

Evil and the Obsolescence of State Sovereignty

Sabrina P. Ramet

One of the more curious aspects of the war for Kosovo has been the not unprecedented rash of analogies which both principals and commentators have offered in the purported effort to clarify the issues. Not too surprisingly, the analogies tell us more about the analogizer than about the issues at hand.

Among American critics of NATO's campaign in Kosovo, the Vietnam analogy has been perhaps the most popular. Slobodan Milošević, viewed as a kind of latter-day Ho Chi Minh, could only prove as oblivious to aerial bombardment as Ho Chi Minh's North Vietnamese seem to have been (at least as some people remember that war). As one writer put it, "Didn't all those years of the ineffectual bombing of North Vietnam teach us anything?"¹ Inevitably, NATO General Wesley Clark has been compared to General Westmoreland²—need one point out *unflatteringly*?

Among defenders of NATO's campaign during March-June 1999, analogies to World War II have been more common. President Clinton set the tone by asking an audience, "What if someone had listened to Winston Churchill and stood up to Adolf Hitler earlier?"³ Presumably Clinton saw himself playing Churchill to Milošević's Hitler.⁴ Some commentators have pursued the analogy, if only to note that Milošević has been the key figure in the most sanguinary conflict in Central Europe since World War II. Timothy Garton Ash, while wary of the equation of Milošević with Hitler, has written that the pattern of appeasement of Milosevic over the years by Western politicians mirrors, to an uncomfortable degree, the pattern of appeasement tried by the West in its dealings with Hitler in the years 1937-39. To Garton Ash's eyes, thus, Clinton looks more like Neville Chamberlain, the patron saint of appeasement, than like Churchill.⁵

Richard Poe, in a piece for *NewsMax.com*, inverted the analogy, painting Clinton as Hitler and raising the specter that Clinton's "Third Way" might be "a coded expression for fascism."⁶ Along similar lines, George Tintor, in a letter to the editor of *Free Republic*, equated NATO with the Third Reich.⁷ That Belgrade Television has also favored this comparison should not surprise anyone.

Those with longer memories have looked beyond Vietnam and World War II, displaying more originality than insight. Alex Vardamis, in an article for the

San Francisco Chronicle, compared United States President Clinton to Austrian Kaiser Franz Josef, recalling the latter's ultimatum to the Serbian government in summer 1914.⁸ Then again, perhaps the war for Kosovo could be better understood as a replay of the Boer War,⁹ or even of America's nineteenth-century massacre of the Indians. And if the latter analogy is useful, then is Milošević merely reenacting the nineteenth-century American dream of Manifest Destiny?¹⁰ Or perhaps Milošević is a kind of latter-day Abe Lincoln, trying to preserve the (Yugoslav) Union in the face of challenges from southern rebels, as *Boston Globe* columnist Don Feder suggested at one point.¹¹ In that case, presumably Ibrahim Rugova is Jefferson Davis reincarnate, and KLA leader Hasim Thaci is another Robert E. Lee.

For *The Florida Times-Union*, the Battle of Kosovo in 1389 was "the Serbian Alamo."¹² Presumably, this makes Serbian Tsar Lazar the local equivalent of Davy Crockett, the "King of the Last Frontier." Others have been even more imaginative, comparing Russia to O. J. Simpson's lawyer Johnnie Cochran,¹³ Clinton to Roman emperor Nero,¹⁴ and Jamie Shea, the NATO spokesman, to the Cadum Baby (a well-known logo for Cadum Soap).¹⁵ The aerial campaign conducted by NATO was even likened by one cynic to a Marx brothers movie.¹⁶

Analogies are generally used in order to short-circuit one's critical thinking by appealing to an earlier case about which, presumably, there is general assent. There are at least three problems with analogizing in this way. First, the analogy may not be a good one. Second, there may not be general assent about how to interpret the earlier case to which the new case is being analogized. And third, the short-circuiting which analogies effect tends to crowd out the judicious weighing of the evidence. After all, Milošević does not need to be Hitler to be dangerous, Clinton can scarcely aspire to the stature of one of Austria's greatest kaisers, and Tsar Lazar seems ill-served by comparisons with Davy Crockett.

