ANTIQUATED BEFORE THEY CAN OSSIFY[1]: STATES THAT FAIL BEFORE THEY FORM

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"Today, the international community has the best chance since the rise of the nation-state in the seventeenth century to build a world where great powers compete in peace instead of continually prepare for war. Today, the world's great powers find ourselves on the same side—united by common dangers of terrorist violence and chaos."
—*National Security Strategy of the United States, 2002*

"The danger is that a global, universally interrelated civilization may produce barbarians from its own midst by forcing millions of people into conditions which, despite all appearances, are the conditions of savages."
—*Hannah Arendt,* The Origins of Totalitarianism, *1948*

The 21st century opened with a great deal of debate about the merits and prospects of the state, but there was very little discussion about the worlds in which the state is absent or about the value and purposes of any of the alternatives. Yet the state is not the natural, default organizational structure of human community. It is a distinct and particular institution with a number of historical and contemporary competitors. This essay is an effort to restore the horse to the front of the cart, and to examine states from a historical perspective that reveals something about the nature of the alternatives. Those competitors are solutions to problems, just as the state and the state system were originally a response to specific needs. Only if we understand how the state came to encompass the peoples and lands of the entire world, and what it supplanted or distorted in doing so, will we understand the profound costs of both its construction and its absence.

For decades there have been challenges to the state from a variety of quarters. From above, the European Union appeared to signal the waning of the sovereignty of its members and international organizations, from the United Nations to the World Trade Organization, seemed to infringe on the sovereignty of their constituents more often and more assertively. From below, the shattering of large states—the collapse of the Soviet Union and Yugoslavia, and the continuing challenges posed by separatist

movements from Quebec to East Timor—raised questions about the viability of states around the world. In addition, non-state actors seemed to be proliferating, from non-governmental organizations like Human Rights Watch and multinational corporations like ExxonMobil to criminal organizations like the drug cartels of Latin America and the terrorist networks of Al-Qaeda—and all contributed in their own ways to testing the prerogatives of the state. As Jessica Matthews put it, "A novel redistribution of power among states, markets and civil society is underway, ending the steady accumulation of power in the hands of the state that began with the Peace of Westphalia in 1648."[2]

In some political circles, this challenge to the state had been welcomed and even advocated. The state was derided by the World Bank and International Monetary Fund in their "Washington Consensus" as a bloated and hapless institution, as well as by leaders across the political spectrum, including Ronald Reagan in the US, Margaret Thatcher in the UK, and Mikhail Gorbachev in the Soviet Union. Whether considering the industrialized world's stagflation in the 1970s, the need for perestroika in the Soviet Union or the sluggish performance of developing countries, the state was the culprit and far more of a problem than a solution. Smaller public sectors, unleashed markets and unrestrained civil societies were the policy prescription for virtually all political ailments. Indeed, President George W. Bush came into office in the United States in 2000, determined to privatize much of the activity of the US federal government at home and openly contemptuous of efforts to build states abroad.[3]

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Although there had been increasing concern in academic circles that failing states might prove dangerous, particularly after the end of the Cold War, it was not until September 11, 2001, that the importance of states—or more precisely, the dangers of weak states—became clear even to policymakers.[4] As the Bush Administration explained in the National Security Strategy issued the following year,

> For most of the twentieth century, the world was divided by a great struggle over ideas: destructive totalitarian visions versus freedom and equality. That great struggle is over…. America is now threatened less by conquering states than we are by failing ones. We are menaced less by fleets and armies than by catastrophic technologies in the hands of the embittered few.[5]

For the authors of this strategy, and for most citizens in the industrialized West today, the state—whether conquering or failing—is the default political institution, the only imaginable way to organize communal life peaceably. Over the course of the last four centuries, this mechanism spread across the globe, seeming to ensure the only alternative to the anarchy of a state of nature where, as Hobbes famously put it, there are "no Arts; no Letters; no Society; and which is worst of all, continuall feare, and

danger of violent death: And the life of man, solitary, poore, nasty, brutish and short."[6]

Although seemingly ubiquitous, the state is a relatively new feature of the political landscape. Moreover, most of human history was not characterized by Hobbes's perennial "Warre, where every man is Enemy to every man." Human history is full of complex and orderly communities, tribes, chivalric orders, churches, empires, trade federations, aristocracies, religious brotherhoods and other expressions of human ingenuity. A wide variety of political orders and institutions have kept the peace, fostered arts and letters and otherwise provided some measure of culture and prosperity, and, at the very least, suppressed "continuall feare and danger of violent death."[7]

Yet, for most citizens of established states, particularly in Europe and North America, these alternatives to the state have been dispatched to the curiosity shops of history or relegated to the private lives of citizens. Virtually the only occasions in which these sorts of communities—families, coreligionists, business networks, secret societies—arise in serious political analysis are as sources of corruption or perversion of the state. However, they served for millennia as vehicles for regulating societal interaction, fortifying human bonds, organizing economic production and exchange and assuring security in the absence of what we know as the state—and in many places, they still do.

