In the mid-twentieth century, indigenous leaders in Africa and Asia who advocated independence for the remaining and newly colonized societies there—leaders such as Kwame Nkrumah and Jomo Kenyatta—appealed to an assumed right of self-determination. Ho Chi Minh paraphrased the Declaration of Independence as he sought to oust the French from Vietnam in the 1950s.

All these political struggles or policy changes were animated by some notion of a popular will that embodies the aspirations of ordinary people and that must be served by political authorities. But as major powers experienced differing degrees, forms, and rates of industrialization and

democratization through the nineteenth and twentieth centuries, they varied greatly in how that popular will was voiced and where decision-making prerogative and power were vested for moving societies toward achieving it. In societies such as Great Britain and the United States, where constitutionalism became most firmly rooted, greater emphasis was placed on the rights of the individual to liberty and freedom from the restraints of the state. These nations' bodies of law continued to widen and deepen the individual rights that came along with being a citizen. Roughly speaking, civil rights such as the right to assembly were established in the eighteenth century, political rights such as suffrage were achieved in the nineteenth century, and social rights such as social security came about in the twentieth century.⁴ Sometimes these rights came about through the peaceful means of political demonstrations, elections, judicial decisions, and legislative action, but often they were pursued through violent agitation or even civil war.⁵

In contrast, late-industrializing states such as Japan, Prussia/Germany, and Russia experienced political takeovers that gave the state the major role in achieving social change, and these revolutions stressed collective rights such as the spirit of a nation embodied in the people as a whole or in a classless society.⁶ The Russian and Chinese Communist revolutions were guided by Marxist notions of rights of the working class being undermined through exploitation by industrial capitalism. Although launched in peasant societies against aristocracies, they advocated workers' rights over those of the aristocracy and bourgeoisie, delegating the pursuit of those rights to a vanguard of party leaders. Later, Marxist principles influenced Cold War-era insurgencies against landed oligarchies, such as those in Cuba, Nicaragua, Guatemala, and El Salvador. Though the Communist regimes established after revolutions emphasized social and economic rights rather than political and civil rights, they varied greatly in how much they actually benefited their populations' material conditions. Some impoverished rather than bettered their societies, doing worse economically than their capitalist counterparts. As seen in Stalin's gulag and in Ethiopia under Haile Mariam Mengistu's Dergue, such regimes often became more politically oppressive of the populace than the *anciens régimes* they had overthrown. Nonetheless, violent social revolution was advocated in the name of the people's universal rights to economic and social justice.⁷

By the 1930s, three divergent ideologies for organizing a society and the state to serve the rights of the people had taken concrete form in particular states and were vying for global influence: liberal democracy, national socialism, and Communism. But among these competing models, liberal democracy was to become the most powerful influence around the world.

The set of rights associated with political liberalism that were shaping the Western societies began to gain dominance globally, to a great extent because of their neo-imperialism in the late nineteenth century, the fact that their alliances won the two world wars over aspiring empires, and the increasing industrial and military power of the United States in particular. The United States' entry into World War I to help defeat an authoritarian government and "make the world safe for democracy" enabled President Woodrow Wilson to promulgate his Fourteen Principles as a vision for domestic societies after the war. The Versailles Conference applied some of these principles by carving the boundaries of self-governing new states out of old empires, based on the push for self-governance by various Eastern and Southern European ethnic populations who saw themselves as "nations." The early twentieth century also witnessed the coming into being of international bodies such as the League of Nations. In addition to setting up numerous international agreements such as customs unions and other multilateral and bilateral arms control and other treaties, these bodies endorsed popular sovereignty and extended the notion of sacred government obligations to the people in "protectorates" and "trust territories."⁸ Most dramatically, after their World War II alliance with Soviet Communism to defeat Nazism, the Allies applied their postwar power to establish global and regional international policies and institutions, such as the Marshall Plan, the UN agencies, and the Bretton Woods institutions. The principles affirmed in the UN Charter were inspired in part by President Franklin Roosevelt's wartime articulation of the Four Freedoms. The principles underlying these institutions' policies were based on the Allies' own domestic—and thus liberal—principles and policies.

Since World War II, as Ellen Lutz enumerates, a wide array of human rights have been codified as international norms, including the Universal Declaration of Human Rights and other conventions, which are expected to be followed by the signatory states. These agreements elevated to international status many human rights that the United States and other victorious liberal democracies had established as the ordering principles for their own societies.⁹ The norm of democratic self-governance obviously shaped the independence movements and decolonization process that started in the 1950s.

These international entities, accords, and norms also codified the increasing reality of an international system whose principal constituent part was the sovereign state.¹⁰ Despite the vastly different geographies and cultural makeup of humanity's social groupings, the almost universal form of organization that human societies were taking was not empires or local

communities but individual legally sovereign states, in which form the Western societies had crystallized. The UN Charter and its various bodies conferred equal status and often voting rights within an emerging global community on the states that were its members, whatever their relative size, wealth, or power.¹¹ As this state system came into place, particular peoples and societies increasingly could benefit from relationships with other societies by constituting themselves as a state, being recognized as such by other states and international bodies, and interacting with them as members of multilateral forums and treaties. The United Nations and other international organizations thus reinforced the state-centered basis of a world society and the rules of this emerging international order. The value of being recognized as a sovereign state explains why millions of people have been quite literally dying to get into those clubs by fighting for their own recognized governments, and the number of states has grown considerably. Simultaneously, the members' behavior has been influenced at least in part by the agreed-on international norms, treaties, and laws to which they were subscribing, such as the now generally respected prohibition against aggression.