Although there have been disputes at many levels and on many aspects of the crisis in Kosovo, including a running debate between those who view the Kosovo Liberation Army as a legitimate resistance force and those who see in the KLA fighters only "narco-terrorists" tied to organized crime,¹⁷ there have been only two fundamental points at issue: the first, whether the principle of sovereignty stands supreme over all else, so that no amount of internal violence against a state's own citizens can ever justify foreign involvement, mass graves or not; and the second, whether NATO had the right and/or duty to undertake unilateral aerial strikes against the Federal Republic of Yugoslavia (FRY). Those denying NATO either the right or the duty to respond to the consistent pattern of genocide (as defined by the Geneva Conventions) in the FRY have generally sought to buttress their argument either with the claim that "the whole mission has never made sense because United States national security interests were never at stake,"¹⁸ or by advancing the proposition that "countries have no legal right of humanitarian intervention under international law."¹⁹

The Belgrade government has repeatedly hammered home the line that the FRY is "a sovereign state" and that it should therefore be inviolable to attack. The position of self-described "realists" to whose notions I shall return later in these reflections, as paraphrased by J. Bryan Hehir, has been that policy-makers must draw "a radical distinction between the external behavior of states and their internal policies. In brief, aggression must be opposed (e.g., the Persian Gulf war), but not repression."²⁰ Accepting these premises as his starting point, the aforementioned Tintor asks, rhetorically, "What moral purpose is served by bombing a sovereign state in support of a separatist movement?"²¹ The question excludes any appeal to a higher court—whether saving lives, punishing evil, combating the genocidal policies of a chauvinistic government, or (though NATO retreated from this ambition) removing an illegitimate government from power. Most assuredly, if one assumes (1) that all existing governments are "sovereign," and (2) that there is no higher moral principle in international politics than sovereignty, then democratic states must surely be under a moral obligation to stand aside when their less democratic partners in the international community discriminate against, harass, beat, torture, and kill off their own citizens, responding, at the most, through embargoes and the rhetoric of condemnation. Indeed, if state sovereignty is supreme, then there are no human rights at all and there can be no right of resistance, because either Natural Law (the foundation of natural rights) is supreme or it does not exist. The contrary position, negating human rights, is the necessary foundation for the total relativism of treating states as interchangeable partners; as Michael Lind has put it, "The principle of sovereignty holds that states should be equal in privileges, even if they are unequal in wealth and power."²²

But if one is going to sing paeans to sovereignty, it can only help to know just what is meant by *sovereignty*. Simply put, sovereignty is generally understood to mean legitimate authority; authority here presumes power, while legitimacy entails moral sanction. This opens the question as to whether tyrannies can lay claim to the moral sanction of sovereignty, as least as far as the "realists" are concerned. For self-gratifying materialists (as I prefer to call those who misleadingly call themselves "realists") assume that sovereignty is to be identified exclusively or overridingly with the state.²³ A contrary position, identified with Locke and Rousseau, among others, holds to the primacy of *popular sovereignty*, so that the state becomes at most the vessel for a sovereignty originating outside itself.²⁴ A relational position (my own view), which constitutes a third alternative, holds that sovereignty resides not in either "the people" or the state, but rather in the relationship between them. What is central to the position taken by self-gratifying materialists is that, for purposes of discussing sovereignty and its prerogatives, they treat states as morally equivalent. As John Hoffman argues in his insightful book on sovereignty:

...states clearly differ in the particular way they relate to their own past, to other states and to international actors of a non-statist kind. [Yet] realists strip away all

these differentiating features, leaving us with sovereign states which are identical with one another.²⁵

The result is that, for misnamed "realists," tyrannies enjoy the same rights and prerogatives as liberal democracies in the international arena, and local populations who are oppressed (whether Kosovar Albanians or Kurds or Rwandans) have no higher court of appeal than the very authorities who oppress them.

