



Idealist and Realist Aspirations for Just Peace

An Analysis of Ethics of Military Force and the Discursive Construction of
an Ethic of International Policing within the Framework of Just Peace and
the Contemporary Hegemony of International Law

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Cover photography: Thomas Frank, 1991. An enormous hand rising from the desert sand holding a sword and a net chock-full and torn by 2500 helmets of dead Iranian soldiers. It was one of the *Swords of Qadisiyah*, also called the Hands of Victory. These ‘Hands of Victory’ – two pair of bronze replicas of Saddam Hussein’s own hands – were the entrances to the large parade ground in the center of Bagdad, having even more Iranian helmets embedded in the concrete as speed bumps, visible at the bottom of the picture. The monument was completed and opened in 1989. In 2007 the Iraqi Government decided to dismantle it.

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Thomas Frank
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Abbreviations

ASW	A More Secure World: Our Shared Responsibility
EKD	Evangelische Kirche in Deutschland
EsPh	Vorlesungen zur Einführung in die sprachanalytische Philosophie
GMS	Grundlegung zur Metaphysik der Sitten
H&SS	Hegemony and Socialist Strategy
IHL	International Humanitarian Law
IW	The War against Iraq
JUW	Just and Unjust Wars
JWI	Just War Idea
KI	The Intervention in Kosovo
MD	Millennium Declaration
MDG	Millennium Development Goals
NATO	North Atlantic Treaty Organization
OSCE	Organization for Security and Co-operation in Europe
PEP	Peace Ethics on Probation
RTP	The Responsibility to Protect
SC	Security Council
SCR	Security Council Resolution
S&S	Selbstbewusstsein und Selbstbestimmung
S&Z	Sein und Zeit
UK	The United Kingdom
UN	The United Nations
UNCh	The United Nations Charter
US	The United States of America
USNSS	United States National Security Strategy

1. Introduction

*For I dipt into the future, far as human eye could see,
saw the Vision of the world, and all the wonder that would be;*

*Saw the heavens fill with commerce, argosies of magic sails,
pilots of the purple twilight dropping down with costly bales;*

*Heard the heavens fill with shouting, and there rain'd a ghastly dew
from the nations' airy navies grappling in the central blue;*

*Far along the world-wide whisper of the south-wind rushing warm,
with the standards of the peoples plunging thro' the thunder-storm;*

*Till the war-drum throbb'd no longer, and the battle-flags were furl'd
in the Parliament of man, the Federation of the world.*

*There the common sense of most shall hold a fretful realm in awe,
and the kindly earth shall slumber, lapt in universal law.*

Locksley Hall, Alfred Lord Tennyson (1842)

The vision of Tennyson's soldier in the poem Locksley Hall, the dream of a future where the parliament of man, the common sense of most, and the universal law provide the peace and hold a fretful realm in awe, is no longer just a dream. In our day, it is more than a vision imposing itself on young men and women confronted with the prospect of a short life on the battlefield. It is an idea, which in spite of contemporary armed conflicts and worldwide threats to peace and security seems nearer and far more important than the year Tennyson's poem was published. There is a rapidly growing global interdependence, which with unseen strength forces a global community – a federation of the world - upon us. Underneath the antagonism created before but especially after 9/11 lays the fact of a world where people's actions can have global consequences – where religious cartoons by a local newspaper can initiate a civil war or a worldwide intifada. The growth in population and the information technology rapidly decrease the space and the time separating us. At the same time we are faced with social transformations in the form of a growing number of international treaties and institutions telling us that we are in fact *by law* on our way to become a

global community - a federation of the world – within a framework of sovereign states and the precarious rule of law provided by the international community and contemporary international law.

The development and future existence of this emerging rule of law, the product of this global process of homogenization, seemingly depends on several elements but in particular on the just and efficient use of force. If people of different religions and cultures, lifestyles and beliefs are to entrust the responsibility for their individual security to a rule of law of this kind it must be just and efficient when it sanctions and employs force to protect the security of individuals. In other words, the existence of Tennyson's kindly slumbering earth, an earth of just peace, where conflicts are not allowed to escalate and people are not forced to take matters into their own hands, partly depends on a just and efficient global rule of law. Therefore, from a perspective committed to a global rule of law providing and maintaining peace and security the question of just and efficient use of military force, the questions of right and wrong, in relation to the use of military force, impose themselves. But even more importantly *no* human being in the 21st century lives unaffected by the armed conflicts between and within states ravaging different parts of the world. The politicians deciding to use military force, the parties of the armed conflict, the individual - infant, young or old - situated in the middle of the conflict, the mother, father, child or spouse of a soldier, the millions of people suffering by hunger and disease who are not seen because the armed conflicts turn our eyes away from them, and the child or young person growing up in a world where use of military force is normal human behavior are all affected by the use of military force and armed conflict. Thus, contemporary core questions of global concern and relevance are:

When and how if at all is it reasonable to use military force, which potentially brings suffering and destruction on land and property, body and mind?

How do contemporary ideologies argue for the use of military force, and are their arguments reasonable?

How have the responsible political agents argued for the use of military force in contemporary conflicts and have their arguments been reasonable?

These central and self-imposing questions, which are highly relevant to all are first of all ethical questions in so far as they are questions of what ought to be and is considered good or desirable human behavior within society when it comes to the use of military force. Furthermore, they are the motivation and the subject matter of this dissertation. It is the ambition and overall purpose of this

dissertation, by answering these three ethical questions, to deepen our knowledge of some central ethical aspects and issues related to the use of military force.

The three questions are the intersection of *military ethics*, *international ethics*, *normative theory of international relations* and *Christian ethics*, which are concerned with this particular type of force used on behalf of social agents and communities, the employment of significant and organized force by sovereign states unilaterally or multilaterally and with the potential to inflict casualties and destroy property in a systematic way. As such, ethics of military force is a research field, which reflects and discusses the normative issues of the ongoing national and international social transformations. This is especially seen in the development of ethics of military force during and after the Cold War. During the Cold War, ethics of military force was challenged by the ghostly game of nuclear threat, and the proxy wars fought by soldiers of allied nations in complex campaigns of propaganda and subversion. The Cold War reached its peak in the Cuban Missile Crisis of October 1962 and ended with the dissolution of the Soviet Union in 1991. Apart from the ethics of military force presented by Christian churches the beacons of ethics of military force throughout this period were the American theologian Paul Ramsey (1961; 1968) and, to some extent two other American scholars, Michael Walzer (1970; 1977) and James Turner Johnson (1975; 1981; 1984). Their research elaborated on the Just War Idea and its distinction between the normative issues of military force *ad bellum* and *in bello*. In their ethical theories, this classical idea of just war reemerged as a convincing and indispensable ethical framework for use of military force in a time of impending nuclear war and ongoing proxy wars. However, ethics of military force was faced with a new agenda when the Cold War ended. As Cold War dynamics no longer dominated international relations, the character of international and internal conflicts changed accordingly. In addition to the First and Second Gulf Wars in 1991 and 2003 and the war against Afghanistan in 2002, also global terrorism, internal conflicts and civil war have challenged the international community. As a result, ethics of military force in the post-Cold War period has been engaged with the issues of war, military intervention and terrorism. Walzer and Johnson have continued to reflect on and respond to these transformations (Walzer 2000; 2004; Johnson 1999; 2005) but also numerous other scholars have discussed these contemporary normative issues related to the use of military force *ad bellum* and *in bello*. Among those are the American political philosophers Jean Bethke Elshtain (1992, 2003), John Rawls (1999), Terry Nardin (1998), David A. Welch (1995) and Robert Jackson (2000), the German theologian Michael Haspel (2001), the British political scientists Chris Brown (1992), Anthony J. Coates (1997) and Mark R. Amstutz (1999), the Canadian philosopher Brian Orend (2000), the American ethicist Peter S. Temes (2003), the Norwegian ethicist Henrik Syse (2003), the American theologian Kenneth L. Vaux (1992), the

Dutch philosophers Th. A. van Baarda and D. E. M. Verweij (2006), and the American philosopher Shannon E. French (2003).

In spite of divergence and different perspectives among the post-Cold War scholars occupied with ethics of military force the Just War Idea has been and still is a focal point of this type of ethics. It will be fair to say that ethics of military force today is situated within the just war paradigm. At the same time, ethics of military force has developed into an even broader research field - not only theologians, political philosophers or scholars of religion and law but also anthropologists, psychologists, psychiatrists and other social scientists as well as military officers are engaged in ethics of military force.

This multi-perspective outlook to ethics of military force has opened up for the use of a variety of new social scientific methodologies to analyze the normative issues and challenges of military force. However, the use of the topical social scientific theory of discourse seems to be unproven and undeveloped within ethics of military force even though a focus on the discursive elements of the use of military force will possibly be able to bring new knowledge to this particular research field and confront the challenges of ethics in general. The point is, as additionally motivated below, that I approach the three ethical questions of military force from a discourse theoretical point of view, meaning that I examine, through textual analysis with respect to the three questions, the normative issues of military force as they are articulated and appear in language and language use. Accordingly, a major part of the dissertation is discourse theoretical considerations and textual analysis. In relation to that, my argument is that the three research questions articulated above imply the relevance of four ethical genres: meta-ethics, descriptive ethics, evaluative ethics and applied ethics. These four ethical genres also suggest the main research fields of this dissertation, which are here framed as:

The meta-ethical foundations

The theory of ethical articulation

The ethic of just peace

The analysis of the ethics of contemporary ideologies regarding use of military force

The analysis of the ethics of contemporary political arguments for the use of military force

The preliminary assumption made is that, in order to answer the research questions regarding the use of military force, a framework or meta-ethical foundation for the concept of ethics is necessary. This framework will allow the elaboration of a theory of ethical articulation - a descriptive ethical principle - and the construction of an ethic of just peace providing an ethical framework for the use

of military force - a normative ethical principle. Both principles will in turn allow the analysis of the relevant ethical articulations regarding use of military force, the subject matter of the last two research questions.

The first research field concerned with meta-ethical foundations is the subject matter of chapter two of the dissertation. This research field is given a special interest due to three challenging issues related to ethics of military force: (i) the proprium of ethics is disputed and unclear; (ii) contemporary social sciences, with a few and debated exceptions, have questioned the possibility of universal norms and values moral relativism and anti-essentialism are claimed to be consequences of post-modernism, today the dominant discursive framework for social science; and (iii) ethics of military force tends to limit itself to the ethical tradition, especially the Just War Idea, and in that way confine ethical arguments to what corresponds to tradition and consensus, allowing ethics of military force only to have a limited evaluative and innovative force in relation to contemporary use of military force. In order to appraise and possibly move beyond the denial of a universal ethic and the limitations of the contemporary ethics and ethical research of military force the meta-ethical foundations are discussed in depth. The point of departure of this necessary analysis of meta-ethical foundations is two interrelated conditions: (i) that ethical articulation is a social phenomenon related to the concept of politics; and (ii) that language and discourse are a primary medium of this phenomenon. These central aspects of ethical articulation are the subject matter of discourse theory,¹ a predominant social scientific framework today, which analyzes politics and social agency from a discursive point of view. Since the *Linguistic Turn* (Rorty 1968), this approach to political and social analysis has developed and become a dominant social scientific research program allowing the assertion that a *Discursive Turn* has occurred within social science (Howarth and Torfing 2005). Different versions of this program exist, even though two major genres are the *cognitive discourse theory*, analyzing discourse as a mental phenomenon, and the *post-structuralist discourse theory*, analyzing discourse as a social phenomenon. The post-structuralist genre is predominant in spite of a growing interest in cognitive theories of discourse. The core aspect of the post-structuralist discourse theory is the social constructionist idea of reality – a focus on the constructive and interpretative importance of discourse, – and the point that there are limits of knowledge (James 2005:1). Howarth and Torfing identify three generations of post-structuralist discourse theory. These successive changes of discourse theory signify the growing importance given to discourse within social science, the third generation being characterized by the notion that discourse covers all social phenomena.

¹ The term *discourse theory* is here used interchangeably with the term *discourse analysis*, which is another term often used to signify this social scientific approach to language, and analysis of political articulation.

The analytical and methodological argument of the dissertation is that a meta-ethical foundation can be elaborated in an interpretation of the third generation post-structuralist discourse theory as presented by Laclau and Mouffe, in an interpretation of Chilton's cognitive discourse theory and in an interpretation of the formal semantics of Ernst Tugendhat. The formal semantics of Ernst Tugendhat is an analytical attempt to unite two of the sources of discourse theory – the phenomenology of Heidegger and the analytical philosophy of Wittgenstein. The interpretation of his formal semantics will allow the formulation of the two primary analytical theses: (i) that a formal semantic aspect of articulation and discourse is that they constitute a yes/no modal relocation of social agent facticity; and (ii) that a primary element of social agent facticity is the ontological claim to be, the fundamental responsibility of social agents, which in turn provides the anchor of a global ethic, in particular denied by post-structuralism. These theses are verified with the help of Chilton's discourse theory and are then used to interpret and elaborate the discourse theory of Laclau and Mouffe. This elaboration provides a meta-ethical framework, which allows for the presentation of a theory of ethical articulation and the construction of a global ethic of just peace that can integrate an ethic of military force.

As mentioned the meta-ethical framework provides the reasoning needed to elaborate a descriptive ethical principle, the subject matter of the second research field presented in the third chapter of the dissertation. The descriptive ethical principle, which to some extent is a post-structuralist theory based on the logic of language, is framed as *the theory of ethical articulation*. It is constituted by two primary elements: (i) the *discursive dialectics*, which in three theses hypothetically situates ethical articulation within a discursive framework; and (ii) *ethical categories*, which define the central ethical concepts and especially the concept of *ethical signature*. A primary distinction is made between the terms *ethics*, *ethic* and *ethical articulation*. The concept of ethical signature implies the thesis that ethical articulation has a signature composed by a *primary ethical signature*, a *dislocation*, an *ontological claim*, *values*, *norms*, *ethical reasoning*, *modal relocation* or *genre*, *antagonism* and *inter-textuality*. In relation to that, two types of ethical reasoning are presented: *narrative ethical reasoning* and *ethical reasoning by reference to socially accepted and other discourse types*. This concept of ethical signature provides the analytical framework needed to answer the second and third research question.

Apart from the elaboration of the theory of ethical articulation the meta-ethical principles permit in chapter four the elaboration of a global ethic of just peace, an ethic related to use of military force which in a preliminary fashion answers the first research question – *when if at all is it reasonable to use military force?* The argument is here that from a global ethical point of view, the use of military force use can and must be seen within the framework of just peace as international

policing, as enforcement of the part of international law which qualifies as a global ethic. This ethic of military force is elaborated in four steps. First, a discursive dialectic ethic of just peace is constructed, pointing out the logic behind its implementation and attainment. This ethic of just peace challenging the discourse of ethical relativism including the discussion of Asian values is presented as a global ethic and proposed to be in the enlightened self-interest of all social agents living in a facticity of global interdependence. Second, this global ethic is used to deconstruct the Just War Idea, which is and has been a predominant ethic and type of ethical reasoning concerning use of military force. The argument presented is that the Just War Idea in its present form rests on and articulates a primary ethic having human life as a conditioned value, which cannot be accepted from a global ethical point of view. However, as an analytical type of ethical reasoning, the Just War Idea is considered to have both a continuing relevance and superiority in relation to international law. Third, this deconstruction, pointing out the problems of the Just War Idea, is followed by an analysis of the ethical signature of the contemporary ethic of military force of Michael Walzer. This analysis points in the direction of an ethic of military force, which from a global ethical point of view does not suffer from the problems of the Just War Idea. Fourth, after the analysis of Walzer, the ethic of military force is presented. The central argument is that the use of military force from a global ethical point of view of just peace and in the spirit of Tennyson's soldier must be reframed as international policing within a framework of just peace, which furthermore implies that the use of military force is viewed as international law enforcement and the soldier is identified as an international law enforcement officer. The argument presented is that just peace must be the intention or goal - the regulative idea - behind the use of military force and that, according to the logic of just peace, this end is the mean in the making of just peace. At the same time, the norm to develop even more discriminate and less destructive weapons and educate and train soldiers as international police officers is presented. It is argued that this ethic of military force as international policing is both possible and reasonable because part of international law represents a global ethic of military force or in other words qualifies as a global ethic of military force.

Chapter five analyses contemporary ethical ideologies according to their ethical signature in order to answer the second research question: *How do contemporary ideologies argue for the use of military force, and are their arguments reasonable?* The contemporary ideologies are found in the following selected texts: *the United States National Security Strategy* from 2002, the report *Responsibility to Protect* by the International Commission on Intervention and State Sovereignty from 2001, the report *A More Secure World: Our Shared Responsibility* by an international committee appointed by the United Nations from 2004 and the text *Peace Ethics on Probation* by the German Evangelical Church from 2001. The selected texts represent different contemporary

ideologies related to ethics of military force. They are particular discursive attempts to give an ethical response to war, conflicts, and threats to peace and security - to relocate the conflict-dislocated facticity of the late 20th and early 21st centuries. The analysis of the ethical signature of these ideologies reveals several important ethical issues with respect to the research question. First, the relevance and importance of their facticity is illustrated. It is proved that the dislocation or dislocations each of them attempts to relocate, motivated by the more or less openly articulated ontological claim is a significant aspect of the ideologies. Second, the analysis reveals the conditioning role of the primary ethical signature of the ideologies: that the primary values and norms related to a subject position determine the limits of the normative framework or ideology articulated. Third, it is shown that there exists an ethical consensus among all the four ideologies in relation to eleven important issues, which illustrates a realist and idealist commitment to create a just peace - that just peace as an ethical ideology and framework is both a realist and idealist value. Fourth, it is discovered that the Just War Idea is rearticulated in three of these ideologies as the ethical reasoning in relation to the use of military force. Fifth, it is seen that the United States National Security Strategy articulates a logic of equivalence constructing a rather problematic antagonism, which from a global ethical point of view poses a serious problem. Sixth, it is proved that none of the ideologies respects and acknowledges the logic of just peace, not even Peace Ethics on Probation, whose ambition it is to elaborate an ethic of just peace. In particular all the ideologies fail with their uncritical allegiance to international humanitarian law.

In chapter six, the discursive construction of the war against Iraq in 2003 by the United States and the intervention in Kosovo in 1999 by NATO are analyzed in order to provide an answer to the third research question: *How have the responsible political agents argued for the use of military force in contemporary conflicts and have their arguments been reasonable?* This analysis is conducted within three time-frames in relation to the use of military force – ante, in, and post use of military force. The public statements of the President of the United States and the Secretary General of NATO constitute the discursive material analyzed within these three timeframes. In addition, the discourse in similar statements of the United Nations and the German Evangelical Church is analyzed in order to compare the enacted ethical articulations of the United States and NATO with discourses relating and responding to the same issue of use of military force. Analogous to the analysis of ideological ethical articulations this analysis reveals several important ethical issues answering the research question. First, it is seen that (i) the primary ethical signature of their related ethical ideology is rearticulated in the enacted ethical articulations of the discourses of both the United States, NATO, the United Nations and the German Evangelical Church; and that (ii) in the core of the ethics articulated, there is a consistency between ideology and enactment. Second, it is

seen that the dislocations to be addressed in the normative strategies of use of military force are conditioned by these primary ethics, an issue which articulates the element of narrative ethical reasoning within the discourses of the United States and NATO. Third, it is disclosed that (i) a rather high number of what is framed as socially accepted discourses and other discourse types are used to support the normative strategy chosen; and that (ii) in this respect, there is an overlap between the discourses of the United States and NATO. Fourth, that similar to the ethical ideologies a promising consensus exists between the discourses of the United States, the United Nations, and the German Evangelical Church in the case of Iraq, and between NATO, the United Nations and the German Evangelical Church in the case of Kosovo. Fifth, it is shown that the discourse of the United States similar to its ethical ideology articulates a problematic antagonism. Sixth, the examination of scholarly evaluation of these two cases reveals, in the case of Iraq, an ambiguous evaluation and, in the case of Kosovo, a more univocal denial of the legitimacy and legality of the use of force. Seventh, similar to the ideologies, none of the four discourses acknowledges the logic of just peace even though - as in the ideologies both from a realist and idealist perspective - they have just peace as value and normative strategy.

In the seventh and final chapter, the concluding theses of the dissertation are presented and additional remarks related to the research results are made. The argument is here that the ethic of military force discursively constructed within the framework of just peace and reframed as international policing can inspire the present need to construct a just peace. The reiterated point is that both from a global ethical or idealist perspective and from a realist point of view just peace is a key normative strategy of global politics. This implies that the criteria determining the just use of military force is that it should bring us closer to that goal and, moreover, that justice must be the mean in this discursive move towards just peace.

2. Meta-Ethical Foundations

The subject matter of the first research field is the meta-ethical foundations. In order to make it possible to provide an answer to the three posed research questions this chapter will work out the necessary theoretical reasoning, the meta-ethical foundations and framework. This will allow the elaboration of a theory of ethical articulation – the descriptive ethical principle of the dissertation - and an ethic regarding use of military force – the normative ethical principle of the dissertation, which are the subject matters of the second and third research fields.

The fact that language is a central medium of ethical articulation and that the subject matter of the research question has a political dimension suggests that this framework can and to some extent must be elaborated with aid of the philosophy of language and linguistics focused on politics. Accordingly this theoretical reasoning is made by means of a philosophical interpretation which is primarily developed through an interpretative synthesis of Ernst Tugendhat's formal semantics and Ernesto Laclau's and Chantal Mouffe's ideas of discourse and politics. The interpretation of Tugendhat will allow the elaboration of the two primary analytical theses of this dissertation: the thesis of the formal semantic aspect of articulation and the thesis of the ontological claim or fundamental responsibility of social agents. These theses will subsequently be verified in the interpretation of Paul Chilton's linguistics. Consequently they will be used to interpret Laclau's and Mouffe's concepts of discourse and politics, which in turn will permit the elaboration of the discursive categories needed to put together and present the theory of ethical articulation and to elaborate an ethic of military force within the framework of just peace.

2.1. A Formal Semantic Entry

The interpretation of Ernst Tugendhat will, as pointed out above, generate the formal semantic theses of linguistic articulation and the ontological claim. These theses are developed through an interpretation of Ernst Tugendhat's reasoning concerning the concepts of *being* and *self-consciousness*, presented in the texts *Selbstbewusstsein und Selbstbestimmung* (henceforth, S&S) and *Vorlesungen zur Einführung in die sprachanalytische Philosophie* (henceforth, EsPh). Before presenting the interpretation of the arguments in these two texts it will be helpful and appropriate to outline some of Tugendhat's philosophical ideas expressed and presupposed within EsPh and S&S.

2.1.1. Tugendhat's Formal Semantics

A central aspect of Tugendhat's philosophical position is his commitment to analytical philosophy, origination from the German mathematician and philosopher Gottlob Frege (1848-1925) and in particular developed by Wittgenstein (1889-1951) and to ontology and phenomenology originating from Aristotle (384-322 B.C.) and developed by Husserl (1859-1938) and Heidegger (1889-1976). This philosophical position he frames as *formal semantics* and explains in the following way:

Die formale Semantik ist einerseits ein sprachanalytisches Unternehmen: Sie ist Semantik, analysiert die Bedeutungen sprachlicher Ausdrücke. Andererseits ist sie in demselben Sinn formal, indem es die Ontologie war. (EsPh: 47)

Tugendhat's formal semantics can be viewed as an attempt to bridge the gap between the two major philosophical discourses of the twentieth century: analytical philosophy and phenomenology. In other words he is trying to hold on to the philosophical landmarks of the twentieth century phenomenology in spite of the Linguistic Turn.

In the preface to EsPh Tugendhat underlines his claim that analytical philosophy is superior to ontology and phenomenology (EsPh: 9) and he points out the necessity to connect two principal receptions of analytical philosophy in order to analyze the *sentence*, the key linguistic category of his formal semantics:²

Es gibt in der analytischen Philosophie zwei Ansätze für die Erklärung des Verstehens sprachlicher Ausdrücke und insbesondere assertorischer Sätze. Die eine Richtung, die vom späten Wittgenstein ausgeht, sagt: einen Satz verstehen, heißt wissen, wie er zu verwenden ist. Die andere Richtung, die von Frege über den frühen Wittgenstein, Carnap und Tarski bis Davidson und andere reicht, sagt: einen assertorischen Satz verstehen, heißt wissen unter welchen Bedingungen er wahr bzw. falsch ist. Wir werden sehen, daß eine befriedigende Aufklärung der Bedeutung der assertorischen und speziell prädikativen Sätze und ihrer Glieder nur zu gewinnen ist, wenn man diese Ansätze in bestimmter Weise verbindet. (EsPh: 134-135)

Wittgenstein's thesis concerning understanding of language is crucial to Tugendhat and he refers to Wittgenstein's notion of meaning or *Bedeutung* as the axiom of analytical philosophy, to be more precise the notion put forward by Wittgenstein in *Philosophische Untersuchungen* that *die Bedeutung des Wortes ist das, was die Erklärung der Bedeutung erklärt* and often referred to by Tugendhat in EsPh (187, 198, 228, 257, 341, 356, 498, 519). The meaning or semantics of a word or concept is the practical use of the word or concept in language. This entails that a definition of language implies an explanation of language use.

Tugendhat's use of the later Wittgenstein has to be understood in relation to his underpinning of the concept of *apriori*. According to Tugendhat philosophy is an analytical apriori exercise. A

² Semantics is part of analytical philosophy it is: "the attempt to give systematic explanation of how the meaning of sentences depends upon the meaning of their parts. Modern semantics began with Frege, whose logical system depends on the semantics of the sentences which can be constructed using its grammar." (Morris 2007: 152)

disclosure of apriori conditions or forms in human life: “Die sprachanalytische Philosophie fügt sich in die traditionelle Auffassung der Philosophie als einer apriorischen Erkenntnis und interpretiert das Apriori als Analytisches.“ (EsPh: 20) In phenomenology this exercise is done through a description of *Die Sachen Selbst* to mention Husserl’s dictum. In analytical philosophy - in Tugendhat’s stated methodology – it is carried out in an analysis of the meaning of words or language: “Zu analytisch apriorischen Sätzen gelangen wir also durch Sprachanalyse, genauer: durch die Analyse der Bedeutung unserer sprachlichen Ausdrücke.“ (EsPh: 19)

Tugendhat’s overall ambition is to explain what language means. He wants to demonstrate what understanding of language entails, what it means to understand a sentence - an understanding prior to all use of language - in other words the apriori structure of language. In toto Tugendhat’s philosophical ambition in EsPh must be seen as Aristotelian. He proclaims to provide a formal ontology, to construct: “eine neue Konzeption der allen Wissenschaften zugrunde liegenden Formalwissenschaft in Gestalt einer formalen Semantik.“ (EsPh: 47)

Tugendhat’s working thesis both in EsPh and S&S is that Heidegger’s *Seinsfrage* - the question of *Sinn von Sein* (S&Z: 1) - has to be answered within analytical philosophy. According to Tugendhat it is not possible to answer this fundamental question outside analytical philosophy. This working thesis focuses his attention towards a translation or analytical interpretation of the main question of ontology – the question of being qua being - and a translation or analytical interpretation of Heidegger’s *Seinsfrage*. These interpretations Tugendhat presents in EsPh. And they can be seen as what connects and unifies the philosophical reasoning in EsPh and S&S. These two interpretations Tugendhat expresses in the thesis of language understanding and the thesis of the primary meaning of *is*. The thesis concerning language understanding is primarily an analytical interpretation of the Aristotelian ontology and the thesis concerning the primary form of *is* primarily an analytical interpretation of Heidegger’s *Seinsfrage*. These two central theses can furthermore be seen as principles behind the three main theses presented in S&S concerning self-consciousness: the thesis of the overall structure of self-consciousness, the thesis of the theoretical self-consciousness, and the thesis of the practical self-consciousness.

Below Tugendhat’s analytical interpretation of the concepts of *being* and *self-consciousness* is presented. Each presentation is developed as an interpretive presentation of his reasoning followed by a brief elaborative and evaluative critique. These elaborations and evaluations will pave the way for the primary analytical theses of the dissertation - the ontological claim, and the formal semantic aspect and structure of articulation.

2.1.2. Tugendhat's Interpretation of Being

Tugendhat's analytical interpretation of being is elaborated within EsPh. EsPh is structured in two main sections. In the first section Tugendhat introduces his philosophical position and presents what he asserts to be the fundamental question of analytical philosophy. The elaboration of this fundamental analytical question is completed in an analysis of the formal semantics of the sentence. In the second section Tugendhat is taking the first steps in answering this elementary analytical question. Tugendhat's interpretation of being is primarily presented in the first section of EsPh, accordingly the interpretation of Tugendhat's reasoning concerning this concept focuses on the first section, though the second section is brought into focus where it elaborates and explains Tugendhat's arguments.

2.1.2.1. Interpretation of Being

Tugendhat's aim is as mentioned to find the core question of analytical philosophy manifested. The method he applies is an analytical interpretation, more precisely a formal semantic interpretation of three important concepts in the philosophical tradition: *being*, *consciousness*, and *reason*.

Already in his interpretation of the first concept, being or *Sein*, Tugendhat succeeds in disclosing this philosophical question, which is the starting point and basis in the elaboration of the theses concerning the ontological claim and the formal semantic aspect of articulation. Therefore, the focus of the following interpretation of Tugendhat's analytical interpretation is limited to his analysis of the concept of being.

Tugendhat sets off his philosophical interpretation with an interpretation of the philosophy of Aristotle and his focus on the concept of being - *το ον*. The concept of *το ον* is according to Tugendhat by Aristotle made the focal question or subject matter of philosophy, as stated by Aristotle in the well-known passage:

Εστιν επιστημη τις η θεωρει το ον η το ον [emphasis added] (1996: 147)

There is a science that studies being qua being

The philosophy of Aristotle is thereby to be described as ontology. Ontology understood as science which considers being qua being is in the words of Husserl a formal ontology – a meta-science. The argument is that the subject matter of philosophy is that which all sciences formally presuppose: “Als Ontologie thematisiert sie [die Philosophie] das, was alle Wissenschaften formal voraussetzen, nicht Prinzipien, aus denen ihre Erkenntnisse abgeleitet werden könnten.“ (EsPh: 39) Tugendhat's statement is, however, that the formal ontology only makes sense if translated into a formal

semantics. He sees formal semantics as the completion of the potential in Aristotle's formal ontology, the thesis being that: "die Ontologie nur in einer als formale Semantik verstandenen sprachanalytischen Philosophie sich selbst findet." (EsPh: 43)

Still, the main problem with the Aristotelian ontology is that by focusing on *το ον* it only accounts for one semantic category in the singular predicative sentence – more exactly the singular term referring to objects³ - *το ον* being analogous to the concept of object. Consequently, the Aristotelian ontology is a theory of objects. However, according to Tugendhat there is a potential in the Aristotelian ontology because he in his theory of categories distinguishes between *ουσια* and the other categories. This is a distinction which according to Tugendhat emanates from the fact that Aristotle focused on the structure of the singular predicative sentence and thereby also the concept of being or *is* in the meaning of copula and existence. Unfortunately Aristotle was not able to develop and display this linguistic structure, being unaware of the semantic categories.

The interpretation of Aristotle according to Tugendhat reveals the lack of an analytical foundation of his philosophy, however, a lack which formal semantics can compensate. According to Tugendhat it is necessary to expand the Aristotelian formalization in order to let it explain the meaning not only of one linguistic category, the singular term, but instead the entire sentence.

By means of the results and the perspective given in his interpretation Tugendhat presents a preliminary version of the question or subject matter of formal semantics. The ontological question of being qua being can in the semantic vocabulary initially be translated to the question: "was heißt es, einen singulären Terminus zu verstehen?" (EsPh: 53) However, as argued above, this translation only accounts for one semantic category and more importantly:

Der Satz erscheint ... als die primäre Bedeutungseinheit. Man kann zwar auch Teile von Sätzen verstehen, aber man versteht sie dann als Teile von Sätzen; und man kann nur mit einem Satz, nicht mit einem Wort oder einem anderen Satzteil etwas zu verstehen geben. (EsPh: 55)

Departing from this perspective and reasoning Tugendhat presents a more adequate but still preliminary analytical interpretation and translation of being qua being in the question "was heißt es einen Satz zu verstehen?" (EsPh: 56)

In order to elaborate this key philosophical question Tugendhat once again turns to Aristotle to see if he offers an insight into the sentence as an analytical category. This leads Tugendhat to assert one of his most central theses in EsPh and S&S. The fact that the question *was heißt es einen Satz zu verstehen* implicates and entails the question: "Wie es ... zu verstehen ist, dass unser gesamtes sprachliches Verstehen die Struktur von Ja/Nein-Stellungnahmen verschiedener Modi zu proportionalen Gehalten hat." (EsPh: 77) The important subject is how Tugendhat arrives at this

question, which is an analytical translation and interpretation of the question of being qua being and moreover claims to account for the formal structure of language understanding.

In order to discuss this subject it is necessary to analyze Tugendhat's arguments. As emphasised above Tugendhat's method of interpretation is to consider the use of the sentence. And by examining the use of the sentence he reveals its meaning and consequently according to his working hypothesis the meaning of language. The interesting point is that in the Aristotelian principle of contradiction - the Law of Non-contradiction - Tugendhat discovers a formal structure in relation to the assertorical sentence. By Tugendhat's analytical interpretation of this classical principle we are at the centre of his reasoning concerning his formal semantic question and thereby his thesis of language and understanding, presented above.

Tugendhat's interpretation of the Law of Non-contradiction

Tugendhat discloses the formal structure of the assertorical sentence through an analysis of Aristotle's Law of Non-contradiction in this particular version: "It is impossible at once to be and not be." (1996: 163) The Law of Non-contradiction is according to Aristotle (1996: 159) the principle which science presupposes and rests upon because it is the most definite of all principles⁴. This principle Tugendhat contrary to Aristotle interprets as a formal semantic principle:

In der Tat gehört die Erörterung dieser Prinzipien nicht in eine Gegenstandstheorie. Daß Aristoteles sie gleichwohl in der Ontologie abhandeln will, begründet er damit, dass sie allen Wissenschaften zugrundeliegen. Hier ist Aristoteles also selbst auf formale Grundlagen der Wissenschaften gestoßen, die sich nicht gegenständlich verstehen lassen. (EsPh: 57)

This principle entails that semantic communication is impossible if at the same time it is asserted that an object or issue *is* and *not is*. Furthermore, according to Tugendhat the Law of Non-contradiction - in the above cited version - reveals that the linguistic category *is* parallel to *copula* can be understood as prefixed or in Tugendhat's vocabulary as *vorangestellt*.⁵ This entails that *is* can be prefixed - placed in front of - every assertorical sentence. Instead of uttering the sentence *it is raining*, symbolically described as *p* or the sentence *it is not raining*, symbolically described *-p* equivalent utterances are *it is the case that it is raining* and *it is not the case that it is raining*. The Law of Non-contradiction can therefore be translated into or expressed in the following way: *it is impossible that something both is the case and not the case*, symbolically described as *p & - p*, *necessarily false*. Tugendhat's assertion is that with *is* as prefixed both the affirmative and the

³ Or, the singular term is: "an expression whose business it is to refer to an individual thing." (2007: 315)

⁴ This principle and the principle Tertium Non Datur are according to Aristotle fundamental principles, while all reasoning rests on and presupposes them. It is important to take into consideration that they by Aristotle are ontologically anchored principles accordingly they are introduced in the Metaphysics and not in the logical writings of Aristotle. (Friis Johansen 1998: 385, 436-438; Aristotle 1996: 159-163)

⁵ In linguistics and logic the verb and element *is* has several meanings: identity, copula, existence (Wittgenstein 1918: 22).

negative form of the sentence are expressed. Hereby, Tugendhat relies on another Aristotelian distinction, the distinction between *καταφασισ* and *απαφασισ* (Aristotle 1967: 143) which Aristotle furthermore relates to two pairs of antonymic concepts: *is/is-not* and *true/false*.

At first Tugendhat focuses on the affirmative form, which according to him turns out to be the primary form. The criteria for an assertorical sentence - the fact that it can be determined as true or false - is expressed in the use of assertorical sentences, in the fact that the sentence *p* is true is articulated in the sentence *that p is true*. The term or linguistic element *that p* also appeared together with *is* as prefixed, therefore Tugendhat asserts that the expression *it is the case that p* is equivalent to *it is true that p*. According to Tugendhat this feature of *is* as prefixed can be confirmed by Aristotle in the following argument: "In 'Socrates is cultured' 'is' means that this is true." (1996: 239) By this Aristotle according to Tugendhat illustrates that the point of *is* as prefixed is that it expresses that something is true. This meaning of *is* Aristotle, according to Tugendhat defines as being in the sense of truth. Therefore, Tugendhat can introduce the term *veritatives Sein* or veridical being - *ειναι ωσ αληθησ* - as another term for *is* as prefixed. But how is the concept of *veritatives Sein* or veridical being and the sentential form: *it is true that p* to be understood? In other words, what is that element which is signified as true, and what is the formal semantic meaning of the entire sentential structure or form? The *veritatives Sein* is a part of the sentence *it is true that p*. The point is that the sentential element *that p* which is predicated true is a singular term or subject term. In the symbolic transformation from *p* to *it is true that p* a nominalization appears. Tugendhat's question is consequently how this singular term can be understood. Which objects does this nominal sentence signify? In his answer to this question Tugendhat introduces the semantic term *proposition* as another expression referring to the sentence.⁶ The point being made by Tugendhat is that the singular term which is predicated as true is the *propositional content*, somewhat equivalent to Wittgenstein's concept *Sachverhalt* and Frege's concept of *Gedanke* (Wittgenstein 1918: 11; Frege 1993: 35).

Tugendhat then examines the sentential form *that p is true*. Hereby it is obvious that the sentence *p* consist of two parts. The predicative term *is true* which according to Tugendhat expresses what he signifies as *Behauptungsmoment*, and the singular term *that p* which expresses the propositional content.⁷ The question is however how *Behauptungsmoment* must be understood.

⁶ Tugendhat does not explain his use of this concept, which is a problem. However his use of the concept seems to imply that he is using the concept in the way Searle defines it: "A proposition is what is asserted in the act of asserting, what is stated in an act of stating." (Searle 1969: 29).

⁷ Hereby Tugendhat is very close to Frege's description of the assertoric sentence and Searle's description of the sentence in all its modi. Frege in *Begriffsschrift* introduces the distinction between *Urteilsstrich* and *Gedanke* and later on talks about *behauptende Kraft*. It seems that Tugendhat is relying on this distinction. The main difference though being that Tugendhat's reasoning is found in his interpretation of Aristotle and not of Frege.

Given the fact that it is expressed in the predicate *is true*. Tugendhat argues that the assertive moment expresses a truth-claim. His successive point is that the assertorical sentence is characterized by an affirmative form. This is due to the fact that the predicate *is true* and the *veritatives Sein* or veridical being are equivalent, wherefore the *veritatives Sein* also expresses the assertive moment and truth-claim. Furthermore, the *veritatives Sein* expresses the affirmative form of the sentence. From these premises Tugendhat concludes that the assertorical sentence is primarily affirmative.

This leads Tugendhat to analyse the relationship between the affirmative and the negative form of the assertorical sentence. The argument is that all assertorical sentences express an affirmative moment and a truth-claim no matter if they are affirmative or negative, a fact which is expressed by the *veritatives Sein*. On the other hand it is not possible to make a distinction between affirmative and negative sentences. There are no criteria to determine if a sentence is one or the other. The negation must instead, according to Tugendhat, be understood as a sentential operation expressing the opposite.⁸ Furthermore, what in the sentential structure is negated is only the propositional content, which entails that the *veritatives Sein* is part of a negative sentence. The negation is not linked to *is* as prefixed. Therefore, also the negation is affirming a propositional content, which in relation to another propositional content is negative. According to Tugendhat this means:

Wenn nun jede Verneinung eine Bejahung ist, die einer anderen Bejahung entgegengesetzt ist, so folgt, dass auch jede Bejahung einer anderen Bejahung – nämlich ihrer Verneinung entgegengesetzt ist. (EsPh: 77)

It is proposed by Tugendhat that affirmation and negation correspond to the linguistic elements *yes* and *no*, and that *yes*, according to Tugendhat, expresses an assertion against the opposite. The point being made by Tugendhat is that every assertorical sentence is a *yes/no assertion of a propositional content* – an affirmation of the propositional content and a negation of the negated propositional content. Hereby Tugendhat in his interpretation of the Law of Non-contradiction has argued that the assertorical sentence has the following meaning and formal structure: *yes/no assertion of propositional content*.

Tugendhat's objective was to uncover the formal sentential semantics in order to translate the question of being qua being. Therefore, he cannot limit his analysis to the assertorical sentence, but must develop a formal semantics which accounts for all sentential modi. In this respect his ambitious thesis is that the formal semantics of the assertorical sentence applies to all sentential types. In his reasoning he draws upon *is* as prefixed, which he reveals by a nominalization of the

⁸ In this aspect there is a difference between Aristotle and Tugendhat. According to Aristotle the distinction between negative and affirmative sentences is absolute, which Tugendhat himself remarks (EsPh: 249).

sentence type. The sentence *he must come* corresponds to the sentence *it must be a fact that he comes*. In other words Tugendhat's argument is that all sentence types are characterized by a truth-claim – it is commanded that a fact must become reality, it is asserted that a propositional content must become a fact. The only thing which formally differentiates the assertorical sentence from other sentence types is the modus. These different sentential modi Tugendhat categorizes in two central modi: a theoretical modus and a practical modus. The truth-criterion for the theoretical modus is the sentential correspondence with reality and the truth-criterion for the practical modus is the opposite, reality's correspondence with the sentence. Regardless of the distinction between the theoretical and the practical modi Tugendhat moreover asserts that it is possible to claim that all sentences have the form $M*p^*$, where M signifies a propositional variable, which is the *veritatives Sein* or veridical being in the different modi and $*p^*$ signifies the propositional content.⁹

Hereby the reasoning of Tugendhat's translation of the question of being qua being has been presented, in other words the reasoning behind the thesis: "Daß unser gesamtes sprachliches Verstehen die Struktur von Ja/Nein-Stellungnahmen verschiedener Modi zu proportionalen Gehalten hat." (EsPh: 77) Furthermore, while the fact is that *is* as prefixed – the *veritatives Sein* or veridical being – according to Tugendhat is part of all sentences, he can argue that the *veritatives Sein* is the primary meaning of *is*. Consequently Tugendhat has presented an analytical or formal semantic translation both of the classical ontological question of being and Heidegger's *Seinsfrage*. The question remaining is, however, the coherence of these translations, which will be the subject matter of the next chapter.

2.1.3. Evaluation of Tugendhat's Interpretation

What is interesting is Tugendhat's analytical verification of the idea of the propositional structure of language. Still, the thesis of the *veritatives Sein* suffers under his ambition to translate Heidegger's *Seinsfrage*, his emphasis on truth, his assumption that the linguistic category *is/being* needs to have one unifying or primordial sense if Heidegger's *Seinsfrage* is to be saved. These presumptions are more or less visible in EsPh and are presented by Tugendhat in S&S. Furthermore the problematic aspects of this thesis are to a certain extent recalled in his later reflections of the issue (Tugendhat 1992). In (Frank 1999: 25-32) I have presented a critique of this problem of Tugendhat's reasoning, the main point being that Tugendhat's thesis of the formal semantic structure of language or language understanding, his fundamental analytical question, is consistent.

⁹ In this argument, Tugendhat is very close to Searle's assertions that the minimal units of human communication are speech acts of a type called illocutionary acts, and that in general an illocutionary act consists of an illocutionary force and a propositional content. (Searle 1997)

Tugendhat's thesis of this formal semantic structure is as shown above primarily presented through his analytical interpretation of Aristotle. His thesis concerning language understanding is a reformulation of Aristotle's Law of Non-contradiction. This seemingly random analytical endeavour to translate the question of being qua being could seem wrong. However, Tugendhat is in fact guided by Aristotle himself - in the parts of Aristotle's *Metaphysics* he interprets - into interpreting the Law of Non-contradiction: "It is the function of him who studies being qua being to investigate them [principles] as well." (1996: 159) Aristotle's first principles – including the Law of Non-contradiction – are according to Aristotle furthermore essential to the question of being qua being, because "They are axioms of being qua being." (1996: 159) Therefore, when Tugendhat in his elaboration of the preliminary thesis that being qua being has a formal semantic equivalent in *was heißt es einen Satz zu verstehen* (EsPh: 56) is turning towards the Law of Non-contradiction, he is doing what Aristotle advises him and every philosopher to do. It must however be remarked that Aristotle contrary to Tugendhat's assumptions uses the Law of Non-contradiction in both: logical, ontological and psychological senses and versions. The Polish philosopher Lukasiewicz (1924: 15) has underlined this fact in his investigation of the Law of Non-contradiction, thereby implicitly suggesting its analytical potential.

Tugendhat, however, does not consider and take into account the conditions of possibility as articulated in the terms *time* and *space* assumed and presupposed by the Law of Non-contradiction, though he discusses the philosophical implications of these elements later (EsPh 83, 426; S&S 185, 199). He more or less takes this principle for granted as a solid starting point. Doing this he does not see the elements of time and space presupposed by the Law of Non-contradiction. More precisely, that the elements classically conceptualised as *time* and *space* and especially by Kant framed as pure forms of intuition – as: "reine Formen aller sinnlichen Anschauung" (Kant: 81) - are presupposed in the principle. The law is in other words only coherent on the condition that the propositional content is located in exactly the same space at exactly the same time. This being the case it would be reasonable to argue that Tugendhat's concept of *Stellungnahme* implies a spacio-temporal fixation of a propositional content, which can be signified with the term *location*, thereby etymologically signifying the fundamental spacio-temporal aspect of language use. The point by inferring the concept of location is furthermore that it corresponds to the concept of dislocation, which will be presented later in this chapter and the emphasis put on space in language use by Chilton (2004).

In view of this evaluation of Tugendhat's interpretation of being it is possible to present a preliminary thesis concerning language use, the thesis that a formal semantic aspect of language use is a: yes/no modal location of a propositional content. This preliminary thesis with obvious

relevance for ethical articulation and thereby the attempt to answer the three research questions will be additionally elaborated through Tugendhat's interpretation of self-consciousness presented below.

2.1.4. Tugendhat's Interpretation of Self-consciousness

Tugendhat's interpretation of self-consciousness is presented in S&S.¹⁰ Here he, as the title – *Selbstbewusstsein und Selbstbestimmung* – is hinting at, constructs the distinction between self-consciousness and self-determination. A distinction which can partly be regarded as a result of the distinction he made in EsPh, concerning the theoretical and practical modi of language. But more importantly the framing of the philosophical question made in EsPh is methodologically decisive throughout S&S. Tugendhat's thesis of the propositional structure of language is the determining factor in his analytical translation of the concept of self-consciousness.

In S&S Tugendhat begins with a conceptual investigation. In doing this he presents a conceptual distinction between *Selbstbewusstsein* and *Sichzusichverhalten*. According to Tugendhat these concepts signify two different phenomena, wherefore the traditional concept of self-consciousness is insufficient. Nevertheless, in several places he uses the concept of self-consciousness to signify both phenomena, however, from a more general perspective (EsPh: 92; S&S: 35)

Tugendhat initially focuses on self-consciousness as a philosophical term, different from the use of the concept in ordinary language and colloquial speech. He begins his analysis by looking at the concept itself - what it signifies. In this analysis he finds support in Freud and Husserl. The concept of self-consciousness expresses consciousness of oneself. Consciousness understood in itself expresses according to Tugendhat in line with Freud and Husserl, a person's immediate knowledge of a state. In relation to this, Tugendhat relies on Husserl's concept of intentionality, as in EsPh. The point is that consciousness is intentional as immediate knowledge of something, which Tugendhat in EsPh argued is to understand as propositional knowledge. Therefore, consciousness understood as intentional has the formal structure: *an immediate knowledge that p*. Because this intentional consciousness is self-consciousness, it can according to Tugendhat be expressed in the sentence *I know that I*. Consequently Tugendhat signifies this understanding of self-consciousness as: Unmittelbares epistemisches Selbstbewusstsein (S&S: 27). This Tugendhat also symbolises with the predicative sentence form: *I know: I ϕ or: I know that I ϕ – ϕ being a predicate signifying a state of consciousness*. Familiar with this immediate consciousness Tugendhat introduces the concept of

¹⁰ Part of Tugendhat's interest in this particular concept must be seen in relation to its importance in German philosophy and in the philosophical tradition in general since Descartes. Tugendhat in particular denies the coherence of Hegel's understanding of self-consciousness within a subject-object model. (S&S: 293)

mediate epistemic self-consciousness. This concept signifies self-consciousness, where the person is conscious of him or herself in a third person perspective. This aspect of self-consciousness Tugendhat does not analyse.

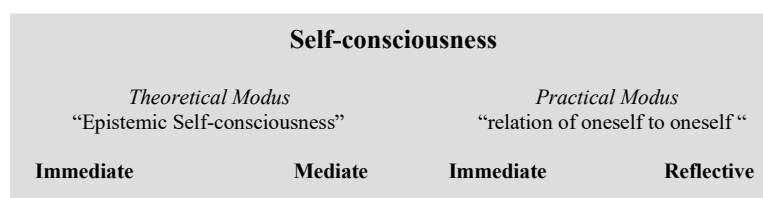
Apart from this theoretical or epistemic self-consciousness it is according to Tugendhat possible to speak of a practical relation to oneself. In this practical self-relation, there are two levels, an immediate lower level and a higher reflective level. The reasoning behind this is Tugendhat's thesis that:

Personen sind nicht nur, wie es nach dem vorhin betrachteten Schema des epistemischen Selbstbewusstseins schien, Substanzen mit Zuständen, inneren und äußeren, sondern handelnde Wesen, wobei für ihr Handeln charakteristisch ist, dass es erstens in intersubjektiven Zusammenhängen steht und dass es zweitens innerhalb dieser Zusammenhänge die Möglichkeit der Selbstbestimmung hat. (S&S: 29)

The point being made by Tugendhat is that we as agents are what we do and want, in this sense we always already have a relation to ourselves (S&S: 29). However, within this relation we have the possibility to disengage ourselves from the inter-subjective roles in which we function, and to ask what it is I myself want, thereby being autonomous – determining ourselves. Invoking the Kantian idea of autonomy this according to Tugendhat means that in these cases our actions stand opposed to the expectations of others, to existing norms and our own instinctual drives.

The possibility of self-determination is according to Tugendhat conditioned by our possibility to relate to our beliefs, beliefs which determine our desires and actions. The relation to ourselves can have the form of a question, a consideration aimed at deliberation related to the concept of *Vernunft* or reason which Tugendhat introduced in EsPh (EsPh: 128), in other words a question concerning the foundation of my life. This questioning is what Tugendhat signifies as *reflektiertes Selbstverhältnis* (EsPh: 31) - reflective self-relation, in other words the higher reflective level in the practical self-relation.

In the illustration below Tugendhat's general conceptualization of self-consciousness is illustrated.



In his analytical interpretation of self-consciousness in the two different modi Tugendhat develops his arguments by interpretations of both Wittgenstein and Heidegger.

His reason for using Wittgenstein is twofold. First, as in EsPh, Wittgenstein provides Tugendhat with a methodological foundation:

Diese Radikalität in der Methode besteht freilich in etwas sehr Trivialem: In der Forderung, dass wir in der Philosophie wie in aller auf Verständigung ausgerichteten Rede nicht in Metaphern sprechen dürfen, über deren Sinn wir nicht intersubjektiv Rechenschaft geben können. Über den Sinn eines Wortes intersubjektiv Rechenschaft geben, heißt nach Wittgenstein: zeigen wie das Wort verwendet wird. (S&S: 39)

In this respect there seems to be another hierarchy between the formal semantic analysis of sentences, which dominated EsPh and the analysis of the use of linguistic expressions underlined in this quotation. However, Tugendhat in S&S continues to focus on the formal semantics he developed and presented in EsPh – a feature which will be shown in the interpretation below. Second, apart from this methodological aspect Wittgenstein is important to Tugendhat, with regard to his interpretation of the theoretical modus. Wittgenstein, according to Tugendhat, liberates the philosophical tradition from an entrapment in a paradoxical understanding of self-consciousness as an inner vision and a subject-object relation.

Concerning the practical self-relation, Tugendhat finds help in Heidegger's *Sein und Zeit* (henceforth, S&Z). In S&Z Heidegger interprets the practical self-relation via the concept of *Erschlossenheit* – disclosure – by Tugendhat translated into *Sichverhalten zum eigenen Zu-Sein* (S&S: 38). Nonetheless, according to Tugendhat there are two problems in Heidegger's reasoning. First, Heidegger as a consequence of his use of Husserl remains within the traditional philosophical entrapment in *Metapher des Sehens*. Therefore, Tugendhat in order to make use of the theses in S&Z is forced to translate Heidegger's categories into linguistic concepts – to put together an analytical interpretation of S&Z. Second, Heidegger according to Tugendhat more or less leaves out two aspects of the practical self-relation, the concepts of reason and inter-subjectivity. By leaving out reason Heidegger lacks a criteria for practical reasoning and by underestimating the role of inter-subjectivity he misses an essential aspect of the practical self-relation. This lack the American philosopher and social behaviorist G. H. Mead according to Tugendhat can make up for without compromising Heidegger's theses about the self-relation. Therefore, Tugendhat's interpretation of the practical modus via Heidegger is verified and supplemented in his interpretation of Mead's theory of self-consciousness.

Tugendhat's analytical interpretation of the immediate epistemic self-consciousness and his interpretation of Mead are not discussed here. The present interpretation focuses on Tugendhat's analytical interpretation of the practical self-relation in S&Z, which allows the elaboration of the preliminary thesis of the formal semantic aspect of language presented above and the thesis of the ontological claim.

2.1.4.1. Tugendhat's Interpretation of Sein und Zeit

In the first chapter concerning Heidegger in S&S Tugendhat explains the steps of his interpretation. The practical relation of oneself to oneself is according to Tugendhat propositional like the theoretical modus of self-consciousness. Tugendhat translates the relationship into the provisory formal semantics: "mein Verhalten dazu, dass ich existiere" (S&S: 160). This semantic entails three questions and interpretive steps: First, what does the concept of existence signify? Second, how is this practical self-relationship to be understood? Third, can the relationship to one's existence provide understanding of the concept of self-determination – the fact that the agent in an action is autonomous?

According to Tugendhat it is, however, a problem, that Heidegger does not use the analytical method, but the phenomenological.¹¹ Still, there is an important methodological resemblance between analytical philosophy and phenomenology – both their methods are descriptive. The problem is however:

Da seine deskriptive Methode ohne ein Kriterium von Ausweisbarkeit blieb, sind seine Gedanken, ... intuitive und unausgewiesene Thesen geblieben, die deswegen der sprachanalytischen Überprüfung bedürfen. (S&S: 164)

This methodological lack is underpinned in Heidegger's thesis that language is not the primary area of truth (S&Z: 33), which is furthermore revealed in Heidegger's conceptual analysis. His analysis is not elaborated as linguistic analysis but as a creative kind of etymology. Heidegger presents several neologies, without further description and qualification, thereby imposing the coherence of his theses. This conscious disregard of language consequently makes Heidegger's theses problematic. Accordingly Tugendhat asserts that he is forced to make an analytical interpretation of Heidegger's theses in order for them to be verified.

Tugendhat in his interpretation of S&Z turns his attention towards Heidegger's *Seinsfrage* – the question of *Sinn von Sein*. This question is according to Heidegger the fundamental philosophical question. (S&Z: 27) Heidegger's main thesis is, as mentioned above, that it is necessary to distinguish between *Seiendes* and *Sein des Seienden* – the ontological difference. In this connection, Tugendhat asserts that *Sein des Seienden* can only be found in language. The question of *Sinn von Sein* must therefore be translated into „Sinn des Wortes ist in seinen verschiedenen Bedeutungen.“ (S&S: 167) This question is however not equivalent to Heidegger's elaboration of the *Seinsfrage*. In Heidegger's introductory explication of the *Seinsfrage*, problems according to Tugendhat arise.

¹¹ Normally Heidegger's method is described as originating from Husserl; however Figal (1996) has proven, that Heidegger's method is inspired by Aristotle, which furthermore corresponds to Nussbaum's interpretation of the Aristotelian phenomenology (1986).

Heidegger is not pointing at the significance of the word *Sein* but instead at being itself – *Sein selbst*.

Tugendhat's analytical position is that a questioning of the meaning of *Sein* is subordinate to and presupposes an explanation of the word or term *Sein*.¹² Subsequently, if Heidegger had focused on the meaning of the word *Sein*, his first step would have been to ask if there is a unifying meaning of this particular word. Only if it is justified that there is a unifying meaning of *is* is the question of *Sinn von Sein* according to Tugendhat coherent. Therefore, Tugendhat asserts that Heidegger's *Seinsfrage* is unsound, exactly because he is not concerned with the meaning of the word *is* or *Sein* and subsequently whether there is a unifying meaning of the word.

After his preliminary critique Tugendhat turns towards Heidegger's assertions concerning the self-relation, more precisely Heidegger's assertion, that *Dasein*, the term Heidegger uses to signify the social agent, "in seinem Sein zu diesem Sein ein Seinsverhältnis hat." (S&Z: 12) In order to translate this position into a defensible analytical vocabulary, it is according to Tugendhat necessary to determine the meaning of *Sein*. In other words the term which is used to signify that which *Dasein* relates to and within this relation itself is a part of, in Heidegger's words: "in seinem Sein zu diesem Sein ein Seinsverhältnis hat." (S&Z: 173) While Heidegger's *Seinsfrage* remained unsound and confused, it is according to Tugendhat in this case obvious that *Sein* signifies existence: "Das Sein selbst, zu dem das Dasein sich so oder so verhalten kann und immer irgendwie verhält, nennen wir Existenz" (S&Z: 12) Heidegger's use of the concept existence is according to Tugendhat not the traditional ontological use – *Existenz im Sinn von Vorhandenheit* – existence in the sense of being-present-at-hand, but instead existence in the sense of being-to-be – *zu-Sein*. This Heideggerian sense of existence Tugendhat elaborates in the following assertion:

Es ist dasjenige Existieren im Sinn von Leben, bei dem das Wesen, das da existiert bzw. lebt, so lebt (ist), dass es in seinem Sein (wie Heidegger sagt) sich zu diesem Sein, Existieren, Leben verstehend verhält. (S&S: 176)

Following this analytical interpretation of Heidegger's sense of existence, Tugendhat furthermore wants to determine what signifies this self-relation, which the word *Sein* refers to, in other words the formal structure of the practical self-relation – the fact that *Dasein* exists by relation to this existence. Tugendhat's enquiry into this matter brings him to the following interpretation of Heidegger's thesis about the practical self-relation:

Wir verhalten uns, solange wir existieren, zu diesem Existieren, und zwar zu dem jeweils künftigen, wobei künftiges heißt: das im gegenwärtigen zu vollziehende, und darüber hinaus freilich das ganze

¹² Tugendhat in relation to this introduces a distinction between the question of meaning related to a linguistic term and the act it signifies. This distinction concerns one meaning of the word *Sein*, more precisely existence. According to Tugendhat it is this meaning of *is* Heidegger points at. (S&S: 168)

künftige Sein. Dieses Sein ist uns vorgegeben als ein solches, das wir *zu sein* haben und *um* das es uns geht, und insofern kann das Sichverhalten zu dem so erfahrenen Sein nur ein Praktisches: ein voluntativ-affektives sein. (S&S: 177)

In view of this interpretation Tugendhat can present his general analytical translation of the practical self-relation – the practical modus of self-consciousness. His initial thesis is as mentioned above that it is propositional. The practical modus of self-consciousness has the formal structure: *Mein Verhalten dazu, dass ich existiere*. The propositional content - *dass ich existiere* – is according to Tugendhat constituted by the elements *praktische Möglichkeit* and *praktische Notwendigkeit*, the fact that “es gibt einen Entscheidungsspielraum, in welcher Weise ich mein Sein vollziehen will, aber dass ich es zu vollziehen habe, ist mir vorgegeben.“ (S&S: 179) This propositional content is what I below will frame as the **ontological claim** or social agent responsibility. Tugendhat focuses on the configuration of the propositional content – *dass ich existiere*, - which the agent relates to in both an affective and voluntative modus owing to the elements of practical possibility and necessity:

Dass ich mich voluntativ-affektiv zu meiner Existenz verhalten kann gründet darin, dass die Proposition, zu der ich mich dabei verhalte, nicht das *Faktum* ist, das ich existiere, sondern die bevorstehende Existenz und dass *heißt* die (praktische) *Notwendigkeit*, dass ich zu sein habe, und damit in eins die (praktische) *Möglichkeit*, zu sein bsw. so und so zu sein oder nicht zu sein. (S&S: 189)

Concerning the voluntative modus or self-relation Tugendhat refers to Heidegger's concept of *Sorge* – or care: „Das voluntative Sichverhalten zum eigenen Sein ist *Sorge* um dieses sein, das ich zu sein habe, und darin sind beide Möglichkeiten, das Lebenwollen und das Sterbenvollen, enthalten.“ (S&S: 180). According to Tugendhat *Sorge* or care is furthermore a constitutive element for what he signifies as the *Frage-Charakter unserer Existenz* which implies that the individual places its life as a whole into question, expressed in the question: “wer (bzw. wie) will ich sein?” (S&S: 219) Tugendhat's thesis is that “die ... Existenz als Antwort auf eine nur nicht gestellte Frage zu verstehen ist.“ (S&S: 195) and part of his argument is that “jeder Absichtssatz ... als Antwort auf eine praktische Frage verstanden werden muss, die nicht gestellt zu werden braucht, die aber immer gestellt werden kann.“ (S&S: 193) This existential question, posed on account of *Sorge*, out of a fundamental concern for life is however according to Tugendhat generally not conscious because:

Sie [die Frage] uns in einen Zustand der Ungeborgenheit versetzt, in dem wir uns an unsere Vormeinungen nicht mehr halten können, auf Grund unseres Geborgenheitsbedürfnisses ein Motiv haben, ihr auszuweichen, sie zu verdecken.... Die beiden Möglichkeiten der Offenheit gegenüber und des Ausweichens vor der praktischen Frage bezeichnet Heidegger als die der eigentlichen und uneigentlichen Existenz, wobei mit ‘eigentlicher Existenz’ gemeint ist eine Existenz, die ‘sich zueigen’ ist. (S&S: 195-196)

In relation to this reasoning Tugendhat present his idea of self-determination:

Darin kommt erneut zum Ausdruck, dass die praktische Frage, wenn sie grundsätzlich gestellt wird, mich mit mir selbst konfrontiert. Das Ausweichen vor der Freiheit ist daher eine Flucht vor mir selbst. Das Selbstbewusstsein – das Sichzusichverhalten – hat daher nach Heidegger ‘zunächst und zumeist’ den Modus einer Flucht vor Sich. Die wahl, auf die die praktische Frage ausgerichtet ist, hat den Charakter eines ‘Sich-selbst-wählens’, und zwar in dem doppelten Sinn, das der Akt des Fragens und Wählens von mir selbst vollzogen werden muss – er kann mir von niemanden abgenommen werden – und dass, was ich in ihm wähle, ich selbst bin: in diesem Akt bestimme ich wer (wie) ich sein werde. (S&S 196)

By this reasoning Tugendhat has presented the main logic of his idea of self-determination to be completed in his interpretation of Mead. This mode of self-determination is according to Tugendhat in some respects equivalent to Heidegger’s concept of *Entschlossenheit* – resoluteness. His point is however, contrary to Heidegger, that it as this conscious questioning expresses itself in consideration, a consideration which passes off as a yes/no adoption of a position. Another word for this process of practical consideration is according to Tugendhat reflection. This reflective element of the practical self-relation Heidegger according to Tugendhat has not as also underlined by Figal (1996: 73), just as he has not a concept of practical reasoning. Tugendhat’s idea is that this reflective self-relation needs a criterion for deliberation and in connection hereto he presents his idea of practical reason. The point Tugendhat makes is that the criteria for deliberation is related to the term *good* and can be expressed in the following practical question: “was ist für mich zu tun das Beste?” (S&S: 238)

Tugendhat’s elaboration of the concept of self-determination by his interpretation of S&Z is not of primary relevance in relation to the promised elaboration of the thesis of the formal semantic aspect of articulation and in particular the thesis of the ontological claim. In fact, the idea of self-determination is a controversial issue as discussed later in the excursus in Chapter 2.3.1. The key issue here is that in relation to his elaboration of self-determination Tugendhat’s analytical verification of Heidegger’s concepts of *Befindlichkeit* and in some respects of *Verstehen* allows us to present the thesis that the propositional content, which the social agent always already relates to is constituted by an ontological claim, the imperative *I must be*, which furthermore is the transcendental condition for *Sorge* that for Heidegger characterizes the unity of the fundamental structure of *Dasein* or social agency.

Heidegger’s concepts of *Befindlichkeit* and *Verstehen* are forms of *Erschlossenheit* - the disclosure of one’s own being. His idea is as underlined by Tugendhat that:

Die allgemeine Struktur der Erschlossenheit des eigenes Seins konstituiert sich ... in ‘Befindlichkeit’ (Gestimmtsein) und ‘Verstehen’, wobei im Verstehen die Existenz als Worum-willen (Möglichkeit) erschlossen wird, in der Stimmung als Zu-Sein (Faktizität). (S&S: 197)

The primary correlative to the disclosure - *Erschlossenheit* - and thereby also *Befindlichkeit* and *Verstehen* is for Heidegger a totality of entities in which one finds oneself. Heidegger expresses that in the concept of *In-der-Welt-Sein* – being-in-the-world. The idea of this concept is in Tugendhat's interpretation that:

Die Person erfährt *sich* als in einer Welt – als in einer umfassende Handlungssituation – zu seiende, und das Sein, um das es geht, ist immer schon ein In-der-Welt-Sein, ein sein *mit* sorgenden anderen *inmitten* von besorgbarem Seiendem. Die Person verhält sich also nicht auf der einen Seite zu sich, auf der anderen zu anderen. (S&S: 199)

This concept is particularly important for Tugendhat because it proves that self-consciousness cannot be understood within the classical subject-object schema (S&S: 198). Moreover, Heidegger's concept of being-in-the-world is according to Tugendhat analytically coherent (S&S: 199).

Concerning his interpretation of *Befindlichkeit* Tugendhat underlines the fact that with this term:

Wird ... das Phänomen der Stimmung gemeint und darüber hinaus die Affektivität überhaupt. Seine These ist: die Gestimmtheit ist nicht einfach ein Gefühlszustand, sondern eine Erschlossenheitsweise, und zwar bringt sie 'das Dasein... vor es selbst' als In-der-Welt-Sein in der Weise, dass sie die 'Faktizität' des 'Dass es ist und zu sein hat.' – Heidegger bezeichnet diese Faktizität der Existenz auch als 'Geworfenheit' – erschließt (S&S: 200)

Tugendhat discusses several different *Stimmungen* or moods which disclose this *Geworfenheit* or *thrownness* such as *ill mood*, *depression* and *boredom*, his point is that "Im Misshmut, noch deutlicher in der Langeweile und am schärfsten in der Depression erfahren wir uns als vor die Unausweichlichkeit des Existierenmüssens gestellt." (S&S: 209) – in Heidegger's words the fact that *sein Da sein zu müssen* is disclosed. In other words, the aspect of *Notwendigkeit* or necessity of the propositional content is disclosed in the mood, the fact that I *have* to be or in Tugendhat's framing *Existierenmüssen*. As also pointed out by Tugendhat with the mood of *meaninglessness* in which the question arises as whether not to be is better than to be and the same propositional content is disclosed. The fact that „im 'ich will nicht', 'ich mag nicht mehr' erfährt man das 'ich muss'." (S&S: 209)

Tugendhat's conclusion is that also Heidegger's concept of *Befindlichkeit* can be analytically verified. The same degree of verification is according to Tugendhat not possible for his concept of *Verstehen* mainly due to its lack of consideration for the elements of reflection and practical reason discussed above. However, according to Tugendhat the point is that „Heidegger möchte das Wort 'Verstehen' in einem zum Teil unüblichen Sinn verwenden, um die zum Wollen und willentlichen Tun selbst gehörige Erschlossenheit zu bezeichnen.“ (S&S: 229) In other words, the disclosure that belongs to willing and deliberate activity itself (Tugendhat 1986: 204). Tugendhat discusses what

he sees as three aspects of Heidegger's concept of the disclosure in *Verstehen*. The fact that *Verstehen* implies being able to manage something or knowing *how*, the understanding of oneself in terms of a conception of life and deliberation. His detailed display of these aspects of *Verstehen* is not discussed here. What is of importance is instead that also in *Verstehen* the propositional content, the ontological claim is disclosed: "Man erfährt im Verstehen, dass es einem bevorsteht zu sein und dass dieses Sein radikal unbestimmt ist." (Figal 1996: 73) In other words, not only in moods does the social agent relate to itself and thereby the ontological claim as concluded by Tugendhat:

Wie es zu verstehen ist, dass wir uns *in* unserem Wollen und Tun und auch in unseren Affekten und Stimmungen zu uns selbst verhalten, ist durch Heidegger's Konzeption des Sichverhaltens zu sich als Sichverhaltens zum eigenen Zu-sein und durch seine Ausarbeitung dieser Konzeption hinsichtlich des Faktizitäts- und Möglichkeitscharakters dieses Zu-seins deutlich geworden. (S&S: 236)

2.1.5. Evaluation of Tugendhat's Interpretation

Interpretation of Heidegger and especially S&Z is a challenging subject, and among the scholars – including Tugendhat, – which have outlined and interpreted his philosophical ideas there is far from full agreement of its logic, furthermore the perspectives or starting points of their interpretations are somewhat different (Picht 1992; Figal 1992; Gorner 2007)

The perspective of Tugendhat's interpretation is as stated analytical, which in a convincing way allows him both to reject, clarify and verify Heidegger's theses (S&S: 203, 205, 225, 209, 236, 238). Without this interpretation Heidegger's theses seem difficult to defend and even understand. Tugendhat's interpretation supports some of Heidegger's core theses concerning social agency. His interpretation can however to a degree be criticized. It can to some extent be categorized among what Picht defined as typical misinterpretations of Heidegger. Tugendhat's interpretation tends to be a subjectivist-existentialist reading of Heidegger (Lübke 1980: 63), a reading of S&Z Heidegger himself objected to (Heidegger 1941: 35). This subjectivist interpretation is seen primarily in the fact that Tugendhat does not relate to Heidegger's foundation of the analysis of *Dasein* in the thesis of the temporal structure of *Dasein* and its mode of *Bewegtheit*.¹³ Furthermore, and connected to this aspect, Tugendhat is not paying enough attention to the importance of the ontological difference and in some respects rejects that *Dasein* is not an object in the classical ontological way, but a *Bewegtheit*. Moreover, Tugendhat inscribes his own distinction between theory and praxis in his

¹³ S&Z p. 42. "Die Person ist kein Ding, keine Substanz, kein Gegenstand." cf. Figal p. 37: "Der Infinitiv zielt darauf, dass wir in unserer Weise zu sein nicht primär etwas Vorliegendes, etwas Bestehendes sind, sondern eine Bewegtheit." In Heidegger this idea of Grundbewegtheit is even more obvious in an article presented earlier than S&Z. In the article 'Phänomenologische Interpretation zu Aristoteles' from 1922. An article which is a kind of prolegomena to S&Z. In this article Heidegger elaborates on Aristotle's assertion that the central phenomenon of nature is movement - κίνησις – and thereby that each person exists in a constant movement (Aristotle: 200b12): "η φύσις μὲν ἐστὶν ἀρχὴ κινήσεως".

analysis of *Dasein*. There is an ambiguous tension between his distinction between the two concepts of theory and praxis and his assertions of the inherent illocutionary aspects of the predicative sentence. At the same time, Tugendhat is not strictly loyal to his methodological principle, because the understanding of language according to Wittgenstein is that it is a praxis. (PhU: §43, 241, 242) In other words, it is a problem both to assume that the semantic aspects of language are related to praxis and uphold the sharp distinction between theory and praxis. Finally, Tugendhat does not see or properly consider that the three-dimensional structure: *Verstehen*, *Befindlichkeit*, *Rede* is a constitutive principle in Heidegger's analysis of *Dasein* and furthermore that they are inherently connected and constitute a unity as Figal points out (1996: 74) and Heidegger himself says: "Die *befindliche Verständlichkeit* des In-der-Welt-sein spricht sich als *Rede* aus." [emphasis added] (S&Z: 180). It is moreover lamentable that Tugendhat does not interpret *Rede* in S&S, because this existential category could have been an entrance for an analytical interpretation of Heidegger's understanding of language or *Rede*.

However, the important contribution of Tugendhat's interpretation of the practical self-relation via Heidegger lies in his thesis of the propositional character of self-consciousness and the verification of what I frame as the **ontological claim** or *Existierenmüssen* as he frames it, which furthermore means that *all* types of social agency – including the elaboration of a political text or statement - implies a self-relation and hereby a relation to an ontological claim (S&S 190, 236). Accordingly, ethics or ethical articulation, the subject matter of this dissertation, cannot be analyzed and understood without taking this matter of self-relation into consideration, which exactly is the potential of the primary analytical theses of the formal semantic aspect of articulation and the ontological claim to be presented below.

2.1.6. The Ontological Claim and a Formal Semantic Aspect of Articulation

*To be, or not to be: that is the question:
Whether 'tis nobler in the mind to suffer
The slings and arrows of outrageous fortune
Or to take arms against a sea of troubles*

W. Shakespeare, Hamlet III.i.

The question *to be or not to be* asked by the Danish prince Hamlet and referred to by Tugendhat several times (1979: 36, 117, 177, 189, 235) and in Tugendhat's framing *wer (bzw. wie) will ich sein?* is not what is most important in the practical self-relation of social agents. The ontological claim implied in Heidegger's concept of *Dasein* and as proved above the transcendental condition of *Sorge* is instead the key matter, which can contribute to the meta-ethical foundation of this

dissertation. This claim or imperative is in fact to be seen as the fundamental motivation and transcendental condition of possibility for social agency. Moreover, Hamlet's question is anchored in this claim always already imposing itself on the social agent, the claim to be at all, a claim which is the propositional content of the formal semantic of articulation. The social agent speaking in Heidegger's terms relates voluntatively to this *Geworfenheit* in *Entwurf* wherefore social agency can also be framed by him as *geworfener Entwurf*.

In view of Tugendhat's interpretation it is possible to construct and present an elaborated thesis concerning the propositional structure of sentential and textual articulation and the thesis of the ontological claim. In this interpretive elaboration the term *articulation* is introduced as the main category signifying a central linguistic aspect of social agency. The concept is more precisely referred to in the manner defined and used by Laclau and Mouffe: "We will call articulation any practice establishing a relation among elements such that their identity is modified as a result of the articulatory practice." (2001: 105) The thesis to be presented below is that articulation of the linguistic categories *sentence*, *clause* and *text* is a *yes/no modal relocation of social agent facticity*. In other words, every semantic unit conveying meaning is asserted to have this general formal semantic structure, the structure being presented as a central condition of possibility for social agency and thereby for articulation. But what is the reasoning behind this thesis? First, the thesis of the ontological claim presented here, is that the propositional content in the practical self-relation is the fact that the social agent is always already claimed to be. In other words, the social agent always already relates to the claim which can be expressed in the imperative sentence *I must be*. Invoking Tugendhat's reasoning all sentences expressing intention can be seen as a response to the imperative sentence *I must be* or if collective *we must be*.¹⁴ The propositional content is therefore constituted by an imperative the social agent always already acts upon, gives response to. This imperative or claim can be signified and framed by use of the word *ontological* because it is an inherent and conditioning part of social agency and being. This framing also invokes Heidegger's distinction between the *ontic* and the *ontological*, here in Laclau's articulation:

¹⁴ In relation to this it is interesting and significant that the imperative modus only exists in the second and third person. The grammar is so to speak not sufficient as Wittgenstein also states (PhU: §496-497). This inadequacy of grammar is precisely the proof of the ontological claim being the transcendental condition of possibility for social agency. The imperative in first person is always already the perspective from which a text is interpreted, an articulation uttered. This particular phenomenon of social agency or of *Sein* Heidegger describes in the following way: "So übersehen wir doch ... im Eifer des gewöhnlichen Sehens der sinnlichen Wahrnehmung ... das Allernächste, nämlich die Helle und das ihr eigene Durchsichtige, durch das hindurch der Eifer unseres Sehens eilt und eilen muß. Das Allernächste zu erfahren ist das Allerschwerste. Im Gang des Vorgehens und Umgehens wird es gerade zum voraus und am leichtesten übergangen. Weil das Nächste das Vertrauteste ist, bedarf es keiner besonderen Aneignung. Wir bedenken es nicht. So bleibt es das am wenigsten Denkwürdige. Das Nächste erscheint deshalb wie etwas Nichtiges." (Heidegger 1982: 201) The ontological claim is metaphorically speaking so close to the social agent that we do not take it into consideration: we forget that it is our transcendental condition. This primordial failure - attested to by Tugendhat's reasoning - to take into consideration the ontological claim is a typos of *Vergessenheit des Seins* which Heidegger disclosed in his interpretations in S&Z (2, 21, 24) The Heideggerian point as presented by Nielandt being that: "Vergessenheit besagt für Heidegger, daß die Menschen nicht nur das Sein vergessen haben,

Presencing (Ursprung) and what is present, the ontological and the ontic, are irremediably split, but this has a double consequence: the first is that the ontic can never be closed in itself; second, that the ontological can only show itself through the ontic. (Laclau 1994: 30)

The ontological claim is always already defined by the specific situation of the social agent. That I have to be implies that I in a specific situation of possibilities, in a particular time and place of my particular life am claimed to be. The argument made so far and illustrated later is that the ontological claim in its ontic form can be and is in fact disclosed in articulations in phrases like: *I must, we must, we have to, it is necessary for us or me, we need and it is imperative that we*. This spacio-temporal and individual colouring or ontic articulation of the ontological claim is here signified as *social agent facticity*, thereby drawing on Heidegger's concept of *Faktizität* and signifying the factual totality constituting the social agent in question at the moment claimed. The concept of social agent facticity thereby signifies what here is asserted to be a necessary totality – a transcendental condition of possibility of the social agent claimed. The totality so defined at this stage implies three subsequent theses of social agency:

- I. It is impossible to fully account for or map social agent facticity – the social agent facticity being composite and never at rest.
- II. The social agent is in a two-dimensional fashion unique: unique in a spacio-temporal aspect – the social agent not being a fixed but an open facticity, unique in a social and inter-subjective aspect – every social agent being different from other social agents.
- III. Community and inter-subjectivity is a transcendental condition of social agency – agency is always social.

Second, the ontological claim which the social agent always already answers is obviously not absolute, but the motivating aspect of an elementary aspect of social agency. The thesis is that the fundamental general structure of linguistic articulation is the same as this general structure of self-relation because as underlined above articulation or language use is an activity and all activity implies a self-relation. This entails that social agent linguistic articulation here is asserted to constitute a finite movement or action, which can be framed as having the structure: an articulated response to the ontological claim. Because of that, every sentence, linguistic category or textual genre from a second order perspective can be linguistically described as an answer – a response to a unique version of the ontological claim, the imperative or claim *I must be* which constitutes what can be framed as the responsibility of the social agent. As also pointed out in Gerner's interpretation of Heidegger:

That I am, and have my being to be, is something that I *find*, rather than *choose*. The 'there' of Da-Sein is something to which Dasein is delivered over. I am *responsible* for what I make of myself, how I exist, which possibilities of being I realise, but I am not responsible for having this *responsibility*. (Gerner 2007: 72-73)

sondern darüber hinaus noch vergessen haben, dass sie es vergessen haben.“ (Niemandt 2006: 3). The point presented here though being that *Vergessenheit* also concerns the ontological claim.

As a consequence of the reasoning presented above, the thesis of the ontological claim can be synthesized with the thesis of the propositional structure both of language and of practical self-relation. The thesis is that:

Social agency and articulation have the following formal semantic structure:

yes/no modal re-location of social agent facticity

This thesis of the fundamental semantic aspect of social agency or linguistic articulation still demands some further explanation. This idea is that the social agent is always already claimed to be and subsequently relates to it in a yes/no modal relocation of social agent facticity, which in toto constitutes the condition of possibility of articulation and social agency.¹⁵ The term *modal* signifies the fact that articulation is modified differently. In addition to the grammatical modi which Tugendhat emphasized, the modality can be a complex mixture of modalities expressing values, intentions, feelings but also different texts composed by sentences. The term modal therefore signifies the *genre* of articulation, which apart from the simple assertoric sentence refers to the more complex articulation, to discourse or narrative. The term *relocation* signifies that an aspect of articulation is a spacio-temporal fixation of the social agent, and the anti-essential framing of the human individual, the fact that the social agent is not an absolute essence but that, as Heidegger (S&Z: 236) argues: “Im Wesen der Grundverfassung des Daseins liegt ... eine ständige Unabgeschlossenheit.” Accordingly every social agent articulation, independent of its genre – be it a simple sentence or a narrative, - is a relocation of a former relocation, a yes/no modal re-location of social agent facticity. This semantic structure of linguistic articulation implies three additional theses:

- IV. Language use and social agency are intrinsically antagonistic and hegemonic, and due to this have a potential dislocatory effect within social agent community. Antagonistic because every articulation excludes meaning and hegemonic because every articulation fixes meaning.
- V. Language use can be characterized as an answer or response - an answer which is an action, more precisely an action motivated by the ontological claim. This answer – the yes/no modal relocation of the ontological claim or social agent facticity - can be more or less immediate and more or less reflective depending upon the degree of dislocation of the social agent within social agent facticity. Dislocation being: a continuum of negation or affirmation, hindrance or inspiration, of and framed by the particular I claimed. Reflection being: a continuum of questioning, a genre of the ontological claim seeking to frame the ontological claim disturbed more or less by a dislocation framed by social agent facticity.
- VI. The semantic structure provides us with knowledge of the fundamental generic structure of linguistic articulation and thereby an analytical tool in relation to interpretation of articulations.

¹⁵ This semantic structure proposed to constitute the formal semantic structure and condition of social agency in some way resembles Heidegger's three related existentials *Rede*, *Verstehen* and *Befindlichkeit* – meaning his thesis that “Die befindliche Verständlichkeit des In-der-Welt-sein spricht sich als Rede aus.” (S&Z: 180).

The concepts of dislocation and relocation framed above suggest the dialectic relationship or interaction between articulations and thereby the term *discursive dialectic* as a framing of inter-subjective or social articulation, every articulation being part of an ongoing interaction between and among articulations. The elaboration of this element of articulation signifying the overall relationship between articulations and discourse is presented in Chapter 3 after the interpretation of Chilton's and Laclau's and Mouffe's theories. However, before that, an excursion in relation to the thesis of the ontological claim is presented. Though the ontological claim in everyday social agency due to its transcendental character is invisible or appearing as the blind spot of social agency, it has apart from Heidegger and Tugendhat been touched upon in relation to the idea that social agency is characterized by self-preservation, or in Heidegger's term by *Sorge*. In the excursus below some ideas of the ontological claim are presented.

Excursus: Meta-Articulations of the Ontological Claim

Within practical philosophy and religion ideas related to the concept of ontological claim presented here have appeared. One could say that as a consequence of my thesis of the ontological claim it will in fact have to be present in articulation, including ethical ideologies. The thesis of the ontological claim must prove itself in its surfacing and implicitness in the different ethical ideologies. What is important here is however that it has been considered from a philosophical point of view. An excursion of this consideration is here presented in a highly selective and limited chronological movement from the ethical ideologies of antiquity until present time.

In Greek philosophy Aristotle, in *De Anima* (1968) with his idea that human life is characterized by having its own preservation as its *telos* hints at the ontological claim. More interestingly, the ontological claim is also discussed in his ethic, though in a somewhat indirect fashion and reasoning. Within the first lines of his most influential ethic *the Nichomachean Ethic* (henceforth, NE) Aristotle (NE: 3) presents the thesis that all social agent activity aims at something good, all social agency has a – *telos* – which he frames as the good. There is a purpose, direction or particular intentionality of human action, which at the same time has a particular end. But what is this end according to Aristotle? Having presented this primary aspect of social agency he admits to the lack of a definition of the concept of good – this common *telos* of all social agency. The first obstacle in this endeavor is according to Aristotle the fact that there are numerous good ends and more importantly that these can be means to something else, a higher good. Therefore, he moves on to ask if there is such a thing as a good – a *telos* – which is an end in itself, a supreme good wished for its own sake (NE: 5). His idea is now that the knowledge of this supreme good at which all action aims, naturally is of importance for the conduct of life, it will help the social agent in doing and obtaining what is fitting like the archer having a target to aim at: “Hence if there is something which is the end of all things done by human action, this will be the practicable Good – or if there be several such ends, the sum of these will be the Good.” (NE: 27) Accordingly Aristotle attempts to determine what this supreme good is. He argues that this supreme good wished for its own sake must be happiness – *eudaimonia* – happiness being something final and self-sufficient (NE: 31). Still, having framed the supreme good at which all social agency aims, he needs to find out what constitutes happiness – *eudaimonia*. In his aspiration to frame happiness he turns to the function of man, man's *ergon*. Happiness must be related to the function of man. His argument is that as a fluteplayer and a shoemaker have their particular function or *ergon*, so must man in general: like the eye has a certain function, so must man in toto. This leads Aristotle to pose the question: What is the function of man? Aristotle ends framing man's function and thereby the end of social agency as: “the active exercise of his soul's faculties in conformity with excellence or virtue.” (NE: 33) In other words the end of all action is the social agent itself, more precisely his or her being and well being, and thereby not something different to him or her, but life itself. This idea of a core feature of social agency is a meta-expression of the ontological claim, the claim to be, the fact that the social agent always already aims at being, his own being. Hereby Aristotle in a simple phenomenological analysis has indicated the existence of

ontological claim as a core feature though without further framing, instead focusing on the description of the good of man in itself, the main issue of his ethic.