In many parts of the world today, the institutions associated with the domestic operation of states—civil and common law systems, public bureaucracies, police forces, fiscal administrations, legislatures, judiciaries and the like—exist only as cosmetic artifacts of a fast-fading imperial era. The formal expressions of statehood, including territorial boundaries, standing armies and international sovereignty, are eroding in favor of alternative definitions of, and organizational structures for, community and identity. Some of these alternatives supplement and extend citizenship in existing states, such as communities built around common international norms and purposes (human rights advocacy, for example). In the absence of enforcement mechanisms, however, the alternatives often represent unattainable dreams, taunting promises of rights that will never actually be realized. Many of these alternatives, vast religious and ethnic networks for example, compete with the state and while they may convey fewer rights than established states, they often protect those rights they do extend far more effectively.

Our failure to appreciate the historical specificity and novel capabilities of this institution we call the state distorts both analysis and prescription. Yet we must take seriously the nature and power of the alternatives if we are to assess the challenges they pose to states and the state system.

Defining the State in Europe

We can begin an exploration of these questions with the classic Weberian definition of the state. For Max Weber, the state is not necessarily the instrument of a ruling class, as Marxists would have it, nor is it merely an arena for societal competition, as liberal theorists usually assume. Rather, it is something more specific and more complex. It is

> a compulsory political association with continuous organization whose administrative staff successfully upholds a claim to the monopoly of the legitimate use of force in enforcement of its order in a given territorial unit.[8]

For Weber, a state must have a permanent administration, a military establishment that successfully maintains law and order and a financial and tax collection apparatus that provides the wherewithal to support the administration and military. Although those features of political life may seem unremarkably self-evident, whether they actually exist and how strong they are cannot be assumed but rather must be established. One thing is certain: For Weber, this political device of the modern state was not a reflection of the natural order of things. On the contrary, Weber took great pains to describe the state's unique features as the political expression of modern bureaucratic organization. To this he contrasted various kinds of traditional authority—patrimonial, patriarchal, feudal, sultanistic—as well as the charismatic authority often associated with religious enthusiasms.[9]

The state Weber described arose in Europe in the 16th century as rivalries developed between emerging monarchies in Western and Northern Europe, and in the ruins of feudalism and the Holy Roman Empire. The state's triumph over alternative arrangements—kinship-based aristocracies, feudal arrangements, trade networks, even the Church itself—was implicitly acknowledged in the Peace of Westphalia (1648), which is commonly cited as the origin of today's interstate system. The rise of absolutist rulers accompanied and facilitated the creation of standing armies, the often rapacious appropriation of resources to pay for those armies, the construction of an administration for tax collection and the weakening of institutional competitors, including the church and the feudal estates.[10]

The absolutists' clearing of the institutional landscape and the flattening of legal distinctions among the people under their control ultimately created the conditions for much of what we associate with modern life, including law and order, popular equality, citizenship, liberal rights as restraints on arbitrariness of the ruler and demands for institutionalized participation in government.[11] The birth of this new order was attended by remarkable violence, and its early years were marked by despotism that was often as vicious as it was enlightened.[12] The traditionally privileged were understandably reluctant to cede their position; most of the history of state formation in Europe is a history of cruelty and coercion. Indeed, as Richard Rose reminds us,

> In European history, the state was oppressive; it was not the democratic instrument of 'we the people.' Political reformers demanded freedom from the state; the right to vote was often seen as a guarantee of freedom rather than as a means of positively influencing government action.[13]

Nonetheless, over the course of time the state and its coercive apparatus came to represent the guarantor not only of law and order but also of civil and political rights. As territorial boundaries were slowly drawn and grudgingly recognized, sovereignty gradually slipped from the crown to the people. The absolutist rulers built a monopoly of legitimate use of force only to see its use increasingly embodied and directed not by the ruler's family, retainers and subjects, but by a modern bureaucracy staffed by citizens. Shortly after Hobbes made the case for the absolutist state as a solution to the problem of perpetual war into which Europe seemed to have fallen, John Locke argued for restraints on the arbitrary and capricious power of that very ruler. As he put it in his 1689 Letter Concerning Toleration, the commonwealth was "constituted only for the procuring, preserving and advancing of their own civil interests." By "civil interests," he intended "Life, Liberty, Health and Indolency of Body; and the possession of outward things, such as Money, Lands, Houses, Furniture, and the like," or what we today call property. It is the ruler's duty, "by the impartial Execution of equal Laws," to secure "the just Possession of these things belonging to this life." Governments are to preserve and protect rights to life, liberty and worldly possessions, but their responsibility "neither can nor ought in any manner to be extended to the Salvation of Souls."[14]

