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Globalisation and the State Monopoly on the Legitimate use of Force

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Abstract:

In International Relations, “globalisation” is more often than not confined to the economic, social and cultural realm. This article challenges this confinement by arguing that globalisation is central also to the core of the discipline and the study of war and peace. Globalisation is transforming states’ role in regulating the use of force. Although states continue to be essential, the legitimisation of their claims to regulate the use of force (also internally) is increasingly transnational and international. Moreover, an expanded presence of private actors and an increase in their authority to regulate the use of force has broken the trend to extend the monopoly claims of the state. This argument underscores transformations of the role of the state in regulating the use of force which are essential for understanding and explaining contemporary world politics, but also for thinking constructively and realistically about governing the use of force today.

Globalisation and the State Monopoly on the Legitimate use of Force ¹

“Globalisation” holds a growing place in International Relations (IR as an academic discipline) discussions. It is treated as an emerging “perspective” or even “paradigm” through which international politics can be analysed (Mittelman 2002). Yet, the link between globalisation and the traditional core of IR, namely the study of war and peace, paradoxically occupies a rather marginal place in the debate. Many scholars simply chose to ignore its significance. Alexander Wendt does so by stating, without further discussion, that “states are still the primary medium through which the effects of other actors on the regulation of violence are channelled into the world system” (Wendt 1999: 9). Others, such as Stephen Krasner dismiss its significance explicitly either by arguing that “global flows are not new” and/or that they do not have a significant impact on sovereignty if it is properly understood. Sovereignty was never more than a “default rule”, to be rewritten by consensus, commitment or by coercion from powerful states (2001). To this state of affairs globalisation alters little. It affects mainly the “control aspect” of sovereignty and not state authority (Krasner, 1999: 223-224). Finally, many authors think that there is an increasing differentiation among states and recognise the growing role of non-state as well of transnational actors. But they see these changes as linked mainly to “internal” developments; not to globalisation. Holsti’s recent work on war and the state, for example, presents the “weak state dilemma” as the key source of contemporary wars arguing that globalisation, the international economy or markets is not causing or even accentuating the dilemma (Holsti 1996: 137)². These are only some well known IR scholars who see the “great divide” (Clark 1999) between inside and outside as essentially untouched by “globalisation”, at least when it comes to the use of force. They see no reason to draw “globaloney” (Strange 1998) into discussions about war and peace.

This article challenges this conclusion. It argues (as did Strange in her review essay) that globalisation, if properly understood and used, can shed light on interesting and important

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 2. The one exception to this according to Holsti is the role of clandestine market in small arms (p. 131-2). But then his discussion of “political economy approaches” (pp. 136-140) draws on work by Ted Moran and Johan Galtung from the early 1970s (sic).

developments also in the classical IR domain of security. Its main claim is that globalisation has been pivotal in transforming (not ending) the authority and control states have over the definition and use of legitimate force. A first section will clear the ground for this claim by retrieving “globalisation” from some of its dead-ended discussions. Then, the next two sections will play out the point that drawing on “globalisation” is useful for understanding the profound redefinition of states’ role in regulating the use of force which is currently taking place. First, globalisation entails a displacement of politics towards the transnational and (largely as a consequence) international levels. This “displacement” of politics also changes those practices which give states the *legitimacy* to regulate and define the justified use of force. Transnational non-state actors, international institutions as well as governments of other states are claiming – and have gained – a place in “internal” processes legitimating the state’s regulation of the use of force (internally). Second, globalisation processes increase the importance of transnational non-state actors and of markets as regulatory forces. The ownership, control and sales of military services and equipment has moved out of the ambit of state control and given private actors important authority to decide over the use of force and to define security issues. This does not signal an end to the state *monopoly* on the legitimate use of force, but it does mark a reversal of the trend towards an ever more restrictive reading of what kind of private actor involvement is compatible with that monopoly.

1. Setting the stage for a useful “globalisation debate”

The state of the literature in IR displays a paradox. Globalisation-inspired research, also pertaining to the use of force, has made it onto the IR academic agenda. Writings abound on the role of private authorities in regulating and defining the use of force at present as work on NGOs, transnational organised crime, ethnic movements wars, private military companies, warlord politics, and (particularly since 9/11) terrorist organisation. Yet, at the same time, a large share of the IR academic community seems unwilling to accept that this literature has implications for their own work and for understanding the core subject of the discipline, namely war and peace.

The difficulty of relating IR discussions about war and peace and the globalisation debate is the result of an exceptionally unfavourable setting of the stage. Three conceptual restrictions and hesitations stand out. The obviously diffuse and very heterogenous literature on “globalisation” has been read in a restrictive way by many IR scholars. “Globalisation” has often been used as just another “outside-in” determinism, mainly economic at that, allowing its detractors, but also some of its defenders, to reinforce the established academic division of labour. Moreover, much of the IR discussion about globalisation has focussed on the distinction between the Westphalian state-centric and the “global” system – and on the novelty of the latter. This discussion, important as it is, has overshadowed the issue of what globalisation might entail for the role of still existing fundamental institutions, such as the regulation and definition of the use of force. Finally, the pro-state bias of many IR scholars has made them unwilling to engage with a literature which is perceived to question to central (and positive) role of the state in governing the use of force. Seriously discussing the relationship between globalisation and the regulation of the use of force thus requires first setting the stage anew.

a. A Restrictive Reading of Globalisation

Globalisation has often been read as little more than a fashionable word for talking about outside-ins economic pressures and the spread of markets and then for making far-reaching claims about the end of sovereignty and the restricted, if not inexistent, policy options (Hirst and Thompson 1996; Mann 1997; Hay and Marsh 2000; Rosenberg 2000). This understanding of

globalisation has profoundly marked also the literature which purports to work with other definitions. In a rather typical vein, Sørensen's work on state transformation starts off by stressing the significance of "globalisation". However, the discussion of state transformation is reduced to a discussion of what he terms "outside-in" economic explanations of state differentiation (2001: 14, 62-71). That is, the actual analysis neglects globalisation as a transnational and non-economic process. It would be misleading to say that this kind of restrictive reading is "wrong". Both scholars (and politicians) have made and continue to make arguments which work with such an explicit or implicit definition. It is therefore undeniably very important to point out that positing globalisation (understood as an outside-in economic force) as a *deus ex-machina* explaining everything and dictating policies is historically shortsighted, empirically mistaken and politically debilitating.

However, this restrictive reading of the globalisation literature makes its usefulness and relevance for thinking about the regulation of the use of force dubious at best. Besides making globalisation uninteresting in general, it leaves the impression that "globalisation" is not directly relevant to how the justified use of force is regulated and defined. It concerns mainly other fields, and primarily the economic one. The consequence is a division of labour of sorts where globalisation is something that concerns mainly the economy and economists while IR scholars can go on studying the use of force as they always have.