Apart from Aristotle the ontological claim is expressed by Diogenes Laertios, who discusses the issue of self-preservation of the Stoics and refers to the teaching of Chrysippos (280-207 B.C) belonging to the older stoicism (Johansen 1998: 559). In the reference made by Diogenes the idea of Chrysippos is presented as: "The dearest things to every animal is its own constitution and its consciousness thereof." (Diog. Lart: VII , 85)

In the Bible - both in the Old Testament and the New Testament - the ontological claim is articulated. It is presented in relation to one of the primary norms of social agency. Apart from the command to love God, the command to love one's neighbour is given primacy. This command and norm are articulated in the following way: "you shall love your neighbour as yourself." (Leviticus 19:18; Luke 10:27; Matthew 22:39; Mark 12:31) The point is that the framing *as yourself* is nothing else than the articulation of the ontological claim. The ontological claim is in other words presupposed and not questioned in the Biblical texts.

In the reasoning of Cicero, a philosophical reasoning contemporary with the Christian, the ontological claim is present in the following form:

Every living creature loves itself, and from the moment of birth strives to secure its own preservation; because the earliest impulse bestowed on it by nature for its life-long protection is the instinct for self-preservation and for the maintenance of itself in the best condition possible to it in accordance with its nature. (Cicero De fin: V,9-24)

In the time after Cicero explicit considerations paying due to the ontological claim are somewhat marginalized (Ritter 1971: 393). Still Thomas Aquina's reasoning from the 13th century and related to the use of military force rests on the ontological claim:

The act of self-defence may have two effects: one, the saving of one's life; the other, the slaying of the aggressor. Therefore this act, since one's intention is to save one's own life, is not unlawful, *seeing that it is natural to everything to keep itself in being as far as possible*. [emphasis added] (Aquinas 2003: 218)

Later on the ontological claim in the framing of *self-preservation*, partly inspired by Cicero, appears as a main reasoning frame, in sixteenth and seventeenth century political philosophy, in the ideas and theses presented by Hobbes:

The Right of Nature, which Writers commonly call Jus Naturale, is the Liberty each man hath, to use his own power, as he will himself, for the preservation of his own Nature; that is to say, of his own Life. (Hobbes Leviathan: 91)

Also Hugo Grotius articulates the ontological claim, in his reasoning concerning the use of military force:

There are certain first principles of nature, called by the Greeks the first natural impressions, which are succeeded by other principles of obligation superior even to the first impressions themselves. He [Cicero] calls the care, which every animal, from the moment of its birth, feels for itself and the preservation of its condition, its abhorrence of destruction, and of every thing that threatens death, a principle of nature. Hence, he says, it happens, that if left to his own choice, every man would prefer a sound and perfect to a mutilated and deformed body. So that preserving ourselves in a natural state, and holding to every thing conformable and averting every thing repugnant to nature is the first duty. (Grotius 2007: 31)

Even though the ontological claim is seemingly forgotten in the philosophical discourse after the sixteenth and seventeenth centuries it is echoed in the theory of evolution within the natural science and advocated by Darwin and furthermore rearticulated in the linguistics by Chilton presented below. The ontological claim can furthermore be seen in Kant's ethic.

The thesis presented here is that the ontological claim is appearing in Kant's idea of the human individual as *Zweck an sich Selbst* and the related concepts, first presented in *Grundlegung zur Metaphysik der Sitten* (Henceforth, GMS). My thesis is that the sentence – articulating the ontological claim - *I must be* is equivalent to the idea of the human individual being a *Zweck an sich Selbst* or an end in itself. The point is

that in the sentence the being of *I* is the end of all social agent activity. In GMS Kant furthermore ascribes a special importance to this concept in relation to his ethical principle the categorical imperative:

Gesetzt aber, es gäbe etwas, dessen Dasein an sich selbst einen absoluten Wert hat, was, als Zweck an sich selbst, ein Grund bestimmter Gesetze sein könnte, so würde in ihm, und nur in ihm allein der Grund eines möglichen kategorischen Imperativs d. i. praktischen Gesetzes liegen. Nun sage Ich: der Mensch und überhaupt jedes vernünftige Wesen existiert als Zweck an sich selbst, nicht bloss als Mittel. (GMS: 50)

The interesting fact of Kant's idea of *Zweck* in GMS is that it seems to be playing a crucial part in the reasoning of his ethics, a fact even more explicit in his argumentation below:

Wenn es denn also ein oberstes praktisches Prinzip und in Ansehung des menschlichen Willens einen kategorischen Imperativ geben soll, so muss es ein solches sein, das aus der Vorstellung dessen, was notwendig für jedermann Zweck ist, weil es Zweck an sich selbst ist. So stellt sich notwendig der Mensch sein eigenes Dasein vor; sofern ist es also ein subjektives Prinzip menschlicher Handlungen. So stellt sich aber auch jedes andere vernünftige Wesen sein Dasein zufolge eben desselben Vernunftgrundes, der auch für mich gilt, vor; also ist zugleich ein objektives Prinzip, woraus als einem obersten praktischen Grunde alle Gesetze des Willens müssen abgeleitet werden können. Der praktische Imperativ wird also folgender sein: Handle so, dass du die Menschheit, sowohl in deiner Person als in der Person eines jeden anderen, jederzeit zugleich als Zweck niemals bloss als Mittel brauchst. (GMS: 51-52)

The important point and assertion made here, is that this practical principle, mentioned by Kant, common to and generative of social agency de facto is the ontological claim, and furthermore, that an analytical apriori fact implied in the ontological claim is this version of Kant's categorical imperative. Hereby, Kant's assertion of *Zweck an sich Selbst* as a transcendental condition of social agency is provided with a linguistic verification.

What is seemingly a curiosum in relation to the ontological claim and the idea of the social agent as an end or *Zweck an sich Selbst* is presented by Nietzsche. In his concept of *Wille zur Macht* he touches upon the ontological claim, and the thesis presented above, that articulation is intrinsically antagonistic and hegemonic:

Die Physiologen sollten sich besinnen, den Selbsterhaltungstrieb als kardinalen Trieb eines organischen Wesens anzusetzen. Vor allem will etwas Lebendiges seine Kraft auslassen – Leben selbst ist Wille zur Macht -: die Selbsterhaltung ist nur eine der indirekten und häufigen Folgen davon:- (Nietzsche 1994a: 22)

However, in spite of this version of the ontological claim Nietzsche denies the idea of *Zweck*:

Nietzsche bricht mit der gesamten Tradition, welche Handlungen unter den Kategorien Zweck und Mittel begriffen hat. Jede moralische Beurteilung von Handlungen hält er für falsch. (Sandkühler 1990: 1003)

In Nietzsche's own words, the problem with the concept of *Zweck* is:

Man ist gewohnt, gerade in dem Ziele (Zwecke, Berufe usw.) die *treibende* Kraft zu sehen, gemäß einem uralten Irrtume – aber er ist nur die *dirigierende* Kraft, man hat dabei den Steuermann und den Dampf verwechselt. Und noch nicht einmal immer der Steuermann, die dirigierende Kraft ... Ist das „Ziel“, der „Zweck“ nicht oft genug nur ein beschönigender Vorwand, eine nachträgliche Selbstverblendung der Eitelheit, die es nicht Wahr haben will, daß das Schiff der Strömung *folgt*, in die es zufällig geraten ist? Daß es dorthin „will“, weil es dorthin muss? Daß es wohl eine Richtung hat, aber ganz und gar – keinen Steuermann? – Man bedarf noch einer Kritik des Begriffs „Zweck“. (Nietzsche 1994b: 234).

In denying the coherence of the linguistic term *Zweck* Nietzsche deconstructs the idea that *Zweck* is the motivating force of social agency. His idea of agency framed metaphorically as a *Schiff das der Strömung folgt* is another way to speak about the social agent facticity. With his concept of *Wille zur Macht* Nietzsche somewhat verifies the thesis of the ontological claim, being the condition of possibility of social agency, a verification which however tends to depict the ontological claim as a negative and even tyrannical force behind social agency:

Sie [Philosophie] schafft immer die Welt nach ihrem Bilde, sie kann nicht anders; Philosophie ist dieser tyrannische Trieb selbst, der geistige Wille zur Macht, zur „Schaffung der Welt“, zur *causa prima*. (Nietzsche 1994a: 9-10)

Having pointed out some considerations related to the ontological claim and thereby provided an additional verification of my thesis of the ontological claim to that of Tugendhat's we can turn our attention to a contemporary thesis of language related to politics.

2.2. A Linguistic Interpretation of Politics and Language

The influential British scholar of political linguistics Paul Chilton from a cognitive linguistic perspective arrives at theses concerning linguistic articulation quite similar to the theses of the ontological claim and the formal semantics of articulation presented above. However, he does not adequately manage to account for and incorporate the ontological claim in his theses of linguistic articulation. Still, in the theses of Chilton it is possible to some extent to additionally verify and elaborate the theses presented above. In other words, Chilton allows us with even more confidence to move linguistically into the political and ethical arena without abandoning the theses presented above.

In his book *Analyzing Political Discourse* (henceforth, APD) Chilton's overall ambition is to describe the link between the human language faculty and the social characteristics of the human individual, and furthermore, to construct a linguistic method of political analysis. He wants to present what he refers to as a: "Cognitive theory of language and politics, one that will take account of the most probing speculations on semantics, pragmatics, evolution and discourse processing." (APD: iii) The main reason and motivation behind this endeavor or what can be seen as Chilton's social agent facticity can apart from his professional work with linguistics primarily be seen as the post 9/11 world. This social agent facticity is implicitly revealed in Chilton's choice to apply his cognitive theory to contemporary political issues of war, terrorism and religion. A motivation stated in the preface of APD: "In this newly polarized world, we *need* at least to start to try to understand how different human minds imagine the world and communicate their imaginings." [emphasis added] (APD: iii) A *need*, the de facto ontological claim imposing itself on him, he also articulates as the: "Need to explain how use of language can produce the effects of authority, legitimacy, consensus, and so forth that are recognized as being intrinsic to politics." (APD: 4) In this enterprise, motivated as argued above, to analyze the relationship between language and politics Chilton at the outset is inspired by Aristotle and his remarks on the relationship between language,

politics, and ethics.¹⁶ His interpretation of Aristotle brings him to assert the following opening thesis concerning this intimate relationship:

It is shared perceptions of values that define political associations. And the human endowment for language has the function of indicating – i.e., signifying, communicating – what is deemed, according to such shared perceptions, to be advantageous or not, by implication to the group, and what is deemed *right* and *wrong* within that group. [emphasis added] (APD: 5)

This initial thesis of the intimate relationship between language and politics but also ethics - signified with the framings *right and wrong* - Chilton supports by what he asserts to be a widely accepted linguistic thesis, that though human capacity for speech is genetically based it is activated in human social relations. However, as also Fairclough asserts, (Fairclough 2003: 3) language according to Chilton is not the only human behavior involved in political activity. The social aspect constitutes a larger space than language whereas Laclau and Mouffe as will be seen below assert that political activity or social agency is only to be discursively understood. Still, as Chilton claims, following his interpretation of Aristotle: “What is clear is that political activity does not exist without the use of language ... the doing of politics is predominantly constituted in language.” (APD: 6) This assumption is reiterated and backed by Chilton’s thesis that one central aspect concerning the relationship between language and politics is their co-evolution:

There is presumably a strong evolutionary advantage in being able to plan cooperative action to achieve goals detached from immediate stimuli. This can plausibly only be achieved in and through a system of symbolic communication that has the properties such as those of human language. (APD: 19)

Departing from this brief introduction to Chilton’s assertion of the relationship between language, ethics and politics the chapter below will present Chilton’s linguistic and cognitive reasoning and his core theses concerning language related to the concept of ethics.

2.2.1. Chilton’s Theses of Language Faculty and Deixis

Chilton makes an initial distinction concerning the concept of language. He systematically distinguishes the human capacity for language (language-L) from a particular language (language-l), and from the use of language (language-l/u), which he also signifies as discourse.

Concerning language-L, language as a human faculty, Chilton as revealed above has an evolutionary view and perspective. He sees language as an innate organ of the human mind or brain. It is a product of human evolution. The point Chilton makes, again hinting at the ontological claim in the word *need*, is as pointed out above that:

¹⁶ The framework of Chilton’s reasoning is to some extent Aristotelian (1998: 11).

The need for language (or for the cultural elaboration of the language instinct) arose from socialization of humans involving formation of coalitions, the signaling of group boundaries, and all that these developments imply, including the emergence of what is called reciprocal altruism. (APD: 6)

Even though Chilton designates reciprocal altruism to evolution in relation to rituals, he asserts that this aspect of social agency, however in another wording, is of special importance for the evolution and understanding of the appearance of language faculty: “Human language, as a system of communication, must rest on reciprocal altruism in the analogous form of self-interested communication.” (APD: 32) The argument behind this thesis is Chilton’s idea of the cooperation-principle, which he proclaims to be the condition of possibility for language and human communication. The point is that reciprocal altruism must be understood as cooperation driven by self-interest. The principle of cooperation Chilton borrows from Grice, though he elaborates it and states: “What I mean here by cooperative principle is that whenever humans linguistically communicate they do so on the basis of a tacit assumption that each will cooperate with others to exchange meanings. We might call this a minimalist interpretation of Grice’s cooperative principle.” (APD: 21) The subsequent point and thesis made by Chilton is that the cooperation principle seems to be inborn in the human individual: “Humans cannot help communicating Communicators expect to receive benefit in return, and do; communication is not naturally one way. So cooperation is fundamental.” (APD: 20) The thesis of cooperation Chilton elaborates further and asserts the aspects of truthfulness and checking cheaters as integral parts of linguistic communication. The point being:

The primary expectation is that individuals will truthfully intend to communicate representations of the environment, with the back-up that everyone also has the ability to check for consistency and cheating. (APD: 32)

In toto Chilton’s point in relation to language-L is that human individuals selected for language because it was advantageous for survival to give and receive information. In this respect Chilton’s thesis of self-interested communication resembles, supports and resonates nicely with the thesis of the ontological claim or social agent facticity presented above - the fact or transcendental condition of the social agent that he or she is claimed to be within a community – cf. thesis III above.

Apart from language faculty Chilton turns his attention to language use, making the point that language use can be divided in two extensive roles: language use as interaction with other individuals in social groups and language use as representation of a state of affairs or reality. A cursory and analytical distinction while representation according to Chilton has to be seen as a modus of interaction, due to his thesis that much interaction has to do with communication of representations of the world. (APD: 48, 197)

Chilton's considerations concerning language use in the first role as interaction have some important points when it comes to what he signifies as the strategic use of language. In relation to this aspect of language use he introduces the concept of validity claim, which he borrows from Habermas. The argument is that every utterer in any use of language, by the very act of uttering at all as a social agent in a social context makes four validity claims: The claim of understandability or *Verständlichkeit*, the claim of truth or *Wahrheit*, the claim of telling the truth *Wahrhaftigkeit*, and the claim of rightness *Richtigkeit*. These four validity claims resemble Tugendhat's idea of *Behauptungsmoment*, though in a more elaborated form. The point according to Chilton is, however, that in practice most communication is distorted by the interest of participants, whether individuals or groups. Chilton consequently refers to Habermas's proposition of the strategic use of language, where interest distorts communication, though Chilton presents his own distinction between three interconnected strategic functions of language: coercion, legitimation/delegitimation, and representation/misrepresentation. (APD: 45-46)

Chilton's understanding of language use in text or talk as representation of a state of affairs is here in some respects more important than his assertions concerning the interactive aspect. This is due to the fact that what he signifies as the representative aspect verifies the remaining part of the thesis presented above, the thesis that linguistic articulation is a yes/no modal relocation of social agent facticity. Chilton's thesis or what he elsewhere signifies as his *discourse space theory* (Chilton 2003: 6), is that language use, articulation or discourse, in the form of communicating representations of the world, is anchored in spatial, temporal, and modal dimensions defined in relation to the speaker. (APD: 152)

The opening point in relation to language use as representation Chilton makes is the fact that "political discourse involves, among other things, the promotion of representation." (APD: 23) But how does Chilton understand the concept of representation, which etymologically is very close to the concept of relocation introduced above? First, by representation Chilton means "the use of language oriented to the communication of conceptualizations of the world." (APD: 201) Representations or conceptualizations of the world Chilton signifies as *discourse worlds* or *discourse ontologies* where discourse according to Chilton consists of coherent chains of propositions which establish a discourse world, or discourse ontology. The discourse world or discourse ontology he furthermore understands as the mental space entertained by the utterer or speaker as real: "Representations of people, objects, places, etc., that exist, and the relations among them, that is who does (did, might do, will do) what to whom, when and where, who caused what, etc." (APD: 203) This discourse ontology or mental space entertained by the utterer or speaker through a text or talk is, however, not pure reference. Chilton distinguishes representation from

reference. Representation of world or reality, the social agent communication of a state of affairs or reality is according to Chilton not only to be seen as a function of reference, as already implied in the presentation of the strategic aspect of language above. Chilton's point is:

There is no doubt that if we are concerned with language and politics, we have to be concerned with truth and falsity in relation to a real world in which human interest and human suffering are real.... However, things are not always so simple. What exists or what is real is not always agreed upon. What happens can be described in different ways, in ways that invoke not only different evaluations, for instance, but also different ontological perspectives. The same phenomenon seen in gross, can, for example, be represented, simply through lexical and syntactical variation, as either an activity or a state. (APD: 49-50)

What is important and of crucial interest for Chilton in relation to representation is the analysis of these representations, he needs a method for analyzing political discourse.

In relation hereto his initial point and argument are twofold: first, that the speaker especially in political discourse has to do a lot of discursive work to enable or induce the hearer to mentally establish a representation and second, that the representations stimulate mental representations in the reader and hearer – partly by bringing with them frames, metaphors, entailments, presuppositions, and presumptions. In other words, Chilton understands textual interpretation as a mental processing of the represented discourse world or mental space:

Individuals are matching logical forms, derived interpretively from the utterances produced by others, to their mental representation of reality derived via perception, and limited or colored by their cognitive apparatus. (APD: 50)

This has partly to do with Chilton's assertion that meanings of words, of sentences and discourse are in the mind:

The meaning of a text is not contained in the text itself. Sense is made by readers or hearers, who link their knowledge and expectations stored in long- and short-term memory to the processing of the language input. (APD: 154)

The ideas of long-term memory and knowledge Chilton links to the linguistic concepts of *frame* and *metaphor*. The term *frame* according to Chilton signifies an area of experience in a particular culture, which he more precisely conceptualizes in the following way:

They [frames] are theoretical constructs having some cognitive, ultimately, neural reality. In terms of their content, frames can be thought of as structures related to the conceptualization of situation types and their expression in language-l/u. Situations involve slots for entities (animate and inanimate, abstract and concrete, human and non-human), times, places, with relationships to one another, and having properties. The properties include cultural know-ledge about such things as status, value, physical make-up. Certain properties specify prototypical roles in relation to other entities – for example, whether participant entity is acting as an agent, on the receiving end of action, experiencing a sensation, and the like. (APD: 51)

Concerning the concept of metaphor Chilton's assertion is that a metaphor is a part of human conceptualization:

Metaphor works by mapping well understood source domains of experience onto more schematic ones. The source domains may be innate or acquired in development; they provide a source for conceptualization. For example vision and manual control provide a source for conceptualizing conceptualization itself: do you *see* what I mean? Do you *grasp* it? (APD: 51-52)

Another point for Chilton concerning the metaphor is that metaphorical mappings are used for reasoning:

Reasoning about target domains that are ill understood, vague or controversial. This is so because the source domains are intuitively understood and have holistic structure, so that if one part is accepted, other parts follow. (APD: 52)

The main argument concerning interpretation of representations presented by Chilton, is as mentioned that representation or more precisely a text enables hearers to generate cognitive structures, mental representations in short and long-term memory. Key linguistic determining factors in this generation are the: "Indexical expressions or deictic expressions ... used to perform deixis – that is, to prompt the interpreter to relate the uttered indexical expression to various situational features." (APD: 56) Chilton's point consequently is that:

In processing any discourse people position other entities in their world by positioning these entities in relation to themselves along (at least) three axes, space, time and modality. The deictic centre (the Self, that is, I or We) is the origin of the three dimensions. (APD: 57-58)

The subsequent argument made by Chilton is that the hearer or reader will mentally process a representation by locating:

Arguments and predicates by reference to points on the three axes s[space], t[time], and m[modality]. In other words, they will have coordinates on s, t and m. The coordinates are established in the discourse as part of S's reality-space, the space that S (speaker) expects H (hearer) to know and accept. (60-61)

Or, described in another way:

Language in use [is] a process in which readers/hearers set up discourse worlds (conceptual domains or ontological space), which carry a deictic signature for space, time and modality, and relationships among them. (APD: 138)

Chilton accounts for his thesis of deixis in the following way:

Discourse worlds require entities in it to be relativised to the self, the self is the speaker, but the speaker may claim identity with hearer and third parties, roleplayers in the discourse world are positioned more or less close to me or us, the self is positioned at the intersection that is conceptualized not only as here and now but also as *right* and *good*. [emphasis added] (APD: 304-305)

What Chilton consequently sets out to do in his analysis is to illustrate the mental space entertained by the utterer as real on the three axes, one of which can be framed as the ethical axis signifying right and good. This discourse spatial analysis will enable him to discover and reveal key features

within political texts. In other words, the point is that political discourse is anchored in multi-dimensional deixis, hence Chilton sets out to analyze this deixis in political texts in relation to the intervention in Kosovo and 9/11. The results of his analysis he presents in diagrams of the multi-dimensional deixis. This tridimensional deixis implied in linguistic articulation resembles the concept of yes/no modal re-location, the fact being that Chilton operates with the three deictic dimensions: spatial, temporal and modal, temporal and spatial deixis being analogous to the term *location*. Therefore, it is reasonable and coherent to translate and interpret Chilton's linguistic conceptualization of representation of world with the yes/no modal relocation of social agent facticity. The point is that representation of world is one among other genres of yes/no modal relocations of social agent facticity, and that the yes/no modal relocation of social agent facticity is the condition of possibility for social agency. An advantage in this respect is that Chilton's emphasis on space in linguistic communication is more obvious with term *relocation* than with *representation*. Furthermore, his thesis of deixis implies that articulation has an ethical signature, an idea which presents an analytical parameter of importance in relation to the three research questions of the dissertation.

Chilton in addition, besides his thesis of the core principle of self-interest, partly articulates the ontological claim. The ontological claim is as mentioned within his perspective qua his focus on evolution and social agent drive for survival. Furthermore, he touches upon it in the following argument of social agent identity: "Identity unfolds in discourse by positioning others on the axes of space, time, and rightness, presuming the centrality and fixity of the self." (APD: 205) In other words, Chilton seems to hint at the idea that the generating force behind discourse or language use is fixation of identity, in other words relocation of social agent facticity.

So far Chilton's core linguistic arguments have been presented, theses that to a considerably extent verify the coherence of the thesis that articulation and in particular linguistic articulation has a formal semantic structure as a yes/no modal relocation of social agent facticity. Chilton furthermore presents us with considerations of the role of ethics, what a political text is and a model of political text analysis, thereby paving the way for the further steps in the construction of the discursive dialectic. The verification provided by Chilton will allow us to use the thesis of articulation to interpret Laclau's and Mouffe's social ontology and thereby to construct the model and theory of ethical articulation and the ethic of just peace – the descriptive and normative principles.

2.3. A Post-Structuralist Political Research Program

In what by themselves is signified both as post-Marxism, discourse theory, and a post-structuralist¹⁷ research program, Ernesto Laclau and Chantal Mouffe in their book *Hegemony and Socialist Strategy* from 1985 (Henceforth, H&SS) introduced a new research strategy and framework related to the political and the social. This strategy is normally referred to in the second framing - as discourse theory. Laclau explains the philosophical and epistemological roots of their research program in the following way:

Discourse theory ... has its roots in the three main philosophical developments with which the 20th century started. In the three cases there is an initial illusion of immediacy, of a direct access to the things as they are in themselves. These three illusions were the referent, the phenomenon and the sign, which are the root of the constitution of three currents of thought: analytical philosophy, phenomenology and structuralism, respectively. Now at some point this initial illusion of immediacy dissolves in the three currents – from this point of view their history is remarkably parallel – and they have to open the way to one or other form of discourse theory. This means that discursive mediations cease to be merely derivative and become constitutive. This is what happens in analytical philosophy in the work of the later Wittgenstein, to phenomenology in the existential analytic of Heidegger, and the structuralism in the post-structuralist critique of the sign (Barthes, Derrida, Lacan). These three currents have been important in shaping the philosophical foundations of the theory of hegemony but it is the latter – the post-structuralist one – which has been the most important. (Laclau 2007: para. 1 of 6)

Laclau's and Mouffe's use of the post-structuralist ideas within the framework of political science has become rather influential and successful (Howarth 2005: 3) but most importantly this post-structuralist research program allows us to further elaborate the concept of social agent facticity and the thesis of yes/no modal relocation of social agent facticity into the theory of ethical articulation.

One central feature of post-structuralism is the social constructionist perspective, the thesis and idea that reality is discursively constructed, to quote Y. Stavrakakis: "Reality is not some kind of unproblematic given which can be perceived in one and only one objectively correct way, but something which is discursively constructed." (1999: 62) A quote which can be emphasized with the following words of Lacan, who as quoted above is an important inspiration for Laclau and Mouffe (H&SS: xi):

Day and night, man and woman, peace and war – I could enumerate more oppositions that don't emerge out of the real world but give it its framework, its axes, its structure, that organize it, that bring it about that there is in effect a reality for man, and that he can find his bearings therein. The notion of reality that we bring to bear in analysis presupposes this web, this mesh of signifiers. (Lacan 1993: 199)

In H&SS this social constructionist approach is articulated several places, the general thesis being that: "A discursive structure is not a merely "cognitive" or "contemplative" entity: it is an

¹⁷ The concept of post-structuralism is an academic framing of a contemporary philosophical paradigm. James sees this conceptual framing as a Socratic ideology, the main argument being that "limits of knowledge play an unavoidable role at its core" (James 2005: 1). Post-structuralism is related to the concepts of post-empirism or post-positivism defined by Fischer as an "epistemological orientation that seeks to move beyond an 'objectivist' conception of reality." (2003: 12).

articulatory practice which constitutes and organizes social relations.” (H&SS: 96) What is of special interest in H&SS is the idea of the social or social ontology. The term *social ontology* is used by Laclau and Mouffe in a meaning different from Chilton. Social ontology is according to them made up by quasi-transcendental categories or conditions of possibilities of political articulation, in other words categories, conditions of possibilities of social agent facticity. Howarth describes this important aspect of their ontology in the following way:

There are two important differences between classical transcendentalism and post-structuralist discourse theory. First the conditions of possibility are not invariable and ahistorical as Kant suggests, but subject to political struggles and historical transformation. As such, discourse theory adopts a quasi-transcendental view of the conditions of possibility. Second, discourse theory does not see the conditions of possibility as an inherent feature of the human mind, but takes them to be a structural feature of contingently constructed discourses. (Howarth 2005: 10)

However, these categories and the social ontology in general, viewed as methodological categories represent, a formal semantics in line with the theses of articulation presented above - formal semantic categories which of course are limited by the language system, within which they are articulated, but however are asserted to be invariable and ahistorical.

The subject matter of their ontology is as mentioned politics and especially the concept of hegemony,¹⁸ the point being that politics understood as a hegemonic practice is the primary social phenomenon in the structuring of social spaces: “Our approach is grounded in privileging the moment of political articulation, and the central category of political analysis is, in our view, *hegemony*.” (H&SS: x) This emphasis on political articulation is highly important and relevant in relation to the research question and task concerning ethics of military force. Political articulation and theory is to use Berlin’s framing and Aristotle’s idea (Berlin 2002: 168; Aristotle 1994: 5) a branch of ethics and moral philosophy, more precisely that particular branch of ethics which is relevant in relation to the question of ethics of military force.

2.3.1. Laclau’s and Mouffe’s Social Ontology

The social ontology elaborated by Laclau and Mouffe is in the spirit of post-structuralism an ontology expressing the temporality and openness of political discourse – discourse being “the historically variable conditions of possibilities of what we say, think, imagine, and do.” (Howarth 2005: 9). The point being made by Laclau and Mouffe is that the political has the status of a social ontology, in other words the political discourse is the condition of possibility of social agency (H&SS: xiv).

¹⁸ Laclau’s and Mouffe’s concept of hegemony is inspired by A. Gramsci’s idea of hegemony as also underlined by Torfing (2003).

The choice in relation to the interpretation is as mentioned above to depart from the ontology presented by Laclau and Mouffe in H&SS, however, taking their latest developments into consideration, especially Laclau's added concepts of *dislocation*, *myth*, *imaginary*, and *empty signifier*.

Their social ontology including these later additions is composed by the main ontological categories: *articulation*, *discourse*, *discursive field*, *nodal point*, *empty signifier*, *dislocation*, *antagonism*, *logic of difference*, *logic of equivalence*, *hegemony*, *myth*, and *imaginary*, where the concept and category hegemony as mentioned is their main category signifying a special discursive practice of political articulation. The other categories at least in their early writings are developed to account for the concept of hegemony. The opening point of their ontology, to use Laclau's own words is however the concept antagonism: "the centrality of social antagonisms ... is the starting point of our Post-Marxism." (Laclau 2006: 104) Their concept of antagonism is a central feature and category of their ontology. Its importance is emphatically underlined by Mouffe (1993; 2005), who moreover underscores the constitutive role of antagonism in relation to the concept of politics:

Notions such as "partisan-free democracy", "dialogic democracy", "cosmopolitan sovereignty", "absolute democracy" – to quote only a few of the currently fashionable notions - all partake of a common anti-political vision which refuses to acknowledge the antagonistic dimension constitutive of "the political". (Mouffe 2005: 2)

In the following Laclau's and Mouffe's reasoning and articulation of these categories or main concepts - what is by and large framed and defined as their discourse theory¹⁹ is presented and interpreted in relation to the analytical structure in H&SS with regard to the categories: *articulation*, *subject*, *antagonism*, *equivalence* and *hegemony*.

1. Articulation

Laclau and Mouffe start their reasoning with a conceptualization of articulation, which in a preliminary manner was introduced above as a main concept used to signify social agency. Articulation is according to Laclau and Mouffe a practice and they use it as a starting point for the elaboration of the concept of hegemony (H&SS: 96). The concept of articulation is defined in relation to the concepts of *discourse*, *elements* and *moments*, the argument being the following:

We will call *articulation* any practice establishing a relation among elements such that their identity is modified as a result of the articulatory practice. The structured totality resulting from the articulatory practice we will call *discourse*. The differential positions, insofar as they appear articulated within a discourse, we will call *moments*. By contrast, we will call *element* any difference that is not discursively articulated. (H&SS: 105)

¹⁹ The analytical method and research program of Laclau and Mouffe have subsequently been framed as discourse theory (Howarth 2000; Howarth 2005).

To explain this definition in a supplementary fashion they present what they describe as three specifications: first concerning the coherence of discourse or discursive formation, drawing on Foucault, second concerning the dimensions and extensions of the discursive, and third, concerning the openness and closure of discourse.

According to their first specification, the point is that the coherency of a discourse is not a result of the logical coherence of its elements, in an apriori of a transcendental subject, or in the unity in an experience. They draw on Foucault's idea of discursive formation, his concept of regularity in dispersion (Foucault 1972: 31-39), and his rejection that coherence of discourse rests on reference to the same object, constancy of the concepts, and reference to a common theme. Their point is that his idea of regularity in dispersion can be understood as:

An ensemble of differential positions. This ensemble is not the expression of any underlying principle external to itself – it cannot, for instance, be apprehended either by a hermeneutic reading or by a structuralist combinatory – but it constitutes a configuration, which in certain contexts of exteriority can be signified as a totality. (H&SS: 105)

The idea and assertion is in other words that in an articulated discursive totality all identity is relational.

According to their second specification, their point is that they reject the distinction between discursive and non-discursive practices. Thereby, they are expressing the post-structuralist idea of the primacy and constitutive feature of language, and at the same time distinguishing themselves from Chilton and Fairclough, where discourse is a mental phenomenon and only part of the social space. (Fairclough 2003: 3, 25; Chilton 2004: 6) Their argument is that every object is constituted as an object of discourse, and that the distinction between linguistic and behavioural aspects of social practice is ambiguous. Every social production of meaning is structured in discursive totalities, the point being that the identity of articulated elements must be at least partly modified by that articulation (H&SS: 107).²⁰ In order to defend this position they discuss three issues or possible objections to this assumption. First, the idea that their position would deny the existence of world or reality outside discourse and human thought, against which they present the argument:

The fact that every object is constituted as an object of discourse has nothing to do with whether there is a world external to thought.... What is denied is not that ... objects exist externally to thought, but the rather different assertion that they could constitute themselves as objects outside any discursive condition of emergence. (H&SS: 108)

Second, they attack the idea that discourse has a mental character, as argued above by Chilton (Chilton 2004: 48). Drawing on Austin, Wittgenstein, Gramsci and Althusser they argue that every

²⁰ Laclau later describes this aspect of the concept discourse, as follows: "It [discourse] is not restricted to speech and writing but embraces all systems of signification. It is in that sense, co-terminus with social life." (Laclau 2006: 106)

discursive structure instead has a material character, it constructs the objectivity of the world, reality is not something out there to be analysed, but a social agent construction:

The linguistic and non-linguistic elements are not merely juxtaposed, but constitute a differential and structured system of positions – that is a discourse. The differential positions include, therefore, a dispersion of very diverse material elements. (H&SS: 108)

Discursive formations are embodied and materialised in for instance institutions and rituals, the point being that articulation is a discursive practice in its own right, not prior to or outside the dispersion of the articulated elements. Third, they conclude this second specification with the rejection of the dichotomy of discursive versus extra-discursive with the argument that:

The main consequence of a break with the discursive/extra-discursive dichotomy is the abandonment of the thought/reality opposition, and hence a major enlargement of the field of categories which can account for social relations. Synonymy, metonymy, metaphor are not forms of thought that add a second sense to a primary, constitutive literality of social relations; instead, they are part of the primary terrain itself in which the social is constituted. (H&SS: 110)

According to their third specification, their point is that the discursive totality is not and cannot be an absolute fixity, ultimate fixing of meanings is impossible. The reasoning being that: “In that case, we would be faced with pure relations of necessity, and ... any articulation would be impossible given that every element would *ex definitione* be moment.” (H&SS: 110) The point is that discursive relations are incomplete and contingent – the transition from element to moment is never entirely fulfilled. This means according to Laclau and Mouffe that the discursive totality must be seen as a partial limitation of a surplus of meaning which subverts it, the surplus being what they define as the field of discursivity.

This impossibility of ultimate fixing meaning according to Laclau and Mouffe nevertheless suggests that there must be a partial fixation of meaning. In relation hereto, the point made is that:

Any discourse is constituted as an attempt to dominate the field of discursivity, to arrest the flow of differences, to construct a centre. We will call the privileged discursive points in this partial fixation, *nodal points*. (H&SS: 112)

The nodal point is thus a privileged signifier within a discourse, which ties the meaning together. In relation to the use of military force, *security* and *defence* can be seen playing the role of nodal points. The contemporary prototypical usages of military force *war* and *military intervention* on the other hand themselves function as nodal points in special cases of armed conflict.

The concluding points being made by Laclau and Mouffe in relation to articulation is expressed in the following two quotes:

Since all identity is relational – even if the system of relations does not reach the point of being fixed as a stable system of difference – since, too, all discourse is subverted by a field of discursivity which overflows it, the transition from elements to moments can never be complete. The status of the ele-

ments is that of floating signifiers, incapable of being fully articulated to a discursive chain. And this floating character finally penetrates every discursive (i.e. social) identity. (H&SS: 113)

And, a quote which summarizes and signifies their main idea of articulation:

The practice of articulation ... consists in the construction of nodal points which partially fix meaning; and the partial character of this fixation proceeds from the openness of the social, a result, in its turn, of the constant overflowing of every discourse by the infinitude of the field of discursivity. (H&SS: 113)

Hereby the thesis that articulation is relocation of social agent facticity is echoed, this partial fixation of meaning can be seen as the relocation of social agency. This allows us to connect Laclau's and Mouffe's concept of articulation with the theses of the ontological claim and the formal semantics.

In his later writings (Laclau 1996) Laclau develops the idea of empty signifier as a condition of possibility of political articulation. He mentions the concept of *order* as in an ordered society, being an empty signifier in relation to the discursive experience of disorder, the point being, as summarized by Howarth:

The articulation of a political discourse can only take place around an empty signifier that functions as a nodal point. In other words, emptiness is now revealed as an essential quality of the nodal point, as an important condition of possibility for its hegemonic success. (Howarth 2000: 9)

Laclau, as Chilton hinting at the ontological claim by using the term *need*, explains the role of the empty signifier, how it discursively appears, in the following way:

Let us consider the extreme situation of a radical disorganization of the social fabric. In such conditions – which are not far away from Hobbes' state of nature – people *need* an order, and the actual content of it becomes a secondary consideration. "Order" as such has no content, because it only exists in the various forms in which it is actually realized, but in a situation of radical disorder "order" is present as that which is absent; it becomes an empty signifier, as the signifier of that absence. In this sense, various political forces can compete in their efforts to present their particular objectives as those which carry out the filling of that lack. To hegemonize something is exactly to carry out this filling function. [emphasis added] (Laclau 1996: 44)

Anticipating the analysis presented later, examples of contemporary empty signifiers can be the terms *security*, *peace*, *justice* or *freedom*, being the signifiers around which contemporary political articulations related to the use of military force de facto are developed.

These additional arguments can as already hinted at be interpreted and deconstructed in relation to the thesis of articulation presented above. In other words the concept of articulation as a yes/no modal relocation of social agent facticity must have something to contribute to this definition of articulation. The preliminary assertion presented here is that Laclau's and Mouffe's idea of articulation in fact needs to be interpreted and translated by this thesis. The idea is that the construction of nodal points or empty signifiers as partial fixation of meaning is one way to account for the issue that articulation is modal relocation of social agent facticity. Their idea that the

construction of discourse is the attempt to construct *a centre*, or to *fill*, as quoted above, hints at the importance of spatial-temporal fixation. Furthermore, the social agent facticity is being expressed and hinted at in their concept of *field* of discursivity, the necessary *terrain* for the constitution of every social practice.

The aspects of articulation which remains to be dealt with is however the questions of modality, the ontological claim, and the yes/no aspect of articulation. These aspects are however touched upon and presupposed in Laclau's and Mouffe's account of the terms: *subject*, *antagonism*, *difference* and *equivalence*, interpreted below.

2. The Category of the Subject

In relation to the concept of subject or of social agency, Laclau and Mouffe initially distinguish between two problems: the problem of the discursive or pre-discursive character of the category of subject, and the problem concerning the relationship between different subject positions.

First, Laclau and Mouffe make the point in relation to the concept of subject or social agency that the subject cannot be understood as an essence, a transcendental subject, or as an *absolute* motivating source of its own ideas and actions. They are inspired by Althusser's theory of the subject, and following him they consider the subject to be a product of the discursive process, though vaguely bracketing his rigid idea of interpellation, leaving room for social agent deliberation. However, instead of the classical term *subject* they prefer the term *subject position* to signify the human individual or social agent. The point is that the social agent can be seen as a discursively constructed ensemble of subject positions.

We are in fact always multiple and contradictory subjects, inhabitants of a diversity of communities (as many, really, as the social relations in which we participate and the subject positions they define), constructed by a variety of discourses, and precariously and temporally sutured at the intersection of those subject positions. (Mouffe 1993: 20)

In other words, the identity of social agents is discursively constructed and is manifest as subject positions within discourse, the elaborate point being that any individual can identify with, articulate a number of different subject positions at the same time. This fact, that the social agent is discursively constituted in several subject positions, furthermore entails that it "partakes of the open character of every discourse; consequently, the various positions cannot be totally fixed in a closed system of differences." (H&SS: 115) Second, related to the above, the point made by Laclau and Mouffe is that social agency or human identity involves an ensemble of dispersed subject positions and furthermore, that over-determination exists among them, the point being that:

The category of subject is penetrated by the same ambiguous, incomplete and polysemical character which overdetermination assigns to every discursive identity. For this reason, the moment of closure of a discursive totality, which is not given at the objective level of that totality cannot be established at the level of a meaning-giving subject. (H&SS: 121)

In relation to overdetermination Laclau and Mouffe bring forward the subject position of *woman* as an example of a subject position, determining other subject positions of the female individual.

The question is, however, how do they account for the discursive construction of subject positions, how do they come into being? In his later writings Laclau answers this question in relation to the concept of dislocation. He introduces the concept of dislocation which is not entirely different from the concept of dislocation presented above in the additional thesis V of the ontological claim. Dislocation plays a part in relation to social agency, signifying that which is the condition of possibility for social agency and identification, the point in Howarth's interpretation of Laclau's reasoning being that:

Dislocations disrupt identities and discourses. They ... create a lack at the level of meaning that stimulates new discursive constructions, which attempt to suture the dislocated structure. In short it is the failure of the structure, and as we have seen of those subject positions which are part of such a structure, that compels the subject to act, to assert anew its subjectivity. (Howarth 2000: 13)

The occurrence of a facticity framed as war is one example of dislocation disrupting identity which Laclau mentions (Laclau 1994: 16). The point made by Laclau in relation to dislocation in general is that the lack of meaning or the crisis of the social agent revealed by dislocation causes and forces the social agent to identify with those social constructions that seem capable of suturing the rift in a symbolic order. And it is:

In the process of this identification that political subjectivities are created and formed. Once formed and stabilized they become those subject positions which produce individuals with certain characteristics and attributes. (Howarth 2000: 14)

This concept of dislocation can however only a radical type of dislocation which results in the creation in new identities. This varying character of dislocation is discussed in the theory of ethical articulation.

Excursus: Berlin's and Laclau's Concept of Freedom

An additional and important question which imposes itself is the question of social agent *freedom*. The concept of freedom is still a core concept deeply embedded in political and philosophical thought and plays an important role in the construction of contemporary society, however, when Laclau asserts that the subject position is discursively constructed, is the logical consequence not that the social agent is passive, un-free, and discursively determined in all its actions including its choice of identity – that the concept of freedom is problematic or even outdated and to be abandoned? Before turning to Laclau's answer to this question, the seminal propositions related to the concept of freedom made by Isaiah Berlin are worth presenting in order to frame a coherent meaning of the concept of freedom. In spite of a large number of different usages of the concept Berlin distinguishes between two types of freedom: negative and positive liberty – he uses the concepts of liberty and of freedom interchangeably. These two senses of freedom according to him constitute

the subject matter of the concept. Berlin analyzes the ethical and political importance of and reasoning implied in the concept of liberty in modern political and ethical thought, a concept he furthermore considers to be a central political and ethical concept. Negative freedom is according to Berlin related to external factors of social agency, and can be framed in the question: “What is the area within which the subject – a person or a group of persons – is or should be left to do or be what he is able to do or be, without interference by other persons?” (Berlin 2002: 167) On the other hand positive freedom is related to internal factors of social agency and can according to Berlin be framed in the question: “What, or who, is the source of control or interference that can determine someone to do, or to be, this rather than that?” (Berlin 2002: 167) The idea of negative freedom seems to refer to the social agent facticity making out and defining the space and time in which the ontological claim can be relocated by the particular social agent – exemplified in the fact that the actualisation of an ontological claim within a particular social agent facticity to defend one’s country depends on factors within the social agent facticity. However, in relation to the positive freedom the question of the motivation or source of the particular social agent claim to defend one’s country, as also underlined by Berlin, incoherencies appear. The Kantian idea of positive freedom and usage of positive freedom as self-determination or autonomy as also invoked by Tugendhat’s concept of self-determination above is problematic according to Berlin:

In its a priori version it is a form of secularised Protestant individualism, in which the place of God is taken by the conception of the rational life, and the place of the individual soul which strains towards union with him is replaced by the conception of the individual, endowed with reason, straining to be governed by reason and reason alone, and to depend on nothing that might deflect or delude him by engaging his irrational nature. Autonomy, not heteronomy: to act and not to be acted upon. (Berlin 2002: 185)

What is interpreted as a transcendent, absolute and self-determined rational will of God is in the concept of positive freedom transformed into a transcendent, absolute and self-determined rational will of man, where the existence of God – in Kant’s version - only becomes an auxiliary entity, a necessary postulate. However, according to Berlin the coherent subject matter articulated in the concept and idea of freedom or liberty – its coherent use - in both of its senses amounts to:

The holding off of something or someone – of others who trespass on my field or assert their authority over me, or of obsessions, fears, neuroses, irrational forces – intruders and despots of one kind or another. (Berlin 2002: 204)

In this interpretation of freedom, the coherent idea of negative or positive freedom can be, though precariously and preliminarily, framed as physical and mental spaces in which to act and reason, thereby abandoning the concept of freedom as a nodal point in relation to the account of social agency.

In addition to this critique of the concept of freedom Berlin points in the direction of the ontological claim, when he presents his thesis of the motivation of the idea of positive freedom or self-determination:

The “positive” sense of the word “liberty” derives from the wish on the part of the individual to be his own master. I wish my life and decisions to depend on myself, not on external forces of whatever kind. I wish to be the instrument of my own, not of other men’s acts of will. I wish to be a subject, not to be an object, to be moved by reasons, by conscious purposes, which are my own, not by causes which affect me, as it were, from outside. (Berlin 2002: 178)

This wish to be my own master can be seen as an articulation of the ontological claim. However, according to Berlin the problem with the positive idea of liberty is the latent danger to confuse liberty motivated by the social agent’s desire to be an independent agent with the social agent’s desire to have status and proper recognition, which transforms the individual social agent’s positive freedom or independence into a matter of group independence, a hybrid or third form of freedom. This latent danger according to Berlin tends to make lack of freedom amount to lack of proper recognition, thereby subverting the importance of negative freedom for social agency:

The lack of freedom about which men or groups complain amounts, as often as not, to the lack of proper recognition.... in short not being treated as an individual, having my uniqueness insufficiently recognised, being classed as a member of some featureless amalgam, a statistical unit without identifiable, specifically human fea-

tures and purposes of my own. This is the degradation that I am fighting against – I am not seeking equality of legal rights, nor liberty to do as I wish (although I may want these too), but a condition in which I can feel that I am. (Berlin 2002: 201-202)

The consequence is in other words that negative freedom is sacrificed for a precarious sense of social positive freedom – a somewhat artificial sense of being self-determined within a group, irrespective of my negative freedom:

It is only the confusion of desire for liberty with this profound and universal craving for status and understanding, further confounded by being identified with the notion of social self-direction, where the self to be liberated is no longer the individual but the “social whole”, that makes it possible for men, while submitting to the authority of oligarchs or dictators, to claim that this in some sense liberates them. (204)

However it must be argued: if it is possible to distinguish between the desire to be an independent agent and the desire to be recognised within community, is not the desire to be an independent agent a false interpretation of social agency, covering and blurring the claim to be within community – that the social agent is discursively constructed? A consequence of the thesis of the ontological claim is that being is always already being in community, that agency implies community in some form or other. Being too loyal to the concept of freedom and in order to save his idea of the negative freedom (Berlin 2002: 207) Berlin seems to deny the aspect of recognition any constitutive relevance to the concept of freedom. The point is that the reasoning presented by Berlin allows us suggestively to reframe the concept of freedom as social agency in relation to the concept of space as: a continuum of positive and negative, mental and physical, space of the social agency, the particular social agent claimed within a particular social agent facticity. The idea is that the social agent sense of limitation traditionally framed as lack of freedom is better framed as the negative space of social agency, both with respect to the articulation of the particular claim and the relocation of it within social agent facticity. The spatial category is furthermore hinted at by Berlin’s usage and initialization of space metaphors: *my field*, *trespass* to explain the concept of freedom. In other words the transcendental condition of space seems to be the ontological foundation of the concept of freedom in its coherent sense and usage.

In all, the interpretation of Berlin provides us with the point that the concept of freedom in both the negative and positive form in spite of its popular usage is a problematic concept. The thesis presented here is that the social agent is never situated in an unlimited space, physically and mentally, but always already determined or claimed to be in a particular discursively constructed subject position-configuration within social agent facticity – a discursively limited mental and physical space.

Returning our attention to Laclau and his use of the concept of freedom in relation to social agency one answer presented by Laclau in relation to the act of identification is that: “An active identification is not a purely submissive act on the part of the subject, who would passively incorporate all the determinations of the object.” (Laclau 1994: 14) Interestingly Laclau does not entirely abandon the concept of freedom, even though he rarely uses it as a constitutive part of his ontology and reasoning. The question is still how he defines and uses it, in other words what meaning or meanings is he articulating in relation to the concept of freedom, does it resemble Berlin’s distinction and framing? Especially in two texts Laclau elaborates on the concept of freedom, which in both cases seems somewhat arbitrary. In his text from 1994 (Laclau 1994: 11-12), inspired by Thomas Mann he uses the concept of freedom as another word for the subject or social agent. The main reason for that seems to be an uncritical use of Thomas Mann’s reasoning, especially since the concept of freedom is both problematic with respect to the idea of discursive construction and the relative absence of that category from his reasoning. The point being that the Kantian idea of positive freedom as self-determination or autonomy is an illusion, the agent not being able to determine him- or herself due to a constitutive lack. Instead freedom or subjectivity is realized in organization – e.g. in the subordination to law or rule. (Laclau 1994: 13) In his text from 1996 he presents a concept of freedom in another sense or at least from another perspective. He connects it to the concept of dislocation, thereby getting close to Heidegger’s logic in relation to the concept of *Eigentlichkeit* – *Eigenlichkeit* being revealed by social agent sensation or feeling of angst, the negation of being, mentioned above. The connection between dislocation and freedom

he elaborates as an answer to Howarth and Norval (Laclau 1996: 18).²¹ The thesis being that dislocation is the source of freedom. The argument presented by Laclau is that:

Freedom ... can only be the freedom of structural dislocation – i.e. dislocation.... In a fragmented [dislocated] and heterogeneous society, the spaces of freedom certainly increase, but this is not a phenomenon that is uniformly positive, because it also installs in those spaces the ambiguity of freedom.... If freedom and dislocation go together, it is in the terrain of a generalized freedom that experiences such as those of contemporary totalitarianism become possible. If this is so, it means that the quest for an absolute freedom for the subject is tantamount to a quest for an unrestricted dislocation and the total disintegration of the social fabric. It also means that a democratic society which has become a viable social order will not be a totally free society, but one which has negotiated in a specific way the duality freedom/unfreedom. (Laclau 1996: 18-19)

The concept of freedom is here, though he does not directly explain it, used to signify the experience of social agent lack of discursive fixation or space as also underlined by Torfing (2003: 286). Freedom is the consequence of dislocation, disrupting the discursive fixation, discursively determining agency. This means that the thesis of agency reframing freedom presented above can be supplemented with the thesis that dislocation is what reveals the particular social agent determination and limitation.

Having answered the question related to the social agent as a subject position: the question how identity and subject positions are constructed supplemented with an excursus on the question of social agent determination and limitation, one problematic aspect in relation to Laclau's reasoning concerning the category of subject remains. In his reasoning concerning the subject and more precisely the aspect of dislocation and lack in relation to social agency Laclau is forcing the coherency upon us:

Dislocations disrupt identities and discourses. They ... create a lack at the level of meaning that stimulates new discursive constructions, which attempt to suture the dislocated structure. In short it is the failure of the structure, and as we have seen of these subject positions which are part of such a structure, that compels the subject to act, to assert anew its subjectivity. (Howarth 2000: 13)

Assuming that the dialectic between dislocation and lack is the motivating force behind identification is problematical. By doing this Laclau is turning the discursive dialectic logic of social agency upside down. Instead of recognizing that social agent facticity transforms in time and space and that the particular social agent claimed is continuously dislocated, wherefore final fixation or relocation of agency is impossible, Laclau seems to argue that it is the constitutive lack of the social agent, and the inherent impossibility of its filling which makes fixation and closure impossible. (Laclau 1994: 116) This problematic concept of agency I will show below. First, the point is that he actually presupposes the ontological claim – that the social agent is claimed to be. This is both indirectly and directly articulated by Laclau: “one *needs* to identify with something because there is an originary and insurmountable lack of identity.”[emphasis added](Laclau 1994:

²¹ The assertion made by Howarth and Norval is: “the moment of freedom and possibility is simultaneously the moment of my greatest constraint, of unfreedom.” (Laclau 1996: 18)

3)²² But, one can ask Laclau: where is this *need* anchored? The lack itself, which Laclau also asserts to be the primary feature of the subject (Laclau 1994: 31) or the emergence or disclosure of it provoked by dislocation cannot be the motivation force behind agency, as little as the kicking of a ball having the feature of *roundness* can make it do more than roll or fly, it presupposes a will to be – the ontological claim. In other words the need to identify with being of some kind presupposes the need to be, in other words the claim to be. This is however not entirely foreign to Laclau who somewhat remarkably admits:

It is important to bear in mind that the logic of the subject not only involves three terms – the subject of lack, the identity and the stand-in; it also involves a move towards Being, a “want to be”. (Laclau 1994: 35)

This is the closest Laclau comes to a direct reference to and awareness of the ontological claim. And in addition, when he articulates the ontological claim, here by reference to Lacan he gives it at secondary position: “Man is the subject of the lack because he emerged from a certain relation to discourse, and he can only fill that lack by means of ... action.” (Laclau 1994: 35) In other words action is caused by the fact of the social agent being a lack. Laclau’s idea of a motivating aspect behind action is thereby Lacan’s idea of the inherent experience of lack and the subsequent quest for fullness in the social agent. This is problematic at least in Laclau’s interpretation of Lacan and also though from a second order perspective implies the very idea of social agent essence he wants to eradicate. The thesis of the subject as lack needs to be deconstructed. It represents a pervasive and destructive myth. Laclau and Mouffe in their reliance on Lacan have thereby not struck the solid ground they have claimed, but are stuck in a contemporary myth, which leaves them with a black spot in relation to their account of social agency. The point is that dislocation, as part of and occurring in social agent facticity - as mentioned above in the continuum of both affirmation and negation – shakes in a continuum of positivity and negativity the social agent which always already is claimed to be within social agent facticity in a configuration of subject positions, only then is it relevant to speak of a lack or lack of social agent location of fixation, which consequently must – due to the claim - be relocated by the particular social agent. This means that even though Laclau’s idea of the primacy of lack is refuted, his reasoning of dislocation and the empty signifier presented above can be used to account for social agency. In the particular moment of dislocation the ontological claim of the particular social agent is more or less, as argued above in Chapter 2.1.6., but most often not, unveiled, and disclosed. Only in the total negation of being or unrestricted dislocation, to use Laclau’s words, like that of war and imminent death, is the ontological claim,

²² In H&SS the ontological claim is also indirectly asserted in the following reasoning: ““Objectivism” and “subjectivism”; “holism”; and “individualism” are symmetrical expressions of the *desire* for fullness that is permanently deferred.” (H&SS: 121) This “desire for fullness” is nothing else than the articulation of the claim to be.

framed in the sentence *I must be*, unveiled beyond the ontic articulation within a particular subject position. Only in that moment, the moment where the social agent is confronted with the fact that the foundation of his or her particular social agency is not about Hamlet's question to be or not to be, but being itself always already being claimed to be – the being claimed though being radically empty, in no way able to be that which it must, to identify, to see, find, fix oneself in being, to have an identity, be a being.

3. Antagonism

As mentioned above antagonism or social antagonism is a central category for Laclau and Mouffe, it is constitutive of the social and political. Antagonism is connected to their concept of identity or subject position, while antagonism according to them comes about when and because social agents are unable to attain their identity fully. The concept of antagonism in other words belongs within the social space or terrain, within politics, signifying a dynamic or ontological logic between and among social agents.

As mentioned above closure or fixation of identity like discourse is impossible - every identity being a continuous movement of differences - even though the social agent believes otherwise, by the partial fixations present to him or her. The argument made by Laclau and Mouffe is that the "experience of the limit of all objectivity does have a form of precise discursive presence, and this is antagonism." (H&SS: 122) They first set out to explain what antagonism is and not why it occurs, more precisely what an antagonistic relation is. They do it by comparing it to the concept of *contradiction* already mentioned in the interpretation of Tugendhat and the concept of *Realrepugnans* introduced by Kant. Their point is that antagonism can be understood neither as a contradiction between concepts nor a contradiction between real objects. The argument is that linguistic contradiction does not necessarily imply an antagonistic relation, and that the collision between real objects is not antagonistic but a material fact obeying positive physical laws. In order further to explain the difference between antagonism on one hand, and *Realrepugnans* and contradiction on the other, Laclau and Mouffe point at an asymmetry between them:

In the case of contradiction, it is because A is fully A that being-not-A is a contradiction – and therefore an impossibility. In the case of real opposition, it is because A is also fully A that its relation with B produces an objectively determinable effect. But in the case of antagonism, we are confronted with a different situation: the presence of the other prevents me from being totally myself. The relation arises not from full totalities, but from the impossibility of their constitution. (H&SS: 125)

Hereby Laclau and Mouffe connect antagonism with the post-structuralist concept of political and social agency. Thereby, both articulation, subjectivity and antagonism are presented as functions of the impossibility of closure and fixation – the point being that insofar as there is antagonism, *I*

cannot be a full presence for myself. The antagonising force or social agent is a symbol of my non-being, without itself being a full presence. Laclau and Mouffe further explain and state their argument in the following comparison:

Real opposition is an objective relation – that is, determined, definable – among things; contradiction is an equally definable relation among concepts; antagonism constitutes the limits of every objectivity, which is revealed as partial and precarious objectification. (H&SS: 125)

The antagonism is a special ontological dynamic, a relation in which the limits of objectivity are shown – antagonism subverts the partial discursive fixations or objectivity, being an experience of the limit of the social. Thereby antagonism according to Laclau and Mouffe is not internal or inside society but outside, while it constitutes the limits of society, the impossibility of society to fully constitute itself.

A consequence of this logic of antagonism or social agent experience of the limit is according to Laclau and Mouffe two things. First, it must be the experience of failure:

If the subject is constructed through language, as a partial and metaphorical incorporation into a symbolic order, any putting into question of that order must necessarily constitute an identity crisis. (H&SS: 126)

Second, the limit is not to be understood as a frontier separating two territories or terrains but: “The limit of the social must be given within the social itself as something subverting it, destroying its ambition to constitute a full presence.” (H&SS: 127) These arguments concerning the antagonistic dynamic lead Laclau and Mouffe to investigate how antagonism understood as subversion of the social or discursive totality is discursively constructed. This is done by introducing the concept of equivalence or equivalential logic.

Before continuing with the interpretation of their concept of equivalence, a remark must be made about the relevance of antagonism in relation to the ethics of military force. The point being made is that the idea of antagonism as inherent in articulation and discourse can be seen as an expression of the thesis that articulation is a yes/no modal relocation of social agent facticity – in each relocation the antagonism against its negative is implied. Antagonism, conflict is inherent in articulation, therefore what will later be framed as discursive dialectic ethics will be unsuccessful in the illusionary attempt to eradicate conflict – instead it must direct, frame conflict in non-violent way – making room for difference.

4. Equivalence

The concept of equivalence is Laclau’s and Mouffe’s account for the manner antagonistic relations threaten and subvert discursive formations of difference. The logic of equivalence works as

etymologically hinted at by constructing *equivalent* identities that express a pure negation of a discursive system and seek to divide social terrain by focusing meanings around antagonistic poles. Therefore, in this equivalential logic a symmetry and an asymmetry persist, the symmetry in relation to different moments being connected in a chain of equivalence, and asymmetry in the difference being subverted and defined as pure negativity. Laclau and Mouffe account for the logic in the following way:

Contingency of the system of differences is revealed in the unfixity which equivalence introduces. The ultimate character of this unfixity, the ultimate precariousness of all difference, will thus show itself in a relation of total equivalence, where the differential positivity of all its terms is dissolved. This is precisely the formula of antagonism, which thus establishes itself as the limit of the social. (H&SS: 128)

A more elaborated explanation in relation to the elements of equivalence is offered by Laclau, the assertion being that:

In a relation of equivalence, each of the equivalent elements functions as a symbol of negativity as such, of a certain universal impossibility which penetrates the identity in question. To put the matter in other terms: in an antagonistic relation, that which operates as a negative pole of a certain identity is constitutively split. All its contents express a general negativity transcending them. But for that reason, the “positive” pole cannot be reduced to its concrete contents either. (Laclau 1996: 14)

Opposite to the logic of equivalence, the logic of difference works by breaking down the equivalence and antagonisms thereby creating a larger discursive space for differences, and introducing new nodal points in that way pulling chains of equivalence apart.

In relation to ethics hinted at above, this means that the success criteria of an ethic with universal aspiration must be to break down equivalence and create the widest possible system of differences, including all social agents.

5. Hegemony

The social ontological category of hegemony is as mentioned of special interest to Laclau and Mouffe while it is a political practice and activity within the discursive field of politics, which according to them has an ontological status, conditioning the social per se.

Hegemony is more precisely an articulatory practice which consists in the articulation of different identities and subjectivities into a common project, where hegemonic formations – defined as articulated totalities of difference - are the outcome of this practice – endeavours to create new forms of social order from a variety of dispersed or dislocated elements. Their interest in this concept is due to their inspiration by Gramsci, whose concept of hegemony they interpret and deconstruct from their post-structuralist position.

The point is that the hegemonic practice and articulation presuppose two conditions: a social field penetrated by antagonisms, and the instability of the frontiers that separate them. The major aim of the hegemonic practice and project is fixation of the social, as hinted at above being “to construct and stabilise the nodal points that form the basis of concrete social orders by articulation as many available elements – floating signifiers – as possible.” (Howarth 2000: 15) Laclau and Mouffe use the concept dislocation (H&SS: 142) to account for and describe the initiating condition behind the hegemonic practice. In his later writings, Laclau has developed the concept of hegemony. The point being that the hegemonic formation can take the form of myth or imaginary. The thesis being that the emergence of a myth is structural dislocation and that the myth constructs new discursive spaces that attempt to suture the dislocated space in question, thereby articulating a “new objectivity by means of the rearticulation of the dislocated elements.”(Laclau 1990: 61) In the political or social space the myth can, if it succeeds in neutralising social dislocations and articulating a larger number of social demands, be transformed into an imaginary, which in a radical form, like the imaginary of the Enlightenment, can be a global ontology or condition of possibility of the social.

In this way, we can interpret the hegemonic practice as a particular genre of political yes/no modal relocation of social agent facticity and the hegemonic formation being a yes/no modal relocation of social agent facticity. This furthermore means, that it is the ontological claim that is the synthesizing condition between dislocation and the construction or effort to construct a hegemonic formation.

Having interpreted Laclau’s and Mouffe’s ontology it is possible to present and elaborate a comprehensive theory of ethical articulation and an ethic of military force needed to frame and answer the three research questions.

3. The Theory of Ethical Articulation

The subject matter of the second research field is the theory of ethical articulation. The successive interpretations of Tugendhat, Chilton, Laclau and Mouffe have provided the reasoning needed to construct a theory of ethical articulation – the descriptive ethical principle - which draws on relevant and significant knowledge of contemporary theories of language and linguistics. The theory of ethical articulation is constituted by two principal elements: a socio-linguistic ontology conceptualized as discursive dialectics, which in a hypothetical fashion situates articulation within a broader framework, and a number of ethical categories which form a framework that makes possible the analysis of ethical articulation. These principal elements of the theory are presented below.

3.1. The Discursive Dialectics

The discursive dialectics is a linguistic model and hypothesis of ethical articulation and the discursive process of social change and transformation. It to some extent recalls Oakeshott's famous dictum that "as civilized human beings, we are the inheritors ... of a conversation begun in the primeval forest and extended and made more articulate in the course of centuries." (Oakeshott 1959: 199) Furthermore, Mouffe in her interpretation of the concept of tradition comes very close to the idea of the discursive dialectics to be asserted here:

The notion of tradition, for example, has to be distinguished from that of traditionalism. Tradition allows us to think our own insertion into historicity, the fact that we are constructed as subjects through a series of already existing discourses, and that the world is given to us and all political action made possible. (1993: 16)

However, the insufficiency within this simple framing of tradition is especially Mouffe's silence of the interaction between discourses and the discursive logic of the particular discursive transformations. These omissions are in a hypothetical fashion accounted for in the discursive dialectic model. The epistemological premises and biases of the discursive dialectics are however: the primacy attributed to discourse - the assertion that reality and thereby social agency is discursively constructed - and the privileging of the concept of articulation. The discursive dialectic model is organized in the following three theses, which attempt to integrate and organize the

interpretations above and in that way construct a linguistic framework within which to understand ethical articulation.

Thesis 1: The ontology of the social, the discursive structure here asserted to be the condition of possibility for social agency, can linguistically be framed as discursive dialectics, etymologically signifying the constitutive primacy of discourse in social agency and the ongoing interaction between discursive articulations within the social space.

Thesis 2: An aspect of each discursive articulation is the formal semantics: **yes/no modal relocation of social agent facticity**. The social agent facticity is primarily the particular and unique spacio-temporal discursive world constituting the articulating agent always already claimed to be, in discursively constructed myths and frames of community providing an ensemble of subject positions being carriers of norms and values, and being more or less penetrated by articulations of other social agents. The yes/no modal relocation is a hegemonic and antagonistic practice articulating difference and chains of equivalence within the social space, thereby relocating the continuously dislocated social agent facticity, and at the same time excluding relocations.

Thesis 3: Discursive articulations can be ethical and thereby have a particular ethical signature, expressing the ethical values and norms of the social agent facticity – the articulating force, the particular speaker or speakers. The ethical signature is more or less disclosed, more or less assumed, more or less hegemonic, and more or less antagonistic depending upon the genre of ethical articulation – genre being a discursively constructed frame within social agent facticity, a linguistic structure of relocation of social agent facticity.

In this first element of the theory of ethical articulation a discursive process of social agency and articulation is suggestively framed. As a result the concept of discursive dialectics can be used to signify two main issues of social agency: first, to signify what the concept of *history* normally signifies - a nodal point of spacio-temporal and discursive social transformation, - and second, as a concept signifying the dynamic and logic of social transformation. The term discursive dialectics is henceforth used in both of these framings. Apart from providing an alternative concept to that of history discursive dialectics, which accounts for the concept of ethics, accommodates us with a structure within which further to elaborate the ethical categories needed to construct an ethic of military force and analyze contemporary ethics of military force.

3.2. Ethical Categories

The discursive transformation and ongoing interaction between discursive articulations proposed in the discursive dialectics implies the inability of a meta-discursive fixation of concepts and the necessary attention towards their inescapable precariousness and constraint within the discursive dialectics. Still, the formal semantics of the discursive dialectics reveals and proposes a formal semantic structure within the logic of language and social agency, which permits the elaboration of a descriptive or analytical ethical principle, concepts and ethical categories though under the reservation of this ongoing discursive transformation. At the same time the thesis of social agency as a discursive construction suggests that the ethical categories must be embedded in language and

the grammatical structure of language. In order to spell out these ethical categories embedded in language support is found in Norman Fairclough's (2005) analytical apparatus for text analysis. Owing to the discursive dialectics, more precisely the thesis and idea of an ethical signature inherent in all articulation, the thesis of the ontological claim, and Norman Fairclough's theses of text analysis it is possible to construct seven discursive dialectic ethical concepts: *ethics*, *ethical articulation*, *ethic*, *ethical value*, *ethical norm* and *ethical signature*. The logic and the meaning of these six categories are explained below.

3.2.1. The Concept of Ethics

The term *ethics* is an etymological derivative of the Greek noun *ethos* somewhat equivalent to the English noun *custom* or more precisely the custom of social agency. The familiar term *morality* is an etymological derivative of Latin noun *mores* which is equivalent to the English noun custom of social agency. In other words the etymological sense of the two terms is the same. In spite of this etymological similarity a difference between the sense of the terms ethics and morality is often invoked by scholars:

Strictly speaking ... the two terms represent distinct elements of normative analysis: *morality* referring to values and beliefs about what is right and wrong, good and bad, just and unjust and *ethics* referring to the examination, justification, and critical analysis of morality. (Amstutz 1999: 2)

This particular invocation of conceptual difference in order to signify a de facto difference in relation to the subject of ethics is problematic and unnecessary. First, because it suggests that the linguistic reference or signification by the terms or concepts of ethics and morality are fixed. Second, because it assumes the rationality of making this distinction by aid of these two concepts. Third, because from a pragmatic point of view it is a problem when there is confusion within a scientific field of its core concept and term, using two concepts with the same etymology to signify different aspects of a social scientific field is simply unproductive.

The semantical difference articulated in the quote above is the fact that the term morality is used as signifier for a phenomenon within social agency, and that the term ethics is used as a signifier for the scientific or analytical approach to this phenomenon. This is one way to signify this difference. Another is to use the term ethics interchangeably. Here this significant difference is articulated by the concepts of *ethics* and *ethical articulation*:

The concept of ethical articulation is used as a signifier for what discursively is considered desirable social agency and social facticity by a particular social agent or group of agents within the discursive dialectics.

The concept of ethics is used as a signifier for the scientific or analytical approach to what discursively is considered desirable social agency and social facticity by a particular social agent or group of social agents within the discursive dialectics – meaning ethical articulation.²³

Both ethics and ethical articulation appear within the discursive dialectics in a number of different genres and sub-genres. The ethical genre of this dissertation is as stated ethics of military force. In addition to the aspect of genre the analytical approach of ethics to ethical articulation occurs on a continuum between description and prescription. The analytical approach of this dissertation is as mentioned above four-dimensional: meta-ethical, descriptive, evaluative and prescriptive. The prescriptive or normative approach can also be viewed as a particular genre of ethical articulation, but is here signified with the term *ethic*, signifying an analytically elaborated and produced ethical articulation within the scientific field of ethics. The genres of ethical articulation relevant in this dissertation are as implied in the research question both the ethical articulations in the form of simple and particular value exchanges within discourse - for example in a political statement made in relation to use of military force, a genre which is here framed as *enacted ethical articulation*. Second, as value exchange in the form of a more systematic and general normative theory – for example in a political program, here defined as a master narrative with totalizing ambitions (Stråth 2006: 23) and framed as *ideological ethical articulation*.

The ethical element of discourse and thereby social agency as pointed out by Chilton above can be framed as discursive exchange of desired social agency and facticity. The meaning and definition of the concept of desired social agency and facticity is following Fairclough's reasoning (2005) a linguistic element or expression within discourse which is articulated as desirable by the aid of different linguistic markers or assumed, depending on assumption of shared and implicit value system between author and interpreter. Fairclough brings a number of different markers to attention. The markers within discourse which mark desirability or undesirability can be modal verbs such as: *will, must, ought, can, may, needn't, oughtn't, shouldn't, mustn't, won't, can't*, and modal adverbs such as: *certainly* and *probably* and modal adjectives such as: *possible* and *probable*. At the same time adjectives such as: *good, bad, wonderful, dreadful, wrong, important* and *useful* can mark desirability or undesirability. Another point presented by Fairclough is that evaluation comes on a scale of intensity (2005: 172-73). Evaluative markers cluster in semantic sets of terms which range from low to high intensity for example: *badly/dreadfully/appallingly* and: *the soldiers killed/massacred/ slaughtered/ butchered the villagers*.

Fairclough distinguishes between four categories where ethical values are articulated: *evaluative statements, statements with deontic modalities, statements with affective mental process verbs* and

²³ Social agency is here used to signify what can also be signified as inter-subjective agency and social agent facticity to signify what can also be signified as inter-subjective facticity.

value assumptions (2005: 171). The exchange of desired social agency and facticity is articulated in the two primary grammatical genres, in what can be framed as noun-desirability and as verb-desirability - which thereby constitutes two main linguistic categories of an ethical signature. The noun-desirability is here analytically framed and signified with the term *value* owing to the etymology of the term and its usage within the discursive dialectics as an ethical concept. The concept of value is derivative of the Latin verb *valere* signifying the worth of an element. The value can be a single noun or noun phrase. The meaning of the concept of value is here the *discursively desired social agent facticity*. An example of two fundamental values articulated in one of the many texts to be analyzed later are the values *peace* and *security* (UN161002). The verb-desirability is here analytically framed and signified with the term *norm* owing to the etymology of the word and its usage within the discourse dialectics as an ethical concept. The concept of norm is an etymological derivative of the Latin noun *norma* signifying a rule of action. The norm can be a single verb or a verbal-construction. The meaning of the concept of norm is here the *discursively desired social agency*. An example of a norm articulated is the norm: “*to comply with United Nations Security Council resolutions*” (UN251002: Para 1 of 1). An important point implied within grammar and also underlined by Chilton is that norms and values always include a subject position, signified in relation to the verb or in Chilton’s words being the deictic centre of norm and value exchange. An example of value exchange in relation to a subject position in both grammatical modi is seen in Kofi Annan’s statement on Kosovo 28 January 1999: “As we enter a new century of challenges and inevitable crises, it is critically important for us to draw on each other’s strengths in pursuit of peace and security.” (UN280199: Para 1 of 2) Here the pronoun *we* is constructed as the subject position with particular norms and values. The norm: *to draw on each other’s strengths in pursuit of peace and security* is articulated in an evaluative statement, marked by the linguistic element: *it is critically important for us*. At the same time the two values *peace* and *security* are articulated marked by the linguistic element: *it is critically important for us to draw on each other’s strengths in pursuit of*. In the same text the norm: *to create a new architecture of preventive, proactive policies for peace* is articulated as a statement with deontic modality, marked by the linguistic element: *we must*. At the same time the values: *a new architecture of preventive, proactive policies for peace* and *peace* itself are articulated by the linguistic element: *we must create*. In another statement made by George Bush on 9 February 2003 the value exchange in the form of a statement with affective mental process is articulated: “The best way to secure the homeland is to continue to hunt the killers down one at the time.” (US090203: Para 3 of 4) Here the norms: *to secure the homeland* and: *to continue to hunt the killers down* is marked by the linguistic element:

the best way. The term *the homeland* implies an affective evaluation, which in this example is matched by the affective verb *to hunt down* and the affective noun: *killers*.

A supplementary feature concerning norms and values, understood as noun-desirability and verb-desirability related to a particular subject position, is that norms within and during the discursive dialectics can be seen to be discursively transformed into values and values can be discursively transformed into norms, a verb or verbal construction being nominalised or a noun or noun-construction being verbalized. The logic seems to be, that when a norm or disnorm is described, talked about from a second order perspective, it tends to transform into a value or disvalue and when the value or disvalue of an entity is to be the end of action, it transforms into a norm or disnorm. An example is the norm: *we must prosecute war criminals*, which easily translates into the value: *prosecution of war criminals is necessary*. Thereby a norm can be articulated as a value and vice versa. The particular articulation of social agent desirability has in other words a somewhat floating and unstable character, underlining and affirming that values and norms are always related to a social agent facticity, in other words that they always refer to a discursively constructed subject position. In other words value exchange is always related to a particular speaker or author.

In addition to this logic of ethical articulation Laclau's and Mouffe's theory of myth suggests that there are different levels of ethical articulation: that ethical configurations can be anchored in a quasi-ontological or mythological framework, which Fairclough hints at in his idea of implicit value systems and assumed values (2005: 173), a framework which is the condition of possibility for secondary norms, values and subject positions. This issue is accounted for in the concept of primary ethical signature, the category of the ethical signature accounted for below.

3.2.2. The Concept of Ethical Signature

The concept of ethical signature is developed with support of a preliminary reading of the text-corpus of ideological and enacted ethical articulations in relation to use of military force analyzed in Chapter 5 and 6 and supported by Chilton's theory. The thesis of the discursive dialectics is that ethical articulations have an ethical signature, a unique ethical configuration, which makes them ethically different from other ethical articulations. Regarding the descriptive part of the research question, this concept of ethical signature presents itself as an adequate analytical framework. The question is, however, what constitutes the ethical signature, which categories and parameters

compose the ethical signature. The thesis presented here²⁴ is that the following categories can be seen to structure the ethical signature of an articulation: *primary ethical signature, dislocation, ontological claim, ethical reasoning, ethical norms, ethical values, normative strategy, antagonism, and inter-textuality*. The point is that all these categories are elements of the formal semantic structure and aspect of articulation, the yes/no modal relocation of social agent facticity.

The Category of Primary Ethical Signature

The idea of a primary ethical signature of an ethical articulation is related to the social agent facticity. Every articulation being embedded in the discursive dialectics suggests that the social agent facticity has a mythological level providing the framework, the limits, or the underlying conditions of an ethical articulation or relocation of social agent facticity. In relation to the ethical signature of a particular ethical articulation it is possible to differentiate between primary norms and values and secondary norms and values. This is a differentiation already hinted at by Laclau and Mouffe above. However, also suggested by Sabatier who builds on Lakatos' ideas, policy belief systems are constituted by:

Three structural categories: a deep core of fundamental normative and ontological axioms that define a person's underlying political philosophy, a near (policy) core of basic strategies and policy positions for achieving deep core beliefs in the policy area or subsystem in question, and a set of secondary aspects compromising a multitude of instrumental decisions and information searches necessary to implement the policy core in the specific policy area. (Sabatier 1993: 30)

Alternatively and more broadly asserted by Fischer:

Social reality ... only exists in the context of a mental framework (a construct) for thinking about them. Social constructs or mental frameworks are grounded in *values* that determine our perceptions of reality. [emphasis added](Fischer 2003: 124)

These discursively constructed primary norms and values function as conditions of possibility for other and secondary norms, which can be framed as *auxiliary* norms and values – or, to use Sabatier's terms, there exists a near policy core and a set of secondary aspects. These auxiliary norms and values in turn rearticulate the primary norms and values. The point being that the relationship between the primary and auxiliary norms and values is dialectical. The primary norms and values can therefore be seen as the primary ethical signature of articulation, a myth or imaginary. In Laclau's and Mouffe's words they are the quasi-transcendental conditions for the auxiliary norms and values. This primary ethical signature which can be deduced from articulation can moreover have the discursive form of a storyline that “symbolically condense[s] the facts and

²⁴ The concept of ethical signature can obviously be additionally developed. The categories and elements constructed and presented here constitute a first attempt to apply this analytical framing in order to analyze the ethical articulation in relation to the use of military force.

values basic to a belief system.” (Fischer 2003: 102). One example of the primary ethical signature articulated as a storyline is seen in the United Nations Charter. Here the subject position *we the peoples of the United Nations* is discursively constructed. Connected to this primary subject position both the primary norm and the auxiliary norms are articulated: “The purpose of the United Nations is: to maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace.” (The United Nations Charter: Article 1.1) In this example both types of norms and the discursive dialectics are easily seen.²⁵ *To maintain peace and security* is articulated as the primary norm and *the prevention and removal of threats to peace* is presented as an auxiliary norm. In some respects, Kelsen operates with a similar distinction in relation to his thesis related to the concept of *Grundnorm*, the argument being that “[A] plurality of norms forms a unity, a system, an order, if the validity of the norms can be traced back to a single norm as the ultimate basis of validity.” (Kelsen 1945: 55) However, instead of speaking of a system, according to the discursive dialectics the framings *discourse* or *discursive myth* are used here. The point is that if the validity of norms can be traced back to a primary norm and subject position, they are articulations of the myth related to the primary norm, and at the same time rearticulating the myth. Hereby an ethical contribution has been given to especially Laclau’s idea of myth. The primary ethical signature is asserted to be a core aspect of a particular myth or even in some respects the articulation of the myth itself. Even more, the primary ethical signature as the conditioning part of an ethical articulation is an important aspect of the ethical signature, and it is especially in relation to this element that different ethical articulations can be analyzed and compared²⁶.

Primary subject positions, norms and values are as part of the discursive dialectics subjected to change and transformation. However, as asserted by Sabatier, the three structural categories “are arranged in order of resistance to change, that is the deep core is much more resistant than the secondary aspects.” (Sabatier 1993: 30). The point is that a primary identity is resistant to change and is the criteria for changes of auxiliary norms and values. However, when a primary identity framing an element as a dislocation is not able to provide a normative strategy in order to relocate, the identity is disrupted, in crisis. This has for example been the case of the primary ethic of the

²⁵ In some respects the distinction between primary norms and auxiliary norms resembles Kant’s distinction between the categorical imperative and the hypothetical imperative. However, as it was shown in relation to the elaboration of the ontological claim above, Kant’s categorical imperative is in fact the ontological claim in its un-clothed version. Still, this distinction is closer to Kelsen’s thesis of the *Grundnorm*, and his distinction between law and politics.

²⁶ A consequence of the relationship between mythological norms and values and auxiliary norms and values is that it is possible to present a hypothesis of discursive dialectic norm and value production. The hypothesis being that the auxiliary norms and values are produced discursive-dialectically in a synthesis between the ontological claim and a social agent facticity quasi-transcendentally conditioned by the primary norms and values or ethical myth, being the main criteria of utility determining the auxiliary norm. In that respect the auxiliary norms and values are the means to the ends articulated in the primary norms and values, expressed in the example from the United Nations Charter presented above.

United Nations Charter, which framed the events in Rwanda and Kosovo as gross violations of human rights – as severe dislocations - but was not able to provide a normative strategy due to the primary value of sovereignty, not allowing intervention to stop ethnic cleansing.

The Categories of Dislocation and Ontological Claim

The fact that all activity including ethical articulation implies a self-relation of the speaker as proven in the interpretation of Heidegger and Tugendhat above suggests that an important part of an ethical signature of a particular ethical articulation is its particular ontic and ethical framing of the ontological claim and social agent facticity of the speaker or speakers. In relation to this issue the primary ethical signature of an ethical articulation functions as the condition of possibility for two additional categories related to the social agent facticity. These two categories with relevance for the ethical signature are *dislocation* and *ontological claim*. The particular configuration of subject positions, the values and norms of the social agent, constituted by the primary ethical signature continuously frame elements within social agent facticity as dislocations together with correlative ontological claims in ontic first person singular and plural framings such as: *we must*, *it is necessary for us* or *we need* owing to the intentionality or *In-der-Welt-Sein* of social agency.²⁷ As somewhat suggested by Fay:

Men act in terms of their interpretations of, and intentions towards, their external conditions, rather than being governed directly by them, and therefore these conditions must be understood not as causes but as warranting conditions which make a particular action or belief more ‘reasonable’, ‘justifiable’ or ‘appropriate’, given the desires, beliefs, and expectations of the actors. (Fay 1975: 84-85)²⁸

In other words, an element within social agent facticity is framed as a dislocation on grounds of the particular configuration of the social agent claimed to be in this particular configuration, and due to the ontological claim the particular framing of a dislocation has a correlative ontological claim which appears in an ontic and ethical framing, a claim to be relocated with respect to the prescription of the rearticulated ontological claim. In that respect Badiou is right when he in relation to the question of evil, here interpreted as a type of dislocation, points out that:

If Evil is, all the same, identifiable as a form of multiple-being, it must then be that it arises as the (*possible*) *effect of the good itself*. That is to say: it is only because there are truths, and only to the extent that there are subjects of these truths, that there is Evil. Or again: Evil if it exists, is an unruly effect of the power of truth. (Badiou 2002: 61)

²⁷ This logic seems to be a general logic of social agency, not only ethical. The primary values of social agents, ethical or not are the condition of possibility of their framing of dislocations.

²⁸ A similar point is made by Barth: “We all live lives full of raw and unexpected events, and we can grasp them only if we can interpret them – cast them in terms of our knowledge or, best, anticipate them by means of our knowledge so that we can focus on them to

This core aspect of dislocation, ontological claim and the function of the primary ethical signature are illustrated in the analysis of ethical ideologies in Chapter 4 and 5. Here the dislocations and their correlative ontological claims conditioned by a particular primary ethical signature are the motivational foundations of the ideologies.

The Category of Ethical Reasoning

Ethical reasoning suggests itself as an important element of the ethical signature of ethical articulations in relation to the use of military force. The concept of ethical reasoning is here understood as discursive and used in two main senses: to signify a central aspect of the ethical signature of ethical articulation in general and to signify a genre of ethical articulation also framed as inter-subjective ethical reasoning.

Regarding the first use of the concept the initial thesis is that every ethical articulation has an element of ethical reasoning and is partly a product of ethical reasoning. To use Chilton's words (2004: 51) discursive articulation is a mental processing and the product of mental processing – a mental processing which is embedded in normativity. The point made here is that reasoning is used to signify both the act or mental process of reasoning – the use of the faculty and human ability of reason, which is here presupposed in a fashion bracketing neurological insights, - and the product of that act. Reasoning as a *discursive* act governed by the logic of language can be understood as the social agent act or process of relocating itself in a situation discursively framed by itself as a dislocation by framing the ontological claim anew, and following its prescription. The product of discursive reasoning, the actual making of a statement or another action, reasoning as a product entails in other words both a particular social agent always already claimed to be, a framed dislocation, a correlative reframed or rearticulated ontological claim and the actual relocation.

Regarding the second use of the concept the inter-subjective reasoning – arguing for the ethical value of a particular kind of action or normative strategy to a hearer or group of hearers, signified by deontic phrases such as: *we should, they must, he have to, you ought to* etc - is often framed as *justification* or *legitimization* (Chilton 2004 and Charteris-Black 2005). The use of these framings is however ambiguous and confusing. They are within the discursive dialectics used in many different senses, for instance as both religious and legal framings of practical reasoning. Here inter-subjective practical reasoning arguing for the social or ethical value of a particular normative strategy is framed as ethical reasoning. Ethical reasoning is obviously an important aspect of the research question. The questions: what signifies contemporary ethical reasoning in relation to the use of

meet them to some degree prepared and with appropriate measures. Thus a person's stock of knowledge structures that person's understood world and purposive ways in coping in it." (Barth 2002: 1)

military force and what is a reasonable ethical reasoning for use of military force are core aspects of the research questions. The thesis presented here is that inter-subjective ethical reasoning in particular appears in two different forms within the texts to be analyzed: as *narrative ethical reasoning* and as *ethical reasoning by reference to socially accepted and/or strategic discourse types*. These two forms can be combined especially if the ethical reasoning is related to a controversial issue addressed to a broad audience, exemplified in President Bush's statements on 12 September 2002 and 17 March 2003.