Ironically, at least in the case of Kosovo, these so-called "realists" have not even required that states respect each other's sovereignty in order to be eligible for the rights and benefits thought to be associated with this supposedly supreme moral principle. Hence, Serbia's violation of Croatian and Bosnian sovereignty (recognized via diplomatic recognition between December 1991 and April 1992 and via the acceptance of both states into the UN) in the years 1991-95 was seen as having no impact whatsoever on Serbia's own claims to legitimate authority. Nor did so-called "realists" offer any protest when, at the height of NATO's bombardment of Serbia, the Yugoslav Army entered the demilitarized zone on Croatia's Prevlaka peninsula, in a flagrant violation both of its own written pledge at Dayton and of Croatian sovereignty.²⁶

For *idealists* (who have a far stronger claim to be the true "realists" in this debate), legitimate authority resides in the relation between state and people and requires that the state uphold and protect human rights. Where that requirement is not satisfied and where, on the contrary, the state arrogates to itself the right to violate the rights of all or some of its people, one cannot speak of sovereignty, except in the sense of alienated sovereignty. To put it bluntly, not all states are sovereign; only legitimate states, i.e., states which respect the human rights of their inhabitants, may be seen as sovereign.

The reason why so-called "realists" are reluctant to distinguish between the rights of legitimate states and those of tyrannies may be traced to the very nature of "foreign policy realism." This ideological position entails, in brief, a denial of moral universals, a denial of the possibility of certain knowledge (even whether the mass graves identified by NATO officials at ninety-five locations as of mid-June²⁷ are what they are purported to be), an emphasis on material self-interest as the sole criterion for political action, and *sometimes* also a pervasive cynicism about power, with the associated tendency to proceed on the assumption that all governments pursue *only* their own selfish interests, i.e., that governments abide by the principles of foreign-policy "realism."²⁸ The irony here is that, in the debate over Kosovo, some self-declared "realists" have expressed contempt for the United States government precisely in the belief that that government has been doing what "realism" tells us governments ought to do, only—allegedly—doing it badly.

The second point in contention thus flows directly from the first. If there is no moral principle higher than sovereignty, if sovereignty abides in the state as such, and if the citizens of a given state have no right of appeal beyond the borders of their own state (recalling that the Kosovar Albanians appealed to

NATO as early as summer 1998 to undertake aerial strikes on their behalf)—though in what sense a tyranny may be “their own” is another matter—then it follows that neither NATO nor the UN nor any other international body has the right, let alone the duty, to respond to genocide or anything else. As for the United States, cynics commonly argue that since one cannot do everything, it would be best not to do anything—a principle which, if adopted universally, would result in an immediate cessation of all charitable activities and all medical research. Be that as it may, Harry Browne has made the case for isolationism in these words:

If we have a moral responsibility to fight every evil in the world, you'd better kiss your children goodbye and prepare for wars in Rwanda, Zaire, China, Russia, Croatia, Northern Ireland, South Africa, Turkey, the Sudan, Algeria, Kashmir, Angola, Sierra Leone, and many other countries... Is that what you want?²⁴

Since the United States cannot do everything, it would, evidently, be best not to do anything at all. Why “realism” should require shutting one’s eyes to a more modest solution—to lend support to human rights causes within the limits of available means and bearing in mind the local consensus within the given region (e.g., among NATO allies in Europe)—remains a paradox.

Another self-declared “realist,” vaunting “the time-honored principle that, as to foreign-policy decisions, this nation ought to be guided by its strategic national interests” exclusively, condemned the United States’s participation in the Europe-led aerial campaign as “moral arrogance,” wondering why the United States did not give a higher priority to Rwanda.³⁰ Since David Limbaugh, the author of these lines, did not explain exactly what “strategic national interests” he saw at stake in Rwanda, he was presumably indicting Clinton for moral inconsistency—a point made with the same example by other critics.³¹ Limbaugh may obtain release from his confusion by reflecting on the fact that “the real force behind the decision to put a stop to ethnic cleansing [in Kosovo] has been the social-democratic leadership of Western Europe.”³² Indeed, both during the Bosnian War and during the crisis in Kosovo, it has been Whitehall, and not the White House, which has set the course for the NATO alliance. Where Prime Minister John Major (a Conservative) nurtured pro-Serb sympathies and gave vent to anti-German sentiments which carried over to Germany’s presumed clients, Slovenia and Croatia,³³ his successor, Tony Blair of the Labour Party, has been inspired by moral concerns. Blair was the driving force behind NATO’s decision to go to war, though he found sympathetic ears in Madeleine Albright and German Foreign Minister Joschka Fischer, as well as in Paris. Moreover, from Whitehall’s perspective, as well as from the perspective of other NATO countries in Europe, the urgency of stopping atrocities in the middle of Europe was self-evident, while the urgency, or even propriety, of involving NATO—a European/North American collective security organization—in an operation outside its territorial parameters was far from self-evident. That some would-be “realists” do not seem to understand