"Globalisation" scholars themselves have implicitly confirmed this "division of labour". With notable exceptions³, globalisation scholars have neglected the topics related to the role of the state in regulating the use of force. The implicit assumption is that the state monopoly on the legitimate use of force has lost much of its relevance. The economy, the environment and issues of identity are far more central to social and political life. The use of force has become a marginal; it has been turned into "an archaic and rudimentary instrument of action in a civilizing world" (Michaud 1996: 7). The army has become a "zombie institution" surviving itself by way of inertia (Beck 1999). Moreover, globalisation scholars have reversed the conventional pro-state bias and have looked at states only as major sources of violence and oppression. The emphasis is on state violence, whether exercised via the perfectly "legitimate" implementation of legal norms or the violation of these norms through torture, death squads and extra-judicial executions. Against this backdrop, why not simply rejoice if the role of the state in managing the use of force is finally diminished?

This willingness to accept a division of labour positing that globalisation is not relevant to matters of violence or force (at least not in any immediate way) is a missed opportunity for IR and globalisation scholars alike. A slightly more generous reading of the globalisation literature can make it more relevant for unpacking and thinking about transformations of the justified use of force. A more elaborate understanding of what globalisation entails, is the first step on the road. Such understandings abound. Many (perhaps most⁴) scholars working on "globalisation" explicitly reject an outside-in, economic understanding of globalisation. Scholte, for instance, argues that if globalisation is to be given a distinct meaning, it should be used to refer to a shift in social practices which entail the creation of a transnational social space, involving a compression of time and space (2000: 46-49). It explicitly rejects the other common definitions of globalisation (as internationalisation, liberalisation, universalisation, westernization); by denying an independent meaning to globalisation, the latter becomes conceptually redundant (2000: 44-6). In a more empirical vein, in their book on the subject Held and associates argue that globalisation, should be understood as "a process (or set of processes) which embodies a transformation in the spatial organization of social relations and transactions – assessed in terms

3. In particular Kaldor (1998; 1998; 1999; 2000) and Shaw (1991; 1999; 1999; 2000).

4. For other examples than the two cited below consider for instance (Bauman 1998; Clark 1999; Beck 2000; Giddens 2000; Patomäki 2000; Jessop 2001).

of their extension, intensity, velocity and impact – generating transcontinental or interregional flows and networks of activity, interaction, and exercises of power” (1999: 16). They also explicitly reject the outside-in economic understanding of globalisation as too narrow and methodologically untenable (1999: 11).

Understood in this way, globalisation is more a field of research than it is a *deus ex-machina* for explanation. Globalisation is explicitly set out as a set of processes changing social (as opposed to exclusively economic) practices and involving an intensification of transnational (as opposed to international) relations. It is set out as a qualitative change, involving a compression of both space *and* time (as opposed to simply involving international links). Finally, the implication is that globalisation is not something which takes place above us, out there, but a social change among us, in here. Conceived in this way “globalisation” is a methodologically open study of a particular kind of change, which is not deterministic in how significant they are for various fields/countries and what implications they have for states (Leander 2001; 2001).

This indeterminacy has been a key focus of some critics who see discussions about globalisation as an attempt to reinvent the social sciences anew (Rosenberg 2000). Although an important reminder, it does not rule out a less hostile reading, where this openness reflects the diversity of the authors of working on the topic, and the difficulty of using approaches caught in the “territorial trap” (Agnew and Corbridge 1995: chap.4) of “methodological nationalism” (Beck 2000) to study globalisation processes. Globalisation scholars are not united by a theoretical commitment, but by an interest in any insights into the specific processes of social change they claim to be looking at.

Such a reading of globalisation allows the regulation of the use of force to enter the stage. If it is primarily a field of research opening up questions about the implications of processes of social change, there is no reason to exclude the social regulation of the use of force. Indeed, particularly if the claims about the significance of these processes is given some credence – and even those hostile to globalisation often share the understanding that the qualitative changes discussed are taking place – there is good reason to use “globalisation” as a point of departure for thinking about the evolving social relations underlying the regulation of the justified use of force.

b. Contesting the Mystification of Westphalian Sovereignty

There is more to the reluctance to draw the globalisation debate into discussions about the use of force in IR than a restrictive reading of the globalisation literature. The emphasis on the surely important question whether recent transformations are truly novel and constitute nothing less than a break with the Westphalian system has crowded out a discussion of significant transformations which do not make this very high threshold. Even if we grant that (most of) the Westphalian institutions are still with us, it is their role and significance which is always the effect of historical negotiations (Werner and de Wilde 2001: 288). This is consequential when thinking about sovereignty or also the state’s monopoly of legitimate violence.

It is fair to say that no aspect of “globalisation” has been subjected to as much criticism as its claim to novelty. The emblematic work of Hirst and Thompson (1996) persuasively showed that the international economy was as “global” in the 19th Century as it is today and by inference that the claims to novelty and more significantly the political claim that states had lost their authority to govern were misguided. Since then a number of scholars (including Krasner, as pointed out above) have argued this point in relation to other spheres of social and political life. In the discussion about wars and the regulation of the use of force more generally, this overall focus has an equivalent in the debate that have surrounded the notion of “new wars” (Kaldor 1999). Critics have persuasively argued that the characteristics of the new wars are conspicuously old. Economic motives, irregular forces, civilian targets and non-hierarchical command structures have been part and parcel of warfare and theoretical thinking about it at least since Thucydides and Sun Tzu.

As Lacher argues, the issue at stake in these discussions is the extent to which globalisation scholars construct their argument on the basis of a “nation-statist conceit” (2003: 540). By reference to a mythical “golden age of sovereignty in which states contained ‘their’ societies within territorial boundaries” globalisation scholars attempt to transcend statism (Lacher 2003: 529). But this is impossible. Sovereignty was never an actual state of affairs, but an institutional fact which has and does coexist with very many different levels and forms of actual state control (Werner and de Wilde 2001: 285-290). Hence, by directing their effort on explaining the end of sovereignty and Westphalia, globalisation scholars deprive themselves of the possibility of describing “the continuing dialectic of national and global processes and institutions” and instead end up reifying a Westphalian order that never existed (Lacher 2003: 523).

Although it is justified and important to point to historical continuity and the indeed often exaggerated claims of globalisation scholars, the extent to which this discussion has dominated is not. It refers to understandings of globalisation rejected by many globalisation scholars themselves. It depicts those working on globalisation as believers in a transition from sovereignty to globalism, where many “globalisation scholars” have explicitly and repeatedly insisted that their interest is precisely in the transformation of sovereignty. As argued by the author of a reference book on globalisation: “globalization and sovereignty are substantially interwoven developments. Globalization is not some external presence standing apart from sovereignty, but is instead another way of describing the changes that sovereignty is undergoing [... states are] discarding traditional capabilities and acquiring new ones” (Clark 1999: 85).

