

NATO Intervention in Yugoslavia: Prelude to 'Perpetual Peace'?¹

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ABSTRACT The professed intention of NATO's intervention in Yugoslavia in March 1999 was to defend the human rights of an oppressed minority within a sovereign state. Many left-wing intellectuals claimed that to override national sovereignty was necessary for the salvation of the Kosovars, and that this reflects a new 'Kantian' conception of international relations in the post-Cold-War era, a conception which now remains to be actualized as a 'new international law of world citizens'. This paper seeks to refute these two arguments, that offer a moral interpretation of the war against Yugoslavia, not in order to question the project of 'perpetual peace' in its entirety, but to point out the need to reflect on its broader economic and political conditions, which are very far from being met.

The collapse of the Eastern bloc 10 years ago led many to believe the time had come to radically change the model with which post-war foreign policy was both interpreted and regulated. The end of the cold war and the corresponding reduction of bipolarity seemed set to release international relations from the mistrust born out of the confrontation between the two nuclear superpowers; a confrontation resulting in the incorporation of all peripheral conflicts into the general framework of bipolarity. In other words, the end of the East–West conflict appeared poised to overcome the 'state of nature' between nations, guiding it toward a juridified world order, i.e. a true world community of democratic nations.

In the field of political philosophy this vision sought to replace the Hobbesian model adopted to interpret international relations with a Kantian viewpoint,² one that was bound to appear extremely idealist before 1989. Throughout the post-war period, bipolarity and the danger of nuclear conflict precluded an environment of trust between nations; analysis of international relations was thus based on the Hobbesian idea of a 'state of nature' lifted from the relations between individual members of a society and applied to relations between states. If international relations are but a struggle of 'all against all', then building up the power of individual nations would be the sole, albeit precarious, guarantee

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- The philosophical confrontation between Hobbesianism and Kantianism in regard to international
 politics is tackled in Janna Thompson, *Justice and World Order*. A Philosophical Inquiry
 (London: Routledge, 1992).

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against the aggressive designs of other subjects of international politics. Furthermore, violent interventions and military conflicts—a common feature of the post-war period—should always be understood on the basis of the demands of a *realpolitik* set to maintain a balance of terror between the two contenders, regardless of the fact that both justified their actions by evoking the principles of 'democracy' or 'socialism' respectively.

If, however, the causes of mistrust and the instrumentalization of universalist ideals to favor the power politics of the conflicting nation-states were set aside, what would then prevent a drastic 'Kantianification' of international relations? Would it not be possible to modify both the theoretical analysis and the practice of international politics on the premise that, abandoning the state of nature, nation-states would opt to submit to general laws that would peacefully regulate their interaction, thus promoting security and affluence for all?³

This idea gained ground rapidly in the new center-left circles starting to form amidst the theoretical and political void caused by the fall of the only system that posed an alternative to western capitalism, and by the crisis of social-democratic politics in western Europe. The 'end of statism' convinced many of even the toughest detractors of capitalism (regardless of whether or not they had dissociated themselves in time from soviet totalitarianism) that the capitalist market resembles a necessary evil that all we have to do is 'harness'. The magic solution for effecting this harnessing is 'democracy', the path toward self-determination adopted by advanced, liberal societies, on the basis of universalist human rights ideals.

Convinced that the sole universalist vision of the future is the one realized (despite individual weaknesses and problems) by developed western democracies,⁴ the new social-liberal left is more than willing to promote and enforce universalist ideals on a global scale. The fact that after 1989 the UN Security Council moved in favor of undertaking military action in areas of the world where human rights are in jeopardy—beginning with the attack against Iraq—has been considered the desired actualization of the humanitarian and peace-keeping role that this World Organization would have played during the entire post-war period had it not been foiled by the Cold War. Thus, the Gulf War, interventions such as those in Somalia and Rwanda, in Bosnia and, finally, in Kosovo, should be seen as steps in the same painful process to (re)form a transnational authority that would enforce the regulations of the UN Charter (1945) and the 'Universal Declaration of Human Rights' (1948).⁵ Incidents such as the Pinochet case are yet another manifestation of this project.

3. See Immanuel Kant, 'Perpetual Peace: A Philosophical Sketch', in H. Reiss, ed., Kant's Political Writings, H.B. Nisbet, transl. (Cambridge: Cambridge University Press, 1970), pp. 93–130. Jürgen Habermas, 'Kants Idee des ewigen Friedens—aus dem historischen Abstand von 200 Jahren', Die Einbeziehung des Anderen (Frankfurt a. M.: Suhrkamp, 1997), pp. 192–236, attempts to adjust the Kantian viewpoint to contemporary situations.

4. These are the 'modern, dynamic, pluralist' societies described in R.A. Dahl, *Democracy and its Critics* (New Haven: Yale University Press, 1989).

5. See Axel Honneth, 'Universalismus als moralische Falle?', Merkur, Nos. 9-10 (1994), p. 867.

This new idea is defined by the fact that the principle of a nation-state's sovereignty assumes for the first time a secondary place in relation to the defense of human rights by the international community. From this vantage point, the war against Yugoslavia (March–June 1999) certainly constitutes a momentous event, since, for the first time, its validation was based explicitly on the questionable 'right' of the international community⁶ to intervene for the protection of minority human rights. But it was also the first time that the institutions of the 'international community', i.e. the UN and the Security Council, were completely waved aside and made use of only to subsequently justify the events. To NATO officials and to the governments participating in the intervention, the war occurred in defense of the 'moral constitution' of a Europe to come, since it was clearly unlicensed from a legal/procedural viewpoint. Positive law, the letter of the law, could be bypassed since the aims served by its bypassing were morally higher.⁷

The bellicose 'counter-formalism' demonstrated by NATO and the social-liberal governments waging the war, naturally produced its ideological champions. These cover a broad spectrum ranging from fortune-hunters of public life (former pacifists who have turned into 'hawks', 'new philosophers', 'activists' who undersign documents demanding minority rights, etc.) to the higher echelons of the European intelligentsia. We will deal here only with the latter, assuming the purity of their intentions in order to concentrate on the content of their arguments.