the most basic elements in foreign-policy decision-making in Europe is truly alarming but helps to account for the utterly fanciful dilemmas and analyses thrown up from those quarters.

NATO has, of course, not been without its champions, among whom one may include J. Bryan Hehir,³⁴ Christopher Bennett,³⁵ and Noel Malcolm,³⁶ as well as myself.³⁷ Hehir, in particular, has staged a defense of just-war theory, holding that there are causes for which war may be the only appropriate and feasible response. If natural rights (which subsume human rights) may be taken as the supreme value for morality, insofar as it is the ontological reflection of Natural Law (Universal Reason)—in place of the relativistic and ultimately specious concept of state sovereignty—then the moral relativism of so-called “realists” will give way to the more principled stance of moral universalism, manifested in foreign-policy idealism.

Ultimately, however, the international community has probably settled for a less than optimal solution to the Kosovo crisis, i.e., it may have employed the right means toward the wrong end. And as we all know, the means do not justify the end—or something like that.

There are at least two problems with the settlement accepted in June,³⁸ according to Alan Bock. First, the June settlement scuttled the promise made at Rambouillet that after obtaining autonomous status within Yugoslavia, Kosovo would be offered a referendum on independence, at a suitable point in the proximate future. On the contrary, the June settlement recognizes FRY “sovereignty” (there’s that word again) over Kosovo. This concession accords with the materialist (and in this instance, statist) interpretation of sovereignty, but not with notions of either popular sovereignty or relational sovereignty. Still, one should not place too much stress on the wording of the settlement either. NATO has envisioned the establishment of an autonomous legislature in the province, the creation of an independent judiciary and police force without Serb influence, the exemption of Kosovars from serving in the Yugoslav Army and from paying taxes to Belgrade, and the introduction of the DM or the dollar as the local (interim) currency. Ultimately, independence is expected to be only a matter of time.³⁹ Second, the inclusion of the Russians in a multinational peacekeeping force under UN auspices holds the prospect of replicating some of the problems already seen in post-Dayton Bosnia.⁴⁰ To these I would add two further problems. The third is that the pledge undertaken in the June settlement to disarm the KLA is, in spite of some early successes,⁴¹ likely to remain problematic, and may never admit of complete success.

The fourth and most serious problem is that the June settlement does not undertake to resolve the underlying problem, which is the continuance in power of a nationalist-chauvinist regime in Belgrade. Thus, removing Milošević is the key to assuring stability, *but only if that is accompanied by the wholesale removal of nationalists from positions of authority, the arrest of indicted war criminals (including Milošević), and the recasting of the government, educational system, and media along liberal-democratic lines.*

It is sometimes argued, rather superficially, that Milošević is "loved" by the Serbs. The truth is more complex. As Dusko Doder, a veteran observer of the Yugoslav scene, has noted: "Most Serbs regard Milošević as their country's nemesis. True, when he came to power in 1987 he was probably the most popular politician in Serbia's history. By 1991, however, he could no longer take a walk in the streets of Belgrade."⁴² Facing NATO bombardment, few Serbs stopped to distinguish between the regime as NATO's "real" target and themselves as "collateral damage," rallying automatically to the government with which they shared a common fate. Peace, even if a highly flawed peace, could bring the opportunity for Serbs to draw conclusions about the regime which has taken them into wars on four fronts over the past decade. But even if the Serbs themselves remove Milošević—a prospect which was given new impetus by the Serbian Orthodox Church's demand on June 15 that Milošević resign⁴³—it is another matter as to whether they will abandon their nationalism of their own accord. And in conditions of continued Serb nationalism, the region will see continued instability.