Narrative ethical reasoning in an ethical articulation implies or presupposes the framing of a dislocation, which the action in the frame of a normative strategy, of the ethical articulation addresses. The framing of the dislocation implies the production and/or assumption and/or the imposition and/or invocation of a storyline or primary ethic on the recipient, which includes norms and values related to a subject position allowing the framing the particular dislocation. Here exemplified in Bush (US120902)

Framing of storyline or primary ethic:

We dedicated ourselves to standards of human dignity shared by all, and to a system of security defended by all. (Para 1 of 4)

Framing of dislocation:

Today these standards and this security are challenged. (Para 1 of 4)

Framing of normative strategy:

We must choose between a world of fear and a world of progress. (Para 4 of 4)

These three elements constitute a discursive framing and construction of a particular social agent facticity, to be relocated according to the normative strategy, in this case the strategy to choose between a world of fear and a world of progress. The logic of this type of reasoning is that this storyline, these norms and values related to a subject position, made available to identify with to the reader or hearer, are the necessary background – the primary ethic - needed both to frame the dislocation – the de-stabilizing facticity to be fixed or relocated - and the value of the normative strategy to relocate social agent facticity. Within a community sharing a fundamental storyline, norms, and values, this inter-subjective narrative ethical reasoning is obviously somewhat easier than if reasoning is to be communicated to foreigners belonging to a dissimilar culture, conditioned by a different mythological framework. Narrative ethical reasoning within a group sharing a storyline does very likely not need to articulate anything except the normative strategy.

Ethical reasoning in an inter-subjective articulation, text or speech, is here furthermore asserted to be cognitively produced and constructed in the particular hearer as also stated by Chilton (2004). Reasoning is in other words not situated in the text. My thesis is that the ontological claim – *I must be* - of the particular hearer or reader is the synthesizing factor, between what is discursively constructed and articulated by the author or speaker as the dislocation – the negation or threat to the being of the hearer - and the normative strategy of value within the discursively constructed social agent facticity – the action needed to be taken to relocate or fixate an agency in the articulation constructed as a dislocated agent. Inter-subjective ethical reasoning is therefore only potentially contained within the text, and merely with more or less success produced when heard or read. Political or inter-subjective ethical reasoning in other words relies or depends on the successful construction of a social agent facticity - a subject position in a particular facticity which the reader can be made to identify with. As it is somewhat implied in the thesis by Stone, that problems i.e. dislocations:

Are not given out there in the world waiting for smart analysts to come along and define them correctly... they are created in the minds of citizens by other citizens, leaders, organizations, and government agencies, as an essential part of political maneuvering. (1988: 22)

In the storyline, the values and norms, presented, presupposed or imposed on the reader lies the necessary normative clothing of reality needed to frame the dislocation and thereby give reason to a particular relocation of social agent facticity. If the reasoning is successful there is a normative leap, from *is* to *ought*, synthesized by the ontological claim of the social agent reading a particular text or spoken to in a particular situation. This can be illustrated by this example: “Any use of nuclear weapons, by accident or design, risks human casualties Stopping the proliferation of such weapons ... *must* remain an urgent priority for collective security.”[emphasis added] (ASW: 39) The underscored text is the particular framed dislocation and the remaining text the particular framed normative strategy. In this example the element *nuclear weapons* is framed as a general and serious dislocation - a disvalue - the ontological claim of the reader/hearer and author/speaker is the condition of possibility for the utility or meaningfulness of the following claim, articulated as: *stopping the proliferation of such weapons must remain and urgent priority for collective security*. In this particular text the verb *must* is the invocation or teasing out of the ontological claim of the reader. The narrative ethical reasoning presented here is quite similar to the Rein and Laws concept of policy frame, “a normative-prescriptive story that sets out a problematic policy problem [dislocation] and a course of action [normative strategy] to be taken to address the problematic situation” (Rein and Laws 1999: 3) The additional point is that “a frame provides conceptual coherence, a direction for action, rhetoric, and analysis” (Rein and Schoen 1993: 153). As Fischer

argues “Frames, as such, determine what the actors will consider the ‘facts’ to be and how these lead to normative prescriptions for actions.” (2003: 144). Interestingly Rein and Schoen claim that frames facilitate a normative leap from is to ought, which in fact verifies my thesis of ethical reasoning presented above (1977).

Ethical reasoning by reference to socially accepted and/or strategic discourse types appears as a type of ethical reasoning where the normative strategy is backed up by reference to and use of discourse types. The thesis presented here is that different discursive genres or discourse types can be seen to function as witnesses - supporting elements or backup. Here illustrated in the discourse types of *consensus*, *teleology*, *law*, *ethics*, and *mytho-poesis* articulated by President Bush:

The United States ... are working on a road map for peace.... All of us want peace. (US260203: Para 3 of 4)

The safety of the American people depends on ending this direct and growing threat. (US260203: Para 2 of 4)

America’s cause is right and just. (US260203: Para 3 of 4)

The regime has a history of reckless aggression in the Middle East. It has a deep hatred of America. (US170303: Para 1 of 3)

Other discourse types of ethical reasoning than these four appear, as disclosed in the analysis of enacted ethical articulations in Chapter 6 and listed in Appendix 3.2. and 4.2.

Apart from these two types of ethical reasoning, the Just War Idea appears as a type of *analytical ethical reasoning*. This issue is discussed in Chapter 4. The point to be made so far, is that this type of ethical reasoning is made from the perspective of human action by relating the ethical reasoning to all the different elements asserted to signify a human action – cause, intention, agent etc., - and not from the perspective of a storyline or primary ethic. It thereby frames what constitutes an ethical act in this case the ethical use of military force and consequently provides an ethical reason for use of military force.

Inter-subjective reasoning is furthermore always related to a purpose or interest, owing to the ontological claim of the particular speaker. The fact that all activity including ethical articulation implies a self-relation of the speaker. The purpose of inter-subjective ethical reasoning is the claim or need, for example the need or claim to explain, to have support or assistance of some kind for social action, implying the importance of community discussed later. It could for example be the need to have support from the United Nations or the Security Council in relation to the use of military force against Iraq. This was the case for the United States on 12 September 2002 at the General Assembly (US120902). The particular claim or need for support from the United Nations was however situated in the subject position of the speaker. In this case the President of the United

States, responsible to gather support from the United Nations for the use of military force against Iraq according to the American Iraq Resolution (US021002). The argument is that inter-subjective reasoning implies a particular interest of the speaker. Accordingly, it is somewhat reasonable to frame the element of *persuasion* - though in a neutral meaning - as part of inter-subjective ethical reasoning as implied by Charteris-Black (2005: xi, 2, 9).

These theses concerning ethical reasoning underline an important distinction: the distinction between ethical reasoning or mental processing - to use Chilton's framing - as a general aspect of articulation, and ethical reasoning as a particular genre of inter-subjective communication – the inter-subjective reasoning of the value of a particular normative strategy.

The Category of Modal Relocation

An articulation or a text is as stated a relocation – a yes/no modal relocation of social agent facticity. The term *modal* signifies the genre of articulation. The particular ontological claim embedded in facticity which motivates a particular relocation carries implicitly as already mentioned the genre of articulation or relocation – analogous to a question, always defining the genre of its answer: be it the claim to present a weather forecast, a sports result or a claim to construct an ethic or ethical ideology of military force or to provide an ethical reason for a particular use of military force. In the genre of ethical ideology the relocation or articulation can be expected to articulate the dislocation and the ontological claim, and even the primary ethical signature, depending on the radicalism or extremism of the framed dislocation, which will be seen in the analysis of ethical ideologies below. In other words the ethical reasoning *of* the articulation can be articulated. In comparison, relocation in the genre of enacted ethical articulation cannot be expected to articulate the reasoning *of* itself which will also be seen in the analysis of the enacted ethical articulations below. These aspects of the articulation are so to speak presupposed and hidden. In a political statement the facticity and reasoning behind its articulation are often concealed. The fact that a politician due to his or her responsibility needs to inform the public is seldom discussed within the enacted ethical articulation. In spite of this difference the corpus of an articulation or relocation in both of these genres is the auxiliary ethical norms and values of the primary ethical signature of a particular ethical ideology or enacted ethical articulation. These differences and similarities are part of the reasoning for applying different analytical parameters with respect to analysis of ethical ideologies and enacted ethics, presented in Chapter 5 and 6.

With regard to the ethical signature the category of relocation is only one of the three categories related to the framing: *yes/no modal relocation*. The other two are antagonism and inter-textuality.

The Category of Antagonism

The second category of the yes/no modal relocation is the category of antagonism. This category was discussed in the interpretation of Laclau and Mouffe as a central category of social agency. The point emphasized here is that a particular ethical articulation or ethical reasoning is a *yes/no* modal relocation which implies that all articulation is inherently antagonistic, excluding and including values, ethical norms and subject positions: as stated before there is no neutral a-normative or a-valuative perspective. This aspect of antagonism is an important issue of the ethical signature. The category of antagonism focuses on the outside aspect of articulation, the outside space created by any articulation – to use the metaphor of a footprint always marking the outside as well as the inside space of the particular foot. Antagonism as a category of the ethical signature – its outside space – must focus on several aspects of articulation. First, the implicit exclusion, the excluded norms or values, and the explicit exclusion, the articulated disvalues and disnorms. Second, it must focus on the implicit antagonists and the explicit antagonists – antagonist subject positions mentioned in the text. Third, it must focus on the character of hegemonic aspiration, as already pointed out by Tugendhat all articulation implies a truth claim. This means that all articulation has a hegemonic aspiration, the character of which however is dependent on the particular genre of articulation. Fourth, it must concern itself with the textual orientation to difference, the acceptance or denial of difference. Finally, it must focus on the general genre of antagonism: is it political, religious, ideological, ethnic or a combination of these genres? These aspects are illustrated below.

Parameters of Antagonism:

1. What is the implicit value/norm exclusion?
2. What is the explicit value/norm exclusion?
3. What are the implicit antagonists?
4. What are the explicit antagonists?
5. What is the character of hegemonic aspiration?
6. What is the textual orientation to difference?
7. What is the genre of antagonism?

The Category of Inter-textuality

The third category of the yes/no modal relocation is inter-textuality.²⁹ The fact that social agency is discursively constructed and embedded within the discursive dialectics suggests the importance of other texts and articulations in relation to the ethical signature of an articulation or text. The thesis is that norms and values of other texts are necessarily formative parts of the ethical signature of a particular articulation, negatively or positively, directly or indirectly rearticulated in the articulation. This formative role can be more or less negative or more or less positive – negative with respect to

²⁹ This category is obviously also part of the social agent facticity even though it appears most visible in the element of relocation.

exclusion and positive with respect to inclusion. The inter-textuality of a text is impossible to frame fully, parallel to the impossibility to frame the social agent facticity. Still, the rearticulation of norms and values of other texts in an articulation is an important aspect of the ethical signature of a text.

Hereby the constituting categories of the ethical signature have been presented. In the analysis of Walzer's ethic presented in Chapter 4 and the analyses in Chapter 5 and 6, they will provide the main parameters. The logic presented above suggests that the order of their application must be: first to focus on the categories of social agent facticity – primary ethical signature, dislocation and ontological claim - and then to focus on the categories of relocation – modal relocation, antagonism and inter-textuality.

4. Just Peace: The Ethical Framework of Military Force

The subject matter of the third research field is the ethic of just peace and thereby the attempt to answer the first research question. Together with the theory of ethical articulation, the philosophical interpretation in Chapter 2 allows the construction of a global ethic – a normative ethical principle framed as *just peace* – which social agents by virtue of their being will join in as a value- and norm-set of a global community in a facticity of global interdependence. This global ethic of just peace will be used as the framework to construct an ethic of military force encompassing the types of military intervention and war in its own right and with the analytical potential to evaluate contemporary ethical articulations of military force. In relation, hereto the contemporary hegemonic ethic of military force, normally signified as Just War Theory (Ramsey 1961, Johnson 1981, Elsthain 2003 et al.) is interpreted in its classical theological version and in a new version within political science as represented by Michael Walzer. These interpretations will serve as a comparative perspective with regard to the discursive construction of the ethic of military force – an ethic regarding the international or national employment of significant and organized force with the potential to inflict casualties and/or destroy property in a systematic way.

4.1. Discursive Dialectic Ethic: The Ethic of Just Peace

The ethic of just peace presented here is a discursive dialectic ethic. It is a discursive dialectic construction and limited by the discursive dialectic ontology. In that way, it to a certain extent resembles the idea of a post-modern ethic as outlined by Torfing with a reference to Laclau and Mouffe in so far as postmodern ethics “recognizes its own *discursivity*.” (Torfing 2003: 277) On the other hand the idea of post-modern ethics that “we can establish what to us seems true, right and good, but the possibility of a transcendental grounding of our beliefs is forever ruled out.” (Torfing 2003: 276) is not part of the discursive dialectic ethic presented here. The ontological claim is in spite of its discursivity presented as a foundation on which to ground a global ethic, of which post-modern ethics denies the possibility (Torfing 2000: 278). However, as shown above in Chapter 2.3. Laclau and Mouffe in fact presuppose the ontological claim, moreover Torfing together with his denial of a grounding underlines Žižek’s point (1991) that “we are called to responsibility by our very condition of being *subjects*” (2003: 285) and thereby agrees to a kind of foundation similar to

the ontological claim. In addition, this discursive dialectic ethic is not to be mistaken for Habermas' discourse ethics (1983). Its principles are in fact closer to K  ng's ideas of a global ethic (1990) and Jonas' ideas of responsibility (1984). Two major challenges of this global ethic are the fact of the ongoing discursive transformation implied in the discursive dialectics which suggests that it is impossible to construct once and for all a universal subject position including universal and eternally reasonable ethical values and norms, and second, the fact that the value and norm of the ontological claim are seemingly empty. Still, owing to the formal semantic aspect of the discursive dialectics it seems possible to present a contemporary universal subject position and contemporary universal ethical values and norms with validity for some time to come within the current grammar. This ethic can be used both to evaluate and construct ethical articulations in general and can, with respect to this research concerning ethical articulation of military force, evaluate and construct a contemporary ethic of military force. This discursive dialectic ethic of just peace is developed below in seven successive steps of reasoning.

First, the primary ethical category and nodal point of the discursive dialectic ethic implied in the thesis of articulation is the *ontological claim* or the *imperative modus* expressed in the sentence *I must be*. It is reasonable to frame this imperative – the ontological claim – as *social agent responsibility* because social agent articulation or relocation can be framed as a *response* to the ontological claim, the de facto responsibility of the social agent within social agent facticity. The sentence: *I must be* in other words equals the sentence *I am responsible for my being*. The values and norms of a particular subject position or ensemble of subject positions – discursively constructed – imply the claim to a particular response within social agent facticity – what can be framed as subject position-responsibility. The category of responsibility is therefore presented as a main category of the discursive dialectic ethic. The illustrating point being, that politicians as well as soldiers are responsible for the particular ethical values and norms implied in their particular subject positions. They are to blame or to be prosecuted if they do not act in accordance with these particular ethical values and norms. The primary and universal subject position *I* is responsible for being at all. The consequence is that the responsibility or claim to be can only be taken away from the social agent by its death. The social agent can never escape responsibility – it is always already responsible for its being. The particular social agent can however be more or less capable or more or less coerced, unable to fulfill this responsibility - being: a child, a slave, a severely disabled person or situated in an extreme emergency of flood or war. Within the discursive dialectics and the social agent facticity this inescapable responsibility can be and is most often constructed in a way that covers it up and splits it, relieves the agent from the massive burden of responsibility. This tends to make the social agent believe that his or her responsibility belongs to someone else: to a

god, to an earthly authority, to the community, etc. The false impression of this limited responsibility is revealed and disclosed in radical dislocation. Radical dislocation of social agent facticity reveals the mere contingency of these elements and confronts the social agent with the ontological claim.

Second, the ontological claim represents a primary subject position, norm and value in its sentential framing *I must be*. In this sentence the subject position *I*, the value *being* and the norm *must be*, constitutes the primary form of social agency. The elements *I*, *being*, and *must be*, are variable signifiers always embedded within discursive dialectics and social agent particularity – articulated in ontic representations as particular subject positions, values and norms. This primary subject position, value and norm are by virtue of the thesis of the ontological claim asserted to be global, identical for all social agents. Owing to the universal, cross-cultural valid or global character implied in the thesis of the ontological claim, the fact that it is the transcendental condition of all social agents, it follows that *I* is a fundamental global subject position, that *I being* or *being of me* is a global value, and that *I must be* is a global norm. This entails that all social agents de facto are equal - equality being articulated with respect to the ontological claim or the responsibility to be, always already motivating the social agent. This is however an equality which due to the fact that it is always articulated in a particular social agent facticity – a unique individual discursive dialectics - implies equality with respect to difference – all social agents articulating different and unique social agent facticities. This radical particularity and extreme difference is the inescapable consequence of the discursive dialectics.

Third, this global value and norm can be used to articulate and construct a primary global ethic, meaning: *what by all social agents must be considered desirable global social agency and global social agent facticity – global inter-subjective agency and global inter-subjective facticity*. The fact that *being* is a value and *to be* is a norm for all social agents implies that the primary global ethic must be constituted by the norm *to value the being of all social agents* and to the value of *equal being together or co-existence of all social agents* – a value which can be framed as *just peace*, to signify the elements of *equality* and *co-existence*.

Fourth, this primary global ethic of just peace is somewhat empty. The question is if the ethical value *social agent being* can be qualified owing to the value referred to being or life in general. Is it possible to argue for global sub-values of being – and thereby construct a global ethic? The proposition and thesis made here is that this valuation of being implies that the global social agent needs or needs of social agent being are global values. Likewise are the preconditions or conditions of possibilities for the satisfaction of these needs global values. Consequently, it is possible to articulate and define some global social agent values. This thesis circumvents and challenges the

idea of ethical or as often framed moral relativism. Furthermore, it challenges the present discourse of *Asian Values*, questioning the idea of universal values, which in particular appeared in the Bangkok Declaration presented by 34 Asian states prior to the UN conference on human rights in Vienna in 1993 (Tang 1994; Bauer and D. Bell 199; Van Ness 1999; L.S. Bell et al. 2001; Brown 2001). The problem of the denial of universal values in the Asian Values discourse is however, as underlined by Brown that:

Rather than there being a single human rights regime applicable to all, there should be a range of different regimes adapted to particular circumstances, which needless to say, undermines the very notion of *human rights*, that is rights applicable to all human being simply by virtue of their humanity. (Brown 2001: 193)

For Brown ethical relativism cannot be defended. Instead, he wants to support the idea of universal or global values grounded on a philosophical anthropology, what a human being really is, and for that reason, “the anti-essentialism of moral theory of the twentieth century must be rejected.”(2001: 208). In this defense of universalism and denial of ethical relativism, he analyzes the different kinds of universalistic arguments presented by Brian Barry, Jürgen Habermas, John Rawls, Bikhu Parekh, Richard Rorty and Martha Nussbaum. Brown rejects the reasoning of Habermas, Rawls and Parekh. According to Brown, only the arguments of Rorty (1993) and Nussbaum (1993) are plausible though none of them presents a fully-fledged grounding of global or universal values. Interestingly his evaluation and presentation of Nussbaum’s arguments related to her *Human Capabilities Approach* points in the direction of and verifies, though in a vague manner, the thesis of the grounding of global values in human needs presented here. Furthermore, Nussbaum’s reasoning explicitly refers to the ontological claim in her framing of *human flourishing* as the criteria of the global values and non-relative or global virtues. In Brown’s interpretative summary the main point of her reasoning is that:

On the basis of ... characteristic human experiences it is possible to give at least an attenuated account of the *circumstances* under which the virtues can be practiced and *human flourishing* can occur. There will be many different ways in which human beings can live a human life, but there are limits to the acceptable range of differences. There are some kinds of lives that preclude human flourishing and which ought not to be tolerated, but the claim is that this position relies on an account of what human beings are that is not simply the self-descriptions of one culture writ large. [Emphasis added] (Brown 2001: 208)

The argument made here is that there are two main ways to frame these circumstances or conditions of being or more important global values. First, by means of a transcendental deduction, which could be guided by the question *what are the quantitative and qualitative possibilities of the ontological claim being answered* within the discursive dialectics or *if x elements of social agency are absent social agent being is terminated or deteriorated*. Second, by means of interviews or

observation of social agency as it was first pioneered by Maslow. The fact is that Maslow's epochal theses and theory of human motivation, his idea of basic human needs (Maslow 1943, 1954) in fact can be interpreted as a thesis of global values of social agent being: without these basic needs met social agent being is either terminated or deteriorated. In addition Maslow frames these needs as ends in themselves (Maslow 1943: 384). In order to find the values of being it is therefore reasonable to depart from Maslow's theses, and more importantly the part of his thesis, which has been verified and elaborated by contemporary social scientists. Maslow asserts that there are several basic human needs (1943: 372-386):

- physiological needs
- safety needs
- belongingness needs
- love needs
- esteem needs
- self-actualization needs

These needs are related in a hierarchical fashion. Meaning that when physiological needs are taken care of they submerge and the safety needs are expressed in social agency and so on. This theory of a need hierarchy has been evaluated. Some have supported it (Alderfer 1972, Blai 1964, Mathes 1981). Others have not (Kanungo, Misra, & Duval 1975, Miner & Dachler 1973, Daniels 1982, Neher 1991). The point made by Yang (2003: 177) is that Maslow's theory has to be revised. Yang inspired by Yu (1992) presents a revised thesis of the basic needs. The needs are divided in three genres: genetic survival, genetic transmission, and genetic expression. The needs of genetic survival are: Maslow's physiological needs and safety needs, the genetic transmission needs are: sexual needs, childbearing needs and child rearing needs. The genetic expression needs are Maslow's needs of love, belongingness, esteem and self-actualization framed as: interpersonal and belonging needs, esteem needs and self-actualization need. The point made by Yang is that the genetic survival and genetic transmission needs are cross-culturally valid, while the genetic expression needs are culturally variable in two main genres: as individualistic or collectivistic fillings of the need-categories of genetics expression. Still, the categories of the expression need are the same, though the meaning of esteem is different in an individual society from a collective one. In addition, Milne has argued that there in fact are common values such as *justice*, *respect for human life*, *fellowship*, *freedom from arbitrary interference* and *honorable treatment*. The point presented by Milne is that "certain moral principles are necessary for social life as such, irrespective of its particular form." (Milne 1986: 21). This means that it is reasonable to hold on to Maslow's needs and present them as global ethical values – though with the reservation that science in the future can bring new insights to the fundamental needs of social agency. These values signify and fill the

empty value of being. Nevertheless, some additional ethical values of being can be framed as suggested above. The conditions of possibilities for the satisfaction of these needs must also be values of being. Maslow discusses the issue of preconditions of need or value satisfaction, and mentions: *freedom to speak, freedom to do what one wishes so long as no harm is done to others, freedom to express one's self, freedom to investigate and seek for information, freedom to defend one's self, justice, fairness, honesty, and orderliness* (Maslow 1943: 384). These values suggest that a just society or just social institutions – in some form or other accounting for the needs of the social agents - are the condition of possibility for being. In the context of contemporary social facticity this means nothing less than a just global society - that a just global society is a global value.

Fifth, the discursive dialectics suggests the necessity of two additional values and correlative norms. The social agent being discursively constructed within the discursive dialectics implies the limit of social agent responsibility and the importance of other social agents in the life of a particular social agent. First, a social agent cannot be held absolutely responsible for his or her actions, owing to the fact of her or his discursive dialectic construction. The particular act or action of a social agent can be condemned as irresponsible, immoral, unethical or illegal and in need of correction or termination but the particular social agent cannot be condemned as unworthy of his or her life or reasonably be deprived its being. This is a main argument for claiming – irrespective of religious myths - that human life must not be taken and that human life must be considered an absolute value. In this respect, it is necessary as a regulative idea to assert the existence of social agent unity different from the signification of the social agent as an ensemble of subject positions, a social agent unity, signified within the discursive dialectics in the name or social security number of the social agent. The fact of discursive construction implies the value of forgiveness and the norm to forgive or not to disvalue the irresponsible agent and thereby the norm not to punish irresponsible actions of an agent by taking the life of the particular agent. In other words, the norm *to forgive others their irresponsible actions* can be asserted – without a theological argument the norm to forgive can be invoked as part of the ‘natural law’ articulated in the just peace ethic. Second, owing to the aspect of discursive construction the being and wellbeing of agents are also in the hands of others discursively constructing or framing the particular social agent throughout his or her life: initially it is in the hands of parents and family to provide the social agent with reasonable or responsible subject positions, values and norms. The point is that throughout social agent being its wellbeing is predominantly relying on others. This implies the norm: *to give responsible being to the other*. The being of social agents is radically dependent on others, with respect to physical needs but also regarding the need of reasonable discursive or mental framings, the need of a narrative to

live by. The point is that social agency, life or being of a particular social agent, relies on aid or assistance from others: the success of my life relies on others and the success of the life of others relies on me. There is an internal and external asymmetry implied in community: an external asymmetry between the social agent and the other, and an internal asymmetry between the claim to be and the inability to be without the aid of others. This logic is a key feature of community, its condition of possibility.

Sixth, related to the norm to give responsible being to others is the norm *to value the trust of others*. The fact that the individual is born or placed into an inter-subjective space here invoked in the framing of the individual as a *social agent* is the source of what has elsewhere been framed as *trust* or *confidence* (Løgstrup 1991). Even though the social agent is entirely responsible for his or her being he or she is less than often fully in charge of it, cannot relocate him or herself without assistance. One is unavoidably thrown on external help within social agent facticity in order to relocate, an assistance which one cannot control, but is forced to rely on – to trust. As also underlined by Luhmann:

Trust (Vertrauen), in broadest sense of confidence in one's expectations, is a basic fact of social life. In many situations, of course, man can choose in certain respects whether or not to bestow trust. But a complete absence of trust would prevent him even from getting up in the morning. (Luhmann 1979: 4)

This issue of compulsory trust and need for external assistance one cannot control implies the global norm *to value the trust of others*.

Seventh, the arguments given so far represent the theses needed to present the discursive dialectic ethic of just peace. It is an ethic with the social agent as the subject position not the sovereign state or an international community. Below the discursive ethic of just peace is presented in eleven norms.

Discursive Dialectic Ethic of Just Peace: *Equal Co-existence*

1. to value the ontological claim of others
2. to value the uniqueness of others
3. to value the physiological needs of others
4. to value the safety needs of others
5. to value the love/belongingness needs of others
6. to value the esteem needs of others
7. to value the self-actualization needs of others
8. to forgive others their irresponsible actions
9. to give responsible being to others
10. to value the trust of others
11. to construct just social institutions

As a consequence of the formal semantics of articulation more precisely the yes/no aspect of articulation these eleven norms imply the norms to dis-evaluate the negation of the values implied

in the norms. These eleven implicit but equally important norms of the ethic can be framed as follows:

1. to disevaluate negation of the ontological claim of others
2. to disevaluate negation of the uniqueness of others
3. to disevaluate negation of the physiological needs of others
4. to disevaluate negation of the safety needs of others
5. to disevaluate negation of the love/belongingness need of others
6. to disevaluate negation of the esteem needs of others
7. to disevaluate negation of the self-actualization needs of others
8. to disevaluate negation of forgiveness towards others
9. to disevaluate negation of giving responsible being to others
10. to disevaluate negation of the trust of others
11. to disevaluate negation of just social institutions

The norms to dis-evaluate negations of the values are however, limited by the radical difference of the values. This means in particular that if the agent negating one or more of these values is a social agent – a human being - there is a limit to or a normative space conditioning the normative strategy to be applied to end this negation. This limit or normative space is the core challenge of a global ethic of just peace and especially of an ethic of military force. This limit is seemingly the theme, logic and transcendental condition of the Just War Idea discussed in the next chapter. The subject matter is that in a facticity where social agents are threatening the lives of other social agents the responsible and intentional aim can only be to stop or end this aggression or negation by use of the smallest proportion of force against the aggressor, not to take or terminate human life. The value of the social agent is independent of its actions, wherefore his life – his continuing existence - must be protected irrespective of his actions. The responsible *aim* can therefore never be to kill the aggressive agents. If the action to stop these aggressive or life threatening agents results in the death of the aggressors they should be mourned as global citizens or agents of equal value as the victims of their aggression and the agents taking their lives. Explained in a short form: when human life is considered an absolute value then only when life is threatened can life threatening force be applied and only in a proportionate manner, without the aim to terminate the life of a threatening social agent or group of social agents.

Owing to the global values *just social institutions*, *belongingness*, *esteem*, and *love* presented above it is not a question *if* this global ethic of just peace is in the enlightened self-interest of all social agents, but to what extent it is. It is not a question *if* there is a normative leap from is to ought, but how radical it is in the interest of social agents to treat others as ends in themselves and as equals according to the eleven norms. The question is, to what degree and extent the responsibility to be entails a responsibility in relation to the being of others and what kind of

responsibility? Responsibility toward others as well as oneself seems to be correlative with one's abilities and mental configuration. At opposite ends on an analytical continuum of responsibility towards the being of other social agents lies the responsibility to live the life of others and to take the life of others. The responsibility cannot be to live the life of others due to the logic of responsibility mentioned above, it is simply impossible. At the other end of the continuum lies the responsibility to take the life of other social agents, which similarly does not seem to be an implicit consequence of the logic of responsibility. The point is that there will always be an asymmetry in the relation between oneself and other social agents, there is an unbridgeable asymmetry between the particular social agent and other social agents – an inter-subjective difference. In spite of this asymmetry there is however a universal norm with regard to community. This is the inescapable responsibility to be in community. The fact that the individual is born or placed into an inter-subjective space here invoked in the framing of the individual as a *social* agent is the source of what has elsewhere been framed as trust or confidence (Løgstrup 1991) as also discussed above. This issue of compulsory trust and need for external assistance is also the issue of indispensable interdependency, which articulates itself in the discursive construction of the value of a well ordered society mentioned above, and the norm: *so whatever you wish that men would do to you, do so to them*. This norm correlative to the ontological facticity of interdependence, often titled the Golden Rule, is a somewhat universal norm of community within the discursive dialectics (Schultz 2003). Owing to the social agent values of *being* mentioned above and the norm of *responsibility for being* or *to be* and the aspect of social agent difference, the Golden Rule can be framed and unpacked into the following global community norm: *the social agent must value the being of others as it wishes its own being to be valued by others*. The point is that all social agents by virtue of their ontological claim can and will be forced to subscribe to it in a social agent facticity, where a high degree of interdependence is experienced. The ethical aspect of globalization is exactly a growing global interdependency, which can be expected to become that high as to demand just peace – equal co-existence - as pure self-interest. As Apel points out, the contemporary fact of globalization implies a need for a universal ethic (Apel 2000). In addition, the responsibility of the international community to provide peace and justice suggests that this ethic of just peace can be implemented or at least facilitated by hegemonic intervention.

The ethic of just peace, presented here, is today not barely a vision like that of Tennyson's soldier. There de facto exists a normative leap from this ethic to what is considered as norms and values within the discursive dialectics. In some respects, it is already present and emerging in the framework of international human rights law and the international law articulated with the United Nations Charter. First, the needs of the social agent and the norms to meet these needs, articulated

in the ethic of just peace above are represented in the human rights discourse and regime and the asymmetric identities constructed therein. The point is that:

Human rights law has the features of civil and public law, it regulates relations between individuals and states and offers civil remedies. If private persons or entities infringe the enjoyment of rights of an individual, it is nevertheless the state who commits the violation.... These violations cannot be traced back to natural persons or non-state institutions in international human rights law, nor can they be traced to the specific public institutions that is involved in the violation. Put simply, in the reasoning of IHRL [international human rights law] only states – whatever their nature, composition or efficacy – can violate human rights. (Meckled-Carcia and Cali 2006: 15)

The Westphalian system of sovereign states can in other words be endorsed by the global ethic of just peace in so far, as the legitimacy from the perspective of just peace of a state is grounded in its ability to care for the rights of its citizens. The responsibility of the individual's security is delegated to the state in a manner which can be entrusted by all. The Westphalian system together with the human rights regime constitutes a coherent social contract resembling that of Hobbes and Locke which transgresses a collective system or simple-consent model as criticized by Bird (Bird 2006: 71). This means that the sovereign state is a legitimate authority i.e. when it comes to the use of force on behalf of the social agent. This is in particular relevant for the first research question of this dissertation. In this legitimate Westphalian framework the discursive frame *military force* is the prevalent discursive genre of the force used on behalf of the social agent or community situated with the sovereign state in order to protect its citizens against outside threats, different from that of police. Apart from the legitimacy given to the Westphalian system by the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, both in force from 1976, the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty reveals a gradual movement toward the absolute value of human life as articulated in the just peace ethic. Second, the just peace ethic is expressed in the international law articulated in the United Nations Charter's primary ethic of peace and security and its substantive law prohibiting the threat or use of force and the ambition to prevent and solve conflicts peacefully – to be further discussed in Chapter 5. Still, problems from the perspective of the ethic of just peace exist in relation to the procedural law of the United Nations Charter. These are the issues of membership of the Security Council and the power of veto held by permanent members of the Security Council. Due to these issues the Security Council is not adequately representative allowing it to be entrusted by all, an issue that since the drafting of the United Nations Charter has been discussed as a central point in the ongoing discourse of reform of the United Nations (Secretary-General 2005, Brown 2001, Held 1996, Conte 2005). From the perspective of just peace the Security Council simply must be reformed in order to be endorsed as a

genuine legitimate global authority concerning use of military force apart from the ethical value, which is in the fact that the Charter is signed and ratified by states representing their citizens.

This legal expression of just peace is furthermore testified in growth of international NGO's such as Human Rights Watch and Amnesty International. All this suggests that the norm to value the being of other social agents and the value equal co-existence or just peace de facto in some form are becoming a global ethic within the framework of law with the sovereign state as the main agent with legal responsibilities toward other states and its own population.

4.2. The Logic of Just Peace: the End is the Mean in the Making

As stated above the global ethic of just peace is in some respects already articulated within the framework of international law. On the other hand, statistics of poverty, global inequalities, and the worldwide violation of human rights as reported by human rights organizations tell us that just peace in the form of respect, valuation and enforcement of human rights is not a reality, it is only in the making as framed by Karl Otto Apel:

I suggest, that we are still on the way to establishing – by international law and corresponding institutions – a stable global order of peace and, at the same time, of a protection of human rights. The course of the limited war [Kosovo intervention] has shown, I think, that the UN-centered order, which was established after the end of the Second World War and which has re-established itself after the end of the Cold War between the two political and ideological world powers, has proved its worth, notwithstanding its deficiencies which also have been revealed. Hence, we have good reason to continue our efforts in this direction, which have opened up a post-national constellation of global politics, so to speak. (Apel 2001: 37)

Today just peace in the human rights discourse represents a discursive goal and an ambition, a regulative ideal implemented with more or less success and commitment, the EU perhaps being the only place where human rights are situated within an enforcement regime (Brown 2001). The point is that just peace will remain a regulative ideal and corrective to existing social institutions continuously to be worked for from a global ethical perspective because of the discursive dialectics, the ongoing generational changes, and other unavoidable transformations characterizing the ontology of the global community. In relation to that, the argument to be presented is that the future existence and maintenance of just peace within the framework of human rights or other institutions depend on what is here signified as the logic of just peace. The argument is that just peace – the global ethic itself - is the mean in the making or framed in the imperative sentence *we must be just if we want justice to come*. The point of this logic of just peace is that there for three reasons are no possible shortcuts *if* this global ethic by some reason or other is to become a reality and to be

maintained. These are the logic of ethics, the logic of international customary law, and the logic or ontology of social agency.

First, owing to the logic of ethics within the discursive dialectics or discourse in general, just peace itself must be the mean in the making of just peace. The existence and maintenance of a just peace depends on the articulation or incarnation of just identities for social agents to identify with. As discussed above the concept of ethics is related to the phenomena of custom, the actual valued social agency of individuals, how people *de facto* acts. Therefore, someone needs to have the courage to enact just peace that it may become custom, develop into what people recognize and enact as valuable social agency. One aspect of this enactment is the issue of discursive construction. In order to arrive at a just peace and maintain it for coming generations narratives of just peace must be articulated. In short, what we do make ethics.

Second, a similar logic characterizes the question of international law, which as stated above is an important framework for social agency from the perspective of just peace. Owing to the logic of customary law, what states and the international community do, makes law. Meaning that *if* the international community for one reason or other wants a just peace within the framework of law and rule of law, they must be just in their actions, they must enact justice. As also stated by Wheatley in relation to the question of humanitarian intervention:

It is unclear, in the present state of customary international law, whether a right to use military force for humanitarian purposes is accepted, nor whether the prior determination, by the Security Council, of a threat to peace, is a precondition of its lawful exercise. It is unlikely that clarification will emerge from the Government's [United Kingdom's] present efforts to agree new principles governing humanitarian intervention. It appears inevitable that only in the practice of states, in their responses to humanitarian suffering, and reaction to military force employed to prevent that suffering, that this clarity will emerge. (Wheatley 2000: 272)

The point of international customary law is that it:

Is binding on states and may have the force of law. In accordance with the Statute of the International Court of Justice, the laws which the Court applies to resolve disputes include international custom, as evidence of a general practice accepted as law and the general principles of law recognized by civilized nations. (Smith and Anker 2005: 79)

International customary law may differ from treaties signed and ratified, not be written down.

Two criteria of international customary law exists, first:

Actual behaviour/practice of states. The International Court of Justice demands that for behaviour to constitute customary international law, it must be 'constant and uniform'. Consistency is a key requirement – states must act in conformity with the rule. (Smith and Anker 2005: 79)

And second:

Legal reason for such behaviour. There is a need for *opinio juris* to be demonstrated when establishing customary international law. In other words, it is necessary to demonstrate that states are acting in a consistent manner because they feel they are under a legal obligation to do so. (Smith and Anker 2005: 79)

A consequence of this logic is as underlined by Smith and Anker that

Customary international law may alter over time, reflecting maturing state practice and in response to international and national events. Again the new rule gains stature as customary law if it is actively complied with by a number of states acting under a perceived legal obligation. (Smith and Anker 2005: 80)

In relation to human rights of which many are part of international law, part of the Universal Declaration of Human Rights today qualifies as customary international law (Smith and Anker 2005). This legal genre of the logic of just peace – the logic of customary law - implies a great deal of patience by the responsible political agents as also stated by Brown (2001), an endurance, which from a short-term political perspective can seem problematic. However, considering their responsibility to young and future generations it in fact becomes the *raison d'être* of the responsible political agent to have just peace as a long-term goal, as the only realistic ethical ideology for an increasingly interdependent world.

Third, owing to the logic of compulsory trust presented above justice must be the means in the making of just peace. If social agents or groups of social agents are to convert to an ethic of just peace, say in the framework of democracy and human rights, and entrust their responsibility to live with an ethical ideology of just peace - of equal co-existence - it must be offered to them in a just manner. The whole point of a global ethic - that the individual will accept it in a facticity of global interdependency - rests with this strategy to obtain a just peace. The end of justice or just peace simply becomes the mean in the dissemination or making of just peace.

This presentation of the ethic of just peace and the logic of its making in a preliminary fashion suggests that an ethic of military force within the framework of just peace reasonably can be articulated in the genre of law different from the classical Just War Idea as law enforcement. In other words, that legal reasoning and not the just war reasoning at least in its classical version must provide the reasoning for use of military force from a global *ethical* perspective. In the next two chapters the Just War Idea in two versions is interpreted by deconstructing its norms and thereby allowing the ethic of military force both to be inspired by this pervasive ethical ideology and more importantly move beyond its limitations. The result will be the formulation of an even more coherent ethic of military force being part of a global ethic of just peace in the genre of law.

4.3. Deconstructing the Just War Idea

The idea of just war is without doubt the most pervasive ethic related to the use of military force. The concept of just war represents a principle of ethical reasoning in relation to the use of military force. This principle and ethical idea of just war are within the discursive dialectics framed differently, either as *Just War Tradition*, *Just War Theory*, *Just War Doctrine* (Ramsey 1961, 1968; Johnson 1975, 1981, 1990, 1999; Wells 1996, Reed & Ryall 2007) or the *Bellum Justum Doctrine* (Kelsen 1966). It is an ethical tradition and ideology within Western discursive dialectics which centers on the idea that use of military force can be justified if a number of conditions are fulfilled. This ethical tradition which here is referred to as the *Just War Idea* (henceforth, JWI) has within the contemporary Western World come to play an important role. In the debate within the discursive dialectics related to use of military force JWI is invoked as a common ethical concept by different agents such as politicians, scholars, soldiers and citizens. The reason for this renaissance of the ethics of military force in a facticity where the legal discourse in the articulation of several international treaties of human rights and international relations is hegemonic seems to be the dialectics and synergy between a number of elements. First, the Western World has in the post-Cold War period experienced a proliferation of civil war close to its borders putting the use of military force at the center of attention. Second, the post-Cold War disclosure of an ineffective and precarious UN-framework has invoked a need for extra-legal reasoning. This matter was in particular seen in relation to the intervention in Kosovo in 1999 and in the war against Iraq in 2003. In these cases, use of military force was made without a Security Council mandate and partly by reference to ethical reasoning. NATO in the case of Kosovo and the US in the case of Iraq relied on ethical reasoning in order to justify their use of military force outside the UN-framework³⁰ Third, the growing value conferred to the individual in the Western World has generated an ethical concern for all actions where human life is threatened or taken. Fourth, the growing interdependency or the process of globalization implies that even far away military conflicts are of concern and experienced as threats. Fifth, the transformation of the state as argued by Mansbach and Wilmer implies that ethics becomes an issue:

The stability of boundaries constituting a moral community depended on an ordered and orderly state system capable of acting decisively in response to problems of violence. As that system decays, claims regarding what is a “good” or “just” war proliferate. (Mansbach and Wilmer. 2001: 52)

³⁰ Part of their ethical reasoning however had a legal character. They reasoned that the Security Council resolutions had to be enforced even though the legal framework of the Security Council did not adopt additional resolutions to allowing that. And, in the case of Kosovo crimes against humanity and the crime of genocide were invoked as reasons for use of military force - the crimes framed by the Rome Statute of the International Criminal Court from 1998.

To frame the issue in Laclau's logic: ethics is an empty signifier, a signifier of the lack, and the JWI is invoked as a filling of this signifier. The point made here is that these interrelated elements calling for an ethical reasoning different from law have seemingly found some support in JWI.

An important element in relation to JWI is the widespread thesis that it has been accumulatively articulated during the discursive dialectics since antiquity and therefore is a discursive dialectic product. This thesis is defended by several scholars. The analysis of this development or discursive transformation of JWI has especially been elaborated by Johnson (1975, 1990, and 1999). The point Johnson makes is:

Just war tradition, broadly understood, includes elements from Christian theological reflection and canon law, professional military experience and codes of conduct, international law and the practice of politics among nations. Though its deepest roots are found in ideas from classical Greece and Rome and the world of the Old Testament, the actual coalescence of this tradition as a recognizably coherent body of thought and practice concerning the justification and limitation of war was an accomplishment of western European society in the Middle Ages. There, especially during the twelfth through fourteenth centuries, chivalric and churchly interests gradually merged, and in merging were mutually transformed into a cultural consensus defining the just use of force, the right of access to force, the protection of the innocent, and, and much more. This consensus was in place by the era of the Hundred Years War, and early modern theorists, like Francisco de Victoria ..., and Hugo Grotius ..., generally recognized as the progenitors of international law, knew just war tradition in the form of a number of major categories or criteria for judgment that have remained substantially the same ever since, with the specific form of their contents evolving to reflect the contingencies of history. (Johnson 1990: xiii-xiv)

The thesis of the accumulative articulation of JWI is however suppressing another important issue of JWI, the fact that there seems to be a primary ethic or ethical ideology behind JWI, somewhat irrespective of the different sources of inspiration and the discursive dialectics of JWI. This other ethical dimension of JWI is discussed below.

The JWI is traditionally constituted by two sets of criteria. The first set of criteria frames the conditions, which must be present if the use of military force is to be justified, also referred to as *jus ad bellum*. In other words, this set of criteria answers the question: when is it justified to use military force? The second set of criteria frames the conditions which must be met during the use of military force if the use is to be just, also referred to as *jus in bello*. In other words, this set of criteria answers the question: how do we use military force justly? JWI today represents a somewhat closed and coherent ethical paradigm though there is not total consensus and agreement on the number, character and priority of the criteria of *jus ad bellum* and *jus in bello* (Robinson 2003: 1; Johnson 2005: 35). Still a widely accepted framing of JWI includes seven *ad bellum* criteria and two *in bello* criteria (Robinson 2003: 201-202, Haspel 2002: 144-145; Johnson 2005: 27-38; Reed & Ryall 2007: 3) These criteria have a somewhat consensual character and are illustrated below.

Jus ad Bellum Criteria:	Jus in Bello Criteria
Just cause	Proportionality of Means
Competent authority	Discrimination of Combatant/ non-Combatants
Right intention	
Last resort	
Proportionality of ends	
Reasonable hope of success	

An important point made by Johnson is that only the ad bellum criteria *just cause*, *competent authority* and *right intention* are part of the original just war reasoning, the other three have been developed within the last twenty years (Johnson 2005: 36-37). These original criteria Johnson characterizes as deontical – criteria which must be met if a war is to be just. The other criteria Johnson characterizes as consequentialist or prudential. The important argument to be drawn from this matter is that these original ad bellum criteria constitute an archetype of the ethical reasoning for any normative strategy or any human action owing to the discursive dialectically perceived phenomenology of human action. The fact that any human action is considered to have *a cause*, *an intention*, and *an agent*. The point is that in order to ethically argue for any normative strategy – any action to be enacted - in this case *war*, one must provide a just cause, a just intention and a just authority, the term *just* being an ethical signifier. This furthermore suggests that when this archetype of ethical reasoning is synthesized with a primary ethic having human life as a value and a facticity where human life is threatened by other human beings, something like the JWI will be the necessary discursive product.

When the filling of all the just war criteria or more precisely the definition of the term *just* of the different classical contributors to JWI is analyzed, it is suggested that there is a primary ethical signature or value behind the JWI. The *just cause* for using military force is framed in the following ways by the Christian theologians Thomas Aquinas, Francisco de Vitoria, and Francisco Suarez:³¹

Secondly, a just cause is required, namely that those who are attacked are attacked because they deserve it on account of some wrong they have done. (Aquinas: Summa Theologiae: 40)

Fourth proposition: There is a single and only just cause for commencing a war, namely, a wrong received. (Vitoria: De Indis et de Jure Belli Relectiones: II,13)

Therefore I hold, first: that there can be no just war without an underlying cause of a legitimate and necessary nature. The truth of this conclusion is indubitable and clearly evident. Now, that just and sufficient reason for war is the infliction of a grave injustice which cannot be avenged or repaired in any other way.... The first reason in support of such a conclusion is the fact that war is permissible that a state may guard itself from molestation; for in other respects, war is opposed to the welfare of the human race on account of the slaughter, material losses, and other misfortunes which it involves. (Suarez: Three Theological Virtues: On War: IV)

³¹ The quoted English translations of these theologians' texts are taken from Holmes (2005).

These fillings illustrate the idea that only defense against aggression can be justified as use of military force. The other criteria *right intention* is framed in the following ways by the two first Christian theologians:

Thirdly, the right intention of those waging war is required, that is, they must intend to promote the good and avoid evil. (Aquinas: Summa Theologiae: 40)

Second canon: When war for a just cause has broken out, it must not be waged so as to ruin the people against whom it is directed, but only so as to obtain one's rights and the defense of one's country and in order that from that war peace and security may in time result. (Vitoria: De Indis et de Jure Belli Relectiones: Second Relection)

These fillings of the criteria of *just cause* and *right intention* suggest that the term *just* means equality or even equal co-existence between human beings, which follows from the fact that human life is the primary value conditioning the JWI. The point is that if human life is considered an absolute value, meaning that all human beings are of equal value, meaning that human life is a value qua being beforehand or irrespective of the actions of the particular social agent it logically implies in particular two things regarding the use of force: First, it implies a correlative norm to use force to protect threatened human life. Second, it implies a limit of the use of force if life is threatened by another human life. In that case the correlative norm can only be to use force and nothing more than necessary to stop the aggressive action, and not to terminate the life of the threatening social agent or human life – taking of human life can only be accepted if unintended, accidentally. The coherency of both the ad and in criteria of the classical JWI seems to rely on this logic implied in the absolute value attributed to human life. The reference by Vitoria and Suarez with respect to the correspondence between their ethics of war with what they both frame as *gospel law* (Suarez: I; Vitoria: II,5) suggests this. The value articulated in the Gospels different from the Old Testament is in particular the absolute value of human life, in particular expressed in the norm to love one's enemies (Mathew 6:43-48) though the Biblical idea of the social agent as *imago dei* (Genesis 1:26) can be seen to express the same qualification of human life.

If the classical JWI actually is conditioned by the absolute value of human life, it corresponds to the discursive dialectic ethic presented above and can be used as an ethic of military force. However, when the filling of the JWI is further analyzed, it can be seen that it is not the case, the value of life conditioning JWI is a conditional value. Human life can lose its value under certain conditions as pointed out by the same three Christian theologians:

An individual man may be considered in two ways: first, in himself; secondly, in relation to something else. If we consider a man in himself, it is unlawful to kill any man, since in every man, though he be sinful, we ought to love the nature which God has made and which is destroyed by slaying him. Nevertheless as stated above, the slaying of a sinner becomes lawful in relation to the common good, which is corrupted by sin. (Summa Theologiae II-II, Question 64, of Killing)

Even when victory has been won and danger remains, it is lawful to kill the guilty. The proof is that ... war is ordained not only for the recovery of property, but also for the avenging of wrongs. Therefore the authors of past wrong may be killed therefore. (De Indis et de Jure Belli Relectiones, Second Relectionio 46.)

After the war has been entirely ended, certain guilty individuals among the enemy may also, with justice, be put to death; and, although the slaying of a great multitude would be thus permissible only when there was most urgent cause, nevertheless, even such slaughter may sometimes be allowed in order to terrify the rest, as is indicated in the following passage from Deut. "When the Lord thy God shall deliver the city into thy hands though shalt slay all that are therein of the male sex ..." (Three Theological Virtues: VII, 7)

In the reasoning presented above it is seen that there in fact is a limit to the value of the human being conditioning the classical version of JWI. Intentionally taking human life is allowed under certain conditions. This cannot be allowed if life is considered an absolute value if an ethic of military force should correspond to the discursive dialectic ethic or global ethic presented above. This limitation of the value of human life is articulated even more obviously in the *in bello* criteria of proportionality and distinction between combatants and non-combatants of JWI (Suarez I,7). Intentional killing of combatants is allowed in war according to JWI. The point is that JWI constructs a social space where the absolute value of human life is departed from. In that perspective, war can appear as a killing-game. From the point of view of the global ethic presented here, it is a problem of that the JWI operates with a social space dispensing from the absolute value of human life. If the absolute value of human life is to be the primary ethic of JWI in a revised form – if it is to stand the test of the global ethic presented above - intentional killing of any kind cannot be allowed. The point is that it is not only within these classical articulations of the JWI that a conditional value of human life can be seen to constitute the primary ethic. It is also the case for the contemporary concept of JWI as presented by Walzer (2000), Haspel (2001), Temes (2003), Johnson (2005). A solution to this problem is however emerging, which allows us to use the JWI as a global ethical type of analytical ethical reasoning as suggested in Chapter 3.2.2. The *in bello* criteria *proportionality* of JWI is not an absolute concept but related to the available types of weapons. The argument is as Bigo proposes that the, "technology for non-lethal weapons and maintenance of public order, combined with the valuing of surveillance and prevention, put the right to kill into question even for the army."(2001: 111) This implies that proportional use of military force will only apply to non-lethal use of force. In spite of his loyalty to the classical interpretation of proportionality Johnson seems to be aware of this matter:

There is a further obligation to seek to develop weapons that are inherently more discriminating and less destructive.... If the accuracy [of weapons systems] is increased, however so that all weapon falls on its target, then the destructive force of that weapon can be decreased to the level needed to disable that particular target. (Johnson 2005: 134-135)

Apart from the faults of the primary ethic of JWI the concept itself is also problematic. The just war frame in at least five aspects is a rather weak framing of an ethic of military force. The first weakness is its inability to account for the ante and post aspect of the use of military force, in other words to connect the use of military force to a comprehensive ideology of global society – already implied in the United Nations Charter. The second weakness is that it echoes the concept of holy war in producing and reproducing an absolute antagonism between just and unjust, which in addition seems to have a generative effect in relation to the asymmetrical threat of terrorism. The third weakness is that it is not sufficiently compatible with the prevailing, though slowly developing, idea of a global rule of law, linguistically expressed in the four types of crimes in the Rome Statute from 1998 (Article: 5,1) and the fact that the term *war* is more or less absent in international legal documents. The fourth weakness is that it is not the bearer of adequate subject positions, with which the soldiers can consciously identify – within the just war frame the soldier is easily lead to identify him or herself as a “just war warrior” in a world constructed as the theatre of continuous struggles between good and evil and tyrants and angels. The fifth weakness is the assertion underlined by Walzer that there is no link between the *ad* and *in* elements: meaning that a soldier is not responsible if he or she partakes in an illegal or unethical war as long as he or she abides to the laws of armed conflict. Suarez discusses this issue making the point that apart from the general “I hold ..., that: common soldiers, as subjects of princes, are in no wise bound to make diligent investigation, but rather may go to war when summoned to do so, provided that it is not clear to them that the war is unjust.”(Suarez: VI, 8). It is however rather problematic while the soldier is always a citizen as well as a soldier, he or she can never fully write off or give up his or her responsibility. The soldier must be aware that he or she as a citizen partakes in the responsibility to use military force.

Even though the JWI today experiences a renaissance especially by scholars such as Johnson, Walzer, Reed, Karoubi, Temes, Robinson and Elshtain, who like Ramsey was in the sixties are interested in a coherent ethic of military force, its direct political influence seems to be limited. This is owing to the parallel discursive dialectic transformation of the ethical ideology of JWI into a legal framework, into norms and values of treaties signed and ratified by and thereby legally binding to sovereign states and their citizens. In the time after the great scholastic theologians, the aftermath of the Reformation, and in the time of and after the 30 years war from 1618 to 1648 the JWI was gradually co-transformed into the framework of international law as also pointed out by Johnson (1975). First, it was articulated in the framework of natural international law by famous scholars such as Hugo Grotius, Thomas Hobbes, Samuel Pufendorf, Samuel Rachel, Christian Wolff, and Emmerich de Vattel. Second, it was however not until the 19th century that the term *international*

law different from the concept of *law of nations - jus gentium, droit des gens, and Völkerrecht* - came into general use and it departed from the idea that international law is founded in natural reason and law:

From the late eighteenth century and onwards, international law is usually understood to be positive, not natural law. It is positive not in being enacted by a superior but in being jointly willed by states, who bind themselves explicitly through treaties or implicitly through customary international law. (Brown, Nardin and Rengger 2003: 323)

Today JWI is to some extent ethically surpassed by contemporary international law and international humanitarian law because the norms and values therein from an ethical point of view are more elaborated than in JWI. The *ad bellum* perspective of the JWI is represented in international law: in the Covenant of the League of Nations from 1919, in the Kellogg-Briand Pact from 1928, and in especially in the United Nations Charter from 1945 (henceforth, UNCh) here the use of force is only allowed as a defense – the just cause of JWI - and with the aim to maintain peace and security – the right intention of JWI. As also stated by Kelsen:

It is easy to prove that the theory of *bellum justum* forms the basis of a number of highly important documents in positive international law, namely the Treaty of Versailles, the Covenant of the League of Nations, Kellogg Pact. Article 231 of the Treaty of Versailles justified the reparations imposed on Germany by maintaining that Germany and its allies were responsible for an act of aggression. This means that Article 231 characterized this aggression as an illegal act, a delict, which would have been impossible if the authors of the Peace Treaty had shared the opinion that every state had a right to resort to war for any reason against any other state. (Kelsen 1948: 38)

Excursus: The Charter of the United Nations

The political facticity of instability in Central Europe at the beginning of the 20th century was by the assassination of archduke and heir to the Austro-Hungarian throne Franz Ferdinand in Sarajevo on 28 June 1914 inflamed into World War I. Already by 4 August 1918 the belligerents of this first world war were Germany and Austria-Hungary on one side, and France, Serbia, Russia and Britain on the other side. World War I became the scene and theatre of new military technology which resulted in unprecedented casualties and sufferings among the belligerents. This relatively new weaponry counted: flamethrowers, tanks, poison gas, and trench mortars (Wells 1996: 45).

The United States initially declared neutrality, but was more or less forced into the war, and on 6 April 1917 Woodrow Wilson declared war on Germany. However, ten months later, on 8 January 1918 he presented his speech to the United States Congress containing fourteen points for a world peace, an international just and stable peace – an international claim to construct a peace organization:

A general association of nations *must* be formed under specific covenants for the purpose of affording mutual guarantees of political independence and territorial integrity to great and small states alike. [emphasis added] (Wilson 1918: para. 4 of 5)

This speech and text can be seen as an important beginning and turning point in the discursive dialectic process which culminated with the articulation of the UNCh in 1945. From that time the idea of an international peace organization became an unavoidable nodal point in international discourse, transgressing the merely ideological visions of the one made by Kant (1795) and more importantly Kelsen (1944). On 18 January 1918 the peace negotiations in Paris to end World War I were begun, and the plenary session of the conference accepted the proposals for the creation of a Wilsonian League of Nations, and when the Treaty of Versailles was signed on 28 June 1919, the Covenant of the League of Nations constituted the first chapter of

the Treaty. What is important in relation to the UNCh is the framing made in the preamble of the Covenant of the League of Nations:

THE HIGH CONTRACTING PARTIES, In order to promote international co-operation and to achieve *international peace and security* by the acceptance of obligations not to resort to war by the prescription of open, just and honourable relations between nations by the firm establishment of the understandings of international law as the actual rule of conduct among Governments, and by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organised peoples with one another agree to this Covenant of the League of Nations. [emphasis added] (League of Nations Charter: para. 1 of 7)

In the framing *international peace and security* the primary framing of the UNCh is articulated, a framing which also constitutes the empty signifiers constructing the primary ethical signature of the UNCh. However, the process from the League of Nations to the United Nations would require an additional world war, and Wilson's tragic experience of the need for public and senate support in the United States. Even though the American president Woodrow Wilson was the primary agent behind the League of Nations, the United States Senate did not sign it. In the period of time after the Paris Peace Conference the League of Nations had its successes. But it was tragically enough not able to prevent the outbreak of World War II. On 1 September 1939, Germany invaded Poland, resulting in a declaration of war on 3 September by the United Kingdom and France. Similar to World War I the United States tried to stay neutral until 7 December 1941 when Pearl Harbor was attacked by Japan. However, the direct involvement of the United States in World War II like World War I seemed to play a part in generating an interest within the United States administration concerning the constitution of an international peace organization. On 14 August 1941, the United States signed the Atlantic Charter together with the United Kingdom, a major point being:

Sixth, after the final destruction of the Nazi tyranny, they hope to see established a peace which will afford to all nations the means of dwelling in safety within their own boundaries, and which will afford assurance that all the men in all lands may live out their lives in freedom from fear and want; ... Eight, they believe that all of the nations of the world, for realistic as well as spiritual reasons must come to the abandonment of the use of force. Since no future peace can be maintained if land, sea or air armaments continue to be employed by nations which threaten, or may threaten, aggression outside of their frontiers, they believe, pending the establishment of a wider and permanent system of general security, that the disarmaments of such nations is essential. They will likewise aid and encourage all other practicable measure which will lighten for peace-loving peoples the crushing burden of armaments. (The Atlantic Charter: para. 1-2 of 2)

In 1942 on 1 January the *Declaration by United Nations* was signed by the Big Four: the United States, the United Kingdom, the Union of Soviet Socialist Republics, and China, thereby for the first time articulating the framing of the international peace organization as *the United Nations*. On 2 January, it was additionally signed by 22 nations, and in the period until March 1945 it was further signed by 19 other nations. The Declaration by the United Nations directly refers to and subscribes to the Atlantic Charter (Declaration by United Nations: para. 1 of 2) and thereby the aim and ambition to construct an international peace organization. More than one year after the Big Four met again in Moscow and on 1 November 1943 they signed the Joint Four-Nation Declaration, affirming and subscribing to the United Nations Declaration of 1942, and furthermore rearticulating the framing of the Covenant of League of Nations:

They recognize the necessity of establishing at the earliest practicable date a general international organization, based on the principle of the sovereign equality of all peace-loving states, and open to membership by all such states, large and small, for the *maintenance of international peace and security*. [emphasis added] (Joint Four-nation Declaration: para. 1 of 3)

About one month later, on 23 December 1943 the President of the United States presented a memorandum *Plan for the Establishment of an International Organization for the Maintenance of International Peace and Security*. (Russel 1958: 990) Once again the framing *international peace and security* was rearticulated. This plan included a scheduled Big Four meeting at Dumbarton Oaks near Washington in October 1944. The revised proposal of a constitution for this international organization was presented in the text *United States Tentative Proposals for a General International Organization*. (Russel 1958: 995) In this text resembling the

plan from December 1943 one peculiar change was made, instead of rearticulating the framing *international peace and security*, it twisted the terms *security* and *peace* and said: *international security and peace*³² The text with the tentative proposals was presented at Dumbarton Oaks, where it was elaborated among the Big Four, and on October 7 1944 presented in the new form in the text: *Proposals for the Establishment of a General International Organization*. (Russel 1958: 1019-1028) The text presented the name of the organization as United Nations and rearticulated the untwisted framing *international peace and security*, not subscribing to the framing *international security and peace*:

There should be established an international organization under the title of the *United Nations*, the Charter of which should contain provisions necessary to give effect to the proposals which follow.... The purposes of the Organizations should be: 1. *To maintain international peace and security*. [emphasis added] (Russel 1958: 1019)

The proposals elaborated at Dumbarton Oaks provided the necessary textual material in relation to which the Big Four together with the other nations of the United Nations could construct the final text and charter of the United Nations.

During the meeting between Churchill, Roosevelt and Stalin a few months later at Yalta in the Crimea, 4 February until 11 February 1945, it was decided and declared:

That a United Nations conference on the proposed world organization should be summoned for Wednesday, 25 April 1945, and should be held in the United States of America.... at San Francisco ... to prepare a charter for a general international organization for the maintenance of international peace and security. (Protocol of Proceedings of Crimea Conference: Yalta Conference: para. 1-2 of 11)

Again the normative framing: *to maintain international peace and security* was articulated, and even more a date and a place for the elaboration of the final text was agreed on. The conference in San Francisco was to extend for a period of nine weeks until 26 June, when the Charter of United Nations was signed by 50 nations.

The conference became an arduous political and diplomatic process. It was both paid and planned by the United States and nothing was left to chance (Schlesinger 2003: 111). An enormous effort was put into generating public support in the United States (Schlesinger 2003: 54). The conference was headed by a steering committee, composed of the 46 delegation leaders, with the task and responsibility to process all major political issues. Additionally an executive committee was set up, consisting of the Big Five, including France, and nine delegation leaders. At the same time 4 general commissions, supported by 12 technical committees, were set up, each responsible for drafting a part of the UNCh. Recommendations from the four commissions were processed by the steering committee and ratified by the conference in plenary sessions. In addition the Big Five held nightly meetings in order to "Review strategy, assess possible amendments, consider request from other countries, and resolve internal disputes" (Schlesinger 2003: 113).

During the conference diverse aspects were discussed and handled which had influence on the final draft and ethos of the UNCh. First, the concept of human rights, which was not part of the Dumbarton Oaks text, was inserted (Schlesinger 2003: 123, 260; Russel 1958: 423). Second, the question of the veto of the Big Five was crucial:

The operative principle among the Big Three in San Francisco was that the Great Power veto had to be preserved at all cost (China and France shared this view). Otherwise, they believed, the wartime alliance would collapse, and the United Nations could not survive. (Schlesinger 2003: 193)

And:

³² This prioritizing of security over peace was an important aspect in the following process. Especially for the Soviet Union, who wanted to restrict the interests of the United Nations to security issues, ascribing economic and social issues a secondary value. The Soviet Union at the same time suggested, that the organization should bear the name: The International Security Organization. Because of the Soviet insistence on security the council of the organization originally framed as: the Executive Council as part of a political compromise was named: Security Council in the Dumbarton Oaks text. However, in UNCh, though not in the Dumbarton Oaks text, an additional economic and social council was constituted. (Russel 1958: 397-419)

According to the formula agreed upon at Yalta four months earlier, the five permanent members of the Security Council had an absolute veto over “substantive” matters – enforcement measures, investigations, the impositions of settlements, and related questions. (Schlesinger 2003: 193)

Third, the right to individual or collective self-defense not articulated in the Dumbarton text was inserted in Article 51 of the UNCh (Schlesinger 2003: 191). Fourth, during the conference the central value of peace was established and reiterated several times by the primary agents (Schlesinger 2003: 40, 56, 195, 201, 260). Fifth, in relation to the influence and jurisdiction of the international law the Dumbarton Oaks text allowed international law to determine domestic law. Opposing that a textual change was made underlining national sovereignty, and thereby rearticulating a core Westphalian norm (Brown 1992, Holsti 1991, Albert 2001), the reason being that:

International law was subject to constant change and therefore escaped definition and was incapable of clarifying the outer lines of domestic boundaries it [international law] merely referring to questions dealing with enforcement action against an aggressor. (Schlesinger 2003: 238)

The result of the turning away from the Dumbarton text was, the UNCh formulation: “Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any states. “ UNCh: article 2,7) When the San Francisco conference ended and the UNCh was signed, an ideology rearticulating the basic framework of the Dumbarton Oaks text was presented to the world. (Schlesinger 2003: 259) But even more UNCh was highly influenced by the United States, an influence which seemingly cannot be underestimated. Schlesinger even asserts that the charter actually was the creation of the United States (2003: 279, 174), which is confirmed by Russel:

The Charter of the United Nations symbolized, for the United States, its change during the Second World War from a policy of political isolationism to one of international cooperation. To a greater extent than generally realized, the Charter grew out of proposals developed by the United States Government to establish an international organization through which, in large part, that new policy could be carried out. (Russel 1958: 1)

The primary principles of the UNCh are presented in Article 2, among other stating the norms of sovereign equality, non-intervention, and prohibition of use of force:

1. The Organization is based on the principle of the sovereign equality of all its Members.
2. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfil in good faith the obligations assumed by them in accordance with the present Charter.
3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.
4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.
5. All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.
6. The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.
7. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

Chapter VI of the UNCh with framing *Pacific Settlement of Disputes* underlines the primacy given to peaceful resolution of conflicts, here illustrated with the two norms constituting Article 33:

1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.
2. The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.

The norms related to Chapter VII with the framing *Action with respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression* represent the ethical reasoning in relation to use of military force in the UNCh and are still the most important and influential within the discursive dialectics regarding use of military force. They include the Articles 39 to 51 – chapter VII of UNCh. The most important of these are presented here:

Article 39

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

Article 41

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

Article 42

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

Article 43

All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.

Article 49

The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

Article 51

Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

The interesting point in this ethical reasoning is that the SC is articulated as the right authority (Article 39), the aim to maintain peace and security as the right intention (Article 39), and use of military force as ultima ratio (Article 41 and 42). The framing of just cause or dislocation is however left to the SC to decide, though threat to peace, breach of peace and aggression is framed as just dislocations that *can* be a just dislocation for use of military force if decided by the SC (Article 39). An exception is made from the assertion that the SC is the only right authority, self-defence is allowed (Article 51)'- the Article which the North Atlantic Treaty refers to as the framework for their use of military force (NATO 1999: 396). This ethical reasoning is supplemented under the framing *Regional Arrangements* – chapter VIII of UNCh – constituted by the Articles 52 – 54. Here norm of Article 52.1 and part of 53.1 are presented

Article 52

1. Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.

Article 53

1. The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council.

The UNCh is as mentioned above part of International Law (Kelsen 1966; ICJ 2004). Accordingly, these norms are legal norms of international relations. With regard to these norms, the question of legality of use

of military force can be presented to the International Court of Justice. A recent case of this type of legal proceedings was seen in relation to NATO's intervention in Kosovo. The Government of the Federal Republic of Yugoslavia filed in the Registry of the International Court of Justice an application instituting proceedings against NATO member states concerning the legality of use of force within the Federal Republic of Yugoslavia.

The in bello perspective of the JWI is represented in the international humanitarian law (henceforth, IHL) especially: in the Hague Conventions from 1899 and 1907, in the Geneva Conventions from 1949 and in the two Geneva Protocols from 1977 as also stated by Roberts and Guelff (2000). In spite of the fact that the ethic – the norms and values - of IHL are more differentiated than the JWI, it suffers as JWI from the problem related to the primary value of the human being. The primary value behind contemporary IHL is also conditional. According to IHL there exists a social space where intentional killing is allowed (Geneva Protocol I: Articles 52.2; 57.1-2; Hague Convention IV: Articles 22-23). At the same time, execution under certain conditions is allowed (Geneva Protocol II: Article 6; Geneva Convention IV: Article 68). Regarding these issues, the ethic of IHL from the perspective of the ethic of just peace has the same faults as JWI. As also stated by Meckled-Garcia et al:

It [IHL] places limits on the means employed by military powers in seeking legitimate military objectives. However, in the achievement of military objectives, no obligation is placed on the military power to safeguard life, outside of the constraint that it must not solely, indiscriminately and excessively target civilians. The only robust constraint outside of this requirement is that its actions are necessary, proportionate, and no unnecessary suffering, in the achievement of its declared goals. (Meckled-Garcia et al. 2006: 19)

Put in Meckled-Garcia et al. words, an ethical point of view “cannot justify the lower standards accepted in international law.” (2006: 20). In that respect the JWI is more flexible to transformation than IHL because the filling and ethical force of the in bello criteria of proportionality does not depend on the ratification of new legal norms.

In conclusion, the argument made in this chapter is that JWI can be seen as a coherent type of analytical ethical reasoning even though it with respect to its primary ethic and the filling of its criteria is a problematic framework. It articulates a primary ethic where human life is not an absolute value but conditional. This primary ethic and filling are rearticulated in IHL, which in some respects qualifies as better ethic of military force than JWI. Nonetheless, the argument is that the global framework for peace available today - the international law – from an ethical perspective needs revision on the in bello level in order to live up to the norms of a global ethic of military force. Before presenting an ethic of military force accounting for the absolute value of human life I will analyze the ethical signature of Walzer's ethic of military force.

4.4. Walzer's Ethic of Military Force

Michael Walzer's seminal work *Just and Unjust Wars* (henceforth, JUW) can be seen as a discursive dialectic product of the Vietnam War. The American military and political involvement in Vietnam generated an intense public and academic debate about ethics of military force in the United States. Walzer was part of and embedded in that particular debate and political situation as a scholar of political science. He several times and on numerous occasions underlines this immediate context and facticity of JUW:

I did not begin by thinking about war in general, but about particular wars, above all about the American intervention in Vietnam. Nor did I begin as a philosopher, but as a political activist and a partisan. (JUW: xvii)

All of us in the anti-war camp, which is where I was in those years, began talking the language of just war, though we didn't know that that was what we were doing. (Walzer 2002: Para 4 of 13)

I was writing *Just and Unjust Wars* in the middle seventies, and my decision to work the argument through historical examples was in part a reaction against the hypothetical cases of my friends [J. Rawls, R. Nozick et al.]. (Walzer 2003: Para 20 of 24)

This context of JUW Walzer additionally expresses in the following way:

It was, for example, a matter of great importance to all of us in the American anti-war movement of the late 1960's and early 1970's that we found a moral doctrine ready at hand, a connected set of names and concepts that we all knew – and that every one else knew. Our anger and indignation were shaped by the words available to express them, and the words were at the tips of our tongues even though we had never before explored their meanings and connections.... In those years of angry controversy, I promised myself that one day I would try out the moral argument about war in a quiet and reflective way. (JUW: xvii-xviii)

In 1977, Walzer fulfilled this self-imposed claim. Two years after the Vietnam War ended the first edition of JUW was published. So far, it has been published in three editions. In relation to the Gulf War, it was published in a second edition and in the aftermath of the intervention in Kosovo in 1999, it was published in a third edition. The edition analyzed here is the third edition. In it Walzer affirms his ethical theses and reasoning within the 1977 text though recognizing a shift from interstate wars to internal wars and military interventions. In the preface to the first edition of JUW, reprinted in the third edition, Walzer expresses one of the aims of JUW:

I want to account for the ways in which men and women who are not lawyers but simply citizens (and sometimes soldiers) argue about war and expound the terms we commonly use. I am concerned precisely with the present structure of the moral world. (JUW: xix)

Hereby Walzer reveals his approach to military ethics, the special ethical genre of JUW. He wants to express and explain the common or conventional ethical articulations or morality related to war and use of military force. In other words, he does not want to construct an entirely new ethic. However, he admits to some limiting modifications and framings guiding his interpretive

description and systematic articulation of these common ethical articulations or as he frames it *the present moral structure of the world*. First, he wants to use and recapture the just war framing to account for the common ethical articulations or the common moral structure (J UW: xx). Second, he will focus on the doctrine of human rights, which according to Walzer is the ethical category providing the best explanation for what he frames as the moral reality of war:

There is a particular arrangement, a particular view of the moral world that seems to me the best one. I want to suggest that the arguments we make about war are most fully understood (though other understandings are possible) as efforts to recognize and respect the rights of individual and associated men and women. (J UW: xxi-xxii)

Expounding this common ethical ideology and its core values Walzer's thesis is that his analysis will have a normative function and at the same time reveal that no new ideology is needed, because it will: "Hold ... people to their own principles, though we may draw these out and arrange them in ways they had not thought of before." (J UW: xxi) By this endeavor Walzer wants to help the ordinary citizen in his or her ethical reasoning:

It ought to be possible for ordinary citizens to identify and focus on the central political and moral issues of a given intervention. To help them do that is the point of just war theory This book was written for them [citizens of democratic states] in the belief that just war theory is a necessary guide to democratic decision-making. (J UW: xiv-xvi)

In spite of Walzer's use of JWI the common ideology he expounds and rearticulates is only partly a continuation of the classical JWI. Finding the main framework and distinction of *jus ad bellum* and *jus in bello* in the common morality Walzer however claims that the ethical category of rights is the prevailing category of ethical reasoning and not the traditional criteria of JWI as for example proportionality. He argues that the rights to life, liberty and community are the primary transcendental conditions of the contemporary JWI. This and other aspects of Walzer's particular JWI will be illustrated below in the analysis of J UW in the text of the third edition.

4.4.1. Life and Liberty in Community

In J UW Walzer as preliminarily stated above sets out to analyze and expound the ethical reasoning in relation to the use of military force, and his ambition is to present an ethical ideology or more precisely to articulate the common ethical articulations related to the use of military force and what he presents as necessary and new revisions. The constructive and interpretive function of the primary ethical signature is easy to discover, J UW thereby also being a verification of the theory of ethical reasoning. The primary ethical signature – the primary norms and values – of J UW is articulated rather openly and transparently, mainly due to the importance and emphasis Walzer places on meta-ethical reflection in J UW.

The primary ethical signature is articulated in the three interrelated values *life*, *liberty* and *community*. These values Walzer articulates in relation to a *we-identity*, a common identity of the rational and morally conscious social agent within a political community and in the ethical category of rights as *rights to life*, *rights to liberty* and *rights to build a common life*.³³ A correlative to this subject position and these values was the norm to protect community, right and liberty.

Walzer's discursive construction of the *we-identity* in JUV he explains in the following way:

Perhaps the most problematic feature of my exposition is the use of the plural pronouns: we, our, ourselves, us. I have already demonstrated the ambiguity of those words by using them in two ways: to describe that group of Americans who condemned the Vietnam War and to describe that much larger group who understood the condemnation (whether or not they agreed with it). I shall limit myself henceforth to the larger group. That its members share a common morality is the critical assumption of this book. (JUV: xx)

An example of this discursively constructed and expounded *we-identity* in JUV is: "When a people is being massacred, we don't require that they pass the test of self-help." (JUV: 106) Apart from this use of the pronoun *we* Walzer less frequently uses it to make his readers follow his reasoning for example in the sentence: "We must concentrate now on the military justifications." (JUV: 256) The crucial aspect of the *we-identity* in JUV is remarkable. The pronoun *we* and most often as the *we-identity* are articulated more than seventy times throughout JUV thereby pervasively constructing and reconstructing this common identity.³⁴

The primary value of community is indirectly articulated in Walzer's pervasive articulation of the *we-identity*, the articulation of the agent as a social agent or communal identity. Walzer however in addition and several times directly refers to the primary value of community:

International society has a law that establishes the rights of its members – above all, the rights of territorial integrity and a political sovereignty.... these two rest ultimately on the right of men and women to build a common life. (JUV: 61)

And:

It is for the sake of this common life that we assign a certain presumptive value to the boundaries that mark off a people's territory and to the state that defends it. (JUV: 61)

The transcendental aspect of the value of community is proven in relation to the norms Walzer constructs for military intervention: "*Always act so as to recognize and uphold communal autonomy*" (JUV: 90). Accordingly Walzer also advocates ethical support and ideological empowerment to communities rather than intervention (JUV: 90).

³³ In spite of his focus on rights Walzer does not present an explanation or definition of the concept of right, which is a problem. Arguing that he is primarily articulating the common morality, he could at least as well have articulated how the concept of right is communally perceived. Instead his main ethical concept is interpellated as an obvious ethical category, which in no way is the case.

³⁴ JUV p. xix, xx, 3, 106, 110, 117, 123, 128, 129, 133, 135, 136, 142, 143, 152, 153, 164.

The primary values *life* and *liberty* are articulated throughout JUW - most often together³⁵ and less frequently alone.³⁶ The importance of these values is directly stated by Walzer: “Individual rights (to life and liberty) underlie the most important judgments that we make about war.... they are somehow entailed by our sense of what it means to be a human being.” (JUW: 54) The primary values and rights *life* and *liberty* are by Walzer both attached to the individual social agent and to the community.

The transcendental interrelation between the three primary rights are articulated and proven in the norms of *jus ad bellum* – the protection of life and liberty of the community being the only allowance for the use of force: “Aggression justifies two kinds of violent response: a war of self-defense by the victim and a war of law enforcement by the victim and other members of international society.” (JUW: 62) On the other hand the primary values of right and liberty are articulated and proven in the norms of *jus in bello*, in that the individual does not pose any threat having the right to be protected as a non-combatant or prisoner of war: “No one can be forced to fight or to risk his life, no one can be threatened with war or warred against, unless through some act of his own he has surrendered or lost his rights.” (JUW: 135) Hereby, the primary ethical signature of JUW has been presented, allowing us to point at the constructed dislocation in JUW before turning to the actual ethical ideology of JUW.

4.4.2. The Lack of an Ethical Vocabulary in a Time of War

This primary ethical signature can in retrospect be seen to frame the dislocation behind the elaboration of JUW – a dislocation which in a correlative ontological claim presented in the next chapter presents the motivation for the elaboration of JUW. Walzer implicitly frames the dislocation as war in itself and his experience of the difficulty to ethically argue against the Vietnam War, the lack of a coherent ethical vocabulary:

It was, for example, a matter of great importance to all of us in the American anti-war movement of the late 1960's and early 1970's that we found a moral doctrine ready at hand, a connected set of names and concepts that we all knew – and that every one else knew. Our anger and indignation were shaped by the words available to express them, and the words were at the tips of our tongues even though we had never before explored their meanings and connections. (JUW: xvii-xviii)

In general the primary ethical signature can be seen to be the condition for the framing of some kinds of use of military force as dislocations in JUW, more precisely aggressions. The textual or discursively constructed dislocations articulated by Walzer are primarily framed by Walzer as *crimes of aggression* and *war crimes*. More exactly the crimes committed within both the *ad bellum*

³⁵ JUW: xxii, 54, 61, 86, 124, 135, 136, 137, 230, 329.

³⁶ Ibid. p. 57, 89, 91. 142, 146.

and in bello framings, in other words the negation of the primary ethical signature, the fundamental rights to life, liberty and community in their clothing within the theory of aggression and the war convention, presented below. This so differentiated dislocation is articulated several times. In relation to the jus ad bellum aspect it is articulated in Walzer's proposition that:

War has human agents as well as human victims. Those agents, when we can identify them, are properly called criminals.... They are responsible for the pain and death that follows from their decisions.... In contemporary international law, their crime is called aggression ... but we can understand it initially as the exercise of tyrannical power. (J UW: 31)

The definition of responsibility for death and pain as a disvalue, in the highly negative framings – as tyranny or crime of aggression - depends on the value attached to life in the primary ethical signature. Walzer's use of the empty signifier aggression to signify the dislocation is further stated and elaborated: "Aggression is a singular and undifferentiated crime because, in all its forms, it challenges rights that are worth dying for." (J UW: 53) And:

Aggression is the name we give to the crime of war. We know the crime because of our knowledge of the peace it interrupts – not the mere absence of fighting, but peace-with-rights, a condition of liberty and security that can exist only in the absence of aggression itself. The wrong the aggressor commits is to force men and women to risk their lives for the sake of their rights. (J UW: 51)

Here Walzer directly expresses the conditioning function of the primary ethical signature in the discursive construction of the dislocation – aggression or crime of war.

In relation to the jus in bello aspect the dislocation is as mentioned also articulated and constructed in the framing of a crime, the crimes soldiers commit during war: "Just as we can charge a tyrant with particular crimes over and above the crime of ruling without consent, so we can recognize and condemn particular criminal acts within the hell of war." (J UW: 33) The primary ethical signature frames indiscriminate killings like those at Mai Lai in Vietnam as disvalue, as dislocations: "Ordinary *moral* sense and understanding rule out killings like those at Mai Lai. One of the soldiers there remembers thinking to himself that the slaughter was 'just like a Nazi-type thing'." (J UW: 313)

4.4.3. The Need to try out the Ethical Argument of War

The dislocation implicitly articulated in J UW – the fact of war and that there was a lack and uncertainty regarding the ethical vocabulary able to argue against war - synthesized by Walzer's particular ontological claim resulted in the self-imposed claim to try out the moral argument of war, articulated in the quoted piece also used to reveal the dislocation of J UW:

In those years of angry controversy, *I promised myself* that one day *I would try* out the moral argument about war in a quiet and reflective way. I still want to defend (most of) the particular arguments that

underlay our opposition to the American war in Vietnam, but also more importantly *I want to defend* the business of arguing, as we did and as most people do, in moral terms. Hence this book, which may be taken as an apology for our occasional carelessness and a vindication of our fundamental enterprise. [emphasis added] (J UW: xvii-xviii)

The italics pointing out the deontical modalities disclose the ontological claim. This claim to try out the ethical argument of war, Walzer additionally frames and articulates in three supplementary and auxiliary framings, first in the claim that:

It ought to be possible for ordinary citizens to identify and focus on the central political and moral issues of a given intervention. To help them do that is the point of just war theory This book was written for them [citizens of democratic states] in the belief that just war theory is a necessary guide to democratic decision-making. (J UW: xiv-xvi)

Second in the intention to:

Account for the ways in which men and women who are not lawyers but simply citizens (and sometimes soldiers) argue about war and expound the terms we commonly use. I am concerned precisely with the present structure of the moral world. (J UW: xix)

And finally in his stated ambition to:

Recapture the just war for political and moral theory. (J UW: xx)

4.4.4. Just and Unjust Wars

J UW can be seen as the relocation of this facticity framed in the dislocation and the ontological claim presented above. The ethic or normative strategy articulated by Walzer in J UW is divided in two main sections and analytical steps. The first is a meta-step made in chapter one and consists in the endeavor to prove the importance and relevance of ethical articulation in relation to the use of military force – in Walzer’s words: the moral reality of war (J UW: 15, 21), - and to present and establish the important ethical categories including the idea of the existence of a common and generally accepted *war convention*. The second step is taken within the next four chapters. The ambition in this main part of the text is within a legalist paradigm and a theory of rights and in the light of case studies of military conflicts to articulate and verify contemporary ethics of military force ad bellum, in bello and partly post bellum, and furthermore to propose revisions where needed. These two primary aspects of his ethic are framed under the following five headlines:

- The Moral Reality of War
- The Theory of Aggression
- The War Convention
- Dilemmas of War
- The Question of responsibility

In relation to these five ethical framings Walzer’s ethic or what he also claims to be the common ethical ideology related to the use of military force will be presented below.