The 'dilemma' of human rights politics

A month after the beginning of NATO bombings against New Yugoslavia, the leading thinker, Jürgen Habermas publicly expressed his views on the matter. 'Bestiality and Humanity', the title of his article in *Die Zeit*, so a direct reference to Carl Schmitt's anti-humanist statement 'Humanity, Bestiality'. It is worth giving particular attention to this document not only because of the eminence of its author, but also because it is one of the most sophisticated versions of the 'critical support' lent to the intervention, a support relating directly to the ideological discussion which will continue and intensify in the future.

Habermas' argument can be summed up as follows: in the months before the Kosovo intervention, the Serbs implemented a policy which brutally violated

Confer Christopher Greenwood, 'Gibt es ein Recht auf humanitaere Intervention?', Europa-Archiv, No. 4 (1993).

^{7.} See the interview of NATO Secretary General Javier Solana, "Wir sollten stolz auf uns sein", Der Spiegel, No. 19 (1999), in which he stated: "This is not a war in the classical sense. We do not want to occupy land, to secure raw materials or to open up new commercial routes. This is a war waged for values and for the moral constitution of a Europe we are going to inhabit in the 21st century."

^{8.} Jürgen Habermas, 'Bestialitaet und Humanitaet', *Die Zeit*, 30 April 1999, p. 1. This article has been translated into English by St. Meyer and W.E. Scheuermann. See J. Habermas, 'Bestiality and Humanity: A War on the Border between Legality and Morality', *Constellations*, No. 3 (1999), pp. 263–272.

'surgically accurate' operations further, since they wouldn't target the population. These elements combined to build up widespread consensus within western democracies in regard to the intervention. Besides, the motives for the latter were purely moral; the protection of an oppressed ethnic group, the elimination of which Serb forces intensified, using the bombings as pretext. Naturally, the war developed its own dynamics, giving rise to understandable concerns for a possible distortion of the initially pure motives of the attackers. However, the ambiguity of the situation has finally to do with the paradox of a 'human rights politics' which must be implemented without the prior establish-

ment of a 'new international law' founded on the idea of a community of 'world citizens'. An international legal order such as this would attach the 'right to intervene' to legal rules and procedures for administering and enforcing justice

independently of the restrictions imposed so far by the 'national sovereignty' of independent nation-states. In this sense, bombing Yugoslavia is part of a 'learning process' that dictates the transition 'from classic power politics to a

global civil society'.

The first thing to intrigue us is the peculiar counter-formalism of Habermas' argument, an argument in sharp opposition to his political philosophy as a whole. The latter is founded on the idea that contemporary democracy can be epitomized as a core of principles and processes, explicitly instituted by positive law, which ensure free discussion and political self-determination for the members of a community. In regard to international relations in particular, Habermas warned that the moralization of international politics would have negative repercussions unless legal premises for an impartial judicial authority and a neutral executive authority had first been set. 10 'The human rights policy of a World Organization becomes a fundamentalism of human rights, only to the extent it provides an intervention, which in reality is but the struggle of one faction against another, with moral justification under the mantle of a legal pseudo-justification. In such cases, the World Organization (or the alliance that acts in its name) commits "fraud" since it presents what is in fact a military confrontation between warring sides as a neutral police operation, justified through enforceable laws and penal judgments.'11

One may well wonder why the author of these sentences did not feel obliged to dissociate himself wholly from the unlawful choice of bombing, accepting, albeit temporarily, the supremacy of 'morality' over 'positive law'. In the case of Kosovo, the dilemma supposedly facing the bearers of universalist moral conscience, consisted in the inability of the 'international community' to act for

9. See J. Habermas, Between Facts and Norms. Contributions to a Discourse Theory of Law and Democracy, W. Regh, transl. (Cambridge: Polity Press, 1996).

10. This is why we require institutions such as the Security Council, the World Court and the UN independent army, the formation of which Habermas has repeatedly suggested, see, e.g. his interview in Le Monde, 14 September 1993.

11. J. Habermas, 'Kants Idee des ewigen Friedens', p. 235.

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the protection of the Albanians without violating what is now an 'obsolete' international law.

NATO propaganda and the moral justification of the intervention.

The need to present the war against Yugoslavia as a step in society's 'moral evolution' toward increasingly universal moral-practical orientations causes Habermas to espouse the official NATO reading of the Kosovo situation (and that of former Yugoslavia), the nature of the 'air campaign' and the motives of NATO forces. Very briefly one can note the following:

More cautious than other intellectuals, who hastened to raise the issue of 'genocide', Habermas chose to consider it 'arguable' that Serb atrocities fall into this category. He confined himself to ascertaining that whatever 'ethnic cleansing' occurred 'under the dome' of the air attacks was obviously premeditated and, in any case, falls into the category of 'crimes against humanity', as this has been determined on the basis of the Nuremberg and Tokyo war crime tribunals. Ultimately, it was precisely the outrage against the Kosovars that brought about the 'broad, albeit differentiated' 12 consensus of the public to the bombings.

However justified our indignation concerning the atrocities perpetrated by security forces and paramilitary organizations, this ostensibly impartial view of 'nationalist atrocities' hardly contributes to the analysis of the actual situation. This is so, because it obscures one particular dimension of the matter: that it is a collision of two conflicting nationalisms, one of which was in a position of overwhelming power.¹³ And it was precisely this interpretation of events (i.e. that of civil war between two ethnic groups) that was adopted by departments of the German Foreign Ministry, as it appears from a series of documents relating to the Kosovo situation published in Junge Welt, a week before the appearance of Habermas' article. ¹⁴ Barely a month before the beginning of the attack, the Upper Administrative Court at Münster noted: 'Events since February and March 1998 do not evidence a persecution program based on Albanian ethnicity. The measures taken by the armed Serbian forces are in the first instance directed toward combating the KLA and its supposed adherents and supporters, 15

12. Habermas, 'Bestiality and Humanity', p. 265.

- 13. As the historian Immanuel Wallerstein observes, what was happening up to the NATO intervention was a civil war, in which the Albanian minority Liberation Army sought the secession of Kosovo from the sovereign state of which it is part. See I. Wallerstein, 'Bombs Away' (available from http://www.zmag.org/waller.htm, accessed April 1999).
- 14. See Junge Welt, 24 April 1999 (available from http://www.zmag.org/germandocs.htm, accessed May 1999). This is a series of reports from the Foreign Office and opinions of administrative courts regarding the status of Kosovo Albanian refugees in Germany.
- 15. 'Opinion of the Upper Administrative Court at Münster' (24 February 1999) [Az: 14A 3840/94, A], see above. As late as on 11 March 1999, the same court decided that 'ethnic Albanians of Kosovo have neither been nor are now exposed to regional or countrywide group persecution in the Federal Republic of Yugoslavia'. 'Opinion of the Upper Administrative Court at Münster' (11 March 1999) [Az: 13A 3894/94, A], see above.