Perhaps more importantly, the focus on the extent to which the changes described are genuinely novel or not, puts a threshold so high that significant changes of international society can be glossed over. However, it has been persuasively argued that the social practices associated with statehood, sovereignty and the state monopoly on legitimate use of force have evolved fundamentally in time (Deudney 1995; Thomson 1995; Reus-Smit 1999). There is little reason to think that they do not continue evolving. Looking at these transformations is important in itself, whether or not they pass the threshold of a post-Westphalian epoch. It may not fundamentally matter that the transformations discussed are not genuinely new and have precursors in the past. If these historical analogies are partial and taken out of context, that “insight” may be of limited usefulness for understanding the transformations currently under way (Latham 2002). Finally, and put more prosaically, current transformations are of importance, because they matter for *present* conceptions of politics and normative preferences. From this perspective, the insight that present changes (e.g. the growing authority of non-state actors such as private military companies or local strongmen) have analogies in the 17th Century – which was marked by radically different understandings of individual rights and politics– is not a reason to stop, but actually to start the analysis.

c. A Hesitation to Unpack the State Monopoly on the Justified use of Force

Finally, the stage has been unfavourable set because “[t]he entire discipline of international relations is predicated on the idea that sovereign states are valuable places” (Sørensen 2002: 1). “Entire” and “valuable” are both stylistic overstatements. However, it is the case that the centrality of the state is built into the “two grand traditions”⁵ for thinking about the problem of violence in IR (albeit for very different reasons) and that this centrality is laden with positive connotations.

For one tradition, which most IR scholars associate with “realism”, the attachment to the state is tied to a vision of politics of which violence is always an integral part. The reason for this belief varies. It may be attributed to human nature, to the irreducible and conflicting nature of norms, to the structural logic of anarchy, or to something else. Independently of the reason, this view on the nature of politics transforms the question of how to deal with violence and the use of force. It

5. My summary of these is inspired by general accounts by Arendt (1969) and Michaud (1978); (1969).

is not a matter of how to end it. The question is how to manage inevitable and omnipresent violence and how to keep it from popping up. The solution is the state. States are there to manage and control the use of force. States “keep the lid on violence” and check “the rumblings of uncontrolled violence” (Hassner 1995: 336-8). They do so by legislation and policing within and by the norms and institutions of international society without. That the state and the order it imposes may be very violent is not at all denied. But ultimately, this tradition is consequentialist. The state is a lesser evil:

..the estate of Man can never be without some incommmodity or other; and that the greatest, that in any form of Government can possibly happen to the people in generall, is scarce sensible, in respect of the miseries, and horrible calamities, that accompany a Civill warre; or that dissolute condition of masterlesse men, without subjection to Lawes, and a coërcive Power to tye their hands from rapine, and revenge... (Hobbes 1651 (1985): 238).

The other tradition (which most IR scholars would associate with “liberalism”) is equally wedded to the centrality of the state, but for entirely different reasons. In the liberal account, politics can (and sometimes does) take place without violence. This turns the crucial question into one about how to keep violence out of politics to allow polities to determine their own fate. The role of the state is to preserve a genuinely public sphere, by keeping violence out of politics through enforcing legislation (within) and by defence against outside intervention (from without). Liberals do not think that all states fill this role and even less that they necessarily fill it in the right way. On the contrary, liberals are key critics of state violence in different forms. Hence, liberals, adhere to the idea that a specific kind of state is the solution to the problem of violence: the liberal (democratic) state. Moving towards this specific form states involves reforming non-liberal states and using the international level for this purpose to the extent possible through “multilayered governance”, “broadening the moral purpose of sovereignty” and strengthening cosmopolitan institutions which can check violent states (Walzer 1994; Linklater 1998; Held 2003). Basic to these reform efforts, however, is the existence of states which can then be reformed.

This emphasis on the state need not have set the stage against using globalisation to analyse the regulation of the use of force. Instead, it might have favoured it: if the state is so crucial, it seems essential to inquire into how its role is transforming and unfolding in different contexts. However, this has proved surprisingly difficult as it has jarred with the positive connotations attached to states’ regulation of violence. For some, unpacking the state is an endeavour which as useless as it is risky. “Any transformational theory about international relations is, and has to be a snare and a delusion.” Globalisation scholars (and others) who work on such “mega myths” err on “the essentials” and risk undermining the few, but very important, insights that IR has brought us (Gray 1999: 181). For others, it only makes sense to do so if there are better “alternatives” than states. Since no such alternative is known or forthcoming the enterprise should not be embarked on (Schweller 1999).

These difficulties are surprising. For both liberals and realists are well aware of (and frequently refer to) the flip-side of state regulation of the use of force. The horrendous amount of violence perpetrated by states in a century marked by two world wars, the holocaust, extermination and labour camps and state orchestrated disappearances has made it impossible not to think about the centrality of state violence.⁶ Moreover, the “expansion of the state” into all spheres of life has resulted in a growing consciousness of the centrality of the state in “symbolic violence”. State institutions promote and legally sanction the norms relating to e.g. religion, sexuality, sanity, education that do (also physical) violence to persons (Michaud 1978; Connolly 1984; Braud

6. For authors emphasising the responsibility of the modern state in the perpetration of these forms of violence see among many others and for the holocaust Arendt (1979/1951); Bauman (1989); Elias (1982); Sofsky (1993).

2003). Hence, even if it were the case that engaging with the globalisation literature entailed giving up any positive connotation attached to the centrality of the state and actually did call for alternatives, it is difficult to see why this should be so hard. However, second, it is not the case that an engagement with the globalisation actually requires this. As underlined above, the point in (most of) the globalisation literature is not to argue for the end of the state, but to look at transformations. The normative attachment to the “state” and the call for alternatives to it are therefore an artificial obstacle. Looking at transformations of state authority and control over the use of force, is not the same as pointing to the end of the state.

To engage seriously with what globalisation can say about the transformation of the role of the state in regulating the use of force, it is important to start by clearing the stage. In particular, as this section has underlined, it is important not to reduce globalisation to economic, outside-in explanations proclaiming the end of sovereignty but instead to think about it as qualitative social processes, creating transnational social space and transforming sovereignty. Second, it is important to refuse being pushed into the novelty-of-globalisation debate. The issue at stake is transformation of existing institutions. Finally, it is crucial to overcome the normative resistance to unpacking the role of the state in regulating the use of force. The state is central to this regulation, but it can be so in many varying, positive or negative ways. The reminder of this paper argues that globalisation is altering these through its impact on the processes legitimating state regulation of the use of force and on the type of control involved.

2. Globalisation and the *Legitimacy* of the States’ Monopoly on the Use of Force

The “inside/outside” divide is essential to modern political thinking. It is also central to thinking about the legitimacy of states in monopolizing the use of justified force. In IR it is mostly thought that the legitimacy of external uses of force by a state can be contested at home as well as in “international society”. However, the legitimacy of states in regulating the use of justified force “inside” their own boundaries is primarily a matter of (particular) national politics. The argument in this section is that this “particularist” understanding of how legitimacy is conferred on states has always been difficult to uphold and is increasingly so (partly⁷) because of globalisation. By locating politics at a transnational level, that is by denationalising or dislocating politics, globalisation is blurring the inside/outside logic. First, an increasing number of transnational and international actors have a place in the process conferring legitimacy on states for regulating the use of force. At the same time, an increasing number of allegedly internal issues make their way into the “external” sphere. In other words, it is not the state’s privilege to claim a monopoly on the legitimate use of force as such which is changing but the processes (who participates and where) by which the legitimacy of state uses of force are contested.

a. The inside/outside and particularist understanding of legitimacy

In the ideal type of International Relations (and more broadly in political theory), states monopolize the legitimate use of force. Uses of force that are not sanctioned by states go under other names such as crime or terrorism. However, there is an obvious and recognised need to avoid that this becomes understood as saying that any use of force by the state is legitimate. Even if arriving at a general and universal understanding of which uses of force are legitimate is an

7. Although this section focuses squarely and only at the role of globalisation in undermining particularism, it clearly is not the intention to deny that other fundamental societal changes have worked in the same direction. Of particular importance are the rereading of 20th Century history stressing state violence, the rise of states with adjectives (quasi, pre-modern, failed, rogue, warlord etc.), the privatisation revolution and the emergence of “risk-society” (Connolly 1984; Linklater 1998; Leander 2002).

impossible enterprise, there has to be some way of making clear that also the legitimacy of state uses of force is contested. Some get around this by simply refusing to distinguish between legitimate uses of force and violence by arguing that the distinction is impossible to make in practice anyway (Tilly 2003: 26-7). In IR, the most common way of dealing with this problem has been to look at the legitimacy of state uses of force as a matter contested in political processes. Internal uses of force (policing, law and order) are legitimised by internal political processes; the use of force outside (wars and military operations) are legitimized externally.