Post–Cold War Conflicts: The Liberal Solution as Part of the Problem

The armed intrastate conflicts of the post–Cold War era, and potential future ones, are also usefully viewed through the lens of the global-historical process in which new rights are espoused to challenge existing orders, with such appeals motivating some parties to take up arms. What clashing systems of social order and rights have led to the bloodshed of post–Cold War intrastate conflicts?

At the level of principle, the Cold War had pitted against each other the liberal and Communist ideologies for governing, led by the two superpowers. In principle, political rights were promoted by the Western bloc and social and economic rights were promoted by the Eastern bloc. In practice, however, neither the United States nor the Soviet Union vigorously promulgated its particular canon of human rights. The West's inclination to extend liberal human rights was abridged because the global competition between the Soviet- and U.S.-led blocs put a premium on the two superpowers' lining up and maintaining proxy regimes on their respective sides. Both Soviet- and American-supported client governments often committed major human rights violations in the name of domestic stability. However, with the end of the Cold War, the opportunity opened up for the

West to promulgate liberal democracy and the existing body of internationally recognized human rights. By default, the collapse of the Soviet Union and other Communist regimes, and the consequent wide discrediting of their domestic socialist policies, rapidly led to liberal principles becoming the dominant global ideology for governing societies domestically. Although these norms are obviously still far from being fully respected, liberal values assumed the preeminent normative position from which the behavior of all states was increasingly judged.

However, that liberalism had won the global battle among the alternative governing ideologies did not solve the practical problem of dealing with the gross underdevelopment and chronic instability of the many developing societies in Africa and Latin America, now independent but still poor. To achieve loyalty and cohesion among their often disparate populations, Cold War-era postcolonial polities usually were ruled by various forms of personal rulership, cliques, interclan alliances, oligarchies, single-party systems, and military juntas. Emerging from often vicious postindependence and recurrent power struggles within their postcolonial political elites, these countries had been held together by various ethnic- or religious-based institutions and corresponding patronage networks, as well as by force. In these systems, the assets and instruments of the state, including the foreign assistance it received, represented the principal source of influence to reward followers, maintain social cohesion, and provide for the society's welfare. While many of these societies had been highly dependent on their patron states for trade, aid subsidies, and military aid, that support was suddenly removed as they were left to fend for themselves. As the authoritarian regimes that had received military and political support during the Cold War began losing this support, the ethnic, clan, or regionally organized social compacts and entitlement systems they had set up to maintain a political base through various kinds of clientelist patronage began to weaken, leaving little in the way of a state structure to replace them. Similarly, the entirely new states in Eastern Europe and Central Asia that had comprised the former Soviet bloc suddenly had been deprived of their subsidies and trade markets and let go onto a competitive global economy. The globalization that has intensified since the end of the Cold War also has brought pressures—from within as well as from outside—essentially to remake the economies and polities of developing societies by creating more open markets, enlarging political pluralism and participation, redressing existing social hierarchies, and, in some cases, tolerating unconventional beliefs and lifestyles, including new understandings of the social roles of men and women and the rights of women.

During this tumultuous post-Cold War era of liberalism's ascendancy, in the place of the patronage-based regimes, the more pluralistic, though not always individualistic, principles and policies of liberalism provided the most influential alternative formula for organizing the state—which by now was universally accepted as a priority in order to belong to the international community—and for building a nation. Just as in the past, many proponents in the recent conflicts advanced notions of popular rights such as democracy. In cases such as Somalia and Yugoslavia, regional movements sought more self-determination through autonomy or full independence vis-à-vis an existing regime. The Yugoslav secessionist republics appealed to democratic rights to rule themselves, notwithstanding that ethnic nationalist appeals enabled the republics' leaders to mobilize mono-ethnic movements. In cases such as the genocide in Rwanda and the civil wars in Burundi and Zaire (later the Democratic Republic of Congo), the conflicts have been interethnic, interregional, or interfactional power struggles over control of the existing state, but again in the name of democracy.¹² A populist argument appealing to the will and interests of the people also motivated the earlier Islamic revolution in Iran and the Islamist FLN movement in Algeria.

Yet the new liberal principles and policies that were enforced by the International Monetary Fund, the World Bank, and other development bodies for these new states, such as privatization and reduced government spending, were unable to act as a ready solvent for contending interests by automatically alleviating the intergroup tensions and new power struggles within these societies. In fact, they had an opposite effect of weakening the ability of public authorities to maintain order. Instead, in many developing societies the new post-Cold War liberal order created enormous new strains and stresses in maintaining stability while they still sought to make social progress.¹³ In other words, the post-Cold War era has seen many of the developing countries engulfed, not in a clash of regionally-based civilizations, but in a global conflict between the governing principles of political and economic patrimonialism, including new forms of populist authoritarianism such as in Venezuela, on the one hand, and greater pluralism, though not fully liberal individualism, on the other. The animus behind global terrorism also reflects the tension within Islamic cultures in response to the expansion of Western economic, political, social, and cultural liberalism.