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However, since the intervention necessarily takes the side of one of the combatants, it would be worth our while to see what this side represents. As do all other supporters of the intervention, Habermas prefers not to touch on this question; this should not surprise us, since, according to the respected commentator Chris Hedges, ¹⁶ KLA ideology is unclear, incorporating as it does 'hints of fascism' with 'whiffs of communism', without being in any way democratic. According to the same expert (a former chief of the *New York Times* Balkan bureau), the main KLA goal is 'an independent Kosovo now and a Greater Albania later'. ¹⁷

Furthermore, the western stance is anything but blameless for the course the conflict between Serbian and Albanian nationalism has taken. No one can underestimate the dynamics of the internal processes in Yugoslavia, or deny the criminal nature of Milosevic's Serb-centred policy. One should not, however, be blind to the systematic support of the KLA by the West, to the bypassing of Ibrahim Rugova, 18 the sole elected representative of the Albanians and proponent of non-violent resistance (accompanied by the parallel formation of democratic counter-institutions), not to mention the disastrous encouragement of the existing centrifugal tendencies, which was from the start a basic component of western policy in the area, beginning with the recognition of Slovenia and Croatia by Germany—a recognition that was bound to precipitate civil war.¹⁹ The view that in the case of Kosovo diplomatic means had been exhausted, since the Rambouillet process had 'failed' is also a myth. One look at the terms of the agreement, which was in the form of an ultimatum, would be enough to convince even the most biased observer that the diplomatic game was set up by the West in such a way as to make war inevitable.20

- 16. Chris Hedges, 'Kosovo's Next Masters?', Foreign Affairs, May–June 1999 (available from http://www.foreignaffairs.org/hedges.html, accessed May 1999). On the KLA and the other armed organizations in Kosovo, see also D. Johnstone, 'Notes on the Kosovo Problem and the International Community' (available from http: kosovo.serbhost.org/diana_johnstone.html, accessed August 1999).
- 17. Another dark side of the KLA is the fact that at least part of it consists of mercenaries, whereas its activities are largely financed by illegal profits of the Albanian mafia. See M. Chossudovsky, 'Kosovo "Freedom Fighters" Financed by Organised Crime' (available from http: www.transational.org/features/crimefinansed. html, accessed September 1999).
- 18. On the dialectics of the aggravation of the KLA-Serb conflict and the role of the West with respect to it, see the excellent article by Stephen Shalom, 'Reflections on NATO and Kosovo', New Politics, Summer 1999 (available from http://www.zmagorg/shalomnp.htm, accessed May 1999).
- 19. On the systematic undermining of the unity of Yugoslavia by American and German foreign policy, see D. Johnstone, 'Seeing Yugoslavia Through a Dark Glass: Politics, Media and the Ideology of Globalization', Covert Action Quarterly, No. 65 (Fall 1998) (available from http:ourworld.compuserve.com/homepages/grattan_healy/johnston.htm, accessed August 1999).
- 20. The agreement provided for Kosovo's secession, with a possible referendum 3 years later. See also Appendix B ('Status of Multi-National Military Implementation Force', esp. paragraphs. 8, 9 and 11) of the agreement, that gave NATO personnel free and unrestricted passage and unimpeded access throughout the Federal Republic of Yugoslavia as well as free use of airports,

In addition, Habermas is altogether too certain that the 'causal relation' between the 'depressing scenes of the refugee camps' and Milosevic's 'murderous ethnonationalism' was exclusively one-way.21 No matter how much one might want to deny it, without the bombings the number of displaced would not have reached one million (the number of dead having yet to be calculated), and there might have been time to seek a political solution, one that would ensure a future of peaceful coexistence for ethnic groups—a prospect which now appears entirely unfeasible.²² NATO generals and officials might well be cynical but not naïve enough to be surprised that the bombings would incite the Serbs to intensify displacements and atrocities.²³ Another myth, finally, is the view that NATO air attacks constitute a departure from the concept of total war because of the new military 'surgery'. It is not just that a lot of the 'collateral damage' was not due to a simple 'error' but bore a political significance:24 in reality, the attacks rapidly focused on the country's infrastructure, raising the number of losses among civilians. It is certain that in the long run the financial and ecological destruction of Yugoslavia (through the use of banned weapons-e.g. depleted uranium missiles—and the bombing of chemical plants) will produce hundreds of uncommemorated victims who will bear the brunt of the war (as it is still happening in Iraq). The truly novel element introduced by technological warfare is not so much that it 'protects' the population under attack, but that it allows assailants to destroy an entire country without mourning a single casualty.

Thus it appears that the decisions of the allies propelled matters toward military confrontation and the 'humanitarian catastrophe' that ensued, rather than contributing to its prevention, which was their professed goal. Despite the above, Habermas accepted at face value the pure intentions of the '19 indisputably democratic states' that decided the intervention—his only concern being the danger these intentions ran to become twisted by the dynamics of military conflict. But what exactly were the 'pure intentions' of the NATO alliance?

According to Habermas, the US—faithful to a long tradition which combines defending its ideals with serving its interests—tends to see the worldwide enforcement of human rights as the 'national mission of a world power, which pursues this goal according to the premises of power politics'.²⁵ On the other

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roads, rails and ports, and immunity from prosecution for civil or criminal offenses. The text of the agreement ('Interim Agreement for Peace and Self-Government in Kosovo' [23 February 1999]) is available from http://www.mondediplomatique.fr/dossiers/kosovo/rambouillet.html (accessed May 1999).

