

From Foes to Bedfellows: Reconciling Security and Justice

by Jean-Marc Coicaud and Jibecke Jönsson

This article aims to show how and why justice is, and should be, an integral part of security, and why this relationship is important to address, especially in the international context. It does so, first, by arguing that the current model of international security, by disconnecting the quest for security from the pursuit of justice, is self-defeating. As long as the contribution that justice can make to security is overlooked, international order, let alone international security, will not be achieved. Second, the article looks more closely at why and how justice is key to security. Taking justice seriously in the context of international security is particularly challenging because of the national bent, which states impose upon international relations.¹ Third, the article points to a few measures that could help to better embed security and justice at the international level. In this regard, while suggestions are made for how international policymakers are to advance the idea of an international rule of law, it is also pointed out how this development is to be paralleled by continuous efforts to foster certain attitudes and values within people and societies of the international community. Finally, questioning if today's culture and decision-makers are actually prone to truly dovetail justice and security, the article concludes with some words of cautious optimism.

LIMITS OF THE CURRENT MODEL OF INTERNATIONAL SECURITY

Security is not simply a primary right, but it is the primary right of persons from which all others derive, and on which all others depend.² It is the primary right that, at least ideally, serves to protect the human right to life in a peaceful society.³ Short of benefiting from security and peace, the very existence of persons is impeded—their ability to subsist, develop, and flourish. In other words, “[l]asting peace is a prerequisite for the exercise of all human rights and duties.”⁴ Consider the Universal Declaration of Human Rights. In its first article, it states that “[a]ll human beings are born free and equal [...]” and they “should act towards one another in a spirit of brotherhood.” It is from the very outset acknowledged that the most fundamental of human rights is conditioned by the relations that humans have to other humans.

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Freedom and equality are dependent on being secured by certain behavior of fellow humans.⁵ Indeed, the subsequent article three of the Declaration articulates this connection clearly when it states: “Everyone has the right to life, liberty, and security of person.”⁶

But identifying security as a primary right is not without complications. Although it might simplify the notion of security in certain regards, it also introduces a host of difficulties. The problems fall into two main categories: the first concerns the tension between the “self” and the “other,” and between who is included in, and who is excluded from, security considerations; and the second entails the scope and depth of security requirements. Both categories contain problems that stem from a seemingly unavoidable order of priority, or hierarchization, where some rights are protected on the account of others.

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If security is first and foremost about ensuring survival, about ensuring that persons have the ability to sustain themselves, it calls for securing this right in the setting within which they evolve. In this regard, the search for security is fundamentally shaped by the divide between notions of the “self” versus the “other,” in which the “other” is seen as a source of uneasiness, if not a threat. The difficulties associated with this divide are threefold.

First, determining where to draw the line between the “self” and the “other,” between who is included and who is excluded, and therefore between who is seeking security and who is perceived to be a source of insecurity, can be problematic. As there is arguably a continuum from the “self” to the “other” in which the two exist in relation to, as well as in interaction with, each other, this is not an easy task. Second, when faced with the necessity to choose between whose security is more vital, prioritizing between persons and their security presents a daunting challenge. For example, faced with the necessity to choose between one’s own death, or that of a loved one, whose life is determined to be more valuable? How to best tame the insecurity that may stem from interacting with the “other” presents a third difficulty. From cooperation to conflict, there is a whole range of possibilities and combinations that may result from the interactions between the “self” and the “other.”

The other category of problems that springs from the understanding of security as a primary right concerns security requirements. What is exactly required to protect and guarantee this right? What is needed to achieve security? Three issues surface from such questions, ones which engage the very meaning of security itself.

To begin with, is security essentially limited to the protection against physical harm, or does it extend to the protection against less tangible threats related to civil,

political, economic, social, and cultural rights (including the right to development)? Is security simply about ensuring that people are able to subsist without direct threats to their existence, or does it include acquiring what is needed to improve and live a meaningful and dignified human life? If the latter is true, what other aspects, besides physical protection, belong to security? Furthermore, how is the threshold for the requirements of the scope and depth of security calculated at any given time? Assuming that security calls for a plurality of requirements, which might not all be possible to satisfy simultaneously, then a third difficulty is the necessity of choosing one (or a few) over others.