Despite these strains, fortunately, most developing and post-Soviet societies experiencing this uncertain period of extraordinary economic and political upheaval—even those with significant ethnic or sectarian divisions—actually have handled the pressures to democratize and devolve

economic power more or less peacefully, and have done so to a greater extent than is generally appreciated. Diverse intrastate examples include the Czech Republic and Slovakia, Hungary in its ethnic relations with neighbors such as Slovakia and Romania, most of the new countries of the former USSR, Russia itself, Macedonia, the Baltic states, Ukraine (Crimea), and, of course, South Africa. Little-discussed examples of relatively successful post-independence transitions to more liberal and pluralist systems have occurred even in postcolonial sub-Saharan Africa, in places as diverse as Botswana, Ghana, Nigeria, and Tanzania. Other societies have postponed the conflict with liberalism by remaining statist, as in Uzbekistan, reverting to neo-authoritarianism, as in Myanmar, or developing token quasi-democracies or “illiberal democracies,” as in Belarus. Mixed systems are manifesting the tensions between these value systems, such as in Iran and other regimes in the Middle East. China has accepted some parts of the liberal package but not others.

In sum, a wide spectrum of developing and “in transition” countries from Azerbaijan to Zimbabwe that fall short of being full liberal democracies are in one stage or another of evolving from relatively centralized and statist political orders based on clientelism (e.g., autocratic or authoritarian regimes, Communist or other one-party states, executive-dominated oligarchies, military governments, neo-authoritarian regimes) to some other more individualistic, more pluralistic, or more popularly directed order in which political and economic power are more devolved and in which control over governance and public policy is subject to electoral competition. In Zimbabwe, for example, President Robert Mugabe, the country’s liberation leader, and his autocratically run, increasingly repressive ZANU-PF party claim to represent the rights of self-rule by black Africans against “neocolonialist” Western powers, but have been under pressure from the opposition MDC party, which claims a mandate based on the results of general elections that implement the voting rights of individual citizens.

Nevertheless, unfortunately, many new post-Cold War destructive armed conflicts have also arisen over these changes, the vast majority of which have been intrastate in nature, such as in several parts of the former Yugoslavia (Croatia, Bosnia, Kosovo), Georgia, Tajikistan, Rwanda, Burundi, the DRC, Sierra Leone, Mozambique, Afghanistan, Liberia, East Timor (with Indonesia), and others. These outbreaks of devastating violence occurred in cases where the change from the existing system of rules and regulations to a more pluralistic one could not be managed through the existing or emerging institutions and political processes. But whether these recent intrastate conflicts have been peaceful or violent, and whether the violent

conflicts are called ethnic wars, self-determination struggles, Islamic fundamentalist clashes, or genocide, these post-Cold War conflicts have been, fundamentally, *conflicts over liberalization*.

The weaknesses of the postcolonial and post-Cold War institutions in the countries succumbing to conflict can often be traced in part to a precipitous and often chaotic adoption of democratic and economic institutions and policies—a relatively drastic, wrenching set of changes compared to those that evolved over several centuries in the established Western powers, but without the latter states' accumulated financial and coercive power. In the established powers, historically “War made the state, and the state made war.” The achievement of strong central authority occurring mainly through conquest generally preceded democratization and economic development.¹⁴ In contrast, many of the territories that have become states since the two world wars are “juridical” rather than “empirical” states.¹⁵ They achieved statehood, to a great extent not through their own extension of central authority over given territories, or even always through armed struggles for independence that had the unequivocal support of the population, but through the unilateral policy decisions of other, more powerful states, such as the decisions at Versailles and Yalta, or because colonizers simply decided to let their colonies go since their empires were already collapsing. Moreover, many states came into being during the heyday of liberal neo-orthodox structural-adjustment economic policies that pressured existing governments to shrink and reduce their taxation powers. Hampered by debt burdens, high oil prices, and lack of competitive exports, they lacked the resources for governing through providing public services to their populations. And yet, the new postcolonial states entering a world of sovereign states were barred by international law and established norms from invading other states to capture needed resources, an option their Western predecessors had exercised during their own period of state making.

In this sense, many developing nations that are now being called “fragile” or “failed” states have never really been states in the first place. Although members of the United Nations, with the accompanying privileges, they have never been fully functioning states in the Weberian sense of possessing a monopoly on the legitimate use of force and governing through legal-rational authority, nor have they been well-integrated nations, at all. Rather, they are incomplete states and unformed nations, for they have not developed the dense variety of operating principles, enforceable laws, constitutionally based institutions, national markets, and internalized cultural incentives for cross-societal cooperation that have come into place

over many decades or even centuries in the older, industrialized, more prosperous economies and now fully liberal democratic countries.