- 21. Habermas, 'Bestiality and Humanity', p. 265.
- 22. See Stephen Shalom's thorough argumentation in 'A Just War?' (available from http://www.zmag.org/crisescurevts/a_just_war.htm, accessed August 1999).
- 23. Besides, according to General Clark himself—and in regard to this we have few reasons to doubt his words—Milosevic's reaction to the bombings was 'entirely predictable'. See the general's statements to *Newsweek*, 12 April 1999.
- 24. An event of profound political significance was, naturally, the bombing of the Chinese embassy, which—as it later became apparent—is impossible to attribute to error. See J. Israel, 'Lies, Damn Lies, and Maps' (available from http://www.counterpunch.org/maps.html, accessed June 1999).
- 25. Habermas, 'Bestiality and Humanity', p. 269.

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hand, the governments of the EU aim towards a legal regulation of international relations. They point to the path that must be followed, since instituting human rights and the mechanisms required to oversee their worldwide enforcement will permit their 'incorporation' into an international legal order, in the same way that human and civil rights function within the democratic constitutional states, not as moral commands, but as principles of a social organization based on positive law.

It is remarkable that the following cliché needs to be continually reiterated: in discussing NATO action what we are essentially discussing is US action. From its rich history of foreign intervention Habermas only recalls US entry into the Second World War.²⁶ Apart from participating in the war against German Nazism and fascism, the US boasts a long list of violent interventions, active support of oppressive regimes, etc., with the express motive of extending its power. Even if we accepted that the situation has changed after 1989, even if we considered that 'desert storm' occurred in defense of Kuwaiti human rights instead of oil control, it suffices to remember just one of the tens of examples, confirming that US interests continue to be placed above universal principles.

In Turkey, annual army atrocities, the devastation of villages, displacements, etc., are at least comparable to those committed by the Serbs in Kosovo. Nevertheless, Turkey enjoys every kind of military aid and political support, whereas the pressure it receives to abandon its oppressive policy remains verbal.²⁷ What could be the cause of this persistently selective application of the principles of Enlightenment? Habermas finds that although 'one cannot intervene everywhere' it would perhaps be possible to intervene 'at least at one's own doorstep, in the strife-torn Balkans'.²⁸ This 'geographical' criterion is wholly unsound. After all, is not Turkey—a widely considered 'candidate' for membership in the EU—also at our doorstep?²⁹

- 26. Habermas, 'Bestiality and Humanity', p. 269.
- 27. Should it be really necessary to state that it is not because I am Greek that I cite the example of Turkey? For this would be imputed to me by every single journalist of the major western media, who with infuriating confidence explained away the opposition of the Greek people to the war on the basis of sharing the same religion with the Serbs. Even if my motives were so biased, the argument is what matters—besides, one could summon a number of examples from Colombia and Timor to Palestine. The intellectual who has made it his life's work to preserve the memory of the amoral US foreign policy is none other than Noam Chomsky. On the 'new world order' in particular, see Noam Chomsky, *Year 501: the Conquest Continues* (Boston: South End Press, 1993). Chomsky published a series of essays on the war in Yugoslavia, see, e.g. Noam Chomsky, 'The Current Bombings: Behind the Rhetoric' (available from http://www. zmag.org/current bombings.htm, accessed April 1999).
- 28. Habermas, 'Bestiality and Humanity', p. 269.
- 29. In the past months, the pictures of two men have existed side by side in the press: annoyingly arrogant in his statements, the well pressed thirty-year-old Hashim Thaci (Madeleine Albright's protégé, who from a political leader of a 'terrorist organization' graduated to leader of the KLA 'parallel government' in post-war Kosovo) and Abdulah Ocalan bound behind the courtroom's glass screen. This coexistence serves to show in the clearest way the orientations of the new era. The former triumphed by means of western weapons, whereas the latter was led to the hands of the MIT (Turkish Intelligence Agency), since none of the 'humanist' countries, who now appear

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But in regard to the position of the European nations as well, it is still unclear why exactly their intentions should be considered as pure. What is certain is that they participated in military action that was a clear violation of current international law. One can only wonder whether actively transgressing international law and sidestepping international organizations are the appropriate means to achieve a 'juridification' of the new world order. Although continental Europe does not have a record sheet of direct or indirect interventions during the post-war period, comparable to that of the US (we must bear in mind, however, that it is not entirely innocent: e.g. Germany's support of Turkey—providing military aid, among other things—has a long history in German foreign policy), the war in Yugoslavia affords perhaps a first class opportunity for its return to the foreground of power politics.

Perhaps despite himself, Habermas contributes to the Manichaean mental picture required for the moral justification of every war. Milosevic and the lethal Serbian nationalism are exclusively responsible for the Kosovo crisis, whereas NATO exemplifies the guileless principles of democracy and humanism. Finally, the line between his sophisticated positions and the propagandist likening of Milosevic to Hitler (or the Serbs to the Nazis)³⁰—a comparison figuring prominently in the statements of western leaders, officials and journalists as well as the largely manipulated public opinion—begins to pale.

'Legal pacifists' vs 'realists'

Weighing the arguments against western intervention in Yugoslavia, Habermas applies the Hobbesianism—Kantianism dispute to the task of implementing a 'human rights policy' in Kosovo. The manner in which he describes the opposite sides in the discussion taking place in Germany for or against the war is significant.³¹ Both the supporters of intervention (the 'legal pacifists'—Rechtspazifisten) and their opponents (the 'pacifists of conviction'—Gesinnung-pazifisten) use an identical moral language evoking human rights. The issue setting them apart regards the means with which it is possible to regulate the state of nature between nations on the basis of respect for human rights. The 'legal pacifist' camp in particular, puts forward on the agenda the question of

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to show concern for his death sentence, agreed to grant him asylum. The PKK (Communist Party of Kurdistan), uncontrolled by the West, must be eliminated, even though it abandoned its demand for the secession of Kurdistan years ago. In contrast to the Kosovars, whose self-determination is now a matter of time, the Kurds must patiently wait for Turkey to be transformed into a constitutional state—highly improbable without external pressure. They have the misfortune of living in an oil-producing area and no one wants new borders that would sever the oil pipes

- 30. Unfortunately, the irrational use of questionable historical parallels by a 'Left fixated on human rights' served to reinforce historical revisionism. Nevertheless, in its first participation in a military operation, united Germany managed to project the guilt for its Nazi past onto the 'enemy'. For the first time in the post-war period, guilt and identification with the 'right side' made the Germans more aggressive rather than more restrained. See Johnstone, 'Seeing Yugoslavia Through a Dark Glass'.
- 31. Habermas, 'Bestiality and Humanity', p. 263-264.

transmuting the 'international law based on national sovereignty' into an 'international law of world citizens'.