The sharp distinction between “internal legitimacy” and “external legitimacy” (Bierstecker 2001: 168) is usually referred back to the 1648 treaty of Westphalia. The story tells us that at this point, war-tired rulers converged around a principle of non-intervention in each others internal affairs, establishing the right of polities to define for themselves according to which norms they should be ruled and which uses of force should count as (un)justified in that context. Wars of religion were to belong to the past. The story implies, first, that international politics should confine itself to dealing with the legitimacy of uses of force among states, internationally (in war), that is to the discussion of (un)justified reasons to go to war (*jus ad bellum*) and the means justifiably used in wars (*jus in bello*). For this purpose there are well established political processes (not only legal and formal ones) for establishing and disputing the legitimacy of state uses of force (Walzer 1977; Elshtain 1992). Second, the story implies a particularist understanding of internal legitimacy: legitimacy could and should be differently defined in different places and contexts. The norm has been (in crude terms) that “once a population is incorporated into complete citizenship, a nation-state is given almost complete authority to subordinate the population. It can expropriate, kill, and starve with relatively little fear of external intervention.” (Meyer 1980: 119).

This understanding has never been uncontested. For example, as indicated by the last quote, the practical implications of “particularism” is a silence about state violence (Walker 1993: 144-6). Similarly, since states are pivotal in international political processes these are have a strong conservative bias. “If we take states themselves as the assessors of legitimacy, it is clear that the state is the legitimate deployer of coercion. Rebel groups, separatist movements, and transnational groups are not viewed as legitimate deployers of coercion by the states or statesmen as a group.” (Thomson 1994: 8). However, the point most relevant to the discussion here is that the strict inside/outside separation has always been difficult to uphold in actual political practice.

There are three obvious, widely acknowledged and discussed cases where the separation breaks down and where there is no way around taking a stance on the way the use of force is regulated internally (i.e. on matters of “internal legitimacy”) in international affairs. The first of these is when competing authorities claim statehood (and hence the right to monopolise the justified use of force) on the same territory. In wars of secession as well as in civil wars or revolutions, there is no way around deciding which authority makes the most legitimate claim (Halliday 1999). It is a practical matter of deciding who to deal with as a state. The second case is when state violence is so enormous that we cannot ignore it because it “shocks the moral conscience of mankind” (Walzer 1994: 107). Even if it is amply illustrated by history and present-day politics that reactions to human rights abuses may come with delay – if at all – and that the “moral conscience of mankind” can be very elastic, gross state violence certainly does place the norm of arguing that states define the justified use of force on their territory under considerable strain. The third case, is when there is no state to refer to and hence no appeal to a state which defines the justified use of force is possible (Hassner 1995: 352).

These cases illustrate situations where the separation between inside and outside legitimacy has broken down; where internal legitimacy makes its way back into international politics and where the default bias in favour of particularism is abandoned. As I will show in the following, globalisation processes are making these situations more common.

b. Particularism in question through the transnationalisation of internal legitimacy

Globalisation entails a multiplication of the situations where the legitimacy of states internal uses of force are no longer seen as defined and contested primarily in national politics. With globalisation an increasing number of transnational actors take part in the contestation of states internal regulation of the use of force. With globalisation the political space which people refer to, take part in and feel concerned by is increasingly transnational. Political community is transforming or denationalising (Linklater 1998: esp. 78-84; Zürn 2000). The same is true of their understanding of which “internal” state uses of force they can legitimately contest.

In part this dislocation of political space, is linked to the increasing mobility of (some) people. As tourists, migrants, the neighbours of migrants, criminals or law enforcers people feel concerned by what goes on in a much wider polity than that delimited by the territorial boundaries of their own state (Held, McGrew et al. 1999 : 321-326; Beck 2000: 72-77). For example, migrant networks play an important role in contesting the legitimacy of state uses of force. These networks are used for example to organise (sometimes illegal) trade, to raise “taxes”, disseminate propaganda, recruit militants, or to get votes in elections. With variations this story recurs in different contexts. The PKK, the UCK and the FIS, e.g. have all relied heavily on migrants for financing their activities, for recruiting militants and for pursuing their political cause internationally (Angoustures and Pascal 1993; Bozarslan 1993; Weissman 1993; Naylor 2002: chap. 2). People on the move play an important role in creating a transnational political space where the legitimacy of states’ internal use of force is contested.

The increasingly transnational understanding of how state uses of force are legitimised is further linked to changes in the issues on the political agenda. There has been an expansion of the sphere of the political as “previously de-politicized areas of decision-making now find themselves politicized” (Pizzorno 1987; Beck 2000: 99). Issues such as ecology, human rights or gender relations have been placed solidly on the political agenda, at least in some contexts. These issues are inherently transnational in nature. Therefore the legitimacy of the way that states (also foreign ones) use and/or sanction the use of force in relation to these issues becomes a matter of concern for (transnational) issue specific groups. For example, because of their convictions about the environment and human rights GreenPeace activists in Germany, contest the way the Nigerian government uses force against the Ibo people by boycotting Shell stations.

The development of “global” communications and media coverage also does much to further transnationalisation of the processes that sanction the legitimacy of (internal) state uses of force. The media brings the politics from far away into peoples daily lives in direct shows and live reports. This alters what politics (and violence) is thought of and how it is understood (Der Derian 2001; Virilio 2001). “Wars [and more broadly violence] lose their spatial location, and, through their telegenic (re-)presentation, become *political crises* in which questions of justice and intervention must also be publicly discussed and decided in the far-off centres of global civil society” (Shaw 1996). One can read this development as favouring the spread of specific values and ideas such as human rights or democracy (Habermas 1998: 71-9; Halliday 2000: 153). Inversely one can see it as fuelling opposition on behalf of those who do not want to take part in or be influenced by a transnationally defined political space and find themselves disadvantaged by the rules of the game in this space (Badie, Coulon et al. 1987; Tibi 1991; Castells 1996; Appadurai 1998). Both effects probably coexist: the (local) grievances of human rights activists or militant Muslim with government uses of force (against e.g. journalists) are framed in relations to a transnational and international agenda, placed on that agenda and that agenda is made to bear on local politics (Göle 1997; Keck and Sikkink 1998). The point is that the globalisation of media contributes to place the legitimacy of “internal” state uses of force on a transnational public agenda.