Surviving Liberalism

Because of the inherent challenge of managing liberalization peacefully, the international policymakers in the major powers and multilateral organizations, and thus their policies toward human rights and democracy, now face a serious but still largely ignored problem posed by the dominant liberal creed. The current liberal consensus regarding governance and the economy that prevails mainly among the major Western powers is now deeply ensconced not only in the Western countries' bilateral aid agencies but throughout the UN system, including the World Bank and IMF, the European Union, the Organization for Security and Co-operation in Europe (OSCE), and, increasingly, among other regional organizations, such as the African Union (AU) and the Organization of American States (OAS), as well as some increasingly vigorous subregional organizations, such as the Economic Community of West African States (ECOWAS).¹⁶ Although most public protests over market-oriented and other neo-orthodox economic principles in international institutions tend to be directed against the IMF, WTO, and World Bank, the liberal doctrines out of which the so-called "Washington Consensus" springs are now being enforced not only in organizations in which the United States either enjoys preponderant voting rights on the bodies' boards of directors or wields veto power. Most of these international organizations, as well as the many nongovernmental organizations they contract as their "partners" to implement programs in developing countries, have for some time widely endorsed and sought to promote market-oriented economic reform, democratization, individual human rights, rule of law, civil society, "good governance" and transparency.¹⁷

Because of the pervasive liberal perspective, most officials and professionals within these international organizations tend to assume that any and all liberal values and policies advance not only economic development but peace as well and, further, prevent conflict—*ipso facto*, in any context, form, or increment in which they are applied.¹⁸ The liberal model that drives most international development activities in developing societies is being grafted onto societies most conspicuously by the international agencies involved in postconflict peace operations and reconstruction, where the destruction of many economic and political institutions has often left a vacuum. In that sense, this activity is not accurately described as *reconstruction of failed states*, but as *construction of liberal states*, for the first time.

The problem arises because of the potentially destabilizing effects of liberal policies, as mentioned earlier. In the long run, there is considerable statistical evidence that measures of liberalization such as free trade are highly correlated with lower levels of both poverty and conflict, brought about through improving political stability.¹⁹ The liberal ideal model for national and international order may be the best single governing model for prevention of interstate and intrastate violent conflict.

But those who mention this finding are referring to liberalism *once it is achieved*. Though liberal policies and polities may eventually be beneficial, in the short run the shift toward more political and economic openness can—and has—contributed to the intrastate instabilities in which violent conflicts have arisen. During the period in which particular authoritarian or other nonliberal systems are shifting to democratic policies and structures, the risk of conflict rises.²⁰ Of course, specific liberalizing measures to expand rights that may be enacted in the short run, such as elections and granting territorial autonomy, have under certain circumstances helped to manage change peacefully by appeasing restive elements that otherwise might resort to violence. But depending on the context and their specific design, such measures can also alter the existing balance of power in such a threatening way as to provoke backlash from those fearing a loss of their power, and thus, violent conflict. Burundi has seen many more people killed in the civil war that erupted after its first truly multiparty election, in 1993, than in all its earlier recurrent interethnic massacres since independence. Thus, the unfolding global liberal revolution creates a serious potential for even further destabilizing many of the poorest and politically weakest states and divided societies.²¹ Whereas not long ago observers were blithely predicting the demise of the state in favor of regionalism, multinational corporations, and subnational entities, now policymakers are worriedly searching about for ways to prevent state collapse.

Regrettably, this dilemma of effecting peaceful change in poor, politically immature societies is not sufficiently recognized by discussion of the tension between achieving peace versus achieving justice in midconflict and postconflict situations.²² The conflict between “mere peace” and political justice, or so-called negative versus positive peace—that is, between an old and a new, more progressive order—also arises in potential conflict situations, and thus has critical implications for international economic policy and development assistance programs. Societies in transition face the tensions, discussed above, between maintaining stability and achieving more social improvement. In such settings, international aid and foreign policies can have unintended effects of fostering conflict or collapse—just the opposite of what they assume they are doing.

Specifically, if international programs provide unqualified and singular political support for rapid democratization and respect for human rights, such as by championing existing minorities *alone*, whatever the context—even at the expense of creating serious political and economic insecurity for status quo interests—they can contribute to the breakdown of a state and help to precipitate violence or armed challenges. However oppressive of minorities and other citizens the existing preliberal orders have been under many noxious regimes, they provided in many instances a kind of public order and sometimes a measure of physical and economic security for large numbers of people. However, if a rapid or radical shift to a new and uncertain order, albeit in the name of social or political justice, actually brings widespread violence and destruction and, thus, greater human suffering, the overall price that has been paid in pursuit of these progressive values—assuming that progressive change actually follows the extensive violence that instead has broken out—is exceedingly high.²³