Diametrically opposite the 'pacifists', Habermas places the 'realists', who adhere to the positions of Carl Schmitt. To realist thought, nation-states are antagonistic entities whose conduct is dictated by their interests. From this perspective, to moralize the nation-states' natural tendency to strengthen their power would be unacceptable and perhaps even disastrous since, ultimately, it would turn international conflicts into a struggle against absolute evil.³² In Kosovo's case, however, the argument that NATO 'moralifies' its intent to overpower Yugoslavia carries, according to Habermas, no weight. Neither US interest in expanding its zones of influence, nor NATO's quest for a new role, nor Europe's defense against immigration can explain the risk undertaken by the allies. The 'moralization argument' is false for the added reason that the intended institution of a new international law to uphold the rights of world citizens would mean that a violation of human rights would become a punishable crime against humanity.³³

Dividing the possible contending camps for or against the war, into 'pacifists' who support humanist ideals, and 'realists' who defend national states and the exercise of power politics on their part, Habermas confronts us with a dilemma, yet forcing us to make a specific choice. Given Carl Schmitt's pro-Nazi political leanings, it becomes immediately obvious why Habermas forestalls us should it cross our mind to embrace 'realist' estimations regarding the power relations that may have determined NATO's choice These would automatically appear as a disastrous retreat of our thought to an anthropological pessimism, which would legitimize the perpetual domination of the strong over the weak, irreparably undermining, simultaneously, all normative principles, since morality would only serve to cloak hostile relations.

At stake, however, at Kosovo and in Yugoslavia, is not the philosophical grounding of the universal ideals of Enlightenment, but human lives and specific material interests. Carried away by the discourse of political philosophy, Habermas leaves out economic and geopolitical analysis from his interpretation of the war against Yugoslavia. The price for this exclusion is an identification with the dominant forces of the establishment, and their ideological vindication. These days, it has become acceptable to break the rules of international law, provided we stop short of 'making a habit of it' and provided it rounds up the 'learning process' that began immediately after the world wars of the 'short twentieth century'. This position unjustifiably leaves universalist ideals open to Schmittian criticism: how can one overlook that there actually was no legal cover for this intervention, that the latter took place entirely under the banner of morality and that, finally, it was carried out by an 'alliance acting in the name of the

32. In Habermas, 'Kants Idee des ewigen Friedens', the author systematically responds to this particular argument by Schmitt. His main counter-argument is that Schmitt doesn't take into account that human rights are primarily a legal, not a moral category. Strangely, this argument is applied, as we shall see, in the defense of NATO's intervention.

33. See Habermas, 'Bestiality and Humanity', p. 268-269.

34. This is the conclusion at the end of Habermas, 'Bestiality and Humanity', p. 271.

international community'35 (the overwhelming majority of which was against the intervention—to name only China, India and Russia). The intention to form a 'juridified international order' is a supposition out of step with NATO's new role, a role that the 'democratic nations' invented amidst the Kosovo crisis.

In any case, the dilemma expressed by Habermas leaves no room for a truly left-wing view of the war. Leftist criticism of established social relations in general and ethnic conflicts in particular has always originated from a normative viewpoint, from the vision of a more just, peaceful and free world society. It was from this angle that it made its critique of ideology, i.e. all the views aiming to disguise the reasons for the perpetuation of injustice, war and the lack of freedom. Thus, a fundamental characteristic of leftist thought has always been that it combined the evocation of principles and values with a specific analysis of the power relations concealed behind the ideological constructions devised by the established social forces. This is a tradition that the left cannot and should not abandon, not even in the face of virulent accusations of crypto-Stalinism, crypto-Nazism, crypto-Milosevicism, etc. ...

Pragmatic motives for the NATO operation

The absence of a manifestly obvious geopolitical and economic gain from the intervention in Yugoslavia should not prevent us from searching deeper for the motives. It is obvious that the primary aim of this war was not to occupy and create zones of influence, to open up markets and commercial routes, etc., a fact that should not, however, surprise us, since these are pointless endeavors within the new economic world order.

It is of decisive significance to the new economic world order, seeking to perfect the marketization process (i.e to abolish social control of the market mechanism, through its liberalization, flexibilization and deregulation, to minimize welfare benefits, to free trade and the movement of capital, etc.), to eliminate any potential for imbalance and resistance that might arise either from ethnic conflict, nationalist power politics or from movements protesting against increasing world inequality.³⁶ To maintain the new economic world order requires the existence of a commensurate political–military power, able to intervene wherever the marketization process (and consequently the interests of the western elite, which benefits from the rising inequality between developed and underdeveloped countries) is in danger.³⁷ This power already exists: it is the US-controlled 'new NATO'.

35. See the above extract, cited in note 12.

36. Regarding the internationalization of the capitalist economy see Takis Fotopoulos, *Towards an Inclusive Democracy* (London: Cassell, 1997), esp. pp. 46–56.

37. As Takis Fotopoulos notes, 'in the same way that in the first phase of marketization, when the market economy was basically national, the nation-state was assigned the role of enforcing—through its monopoly of violence—the market rules, in today's internationalized market economy the corresponding role of enforcing the internationalized market rules is assigned not to the state, but to international organizations like NATO and a capitalist-controlled UN. It is not therefore

This 'new NATO', which after celebrating the announcement of its reorganization in April 1999 in Washington is now a fact; it must have ample freedom of action so as to institute international 'rules' and, simultaneously, act as the judge and executor of the decisions. Circumventing international law and the UN is a step further in its independence from unnecessary restrictions—besides, as far as the most powerful nations were concerned, the UN was a more or less controllable organization, the decisions of which could, in any case, be selectively applied. This is a reality we easily forget today, indignant as we are with the 'violation of the international legal order'. Nevertheless, the total contempt for legality exhibited by NATO is a new qualitative element in its tactics, an element that has rightly been registered by all critics of NATO's 'humanitarian intervention' in Kosovo.³⁸