4.4.4.1. The Moral Reality of War

In a showdown with his interpretation of classical realism³⁷ represented by Thucydides and Hobbes Walzer presents his thesis that ethical articulation is not foreign to the use of military force. On the contrary it is an inherent aspect behind and during the use of military force. His arguments generating this thesis depart from an analysis of the idea of war as realism, as an ethical free zone, the assertion that:

War is a world apart, where life itself is at stake, where human nature is reduced to its elemental forms, where self-interest and necessity prevail. Here men and women do what they must to save themselves and their communities, and morality and law have no place. *Inter arma silent leges*: in the time of war the law is silent. (J UW: 3)

This ideology Walzer attacks and pulls apart, by analyzing Thucydides Melian dialogue as a paradigmatic case revealing the incoherence in the realist position. As pointed at by Orend (Orend 2000: 62) Walzer attacks and dismisses three main propositions of realism. First, that there is no freedom for moral deliberation in the international arena, but only:

The narrow necessity of interstate politics: reign or be subject. If they do not conquer when they can, they only reveal weakness and invite attack; and so, “by necessity of nature” (a phrase Hobbes later made his own), they conquer when they can. (J UW: 5)

Against this proposition Walzer claims that use of military force is a result of political deliberation, that:

Once the debate begins, all sorts of moral and strategic questions are likely to come up. And for the participants in the debate, the outcome is not going to be determined “by the necessity of nature,” but by the opinions they hold or come to hold as a result of the arguments they hear and then by the decisions they freely make individually and collectively. (J UW: 8)

In other words use of military force is a human action, for whose effects someone is ethically responsible (J UW: 15, 31). Second, and according to Walzer related to the first proposition, ethics is meaningless in relation to international affairs counting warfare. Against this proposition Walzer invokes the resemblance between strategy and morality or ethics, showing that ethics is just as

³⁷ Realism is a political theory and ideology, which with more or less success reflects the ontological claim in the sphere of international relations, partly owing to the importance of the principle of self-preservation and partly owing to the analogy made between the state in international relations and the person in the interpersonal state of nature (Beitz 1999: 52). Within the discursive dialectic there have been different trends of realism. Normally one can distinguish between *classical realism*, *modern realism*, and *neo-realism* (Baylis and Smith 2001: 147) though one also can make a more thematic distinction which for instance places Bull's text *The Anarchical Society* from 1977 and Hobbes' text *Leviathan* from 1651 within the same genre of a *liberal realism* (Baylis and Smith 2001: 149). In spite of these different types of realism, there exist three core principles of realism *statism*, *survival*, and *self-help*, which reveal that ethics is not a matter of international relations. Liberalism is an alternative ideology and theory opposing realism. Instead of self-preservation, individual liberty is a core principle and the desire to abolish war and construct a state of perpetual peace in the international environment is a central ambition. In other words, ethics is important in the relationship between states. As with realism there are different genres of liberalism, one contemporary genre being Held's *cosmopolitanism* (Held 1996) also framed as *neo-idealism*. Contrary to traditional perceptions of realism it is as Dunne and Schmidt underline not completely unethical: “proponents of *raison d'état* argue that the state itself represents a moral force, for it is the existence of the state that creates the possibility for an ethical community it envelops becomes a moral duty of the statesperson.” (Dunne and Schmidt 2001: 143).

much a discursive part of warfare as strategy, especially pointing at the descriptive feature of ethics in relation to the use of military force:

Moral judgments ... are descriptive terms, and without them we would have no coherent way of talking about war.... Reiterated over time, our arguments and judgments shape what I want to call *the moral reality of war* – that is, all those experiences of which moral language is descriptive. (J UW: 14-15)

Morality or ethics is so to speak the unavoidable framework in which war is structured by the different agents it concerns (J UW: 36). Third, ethical motivations are considered more prone to generate unnecessary violence and cruelty in the use of military force than realist motivations: “Just wars turn into crusades ... and then the soldiers and statesmen who fight them seek the only victory appropriate to their cause: total victory, unconditional surrender.” (J UW: 110) Against this proposition Walzer asserts the idea that just wars or ethically motivated and generated military conflicts are: “Limited wars; there are moral reasons for the statesmen and soldiers who fight them to be prudent and realistic.” (J UW: 122) In addition to the refutation of these three propositions of realism, Walzer proves the importance of ethical articulation by bringing to attention the fact that ethical articulation is the underlying condition of military force, simply because soldiers and politicians tell lies. Ethical articulation in relation to the use of military force is in fact revealed in the lies soldiers tend to tell:

The clearest evidence for the stability of our values over time is the unchanging character of the lies soldiers and statesmen tell. They lie in order to justify themselves, and so they describe for us the lineaments of justice. Whenever we find hypocrisy we find moral knowledge. (J UW: 19)

Therefore, according to Walzer realism fails to prove that ethical articulation is absent from use of military force and he underlines this claim with the common sense argument and rather simple assertion that social agents actually take ethical articulation into consideration when it comes to the use of military force:

The truth is that one of the things most of us want, even in war, is to act or seem to act morally.... I am going to assume ... that we really do act within a moral world; that particular decisions really are difficult, problematic, agonizing, and that this has to do with the structure of that world; that language reflects the moral world and gives us access to it; and finally that our understanding of the moral vocabulary is sufficiently common and stable so that shared judgments are possible. (J UW: 20)

This common ethical or moral reality of war is according to Walzer - who thereby re-articulates the JWI distinction - differentiated as ethics concerning the reasons for using military force and the means adopted – the *jus ad bellum* and *jus in bello* aspects. These two aspects are according to Walzer logically independent (J UW: 21). This primary ideological distinction is accompanied by the primary ethical category of rights:

There is a particular arrangement, a particular view of the moral world, that seems to me the best one. I want to suggest that the arguments we make about war are most fully understood (though other understandings are possible) as efforts to recognize and respect the rights of individual and associated men and women. The morality I shall expound is in its philosophical form a doctrine of human rights. (J UW: xxi-xxii)

Even though the elaboration of these two ethical aspects resting on these two propositions is made in the next chapter of J UW, Walzer in a preliminary fashion paves the way for his later ideological elaboration of these aspects: In relation to the jus ad bellum aspect Walzer frames war in relation to the concepts of aggression and crime, what he in his ethical elaboration frames the theory of aggression, his thesis being that:

War has human agents as well as human victims. Those agents, when we can identify them, are properly called criminals.... They are responsible for the pain and death that follows from their decisions, or at least for the pain and death of all those persons who do not choose war as a personal enterprise. In contemporary international law, their crime is called aggression. (J UW: 31)

Concerning the aspect of jus in bello Walzer presents the idea that the ethics in bello very likely rests on a universal and general ethical principle which however is always historically specified and constructed:

The historical specifications of the principle are, however, conventional in character, and the war rights and obligations of soldiers follow from the convention and not (directly) from the principle, whatever its force.... War is a social creation. The rules actually observed or violated in this or that time and place are necessarily a complex product, mediated by cultural and religious norms, social structures, formal and informal bargaining between belligerent powers, and so on. (J UW: 43)

This principle Walzer indirectly articulates and refers to in the values and rights life and liberty, which as mentioned above are part of J UW's primary ethical signature, and thereby also what Walzer frames as the war convention (J UW: 124). A rather stable, though imperfect ethical convention in relation to the use of military force:

I propose to call the set of articulated norms, customs, professional codes, legal precepts, religious and philosophical principles, and reciprocal arrangements that shape our judgments of military conduct *the war convention*. (J UW: 44)

Later Walzer articulates what the aim of the war convention is: "The purpose of the war convention is to establish the duties of belligerent states, of army commanders, and of individual soldiers with reference to the conduct of hostilities." (J UW: 127) Hereby Walzer in a preliminary fashion has recaptured the just war framework – the moral reality of war, - however encapsulated within a framework of rights, allowing and enabling him to present and elaborate the common ethical ideology of military force. Below Walzer's ethical reasoning regarding the last four framings is presented.

4.4.4.2. The Theory of Aggression – Jus ad Bellum

Having dismissed realism and proved the role and importance of ethical articulation and the ethical discourse in relation to the use of military force Walzer without difficulty can turn his attention towards his ambition to articulate an ethic of military force.

Under the framings *theory of aggression* and *legalist paradigm* he addresses the jus ad bellum aspect - the question of when the use of military force can be justified. An important aspect of Walzer's reasoning is his assumption of the analogy between individual rights and state rights, between the national or domestic society and the international society:

Aggression is a singular and undifferentiated crime because, in all its forms, it challenges rights that are worth dying for.... The rights in question are summed up in the lawbooks as territorial integrity and political sovereignty. The two belong to states, but they derive ultimately from the rights of individuals, and from them they take their force.... Individual rights (to life and liberty) underlie the most important judgments that we make about war. (J UW: 53-54)

The problematic aspect in relation to this analogy and these international rights is however according to Walzer the absence of an international rule of law. There is not an international power to uphold rule of law, there is no permanent institution of law enforcement, no policemen to guard the international rights of life and liberty – territorial integrity and political sovereignty (J UW: 59). Still:

The rights of the member states must be vindicated, for it is only by virtue of those rights that there is a society at all. If they cannot be upheld (at least sometimes), international society collapses into a state of war or is transformed into universal tyranny. (J UW: 59)

This imperfection of international or global society allows for and dictates what Walzer recognizes as a contemporary ethic of national and international self-defence against aggression under the doctrine or as Walzer frames it, the theory of aggression, which according to him restates the just war doctrine (J UW: 59). This theory or ethic related to aggression Walzer additionally frames as the legalist paradigm, since it reflects the conventions of rule of law. In relation to this paradigm Walzer's ethic is articulated and developed. Below the values, norms and assumptions of the legalist paradigm which Walzer subscribes to with five additional revisions are presented (J UW: 61-63).

Jus ad bellum: The Legalist Paradigm

1. There exists an international society of independent states
2. This international society has a law that establishes the rights of its members – above all the rights of territorial integrity and political sovereignty
3. Any use of force or imminent threat of force by one state against the political sovereignty or territorial integrity of another constitutes a criminal act
4. Aggression justifies two kinds of violent response: a war of self-defence by the victim and a war of law enforcement by the victim and other members of the international society
5. Nothing but aggression can justify war
6. Once the aggressor state has been militarily repulsed, it can also be punished

These norms according to Walzer constitute a powerful theory, which however need some amendments and revisions. Walzer argues for five revisions, four of them focusing on the aspect of just cause for political use of military force, which more closely defines what constitutes aggression, which, Walzer remarks, is an insufficient framing (J UW: 51-52). These revisions are presented below.

Jus ad Bellum - Five Revisions:

1. States may use military force in the face of threats of war, whenever the failure to do so would seriously risk their territorial integrity and political independence
2. States can be invaded and wars justly begun to assist secessionist movements once they have demonstrated their representative character
3. States can be invaded and wars justly begun to balance prior interventions of other powers
4. States can be invaded and wars justly begun to rescue peoples threatened with massacre. (Humanitarian Intervention)
5. The domestic conventions of capture and punishment do not readily fit the requirements of the international society

Following the presentation of his ethics of jus ad bellum, Walzer focuses his attention on jus in bello. His main proposition is as already mentioned that like jus ad bellum the primary rights underlying the reasoning of jus in bello are the rights of life and liberty (J UW: 124). Walzer frames as mentioned this rights-based ethical ideology in relation to jus in bello in his concept of *war convention*.

Apart from the rights *life* and *liberty* the two propositions concerning the absolute distinction between jus ad bellum and jus in bello and the primacy of the ethical category of rights lie behind his particular articulation of the war convention. Thereby his interpretation of the war convention distinguishes itself from a utilitarian view of the war convention (J UW: 129), and the focus on proportionality or utility of the classical JWI.³⁸ Within this framework Walzer articulates his ethic of jus in bello. His focal point is primarily the combatant/non-combatant distinction and the rights of these two groups (J UW: 137). Below his ethic is illustrated and listed.³⁹

³⁸ "Proportionality turns out to be a hard criterion to apply." (J UW: 129) And: "With regard to the rules of war, utilitarianism lacks creative power. Beyond the minimal limits of "conduciveness" and "proportionality, it simply confirms our customs and conventions whatever they are." (J UW: 133)

³⁹ The principles are developed from page 138-224.

Jus in Bello: Walzer's War Convention:

1. No one can be forced to fight or to risk his life, no one can be threatened with war or warred against, unless through some act of his own he has surrendered or lost his rights. This fundamental principle underlies and shapes the judgments we make of wartime conduct.
2. The war convention rests on a certain view of combatants, which stipulates their battlefield equality.
3. The war convention rests on a certain view of non-combatants, which holds that they are men and women with rights and that they cannot be used for some military purpose, even if it is a legitimate purpose.
4. Once war has begun, soldiers are subject to attack at any time
5. Non-combatants cannot be attacked at any time.
6. A soldier must take careful aim *at* his target and *away* from non-military targets. He can only shoot if he has a reasonably clear shot.
7. Civilians have a right to leave and be refugees when they live under siege
8. Any significant degree of popular support entitles guerrillas to the benevolent guarantee customarily offered to prisoners of war
9. Civilian supporters of guerrilla warfare have rights
10. When anti-guerrilla war becomes a war against civilians, it must not be fought

These norms are additionally elaborated when Walzer discusses the issues of responsibility, presented below. This system of ethical principles representing part of his ideology of *jus in bello* Walzer subsequently frames as *ordinary means of war*. Under the framing *dilemmas of war*, presented below he additionally frames what he signifies as *extraordinary means of war* (J UW: 222). These framings somehow represent Walzer's revisions and elaborations of the war convention.

4.4.4.4. Dilemmas of War

The ethical reasoning made under the framing *dilemmas of war* somehow represents Walzer's revisions and elaborations of the war convention. The ethic concerning the extraordinary means is illustrated below (J UW: 225-283):

Ethical Ideology of Jus in Bello – Elaborated:

1. A state has a right to be neutral
2. Supreme Emergency can overrule the war convention principles
3. Nuclear war is and will remain morally unacceptable

4.4.4.5. The Question of Responsibility

The last chapter of J UW is dedicated to the important aspect of social agent responsibility in relation to the use of military force – what Walzer frames as the critical test of the argument for justice. Here Walzer distinguishes between the aspect of responsibility in relation to *jus ad bellum* which he in consistency with his earlier distinction frames as: *the crime of aggression: political leaders and citizens*, and the responsibility in relation to *jus in bello*, which he frames as: *war crimes: soldiers and their officers*. This aspect of his ethical ideology he could reasonably have

situated within the *jus ad bellum* and *jus in bello* aspects elaborated above. However, by representing the final chapter of J UW it emphasizes what he constructs as the primary dislocation of contemporary warfare – the political and military disregard of responsibility in war.

Walzer's initial proposition in relation to responsibility is that politicians and soldiers make moral choices - social agents are so to speak morally accountable for the use of military force, fortunately because there according to Walzer "can be no justice in war if there are not, ultimately, responsible men and women." (J UW: 288) Below his propositions concerning responsibility in the two aspects are presented.

A. The crime of aggression: Political Leaders and Citizens

Resting on the presumption that war is an act of state Walzer's main argument is that:

Acts of state are also acts of particular persons, and when they take the form of aggressive war, particular persons are criminally responsible. ... insofar we can recognize aggression, there should be little difficulty in blaming heads of state. (J UW: 291)

However, he contends that more officials than the head of state are morally responsible for aggression even though it is harder to pinpoint responsibility when it is diffused through a political system. In respect to this hierarchical or advisory responsibility Walzer infers the criteria of responsibility as participation in: planning, preparation, initiation and waging of aggressive war – the criteria used during the Nuremberg Trials (J UW: 292). These criteria make a great number of officials to be held accountable for aggression, and Walzer's point is that even lesser officials can be held responsible for aggression.

Having stated the unavoidable ethical responsibility of officials Walzer turns toward citizen responsibility. Even though the collective responsibility for aggression is difficult to assert, Walzer's thesis is that citizens in fact and in proportion with their freedom have a responsibility for the actions of their government: "The greater the possibility of free action in the communal sphere, the greater the degree of guilt for evil deeds done in the name of everyone." (J UW: 298) Walzer's point is in other words that in democratic countries there are possibilities for popular response in relation to use of military force, but also that "...there are responsible people even, when under the conditions of imperfect democracy, moral accounting is difficult and imprecise." (J UW: 303) Having pointed at the political and popular responsibility for aggression, and especially the *jus ad bellum* he turns to the *jus in bello* perspective.

B. War Crimes: Soldiers and Their Officers

Walzer's initial thesis is as stated above that military personnel are not responsible for the overall justice of the wars they fight, only for the conduct of war. Still, this limited responsibility is of great importance.

In relation to the assumption of responsibility Walzer to begin with presents a meta-ethical norm emphasizing his assertion of rights as the primary ethical category in relation to *jus in bello*: "It is the doctrine of rights that makes the most effective limit on military activity, and it does so precisely because it rules out calculation and establishes hard and fast standards." (J UW: 304) Apart from the importance to apply the category of rights instead of the soldiers' own consideration of proportionality Walzer underlines that according to the war convention the soldiers need to accept personal risk:

The war convention requires soldiers to accept personal risk rather than kill innocent people.... The rule is absolute: self-preservation in the face of the enemy is not an excuse for violations of the rules of war. Soldiers, it might be said, stand to civilians like the crew of a liner to its passengers. They must risk their own lives for the sake of the others. (J UW: 305)

Having established the primacy of rights and the norm of risk Walzer discusses soldiers' responsibility under four framings:

- In the Heat of Battle
- Superior Orders
- Command Responsibility
- The Nature of Necessity

In relation to the first framing, Walzer argues that the often presented assumption that the heat or cruelty of battle liberates the soldiers from responsibility is wrong:

When we make allowances for what individual soldiers do "in the heat of battle," it must be because of some knowledge we have that distinguishes these soldiers from the others or their circumstances from the usual ones. (J UW: 307)

In relation to the second framing and drawing on lessons learned from the Mai Lai massacre, Walzer argues that soldiers are not mere instruments of war. Soldiers can be held accountable for following amoral and illegal superior orders. Furthermore, the claim of ignorance and of duress as the cause for not disobeying an illegal or amoral order has its limits:

Ordinary moral sense and understanding rule out killings like those at Mai Lai. One of the soldiers there remembers thinking to himself that the slaughter was "just like a Nazi-type thing". That judgment is precisely right, and there is nothing in our conventional morality that renders it doubtful. (J UW: 313)

In relation to the third framing Walzer presents a set of norms for the officer in command. These norms are conditioned by his primary rights *life* and *liberty* expressed in the first norm illustrated below (J UW: 317):

Norms of Command Responsibility:

1. The soldier is charged with the protection of the weak and unarmed. It is the very essence and reason of his being.
2. He must take steps to shield the weak and unarmed
3. He must fight with restraint, accepting risk, mindful of the rights of the innocent
4. He cannot order massacres, terrorize civilians, take reprisals against prisoners or threaten to kill hostages
5. In planning their campaigns they must take positive steps to limit even unintended civilian deaths
6. Military commanders, in organizing their forces, must take positive steps to enforce the war convention and hold the men under their command to its standards

In relation to the fourth framing, Walzer returns to the responsibility with respect to his norm of supreme emergency. The argument made by Walzer is that soldiers that have acted against the war convention for the sake of justice in a supreme emergency must bear the burden of guilt and responsibility. What follows next is the effort to reestablish the commitment to the rules of war and the rights they protect. (J UW: 325) The dilemma between protecting the rights and collective survival in supreme emergencies cannot at the present time be overcome according to Walzer:

In supreme emergencies our judgments are doubled, reflecting the dualist character of the theory of war and the deeper complexity of our moral realism; we say yes *and* no, right *and* wrong. That dualism makes us uneasy; the world of war is not fully comprehensible, let alone a morally satisfactory place. And yet it cannot be escaped, short of a universal order in which the existence of nations and peoples could never be threatened. There is every reason to work for such an order. The difficulty is that we sometimes have no choice but to fight for it. (J UW: 326-327)

Hereby Walzer concludes his reasoning of responsibility in relation to *jus ad bellum* and *in bello*, and furthermore his overall articulation and revision of the common ethical ideology. In the next chapter an outlook with regard to the antagonism and inter-textuality of his ideology is presented.

4.4.5. Against Realism and Utilitarianism

The antagonism articulated in J UW is related both to meta-ethical aspects and to the *ad bellum* and *in bello* issues from the perspective of a *we-identity*.

The implicit value and norm exclusion is articulated in the implied negations in Walzer's ethic. This in particular means that unjust wars are a disvalue, that the absence of responsibility among politicians and soldiers is a disvalue. The primary values of right to life and liberty in community furthermore implies the exclusion of non-equal rights regarding life and liberty.

The explicit value and norm exclusion is two-dimensional owing to the genre of J UW. The norm and value antagonism constructed and articulated in J UW is both meta-ethical and ethical. Walzer's idea of the ethical or moral reality of war confronts the ideology of realism. By framing

the first chapter of JUW as *Against Realism* Walzer directly articulates the ideological antagonism in JUW. The discursive framings and doctrines of realism which Walzer opposes are the doctrines: *War is Hell* (JUW: 32), *Limitlessness* (JUW: 33), and *Inter Arma Silent Leges* (JUW: 3). In addition Walzer's antagonism related to the meta-ethical aspect consists in his opposition to utilitarianism. Utilitarian reasoning is unfit for ethical reasoning in relation to the use of military force:

But though the limits of utility and proportionality are very important, they do not exhaust the war convention; indeed, they don't explain the most critical of the judgments we make of soldiers and their generals. If they did, moral life in wartime would be a great deal easier than it is. (JUW: 130)

And:

With regard to the rules of war, utilitarianism lacks creative power. Beyond the minimal limits of "conduciveness" and "proportionality", it simply confirms our customs and conventions, whatever they are, or it suggests that they be overridden; but it does not provide us with customs and conventions. For that we must turn again to a theory of rights. (JUW: 133)

Walzer's ethical antagonism is framed and articulated in the words and phrases: *massacre* (JUW: 309), *systematic slaughter* (JUW: 310, 318), *put civilians at risk* (JUW: 322), *aggression* (JUW: 288, 51-53, xvii), *war crimes* (JUW: 288, 39, xvii), *crime of war* (JUW: 51), *atrocities* (JUW: 39), *hatred* (JUW: 36), *tyrants* (JUW: 33), *lying* (JUW: 19), and *rape* (JUW: 133-134). These concepts represent the disvalues and disnorms conditioned by the primary ethical signature presented above.

The implicit antagonism of JUW is unilateralism. His primary we-identity excludes unilateral action. The explicit antagonism in JUW is *hypocritical and dishonest soldiers and statesmen* (JUW: 19) and *war criminals*. The hegemonic aspiration of JUW is limited to the issues of just use or military force and not extended to other international issues. The textual orientation to difference is limited by the discursively constructed antagonism. The limits of difference are acts and agents not acting according to the war convention. The genre of antagonism is as shown above both meta-ethical and ethical, with a limited use of affective statements.

4.4.6. The Common Myth of War Reasoning

The fact that Walzer derives his ethical ideology from actual cases of war and military conflicts suggests that his use of ethical ideologies and the inter-textuality of JUW are different from that of EKD, to be analyzed in Chapter 5.1., which primarily derives its ideology from the Bible and the confessional framework of Protestantism. Therefore, ideological backup is not needed by virtue of Walzer's method. However, in the spirit of the general transparency of the reasoning in JUW Walzer admits to an indirect and rather complex inter-textuality of his ideology presented in JUW. Walzer's ideas of *theory of aggression* and *war convention* are discursive dialectic products:

War is a social creation. The rules actually observed or violated in this or that time and place are necessarily a complex product, mediated by cultural and religious norms, social structures, formal and informal bargaining between belligerent powers, and so on. (JWU: 43)

Furthermore, Walzer emphasizes particular ideological aspects of common ethical articulations or ethical convention in relation to war. First, he as mentioned above brings in JWU and consequently articulates the distinction between *jus ad bellum* and *jus in bello*, thereby excluding both realism and pacifism. Second, he draws on the ethical category and discourse of human and international rights. Third, he rearticulates the idea of social contract. Fourth, by articulating the distinction between combatants and non-combatants he not only articulates or draws on JWU but also the Law of Armed Conflict. Finally, he brings in ethics from the Old Testament, compatible with his Jewish heritage and background.

4.5. An Ethic of 'Military Force' – *International Policing*

Walzer's ethic of military force has a potential compared to the classical version of JWU while he inscribes the contemporary legal framework in his ethic or more precisely in his disclosure of the contemporary ethic regarding use of military force. Still, departing from and loyal to the war convention and the theory of aggression he is not able to move beyond the ethic of these elements. He has no elaborated ethic, which allows him to question the validity or ethically endorse existing norms and values beyond consensus and tradition, which is exactly the potential of the ethic of just peace, which I here apply to the discursive field of military force and developed into an ethic of *international policing*. The ethic of international policing developed below will, from the perspective of the global ethic of just peace, argue for the application of *policing* as a frame regarding use military of force. Meaning that the frame and term *military force*, signifying a type of power or strength used on behalf of social agents and possessed by a social agent or a group of social agents, within the contemporary facticity must be reframed as *international policing*. Moreover, that the identity of the men and women serving in military units as *soldiers* must be reframed as *international police-officers*, and thereby that the belligerents must be reframed asymmetrically as *criminals* and *law enforcement officers*. This ethical idea and framing echoes and is compatible with the contemporary global facticity that, to use Bigo's words, "the role of war is now being questioned and the *end of the military order predicted*. War is not necessarily an eternal mode of conflict. It does not have a glorious future ahead of it." (2001: 106) The stringent distinction between internal and external national security no longer holds, there is an interpenetration of internal and external security blurring the difference between the soldier and the police officer, which calls for and imposes a reframing of military force. The point is that ethic of

just peace within this contemporary facticity can localize an ethical framework in international law in the form of international policing which can also meet the ethical challenges of this transformation. It is of course possible that this ethic of just peace can be articulated in another fashion or due to future transformations must be constructed in another form – that the term *international* must be replaced with the term *global*, because the sovereign state no longer exists. However, the development of an ethic of international policing is the reasonable contemporary ethical step to make owing to the fact that part of the present international law as discussed above articulates the values and norms of the global ethic of just peace within a Westphalian framework where sovereignty is conditioned by the observance of human rights. In other words, part of the international law qualifies as a global ethic in relation to the use of force. At the same time and owing to the importance of discourse in shaping reality shown above the choice of conceptual framework is decisive. The application of a police-frame is simply more capable in dealing with what from a perspective of just peace is seen as ethical challenges than JWI. One cannot, as Bigo states, ask for new solutions with old frameworks. (2001: 92), still as pointed out above the JWI represents a valuable type of analytical ethical reasoning which de facto is invoked by ideologies attempting to see use of force within a police-frame illustrated in Chapter 5.

4.5.1. Which Part of International Law Can Be Endorsed by the Ethic of Just Peace?

International law is constituted from several sources. The list of these sources presented by the International Court of Justice (Statute of the International Court of Justice: article 38.1) are recognized as authoritative (Boelaert-Souminen 2000: 64). These sources are:

- International conventions
- International custom
- General principles of law
- Judicial decisions
- Teachings of the most highly qualified publicists

As underlined above not the entire contemporary international law stands the test of the discursive dialectic ethic of just peace. The standards of IHL are in spite of its continuing development into a more discriminate law (Rogers 2004; Roberts and Guelff 2000) too low and continues to construct a space for intentional killing in the case of armed conflict. On the other hand, the law of human rights, the conventions and treaties of human rights part of international law stand the test of the discursive dialectic ethic of just peace in their underpinning of the inherent dignity of the social agent. Apart from human rights law, the law articulated in the UNCh in spite of ethical problems articulates a global ethic making aggression illegal. Between these two elements of international

law, furthermore an important relationship and dialectic has developed. The sovereignty granted to member states is today seen to rest on their ability to protect their citizens, to live up to the human rights law, in other words sovereignty implies a responsibility to protect individuals within its territory which makes away with the dilemma between the international norm of sovereignty, non-intervention and human rights (RTP: 6, 8, 14; ASW: 17). Furthermore, in the Rome Statute from 1998, now ratified and implemented in the International Criminal Court from 2002, an important step towards a global rule of law has been taken. In the Rome Statute the low standards of international humanitarian law are rearticulated in the affirmation of the Geneva Conventions (Rome Statute: Article 8,2) but at the same time *crimes against humanity*, *the crime of aggression* and *the crime of genocide* are framed as part of international law (Article 2,1).

From an ethical point of view these elements of international law articulate the discursive dialectic ethic of just peace within the contemporary international legal framework. This means that *enforcing* these laws of international law corresponds to following the norms of the discursive dialectic ethic of just peace.

4.5.2. The Ethic of International Policing

Our framing of the use of military force as law enforcement, point at the rationality in reframing the term *military force* itself as international policing. The idea of reframing military force as policing is not new. In fact, it is implied in the UNCh, and has been put into practice in numerous peace support and enforcement operations carried out within the framework of the UN. Furthermore, the creation of the SHIRBRIG (Standard-by Forces High Readiness Brigade) in 1996 an international military brigade to be deployed by the United Nations points in the direction of international policing and law enforcement. However, in response to 9/11, the surfacing of what was experienced as a massive and unprecedented asymmetrical threat, the idea of reframing the use of military force reappeared in the United States. In order to meet the challenge of these attacking individuals or groups of individuals a new approach was called upon. Instead of JWI, the idea of *just policing* was presented in different fora as a contemporary frame related to the use of military force. One of its original spokesmen is Gerald Schlabach. According to him the point is that the crucial difference between the war-framing and the police-framing is that:

Political leaders draw on rhetoric of national pride, honour and crusading to marshal the political will and sustain the sacrifices necessary to fight wars. This routinely produces the phenomena we call “war fever” and “rallying around the flag” which make moral deliberation difficult, if not impossible. Police officials by contrast appeal to the common good of the community to justify their actions, seeking to defuse the emotions that lead to violence. (Schlabach 2003: 2)

At first glance policing seems to be a rather plain idea, but more intimately considered it accounts for the value of human life and makes up for the five weaknesses of the just war frame presented above: First, in the policing frame the agents are asymmetrically constructed, as the police force and the perpetrator or perpetrators. Second, the ante and post aspect is accounted for in the frame of policing, where the aim is not only to stop an aggression, but to prevent it, and if aggression occurs to normalize the situation and secure life after the conflict, including the reintegration of the perpetrator within society. Third, in connection hereto, the ideology of policing is not to reproduce an absolute antagonism, but instead to eliminate it by downplaying and locating the antagonism to the forces that deny people their basic rights. Fourth, it is compatible with the emerging global rule of law. Fifth, it provides the international police-officers with straightforward subject positions enabling him or her to identify with common values and norms, not leading them down the alley of demonizing the individuals or group of individuals or more correctly the criminal or criminals to be apprehended. This limits the stress otherwise generated by not having a coherent framework in which to act, as also underlined by Bigo:

In this context [transformation of security practices] the security agencies and their agents are under “stress.” Their traditional guidelines and beliefs concerning their tasks, their missions, and even their meaning of life have more or less disappeared. The boundaries of security tasks are not fixed through a clear belief of what security is (and what it is not). They don’t know where the inside ends and where the outside begins. They don’t know where security is beginning and insecurity is finishing. (2001: 113)

In other words, the idea of international policing reframing the use of military force per se and in particular in relation to the contemporary challenge of asymmetrical warfare initiated after 9/11, discursively creates more coherence between the prevailing global ideology and the identities of the agents defending and reproducing it.⁴⁰

In numerous contemporary and international military missions the reframing of the soldier as an international or global police-officer is already making its way through the backdoor. From the insertion of special forces with the objective to capture terrorists or apprehend *war criminals* in the former Yugoslavia, to the soldiers who within the framework of CIMIC do community work in Afghanistan and Iraq, to the soldiers who on their patrols among the population in the mission areas create the understanding that the foreign soldiers are working on behalf of the local population. The rather common frustration among soldiers during mission, the fact that many soldiers are often unable to make out the meaning of their labours - why they risk their lives in a foreign and hostile

⁴⁰ This is of course a rather simple assertion, since policing has different forms or frames. The point is that the different sub-frames of policing can be regarded as a continuum of sub-frames between the two frames: “community worker” and “crime fighter”. Tobias Winright, ‘Just Cause and Preemptive Strikes in the War on Terrorism: Insights from a Just-Policing Perspective’, conference paper, presented at the annual SCE-meeting 2006, Phoenix, US, p. 12. This suggests that the idea of policing as a reframing of military force must be further elaborated within the military itself.

environment, - and the occurrence of war crimes, demand that coherent and strong identities are constructed for soldiers to identify with. The evident point is that if the soldier identifies with a *just war warrior* he or she by virtue of the influence of discourse is more predisposed to unnecessary and illegal brutality, than if he or she identifies himself or herself with a global police-officer within a framework where all social agents have rights.

The reframing of ethics of military force as ethics of international policing that draws on the discursive dialectic ethic presented above is therefore not a venture, which can only hope for a utopian outcome. In fact, contemporary international hegemonic values, norms and praxis are as underlined above compatible with the ethical principles of just peace and the absolute value of the human being. The point of departure of this ethic of international policing is - partly in line with Walzer - the fact that there exists a global law and an emerging global rule of law, an institutional framework that largely ideologically respects and recognizes the ontological claim of all social agents within a framework of sovereign states. The argument to be made here is that in spite of the fragility, weakness, ethical problems of this global law and global rule of law where the main institution is the United Nations there is a global rule of law, global human rights which recognize all social agents. This global rule of law implies that *policing* or *international policing* from a perspective of just peace is an adequate contemporary framework.

The ethic of just peace and the deconstruction of JWI presented above provide the reasoning needed to elaborate an ethic of international policing in its own right and as an evaluative parameter. The main point is that according to the ethic of just peace an ethic of international policing is but one part of a global ethic where the primary value is *just peace* and the primary norm is *to value the equal co-existence of social agents*. This ethic implies as stated the norm to devalue negation of human life. In relation to this, use of military force, in the framing of policing, is only one normative strategy among other less coercive to choose from. Meaning that peaceful and non-coercive prevention of conflicts is more important than use of force owing to the value of human life. The ethic of international policing is not an isolated political framework unconnected from other norms and values, generated by the primary value of human life – it is but one aspect in the ethical ideology or ethic of just peace having the life of human beings as a primary value.

An ethic of international policing consists of norms and values regarding the use of force potentially causing casualties – deprivation of human life and risking the lives of own international police-officers' lives and destruction of and strains on family relations, demolition of property, infrastructure, and environment. The primary ethic behind the ethic of international policing presented here is the absolute value of life, in the above meaning, and the correlative norm to

protect human life. This primary ethic reflectively generates the criteria of *ad bellum* and *in bello* which provide the ethical reasoning allowing to argue for or against the use of international police force. The elements of this ethical reasoning for the use of the normative strategy of international policing are articulated below in relation to the concepts of *just cause*, *just intention*, and *just authority*. The term *just* signifies the ethical value of these criteria.

Normative Strategy: International Policing

Criteria for Use of International Policing:

Just Cause: Violation of international law

Just Intention: Enforcement of international Law

Just Authority: The Security Council

Criteria in Use of International Policing

Just Cause: Violation of international law

Just Intention: Enforcement of international law

Just Authority: Agent entrusted by the Security Council

The primary meaning of this ethic or ethical reasoning is several issues regarding both the criteria *for* and *in* use of this normative strategy: First, that the ethical reasoning implies that a just cause *for* use is violations of international law. Second, that the just intention *for use* is enforcement of international law, and ultimately just peace. Third, that the just authority *for* use - with the exceptions mentioned in the UNCh and listed in the excursus in Chapter 4.3. - is the contemporary legal authority entrusted with the international law enforcement, i.e. the Security Council. Fourth, that the criteria *in* use are almost symmetrical with the criteria for the use of international policing, though the just authority is the agent entrusted by the Security Council.

The implicit reasoning of this ethic is: First, that use of the normative strategy of international policing not intentionally but potentially depriving social agents of their life is only made when other less coercive measures are out of question. Second, that the intention of the soldier i.e. the police officer is not to kill but to stop aggression by using non-lethal force and allow the aggressor through the judicial system to be reintegrated in society. Third, only the social agent entrusted with the use of force is allowed to use it. Fourth, that no execution of combatants or other persons during or after an armed conflict can be permitted.

The cop of bitterness of this ethic is however, as already pointed out, a number of challenges. First, as pointed out by Conte (2005) the existing framework of international law – the precariousness of the emerging global rule of law, - which is seen when international policing and international law is compared with domestic policing and law:

While municipal frameworks have clear processes for the prosecution and punishment or rehabilitation of offenders, the international framework is subject to considerable voids. States offending against the prohibition against the use of force might be called to account before the International Court of Justice and ordered to make reparations. However, although most States have lodged declarations of compulsory jurisdiction with the World Court, three permanent members of the Security Council [the United States, China and France] and nine other States [Bolivia, Brazil, El Salvador, Guatemala, Iran, Israel, South Africa, Thailand and Turkey] do not have extant declarations and remain largely outside the jurisdiction of the Court. Equally, despite the existence of the Hague and Geneva Conventions and the Statute of the International Criminal Court, a number of States have determined to remain outside the framework of the International Criminal Court [the United States, China, El Salvador, Guatemala, Iran, Israel, Turkey]. For some States, then there are few, if any disincentives for failing to comply with the international legal order should compliance go against their interests. (Conte 2005: 188)

Second, the fact that the norms of IHL cannot be approved by the ethic of just peace. Third, the unjust representation and veto-right of some member states within the Security Council. These challenges imply some auxiliary norms or normative strategies in this ethic of just peace:

1. To make States sign and ratify the statutes of the International Court of Justice and the International Criminal Court
2. To reform the Security Council in order that it becomes globally representative
3. To develop non-lethal weapons, strategies and tactics and thereby allow the development of higher ethical standards in IHL to be approved by the ethic of just peace
4. To educate and train the international police officers
5. To disvalue discursive construction of the use of military force which does not respect the rights of those perpetrating international law

In the analysis of the ideologies below, ideas in line with this ethic of international policing are articulated with more precision and practical affinity. They suggest that from both a realist and idealist perspective just peace is a reasonable ethical framework for the use of military force in the framework of international policing though there is not enough awareness of these auxiliary norms.

5. Ideological Ethical Articulations Concerning the Use of Military Force

The subject matter of the third research field is the analysis of contemporary ideologies regarding use of military force and thereby the attempt to answer the second research question:

How do contemporary ideologies argue for the use of military force and are their arguments reasonable?

Contemporary ideological ethical articulations in relation to use of military force are numerous, and even though they cannot be seen directly as partaking in the continuing discursive construction of a particular crisis or dislocation and their correlative normative strategies, they are echoed in the enacted ethical articulations, and are clustering around times of war, instability and insecurity. The author or groups of authors dislocated in the context of war or political emergency are relocating or attempting to relocate themselves and/or their community in the generation and construction of the particular ideology of peace or use of military force. In that respect it was the situation of instability and war which made Augustine speak his famous words of war, the same were the case for Thomas Aquinas, Francisco Suarez, Martin Luther, Hugo Grotius and Thomas Hobbes, to mention some other influential thinkers, and here illustrated with an argument made by Grotius:

Up to present time no one has treated it [law concerned with mutual relations between states] in a comprehensive and systematic manner, yet the welfare of mankind *demands* that this task be accomplished. [emphasis added] (Grotius 2007: 14)

This context of the ethical ideologies is underlined in Mansbach and Wilmer's argument that "it was the turbulent nature of the seventeenth-century English politics that inspired Hobbes's metaphor of the uncivilized state of nature as a 'war of all against all,' just as civil war in France inspired Bodin to develop the idea of sovereignty a century earlier." (Mansbach and Wilmer 2001: 58)

The criteria determining the selection of ethical ideologies in relation to military force implied in the key terms of the research question: *contemporary* and *use of military force* and applied to the research field of ideological articulation have resulted in the following selection of ideological articulations and texts:

- Peace Ethics on Probation, by EKD (2001)
- The Responsibility to Protect, by ICISS (2001)
- United States National Security Strategy, by US Presidency (2002)
- A more secure world: Our shared Responsibility, by UN (2004)

This selection illustrates a Western bias contrary to a text-corpus of ethical ideologies integrating Asian ideologies. The reasons for this particular choice of texts are however that issues of contemporary use of military force is discursively constructed in relation to these ideologies and that they usually are considered to represent different ideas. These four ideologies are analyzed with respect to their ethical signature and thereby by aid of the theory of ethical articulation presented above. The parameters and questions guiding the analysis are the following:

- What signifies the social agent facticity of the text?
- What signifies the textual construction of the primary ethical signature?
- What signifies the textual construction of dislocation?
- What signifies the textual construction of the ontological claim?
- What signifies the textual construction of values and norms or normative strategy?
- What signifies the textual construction of ethical reasoning?
- What signifies the textual construction of antagonism?
- What signifies inter-textuality?

A first consequence of the theory of ethical articulation is the necessity to focus on the context or social agent facticity of the particular ethical articulation, the text to be analyzed, even though it as stated above is impossible fully to account for it. The idea by this question is preliminarily to show the fact that the ideological ethical articulation, the particular text to be analyzed, is a discursive dialectic product, in other words that the text in toto represents a relocation of a particular social agent facticity - that an ethical articulation implies a self-relation of the speaker or author. Accordingly the question: what signifies the social agent facticity of the text of which it is a relocation suggests itself as the first analytical question. Another consequence of the theory of ethical articulation is the important aspect of the primary ethical signature or ethical myth being the condition of possibility for the discursive construction and framing of the dislocation and the correlative ontological claim and the text, the actual relocation motivated by the ontological claim. Therefore, the second analytical question must be: what signifies the textual construction of the primary ethical signature. Or in other words the attempt to locate in the text a primary ethical signature. After this second analytical question the third and fourth follow, the question of the textually constructed dislocation and textually constructed ontological claim, providing the articulated reasoning for the textual relocation, already though latently implied in the primary ethical signature. Following the analysis of these questions the analysis of the textual construction of the corpus of the ethical ideology, the articulations of values and norms or normative strategy

relevant for the textual genre, of the relocation of the particular facticity framed in the dislocation and motivated by the ontological claim can be made. In relation to the analysis of the ethical ideology the aspect of ethical reasoning for the use of military force is analyzed. The two final analytical questions and parameters are consequences of the importance of antagonism and the discursive dialectics of texts. In relation to the last question, the analysis here is limited to the explicit reference to other texts and ideologies.

5.1. Peace Ethics on Probation – Interim Results

The text *Peace Ethics on Probation – Interim Results* (henceforth, PEP) is one of the latest ethical elaborations of the Evangelical Church in Germany, Evangelische Kirche in Deutschland (Henceforth, EKD) related to the use of military force.

EKD – a community of 24 Lutheran, Reformed and United Churches in Germany⁴¹ - has within what has been framed as two decisive periods of our time: the Cold War era and the ongoing post Cold War age (Dockrill 2005: 1), continuously worked on a Christian ethic in relation to the use of military force. During this process the primary norms and values inherent in the particular evangelical ideology and framework of EKD have been EKD's interpretive frame of the political dislocations within these timeframes. EKD's ongoing elaboration of a Christian ethic articulated in what EKD frames as Denkschrifte or Memorandums in relation to use of military force has been and is continuously EKD's relocation and fixation of a contemporary Christian identity and subject position, within this interpreted facticity.

In an article by E. M. Pausch, the presiding executive secretary of EKD's Chamber for Public Responsibility, the discursive order or framework of the elaboration of the ethical memorandum or the particular genres of EKD's ideological ethical articulations are explained in detail. Five important rules and meta-norms guide the textual elaboration: First, in relation to the motivation and frame behind the production of a memorandum, that:

At the beginning there is usually a commission, or request. The Council requests the Chamber of Public Responsibility, which is traditionally responsible for such issues, to draft a text on current issues of peace ethics and peace policy. Then the Chamber begins to discuss the issue from all sides and starts to draft a text. The composition of Chambers and Commissions of the EKD is always interdisciplinary

⁴¹ EKD is based on federal principles at all levels: "Each local congregation is responsible for Christian life in its own area, while each regional church has its own special characteristics and retains its independence. Without in any way diminishing the autonomy, the EKD carries out joint tasks with which its members have entrusted it. The EKD has the following governing bodies, all organized and elected on democratic lines: the Synod, the Council and the Church Conference. They are responsible for fulfilling the EKD's tasks as laid down in the Constitution of the EKD. (EKD 2003: para. 1 of 1) In addition, and according to the constitution of EKD, article 22.2, the EKD has consulting chambers: "Zur Beratung der leitenden Organe" (EKD 1948: para. 10 of 18). EKD has five of these consulting chambers, and one chamber is *Kammer für Öffentliche Verantwortung* – Chamber of Public Responsibility - the chamber, which produces the articulations related to ethics of military force to be presented to and accepted by the Council and made public.

and pluralistic. For this reason, it is normally anything but easy to reach a result which everyone supports. But this is the aim. A comprehensive consensus is a valuable commodity and the ideal goal, but generally rather rare. It is more often the case that workable compromises are the result. But the discussion can also lead to unbridgeable dissent. In a situation such as this, one can make progress in these ethical discussions by drawing up a meta-consensus about consensus and dissent and making controversial or open questions as such. Finally, the bodies of the EKD (usually the Council) have a right to either accept or reject the proposals submitted to them by the Chambers and Commissions. In the case of acceptance, they can also determine the degree of identification. A paper can be published as a “Word of the Council” or just as a vote by the Chamber; it can be called a “memorandum,” a “word” or “declaration”, or it may be identified as a discussion contribution, an aid to argumentation, a working paper, or a collection of “orientation points”. It may appear as a publication by the EKD alone, or it can be a joint declaration by the EKD and the Conference of German Catholic Bishops, or be published jointly with other Christian churches. In each case it will have a different character. (Pausch 2003: 3-4)

Second, in relation to EKD’s main reasoning principle and norm guiding the elaboration of a statement made public in the genres mentioned above Pausch, quoting Luther’s famous speech at Worms in 1521, presents EKD’s hermeneutic principle:

Unless I am convinced by **Scripture** and plain **reason** – I do not accept the authority of the popes and councils, for they have frequently erred and contradicted each other – so by the passages of the holy scriptures that I have cited, my conscience is captive to the word of God. Therefore I cannot and will not recant anything for to go against conscience is neither right or safe. God help me. Amen! (Pausch 2003: 4)

The point being that:

Compatibility with the Scripture is essential, but in no way is it sufficient on its own. Appropriateness is also necessary.... “compatibility with Scripture” and “appropriateness” are always the deciding regulatory principles of the method followed by the Chambers and Commissions of the EKD when elaborating their texts. (Pausch 2003: 5)

Third, in relation to the recipient of the memorandum, the presented statements should be easy to understand:

EKD must make clear what the point of faith really is – for example, in relation to peace. It has to explain this in simple language, for the benefit of everyday, practical church life. Pastors, grass roots level, church officers and church employees at all levels of church life should normally be able to understand the essence of a statement about the position of the EKD without needing a dictionary or further research. (Pausch 2003: 2)

Fourth, the Chamber is not working in a vacuum or ex nihilo. The foundation on which EKD’s peace ethic is developed is:

The Biblical testament, the church doctrines about war and peace which have been passed down to us. There are three main ones: the doctrine of the holy war, the doctrine of the just war, and the doctrine of radical Christian pacifism. These three doctrines form the raw material for a new product which is to be developed. (Pausch 2003: 5)

Fifth, EKD is continuously working in its memorandums to: “Draft a doctrine of just peace that is helpful in practice for action for peace in the church and society.” (Pausch 2003: 7) Rearticulating

the idea of just peace already present in Augustine,⁴² EKD's ambition is to elaborate a comprehensive ethical ideology in relation to peace and:

The doctrine of a just peace aims to emphasize those political, economic and other societal factors that make it possible to make peace and to avoid the use of military force. (Pausch 2003: 8)

The present corpus of EKD's memoranda can be seen as part of the ecumenical discursive dialectics echoing the experience and the end of World War II. Especially the normative framing made in 1948 by the World Council of Churches that: "Krieg soll nach Gottes Willen nicht sein" has been a continuing norm (Pausch 2001). In 1959 the threat of unconventional warfare in the form of the nuclear arms race called for a Christian response, which was articulated in the *Heidelberger Theses*, theses which were not accepted as official statements. However, especially thesis five came to be a norm guiding the peace ethic of EKD: "Der Weg zum Weltfrieden führt durch eine Zone der Gefährdung des Rechts und der Freiheit, denn die klassische Rechtfertigung des Krieges versagt." (EKD 1982: 79)

Three texts are in particular to be considered part of the just peace tradition, related to the use of military force, produced and made public by EKD. The first text from 1981 is the text *Frieden Wahren, Fördern und Eneuern*, a response to the nuclear threat developing on German soil. In the seventies and eighties nuclear rockets of the type SS20 were deployed in East Germany and Pershing II nuclear rockets were deployed in West Germany, causing great concern, especially in West Germany. The end of the Cold War in 1988/89 and the armed conflicts in the former Yugoslavia resulted in 1993/94 in the text *Schritte auf dem Weg des Friedens: Orientierungspunkte für Friedensethik und Friedenspolitik*. Seven years later, in 2001, and in the context of the intervention in Kosovo, a new text was elaborated and presented with the title *Friedensethik in der Bewährung: Eine Zwischenbilanz zu Schritte auf dem Weg des Friedens: Orientierungspunkte für Friedensethik und Friedenspolitik*.⁴³

The text and ideological ethical articulation selected among EKD's three memoranda related to the use of military force is as mentioned the English version of the text from 2001, *Peace Ethics on Probation* or PEP. The text is as stated above part of the ongoing articulation of a Christian peace ethic within the EKD, and is the particular product of the following synod decision and request:

Die Synode bittet den Rat, die Erarbeitung einer Friedensdenkschrift in Auftrag zu geben. Sie soll spätestens in zwei Jahren vorliegen. Dabei *sollen* die Themen berücksichtigt werden, die in der Kundgebung der Synode von Osnabrück 1993, in der Studie „Schritte auf dem Weg des Friedens“ von 1994

⁴² "Itaque pacem iniquorum in pacis comparatione iustorum ille videt nec pacem esse dicendam, qui novit praeponere recta pravis et ordinas perversis. (He, then, who knows enough to prefer right to wrong and the orderly to the perverse, sees that the peace of the unjust, compared with that of the just, does not deserve the name of peace at all.) Augustine, Civ. Dei. XIX.xii.

⁴³ Pausch describes this text as an elaboration and composition of other texts, due to the fact that its: "contents follow both the orientation points of 1994 and the valid EKD memorandum [EKD 1981]" (Pausch 2003: 3)

und im Ratsbericht 1999 benannt sind. Dies gilt besonders für folgende Themen: Zielkonflikte (z.B. „Menschenrechtsverletzungen dürfen nicht sein“ und „Krieg darf nach Gottes Willen nicht sein“), Probleme der eurozentrischen Sicht, ethnische Konflikte, Dialog der Kulturen, Rolle von Frauen, neue „Nato Doktrin“, Dekade „Gewalt überwinden“ (Harare) militärische Gewalt als Abschreckung. [emphasis added] (EKD 1999: para. 1 of 1)⁴⁴

This request at the 1999 synod of EKD is the main ontological claim that PEP is a relocation of. Below the text will be analyzed in order to present its ethical signature.

5.1.1. Peace - The Only Target

The primary ethical signature – the primary subject position, norms and values - of PEP is seemingly directly articulated with respect to the primary norms. The primary subject position is however presupposed. There is no frequent use of pronouns which can point out a primary subject position. Instead it is implicitly present. This presupposed primary subject position can be framed as a *Christian identity* or *God-given identity* made available to all to identify with. In PEP one primary value is seemingly articulated in relation to this primary subject position. The concept of *peace*, a central biblical value is presented and framed as the primary value: “The target of Christian ethics is only peace, never war.” (PEP: 5). This primary value is furthermore a rearticulation of the value of the Christian ethic presented in EKD’s text from 1982: “In der Zielrichtung christlicher Ethik liegt nur der Frieden.” (EKD 1982: 48). As correlatives to this value three norms are articulated: “Safeguarding, promoting, and renewing peace is the commandment which has to be pursued by every political responsibility.” (PEP: 5) These three norms are presented and constructed as primary norms of PEP. The primary value of peace and these correlative norms of safeguarding, promoting and renewing peace constructed in PEP are discursively related to two additional norms:

Evangelical peace ethics is fundamentally orientated according to the ban on killing of the Decalogue and the commandment to love one’s enemy as Jesus proclaimed in the Sermon on the Mount. (PEP: 9)

The command to love one’s enemy and the ban on killing represent the explicit Biblical context of the primary ethic of PEP. These two norms together with the primary subject position, value and correlative norms mentioned above constitute the primary ethical signature of PEP, the constructive and interpretive framework of the subsequent norms and values of PEP, the norms, dis-norms, values and dis-values articulated in PEP. This is seen in the illustration of auxiliary norms presented below.

⁴⁴In spite of this official call for an elaboration of EKD’s peace ethics, it is underlined by Pausch that: “Im Rat der EKD besteht indes Einigkeit darüber, dass die bisherige Friedensethik der evangelischen Kirche nicht in *ihren Grundsätzen* revidiert werden muss.” (Pausch 2001: 22) In addition the framing of the request by the synod is remarkable in relation to the change from the original use of the word *soll* originating from 1948 WCC meeting, to the weaker and less determined verb *darf*.

Values		Norms	
Value	Dis-value	Norm	Dis-norm
Defence against terrorist danger	Terrorist attacks	Fight against terrorism	
Improved security standards for citizens	Threats to peace	Strengthen the international peace system	
Long term concepts for conflict prevention	Unfair conflict causing or increasing structures	Provide non-military capacities of conflict prevention and crisis management	
Non military means	Fight based on military means	Extending ways of civil conflict treatment	
Human rights	Violation of human rights	Implement human rights	
Rule of law	Undermining of the prevailing international law	Promote an international law system	
Reconciliation work	Hatred		
Peacekeeping	Violence	Seek Peaceful means	
Protection of threatened people	Lack of recognition of the claims and rights of minorities	Help the victims of oppression and violence	
Statute of permanent Hague court	War crime	Prosecute massive violations of human rights and crimes against humanity	

These values, disvalues, and norms thereby prove the fact, that the primary ethical signature presented above is the quasi-transcendental condition for the auxiliary norms and values, and that these in turn rearticulate the primary ethical signature, or ethical myth or hegemonic formation of PEP.

5.1.2. New Types of Global Conflicts

The dislocations in relation to the use of military force and the peace ethic constructed and articulated in PEP, which must be viewed in relation to the context and social agent facticity of PEP presented above, are of two interrelated types: external and internal. The external dislocations are presented as the de facto presence and proliferation of armed conflicts - especially in the framing of gross violations of human rights by sovereign states and of violent conflicts within states. In relation to this new facticity the internal dislocation is presented as both positive and negative: positive with respect to the validity of EKD's peace ethic, negative in relation to its public application and insufficiencies. EKD's peace ethic is evaluated as imprecise and with unattended aspects of ethical agency in relation to use of military force. In toto, the proliferation of armed conflicts has revealed both positive and negative aspects of EKD's peace ethic: "There have been developments in the time since 1993/94 which in some ways have changed the situation of peace policy and introduced new demands to the discussion of peace ethics." (PEP: 3) These internal and external dislocations

are exactly what is transformed into an ontological claim, motivating the relocation, the articulation and elaboration of PEP - EKD's edited ethic of peace or military force.

The framing of the external dislocations are articulated several places in PEP, the short version being:

Since the eighties of the 20th century, the type of war where regular armies of enemy states fight against each other, has constantly lost importance. In its place, violent conflicts within states, where the conflicting parties can be more or less identified at least, had a drastic increase in number, duration and intensity. (PEP: 2)

This major dislocation is further elaborated and related to the Kosovo war:

The immediate link of the Kosovo war, in spring 1999, with the military conflict itself has stimulated and stirred the discussion of peace ethics, especially in the retrospective reassessment of the occurrences. This particularly due to two factors: The military course of action of the Nato [sic] has neither been confirmed by an explicit mandate of the United Nations nor has it been covered, and the political success of the military intervention of the Nato appeared only when the air raids – in contrast to the norms of the international law and its underlying ethical criteria – were aimed against the Serbian infrastructure instead of exclusively military objects. (PEP: 4)

Another important framing of dislocation in PEP is related to the international and global peace system, the dislocation being:

In the present state of the international system, there is no supranational monopoly on force standing by the common ban on violence. No internationally recognized law for (unilateral) intervention corresponds to the moral demand of emergency help, although art. 51 UN-Charter does make an attempt. (PEP: 10)

The internal dislocation is as mentioned framed both positively and negatively: positively as a reaffirmation of EKD's text from 1993/94:

Whoever examines the statements about peace ethics of the Evangelical Church in Germany, published in 1993/94, about their viability in light of the occurrences and developments since then will reach a conclusion: The peace-political attempt of those days remains viable and convincing. (PEP: 4)

The negative framing of the internal dislocation in PEP foremost concerns the application of the norms and values of the text from 1993/94 - the inconsistency in the public application of the ethic:

How the Evangelical Church assessed (and still assesses) the Kosovo war in terms of peace ethics is marked by uncertainty and discrepancy. This is not actually due to an unproductiveness of the statements about peace ethics of 1993/94, but to an Evangelical Church who does not consequently apply the included criteria and contribute them to the political judgment formation. (PEP: 4)

In addition hereto the internal dislocation is implicitly framed in the words: *resumption*, *clarification*, *supplement*, which frame the aim of PEP in relation to EKD's text from 1993/94. In spite of the stated validity the text from 1993/94 is not complete, it is to some extent ambiguous, and it has faults. These implicit framings constitute the additional negative dislocation.

These interrelated internal and external dislocations within the social agent facticity of EKD are the background on which to see and understand the claim to elaborate EKD's peace ethic or ethic related to use of military force articulated in PEP as a relocation of this social agent facticity.

5.1.3. The Need for Emphasis and Completion

The textual articulation of the ontological claim in PEP appears in relation to the presentation of what above was framed as the internal dislocation of PEP:

There have been developments in the time since 1993/94 which in some ways have changed the situation of peace policy and introduced new demands to the discussion of peace ethics. *They require* a critical examination of the formerly presented statements about peace ethics of the Evangelical Church in Germany, the confirmation where they have proven to be viable, but also a completion and resumption where additional clarification has become necessary. [emphasis added] (PEP: 3)

Here the ontological claim is framed and invoked by the phrase *they require*. The context of this framing furthermore explicitly articulates the synthesizing aspect of the ontological claim - the transformation of *is* to *ought* generated by the ontological claim. The presentation of the dislocation: *there have been developments in the time since 1993/94* is immediately followed by the presentation of the ontological claim in its ontical clothing in the framing: *they require a critical examination of the formerly presented statements about peace ethics of the Evangelical Church in Germany*.

The same logic is seen in the second framing of the ontological claim:

Looking back on the incidents and developments of the past years, whatever can and must be said conforms clearly with former statements about peace ethics. Therefore, the following explanations are subdivided into two steps: First the main principles of peace ethics which have proven to be viable even in 1993/94 will be emphasized and clarified as well as their viability in the following period. Then some aspects will be dealt with which must be included as supplement or resumption in face of the latest developments. (PEP: 5)

The claim to: emphasize, clarify, resume, and supplement the text from 1993/94 can thereby be presented as the ontological claim motivating the elaboration to PEP, the relocation of the dislocated facticity of EKD.

5.1.4. Peace Ethics on Probation – Interim Results

The ethical ideology or normative strategy of EKD in relation to use of military force is in PEP constructed under nine headlines and framings. The first five headlines explicitly draw on the ethic from 1994 and function as auxiliary values and norms of EKD's peace ethic. The last four headlines define some additional important ethical discursive areas not accounted for in the 1994 text.

These first five headlines, norms and values, of EKD's ethic of military force and peace are:

1. Just Peace – the basic Idea of Christian Peace Ethics
2. The Priority of Non-Military Instruments in Safeguarding Peace
3. Extending Ways of Civil Conflict Management
4. Strengthening the International Peace System as a Legal System
5. The Deployment of Military Force as ultima ratio

The four additional ethical discursive areas are:

6. International Law, Mandatation and “Humanitarian Intervention”
7. The Function of the NATO and the European Security Policy in the Framework of International Peace System
8. Structure and Mission of the Federal Armed Forces
9. Civil Conflict Treatment and Civil Peace Services

In relation to these nine ethical aspects and points of EKD’s ethic of military force from 2001 the ethics of EKD will be analytically presented in the following chapters.

5.1.4.1. Just Peace – The Basic Idea of Christian Peace Ethics

Drawing on the three primary norms mentioned above and articulated in EKD’s text of peace ethic from 1981 – safeguarding, promoting, and renewing of peace - and the call for the development of a doctrine of just peace at an ecumenical meeting in Dresden and Magdeburg 1988/1989, the concept of just peace is brought forward:

Mit der notwendigen Überwindung der Institution des Krieges kommt auch die Lehre vom gerechten Krieg, durch welche die Kirchen den Krieg zu humanisieren hofften, an ein Ende. Daher muss schon jetzt eine Lehre vom gerechten Frieden entwickelt werden, die zugleich theologisch begründet und dialogoffen auf allgemein menschliche Werte bezogen ist. Dies im Dialog mit Andersglaubenden und Nichtglaubenden zu erarbeiten, ist eine langfristige ökumenische Aufgabe der Kirchen. (EKD 1991: 22)

The point in relation hereto is as stated by Pausch, that „Die EKD hat sich in ihren gültigen friedensethischen Verlautbarungen auf die Lehre vom gerechten Frieden festgelegt.“ (Pausch 2003: 21) The reasoning behind this concept is, however, in the framework of PEP somewhat surprisingly presented as a utilitarian motivation and reasoning. The main argument being that peace – the target of EKD’s ethic related to use of military force – is only possible if justice is seen to: peace cannot be defined in a military way only, but depends on the individual and global experience of justice:

Security cannot only be defined in a military way. It depends on a fair distribution of living chances between North and South, between East and West, on the observance of the human rights, on strengthening constitutional democratic structures, and on the protection of the natural vital resources. (PEP: 5)⁴⁵

⁴⁵ This realist motivation for justice being a necessary part of peace is rearticulated in Haspel’s interpretation of EKD’s ethics: “Evangelische Friedensethik hat einen erweiterten Friedensbegriff, der zum Ausdruck bringt, dass Frieden dauerhaft nur erreicht werden kann, wenn Menschenrechten Geltung verschafft, Gerechtigkeit im sozialen und ökonomischen Bereich ermöglicht wird und die natürlichen Lebensgrundlagen bewahrt werden.“ (Hapsel 2001: 29) This realistic motivation occurs at other places in PEP (PEP: 7) however, in the question of the use of military force, the Christian ban on killing and love of enemies become the reasoning behind the norm to limit the use of military force, and not a realist concern and experience of the benefits of the limitation of violence. Ac-

The interesting issue is that EKD could have reasoned for a concept of just peace from their Christian ideological foundation, the point being that the biblical idea of peace includes justice, a point being underlined by Augustine (Augustine Civ Dei: XIX.xii). Instead EKD arrives at this widened concept of peace from a utilitarian position, justice being asserted to be a prerequisite of peace, understood as the absence of violence only. Thereby just peace merely in a deviatory fashion is reasoned as the basic idea of a Christian peace ethic.

However, this wide idea of peace asserted to be realistic and attainable only as a *just peace* – a secondary value of a Christian ethic – is elaborated into four tertiary political values, which in toto articulate the idea of the value of just peace:

Values of Just Peace:

1. Rule of law ensuring the protection of freedom, and, consequently, legal security
2. Economical balancing, which contributes to the reduction of gross economical differences thus soothing destitution and despair
3. International organizations and the international law which serve the purpose of protection from unlawful violence
4. A culture of social manners and contact with minorities and people of a different ethnical origin which opposes intolerance and nationalistic tendencies

The subsequent point made in PEP is that these values must be considered as global values both to be of utility within nations and between nations.

Two additional points are made in PEP in relation to just peace as a value of Christian ethic. First, that this value – at least in a German context - is an ecumenical value, the Roman Catholic Church subscribing to the same concept as a central value of a Christian peace ethic (Deutsche Bischofskonferenz 2000: 1). Second, that this new idea and value of Christian ethics, just peace, is not in conflict with the old Christian doctrine of just war, instead it includes the reasoning and logic of the just war doctrine – the orientation towards limitation of violence.

5.1.4.2. The Priority of Non-Military Instruments in Safeguarding Peace

The second ethical consequence drawn from the primary ethic of EKD and PEP is the norm of priority given to non-military instruments, which also draws on the ecumenical meeting in 1988/1989 (ÖRK 1989), framing a Christian ethic related to use of military force as *prior option of freedom from violence* or *Vorrangige Option für die Gewaltfreiheit* (EKD 1991: 22) This phrase and framing becomes like the concept of just peace a value for Christian ethics in relation to the use of military force, a value which calls for non-military instruments in safeguarding peace. These instruments are discursively expressed and constructed in the following seven norms:

cordingly EKD needs to define what a Christian idea of peace includes, instead of using peace in the way it is predominantly used in the political discourse.

Norms of non-military instruments:

1. Political exertion of influence and a preventive diplomacy
2. Efforts for fairer conditions and circumstances in world economy and for the protection of the natural vital resources
3. Economical, social and cultural cooperation
4. Establishing civil ways of conflicting and regulations with the objective of a constitutionally secured co-existence
5. Foundation and deployment of peace services as completion and resumption of peace-keeping activities beyond the military action
6. Progress in disarmament and the restriction of arms trade
7. Imposition of peaceful sanctions and measures of embargo

5.1.4.3. Extending Ways of Civil Conflict Management

The norm of extending ways of civil conflict management is at first not elaborated into sub-norms but only presented as a norm opening the door into a new or underdeveloped field of peace ethics. However, in theme nine – *Civil Conflict Treatment and Civil Peace Services* - within PEP it is further elaborated. Therefore, the ethic related to this discursive area is presented here.

The initial point made in PEP is that the German idea in relation to non-military treatment of violent conflicts, the concept of *civil conflict treatment*, is more appropriate than the framing: *peace building*, suggested by Anglo-Saxon peace research (PEP: 15), a conceptual framing also used within the international military discourse. The point made in PEP is that the framing: *civil conflict treatment* besides the non-military aspect signifies:

Firstly, that not only the politico-diplomatic level is responsible for activities, but the citizens; secondly, that these activities are directed towards the peace-promoting reorganization of relationships in a community. (PEP: 15)

The discursively constructed ethic - norms and values - for the civil conflict treatment are the following:

Values and Norms of Civil Conflict Treatment:

1. A much stronger finance- and organization-wise support for differentiated peace services must be demanded on the level of policy and social effort
2. Clarification in fields of allocation of responsibilities, competence, and cooperation between civil and military activities is urgent
3. More weight will have to be given to the perspective of a permanent reconciliation, a foundation on which future conflicts can be solved violence free, in order to put an end to the cycles of violence which are deeply carved into history
4. The church serves peace in prayer, organization of church services and education for peace
5. The Evangelical church can resume the experiences collected in civil Christian peace services and strengthen a long term peace and reconciliation work in connection with other organizations
6. Attention is paid to the further development of job outlines and training offers and the protection of qualified fulltime experts

In addition PEP underlines EKD's identification of four fields and frames of action in relation to Christian peace services: *social peace services*, *field of action of regional peace work*, *conflict training*, and *professional peace service*.

The ethic of civil conflict treatment tends to be more words than action, which must be seen together with PEP being presented as part of an ongoing attempt to construct a doctrine of just peace and a coherent Christian peace ethic.

5.1.4.4. Strengthening the International Peace System as a Legal System

The norm calling for a strengthening of the international peace system is expressed in three sub norms (PEP: 7):

Values and Norms of an International Peace System:

1. An international peace system which ought to be in working order must be formulated and established in law in a certain way, and therefore be institutionalized at least basically, and it must be under the rule of law
2. In case of conflict law must be carried out
3. The universal acceptance and implementation of human rights is an important factor for strengthening the international peace system as a legal system

These norms are additionally supplemented under theme six mentioned above: *International Law*, *Mandatation* and *Humanitarian Intervention*. The important issue presented in PEP is that global rule of law does not exist. The only global authority present, the United Nations, is according to EKD, weakened by the rule of veto, which can block - as in the case of Kosovo. Because of these insufficiencies of the Security Council, a new norm strengthening the UN-system is suggested (PEP: 10):⁴⁶

4. A regional establishment of the United Nations (like the OSCE) would only be entitled to the use of coercive measures if 1. it has asked the Security Council to act, which, however, is not capable of acting, if 2. the Security Council does not explicitly deny an existing threat to peace and if the action 3. takes place into the principles of the United Nations

These four norms are additionally supplemented with five norms in theme seven related to the Function of NATO and the European Security Policy in the Framework of International Peace System. These norms are the following (PEP: 12):

⁴⁶ Delbrück rightly points to the fact that this norm is both compatible and embedded in the UNCh cf. art. 52 and 53. (Delbrück 2003: 173-174)

5. To the case of NATO, these endeavors [for a relatively independent European security policy] , must care for compatibility with the Charter of the United Nations. Especially the military component of a European security must be drawn up in at way that it fits into and strengthens the peace-keeping mechanism of the United Nations. In particular, this would mean: the priority of conflict prevention, the mandation for deployment by the United Nations or a regional system of collective security and a narrow geographical limitation to the range of the European security and defence policy
6. It is an imperative of peace policy that – in accordance with the resolution passed at EU-council meeting in Göteborg, June 2001 – the aspired Common European Security and Defence policy (CESD) is institutionally enabled to reliably provide the non-military capacities of conflict prevention and crisis management
7. In order to promote the appropriate political processes, a large-scale democratic consensus on the foundation of a lasting political sensitization for the problematic nature of peace must be found
8. We must succeed in overcoming the gap between the financial means for military crisis intervention which are quickly made available because of extremely alarmed public attention, and the much lower means for a permanent keeping of the peace
9. A closer and coordinated cooperation between civil and military authorities is necessary

5.2.4.5. Ethical Reasoning: The Deployment of Military Force as *Ultima Ratio*

Drawing on the concept of *ultima ratio*⁴⁷ from JWI, PEP turns to the question concerned with the ethical reasoning for use of military force. Here the four following norms are articulated (PEP: 8):

Values and Norms in relation to use of Military Force - *ad bellum*:

1. The more the use of military force abandons the idea of emergency aid and self-defence and the more it is extended i.e. not only to destroy arms but people, not only to destroy military institutions but indiscriminately everything, the less it may be represented and supported
2. The use of military force may be supported, even the more, the closer in the sense of emergency aid and self-defence it remains to the protection of threatened people, of their life, their freedom and the constitutional democratic structures of their communities and the more precisely and exclusively only offensive military means are destroyed
3. In order to emphasize that the use of military force is an option of action which is to be applied with greatest reserve and after careful examination only, it is called “*ultima ratio*”, i.e. the very last consideration or measure. This phrasing properly expresses that from the ethical point of view the use of violence for the protection of peace is a borderline case. It must be ensured that a borderline case remains a borderline case
4. *Ultima* does not mean “last” according to time, but “last” according to the extent of the exercised force.... True is that any process of sounding and examining a certain political state does have a dimension of time. Rash action having not examined the definite situation is ethically not acceptable. Thus a qualitative interpretation of the term of *ultima ratio* will have to include the aspect of time. This aspect of time, however, must not cause a belated taking of necessary military measures which thereupon would not be able to fulfill their functions.

This ethical reasoning is supplemented with regard to the discursive areas: International Law, Mandation and Humanitarian Intervention, with four additional norms and criteria of military intervention (PEP: 11):

⁴⁷ The ambiguity of the concept of *ultima ratio* is acknowledged in PEP, and accompanied with the call for an analysis of the concept (PEP: 9). However, one aspect of *ultima ratio* different from the Roman Catholic Friedenswort from 1984 is pointed out. That *ultima ratio* is not a temporal category which signifies the last measure in time. (Delbrück 2003: 171).

Values and Norms in relation to use of Military Force - ad interventum:

1. The decision about such intervention which must not be left to the sovereignty of individual states is taken in the framework and according to the regulations of the United Nations.
2. In the framework of protection or the re-establishment of a legally drawn up peace system, the policy is in charge of clearly to-be-stated objectives
3. The prospect of success judged by the objectives is estimated in a sober way.
4. From the very start the ending of such intervention is taken into consideration.

These criteria and norms guiding the ethical reasoning for military intervention obviously resemble the criteria of JWI, also underlined by Pausch (Pausch 2003: 23). These criteria were first presented in the EKD's text from 1994, where the EKD at the same time explicitly distanced itself from JWI, which however is not the case in PEP (PEP: 11) as also underlined by Haspel (Haspel 2002: 266-67). This attitude toward JWI of EKD is though to some extent unproblematic owing the logic related to having human life as a value. Haspel is not aware of that fact when he points out that:

Signifikant ist, dass hier wieder auf den Bestand der Kriterien der „Lehre vom gerechten Krieg“ zurückgegriffen wird und diese gleichzeitig in ihrem systematischen Ansatz ausgeblendet wird. Dies hat zur Folge, dass die Kriterien nur unvollständig herangezogen werden. (Haspel 2001: 22)

In addition the jus ad bellum and the jus ad interventum aspects expressed in the norms above, are supplemented with the jus in bello aspect in the following five norms and values: (PEP: 11)

Values and Norms in relation to use of Military Force – in bello:

1. The orientation according to the regulation of the international law of war obtains priority where warfare is submitted to restricting conditions
2. The use of violence must obey the principles of proportionality and may not take place excessively
3. Cruel behavior against military opponents must be stopped
4. Consequences of fighting for the civilian population must be stopped, or at least minimized
5. The victims are entitled to receive help, regardless of their membership of a conflicting party.

5.1.5. Opposing Values

The antagonism articulated in PEP is primarily related to issues of international peace from the perspective of a Christian identity underlined in the primary subject position of PEP.

The implicit value and norm exclusion implied in the ethical ideology presented in chapter 5.2.4 above constructs an antagonism which can be framed as the negation of the five normative framings: *not having just peace as the basic idea of Christian Peace Ethics, to prioritize use of military force in safeguarding peace, not extending ways of civil conflict management, not strengthening the international peace system as a legal system and deploy military force not as ultima ratio*. This implicit antagonism implies the exclusion of classical realism, which will be seen

is excluded by all the ideologies analyzed, and substituted by what I frame as global realism (PEP: 5).

The explicit value and norm exclusion has a high frequency in PEP though with the explicit exclusion predominantly articulated as disvalues, illustrated below.

Disvalues
Terrorist attacks
Threats to peace
Violent conflicts within states
Fight based on military means
Rapid willingness to talk about war
Hatred
Fanaticism
Breeding grounds for terrorist movements
Breaches of the law
Civil victims
Armed attack
Killing
Undermining of the prevailing international law

Regarding the implicit antagonists the antagonism of PEP includes all the actors not agreeing with the ideology of PEP which in particular means the agents not respecting that peace must be the aim of all actions related to international relations, and that the main authority when it comes to the use of military force must be the UN. Regarding explicit antagonist PEP different from the other ideologies downplays the element of antagonism. There is no protagonist-antagonist relation in the normal sense of opposing individuals, groups or major agents. The protagonist-antagonist relation is instead ethical ideological as a protagonist-antagonist relation in the sphere of values and norms. This is illustrated in the antagonism in relation to values and dis-values illustrated above.

The character of hegemonic aspirations is related to the above presented ideological and ethical antagonism, the hegemonic aspiration constructed in PEP is the constitution of a global rule of law, an international and global legal system being enforced by competent actors, in order to uphold a just peace.

In relation to this hegemonic aspiration the textual orientation to difference is to be understood. The limitation of difference – when difference with respect to social agency cannot be tolerated - is the actual threat to undermine or the actual undermining of the difference articulated in the human rights. In relation hereto, law - including human rights, - must be enforced. However, this regime of law enforcement is supplemented with the idea of reconciliation. In EKD's ideological logics implied in PEP the thesis of antagonism is proved: even the most differentially open ethical

ideology has limits, the limits of a radical differentially orientated ideology being a subversion of difference.

The genre of antagonism in PEP is distinguished by an affirmation of the biblical criteria that the final moral judgment of a particular social agent - different from a moral judgment of a particular social agent act, different from the judgment within the earthly legal system - belongs to God and God alone (Matthew 7:1; Luke 6:37). This is linguistically expressed in two ways, first in the non-use of language generating feelings and emotions of hate, and second in the desistance from making scapegoats, naming evil persons and agents by category or by name.

5.1.6. Core Biblical and Supportive References

The rearticulation of norms, values, and ethical discourses, in PEP, is differentiated in three main discourses. The Biblical discourse represents the core reference. In concentric circles around a core made up by the Bible the confessional and ecumenical, and the political and international discourses are situated. This differentiated reference illustrates what has been framed as the main characteristic of EKD's ethics, the fact that it can be framed as *Rechtsbefolgungs-Ethik*: "Die Verteidigung des Rechts und Rechtsstaates und die Förderung eines Ethos der Rechtsbefolgung sind grundlegende Beiträge friedenspolitischer Verantwortung." (EKD 1994: 35) In other words, the protestant peace ethics of EKD considers Christian ethics of military force to be compatible and even expressed in the ethical ideology articulated for example in the UNCh and the ideology of a global rule of law. Hereby the traditional Protestant ideology of *iure bellare* as articulated by Luther and Melanchthon in Confessio Augustana XVI is represented. Confessio Augustana XVI as Zeddies has underlined invokes the legal framework as the proper ethical framework for use of military force: "Nach dem *iure bellare* kann es lediglich um rechtmässige, nach damaligen Rechtsvorstellungen also legitim geführte Kriege gehen." (Zeddies : 126). An issue also pointed out by Berman (2003) in his analysis of Luther's and Melanchthon's legal philosophy. In relation to the use of the Biblical discourse the ethical ideology drawn upon is from the locus classicus in Matthews 5,43-44: "You have heard that it was said, Love your neighbor and hate your enemy. But I tell you: Love your enemies and pray for those who persecute you". This primary Christian norm is supported by a reference to the Decalogue, the norm articulated in Exodus 20,13: "You shall not murder". In relation to the confessional and ecumenical references PEP draws on its former texts: EKD (1981) and EKD (1994). In addition PEP draws on ecumenical reasoning of: GDR (1988, 1989), GCB (2000) and WCC (2001). In relation to the political and international discourse PEP draws upon the UNCh, UN (1950), EU (2001), NATO (1999).

5.2. The Responsibility to Protect

The ethical ideology to be analyzed here is the text *The Responsibility to Protect* (henceforth, RTP). It is a Canadian report from 2001 primarily concerned with the international issue and concept of *intervention* for human protection purposes:

This report is about the so-called “right of humanitarian intervention”: the question of when, if ever, it is appropriate for states to take coercive – and in particular military – action, against another state for the purpose of protecting people at risk in that other state. (RTP: VII)

This concept of humanitarian intervention was the central security issue in the first decade of the post-Cold War period, defined by Wells as: “Assistance provided to people within a nation by outsiders without the consent of the national government.”(Wells 1996: 214) As vaguely hinted at in the title RTP is a reframing of intervention for human protection purposes, almost exclusively framed as *humanitarian intervention* within the contemporary discursive dialectics (Garrett 1999; Brown 2002; Lang 2003; Welsh 2003; O’Hanlon 2003; Davis et al. 2004).

The concept of intervention is an international security issue decidedly related to the dilemma between the international norm of non-intervention and sovereignty – “the competence, independence, and legal equality of states.”(RTP: 6), - and the growing international value and importance of human rights. The idea presented in RTP is that instead of *humanitarian intervention* the framing *responsibility to protect* must be invoked. It is supposed to be a far better frame for political emergencies and situations where gross violations of human rights call for military or other less coercive types of protective intervention within the borders of a sovereign state. By using this frame the perspective and discourse in accordance with the growing value of human rights vis-à-vis sovereignty is changed by moving from the right to intervene to the responsibility of the sovereign state and the international community to protect the individual. Thereby, the individual, the human beings suffering from intra-state war are placed and situated at the center of attention. This reframing is part of the main strategy and ambition of RTP to solve the contemporary problems related to intervention, as also stated: “Our report has aimed at providing precise guidance for states faced with human protection claims in other states” (RTP: VIII) Below the more exact facticity of RTP is described, before turning to the presentation and elaboration of the primary ethical signature of RTP.

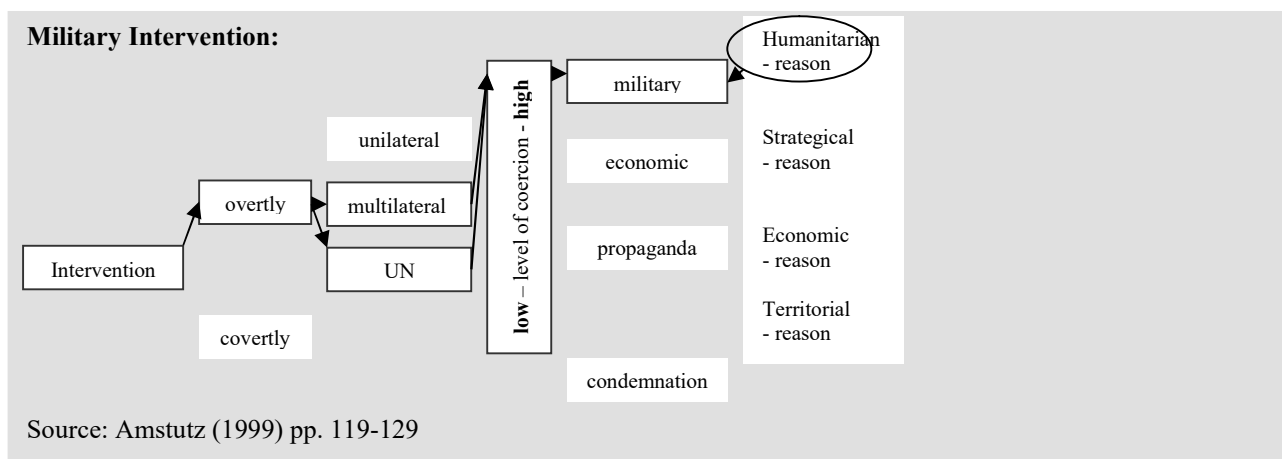
RTP was similar to PEP the result of an official request. In the case of RTP it was a result of a request - articulating a global realism - to the international community made at the General Assembly by UN Secretary General Kofi Annan in 1999 and again in 2000:

A global era requires global engagement. Indeed, in a growing number of challenges facing humanity, the collective interest is the national interest. ...in the event that forceful intervention becomes necessary, we must ensure that the Security Council, the body charged with authorizing force under international law -- is able to rise to the challenge. The choice, as I said during the Kosovo conflict, must not be between Council unity and inaction in the face of genocide -- as in the case of Rwanda, on the one hand; and Council division, and regional action, as in the case of Kosovo, on the other. In both cases, the Member States of the United Nations should have been able to *find common ground in upholding the principles of the Charter*, and acting in defence of our common humanity. [emphasis added] (Annan, 1999: 3)

And:

I would propose this question: if humanitarian intervention is, indeed, an unacceptable assault on sovereignty, *how should we respond to a Rwanda, to a Srebrenica – to gross and systematic violations of human rights that offend every precept of our common humanity?* [emphasis added] (Annan, 2000: 48)

The subject matter of Annan's open request was as shown in the first quote the claim to find a new consensus in relation to the question of humanitarian intervention and the serious current need to protect citizens around the world from gross violations of human rights or genocide due to a proliferation of intra-state warfare. The Canadian government took upon it to answer this request. It established and co-sponsored an international commission with the aim to elaborate a new consensus in relation to this dilemma, to reframe this important issue. The commission was named *the International Commission on Intervention and State Sovereignty* (henceforth, ICISS), thereby, pointing out the main topic of the dislocation, the above mentioned dilemma. ICISS primarily focused on the question of military intervention, being the far most controversial aspect, though intervention as also acknowledged by ICISS can have many different genres. The concept of military intervention for human protection purposes is illustrated below in its relation to other types of international intervention, the arrows signifying the framing of legitimate military intervention in RTP:



The making of ICISS was as stated above an ambitious response to an official request by the UN to bridge the gap between the norms of human rights and sovereignty. This request was however, as also underlined by ICISS, no more than a global and international claim, a claim within international social agent facticity dislocated by both the post-Cold War occurrence of a large

number of internal conflicts and the inadequacy of international law in the first decade of the post-Cold War period - peaking in 1999 with the intervention in Kosovo.⁴⁸ This dislocation of international facticity was as pointed out by Annan furthermore characterized by a lack of consensus in relation to relocation, a lack of consensus framed by ICISS in the following way:

For some, the international community is not intervening enough; for others it is intervening much too often. For some, the only real issue is in ensuring that coercive interventions are effective; for others, questions about legality, process and the possible misuse of precedent loom much larger. For some, the new interventions herald a new world in which human rights trumps state sovereignty; for others, it ushers in a world in which big powers ride roughshod over the smaller ones, manipulating the rhetoric of humanitarianism and human rights. The controversy had laid bare the basic divisions within the international community. (RTP: 1-2)

In light of this the stated mandate of ICISS must be seen:

To build a broader understanding of the problem of reconciling intervention for human protection purposes and sovereignty; more specifically, it was to try to develop a global political consensus on how to move from polemics – and often paralysis – towards action within the international system, particularly through the United Nations. (RTP: 2)

This ambition was by the outset articulated in the multi-national and to some extent mythological organization of ICISS. ICISS consisted of twelve highly experienced scholars and senior politicians from around the world: co-chair Gareth Evans (Australia), co-chair Mohamed Sahnoun (Algeria), Gisèle Côté-Harper (Canada), Lee Hamilton (United States), Michael Ignatieff (Canada), Vladimir Lukin (Russia), Klaus Naumann (Germany), Cyril Ramaphosa (South Africa), Fidel V. Ramos (Philippines), Cornelio Sommaruga (Switzerland), Eduardo Stein Barillas (Guatemala) and Ramesh Thakur (India). The stated idea behind this constitution of ICISS was that:

The membership of the Commission was intended to fairly reflect developed and developing country perspectives, and to ensure that ... [it] represented ... a wide range of geographical backgrounds, viewpoints, and experiences – with opinions, at least at the outset reflecting the main lines of the current international debate. (RTP: 2)

ICISS met six times - the first time in November 2000. To support the ICISS an international research team was created. Furthermore, ICISS held eleven international consultations on different locations around the world: “In order to stimulate the debate and ensure that the commission heard the broadest possible range of views during the course of its mandate.”(RTP: 83) In addition an advisory board was set up by scholars, and former or serving foreign ministers from: Canada, Palestine, United Kingdom, Poland, Mexico, United States, Egypt, Greece, South Africa, and Argentina. The text of RTP was unanimously agreed on by the twelve commissioners. On 30 September 2001 RTP was presented, a date which nevertheless testified the common experience

⁴⁸ Due to this general situation, especially in relation to the evolving crisis in Kosovo, also the Danish government and even earlier than Annan, requested a similar analysis regarding the possibility to protect citizens in spite of the norm of non-intervention (DUPI, 1999: 9). The analysis was published in 1999 with the title: Humanitarian Intervention, legal and political aspect. Also the Netherlands organized an analysis of the issue of intervention published in 2000 with the title: Humanitarian Intervention (CAVV, 2000).

that what is framed as the primary dislocation and claim today can be superseded by another social agent facticity tomorrow. The events and the aftermath of 9/11 very much overshadowed the to some extent new ethical ideology articulated in RTP leaving the editors with no choice but to relate the endeavors of ICISS to the 9/11 incident. However, the reframing and ideology of RTP is beginning to show its force within the discursive dialectics. One example is the fact that responsibility to protect is a central framing of the United Nations reform from 2005 and the ethical ideology to be analyzed in chapter 5.5. Below RTP is analyzed whereby the ethical signature of the ideology is presented.