In fact, it could be argued that this pattern has characterized the international responses to Croatia, Bosnia, and Rwanda in 1993–94; Burundi in 1993; Kosovo in 1992–98; East Timor in 1999; and possibly other cases of what became violent conflicts. The international community’s sympathetic political championing of the rights of an ethnic minority or political opposition, such as through honoring unofficial referendums and denouncing the human rights violations of their oppressors, may tend to polarize the local political relations further by demonizing and isolating the perpetrators, and thus help to catalyze preemptive crackdowns—unless robust preventive diplomacy and protective deterrent measures are also taken. The forces of potential violent backlash, which often have the military upper hand in such settings, may be encouraged to act coercively to forestall the impending threat of political change that they see facing them, and the international community is usually not prepared to deter their reaction. Consequently, well-intentioned advocacy for human rights, provision of humanitarian aid, or other international measures that are advanced on behalf of a vulnerable group may actually put that group at greater risk by tempting more powerful and better-armed forces of reaction to strike while they can still defeat the forces of change, because adequate international provision is not made to protect the victims of this reaction. What is presumed to be violence *prevention* actually becomes violence *precipitation*.²⁴

Policy Implications: Fostering Peaceful Transformations

If, in the long term, liberal economies, polities, and societies yield tremendous benefits and help to guarantee human rights, and yet destructive,

violent conflicts can occur on the road to such a system, what is the best strategy for countries that face such transitions in this era of increasing globalization? Must international policies have to choose between, on the one hand, passively condoning political and economic stagnation or human rights repression and, on the other, witnessing violent backlash or revolt take place and then intervening (maybe), after those forces have already ripped societies apart?

The current clash of conflicting values and social orders needs to be faced consciously, viewed more dispassionately and less moralistically, and approached more deliberately and consistently. This can be done by building on using trade, diplomatic, development, and security instruments more vigorously to advance a global strategy that aggressively fosters peaceful transitions toward strong liberal states but through adroit violence-prevention initiatives and robust conflict-sensitive policies. This gradualist yet activist approach to liberalization would require investing more money behind smart forms of economic and political development, but it would be much less costly than the current *ad hoc* and naive applications of blanket liberal reforms that can destabilize societies, and of fitful military interventions after conflicts have arisen.

Despite the rhetorical contrast that is often drawn between tyranny and freedom, liberal states did not and do not emerge spontaneously with the simple decline of authoritarianism, as American and Iraqi families and U.S. policymakers have been learning very painfully since the military intervention in Iraq. Liberalism cannot be approached simplistically as an inherent human instinct and a pent-up urge for freedom that requires only the removal of tyranny in order to flourish. The liberal state is a distinct form of social order, just as authoritarianism and totalitarianism are forms of social order, and thus, it needs to be built up over time through engendering deliberate government policies and cultivating politically astute civic action.

First, liberal policymakers would be in a more defensible position if they were to candidly embrace the underlying global competition going on between liberalism and patrimonialism in the building of nations and should thereby recognize that serious conflict is being risked when poor societies with weak states undertake rapid, wholesale transitions to liberal openness. Frankly acknowledging the reality of the clash of liberalism with existing normative orders and dealing with it proactively at the early stages of transition will be much less troubled and difficult than assuming the burdens of humanitarian intervention or postconflict reconstruction and peacebuilding after state collapse has occurred,²⁵ or—more morally dubious—than zealously promoting democratization at any price, including waging

preemptive war to topple repressive regimes. A more effective strategy sees the policy challenge as one of advancing liberalism, *but only through peaceful means*, thus increasing the chances that the current conflict of basic values will lead to desirable evolutionary social and political changes and not turn into bloody and destructive intrastate wars.²⁶

Second, we need to dispel various sentimentalisms that view intrastate conflicts as morality plays rather than as symptoms of fundamental global-historical processes of change. One of these misconceptions is that such conflicts are simply random events that, unfortunately, happen because certain bad rulers inflict cruelties on their fellow citizens. Policies on conflicts will be better served if the moralistic discourse portraying good guys versus bad guys is discarded, notwithstanding that atrocities committed under some regimes often are truly horrible. Another misleading imagery is that of these conflicts as heroic popular struggles. Perhaps because of the legacy of the United States' own founding revolution, the defeat of the scourge of Nazism in World War II, or the recent freeing of Communist societies from the yoke of Soviet-imposed Communism, many Americans seem to hold on to a romantic notion about recent conflicts that views them all as general popular rebellions against tyrannical regimes. Thus, the remedy is assumed to be some kind of libertarian fantasy that unleashes the forces of "freedom" by destroying state authority, rather than a problem of ensuring social order and security while governments and societies are in transition, and when weakening the state may lead only to chaos or various forms of warlordism.

To illustrate, the venal and debilitating regime of Joseph Mobutu Sese Seko in Zaire was finally overturned not by a popular uprising but by an armed movement instigated by the entrepreneurial Laurent Kabila in a stateless, remote area. Kabila then repeated Mobutu's ways when he assumed office, thanks to the continuing absence of strong state institutions and a vital civil society, bringing on a regionwide war. In that sense, Mobutu was at least empirically right in his caution "Mobutu or chaos," even though such statements by such figures are obviously also often rationalizations for nepotism and corruption that fail to husband the available human and natural resources of their societies in order to build effective and legitimate states.

This example points up a similarly uncritical current assumption in the policy discourse, that states suddenly "fail" because of unforeseen circumstances, rather than being gradually undermined by global forces and nonadaptive policies over many years until they are utterly unable to cope with their changing international environment. Fortunately, through the empirical work of conflict researchers, the recent spate of violent intrastate

conflicts and state failures is being demythologized, and the sources and perpetuation of these problems through competition for resources and power in permissive environments of weakening governments are being understood more clearly.