Already there have been signs of incipient separatism in Montenegro, where local President Milo Djukanović has threatened to effect his republic's secession unless the government in Belgrade is refashioned along liberal-democratic lines.⁴⁴ In some quarters in the West, aspirations to be free of tyranny remain incomprehensible. For some in the West, "The dispute over Kosovo is not about liberty.... This is a clash over blood and soil, fueled by centuries of tribal enmity."⁴⁵ Once Serbs and Albanians are written off as primitive "tribes," of course, liberal-democratic solutions can be swept aside as irrelevant. Indeed, in Andrew Lewis' view, the Albanians of Kosovo "hate Milošević, not because he is a dictator— - but because he is a non-Albanian."⁴⁶ Presumably the efforts by Kosovo's Albanians in the years 1988-89 to defend the Titoist heritage from Milošević came as a result of local Albanians' confused assumption that Tito was an Albanian.

Much of the confusion among adherents of the isolationist-materialist-statist camp could perhaps be cleared up, were they to return to America's own Declaration of Independence and ask themselves whether the authors of that text intended for it to refer only to citizens of the newborn American state or whether the truths they held to be "self-evident" were thought to be universal. Or, to put it another way, if the liberal project is the appropriate remedy for the violations inflicted by tyrannical government, then that remedy must be as appropriate for Serbs and Albanians as it is for Americans and British.⁴⁷

Notes

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2. "The Ground War is Coming: Cambodia to Kosovo," *CounterPunch*, May 15, 1999: www.counterpunch.org.
3. Quoted in Nick Gillespie, "Fuehrer Furor: Is Milošević a Hitler?", *Reason*, June 1999: reason.com.

4. On Clinton as Churchill, see "Bill Clinton's Finest Hour," *Washington Times*, June 10, 1999: www.freerepublic.com/torum.
5. Timothy Garton Ash, "Kosovo and Beyond," *New York Review of Books*, June 24, 1999: 4.
6. Richard Poe, "Third Way or Third Reich?," *NewsMax.com*, May 18, 1999: NewsMax.com:Articles.
7. Letter to the editor from George Tintor, *Free Republic*, May 18, 1999: www.freerepublic.com.
8. Alex A. Vardamis, "Stop Bombing, Read Thoreau: The nation's moral credibility is in jeopardy," *San Francisco Chronicle*, May 3, 1999: www.sfgate.com.
9. John O'Sullivan, "Illusions of success shattered daily in Kosovo," *Chicago Sun Times*, May 18, 1999: www.suntimes.com.
10. See Benjamin Schwarz, "We Forget Our Own Cruel Past," *Los Angeles Times*, March 30, 1999: www.latimes.com.
11. As recounted in James C. Cobb, "Attempts to rewrite history offer lesson in obsession," *The Atlanta Journal-Constitution*, May 30, 1999: F1.
12. "Kosovo: The Serbian 'Alamo,'" *The Florida Times-Union* (Jacksonville), March 7, 1999: www.jacksonville.com.
13. Thomas L. Friedman, "Cochran and Kosovo," *New York Times*, June 8, 1999: A31.
14. Letter to the editor from Bob Kransnansky, *The Baltimore Sun*, May 18, 1999: www.sunspot.net.
15. Jean Clair, "From Guernica to Belgrade," *Le Monde* (Paris), May 21, 1999: 24.128.172.168/nato/texts.
16. Doug Thompson, "A Marx brothers movie called the Kosovo war," *Free Republic*, May 10, 1999: www.freerepublic.com.
17. See, for example, William Norman Grigg, "Kosovo Quagmire: Getting Down and Dirty with Narco-Terrorists," *New America*, March 15, 1999: 3-15; and Michel Chossudovsky, "Kosovo 'Freedom Fighters' Financed by Organized Crime," *CovertAction Quarterly* 67 (Spring-Summer 1999): 20-25.
18. *The Augusta Chronicle*, June 9, 1999: augustachronicle.com.
19. Jules Lobel and Michael Ratner, "Humanitarian Intervention in Kosovo: A Highly Suspect Pretext for War," *CovertAction Quarterly* 67 (Spring-Summer 1999): 5.
20. J. Bryan Hehir, "Kosovo: A War of Values and the Values of War," *America*, May 15, 1999: 8.
21. Letter to the editor from George Tintor.
22. Michael Lind, "Redefining Sovereignty: Is NATO's Balkan war a defense of legitimate rights or an invasion?," *Los Angeles Times*, May 16, 1999: www.latimes.com.
23. See the explanation and criticism of this position in John Hoffman, *Sovereignty* (Minneapolis: University of Minnesota Press, 1998), 21-31.
24. See Sabrina P. Ramet, "Three Views of Popular Sovereignty: The Case of Eastern Europe," in *New Political Science* (in press).
25. Hoffman, *Sovereignty*, 25.
26. For details, see *Croatia Weekly* (Zagreb), April 29, 1999: 2; also *Neue Zürcher Zeitung*, May 14, 1999: www.nzz.ch.
27. *CNN Headline News*, June 16, 1999.
28. Thus, for example, *Z Magazine* declared, in its June issue, "To us, the editors of Z, the initial reasons [for the NATO campaign] were the desire to put a lid on a regional dispute before it threatened interests United States elites care about..." *Z Magazine* provided no examples. See "Demonstrate: Why & How," *Z Magazine* (June 1999): 2.
29. Harry Browne, "Top 10 reasons to get out of Yugoslavia," *WorldNetDaily*, May 3, 1999: www.worldnetdaily.com.
30. David Limbaugh, "Clinton internationalism convenient humanitarianism," *WorldNetDaily*, May 14, 1999: www.worldnetdaily.com.
31. For example, *The Florida Times-Union* (Jacksonville), May 21, 1999 and June 2, 1999: www.jacksonville.com.
32. Ian Williams, "Give war a chance," *Salon News*, May 14, 1999: www.salon.com.
33. For discussion, see Viktor Meier, *Yugoslavia. A History of Its Demise*, trans. Sabrina P. Ramet (London and New York: Routledge, 1999), chap. 7; and Daniele Conversi, "German-Bashing and the Breakup of Yugoslavia," *The Donald W. Treadgold Papers No. 16* (Seattle: The