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Locke's argument heralds the development of a secular public sphere and a legally constituted individual with inalienable rights. Gone was the construction of authority on bases like religious affiliations, family ties or status hierarchies. Instead, the public protection of the civil interests of individuals would triumph, creating the building blocks of the liberal democracy by which many modern states came to be ruled. These notions would eventually be projected onto a global stage, first with the creation of the League of Nations and then of the United Nations, as embodiments of a global secular public sphere and as advocates of universal human rights. But first the state itself was sent abroad from Europe.

IMPERIALISM AND THE EXPORT OF THE STATE

European state formation was simultaneous with, and partly dependent on, the creation of the European interstate system and European imperialism. The interstate system of Europe experienced both violent competition that reduced the hundreds of

political entities on the historical map of Europe in 1500 to about 25 by 1900, and also the extension of the realms of this small number of European states into the distant reaches of the globe. Much of the enormous expense of these wars was borne by the European subjects of the absolutists in continental wars. Europeans were conscripted into armies and taxed to support them—but revenues from gold, slaves, tobacco, guns and gunpowder, alcohol, spices, rubber, esparto grass and myriad other goods acquired around the globe contributed to both the imperial competition and to the state building that accompanied it. Early European imperialism reflected the novelty and fragility of the European state. Many of the vehicles for imperial exploration and exploitation were hardly what we associate with the public purposes of modern state government. Imperialism was routinely promoted by private establishments—from the Italian "private contractors" who crossed the Atlantic on behalf of Spain's Queen Isabella in 1492 to the British East India Company, which by 1670 had been granted rights by the British Crown to acquire territory and to print money, exercise legal jurisdiction and conduct wars to defend that territory. Similarly, missionary organizations were integral to European exploration and settlement of the Americas, Asia and Africa. Well into the 19th century, European powers bought and sold vast swathes of land in commercial transactions. In 1803, France sold much of continental North America to the United States, in what Americans were to call the Louisiana Purchase, for 15 million dollars, and 65 years later, Russia sold Alaska to the US for about 7 million dollars.

As the state system solidified in Europe, however, the institutional model of the sovereign state increasingly replaced private commercial firms, religious societies and property sales as the device by which Europeans challenged and ruled the rest of the world. By the 20th century, most of the globe had been claimed and the League of Nations, which was established after the First World War, represented the extension of the European states' secular public sphere around the world. It also represented a deeply ambivalent assessment of the value and implications of that expansion, recognizing two kinds of political units: independent states and territories, the latter being units "which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world."[15] The terms in which the League considered these non-sovereign territories are worth considering closely, for they set the terms of the adoption of the modern state system as a condition for self-rule. Article 22 of the League Covenant declared that for these territories, "there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilization" and that:

> The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experience or their geographical position can best undertake this responsibility, and who are willing to accept it, and

that this tutelage should be exercised by them as Mandatories on behalf of the League.[16]

It then described the terms and purposes of the tutelage:

The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.

Certain communities formerly belonging to the Turkish empire have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory

Other peoples, especially those of Central Africa, are at such a stage that the Mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience and religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defence of territory, and will also secure equal opportunities for the trade and commerce of other Members of the League.

There are territories, such as South-West Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilization, or their geographical contiguity to the territory of the Mandatory, and other circumstances, can be best administered under the laws of the Mandatory as integral portions of its territory, subject to the safeguards above-mentioned in the interests of the indigenous population.[17]

The territory of the globe was now formally encompassed by states and their possessions—at least from an international perspective. The terminology was varied and the degree of independence often ambiguous, but whether they were independent countries, protectorates, mandates, trucial states or dominions—boundaries had been drawn. Along with these boundaries, responsibility was assigned for ensuring the monopoly of violence in the demarcated lands and—while the subjects may have doubted the legitimacy of that monopoly—the interstate system had been established worldwide.

By and large, Western political theorists equated statehood and nationalism, but policymakers were less concerned with such questions. As we have seen, for example, Article 22 of the League Covenant argued that "certain communities formerly belonging to the Turkish empire have reached a stage of development where their existence as independent nations can be provisionally recognized." No doubt the Kurdish, Arab or Maronite communities of the Ottoman Empire—perhaps even the

world's millions of Muslim followers of the Ottoman Caliphate—considered themselves ready for recognition as independent nations in 1919. None of them was accorded recognition as even a provisional state under the terms of the Mandates, however. Instead, territorial units—Syria, Palestine and Iraq, for example—were carved from the Ottoman Empire with little regard for the political identities or aspirations of local communities.