Finally, the increasingly transnational contestation of the legitimacy of state uses of force, is not only a matter of changing self-definitions, universal values or expanding political agendas. It

is just as often imposed by the linking up of social spaces through what one might term “structural changes” (Leander 2001). This is not only true in the sphere of the economy where it is most often argued and situated. Also political, cultural and social space is directly affected and it might be useful to recall that some of the early work on “globalisation” came out of sociology (Guillen 2001). For example, transnational educational agendas and hierarchies reshape “local contexts”. This is not a neutral process, but one where some points of view lose terrain while other gain and power relations are reshuffled. Funding networks and dominance in the publication market plays a considerable role in this process (Korpi 1992; Lebaron 1997; Loureiro 1998). Similarly, political agendas are to some extent also imported. International funding networks play a fundamental role in deciding on the distribution of resources nationally, hence leading to an accentuation of some issues and the downgrading of others (Bourdieu and Wacquant 1998; Ergun and Cali 2003). This has not escaped political activists who view the source of their troubles as rooted far away from home, and act accordingly. Transnational networks (such as al Qaeda) are created and used to contest the legitimacy of the use of force by one state (such as Saudi Arabia) and the foundation of its power. As Bauman comments on 9/11: “they aimed at the symbols of an unjust global financial, political and military might on which they depend” (*Information*, 15.9.2001).

The consequence of the “dislocation” of politics from the national to the transnational, is that states’ use of force and its justification can be (and is) contested or approved by a wide range of actors and movements transnationally. The significance of this transnationalisation is extremely unequal. While some countries can afford to ignore the transnational contestation of their usages of force⁸, other countries face an outright “privatisation” and NGOization of politics (Clapham 1996: chap. 10 and 226-30). However, beyond their varying capacity to ignore the transnational contestation of the legitimacy of their uses of force all states are faced with it. In that sense it is true that “where the dominant political image of modernity was Leviathan, the moral standing of ‘national’ powers and superpowers will, for the future, be captured in the picture of Lemuel Gulliver, waking from an unthinking sleep to find himself tethered by innumerable tiny bonds” (Beck 2000: 72). What this tells us is that even if states can continue to claim a monopoly on the right to regulate the use of force (states are central and matter fundamentally) the inside/outside division of in thinking about the legitimacy of this claim is increasingly blurred.

c. Particularism questioned in international society

The transnationalisation of politics is also affecting the way that questions of legitimacy are dealt with in the international sphere. The confinement of international politics to the legitimacy of uses of force among states is increasingly difficult to uphold as “internal” uses of force tend to make their way onto the international agenda. The transnationalisation of politics has spilled over and altered also the international political agenda. The consequence is that not only is the legitimacy of “internal” uses of force increasingly contested transnationally, it is also increasingly contested in international politics among states.

States are not aloof of the dislocation of politics. On the contrary, a large share of transnational political activism targets states. Advocacy groups of various forms, including private business and NGOs focus their demands on (home and foreign) states (Zürn, Walter et al. 2000). “Epistemic communities” of experts working on similar issues from a similar perspective often in the service of states and with the aim of changing state policies (Haas 1992). Governments are under the diffuse pressure of “public opinion” and media to try to influence foreign states. Lastly, the flip-side of the idea that there is no opting out from the international system, is that there also is no way of not being involved. Recognizing rulers as sovereign, allowing tax heavens, not regulating trade in small arms or timber etc. are acts of “non-intervention” which “intervene in” and shape the fate of countries in conflict. Therefore non-

8. Consider e.g. the US disregard for the rampant critique of its treatment of so-called enemy aliens (Cole 2003).

action is decreasingly seen as a choice of non-intervention. Non-action is often framed as a choice in favour of a specific form of intervention and governments are under pressure to act (Kaldor 1999: 105; Berdal and Malone 2000: 12).

The consequence is that the limits set by the international society of states on the legitimacy of (internal) uses of force become more stringent. This is visible in the expansion of international law. The “privatisation” of human rights law and the establishment of an international court of justice marks a shift to grant individuals rights and responsibilities as individuals rather than as citizens of states (Clapham 1993). But perhaps more significantly there has been increasing recourse to principles which allow international society to enforce limits on the levels of (internal) state violence it legitimates (Risse, Ropp et al. 1999). The most spectacular illustration of this development are the so called “humanitarian interventions”. Even though these interventions have all been justified with reference to the uniqueness of the case and with extreme care to underline the importance of state decision making (MacFarlane 2003), they do mark a breach with previous practices (Wheeler 2001).

The pressure on the particularist understanding of the states’ right to define the justified use of force is also visible in the growing need for states to justify non-intervention. Indeed, consistent with the state-bound understanding of legitimacy has been the argument that any interference with the way states use force (and define the justified use of force) internally has to be justified. Inversely, non-intervention was the norm and did not have to be justified (Walzer 1977: chap. 6; Frost 1996: 106-9). It is decreasingly clear that this continues to be the case. The debates surrounding Algeria and Rwanda are strong cases in point. Here governments went to great length in justifying their unwillingness to intervene in the conflicts. In Algeria, considerable effort was spent on situating the conflict as a matter of internal concern primarily. In Rwanda, information about the massacres was deliberately withheld to prevent the in order to prevent the “G-word” genocide (and hence the genocide convention requiring outside intervention) from entering discussions (Barnett 2002; Malmvig 2002).

Finally, shifts in the impact of way the inside/outside distinction on the legitimation of state uses of force comes out in innumerable and far less spectacular policies. Governments use sanctions, political conditionality on loans and aid to influence the way other states regulate the use of force internally. They have pushed a change in the agenda of international institutions where security concerns and questions of how to deal with civil wars and reconstruction figure increasingly prominently. In fact, this development is going so far that it is sometimes argued that the development discourse is shifting from a focus on inequality to a focus on insecurity (Duffield 2001). Governments are also placing increasing pressure on private actors to deal with the issue. They are asking firms to become “good citizens” and shoulder their “social responsibilities” and in particular to check that their activities do not encourage or benefit from “illegitimate” practices in other countries as illustrated e.g. by the Kimberly process to limit the trade in “blood diamonds” (Cooper 2002).

The section began by pointing out that the inside/outside division has always tended to blur in the political processes conferring legitimacy on states. It proceeded to show that globalisation reinforced this tendency. A growing range of transnational, non-state actors are involved in defining, contesting and sanctioning the legitimacy of state uses of force (internal and external). At the same time (and partly as a consequence) international society of states and international law is also increasingly prone to encroach on and set limits on the legitimacy of states’ use of force on their own territory. This change in who is involved and from what spatial location is widely acknowledged, publically sanctioned and encouraged. Governments confer with non-state actors, rely on their information and grant them a seat at the table (sometimes even a permanent one as Amnesty International’s seat at the UN). It is not a development “against states” or

sovereignty. This argument should be read as what it is: namely an argument about transformations in how the legitimacy of state uses of force is contested and defined.

