

SOVEREIGNTY AND THE LEGITIMACY OF NON-STATE VIOLENCE: THE LEGACY OF WORLD WAR II¹

by

Martin Blumenson

Sovereignty is a concept that became generally accepted in western Europe around the middle of the 17th century. The Treaty of Westphalia in 1648 is a convenient date to mark this occurrence. States with central power and direction had emerged out of the decentralized and somewhat chaotic organizations of medieval times, and they waged wars against each other as well as with assorted brigands, mairauders, and outlaws. By 1648, they had virtually exhausted themselves and had also devastated Europe, primarily as the result of all-out religious conflicts culminating in the Thirty Years War. They decided to accept some rules, and in a way that decision was meant to close and to fix the community of states and to preserve the status quo.²

According to what we sometimes call the Westphalian system, each state in existence was legitimate, sovereign and independent. It was a member of the international community. It had the right to rule itself without outside interference and the right to wage war as a monopoly. Only states could engage in war, and to do so they used their regular military forces which fought other armed forces. Non-combatants were excluded. Anyone outside the regular armed forces who engaged in war was a bandit and a criminal. The concept of sovereignty has generally been in effect and respected ever since. Free and independent states have made alliances, conducted diplomacy, and waged war, the latter for territorial, dynastic, or commercial reasons, for maintaining a balance of power, and sometimes for survival.

There have been exceptions. For example, in the latter part of the 19th century, the plight of the Cubans, subjects of Spain, was a factor in inducing the United States to go to war against Spain. That, in Westphalian terms, was a breach of Spanish sovereignty. On the other hand, before World War II, the plight of the Jews in Nazi Germany was, again in terms of the Westphalian system, of no concern to other national states, and they refrained from interfering with the internal affairs of the legitimate German government. Today Americans and western Europeans protest against the abuse of human rights in the Soviet Union and elsewhere. People all over the world demonstrate against apartheid in South Africa. The idea that a state can conduct its internal affairs without reference to other powers seems to be diminishing.

The concept of sovereignty has been eroding also in its insistence that only states can make war. The Spanish guerrillas who harassed Napoleon's French forces of occupation early in the 19th century were breaking with tradition. They had no legal status in Westphalian terms. So too the French partisans who operated against the Prussian armies three-quarters of a century later. The Prussian troops were a legitimate instrument of the state, and they regarded the French irregulars as criminals. And so they were, according to the then conventions of

war.³ But today, many people are prepared to argue on behalf of the legitimacy of non-state violence. The climate of opinion on both subjects — sovereignty and the right of non-state actors to bear arms — was one of the many things that World War II changed.

Thirty-five years have passed since World War II came to an end. Since then, and even before the war was in progress, historians, journalists, and other observers examined and studied the upheaval, how it started and unfolded, the political and social dislocations it engendered, the changes it accelerated or created. World War II was, at least to this point, the greatest single event of the 20th century. It engaged, involved, concerned, and touched in some way or another the entire population of the globe, some individuals and societies directly, others indirectly and often in delayed fashion. In terms of exertion, the belligerents made an unprecedented mobilization of human and economic resources for a passionate and total effort. Millions of persons were killed and injured and irreparably harmed in other ways, while the destruction of property cannot be measured or even estimated with any degree of precision.

The Second World War was a total war among nations. Yet, it was also a revolutionary war involving a clash of ideologies, a struggle between systems, a contest between different ways of ordering human lives. The conflict transformed the international community, altered social structures, redrew political alignments, reshaped the centers of power, spurred technological development, and influenced habits, perceptions, values, and ideas.

While the major belligerents marshalled all their resources to win the war and thereby to restore or reshape the balance of power, partisans, irregulars, and guerrilla warriors had different notions. In metropolitan France and in Yugoslavia, World War II was primarily a civil war. What was at stake was the kind of government to emerge at the end — monarchy, democratic republic, socialist or communist state. Overseas, where Britain and France fought to retain their empires, many of the local combatants struggled on behalf of ideals of social justice, in order to change the social and political order, or to gain eventual independence and sovereignty. These resistance movements and the violence they employed were extra-legal. The resistance groups claimed legitimacy on one ground or another, for example, by representing a government in exile. In the end, some gained legitimacy by virtue of the allied victory. But their wartime actions loosened the bonds of the Westphalian state system.

