



Violence and justice in a global age

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A foremost theorist of globalisation takes his measure of the new century's first defining moment. He calls for the criminalisation of terrorism, instead of recourse to further arbitrary violence.

About the author

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The greatest Enlightenment philosopher, Immanuel Kant, wrote over two hundred years ago that we are 'unavoidably side by side'. A violent abrogation of law and justice in one place has consequences for many other places and can be experienced everywhere. While he dwelt on these matters and their implications at length, he could not have known how profound and immediate his concerns would become.

Since Kant, our mutual interconnectedness and vulnerability have grown rapidly. We no longer live, if we ever did, in a world of discrete national communities which have the power and capacity alone to determine the fate of those within them. Instead, we live in a world of overlapping communities of fate. The trajectories and futures of nation-states are now heavily enmeshed with each other. In our world, it is not only the violent exception that links people together across borders, the very nature of everyday problems and processes joins people in multiple ways. From the movement of ideas and cultural artefacts to the fundamental issues raised by genetic engineering, from the conditions of financial stability to environmental degradation, the fate and fortunes of each of us are thoroughly intertwined.

The story of our increasingly global order is not a singular one. There are many myths about globalisation and one in particular is pernicious; that is, that the age is increasingly defined by global markets, economic processes and social forces which necessarily escape the control of states and politicians. The spread of markets for goods, services and finance has, indeed, altered the political terrain. But the story of globalisation is not just one of the expansion of markets, neoliberal deregulation and the abdication of politics; for it is also one of growing aspirations for international law and justice. From the UN system to the EU, from changes to the law of war to the entrenchment of human rights, from the emergence of international environmental regimes to the foundation of the International Criminal Court, there is also another narrative being told – the narrative which seeks to reframe human activity and entrench it in law, rights and responsibilities.

This is why the 11 September is a defining moment for humankind. The terrorist violence was an atrocity of extraordinary proportions; it was a crime against America and against humanity; it was an outrage that ranks amongst the world's most heinous crimes; and it was, make no mistake about it, an attack on the fundamental principles of freedom, democracy, the rule of law and justice.

Fundamental global principles

These principles are not just western principles. Elements of them had their origins in the early modern period in the West, but their validity extends much further than this. For these principles are



the basis of a fair, humane and decent society, of whatever religion or cultural tradition. To paraphrase the American legal theorist Bruce Ackerman, there is no nation without a woman who yearns for equal rights, no society without a man who denies the need for deference and no developing country without a person who does not wish for the minimum means of subsistence so that they may go about their everyday lives. The principles of freedom, democracy and justice are the basis for articulating and entrenching the equal liberty of all human beings, wherever they were born or brought up.

The intensity of the range of responses to the atrocities of 11 September is fully understandable from any perspective. There cannot be many people in the world (despite media images of celebrations in some quarters) who did not experience shock, revulsion, horror, disbelief, anger and a desire for vengeance. This emotional range is perfectly natural within the context of the immediate events. But it cannot be the basis for a more considered and wise response.

The founding principles of our society, the very principles under attack on 11 September, dictate that we pause for reflection; that we do not overgeneralise our response from one moment and one set of events; that we do not jump to conclusions based on concerns that emerge in one particular country; and that we do not re-write and re-work history from one place.

The fight against terror must be put on a new footing. There can be no going back to the haphazard and complacent approach to terrorism of 10th September. Terrorists must be brought to heel and those who protect and nurture them must be brought to account. Zero tolerance is fully justified in these circumstances. Terrorism negates our most cherished principles and ambitions.

But any defensible, justifiable and sustainable response to the 11 September must be consistent with our founding principles and the aspirations of international society for security, law, and the impartial administration of justice – aspirations painfully articulated after the Holocaust and the Second World War. If the means deployed to fight terrorism contradict these principles, then the emotion of the moment might be satisfied, but our mutual vulnerability will be deepened. We will be set on yet another step backwards from a more secure and just world order. This could easily involve the growth of intolerance of all attempts to protest over and change political circumstances, even if they are law abiding and peaceful in their orientations.

The other alternative

War and bombing are one option for the immediate future; but another is an International Commission on global terrorism which might be modelled on the Nuremberg and Tokyo war tribunals, working under the authority of a reenergised and revitalised United Nations. Such a commission could be empowered to investigate those responsible for the new mass terrorism and to bring them to justice. Backed by the capacity to impose economic, political and military sanctions – and supported by UN and Nato military capacities, among others – it might be the basis of an investigation and system of punishment which commands global support. It could be the basis not only for the strengthening of existing legal and multilateral arrangements, but the basis for helping to define a new just, accountable and democratic order. The means would be consistent with the defence of the principles under threat. Terrorism must be criminalised on an international basis, not eradicated through arbitrary violent action.

I am not a pacifist. The motivation for these recommendations is not the avoidance of the use of coercive force under all circumstances. Rather, it is anchored on the wish to build on the more humane and just elements of our global order which have been set down in the last several decades, and to entrench them in such a way that could command the respect and loyalty of all peoples, everywhere.

But to borrow a phrase, we must be tough not just on crime but on the causes of crime. Whoever the perpetrators were of the terrorism of 11th September, we know that there will always be volunteers for suicide missions, suicide bombings, and for terrorist groupings if we do not concern ourselves with the wider issues of peace and social justice in the global community. In our global age shaped by the flickering images of television and new information systems, the gross inequalities of life chances found in many of the world's regions feed a frenzy of anger, hostility and resentment.



Without a just peace in the Middle East and without an attempt to anchor globalisation in meaningful principles of social justice, there can be no durable solution to the kind of crimes we have just seen.

Of course, such crimes may often be the work of the simply deranged and the fanatic and so there can be no guarantee that a more just world will be a more peaceful one in all respects. But if we turn our back on these challenges altogether, there is no hope of ameliorating the social basis of disadvantage often experienced in the poorest and most dislocated countries. Gross injustices, linked to a sense of hopelessness born of generations of neglect, feed anger and hostility. Popular support against terrorism depends upon convincing people that there is a legal and pacific way of addressing their grievances.

Kant was right; the violent abrogation of law and justice in one place ricochets across the world. We cannot accept the burden of putting justice right in one dimension of life – security – without at the same time seeking to put it right everywhere.



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