The division between the uses of force legitimised internally and those legitimised externally is blurring as an increasing number of “internal” issues are placed on the transnational and international agendas. This is not to imply that everyone is equal. Nor is to say that international politics has become more “moral”. Not all state violence provokes international reaction and condemnation. Many would think that far from enough do. Reactions vary greatly (Hassner 1995: 381). Criticism abounds of the way that some conflicts are singled out to justify intervention (Iraq or Kosovo) while some are left running their course (Rwanda, Soudan) and even more of the forms interventions (Patomäki 2002; 2003). However, that does not alter the point argued in this section: namely that globalisation entails a far reaching reconsideration of who at what level is involved in conferring legitimacy to some state uses of force while denying it to others.

3. Globalisation and the Reinterpretation of the State *Monopoly* on the Legitimate use of Force

Globalisation has also entailed shifts in the practices by which states *monopolize* the use of legitimate force. Globalisation has not meant abandoning the idea that states should monopolize the legitimate use of force. In that sense Thomson is justified when she argues that we are not witnessing a transition from sovereignty to heteronomy since there is no end or significant erosion of states’ monopoly on the authority over the deployment of violence (1994: 153). This said, the extent of private involvement that is found acceptable has increased considerably. In the wake of the cold war, globalisation has touched the previously stringently guarded the military sector where it has reinforced the drive towards privatisation and informalisation. In itself, this marks a reversal of the strictly statist understanding of what kind of monopoly control states claim dominant during the cold war. Informalisation and privatisation is also leading to shifts in the understanding of what authority a state claim to have a monopoly entails. A restrictive understanding is being replaced by an understanding where private security experts (national and foreign) are given authority to decide over the use of force.

a. The variability of expanding modern monopolies

There has always been a considerable degree of ambiguity about what a state “monopoly” on legitimate force referred to. A claim to monopoly control, at the very least, has to entail a claim to ultimate authority in deciding what force is going to be used for. However, beyond that, there is scope for considerable variation. The state authority to ultimately decide what force is used for can and has coexisted with various degrees of private sector involvement in the allocation and ownership of the means of coercion.

The restrictive interpretation of what role of private actors should play in owning and allocating the means of coercion developed progressively in the course of the 18th and 19th Centuries to become dominant only in the 20th (van Creveld 1991). States became increasingly concerned with the direct ownership of the means of coercion. Private and community based and paid policing was replaced by publicly financed and controlled police forces (Johnston 1992: chap 1). Standing armies, often based on conscription, were developed to replace private companies and individual mercenaries (Avant 2000). Military production became state controlled and directed. Even when it remained nominally private, the industry depended on state finance and demand. This dependence was reinforced by increasing state concern with controlling the allocation of the means of coercion. Governments increasingly aspired to rule over where and on what conditions arms and related services were sold. Over the 20th Century

arms trade became a central part of alliance policies during the cold war, overshadowing the economic motives for exporting arms (Krause 1995, first ed. 1992: 124).

These changes never completely eliminated the role of the private actors in the ownership and allocation of the means of coercion. Mercenaries and private security companies continued to exist and operate and private firms continued to do business on their initiative, sometimes against the policies of their own states. Moreover, many states (particularly in the developing world) were in no position to control either ownership or allocation but were dependent on the policies of their allies. However, the overall trend was to expand the understanding of the monopoly claim on the use of force to cover also the production and allocation of military services.

A similar expansion took place in the spatial understanding of states' claim monopolise the control over the use of force. In the course of the 19th Century a profound transformation of sovereignty took place as states extended the claims of monopoly control to cover also the *international* sphere and not only their own jurisdiction. Prior to that, states did not take responsibility for private violence in the international sphere. They of course used and benefitted from private violence when it suited them, but would also claim that initiatives were private when it was in their interest do so. Pirates, mercenaries and mercantile companies were hired, supported and established with the explicit intention to gain economic and political advantages for states. However, states would (sometimes justifiably) argue that the activities of private actors were indeed private and refuse responsibility for them. This practice of "plausible denial" (of state responsibility for private violence) had a number of "unintended consequences". It got states entangled in conflicts with each other as well as with private authorities. The mercantile companies for example waged war against other companies and states often on their own initiative and at times in direct conflict with the policies of their home states. This eventually made the "collective of state rulers" change their practices. Consequently, from the late 19th Century onwards:

Traditional states were transformed into a system of national states that held one another accountable for any individual violence emanating from their respective territories.

Sovereignty was redefined such that the state not only claimed ultimate authority within its jurisdiction, defined in geographic terms, but accepted responsibility for transborder violence emanating from its territory (Thomson 1994: 19).

There has been a gradual extension of the understanding of what it entails for states to claim a monopoly on the legitimate use of force. In the course of the 19th and 20th Century that claim has come to encompass not only the authority to ultimately decide what force can legitimately be used for, but also who should own and control the means of coercion on what terms. This expansion has also moved from covering the territory under the control of a state to encompass uses of force beyond state borders. Globalisation has been central in reversing this expansion.

b. Privatising the ownership and allocation of the means of coercion

Since the end of the cold war the expansion of the understanding of what is entailed by a monopoly over the use of force has been arrested if not reversed. It is (again) considered appropriate to allow private actors to play a prominent role in owning and allocating the means of coercion. This re-privatisation is intimately linked to globalisation processes. Increasingly interdependent and competitive financial and productive markets have been important in pressuring states to privatise and in making firms restructure. Moreover, these linkages have been fundamental in facilitating the development of markets (informal and formal) in the military sector.

During the post cold-war period there have been significant changes in the kinds of private involvement considered compatible with state claims to monopolise the legitimate use of force.

Observers try to capture these changes by analysing the emergence of a “market for force” (Avant forthcoming), the “rise of a private military industry” (Singer 2003) and the “restructuring of the global military industry (Kaldor, Albrecht et al. 1998). Attempts to quantify the increasing weight of the private sector give an impression (even if only approximate) of the magnitude of change. The annual revenue of the private military industry is estimated to have increased from \$55.6 bn in 1990 to \$100 bn in 2000 and was expected to double again and reach \$202 bn by 2010 (International Consortium of Investigative Journalists 2002: 4). This is translated in an increasing presence of private personnel in fighting situations. Estimates of the number of conflicts involving “mercenaries” confirm the trend. 15 entries for the forty years period between 1950 and 1989 became and 80 for the ten year period between 1990 and 2000 (Musah and Fayemi 2000; Foreign and Commonwealth Office 2002). It is also important to underline that increasing private involvement is *not* restricted to internal wars in weak states. Rather, during the second Gulf war of 1992 the ratio of private contractors to soldiers was estimated to 1-to-60, it had grown to 1-to-10 in Bosnia, 1-to-2 in Kosovo and it is estimated to have been even higher during the latest Iraq war (Peter Singer in *Miami Herald*, 7 March 2003). The change is impressive and all the more impressive since whatever indicators are used they give the same direction. This is the backdrop against which it is likely that “the 1990s will stand out as the decade in which arms production was returned to the market, after three-quarters of a century in which it was largely conducted at the behest of the nation-state” (Lovering 2000: 163).