Interestingly, there were occasional gestures of deference to community interests and identities, but only to communities already familiar to Europeans. The French carved Lebanon from its Syrian Mandate in deference to the wishes of the Maronite Christians, and the British divided the Palestine Mandate into two parts, Palestine and TransJordan, in order to fulfill the promise of the Balfour Declaration in support for a Jewish homeland. For the rest, states were to create citizens for whom the territorial identity—Iraqi, Syrian, Jordanian—would trump other "obsolete" loyalties.[18]

This meant that aspirations to shed European domination had to be couched in terms of independence. Only states, understood as these territorial units, could hope to join the "advanced nations" that represented "civilization." Alternate vehicles for political community were ruled out; it was inconceivable that the Kikuyu or Yoruba, for example, or the Ottoman Empire, the Islamic community of the faithful, Aramco, the Sanusi religious brotherhood, the Saudi royal family or any other kind of actual or potential political community could become independent as such. For this reason, peoples and communities aspiring to rule themselves adopted the attributes of states. African tribes and ethnic groups banded together, repressed any mutual hostilities and claimed sovereignty. The Ottoman successor states saved the question of their identity until independence was secured, only to spend the succeeding decades debating the merits of pan-Arab and pan-Islamic political associations. The Saudi royal family and ARAMCO joined forces under American tutelage and became a recognized state.

For most of the people subject to the League of Nations Mandates or living in other European possessions in the interwar period, independence was more important than disputes about the political framework for that independence. Such debates could, and did, await sovereignty. The first American ambassador to independent Libya wrote of the country's accession to statehood in 1951 that, "after all the difficulties encountered by the powers in reaching an agreed solution, complete independence seemed to many a last resort, an expedient and an experiment to which, with a sigh of relief, nearly everyone could subscribe."[19] It had been clear to all, including deeply hostile provincial rivals within the country, that the only way to escape formal control by outside powers was to accept an identity that was an invention of just those powers. Almost all of the states formed in the aftermath of the Second World War across Africa, the Middle East and South Asia would dispute their borders after independence, as if to signal their discomfort with this alien institution.

Cold War and Imposed Sovereignty

The Cold War succeeded the era of formal European imperialism in imposing and upholding international norms of state sovereignty. Its demands on states and state formation outside Europe and North America proved to be as complex and burdensome as the legacies of the colonial system it replaced.[20] Both of the major combatants in this Cold War—the United States and the Soviet Union—construed the conflict as one that transcended the realpolitik of state interests to represent deep ideological commitments as well. As representatives of the "Free World" and "International Communism," they exhibited ambivalence as profound as their European imperial predecessors about the imperatives of sovereignty.

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On one hand, the US and the Soviet Union insisted, particularly for each other, on observance of the norm of noninterference in the internal affairs of sovereign states. Often honored in the breach, this norm was nonetheless a cornerstone of the Westphalian interstate system. On the other hand, both superpowers routinely manipulated domestic politics in countries around the world, particularly post-colonial countries, with foreign aid, technical assistance, access to markets and a variety of other ostensibly liberal, or at least arm's length, devices. This meant that rulers were often accountable to international patrons who constructed and sustained these states instead of to domestic constituencies. As a result, the incentives to develop the classic attributes of states, such as professional militaries, strong fiscal systems and other administrative bureaucracies, were weak while inducements to maintain the appearance of stability were strong.

Thus, during this period, international attention to the project so clearly outlined in the League of Nations Mandates—to ensure "administration of the territory under conditions which will guarantee freedom of conscience and religion, subject only to the maintenance of public order and morals, [establish] military training of the natives for... police purposes and the defence of territory, and... secure equal opportunities for the trade and commerce...."—was largely diverted to the imperatives of winning the Cold War and preventing nuclear annihilation. Governments were rewarded for votes in the United Nations and, thanks to the norm of noninterference in the internal affairs of sovereign states, were permitted to exercise authority in virtually any way that ensured their stability.

