

## **F-4 International Law and Order: Contemporary Issues & Prospects**

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### **ABSTRACT:**

In the aftermath of 9.11.01, scholars have expressed a renewed interest in the 'new war' thesis, an argument that a diverse array of new actors are taking advantage of global interdependency to challenge the State's monopoly over the legitimate use of violence. Theorists of new war tend to emphasize the redundancy of Clausewitz's famous maxim that war is an extension of the politics of the state. In its place, they describe an emerging world order in which a rising tide of failed states and agents of terror increasingly threaten the civilized world and its fragile liberal 'zone of peace'. While not necessarily challenging this contention, this paper suggests that the discourse of new war reduces war to a purely instrumental practice and thereby occludes much of liberalism's own relationship with violence. To this end, in this chapter I offer a broad reinterpretation of the war in terror by posing it in relation to Hardt and Negri's concept of 'post-imperial' sovereignty. To do this, I first review the 'new war' thesis, paying special attention to its argument that the zone of liberal peace can be expanded through the use of force. Then, drawing from arguments set out by Foucault, who himself was strongly influenced by Clausewitz, I address two central concerns which serve to undermine the pacific claims embedded in new war scholarship. The first claim concerns the theme of politics as a continuation of war - Foucault takes from Clausewitz's model of war a general model of how power works in all social relations. The second and more substantive claim concerns Foucault's argument that the discourse of strategy plays a constitutive role in the government of modern liberal societies. As I see it, this latter sort of claim plays a central role in many recent critiques of the state of today's 'normal politics', from Agamben's claims about the State of Exception to Hardt and Negri's arguments concerning the emergence of global sovereignty and modernity's 'civil war'. These authors effectively demonstrate the utility of de-centered understandings of power in our analysis of global conflicts by revealing how liberal discourse tends to want to strategize global life - committing acts of violence not in the name of the traditional sovereign 'right to kill' but, rather, in the name of life itself. The War on Terror is thus plausibly reinterpreted as a globalized regime of biopolitical security which runs the risk of instituting its own regime of terror. In this sense, descriptions of the war on terror which remain couched in the discourse of new war, with its tendency to exaggerate the role played therein by the sovereign state, necessarily fall short. While this is not to deny the singular nature of the War on Terror, or the central role played therein by the capacities of the US state in particular, it is to suggest that the concept of war can be put to use in a broader manner in order to reveal an important and overlooked aspect of its context in the project of globalizing modernity. With this in mind, the paper ends with a reflection upon Hardt and Negri's Multitude. Based on concepts found in Deleuze and Guattari's arguments concerning resistance to state power, Hardt and Negri emphasize the irreducibility of the power of war to the logic of global liberal rule. In doing so, they leave us with a theoretical framework through which we might start to imagine a life beyond permanent war.

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### Politics of River Cooperation

#### **Abstract:**

While much of the extant literature has focused on the conflict-generating potential of international river use disputes, this study builds on the more recent works that have begun to examine the politics of river cooperation. Our theoretical framework draws on the key international relations schools of thought in order to identify the determinants of whether riparian countries will enter into river-managing treaties. We examine the influence of the variables on both the treaties that are meant to deal specifically with the most contentious river use issue - water supply - and on the river-managing treaties of the more general nature. Empirical results for the 1948-2000 time period confirm some while challenge much of the established conventional wisdom on the topic. Specifically, we find that the realist theory has little bearing on the river cooperation dynamics; economic interdependence increases the chances for formalized river cooperation, and so does joint democracy, but only in the water supply context; water scarcity increases the chances that water supply treaties will be signed while decreasing the prospects of general river treaties; and we find that the role of upstream/downstream river flow has been exaggerated, as this allegedly

important factor is not significant in any of our analyses. Cumulatively, our findings sound a cautiously optimistic note for the prospects of the spread of formal river cooperation in the less developed parts of the world.

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Dealing with Claims of Ethnic Minorities in International Law

**ABSTRACT:**

From an international legal point of view, claims by ethnic groups pose serious questions touching upon fundamental principles of international law. The right to existence of ethnic minorities, equality and non-discrimination measures, and the question of the relationship between self-determination, autonomy/power-sharing arrangements, and independence/secession are only the most important issues that arise. The integration of ethnic groups in regional and national decision-making processes, minority-benefiting power-sharing arrangements, and territorial claims (notably autonomy and secession) pose difficult questions in international law: First, does the active protection of ethnic groups and as a consequence, the favorable treatment of minorities, undermine fundamental principles of equality in international human rights law? What is the “acceptable” level of difference in treatment? Second, how can international law contribute to the protection of minorities, particularly regarding the political and economic discrimination of ethnic groups and the preservation of the group’s identity? And third, how should be dealt with territorial claims of ethnic groups? Are power-sharing arrangements and autonomy compatible with international legal principles? How does international law deal with claims to secession and independence? This paper looks at the potential of international law to effectively address claims of ethnic groups. It examines the challenges different claims pose to international law and points out the weaknesses and loopholes in the protection of minorities. It gives recommendations on how international law could actively contribute to dealing with ethnic claims and shows the limits and debates about the feasibility of an international law approach.

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Terrorizing the Terrorists: Rethinking the Permissibility of Torture

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The Thugs: The Historical Lessons of Religious Terrorism

**ABSTRACT:**

The Thugs have long been depicted as the forerunners of modern-day religious terrorism. Their actions are often depicted as historical antecedents to contemporary religious violence. While the Thugs are frequently mentioned in contemporary texts on terrorism, few authors have gone beyond historical myths and broad generalization in their discussion of this group. Fewer still have ventured beyond the religious aspects of Thug ideology to examine the broader socio-political context in which they emerged and operated. While religious fundamentalism may have played a critical role in the formative period of this group, more mundane social, economic, political, and security concerns quickly came to dominate their day-to-day activities. Rather than being trapped by intractable religious beliefs the thugs significantly modified their religious doctrine and behavior to meet changing needs. Competing movements and internal generational change significantly diluted religious fervor and lead to more pragmatic approaches to their religious beliefs. Thus the examination of the Thugs offers important historical lessons that apply to contemporary religious terrorism.

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