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34. Hehir, "Kosovo."
35. Christopher Bennett, "Indictment Demands Invasion," *Wall Street Journal*, May 28, 1999: A18.
36. Noel Malcolm, "Independence for Kosovo," *New York Times*, June 9, 1999: A31.
37. Sabrina P. Ramet, *Balkan Babel: The Disintegration of Yugoslavia from the Death of Tito to the War for Kosovo*, 3rd ed. (Boulder, CO: Westview Press, 1999), chap. 13.
38. For the text of the agreement, see *Vreme* (Belgrade), June 5, 1999: 3.
39. *New York Times*, June 11, 1999: A1, A12.
40. Alan W. Bock, "What was won?," *WorldNetDaily*, June 11, 1999: www.worldnetdaily.com.
41. *Boston Globe* (June 17, 1999), at search.boston.com/dailynews; and *Wall Street Journal* (17 June 1999), p. A21. See also *Frankfurter Allgemeine* (June 14, 1999), p. 2.
42. Dusko Doder, "Milošević must go," *Boston Sunday Globe*, May 2, 1999: E7.
43. *New York Times*, June 16, 1999: A1, A16; and *Chicago Sun-Times*, June 16, 1999): www.suntimes.com.
44. *Reuters*, June 14, 1999: *Yahoo! Schlagzeilen*, at www.yahoo.de.
45. Andrew Lewis, "Kosovo: Tribalist Quagmire," *Medialink* (The Ayn Rand Institute), May 3, 1999: www.aynrand.org.
46. Lewis, "Kosovo."
47. And this is also the reason why partitions along ethnic lines constitute, at best, partial solutions, while avoiding the nub of the problem. On this point as well as on the flawed argumentation in support of a supposedly "natural right" to self-determination, see Sabrina P. Ramet, "The So-Called Right of National Self-Determination and Other Myths," forthcoming in *Human Rights Review*