5.2.1. The Value of Human Life and the Norm to Protect it

The primary ethical signature of RTP is to a large extent openly articulated in RTP. The primary subject position created, articulated and constructed in RTP is the sovereign state, explicitly stated in the very beginning as the first basic principle of the ethical ideology in RTP: “*State sovereignty implies responsibility.*”[Emphasis added] (RTP: XI). The primary ethical identity articulated and constructed is not a particular agent or the global citizen but the state. The primary value related to this primary subject position, representing the classical analogy between the social agent and the sovereign state (Beitz 1979: 50-53) is, echoing the primary values of PEP:

The responsibility to protect is fundamentally a principle designed to respond to threats to *human life*, and not a tool for achieving political goals such as greater political autonomy, self-determination, or independence for particular groups within the country. [emphasis added] (RTP: 43)

The value of human life is thereby the particular value which frames the limits of the additional ethical reasoning. This primary value implies the primary norm of RTP, the norm to protect human beings, which furthermore represents the primary framing of RTP:

Its [RTP’s] central theme, reflected in the title, is “The Responsibility to Protect”, the idea that the sovereign states have a responsibility to protect their own citizens from avoidable catastrophe – from mass murder and rape, from starvation – but that when they are unwilling or unable to do so, that responsibility must be borne by the broader community of states.(RTP: VII)

This identity, value and norm represent the primary ethical signature of RTP, the constructive and interpretive framework of the subsequent norms and values of RTP. This is seen in the illustration of the norms and disnorms, the values and disvalues articulated in RTP presented below.

Values		Norms	
Value	Dis-value	Norm	Dis-norm
Human rights	Human rights abuses	Save from scourge of war	Manipulate external intervention
Human security	State collapse	Promote citizens welfare	Launch campaigns of terror
Rule of law	State repression	Train local police	
Security	Civil wars	Protect at-risk civilians from harm	Refuse to take necessary action
Order	Culture of violence	Prevent human security threatening situations	Trampling over the sovereign rights of small states
Human protection	Crimes against humanity	Bring violators to justice	
Human Life	Slaughter of human beings	Prevent needless loss of human life	

These values and disvalues, norms and disnorms prove the fact that the primary ethical signature presented above is the quasi-transcendental condition of the auxiliary norms and disnorms and values and disvalues, and that these in turn rearticulate the primary ethical signature, or ethical myth or hegemonic formation.

5.2.2. Human Suffering and Lack of International Consensus

The textual dislocation articulated in RTP, framed and conditioned by the primary ethical signature presented above, can be described as two-dimensional. The first and primary dimension is the fact that “Millions of human beings remain at the mercy of civil wars, insurgencies, state repression and state collapse.” (RTP: 11) In other words, contemporary human suffering due to intra-state war and conflict is a central part of the textual dislocation of RTP, also articulated in the following quote:

The most marked security phenomenon since the end of the Cold War has been the proliferation of armed conflict within states.... An unhappy trend of contemporary conflict has been the increased vulnerability of civilians, often involving their deliberate targeting. Sometimes the permanent displacement of civilian populations has been the primary objective of the conflict; there has also been increasing concern about deliberate use of systematic rape to provoke exclusion from a group. (RTP: 4)

This first dimension of the dislocation is however as hinted at above amplified in a second dimension, the de facto and de jure lack of consensus and adequate procedures and principles in relation to the international and practical relocation of this dislocation, centering on the issue of intervention. There is an identity crisis with regard to the identity of sovereign states in relation to the issue of interstate war:

For some, the international community is not intervening enough; for others it is intervening much too often. For some, the only real issue is in ensuring that coercive interventions are effective; for others, questions about legality, process and the possible misuse of precedent loom much larger. For some, the new interventions herald a new world in which human rights trumps state sovereignty; for others, it ushers in a world in which big powers ride roughshod over the smaller ones, manipulating the rheto-

ric of humanitarianism and human rights. The controversy had laid bare the basic divisions within the international community. (RTP: 1-2)

In other words, one dimension of the dislocation is the fact of intra-state conflicts, the other is the inability of the international community to deal with them.

5.2.3. Concerted Action Needed

This framing of the dislocation implies a correlative ontological claim. The ontological claim, articulated in the primary ethical signature, in this case the sovereign state and the value of life and norm to protect human beings, is transformed into the claim to construct tools, solve divisions, bring international norms up to date: “Tools, devices and thinking of international relations need now to be comprehensively reassessed, in order to meet the foreseeable needs in the 21st century.” (RTP: 11) And: “In the interest of all those victims who suffer and die when leadership and institutions fail, it is crucial that these divisions be solved.”(RTP: 1) And:

Above all, the issue of international intervention for human protection purposes is a clear and compelling example of concerted action urgently being needed to bring international norms and institutions in line with international needs and expectations. (RTP: 3)

These articulations of the rearticulated claim are further elaborated into four claims (RTP: 11):

1. to establish clearer rules, procedures and criteria for determining whether, when and how to intervene;
2. to establish the legitimacy of military intervention when necessary and after all other approaches have failed;
3. to ensure that military intervention, when it occurs, is carried out only for the purposes proposed, is effective, and is undertaken with proper concern to minimize the human costs and institutional damage that will result; and
4. to help eliminate, where possible, the causes of conflict while enhancing the prospects for durable and sustainable peace.

However another claim imposes itself due to the framed dislocation, the need for conceptual elaboration and reframing:

Just as the commission found that the expression “humanitarian intervention” did not help to carry the debate forward, so too do we believe that the language of past debates arguing for or against a “right to intervene” by one state on the territory of another state is outdated and unhelpful. (RTP: 11)

These five claims textually framed in RTP are what in RTP is articulated as the motivation for the modal relocation or normative strategy, a relocation which is presented below.

5.2.4. The Responsibility to Protect

The ethical ideology and normative strategy of RTP is elaborated as an answer to these five claims framed above. The first part of RTP focuses on the last claim, the need to clarify the conceptual problems, the need to reframe the discourse of intervention for human protection purposes as responsibility to protect. A responsibility which is furthermore differentiated in three genres: the responsibility to protect, the responsibility to react, and the responsibility to rebuild. The second part concerns the elaboration of these three genres of responsibility, the issue of international authority, and the practical implementation of the ideology. Below these two main parts of the ethical ideology are presented.

5.2.4.1. Reframing Intervention as Responsibility to Protect

The point articulated in RTP is that it both in principle and in practice is reasonable to conceptualize intervention as the responsibility to protect. First, in principle the contemporary concept of sovereignty implies responsibility to protect:

The Charter of the UN is itself an example of an international obligation voluntarily accepted by member states. On the one hand, in granting membership of the UN, the international community welcomes the signatory state as a responsible member of the community of nations. On the other hand, the state itself, in signing the Charter, accepts the responsibilities of membership flowing from that signature. There is no transfer of dilution of state sovereignty. But there is a necessary re-characterization involved: from *sovereignty as control* to *sovereignty as responsibility* in both internal functions and external duties. (RTP: 13)

The point being that sovereignty as responsibility implies three responsibilities for states:

First, it implies that the state authorities are responsible for the functions of protecting the safety and lives of citizens and promotion of their welfare. Secondly, it suggests that the national political authorities are responsible to the citizens internally and to the international community through the UN. And third, it means that the agents of state are responsible for their actions; that is to say, they are accountable for their acts of commission and omission. (RTP: 13)

Hereby RTP by a straightforward analysis of the contemporary concept of sovereignty has argued for the reframing.

Second, concerning international practice RTP argues that three aspects and discourses of international practice confirm the logic of the reframing – the fact that sovereign states today have responsibilities in relation to citizens. First, the discourse of human rights:

Together the Universal Declaration [of Human Rights] and the two Covenants [of 1966, on civil-political and social-economic-cultural rights] mapped out international human rights agenda, established the benchmark for state conduct, inspired provisions in many national laws and international conventions, and led to the creation of long-term national infrastructures for the protection and promotion of human rights. (RTP: 14)

RTP brings attention to the transformation of the ethical ideology of the international environment:

The current debate about intervention for human protection purposes also takes place in a historical, political and legal context of evolving international standards of conduct for states and individuals, including the development of new and stronger norms and mechanisms for the protection of human rights. Human rights have now become a mainstream part of international law, and respect for human rights a central subject and responsibility of international relations. (RTP: 6)

Human rights have become a primary value within the international community. Hereby RTP points at the mythological aspects of their primary ethical signature or ethical myth framing the dislocation. A developing myth – the value of human life - which according to RTP has some global hegemony:

The defence of state sovereignty, by even its strongest supporters, does not include any claim of the unlimited power of a state to do what it wants to its own people. The Commission heard no such claim at any stage during our worldwide consultations. (RTP: 8)

Second, the discourse of human security:

The meaning and scope of security have become much broader since the UN Charter was signed in 1945. Human security means the security of people – their physical safety, their economic and social well-being, respect for their dignity and worth as human beings, and the protection of their human rights and fundamental freedoms. The growing recognition worldwide that concepts of security must include people as well as states has marked an important shift in international thinking during the past decade. (RTP: 15)

Third, the discourse of state practice:

While there is not yet a sufficiently strong basis to claim the emergence of a new principle of customary international law, growing state and regional organization practice as well as Security Council precedent suggest an emerging guiding principle – which in the Commission's view could properly be termed "the responsibility to protect." (RTP: 15)

Hereby RTP has argued both in principle and in practice for the consistency in reframing the issue of intervention on human protection grounds. In doing this RTP as pointed out above changes the conceptual perspective from the state to the individual, from the right to intervene to the responsibility to protect. By doing this the identity crisis of the state is somewhat resolved. Now, the state – as an identity with a *raison d'être* defined by the responsibility to protect the citizen or citizens, not its own existence - is compatible with the contemporary ethical myth and the primary ethical signature drawn upon and disclosed by RTP. In this reframing the primary norm of RTP is articulated. A norm, which however according to RTP implies two additional norms and three genres of the responsibility to protect, (RTP: 17) which are illustrated below:

Responsibility to Protect – Implied Norms:

1. The responsibility to protect implies an evaluation of the issues from the point of view of those seeking or needing support, rather than those who may be considering intervention.
2. The responsibility to protect acknowledges that the primary responsibility in this regard rests with the state concerned, and that it is only if the state is unable or unwilling to fulfil this responsibility, or is itself the perpetrator, that it becomes the responsibility of the international community
3. The responsibility to protect means not just the "responsibility to react," but the "responsibility to prevent" and the "responsibility to rebuild" as well.

Below the norms and values articulated in the three frames and genres of state responsibility are presented.

5.2.4.2. The Responsibility to Prevent

The focal point of these three genres of action is their relationship:

The fundamental thesis of this report [is] that any coercive intervention for human protection purposes is but one element in a continuum of intervention, which begins with preventive efforts and ends with the responsibility to rebuild, so that respect for human life and the rule of law will be restored. (RTP: 67)

As RTP argues the responsibility to protect primarily implies a responsibility to prevent deadly conflict and other forms of man-made catastrophe. This first genre and level of responsibility to protect is framed by RTP in the following way:

Responsibility to Prevent – the Main Norm and Values:

A firm national commitment to ensuring fair treatment and fair opportunities for all citizens provides a solid basis for conflict prevention. Efforts to ensure accountability and good governance, protect human rights, promote social and economic development and ensure a fair distribution of resources point toward the necessary means. (RTP: 19)

This responsibility to prevent is however both national and international – as implied in RTP's idea of responsibility - if at state is not able to prevent conflict itself, the international community is responsible for providing assistance. The point according to RTP is that in many cases international support is necessary, the help of the international community is important. The norms and values articulated in relation to the responsibility to prevent are articulated under the value: *early warning* and the norms: *root cause prevention* and *direct prevention*. The ethical ideology related to this value and these two norms is presented below.

1. Early Warning

Early warning is according to RTP an important aspect of conflict prevention. Prevention relies on accurate prediction of conflict. However, the present early warning mechanisms have not been good enough. They have primarily been ad hoc and unstructured (RTP: 21). Even though the many different NGO's as Human Rights Watch and Amnesty International have provided and provide important information, the point made by RTP is that coordination is needed. The obvious authority for this coordination is according to RTP the UN, more specifically the Secretary General, who due to Article 99 of UNCh is able to bring to attention any matter that threatens the maintenance of international peace and security. Accordingly RTP suggests the following, in relation to the value of early warning:

Early Warning Values and Norms:

In order to enhance the capacity of the Secretary General to provide more timely and accurate information to the Security Council about conflict prone areas, a special unit should be established that can receive and analyze sensitive information from member states and others, and that would report directly to the Secretary General. The unit should be staffed by a small number of specialized personnel trained in conflict prevention. (RTP: 22)

2. Root Cause Prevention

RTP in accordance with Article 55 of UNCh emphasizes the role of root causes in relation to conflict prevention and international peace and security. The consequences of this are norms for preventative strategies and four areas to address:

Root Cause Prevention Norms and Areas:

Preventive strategies must therefore work “to promote human rights, to protect minority rights and to institute political arrangements in which all groups are represented.” Ignoring these underlying factors amounts to addressing the symptoms rather than the causes of deadly conflict. (RTP: 23)

It may mean addressing political needs and deficiencies, and this might involve democratic institution and capacity building [It] may also mean tackling economic deprivation and lack of economic opportunities [It] may also mean strengthening legal protections and institutions [And it] may also mean embarking upon needed sectoral reforms to the military and other state security services. (RTP: 23)

3. Direct Prevention

Direct prevention is according to RTP different from root cause prevention especially due to the time issue. However, both incentive and intrusive political, economical and legal measures are needed. In relation to political measures RTP suggests: employment of fact-finding missions, friends groups, dialogue and mediation, international appeals, and non-official second track dialogue, but also threat or application of political sanctions, diplomatic isolation, suspension of organization membership, traveling and asset restrictions on targeted persons. In relation to economic measures RTP suggests: promises of new funding or investment, the promise of more favorable trade terms, but also threats of trade and financial sanctions, and withdrawal of investment. In relation to legal measures RTP suggests: mediation and arbitration, deployment of monitors to observe compliance with human rights standards, but also threat to seek or apply international legal sanctions.

In addition to these norms and values of prevention RTP presents some additional and general norms of the responsibility to prevent:

General Norms of Responsibility to Prevent:

1. Conflict prevention must be integrated into policies, planning and programmes at the national, regional and international levels. Member states should be asked to give the Secretary General regular reports and updates on capacities, capabilities and current practices designed to prevent conflict – at the national level and as part of a contribution to global conflict prevention efforts. (RTP: 26)
2. More recourses, more energy, more competence and more commitment [must] be put into prevention. (RTP: 26)
3. Good conflict prevention behavior by states that are still fragile and emerging from conflict-prone areas, must be encouraged, supported and rewarded by the international community in practical ways. (RTP: 27)
4. What is necessary is for the international community to change its basic mindset from a “culture of reaction” to that of a “culture of prevention”. (RTP:27)

Hereby the ethical ideology related to the first norm of the responsibility to protect has been presented, below the ethical ideology of the second norm, related to the issue of military force in the frame of military intervention, is presented.

5.2.4.3. Ethical Reasoning for Use of Military Force: The Responsibility to React

The ethical reasoning for use of military force within RTP is related to the framing *responsibility to react*. If the responsibility to prevent fails and the particular intra-state conflict develops, coercive measures are to be considered:

The failure of either root cause or direct prevention measures to stave off or contain a humanitarian crisis or conflict does not mean that military action is necessarily required. Wherever possible, coercive measures short of military intervention ought first to be examined, including particular various types of political, economic and military sanctions. (RTP:29)

RTP articulates the contemporary distinction of coercion, illustrated above: the distinction between military intervention and coercive measures short of military force. The coercive measures short of military intervention RTP conventionally frames as *sanctions*. Below the ethical ideology of the responsibility to react is presented under the framings of sanctions and military intervention.

1. Sanctions – Coercive Measures Short of Military Intervention

The difference between the intrusive values and norms of direct prevention presented above and the norms of reaction are somewhat blurred in RTP, though they address different situations. Furthermore, the norms and values related to sanctions are by RTP articulated as a mere description of international practice, thereby only in a secondary fashion articulating what RTP considers and interprets to be reasonable norms and values related to coercive measures short of military intervention. In this semi-ethical ideological articulation RTP however differentiates between three areas or genres of sanctions: the military, economic, and the political and diplomatic, and their norms and values are:

1. Military:

- 1.a. Arms embargo: military equipment and spare parts
- 1.b. Ending military cooperation and training programmes

2. Economic:

- 2.a. Financial sanctions against foreign assets of a country, rebel movement or terrorist organization
- 2.b. Restrictions in income gathering
- 2.c. Restrictions on access to petroleum
- 2.d. Aviation bans

3. Political and Diplomatic:

- 3.a. Restrictions of diplomatic representation
- 3.b. Restrictions on travel
- 3.c. Suspension of membership or expulsion from international or regional bodies
- 3.d. Refusal to admit a country to a membership

2. Military Intervention

RTP devotes most of its attention to the issue of military intervention, the crucial concern in relation to the ethical ideology implied in the concept of responsibility to protect. The principle of sovereignty and accordingly the principle of non-intervention – or the primary ethical signature of sovereignty – is according to RTP the value of human life or the fact that the justification of sovereignty and non-intervention rest on the ability of the state to protect the life of its citizens. Therefore, sovereignty under exceptional circumstances where civilians are threatened with massacre, genocide, or ethnic cleansing on a large scale yields to the norm of military intervention. The question is however how to determine these exceptional circumstances.

In order to provide the reasoning to decide when the case of exceptional cases of human risk exist, RTP implicitly focuses on the JWI. Its ethical ideology of military intervention is similar to the JWI. It rearticulates all the criteria of JWI, mentioned above. As pointed out above this is the logical consequence of having human life as a primary value. There is however a difference vis á vis traditional and classical articulation of the JWI. RTP does not frame its ideology under the framings of *jus ad bellum* and *jus in bello* but under the normative framings: *just cause threshold*, *other precautionary principles*, *right authority* and *operational principles*. With respect to these framings the ethical ideology of RTP's concept of military intervention is presented below.

The Just Cause Threshold

The two criteria which define the existence of exceptional circumstances, and thereby a just cause calling for military intervention are according to RTP the following (RTP: 32):

The Criteria of Just Cause:

- 1. Large scale loss of life, actual or apprehended, with genocidal intent or not, which is the product either of deliberate state action, or state neglect or inability to act, or failed state situation.
- 2. Large scale "ethnic cleansing," actual or apprehended, whether carried out by killing, forced expulsion, acts of terror or rape.

By framing this threshold issue of military intervention with the aim to both halt and avert humanitarian crisis. RTP furthermore argues for the norm of anticipatory military intervention in “the response to clear evidence of likely large scale killing.”(RTP: 33). In order to further frame these criteria RTP provides criteria to show what exact conditions they include and exclude:

Additional Framing of criteria:

1. Inclusion:

- 1.a. Actions defined by the 1948 Genocide Convention
- 1.b. Threat or occurrence of large scale loss of life
- 1.c. Different manifestations of ethnic cleansing
- 1.d. Crimes against humanity and violations of the laws of war as defined in the Geneva Conventions and Additional Protocols
- 1.e. Situations of state collapse
- 1.f. Overwhelming natural of environmental catastrophes, where state unwilling or unable to cope or call for assistance

2. Exclusion:

- 2.a. Human rights violations falling short of outright killing or ethnic cleansing
- 2.b. The military take-over of democratic government
- 2.c. The rescue of own nationals on foreign territory

The additional point made by RTP is that fact-finding is a crucial aspect; an impartial institution is according to RTP to be trusted with the task to determine if these criteria are satisfied. In that respect RTP once more suggests UN.

Other Precautionary Criteria

Following the framing of just cause, the first articulated criteria of JWI, RTP turns the attention to four other criteria of the jus ad bellum aspect, the criteria: *right intention*, *last resort*, *proportional means*, and *reasonable prospects*. These five criteria are framed in the following way (RTP: XII, 35-37):

Right Intention: The primary purpose of the intervention, whatever other motives intervening states may have, must be to halt or avert human suffering. Right intention is better assured with multilateral operations, clearly supported by regional option and victims concerned.

Last Resort: Military intervention can only be justified when non-military option for the prevention or peaceful resolution of the crisis has been explored, with reasonable grounds for believing lesser measures would not have succeeded.

Proportional Means: The scale, duration and intensity of the planned military intervention should be the minimum necessary to secure the defined human protection objective.

Reasonable Prospects: There must be a reasonable chance of success in halting or averting the suffering which has justified the intervention, with the consequences of action not likely to be worse than the consequences of inaction.

Right Authority

The just war criteria of *right authority* RTP offers much attention. The question of the right authority deciding when to make use of coercive measures including military intervention is a crucial issue in RTP. In relation to this issue RTP first and foremost relies on the ethical ideology of

the UNCh. According to RTP there is only one authority in relation to maintenance of international peace and security within the international community and that is the UN. RTP by referring to the articles: 10, 11, 12 and 24 of the UNCh underlines the norm of authority articulated in the UNCh, the fact that the primary but not sole responsibility and authority rests with the Security Council. The point made by RTP is that authority can be transferred to the General Assembly when the Security Council fails to exercise its responsibility. In this respect RTP brings in the UN procedure established in the Uniting for Peace resolution from 1950.

Along with this exceptional transfer of Security Council authority to the General Assembly RTP in compliance with the UNCh allows one more transfer of authority when the Security Council fails to exercise its responsibility. By referring to Article 52 of the UNCh RTP argues that “a further possibility would be for collective intervention to be pursued by a regional or sub-organization acting within its defining boundaries.” (RTP: 53) To illustrate the consequences of this norm RTP brings forward the Kosovo Intervention, stating that it was illegitimate precisely because the intervention took place outside the area of NATO – the territory of the member states.

In addition RTP discusses the issue related to the problems of Big Five veto, and suggests that the permanent members as a compromise agree not to apply their veto when their vital state interests are not involved. Below the norms of RTP in relation to the criteria of right authority are illustrated (RTP: XII-XII).

Right Authority – The Last Precautionary Principle of ICISS

1. There is no better or more appropriate body than the United Nations Security Council to authorize military intervention for human protection purposes. The task is not to find alternatives to the Security Council as a source of authority, but to make the Security Council work better than it has.
2. Security Council Authorization should in all cases be sought prior to any military intervention action being carried out. Those calling for an intervention should formally request such authorization, or have the Council raise the matter on its own initiative, or have the Secretary General raise it under article 99 of the UN.
3. The Security Council should deal promptly with any request for authority to intervene where there are allegations of large loss of human life or ethnic cleansing. It should in this context seek adequate verification of facts or conditions on the ground that might support a military intervention.
4. The permanent members of the Security Council should agree not to apply their veto power, in matters where their vital state interests are not involved, to obstruct the passage of resolutions authorizing military intervention for human protection purposes for which there is otherwise majority support.
5. If the Security Council rejects a proposal or fails to deal with it in a reasonable time, alternative options are:
 - A. Consideration of the matter by the General Assembly in Emergency Special Session under the “Uniting for Peace” procedure.
 - B. Action within area of jurisdiction by regional or sub-regional organizations under Chapter VIII of the Charter, subject to their seeking subsequent authorization for the Security Council.
6. The Security Council should take into account in all its deliberations that, if it fails to discharge its responsibility to protect in conscience-shocking situations crying out for action, concerned states may not rule out other means to meet the gravity and urgency of the situation – and that the nature of credibility of the United Nations may suffer thereby.

Operational Principles

Having presented the *jus ad bellum* perspective of RTP's ethical ideology its ideology concerning *jus in bello* can be presented. Here the criteria of JWI are rearticulated though aspects are added and further qualified. The initial argument made by RTP is that military interventions: "Raise a number of new, different and unique operational challenges. Because the objective of military intervention is to protect populations and not to defeat or destroy an enemy militarily." (RTP: 57) RTP discusses a number of ethical issues and normative aspects related to military behavior and action during the intervention. It presents a number of norms, which according to RTP are vital if a particular military intervention is to succeed. These are illustrated below (RTP: XIII, 57-64):⁴⁹

Operational Norms – Jus in Bello:

1. Clear objectives; clear and unambiguous mandate at all times, and resources to match.
2. The intervention must be politically controlled, but be conducted by a military commander with authority to command to the fullest extent possible, who disposes of adequate resources to execute his mission and with a single chain of command which reflects unity of command and purpose.
3. The aim of the human protection operation is to enforce compliance with human rights and the rule of law as quickly and as comprehensively as possible, but it is not the defeat of a state; this must be properly reflected in the application of force, with limitations on the application of force having to be accepted, together with some incrementalism and gradualism tailored to the objective to protect.
4. Rules of engagement which fit the operational concept are precise, reflect the principle of proportionality, and involve total adherence to international humanitarian law.
5. Acceptance that force protection cannot become the principal objective.
6. There must be maximum coordination between military and civilian authorities and organizations.
7. Particular care must be taken by intervening nations to establish codes of conduct and to ensure justice and accountability in the exercise of these responsibilities.
8. Operational planning for an operation to protect should contain a fairly detailed sub-concept for public information.

5.2.4.4. The Responsibility to Rebuild

When the responsibility to react is activated, a responsibility to rebuild is implied as the next and unavoidable step in relation to the responsibility to protect – also framed by RTP as *post-intervention obligations*. Therefore a primary norm for RTP is the: "Need for a post-intervention strategy." (RTP: 39). The aim of this strategy is according to RTP to ensure that the conditions generating a need for intervention do not repeat themselves or resurface. The ethical ideology of this strategy or the responsibility to rebuild can according to RTP be framed in three norms related to four values:

The Responsibility to Rebuild – Main Values and Norms:

1. Security: provide basic security and protection for all members of population, disarm, demobilize, reintegrate, rebuild national armed forces, and train local police.
2. Justice and Reconciliation: restore judicial system, bring violators to justice, re-establish local institutions.
3. Development: encourage economic growth, the recreation of markets

⁴⁹ There is some ambiguity in RTP in relation to these operational norms. The reason is that the norms articulated in the synopsis of RTP (RTP: XI-XIII) are not entirely the same as the ones articulated in relation to RTP's reasoning of these norms (RTP: 57-67). In the illustration above all the major operational norms articulated in the synopsis and the relevant chapter are articulated.

These general values and norms related to rebuilding have according to RTP an important military aspect: “The main mission of military forces in post-intervention operations is to provide the safe environment necessary for the restoration of good governance and the rule of law.” (RTP: 64) RTP prescribes five military operational tasks, norms and values, related to the norms presented above and related to post-intervention military operations:

Post-intervention Norms for Military Forces:

1. The protection of minorities
2. Reform of security sector
3. Disarm, demobilize, and reintegrate
4. De-mining
5. Pursuit of war criminals

5.2.4.5. The Responsibility to Protect: The Way Forward

Having articulated the ethical ideology especially in relation to military intervention RTP presents the norms concerning the implementation of its ideology and reframing of the issue related to intervention for human protection purposes. The primary claim motivating the organization of ICISS and the elaboration of RTP implied the emphasized claim to present more than a research paper, to provide, invoke and mobilize political will for an international change of security policy:

It is ... more important to get the necessary political commitment right, It remains the case that unless the political will can be mustered to act when action is called for, the debate about intervention for human protection purposes will largely be academic. The most compelling task now is to work to ensure that when the call goes out to the community of states of action, that call will be answered. There must never again be mass killing or ethnic cleansing. There must be no Rwandas. (RTP: 70)

In order to answer this claim and major aim of the report: that it will come to have practical and political impact, RTP articulates a two-dimensional strategy for mobilizing the necessary domestic and international political will. The necessary elements to mobilize national political will to act for human protection purposes are according to RTP: understanding of relevant institutional processes and good arguments. The point being that:

Pleas for international action of the kind we are dealing with in this report need to be supported by arguments having four different kinds of appeal: moral, financial, national interest, and partisan. (RTP: 71)

In relation to the mobilization of international political will RTP argues that in order to present a good argument it is necessary to produce arguments appealing to: morality, resource concerns, institutional interests and political interests.

The final part of RTP is focusing on a first attempt to bring the ethical ideology of RTP to the attention of the international community. RTP ends with recommendations for the General Assembly, the Security Council, and the Secretary General, which are illustrated below (RTP: 74-75):

Mobilizing Political Will – Recommendations for the UN

1. Recommendations for the General Assembly:

That the General Assembly adopts a draft declaratory resolution embodying the basic principles of the responsibility to protect, and containing four basic elements:

- A. An affirmation of the ideas of sovereignty as responsibility.
- B. An assertion of the threefold responsibility of the international community of states when faced with human protection claims in states that are either unable or unwilling to discharge their responsibility to protect.
- C. A definition of the threshold which human protection claims must meet if they are to justify military intervention.
- D. An articulation of the precautionary principles that must be observed when military force is used for human protection purposes.

2. Recommendation for the Security Council:

- A. The members of the Security Council should consider and seek to reach agreement on a set of guidelines, embracing the “Principles for military intervention” to govern their responses to claims for military intervention for human protection purposes.
- B. That the Permanent Five members of the Security Council should consider and seek to reach agreement not to apply their veto power, in matters where their vital state interests are not involved, to obstruct the passage of resolutions authorizing military intervention for human protection purposes for which there is otherwise majority support.

3. Recommendations for the Secretary General:

That the Secretary General give consideration, and consult as appropriate with the President of the Security Council and the President of the General Assembly, as to how the substance and action recommendations of this report can best be advanced in those two bodies, and by his own further action.

With respect to this practical aim of RTP it is important to underline that the Canadian government in order to promote the ideology of the report, since its presentation has continued to bring it into attention, especially in public statements in different international fora.

After this presentation of the ethical ideology of RTP the issues related to the last two elements of the ethical signature of RTP - the issue of antagonism and inter-textuality – are presented.

5.2.5. Failure to Act According to Responsibility

The antagonism articulated in RTP is primarily related to issues of international security from the perspective of states and the international community, underlined in the subject position of the primary ethical signature.

The implicit value and norm exclusion implied in the ethical ideology presented in chapter 5.2.3. above constructs an antagonism which can be framed as: *the failure of the state and/or the international community to act according to their responsibility to prevent, react and rebuild*. This framing points in the direction of the exclusion of the idea of classical realism. However, the issue of realism is not totally excluded, on the contrary it remains, though transformed into a global realism of the international community – the international community is according to RTP a community of interdependent states that must act in order to maintain peace and security:

In an interdependent world, in which security depends on a framework of stable sovereign entities, the existence of fragile states, failing states, states who through weakness or ill-will harbour those dangerous to others, or states that can only maintain internal order by means of gross human rights violations, can constitute a risk to people everywhere. (RTP: 5)

Apart from classical realism on the state level and related to it RTP excludes other authorities than UN in relation to the use of military force, though allowing for exceptions in situations of emergency. Furthermore, RTP excludes military intervention which does not live up to the ethical criteria of *jus ad bellum* and *jus in bello*.

The explicit value and norm exclusion – the disnorms and disvalues of RTP - has a high frequency within RTP. The category of disnorms or norms of exclusion is: *actions of states and/or non-state actors*, the category of disvalues is *social facticity*. According to these two categories value and norm exclusion are illustrated below:

Disnorms: Actions of States and non-state actors	Disvalues: Social Social Facticity
Fail to protect citizens	Being threatened
Launch campaign of terror	Refugee flows
Fail to protects citizens	Organized crime
Manipulate external intervention	Distress being felt
Refuse to take necessary action	Genocide
	Civil wars
	Global terrorism
	Culture of violence
	Chronic insecurity
	Chronic hunger
	Human rights abuses
	People being threatened
	Internal war
	Unemployment
	Social conflict
	Inadequate shelter
	Causes of conflict

In relation to the protagonist-antagonist relation - the discursive construction of antagonists in RTP - the implicit antagonists include all the international actors not respecting the authority of the UN, the emerging customary law of the responsibility to protect, and the international law in general including the Human Rights Declarations. The explicit antagonists articulated in RTP are *national terrorists, international terrorists, rebel movements, states unwilling to protect citizens, regimes, unilaterally acting states, states maintaining internal order by gross violations of human rights*.

The character of hegemonic aspiration in RTP is characterized by a tridimensional reasoning: first by arguing for the necessity of their ideology and its policy implications by the aid of the

framing interdependency, second by showing that their ideology is implied in the UNCh, and finally by proving that it is the emerging principle of customary international law.

The textual orientation to difference is limited by the discursively constructed antagonism. The limits of difference are acts and agents which do not respect difference – the human rights – and the international system guaranteeing them. This is the widest possible orientation to difference, the only limit of difference being *the act to limit it* as in PEP. The limitation of difference – when difference with respect to social agency cannot be tolerated – is the threat to or undermining of the difference articulated in the human rights, underlined in RTP’s framing of threats to life, livelihood, personal safety, and human dignity.

The genre of antagonism is distinguished by a merely rational reasoning. No religion or religious ideology is used as a criterion for the antagonism. At the same time the focus on root causes of conflict is underlined, thereby presenting an ideology which does not antagonize the individual social agent, which does not condemn particular persons as absolute originators of human suffering and global instability. Conflicts are according to RTP born out of a negative facticity:

There is a growing and widespread recognition that armed conflicts cannot be understood without reference to such “root” causes as poverty, political repression, and uneven distribution of resources. (RTP: 22)

5.2.6. A Rearticulation of UNCh and the Legal Discourse

The inter-textuality, the rearticulation of norms, values, and ethical discourses, in RTP is centering on the UNCh as the main source and criteria of ideological reasoning and on the contemporary international legal discourse, including what RTP frames as: “the emerging guiding principles, and evolving customary international law.”(RTP: 16). There is thereby no reference and explicit reliance on religious discourse and moral discourse. The only extra-legal reference is to natural law principles, and the implicit reference to JWI in the criteria related to the *jus ad bellum* and *jus in bello* aspect of military intervention. The reason for this considerable and tenacious reliance on the UNCh is directly stated in the textual articulation of the mandate of ICISS to elaborate RTP:

To build a broader understanding of the problem of reconciling intervention for human protection purposes and sovereignty; more specifically, it was to try to develop a global political consensus on how to move from polemics – and often paralysis – towards action within the international system, *particularly through the United Nations*. [emphasis added] (RTP: 2)

The primacy of the legal discourse is attested in the high frequency of reference to and reliance on international legal texts. These two aspects of the inter-textuality are further presented below.

5.2.6.1. The Use of UNCh in RTP

A statistic of central concepts related to the discursive formation of the UNCh in RTP underlines the importance of the ethical ideology of the UNCh in RTP.

Concept Searched in RTP:	Number of Articulations:
UN	139
UNCh	53
Security Council	115
General Assembly	35
Secretary General	46
UNCh Article 51	8
UNCh Article 99	5
UNCh Chapter VII	20
UNCh Chapter VIII	18

Compared to these word-frequencies the main ideological concept of RTP – *responsibility to protect* - is articulated 140 times, only one more time than the term *United Nations*. At the same time no mention of particular religions occurs. Only one time the word *religion* is mentioned, by referring to the Human Rights Declaration. The concept of *ethics* is not used though the word *moral* occurs fourteen times, however without defining the concept – only by presupposing a common meaning of the word, thereby letting it function as an empty signifier for non-legal and non-political reasoning.

The entire reasoning of RTP does not transgress the ideology and ethical reasoning of the UNCh. On the contrary the ideology of responsibility to protect was as shown above in RTP found to be in accordance with and implied in the UNCh. Furthermore, referring to Article 55 of the UNCh RTP finds the argument for the responsibility to prevent in the UNCh. At the same time RTP proves the ability of the UNCh to cope with what according to RTP is framed as the primary international security issue. The ideological aspects and ethical reasoning in relation to the core issue of RTP – the issue of military intervention for human protection – were in RTP found in the articles of the UNCh. RTP refers to the articles: 24, 39, 42, 51, 52 and 99 of the UNCh in order to argue in favor of a military intervention, as described above.

5.2.6.1. The Dominance of the Legal Discourse in RTP

Apart from the UNCh RTP finds support for its reasoning in the international legal discourse outside the UNCh. It rearticulates a number of important international conventions: The Human Rights Declaration; the four Geneva Conventions and the two Additional Protocols on international humanitarian law in armed conflict; the 1948 Convention on the Prevention and Punishment of the Crime of Genocide; the two 1966 Covenants relating to civil, political, social, economic, and cultural rights; and the 1998 Rome Statute for the International Criminal Court, the Ottawa

Convention on Landmines. (RTP: 6, 14, 16, 66) Besides these international declarations RTP often refers to international customary law as supporting the ideology of responsibility (RTP: 6, 15, 16, 24, 33, 50, 66, 74). RTP furthermore draws on international reports: the Report of the Panel on United Nations Peace Operations, Prevention of Armed Conflict, the Millennium Report, The Causes of Conflict and the Promotion of Durable Peace and Sustainable Development in Africa (RTP: 19, 40, 57). In relation to the case where the General Assembly is forced to act RTP draws on the resolution Uniting for Peace from 1950 (RTP: XII, 48, 53).

Hereby the ethical signature RTP has been presented. Even though its reasoning and endeavors initially came to stand in the shadow of 9/11, its ideology succeeds in bridging the gap between the norm of non-intervention and the norm of human rights.

5.3. United States National Security Strategy

The events on 11 September 2001 in Washington D.C., Pennsylvania and New York were framed by the entire Western world and in particular in the United States as an unprecedented dislocation, a dislocation calling forward and activating the core and primary ethic of the American people. A decisive and powerful framing of this dislocation and its correlative ontological claim was on 14 September 2001 presented by the American President, by President Bush:

Just three days removed from these events, Americans do not yet have the distance of history. But our responsibility to history is already clear: to answer these attacks and rid the world of *evil*. *War* has been waged against us by stealth and deceit and murder. This nation is peaceful, but fierce when stirred in anger. The conflict was begun on the timing and terms of others. It will end in a way, and at the hour, of our choosing. [emphasis added] (Bush: 14.9.2001)

The dislocation was framed as *war*, and thus by the articulation of one of the most negative though ambiguous concepts available for framing dislocations related to human behavior, a framing which within a legal perspective or framing implies a symmetrical relation between attacked and attacker, and a framing that within an extra-legal - religious or moral - perspective implies the relation between good and evil. The articulation of the word *evil* by Bush in the quote above points towards a religious or moral, an extra-legal framing, backed by President Bush's framing of the event on September 11 in his address to the nation:

Good evening. Today, our fellow citizens, our way of life, our very freedom came under attack in a series of deliberate and deadly terrorist acts. ... Today our nation saw *evil*, the very worst of human nature. And we responded with the best of America – with the daring of our rescue workers, with the caring for strangers and neighbors who came to give blood and help in any way they could. [emphasis added] (Bush: 9-11-2001, 8.30 p.m)

The attackers are framed as terrorists, as agents acting outside the law and the international legal framework, spreading terror and fear. In addition to this particular framing of dislocation the correlative ontological claim was rearticulated and framed in the quote from September 14 as: we, the Americans *must answer these attacks*. This claim to act motivated a wide range of actions and activities, in particular the invasion of Afghanistan, by American and coalition forces under the Security Council Resolution 1368 from 12 September 2001: “*Recognizing* the inherent right of individual or collective self-defense in accordance with the Charter.” (SCR: 1368). But apart from this tangible act, a comprehensive effort was put into the construction of a new strategy to cope with this new type of threat, framed as war, to show political leadership and provide a comprehensive plan or normative strategy to relocate a dislocated American nation.

The ethical ideology to be analyzed below, *United States National Security Strategy* presented 17 September 2002 (henceforth, USNSS) is nothing else than the impressive ethical ideological relocation of the common ontological claim rearticulated by the framing of the dislocation of 9/11, made by United States administration and President Bush. A proof of that is the rearticulation of the quote above, from September 14 within USNSS. Still the genre of a national security strategy was not a new invention, but was discursively constructed beforehand:

This strategy, the first issued by the Bush administration, is issued in accordance with the Goldwater-Nichols Department of Defense Reorganization Act of 1986, which mandated an annual report to Congress detailing the National Security Strategy of the United States. (Brookings Institution 2002: 3)

The USNSS as such is related to the National Defense Strategy, a document approved by the Secretary of Defense for applying the US armed forces in coordination with the Department of Defense agencies and other instruments of national power to achieve national security strategy objectives.⁵⁰

5.3.1. We Americans – the Absolute Value of Our Nation

The primary ethical signature articulated in USNSS, the primary subject position, the primary value and norm conditioning USNSS is, as it has been the case of the ideologies above, somewhat transparent. The primary subject position articulated and conditioning USNSS is the plural subject position *we* more precisely *we Americans*. The pronoun *we* is articulated 187 times in the text, the pronoun *our* is articulated 213 times. In comparison *UN* is articulated only two times. The primary value related to this subject position is the signifier *America*. The United States is the absolute value or *raison d’être* of the primary subject position. The primary norm, a correlative to this primary

⁵⁰ In relation to this discursive field of the USNSS Johnson has argued that the critique of the USNSS from 2002 fail to consider that it is only a general overview of the policy regarding use of military force. (2005: 119)

value and the primary subject position is *to protect or defend America*. The term *protect* is articulated eight times in USNSS and the term *defend* is articulated 14 times in USNSS. This primary ethical signature can thereby be characterized as a type of realism. The realism implied in the absolute value of *the United States* is comprehensively articulated in USNSS:

While our focus is protecting America, we know that to defeat terrorism in today's globalized world we need support from our allies and friends. Wherever possible, the United States will rely on regional organizations and state powers to meet their obligations to fight terrorism. Where governments find the fight against terrorism beyond their capacities, we will match their willpower and their resources with whatever help we and our allies can provide. (USNSS: 7)

A strong world economy enhances our national security by advancing prosperity and freedom in the rest of the world. (USNSS: 17)

A return to strong economic growth in Europe and Japan is vital to U.S. national security interests. (USNSS: 18)

In Africa, promise and opportunity sit side by side with disease, war and desperate poverty. This threatens both a core value of the United States – preserving human dignity – and our strategic priority – combating global terror. (USNSS: 1)

The reasoning behind this international strategy for US is the primary ethical signature, in other words that US in order to protect its values and other interests is forced to work for better conditions all over the world similar to PEP and RTP. To provide aid and development assistance abroad is discursively constructed as a strategic issue. This global realism signifying the primary ethical signature is however different from that of PEP and RTP due to three additional issues and norms within USNSS: first, the norm that UN and the Security Council are not the ultimate authority for US use of military force and other coercive measures: “While the United States will constantly strive to enlist support of the international community, we will not hesitate to act alone, if necessary, to exercise our right of self-defense.” (USNSS: 6) Second, USNSS articulates the norm of not only an anticipatory use of military force but a preventive use - the act to prevent a threat becoming real, - somewhat disguised as anticipatory use of military force:

We must be prepared to stop rogue states and their terrorist clients before they are able to threaten to use weapons of mass destruction against the United States and our allies and friends. (USNSS: 14)

The United States has long maintained the option of preemptive actions to counter a sufficient threat to our national security. The greater the threat, the greater is the risk of inaction – and the more compelling the case for taking anticipatory action to defend ourselves, even if uncertainty remains as to the time and place of the enemy's attack. To forestall or prevent such hostile acts by our adversaries, the United States will, if necessary, act preemptively. (USNSS: 15)

We will wage a war of ideas, to win the battle against international terrorism. ... We recognize that our best defense is a good offense. (USNSS: 6)

The third norm of global realism articulated in USNSS and presented as the last proposition and argument is the defiance of the International Criminal Court:

We will take the actions necessary to ensure that our efforts to meet our global security commitments and protect Americans are not impaired by the potential for investigations, inquiry, or prosecution by the International Criminal Court (ICC), whose jurisdiction does not extend to Americans and which we do not accept. We will work together with other nations to avoid complications in our military operations and cooperation, through such mechanisms as multilateral and bilateral agreements that will protect U.S. nationals from the ICC. We will implement fully the American Servicemembers Protection Act, whose provisions are intended to ensure and enhance protection of U.S. personnel and officials. (USNSS: 31)

These three issues clearly attest to the fact that the primary ethical signature of USNSS is realism in a rather pure form. In addition this primary ethical signature is illustrated in the auxiliary norms and disnorms, values and disvalues presented below:

Values		Norms	
Value	Dis-value	Norm	Dis-norm
Our heritage and principles	Destructive totalitarianism	Defending our nation	Hate US and everything for which it stands
Our national interests	New deadly challenges	Combating terror	Reject basic human values
Homeland security	Terrorism	Prevent movement of terrorist assets	Provide haven for terrorists
A single sustainable model for national success	Failed States	Promote a truly democratic hemisphere	Abuse its people
Unparalleled military strength	Attack	Defeat these threats to our nation	Threaten its neighbors
Our values	A world of coercion	To protect these values against enemies	Oppress
Peace	War	Defending peace by fighting terrorists and tyrants	Display no regard for international law
Just peace	Violence	Rid the world of evil	Resist human dignity

These values and disvalues, norms and disnorms are conditioned by the primary ethical signature of USNSS.

5.3.2. Shadowy Networks and Rogue States

The primary ethical signature of USNSS presented above is the conditioning frame for the discursive construction and framing of the dislocation. Every entity negating the value of the United States is necessarily framed as a dislocation. This discursive logic, the primary ethical signature framing the dislocation is somewhat directly articulated in USNSS:

Defending our Nation against its enemies is the first and fundamental commitment of the Federal Government. Today that task has changed dramatically. Enemies in the past needed great armies and great industrial capabilities to endanger America. Now shadowy networks of individuals can bring great chaos and suffering to our shores for less than it costs to purchase a single tank. Terrorists are organized to penetrate open societies and to turn the power of modern technologies against us. (USNSS: I)

Here the primary ethical signature - the value of the American Nation - is to some extent articulated in the articulation of the asserted task of the Federal Government: *to defend our nation against its enemies*. Because of that individuals or groups of individuals who in some form or other negate this value are and can be framed as dislocations, as *shadowy networks of individuals who bring chaos and suffering to our shores*, and as *terrorists*, individuals negating the value of *our Nation* by spreading *terror*. The dislocatory concept of *terrorist* is rearticulated with a high frequency within USNSS. It appears 33 times in plural and 14 times in the singular. Along with this framing of an individual dislocatory subject position, the dislocatory subject positions of governments and states are framed as *rogue states*, *failed states*, and *weak states*.

5.3.3. We Must Defeat These Threats to Our Nation

The textual articulation of the ontological claim, the motivation behind the elaboration of USNSS is not directly articulated in USNSS - in a direct ontological claim to elaborate a national security strategy for US. Still the ontological claim behind USNSS appears as an integrated part of the ethical reasoning of USNSS. In relation to the quote used above to illustrate the framing of the dislocation, the ontological claim motivating USNSS is indirectly articulated:

Now shadowy networks of individuals can bring great chaos and suffering to our shores for less than it costs to purchase a single tank. Terrorists are organized to penetrate open societies and to turn the power of modern technologies against us. *To defeat this threat we must make use of every tool in our arsenal.* [emphasis added] (USNSS: I)

The USNSS in its genre of strategy is a reasoning concerning the tools to be applied to *defeat this threat*. Another indirect articulation of the ontological claim is articulated in a similar manner, departing from the framing of the dislocation:

We are menaced less by fleets and armies than by catastrophic technologies in the hands of the embittered few. *We must defeat these threats to our Nation, allies and friends.* [emphasis added] (USNSS: 1)

The fact that the subject matter of USNSS is strategy, reasoning of what must be done to meet the threat, the ontological claim – conditioned by the primary ethical signature - motivating its elaboration is itself the subject matter of the text appearing in numerous articulations, indirectly in the norms presented, and more directly in the numerous *we must* framings in the text. The most frequent articulation of the ontological claim is the framing: *we must*, which is articulated 19 times.

5.3.4. United States National Security Strategy

The implicit ontological claim to defeat the threats to the United States presented above is the textual motivation for the articulation of USNSS, which thereby represents a political relocation of the framed dislocation. This relocatory aspect is articulated in the beginning of USNSS: “The *aim* of this strategy is to help make the world not just safer but better.” [emphasis added] (USNSS: 1) By using the word *aim* the relocatory aspect of USNSS is hinted at. The framing *aim* implies a fixation, a target locked on, in relation to which the particular social agent can fix his or her own position, can relocate. As a fixation or relocation of United States identity the USNSS represents a comprehensive ideology not only focusing on the threat of terrorism to United States national security but an entire ideology for the United States leading the world – a new international strategy. This substantial ethical ideology of USNSS is framed under eight normative framings listed below: (USNSS: 1-2)

1. Champion Aspirations for Human Dignity
2. Strengthen Alliances to Defeat Global Terrorism and Work to Prevent Attack against us and our Friends
3. Work with Others to Defuse Regional Conflicts
4. Prevent Our Enemies from Threatening Us, or Allies, and Our Friends, with Weapons of Mass Destruction
5. Ignite a New Era of Global Economic Growth through Free Markets and Free Trade
6. Expand the Circle of Development by Opening Societies and Building the Infrastructure of Democracy
7. Develop Agendas for Cooperative Action with Other Main Centers of Global Power
8. Transform America’s National Security Institutions to Meet the Challenges and Opportunities of the Twenty-first Century

In relation to these eight normative framings the ethical ideology of USNSS is presented below.

5.3.4.1. Champion Aspirations for Human Dignity

In this first normative framing to champion aspirations for human dignity the value of human dignity is presented as the core value. Thereby the first normative framing, without using the concept of human rights, is seemingly invoking the global value of the individual, an idealistic ideology and not realism: “The United States must defend liberty and justice because these principles are right and true for all people everywhere. No nation owns these aspirations, and no nation is exempt from them.” (USNSS: 3) Still, the realist reasoning behind these values reveals itself in the context of their articulation: “Our first imperative is to clarify what *we* stand for: the United States must defend liberty and justice because these principles are right and true for all people everywhere.” [emphasis added] (USNSS: 3) The values of liberty and justice are invoked as American values, and the reference to their globality and somewhat absolute value is used to verify the American ideology, not to praise their absolute value. This realism disguised as idealism is openly articulated in the following words of USNSS: “We are ultimately fighting for *our*

democratic values and way of life. Freedom and fear are at war.” [emphasis added] (USNSS: 7)
This American global value of human dignity is furthermore presented as a nodal point for a set of values:

America must stand firmly on the nonnegotiable demands of human dignity: the rule of law; limits on the absolute power of the state; free speech, freedom of worship; equal justice; respect for women; religious and ethnic tolerance; and respect for private property. (USNSS: 3)

This value and its auxiliary values are accompanied by four norms, illustrated below (USNSS: 4).

Norms for the United States to Champion Aspirations for Human Dignity:

1. Speak out honestly about violations of the non-negotiable demands of human dignity using our voice and vote in international institutions to advance freedom.
2. Use our foreign aid to promote freedom and support those who struggle non-violently for it, ensuring that nations moving toward democracy are rewarded for the steps they take.
3. Make freedom and the development of democratic institutions key themes in our bilateral relations, seeking solidarity and cooperation from other democracies while we press governments that deny human rights to move toward a better future.
4. Take special efforts to promote freedom of religion and conscience and defend it from encroachment by repressive governments.

5.3.4.2. Strengthen Alliances to Defeat Global Terrorism and Work to Prevent Attacks against Us and Our Friends

In relation to this second normative framing the USNSS presents its norms in relation to what it frames as the United States “*war against terrorists of global reach.*” (USNSS: 5) The facticity within which USNSS sees the United States is furthermore articulated as:

Today our enemies have seen the result of what civilized nations can, and will, do against regimes that harbor, support and use terrorism to achieve their political goals. Afghanistan has been liberated; coalition forces continue to hunt down the Taliban and al-Qaida. But it is not only this battlefield on which we will engage terrorists. Thousands of trained terrorists remain at large with cells in North America, South America, Europe, Africa, the Middle East, and across Asia. (USNSS: 5)

In relation to this facticity USNSS presents some norms for the US:

Norms in Relation to Terrorists:

1. Make no concessions to terrorist demands
2. Strike no deals with terrorists
3. Make no distinction between terrorists and those who knowingly harbour or provide aid to them
4. Our priority will be first to disrupt and destroy terrorist organizations of global reach
5. and attack their leadership; command, control, and communications, material support and finances
6. Continue to encourage our regional partners to take up a coordinated effort that isolates the terrorists
7. Once the regional campaign localizes the threat to a particular state, we will help ensure that the state has the military, law enforcement, political, and financial tools necessary to finish the task
8. Continue to work with our allies to disrupt the financing of terrorism.

These norms are further elaborated and presented in USNSS; a set of norms under the normative framing: “We will disrupt and destroy terrorist organizations” (USNSS: 6). These norms are illustrated below:

Auxiliary Norms to Disrupt Terrorist Organizations:

1. Direct and continuous action using all the elements of national and international power. Our immediate focus will be those terrorist organizations of global reach and any terrorist or state sponsor of terrorism who attempts to gain or use weapons of mass destruction (WMD) or their precursors;
2. Defending the United States, the American people, and our interests at home and abroad by identifying and destroying the threat before it reaches our borders. While the United States will constantly strive to enlist the support of the international community, we will not hesitate to act alone, if necessary, to exercise our right of selfdefense by acting preemptively against such terrorists, to prevent them from doing harm against our people and our country; and
3. Denying further sponsorship, support, and sanctuary to terrorists by convincing or compelling states to accept their sovereign responsibilities. We will also wage a war of ideas to win the battle against international terrorism. This includes:
4. Using the full influence of the United States, and working closely with allies and friends, to make clear that all acts of terrorism are illegitimate so that terrorism will be viewed in the same light as slavery, piracy, or genocide: behavior that no respectable government can condone or support and all must oppose;
5. Supporting moderate and modern government, especially in the Muslim world, to ensure that the conditions and ideologies that promote terrorism do not find fertile ground in any nation;
6. Diminishing the underlying conditions that spawn terrorism by enlisting the international community to focus its efforts and resources on areas most at risk; and
7. Using effective public diplomacy to promote the free flow of information and ideas to kindle the hopes and aspirations of freedom of those in societies ruled by the sponsors of global terrorism.

5.3.4.3. Work with Others to Defuse Regional Conflicts

The third normative framing of USNSS focuses on the norms related to areas of regional conflict. The USNSS focuses on: the Israeli-Palestine conflict, the conflict in South Asia between India and Pakistan, the internal conflicts in Indonesia, the conflicts in part of Latin America especially Columbia, and the conflicts in Africa. The general norms articulated in relation to these conflicts are: (USNSS: 9)

Norms to Defuse Regional Conflicts:

1. The United States should invest time and resources into building international relationships and institutions that can help manage local crises when they emerge.
2. The United States should be realistic about its ability to help those who are unwilling or unready to help themselves. Where and when people are ready to do their part, we will also be willing to move decisively.

USNSS takes a special interest in the conflicts in Africa, and with respect to the situation in this region it presents the following norms: (USNSS: 10-11)

Norms to Defuse Conflicts in Africa:

1. We will work with others for an African continent that lives in liberty, peace and growing prosperity
2. Together with our European allies, we must help build up the law enforcement and intelligence infrastructure to deny havens for terrorists
3. This Administration will focus on three interlocking strategies for the region:
 - Countries with major impact on their neighbourhood such as South Africa, Nigeria, Kenya, and Ethiopia are anchors for regional engagement and require focused attention.
 - Coordination with European allies and international institutions is essential for constructive conflict mediation and successful peace operations.
 - Africa's capable reforming states and sub-regional organizations must be strengthened as the primary means to address transnational threats on a sustained basis.

5.3.4.4. Ethical Reasoning for Use of Military Force: Prevent Our Enemies from Threatening Us, Our Allies, and Our Friends with Weapons of Mass Destruction

The fourth normative framing of USNSS is concerned with the ethical reasoning for the use of military force in relation to interstate conflict, more precisely what USNSS frames as the threat from rogue states. The facticity framed by USNSS is that:

New deadly challenges have emerged from rogue states and terrorists. None of these contemporary threats rival the sheer destructive power that was arrayed against us by the Soviet Union. However, the nature and motivations of these new adversaries, their determination to obtain destructive powers hitherto available only to the world's strongest states, and the greater likelihood that they will use weapons of mass destruction against us, make today's security environment more complex and dangerous. (USNSS: 13)

This state typology or identity framed as *rogue state* is according to USNSS characterized by the adherence to the following norms, which from the perspective of USNSS are disnorms: (USNSS: 14)

The Norms of Rogue States:

1. They brutalize their own people and squander their national resources for the personal gain of the rulers.
2. They display no regard for international law, threaten their neighbours, and callously violate international treaties to which they are party.
3. They are determined to acquire weapons of mass destruction, along with other advanced military technology, to be used as threats or offensively to achieve the aggressive designs of these regimes.
4. They sponsor terrorism around the globe.
5. They reject basic human values and hate the United States and everything for which it stands.

The facticity which USNSS articulates in relation to the threats of rogue states is that:

The United States can no longer solely rely on a reactive posture as we have in the past. The inability to deter a potential attacker, the immediacy of today's threats, and the magnitude of potential harm that could be caused by our adversaries' choice of weapons, do not permit that option. We cannot let our enemies strike first. (USNSS: 15)

The argument presented by USNSS is that:

Traditional concepts of deterrence will not work against a terrorist enemy whose avowed tactics are wanton destruction and the targeting of innocents, whose so-called soldiers seek martyrdom in death and whose most potent protection is statelessness. The overlap between states that sponsor terror and those that pursue WMD compels us to action. (USNSS: 15)

In relation to this facticity of rogue states the USNSS calls for the use of the concept of *eminent threat* to the capabilities and objectives of today's enemies (USNSS: 15). The correlative action to this type of threat is framed as the norm to: *preempt emerging threats*, though explicitly not to be used as a pretext for aggression. (USNSS: 15). In USNSS Iraq and North Korea are explicitly presented as rogue states, presenting eminent threats, thereby USNSS delivers an ethical reasoning or legitimization for coercive action to be taken against Iraq. The norms and the normative strategy of USNSS in relation to these and other rogue states is presented in the following norms: (USNSS: 14)

Norms of United States Action against Rogue States:

1. We must be prepared to stop rogue states and their terrorist clients before they are able to threaten or use weapons of mass destruction against the United States and our allies and friends.
2. Our response must take full advantage of strengthened alliances, the establishment of new partnerships with former adversaries, innovation in the use of military forces, modern technologies, including the development of an effective missile defense system, and the increased emphasis on intelligence collection and analysis.
3. A comprehensive strategy to combat proliferation of WMD including:
 - 3.1. Proactive counterproliferation efforts to deter and defend against the threat before it is unleashed.
 - 3.2. Strengthened non-proliferation efforts to prevent rogue states and terrorists from acquiring the materials, technologies and expertise necessary for weapons of mass destruction.
 - 3.3. Effective consequence management to respond to the effects of WMD use, whether by terrorists or hostile states.
4. Support preemptive actions by:
 - 4.1. Building better, more integrated intelligence capabilities to provide timely, accurate information on threats, wherever they emerge.
 - 4.2. Coordinate closely with allies to form a common assessment of the most dangerous threats.
 - 4.3. Continue to transform our military forces to ensure our ability to conduct rapid and precise operations to achieve decisive results.

5.3.4.5. Ignite a New Era of Global Economic Growth

The fifth normative framing of USNSS concerns the importance of a strong world economy for the security of the United States. As mentioned above in relation to the presentation of the primary ethical signature, global economical growth is seen by USNSS to be in the interest of the United States. This normative issue implies three norms: *the norm to promote economic growth*, *the norm to promote free trade*, and *the norm to stabilize greenhouse gas concentrations, and especially to reduce America's greenhouse gas emissions*.

5.3.4.6. Expand the Circle of Development

The sixth normative framing of USNSS is especially concerned with the issue of poverty and political injustice. The goal of USNSS is: "To help unleash the productive potential of individuals in all nations." (USNSS: 21) The argument of USNSS in relation to this issue is that: "Sustained growth and poverty reduction is impossible without the right national policies." (USNSS: 21).

Poverty and good governance is so to speak inter-related. In relation hereto USNSS sets a target for the United States: “to double the size of the world’s poorest economies within a decade.”(USNSS: 21).

5.3.4.7. Develop Agendas for Cooperative Action with the Other Main Centers of Global Power

The seventh normative framing of USNSS is concerned with United States coalitions and alliances:

America will implement its strategies by organizing coalitions as broad as possible – as broad as practicable – of states able and willing to promote a balance of power that favors freedom. (USNSS: 25)

The alliance- and coalition partners that USNSS focuses and relies on are: NATO, Japan, South Korea, Australia, Russia, India and China. The principal norm in relation to these alliances is: “to develop active agendas of cooperation lest these relationships become routine and unproductive.” (USNSS: 28) In relation to the alliance partners of NATO, Japan, South Korea, and Australia USNSS presents some auxiliary norms for developing these coalitions: (USNSS: 25-28)

Auxiliary Norms in relation to Alliances and Coalitions:

1. Alliance with NATO:

- 1.1. Expand NATO’s membership to those democratic nations willing and able to share the burden of defending and advancing our common interests.
- 1.2. Ensure that the military forces of NATO nations have appropriate combat contributions to make in coalition warfare.
- 1.3. Develop planning processes to enable those contributions to become effective multinational fighting forces.
- 1.4. Take advantage of the technological opportunities and economics of scale in our defense spending to transform NATO military forces so that they dominate potential aggressors and diminish our vulnerabilities.
- 1.5. Streamline and increase the flexibility of command structures to meet new operational demands and the associated requirements of training, integrating, and experimenting with new force configurations.
- 1.6. Maintain the ability to work and fight together as allies even as we take the necessary steps to transform and modernize our forces.

2. Alliances in Asia: Japan, South Korea and Australia:

- 2.1. Look to Japan to continue forging a leading role in regional and global affairs based on our common interests, our common values, and our close defense and diplomatic cooperation.
- 2.2. Work with South Korea to maintain vigilance towards the North while preparing our alliance to make contributions to the broader stability of the region over the longer term.
- 2.3. Build on 50 years of US-Australian alliance cooperation as we continue working together to resolve regional and global problems – as we have so many times from the Battle of the Coral Sea to Tora Bora.
- 2.4. Maintain forces in the region that reflect our commitments to our allies, our requirements, our technological advances, and the strategic environment.
- 2.5. Build on stability provided by these alliances, as well as with institutions such as ASEAN and the Asia-Pacific Economic Cooperation forum, to develop a mix of regional and bilateral strategies to manage change in this region.

5.3.4.8. Transform America's National Security Institutions to Meet the Challenges and Opportunities of the Twenty-First Century

The eighth normative framing of USNSS focuses on the necessary consequence of the present challenges of terrorism and rogue states for the United States national security institutions. The argument made by USNSS is that these institutions were designed for a different era and to meet different requirements (USNSS: 29). This framing of facticity and its dislocation results in the articulation of two norms for the United States, supported by the articulation of the primary norm of the United States:

It is time to reaffirm the essential role of American military strength. We must build and maintain our defenses beyond challenge. Our military's highest priority is to defend the United States. (USNSS: 29)

This norm to reaffirm the essential role of American military strength and the norm to build and maintain the defense of the United States are supplemented with auxiliary norms, some listed below (USNSS: 29-31):

Norms for the Transformation of United States National Security Institutions:

1. In order to defend the United States the military must: assure our allies and friends, dissuade future military competition, deter threats against US interests, allies, and friends, and decisively defeat any adversary if deterrence fails.
2. To contend with uncertainty and meet the many security challenges we face, the United States will require bases and stations within and beyond Western Europe and North East Asia, as well as temporary access arrangements for the long-distance deployment of US forces.
3. We must transform the way the Department of Defense is run, especially in financial management and recruitment and retention.
4. We must provide the President with a wider range of military options to discourage aggression or any form of coercion against the United States, our allies and our friends.

Hereby the ethical ideology of USNSS has been described. Below the additional aspects of the signature of USNSS is presented in relation to the aspect of antagonism and inter-textuality.

5.3.5. The Tyranny of Rogue States and Terrorists

The antagonism articulated in USNSS is primarily, as the title of the ideology underlines, related to issues of national security, in other words the safety of the United States in a facticity framed as seriously threatened by terrorists and rogue states.

The implicit value- and norm-exclusion implied in the ethical ideology of USNSS can be framed in the disvalue *lack of national security*, expressed in the value of *security* articulated 70 times in USNSS. The implicit disnorm can related hereto be framed as: *the inability to defend the United States*, expressed in the norm: "Defending our Nation against its enemies is the first and fundamental commitment of the Federal Government." (USNSS: I) and: "We will defend the peace against the threats from terrorists and tyrants." (USNSS: 1)

The explicit value- and norm-exclusion, the disnorms and disvalues articulated in USNSS are quite numerous. Below some disnorms and disvalues articulated are listed:

Disnorms	Disvalues
Hate US	Evil designs of tyrants
Sponsor and finance terrorism	Terrorism: politically motivated violence against innocents
Display no regard for international law	Spread of chemical and biological weapon and ballistic technology
Abuse and brutalize its people	Failed development assistance, desperate poverty, less than 2\$ a day
Use weapons of mass destruction	Narcotic trafficking
Reject basic human values	Weak institutions, corruption
Continually prepare for war	Widespread poverty and disease
Preempt as pre-text for war	Radicalism
Sponsor terrorism around the globe	Destructive totalitarianism, the militant visions of class, nation, race
Provide haven for terrorists	Attack, explosive escalation of human suffering
	Porous borders
	Humanitarian catastrophes
	Spread of HIV/AIDS
	Failed policies, totalitarianism
	War, conflict, crisis, local civil wars, rivalries
	Regional war zones
	Threat to our national security
	Looming threats to all nations
	Slavery, piracy, suffering, fear, deceit, murder, oppression, violence

In relation to the implicit antagonists of USNSS a primary antagonism can be framed as: *a weak United States, a disintegrated United States not being able to defend its interests, a state not having the unprecedented strength* as praised in the first chapter of USNSS: “The United States possesses unprecedented – and unequalled strength and influence in the world.” (USNSS: 1). In addition, the articulation of the pronoun *we* 187 times and the pronoun *our* 213 times in USNSS implies the implicit antagonism of a un-unified, fragmented United States, the lack of a common American identity, and a *them*, an outside group.

The number of explicit antagonists articulated in USNSS is quite high, ranging from the articulation of two particular states – Iraq and North Korea - and some particular political and religious groups – Columbian extremists, Al Qaida, Taliban and terrorists in Afghanistan, Russian elites, to prototypical framings of antagonists. Below the antagonists are listed:

Antagonists articulated in USNSS:

Terrorists, rogue states, failed states, weak states, tyrants, shadowy networks of individuals, those who harbour terrorists, allies of terror, enemies of civilization, those who saw this coming and failed to act, murderers, weak institutions, terrorist networks, drug cartels, tyrants, failing states, regimes that harbour or support terrorists, Taliban, Al Qaida, thousands of trained terrorists remaining at large with cells in North America, Europe, Africa, the Middle East and across Asia, terrorist organizations, sponsors of global terrorism, terrorists in Afghanistan, extremist groups in Columbia, Iraq, North Korea, terrorist clients. Russian elites. potential attacker.

The textual orientation to difference in USNSS is limited by the discursively constructed antagonism. The external limits of difference are rogue states and terrorists - they are the constitutive outside of USNSS. In addition the internal limitation is the passive government, the inactive administration, lack of will to defend the United States, expressed in the word *will* articulated 159 times in USNSS.

The genre of antagonism in USNSS is not as the other ideologies limited to an un-affective articulation of disnorms and disvalues, and prototypical subject positions, but realized with affective mental processes. The words used to invoke affective mental processes are: *evil design, weapons of mass destruction, murder, deceit, horrifying affronts of human dignity, slavery, piracy*, and illustrated in relation to the disnorms: *brutalize own people, hate US, abuse its people*. In addition the subject positions invoke affections, expressed in the framings: *regimes, tyrants, terrorists, rogue states, extremist groups, thousands of terrorists*. One of the many examples of this affective genre of the ideology is illustrated in this quote: "Other rogue regimes seek nuclear, biological, and chemical weapons as well. These states' pursuit of, and global trade in, such weapons has become a *looming threat* to all nations." [emphasis added] (USNSS: 14) In addition the antagonism is not limited to the articulation of prototypical subject positions, but articulates particular social agents and groups of individuals to be standing in the way of American agency, the security of the United States. These are the agents mentioned above, Iraq being one of the agents, against which the US Administration shortly after the presentation of USNSS argued for the use of military force.

5.3.6. The Supremacy of the American Heritage

The texts drawn upon and rearticulated in USNSS are rather few. Not even the UNCh and its articles related to the issues discussed by USNSS are mentioned. The UN is only articulated as a partner of the United States: "As we pursue terrorists in Afghanistan we will continue to work with international organizations such as the United Nations, as well as non-governmental organizations, and other countries." (USNSS: 7) The legal framework of the UNCh is only implicitly articulated in the limited rearticulation of the concept of international law in USNSS: "These states ... display no regard for international law, threaten their neighbors, callously violate international treaties to which they are party." (USNSS: 14) In addition IHL is only mentioned once, and in a broad framing: "The targets of these attacks are our military forces and our civilian population, in direct violation of one of the principal norms of the law of warfare." (USNSS: 15) The point in this articulation of the legal discourse in USNSS is that international law and IHL on one hand are only invoked in relation to the actions of the enemies of USNSS and on the other hand in relation to the

possibilities of the United States. They are not invoked as limitations on the agency of the United States in their endeavor to defend the United States. USNSS does not discuss or bring into focus the importance of the United States to act according to international law. Even though the framing *rule of law* is expressed ten times in USNSS, it does not refer to a global rule of law but to the domestic of rule of law, this is underlined by the denial of the validity of the International Criminal Court in relation to citizens of the United States and the reference to the American Service Members Protection Act (USNSS: 31).⁵¹

Apart from this particular rearticulation of the legal discourse, the USNSS and not surprisingly in relation to the primary ethical signature of USNSS refers both to the American Constitution and the Declaration of Independence (USNSS: 3). In addition it has been argued that USNSS to a large extent is a rearticulation of a draft from 1992 titled: Defense Planning Guidance. The argument for this assumption among other similarities is the naming of North Korea and Iraq as primary areas of interest. (Frontline: Para. 1-2 of 1)

With the articulation of the word *freedom*, 44 times, *liberty* 11 times, *we* 187 times, *our* 213 times, and *United States* 84 times the discourse and ideology of the United States as the champion of civilization is pervasively articulated.

5.4. A more Secure World: Our Shared Responsibility

The situation and facticity addressed in this last ethical ideology from 2004 to be analyzed here is somewhat similar to those of PEP, RTP, and USNSS. The text *A more Secure World: Our Shared Responsibility* (henceforth, ASW) is the direct result of the UN Secretary General Kofi Annan's ambitious efforts to address the complex issue of international security in the post-9/11 and post-Iraq war world. In 2003 he, as pronounced at the General Assembly of UN in September 2003, established a panel to discuss these changed security issues and the adjustment and implementation of new international norms:

I intend to establish a High-Level Panel of eminent personalities, to which I will assign four tasks: First, to examine the current challenges to peace and security; Second, to consider the contribution which collective action can make in addressing these challenges; Third, to review the functioning of the major organs of the United Nations and the relationship between them; and Fourth, to recommend ways of strengthening the United Nations, through reform of its institutions and processes. The Panel will focus primarily on threats to peace and security. But it will also need to examine other global challenges, in so far as these may influence or connect with those threats. I will ask the Panel to report back to me before the beginning of the next session of this General Assembly, so that I can make recommendations to you at that session. (Annan 2003: para. 3 of 4)

⁵¹ The US has neither ratified the statutes of the International Court of Justice nor the International Criminal Court.

This quote articulates the discursive order within which ASW belongs. The panel here announced by Annan was named the *High-level Panel on Threats, Challenges and Change*, thereby framing its mandate, stated above. The panel consisted of the following sixteen individuals, introduced by Annan as eminent persons from around the world, who represent a wide range of experience and expertise: Anad Panyarachun, Chair (Thailand), Robert Badinter (France), Joao Baena Soares (Brazil), Gro Harlem Brundtland (Norway), Mary Chinery Hesse (Ghana), Gareth Evans (Australia), David Hannay (United Kingdom of Great Britain and Northern Ireland), Enriqu Iglesias (Uruguay), Amre Moussa (Egypt), Satish Nambiar (India), Sadako Ogata (Japan), Yevgeny Primakov (Russian Federation), Qian Qiqian (China), Salim Salim (United Republic of Tanzania), Nafis Sadik (Pakistan) and Brent Scowcroft (United States). Interestingly the co-chair of ICISS Gareth Evans was also part of this panel, which will be seen expressed in the primary ethic of ASW, the use of the framing *responsibility to protect* and the implied inter-textuality of ASW.⁵² The panel like ICISS had a secretariat. It consisted of eleven researchers and a professional staff but no advisory board like ICISS. The panel met six times, the first on 5-7 December 2003, the last on 3-5 November 2004. As ICISS it held regional consultations and workshops around the world. From January 2004 until September 2004 40 of these consultations and workshops were held. The panel during this period elaborated their report ASW, which on 2 December 2004 was presented by Kofi Annan at the General Assembly:

I am very pleased to be able now to transmit to the Member States the report of the Panel, which sets out a broad framework for collective security for the new century. It is a report of considerable range and depth. It adopts a broad perspective on security. It not only seeks to address specific threats, but identifies new ways of understanding the connections between them and the implications for the policies and institutions we must have in place. (Annan 2004: 1)

Below the ethical signature of ASW, the last ethical ideology analyzed, is presented.

5.4.1. The Community of States and the Value of Human Beings

The primary ethical signature of ASW is contrary to USNSS articulated in relation to the subject position: *we the international community of sovereign states* and not a particular state. This primary subject position is initially invoked in the subtitle of ASW: *our shared responsibility* and in addition to the articulation of this framing inside the text printed on top of every second page above the text. By the use of the pronoun *our* the communality is persistently invoked. This pronoun together with the pronoun *we* signifies the international community of sovereign states. The pronoun *our* is articulated 164 times, the pronoun *we* is articulated 154 times, the framing *international community* 21 times, and the word *state* 117 times. An important issue is that the word *state* is capitalized,

⁵² This relationship between RTP and ASW has been directly affirmed by Gareth Evans himself in an email, see Appendix 2.

thereby underlining its central feature. This identity is further underlined with the articulation of UN 361 times. Taking the context of ASW into consideration this discursively constructed identity is not surprising, it was inherent in its genre that the identity to be constructed was within the framework and ideology of UN, meaning the community or unity of sovereign states or nations. The reasoning in relation to this identity is articulated in the following quote:

The central challenge for the twenty-first century is to fashion a new and broader understanding ... of what collective security means – and of all the responsibilities, commitments, strategies and institutions that come with it if a collective security system is to be effective, efficient and equitable. If there is to be a new security consensus, it must start with the understanding that the front-line actors in dealing with all the threats we face, new and old, continue to be *individual sovereign States*, whose role and responsibilities, and right to be respected, are fully recognized in the Charter of United Nations. But in the twenty-first century, more than ever before, *no State can stand wholly alone. Collective strategies, collective institutions and a sense of collective responsibility are indispensable.* [emphasis added] (ASW: 1)

The primary value of this subject position constructed in ASW is once again *human life*. This primary value is not directly articulated in the texts but represents the quasi-transcendental condition for the values, disvalues, disnorms and norms articulated in ASW. The most direct proof of this primary textual value is the articulation of the value of *human rights*, which no less than 75 times are articulated in ASW. In addition the term *security* is articulated 493 times and the term *threat* is articulated 237 times, both implicitly referring to the value of life and community. This primary value is furthermore articulated and differentiated with respect to quality and quantity, the difference between the value of life itself and the value of particular forms of life, also framed in ASW as the difference between *survival* and *well being* (ASW: 2). With respect to quality of life the primary value of life is articulated in the following values and disvalues: *access to clean water* (ASW: 12), *access to medication* (ASW: 25), *access to sanitation* (ASW: 12), *infectious disease* (ASW: 15) *poverty* (ASW: 15), *economic growth* (ASW: 11). The primary value is articulated in the value: *increased life expectancy* (ASW: 11) and the disvalues: *large loss of life* (ASW: 34) and *killing* (ASW: 14, 18, 34, 51, 66, 67, 106).

In addition to this primary value of the we-identity of the international community of sovereign states a primary norm functions as a correlative, an expression of the ontological claim of this primary subject position. This norm can be framed as: *we must defend life, we must promote life and we must support life*. This norm is somewhat directly articulated in a way familiar with the norm of RTP, more precisely the norm *to protect*, which is articulated 33 times, and framed 13 times by invoking the framing *the responsibility to protect*. In addition this norm is articulated in the framing: *meeting the challenge* which is articulated 14 times.

This identity, value and norm represent the primary ethical signature of ASW, the constructive and interpretive framework of the subsequent norms and values of ASW. This is seen in the

illustration of a selection of the norms and disnorms, values and disvalues articulated in ASW presented below.

Values		Norms	
Value	Dis-value	Norm	Dis-norm
International peace and security	Threats to international peace and security	Maintain international peace and security	The failure to invest time and resources early in order to prevent the out- break and escalation of conflicts
Peace	War, civil war, horrors of the world wars	Prevent civil war, save from the scourge of war	The unwillingness to get serious about preventing deadly violence
Better standards of life	Poverty, extreme poverty	Battle poverty	
Health	Infectious disease: malaria, SARS, HIV/AIDS, tuberculosis	Fight infectious disease	
Human security, stable peace	Threats to our survival and well being	Respond to security threats	Fail to keep pace with changes in the nature of threats
Rule of law, human rights	Terrorism	Deter or capture terrorists	Prey on weak states for sanctuary, corrode the value that terrorists target
Environment	Climate Change, global warming, deforestation, desertification	Combat environmental degradation	Reduce dependency on fossil fuels, phase out environmentally harmful subsidies
Life saved, right to life	Large Loss of life	Protect civilians from the effects of war	Targeting and killing civilians
Civil liberties	Ethnic cleansing, genocide, religious and other intolerance	Halt ethnic cleansing and genocide	
Security	Terrorism	Reduce terrorism	Inflict greater and greater amount of damage
Sovereign state	State collapse	Reverse the erosion of state capacity	Erode borders
Collective security	Paralysis of the Security council	Security Council play a dominant role	Fail [council] to enforce
Rule of law	Transnational organized crime	Stop transnational crime	Facilitate spread of organized crime
Security	Nuclear terrorism	Clean up stock-piles of HEU	Use of nuclear weapons
Democracy, democratic reform	Absence of human rights and democracy	Promote good governance	Undermine democracy
Economic development, economic growth	Poverty	Reduce poverty and unemployment	Impede economic growth

These values, disvalues, norms and disnorms prove the fact that the primary ethical signature presented above – the community of states and the value of life - is the quasi-transcendental

condition of the auxiliary norms and disnorms, and values and disvalues, and that these in turn rearticulate the primary ethical signature, or ethical myth or hegemonic formation.

5.4.2. Threats We Face

The textual dislocation articulated in ASW, framed and conditioned by the primary ethical signature is as others of the above analyzed ideologies two-dimensional, though implicitly. The textual dislocation is on one hand articulated as the occurrence of new types of negative dislocations - framed in the text as *threats* - to human life and the international community, and on the other hand, though silently, as the problems of the international community related to the reaction to these new security issues – problems related to meeting the challenge of these threats.

This new configuration of threats, framed as the negative dislocation, is articulated in the following way:

We know all too well that the biggest security threats we face now, and in the decades ahead, go far beyond States waging aggressive war. They extend to poverty, infectious disease and environmental degradation; war and violence within States; the spread and possible use of nuclear, radiological, chemical and biological weapons; terrorism; and transnational organized crime. The threats are from non-State actors as well as States, and to human security as well as State security. (ASW: 1, 9)

This rather complex dislocation, framing the dislocation beyond the mere fact of war and military conflict, is related to the other dimension of the textual dislocation in ASW, the issue of the inadequacy of the international community to respond to these threats: “The attacks of 11 September 2001 revealed that states as well as collective security institutions have failed to keep pace with changes in the nature of threats.” (ASW: 13) This dislocation is to some extent downplayed, though it is surfacing as the condition of possibility of the textual articulation of the ontological claim presented below. The point being that a need for consensus, a need for a framework of prevention suggests its absence, suggests the ineffectiveness of the collective security institutions and of states.

5.4.3. The Need for a New Consensus and Action

The textual articulation of the ontological claim motivating the elaboration of ASW is framed as the need for international agreement:

What is *needed* today is nothing less than a new consensus between alliances that are frayed, between wealthy nations and poor, and among peoples mired in mistrust across an apparently widening cultural abyss. [emphasis added] (ASW: 2)

This consensus is more precisely related to consensus of international or collective security:

The challenge for the twenty-first century is *to fashion* a new and broader understanding, bringing together all these strands, of what collective security means – and of all the responsibilities, commitments, strategies and institutions that come with it if a collective security system is to be effective, efficient and equitable. [emphasis added] (ASW: 1, 9)

This claim is additionally elaborated in the ethical ideology of ASW. The claim is concerned with the need for the construction of a framework for preventive action, use of military force and the reform of UN. Hereby the textual motivation for the relocation is presented. This framing of the ontological claim - its genre - is all about constructing the basis for a new international consensus by providing a comprehensive collective security framework of actions to be taken to meet the challenge of all the threats pointed out in the framing of the dislocation. Below the relocation, this attempt to construct a consensus - a global ideology - is presented.

5.4.4. A more Secure World: Our Shared Responsibility

The ideology of ASW is discursively constructed in four main sections, framed in the following way:

- Towards a New Security Consensus
- Collective Security and the Challenge of Prevention
- Collective Security and the Use of Force
- A more Effective United Nations for the Twenty-first Century

The first section introduces and describes the general facticity of the international community and makes the case for a comprehensive collective security strategy. The second section frames six clusters of collective security challenges and the norms related to their prevention. The third section presents the ethical ideology in relation to the use of force. The fourth section presents a UN reform. Below the ethical ideology articulated in these sections is presented.

5.4.4.1. Towards a New Security Consensus

ASW introduces this first chapter of its ethical ideology by describing and framing the global facticity, more precisely the global security situation and its development and radical change from the foundation of UN in 1945 until 2004. The key feature of this contemporary security situation is according to ASW that security threats have no borders, “a threat to one is a threat to all. The mutual vulnerability of weak and strong has never been clearer.” (ASW: 14). This interdependency is exemplified by mentioning global economic integration, disease, nuclear proliferation, terrorism, civil war, transnational organized crime (ASW: 14-16). The point made by ASW in relation to this facticity is that it limits the scope of a state’s ability to protect itself:

No state, no matter how powerful, can by its own efforts alone make itself invulnerable to today’s threats. Every State requires the cooperation of other States to make itself secure. It is in every State’s

interest, accordingly, to cooperate with other States to address their most pressing threats, because doing so will maximize the chances of reciprocal cooperation to address its own threat priorities. (ASW: 16)

ASW in other words invokes a global realism as done by PEP, RTP and USNSS. Here again the synthesizing factor of the ontological claim is seen. By presupposing the ontological claim of the state – its *raison d'état* of preserving itself - ASW argues for the necessity and reason of international cooperation. In addition to this reasoning for state cooperation, ASW presents the ethical reasoning also articulated in RTP:

In signing the Charter of United Nations, States not only benefit from the privileges of sovereignty but also accept its responsibilities. Whatever perceptions may have prevailed when the Westphalian system first gave rise to the notion of State sovereignty, today it clearly carries with it the obligation of a State to protect the welfare of its own peoples and meet its obligations to the wider international community. (ASW: 17)

The point made by ASW is, however, that states sometimes fail to answer this responsibility:

And in those circumstances, the principles of collective security mean that some portion of those responsibilities should be taken up by the international community, acting in accordance with the Charter of the United Nations and the Declaration of Human Rights, to help build the necessary capacity or supply the necessary protection, as the case may be. (ASW: 17)

Owing to the importance of the collective security system ASW articulates the value of a *credible collective security system*, in relation to this first auxiliary value of the primary subject position ASW articulates three norms:

Norms for a credible Collective Security System:

1. The collective security system must be effective
2. The collective security system must be efficient
3. The collective security system must be equitable

These three norms reflect the negative experience of the abilities and competence of the collective security system: its past ineffectiveness, inefficiency, inequitableness. ASW points out examples of these negative features of the security system. One example is the lack of response to the crisis in Rwanda in 1994, and the priority given to response to the 9/11 terrorist attack, which killed far less than in Rwanda. With these three norms of a credible collective security system ASW proceeds to frame what it asserts to be the contemporary threats to international security and the norms needed to be guiding their prevention.

5.4.4.2. Collective Security and the Challenge of Prevention

In this second part of ASW seven clusters of international security challenges are framed and provided with preventive strategies, norms and values in relation to their avoidance:

- Economic and social threats, including poverty, infectious disease, and environmental degradation
- Inter-State conflict
- Internal conflict, including civil war, genocide and other large-scale atrocities
- Nuclear, radiological, chemical and biological weapons
- Terrorism
- Transnational organized crime
- The Role of Sanctions

The point made by ASW is that:

The primary challenge for the United Nations and its members is to ensure that, all the threats in the categories listed, those that are distant do not become imminent and those that are imminent do not actually become destructive. This requires a framework for preventive action which addresses all these threats in all the ways they resonate most in different parts of the world. (ASW: 23)

In addition to the point made of the need of a framework for preventive action the synthesizing role of the ontological claim is seen bridging the gap between the facticity of the threat and the requirement of a framework of preventive action. The seven clusters of challenges or dislocations of international security are presented in accordance to their gravity according to ASW, the assertion made by ASW is that issues of economic and social threats are the most serious security threats. The seven framings and their ethical ideology are presented below.