Leaving moralizations aside, the bombing of Yugoslavia can be comprehended only when placed within the wider context of its integration into the internationalized market economy by means of partitioning this area, a process already begun in the 1980s but accelerated after the fall of the eastern block.³⁹ Yugoslavia was the only country, which after 1989, did not hasten to be embraced by the EU and NATO. As Michel Chossudovsky⁴⁰ demonstrates, the political dissolution of the Yugoslav federation was preceded by a process of economic dissolution that intensified the centrifugal tendencies of the various nationalisms at sleep behind the façade of Tito's multicultural Yugoslavia. This process was a conscious choice of the western elite. After the fall of the socialist regimes, the IMF offered financial aid in exchange for 'structural changes'. These interrupted the transference of funds to the federal democracies, abolished company self-management as well as workers' social rights, and brought about rocketing unemployment. These structural changes dealt a severe blow to the economic unity of Yugoslavia, raising tensions between the central government in Belgrade and the federal democracies, and encouraging separatist tendencies, These tendencies assumed unmanageable proportions after Germany acknowledged the right to secede.

footnote continued

- surprising that [...] it became part of the State Department's job and therefore, indirectly, of the US-controlled NATO, to push deregulation and the dismantling of all barriers to trade and finance both with individual governments and in international negotiations on economic matters (WTO)'. T. Fotopoulos, 'The First War of the Internationalized Market Economy', *Democracy & Nature*, Vol. 5, No 2 (1999), p. 367.
- 38. Andre Gunder Frank places the war in Yugoslavia in the context of a process of transgression and a gradual overriding of international law and the substitution of the UN by NATO (i.e. the US). This process began with the Gulf War, continued with the Dayton negotiations on Bosnia and reached its pinnacle with the Kosovo intervention. See Andre Gunder Frank, 'War is Peace, Big Brother assures Us, while NATO Bombing is Dangerously Criminal and Criminally Dangerous' (available from http://www.zmag.org/gunder.htm, accessed April 1999).
- 39. On Yugoslavia's integration in the internationalized market economy and on the war as part of this process, see T. Fotopoulos, 'The First War of the Internationalized Market Economy', pp. 357-381.
- M. Chossudovsky, 'Dismantling former Yugoslavia, Recolonizing Bosnia', Covert Action, No. 56 (Spring 1996) (available from http://www.zmag.org/yugoslavia.htm, accessed April 1999).

These reminders do not exculpate nationalism, which grew equally on all sides, but serve to record the important economic–political factors, which ultimately abetted its catastrophic ascent. The understandable attempt to transcend classic Marxist economism, which always detected imperialist interests underneath ethnic conflict, has finally led to a shift from the social and class analysis of political phenomena to a purely 'cultural' reading by both journalists and a large number of intellectuals who, ascribing everything to the sphere of religion or 'identity' end up adopting, in a sense, the strategic analysis of S.P. Huntingdon. Such one-sided interpretations of the phenomena of enmity and ethnic conflict played an important part in preparing public opinion to accept the intervention.⁴¹

Adhering to a contradictory policy oscillating between Serb nationalism and the defense of the Yugoslav Federation, Serbia was the greatest obstacle in the attempt to create a neo-colonial zone of western influence in the area of former Yugoslavia and the Balkans as a whole and to integrate it into the internationalized market economy system. Serbia's military and economic annihilation finally puts an end to its unwillingness to accept the dismantling of Yugoslavia, which has now become the dismantling of Serbia itself. It is evident that the reasons that brought about the Serbia–NATO conflict were structural, obviously having nothing to do with an alleged anti-capitalist orientation of Milosevic who, when suitable, metamorphosed into a 'credible interlocutor' of the West (see Dayton, for example).

It is manifestly evident that the dissolution process of the former Yugoslav Federation reinforced the status of the Europeans (especially the Germans) and the Americans in the area. All the newly-created small states, including the pre-existing states, now feel the need for NATO supervision of the area and hasten to align themselves with the dominant guidelines: limitless opening of the economy, liberalization, deregulation and, to top these with the ideological garnish: compliance with the western understanding of human rights, that considers Kurdish guerrillas terrorists, but regards the KLA as a liberation army and a credible interlocutor

Viewed broadly, US interests and those of the militarily weaker European allies ultimately coincide: to internationalize market economy, to perfect international policing and control of Russia and, especially, the rising power of China, are common goals. Naturally, this does not mean that beneath this concurrence lie no conflicts and differentiations regarding the intended goals, not only between the US and Europe, but within the EU itself. Even if we considered valid the questionable position that the war created temporary obstacles in the

41. See, e.g. Timothy Garton Ash, 'Weine zerstückeltes Land! 'Gute Zäune für gute Nachbarschaft'—Balkaniens Remedur?', Lettre International, No. 44 (German edition), (Spring 1999). This insightful commentator of European issues presents a disarmingly balanced picture of the atrocities committed by all players in the Yugoslavian tragedy, in order to reach the conclusion that these hot-headed, nationalist, unreasonable and undeveloped Balkans are unable to resolve their problems. Therefore, the only way to rid us of the problem is to partition the area into ethnically pure small states and western protectorates. Anticipating since February, the events to come, he called on the 'white man' to do his duty, assuming the guardianship of the uncivilized.

road towards European integration,⁴² it is obvious that the powerful EU members could if necessary set aside this objective, since issues of broader significance would be at stake, such as ensuring their participation in a NATO-policeman.⁴³Subordinate to the overall intention to establish US and west-European political and military hegemony in an internationalized capitalist world, a series of side interests naturally developed, which probably urged towards opting for the bombings; the revitalization of the war industry, for example, is not a negligible factor, given the power of the relevant lobby. In addition, the establishment of western presence in the greater Balkan area opens up new possibilities for undertaking 'stabilizing action' in the southwest of Russia and of the oil-producing area of the Caucasus, as post-war American alacrity to smooth out Greek–Turkish relations and to mobilize the peace process in Kurdistan amply demonstrates.