Insofar as state building was a focus of international concern, it was equated in the 1950s with modernization, in the 1960s and 1970s with development and in the 1980s and 1990s with democratization—all of which were considered essentially irreversible processes. Though there might be occasional backsliders and miscreants, the

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process of political change was ineluctable, and it was believed that Europe would show the rest of the world its future. As Thomas Carothers observed, "to the extent that democracy promoters did consider the possibility of state-building as part of the transition process, they assumed that democracy-building and state-building would be mutually reinforcing endeavors or even two sides of the same coin."[21] Indeed, the imposition of sovereignty was considered likely to elicit domestic political organizations and institutions that mirrored the patterns of the international state system, including regard for formal, institutional identities, such as statehood or citizenship, over personal, ethnic or religious affiliations. Sovereign recognition, it was thought, could create conditions within which states and nations are formed. As Biersteker and Weber put it, "the practice of granting or withholding sovereign recognition participates in the social construction of territories, populations, and authority claims."[22]

In fact, many of these apparent states that were formally recognized by the world community, accorded membership in the United Nations and authorized to issue passports, postage stamps and currencies were little more than facades constructed to ensure international independence. Behind these facades, other kinds of political identity survived and often flourished. The imposition of states often disorganized the local social and political structures, but the new arrangements equally often failed to take root effectively, leaving many populations with neither authoritative local institutions nor robust Weberian-style states.

Examples abound of "hybrid" polities whose rulers went out of their way to present the appearance of a Weberian state to the international system, while representing something quite different to their domestic constituents.[23] Zambia's independence constitution in 1964 acknowledged the continuing strength of the precolonial traditions of authority in establishing a house of chiefs as well as the national assembly. Morocco's 1972 Constitution described the king as both the "Supreme Representative of the Nation" and the "Commander of the Faithful." Mu'ammar al-Qaddafi insists upon being treated as the Libyan head of state when he leaves his country; in the mid-1980s, however, he announced that there was no state in Libya and declared that he held no formal position. In Saudi Arabia, the Basic Law of 1992 declared that the Qur'an is the constitution of the country. Indeed, in much of sub-Saharan Africa, since independence, "(neo)traditional institutions have gained power and official recognition in many African states. This development is not limited to 'weak' states. Even the 'New South Africa' gave official status to traditional rulers in its 1993 Constitution."[24]

THE END OF THE COLD WAR AND CHALLENGES TO THE POST-IMPERIAL STATE SYSTEM

As the 21st century dawned, the international community discovered the shallowness of the international order devised on the morrow of thr First World War. The

overwhelming preoccupation with the titanic struggle of the superpowers during the Cold War had obscured the extent to which the constituent parts of the system embodied by the United Nations had decayed. Although several independent states had shown themselves to be fragile constructs over the course of the second half of the 20th century—Nigeria almost dissolved in the Biafran war that ended in 1970, and Pakistan divided in two the following year—far more were held together by the sheer will of the superpowers. As James Dobbins puts it, "during the Cold War, the United States and the Soviet Union each—and, in some cases, both—propped up a number of weak states for geopolitical reasons....With the disappearance of the Soviet Union, Moscow lost its capability and Washington its geopolitical rationale for sustaining such regimes. Denied such support, these...states disintegrated."[25]

> In weak states, opposition is as often a rejection of the state altogether as it is a demand for participation.

Yugoslavia, Afghanistan, Algeria, Colombia, Rwanda, Somalia, Sudan and Zaire all represented in their different ways an international legal and normative system that had imposed international obligations of sovereignty in places and at times where there had been little to support them—or where there were competing norms and values. The efforts to meet those obligations and to turn the system to the use of the people had been costly, frustrating and ultimately often damaging to the very project they were supposed to be sustaining: national independence and sovereignty. By the end of the 20th century these had come to be known as "failed states."

Analysts typically describe the consequences of state failure in Hobbesian terms. As Mary Kaldor suggests,

> it is possible to observe a process that is almost the reverse of the process through which modern states were constructed. Taxes fall because of declining investment and production, increased corruption and clientelism, or declining legitimacy… The declining tax revenue leads to growing dependence both on external revenues and on private sources, through, for example, rent seeking or criminal activities. Reductions in public expenditure as a result of the shrinking fiscal base as well as pressures from external donors for macroeconomic stabilization and liberalization (which also may reduce export revenues) further erode legitimacy. A growing informal economy, associated with increased inequalities, unemployment and rural-urban migration, combined with loss of legitimacy, weakens the rule of law and may lead to the reemergence of privatized forms of violence: organized crime and the substitution of "protection" for taxation; vigilantes, private security guards protecting economic facilities, especially international companies; or paramilitary groups associated with particular political factions.[26]

Robert Rotberg finds that, at the end of this process, "failed states are tense, deeply conflicted, dangerous and contested bitterly by warring factions. In most failed

states, government troops battle armed revolts...cannot control borders...regimes prey on their own constituents...criminal violence grows... lose authority over sections of territory... for protection, citizens turn to warlords."[27] Similarly, Richard Joseph describes an Africa where "territorial integrity is being trampled by networks of traffickers in persons, drugs, precious stones, petroleum and firearms."[28] Ghassan Salame sees a Middle East characterized by, "gangs, nepotistic privatizations, trafficking in influence, tolerance of drugs, militia, corruption, the so-called black or informal economy, and para-statist rackets." [29]