The Threats of: Poverty, Infectious Disease and Environmental Degradation

Initially ASW frames this facticity, these dislocations or categories of threats – rearticulating the primary ethical signature, - with a statistically grounded overview of the timeframe: 1990-2004. With regard to poverty ASW underlines that since 1990 people living in extreme poverty, for less than 1\$ a day, have increased by more than 100 million, that in at least 54 countries average per capita income has declined, that every year 11 million children die from preventable diseases, and more than half a million women die during pregnancy or childbirth, that in sub-Saharan Africa the average life-expectancy has declined from 50 to 46, that whereas in the developed world less than one in 100 children die before age five, in most of sub-Saharan Africa the number is up to one in five. With regard to infectious disease ASW brings to the fore the following issues: that recent outbreaks of polio threaten to undermine its near eradication, that the number of HIV/AIDS deaths in Africa has outnumbered the battle deaths in the civil wars fought, that more than 11 million children are orphaned by HIV/AIDS in Africa, that more than 8,5 million cases of tuberculosis emerge and more than 2 million people die of tuberculosis every year. With regard to degradation of environment ASW brings to the fore the following issues: that the world's population from 6,3 billion today will increase to 8,9 billion in 2050 with nearly all growth occurring in the countries least equipped to absorb it, that loss of arable land, water scarcity, over-fishing, deforestation and alternation of ecosystems pose challenges for sustainable development, that dramatic increase in

major disasters – flooding, heat waves, droughts, and storms, - have affected more than two billion people.

The norms articulated to meet these so framed dislocations are illustrated below with the element of ontological claim emphasized in italics (ASW: 27-31):

Norms to Prevent Economic and Social Threats:

1. All states *must* recommit themselves to the goals of eradicating poverty, achieving sustained economic growth and promoting sustainable development.
2. The many donor countries which currently fall short of the United Nations 0.7 per cent gross national product (GNP) target for ODA *should* establish a timetable for reaching it.
3. WTO members *should* strive to conclude the DOHA development round at the latest in 2006.
4. Lender Governments and the international financial institutions *should* provide highly indebted poor countries with greater debt relief, longer rescheduling and improved access to global markets.
5. Although international resources devoted to meeting the challenge of HIV/AIDS have increased from about \$250 million in 1996 to about \$2,8 billion in 2002, more than \$10 billion is annually *needed* to stem pandemic.
6. Leaders of affected countries *need* to mobilize resources, commit funds and engage civil society and the private sector in disease-control efforts.
7. The Security Council, working closely with UNAIDS, *should* host a second special session on HIV/AIDS as a threat to international peace and security, to explore the future effects of HIV/AIDS on States and societies, *generate* research on the problem and *identify* critical steps towards a long-term strategy for diminishing the threat.
8. International donors, in partnership with national authorities and local civil society organizations, *should* undertake a major new global initiative to rebuild local and national public health systems throughout the developing world.
9. Members of the World Health Assembly *should* provide greater resources to WHO Global Outbreak Alert and Response Network to increase its capacity to cope with potential disease outbreaks.
10. States *should* provide incentives for the further development of renewable energy sources and begin to phase out environmental harmful subsidies, especially for fossil fuel use and development.
11. We *urge* Member States *to reflect* on the gap between the promise of the Kyoto Protocol and its performance, *re-engage* on the problem of global warming and *begin* new negotiations to produce a new long-term strategy for reducing global warming beyond the period covered by the Protocol.
12. The United Nations and the international financial institutions *should* also do more to assist those States most vulnerable to severe natural disasters the effects of which can be destabilizing as they were in 2004 in Haiti.
13. The United Nations Environment Programme (UNEP), the United Nations Development Programme (UNDP) and the World Bank *should* work in a more integrated fashion – and in partnership with Governments and outside research institutions – to improve vulnerability assessments and work with the most affected Governments to strengthen their adaptive capacity.

The Threats of: Interstate Conflict and Internal Conflict

Initially ASW frames this facticity, these dislocations or categories of threats to international security – rearticulating the primary ethical signature, - with a statistically grounded overview of the timeframe: 1945-2004. Regarding the threat of inter-state conflict ASW points out the issues that though the threat of inter-state conflict is lessened, it still exists, that unresolved disputes in South Asia, North East Asia and the Middle East continue to threaten international peace and security, that war in Iraq and Palestine has fueled extremism. Regarding the threat of internal conflict ASW points out the issues that civil wars have declined, by 2003 it had dropped by 40 per cent to less

than 30 civil wars, that major failures in preventing civil wars have occurred: in Rwanda, Bosnia, and Kosovo, that large loss of life in such wars obliges the international community to be more attentive in preventing them.

The norms articulated to meet these two dislocations – inter-state war and internal conflict - are presented in relation to four normative framings: *better international regulatory frameworks and norms, better information and analysis, preventive diplomacy and mediation, preventive deployment*.

The first framing addresses the issue of the dislocation of conflict related to the normative framework in general (ASW: 35-37):

Norms to Prevent Inter-state Wars and Internal Wars:

Better International Regulatory Frameworks and Norms

1. Giving more attention to developing international regimes and norms to govern some of the sources and accelerators of conflict.
2. The Security Council should stand ready to use the authority it has under the Rome Statute to refer cases to the International Criminal Court.
3. The United Nations should work with national authorities, international financial institutions, civil society organizations and the private sector to develop norms governing the management of natural resources for countries emerging from or at risk of conflict.
4. There should be a focus on the development of rules, for example through the International Law Commission, for the use of transboundary resources such as water, oil and gas.
5. The United Nations should seek to work closely with regional organizations that have taken the lead in building frameworks for prevention.
6. The United Nations should build on the experience of regional organizations in developing frameworks for minority rights and the protection of democratically elected governments from unconstitutional overthrow.
7. In the area of arms control and disarmament regimes, much more needs to be done. Member states should expedite and conclude negotiations on legally binding agreements on the marking and tracing, as well as the brokering and transfer, of small arms and light weapons.
8. All member states should report completely and accurately on all elements of the United Nations Register of Conventional Arms, and the Secretary General should be asked to report annually to the General Assembly and Security Council on any inadequacies in the reporting.

The second framing addresses the issue of the dislocation in relation to the aspect of early warning that is based on objective and impartial research (ASW: 37):

Better Information and Analysis

1. Creation of a Deputy Secretary General for peace and security in order to facilitate and elaborate early-warning reports.
2. United Nations policy sections should engage more actively with local sources of knowledge and outside sources of research.

The third framing addresses the issue of the dislocation in relation to the role of diplomacy and mediation in conflict prevention (ASW: 37-38):

Preventive Diplomacy and Mediation

1. The appointment of skilled experienced and regionally knowledgeable envoys, mediators and special representatives.
2. The establishment of a facility for training and briefing new or potential special representatives and other United Nations mediators.
3. The Department of Political Affairs should be given additional resources and should be restructured to provide more consistent and professional mediation support.

The fourth framing addresses the issue of the dislocation in relation to the potential of early deployment of peacekeepers to prevent conflict (ASW: 38-39)

Preventive Deployment

1. National leaders and parties to conflict must make use of the option of preventive deployment.
2. The Security Council should note that deployment of small numbers of peacekeepers to train national armed forces can serve an important preventive function.

The Threats of: Nuclear, Radiological, Chemical and Biological Weapons

Initially ASW frames this facticity, these dislocations or categories of threats – rearticulating the primary ethical signature, - with a general focus and perspective. With regard to threat of nuclear weapons ASW brings forward the following issues: that any use of nuclear weapons risks human casualties and economic dislocation on a catastrophic scale, that some states will covertly and illegally develop full-scale nuclear weapon programmes, that the Treaty of Non-proliferation collapses, that the large stockpiles of highly enriched uranium are not adequately secured, that terrorists with parts from the open market can assemble a simple nuclear device capable of killing more than one million. With regard to the threat of radiological weapons ASW points out that this type of weapon is more a weapon of mass disruption than mass destruction. It is available through many sources: medical and industrial facilities worldwide. The argument is that: “The ubiquity of radiological materials and the crude requirements for detonating such device suggest a high likelihood of use.” (ASW: 40). Regarding the threat of chemical and biological weapons ASW frames the dislocation as a growing threat. In addition, these weapons share with nuclear weapons the potential of being used in a single attack to inflict mass casualties. As radiological weapons they are somewhat easy to obtain: 6000 industrial chemical facilities exist worldwide. The states possessing chemical weapons have lagged behind in the destruction of these weapons contrary to the Chemical Weapons Convention. The technological advancement of biotechnology increases the possibility to develop new biological weapons.

The norms articulated to meet these four dislocations – nuclear, radiological, chemical and biological weapons - are presented in relation to four normative framings similar to above. These four framings are articulated as layers in a framework of multilayered action: *better strategies to reduce demand, better strategies to reduce supply, better enforcement capability, and better public health defences*. The norms of this multilayered framework are presented below:

The first layer addresses the issue of the dislocation in relation to the necessity to reduce demand of these weapons (ASW: 42-43)

Norms to Prevent Use of Nuclear, Radiological, Chemical and Biological Weapons:

Layer 1: Better Strategies to Reduce Demand

1. The nuclear states must take several steps to restart disarmament:
 - (a) They must honour their commitments under Article VI of the Treaty on Non-Proliferation of Nuclear Weapons to move towards disarmament and be ready to undertake specific measures in fulfilment of those commitments.
 - (b) They should reaffirm their previous commitments not to use nuclear weapons against non-nuclear-weapon states.
2. The United States and the Russian Federation, other nuclear-weapon States and States not party to the Treaty on the Non-Proliferation of Nuclear Weapons should commit to practical measures to reduce the risk of accidental nuclear war, including, where appropriate, a progressive schedule for de-alerting their strategic nuclear weapons.
3. The Security Council must explicitly pledge to take collective action in response to a nuclear attack or the threat of such attack on a non-nuclear-weapon state.
4. We recommend that negotiations to resolve regional conflicts include confidence-building measures and steps towards disarmament.
5. States not party to the Treaty on the Non-Proliferation of Nuclear Weapons should pledge a commitment to non-proliferation and disarmament ... by ratifying the Comprehensive Nuclear-Test-Ban and supporting negotiations for a fissile material cut-off treaty.
6. All chemical-weapon states should expedite the scheduled destruction of all existing chemical weapon stockpiles by agreed target date of 2012.
7. States parties to the Biological and Toxin Weapons Convention should without delay return to negotiations for a credible verification protocol, inviting the active participation of the biotechnology industry.

The second layer addresses the issue of the dislocation in relation to the necessity to reduce the supply of these weapons (ASW: 43-46):

Layer 2: Better Strategies to Reduce Supply

1. The Treaty of Non-Proliferation must be respected.
2. The IAEA Board of Governors should recognize the Model Additional Protocol as today's standard for IAEA safeguards.
3. The Security Council should be prepared to act in cases of serious concern over non-compliance with non-proliferation and safeguards standards.
4. Negotiations be engaged without delay and carried forward to an early conclusion on an arrangement, based on the existing provisions of articles III and IX of the IAEA statute, which would enable IAEA to act as a guarantor for the supply of fissile material to civilian nuclear users.
5. States should voluntarily institute a time-limited moratorium on the construction of any further enrichment or reprocessing facilities, with a commitment to the moratorium matched by a guarantee of the supply of fissile materials by the current suppliers at market rates.
6. All states should be encouraged to join the Proliferation Security Issue.
7. A state's notice of withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons should prompt immediate verification of its compliance with the Treaty. If necessary mandated by the Security Council. The IAEA Board of Governors should resolve that, in the event of violations, all assistance provided by IAEA should be withdrawn.
8. The proposed timeline for implementation of the Global Threat Reduction Initiative should be halved from 10 to 5 years.
9. States parties to the Biological and Toxin Weapons Convention should also negotiate a new bio-security protocol to classify dangerous biological agents and establish binding international standards for the export of such agents.
10. The Conference on Disarmament should move without further delay to negotiate a verifiable fissile material cut-off treaty that, on a designated schedule, ends the production of highly enriched uranium for non-weapon as well as weapon purposes.

The third layer addresses the issue of the dislocation in relation to the necessity to enforce international treaties and agreements (ASW: 46):

Layer 3: Better Enforcement Capability

1. The Directors-General of IAEA and OPCW should be invited by the Security Council to report to a twice-yearly on the status of safeguards and verification processes, as well as on any serious concerns they have which might fall short of an actual breach of the Treaty of Non-Proliferation of Nuclear Weapons and the Chemical Weapons Convention.
2. The Security Council should be prepared to deploy inspection capacities for suspected nuclear and chemical violations.

The fourth layer addresses the issue of the dislocation in relation to the scientific advancement in bio-technology (ASW: 46-47)

Layer 4: Better Public Health Defences

1. Active bio-defence is the most viable option against the likelihood of attack.
2. The Security Council should consult with the WHO Director-General to establish the necessary procedures for working together in the event of a suspicious or overwhelming outbreak of infectious disease.

The Threat of Terrorism

Initially ASW frames this facticity, this dislocation or category of threat – rearticulating the primary ethical signature, - with a brief outline to the main issue of terrorism:

Terrorism attacks the values that lie at the heart of the Charter of the United Nations: respect for human rights; the rule of law; rules of war that protect civilians; tolerance among peoples and nations; and the peaceful resolution of conflict. (ASW: 47)

The additional point made by ASW is that terrorism:

Flourishes in environments of despair, humiliation, poverty, political oppression, extremism and human rights abuse; it also flourishes in context of regional conflict and foreign occupation; and it profits from weak State capacity to maintain law and order. (ASW: 47)

The contemporary issue of that threat ASW links to Al-Qaida. which since 1999 is asserted to have organized attacks against more than ten member states of UN, moreover is framed as having UN as an enemy (ASW: 48).

The norms articulated to meet this dislocation of terrorism is presented in relation to four normative framings: *a comprehensive strategy, better counter-terrorism instruments, assisting states in confronting terrorism, and defining terrorism*. The norms articulated in relation to these framings are presented below. The first framing addresses the need for a comprehensive strategy focusing not only on the capacity of terrorists but especially their will to fight, which addresses the root causes and strengthens responsible states and the rule of law and the fundamental human rights (ASW: 48):

A Comprehensive Strategy:

1. The United Nations with the Secretary General taking a leading role, should promote such a comprehensive strategy, which includes:
 - (a) Dissuasion, working to reverse the causes or facilitators of terrorism, including through promoting social and political rights, the rule of law and democratic reform; working to end occupations and address major political grievances; combating organized crime; reducing poverty and unemployment, and stopping state collapse.
 - (b) Efforts to counter extremism and intolerance, including through education and fostering public debate.
 - (c) Development of better instruments for global counter-terrorism cooperation, all within a legal framework that is respectful of civil liberties and human rights, including the areas of law enforcement; intelligence-sharing, where possible; denial and interdiction, when required; and financial controls.
 - (d) Building state capacity to prevent terrorist recruitment and operations.
 - (e) Control dangerous materials and public health defence.

The second framing addresses the need for better counter-terrorism instruments by focusing on the issues related to the international conventions on terrorism (ASW: 49-50):

Better Counter-Terrorism Instruments:

1. Members that have not yet done so should actively consider signing and ratifying all 12 international conventions against terrorism, and should adopt the eight Special Recommendations on Terrorist Financing issued by the Organization for Economic Cooperation and Development (OECD)-supported Financial Action Task Force on Money Laundering and the measures recommended in its various best practices papers.
2. The Al-Qaida and Taliban Sanctions Committee should institute a process for reviewing the cases of individuals and institutions claiming to have been wrongly placed or retained on its watch lists.

The third framing addresses the need to assist states in confronting terrorism (ASW: 50-51):

Assisting States in Confronting Terrorism:

1. The Security Council, after consultation with affected States, should extend the authority of the Counter-Terrorism Executive Directorate to function as a clearing house for state-to-state provision of military, police and border control assistance for the development of domestic counter-terrorism capacities.
2. United Nations members and specialized bodies should increase their efforts to provide States with access to effective legal, administrative and police tools to prevent terrorism.
 - 2.1. To aid this process, the United Nations should establish a capacity-building trust fund under the Counter-Terrorism Executive Directorate.
3. The Security Council may need to take additional measures to ensure compliance, and should device a schedule of predetermined sanctions for State non-compliance.

The fourth framing addresses the need to define the concept of terrorism. The main issue of this dislocation is the fact that international agreement on a definition of terrorism and a convention on anti-terrorism are not present. There is no international agreement in relation to non-state use of force and this issue undermines the normative and moral stance against terrorism (ASW: 51). Therefore, “Achieving a comprehensive convention on terrorism, including a clear definition is a political imperative.” (ASW: 51). The point made by ASW is that:

The strong normative framework of the United Nations surrounding state use of force must be completed by a normative framework of equal authority surrounding non-state use of force. Attacks that specially target innocent civilians and non-combatants must be condemned clearly and unequivocally by all. (ASW: 52)

These norms articulated in this fourth framing are presented below:

Defining Terrorism:

1. The General Assembly, given its unique legitimacy in normative terms, should rapidly complete negotiations on a comprehensive convention on terrorism.
2. The definition of terrorism should include the following elements:
 - 2.1. recognition in the preamble, that state use of force against civilians is regulated by the Geneva Conventions and other instruments, and, if of sufficient scale, constitutes a war crime by the persons concerned or a crime against humanity.
 - 2.2. Restatement that acts under the 12 preceding anti-terrorism conventions are terrorism, and a declaration that they are a crime under international law; and restatement that terrorism in time of armed conflict is prohibited by the Geneva Conventions and Protocols.
 - 2.3. Reference to definitions contained in the 1999 International Convention for the Suppression of Financing of Terrorism and Security Council Resolution 1566 (2004).
 - 2.4. Description of terrorism as “any action, in addition to actions already specified by the existing conventions on aspects of terrorism, the Geneva Conventions and Security Council resolution 1566 (2004), that is intended to cause death or serious bodily harm to civilians or non-combatants, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a Government or an international organization to do or to abstain from doing any act”.

The Threat of Transnational Organized Crime

ASW frames this facticity, this dislocation of transnational crime as the last security threat. The dislocation of transnational organized crime is the fact that it is “a menace to States and societies, eroding human security and the fundamental obligation of States to provide for law and order.” (ASW: 52). ASW focuses on the fact that criminal organizations gain \$300 to \$500 billion annually from narcotics trafficking (ASW: 53). In addition ASW asserts that states have not responded adequately enough to this threat. Effectiveness varies from state to state.

The norms articulated to meet this dislocation are presented in relation to two normative framings: *better international regulatory frameworks* and *better state capacity-building*. The first framing addresses the need for better international frameworks to combat organized crime and the second framing addresses the need for state capacity building especially with regard to rule of law.

The Role of Sanctions

In addition to these seven dislocations ASW discusses the role of sanctions. The argument of ASW is that sanctions:

Constitute a necessary middle ground between war and words when nations, individuals and rebel groups violate international norms, and where a failure to respond would weaken those norms, embolden other transgressors or be interpreted as consent. (ASW: 55)

The norms articulated by ASW in relation to this instrument are illustrated below (ASW: 55-56):

Norms Related to the Use of Sanctions

The Security Council must ensure that sanctions are effectively implemented and enforced:

- (a) When the Security Council imposes a sanctions regime – including arms embargoes – it should routinely establish monitoring mechanisms and provide them with the necessary authority and capacity to carry out high-quality, in-depth investigations. Adequate budgetary provisions must be made to implement those mechanisms;
- (b) Security Council sanctions committees should be mandated to develop improved guidelines and reporting procedures to assist States in sanctions implementation, and to improve procedures for maintaining accurate lists of individuals and entities subject to targeted sanctions;
- (c) The Secretary-General should appoint a senior official with sufficient supporting resources to enable the Secretary-General to supply the Security Council with analysis of the best way to target sanctions and to assist in coordinating their implementation. This official would also assist compliance efforts; identify technical assistance needs and coordinate such assistance; and make recommendations on any adjustments necessary to enhance the effectiveness of sanctions;
- (d) Donors should devote more resources to strengthening the legal, administrative, and policing and border-control capacity of Member States to implement sanctions. These capacity-building measures should include efforts to improve air-traffic interdiction in zones of conflict;
- (e) The Security Council should, in instances of verified, chronic violations, impose secondary sanctions against those involved in sanctions-busting;
- (f) The Secretary-General, in consultation with the Security Council, should ensure that an appropriate auditing mechanism is in place to oversee sanctions administration.
- (g) Sanctions committees should improve procedures for providing humanitarian exemptions and routinely conduct assessments of the humanitarian impact of sanctions.
- (h) The Security Council should continue to strive to mitigate the humanitarian consequences of sanctions.
- (i) Where sanctions involve lists of individuals or entities, sanctions committees should establish procedures to review the cases of those claiming to have been incorrectly placed or retained on such lists.

5.4.4.3. Ethical Reasoning for Use of Military Force: Collective Security and the Use of Force

Having presented the ASW's ethical ideology related to prevention of international threats to peace and security the ASW's norms related to the issue of use of military force – the ethical reasoning – can be presented. The initial argument made by ASW is that: "Military force, legally and properly applied, is a vital component of any workable system of collective security" (ASW: 62). The dislocation framed by ASW is however that the use of force is the most difficult policy issue. As a consequence the initial argument made by ASW is that:

The maintenance of world peace and security depends importantly on there being a common global understanding, and acceptance, of when the application of force is both legal and legitimate. One of these elements being satisfied without the other will always weaken the international legal order – and thereby put both State and human security at greater risk. (ASW: 62)

Hereby ASW makes an important and new connection: it directly connects legal and ethical reasoning, arguing that law or ethical reasoning is not enough to argue for the use of military force. Both types of reasoning is required. ASW distinguishes between three different conflict types: the state acting in self-defence, situations of a state posing an external threat and cases in which a state poses an internal threat. The entire set of norms related to the use of military in these three types of

conflicts is in ASW framed under two headlines: *the question of legality, the question of legitimacy*. In addition ASW discusses the normative issues regarding: *peace enforcement and peacekeeping, post-conflict peacebuilding, and protection of civilians*.

The Question of Legality

The international law regarding use of military force articulated in the UNCh represents the principal norms of ASW:

The Charter of the United Nations, in Article 2.4, expressly prohibits Member States from using or threatening force against each other, allowing only two exceptions: self-defence under Article 51, and military measures authorized by the Security Council under Chapter VII (and by extension for regional organizations under Chapter VIII) in response to “any threat to the peace, breach of peace or act of aggression.” (ASW: 62)

ASW endorses the norms regarding the use of military force articulated in article 2.4, 51 and chapter VII and VIII and thereby underline and emphasize the coherency of these international norms. Still a main dislocation in relation to international law is according to ASW the ineffectiveness of the Security Council and the correlative claim is to make the institution of the Security Council work (ASW: 62, 63, 65). Below the legal norms of UNCh rearticulated by ASW in the quote above is presented with the additional interpretation made by ASW.

The Legal Norms of UNCh and ASW Regarding Use of Military Force:

1. The Norm of State self-defence: article 51 of UNCh

“Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.” (UNCh: Article 51)

Auxiliary norms according to ASW:

- This norm of right to self-defence requires an imminent attack.
- If there are good arguments for preventive military action, they should be put to the Security Council. The risk to the global order and the norm of non-intervention on which it continues to be based is simply too great for the legality of unilateral preventive action.

2. The Norm of a State posing a Threat to other States: chapter VII of UNCh

“The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain and restore international peace and security.” UNCh: Article 39)

Auxiliary norms according to ASW:

- The threats framed by the Security Council are not limited to eminent threats
- The Security Council may well need to take proactive measures
- Crucial in relation to preventive action is credible evidence of the reality threat in question
- The task is to make the Security Council work better than it has.

3. The Norm of Responsibility to Protect: chapter VII and Genocide Convention

“States have agreed that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and punish.” (ASW: 65)

Auxiliary Norms according to ASW

- The principle of non-intervention, Article 2.7. of UNCh cannot be used to protect genocidal acts.
- Governments have the primary responsibility to protect their citizens
- There is a collective international responsibility to protect, exercisable by the Security Council authorizing military intervention as last resort, in the event of genocide and other large-scale killing, ethnic cleansing or serious violations of international humanitarian law which sovereign governments have proved powerless or unwilling to prevent.

The Question of Legitimacy

As mentioned above ASW interestingly argues that law is not enough in relation to the normative regulation of the use of military force:

The effectiveness of the global collective security system, as with any other legal order, depends ultimately not only on the legality of decisions but also on the common perception of their legitimacy – their being made on solid evidentiary grounds, and for the right reasons, morally as well as legally. ... In particular in deciding whether or not to authorize the use of force, the Council should adopt and systematically address a set of agreed guidelines, going directly not to whether force *can* legally be used but whether, as a matter of good conscience and good sense, it *should* be. (ASW: 66)

With regard to this need for ethical reasoning in relation to the use of military force ASW brings in and rearticulates the *jus ad bellum* part of JWI. Thereby reintroducing the doctrine which was abandoned when the legal discourse became predominant.

Norms and Criteria for Security Council Deliberation:

In considering whether to authorize or endorse the use of military force, the Security Council should always address - whatever other considerations it may take into account - at least the following five basic criteria of legitimacy:

- (a) Seriousness of threat. Is the threatened harm to State or human security of a kind, and sufficiently clear and serious, to justify *prima facie* the use of military force? In the case of internal threats, does it involve genocide and other large-scale killing, ethnic cleansing or serious violations of international humanitarian law, actual or imminently apprehended?
- (b) Proper purpose. Is it clear that the primary purpose of the proposed military action is to halt or avert the threat in question, whatever other purposes or motives may be involved?
- (c) Last resort. Has every non-military option for meeting the threat in question been explored, with reasonable grounds for believing that other measures will not succeed?
- (d) Proportional means. Are the scale, duration and intensity of the proposed military action the minimum necessary to meet the threat in question?
- (e) Balance of consequences. Is there a reasonable chance of the military action being successful in meeting the threat in question, with the consequences of action not likely to be worse than the consequences of inaction?

The point made by ASW is that these guidelines for authorizing the use of force should be embodied in declaratory resolutions of the Security Council and General Assembly.

Peace Enforcement and Peacekeeping Capability

Apart from the use of military force in the three types of conflicts mentioned above ASW presents some norms regarding peace enforcement and peace keeping. Peacekeeping and Peace Enforcement missions are sanctioned by the Security Council by the legal criteria and norms of the UNCh. The contemporary dislocation in relation to this type of use of military force is according to ASW that the demand for personnel is higher than the soldiers made available for the UN by the member states. In addition the armed forces of many countries remain configured to Cold War strategy and are not available for immediate deployment. The norms articulated by ASW regarding these two types of missions are presented below:

Norms regarding Peace Enforcement and Peace Keeping:

1. The developed states have particular responsibilities to do more to transform their existing force capacities into suitable contingents for peace operations.
2. States that have either global or regional air or sealfight capacities should make these available to the United Nations, either free of charge or on the basis of a negotiated fee-based structure.
3. Member states should strongly support the efforts of the Department of Peacekeeping Operations of the United Nations Secretariat, building on the important work of the Panel on the United Nations Peace Operations.
4. Others with advanced military capacities should be encouraged to develop similar capacities at up to a brigade level and to place them at the disposal of the United Nations.

Post-conflict Peacebuilding

The argument made by ASW in relation to post-conflict peacebuilding is that: “Resources spent on implementation of peace agreements and peacebuilding are one of the best investments that can be made for conflict prevention.” (ASW: 70). Post-conflict peacebuilding is however a challenge. The norms articulated to meet this major challenge are presented below (ASW: 70-72):

Norms for Post-conflict Peacebuilding:

1. The Secretary General should recommend and the Security Council should authorize troop strengths sufficient to deter and repel hostile fractions.
2. The United Nations should have a small corps of senior police officers and managers (50-100 personnel) who could undertake mission assessments and organize the start-up of police components of peace operations, and the General Assembly should authorize this capacity.
3. What is needed is a single intergovernmental organ dedicated to peacebuilding, empowered to monitor and pay close attention to countries at risk, ensure concerted action by donors, agencies, programmes and financial institutions, and mobilize financial resources for sustainable peace.
4. Special representatives should have the authority and guidance to work with relevant parties to establish coordination mechanisms.
5. The Security Council should mandate and the General Assembly should authorize funding for disarmament and demobilization programmes from assessed budgets.
6. A standing fund should be established at the level of at least \$250 million that can be used to finance the recurrent expenditures of a nascent Government, as well as critical agency programmes in the areas of rehabilitation and reintegration.
7. Along with establishing security, the core task of peacebuilding is to build effective public institutions that, through negotiations with civil society, can establish a consensual framework for governing within the rule of law.

Protecting Civilians

The last aspect of ASW’s norms regarding use of military force focuses on the *jus in bello* aspect. It is grounded in this dislocation:

In many civil wars, combatants target civilians and relief workers with impunity. Beyond direct violence, deaths from starvation, disease and the collapse of public health dwarf the numbers killed by the bullets and bombs. Millions more are displaced internally or across borders. Human rights abuses and gender violence are rampant. (ASW: 72-73)

The norms articulated by ASW in relation to this major dislocation are the following (ASW: 73-74):

Norms Regarding the Protection of Civilians:

1. All combatants must abide by the provisions of the Geneva Conventions.
2. All member states should sign, ratify and act on all treaties relating to the protection of civilians, such as the Genocide Convention, the Geneva Conventions, the Rome Statute of the International Criminal Court and all refugee conventions.
3. The Secretary General's 10-point platform for action should be considered by all actors – states, NGO's and international organizations – in their efforts to protect civilians in armed conflict.
4. The Security Council should fully implement resolution 1265(1999) on the protection of civilians in armed conflict.
5. The human rights components of peacekeeping operations should be given explicit mandate and sufficient resources to investigate and report on human rights violence against women.
6. The Security Council, United Nations agencies and Member States should fully implement Security Council resolution 1325 (2000) on women.

5.4.4.4. A more Effective United Nations for the Twenty-first Century

The last part of the ethical ideology articulated in ASW is devoted to the question of reform of the UN and the UNCh. The issue of reform of the UN framework including the UNCh has also illustrated with PEP and RTP been and is still an important element in the international and global discussion of peace and security. ASW addresses this issue from the perspective of the importance of the UN framework and its primary ethics presented above. The dislocations framed by ASW in relation to the UN-framework are (ASW: 77-78):

Dislocations of the UN-framework Framed by ASW:

1. The General Assembly has lost vitality and often fails to focus effectively on the most compelling issues of the day.
2. The Security Council will need to be more proactive in the future.
3. The Security Council needs greater credibility, legitimacy and representation to do all that we demand of it.
4. There is a major institutional gap in addressing countries under stress and countries emerging from conflict. Such countries often suffer from attention, policy guidance and resource deficits.
5. The Security Council has not made the most of the potential advantages of working with regional and sub-regional organizations.
6. There must be new institutional arrangements to address the economic and social threats to international security.
7. The Commission on Human Rights suffers from a legitimacy deficit that casts doubts on the overall reputation of the United Nations.
8. There is a need for a more professional and better organized Secretariat that is much more capable of concerted action.

These dislocations are relocated by articulating institutional norms which according to ASW so to speak can relocate the UN-framework, heavily challenged in the above framed way. The norms focus on the main agents of the UN-system: the General Assembly, the Security Council, a new Peacebuilding Commission and a Peace Support Office, Regional Organizations, the Economic and Social Council, the Commission on Human Rights, the Secretariat, and the UNCh.

The main normative issue presented in relation to the General Assembly is that it should be supported in its function as the main deliberative organ of the UN. The main normative issue

presented in relation to the Security Council is its reform, especially the need of its enlargement. In relation hereto ASW presents two possible models for the enlargement of the Council, both having 24 members or seats, though with different numbers of permanent seats and non-permanent two-year seats. With regard to what ASW frames as an institutional gap of the UN-framework the norm regarding the establishment of a Peacebuilding Commission is presented. A commission with the task to: “identify countries which are under stress and risk sliding towards State collapse, to organize ... proactive assistance in preventing that process from developing further.”(ASW: 83) This commission should be organized with a Peacebuilding Support Office situated at the UN-Secretariat. The Economic and Social Council part of the original UN-framework (UNCh: Article 61-72) should according to ASW have its relevance and contribution to collective security enhanced. ASW presents three normative strategies to make this happen. According to ASW one of the central missions of the UN is the protection of human rights, accordingly the Commission of Human Rights must be supported, its membership made universal, and the idea of upgrading it to a Human Rights Council should be contemplated. The UN Secretariat should also be improved. The norms regarding this issue focus on the need for more and well-trained staff and the organization of another Deputy Secretary General responsible for peace and security. These norms result in a few necessary amendments of the UNCh. Article 23 concerning the organization of the Security Council needs amendment. In addition Articles 53 and 107 must be amended, leaving out the reference to *enemy states*. Chapter XIII concerning the Trusteeship Council should be deleted. Article 47 concerning the Military Staff Committee, and the somewhat related Articles: 26, 45, and 46 should be deleted. With regard to these rather few amendments the final argument made by ASW is that:

We believe, however, that the Charter as a whole continues to provide a sound legal and policy basis for the organization of collective security, enabling the Security Council to respond to threats to international peace and security, both old and new in a timely and effective manner. The Charter was also farsighted in its recognition of the dependence of international peace and security on economic and social development.

All Member States should rededicate themselves to the purposes and principles of the Charter and to applying them in a purposeful way, matching political will with the necessary resources. Only dedicated leadership within and between States will generate effective collective security for the twenty-first century and forge a future that is both sustainable and secure. (ASW: 93)

Hereby the ethical ideology of ASW has been presented, disclosing an ideology which rearticulates the ideology of the UNCh with very few exceptions. Before summarizing and concluding the answer to the second research question, the antagonism and the inter-textuality of ASW have to be presented.

5.4.5. An Ineffective, Inefficient and Inequitable UN-framework

The antagonism articulated in ASW is like that of RTP primarily related to issues of international security from the perspective of sovereign states and the international community, though with a somewhat stronger emphasis on the perspective of the international community – expressed in the primary subject position: *we the internal community of sovereign states* – mainly owing to the much broader focus of ASW invoked in the post-9/11 and post- Iraq-war facticity of ASW. ASW is as stated not only limited to relocating the dislocation of the last decade of the twentieth century related to humanitarian or military intervention but of all the contemporary global security issues threatening global peace and security.

The implicit value and norm exclusion of ASW implied in the ethical ideology of ASW is somewhat similar to that of RTP regarding the exclusion of the ideology of classical realism and unilateral action. Classical realism is excluded due to the interdependency of states: “we all share responsibility for each other’s security.” (ASW: 2) and: “in the twenty-first century, more than ever before, no state can stand wholly alone. Collective strategies, collective institutions and a sense of collective responsibility are indispensable.” (ASW: 1) Unilateral action and the idea of an authority especially in relation to security issues located outside the UN-framework is excluded, an implicit exclusion expressed with reference to US unilateralism, uttered by ASW in rearticulating a quote of US President Truman: “we all have to recognize – no matter how great our strength – that we must deny ourselves the licence to do always as we please.” (ASW: 4) In addition to these two related exclusions ASW implicitly excludes an ineffective, inefficient, inequitable UN-framework and collective security system, a security system not able to address the contemporary security threats in an adequate manner. Linked hereto a narrow understanding of security threats is antagonized making any event or process which leads to large scale death a security threat (ASW: 2) At the same time the value non-prevention is antagonized together with the idea of non-development or a static global society. Interestingly the idea of a self-sufficient legal discourse is antagonized invoking the necessity of the a non-legal or ethical discourse in relation to the use of military force. (ASW: 3, 66-67)

The explicit norm and value exclusion in ASW is compared to the other ideologies analyzed here the most elaborate, mainly owing to two factors: it is the most comprehensive ideology, but more importantly ASW’s focus is security in general and a comprehensive security ideology of the global society, not only focusing on the issue of war or military intervention as the ideology of RTP. A list of the explicit norm and value exclusion is presented below:

Disvalues: Social Facticity	Disnorms: Actions of States and Non-State Actors
Extreme poverty	Erode borders
Infectious disease	Undermine rule of law
Infectious disease: SARS, HIV/AIDS, tuberculosis, malaria	Use nuclear, radiological, chemical and biological weapons
Large loss of life/large scale death	Impede economic growth
Desertification, climate change, global warming, deforestation, climate change	Undermine democracy
Drug trade, drugs	Facilitate spread of organized crime
Cultural and religious antagonism	Targeting and killing civilians
Threat to international peace and security	Prey on weak states for sanctuary
Weak enforcement, ineffective collective security institutions	Fail to keep pace with changes in the nature of threats
Shortage of land and natural resources	Discriminate in responding to threats to international security
Outbreak of civil war, state weakness, state collapse, chaos	Corrode the values that terrorists target
Civil violence, scourge of war	[Security Council] fail to enforce
Terrorism, terrorist attacks	Governments killing its own citizens
Global rivalry	The unwillingness to get serious about preventing deadly violence

The implicit antagonists or subject positions in ASW are hinted at in the implicit value and norm exclusions. The implicitly excluded subject position is primarily: the self-sufficient, unilateral acting, and irresponsible sovereign states. In other words like RTP and PEP all the agents not respecting the authority of the UN and the global responsibility of the sovereign state. The explicitly articulated antagonists of ASW, rather few in number, are: Taliban regime, terrorists, international terrorist groups, Al Qaida and Osama Bin Laden.

The character of hegemonic aspiration in ASW is expressed in the invocation of a global realism, the necessity of the norms articulated in ASW to address the different global security threats and thereby make the collective security framework of the UN work (ASW: 1-5). In other words there is according to ASW no other strategy or way to address the contemporary global facticity of threats than the one presented by ASW.

The textual orientation to difference is limited to the agents not respecting the authority of the UN, the global and multi-faceted responsibility of sovereign states to provide security for their own citizens and to the international community.

The genre of antagonism is like RTP predominantly rational. There is no attempt to construct scapegoats. ASW is not articulating norms and values as statements with affective mental processes like USNSS analyzed above. The antagonists presented in ASW are merely presented as actors being a threat to security. Even more, the possible problems regarding framing individuals as threats or terrorists are considered:

The Security Council must proceed with caution. The way entities or individuals are added to the terrorist list maintained by the Council and the absence of review or appeal for those listed raise serious accountability issues and possibly violate fundamental human rights norms and conventions. The Al-Qaida and Taliban Sanctions Committee should institute a process for reviewing the cases of individuals and institutions claiming to have been wrongly placed or retained on its watch lists. (ASW: 50)

5.4.6. Verification of the UN-framework

The inter-textuality, the rearticulation of norms, values and subject positions, in ASW is rather complex mainly due to the fact that the perspective of ASW is global security in the wide understanding of the concept of security presented above, bringing issues such as HIV/AIDS, environment degradation, education and development. ASW is drawing on numerous texts and discourses. However it is possible to present some main arguments in relation to: the use and rearticulation of UNCh in ASW and the use of other international treaties in ASW.

5.4.6.1. The Rearticulation of UNCh in ASW

The UNCh has a predominant role in ASW owing to the mandate of the commission behind ASW. ASW is an even more ambitious attempt to underline the importance of the UN-framework and the ideology articulated in UNCh than RTP. This is seen in several ways. Like in the analysis of RTP a statistical account of the central concepts related to the discursive formation of UNCh illustrates this important role played by the ethical ideology of UNCh in ASW.

Concept Searched in ASW:	Number of Textual Articulations:
UN	361
UNCh	69
Security Council	216
General Assembly	35
Secretary General	70
UNCh Article 51	11
UNCh Article 99	5
UNCh Chapter VII	22
UNCh Chapter VIII	5

This reaffirmation of the ethical ideology of UNCh is emphasised in the last paragraph of ASW:

All Member States should rededicate themselves to the purposes and principles of the Charter and to applying them in a purposeful way, matching political will with the necessary resources. Only dedicated leadership within and between States will generate effective collective security for the twenty-first century and forge a future that is both sustainable and secure. (ASW: 93)

The important issue in relation to ASW's rearticulation of UNCh is that in relation to the question of UN reform and apart from institutional improvements of UN only amendments in relation to Article: 23, 26, 53, 107, 45, 46, 47 and the annulment of chapter XIII are suggested. (ASW: 92-93)

5.4.6.2. The Rearticulation of Other International Treaties in ASW

The number of international treaties besides that of UNCh rearticulated in ASW is quite high. They are listed below and followed by the analysis of the most important of the treaties.

Millennium Declaration
Millennium Development Goals
Bonn Agreement
Treaty on the Non-proliferation of Nuclear Weapons
Doha Declaration
Kyoto Protocol
Rome Statute
Chemical Weapons Convention
Biological and Toxin Weapons Convention
Geneva Conventions
Convention on the Prevention and Punishment of Crime of Genocide
Declaration of Human Rights

The most influential texts of the above listed in ASW is the Millennium Declaration (henceforth, MD) directly referred to six times (ASW: 27, 78, 87, 88, 113) and the Millennium Development Goals (henceforth, MDG) related to it directly referred to nine times (ASW: viii, 27, 28, 87, 113). MD is a resolution adopted by the General Assembly in September 2000. This resolution is divided into eight chapters presenting internationally agreed values and norms, and seven major areas of interest: *peace security and disarmament, development and poverty reduction, protecting our common environment, human rights, democracy, and good governance, protecting the vulnerable, meeting the special needs of Africa, strengthening the United Nations*. The norms related to these framings are rearticulated in ASW. The norms resulting from the dislocation of 9/11 and Iraq War are new however. The eight goals and norms articulated in MDG: *eradicate extreme poverty and hunger, achieve universal primary education, promote gender equality and empower women, reduce child mortality, improve maternal health, combat HIV/AIDS, malaria and other diseases, ensure environmental sustainability, develop a global partnership for development* are also rearticulated in ASW.

Apart from the importance of MD and MDG the ethical ideology of RTP is rearticulated in ASW. In the framing, *responsibility to protect* articulated 13 times in ASW the ideology of RTP is rearticulated. The transformation of the framing *responsibility* into the *responsibility to protect* from MD to ASW so to speak goes through RTP. Even though RTP is not directly referred to in ASW, it is present owing to the presence of co-chair of ICISS in the group of authors of ASW.

5.5. Ideological Ethical Articulation of Military Force

The four ideologies analyzed above have different ethical signatures, but there are similarities implying that it is possible to assert that an ethical meta-narrative and consensus in relation to the use of military force in fact exists. The differences of their ethical signature and the issue of consensus and meta-narrative are presented below in relation to the seven parameters of the ethical signature and evaluated.

The analysis of the facticity or immediate context of these four texts somewhat affirms the thesis of the discursive dialectics and more importantly proves the thesis that even ideological articulation is a yes/no modal relocation of social agent facticity. The analysis of the texts' facticity reveals that they were part of an attempt to relocate a dislocated facticity. The PEP was a relocation of the facticity of insecurity within the post-Cold War period and the new types of threats. The RTP was a relocation of a similar facticity and the problems of international law in dealing with threats to peace and security especially related to the concept of intervention. The USNSS was a relocation of the facticity of major dislocation related to 9/11. The ASW was a relocation of a facticity of continuous global insecurity and threats to peace in particular related to the Iraq war. The argument is that in order to understand these ideologies and their normative strategies their facticity must be taken into consideration. They are unavoidably placed within the discursive dialectics and must be analysed accordingly.

A primary ethical signature is found in all the four ideologies. This primary ethical signature is an important aspect of the ethical ideology. At the same time, the ability to construct a meta-narrative seems to depend on an overlapping consensus between these primary subject positions, values and norms. Here it can be seen that there is compatibility between the PEP, RTP and ASW, whereas the USNSS seems highly incompatible with the other ideologies having a primary ethical signature with the United States as the primary value and the protection of the United States as the primary norm. In spite of this ideological mismatch it will however be seen, that a meta-narrative exists on the auxiliary level of the ethical signature, that the realism of the USNSS implies a consensus with the other ideologies. These primary ethical signatures are beside their condition of possibility for the auxiliary norms, disnorms, values, and disvalues shown to be the condition of the discursively constructed dislocations and correlative ontological claims of the ideologies.

These primary ethical signatures make us understand why the ideologies frame their particular dislocations. The value of the international community makes conflicts between nations or states a dislocation or in the framing of the UNCh *a scourge*. The term *war* and *war-framing*, which signifies conflict between states, is accordingly used to frame the dislocation. In the UNCh the

framings *threats to peace, acts of aggression, and threat of use of force* were also used to frame dislocations conditioned by the primary ethic of the UNCh. In the analysis, it has been shown that the dislocations are also of different genres. The four ideologies frame the inability of their previous ideological assertions or other ideologies to provide a normative strategy in a facticity of dislocation as a dislocation. This is seen in PEP, RTP, USNSS, and ASW and underlines the discursive dialectics involved in the construction of ideologies.

The framing of the dislocation constitutes together with the framing of the correlative ontological claim the primary reasoning of the ethical ideology - the answer to the question why it was elaborated. Another main point is that the thesis of the ontological claim is proved in the analysis of the ethical ideologies. The ontological claim appears in the deontical framings of the states' intentions of the articulated ideologies as: *to save succeeding generations from war, the need for emphasis and completion, concerted action needed, we must defeat these threats to our nation, and the need for a new consensus and action*. At the same time, the ontological claim in the ideologies can be seen to be framed in additional auxiliary claims.

The framing of the dislocation or dislocations and ontological claim or claims as mentioned constitute the primary reasoning of the ideology. In addition, the genre of the selected ethical ideologies implies that the yes/no modal relocation is constituted by a normative strategy articulating values and norms related to the use of military force. In the normative strategies of the four ideologies consensus in several aspects occurs as illustrated below:

- Use of military force is only considered legitimate as a defensive measure to protect peace and security.
- Use of military force must follow IHL.
- Peace and security are considered fundamental values.
- Peace and security are inherently related to global justice. Irrespective of a national or international perspective, peace and security depend on global justice – in other words, peace is claimed to be possible only as a just peace, which can be framed as *global realism*.
- The importance of the United Nations is underlined, though the USNSS remarks that it will not hesitate to act alone if necessary to exercise its right of self-defence.
- Human life is considered a fundamental conditional value.
- The responsibility to protect human life is considered a fundamental conditional norm.
- The sovereign state is considered a fundamental political value, a primary agent within the global community.

- Prevention or preventive measures in relation to threats to peace and security are considered of utmost importance.
- The value of legal reasoning in relation to use of military force is underlined.
- The rule of law is articulated as fundamental value.

This consensus among main contemporary ideologies suggests the existence of a rather consistent ethical framework in relation to the use of military force. In her analysis of international treaties Dorothy Jones (1984) has disclosed eleven ethical principles of international relations – a Code of Peace – which is in some respects rearticulated in the principles above: sovereign equality of states; territorial integrity and political independence of states; equal rights, and self-determination of peoples; non-intervention in the internal affairs of states; peaceful settlement of disputes between states; abstention from the threat or use of force; fulfilment in good faith of international obligations; cooperation with other states; respect for human rights and fundamental freedoms; creation of equitable international economic order; protection of the environment. This list of principles presented in 1984 is, however, in view of the consensus presented above challenged today. Especially the principle of non-intervention is disputed and the idea of rule of law implies that the threat to use force as law enforcement is unavoidable. Far more important is that this consensus suggests that the ethic of just peace presented above has become a global or international interest – that the idea of just peace can be presented as a global realist ideology in which use of military force is reframed as just policing. Just peace can in other words be articulated as a realist goal of the international community, which implies that the criteria of use of military force must be whether it brings us closer to that goal. In that respect the logic of just peace that *the ends are the means in the making* articulates the ethical principle to be applied in the process of ethical reasoning. Owing to the logic of just peace and thereby the logic of customary law and discourse – that the actual actions of states make law and the discursive construction of reality makes or creates reality, - it is only by acting out and discursively constructing the principles implied in just peace that we can ever hope to reach a facticity of just peace. In that respect the major powers bear a particular responsibility, which even the US acknowledges (USNSS: 5) though the only realistic framework is the UN, underlined in ASW's rearticulation of US President Truman's argument against unilateralism.(ASW: 17)

Apart from this realist need for just peace and the ethical consensus among the four ideologies analyzed here differences occur. First, in relation to the ethical reasoning for use of military force: besides the consensus of legal reasoning among the ideologies PEP, RTP, and ASW interestingly rearticulate JWI as the ethical reasoning for use of military force, consistent with their conditional

value of human life. In comparison, the UNCh is silent about the ethical reasoning apart from the legal reasoning insofar as the SC is supposed to provide the reasoning. This unqualified authority given to the SC ASW as seen above tries to make up for in suggesting JWI to be the ethical reasoning to be used by the SC in relation to use of military force. The ethical reasoning for use of military force by the USNSS is different from that of JWI and the authority given to the SC. It is applying narrative ethical reasoning framing terrorism and rogue states as major dislocations and pre-emptive measures against these agents including use of military force as the only reasonable normative strategy. Second, in spite of a consensus regarding the importance of the UN the USNSS as already mentioned does ultimately not entrust the UN with the protection of peace and security of the US. Within the other four ideologies the UN, meaning the SC but also the General Assembly, is emphatically stated to be the only authority to decide if military force can or must be used. Interestingly the reframing of the RTP comes very close to the USNSS. The norms of the responsibility to protect within RTP imply that coercive measures are to be taken against what in the USNSS is framed as rogue states. This suggests that the USNSS would have been better off if it had used other terms or another tone to articulate its normative strategy, as also pointed out by Weigel (Reed and Ryal 2007: 32). The pre-emptive use of force against what the USNSS frames as rogue states is in fact a consequent coercive measure on a continuum of coercion allowed in the ideologies of PEP, RTP and ASW.

Concerning the textual construction of antagonism in the four ideologies, the most visible difference is the difference between the antagonism constructed by the PEP, RTP, ASW and USNSS. USNSS reveals a logic of equivalence in constructing equivalent identities that express a pure negation of the international community of sovereign states with equal rights and human beings with fundamental rights. It divides the social terrain by focusing on antagonistic poles, the United States and their friends and their ethical ideology on one side and terrorists and rogue states and their ethical ideology on the other. The other ideologies are radically open to difference. They seek to break down equivalence by creating the largest possible space for difference, expressed in the value given to human rights and in the use of language, which opposite that of USNSS avoids constructing antagonism based on statements invoking affective processes. At the same time UNCh, PEP, RTP, and ASW discursively construct their antagonism in relation to the actions and omissions of agents rather than on their value as social agents or political entities.

Concerning the inter-textuality the discursive dialectics is easily seen. The norms of the UNCh are frequently rearticulated and the normative framing *to maintain international peace and security* has a mythological character in the texts. Especially RTP and ASW rearticulate the ideology of the UNCh and to a lesser extent, other important international discourses. PEP brings together the

rearticulation of discourses related to EKD, ecumenical discourses and biblical texts, with the discourses related to the UN framework. In comparison, the USNSS rearticulates discourses that are predominantly American.

From the viewpoint of the ethic of just peace presented above, the consensus of these ethical ideologies is rather close to the framework of just peace and use of military force as law enforcement or international policing. Just peace is as pointed out discursively constructed both as an idealist principle and as a realist goal underlining a realist understanding of the necessity of just peace for global, international, or universal security, and thereby disclosing a kind of international or global realism. At the same time, the development of the ethical ideologies since the articulation of the UNCh has articulated a growing importance given to the value of human life, and the normative strategies of especially PEP, RTP and ASW points at the realism of the just peace ethic of international policing. The remaining problems are however the strength of the UN and its representative character. The UN is today not, as stated by ASW, a credible framework. At the same time the problems of international humanitarian law are not addressed by any of the ideologies, not even the Christian one. The fact that the standards of international humanitarian law are too low from the perspective of just peace is a challenge which needs to be overcome. In other words, the logic of just peace is not sufficiently acknowledged by the ideologies. As a consequence, the potential of both the idealist and realist goal of just peace articulated in these ideologies is impaired beforehand. One can argue that it is due to a lack of courage, though the answer is more likely to be found in the particular facticities of the ideologies and the ongoing transformation of the international society.

6. Enacted Ethical Articulations Concerning the Use of Military Force

The subject matter of the fifth research field is the analysis of the ethics of contemporary political arguments for the use of military force and thereby the attempt to answer the third research question:

How have the responsible political agents argued for the use of military force in contemporary conflicts and have their arguments been reasonable?

The use of military force in general and especially in the forms framed within the discursive dialectics as *war* and *military intervention* is a frequent matter within the contemporary international community (Holsti 1996: 22). However, two present-day cases of war and military intervention within the research field appear especially challenging in relation to the question how the responsible political agents argue for the use of military force. These are cases where military action - in the frames of intervention and war – was taken by major political powers partly to enforce SCR's without direct authorization by the Security Council. One case was the war against Iraq (henceforth, IW) begun in 2003. According to some interpretations, this war has not ended yet, though sovereignty was handed over to a provisional government 28 June 2004 and general elections held in January 2005. Another case was the intervention in Kosovo (henceforth, KI), begun in March 1999 and ending in June 1999. These two cases of use of military force are selected as the two main discursive analytical fields of this third research question. It could be objected and argued that more than these two contemporary cases of war and military intervention must be chosen, in order to give a broader picture of the contemporary reasoning behind the use of military force. This is however for two reasons forgone: first, it is not possible within the frame of this dissertation to analyze - in a mode presented below - more than these two cases, and second, the textual material needed to engage in the analysis presented below is not quite as ample and available in other contemporary cases of war and military intervention. Accordingly, the discursive construction of these two cases becomes the subject matter of the analysis of the contemporary reasoning for use of military force in enacted ethical articulations.

War and military intervention occur in a period of time, within the discursive dialectics, therefore the question of ethical articulation related to the cases of Iraq and Kosovo must be answered from a diachronic perspective, in other words, the discursive articulations throughout the evolving political crisis. However, some diachronic frames and limitations of the analysis have to be set. The diachronic analysis of these discourses can be divided in three analytical timeframes *ante*, *in* and *post*. These three different Latin prepositions signify the timeframe in relation to the particular coercion - the intervention or war. The actual dates of the timeframes can according to the preliminary research be asserted as the following:

Kosovo Intervention Timeframes:

Ante: 1.1. 1998 - 23. 3. 1999

In: 24.3. 1999 – 9.6. 2000

Post: 10.6. 1999 – 30.10.2000

Iraq War Timeframes:

Ante: 12.9. 2002 - 17. 3. 2003

In: 19.3. 2003 - 12.7. 2003

Post: 13.7. 2003 - 30.6. 2004

The analysis of the reasoning and arguments for the use of military force in these two cases and in relation to these timeframes are limited to the genre of political statement. Furthermore, the political articulations and discourses selected in the case of Kosovo are articulations made by the Secretary General of NATO and in the case of Iraq articulations made by the President of the US - the primary agents in relation to the use of force in these two cases. An important aspect in relation to these statements is the question of authorship. The question of authorship seems problematic. The point is however that even though articulations by high ranking state-officials and political leaders often rely on a team of skilled speechwriters and are the product of a collaborate effort, the agent or politician must be considered as the author of his or her speeches (Charteris-Black 2005: 8). Furthermore, the focus on the analysis of enacted ethical articulation is not on the particular politician and his or her motivation but on the de facto ethical articulation by the responsible political agent.

In order to answer the question of the reasoning behind the use of military force in these two cases the idea is to analyze the ethical signature of the selected political statements. The analytical parameters applied to analyze the ethical signature and reasoning of this type and genre of enacted ethical articulations are fewer than the ones used in relation to the ideological ethical articulation:

- What signifies the textual construction of the primary ethical signature?
- What signifies the textual construction of dislocation?
- What signifies the textual construction of the normative strategy?
- What signifies the textual construction of ethical reasoning?
- What signifies the textual construction of values and norms?
- What signifies the textual construction of antagonism?

The explanation for this analytical approach is that the ethical reasoning *in* the text is the primary interest. The focus of the analysis is the ethical reasoning and value and norm production within the political statement. Accordingly, the other parameters used in the analysis of ethical ideologies are left out. In addition to these six parameters, analytical parameters will be applied to the selected texts by the aid of a more thorough linguistic analysis inspired by Fairclough (2004). The linguistic analysis of these six parameters consists of a more elaborative set of textual questions listed in Appendix 1.

Apart from the description of the ethical signature of the discursive construction and thereby also the reason for use of military force in Kosovo and in Iraq by NATO and the US, the discourses of the UN and the EKD in both cases and within the same timeframes are analyzed by the same linguistic parameters as the NATO and US discourses. This is done in order to compare the NATO and US discourses to other enacted ethical articulations within the same timeframes and related to the use of military force in these two cases, and in particular, to see if a consensus related to use of military force exists among these different enacted ethical articulations as it does among the ideological ethical articulations. The text-corpus of these two additional discourses are listed below - the reference system used signifies the discourse and its date of articulation. The select text-corpus of the two ante-timeframes consists of the following texts:

Kosovo Intervention

- UN: 050698, 190698, 110899, 300998, 131098, 190199, 280198, 030299, 230299, 220399
- EKD: 3-98, 061198

War against Iraq

- UN: 161002, 251002, 081102, 131102, 101202, 140103, 200103, 180203, 240203, 100303, 130303
- EKD: 060902, 081102, 240103, 050203

The selected text-corpus of the two in-timeframes consists of the following texts:

Kosovo Intervention

- UN: 300399, 090499a, 090499b, 060599, 260599, 280599, 020699
- EKD: 250399, 2-99, 3-99, 040499, 200499a, 200499b, 200599, 290599, 030699

War against Iraq

- UN: 190303, 240303, 220503, 220703
- EKD: 200303, 210303, 310303, 230503

The selected text-corpus of the two post-timeframes consists of the following texts:

Kosovo Intervention

- UN: 100699, 170699, 180699, 260799, 160899, 040400, 271000, 301000
- EKD: 160699, 170699, 180699, 080799, 041099, 121199, 230300

War against Iraq

- UN: 220703, 200803, 161003, 231003, 161203, 300404, 020504, 250604,

The dislocations and normative strategies of these texts are listed in Appendix 2 and 3.

Following the analysis of the discursive construction of KI and IW, including their ethical reasoning and the attempt to see if an ethical meta-narrative or consensus exists, the discursive constructions of KI and IW within the three timeframes are evaluated. This evaluation is made by reference to scholarly responses and by reference to the ethic of international policing, presented above.

6.1. The Intervention in Kosovo

The Intervention in Kosovo began on 24 March 1999 and the belligerents were NATO and the Federal Republic of Yugoslavia (henceforth, FRY). The case-study of the discursive construction of KI is as argued above limited to the aspect of intervention, and thereby the three timeframes of ante, in and post listed above. These timeframes mean that the discursive construction of the use of military force in the time before the ante-period is not analyzed, that the ongoing political process concerning the status of Kosovo after the post-period is not discussed and likewise the whole issue related to the case against NATO's member states put to the International Court of Justice by Serbia. The selected text-corpus discursive-dialectically situated within these three timeframes are listed below. The text-corpus of the ante-timeframe consists of the following texts:

- NATO: 050398, 300498, 280598, 120898, 130898, 240998, 151098, 161098, 271098, 121198, 131198, 261198, 081298, 280199, 300199, 190299, 230299, 220399, 230399

The selected text-corpus of the in-timeframe consists of the following text-corpus:

- NATO: 240399, 250399, 270399, 010499, 060499, 120499, 230499, 280499, 020599, 080599

The selected text-corpus of the post-timeframe consists of the following text corpus:

- NATO: 100699, 180699, 240699, 270999, 250200, 070600, 301000

These three text-corpus are connected owing to the fact that the discursive agent is the same. Accordingly, the analysis of the primary ethical signature is made irrespective of the three timeframes. In a similar approach, the results of the analysis of values and norms and antagonism are made though they are presented after the analysis of the discursive constructions within the three timeframes.

6.1.1. The Primary Ethical Signature

The primary ethical signature of the enacted ethical articulation of NATO can as in the case of EKD (3-98; 061198; 240199; 200499; 290599) and the Secretary General of the UN (110898; 300998; 131098; 280199; 030299; 230299; 050699, 100699; 160899) be seen to reproduce the primary ethical signature of its related ethical ideology. There is in other words no fundamental change in the primary ethical signature conditioning the auxiliary norms and values articulated in the enacted ethical articulation even though some of the auxiliary values and norms of the ideology are not respected, for example, that the SC must sanction the use of military force, and that intervention is not allowed. This is seen in the values, disvalues, norms and disnorms articulated within the texts and in the framing of the dislocation and the particular normative strategy presented below. These elements verify the thesis of the primary ethics resistance to change proposed by Sabatier above. This mythological pervasiveness proposes three significant logics: First, the primary ethical signature and the ideological ethical articulations related to the particular discourse are rather stable and fixed. Second, it continuously provides the conditions for the framing of social agent facticity, dislocations, and normative strategies. Third, that a consensus between all of the three discourses is potentially difficult if not impossible. In other words, consensus can be difficult if the primary ethical signatures are incompatible.

The primary ethical signature of NATO's ethical ideology has not been analyzed as in the case of the US. However as stated in the preamble of the North Atlantic Treaty NATO is committed to the UNCh: "The Parties to this Treaty reaffirm their faith in the purposes and principles of the Charter of the United Nations and their desire to live in peace with all peoples and all governments."(NATO 1949) This reaffirmation of the UNCh is stated again in Articles 1,5, and 7. The point made by NATO is that the Treaty was created within the framework of Article 51 of the UNCh (NATO 1999). The difference between the Treaty and the UNCh with regard to the primary ethical signature is however that the primary subject position is limited to the members of NATO. At the same time the values *peace* and *security* and the correlative norms are related to the North Atlantic area underlined by the normative framing of the preamble *to promote stability and well-being in the North Atlantic area*. In relation to this normative framing additional primary values are framed: *democracy*, *individual liberty* and *the rule of law*. This primary ethical signature is rearticulated in the enacted ethical articulations of NATO in relation to the KI, illustrated below by a few examples of the subject positions, values, disvalues, norms and disnorms articulated, which are listed in appendix 3.5. and 3.6.

Subject positions	<i>NAC</i> (NATO050398)	<i>The Alliance</i> (NATO050398)	<i>We</i> (NATO280598)
	<i>Our military authorities</i> (NATO271098)	<i>NATO</i> (NATO280199)	<i>NATO's men and women</i> (NATO240399)
Values		Norms	
Values	Disvalues	Norms	Disnorms
<i>Stability in the whole region</i> (NATO050398)	<i>Violent incidents in Kosovo</i> (NATO050398)	<i>To fully respect human rights</i> (NATO300498)	<i>To suppress political dissent</i> (NATO300498)
<i>Improvement of security situation</i> (NATO271098)	<i>Humanitarian catastrophe</i> (NATO240399)	<i>To promote stability and security in neighboring countries</i> (NATO280598)	<i>Jeopardizing the peace agreement in Bosnia Herzegovina</i> (NATO280598)
<i>Political settlement</i> (NATO081298)	<i>Conflict</i> (NATO280199)	<i>To promote regional security and stability</i> (NATO280598)	<i>International community not willing to use force</i> (NATO280199)

6.1.2. Ante-Timeframe: Ineffective International Pressure

The unstable political situation in Kosovo mainly provoked by the violence of Serbian security forces against Kosovo-Albanians and the acts of the Kosovo Liberation Army at the beginning of 1998 resulted in the adoption of the first SCR concerning Kosovo. On 8 January and 25 February the Contact Group⁵³ had condemned both the Serb repression and terrorist actions by the Kosovo Liberation Army and called for dialogue (UK2000). The situation did however deteriorate partly triggered by a number of Albanian demonstrations in the beginning of March. These demonstrations were met with what was framed as Serbian police brutality (NATO050398 et al.). On 9 March, the Contact Group meeting in London issued a new statement on Kosovo that apart from condemning the actions of the parties, and due to what was framed as a regional security threat, presented a plan for an international solution to the crisis (S/1998/223). On March 11, the OSCE issued a statement expressing concern of the crisis and called upon FRY to work with the OSCE (S/1998/246). On March 25, the Contact Group meeting in Bonn issued a new statement which reviewed the situation in Kosovo and called for the adoption of a SCR. On March 31, the SC responding to the statement of the Contact Group adopted SCR 1160. Among other issues, it condemned “the use of excessive force by Serbian police forces against civilians and peaceful demonstrators in Kosovo, as well as all acts of terrorism by the Kosovo liberation Army.” (SCR 1160: Para 1 of 3) Furthermore, the SCR welcomed OSCE’s initiative to play a central role in the solution of the crisis and under paragraph 9

⁵³ The Contact Group was formed in early 1990 and consists of: France, Germany, Italy, the Russian Federation, the United Kingdom, and the United States.

established a committee to the SC to overview the situation in Kosovo and make periodic reports to the SC regarding possible violations of the prohibitions imposed by the resolution. This SCR in a decisive way initiated the final discursive construction of the ante-period leading up to the intervention in Kosovo even though no SCR was to mandate NATO's use of military force. On 30 April, the first committee report was presented stating the absence of negotiation, progress of political dialogue and the deteriorating situation (S/1998/361). On 28 May, NATO presented a statement regarding Kosovo expressing concern of the situation and taking use of military force into consideration. On 4 June the next committee report was presented and once again with the message that the security conditions had been deteriorating (S/1998/470). Additional reports were presented on 2 July (S/1998/608), 5 August (S/1998/712), 4 September (S/1998/834), and 21 September (S/1998/834/Add.1), all with the same conclusion that the situation was continuously deteriorating. The response of the international community to this matter came on the 23 September where SCR 1199 was adopted. It demanded that all parties immediately ceased hostilities and maintained a ceasefire and furthermore put pressure on FRY. 24 September NATO issued another statement regarding Kosovo presenting two options for use of military force: a limited air campaign and a phased air campaign (NATO240998). On 5 October, another committee report was presented; the point made was:

In the last few weeks, the international community has witnessed appalling atrocities in Kosovo, reminiscent of the recent past elsewhere in the Balkans. These have been born out by reporting by the Kosovo Diplomatic Observer Mission and other reliable sources.... I believe that action is urgently required on several fronts. The violence on all sides has to be brought to a halt. Full humanitarian access must be granted It is imperative that the international presence be strengthened and made more effective. (S/1998/912)

A positive move was however seen about ten days later. On 15 October, NATO signed an agreement with FRY allowing an air verification mission in Kosovo (NATO151098). One day later on 16 October OSCE signed an agreement with FRY allowing a verification mission in Kosovo (S/1998/978). In spite of this progress, SCR 1203 was adopted in particular as a response to the situation expressed in the report from 5 October. It condemned the violent actions and recalled the prohibitions of the former resolutions. In addition, this SCR - apart from SCR 1199 - reaffirmed that the SC hold the primary responsibility for the maintenance of international peace and security but endorsed the agreements made on the 15 and 16 of October. On 25 October, a ceasefire agreement between NATO and FRY was made, and the Kosovo Verification Mission was established (S/1998/994). On 8 December NATO however presented a statement that the prohibitions set out in the three SCR's had not been met and underlined the ambition of NATO to end the humanitarian crisis in Kosovo. About one month later NATO issued another statement demanding compliance by

FRY and emphasizing that NATO had decided to increase its military preparedness to ensure that demands of the international community were met (NATO280199). One day later the Contact Group presented FRY with an ultimatum:

The future of the people of Kosovo is in the hands of the leaders in Belgrade and Kosovo. They must commit themselves now to complete the negotiations on a political settlement within 21 days to bring peace to Kosovo. The Contact Group will hold both sides accountable if they fail to take the opportunity now offered to them, just as the Group stands ready to work with both sides to realize the benefits for them of a peaceful solution. (S/1999/96)

Partly because of this ultimatum, negotiations were held in Rambouillet from 6 February until 23 February where the Rambouillet Accords concerning the interim agreement for peace and self-government in Kosovo were presented but not signed by the parties. On 12 March, the negotiations reconvened but the FRY delegation did not sign the accords. The discussion was continued on 15 and 18 March in Paris but without providing a solution to the differences. On 17 March, a new committee report was presented stating that the security situation in Kosovo remained grave:

Targeted violence against civilians in Kosovo is taking new, even more dangerous forms. In particular, recently increased terrorist acts against Serb and Albanian establishments in urban areas. (S/1999/293)

Regardless of the deteriorating situation NATO did not work for the adoption of a SCR on the matter, it was assumed that Russia and China would veto a resolution allowing use of military force (White 2000: 42). On 19 March, OSCE withdrew the Kosovo Verification Mission. On 23 March, Ambassador Holbrooke as a last diplomatic effort presented FRY with a final warning. The same day NATO informed the world of the forthcoming military actions to be taken (NATO230399).

6.1.2.1. The Discursive Construction of Dislocations

The discursive construction of the dislocations within the ante-timeframe of the KI by NATO, listed in Appendix 3.1., is throughout the timeframe expressing a growing concern for the situation in Kosovo and the problematical aspect of the lack of will by the FRY to terminate their use of force within Kosovo:

The North Atlantic Council is profoundly concerned by the violent incidents, which took place in Kosovo the last few days and in particular the Serbian police's brutal suppression of a peaceful demonstration in Pristina on 2 March 1998. (NATO050398: Para 1 of 1)

This growing concern can be seen in all of the discursive constructions of dislocations by NATO listed in the Appendix. Due to the primary ethic of NATO the situation in Kosovo is continuously framed as a serious dislocation by the aid of framings such as: *violent incidents, brutal suppression of a peaceful demonstration, excessive and disproportionate use of force, threat to peace and secu-*

city in the region. On 23 March, the last dislocation is presented stating that all the efforts to solve the crisis by means of diplomacy have failed: “The final diplomatic efforts of ambassador Holbrooke in Belgrade has not met with success.” (NATO230399: Para 1 of 2)

The EKD and UN discourses within the same timeframe as seen in Appendix 3.1. also express a growing concern for the situation in Kosovo: “The Secretary-General is deeply disturbed by the latest reports of an intensifying campaign against the unarmed civilian population in Kosovo.” (UN050698: Para 1 of 1) And: “Die Bevölkerung im Kosovo leidet unter massiven Verletzungen der Menschenrechte, unter ständigen Übergriffen seitens militärischer und paramilitärischer Verbände und unter der Ungewissheit der Zukunft.” (EKD051198: Para 1 of 2)

6.1.2.2. The Discursive Construction of the Normative Strategy

These dislocations of NATO have correlative normative strategies. The initial ambition of NATO’s discursive construction of the normative strategy is to prevent use of military force and in this matter to make use of the UN-framework to end the crisis in Kosovo:

“The North Atlantic Council calls on all sides to take immediate steps to reduce tension.... Calls on the authorities in Belgrade and leaders of the Kosovar Albanian community to enter without preconditions into a serious dialogue in order to develop a mutually acceptable political solution for Kosovo within the Federal Republic of Yugoslavia.” (NATO050398: Para 1 of 1)

President Milosevic must comply fully and immediately with the requirements of the UN Security Council Resolution 1199. (NATO151098: Para 1 of 2)

The final decision by NATO to use force in Kosovo is discursively constructed as the last option, as ultima ratio after the diplomatic process has failed: “We must ... act to prevent instability spreading in the region.... We must stop an authoritarian regime from repressing its people.” (NATO230399: Para 2 of 2)

At the same time, the normative strategies of the UN and EKD discourses as listed in Appendix 3.1. are displaying a similar normative strategy to come up with a political solution. Furthermore, in spite of no SCR being adopted which mandated use of force, these two discourses did not in any way condemn the growing intention and willingness to use force by NATO. Annan is even advocating a new architecture of preventive, proactive policies for peace (UN280199).

6.1.2.3. Reasoning for Use of Military Force by Reference to Socially Accepted and/or Strategic Discourses

In relation to the narrative ethical reasoning provided by NATO’s discursive construction of dislocation and the normative strategy listed in Appendix 3.2. ethical reasoning for the normative

strategy – military intervention - is provided and supported by reference to socially accepted discourses. The discourses referred to for this type of ethical reasoning by NATO are taken from the press statement on 23 March 1999 presented by NATO when the order was given to use military force and listed below.

- Authoritative reasoning for the normative strategy:

The responsibility is on our shoulders.(Para 2 of 2)

- Legal reasoning for the normative strategy:

NATO has fully supported all relevant UN Security Council resolutions (Para 1 of 2)

- Reasoning for the normative strategy by reference to the intention behind the normative strategy:

Our objective is to prevent more human suffering and more repression and violence against the civilian population in Kosovo. (Para 2 of 2)

- Reasoning for the normative strategy by reference to attempts to avoid use of military force:

All efforts to achieve a negotiated, political solution to the Kosovo crisis having failed (Para 1 of 2)

- Teleological reasoning for the normative strategy: reasoning by reference to the result of the chosen normative strategy:

No alternative is open but to take military action.... inaction brings even greater dangers. (Para 1 of 2)

- Deontological reasoning for the normative strategy:
reasoning by reference to ethical principles behind the normative strategy:

We have a moral duty to do so (Para 1 of 2)

- Consensual reasoning for the normative strategy:

NATO is united behind this course of action (Para 1 of 2)

The use of these discourses to provide additional reasoning for the use of military force in Kosovo, is not limited to NATO. Several of these discourses are also articulated in the reasoning within the rest of the ante-texts and in the text-corpus of the UN and EKD, listed in Appendix 3.2. This fact underlines the importance and hegemony of these discourse types in relation to the ethical reasoning for and in relation to the use of military force. Furthermore, it underlines that use of military force in this case against a sovereign state is considered a serious matter. In other words it presupposes the hegemony of the norms of the UNCh. At the same time it suggests the growing importance of human rights, underlined by the articulations of values in the text-corpus. An additional point to be made is that the significance put in ethical reasoning by the responsible politicians for the use of military force presupposes the importance given to public support. In relation to the JWI it reveals

that within contemporary political discourse aspects of the reasoning of JWI is rearticulated but also transgressed by a more complex way of reasoning illustrating the transformed social reality, especially expressed in the discourses of legal and consensual reasoning.

6.1.3. In-Timeframe: *Operation Allied Force*

On 24 March NATO Secretary General Javier Solana informed the world of the military intervention in Kosovo (NATO240399). The same date the SC released the statements by SC-members on the intervention of NATO. Especially the views of the permanent members of the SC Russia and China illustrated the divergent views condemning NATO's use of military force and explained the impossibility of a UN mandated intervention:

SERGEY LAVROV (Russian Federation) expressed outrage at the use of force against the Federal Republic of Yugoslavia. Throughout the weeks, when those threats had been made, the Russian Federation had repeatedly warned about the long-term consequences of settling the situation in that manner. Those who were involved in the use of force, which violated the United Nations Charter and occurred without the Council's authorization, must realize the serious responsibility they bore. (SC/6657: Para 2 of 14)

QIN HUASUN (China) said that the launching of military strikes by NATO, with the United States at the lead, against the Federal Republic of Yugoslavia had seriously exacerbated the situation in the Balkans. That act, taken today, amounted to a blatant violation of the United Nations Charter, as well as the accepted norms of international law. The Chinese Government strongly opposed such an act. (SC/6657: Para 9 of 14)

On March 31, reports framed as *Kosovo Crisis Updates* from the United Nations High Commissioner for Refugees (UNHCR) began to be published. In the first update from 30 March, it was stated that:

Around 94,000 Kosovars have fled the province since March 24, and relief officials said many more were en route. By Tuesday morning 65,000 people had crossed into Albania, 20,000 into Montenegro and at least 9,000 into Macedonia. Relief workers said the majority were women, children and the elderly. Many of the arrivals reported that they had been forcibly expelled often within minutes and often with little more than the clothes they wore, either by army troops, the police or paramilitary. Some said their homes were burned down even as they left their villages and towns. (UNHCR300399: Para 1 of 3)

These *Kosovo Crisis Updates* from UNHCR continued to be published on a daily basis throughout the intervention. On 12 April, NATO issued a statement underlining that the responsibility for the present crisis belonged to President Milosevic and presenting five conditions for ending the NATO air strikes:

Ensure a verifiable stop to all military action and the immediate ending of violence and repression; ensure the withdrawal from Kosovo of the military, police and paramilitary forces; agree to the stationing in Kosovo of an international military presence; agree to unconditional and safe return of all refugees and displaced persons and unhindered access to them by humanitarian aid organisations; provide credible assurance of his willingness to work on the basis of the Rambouillet Accords in the estab-

lishment of a political framework agreement for Kosovo in conformity with international law and the Charter of the United Nations. (NATO120499).

These conditions were reaffirmed on NATO's 50th anniversary meeting in Washington in late April (NATO230499). As a consequence of the continuing reports of the large numbers of refugees, efforts were made to adopt a new SCR regarding Kosovo. On 14 May, SCR 1239 was adopted expressing concern of the humanitarian crisis and furthermore commended:

The efforts that have been taken by Member States, the United Nations High Commissioner for Refugees (UNHCR) and other international humanitarian relief organizations in providing the urgently needed relief assistance to the Kosovo refugees in Albania, the former Yugoslav Republic of Macedonia and Bosnia and Herzegovina, and urges them and others in a position to do so to contribute resources for humanitarian assistance to the refugees and internally displaced persons; 2. Invites the UNHCR and other international humanitarian relief organizations to extend relief assistance to the internally displaced persons in Kosovo.... 3. Calls for access for United Nations and all other humanitarian personnel operating in Kosovo and other parts of the Federal Republic of Yugoslavia. (SCR1239: 2)

On 2 May the first incident of killings of non-combatants was reported by NATO (NATO020599). On 6 May G8 foreign ministers issued a set of conditions for the FRY (SCR1244: 5). Two days later NATO issued a statement of deep regret regarding the bombing of the Chinese embassy (NATO080599). On 27 May President Milosevic and four other Serbian leaders were indicted with crimes against humanity by the International Criminal Tribunal of Yugoslavia - an arrest order against them was served on all member states of the UN (JL/PIU/404-e). A few days later, on 1 June, FRY accepted the demands of G8 from 6 May (S/1999/516), and on 3 June, FRY accepted terms of the EU (S/1999/649), still NATO continued its air strikes (NATO030699) until 10 June.

6.1.3.1. The Discursive Construction of Dislocation

NATO's discursive construction of the dislocations within the in-timeframe are supplemented with situations reports, informing the public of the activities of NATO and the situation in Kosovo (240399; 250399; 270399). The dislocations constructed are characterized, by the rearticulation of the acts of Milosevic, the legitimate cause for the use of military force and by a focus on aspects related to IHL.

Yesterday Operation Allied Force began...strikes were conducted against carefully chosen military targets. (NATO250399: Para 1 of 2)

At Rambouillet, President Milosevic had a unique opportunity to settle this issue through negotiations and on the basis of a balanced and fair peace agreement. But he rejected this agreement ... instead he has been preparing for this ethnic cleansing for months now. (NATO010499: Para 1 of 3)

By this emphasis on IHL the hegemony of the ethical concern in bello is underlined.

The dislocations articulated by the UN discourse as illustrated in Appendix 3.3. focus on the actions of FRY and not the use of force made by NATO (UN300399). The EKD on the other hand shows more concern for the use of force by NATO (EKD200499).

6.1.3.2. The Discursive Construction of the Normative Strategy

The discursive construction of the normative strategy within the in-timeframe is focused on the aim to end the violence in Kosovo and to do it by proportionate use of force.

We must stop the killing in Kosovo and the brutal destruction of human lives and properties; we must put an end to the appalling humanitarian situation that is now unfolding in Kosovo and create the conditions for the refugees to be able to return; we must create the conditions for a political solution to the crisis in Kosovo based on the Rambouillet agreement. (NATO010499: Para 1 of 3)

NATO takes every precaution to avoid civilian casualties during its operations. (NATO020599: Para 1 of 1)

That NATO abides by International Humanitarian Law is pervasively underlined. At the same time the deontic modality is changed several times from the imperative to the present tense and the future tense (280499; 020599; 080599; 030699)

The normative strategy of the UN discourse does not concern itself with the use of force by NATO, but with the refugee crisis and the need to find a political solution (300399). EKD on the contrary focuses on the need to end what they frame as the war in Kosovo (200499).

6.1.4. Post-Timeframe: From Military-Agreement to Election

On 9 June, NATO and the government of FRY signed a military agreement reaffirming the document presented to FRY on 3 June and with reference to the SCR to be adopted on 10 June in relation to the deployment of an international security force able to operate without hindrance in Kosovo, named KFOR (NATO090699). One day after, on 10 June NATO announced that it ended the air strikes (NATO100699). The same date SCR 1244 was adopted. It decided that a political solution to the Kosovo crisis should be based on the principles in S/1999/649 and S/1999/516 (SCR1244: 2) and thereby authorized the deployment of an international security force (KFOR) under a unified command, and the establishment of an international civilian presence in Kosovo in order to provide an interim administration for Kosovo. Among the responsibilities of the civilian presence was:

Promoting the establishment, pending a final settlement, of substantial autonomy and self-government in Kosovo, taking full account of ... [S/1999/649] and of the Rambouillet accords Organizing and overseeing the development of provisional institutions for democratic and autonomous self-government pending a political settlement, including the holding of elections. (SCR1244: 3-4)

On 11 June KFOR-forces entered Kosovo and on 12 June, a report was presented by the Secretary General of the SC concerning the structure of the civilian international presence in Kosovo named UNMIK (S/1999/672). On 12 July, the first report on the implementation of SCR 1244 was presented (S/1999/779) and already on 16 July, the UNMIK convened the Kosovo Transitional Council:

The newly formed Kosovo Transitional Council met for the first time today under United Nations auspices, marking a critical first step towards development of self-government in Kosovo. The Transitional Council, which is chaired by the SRSG, will be the highest political consultative body under United Nations Interim Administration, which holds the executive authority in the territory. (UNMIK/PR/12)

On 7 February 2000, Human Rights Watch presented a report stating that 500 civilians had been killed because of NATO bombings (HRW2000). On 23 May 2000, United Kingdom Foreign Affairs Select Committee presented a report concluding that “NATO’s military action, if of dubious legality in the current state of international law, was justified on moral grounds.” (UK230500: Para 3 of 8), and that “On the evidence available to us, we believe that NATO showed considerable care to comply with the 1977 Protocol to avoid civilian casualties.” (UK230500: Para 5 of 11). On 7 June, NATO responded to allegations of unlawful killings made by Amnesty International calling them baseless and ill-founded (NATO070600). On 27 October, successful municipal elections were held in Kosovo and 30 October the UN presented a statement framing the elections as a significant step forward.

6.1.4.1. The Discursive Construction of Dislocation

NATO’s discursive construction of the dislocations within the post-timeframe is supplemented with situations reports (NATO100699). Apart from that, dislocations are positively underlining the fact that the use of military force has ended, and thereby again presupposing the value of human life and the problems of using military force:

So far the Yugoslav forces have complied with the Military Technical Agreement. ... In the past week we have achieved some major results. NATO soldiers have deployed in Kosovo. They are now spreading out all over the province and are rapidly establishing an environment of security. (NATO180699a: Para 1 of 3)

The same positive framing of dislocations is as seen in Appendix 3.4. made in the UN discourse, whereas the EKD discourse is far more sceptical (230300).

6.1.4.2. The Discursive Construction of the Normative Strategy

NATO's normative strategies correlative to these dislocations are somewhat in contrast to the optimism of the dislocations. In spite of the termination of the air campaigns, they are underlining the work ahead and the importance of the participation of the different groups within Kosovo:

I urge all parties to the conflict to seize this opportunity for peace. I call on them to comply with their obligations under the agreements that have been concluded these past days and with all relevant UN Security Council resolutions. The violence must cease immediately. The Yugoslav security forces must withdraw, and all armed Kosovar groups must demilitarize.(NATO100699: Para 1 of 2)

The UN discourse is however optimistic in its normative strategies, while the framing of normative strategies by EKD is more concerned for the future and the actions needed to be taken (230300).

6.1.4.3. The Discursive Construction of Values and Norms

The discursive construction of values and norms in the NATO discourse is listed in Appendix 3.5. Among them the values of the Treaty *democracy*, *rule of law* and *individual liberty* are rearticulated in the discourse (240699). At the same time the value-framing from the UNCh *peace and security* occurs several times. In fact the international community and the UN-system are articulated as a value. A new value is constructed in the framing *a peaceful multiethnic democratic Kosovo*. This value is articulated several times (120499; 230499; 240699; 250200) and rearticulated by the UN discourse (180699; 160899; 040400). The norms constructed focus as can be seen on non-coercive measures but at the same time underline the norm to be ready to act, to *remain ready and willing to act*.

A comparison of the NATO values and norms with UN's and EKD's listed in Appendix 3.5. reveal that a consensus in relation to use of military force exists. There is consensus with respect to the following values:

- International Peace
- Security
- Rule of law
- Democracy
- Human rights
- International Humanitarian Law
- Sovereignty/territorial integrity
- Peaceful solution of crisis
- Diplomacy/diplomatic solution
- Rebuilding

This consensus is somewhat similar to that of the ideologies presented above and thereby verifies the relationship between the ideologies and the enacted ethical articulations. Furthermore, there is consensus about the realist value of just peace – that peace and security depends on a just peace.

Apart from this consensus, NATO articulates the values *credible threat of force, resolve, military readiness, action, skillful leadership* that are not used within the discourses of UN and EKD in their discursive construction of the Kosovo crisis.

6.1.4.4. The Discursive Construction of Antagonism

The discursive construction of antagonism by NATO within these three timeframes is rearticulating the antagonism of its ideological context though within the specific facticity of the Kosovo crisis.

The explicit value and norm exclusions discursively constructed by NATO in disvalues and disnorms are listed in Appendix 3.6. The disvalues and disnorms rearticulate the values and norms of NATO and thereby the primary ethic of its ethical ideology.

The protagonist-antagonist antagonism discursively constructed by NATO is interestingly absent in the ante-timeframe, among the many subject positions articulated none is articulated as antagonists. Not until the in-timeframe are antagonists constructed in the following framings: *authoritarian regime, Yugoslav leadership, president Milosevic, Yugoslav government, Yugoslav forces, Belgrade's criminal war machine, paramilitary forces, Belgrade regime*. In the post-timeframe the antagonism ends. The antagonisms constructed in the UN and EKD are similar to that of NATO. In the UN discourse, antagonism is only articulated once (260799) in the framing *condemn these cowardly killings and those responsible for them*. The EKD only once and within the in-timeframe articulates an antagonist in the framing *Belgrader dictator* (200499).