The war brought to an end an historical age and signalled the arrival of a new period characterized by the advent of nuclear weapons. This represented a true historical discontinuity. Nuclear weapons were too destructive, so much so that they threatened to obliterate all life on earth. Total war for the purpose of total destruction in the hope of gaining total victory became, in the nuclear age, absurd and outmoded.

Out of World War II emerged still another new condition, the Cold War. The final Allied victory settled some problems but brought no period of postwar peace. Instead, a new confrontation appeared, the bi-polar hostility of neither peace nor war. The essential characteristics of the Cold War, I suggest, were the emergence of two super-powers — a new balance of power — in rivalry throughout the globe, exacerbated differences in ideology, and the possession of nuclear

weapons by both sides. The Communist victory in China and the detonation of an atomic device in Russia, both occurring in 1949, made for new international tensions and a succession of crises. Everyone dreaded that the friction might lead to angry nuclear explosions.

The Korean War, which broke out the following year, was of quite a different character. It was a rational war where the means were closely controlled for limited political ends, at least for the United States and Red China. These ends were far less important than survival. The stakes were limited, and so were the expectations and expenditures. Throughout, the political leaders exerted tight control over the military commanders. The Americans dropped no nuclear bombs on the Chinese, and the Chinese dropped no bombs on Japan. Starting without a declaration of war, the Korean War never ended with a treaty of peace. An armistice in effect since 1953 provides an uneasy and an unstable kind of peace. Incidents and crises still take place along the border roughly across the middle of the Korean peninsula, and in this form the war continues. The confrontation between hostile powers remains low key.

It can be argued that the war settled nothing. There is neither peace nor equilibrium, and a resumption of the fighting can flare up at any moment. Why then did the fighting subside? Because, I believe, both sides were buying time for survival. Neither side wished to escalate the conflict into World War III. General MacArthur opposed that policy and said that there was no substitute for victory.⁴ But the fact is, both sides could perceive and could claim victory. The same perception, I think, lies behind the present peace between Egypt and Israel. Both sides in their last war could claim a victory of sorts.

The war in Vietnam was different again. It was a war over the rise of nationalism and the break-up of old colonial empires. Nationalism, self-determination, and other such terms — wars of national liberation according to the Marxists — motivated bloodshed. But for the older powers wars to preserve empire or democracy or whatever, for both France and the United States in the case of Vietnam, the struggles had to be limited exertions, very tightly controlled to avoid a total World War III.⁵

The new nature of politics and warfare, I believe, revolves about the necessity for states to limit violence. The politics of deterrence and of mutually assured destruction seek to insure against an outbreak of violence too horrible to contemplate. What makes it difficult for states or nations to maintain a reasonable balance of power in the world is the erosion of the Westphalian system. The concept of sovereign states, independent and free to pursue their own internal and external policies, has come under attack in a variety of ways: by international organizations that restrict sovereignty, by emphasis on human rights across national borders, by the rise of extra-legal groups engaging in warfare and challenging the community of states and its former monopoly for war. Campaigns of violence, sabotage, ambush, random assassination, and terror — are they committed by outlaws and criminals? No, according to some observers, not when they are politically motivated. The implicit legitimacy accorded to their aspirations has further eroded the Westphalian world.

Today a variety of groups lacking status in the Westphalian sense challenges the monopoly of the state to wage war. Northern Ireland and the Middle East

are only two areas where non-state entities engage in warfare. The distinction between combatant and non-combatant has largely vanished, not only because of the means of destruction but also because of the new forms of warfare. German Big Bertha guns threw shells into Paris in World War I and damaged several churches, killing and injuring worshippers at prayer, and the act was regarded as an outrage. So too the zeppelins that dropped bombs into London and killed and injured people indiscriminately.