Yet just as there is predictability to the process of state deformation or collapse, the patterns of authority to which people revert are not random. As Salame suggests, "these gangs are also the instruments of survival of groups marginalized by the states."[30] In fact, very few people live for very long in the Hobbesian condition of perennial "Warre, where every man is Enemy to every man."[31] They find alliances and communities that provide protection, meet their basic needs, give them ethical purpose, perhaps even inspire them. As Joseph puts it, "Decades of misrule have not only undermined the emergence of efficient bureaucratic states in Africa, they have also driven ethnic, religious, and regional communities to develop subnational conceptions of citizenship."[32] Whether subnational or supernational, as in pan-Arabism, the appeal of these alternative identities is hardly captured in the conventional moralizing about corruption. Certainly Carothers is not wrong in decrying, "such profound pathologies as highly personalistic parties… or stagnant patronage-based politics,"[32] in ostensibly democratic states.[33] We must also recognize, however, that institutions associated with the state have distorted family ties, weakened traditional authority and undermined moral orders in ways their proponents would describe as equally pathological.[34]

The absence of the state does not simply produce chaos. It also reveals the outlines of alternatives to the state itself. As Bresser-Pereira observes, "nation-states are now merely competitors in the global marketplace."[34] In many instances, social groups that might once have been expected to compete for power within the state instead espouse ideological positions that challenge or rival the very authority and legitimacy of the state itself. In countries with weak or nonexistent states, opposition is as often a rejection of the state altogether as it is a demand for participation. As Michael Ignatieff reported eight months after the American invasion of Afghanistan:

> In the vacuum where an Afghan state ought to be, there are warlords…Each warlord has a press officer who speaks good English and lines up interviews with the foreign press. They are also building a political constituency at home. [One] has his own local TV station, and its cameras are in the courtyard waiting to put him on the evening news. While their power comes out of the barrel of a gun, they also see themselves as businessmen, tax collectors, tribal authorities and clan leaders… [They] prefer to be known as commanders. A warlord, they explain, preys on his people. A commander protects them.[35]

Small wonder that governments from Algeria to Egypt, Afghanistan to Chechnya, Nigeria to Indonesia—what Seyla Benhabib calls "the post modern quasi-feudal state"—worry about the alternative that oppositions may represent.[36]

Decades of manipulative neglect on the part of the superpowers, and of ideologically-driven privatization efforts around the world, have shrunk the public sphere in many states and created enlarged spaces for erstwhile private realms, such as the marketplace and communities of faithful. Charles Fairbanks argues that the public sphere is fast disappearing in Russia: "an unexpected feature of the post-Soviet transition was the change from a system preoccupied with an unpopular version of the public interest to one dominated by private interests." He draws the conclusion

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that "this eclipse of the public interest is connected with the weakness of the state…. In the regime inherited by Putin, as in West European feudalism, rulers pay for the performance of a public duty by transferring a resource to be exploited."[37]

Similarly, the shrinking of the public sphere has enlarged the realm of religious commitment. In the United States, faith-based initiatives are an explicit policy alternative to the public sector in a variety of social service domains; elsewhere in the world, religious groups pick up what failing states abandon, providing everything from social services to law and order. Such faith-based communities as Islamist movements are not defined by control of territory any more than pre-Westphalian—or perhaps better, non-Westphalian—political entities were, but they display many of the other attributes of authority, including law, armies and perhaps even a sort of citizenship.

Islamist movements in the former mandates of the League of Nations can be seen as an alternative to the state—not simply as a demand for greater participation or better administration. Osama Bin Laden suggested as much in a broadcast acknowledging Al-Qaeda's responsibility for the attacks of September 11:

> what the United States tasted today is a very small thing compared to what we have tasted for tens of years. Our nation has been tasting this humiliation and contempt for more than 80 years.[38]

Should his audience have missed the significance of the allusion to 80 years of humiliation, Bin Laden clarified it several weeks later: "Following World War I, which ended more than 83 years ago, the whole Islamic world fell under the crusader banner—under the British, French and Italian governments." Moreover, he identified the successor to the League of Nations as part of the problem:

> For several years our brothers have been killed, our women have been raped, and our children have been massacred in the safe havens of the United Nations and with its knowledge and cooperation. Those who refer our tragedies today to the United Nations so that they can be resolved are

hypocrites who deceive God, his prophet, and the believers. Are not our tragedies caused by the United Nations? Who issued the partition resolution on Palestine in 1947…? Those who refer things to the international legitimacy have disavowed the legitimacy of the holy book and the tradition of the prophet Muhammad, God's peace and blessings be upon him.[39]

The international state system, imposed first in European imperialism and maintained in the superpower rivalry of the Cold War, proved at the beginning of the 21st century to be as shallow as it was wide. At a time when many in the West were concluding that the state had outgrown its usefulness, many elsewhere wondered what use it had ever served. The states they knew had abdicated any responsibility for the salvation of souls, and still seemed incapable of securing life, liberty and property.