In this more clinical perspective, the eruption of destructive intrastate conflict is not simply a random calamity that suddenly befalls societies at various unpredictable moments. It tends to arise in specific historical moments when larger global forces are threatening to change a given society's status quo, thus harming some interests but benefiting others. Conflicts are basically clashes of interests, but they can be pursued through nonviolent or violent means. Much of the time, no matter what particular political systems and cultural values prevail, the conflicts among the various interests in a society are regulated through its prevailing customs, rules, and governing arrangements. Societies normally maintain stability through a whole host of accepted and partially imposed understandings that govern the relationships of individuals and groups and thus foster basic order and some degree of functional harmony. Minor and small-scale violent conflicts may be tolerated but regulated to be kept within certain bounds, as with the role of cattle rustling in the rites of passage within nomadic tribes in rural east Africa.

But the chances of major intrastate violent conflicts increase when global forces begin to require large-scale changes in the existing distribution of power and privilege, and these pressures are unmanageable within the existing rules for handling differences between interests, so the state can no longer play an effective intermediating role. Destructive and violent conflicts that depart from the normally ordered relationships occur when forces from within or outside these societies threaten to change the existing distribution of advantages that characterize the status quo, and raise such a serious challenge that they meet substantial opposition. Groups sharing common interests may form and consider the use of physical coercion to achieve gains that they aspire to, or to keep hold of the interests they enjoy.

Third, a deliberate, explicit, and coherent strategy to promote liberalism peacefully needs to be undertaken with U.S. allies through the United Nations and other intergovernmental organizations at the level of particular countries that are developing or in transition. The overarching goal of this strategy should be to achieve peaceful transformation toward home-grown, rule-governed societies and increasingly liberal states. This departs from the current practice of simply pursuing each discrete liberal objective of human rights, democracy, or marketization everywhere as an end in itself, lockstep, posthaste, at any cost, regardless of the possible negative fallout.

None of these values should be revered and pursued as a moral absolute, whatever the consequences. Instead, multidimensional but country-specific strategies should concentrate on effecting a relatively stable transition process that moves each particular illiberal society toward these values over time—that is, toward an increasingly more productive economy, a more humane society, a more legitimate and effective government, and a more responsive politics. Serving ordinary economic improvement may be more effective than guaranteeing all political liberties—that is, prioritizing social and economic rights or needs and the protection of human life over the imperative of full democracy, if that means violent upheaval. Such a strategy thus requires an appropriate balance between the “supply side” of building on but also transforming institutions and forces that preserve stability, and the forces on the “demand side” that are pushing for socioeconomic and political overhaul, between continuities and change.²⁷ As long as regimes do not threaten their neighbors’ security and are not massacring their own citizens, the application of vigorous inducements, positive more than negative, for evolutionary change, is likely to be more effective than either forceful intervention or *laissez-faire*. This change will produce creative tensions and perhaps low-level violence, but it need not countenance either stagnant authoritarianism or significant violence and state breakdown.

It follows that rather than a “one-size-fits-all” approach in foreign policies and aid strategies, which presses for the same liberalizing reforms everywhere all the time, individual countries need to be assessed in detail so as to be differentiated according to their capacity to absorb disruptive shifts in unregulated power, and the consequent instability, without erupting into violent conflict or causing regression into neo-authoritarianism. A specific step toward democratization, such as an election, may be one of the adaptive, stabilizing mechanisms that help to ensure peaceful change in a particular context. But this judgment can be reached only by an assessment of each particular country’s vulnerability to violent conflict, and its ability to manage peaceful transformation, or “conflict carrying capacity.” Tailored and conflict-sensitive development and trade policies are needed that (a) at a minimum “do no harm,” by taking great care, when influencing vulnerable societies, not to inadvertently increase the risks of destructive conflict; and (b) “do some good” by deliberately and sensitively fostering peaceful and constructive political conflict and avoiding violent destructive expression of the inevitable clashes between interests during a period of strife.

This more balanced, contextualized approach is needed to foster desirable changes and can draw on many available but underused carrots

and sticks among the tools of diplomacy, development, and deterrence, as well as democracy assistance. This more measured approach rules out military intervention with the aim of imposing human rights ideals and democracy, in favor of containment. Instead, that immensely problematic act would be restricted to situations where there are clearly imminent security threats to other countries, impending domestic massacres, or massive devastating humanitarian emergencies—and even then only after robust diplomatic and other options have been exhausted that push the limits of multilateral action. Moreover, the latter circumstances may become rarer as resources are diverted from ever more sophisticated and costly military hardware to preventive strategies that are more cost effective.

In sum, the risk of intrastate conflict needs to be approached in a more dispassionate, deliberate, contextualized, and multidimensional way that places a higher priority on the desire for improved livelihood and the need for security than on instant democracy.