6.1.5. Evaluation of NATO's Discursive Construction of the Intervention in Kosovo

The KI has generated a widespread discussion especially because it was contrary to the norms of the UNCh and disclosed the intensifying dilemma between the values of human rights and sovereignty. NATO's use of force in Kosovo has in particular with the nodal point of *humanitarian intervention* as underlined by Brown (2001), Wheatley (2000) and Heinze (2005) been thoroughly analyzed by several scholars. Various scholars from both legal and ethical perspectives have scrutinized the discursive construction of the KI by NATO. This is an indirect proof of the thesis of dislocation, and in that respect the responses to the discursive construction of the KI resembles the texts of Grotius, Hobbes and other earlier scholars, reflecting on their own facticity. Below a limited evaluation of the discursive construction of the KI is made by reference to various ethical and legal scholars. The evaluation of the KI by the global ethic of just peace is made together with the evaluation of the IW after the analysis of the IW in Chapter 6.3.

The report of the British House of Commons Foreign Affairs Select Committee which was elaborated by the Select Committee by interpretation of evidence of three international lawyers, stated as a conclusion of their evaluation-report of KI that:

To determine whether, NATO's action was morally justified and legally justified under the criteria which NATO set itself, we have to ask whether a humanitarian emergency existed before NATO intervened, and whether a humanitarian catastrophe would have occurred – perhaps over a number of years, rather than being concentrated within the 78 days of the NATO campaign – if intervention had not taken place. We have dealt with these issues elsewhere, and concluded that the answer to both questions is “yes”. That being the case, **we conclude that NATO's military action, if of dubious legality in the current state of international law, was justified on moral grounds.** (House of Commons 2000: Article 138)

Apart from this conclusive evaluation of the report from 2000, evaluation of the discursive construction of the KI is here made by reference to two scholars, concerned with the purely ethical aspects – the just war reasoning: Michael Haspel and Bjørn Møller, and three scholars concerned with the purely legal aspects – the legal reasoning: N. D. White, C. Greenwood and B. Simma.

Evaluation by Just War Reasoning

Hapsel (2001) has evaluated the KI by the just war criteria of *ad bellum* and *in bello*: *just cause, right authority, last resort, proportionality, right intention, reasonable hope of success, proportionality of means, non-combatant immunity, and illegal weapons*. His conclusion is, similar to that of Møller (2000) that none of the just war criteria have been met in KI:

Als Ergebnis der Prüfung der Legitimität der Anwendung militärischer Gewalt gegen die BRJ durch die NATO muss hinsichtlich des *ius ad bellum* festgehalten werden, dass im Vergleich mit anderen Fällen die tatsächlich im Kosovo stattfindenden Menschenrechtsverletzungen wohl keine *causa iusta* für eine Humanitäre Intervention darstellten, auf gar keinen Fall für eine unilaterale Intervention ohne Mandat der UN. Insofern war auch keine *legitime Autorität vorhanden*.... Darüber hinaus gab es schwere und systematische Verstöße gegen das *ius in bello*.... Zusammenfassend kann als Ergebnis festgehalten werden, dass nicht nur die von der NATO als Humanitär Intervention dargestellte Anwendung militärischer Gewalt *nicht rechtfertigbar* ist, also *illegitim* war, sondern dass es sich nach Art des Einsatzes militärischer Mittel auch gar nicht um eine Humanitäre Intervention gehandelt hat. (2001: 215-216)

Evaluation by Legal Reasoning

White (2000) has evaluated the KI from a legal point of view. His conclusion is that the KI was illegal and that NATO could have tried to put the matter to the SC and if authorization were not given to put the matter to the General Assembly:

It may be argued that in the Kosovo crisis ... the Security Council was failing to take the necessary military action to combat breaches of Security Council resolutions, and that in the face of situations that clearly constituted threats to the peace. In these circumstances it was breaching the trust put in it by member states when they established the United Nations. Assuming that the Security Council was being blocked by an illegitimate threat of the veto in a situation that clearly warranted Security Council authorized military action, it is still not legally permissible for states to take it upon themselves, whether in the forum of another organization or not, to enforce those resolutions. Such a contention presumes that states had these powers before they ‘collectivized’ them in the Security Council, which

is very doubtful. It also ignores the fact that legally speaking they must be expressly returned or granted to them by the UN. Furthermore, when the UN Charter speaks of the Security Council having 'primary responsibility' to maintain or restore international peace and security, it is recognizing that the General Assembly, not states or organizations acting outside the UN, has significant secondary responsibility in the field of peace and security, which may be invoked when the Security Council is unable to act. Indeed when combined with its undoubted competence in matters of human rights and its legitimate claim to represent the international community, the General Assembly was the natural alternative when the Security Council was deemed to have failed to take adequate action in the face of repression by the FRY. (2000: 41-42)

The legal reasoning by Greenwood is opposite to that of White. He, as he did in relation to IW, argued for the legality of the use of military force in Kosovo. His argument is that:

The NATO operation in Kosovo raised fundamental questions about the nature of modern international law and the values which it is designed to protect. Since it involved the application of a principle of last resort in circumstances of considerable difficulty, it is not surprising that there has been controversy about its legality. Nevertheless, I believe that the resort to force in this case was a legitimate exercise of the right of humanitarian intervention recognised by international law and was consistent with the relevant Security Council resolutions. (Greenwood 2000: 933-934)

Representing a middle position B. Simma argues that even though the use of force was illegal it was close to being legal and therefore cannot be considered a serious violation of law:

While the threat of armed force employed by NATO against the FRY in the Kosovo crisis since the fall of 1998 is illegal due to the lack of a Security Council authorization, the Alliance made every effort to get as close to legality as possible by, first, following the trust of, and linking its efforts to the Council resolutions which did exist, and second, characterizing its action as an urgent measure to avert even greater humanitarian catastrophes in Kosovo, taken in a state of humanitarian necessity. The lesson which can be drawn from this is that unfortunately there do occur 'hard cases' in which terrible dilemmas must be faced and imperative political and moral considerations may appear to leave no choice but to act outside the law. (Simma 1999: 22)

6.2. The War against Iraq

The war against Iraq (henceforth, IW) often referred to as the Second Gulf War, was officially begun 19 March 2003 (US190303). The belligerents were a coalition under the leadership of the United States and the Republic of Iraq. The case-study of the discursive construction of the IW by the US is as argued above limited to the aspect of interstate war, and thereby the three timeframes of ante, in and post presented above. These timeframes imply that the discursive construction of the IW by the US in the time before the ante-period is not analyzed and that the ongoing civil war in Iraq after the post-period is not analyzed. The selected text-corpus discursive-dialectically situated within these three timeframes are listed below. The text-corpus of the ante-timeframe consist of the following texts:

- US: 290102,120902, 081102, 050203, 090203, 260203, 170303

The selected text-corpus of the in-timeframe consists of the following texts:

- US: 190303, 290303, 050403, 100403, 010503

The selected text-corpus of the post-timeframe consists of the following texts:

- US: 230703, 140803, 230903, 141203, 050504, 280604

These three groups of texts are connected owing to the fact that the discursive agent is the same. Accordingly, the analysis of the primary ethical signature, values and norms and antagonism is made irrespective of the three timeframes and in a similar way as in the analysis of the KI.

6.2.1. The Primary Ethical Signature

The primary ethical signature or ethical myth of the enacted ethical articulation of the US reproduces the primary ethical signature of the related ethical ideology USNSS, analyzed above. There is no fundamental change in the ethical signature conditioning the auxiliary norms and values articulated in the enacted ethical articulation. This is seen both in the values, disvalues, norms and disnorms articulated within the texts and in the framing of the dislocations and the particular normative strategies presented in the next chapters. The same relationship between enacted ethics and ideology is seen in the EKD and UN discourses. Thereby the thesis of the relationship between ideological and enacted ethical articulations made above in relation to KI is rearticulated in the case of IW.

The primary ethical signature of USNSS is constituted by a subject position framed above as *we Americans*. The primary value related to this subject position was framed as *America* or *the United States*. The primary norm, a correlative to this primary value and subject position was framed as *to protect or defend America*. The rearticulation of this primary ethical signature in the enacted ethical articulations of the US in relation to the IW is illustrated below.

Subject positions	<i>People of the US</i> (US120902)	<i>Our world</i> (US120902)	<i>Our friends</i> (US081102)
	<i>Our coalition</i> (US260203)	<i>Our country</i> (US1703003)	<i>Our Allies</i> (US170303)
	<i>We, Us</i> (US260203)	<i>Our skies</i> (US260203)	<i>Our cities</i> (US260203)
Values		Norms	
Values	Disvalues	Norms	Disnorms
<i>Freedom of action to defend our country</i> (US081102)	<i>Global terror</i> (US120902)	<i>Protecting one's country</i> (US170303)	<i>Endanger peace and stability</i> (US120902)
<i>Homeland, American soil</i> (US090203)	<i>Threat to peace</i> (US120902)	<i>Confront aggressive dictators</i> (US170303)	<i>Conduct terrorist attacks against American people</i> (US170303)
<i>Safe country</i> (US090203)	<i>Proliferation of weapons of mass destruction</i> (US260203)	<i>Establish atmosphere of safety</i> (US260203)	<i>Shelter and harbor terrorist organizations</i> (US120902)

6.2.2. Ante-Timeframe: War with or without a UN-Mandate

Four months after 9/11 on 29 January 2002 President George W. Bush delivered his state of the Union address. The events related to 9/11 were the major theme of his address – 9/11 was articulated as a fundamental national dislocation. This is seen in the introduction words: “As we gather tonight, our nation is at war, our economy is in recession, and the civilized world faces unprecedented dangers.”(US290102). In this address President Bush presents two objectives:

Our nation will continue to be steadfast and patient and persistent in the pursuit of two great objectives. First, we will shut down terrorist camps, disrupt terrorist plans, and bring terrorists to justice. And, second, we must prevent the terrorists and regimes who seek chemical, biological or nuclear weapons from threatening the United States and the world. (US290102: Para 1 of 6)

In his elaboration of the second goal Iraq and the use of military force against it are brought into focus:

Our second goal is to prevent regimes that sponsor terror from threatening America or our friends and allies with weapons of mass destruction. Some of these regimes have been pretty quiet since September the 11th. But we know their true nature.... Iraq continues to flaunt its hostility toward America and to support terror. The Iraqi regime has plotted to develop anthrax, and nerve gas, and nuclear weapons for over a decade. This regime that has already used poison gas to murder thousands of its own citizens – leaving bodies of mothers huddled over their dead children. This is a regime that agreed to international inspections – then kicked out the inspectors. This is a regime that has something to hide from civilized world. States like these, and their terrorist allies, constitute an axis of evil, arming to threaten the peace of the world. By seeking weapons of mass destruction, these regimes pose a grave and growing danger. They could provide these arms to terrorists, giving them means to match their hatred. They could attack our allies or attempt to blackmail the United States. In any of these cases, the price of indifference would be catastrophic. (US290102: Para 2 of 6)

Seven months later on the General Assembly 12 September 2002 the discursive scene for the IW was forcefully set within the framework of the UN. In his public address to the General Assembly 12 September 2002 President Bush set three discursive agendas. First, he brought the issue of Iraq to the centre of attention of the international community. Second, he invoked the US as a responsible and leading agent regarding the issue of Iraq and finally he presented an ultimatum to Iraq and the international community:

Above all, our principles and our security are challenged today by outlaw groups and regimes ... in one regime [Iraq] we find all these dangers, in their most lethal and aggressive forms, exactly the kind of aggressive threat the United Nations was born to confront. ... My nation will work with the U.N. Security Council to meet our common challenge. If Iraq's regime defies us again, the world must move deliberately, decisively to hold Iraq to account. We will work with the U.N. Security Council for the necessary resolutions. But the purposes of the United States should not be doubted. The Security Council resolutions will be enforced – the just demands of peace and security will be met – or action will be unavoidable. And a regime that has lost its legitimacy will also lose its power. (US120902: Para 3-4 of 4)

This American attempt to frame a central international security issue and its implied ultimatum were challenged beforehand. A statement made by President Jacques Chirac and Chancellor Gerhard Schröder six days earlier proclaimed that France and Germany would not support any military action taken without the a mandate from the SC (GE070902: Para 2 of 3). Still, the American discourse regarding Iraq was to become the leading or hegemonic discourse which other discourses continuously evaluated and responded to. In the following months after Bush's statement at the General Assembly, several discursive events constructed this ante-ad period. On 17 September, USNSS was released, and on 2 October, United States Iraq Resolution was presented (US020902). The House signed it on 10 October, the Senate on 11 October and President Bush on 16 October. On 6 November the United States, the United Kingdom, and Spain presented a draft resolution regarding Iraq to the SC. On 8 November SCR 1441 was passed. In relation hereto Russia, France, and China presented the statement that "Resolution 1441 ... excludes any automaticity in the use of force." (Statement 081102: Para 1 of 2) Resolution 1441 under paragraph 1 stated that Iraq was in material breach of its obligations under relevant resolution and under paragraph 3 implied that Iraq within 30 days delivered a full report on its weapons and under paragraph 5 implied that the UNMOVIC (United Nations Monitoring, Verification and Inspection Mission) was given: "unimpeded, unconditional, and unrestricted access" (SCR1441: 3). The last paragraph stated a warning to Iraq that: "it will face serious consequences as a result of its continued violations of its obligations." (SCR 1441: 5). On 27 November, the inspections resumed and on 7 December, Iraq delivered their report. The 19 December Hans Blix, the executive chairman of UNMOVIC, presented his first situations report including an evaluation of the Iraqi report. On the same date, Secretary of State Colin Powell stated that Iraq was still in material breach of resolution 1441. On 9 January 2003 Blix briefed the Security Council concluding that the conditions of inspections had improved (Blix 2003: Para 3 of 3). On 27 January, Hans Blix presented another situations report. On 5 February Secretary of State Colin Powell presented the General Assembly with the ethical reasoning for use of military force against Iraq. After his presentation, several members of the Security Council – including China, Germany, France and Russia - voiced their strong support for the continuation of inspections. (UN050203b) On the 9 February, Hans Blix stated that the Iraqi authorities were taking the disarmament issues more seriously (UN090203). On the 14 February, Hans Blix delivered another situations report. Ten days later, on 24 February the United States, the United Kingdom and Spain presented a draft resolution to the Security Council stating that Iraq had failed to answer the obligations of resolution 1441 (US240203) and that proper action according to chapter VII of UNCh needed to be taken. This draft was not adopted. On the same date a memorandum from France, Germany and Russia presented

another strategy calling for continued inspections (UN240203). On 7 March Hans Blix presented another situations report stating that more time was needed to resolve the key disarmament tasks (Blix 2003: Para 6 of 6). On the same date the United States, the United Kingdom and Spain presented another draft resolution regarding Iraq. On 17 March, the UN ambassador of the United Kingdom on behalf of the United States, the United Kingdom, and Spain immediately before the meeting of the Security Council stated that they would not pursue a vote on the draft resolution they presented on 7 March. In relation to that, France announced that this statement was because the three countries had recognized that the draft resolution would not be agreed on in the Security Council meeting (UN170303). On the same date, President Bush presented another ultimatum giving Saddam Hussein and his sons 48 hours to leave Iraq. A refusal would result in military conflict (US170303).

6.2.2.1. The Discursive Construction of Dislocation

The discursive construction of the dislocations within the ante-timeframe of the IW by the US is listed in Appendix 4.1. The discursive construction by the US is made in affective statements articulating the severe dislocation represented by Iraq. The US discourse is continuously articulating that Iraq embodies a serious threat to international and in particular American security.

Our principles and our security is challenged today by outlaw groups and regimes that accept no law of morality and have not limit to their violent ambitions....In one place in one regime [Iraq] we find all these dangers, in their most lethal and aggressive forms, exactly the kind of aggressive threat the United Nations was born to confront.(US120902: Para 1 of 4)

Events in Iraq have now reached the final days of decision....Peaceful efforts to disarm the Iraqi regime have failed again and again.... The danger is clear: using chemical, biological or, one day nuclear weapons, obtained by the help of Iraq, the terrorists could fulfil their stated ambitions and kill thousands or hundreds of thousands of innocent people in our country, or any other. (US170303: Para 1 of 3)

The dislocations framed in the two other discourses are responses to the discourse of the US – the articulations of the US are in other words framed as dislocations by EKD. EKD's discourse reacts discursively to the US discourse, even before the argument made by President Bush to the General Assembly on 12 September:

Ein Krieg gegen den Irak – erst recht ohne UN-Mandat, wäre ein Rückschlag für alle Stabilitätsbemühungen im Mittleren Osten.... Ein Krieg zu beginnen, nur um die irakische Regierung abzulösen, wäre eine Katastrophe.... Die Politik Saddam Husseins und sein Versuch Massenvernichtungsmittel anzuhäufen, stellen ohne Frage eine großes Gefährdungspotential dar. (EKD060902: Para 1 of 1)

The same is the fact of the UN discourse, though in another form. The UN discourse somewhat tries to hide the fact that the main discursive force is the US by articulating itself as the international authority, though it is doing nothing else than responding to the discourse primarily set by Bush on

12 September 2002 as also remarked by Walzer (0902). In this response, the UN discourse continuously articulates positive dislocations emphasizing that war is not inevitable, that peaceful resolution is possible (261002; 101202; 180203). At the same time, the framing of dislocations by the UN focuses on the actual threat posed by Iraq (161002) but also the threat to the international community generated by the idea to use force against Iraq as presented by the US:

The question of Iraq's disarmament has brought the international community to a dangerous point of division and discord.... All around the globe people want to see this crisis resolved peacefully."(UN100303: Para 1 of 3)

6.2.2.2. The Discursive Construction of the Normative Strategy

The correlatives to the framings of the dislocations by the US discourse - conditioned by the primary ethical signature – are articulated in an affective manner emphasizing the attitude of the US:

The world must move deliberately to hold Iraq to account.... We must choose between a world of fear and a world of progress.... We must stand up for our security, and for the permanent rights and hopes of mankind. (US120902: Para 4 of 4)

In relation to this particular strategy, the US discourse underlines that its intention is to work with the UN but more importantly that with or without a mandate from the SC it will enforce the SCR's:

My nation will work with the U.N. Security Council to meet our common challenge.... We will work with the U.N. Security Council for the necessary resolutions. But the purpose of the United States should not be doubted. The Security Council resolutions will be enforced – the just demands of peace and security will be met – or action will be unavoidable. (US120902: Para 4 of 4)

The SCR's referred to here are the ones discussed in the appendix to Bush's statement on 12 September *A Decade of Deception and Defiance of the United Nations* (US Administration 2002), meaning SCR: 678, 686, 687, 688, 707, 715, 949, 1051, 1060, 1115, 1134, 1137, 1154, 1194, 1205 and 1284. The point made by the US discourse is that while it recognizes the validity of SCR's, it does not recognize the SC as the absolute authority in relation to the use of military force. However, more importantly within the discursive construction of the normative strategy the US discourse operates with a two-level strategy: the level framed by the verb *must* and the level framed by the term *will*. The normative strategy framed by *must* is quite similar to that of NATO, the point is that it signals what *must be done in order to relocate a dislocated facticity*, which implies an openness to dialogue and the determined articulation of a necessary future action. On the other hand, the normative strategy framed by the verb *will* signals what *will be done in order to relocate a dislocated facticity*, which implies un-openness to dialogue and the determined articulation of an unavoidable future action. This term *will* so pervasively articulated by the US discourse discursively

reveals and discloses the identity of a hegemonic power also present in USNSS. In relation to this two-level normative strategy, the discursive construction of the normative strategy by the US instead of political discussion or diplomacy – prevalent in KI – is focusing on the action needed to be taken by and against Iraq:

Iraq *must* now, without delay or negotiations, fully disarm; welcome full inspections.... America *will* be making only one determination: is Iraq meeting the terms of the Security Council or not? ... If Iraq fails to fully comply, the United States and other Nations *will* disarm Saddam Hussein.[emphasis added] (US081102: Para 1-2 of 3)

In the construction of this two-level normative strategy the US discourse again uses affective statements, here in the repetition of the term *danger*:

The *danger* posed by Saddam Hussein and his weapons cannot be ignored or wished away. The *danger must* be confronted.... If it [Iraq] does not, we are prepared to disarm Iraq by force. Either way the *danger will* be removed.[emphasis added](US260203: Para 1 of 4)

The normative strategies of the other two discourses are not constructed in this two-level framing. At the same time, they focus on how to avoid use of military force. EKD underlines that use of military force can only be justified if sanctioned by the SC (060902). Moreover, that the conflict must be solved by peaceful means (050203). The normative strategy of the UN to a certain extent goes along with the point made by the US. It concentrates on three main issues: that Iraq has to meet the terms of the SCR's (161002; 131102), that the international community has to agree, that consensus is important, and that the weapons inspections must carry on (140103; 240203).

6.2.2.3. Reasoning for Use of Military Force by Reference to Socially Accepted and/or Strategic Discourses

In relation to the narrative ethical reasoning provided by the US's discursive construction of dislocation and the normative strategy ethical reasoning for the normative strategies and ultimately for the use of military force is articulated. The narrative ethical reasoning is supported by reference to socially accepted discourses and the attempt of mytho-poesis and to de-humanization. The ethical reasoning by the US to use military force against Iraq is most meticulously articulated on 17 March 2003 issuing an ultimatum to Saddam Hussein and his sons. The discourses for ethical reasoning in this text are listed below.

- Authoritative reasoning for the normative strategy:

The United States has the sovereign authority to use force in assuring its own national security.
(Para 1 of 3)

- Legal Reasoning for the normative strategy:

We have passed more than a dozen resolutions in the United Nations Security Council.... According to resolutions 678 and 687... the United States and allies are authorized to use force in ridding Iraq of weapons of mass destruction. (Para 1-2 of 3)

- Reasoning for the normative strategy by reference to the intention behind the normative strategy:

Instead of drifting along toward tragedy, we will set a course toward safety (Para 1 of 3)

We will tear down the apparatus of terror and we will help you to build a new Iraq that is prosperous and free (Para 2 of 3)

- Reasoning for the normative strategy by reference to attempt to avoid use of military force:

America tried to work with the United Nations to address this threat because we wanted to resolve the issue peacefully. (Para 1 of 1)

The American people can know that every measure has been taken to avoid war. (Para 2 of 3)

- Teleological reasoning for the normative strategy: reasoning by reference to the result of the chosen normative strategy:

We are now acting because the risks of inaction would be far greater. In one year, or five years, the power of Iraq to inflict harm on all free nations would be multiplied many times over.... In this century when evil men plot a chemical, biological and nuclear terror, a policy of appeasement could bring destruction of a kind never before seen on this earth. (Para 3 of 3)

- Deontological reasoning for the normative strategy: reasoning by reference to ethical principles behind the normative strategy:

We enforce the just demands of the world.... The United States will work to advance liberty and peace in that region.... Free nations have a duty to defend our people by uniting against the violent. (Para 3 of 3)

- Consensual reasoning for the normative strategy:

The United States Congress voted overwhelmingly last year to support the use of force against Iraq (Para 1 of 3)

- Reasoning for the normative strategy by mytho-poesis

The regime has a history of reckless aggression in the Middle East. It has a deep hatred to America and our friends. (Para 1 of 3)

- Reasoning for the normative strategy by de-humanization:

A deadly foe (Para 2 of 3); killers (Para 3 of 3); Iraqi regime (Para 1 of 3) lawless men (Para 2 of 3); the tyrant (Para 2 of 3); apparatus of terror (Para 2 of 3)

Several of these discourses are also articulated in the reasoning within the text-corpus of the UN and EKD. The fact is that EKD and UN uses the same discourse-types in their supportive reasoning of another normative strategy (EKD050203; UN240203). The occurrences of these discourses within the ante-period are listed in Appendix 4.2. This fact underlines as argued in the KI the importance and hegemony of these discourse-types in relation to the ethical reasoning for use of

military force, and the aspects revealed therein. An additional point is that only the US discourse uses the backing of the normative strategy by de-humanizing the adversarial agent or ideology. This verifies the thesis of the conditioning aspect of the primary ethical signature. The discourses of EKD and UN by virtue of their primary ethics do not allow de-humanizing the adversarial agent or ideology. This is contrary to the primary ethical signature of the US discourse, which potentially allows the de-humanizing of agents due to the fact that the primary subject position is the United States and not the international community. Regarding the UN discourse, the strategies of 8 November 2002 and 10 March 2003 are supported by most genres. With regard to the EKD discourse, the statement made on 5 February 2002 together with other churches especially from Europe invokes most backing genres.

6.2.3. In-Timeframe: *Operation Iraqi Freedom*

On 19 March, President Bush announced that American and coalition forces had begun the use of military force against selected targets in Iraq (US190303). The Security Council met on 19 March and discussed the imminent war in Iraq (UN190303), the message was that “Everything possible must be done to mitigate that imminent disaster, which could easily lead to epidemics and starvation.”(UN190303: Para 1 of 13). At the same time, the permanent members of the SC France, Russia, and China followed by Germany expressed their view on the impending war in Iraq:

DOMINIQUE DE VILLEPIN, Minister for Foreign Affairs of France, said war could be only the last resort, with collective responsibility being the rule. “Whatever our aversion for Saddam Hussein’s cruel regime that holds true for Iraq and for all the crises that we will have to confront together”, he said.... “Make no mistake about it”, he continued. “The choice is indeed between two visions of the world.” To those who choose to use force and thought they could resolve the world’s complexity through swift preventive action, France offered in contrast resolute action over time. (SC190303: Para 5 of 13)

IGOR S. IVANOV, Minister for Foreign Affairs of the Russian Federation, said that the Security Council, by unanimously adopting resolution 1441 (2002) took upon itself a serious responsibility to conclude the process of disarming Iraq. He had no doubt that UNMOVIC and the IAEA, which had deployed in Iraq an effectively functioning inspection machinery, were in a position to carry out their tasks within a realistic time frame. (SC190303: Para 6 of 13)

WANG YINGFAN (China) said that UNMOVIC and IAEA had striven to submit their work programme as soon as possible and had done so today ahead of schedule.... He said that, in light of the recent progress, he believed that it was possible to achieve the goal of disarming Iraq peacefully. No one should put an end to the road to peaceful disarmament. Nevertheless, the situation in Iraq was worrying. He expressed his utmost regret and disappointment that war might break out at any moment and the utmost concern for the Iraqi people and peace and security in the region. (SC190303: Para 10 of 13)

JOSCHKA FISCHER, Deputy Chancellor and Minister for Foreign Affairs of Germany said that the world was facing imminent war in Iraq. The Council could not remain silent. The developments of the last few hours had radically changed the international situation and had brought the work of the United Nations to a standstill. Nevertheless, he thanked Dr. Blix for briefing the Council on the work programme.... The work programme had provided clear and convincing guidelines on how to disarm Iraq

peacefully. Peaceful means had not been exhausted. For that reason, he emphatically rejected the impending war. (SC190303: Para 4 of 13)

Two days later, the US addressed a letter – invoking SCR’s 678, 687, and 1441 – to the President of the Security Council outlining the legal reasoning for the use of force against Iraq (S/2003/351), a similar letter was addressed to the President of the Security Council by the United Kingdom. Seven days later on 28 March Security Council resolution 1472 was passed. Among other issues, it underlined the responsibility of the occupying power towards the Iraqi population and called upon the international community to provide immediate humanitarian assistance (SCR1472). On 5 April, President Bush gave a public situations report expressing the progress in the military campaign and stating that the Iraqi combatants would be treated as war criminals (US050403). No later than 1 May President Bush announced that the war in some respects had ended: “my fellow Americans: Major combat operations in Iraq have ended. In the battle of Iraq, the United States and our allies have prevailed.” (Bush010503). Seven days later on 8 May, the United States and the United Kingdom addressed the Security Council in a letter presented to the president of the Security Council. The objectives of this letter were to state the commitment of the coalition to international law, to inform the international community of the establishment of the Coalition Provisional Authority in Iraq headed by Paul Bremer, to state the importance of the UN and the readiness of the coalition to work together with the UN, the vital role of the UN in formation of an Iraqi interim government, and to underline the issue that the goal of the coalition was “to transfer responsibility for administration to representative authorities as early as possible.” (SC/2003/538). On May 22, Security Council resolution 1483 was adopted. It reaffirmed the importance of the disarmament of Iraq and underlined - rearticulating the framing of the letter from 8 May - that the UN should play a “vital role in humanitarian relief and reconstruction of Iraq, and the restoration and establishment of national and local institutions of representative governance.”(SCR1483).

6.2.3.1. The Discursive Construction of Dislocation

The discursive construction of dislocation within the in-timeframe are focusing on the crimes of the Iraqis. In an affective framing, this matter is articulated:

Thanks to our fighting forces, the regime that once terrorized all of Iraq now controls a small portion of that country.... In the last week the world has seen firsthand the cruel nature of a dying regime. In areas still under its control the regime continues to rule by terror. Prisoners of war have been brutalized and executed. Iraqis who refuse to fight for the regime are being murdered. An Iraqi woman was hanged for waving at coalition troops. Some in the Iraqi military have pretended to surrender, then opened fire on coalition forces that showed them mercy.” (US290303: Para 1 of 2)

At the same time the positive dislocation is articulated by the US that, “thanks to our fighting forces, the regime that once terrorized all of Iraq now controls a small portion of that country.” (US290303).

Contrary to KI the use of force against Iraq constitutes a negative dislocation for the UN and EKD (UN190303; EKD200303; 210303; 230503). EKD furthermore underlines the dislocation implied in the preventive use of military force (230503). The UN is positive and hopeful in relation to SCR 1483 adopted 22 May 2003.

6.2.3.2. The Textual Construction of the Normative Strategy

The discursive construction of the normative strategy by the US discourse is indirectly focusing on international humanitarian law. In the statement present on 19 March President Bush underlined that: “I want Americans and the world to know that coalition forces will make every effort to spare innocent civilians from harm.”(US190303). The framing *innocent civilians* is used throughout the US discourse, thereby implying that not all civilians can necessarily be regarded as innocents and be expected to be protected from harm. At the same time, the US discourse in an affective manner presents the strategy that “war criminals will be hunted relentlessly and judged severely.”(US290303). Apart from this the strategy articulated by the US is to help maintain law and order and rebuild a peaceful and representative government (US100403; 100503).

The normative strategies articulated by EKD and the UN focus on the aim to end the use of military force, as stated by Secretary General Annan: “Our most important task will be to ensure that the people of Iraq ... are able as soon as possible ... to form a free and representative government.”(UN220503). And by EKD: “Auch müssen alle Mittel der Politik ausgeschöpft werden, dem Krieg ein rasches Ende zu bereiten.“ (EKD200303). In addition, both UN and EKD underline the need for the US to live up to international humanitarian law (UN190303; 240303; EKD200303). EKD moreover underlines that the reconstruction of Iraq must be made under the leadership of the UN (310303)

6.2.4. Post-Timeframe: Bringing Democracy

On 13 July the Coalition Provisional Authority established the Iraqi Governing Council. It consisted of 25 Iraqi members and had the power to appoint interim ministers and draft a temporary constitution and provide a timeline for the general election to be held later. On 14 August, Security Resolution 1500 was adopted. It welcomed the establishment of the Iraqi Governing Council (SCR1500) and decided to establish a UN assistance mission in Iraq. On 19 August, the UN mission in Bagdad was bombed killing among other the UN representative Sergio Vieira de Mello

(UN200803). On 16 October Security Council resolution 1511 was adopted. It mentioned and condemned the attack on 19 August and other bombings under the framing of *terrorist bombings* and determined that the situation on Iraq “continues to constitute a threat to international peace and security.” (SCR1511: 1). In addition it supported the Governing Council’s efforts to mobilize the people of Iraq and called upon the Coalition Authority to return governing responsibilities to the people of Iraq. On 24 November Security Council resolution 1518 was adopted. It recalled the previous resolutions and determined that the situation in Iraq continued to constitute a threat to international peace and security. On 13 December Saddam Hussein was captured. His capture was presented to the public by President Bush as a crucial step to the rise of a free Iraq in a statement on 14 December (US141203). On 19 January 2004 Lieutenant General Ricardo S. Sanchez, commander of Combined Joint Task Force Seven, requested that the commander of United States Central Command appointed an investigation officer to examine the conduct of operations within the 800th Military Police Brigade from November 2003 (Sanchez 190104). On 31 January Major General Antonio M. Taguba was appointed to conduct the investigation (Taguba 2004: 408). In February 2004, the International Committee of the Red Cross presented a report on the treatment by the coalition forces of prisoners of war and other protected persons by the Geneva Conventions in Iraq between March and November 2003. This report stated that violations of the Geneva Conventions included:

Brutality against protected persons upon capture and initial custody, sometimes causing death or serious injury. Absence of notification of arrest of persons deprived of their liberty to their families causing distress among persons deprived of their liberty and their families. Physical or psychological coercion during interrogation to secure information. (ICRC 2004: 3)

In March 2004 Major General A. M. Taguba presented a secret report, later made public, concluding:

Several US Army Soldiers have committed egregious acts and grave breaches of international law at Abu Ghraib/BCCF and Camp Bucca, Iraq. Furthermore, key senior leaders in both the 800th MP Brigade and the 205th MI Brigade failed to comply with established regulations, policies, and command directives in preventing detainee abuses at Abu Ghraib (BCCF) and at Camp Bucca during the period August 2003 to February 2004. (Taguba 2004: 50)

On 28 April 2004 the fact of the breaches of International Humanitarian Law at Abu Ghraib were made public in the New Show, 60 minutes II. On 5 May, President Bush in an interview with Al Arabiya Television underlined the seriousness of the incidents and stated that a full investigation would take place (US050504). On 1 June, the Iraqi Governing Council was dissolved upon the appointment of officials to lead the Iraqi Interim Government. UN Secretary General framed this event as a new beginning (UN010604) On 5 June 2004 the Prime Minister of the Interim

Government of Iraq Ayad Allawi presented a letter to the President of the Security Council. The main issue was an expression of the governments continuing efforts to move toward elections, and furthermore a request that the multinational force present in Iraq would continue to provide assistance and in relation hereto, that the Security Council would seek a new resolution on the presence of the multinational force. In addition, 30 June was presented as the date where the Interim Government was ready to take sovereign responsibility for governing Iraq (SCR1546 annex). With regard to this request by the Interim Government Secretary of State Colin Powell on the same date presented a letter to the President of the Security Council stating that the multinational force was prepared to “continue to contribute to the maintenance of security in Iraq, including by preventing and deterring terrorism and protecting the territory of Iraq.”(SCR1546 annex: Para 10 of 11). In addition, it was underlined that the multinational force will act in full recognition and respect of Iraqi sovereignty. On 8 June Security Council resolution 1546 was adopted. The resolution was a response to the two letters from 5 June. It welcomed the letter of the Iraqi Prime Minister and the transference-date of sovereignty. At the same time, it accepted the request of the Interim Government regarding the multinational force. It decided that the multinational force “shall have the authority to take all necessary measures to contribute to the maintenance of security and stability in Iraq in accordance with the letters [two letters from 5 June].” (SCR1546: Para 4 of 11). Twenty days later on 28 June, two days before planned, sovereignty was transferred and handed over from the Coalition Provisional Authority to the Interim Government (US280604). Hereby the post-timeframe from an ethical and legal perspective can reasonably be said to be concluded, though it is possible to argue otherwise. On 30 January 2005 elections for a transitional Iraqi National Assembly in Iraq with the main aim to write a new permanent constitution were held. On October 15 2005 a new Iraqi constitution was drafted and on 15 December the general election was held for the first assembly under the new constitution.

6.2.2.1. The Textual Construction of Dislocation

The discursive construction of the dislocations in the post-timeframe of the US discourse are as can be seen in Appendix 3.C. framing a number of different issues. One dislocation articulates that the US is still at war (US140803), another articulates a world divided between “those who seek order, and those who spread chaos.”(US230903). The events related to Abu Ghraib prison are also framed as dislocations:

I want to tell the people of the Middle East that the practice that took place in that prison are abhorrent, and they don't represent America.” (US050504: 1 of 3)

The American people were horrified by the abuse of detainees at Abu Ghraib prison in Iraq. These acts were wrong.”(US260604: Para 1 of 2)

The last of the selected US texts articulates a positive dislocation in its reference to the transference of sovereignty to a sovereign Iraqi government, “Earlier today, 15 months after the liberation of Iraq, and two days ahead of schedule, the world witnessed the arrival of a free and sovereign Iraqi government.”(US280604: Para 1 of 7).

Within the selected post-timeframe only the UN discourse and not the EKD discourse is articulated. As in the US discourse, the incidents in Abu Ghraib prison are articulated as dislocations:

Secretary General was deeply disturbed by the pictures of Iraqi prisoners being mistreated and humiliated by their guards at Abu Ghraib prison.”(UN300404: Para 1 of 1)

I was rather deeply concerned about [pictures of prisoners being beaten].”(UN020504: Para 1 of 2)

At the same time the UN discourse frames capture of Saddam as a positive dislocation, as: “not just the symbol of the downfall of the former regime in Iraq. It is also a new beginning.” (UN161203). In relation to the transference of sovereignty to the Iraqi government, the UN discourse two days after the US discourse in a somewhat prophetic manner frames the dislocation as:

Today the Iraqi people have resumed sovereignty under an interim government which the United Nations helped to form. That government faces a difficult and dangerous task. (UN300604: Para 1 of 2)

6.2.2.2. The Textual Construction of Normative Strategy

The discursive construction of the normative strategy by the US discourse within the post-timeframe underlines the commitment of the US to rebuild Iraq and thereby also provide safety and security for the US:

Our nation will give those who wear its uniform all the tools and support they need to complete their mission.... I urge the nations of the world to contribute - militarily and financially towards fulfilling the Security Council Resolution 1483’s vision of a free Iraq. (US230703: Para 1-2 of 2)

We will oppose terrorists and all who support them. We will not trust the restraint or good intentions of evil people. We will not permit any terrorist group or outlaw regime to threaten us with weapons of mass destruction. And when necessary we will act decisively to protect the lives of our fellow citizens. (US140803: Para 3 of 4)

We must stand with the people of ... Iraq as they build a free and stable [country].... We must confront together the proliferation of weapons of mass destruction.... we must act decisively to meet the humanitarian crises of our time. (US230903: Para 2 of 4)

The United States will not relent until this war is won.(US141203: Para 1 of 3)

Apart from these normative strategies the correlative strategies to the dislocations of the Abu Ghraib prison are articulated as: “there will be a full investigation... justice will be served.” (US050504) and: “We will not compromise the rule of law or the values and principles that make us strong.”(US260604). The correlative normative strategy to the positive dislocation of the transference of sovereignty presents a strategy to assist the Iraqi government:

We'll provide security for the upcoming elections. Operating in a sovereign nation, our military will act in close consultation with the Iraqi government. Yet coalition forces will remain under coalition command. Iraq's Prime Minister and President have told me that their goal is to eventually take full responsibility for the security of their country. And America wants Iraqi forces to take that role. Our military will stay as long as the stability of Iraq requires, and only as long as their presence is needed and requested by the Iraqi government. (US280606: Para 2 of 7)

The normative strategies of the UN discourse underline the importance of a speedy restoration of sovereignty in Iraq (UN220703; 161003). In relation to the capture of Saddam Hussein the UN points out that “Saddam Hussein should be held to account for past deeds, through a procedure that meets the biggest international standards of due process.”(UN161203: Para 1of 3). The normative strategy with regard to the incidents in Abu Ghraib is that “all detainees should be fully protected in accordance with the provision of international human rights law.”(UN300404: Para 1 of 1) The normative strategy articulated by Secretary General Annan on 30 June reiterates its correlative dislocation, and in some ways underlines the grave and serious challenges for the new Iraqi government: “I ask you to join me in praying for their [UN staff] safety and success, as I join you today in praying for the future of the Iraqi people.”(UN300604)

6.2.4.3. The Textual Construction of Values and Norms

The discursive construction of values and norms in the US discourse is listed in Appendix 4.5. They, as already pointed out above in relation to the primary ethic, rearticulate the ethical ideology of USNSS.

A comparison of the US values and norms with the UN's and EKD's listed in Appendix 4.5. reveals that a consensus in relation to use of military force similar to that of the Kosovo case exists. There is consensus with respect to the following values:

- International peace
- Security
- (Rule of law)
- (Democracy)
- International Humanitarian Law
- Human rights
- Sovereignty
- Peaceful/diplomatic/political solution of crisis
- Peaceful means
- Security Council resolutions

- Enforcement of Security Council resolutions

There is of course an overlap between the values *rule of law* and *enforcement of Security Council resolutions*, they are however listed separately because they are articulated separately within the text-corpus. Both the UN and the US articulate the values democracy and rule of law, but not EKD, which however articulated them as values in the Kosovo case, therefore they are listed within brackets. Furthermore, as in the ideologies and the case of Kosovo there is consensus about the realist value – that just peace is necessary for security and peace.

Apart from this consensus, the US discourse is ambiguous when it comes to the value of the UN and the UN-framework. Whereas the UN and EKD affirm and underline the importance of the UN-framework and its core position within international law, the US discourse does not articulate the international law articulated in the UNCh as a value. The US discourse only values *the mission of UN*, *the [defense and enforcement of the] idea behind UN* and the *ideals of UN* not the UNCh, which echoes the view on the UN articulated in USNSS. There is in other words no direct articulation of the value of international law apart from the values of IHL, the norms of sovereignty etc. Another difference regarding values and norms of the US discourse in relation to the UN and EKD is the emphasis put on an active approach to Iraq's negative attitude toward SCR's, which is moreover disclosed in norms which imply affective processes: *hold to account*, *stand up for security*, *take principled stand*, *show international leadership*, *hunting down killers*, *stand ready*, *hunt war criminals*, *eliminate the enemy*.

6.2.4.4. The Textual Construction of Antagonism

Not surprisingly and owing to the rearticulation of the primary ethical signature of USNSS the antagonism the US discourse rearticulates and discursively reconstructs the antagonism of USNSS though within the specific facticity of the evolving Iraq crisis. This rearticulation is seen in the explicit value/norm exclusion and the explicit antagonists, the character of hegemonic aspiration and the genre of antagonism within the three text-corpus.

The explicit value and norm exclusions discursively constructed by the US in disvalues and disnorms are listed in Appendix 4.6. The disvalues and disnorms rearticulate as in the Kosovo case the values and norms of the US and thereby the primary ethical signature. Again affective processes are invoked by the articulation of disvalues and disnorms, illustrated with the following disvalues and disnorms: *deceit*, *mad ambitions*, *brutal submission*, *ideologies of murder*, *acts of cowardice*, *bully*, *wage attack under white flag of truce*. In addition the US discourse stands out from the EKD and the UN discourses in antagonizing the lack of enforcement and coercive action taken against Iraq contrary to the antagonism of the UN and EKD antagonizing the unilateralism of the US.

The protagonist-antagonist antagonism discursively constructed by the US is compared to the Kosovo case and the UN and EKD discourses but in continuation of the USNSS emphatically articulating the logic of equivalence. This construction of antagonism is illustrated in these framings of antagonists: *deceitful dictators, outlaw groups, outlaw regimes, terrorists, Iraq's dictator, his nuclear scientists, embolden regime, terrorist allies, brutal regime, killers, shadowy killer network al Qaida, murderous dictators, evil men, [Saddam's] terrorist allies*. In comparison the UN discourse in its construction of protagonist-antagonism is attempting to avoid the application of the logic of equivalence, only a few texts articulate antagonists. The same is the case in the EKD discourse, which with even more success is avoiding articulation of the logic of equivalence regarding social agents, and instead antagonizes the actions of particular agents such as Saddam Hussein. EKD does not only like the UN discourse limit the number of antagonists but articulates a neutral group which can be framed as *agonist* agents, which are not connected to the bipolarity of pro- and antagonists (EKD060902, 081102). In other words the US discourse stands out from the EKD and UN discourses in this affective and irreconcilable antagonizing of agents such as The Iraqi Regime and Saddam Hussein contrary to a downplayed and in-affective antagonizing of the same agents by the UN and EKD.

6.2.5. Evaluation of United States Discursive Construction of the War against Iraq

The discursive construction of the IW by the US as KI has been scrutinized by various scholars from both legal and ethical perspectives. This is again an indirect proof of the thesis of dislocation, and in that respect the responses to the discursive construction of the Iraq war resembles the texts of Grotius, Hobbes and other earlier scholars. An evaluation of the construction of IW cannot be made full scale within the framework of this dissertation. Accordingly, only a limited evaluation of the discursive construction of the IW is made. First by reference to various ethical and legal scholars and second from the perspective of the ethic of just peace presented together with the evaluation of the KI in Chapter 6.3.

Evaluation by Just War Reasoning

The evaluation of the discursive construction of the IW is here made by reference to three scholars, concerned with the purely ethical aspects – the just war reasoning: Peter S. Temes, Michael Walzer, and James T. Johnson.

Temes (2003) is concerned with the ethical or in his words the moral justification of the IW. He strongly opposes the discursive construction of the IW:

I joined many who believed there might be a kernel of justification of this second Gulf War but were badly troubled by the hubris of our leader, calling our nations the repository of all that is good, and our enemy, quite simply, evil. I felt that we as a nation could not be as purely good, and ought not to be as self-satisfied, as our actions declared we were. (2003: 200)

Relying on JWI, he argues that the use of military force against Iraq was unjust with regard to last resort, legitimate authority, and discrimination (202). At the same time, he addresses the problems of the use of force by American and coalition forces in bello:

Our greatest failings were not in the shooting war itself but in the aftermath. American troops – and, even more so, British troops – were quite effective in distinguishing civilians from soldiers of various kinds, though with no shortage of sad and ugly exceptions. It was not American soldiers but American policy-makers who had the most explaining to do. Specifically, in planning for the war. American soldiers appear to have been protected to a greater degree than were the lives of Iraqi civilians. (203)

In relation to post-war justice, Temes mentions the profiteering by American corporations, which according to him followed immediately upon the military victory, as unjust (204). Regarding the success of the post-war ambition to reconstruct Iraq as a democratic state, he is pessimistic, underlining that:

What we failed most profoundly to do was to model in the war itself the kind of consciousness of the larger world that we now ask the Iraqi people to display. In effect we tell them, You must be democratic; You must build civil relations with other nations; You must allow your citizens to function with the larger context of the world at large. But then our actions say, if you get to the point where you really feel threatened, and you don't like the game of common standards and the often complicated and complicating moral principle of rights of man, pull out your big guns and impose your will on those who are weaker than you are. (206)

Walzer is, compared to Temes articulating a middle position regarding the justice of the IW. On the website Dissentmagazine.org and in newspaper articles he evaluated the issue of use of military force against Iraq throughout the deliberative process, during and after Operation Iraqi Freedom. His main argument was that the *big war* against Iraq and its discursive construction was unjust (0903; 0103; 0303) whereas the inspections and the *little war* – sanctions and no-fly-zones - should have been intensified and robustly supported by France, Russia, and Germany, who according to Walzer are as responsible for the *ad bellum* part of the big war in Iraq as the US itself. Within the ante-timeframe and shortly after President Bush's address to the General Assembly on 12 September 2002 he presented the evaluation concerning the discursive construction that:

The Bush administration is threatening to attack Iraq and has been doing so for many months now. But it is hard, even after the president's U.N. speech, to see the point of the threat. It might be intended to deter the Iraqis from developing weapons of mass destruction, but it seems more likely to speed up the work they are already doing. (0902: 143)

And, concerning the justice of a potential attack he initially argued that after the First Gulf War use of military force would have been just:

There was a just and necessary war waiting to be fought back in the 1990s when Saddam was playing hide-and-seek with the inspectors. That would have been an internationalist war, a war of enforcement, and its justice would have derived, first, from the justice of the system it was enforcing and, second from its likely outcome: the strengthening of the U.N. and the global legal order. (0902: 144)

Nevertheless, the point concerning the US administration's intention to use force in 2002 was according to Walzer that the administration's war is neither just nor necessary, instead the right thing to do was to:

Re-create the conditions that existed in the mid-90s for fighting a just war. And we must do this precisely to avoid the war that many in the Bush administration want to fight. The Europeans could have re-established these conditions by themselves months ago if they really wanted to challenge American unilateralism. No government in Baghdad could have resisted a European ultimatum – admit the inspectors by a certain date or else! – so long as the states behind the ultimatum included France and Russia, who have been Iraq's protectors, and so long as the 'or else!' involved both economic and military action. (US0902: 149-150)

Walzer thereby advocated for a credible and strong inspection regime and denied the argument for pre-emptive use of force and regime change (0902: 146-149). Still, he underlined that if the inspections were not made credible there will be an argument for a just war: "If the threat of enforcement is not made credible; and if our allies are unwilling to act – then many of us will probably end up, very reluctantly, supporting the war the Bush administration seems so eager to fight." (0902: 151) This denial of the justice of a war against Iraq, the ambition to provoke the politicians to make the inspection system work and make the threat against Saddam Hussein credible was emphatically articulated by Walzer in the two following articles (0103; 0303), a point presented here was that especially France and Russia had not helped make the inspections credible, but that:

Mr. Bush could stop the American march toward the big war if he challenged the French (and the Germans and the Russians) to join the little war. The result would not be a victory for Mr. Hussein of Mr. Chirac, and it would ensure that the Iraqi regime would get weaker over time. (0303: 158)

On 19 March, when the war against Iraq began, Walzer restated that the war against Iraq was unjust and partly due to the French, Germans and Russians, but also that Saddam's war was unjust:

Even though he didn't start the fighting. He is not defending his country against a conquering army; he is defending his regime, which, given its record of aggression abroad and brutal repression at home has no moral legitimacy"(190303: 160)

In November 2003, Walzer constructively evaluated the process of restoring justice in post-war Iraq, he pointed out that both the US and Europe had failed its responsibilities: "the Europeans want to share authority without sharing costs; the Bush administration wants to share costs without sharing authority."(1103: 167). Concerning the responsibility of the US his additional point was:

We don't seem to have thought much about this process in advance of the war or to have carried it out, thus far, with anything like the necessary understanding of the Iraqi politics or history. What is the relation of planned and unplanned occupations to just and unjust occupations? Surely occupying powers are morally bound to think seriously about what they are going to do in someone else's country. That moral test we have obviously failed to meet. (1103: 165)

In *Dissent Magazine* (Fall 2003) Walzer in relation to the IW opposed the American unilateralism, which according to him is a new and problematic thing:

George W. Bush's unilateralism is a bid for hegemony without compromise; perhaps he sees America playing an imperial-perhaps also a messianic role in the world. But unilateralism is not, so to speak, the natural mode of American power; since World War II we have played a major role in shaping international organizations; we have negotiated alliances; and we have generally been willing to consult with our allies in responding to critical events.... The wish to act alone is new. (Fall 2003: Para 2 of 4)

The proper argument according to Walzer is however that:

A rationally governed hegemonic power doesn't act unilaterally to repel aggression or stop massacres or take on the (very difficult) work of nation building; it marshals coalitions. These will be coalitions of the willing, obviously, but the willingness has to be won by consultation, persuasion, and compromise. In recent years, our government has sought to avoid any serious version of these necessary processes, as if its leaders want to manage the world all by themselves. That ambition is probably a better explanation of the Iraq War than any provided by the theory of imperialism. (Fall 2003: Para 3 of 4)

Johnson is contrary to Temes and Walzer putting a great effort into arguing for the justice of the IW. Like that of Walzer, his comprehensive knowledge of the JWI gives a certain weight to his propositions. Johnson did not in the same way as Walzer try to influence the process of political deliberation in relation to the IW, one reason seemingly being his stated principle not to intervene in the decisions of the responsible political agents (2005). Johnson is focusing on the issue of justice within the three timeframes and at the same time deconstructing the general assumptions, arguments and the problems of the anti-war reasoning and the media's construction of the war. The pivotal point of his reasoning for the justice of the IW rests in his denial of the authority of the UN-framework, which allows him to place the authority to the use of military force with the US. With respect to the justice *ad bellum* and its discursive construction, Johnson argues that Bush's three arguments for using military force against Iraq - pre-emption, enforcement of international law, and human rights protection (2005: 46) – are all justified:

For my part, I have gradually moved to the position that there is a serious case for pre-emption when an avowed enemy has WMD, and all other means of dealing with this threat offer no hope of removing it. (2005: 53)

The second argument for the use of force against the Saddam Hussein regime ... was justified to enforce compliance and punish non-compliance with existing agreements, resolutions, and international law.... For me, this line of reasoning offered the most straightforward justification, in terms of international law, for the use of military force against Saddam Hussein. (2005: 54-55)

This human rights-based argument is especially interesting and rich morally in its full range. Given the strong moral support that emerged in the 1990s for the idea that military intervention is justified in

cases of gross abuses of human rights, there was a clear opening for a moral debate in 2002. (2005: 56)

Apart from his argument for the justice of the use of military force against Iraq Johnson, as mentioned, focuses on the discursive construction of the anti-war arguments, especially those articulated by representatives of Christian churches. His main point is that the anti-war discourse predominantly focused on the issue related to pre-emption and neglected to consider the two other types of ethical reasoning, which some of them in relation to the use of military force against Serbia had in fact used. Furthermore, he addresses the problems of invoking ultima ratio, one of the less important and prudential criteria of JWI, as the defining criteria opposing use of military force (2005: 57-58). He also strappingly criticises the invocation of the aggressor-defender or first use of force framing, for not being fit to frame the threat of weapons of mass destruction (2005: 53). Apart from these issues, Johnson points at aspects which were not part of the discursive construction of the IW. Among these left out aspects he finds additional support for the use of military force in the idea defining sovereignty as correlative with responsibility, which in turn justifies regime change but more importantly rearticulates the JWI and in particular its embedded idea of just peace as already pointed out by Augustine (2001: 170):

The just war tradition of Western culture is about the achievement of peace – not just any peace but one characterized by a just political order, both within states and internationally among states. It is a mistake to think of peace simply as the absence of war. Indeed, the use of armed force is properly a tool for good political leadership to use in the service of that fuller and more genuine peace. It is good or bad precisely as it intends to serve that goal or not. As the classic just war theorists well understood, the fundamental responsibility of those with sovereign authority is to serve a just and peaceful order. This is their particular burden. The justified use of force is one of the tools they must have available. To think otherwise is to forget the kind of world we live in. (2005: 67)

Apart from the justification of the ad bellum perspective Johnson evaluates the use of force in bello. Here his main proposition is that the use of force in bello by the US and the coalition has been just whereas the use of force by Iraqi troops and irregulars has been unjust in several aspects (2005: 71-109). In relation to the justice, the securing of peace, of the post-war situation Johnson is more critical in his evaluation:

There were important failures in actuality, and these worked against peace rather than for it. The forces that succeeded so quickly in toppling the armed forces of the old regime were insufficient to establish and maintain post-war order; thus, rather than maintaining order, they were reduced to punishing disorder. Insufficient attention was given to the problems of establishing democratic social and political life in a society that had for more than a generation been ruled by a pervasive, invasive tyranny. Disagreement as to who could be in charge of the reconstruction efforts confused them at the beginning, during a critical time. And although there has been an international component to the rebuilding effort, the United States for various reasons has been the dominant presence across the board, in military as well as civilian aspects. (2005: 142)

Evaluation by Legal Reasoning

These three different evaluations of the IW by Americans, which illustrate that there are different views of the ethical reasoning for use of military force against Iraq, can be complemented with legal evaluations. The evaluation of the discursive construction of the IW is here made by reference to two scholars concerned with the purely legal aspects – the legal reasoning: Alex Conte and Michael N. Schmitt.⁵⁴ These evaluations focus on the ethical reasoning but from a legal point of view on the legal justification of the use of military force against the state of Iraq.

Conte (2005) evaluates the argument put forward by the US (170303) and other coalition members that SCR's 678, 687 and 1441 legally authorized the use of force against Iraq. Paraphrased by Conte the legal reasoning for authorizing use of military force related to SCR 678 and 687 was the interpretation that: "In resolution 678 the Security Council authorized force against Iraq, to eject it from Kuwait and to restore peace and security in the area. A material breach of resolution 687 revives the authority to use force under resolution 678." (2005: 143). A reasoning underlined by President Bush: "In the case of Iraq, the Security Council did act, in the early 1990s. Under Resolutions 678 and 687 – *both still in effect* – the United States and our allies are authorized to use force ridding Iraq of weapons of mass destruction." [emphasis added] (US170303: Para 2 of 3). At the same time the claim of material breach of SCR 1441 was used to argue for the authority to use force (US170303: Para 2 of 3). Conte's conclusion is a clear legal argument against the use of military force based on these SCR's. His conclusion is that:

The principal basis relied upon by coalition forces to legitimize the intervention in Iraq has been an authority arising out of the combined effect of Security Council Resolution 678, 687 and 1441. Such a position however is fundamentally flawed. Resolution 678 had no bearing on the conflict at hand since it related exclusively to military intervention by Iraq against Kuwait, and peace in the region within the context of the conflict between those two States. Similarly, while resolution 687 is relevant to the extent that it imposed various obligations upon Iraq regarding weapons of mass destruction, it does not contain any authorization to use force in enforcement of those obligations.... Regardless of one's view on the merits or otherwise of the removal of the Saddam Hussein regime in Iraq, the use of force against Iraq was unjustifiable at international law.... It is the United Nations Security Council that bears the responsibility for maintaining international peace and security, as laid down in the UN Charter and it is not open for individual member States to circumvent that authority by acting without the express command of the Council. (2005: 160)

This conclusion Conte arrived at after an evaluation of the SCR's 678, 687, 1154, and 1441, in accordance with the regulation of interpretation of SCR's presented by the International Court of Justice (2005: 142).

Contrary to Conte Schmitt (2004) argues that SCR's 678 and 687 in fact provided a legal basis for use of military against Iraq. Schmitt evaluates a number of possible legal reasons for use of

⁵⁴ Apart from these evaluations, there have been numerous other evaluations and among them several belonging to a more affective genre, where arguments concerning IW are presented by journalists often with inside information or individuals with a political agenda. Among these are Boward, J. (2004) *The Bush Betrayal*, Scheer, C. et al. (2003) *The Five Biggest Lies Bush Told Us About Iraq*, Ritter, S. (2005) *Iraq Confidential*, Hersch, S. M. (2004) *Chain of Command: The Road From 9/11 to Abu Ghraib*, Woodward,

force: *implicit Security Council authorization, self-defence against State support of terrorism and weapons of mass destruction, breach of the 1991 ceasefire, humanitarian intervention, and regime change*. He only endorses the legal reasoning framed as *breach of the 1991 ceasefire*, which was exactly the legal reasoning related to SCR 678 and 687. He paraphrases what he considers the sound legal argument presented by the US and the UK in the following way:

The United States and its coalition partners presented a rather linear argument. Resolution 697 (1991) conditioned the ceasefire on Iraqi compliance with its terms. Iraq had not fully complied, resulting in several Security Council declarations that such non-compliance amounted to material breach. The Council even gave Iraq a ‘final opportunity’ to bring itself into conformity and placed Iraq on notice that further non-compliance would constitute a material breach which could result in serious consequences. In the US view, the Security Council should have acted at that point to enforce its own resolutions, but did not. Therefore, the United States and other Coalition States were released from their ceasefire obligations and the initial use of force authorization contained in resolution 678 became operative again, as it had on multiple occasions in the previous decade. The sole limitation on their actions was that they do no more than authorized by the broad mandate contained in resolution 678 – to enforce past and future Council resolutions and restore international peace and security. Given more than a decade of violation of Security Council resolutions intended to create the conditions for stability, ousting Saddam Hussein and the Baathists from power fell neatly within that mandate. (2004: 97-98)

One issue, which explains this obvious disagreement between Conte and Schmitt, is that Schmitt contrary to Conte (2005: 159) underlines that SCR 1441 did not contain a requirement to return to the Council for a use of force authorization (2004: 97).

6.3. Enacted Ethical Articulations of Military Force – an Evaluation

The analysis of the KI and IW has pointed out a common discursive logic and an ethical consensus. Regarding the discursive logic two elements of the discursive construction of the use of military force were seen:

- There is a relationship between ideology and enactment, the primary ethics of the ideological context is rearticulated in the enacted articulations
- There is a pattern of ethical reasoning, meaning that both narrative reasoning and several types of backing discourses are applied in the discursive processes of ethical reasoning

Apart from this discursive logic, ideological consensus in the two cases exists in relation to the following values:

- International peace
- Security
- Rule of law
- Democracy
- International Humanitarian Law

B. (2006) *State of Denial: Bush at War Part III*, Risen, J. (2006) *State of War: The Secret History of the CIA and the Bush Administration*, Isikoff, M., and Corn, D., (2007) *Hubris: The Inside Story of Spin, Scandal, and the Selling of the Iraq War*.

- Human rights
- Sovereignty
- Peaceful/diplomatic/political solution of crisis
- Peaceful means
- Security Council resolutions
- Enforcement of Security Council resolutions

This ethical consensus suggests as already pointed out above that just peace is both an idealist and realist goal. From the viewpoint of the ethic of just peace presented above, the ethical consensus of these enacted discourses is like the ideologies rather close to the framework of just peace and use of military force as law enforcement or international policing. Just peace is repeatedly discursively constructed both as an idealist principle and as a realist goal underlining a realist understanding of the necessity of just peace for global, international, or universal security, and thereby disclosing a kind of international or global realism. However, the same problems as in the ideologies occurred in the discursive construction of the KI and the IW and in the related enacted ethical articulations of UN and EKD. There is not a sufficient acknowledgment of the logic of just peace. In the case of KI it is revealed in the Rambouillet Accords in the ante-time frame, and in the in-timeframe with the choice of weapons and tactics. In the case of IW it is revealed in the discursive construction of antagonism throughout the time-frames, and in the lack of trust in the efforts of the ongoing UN-weapons inspections. In other words, the logic of just peace is not sufficiently acknowledged by the responsible political agents. As a consequence, the potential of both the idealist and realist goal of just peace is impaired beforehand. One can argue that it is due to a lack of courage, though the answer is more likely to be found in the particular facticities of the ideologies and the immaturity of the ongoing discursive transformation.

7. Just Peace – a Realist and Idealist Global Ethical Ideology

Ethics is a significant approach to the use of military force. If one wishes to answer the three research questions presented in the beginning of this dissertation, the ethical perspective and reflection simply cannot be avoided. Ethical articulation or morality understood as what is discursively considered desirable social agency and social agent facticity by a particular social agent or group of social agents within the discursive dialectics is an embedded part of the political discourses related to the use of military force. As the American political philosopher Robert Jackson has put it “world politics is constitutively normative: it incorporates its own distinctive ethics which have been worked out over time by states people.”(2000: 6) Therefore, ethics provides an important framework in which to understand hegemonic ethical norms and values such as democracy and human rights and the normative framework of international law. In addition, ethics, understood as a normative approach, can discursively construct a global ethic or framework from which to evaluate global institutions such as human rights or IHL and thereby inspire the ongoing process of globalisation and the necessary social transformations.

This particular significance and role of ethics have been illustrated in this dissertation, but even more importantly answers to the three research questions have been given. The answers have been presented above with the help of the theory of ethical articulation and with the construction of the global ethic of just peace, the analysis of selected contemporary ideologies and the analysis of the two contemporary cases of armed conflict. The elaboration of the answers to these three questions reveals that ethical reasoning related to the use of military force is a rather complex issue and that responsible agents of major discourses put great effort into their presentation of arguments. At the same time, it is seen that there within dominant discourses is both a realist and idealist movement toward a global ethic of just peace, the implementation of an ethical ideology of equal co-existence. Within these discourses, there exists a universal or global realism related to the acknowledgement of the radical interdependency of the contemporary global society. However, the logic of just peace – that the end is the mean in the making - is not taken enough into consideration by the major agents in the discursive construction of the use of military force, not even by a fairly pacifist ideology like that of the EKD. This general lack of understanding or knowledge of the logic of just peace is an issue with normative implications, which both from an idealist and realist perspective calls for reflection concerning contemporary use of military force.

Apart from this, several other theses with normative implications were developed and presented throughout the attempt to answer the three questions above. At first, the meta-ethical research field provided the reasoning needed to construct both a theory of ethical articulation and a global ethic of military force. The arguments presented regarding the theory of ethical articulation are that ethical articulations are an inherent part of discourse and that ethical articulation has an ethical signature. The argument presented regarding the global ethic of military force is that use of military force from an ethical perspective having human life as an absolute value, can only be ethically justified within the framework of just peace as just policing, that use of military force from the perspective of this global ethic must be reframed. Hereafter, the analysis of how contemporary ethical ideologies frame the issue of military force and argue for its use and how contemporary political agents have argued for the use of military force in Kosovo and Iraq were presented. In the analysis of the ideologies it was discovered that the Just War Idea is rearticulated as the ethical reasoning for use of military force, and that a consensus concerning certain values exists and in particular that just peace as mentioned is both a realist and idealist or ethical value. In the analysis of the enacted articulation it was discovered that the political agents apply narrative reasoning and several discourse types to argue for or against the use of military force and that the primary ethical signature of their related ethical ideologies was rearticulated in the enacted articulations. As in the case of the ideologies just peace is articulated as both a realist and idealist value. At the same time, it was seen that the antagonistic style of the ideologies was rearticulated in the discursive construction, especially expressed in the affective style of the US discourse. The evaluation of the discursive construction of the Kosovo Intervention and the Iraq War illustrated evaluations both for and against the use of military force, thereby revealing the complex issue related to ethical evaluation of the use of force within the contemporary international framework

These conclusions bring us back to the elaboration of the ethical idea to reframe use of military force as international policing within the framework of just peace, presented in Chapter 4. The ideologies analyzed suggest that this reframing is reasonable and the problems of the discursive construction of the Iraq War and the Kosovo Intervention suggest that it is necessary. Many of the difficulties of the contemporary rule of law were presented by ASW, RTP and PEP. And the USNSS in spite of its problems brings into attention the need to reframe the ideology related to use of force due to what seems to be changing threats to peace and security. The point is that within a policing framework pre-emption is not in the same way a critical issue. The point is that use of military force from the perspective of a global ethic must be understood within the framework of just peace – equal co-existence of social agents - as international policing, as law-enforcement where the just dislocation is violation of the international law and the just normative strategy is to

enforce it, and furthermore that the law is the means in the enforcement, which implies that IHL represents too low standards and that new weapon types and strategies must be constructed and elaborated. The global ethic of just peace having human life as a core value irrespective of the actions made by the particular agent does not imply that people and nations shall “beat their swords into plowshares and spears into pruning hooks” (Isaiah 2:4). On the contrary, *si vis pacem, para bellum* – if you want peace, prepare for war - or in a contemporary framing: show of force prevents aggression. The attainment and maintaining of the hegemony of this global ethical ideology with its radical difference partly depends on power and force in a facticity which from a perspective valuing human life is characterized and framed as latent injustice and violence. But as stated not primarily due to a Pauline logic of fear (Romans 13:1-7) but on the contrary owing to need for trustworthy institutions. The criteria of institutions must by virtue of the ethic of just peace and the fact of the ontological claim not be their ability to install fear in social agents but trust, this is the main criteria of a global ethical society, distinguishing it from a global tyranny. The additional point is that the limits put by the global ethic on the use of force implies two institutions. First, a strong federation of the world, a powerful global framework of states responsible for the rights of their citizens and thereby to be trusted by all social agents. Furthermore, that the particular agents and institutions responsible for using force on behalf of the citizens within this federal framework are properly educated and more discriminate and non-lethal weapons developed. Second, the existence of a global meta-narrative, a common ethical ideology articulating the common values, representing the global ethic. The global ethic of just peace implies that it moves beyond mere talk, that this ethical ideology is continuously taught, told and practiced in order that social agents can identify with its values, as also acknowledged and underlined in the preamble of the Universal Declaration on Human Rights. In that respect, one can hardly hope for utopia but must be content with Tennyson’s realist federation of the world.

The textual material analyzed in this dissertation has illustrated a discursive will and a need for just peace by major political agents and institutions. However, recently a discourse has been re-surfacing with the US plan to build a rocket-shield. This reveals another realist strategy than just peace, a strategy of shutting part of the world out. In spite of what in fact seems to be a defensive strategy behind this measure, the point presented here is that *if* for realist or idealist reasons we believe in the equality of human beings, we are, by the logic of just peace, forced to have just peace as a regulative goal, and in the process to obtain and maintain that goal, justice is the end in the making, not the building of walls or shields, this can only produce even more antagonism and invoke the logics of equivalence, which can only be short term Don Quixotian fights against the mills of globalization. Doing what from both a realist and idealist perspective seems necessary

today: to work for a just peace, in order to uphold universal principles or protect national interests, implies that this end is the mean in the making, that human life is valued as an absolute value throughout this process. As disclosed in the analysis of the contemporary ethics of military force above we are according to the intentions of major political agents not far from a just peace, but according to the ethical standards they are willing to follow in the making of just peace we are in some respects still far away. More lives are likely to continue to be wantonly lost as a result of a framework which from global ethical point of view is unethical. For that reason we must regrettably continue to remind ourselves of Augustine's words when analysing and discussing the contemporary issues related to the use of military force:

Let every one, then, who thinks with pain on all these great evils, so horrible, so ruthless, acknowledge that this is misery. And if any one either endures or thinks of them without mental pain, this is a more miserable plight still, for he thinks himself happy because he has lost human feeling. (Augustine 2001: 151)

Appendix

1. Linguistic Analysis of Political Statements: Question Paper

Agent: _____ Text: _____

1. Which values are articulated in the text?

1.1 To which values do the authors commit themselves - what is desirable/what is undesirable?

Desirable:

Undesirable:

1.2 Which categories of values appear?

1.3 How are values realized:

as evaluative statements?

as statements with deontic modalities?

as statements with affective mental processes?

as assumed values?

1.4 What is the character of value-assumption?

1.5 Which value frames are articulated?

1.6 Which value systems are articulated?

2. Which norms are articulated in the text?

2.1 To which norms do the authors commit themselves – what is desirable/undesirable action?

Desirable:

Undesirable:

2.2 Which categories of norms appear?

2.3 How are norms realized:

as evaluative statements?

as statements with deontic modalities?

as statements with affective mental processes?

as assumed norms?

2.4. What is the character of norm-assumption?

2.5 Which norm frames are articulated?

2.6 Which norm systems are articulated?

3. What signifies the construction of dislocation?

Summary by quotes:

3.1 Which elements/parts of facticity are excluded/included?

3.2 Which included elements are most salient?

3.3 How abstractly/concretely is facticity represented?

3.4 How are processes articulated – predominant types (material, mental, verbal, relational, existential)?

3.5 Are there instances of grammatical metaphor in the articulation of processes?

3.6 How are actors articulated (activated, passivated, personal, impersonal, named, classified, specified)?

3.7 How are time, space and the relation between space-time articulated?

4. What signifies the construction of normative strategy?

Summary by quotes:

4.1 Which elements/parts of relocation are excluded/included?

4.2 Which included elements are most salient?

4.3 How abstractly/concretely is the relocation articulated?

4.4 How are processes articulated– predominant types (material, mental, verbal, relational, existential)?

4.5 Are there instances of grammatical metaphor in the articulation of processes?

4.6 How are actors articulated (activated, passivated, personal, impersonal, named, classified, specified)?

4.7 How are time, space and the relation between space-time articulated?

5. What signifies the construction of antagonism in the text?

5.1 Which subject positions/social actors are articulated?

5.2 Which protagonist-antagonist relations occur?

Protagonist:

Antagonist:

5.3 What is the frequency and character of hegemonic aspiration?

5.4 What is the textual orientation to difference in general and antagonism in particular:

5.4.1 What are the level and character of openness to/acceptance/recognition of difference?

5.4.2 What are the level and character of accentuation of difference (polemic, struggle over meaning/norms/power)?

5.4.3 Are there any attempts to resolve or overcome differences?

5.4.4 Is there a tendency of bracketing difference, focusing on communality and solidarity?

5.4.5 Is there a consensus, a normalization and acceptance of difference of power which brackets or suppresses differences of meaning over norms?

5.5 What is the level of difference abstraction?

5.6 Which are the genres of antagonism: political; religious; ideological, ethnic?

6. What signifies inter-textuality?

6.1 Which texts and voices are included and significantly excluded?

6.2 Where other voices are included, are they attributed, and if so specifically or non-specifically?

6.3 Are attributed voices and discourse directly quoted or indirectly quoted?

6.4 How are other voices textured in relation to the authorial voice, and in relation to each other?

7 What characterizes the supportive ethical reasoning?

7.1 What are the frequency and character of authoritative reasoning?

7.2 What are the frequency and character of teleological reasoning?

- 7.3 What are the frequency and character of legal reasoning?
- 7.4 What are the frequency and character of deontological reasoning?
- 7.5 What are the frequency and character of reasoning by mytho-poesis?
- 7.6 What are the frequency and character of consensual reasoning?
- 7.7 What are the frequency and character of other types of ethical reasoning?

2. Email from Gareth Evans

The short answer to your question as to how the transition from the ICISS report in 2001 to the High Level Panel (HLP) report in 2004 was managed is that yes, it did make a difference that I personally was on the HLP and pushed the issue hard throughout the course of its deliberations, as others in the group would no doubt attest.

Of course the 'Responsibility to Protect' concept had some currency already in UN policy circles following the Canadian report, including with the SG himself, who made clear to a number of people that he liked the idea, and it may well have been picked up even if I had not been there to promote it. Conscience-shocking internal human rights violations were one of the kinds of security threats that the Panel had to address, and the R2P concept was clearly already on the table as a possible conceptual solution. But in the real world of policy making much more depends on the vagaries of human behaviour, and on who is where when to support or oppose a proposal, than on the inherent intellectual or other merit of a position.