Half a century ago, Hannah Arendt considered the plight of "stateless people,"the refugees and displaced persons from the Second World War. Today, her words strike a powerful chord as we consider the circumstances of those people whose states hardly ever existed, failing even before they formed:

> The calamity of the rightless is not that they are deprived of life, liberty, and the pursuit of happiness, or of equality before the law and freedom of opinion—formulas which were designed to solve problems within given communities—but that they no longer belong to any community whatsoever…. Not the loss of specific rights but the loss of a community willing and able to guarantee any rights whatsoever, has been the calamity which had befallen ever increasing numbers of people.[40]

The formation of states was a difficult, costly and painful project in the past. The failure to form states in the future promises to be even more difficult, costly and painful. ♕

NOTES

[1] The phrase is from Karl Marx and Fredrick Engels, *The Manifesto of the Communist Party*, published in 1847: "Constant revolutionizing of production, uninterrupted disturbance of all social condition, everlasting uncertainty and agitation distinguish the bourgeois epoch from earlier ones. All fixed, fast frozen relations, with their train of ancient and venerable prejudices and opinions, are swept away, all newly-formed ones become antiquated before they can ossify. All that is solid melts into air, all that is holy is profaned…"

[2] Charles W. Kegley, Jr. and Gregory Raymond, *Exorcising the Ghost of Westphalia: Building World Order in the New Millennium* (Upper Saddle River, NJ: Prentice Hall, 2002), 154.

[3] During a debate with Vice President Al Gore on October 11, 2000, then-candidate Bush said, "I don't think our troops ought to be used for what's called nation-building…. I think what we need to do is convince people who live in the lands they live in to build the nations. Maybe I'm missing something here. I mean, we're going to have a kind of nation-building corps from America? Absolutely not." See Wayne Washington, "Once against nation-building, Bush now involved," *Boston Globe*, March 2, 2004.

[4] Although, as Richard Joseph reminds us, scholarly concern with this question is not new: in 1996 Aristide Zolberg warned in 1996 that postcolonial Africa was, "an almost institutionless arena with conflict and disorder as its most prominent features," Richard Joseph, "Africa: States in Crisis," *Journal of Democracy* 14:3 (July 2003), 161. For a sampling of the more recent literature, see William I. Zartman, ed., *Collapsed States: The Disintegration and Restoration of Legitimate Authority* (Boulder, CO: Lynne Rienner Publishers, 1995), Robert I. Rotberg, ed., *State Failure and State Weakness in a Time of Terror* (Washington, DC: Brookings Institution Press, 2003); and Robert I. Rotberg, ed., *When States Fail: Causes and Consequences* (Princeton, NJ: Princeton University Press, 2004).

[5] "National Security Strategy of the United States," 2002, at http://www.whitehouse.gov/nsc/nss1.html.

[6] Thomas Hobbes, *Leviathan, or the Matter, Forme & Power of a Common-Wealth* (London, 1651), 186.

[7] Ibid.

[8] Max Weber, *The Theory of Social and Economic Organization* (New York: The Free Press, 1947), 154. On the question of empirical variation in the strength and scope of states, see Lisa Anderson "The State in the Middle East and North Africa," *Comparative Politics* (October 1987).

[9] Max Weber, "The Types of Legitimate Domination," in Guenther Roth and Claus Wittich, eds. *Economy and Society: An Outline of Interpretive Sociology* (New York: Bedminster Press, 1968).

[10] Perry Anderson, *Lineages of the Absolutist State* (New York: W.W. Norton & Company, 1974).

[11] As David Held and his collaborators observe, "the idea of an impersonal and sovereign political order—that is, a legally circumscribed structure of power—with supreme jurisdiction over a territory could not prevail while political rights, obligations and duties were conceived as closely tied to religion and the claims of the traditionally privileged, such as the monarchy and the nobility." David Held & Anthony McGrew, David Goldblatt & Jonathan Perraton, *Global Transformations: Politics, Economic and Culture* (Stanford, CA: Stanford University Press, 1999), 45.

[12] See Charles Tilly, "War Making and State Making as Organized Crime," in Peter Evans, Dietrich Rueschemeyer and Theda Skocpol, eds., *Bringing the State Back In*, (Cambridge, UK: Cambridge University Press, 1985), and *Coercion, Capital, and European States*, AD 990-1990 (Malden, MA: Blackwell Publishers, 1990).