Already extremely complex to address at the national level, these challenges become even more difficult at the international level. Traditionally, in the international realm, the conceptualization and implementation of security has been based on three considerations and the respective priorities associated with each: 1.) the “we” versus “them” divide, with priority given to the national community over the international community; 2.) the dualism between the state and the individual, with priority given to the former over the latter; and 3.) the tendency to dissociate protection against physical threats from “softer” needs or rights, with priority given to physical protection.⁷ This has led the mainstream understanding of security at the international level to be particularist (or exclusionary), as well as state and defense-driven, with national interest and military concerns at the center of preoccupations.⁸

Certainly, since the end of the Cold War, a tendency to redefine security has encouraged both academics and policymakers to revisit the model of collective security.⁹ The notion has, and still is, expanding so as to include actors other than states—institutions, organizations, and networks—as security providers. But it is also expanding in terms of what security means to those who are protected. The development can be conceptualized in a more human rights-inclined model of collective security, which has put several new items on the international security agenda in the past fifteen years or so, such as human security¹⁰ and the “responsibility to protect.”¹¹ However, the impact of these new items has been limited by the weak institutional and structural development that leaves their provision to be largely dependent on traditional military state power. The chronic limitations of the United Nations (UN) and its most progressive policies, together with the Bush administration’s “war on terror” as a way to address the attacks of September 11th, demonstrates well how confrontation and physical might continue to play a major role in international security.¹² That such a path achieves security is far from obvious. It is even tempting to think the contrary.

Physical might may contain violence for a certain period of time, but it rarely puts an end to it. In fact, in today’s world, it often invites those actors eager to settle scores to simply be prudent and wait for the right moment to strike.¹³ Moreover, since action and reaction is shaped in, and by, interaction, a confrontational attitude is likely to trigger a similar posture in others. Consequently, interaction is put on a dangerous course marked by calculations of means and intentions and by distrust,

which is likely to lead actors to rely on an arms race or entertain the launch of preemptive attacks in their quests to achieve security. Such considerations illustrate how security, when narrowly understood, runs the risk of leading to overall insecurity.

This does not mean, however, that we should abandon altogether the traditional conception of international security. Because of the accumulation of grievances and tensions among persons and states over time, a totally open and defense-free existence is likely to leave populations vulnerable. A level of caution and protection from physical harm is therefore still necessary for a sense of security to prevail.

Ultimately, there is a need to grasp what has been identified as the “security dilemma”¹⁴ and seek a middle ground. In this regard, the following questions should be kept in mind: How can it be ensured that caution and protection do not end up being the captives of paranoia? How might a policy of security that does not undermine itself be envisioned and implemented? The answers lie in grounding the search for security in the acknowledgment of, and response to, the demands of justice.

TAKING JUSTICE SERIOUSLY: THE BEST GUARANTEE FOR INTERNATIONAL SECURITY

What makes the demands of justice so important to the quest for security? As Jean-Jacques Rousseau once said, “[t]he strongest is never strong enough to be always the master, unless he transforms strength into right, and obedience into duty.”¹⁵ For, if one feels that the society in which he operates and interacts does not uphold his rights in a fair or just manner, he is likely to disregard his responsibility towards those with whom he shares this society, or towards the social arrangements and political institutions that preside over their relations, for concerns of his own survival. The sentiment that the survival and well-being of others is of no relevance to him is likely to deepen if the social and political setting appears to unduly favor a limited few. No “tranquility of spirit,”¹⁶ so to speak, can be expected. Not even the powerful are immune from this state of affairs. As those in power are associated with responsibility over the shortcomings of the political and social arrangements, the powerful are indeed prone to be a target of resentment and acts of violence from those who feel cheated by the system. In fact, as history has often shown, the abusive concentration of power tends to eventually become self-defeating for the powerholder(s).

For example, consider a typical dictator’s fate: more often than not, the dictator ends up being the victim of his/her own rule. As the style of governance encourages people to dispose of the leader when the possibility arises, the dictator is essentially condemned to be in constant fear for his/her life. “Being on the run” in his/her “kingdom” frequently becomes reality. It has been noted, for instance, that long before the summer and fall of 2003, when US troops in their search forced him from one hiding place to another, Saddam Hussein had made a habit of not sleeping in the same place more than two nights in a row.¹⁷ A dictatorial way of ruling will

therefore not only instill fear in its population for the ruler but also, within the ruler by the ruled as a result of the unjust dictatorship. As a result, oppression will only be reinforced, as will fear in both the ruler and the ruled.