I hope that helps your research

Gareth Evans

3. The Intervention in Kosovo

3.1. Ante-Timeframe

The Framing of Dislocations: NATO discourse

“The North Atlantic Council is profoundly concerned by the violent incidents which took place in Kosovo the last few days, and in particular the Serbian police’s brutal suppression of a peaceful demonstration in Pristina on 2nd March 1998.” (NATO050398: Para 1 of 1)

“The North Atlantic Council is profoundly concerned by the further deterioration of the situation in Kosovo with the risk of escalating conflict in the region.” (NATO300498: Para 1 of 2)

“We are deeply concerned by the situation in Kosovo. We deplore the continuing use of violence in suppressing political dissent or in pursuit of political change.... It is particularly worrying that the recent resurgence of violence has been accompanied by the creation of obstacles denying access by international observers and humanitarian organizations to the affected areas in Kosovo.” (NATO280598: Para 1 of 3)

“The Secretary General of NATO,.... is deeply concerned by the continuing violence in Kosovo and its effect on the civilian population of the region for which President Milosevic bears a heavy responsibility.” (NATO120898: Para 1 of 1)

“The NATO Secretary General,..., warmly welcomes the news that the Kosovo Albanians have now formed a new negotiating team.” (NATO130898: Para 1 of 1)

“We are far from seeing the full compliance that the international community demands.” (NATO151098: Para 1 of 2)

“NATO’s unity and resolve have forced the Yugoslav Special Police and military units to exercise restraint and reduce their intimidating presence in Kosovo.” (NATO271098: Para 1 of 3)

“The security situation in Kosovo remains a great concern to us. Since the beginning of November, violent incidents provoked in some cases by Serbian security forces and in others by armed Kosovar elements have increased tension.” (NATO081298: Para 1 of 2)

“Excessive and disproportionate use of force.” (NATO280199: Para 1 of 3)

“Deadline set by the Contact Group for the parties to come together is approaching fast....The crisis in Kosovo remains a threat to peace and security in the region.” (NATO190299: Para 1 of 2)

“NATO welcomes the substantial progress made in the Kosovo Peace Talks in Rambouillet towards a political settlement.” (NATO230299: Para 1 of 1)

“The final diplomatic efforts of ambassador Holbrooke in Belgrade have not met with success.” (NATO230399: Para 1 of 2)

The Framing of Dislocations: UN discourse

“The Secretary-General is deeply disturbed by the latest reports of an intensifying campaign against the unarmed, civilian population in Kosovo.... The Secretary-General is encouraged by the North Atlantic Treaty Organization’s resolve to prevent a further escalation of the fighting.” (UN050698: Para 1 of 1)

“He welcomes the efforts being made at the international level by President Boris Yeltsin of the Russian Federation and others to bring about a diplomatic solution to this conflict.” (UN190698: Para 1 of 1)

“He is particularly concerned about reports that offensive operations by the Federal Republic of Yugoslavia security forces continue unabated and that they may be adopting a “scorched earth policy” in some areas of Kosovo.”
“He is deeply troubled by reports of the vast number of displaced persons without food and shelter and the increasing human rights violations.”
(UN110898: Para 1 of 1)

“The Secretary-General is outraged by eyewitness reports of atrocities perpetrated by security forces in Kosovo under authority of the Federal Republic of Yugoslavia.” (UN300998: Para 1 of 1)

“The Secretary-General warmly welcomes news of a breakthrough in efforts to end the Kosovo crisis.”
(UN131098: Para 1 of 1)

“I am shocked to learn today of the alleged massacre of some 40 individuals, apparently civilians, in Kosovo.”
(UN190199: Para 1 of 1)

“Horror is present, in the lives of hundreds of thousands of people of Kosovo, whose lives have been disrupted violently. And now, Racak has been added to the list of crimes against humanity committed in the former Yugoslavia.” (UN280199: Para 2 of 2)

“The Secretary-General welcomes the timely decision of the Contact Group to convene peace talks on Kosovo at Rambouillet.” (UN030299: Para 1 of 1)

“The Secretary-General welcomes the conclusion of negotiations led by the Contact Group in Rambouillet, France, that have led to an agreement on substantial autonomy for Kosovo.” (UN230299: Para 1 of 1)

“The Secretary-General is gravely concerned at the escalation of violence in Kosovo. He is particularly alarmed that the humanitarian situation has seriously deteriorated during the past week due to the ongoing offensive by Yugoslav security forces with intensified fighting between them and Kosovar Albanian paramilitary units.”
(UN220399: Para 1 of 1)

The Framing of Dislocations: EKD discourse

„Die Bevölkerung im Kosovo leidet unter massiven Verletzungen der Menschenrechte, unter ständigen Übergriffen seitens militärischer und paramilitärischer Verbände und unter der Ungewissheit der Zukunft. Kinder, Frauen und alte Menschen, die in den letzten Jahren und Monaten schon Unsägliches erdulden mussten, gehen einem Notwinter entgegen – in den Wäldern oder in den Resten zerstörter Häuser.“ (EKD051198: Para 1 of 2)

„A refugee crisis of alarming proportions is looming.... The relief measures so far undertaken are totally inadequate.“ (EKD3-1998: Para 1 of 1)

The Framing of Normative Strategy: NATO

"The North Atlantic Council calls on all sides to take immediate steps to reduce tension.... Calls on the authorities in Belgrade and leaders of the Kosovar Albanian community to enter without preconditions into a serious dialogue in order to develop a mutually acceptable political solution for Kosovo within the Federal Republic of Yugoslavia." (NATO050398: Para 1 of 1)

"The Council calls on political leaders in the Federal Republic of Yugoslavia ... and the neighbouring countries to exercise maximum restraint, fully respect human rights, prevent the introduction of arms and armed groups from outside, and condemn terrorism." (NATO300498: Para 1 of 2)

"We ... urge both sides to ensure that the dialogue that has now begun leads rapidly to the adoption of concrete measures to lower tensions, stop the spread of violence and open the way to a peaceful resolution of the crisis.... We call upon President Milosevic to agree to the re-admission of the OSCE Long-Term Mission." (NATO280598: Para 1-3 of 3)

"Encourage negotiations on a solution to the conflict." (NATO120898: Para 1 of 1)

"It is imperative that President Milosevic contributes positively to the process, and creates an appropriate environment by ensuring that his security forces behave with restraint." (NATO130898: Para 1 of 1)

"President Milosevic must comply fully and immediately with the requirements of the UN Security Council Resolution 1199." (NATO151098: Para 1 of 2)

"The Kosovar Albanians must equally comply with the UNSC resolutions and cooperate with the international community.... a political solution must be found. I urge both sides to take advantage of the opportunity that now exists to move the political process forward." (NATO271098: Para 2 of 3)

"We call upon the armed Kosovar elements to cease and desist from provocative actions and we call upon the FRY and Serbian authorities to reduce the number and visibility of MUB special police in Kosovo and abstain from intimidating behaviour." (NATO081298: Para 1 of 2)

"All parties must end violence and pursue their goals by peaceful means only.... The appropriate authorities in Belgrade and representatives of the Kosovo Albanian leadership must agree to the proposals to be issued by the Contact Group." (NATO280199: Para 1 of 3)

"[The parties] must ... accept their responsibilities and show maximum flexibility and political will to bring negotiations to successful conclusion.... A viable political settlement must be guaranteed by an international military presence." (NATO190299: Para 1 of 2)

"During the period until the 15th March, NATO expects the parties to work constructively to bring about a peace settlement. In particular they must respect the ceasefire, refrain from all provocations and carry out all of the provisions of the UNSC resolutions on Kosovo." (NATO230299: Para 1 of 1)

"We must ... act to prevent instability spreading in the region.... We must stop an authoritarian regime from repressing its people." (NATO230399: Para 2 of 2)

The Framing of Normative Strategy: UN

“They [Serbian military and paramilitary forces] must not be allowed to repeat the campaign of “ethnic cleansing” and indiscriminate attacks on civilians that characterized the war in Bosnia” (UN050698: Para 1 of 1)

“He urges the parties to urgently pursue negotiations with the view to bringing this tragic conflict to an immediate conclusion.” (UN190698: Para 1 of 1)

“He urges the Federal Republic of Yugoslavia Government to order its security forces to avoid such acts of wanton destruction.... He calls on the international relief organizations and human rights monitors to intensify their efforts in Kosovo to prevent the situation from deteriorating further.” (UN110898: Para 1 of 1)

“He calls upon the parties to cease violence and to concentrate on the search for a negotiated solution to the crisis in Kosovo according to law.”(UN300998: Para 1 of 1)

“It is of paramount importance that both sides in Kosovo honour their commitments and fully comply with the provisions of Security Council resolutions 1160... 1199.” (UN131098: Para 1 of 1)

“I call for full investigation by the competent authorities.... I appeal once again to all sides in the Kosovo to refrain from any action that would further escalate the tragic situation.” (UN190199: Para 1 of 1)

“We must create a new architecture of preventive, pro-active policies for peace – designed not for the wars of the past, but for those in the future.... We must seek and find new ways to prevent instability from any source, even as we advance reconciliation in post-conflict societies to prevent the all-too frequent relapses into war and violence.” (UN280199: 1 of 2)

“He urges the Yugoslav authorities and the Kosovo Albanian leadership to shoulder their responsibilities and to use the opportunity offered by the international community to settle the Kosovo crisis.” (UN030299: Para 1 of 1)

“The Secretary-General strongly supports the appeal made by the Contact Group to the parties to abstain from any actions which could undermine the achievements of Rambouillet, to honour fully and immediately the ceasefire which should be in place throughout Kosovo, to abstain from all provocative actions, to provide for the security of all international personnel, and to abide fully by their commitments of October 1998 and to comply with all relevant Security Council resolutions.” (UN230299: Para 1 of 1)

“The Secretary-General urges the Yugoslav authorities to halt their military offensive in Kosovo...and to act to alleviate the humanitarian situation, and even at this late hour, to cooperate fully with the members of the Contact Group.” (UN220399: Para 1 of 1)

The Framing of Normative Strategy: EKD

„Nichtmilitärische Maßnahmen den Vorrang haben und verstärkt werden müssen... dass die örtlichen Kirchen sich mit der OSZE-Mission in Verbindung setzen und beide Seiten für die Vermittlung von Kontakten die Hilfe der KEK in Anspruch nehmen, die Menschenrechte im Kosovo für alle Seiten wiederhergestellt und gewahrt werden, die bisherigen Verletzungen der Menschenrechte untersucht und geahndet werden, ein Embargo für Waffen, Munition, Treibstoffe und andere kriegswichtige Güter unter Kontrolle der UNO wirksam durchgesetzt wird, zugleich die humanitäre Hilfe verstärkt und zwischen den verschiedenen Hilfsorganisationen koordiniert wird, die Abschiebung von Menschen, die aus dem Kosovo geflohen sind und keine Bleibe mehr in ihrer Heimat haben, bis zu einer wirklichen Befriedung ausgesetzt wird – in den Ländern der Bundesrepublik Deutschland und in allen europäischen Nachbarländern.“ (EKD051198: Para 1 of 2)

„More financial means from the state as the churches must be provided. It is necessary to assure the unrestricted human rights are granted to all ethnic groups living in this region.” (EKD3-1998: Para 1 of 1)

3.2. Ethical Reasoning for Normative Strategies by Use of Discourse Types

Authoritative Reasoning		
NATO050398 081298 230399	UN220399	EKD061198
Legal Reasoning		
NATO050398 300498 151098 271098 081298 190399 230399	UN300998 220399	EKD3-98 061198
Reasoning by Reference to Intention		
NATO280598 081298 230399		
Reasoning by Reference to Attempts Made to Avoid Use of Military Force		
NATO280598 151098 271098 081298 190399 230399	UN050698 190698 110898 220399	EKD3-98 061198
Teleological Reasoning		
NATO050398 151098 190399 230399		EKD3-98
Deontological Reasoning		
NATO230399	UN300998	
Consensual Reasoning		
NATO300498 280598 271099 081298 190399 230399	UN110898	

3.3. In-Timeframe

The Framing of Dislocations: NATO

"At this moment NATO air operations against targets in the Federal Republic of Yugoslavia have commenced." (NATO240399: Para 1 of 1)

"Yesterday Operation Allied Force began...strikes were conducted against carefully chosen military targets." (NATO250399: Para 1 of 2)

"A few moments ago I directed SACEUR to initiate a broader range of air operations in the Federal Republic of Yugoslavia.... Allied governments ... are determined to bring a halt to violence in Kosovo." (NATO270399: Para 1 of 1)

"At Rambouillet, President Milosevic had a unique opportunity to settle this issue through negotiations and on the basis of a balanced and fair peace agreement. But he rejected this agreement ... instead he has been preparing for this ethnic cleansing for months now." (NATO010499: Para 1 of 3)

"The unilateral ceasefire proposed by the Federal Republic of Yugoslavia and the government of Serbia is clearly insufficient." (NATO060499: Para 1 of 1)

"The Federal Republic of Yugoslavia ... has repeatedly violated United Nations Security Council resolutions. The unrestrained assault by Yugoslav military, police and paramilitary forces, under the direction of President Milosevic, on Kosovar civilians has created a massive humanitarian catastrophe which also threatens to destabilise the surrounding region." (NATO120499: Para 1 of 3)

"The crisis in Kosovo represents a challenge to the values for which NATO has stood since its foundation: democracy, human rights and the rule of law." (NATO230499: Para 1 of 4)

"Yesterday NATO aircraft carried out a successful attack against an army barracks in Surdulica... any claim that NATO targets civilians is totally false." (NATO280499: Para 1 of 1)

"On the afternoon of 1 May, a NATO aircraft carried out an attack against the Luzan bridge... unfortunately, after weapons release, a bus crossed the bridge." (NATO020599: Para 1 of 1)

"The bombing of the Chinese Embassy was a deeply regrettable mistake." (NATO080599: Para 1 of 1)

"NATO ... is following the news reports coming out of Belgrade closely." (NATO030699: Para 1 of 7)

The Framing of Dislocations: UN

"I am profoundly outraged by reports of a vicious and systematic campaign of ethnic cleansing conducted by Serbian military and paramilitary forces in the province of Kosovo." (UN300399: Para 1 of 1)

"I am deeply distressed by the tragedy taking place in Kosovo and in the region." (UN090499: Para 1 of 1)

"The Secretary-General welcomes the statement by the Chairman on the conclusion of the meeting of the G8 Foreign Ministers ... adopting general principles on the political solution to the Kosovo crisis." (UN060599: Para 1 of 1)

"I wish to express my deep appreciation for the tireless work of the many civilian staff of United Nations agencies, the Red Cross movement, and non-governmental organizations, in mounting an immediate response to the humanitarian emergency caused by the Kosovo crisis." (UN260599: Para 1 of 1)

The Framing of Dislocations: EKD

“Nach vier Wochen ist immer noch kein Ende des Krieges in Jugoslawien abzusehen. Vielen schien der militärische Eingriff das einzige Mittel zu sein, den Kosovoalbanern ihre Lebensgrundlage, ihre Heimat und ihre Menschenwürde zu bewahren. Aber das Ziel ist bisher nicht erreicht. Den Belgrader Diktator und seine Helfer treiben die Luftangriffe offenbar nur an, mit noch größerer Brutalität die albanische Bevölkerung aus dem Kosovo zu vertreiben. Den Angriffen der NATO-Streitkräfte fallen auch unschuldige Menschen zum Opfer, darunter solche, die man vor Unrecht und Gewalt schützen will.” (EKD2004999: Para 1 of 2)

„Der äußeren Not und der Gewissensbedrängnis, die der Kosovo-Krieg hervorruft.“ (EKD290599: Para 1 of 2)

„Mit großer Erleichterung nehme ich die jüngsten Nachrichten wahr, nach denen im Kosovokrieg offenbar die Diplomatie trotz der Kriegshandlungen wieder Vorrang gewonnen hat.“ (EKD030699: Para 1 of 1)

The Framing of Normative Strategy: NATO

“We must stop the violence and bring an end to the humanitarian catastrophe now taking place in Kosovo.” (NATO240399)

“I urge him [Milosevic] to comply with the demands of the international community.” (NATO250399)

“NATO’s ultimate objective remains to contribute to the achievement of a political solution to the crisis in Kosovo.” (NATO270399)

“We must stop the killing in Kosovo and the brutal destruction of human lives and properties; we must put an end to the appalling humanitarian situation that is now unfolding in Kosovo and create the conditions for the refugees to be able to return; we must create the conditions for a political solution to the crisis in Kosovo based on the Rambouillet agreement.” (NATO010499)

“Milosevic must meet the demands established by the international community.” (NATO060499)

“He [Milosevic] must ensure a verifiable stop to all military action and the immediate ending of violence and repression; ensure the withdrawal from Kosovo of the military, police and paramilitary forces, agree to the stationing in Kosovo of an international military presence; agree to the unconditional and safe return of all refugees and displaced persons and unhindered access to them by humanitarian organisations; provide credible assurance of his willingness to work on the basis of the Rambouillet Accords in the establishment of a political framework agreement for Kosovo in conformity with international law and the Charter of the United Nations.” (NATO120499)

“President Milosevic must [as presented in NATO120499].” (NATO230499)

“We take every possible precaution to prevent harm to civilians.” (NATO280499)

“NATO takes every precaution to avoid civilian casualties during its operations.” (NATO020599)

“NATO will continue to pursue its goals: to stop the ethnic cleansing in Kosovo and ensure the Kosovars can return to their homes in peace and security.” (NATO080599)

“NATO has no comment to make at this point, and will not do so until the North Atlantic Council has received an authoritative report on the outcome of the talks.” (NATO030699)

The Framing of Normative Strategy: UN

"I appeal to all of Kosovo's neighbours to give shelter and comfort to helpless civilians who have been driven from their homes. Borders must be kept open. Safety and protection must be given to those in need." (UN300399: Para 1 of 1)

"The suffering of innocent civilians should not be further prolonged.... I call upon the Yugoslav authorities to undertake the following commitments: first, to end immediately the campaign of intimidation and expulsion of the civilian population; two, to cease all activities of military and paramilitary forces in Kosovo and to withdraw these forces; three, to accept unconditionally the return of refugees and displaced persons to their homes; four, to accept the deployment of an international military force to ensure a secure environment for the return of the refugees and unimpeded delivery of humanitarian aid; and finally, to permit the international community to verify compliance with these undertakings." (UN090499: Para 1 of 1)

"The Secretary-General ... appealed to the members [SC] to find the unity necessary to achieve the required political solution." (UN060599: Para 1 of 1)

"Humanitarian work must be led and coordinated by civilians." (UN260599: Para 1 of 1)

The Framing of Normative Strategy: EKD

"Darum gilt es, jede Chance zu nutzen, damit der Krieg gestoppt wird. Der Plan der Bundesregierung zur Beendigung des Krieges unter Beteiligung der Vereinten Nationen und damit auch Russlands muss mit Intensität weiter verfolgt werden. Auch für die Kirche gibt es Möglichkeiten zu handeln: 1. wir dürfen nicht nachlassen, beharrlich um Frieden zu beten.... 2. Wir dürfen nicht nachlassen, den Kriegsflüchtlingen zu helfen.... 3. Wir dürfen die Verbindungen zu den Christen in der Kriegsregion nicht abreißen lassen.... 4. Wir werden unser Engagement für den Aufbau eines zivilen Friedensdienstes verstärken müssen." (EKD200499: Para 1 of 2)

„Der Rat der EKD [bittet] die Gemeinden und jeden einzelnen Christen, nicht müde zu werden im Gebet.... Vertreibung und Krieg müssen beendet, den Vertriebenen muss Rückkehr ermöglicht werden.... Die internationale Staatengemeinschaft kann und darf Verbrechen gegen die grundlegende Menschenrechte ... nicht tatenlos hinnehmen." (EKD290599: Para 1 of 2)

„Die dringlichste Aufgabe muss sein, die humanitären Hilfsaktionen in allen vom Krieg betroffenen Gebieten zu verstärken. Vor allem müssen die Menschen erreicht werden, die bisher von jeder Versorgung abgeschnitten waren." (EKD030699: Para 1 of 1)

3.4. Post-Timeframe

The Framing of Dislocations: NATO

"A few moments ago I instructed General Wesley Clark to suspend NATO's air operations against Yugoslavia. I have taken this decision following consultations with the North Atlantic Council and confirmation from SACEUR that the full withdrawal of the Yugoslav security forces from Kosovo has begun." (NATO100699: Para 1 of 2)

"So far the Yugoslav forces have complied with the Military Technical Agreement.... In the past week we have achieved some major results. NATO soldiers have deployed in Kosovo. They are now spreading out all over the province and are rapidly establishing an environment of security." (NATO180699a: Para 1 of 3)

"In Kosovo the will of the international community has prevailed by achieving the withdrawal of the FRY security forces, thus bringing an end to the brutal campaign of repression and ethnic cleansing. NATO has played a vital role in achieving this outcome." (NATO180699b: Para 1 of 3)

"Operations on the ground have already been a tremendous success. NATO's member countries have responded to the challenge to bring peace and stability to Kosovo by deploying already 30,000 troops in a fully integrated and effective peacekeeping force.... And more troops will arrive shortly.... KFOR forces are now working hard to end the violence." (NATO240699: Para 1 of 3)

"KFOR has deployed 45,000 troops.... The UN Mission in Kosovo is in place. The UCK has been demilitarised. The civilian Kosovo Protection Corps has been created and nearly all Kosovar Albanian refugees have returned." (NATO270999: Para 1 of 3)

"The North Atlantic Council met this morning to discuss the situation in Kosovo.... I want to emphasize the situation in Kosovo is under control. The situation in Mitrovica today is calm." (NATO250200: Para 1 of 2)

"Allegations made in the Amnesty report today that NATO violated the laws of war in its conduct of the Kosovo air campaign last year are baseless and ill-founded." (NATO070600: Para 1 of 1)

The Framing of Dislocation: UN

"With this resolution [SCR1244] the United Nations Security Council has charted the way towards a better future for the inhabitants in Kosovo.... Today, we are seeing at least the beginning of the end of a dark and desolate chapter in the history of the Balkans." (UN100699: Para 1 of 2)

"The United Nations and KFOR are committed to ensuring the safety and security of all the people of Kosovo, regardless of ethnic background." (UN180699: Para 1 of 1)

"I am horrified by the murders last night. Not only because 14 people were massacred – 14 defenceless farmers peacefully harvesting hay – but because we had been making real progress in recent days." (UN260799: Para 1 of 1)

"I am afraid we are involved in a long-term proposition.... I know that we will be on the ground at least for several years." (UN160899: Para 1 of 3)

"The Secretary-General welcomes the decision of the Serb National Council of Gracanica to participate as observers in the sessions of the Interim Administrative Council, as well as in the Kosovo Transitional Council." (UN040400: Para 1 of 1)

"Tomorrow the people of Kosovo will be taking part in municipal elections. These elections represent one of the most significant steps in implementing the mandate entrusted to the United Nations Interim Administration Mission in Kosovo (UNMIK) under the Security Council resolution 1244." (UN271000: Para 1 of 1)

"The Secretary-General was gratified that the municipal elections in Kosovo went so peacefully this weekend.... The people of Kosovo have shown the maturity and responsibility in carrying out their democratic duty." (UN301000: Para 1 of 1)

The Framing of Dislocation: EKD

„Alles Leben auf unserer Erde ist durch Gewalt bedroht.... Der Krieg um den Kosovo hat uns die zerstörische Macht der Gewalt wieder vor Augen geführt. Fast eine Million Menschen wurden vertrieben, es wurde vergewaltigt und gemordet.“ (EKD180699: Para 1 of 2)

„Der Abschied von diesem Jahrtausend ist kein Abschied in Frieden, sondern im Zeichen des Krieges.... Der Kosovo-Krieg hat erneut darauf aufmerksam gemacht, dass ein großes Defizit besteht in Bezug auf Maßnahmen zur zivilen Konfliktbearbeitung.“ (EKD101199: Para 1 of 4)

„Ein Jahr nach dem Beginn des Kosovo-Krieges ist die Bilanz zwiespältig. Die Vertreibung der Kosovo-Albaner ist rückgängig gemacht worden.... Die Entscheidung zur Anwendung militärischer Gewalt gegen Serbien war der Ausdruck des Scheiterns der Verhandlungspolitik.“ (EKD230300: Para 1 of 2)

The Framing of Normative Strategy: NATO

“I urge all parties to the conflict to seize this opportunity for peace. I call on them to comply with their obligations under the agreements that have been concluded these past days and with all relevant UN Security Council resolutions. The violence must cease immediately. The Yugoslav security forces must withdraw, and all armed Kosovar groups must demilitarize.”(NATO100699: Para 1 of 2)

“They [Yugoslav forces] must continue [to comply with agreement].... I urge the Kosovo Serbian population not to leave but to give peace a chance....KFOR will not tolerate any challenge in carrying out its mission” (NATO180699a: Para 1 of 3)

“NATO’s objectives, ..., are unchanged: the complete withdrawal of FRY military, police and para-military forces from Kosovo; an end to all violence; the unconditional and safe return of all refugees and displaced persons and unhindered access to them by humanitarian aid organizations; and the establishment of a political framework agreement based on the Rambouillet Accords..... NATO expects: ... the KLA and other armed groups in Kosovo to cooperate fully with KFOR, refrain from any violence and particularly any provocations against departing Serb forces.... KFOR will work to create a secure environment in which the UN-led civil administration and international agencies can work unhindered.” (NATO180699b: Para 1-2 of 3)

“Please stay and give peace a chance.... I call on all Kosovar Albanians and indeed all the other peoples of Kosovo not to allow ethnic hatred or a desire for revenge to capture their hearts.... I call upon all Kosovar Albanians to live up to these values [human rights] and seize this opportunity to help us build here a democratic, multi-ethnic society which will be a model for the region.” (NATO240699: Para 2 of 3)

“I call on the members of the Kosovo society, especially the former UCK fighters, to see this opportunity to serve their population.... The Kosovar Albanian political leaders should publicly reaffirm their commitment to build a multi-cultural and multi-ethnic society.” (NATO270999: Para 1-2 of 3)

“The North Atlantic Council reaffirmed the solidarity of NATO and our willingness to act collectively and firmly against anyone who attempts to disturb the peace in Kosovo.... We will not relent in our political determination to complete the job creating a democratic, stable and multi-ethnic Kosovo.” (NATO250200: Para 1-2 of 3)

“The priority is now to bring to justice the war criminals that perpetrated this violence against the people of Kosovo.” (NATO070600: Para 1 of 1)

The Framing of Normative Strategy: UN

“Let us rejoice today that the Council has adopted a landmark resolution, which gives strong legal underpinning to the task ahead. But let us not be triumphalist, for the task is indeed daunting. Instead, let us – all of us – buckle down and get on with the job.” (UN100699: Para 2 of 2)

“I appeal to all parties and every citizen of Kosovo to show the utmost restraint and patience as the long and hard work of peace-building and reconstructions begins.... I urge the Kosovar Albanian population to return to their homes.... I urge the Serbian population in Kosovo to remain in their homes and do their part to return Kosovo to a life of peaceful coexistence among all communities.” (UN180699: Para 1 of 1)

“The world must condemn these cowardly killings and those responsible for them.... All democrats of the world must stand up and reject this kind of horrible massacre.” (UN260799: Para 1 of 1)

“Together, we should do, we must do what we have to do also to educate the local civil administrators. First of all we have to identify them, recruit them, educate them and prepare them. We must train, as I have indicated, the local police so that the people also begin to have confidence in them as guardians of their security. We must encourage citizens’ groups and members of civil society to form pillars of a new Kosovo dedicated to the wellbeing of every citizen. We must help establish a new penal system, as well as a legitimate judicial system for which we have already started appointing judges. Lawyers and public advocates will also have to be identified and they must be well-versed in democratic rule. We must also help establish a viable, diverse and vibrant free press and broadcast media dedicated to promoting knowledge and understanding, instead of hatred and prejudice.” (UN160899: Para 2 of 3)

“The United Nations is determined to take every measure to ensure the Serb community is able to live with dignity and safety in Kosovo.” (UN040400: Para 1 of 1)

“The international community will be watching these elections with great interest.... The Secretary-General urges the people of Kosovo, as well as their political leaders, to conduct themselves in a spirit of peace and tolerance tomorrow, and then to accept and respect the results of the vote.” (UN271000: Para 1 of 1)

“The Secretary-General looks forward to the announcement of the results.” (UN301000: Para 1 of 1)

The Framing of Normative Strategy: EKD

„Jede zerstörerische Gewalt darf nach Gottes Willen nicht sein.... Ich rufe unsere Kirchen und Gemeinden, ich rufe uns alle dazu auf, noch mehr Zeichen zu setzen gegen die Gewalt.... Wir Menschen müssen lernen, wie Konflikte ohne Gewalt zu lösen sind. Dazu gilt es, die Angst vor der Gewalt zu überwinden. Menschen müssen lernen, nicht mehr wegzusehen, wenn Gewalt unter uns geschieht. Unsere Kirchen müssen Orte sein, an denen Christinnen und Christen mit ihrem Reden und Tun, ihrem Beten und Arbeiten dafür Zeugnis geben, wie stark Gewaltlosigkeit ist.“ (EKD180699: Para 1 of 2)

„Die Kirche wird ihr Engagement in diesem Bereich verstärken müssen, jedoch nur exemplarisch handeln können. Die wesentlichen finanziellen Lasten wird der Staat tragen müssen, der auch für die gesetzlichen Rahmenbedingungen zuständig ist. Die gewaltfreie Konfliktbearbeitung und zivile Friedensdienste brauchen stärkere Förderung als bisher.“ (EKD101199: Para 2 of 4)

„Damit der Frieden eine Chance bekommt, müssen die Voraussetzungen für eine ernsthafte Friedenspolitik geschaffen werden: Es bedarf klarer Absprache über die politischen Ziele, die man auf dem Balkan erreichen will.... Wenn der wirtschaftliche Wiederaufbau auch in Serbien gefördert und durch eine Verbesserung der Lage der Bevölkerung die Voraussetzungen für eine demokratische Entwicklung verbessert werden soll, muss das Wirtschaftsembargo gegenüber Serbien aufgehoben werden.“ (EKD230300: Para 1 of 2)

3.5. Values and Norms: NATO, UN and EKD

NATO Discourse	
Values	Norms
Peaceful demonstration	To take immediate steps to reduce tension
Non-violent expression of political views	To undertake early initiatives to avoid a deterioration of the situation
Dialogue	Enter without preconditions into a serious dialogue
Legitimate interest	Develop mutually acceptable political solution for the Kosovo within FRY
Stability in the whole region	To exercise maximum restraint
Territorial integrity of FRY	To fully respect human rights
International recognized borders	To prevent the introduction of arms and armed groups from outside
Security	Not to allow their territory to be used for organized violence
Open and unconditional dialogue	To take all possible steps to prevent further outbreak of violence
Political solution	To Begin urgently and without preconditions the process of dialogue
Peaceful resolution of the crisis	To make best use of available tools to promote stability and security
Peace	Take into account the view of all communities in Kosovo
Peaceful solution	To help achieve a peaceful solution
Human and civil rights of all inhabitants of Kosovo	To promote regional security and stability
Skilful leadership	Support effort of international community
Negotiations	Create the conditions for negotiations
Full range of options	Be ready to commit to possible air operations
Full compliance with SCR 1199	Continue to monitor the situation closely
Independent newspapers	Bring an end to violence
Credible threat of force	Behave with restraint
Resolve	Remain ready and willing to act
Unity	Maintain pressure
Military readiness	Help to stabilize situation in Kosovo
Compromise	To solve problems in a peaceful manner
A process of open and unconditional dialogue	To work for solution through dialogue
Democratization	To ensure full compliance is achieved
Safety of personnel	To achieve peace in Kosovo
International efforts to bring peace in Kosovo	Facilitate the war crimes investigations
Diplomatic solution	Promote democratic reforms
Political settlement	Ensure respect for the rights of all its citizens
Demands of international community	Pursue goals by peaceful means only
Action	To ensure that those responsible for the massacre are brought to justice
Carefully chosen military targets	Cooperate fully with OSCE
Peaceful multiethnic democratic Kosovo	Prevent a humanitarian catastrophe
Justice	To secure an interim political settlement for Kosovo
Rule of law	Putting the threat of force at the service of diplomacy
Lasting just peace	Do what is necessary to bring stability in the region
Peace and security	Create conditions for refugees to be able to return
International military presence	Stop the killing in Kosovo
Successful attack against army barracks	Support/cooperate with ICTY
Democratic civil society	Take every possible precaution to prevent harm to civilians
Security cooperation	Stop ethnic cleansing in Kosovo
Social economic construction	To give peace a chance
Peace built on justice	To create secure conditions for rebuilding Kosovo
A culture of democracy and tolerance	To strengthen the judicial system
Reconciliation	To minimize casualties
Law of war	To bring to justice war criminals

UN Discourse	
Values	Norms
Determination	Facilitate a peaceful and democratic future for the people of Kosovo
Negotiated settlement	Eliminating the need for the use of force
A peaceful and democratic future	Urgently to pursue negotiations
Resolve to prevent a further escalation	To intensify their efforts in Kosovo to prevent the situation from deteriorating further
Diplomatic solution	To maintain public order
Human rights	To defend from provocative actions
Shelter	To cease violence
Food	To protect citizens
Dialogue	To concentrate on the search for a negotiated solution
Peaceful solution	To refrain from any action that would further escalate the situation
Concerted international effort	To draw on each other's strengths in pursuit of peace and security
Sovereignty	Create a new architecture of preventive and proactive policies for peace
Territorial integrity	Advance reconciliation in post-conflict societies
Law	To use force when all other means have failed
Negotiated solution	Bring the parties to the negotiations table
Right	To resolve the conflict in Kosovo
Public order	To shoulder responsibilities
Peace and security	To convene peace talks
Proactive policies for peace	To cooperate fully with the members of the contact group
Success of NATO operation	To prevent further confrontation and reach a settlement in Kosovo
Cooperation	To give shelter and comfort to helpless civilians
Credibility	To give immediate financial, material and logistic support
Peaceful negotiations	To ensure a secure environment
Peaceful settlement	To rebuild a consensus on this question
Direct dialogue	Mounting an immediate response to the humanitarian emergency
Ceasefire agreement	To deal with the roots of the crisis
Humanitarian law	To lead the civilian implementation of peace effectively and efficiently
Relief activities	To show utmost restraint and patience
Dignity	To bring perpetrators to justice
Safety	To build not only houses but institutions as well
Protection	Training police
Humanitarian aid	To educate civil administrators
A secure environment	To maintain security
Lasting political solution to the crisis	To live in dignity and safety in Kosovo
Consensus	To accept and respect the results of the vote
Unity	
Civil political rights	
Durable peace/Lasting peace	
Peace building	
Reconstruction	
Peaceful democratic and multi-ethnic society	
Peaceful coexistence	
Democratic self-government in Kosovo	
Rule of law	
Penal system	
Democratic rule	
Free and fair voting	
Pluralism	
Democratic manner	
Spirit of peace and tolerance	
Democratic development	
Threats to peace and security contained in concert	

EKD Discourse	
Values	Norms
Menschenrechte	Für eine sofortige Beendigung der Kampfhandlungen plädieren
Nicht militärische Maßnahmen	Alle ökumenischen und internationalen politischen Verbindungen zu nutzen
Embargo für Waffen	To ensure that unrestricted human rights are granted to all ethnic groups
Humanitäre Hilfe	Heimat, Lebensgrundlage, Menschenwürde zu bewahren
Hilfsaktionen	Vor Unrecht und Gewalt schützen
Gottes Liebe	Beharrlich um den Frieden zu beten
Güter	Den Kriegsflüchtlingen zu helfen
Kräftiger Nächstenhilfe	Den Christen in der Kriegsregion nicht abreißen lassen
Friedensfach Dienste	Die zu Frieden und Versöhnung bereiten Kräfte stärken
Diakonische und pastorale arbeit	Zu Abkehr von der Gewalt drängen
Democracy	Das Gespräch mit den Serben und den Albanern in Deutschland suchen
Crops	Die gewachsenen nachbarschaftlichen Beziehungen zwischen uns für den Frieden nutzen
Ende des Krieges	Unser Engagement für den Aufbau eines zivilen Friedensdienstes verstärken müssen
Beteiligung der Vereinten Nationen	Wege zum Frieden zu finden
Frieden	Versöhnung zu stiften
Weisheit	Mauern von Hass und Misstrauen abzutragen
Schutz	Die Not der Opfer dieses Krieges zu lindern
Gastfreundschaft	Die humanitären Hilfsaktionen zu verstärken
Hilfe am Alltag	Die Erde zu bebauen
Versöhnung	Die Erde zu bewahren
Gewaltfreie Methoden	Mehr Zeigen setzen gegen Gewalt
Rasche Hilfe	Angst vor der Gewalt überwinden
Seelsorgerische Begleitung	Nicht mehr wegzusehen wenn Gewalt unter uns geschieht
Fürbitte für Soldaten und ihre Familie	Zeugnis geben wie stark die Gewaltlosigkeit ist
Fürbitte für Politikerinnen und Politiker	Neue Gewalt eindämmen
Gebet	Wirtschaftsembargo gegenüber Serbien aufgehoben werden muss
Ende der verbrecherischen Gewalt	Die notwendige diakonischen Hilfsmassnahmen weiterführen
Ende Bombardierung	
Vergebung der Schuld	
Verantwortung	
Gottes Gebot	
Zu Rechtfertigen	
Grundlegende Menschenrechte	
Gottes Willen	
Glauben	
Diplomatie	
Neuer politischer Handlungsspielraum	
Humanitäre Hilfsaktionen	
Instandsetzung der zerstörten Infrastruktur	
Demokratieprozess	
Friedens und Versöhnungsarbeit	
Finanzielle Unterstützung	
Leben	
Erde	
Schöpfungsauftrag Gottes	
Gewaltfreier Existenz	
Hoffnung	
Recht	
Menschenwürde	
Verhandlungslösungen	
Gewalt als ultima ratio	

Humanitäre Ziele	
Internationale Friedensordnung	
Vereinten Nationen/UNO	
Herrschaft des Rechts	
Souveränität des Einzelstaaten	
Demokratische Entwicklung	
Voraussetzungen für eine ernsthafte Friedenspolitik	
Intensive Gespräche	

3.6. Disvalues and Disnorms: NATO, UN and EKD

NATO Discourse	
Disvalues	Disnorms
Violent incidents	To suppress political dissent
Police brutality	To[make] political change by terrorist groups
Police suppression	Escalating conflict in the region
Terrorist acts	Use violence in suppressing political dissent
Deterioration of situation	Violate laws of war
Increase of violence	Endangering security and stability
Excessive use of force	Misuse political power
Proliferation of arms	Fail to comply with requirements of SCR's
Resurgence of violence	Jeopardize prospects for a political settlement
Spread of violence	To suppress the independent media and political pluralism
Conflict/crisis	International community not willing to use force
Attack	Provoke violent incidents
Suffering	Repressing its people
Intolerance	Refuse to negotiate in good faith
Human tragedy	Reject agreement
Substantial non-compliance	Preparing for ethnic cleansing
Human suffering	Violate SCR's
Humanitarian disaster	To inflict immense human suffering
Humanitarian crisis/catastrophe	To destabilize the surrounding region
The threat to use force	Allow campaign of terror to succeed
Massacre	Target civilians
Arms smuggling	To disturb peace in Kosovo
Repression	Harm civilians
Killing	
Destruction of human lives	
Ethnic cleansing	
Military solution	
Violations of human rights	
Systematic campaign of violence	
Harm to civilians	
War crimes	
Hatred	

UN Discourse	
Disvalues	Disnorms
Campaign against the unarmed civilian population in Kosovo	To repeat ethnic cleansing
Atrocities committed by Serbian military	Intimidate citizens
Ethnic cleansing	Undermine the achievements of Rambouillet
Indiscriminate attacks on civilians	To reduce their (humanitarian agencies) presence in Kosovo
Further escalation of the fighting	Violate ceasefire agreement
This kind of aggression	To make Kosovo safe for revenge and intolerance
This tragic conflict	
Need for use of force	
Steadily worsening situation in Kosovo	
Offensive operation by FRY	
Scorched earth policy	
Wanton destruction	
Resort to violence	
Suffering caused by Kosovar paramilitary groups	
Evolving crisis	
Large scale humanitarian disaster	
Human rights violations	
Kosovo crisis	
Hostilities	
Lack of political will	
Denials received from the foreign minister of the FRY	
The pattern of terror	
Burning of houses	
Looting	
Killing of livestock	
Wanton killing	
Violence	
Provocative actions	
War	
Violence	
Bloody wars	
Internal conflicts	
Horror	
Disrupted lives	
Crimes against humanity	
Killings	
Threats to peace and security	
Displacement	
Escalation of violence in Kosovo	
Insecurity	
Systematic campaign of ethnic cleansing	
Unresolved political dispute	
Indiscriminate and deliberate attack	
Flagrant violation of established humanitarian law	
Suffering of displaced persons	
Suffering of innocent civilians	
Campaign of intimidation and expulsion	
Human rights abuses	

Expulsion	
Devastation	
Murders	
Injustice	
Revenge	
Intolerance	
Cowardly killings	
Horrible massacres	
Repression	
Humanitarian tragedy	

EKD Discourse	
Disvalues	Disnorms
Massive Verletzungen der Menschenrechte	Mit großer Brutalität zu vertreiben
Ständige Übergriffe seitens militärischer und paramilitärische Bände	Hass und Gewaltausbrüche zu bilden
Ungewissheit der Zukunft	
Unsägliches Erdulden	
Zerstörter Häuser	
Krankheit	
Tod/Totschlag	
Elend	
Militärische Mittel	
Conflict	
Religious war	
Territorial problem	
Disputes	
Lack of democracy	
Refugee crisis	
Willful destruction	
Krieg	
Unschuldige Menschen zum Opfer	
Unrecht	
Schuld	
Fremdes Leid	
Griff zu militärischen Mitteln künftig zum Regelfall bei der Konfliktlösung wird	
Hass	
Misstrauen	
Auszerrende Not	
Gewissensbedrängnis	
Vertreibung	
Menschenrechtsverletzungen	
Verbrechen	
Stehen im Gegensatz zum Gottes gebot	
Unglauben	
Trauma	
Verwunderung am Leib und Seele	
Gewaltausbrüche	
Kriegshandlungen	
Unterbrochene Demokratisierungsprozesses	
Maßlose Gewalt	
Kriminalität	
Anschlage gegen Fremde und Asylsuchende	
Hilflose Ohnmacht	
Zerstörische Gewalt	
Schreckliche Gräueltaten	
Mord	
Massaker/Blutrache	
Versagung von Diplomatie und Politischer Konfliktlösung	
Scheitens der Verhandlungspolitik	

4. The War against Iraq

4.1. Ante-Timeframe

The Framing of Dislocations: US discourse

“Our principles and our security is challenged today by outlaw groups and regimes that accept no law of morality and have no limit to their violent ambitions”

“In one place in one regime [Iraq] we find all these dangers, in their most lethal and aggressive forms, exactly the kind of aggressive threat the United Nations was born to confront.”(US120902: Para 1 of 4)

“The world has come together to say that the outlaw regime in Iraq will not be permitted to build or possess chemical, biological or nuclear weapons.”

“The resolution approved today presents the Iraqi regime with a test -- a final test.”(US081102: Para 1 of 3)

“The facts on Iraq’s behaviour – Iraq’s behaviour demonstrate that Saddam Hussein and his regime have made no effort – no effort – to disarm as required by the international community. Indeed, the facts and Iraq’s behaviour show that Saddam Hussein and his regime are concealing their efforts to produce more weapons of mass destruction.”(US050203: Para 2 of 18)

“We are now a battleground. We are vulnerable.”

“The issue facing our nation and the world is the extension of the war on terror to places like Iraq.”
(US090203: Para 3 of 4)

“Our country is a battlefield in the first war of the 21st century.”

“In Iraq a dictator is building and hiding weapons that could enable him to dominate the Middle East and intimidate the civilized world.”(US260203: Para 1 of 4)

“Events in Iraq have now reached the final days of decision.”

“Peaceful efforts to disarm the Iraqi regime have failed again and again.”

“The danger is clear: using chemical, biological or, one day nuclear weapons, obtained by the help of Iraq, the terrorists could fulfil their stated ambitions and kill thousands or hundreds of thousands of innocent people in our country, or any other.” (US170303: Para 1 of 3)

The Framing of Dislocations: UN Discourse

"Iraq defies inspections."(UN161002: Para 1 of 2)

"War is not inevitable."(UN261002: Para 1 of 1)

"This resolution which is based on law, collective effort and the unique legitimacy of the United Nations represents and example of multilateral diplomacy serving the cause of peace and security." (UN081102: Para 1 of 1)

"The council decision ... sent a powerful message that the entire international community would like to see the Security Council resolution implemented." (UN131102: Para 1 of 1)

"Peaceful resolution is possible."(UN101202: Para 3 of 5)

"We start the year with anxiety – over the prospect of war in Iraq."

"The threat of global terror hangs over all of us."

"The Council is seized with Iraq."

"The world is faced with many challenges." (UN140103: Para 1 of 9)

"Terrorism is a menace that requires global response."

"We face a grave and growing threat from international terrorism."

"The danger is that we in pursuit of security end up sacrificing crucial liberties, thereby weakening our common security, not strengthening it."(UN200103: Para 2 of 3)

"War is not inevitable"

"The inspectors are carrying out their work until the council decides otherwise."(UN180203: Para 1 of 2)

"War in Iraq looming"

"Inspections are beginning to yield results."(UN240203: Para 1 of 2)

"The question of Iraq's disarmament has brought the international community to a dangerous point of division and discord."

"All around the globe people want to see this crisis resolved peacefully."(UN100303: Para 1 of 3)

"France, Germany, the Russian Federation ... have voiced opposition to action at this time and seek continued and enhanced weapons inspections."(UN 130303: Para 1 of 2)

The Framing of Dislocations: EKD discourse

„Ein Krieg gegen den Irak – erst recht ohne UN-Mandat wäre ein Rückschlag für alle Stabilitätsbemühungen im Mittleren Osten.“

„Ein Krieg zu beginnen, nur um die irakische Regierung abzulösen, wäre eine Katastrophe.“

„Die Politik Saddam Hussein und sein Versuch Massenvernichtungsmittel anzuhäufen, stellen ohne Frage ein großes Gefährdungspotential dar.“ (EKD060902: Para 1 of 1)

„Ein Krieg gegen den Irak – erst recht ohne UN-Mandat wäre ein Rückschlag für alle Stabilitätsbemühungen im Mittleren Osten.“

„Das Regime Saddam Husseins ... ist für gravierende Menschenrechtsverletzungen gegenüber der Bevölkerung des Irak verantwortlich.“(EKD081102: Para 4 of 9)

„Jeder Krieg bringt Elend über viele Unschuldige und erreicht oft nicht einmal die Ziele, um deretwillen er geführt wird.“

„Ein Angriff auf das Regime Saddam Husseins würde jetzt alle anderen Möglichkeiten der Vereinten Nationen zerschlagen.“ (EKD240103: Para 1 of 2)

„Wir können die Ziele, die von diesen Regierungen, insbesondere den USA, zur Begründung eines Krieges gegen den Irak angeführt werden nicht akzeptieren.“

„Als Menschen des Glaubens drängt uns die Liebe zu unseren Nächsten dazu, gegen Krieg Widerstand zu leisten und friedliche Konfliktlösungen zu suchen.“ (EKD050203: Para 1 of 4)

The Framing of Normative Strategy: US discourse

“Saddam Hussein must fully disclose and destroy his weapons of mass destruction. He must submit to any and all methods to verify his compliance. His cooperation must be prompt and unconditional.” (Para 1 of 4)

“If Iraq defies us again, the world must move deliberately to hold Iraq to account.... We must choose between a world of fear and a world of progress.... We must stand up for our security, and for the permanent rights and hopes of mankind. (US120902: Para 4 of 4)

“The Security Council resolutions will be enforced – the just demands of peace and security will be met.” (US120902: Para 4 of 4)

“Iraq must now, without delay or negotiations, fully disarm; welcome full inspections.”

“America will be making only one determination: is Iraq meeting the terms of the Security Council or not?”

“If Iraq fails to fully comply, the United States and other Nations will disarm Saddam Hussein.”

(US081102: Para 1-2 of 3)

“We must not shrink from whatever is ahead of us. We must not fail in our duty and our responsibility to the citizens of the countries that are represented by this body.”

“The United States will not and cannot run that risk to the American People. Leaving Saddam Hussein in possession of weapons of mass destruction for a few months or years is not an option, not in a post September 11th world.”

(US050203: Para 17 of 18)

“We cannot ignore gathering threats across the ocean.... we need to take that seriously.”

One thing is certain, for the sake of peace and for the sake of security, the United States and our friends and allies, we will disarm Saddam Hussein if he will not disarm himself.”

(US090203: Para 3-4 of 4)

“The danger posed by Saddam Hussein and his weapons cannot be ignored or wished away. The danger must be confronted.”

“If it [Iraq] does not, we are prepared to disarm Iraq by force. Either way the danger will be removed.”

(US260203: Para 1 of 4)

“Saddam Hussein and his sons must leave Iraq within 48 hours. Their refusal to do so will result in military conflict.”(US170303: Para 2 of 3)

The Framing of Normative Strategy: UN Discourse

"Iraq must understand it has to perform."(UN161002: Para 2 of 2)

"Bagdad authorities must meet the terms of UN Security Council resolutions."(UN261002: Para 1 of 1)

"I urge Iraqi leadership for the sake of its own people ... seize the opportunity, and thereby begin to end the isolation and suffering of the Iraqi people."

"If Iraq's defiance continues Security Council must face its responsibilities."(UN081102: Para 1 of 1)

"Iraq must implement the resolution."(UN131102: Para 1 of 1)

"It is essential if Iraq is to be put back on the path to peace and prosperity, that this work of disarmament be done thoroughly and completely."(UN101202: Para 3 of 5)

"The Security Council will have to meet based on reports from the inspectors to determine what action the council should take."

"The council will have to face up to its responsibilities and take necessary action."

"We should wait for the update that they [inspectors] will give to the Council on the twenty-seventh."(UN140103: Para 3 of 9)

"The UN must play an increasing role in dissuading would-be-perpetrators of terror by setting international norms and issuing a clear message on the unacceptability of acts of violence targeting civilians."(UN200103: Para 1 of 3)

"Iraq must disarm."

"Iraq must immediately act and work proactively with inspectors."(UN180203: Para 1 of 2)

"The international community must make every effort to encourage Iraq to comply fully with Security Council resolution 1441."

"Iraq must disarm."

"[Inspections] should be allowed to continue until all weapons of mass destruction are destroyed or accounted for."(UN 240203: Para 1 of 2)

"We need to come together and seek a compromise."(UN 100303: Para 1 of 3)

"Regardless of how this crisis ... is resolved the council will have to work together, and the member states will have to work together to deal with the situation in Iraq."(UN 130303: Para 1 of 2)

The Framing of Normative Strategy: EKD discourse

"Die Anwendung militärischer Gewalt [darf] nur nach den Regeln des Völkerrechts erfolgen."

„Einen Angriff auf den Irak, um Saddam Hussein mit kriegesischen Maßnahmen aus seinem Amt zu drängen, lehnt der Rat der Evangelische Kirche in Deutschland ab.“ (EKD060902: Para 1 of 1)

"Es [Gewaltverzicht] muss heute wieder aufgenommen und gestärkt werden überall, wo es zu lernen gilt, Gewalt und Aggression abzubauen."

„Insbesondere müssen wir uns die Frage stellen, ob nicht die Androhung von Waffengewalt gegen den Irak die Schwelle für die Rechtfertigung des Einsatzes von Waffengewalt überhaupt herabsetzt.“ (EKD081102: Para 4-5 of 9)

„Wir [EKD] fordern, dass den Vereinten Nationen nach allen wie vorhandenen anderen Möglichkeiten [abgesehen von: Angriff auf den Irak], belassen wird, das Ziel der Entwaffnung des Irak zu verwirklichen und damit der Sicherheit und Stabilität im Nahen und Mittleren Osten zu Dienen.“(EKD240103: Para 1 of 2)

„Alle Mitgliedsstaaten der UNO müssen sich an bindende UN-Resolutionen halten und Konflikte durch friedliche Mittel lösen.“

„Den Menschen Iraks muss die Hoffnung gegeben werden, dass es Alternativen sowohl zu Diktatur als Krieg gibt.“

(EKD050203: Para 1 of 4)

4.2. Ethical Reasoning for Normative Strategies by Use of Discourse Types

Authoritative Reasoning		
US170303	UN081102 100303	EKD240103 050203
Legal Reasoning		
US120902 081102 050203 260203 170303	UN081102 131102 101202 100303	EKD060902 081102 240103 050203
Reasoning by Reference to Intention		
US120902 081102 260203 170303		
Reasoning by Reference to Attempts Made to Avoid Use of Military Force:		
US120902 081102 050203 090203 260203 170303	UN161002 261002 081102 101202 200103 130303	EKD060902 240103 050203
Teleological Reasoning:		
US120902 081102 050203 260203 170303	UN081102 101202 200103 240203 100303	EKD060902 240103 050203
Deontological Reasoning		
US120902 081102 050203 260203 170303	UN081102	EKD240103 050203
Consensual Reasoning		
US170303	UN081102 131102 100303	EKD060902 081102 240103 050203
Backing by Mytho-Poesis		
US120902 081102 050203 260203 170303		EKD050203
Reasoning by De-Humanizing the Adversarial Agent or Ideology		
US120902 081102 050203 090203 260203 170303		

4.3. In-Timeframe

The Framing of Dislocations: US discourse

“My fellow citizens, at this hour, American and coalition forces are in the early stages of military operations to disarm Iraq, to free its people and the world from grave danger.” (US190303: Para 1 of 2)

“Thanks to our fighting forces, the regime that once terrorized all of Iraq now controls a small portion of that country.... In the last week the world has seen firsthand the cruel nature of a dying regime. In areas still under its control the regime continues to rule by terror. Prisoners of war have been brutalized and executed. Iraqis who refuse to fight for the regime are being murdered. An Iraqi woman was hanged for waving at coalition troops. Some in the Iraqi military have pretended to surrender, then opened fire on coalition forces that showed them mercy.” (US290303: Para 1 of 2)

“American and coalition forces are steadily advancing against the regime of Saddam Hussein. With each new village they liberate, our forces are learning more about the atrocities of that regime, and the deep fear the dictator has instilled in the Iraqi people”

“As the vise tightens on the Iraqi regime, some of our enemies have chosen to fill their final days with acts of cowardice and murder. In combat Saddam’s thugs shield themselves with women and children. They have killed Iraqi citizens who welcome coalition troops, and they have forced other Iraqis into battle by threatening to torture or kill their families.” (US050403: Para 1 of 2)

“At this moment, the regime of Saddam Hussein is being removed from power, and a long era of cruelty is ending.” (US100403: Para 1 of 1)

“Major combat operations in Iraq have ended. In the battle of Iraq, the United States and our allies have prevailed”

“We have difficult work to do in Iraq.” (US010503: Para 1-2 of 1)

The Framing of Dislocations: UN discourse

“I share the regrets expressed by many members of the Council.”

“In the short term, the conflict that is now clearly about to start can only make things worse.” (UN190303: Para 1 of 2)

“The UN staff left Tuesday.”

“UNMOVIC only suspended temporarily.”

“Security Council is seized about trying to do whatever it can to maintain humanitarian assistance to the Iraqis.” (UN240303: Para 1 of 2)

“The Council has come together to chart the way forward in Iraq.”

“The Council has adopted a resolution which spells out the assistance you expect the United Nations to give to the people of Iraq in coordination with the occupying powers.” (UN220503: Para 1 of 1)

Framing of Dislocations: EKD discourse

“Dieser Krieg ist Ausdruck des Scheiterns der Politik.“ (EKD200303: Para 1 of 2)

„Der Krieg gegen den Irak hat leider schon in seinen ersten Stunden das gebracht, was viele befürchtet haben.“ (EKD210303: Para 1 of 1)

„Gesprächsthemen waren die Situation in Irak.“ (EKD310303: Para 1 of 2)

„Jeder Krieg sei im Sinne evangelischer Friedensethik ein großes Übel und unentrinnbar mit Schuld verbunden.“

„Der präventive Einsatz militärischer Gewalt destabilisiert den internationalen Frieden.“ (EKD230503: Para 1 of 2)

The Framing of Normative Strategy: US discourse

"I want Americans and the world to know that coalition forces will make every effort to spare innocent civilians from harm."

"We have no ambition in Iraq except to remove a threat and restore control of that country to its own people." (US190303: 1 of 2)

"War criminals will be hunted relentlessly and judged severely."

"We will accept no outcome but complete and final victory." (US290303: Para 1 of 2)

"No crime of this dying regime will divert us from our mission. We will not stop until Iraq is free."

"They will be treated as war criminals."

"We'll remove weapons of mass destruction from the hands of mass murderers." (US050403: Para 1 of 2)

"We will not stop until Saddam's corrupt gang is gone.... We will end a brutal regime, whose aggression and weapons of mass destruction make it a unique threat to the world"

"We are taking unprecedented measures to spare the lives of innocent Iraqi citizens and are beginning to deliver food, water and medicine to those in need."

"Coalition forces will help maintain law and order."

"We will respect your great religious traditions... We will help you build a peaceful and representative government.... and then our military forces will leave." (US100403: Para 1 of 1)

"Now our coalition is engaged in securing and reconstructing that country."

"We're bringing order to parts of that country that remain dangerous." (US010503: Para 1 of 1)

The Framing of Normative Strategy: UN discourse

"Responsibility for the welfare of the population falls on the occupying power."

"We must do everything we can to mitigate this eminent disaster."

"We in the UN will do whatever we can to help." (UN190303: Para 2 of 2)

"We would want to resume our work as soon as possible."

"Whichever authority is seen in charge at the end of hostilities, we will work with them."

"They must respect international humanitarian law, the Fourth Geneva Convention and the Hague Regulation." (UN240303: Para 1 of 2)

"We must all work very hard, keeping the interests of Iraqis at the forefront of all our efforts."

"Our most important task will be to ensure that the people of Iraq ... are able as soon as possible ... to form a free and representative government."

"The UN will play its full part in this international effort." (UN220503: Para 1 of 1)

The Framing of the Normative Strategy: EKD discourse

"In dieser Stunde erinnern wir daran, dass auch Krieg kein rechtsfreier Raum ist. Die Konfliktparteien stehen in der Pflicht, die Zivilbevölkerung während der Kampfhandlungen soweit wie nur irgend möglich zu schonen."

„Eine humanitäre Katastrophe muss vermieden werden."

„Auch müssen alle Mittel der Politik ausgeschöpft werden, dem Krieg ein rasches Ende zu bereiten."

„Wir ermutigen die Mitchristen in unserem Land, das Schicksal all dieser Menschen in persönliches und gemeinschaftliches Gebet vor Gott zu tragen." (EKD200303: Para 1 of 2)

„Ich kann nur hoffen, dass der Schrecken und die Bedrohung bald ein Ende haben." (EKD210303: Para 1 of 1)

„Übereinstimmend sehen die Gesprächspartner [Präsidium der SPD Vertreter des Rates der EKD] die Aufgabe, nach Ende des Krieges in Irak sich humanitär am Wiederaufbau zu beteiligen, soweit dies unter einem Mandat der Vereinten Nationen geschehen wird." (EKD310303: Para 1 of 2)

„Androhung und Ausübung von Gewalt mussten sich stets an das internationale Recht halten."

„Krieg kann und darf nicht zu einem normalen Instrument nationaler Außenpolitik werden."

„Für die Urteilsbildung und Handeln der christlichen Kirchen und der EKD bleibe in die Zukunft maßgeblich, dass der Einsatz militärischer Gewalt nur im äußersten Notfall, nach dem Ausschöpfen aller anderen Möglichkeiten der Konfliktlösung erwogen werden darf." (EKD230503: Para 1 of 2)

4.4. Post-Timeframe

The Framing of Dislocations: US discourse

“Our military forces are on the offensive. They’re working with the newly free Iraqi people to destroy the remnants of the old regime and their terrorist allies.”

“The process of drafting a constitution will soon be underway, and this will prepare the way for elections.”
(US230703: Para 1-2 of 2)

“This nation is at war with people who hate what we stand for.”

“Iraq is part of the war against terror.”

“Life is returning to normal for a lot of citizens in Iraq.” (US140803: Para 1-2 of 2)

“Events during the past two years have set before us the clearest of divides: between those who seek order, and those who spread chaos; between those who work for peaceful change and those who adopt the method of gangsters.” (US230903: Para 1 of 4)

“United States military forces captured Saddam Hussein alive. He was found near a farmhouse outside the city of Tikrit.”

“It marks the end of the road for him, and for all who bullied and killed in his name.” (US141203: Para 1 of 2)

“I want to tell the people of the Middle East that the practice that took place in that prison are abhorrent, and they don’t represent America.” (US050504: 1 of 3)

“The American people were horrified by the abuse of detainees at Abu Ghraib prison in Iraq. These acts were wrong.”(US260604: Para 1 of 2)

“15 months after the liberation of Iraq, and two days ahead of schedule, the world witnessed the arrival of a free sovereign Iraqi government.”

“Today, at the moment sovereignty was transferred, the mission of the Coalition Provisional Authority came to an end.” (US280604: Para 1-2 of 7)

The Framing of Dislocations: UN discourse

"What happens in Iraq does not happen in a vacuum, a stable Iraq, one that is at peace with itself and its neighbours is our collective interest."

"Resolution 1483 provides a mandate for the UN to assist the people of Iraq in a wide range of areas." (UN220703: Para 1-2 of 2))

"We have lost irreplaceable colleagues."

"Those colleagues have been murdered, for reasons we will never understand." (UN200803: Para 1 of 1)

"Security Council[has] reached a significant agreement...the outcome is a clear demonstration of the will of all members of the Security Council" (UN161003: Para 1 of 2)

"We gather at a moment of hope for the future of Iraq. For many years the people of Iraq have suffered some of the worst privations known to humankind." (UN231003: Para 1 of 3)

"His [Saddam Hussein] capture is not just a symbol of the downfall of the former regime in Iraq. It is also an opportunity for a new beginning." (UN161203: Para 1 of 3)

"Secretary General was deeply disturbed by the pictures of Iraqi prisoners being mistreated and humiliated by their guards at Abu Ghraib prison." (UN300404: Para 1 of 1)

"I was rather deeply concerned about [pictures of prisoners being beaten]."

"I think ... the Iraqis ... are counting very much on that date [June 30th]."

"We are trying to facilitate and work with the Iraqis and CPA [Coalition Provisional Authority] to come up with a new government." (UN020504: Para 1 of 2)

"The United Nations is doing everything it can to help Iraqis prepare for free and credible elections in January next year."

"I sent in a team led by Lakhdar Brahimi which helped establish the Iraqi Interim Government." (UN250606: Para 3 of 11)

"Today the Iraqi people have resumed sovereignty under an interim government which the United Nations helped to form. That government faces a difficult and dangerous task." (UN300604: Para 1 of 2)

The Framing of Normative Strategy: US discourse

"Our nation will give those who wear its uniform all the tools and support they need to complete their mission."

"I urge the nations of the world to contribute - militarily and financially towards fulfilling the Security Council Resolution 1483's vision of a free Iraq." (US230703: Para 1-2 of 2)

"We will oppose terrorists and all who support them. We will not trust the restraint or good intentions of evil people. We will not permit any terrorist group or outlaw regime to threaten us with weapons of mass destruction. And when necessary we will act decisively to protect the lives of our fellow citizens." (US140803: Para 3 of 4)

"We must stand with the people of ... Iraq as they build a free and stable [country]"

"We must confront together the proliferation of weapons of mass destruction.... we must act decisively to meet the humanitarian crises of our time." (US230903: Para 2 of 4)

"United States will not relent until this war is won." (US141203: Para 1 of 2)

"There will be a full investigation ... justice will be served."

"We will help them rid Iraq of these killers" (US050504: Para 1 of 3)

"We will not compromise the rule of law or the values and principles that make us strong."

"United States will continue to lead the fight to eliminate it [torture] everywhere." (US260604: Para 1 of 1)

"We'll provide security for the upcoming elections. Operating in a sovereign nation, our military will act in close consultation with the Iraqi government....Our military will stay as long as the stability of Iraq requires, and only as long as their presence is needed and requested by the Iraqi government." (US280606: Para 2 of 7)

Framing of Normative Strategy: UN discourse

"I wish ... to reiterate ... the ... principles underlying the activities of the United Nations under Resolution 1483 ... the need to respect the independence and territorial integrity of Iraq; the need to restore sovereignty to the people of Iraq as soon as possible; the need to respect the Iraqi people's right to determine their political future; the need to respect Iraq's sovereignty over its territory and natural resources; and the need for Iraq to be restored to the position of a full and responsible partner in the international community, at ease with its neighbours." (UN220703: Para 1 of 2)

"We will not be deterred."

"We will go on doing whatever we can to help build a better future for the Iraqi people." (UN200803: Para 1 of 1)

"Our common objective is to restore peace and stability to a sovereign, democratic and independent Iraq as quickly as possible."

"As Secretary General I shall do my utmost to implement the mandate established by the Council." (UN161003: Para 1 of 2)

"Our challenge now is two-fold: to respond to Iraq's immediate humanitarian needs and to get the country's reconstruction off to a determined start."

"I will do the utmost to implement the mandate established by Security Council resolution 1511."

"UN is determined to help the Iraqi people as best we can." (UN231003: Para 1-2 of 3)

"Saddam Hussein should be held to account for past deeds, through a procedure that meets the biggest international standards of due process."

"We need greater clarity on what is expected of UN by Iraqis and by the coalition in terms of assistance to the political assistance." (UN161203: Para 1 of 3)

"He [Secretary General] reiterates that all detainees should be fully protected in accordance with the provisions of international human rights law." (UN300404: Para 1 of 1)

"We should do everything to make sure that the June-deadline is met." (UN020504: Para 1 of 2)

"We shall continue to monitor it [security in Iraq] very closely."

"It is vital that the Interim Government is given a real chance to exercise sovereignty." (UN250604: Para 2 of 11)

"I ask you to join me in praying for their [UN staff] safety and success, as I join you today in praying for the future of the Iraqi people." (UN300604: Para 2 of 2)

4.5. Values and Norms: US, UN and NATO

US Discourse	
Values	Norms
Peace of the world	Find freedom
Human dignity	Rebuilding Iraq
System of security	Resolve peacefully
Accountability	To defend one's country
New openness	Set a course of safety
Economic liberty	Fight against terror
Great moral cause	Supply aid
Liberty	Bring medical care
Just demands of peace and security	Help to build a representative government
Progress	Work with the UN
Honest government	Hold to account
Reforms	Enforce resolution
Respect for women	Stand up for security
Permanent rights of mankind	Meet responsibilities
Choice	Disclose and destroy weapons of mass destruction
Hope	Continue pressure

Responsibility	Defend our country
Tolerance	Support IAEA
Learning	Take principled stand
Clear and fair notice	Show international leadership
Enforcement	Meet obligations voluntarily
Freedom of action to defend our country	Uphold principles
Escape oppression	Working together
Leadership	Keeping peace
Determination	Deal with
Courage	Peacefully remove danger
Unity	Deliver medicine to the sick
Homeland	Destroying chemical and biological weapons
Justice	Provide security
American soil	Protect Iraq's natural resources
Our future	Remain as long as possible
Safe country	Keep commitment
Better country	Establish atmosphere of safety
Safe and better world	Moving toward democracy
World a free place	Defend the cause of peace
Be written by us	Not allow the triumph of hatred and violence
Security	Hunting down killers
Winning	Showing the definition of American justice
Power of freedom	Disarm
Belief in liberty	Stand ready
Free Iraq	Oppose terrorism
Stability	Care for children
Have a choice in government	Sending weapons inspectors
Freedom	Protect innocent people
Responsible and reform minded local leaders	Keep an oath
Lasting institutions of freedom	Support
Democratic values	Try to work with UN
Abundant resources	Confront aggressive dictators
Skilled and educated people	Doing one's part
Stable and free nations	Protecting one's country
The peaceful pursuit of a better life	Defend world from grave danger
Middle Eastern peace	Undermine ability to wage war
Personal commitment	Spare innocent civilians from harm
Effective educational institutions	To serve
A right and just cause	Liberate people
Liberty for and oppressed people and security for the American people	Clear mines
Skill	Allow humanitarian aid flowing into the country
Honor	Secure oil wells
Confidence	Protect the wealth that belong to the Iraqi people
Trust in power of human freedom	Prevent launching of enemy missiles
Re	Hunt war criminals
Basic aspirations of life	Judge war criminals severely
Free people	Showing kindness and respect of Iraqi people
Fellowship	Go to extraordinary length to spare the lives of innocents
Patience	Protect American homeland
Avoidance of war	Giving the best to one's country
Destruction of weapons of mass destruction	Give full support to soldiers
Diplomacy	Fight for liberty of oppressed people
Resolutions	Fight for security of United states
Good faith	Fight for peace in the world
A course towards safety	Eliminate the enemy
The mission of UN	Removing military targets from the map
Willpower	Treating innocent civilians with kindness

Doing one's part	Showing proper respect for the soldier who surrender
Nation Building	Bring food water and medicine to the Iraqi people
Liberation	Deliver emergency rations to the hungry
Heightened watch	Bringing aid to the suffering
Homeland	Bringing hope/liberation
Commitment to country	Press on until oppressors are gone
Coalition	Serve a great and just cause
Help from other countries	End a brutal regime
Trust in others	Maintain law and order
Bravery	Protect rights of all citizens
Decent spirit of American military	Respect people
Conventions of war	Spare lives of innocents
Rules of morality	To build a better life
Sovereignty	Serve with honor
Religious faith	Serve with skill
Prayer	Love freedom
Fast operation	Bringing to justice
Protection of innocents	Doing one's duty
Respect of the American people	Honor rights of man
Finish work	Fight terrorism
Progress in disarming	Act to defend peace and credibility of UN
Steady advance	Path of democracy
Final victory	Dedicated to defense of our collective security
Justice of case	Track and defeat Al Qaida terrorists
Honorable conduct of our military	Assume full responsibility
Equality	Meet the humanitarian crisis of our time
Compassion	Act quickly
Peaceful and representative governments	Fight against disease and desperate hunger
Independent and sovereign nation	Fighting back an old evil
A free nation	Defend and enforce the idea behind UN
Free from terrible prosecution	Bring hope and freedom
Democratic nation	Promote freedom without use of military
The advance of order and freedom	Stand up
Sacrifice	Fight of terror
Security of United States	Upholding Geneva Conventions
Will	Reduce human suffering in armed conflict
Might	Fight for freedom of others
Stable society	Assisting in establishing institutions
Democratic government	Help victims recover
Blessings from God	Support work of NGO's
Religious faith	Stand with the victims
Sympathy	Help to find and destroy the killers
Peaceful change	Protect infrastructure
Mercy	Act in close consultation
Human rights	Serving the cause of our own security
Free and stable countries	Striking terrorists instead of waiting for them to strike us at home
Self-government	Uphold the rule of law
Orderly democratic process	
Needs of the Iraqi people	
Conscience	
Ideals of UN	
Without casualties	
Brave fighting	
Perseverance	
Full investigation	
Steadfast	
Education of children	

Elimination of torture	
Rule of law	
The values and principles that make us strong	
International support	
Free elections	

UN Discourse	
Values	Norms
Cause of peace	Make optimal decision
Security	Strengthening disarmament program and hands of inspectors
Full and final disarmament	Cooperate and comply with SCR
New opportunity	Ensure disarmament tasks are carried out
Based on law	Approving new resolutions
Legitimacy of UN	To comply fully with SCR's
Multilateral diplomacy	Seize opportunity
United SC	Begin to end the isolation and suffering of the Iraqi people
Powerful signal/message	Face responsibilities
Hope	Strengthen the cause of peace
Success	Serving the cause of peace and security
Unconditional cooperation	Pursue aim in united and effective manner
Continued determination of the international community	Working through the SC on the Iraq issue
Confidence	Send powerful message
Resolutions	Implement resolutions
Optimal decision	Actively begin to work
Disarmament program	Stand together
Enforcement	Defeat terrorism
Unanimous	Working together on counterterrorism
Peaceful resolution	Fully disarm
The path of peace and prosperity	Comply fully
Independent	Taking control of own problems and destinies
Patience	Rebuild
Firmness	Ending civil war
Democracy	Make a difference
Responsibility	Upholding the rule of law
Cooperation	Advance the cause of a fairer world
Debate	Pull together to deny terrorists refuge and cut off their funding
Humanitarian intervention	Don't talk about war
Responsibility to protect	Protect citizens
Human rights	Take necessary reaction
Settlement	Act in good faith
Firm will	Do whatever it takes to disarm
Greater efforts	Trying to convince Saddam Hussein to step down
Verification and full implementation	Go back to SC for debate
International anti-terrorism conventions and standards	Prevent acts of terror
Democratic government	Dealing effectively with the global threat
Unity and resolve of international community	Dissuading would-be perpetrators
Rule of law	Setting effective international norms
Freedom	Issue a clear message on unacceptability of acts of violence against civilians
Peaceful solution/settlement	Deny the terrorists the opportunity to commit their appalling crimes
Success	Act with determination
Legitimacy of SC	Solve the political disputes and longstanding conflicts
Legitimacy of rule of law	Prevent proliferation of weapons of mass destruction
Credibility	Ensure universality
SC influence	Criminalize acquisition of use of weapons of mass destruction

	by non-state groups
Positive development	Act immediately and work proactively with inspectors
Democratic process	Help avoid conflict
Common ground	Manage crisis effectively
Determination of SC	Give process time
Resolutions	Resolve the difference/crisis
No divisions	Work to avert war
No grounds for doubt	Curb the proliferation
Middle east peace process	Resolve the crisis peacefully
Credibility and effectiveness of UN	Seek compromise
Lasting peace	Deal with the aftermath
War as last resort	Do everything to mitigate the imminent disaster
Reasonable avenues	Assess the possible effects of war
Peaceful means	Providing humanitarian assistance
Legitimacy	Working with the council
SC authority enhanced	Resume our work as soon as possible
World a safe place	Help the Iraqi population
Broader consensus	Resume oil for food program
Stability	Restore electricity and water
Development	Treat prisoners of war humanely
Success of international community	Respect independence/sovereignty
Just resolution	Restore sovereignty to the people of Iraq
Legitimacy of SC	Respect Iraqi people's right to determine their political future
UN as a common framework for securing peace	Respect Iraq's sovereignty over territory and natural resources
Good will	Keep the interest of the Iraqi people at the forefront of our minds
Sovereign right	Working together with the governing council and provisional authority
Development of rule of law	Help the people
Development of international law	Restore peace and stability to a sovereign Iraq
Rome Treaty	Care for safety and security of UN staff
ICC	Strengthening Iraqi NGO's
Be in conformity with the UNCh	Help create a secure and stable independent Iraq
Basic needs met	To bring those responsible to justice
Welfare and safety of the peoples	Try to establish democracy, law and order and the rule of law
International humanitarian law	
Unity of SC	
Effective action	
International law	
Free and representative government	
Transparent political process	
National sovereignty	
SCR's	
Geneva Convention	
Iraqi sovereignty	
Independence and territorial integrity of Iraq	
Interests of Iraqi people	
Ongoing dialogue	
Early end of military occupation	
Sovereign independent democratic Iraq	
Stability in the region	
Steadfast commitment	
Reconstruction	
Downfall of the regime in Iraq	
Free fair credible elections	
Courage	

EKD Discourse	
Values	Norms
Ökumene	Gegen einen Angriff auf den Irak aussprechen
Un-Mandat	Aus ethischen wie aus völkerrechtlichen Gründen einen Angriff ablehnen
Kirchliche Stellungnahmen	Ziel der Entwaffnung zu verwirklichen
Die Bestimmung der Verfassung	Beten für gerechten Frieden
Diskussion	Konfliktlösungen zu suchen
Recht	Krieg Widerstand zu leisten
Völkerrechtliche Legitimität	Werkzeuge des Friedens zu sein
Verfassung	An den Grundsatz der UN-Charta festzuhalten
Strafrecht	An bindende Un-Resolutionen halten
Übereinstimmung	Konflikte durch friedliche Mittel lösen
Ethik	Hoffnung geben
Völkerrecht	Bedingungslosen Zugang zu Menschen in Not gewähren
Gründe	Fremdenhass entgegenzutreten
Entwaffnung	Gerechtigkeit und Menschenwürde suchen
Sicherheit	Uns gegen den Krieg in Irak zu stellen
Stabilität	Kontakt zu halten zu den Kirchen und christlichen Gemeinschaften
Gerechter Friede	Alle Mittel der Politik auszuschöpfen
Regeln des Völkerrechts	Durch Hilfe das Leiden zu lindern
Verantwortlichkeit	Leid zu verhindern
Beratung	Diktatoren in Schach zu halten
Liebe	Internationales Recht halten
Glaube	Zwingen den Sicherheits-Resolutionen des UN Sicherheitsrat's zu folgen
Friede	
Gerechtigkeit	
Gebet	
Hoffnung	
Geltendes humanitäre Prinzip	
Menschenwürde	
Moralische Prinzipien	
Rechtlicher Standard	
Friedlichen Lösung dieses Konflikts	
Menschenrechte	
Souveräner Staat	
Sicherheitsgefühl	
Ethische und Völkerrechtliche Rechtfertigung	
Mitgefühl	
Wiederaufbau	
Ausreichender politischer Grund	
Andere Lösungswege	
Konfliktlösung	
Einsatz militärischer Gewalt nur im äußersten Notfall	

4.6. Disvalues and Disnorms: US, UN and EKD

US Discourse	
Disvalues	Disnorms
Global terror	Bully
Deceit	Break treatise
Suffering	Plotting
Threat	Invade without provocation
War against civilisation	Seize other countries
Fear	Endanger peace and stability

Mad ambitions	Breaking pledge
Technologies to kill	Shelter and harbour terrorist organizations
Grave violations of human rights	Withhold important information
Arbitrary arrest	Subvert program
Imprisonment	Violate obligation
Summary execution	Treat own pledge with contempt
Torture by beating and burning	Undermine weapons inspections
Electric shock	Cheat and retreat
Starvation	Oppress
Mutilation	Kill thousands
Rape	Ignore danger
Horrors	Threaten territorial integrity
Concealment	Use diplomacy as a ploy
Apparatus of totalitarian state	Defy resolutions
Violence	Threaten UN officials
Targeted for murder	Use weapons of mass destruction
Gathering danger	Aid and train terrorists and al Qaida operatives
Threat to peace	Fight for a dying regime
Threat to authority of UN	Conduct terrorist actions against American people
Cruelty	Threaten peace
Conquest	Putting oil wells on fire
Ordered killing	Rule by terror
Brutal submission	Brutalize prisoners of war
Unstable	Hanging of women
Isolated from progress	Pretending to surrender
Outlaw regime	Install fear in people
Aggression	Shield themselves with women and children
Bad faith	Kill
Unproductive debates	Threatening to torture or kill
Non-compliance	Execute prisoners of war
Dangerous regime	Wage attack under white flag of truce
Reckless ambition	Conceal combat forces in civilian neighbourhoods
Reckless miscalculation	Maximize civilian casualties
Hatred	Prevent the advance of order and freedom
Murder	Shooting at people guarding universities
Outlaw	Provide weapons to terrorists
Close ties to terrorists	Target relief workers
Biological weapons	Roam the streets
Brutal dictator	Conceal programs
Ideologies of murder	
Slogans of hatred	
Tactics of terror	
Terrorist training	
Proliferation of weapons of mass destruction	
Spread of terror	
Hatred of America	
War crimes	
The apparatus of terror	
Execution of dissidents	
Torture chambers and rape rooms	
Tyranny	
Destruction of oil wells	
Wars of aggression	
Genocide	
Chemical biological and nuclear terror	
Atrocities against people	
No regard for conventions or rule of morality	
Dictatorship	

Cruel nature of a dying regime	
Atrocity	
Nuclear terror	
Acts of cowardice and murder	
Mass graves	
Prison cells for children	
Hateful propaganda	
Innocent suffering	
Killing fields	
Victimization through torture	
Campaign of murder	
Perpetual war	
Defeatism/despair	

Discourse UN	
Disvalues	Disnorms
Isolation	Continue to defy inspections
Suffering	Giving terrorist haven
Scourge	Deceiving
Terrorism	Sending hungry to bed
Victims	Deny clean drinking water
Threat of hostilities	Keeping away from school
Weapons of mass destruction	Continue to defy
Global problems	Sacrificing crucial liberties
Anxiety	Weakening our common security
Prospect of war	Demonize political opponents
Nuclear proliferation	Throttle freedom of speech and the press
Violence	De-legitimize political grievances
Threat of global terror	Making opportunistic use of the fight against terrorism
AIDS	Threaten to justify new military action on long-running disputes
Starvation	Ignore genuine grievance
Poverty	Lose sight of broader international agenda
Premature death	Hand terrorist the victory
Hunger	Commit aggression against neighbours
Climate change	Lead to regional instability and economic crisis
Storms	Producing new threats and dangers
Floods	Setting back prospects for stability and development
Droughts	Deny basic healthcare
Humanitarian emergencies	Target innocent civilians
Horror	Commit unspeakable crimes
Civil war	
Pre-emptive action	
Injustice	
War	
Scourge of terrorism	
Loss of lives in terrorist attacks	
Grave and growing threat from terrorism	
Danger	
Unrest	
Insurgency	
Acts of terror	
International terrorism	
Internally displaced	
Vulnerable children	
Refugee flows	

Crisis	
Malnourished	
Lacking access to safe water and sanitation	
Serious humanitarian intervention	
Military action	
Division	
Discord	
Terrible weapons	
Internal uprising	
Destabilizing sanctions	
Dispute	
Failure of international community	
Action taken outside SCR	
Devastated infrastructure	
Lack of medicine and medical equipment	
Military occupation	
Criminal violence	
Misguided policies	
Disturbed/humiliated/mistreated/abused	
Vicious attack	
Lose loved ones	
Crime against humanity	
Brutal misrule	
Large scale use of force against civilians	
Failure to deal with threat	
Threats facing humanity	
Collapse of poor states	
Extreme poverty	
Devastation of world economy	

EKD Discourse	
Disvalues	Disnorms
Krieg	Mit kriegerischen Maßnahmen aus seinem Amt drängen
Militärische Optionen	Einen Krieg zu beginnen
Rückschlag für den gesamten Mittleren Osten	Massenvernichtungswaffen zu entwickeln
Gravierende Menschenrechtsverletzungen	Elend über Unschuldige bringen
Massenvernichtungswaffen	Präventiver kriegerischer Angriff als Mittel um die Regierung eines souveränen Staates auszuwechseln
Eine Aushöhlung des Aggressionsverbotes	Mit Waffengewalt anzugreifen
Präventiver Krieg	
Elend	
Schuld	
Unschuldige	
Konflikte	
Grosses Übel	
Krieg zum Zweck des Regimewechsels	
Gerechter Krieg	
Willkürliche Ausweitung des nach dem Völkerrecht äußerst eng begrenzten Begriffes der Prävention	
Militärische Aktion gegen Irak	
Klima der Furcht	
Bedrohung	
Unsicherheit	
Leiden	
Unnötiger Tod	
Langzeitfolgen eines solchen Kriegs	

Globale Instabilität	
Fremdenhass	
Unrecht	
Waffengewalt	
Menschenverachtendes Regime	
Rechtfreier Raum	
Humanitäre Katastrophe	
Angriffskrieg	
Militärisches Mittel	
Krieg normales Instrument der nationalen Außenpolitik	
Grosses Übel	

Danish Summary

Denne ph.d. afhandling tager udgangspunkt i tre spørgsmål, som den indledningsvis hævder, er påtrængende spørgsmål af almen interesse og betydning. De tre spørgsmål er:

Hvornår og hvordan, hvis overhovedet, er det rimeligt at anvende militær magt, som potentielt bringer lidelse og ødelæggelse af land og ejendom, krop og sind?

Hvordan argumenterer nutidige ideologier for brugen af militær magt og er deres argumenter rimelige?

Hvordan har ansvarlige politiske aktører argumenteret for brug af militær magt i nutidige konflikter og har deres argumenter været rimelige?

De tre spørgsmål er etiske spørgsmål, for så vidt de er spørgsmål om hvad der bør betragtes og bliver betragtet som god og ønskeværdig social adfærd, når det kommer til brugen af militær magt. Formålet med afhandlingen er gennem en besvarelse af de spørgsmål at uddybe vores viden om centrale etiske aspekter vedrørende brugen af den type af magt.

Der er øjensynligt forskellige måder at besvare de tre etiske spørgsmål om militær magt på. Spørgsmålene indebærer dog relevansen af fire etiske genrer: meta-etik, deskriptiv etik, evaluerende etik og praktisk etik. Disse fire etiske genrer peger endvidere på fem primære forskningsfelter, som dels formulerer og udarbejder et meta-etiske grundlag, dels en teori om etisk artikulation, dels en etik om brug af militær magt, dels en analyse af etikken hos nutidige ideologier angående brug af militær magt, og dels en analyse af etikken i nutidige politiske udtalelser vedrørende brugen af militær magt. Udarbejdelsen af det meta-etiske grundlag gør det muligt at udarbejde en teori om etisk artikulation – et deskriptivt princip – samt at udarbejde en militær etik – et normativt princip. To principper som hver især muliggør en analyse af etikken i relevante nutidige ideologier og politiske udtalelser.

Det første forskningsfelt vedrørende det meta-etiske grundlag er indholdet af afhandlingens andet kapitel. Dette forskningsfelt tillægges en særlig og omfattende interesse på baggrund af især tre udfordrende forhold vedrørende nutidig etik om brug af militær magt. For det første er etikken proprium omstridt. Der findes med andre ord ikke et entydigt begreb om etik i dag. For det andet har socialvidenskaben i dag med få og debatterede undtagelser sat spørgsmålstegn ved muligheden for at formulere eller afdække universelle normer og værdier og hælder i stedet til en etisk

relativisme, hvilket er en central udfordring for nutidig etik. For det tredje tager hovedparten af nutidig militær etik afsæt i den etiske tradition, især doktrinen om retfærdig krig, som på forskellig vis anvendes til at udfolde en militær etik og til at argumentere etisk vedrørende brug af militær magt. Som følge heraf har den nutidige militære etik et begrænset evaluativt og innovativt potentiale. Med andre ord, for at evaluere den etiske tradition og om muligt overskride den etiske relativisme i relation til militær etik er det nødvendigt at diskutere det meta-etiske grundlag indgående. Udgangspunktet for denne dybtgående diskussion er det forhold, at etisk artikulation er et socialt fænomen forbundet med politik, og at sprog og diskurs er et primært medium for dette fænomen. Disse karakteristika for etisk artikulation er samtidig arbejdsfeltet for diskursteorien eller diskursanalysen, et nutidigt socialvidenskabeligt forskningsparadigme, som analyserer politik bredt forstået ud fra et særligt sprogfilosofisk perspektiv. Siden den *lingvistiske drejning* (Rorty 1968) har denne analytiske tilgang til politik udviklet sig og er blevet et dominerende socialvidenskabeligt forskningsprogram, således at man i dag kan tale om en *diskursiv drejning* (Howarth og Torfing 2005). Forskellige genrer og tilgange til dette forskningsprogram findes i dag. Dog eksisterer der to hovedgenrer: den kognitive diskursteori, som analyserer diskurs som et mentalt fænomen, og den post-strukturalistiske diskursteori, som analyserer diskurs som et socialt fænomen. Den post-strukturalistiske tilgang er den dominerende, selvom der er en stigende interesse for den kognitive diskursteori. Howarth og Torfing har identificeret tre generationer af post-strukturalistisk diskursteori, som peger på den voksende indflydelse diskurs og sprog tillægges indenfor socialvidenskaberne, hvor den tredje generation er kendetegnet ved den antagelse, at sproget og diskurs dækker alle sociale fænomener. Det meta-etiske grundlag udarbejdes gennem en tolkning af denne tredje-generations diskursteori, som den udfoldes af Laclau og Mouffe, samt i en tolkning af Chilton's kognitive diskursteori og i en tolkning af Tugendhat's formale semantik. Tugendhat's formale semantik er et analytisk forsøg på at forene to af de primære kilder til diskursteorien – Heidegger's fænomenologi og den sene Wittgenstein's analytiske filosofi. Tolkningen af Tugendhat's formale semantik muliggør formuleringen af tesen om, at artikulationers og diskursers formale semantik er en *yes/no Modal relocation of social agent facticity*, og at det primære element i den sociale fakticitet er den ontologiske fordring udtrykt i den imperative sætning *I must be*. Tesen om den ontologiske fordring tilvejebringer det fundament, hvis eksistens post-strukturalismen anfægter. Disse teser verificeres ved hjælp af Chilton's teori og anvendes dernæst til at fortolke Laclau's og Mouffe's diskursteori og dermed til at tilvejebringe et meta-etisk grundlag, som tillader udformingen af en teori om etisk artikulation og konstruktionen af en etik om brug af militær magt inden for rammerne af en global etik om retfærdig fred.

Dette meta-etiske grundlag tilvejebringer som nævnt baggrunden for at formulere et deskriptivt etisk princip, som er genstanden for det andet forskningsfelt, der udgør afhandlingens tredje kapitel. Dette deskriptive etiske princip, som allerede antydtes er et post-strukturalistisk princip baseret på sprogets logik, formuleres som en teori om etisk artikulation. Den udgøres af to primære elementer: den *diskursive dialektik*, som i tre teser placerer etisk artikulation indenfor et diskursivt rammeværk, og *etiske kategorier*, som udgør de centrale etiske begreber, hvor begrebet *etisk signatur* repræsenterer en hovedkategori. I teorien foretages der desuden en grundlæggende distinktion mellem begreberne *etik* og *etisk artikulation*, som normalt tilskrives distinktionen mellem etik og moral. Begrebet om etisk signatur indeholder tesen om, at etisk artikulation har en etisk signatur, der udgøres af flere elementer: en primær etisk signatur, en dislokation, en ontologisk fordring, værdier, normer, etisk begrundelse, genre, antagonisme og inter-tekstualitet. Angående kategorien etisk begrundelse indeholder teorien om etisk artikulation to typer af etisk begrundelse, den narrative etiske begrundelse og den etiske begrundelse ved hjælp af reference til socialt anerkendte og andre diskurstyper. Begrebet om etisk signatur tilvejebringer i sin helhed det analytiske rammeværk, som tillader en beskrivelse af etisk artikulation og dermed en besvarelse af det andet og tredje forskningsspørgsmål.

Bortset fra udarbejdelsen af teorien om etisk artikulation tillader det meta-etiske grundlag udarbejdelsen af en global etik om retfærdig fred, en etik som forholder sig til brugen af militær magt, og som besvarer det første forskningsspørgsmål – hvornår og hvordan, hvis overhovedet, er det rimeligt at anvende militær magt. Argumentet, som præsenteres her, er at brug af militær magt fra et etisk synspunkt kan betragtes indenfor rammeværket af retfærdig fred som internationalt politiarbejde, som håndhævelse af den del af international lov, der kvalificerer som en global etik. Denne etik udarbejdes i fire tempi. For det første konstrueres en diskursiv dialektisk etik om retfærdig fred, hvor logikken bag en implementering af den retfærdige fred udfoldes. Etikken om retfærdig fred udfordrer diskursen om etisk relativisme og præsenteres som en global etik, der er i den oplyste egeninteresse for det menneske, som lever i en globaliseret verden med en høj grad af interdependens. For det andet anvendes denne globale etik til at dekonstruere doktrinen om retfærdig krig, der som antydtes har været en dominerende etik og model for etisk begrundelse i forbindelse med brug af militær magt. Det argument, som fremføres, er, at doktrinen om retfærdig krig hviler på og artikulerer en primær etik, som har menneskelivet som en betinget værdi. Denne etik kan fra et globalt etisk perspektiv ikke accepteres og implicerer samtidig, at en etisk ideologi, som har menneskelivet som en betinget værdi, vil kunne artikulere en tilsvarende militær etik og begrundelse for brug af militær magt. For det tredje, denne dekonstruktion, som peger på problemerne ved doktrinen om retfærdig krig, efterfølges af en analyse af den etiske signatur af

Walzer's nutidige militær etik. Denne analyse peger i retning af en militær etik, som fra et etisk synspunkt ikke lider af de samme problemer som doktrinen om retfærdig krig. For det fjerde, efter analysen af Walzer's etik præsenteres afhandlingens bud på en nutidig militær etik. Den afgørende pointe er her, at brug af militær magt – fra et globalt etisk synspunkt om retfærdig fred – må bringes ind i en anden ramme og præsenteres som international politiarbejde indenfor rammerne af en retfærdig fred, som indebærer at brug af militær magt betragtes som håndhævelse af den internationale lov, og soldaten må betragtes som og identificere sig med en håndhæver af international lov. I den sammenhæng præsenteres argumentet at retfærdig fred må være det regulerende ideal eller mål bag brugen af militær magt, og at dette mål ifølge den retfærdige freds logik selv er midlet til at nå målet. Samtidig præsenteres normen om at udvikle mere diskriminerende våben og at uddanne internationale politibetjente. Denne militære etik forstået som international retshåndhævelse fremstår som både mulig og rimelig, fordi dele af den internationale lov repræsenterer en global etik, med andre ord kan betragtes som en global etik vedrørende brug af militær magt.

I afhandlingens femte kapitel analyseres nutidige etiske ideologier i forhold til deres etiske signatur, hvorved det andet forskningsspørgsmål besvares. De følgende ideologier er blevet udvalgt: USA's nationale sikkerhedsstrategi *United States National Security Strategy* fra 2002, rapporten *Responsibility to Protect* fra International Commission on Intervention and State Sovereignty fra 2001, rapporten *A More Secure World: Our Shared Responsibility* af FN fra 2004 og teksten *Peace Ethics on Probation* af den Tyske Evangeliske Kirke fra 2001. Disse udvalgte ideologier repræsenterer vigtige nutidige ideologier, som forholder sig til etik i forbindelse med brugen af militær magt. De er diskursive forsøg på at respondere etisk på krig, konflikt og trusler mod fred og sikkerhed og dermed etisk at forankre det man kan kalde en rystet fakticitet. Analysen af disse ideologiers etiske signatur afslører flere vigtige etiske forhold med hensyn til det andet forskningsspørgsmål: hvordan nutidige etiske ideologier argumenterer for brugen af militær magt. For det første illustreres vigtigheden af ideologiernes fakticitet. Med andre ord betydningen af de dislokationer enhver af dem forsøger at relokere, motiveret af den mere eller mindre åbenlyst artikulerede ontologiske fordring. For det andet afslører analysen den primære etiske signaturs betingende funktion for ideologierne, at de primære værdier og normer forbundet med en subjekt position bestemmer grænserne for ideologiernes etik. For det tredje afsløres det, at der eksisterer en etisk konsensus i forbindelse med elleve forhold, der blandt andet viser en realistisk og idealistisk hensigt om at skabe en retfærdig fred, med andre ord at retfærdig fred som etisk ideologi er både en realistisk og idealistisk værdi i dag. For det fjerde afsløres det, at doktrinen om retfærdig krig anvendes af tre af ideologierne som model for den etiske begrundelse for brug af militær magt. For

det femte påvises det, at USA's nationale sikkerhedsstrategi artikulerer en equivalens-logik, der konstruerer en problematisk og uetisk antagonisme. For det sjette påvises det, at ingen af de analyserede ideologier tager højde for den retfærdige freds logik. Ikke engang den Tyske Evangeliske Kirkes ideologi. Alle tilslutter de sig international humanitær lov og dens etisk uacceptable normer.

I det sjette kapitel analyseres USA's diskursive konstruktion af krigen mod Irak i 2003 og NATO's af interventionen i Kosovo i 1999 for hermed at besvare det tredje forskningsspørgsmål. De to analyser gennemføres indenfor tre tidsrammer – ante, in og post - bestemt efter den aktuelle brug af militær magt. De offentlige udtalelser fra USA's præsident og NATO's general-sekretær udgør det materiale som analyseres indenfor de tre tidsrammer. Samtidig analyseres udtalelser fra FN og den Tyske Evangeliske Kirke indenfor de samme tre perioder med henblik på at sammenligne USA's og NATO's diskursive konstruktion med diskurser, som forholder sig til de samme aktuelle forhold vedrørende brug af militær magt. Ligesom analysen af ideologier afslører disse analyser flere afgørende etiske aspekter, som svarer på spørgsmålet, hvordan ansvarlige politikere argumenterer for brugen af militær magt i nutidige konflikter. Først afsløres det, at den primære etiske signatur i deres bagvedliggende ideologier re-artikuleres i de politiske udtalelser. At der er en sammenhæng mellem ideologierne og den politiske diskurs. For det andet ses det, at dislokationerne, som imødegås af de normative strategier vedrørende brug af militær magt, er betinget af deres respektive primære etik. For det tredje afsløres det, at et stort antal diskurs-typer anvendes til at støtte og begrunde de valgte normative strategier, og at der i den sammenhæng er en bred konsensus om disse diskurstyper. For det fjerde, at der ligesom i tilfældet med de etiske ideologier eksisterer en etisk konsensus mellem de forskellige analyserede politiske udtalelser, blandt andet at retfærdig fred både fra et idealistisk og realistisk synspunkt må være et mål. For det femte vises det, at USA's diskurs artikulerer en problematisk antagonisme akkurat som sit ideologiske bagland. For det sjette viser analysen af forskeres evaluering af krigen mod Irak og interventionen i Kosovo, at der er uenighed i vurderingen af brugen af militær magt ud fra både retlige og retfærdig krig doktrinens perspektiver. For det syvende, i samme grad som ved ideologierne er der, på trods af at retfærdig fred anses som en nødvendighed og ikke kun et idealistisk mål, ikke forståelse for den retfærdige freds logik.

I det afsluttende og syvende kapitel opsummeres afhandlingens hovedteser. Her præsenteres endvidere den tese og det argument, at etikken om militær magt, som diskursivt er blevet konstrueret indenfor rammerne af en global etik om retfærdig fred, kan inspirere realists erkendelse af nødvendigheden af at konstruere en retfærdig fred. Som følge af analysen af både ideologierne og de diskursive konstruktioner af Irak krigen og interventionen i Kosovo må pointen

være, at både fra et globalt etisk perspektiv og et realistisk synspunkt må retfærdig fred være et mål for en global politik, hvilket indebærer, at de kriterier, som afgør brugen af militær magt, er, hvorvidt den bringer os tættere på en retfærdig fred, og endnu mere, at midlet i dette diskursive træk i retningen af en retfærdig fred er den retfærdige fred selv i form af en aktualisering af retfærdighed. Det hævdes med andre ord, at der ikke er anden måde at nå den retfærdige fred på end ved at praktisere den.

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