The consequences of war and the left

The war in Yugoslavia came to an end with the victory of NATO forces. This outcome had very little to do with the actual interests of the local populations; it did not take the edge off ethnic conflicts, did not contribute towards democratization and the formation of a multicultural society, economic and social development, etc. Multicultural Kosovo was replaced by a totally dependent western 'protectorate', under military rule, ethnically homogeneous and destined to be socially underdeveloped. Indeed, the intervention concluded the process of ethnic cleansing, but in reverse; whether on purpose, or due to indifference or incompetence, KFOR forces failed to prevent the expulsion and mass exodus of Serbs and Gypsies from Kosovo, so that it has now become pointless to discuss their 'protection'. 44 Besides, the political bolstering of the KLA—which was, in essence, a product of western policy and the war—is bound to make trouble for western officials who are already watching it form a

- 42. Numerous analyses see the war as a US decision taken against the backdrop of US/EU antagonism. This estimate does not accord with the relative apathy with which western Europe faced, e.g. the steady devaluation of the Euro during the war.
- 43. Surely within the EU there is a differentiation of interests, the analysis of which would require a separate paper. Blair's England may see the war as the golden opportunity to reign again in Europe, whereas Germany, which shouldered the burden of European integration, is certainly divided, wanting to play a part in the Balkan area (let us not forget that for the first time since the Second World War armed forces have crossed German borders) but without endangering its leading role in Europe (through the American entrenchment in the Balkans and the final withdrawal of Russia). On Germany, see the observations of D. Johnstone, 'The Restive Allies: German Opposition Growing' (available from http://www.zmag.org/crisescurevts/restive_allies.htm, accessed August 1999). In any case, such differences affected primarily variations in the tone and the degree to which diplomacy was encouraged, not their commitment to the basic choice to bomb.
- 44. Bernard Kouchner, advocate of the intervention and 'temporary commander' of Kosovo, is forced to defend 'multiculturalism' in the area, but without being 'in a position to offer the Serbs 100% protection'. Naturally, in these circumstances all he can do is offer up prayers, to be ingested by western public opinion. See his interview in *Epsilon*, 14–15 August 1999.

'parallel government' and 'state mechanism' without abandoning its separatist intentions.

Regardless whether Milosevic will eventually survive politically, the bombings have crushed the Yugoslav democratic movement since they allowed the regime to identify dissenters as 'NATO agents'. In addition, the intervention further encouraged separatist tendencies in Montenegro and Vojvodina (for who would now be willing to belong to the humiliated Yugoslav Federation, which is denied western aid for reconstruction?) while minority nationalisms are being stirred up throughout the Balkans. However, all this pales to insignificance next to the major objective of the war: to define in practice NATO's 'new role', to confirm and consolidate in public consciousness its ability to take action independently of the UN and international law according to allied interests.

The irrationality of 'humanitarian intervention', the incredible inconsistency of word and deed impel us all to consider the forces at work in this 'new world order', to consider the directions we are taking and the alternative paths for the actualization of emancipatory visions, now rudely violated by the currently dominant forces. Habermas, as well as other social-liberals, consider the world order now under formation solely as a consequence of having instituted new laws and procedures, and bearing no relevance to the international network of dependence and power relations. In other words, he does not think of it as a result of worldwide redistribution of wealth, the substitution of market economy with a system that would reduce economic inequalities between countries and between classes within the borders of a country, the replacement of the nation-state with more democratic forms of socio-political incorporation, etc. Without reference to the broader context of international relations, a cosmopolitan world order remains a formalist and therefore, ultimately, an ideological proposition.

To critical thought, democracy cannot be merely an ensemble of contentless legal formalities and processes. Its conception at every level—local, peripheral, national or international—should include the social, economic and cultural

- 45. See, among others, the statements of Zoran Djindjic, leader of the Serb Democratic Party, on the catastrophic after-effects of the bombings on the democratic movement, *New York Times*, 29 March 1999.
- 46. It is significant that Albania is in favor of reshuffling and changing the borders in the Balkans. Naturally, it is not Kosovo that Albania primarily covets, since the borders in that direction are as good as dispensed with, but FYROM territories with an Albanian majority
- 47. Shalom, 'Reflections on NATO', aptly notes: 'What lesson do we think Turkey's leaders are learning from the attack on Kosovo? Surely not: "This shows what happens to all who commit atrocities against ethnic minorities". Isn't it more likely that their conclusion is going to be—as will that of anyone who considers cases like Turkey, Timor, Palestine, and Iraq, pre-1990 (when Saddam Hussein was a US ally and murdered Kurds) on the one hand, and cases like Iraq, post-1990 and Kosovo on the other—that serving US interests allows you to do whatever you want with your ethnic minorities and opposing US interests will get you attacked, regardless of your human rights record? The real precedent of the NATO assault on Yugoslavia is that a US-dominated military alliance may arrogate to itself the right to attack another country bypassing international law and the United Nations.'

NATO Intervention in Yugoslavia

preconditions for its establishment.⁴⁸ In a world deeply divided by conflicting interests (between the developed and underdeveloped, west and east, north and south, etc.) no legal process can guarantee the impartiality of international organizations. All things considered, would it be any different if the decision to attack Yugoslavia had been reached by a 'new Security Council' on the basis of a legally established 'right to intervene', while the IMF retains the capacity, at any given point, to exert pressure on Russia threatening to interrupt the flow of loans toward it (as it is in fact doing). As long as the hugely unequal distribution of economic, political and military power is maintained, any attempt to institute a 'right to intervene' is bound to produce nightmarish results. Mutuality and symmetry are, after all, integral elements of the concept of 'right': those in power should not avail themselves of a 'right' which is unavailable to the weak. Could we, indeed, imagine NATO bombing the center of London, to establish self-determination for Northern Ireland?

The idea that after violently transgressing at Kosovo the international rules regulating international coexistence we could return to legality with the resurrection of the UN (a move proposed by Habermas and implemented by European leaders) is tantamount to hope of undoing a rape. The left should not forget that formal guarantees have never been sufficient and that the radical vision of a true world society presupposes the establishment of a new egalitarian and democratic world order, which should be our goal, albeit a distant one. Such a vision arises from the critique of the current 'globalization' process as the establishment of a new system of world economic, political and cultural domination. Those who consider such critique obsolete should take a look at the UN Report for Human Development in 1999, in which a painful fact is recorded: world wealth increases parallel to rising inequality.⁴⁹

This does not mean that until radical social change is effectuated we should simply abide by current international law and do nothing to universalize human rights. There has always been a well tried 'human rights policy' which makes sense. The policy of organizations such as Amnesty International, which consists in exerting external moral pressure (in alliance with local organizations) on nation-states where violations of human rights have been documented, so that these nations adopt and implement the basic premises of the rule of law. A fundamental principle of such a human rights policy is to denounce specific, documented, injustices with the purpose of redressing them in the context of the law. Non-military means of pressure on oppressive regimes could be imple-

48. This is the meaning of the critical observations I put forward elsewhere, in regard to the manner in which Habermas conceives of democracy as a set of processes. See K. Kavoulakos, 'Constitutional State and Democracy', *Radical Philosophy*, No. 96 (1999), pp. 33–41.