This return of the private (and informal) sector is a complex development, related not least to the end of the cold war. As the international political context shifted, so did thinking about what kind of control governments needed to exert over arms production and allocation. The political priority of the military sector was no longer self-evident. This change coincided with the consolidation of what some have called the “market civilisation” (Strange 1990; Gill 1995) celebrating the virtues of privatisation policies and the vices of corrupt states (Hall 1986; Evans 1997; Feigenbaum, Henig et al. 1999). The combination of a changed international context and the bias in favour of private business, paved the way for allowing the production and allocation of means of coercion became part of and shaped in globalisation processes. Indeed, “the end of world bipolarity opened the flood gates to processes which had already begun in the civil sector and in certain parts of the world, processes which one might label globalization and informalization.” (Kaldor 2000: 2). These processes have led to a rethinking of how far reaching the state control over production and allocation should be.

They have done so first, by making governments further downgrade their direct involvement in controlling the production and allocation of means of coercion. The linking up of markets (and particularly of financial markets) has been one of the key reasons for governments to pursue “embedded financial orthodoxy” (Cerny 1994), that is a strategy of budgetary restraint responding to the expectations of increasingly integrated financial markets.⁹ The consequence were cuts in defence budgets and experimenting with “private alternatives”. Hence, following the end of the cold war military spending fell drastically (Schméder 1998), even if it is now picking up again. Moreover, there has been a strong trend to privatise and/or commercialise formerly state owned defence industries and formerly state directed markets (Forsberg 1998). In the UK e.g., the Ministry of Defence procurement executive has been replaced with an independent, commercially ruled, Defence Procurement Agency (Fredland and Kendry 1998). In other countries, and especially of the former eastern bloc, exports have become a key source of income for the state as a whole and/or informally for parts of the armed forces whose budgets have been severely curtailed (Koptke and Wilke 1998; Albrecht 2000). Finally, in countries with no real production the pressures have meant that governments have tried to reduce spending, partly by

9. Whether this strategy was necessary or whether the pressure of “globalisation” was exaggerated and used to legitimize policies which would otherwise not have been possible, is a big discussion beyond the scope of this article. It is certainly the case that some countries (most notoriously the US) followed no such strategy.

placing the costs of protection on those who request it. Regional and local rulers, foreign firms, governments and NGOs have been encouraged to buy protection either on the international market or from local armed forces (Duffield 1994; Clapham 1996; Reno 1998; 2001). These developments feed back into the logic of privatisation, globalisation and informalisation of the production and allocation as they all contribute to further the development of private markets.

Second, globalisation processes have been important in reshaping the type of control that is feasible, demanded and sought by states and the industry itself. Globalisation has entailed fundamental shifts in the way that firms in the military industry operate and see their own activities. With state withdrawal and the growing willingness to expose private companies to market pressures, firms have had to look for profitability on market terms (Edmonds 1998). For the upper end of the industry, this means engaging in global markets and a shift towards “post-fordist” modes of production. This dovetails nicely with the “revolution in military affairs” (RMA) which brings the civilian industry into the military as the need for private sector specialists and consultants as well as of off-the-shelf technology grows rapidly (Adams 1998). Firms “increasingly behave as ‘normal’ corporations with ‘normal’ business professionals [...] They cannot wait until groups of politicians and military committees have deliberated over a ‘Grand Plan’.” (Lovering 1998: 227). That is, state involvement in the upper end of the military business increasingly resembles that in other industries: the state is no longer a regulator but a “business facilitator”, “cooperating” with business (Dunning 1991; Stopford and Strange 1991; Evans 1995). At the lower end, the arms bazaar has become a yard sale (Koptke and Wilke 1998: 89). Competition for markets has meant a rapid growth of informal business and second hand markets. Neither is readily monitored (let alone controlled) by states (Albrecht 2000; Krause 2002).

Finally, the privatization and informalisation of the production and allocation of the means of coercion only makes sense in the context of increasingly integrated global markets more generally. The importance of the emergence of a single world market for the changing production strategies of firms has already been underlined. But more generally, the privatisation of military services production, consultancies are intimately linked to the general integration of global markets. In particular, the deregulation and integration of financial markets plays an important role in much the same way as it does for internationally oriented firms in any sector (Stopford and Strange 1991: chap. 2). It greatly facilitates international business by making it easier to organise transfers of services, by making it more profitable, by minimizing taxation and other regulatory costs, and finally by making it easier to keep activities non-transparent and secret (through tax-havens). The last point is of particular significance for firms in the military industry because of the political sensitivity of the business and because of the weight of informal markets.¹⁰

Globalisation processes have been central to the reshaping of the way in which the ownership and allocation of the means of coercion are organised. These shifts do not imply that the state is no longer present in trying to influence and direct the production and allocation of military services. However, they do tell us a story about a redesign of the kind of involvement expected from states claiming a “monopoly” on the legitimate use of force.

10. For overviews of the services offered by tax havens and the discussions surrounding them, see Palan (1998) and Kurdle (2001). For their significance for the military business consider e.g. the FATF documents on terrorist financing at www.fatf-gafi.org/TerFinance_en.htm or discussions in Wechsler (2001) and Naylor (2002). Consider also the suggestion of establishing an arrangement to “address the financial rape and ruination of whole countries” made possible by the current global financial system Berdal (2000: 12).

c. Private agency and private authority over the use of force

The crucial question is what a shifting understanding of the state's involvement in the military business entails for the ultimate authority to define and decide over the use of force. Is it just a matter of "delegating" tasks to a more effectively functioning private sector, or, is this a Frankenstein story where governments are losing control over their own creations and also the understanding of authority is shifting? This section argues that "delegation" also entails privatisation of the ultimate authority to define and decide over the use of force.

First, the privatisation of allocation and of ownership of the means of coercion is having an impact on the control of states over the use of force in actual conflict situations. The privatisation of ownership and allocation is making it increasingly hard for states to control that their decisions are actually being carried out. There is always the risk that the private firms will not fulfill their contracts, or not do so fully. Brown & Root has reportedly failed to deliver or severely overcharged on 4 of its 7 obligations to the US Army. They might also shift sides in the middle of a conflict or simply run away when the situation becomes to unpleasant. In 1994 the Gurkha e.g. fled Sierra Leone after their commander had been killed (and reputedly cannibalized). Or, again finally that they may turn against their employers and work for their overthrow by a ruler more sensitive to their own concern. EO might have been active in the 1996 ousting of the president of Sierra Leone (Singer 2001/2: 205-6). That is, Machiavelli's prime concern with how to deal with the "whores of war" is reappearing at full and posing very similar problems to the ones he reflected on.

Moreover, contractor personnel is increasingly present in actual military operations and hence play an increasing role in deciding how those operations should be conducted. They provide an important share of military intelligence: 95% according to the estimates of former CIA director James Woolsey (Singer 2003: 241). They go to the front lines to support their weapon systems and perform the same functions as soldiers, at times even replacing soldiers. For example, during Desert Storm, civilian contractors provided surveillance data during operational missions, maintenance of the TOW missile, the M1A1, the Bradley and the Patriot (Zamparelli 1999). Consequently, the line between military and civilians is blurring on the terrain. This means that a host of decisions on the ground are moving out of the hands of military commanders (who are acting as state agents) and into in the hands of private contractors.