Against this background, four reasons suggest that taking account of the demands of justice strengthens security. First, as previously discussed with reference to Rousseau and the “tranquility of spirit,” as long as the rights of persons are protected, people have no real incentive to violate the rights of others. The sense of relative contentment that settles in makes it possible for an individual to translate respect for others’ rights into a duty-bound feeling of responsibility that, in turn, helps others feel equally duty-bound towards his/her rights. The mutual dependency associated with the intertwining of rights and duties creates a social dynamics of cooperation (i.e. of cooperative solidarity among actors), which is essential to the structure and climate of security.¹⁸

Second, the sense of predictability that a functioning system of rights and duties brings fortifies security in two ways. It minimizes the feeling of uncertainty and the worries associated with it that often heighten insecurity and push people to think and act in preemptive ways vis-à-vis possible threats. In addition, predictability works by creating confidence, which consequently enhances security. When people know what to expect in, and from, their interactions with others in normal, but also in extraordinary, circumstances, faith in the justice system and the security that it provides are reinforced.¹⁹

Accounting for demands of justice supports security in a third way: Moving people away from a victim mentality and culture can avoid a collapse of the societal and individual fabric, and the insecurity that can accompany it. When injustice is perceived as systemic, the social organization of society, and the political institutions that guarantee it, lose legitimacy. In the process, the people’s spirit and behavior also disintegrate. The end result is a decriminalization of crime that is apt to facilitate insecurity.

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At the societal level, the loss of social and political legitimacy blurs the normative line between what is permitted and what is not, between what is a crime and what is not, and undercuts the power to enforce. An outlook of “anything goes,” as well as increasing disorder, becomes more and more acceptable, spreading to all sectors of society and life. This is reinforced at the individual level, where more damage is done.

In societies without recognized mechanisms to address or vindicate grievances, there is a risk for victims to develop a permanent victim identity that is prone to

perpetrator behavior. By offering reparations, a functioning system of justice (in a functioning society) allows victims to, as much as possible, isolate their grievances and unlock themselves from them. It allows them to reconcile with themselves and their environment. In removing the sense of victimization, justice is intended to empower the victim by enabling the past to be left behind and the present to regain possession of reality. In the process, justice allows the victims to become active agents freed from the possible danger of turning violent outward. By contrast, not taking care of, let alone healing, the wounds disconnect the victims from themselves, which usually translates into a diminished empathy for others. At times, what follows is more than simple anger. A spirit of resentment to reality as a whole may very well develop. Such spirit can induce people to lash out against those viewed as the never-condemned guilty party. This, in turn, can also open the “revenge” gate to broader targets.²⁰ The terrorized can very well become the terrorists. When this has become the prevailing climate, when victimization has proliferated to the point of consuming the character of a society and its members, both victim and perpetrator collide, widening and deepening the trauma even further.²¹ Insecurity, physical as well as psychological, turns into a morbid way of life.

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Fourth, considering the various benefits of a justice-minded society, its people tend to have much to lose if it unravels. By the same token, the more vested interests people have in satisfying the demands of justice, the less society is challenged in a negative way at the systemic level, and the more the security society provides is strengthened. Against this background, the value of creating and maintaining flexible justice-minded societies, capable of embracing change to the best interest of all, is underlined. However, as people are prone to stick to the status quo, especially if it is to their benefit, such a change may not come easily.²² Yet, there is more security to be achieved in accepting the instability that comes from embracing change than in hanging on to an order outrun by reality.²³

If establishing a bridge between justice and security is already a complex endeavor at the national level, it is even more of a challenge at the international level. However, it is precisely because of this greater difficulty that it is all the more imperative to try to do so.

The deep sense of disconnect between the search for security and the pursuit of justice at the international level, and the problems associated with it, spring from the national bent—from the tendency to favor national interests in international life.²⁴ International socialization is shaped by, and around, national society. This bent fundamentally limits the projection, both in conceptual and practical terms, of justice and security at the international level. The wall built between the national and

the international realm leads to a disassociation of security from justice, favoring the former over the latter. In the process, it encourages an exclusive and confrontational approach to international security. Hence, it promotes the realist logic of pursuing security independently from justice, which pays more attention to defense against external threats and military needs than to the inclusive demands of international justice.