49. See *UN Report for Human Development* (1999). Let us not forget that those who profit from the rise in inequality are the same who attacked Yugoslavia.

50. Unfortunately, the case of the war in Yugoslavia made visible the limits in the autonomy of such non-governmental organizations. Members of organizations such as Amnesty International, the Human Rights Watch, etc., are reputed to have met with high officials of the US State Department. See 'How the US State Dept. Recruited Human Rights Groups to Cheer on the Bombing Raids' (available from http://www.counterpunch.org/kohmtg.html, accessed June 1999). Even if this

mented by democratic governments, particularly provided that such implementation will not be selective and will affect the regimes themselves and not the people—who, as a rule, are victims of their governments.⁵¹ However, present circumstances, characterized by the totally unequal distribution of power and wealth, render a non-partisan human rights policy entirely unfeasible.

In other words, the purpose of 'human rights politics' in contemporary circumstances should be to redress injustices through means that would bring about the smallest possible injury to the network of reciprocal recognition relations that lie at the foundation of the notion and the true implementation of human rights, i.e. it should seek to reinforce democratic institutions and practices at a national level (at least as long as the nation-state remains the major form of political integration and therefore the authority that acknowledges individual and civil rights).⁵²

Habermas is naturally very well aware that the 'loss of power' of the nation-state (i.e. its inability to regulate politically the inequalities generated by the market economy) brought about by the 'globalization of the economy' destroys the social and political preconditions of democracy. Nevertheless, according to Habermas, the dynamics of economic 'globalization' precludes the restitution of the sovereign state. Thus, the only feasible solution is to create broader political unions such as the EU, within the borders of which a certain degree of regulation would be attainable. Even this, however, would not in any way affect the primacy of world integration via the market. 'Politics will succeed in "catching up" with globalized markets only if it eventually becomes possible

footnote continued

turns out to be untrue, the attitude they maintained in the course of the bombings was far removed from their traditional, neutral stand denouncing all violations of rights, and the result is an impression that this war was 'their' war. As Johnstone, 'Notes on the Kosovo ...', observes, the Human Rights Watch, and its affiliated organization, the International Helsinki Federation for Human Rights, in particular, had adopted before the war a stance demonizing the Serb nation on the basis of generalizations and unfounded charges, a stance which 'contributes to a disintegrative polarization rather than to reconciliation and mutual understanding. It therefore contributes, deliberately or inadvertently, to a deepening cycle of repression and chaos that eventually may justify, or require, outside intervention'.

- 51. In the case of Turkey it would only require, e.g. a halt in the arms supply by the West, in order to permanently debilitate the dominant military establishment. Nevertheless, even the decision to use 'soft power' (see J.S. Nye, 'Soft Power', Foreign Policy, Vol. 80 (1990), pp. 153–171) cannot be taken lightly, as the embargo against Iraq amply demonstrates: the embargo has only slightly damaged the regime but has brought about incredible misery to the population of a now ravaged land.
- 52. The same does not hold in the case of genocide, which defacto eliminated any sense of community and consequently the possibility to heal the wounds created by violence. Unfortunately, even the strict definition of the term 'genocide' cannot stop it from being instrumentalized (as happened in Kosovo) or being selectively used (as happened in the case of Rwanda, where the international community did not intervene in time—although it could have done—the responsibility lying with the Americans). An honest international discussion, acknowledging the errors of the past, would perhaps contribute to the creation of international mechanisms to prevent and to cope with such catastrophes—although in present circumstances it appears extremely difficult.

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to create an infrastructure capable of sustaining a global domestic politics without uncoupling it from democratic processes of legitimation'.⁵³ Naturally, this is but a 'normative proposal' since the "'Newest Left" has accommodated the ethical conceptions of neoliberalism', i.e. the 'ethos of a lifestyle attuned to the world market'⁵⁴. In view of this deficit in politics and therefore in democracy as well, should not Habermas be somewhat more concerned about the structural role of a 'humanitarian war'? In a context determined by the ineffectuality of the political forces resisting 'integration by means of the market' would it not be more logical to leave aside NATO's moralizing and to acknowledge instead the internal bond linking the 'right to intervene' to the rule of those dominating a 'globalized' economy?

In the abstract sense as this is understood today, the 'global implementation of human rights' simply paves the way for a new form of totalitarianism to be exercised by those in power, who in the name of the 'international community' will interpret and implement human rights and the right to self-determination selectively and according to their own interests. Such a 'human rights policy' can only promise the intensification of ethnic conflicts and the creation of protectorates and dependencies under military rule.⁵⁵ In the political disputes (and military conflicts) likely to break out, the left should rely upon the tradition of critical economic and social analysis based on the ideal of a just, egalitarian, democratic and peaceful world society, one we must envision, reflect upon and pursue. ⁵⁶ Generally speaking, Habermas is correct in that we all speak the same moral language of democracy and human rights, but the ways in which we consider the possibility to realize a free society are radically different. If it is to retain some value, the Kantian vision of a global cosmopolitan community of people should expand to include the economic, political and cultural conditions necessary to make it real.

J. Habermas, 'The European Nation-State and the Pressures of Globalization', New Left Review, No. 235 (1999), p. 54.

^{54.} Habermas, 'The European Nation-State', p. 54.

^{55.} J. Pilger, in the *New Statesman*, 28 June 1999, comments on the new perspectives opened up by the 'success' of the 'humanitarian intervention' for the legitimization of the attacks against other 'rogue states' of the world, according to western interests.

^{56.} The ease with which NATO propaganda was accepted in the circles of the eco- and social-liberal left, as well as the inability to propose a solution to ethnic struggles, as alternative to the bombing of former Yugoslavia, reveals the huge void existing today in left-wing theory and action. See Andrew Chitty, 'On Humanitarian Bombing', *Radical Philosophy*, No. 96 (1999), for critical observations.