Second, privatisation of ownership and allocation is altering the capacity of states to decide who is entitled to use what kind of force. By definition private firms are in the business to make a profit. For some firms this might require keeping a good reputation for selling only to "respectable clients" or "legitimate governments". Many industry representatives argue that the "market discipline" imposed by this need coupled with business "self-regulation" would be sufficient to prevent firms from acting against the interests of their governments (Spicer 1998). However, there are several difficulties with this view. The notion of "respectable client" and "legitimate government" is unusable in most contemporary conflict situations. Who is the legitimate government or the respectable client is the object of dispute in "internal wars", i.e. in most actual contemporary conflict situations. Moreover, many firms build a reputation and make their living exactly of the opposite type of reputation (selling to non-respectable clients). UK and American firms have run military training camps for militant muslim groups to whom they have also offered "Jihad training packages" to any interested group and client (Singer 2003: 270). Similarly, the Israeli firm LIAT made a name for itself, as capable of organising the exchange of extractive resources (timber, diamonds) for military equipment and services for African armed groups (Reno 1998: 119). Finally, there is no guarantee that firms will not be tempted into business – even if immoral or illegal – provided it is sufficiently lucrative. It is therefore hardly surprising to find that market discipline and self-regulation have a poor record. There are innumerable examples of firms selling services to non-state organisations including rebel groups,

extractive firms, or outright organised crime (involved e.g. in drug trading, human trafficking, or trade in illegally extracted diamonds) (UN 2001).

Third, delegation is altering the way that public decision making authority is exercised. In countries that are important providers of private military services the consequence of privatisation tends to be one of de-politicising the issue by virtue of moving the question of “what kind of use of force is being used where by what nationals” out of the public arena of debate. The wish to circumvent political debates about intervention in far off places and the related fear of seeing body bags coming back is seen as an important part of why states have been so willing to allow private firms to operate. For example, MPRI involvement in the Croat “Operation Storm” whereby Serb held Krajina was recovered in 1995, and in rearming and training the Bosnian armed forces made it possible to decisively tip the military balance without taking the national and international political debate which open interventions would have provoked (Adams 1999: 110). Similarly, in countries buying private military services the balance between political actors is shifted. The government can rid itself of the costly and (in view of the propensity of the officers to make or participate in coups) politically risky need to pay for a national army (Howe 2001). Relying on outside means of coercion (and finance) also reduces the need for the rulers to engage in institution and state building. Governments can avoid in external capital and coercion and hence avoid the processes which led to the “forging of mutual constraints between rulers and ruled” and the establishment of civilian rule in modern Western states (Tilly 1985: 186; Leander 2003 forthcoming).

Finally, delegation to the private sector is constitutes private actors as experts on security matters (Leander 2004 forthcoming). As pompously expressed by the former head of MPRI, “we make American military doctrine” (Ed Soyster in *The Economist* 8 July 1999). Private actors increasingly speak as authorities on how to understand security and threats and how to meet them. They have to do so since “the key to corporate survival resides increasingly in a political or even a cultural capacity; the ability to influence future customers and suppliers.” (Loving 2000: 167-8). For private firms it is a matter of survival to shape the debate about security. They do so by being present in the media and in public seminars, by training the military, by informing or corrupting public administrations, by running university courses and research seminars and by giving input on the development of defence related legislation (national and international). For example, the website of MPRI (www.mpri.com ; one of the bigger US firms in consultancy and training) informs that – among many other things – the firm has taken over the Reserve Officer Training Corps operating in more than 200 universities. It runs courses for the armed forces (including within the CGSC Military Leadership Instructor Program). It runs the African Centre for Strategic Studies. Internationally, MPRI has organised seminars and courses for a number of governments and military staff. It runs training and restructuring programs such as the ACRI (African Crisis Response Program) aimed at creating a multinational regional force for emergency interventions and the “Train and Equip” programme to build up and train the armed forces of the Bosnian Federation in the wake of the Dayton agreement.¹¹ This is not an ad for the MPRI. The point to illustrate the kinds of activities by which private firms fashion the understanding of security and how it should be dealt with.

Globalisation has entailed a marked shift in the understanding of the degrees of private involvement that are seen as compatible with a public “monopoly” on the legitimate use of force. The significance of these developments is often trivialised by the argument that the supposedly private business is in reality a “covert wing” of governments. Even if this might at times be an adequate description of their activities, the implication of this section is that it is a serious mistake to assume that it always is. The military business has been normalised. Even firms (like

11. See also (Singer 2003: 180-203); “Corporate Soldiers: The US government privatizes the use of force” *Multinational Monitor*, March 1999.

MPRI) who work closely with public authorities also act as private firms on the basis of corporate interests and many firms never identify or act on behalf of any particular government. Therefore, it is important politically as well as academically to treat the shifts in authority from public to private actors seriously.

Conclusion

This article has discussed the way globalisation has reshaped the understanding of the state's role in regulating the use of force in general, rather than applied to a state or a group of states. This is because of a conviction that the changes discussed here are of a general nature and that in order to capture them it is important to look at what is common rather than at what is different; to look at the forest rather than the trees. The reinterpretation of who is important at what level in conferring "legitimacy" on state uses of force is general. The questioning of particularism and the slide towards an increased weight for transnational and international processes affects everyone. The greater allowance made for markets and private actors in allocating and owning the means coercion and as security experts is equally general.

However, to focus on general changes is not to deny that their implications might vary. As emphasised throughout the article, countries, governments, armed forces, NGOs, firms, political parties and warring factions are affected in very different ways by the general changing understanding of the role of states in governing the use of force. The internationalisation and transnationalisation of how legitimacy is conferred takes place on very unequal terms. While some states and groups can define for themselves and others what legitimacy is, others are pushed either to defend their own conception or (more likely) to adjust. Similarly, the altered understanding of the monopoly control states claim over the use of force empowers some actors while it weakens others. For some firms, NGOs, governments and individuals, the new private/informal market is a bonanza. It makes it possible to save/make money, resist oppression, stay in power, go on with aid provision and/or economic activities or simply to ensure protection by "filling the security gap" (Mandel 2002). For others, privatisation is a calamity allowing warring factions, gangs, guerillas or governments to continue abusing them. For some rulers privatisation has made it necessary to follow "innovative strategies" "mimicking was lords".¹² This diversity makes any attempt to generalise about the implications of the evolving understanding a complex task which this article has not embarked on.

More than pointing to complexity, this diversity points to the importance of (and potential for) improving governance of the use of force. Precisely because the implications of the evolving understanding of the role of states in regulating the use of force are as unequal as are possibilities of different actors to deal with them, thinking about governance is crucial. As in other spheres of social life touched by "globalisation", it is through governance that a "modicum of order" – perhaps a less unjust order than the current one – can be introduced (Rosenau 2002). The current changes could pave the way for a rethinking and reorganisation of the politics governing the use of force. However, a major obstacle to any such development is the unwillingness to acknowledge change and to abandon established patterns of thinking. This is a feature of all discussions around globalisation, but it is exceptionally strong where the use of force is involved. There is a curious gap between the readiness to add adjectives, such as rogue or failed, to states, discuss terrorist networks and violations of human rights and the unwillingness to explore the implications for the institutions governing the use of force in international relations and IR. Yet, as this article tried to show, profound changes have occurred and should be integrated into

12. This is a key argument in Reno (1998).

political thinking and practice. Acknowledging this is a precondition for realistically rethinking and reforming governance.

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