But these are minor incidents when compared to the non-selective weapons in World War II. The ruthless acceleration of technology drew everyone into the war, as participant and potential victim. Strategic bombing made no pretense of distinguishing between legitimate targets and innocent children. The rationale for waging this kind of war was to break the enemy will to resist, to persuade the people to make their government surrender. It was a war against people. So too are random acts of violence by terrorists.

Forced programs of research and development since World War II have brought a dazzling array of innovations to the technology of war. I refer not only to nuclear weapons but to conventional devices. As John Keegan, in his brilliant book *The Face of Battle*⁶ suggests, expectations of survival on the battlefield have declined over the centuries and drastically so in recent times. It used to be that a well-trained soldier went into battle with the belief that he would survive. If he could outmaneuver and outshoot his opponent, he had a good chance of living. Today the combat soldier begins to doubt it. The machines are too good, too destructive. As Keegan says, the battlefield may have abolished itself because it has become altogether too dangerous.⁷

What has happened, of course, is that new battlefields have been found. Perhaps in some intuitive and unconscious way, man has invented newer forms of warfare in order to outwit weapons, in order to restore the human dimension to armed conflict.

The secular religion of patriotism in support of nations seems to be giving way to a resurgence of cultural and religious values. The rise of Islam as a political force transcends national borders. We used to think that the old and terrible wars of religion belonged to the past. They are still with us. Old problems persist, newer forms to deal with them arise.

The age of total warfare, I hope, has passed. When guerrilla warfare and terrorism seem to be on the increase and the state and its traditional military forces seem to be losing their control of the monopoly of waging war, victory and defeat may have become meaningless. Victory in the traditional sense, that is, achieved by military means, may have become ephemeral. Economic warfare may be much more powerful and much more efficacious than the traditional use of force in solving international problems. Those who shape and carry out international policy may have relegated the military to a lesser place in the spectrum of options on how to gain national goals.

For the use of force in the old-fashioned or total way has become so dangerous as to be virtually unusable. Force, whether in being or in use, is now incontestably tied to diplomacy, and diplomacy is an ongoing struggle to manage grave problems of international politics in a highly dangerous and

inflammable world. A resort to armed force is probable now only when minor issues are at stake.

We live in a world of 150 or so separate and autonomous national states, each struggling for advantage over the others, each recognizing no authority greater than its own. Severed diplomatic relations, economic sanctions, ultimatums, and force itself are still options open to nations that struggle to preserve and enhance their own positions. Since World War II, the world has spent three trillion dollars in armaments so that states will have armies, navies, air forces and reserve components that will contribute to national power, prestige, and influence. This is the world of the nation-state and of power politics.

Beside it exists a newer world coming into existence or already in being. Nuclear weapons discourage the use of force, and there is neither strategy nor defense as we once knew them. In addition, groups outside the Westphalian frame of reference challenge through other forms of warfare the traditional ways of maintaining international order.

We are, I believe, in a time of transition, where new rules on how to govern the affairs of mankind are emerging and being established. We lack the perspective to see clearly what is happening. But to me, it appears to be a new and rather different ballgame, far removed from the conditions of World War II.

Footnotes

1. This article was adapted from a lecture presented at the University of New Brunswick, September 1980.
2. Theodore K. Rabb, *The Struggle for Stability in Early Modern Europe* (New York, 1975), pp. 68, 77-79.
3. Walter Laqueur, *Guerrilla: a Historical and Critical Study* (London, 1977), pp. 29-41, 83-88.
4. See William Manchester, *American Caesar: Douglas MacArthur, 1880-1964* (Boston, 1978), esp. Chapters 9 and 10.
5. Leslie H. Gelb, Richard K. Betts, *The Irony of Vietnam: the System Worked* (Washington, D.C., 1979), pp. 188-89.
6. John Keegan, *The Face of Battle* (New York, 1976), pp. 304-11.
7. *Ibid.*, p. 336.