Unfortunately, however, such differentiated, multifaceted, non-heroic strategies have been little considered, because of the remarkable narrowness with which the question of America's involvement in developing countries is still discussed. The post-Cold War international experience with Somalia, Rwanda, Bosnia, and other troubled countries toward which military action was taken has sparked intense debate over the grounds on which intervention into a state's affairs can be justified. The criteria for legitimate humanitarian intervention actually have been expanding, as in the notion of the "responsibility to protect."

But in this debate, "intervention" is still assumed to mean only through military force, as if the choice were simply military action or inaction. With the exception of the considerable attention focused on economic and diplomatic sanctions, the prevailing discourse of think tanks and policy institutes and in the U.S. Congress has failed utterly to bring into the discussion the wide range of peaceful positive inducements that exist—and are quietly already being used, sometimes to good effect, in effecting peaceful change. Such peaceful interventions include conditional aid, "track-two diplomacy," muscular mediation, human rights capacity building, political development programs, civil society training in nonviolent mobilization, and the setting of norms by regional institutions. Active consideration of these multiple peaceful means for achieving social and international change has been going on for years at organizations such as the United States Institute of Peace and, especially recently, among many UN agencies, the European Union, and multilateral and bilateral development agencies, including the World Bank. And yet, the elementary concepts and policy tools of such

long-established fields as conflict resolution and negotiations, as well as the lesson learned from recent prevention and postconflict peacebuilding efforts, still seem to have had no impact on the thinking of high-level U.S. policymakers.

In the absence of applying grounded country strategies, particular crises arise and are reacted to in reflexive, one-dimensional ways. When conflicts reach critical or more escalated and thus emotional stages of violence, a typical default response is to evoke high moral principles to back one's cause. But when the outside parties, not only the protagonists and their respective supporters, view conflicts only as a clash of right versus wrong rather than as competing conceptions of rights under one order versus those under another in a larger global process of modernization, the erroneous assumption is easily made that the use of violence to resolve these conflicts is the only way, and thus inevitable and justified. The difference between violent and nonviolent ways to pursue conflicts becomes ignored or obscured. For example, recent commentators have confused the post-9/11 U.S. priorities of antiterrorism and of vigorously transforming societies toward liberalism with the adoption by the United States of an overbearing imperial role, and of military force as the means to ensure peace, as if no peaceful means to promote democracy existed.²⁸ But this solely combative approach can become a self-fulfilling prophecy.

The George W. Bush administration follows in a long tradition of the United States' seeking to export its democratic and market values. The Bush policy rashly discarded much Cold War realist wisdom about how regime change can take place peacefully, placed a utopian faith in the self-generating power of mass democracy in all settings, and took a radical unilateralist stance regarding the grounds for military invasion and occupation. But this was simply the latest major example of how absolutist approaches to principles of human rights have often themselves animated international and intrastate conflicts. Perhaps a significant segment of those who influence U.S. foreign policy might still be persuaded that peaceful transformations of clientelist regimes can be achieved at a substantially lower cost than the various forbidding alternatives of chaos, repeated midconflict and postconflict peacekeeping missions, or preemptive invasion, leading to possible quagmires or trusteeships. If so, future American foreign and defense policy might be significantly more effective and less risky, and the world's states and regime opponents could achieve a wider range of human rights more consistently and without violence.

Notes

1. Not all conflicts arise in this way, and conflicts are obviously admixtures of principles with other interests, some more legitimate than others. The argument would be trivial if any deluded, casual, or cynical justification that one side or the other invokes is deemed to constitute a bona fide argument for certain rights. And internal conflicts that start from genuine grievances may evolve into mere struggles over power and gain, as illustrated by the drug-fed war in Colombia.

2. A classic is Reinhard Bendix, *Nation-Building and Citizenship* (Berkeley, CA: University of California Press, 1977).

3. R. R. Palmer, *The Age of the Democratic Revolution*, vol. 1, *The Challenge* (Princeton, NJ: Princeton University Press, 1957).

4. See T. H. Marshall, "Citizenship and Social Class," in *Class, Citizenship and Social Development* (Garden City, NJ: Doubleday, 1964). Despite differing emphases on individual rights such as ownership of property, all the industrialized democracies including the United States extended social protection and economic regulation, or the so-called welfare state, in response to the social dislocations of industrialization and urbanization. See Karl Polanyi, *The Great Transformation: The Political and Economic Origins of Our Time* (Boston: Beacon Press, 1944).

5. The historical process by which aristocratically ruled Western empires broke apart into sovereign states and then experienced industrialization, economic growth, urbanization, and representative institutions is summarized in much social science literature as "modernization." This overall process has taken different forms in different eras, but it constitutes one of the major background influences that can contribute to ethnic and other violent conflicts. See, e.g., Saul Newman, "Does Modernization Breed Ethnic Conflict?" *World Politics* 43, no. 3 (April 1991): 451–78.

6. On why some states, such as Prussia, adopted more militaristic and nationalistic domestic and foreign policies residing in the central state, while other countries, such as England, placed constraints on the state, see Robert Solo, "The Formation and Transformation of States," in *An International Political Economy*, ed. W. Ladd Hollist and F. LaMond Tullis (Boulder, CO: Westview Press, 1985), 72–80.