Multilateralism seeks to tame this divide between the national and international realm and the effects that they have on the capacity to bridge security with justice. Nevertheless, it far from eliminates the problems. In the multilateral context, states, especially the more powerful ones, tend to find a greater number of reasons to narrowly pursue their respective interests than to cooperate for the public good. The result is the marginalization of multilateral organizations, such as the United Nations, which are left as weak providers of international justice. This weakness is illustrated by the relatively poor track record of the UN in human rights protection on the ground.

As most states remain focused on narrow national interests and concerns, the United Nations suffers from the difficulties associated with convincing the member states of the benefits associated with the global public good, including the global protection of human rights. A resulting consequence is the inability of the UN to be a strong international security provider. Indeed, historically, the United Nations has more played the role of a bystander than of an enforcer, rarely acting, or only acting reluctantly, to provide security to people and states under attack. Such behavior indicates how the self-interested attitude of member states translates not only into the hampering of international justice but also, the incapacitation of international security.

The danger of disconnecting security from justice in the international realm could not be graver. By undermining political legitimacy at all levels while fuelling “the geopolitics of passions,”²⁵ international security is at risk of being put further out of reach. The war in which America and terrorism are locked is just one aspect of this story, something towards which Kofi Annan pointed a warning finger in his final speech as UN Secretary-General to an American audience. Annan underlined how the international community, by allowing terrorism to serve as the legitimizing factor for actions of collective security that go against international norms and rules, risks to delegitimize, and weaken, that which it aims to protect in the first place.²⁶

Consequently, achieving real international security requires multilateralism to escape from being captive to particularist approaches—something which precisely calls for dovetailing security with justice at the international level. Short of this, the deficiency of international justice will remain the deficiency of international security.

MODEST PROPOSITIONS TO RECONCILE SECURITY AND JUSTICE

If international security requires that justice be taken seriously, how can this be achieved? More specifically, what are the changes that could contribute to the realization of this goal? To better embed security into justice and, moreover,

strengthen security by strengthening justice, two types of change are recommended: first, a change of attitude regarding fear and democratic values, so as to recognize the danger that the former poses to the latter when it turns into paranoia; and, second, a policy change as a way to enhance the international rule of law by ensuring that international justice has an influence beyond that of being dependent on states' particular interests for its application and enforcement.

It is understandable that fear is at the heart of the pursuit for security. Desiring to protect oneself and being afraid of suffering harm are one and the same thing. However, fear does not have to turn into paranoia. Ensuring that paranoia does not result is essential to a healthy and efficient quest for security. When the line between fear and paranoia holds, the search for security has a better chance to connect with, and achieve, greater security.

The behavioral patterns that paranoid fear brings about in persons are easily reproduced throughout society. While people will be eager to control others, they will also isolate themselves and limit communication to the extent that the sense of community, let alone social intimacy, in society will dissolve. To avoid such a course of action, fear has to be controlled in a positive manner. An exaggerated defensive attitude towards fear must be prevented from leading to a pathological dimension or prevailing over a healthy, prudent attitude. This calls upon encouraging cautious behavior without triggering paranoia.

Fear has to be managed in a way that motivates people to embrace life and each other. After all, is it not the sense of finitude that instinctively urges human beings to live their lives to the fullest and make contact with others? Although, in times of weakness, keeping others at arms length is a sensible measure, it should only be a temporary one, because when it becomes a structural behavior separating people, pathology prevails. This is just as valid in politics, be it international or national politics. This is well illustrated in modern totalitarianisms where politics of paranoia has repeatedly come to backfire, leaving a trail of destruction both at home and abroad.

How can an environment in which persons have the courage to make themselves more vulnerable be established? An environment in which the strength of persons, as exposed in the acceptance of their vulnerabilities, empowers society? An environment which fosters a society that is grounded in the trust, rather than the fear, between its members? This is perhaps the biggest challenge for the search of security (psychological and physical security), and it is the predicament of modern democratic culture.