[13] Richard Rose, "A Diverging Europe," *Journal of Democracy* 12:1 (January 2001), 95.

[14] John Locke, *A Letter Concerning Toleration* [London, 1689] (Hackett Publishing Company, 1983), 26.

[15] *Covenant of the League of Nations*, Article 22, June 28, 1919.

[16] Ibid.

[17] Ibid.

[18] As Juan J. Linz and Alfred Stepan observe, "The peace treaties after World War I represented the high point of nation-building, with the proclamation by Wilson of the principal of self-determination. But the new states that emerged after 1918 were not in fact all nation-states. … The disintegration of three empires into a number of new states and the redrawing of boundaries between states were not directly the result of the efforts of nation-building movements," *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe* (Baltimore: Johns Hopkins University Press, 1996), 23.

[19] Henry Serrano Villard, *Libya: The New Arab Kingdom of North Africa* (Ithaca, NY: Cornell University Press, 1956), 33. This story is told in Lisa Anderson's " 'A Last Resort, an Expedient and an Experiment:' Statehood and Sovereignty in Libya," *The Journal of Libyan Studies* 2:2 (Winter 2001).

[20] John Gerard Ruggie, *Constructing the World Polity: Essays in International Institutionalization* (London: Routledge: 1998) Stephen Krasner, *Sovereignty* (Princeton: Princeton University Press, 1999), and on "quasi states," Robert Jackson, *Quasi-States: Sovereignty, International Relations and the Third World* (Cambridge: Cambridge University Press, 1990).

[21] Thomas Carothers, "The End of the Transition Paradigm," *Journal of Democracy* 13:1 (January 2002), 9.

[22] Thomas J. Biersteker and Cynthia Weber, "The social construction of state sovereignty," in Beirsteker and Weber, eds., *State Sovereignty as Social Construct* (Cambridge, UK: Cambridge University Press, 1996), 14.

[23] These are, in Jackson and Rosberg's terms, more "juridical" than "empirical" states. See Robert Jackson and Carl Rosberg, "Why Africa's Weak States Persist," *World Politics* 35:1 (October 1982).

[24] Axel Harneit-Sievers, review of "Nigerian Chiefs: Traditional power in modern politics, 1890s–1990s" by Olufemi Vaughan. *African Affairs* 100, no. 398 (2001), 155.

[25] James Dobbins et al., *America's Role in Nation-Building: From Germany to Iraq* (Santa Monica, CA: Rand Corporation, 2003), xiv.

[26] Mary Kaldor, "Beyond Militarism, Arms Races and Arms Control," *Understanding September 11*, Craig Calhoun, Paul Price and Ashley Timmer, eds., (New York: The New Press, 2002), 162.

[27] Robert I. Rotberg, ed., *State Failure and State Weakness in a Time of Terror* (Washington DC: Brookings Institution, 2003), 5-6.

[28] Richard Joseph, "Africa: States in Crisis," *Journal of Democracy* 14:3 (July 2003), 166.

[29] Ghassane Salame, ed., *Democracy without Democrats? The Renewal of Politics in the Muslim World* (London: IB Tauris, 1994), 15.

[30] Ibid.

[31] Hobbes, *Leviathan.*

[32] Richard Joseph, "Africa: States in Crisis," *Journal of Democracy* 14:3 (July 2003), 168.

[33] Thomas Carothers," The End of the Transition Paradigm," *Journal of Democracy* 13:1 (January 2002), 15.

[34] Luiz Carlos Bresser-Pereira, "After Balance-of-Powers Diplomacy, Globalization's Politics," *Critical Views of September 11: Analyses from around the World*, Eric Hershberg and Kevin W. Moore, eds., (New York: The New Press, 2002), 109.

[35] Michael Ignatieff, "Nation-Building Lite," *New York Times Magazine*, July 28, 2002.

[36] Seyla Benhabib, "Unholy Wars. Reclaiming Democratic Virtues after September 11," Calhoun et al., 244.

[37] Charles H. Fairbanks, Jr., "Russia Under Putin: The Feudal Analogy," *Journal of Democracy* 11:3 (July 2000), 35.

[38] "Broadcast by Osama Bin Laden (October 7, 2001)" Rubin and Rubin, eds., *Anti-American Terrorism and the Middle East* (New York: Oxford University Press, 2002), 249.

[39] "Broadcast by Osama Bin Laden (November 3, 2001)" Rubin and Rubin, eds., 256.

[40] Hannah Arendt, *The Origins of Totalitarianism* (New York: Harcourt, Inc, 1994 [1948]), 297.