7. Also, though their leaders often were ruthless, many of these regimes' egalitarian ideologies and nominally populist bases of power did lead them to introduce fairly comprehensive programs in health; nutrition; literacy; education; and road, railroad, and electrification infrastructure that improved the standard of living of many in their populations and raised the status of minorities such as women.

8. Lisa Anderson, "Antiquated Before They Ossify: States That Fail before They Form," *Journal of International Affairs* 58, no. 1 (Fall 2004): 6–7. This recent article parallels several of the points being developed here.

9. Stephen Krasner, *Structural Conflict: The Third World Against Global Liberalism* (Berkeley, CA: University of California Press, 1985), 279.

10. See Charles Tilly, ed., *The Formation of National States in Western Europe* (Princeton, NJ: Princeton University Press, 1975), 7, 636–38.

11. Krasner, *Structural Conflict*, 8.

12. Although advancing religious or ideological causes, some recent conflicts were power struggles between regional groups or political factions for control of the state, such as in Tajikistan. The Tutsi junior army officers who, in October, 1993, assassinated Burundi's newly elected Hutu president may have had in their heads an aristocratic notion of the Tutsis' right to rule, but they were also fearful of a Hutu deluge.

13. Mohammed Ayoob, "State Making, State Breaking and State Failure," in *Managing Global Chaos: Sources of and Responses to International Conflict*, ed. Chester Crocker, Fen Osler Hampson, and Pamela Aall (Washington, DC: United States Institute of Peace Press, 1996).

14. Tilly, *The Formation of National States*.

15. Robert Jackson and Carl Rosberg, "Why Africa's Weak States Persist," *World Politics* 35, no. 1 (October, 1982), cited in Anderson, "Antiquated before They Ossify," 23.

16. However, east Asian states and regional bodies are generally less receptive to international pressure to apply liberal political norms within the members' sovereign states.

17. Theodore H. Von Laue, *The World Revolution of Westernization: The Twentieth Century in Global Perspective* (Oxford: Oxford University Press, 1989). In this light, the current administration's antipathy toward the United Nations and other international bodies and toward multilateral approaches to international problems is ironic, not only because the United States was so instrumental in setting up these bodies in the first place, but because they are already actively promulgating Washington's values.

18. This tendency may reflect in part the fact that the outsider organizations that carry out programs in developing countries are bureaucratically structured predominantly in a "stovepipe" fashion, along sectoral or functional lines, rather than along more decentralized, geographically focused lines.

19. Havard Hegre et al., "Globalization and Internal Conflict," in *Globalization and Armed Conflict*, ed. Gerald Schneider et al. (Lanham, MD: Rowman and Littlefield, 2003).

20. Jack Goldstone, Ted Robert Gurr, Monty Marshall, and Jay Ulfelder, "Beyond Democracy" (unpublished paper, 2003). In methodological terms, studies that look cross-sectionally at a "large N" of countries to identify the societal factors that are most highly correlated statistically with low levels of conflict or high levels of development do not capture the actual historical processes through

which particular countries either produced those correlations or took other paths. Those processes need to be examined longitudinally. To deduce policy solutions directly from such correlates can be ineffective or risky.

21. Krasner argues that the leaders of small and weak developing countries generally have resisted the pressure to adopt liberal international regimes with domestic policy implications such as free trade agreements, because of the potential for domestic unrest, and so they seek international agreements that protect them from global market forces. Krasner, *Structural Conflict*, 4–7.

22. See, e.g., Pauline H. Baker, “Conflict Resolution versus Democratic Governance: Divergent Paths to Peace?” in *Managing Global Chaos*, ed. Crocker et al.

23. This observation was written several years before the recent U.S. war and occupation in Iraq.

24. Some analysts argue that international concern for the human rights of minorities creates a serious moral hazard in which the minorities, although weaker than their oppressors, deliberately try to trigger international armed intervention on their behalf by picking a fight with their oppressors. See Alan J. Kuperman, *The Limits of Humanitarian Intervention: Genocide in Rwanda* (Washington, DC: Brookings Institution Press, 2001), viii.

25. As Pierre Sane, secretary general of Amnesty International, states, “We call for human rights concerns to be central at all stages of conflict resolution, peacekeeping, and peacebuilding. . . . Prevention of human rights crises is the correct course. The problem is not early warning but lack of early action . . . [which would otherwise] render the debate over humanitarian intervention obsolete.” *Amnesty International Report 2000*, 8–9.

26. So-called neoconservatives who lately have supported coercive policies to achieve democratization in authoritarian regimes seem to have forgotten conservative thinkers such as Edmund Burke and Michael Oakeshott, who cautioned against rapid social change and ambitious social schemes in the Western societies. A still-pertinent corrective to ideologically driven, messianic approaches toward developing societies is found in Peter Berger, *Pyramids of Sacrifice: Political Ethics and Social Change* (Garden City, NJ: Doubleday, 1976).

27. Roland Paris, *At War’s End: Building Peace after Civil Conflict* (Cambridge: Cambridge University Press, 2004).

28. Robert Kaplan, “Supremacy by Stealth: Ten Rules for Managing the World,” *Atlantic Monthly*, July–August 2003, 66–83.