Rousseau's overall intellectual quest is exemplary in this regard. It can be argued that one question that runs through Rousseau's writings is: under which conditions am I going to open to the other, so that the exposure resulting from it does not diminish me but makes me stronger and more present to myself, to others, and to the world in general?²⁷ Rousseau's answer resides in seeking to fulfill the promising character of democratic values.²⁸ He sees democratic values as a key to both individual and social responsibility, to the acceptance of, and duty towards, oneself as well as others.

This does not mean that any attitude towards, or interpretation of, democratic values will do. Democratic values can be used in a non-democratic manner for purposes and interests contrary to their message of inclusiveness. As such, they can themselves be a source of insecurity. Therefore it is important to ensure that they are continuously prevented from being instrumentalized or underutilized. This requires that democratic values abide as much as possible by their progressive character and that their critical approach of reality not only be geared externally, towards non-democratic regimes, but also inwardly, towards democratic regimes.

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In turn, the transformation of attitude vis-à-vis fear and democratic values calls for a policy change, i.e. an improvement of the current international rule of law. The opportunity for this to take place depends upon four considerations. First, there is the need to expand the notion of international security by complementing it with an approach to international justice that goes beyond being merely a moral concern dependent on the whims of states.²⁹ This means adopting an international public policy approach of international justice—one which, by dovetailing justice with security through the integration of moral considerations into public policy expressed and defended by law, would strengthen international security.

Second, a system of international security embedded in justice has to be built around addressing powerlessness wherever it is, without altogether abandoning national demands and overlooking the responsibility that even the powerless hold. The goal is to give a sense of responsibility even to the less powerful.

Third, the relations of the international rule of law with democratic values have to be revisited. This entails recognizing that, although international life encompasses great discrepancies of power, the principle of equality among states and people is a key aspect of *de jure* international relations. The international rule of law cannot amount to the universalization of a one-sided view of the world. In this regard, rather than giving way to a narrow and absolutist search for security, the ability of the international rule of law to socialize uncertainty and instability rests, to a certain extent, on being a pluralist and open-ended process.

Fourth, enough resources have to be allocated to implement the strategic services to be delivered by an international rule of law that is taken seriously. The reasons to limit redistribution (including scarcity of resources, the corruption of governments at the receiving end, and competition) do not justify inaction or poor action. There is no alternative to working on identifying a structure of international justice that is able to create an overall synergy between social justice and efficiency, so as to not, as the saying goes, “rob Peter to pay Paul.”

CONCLUDING THOUGHTS

Considering that the national bent and the divisions (normative, mental, political, social, economic and knowledge divisions) it introduces among countries in international relations is going to persist for the foreseeable future, a gap between justice and security will remain in the international realm. This is a formidable challenge, especially since developed countries that have been historically committed to intertwining social solidarity and security policies and are among the most active internationalist actors are increasingly moving away from a “social state” approach at home.³⁰ Faced by the pressures of economic liberalism and international competition, they seem less and less inclined to embed the political and legal dimensions of the rule of law in welfare policies to tame individual mischance. How could, then, a philosophy of order and justice, aimed at dovetailing security and justice, be endorsed in the international realm while it is being dismantled at the domestic level?

Yet, with democratic values increasingly shaping modern identity, nationally and internationally, the structures of international security and justice are becoming more co-dependent and complementary (both in normative and practical terms) than perhaps ever before. Because this is so, it is essential for the establishment and maintenance of security to push the line of inclusive pluralism as far as possible, within and beyond borders.

NOTES

¹ Issues of justice and security, to a large extent, remain matters which states handle first and foremost according to their national concerns and interest—independent of the international good. As such, international relations and international affairs are marked by a national bent that, at times, even conflicts with, if not contradicts, the international interest. See Jean-Marc Coicaud, *Beyond the National Interest: Peacekeeping and Multilateralism in Times of US Primacy* (Washington, DC: United States Institute of Peace Press, 2007) or Martha Finnemore, *National Interests in International Society* (Ithaca, NY: Cornell University Press, 1996).

² Emma Rothschild, “What is Security?,” *Daedalus* 124, no. 3 (1995): 53–98.

³ The human right to life is often used in the context of environmental law, or in ethical discussions related to especially religious and cultural considerations. However, here it is used in its fundamental meaning of simply a human’s right to live. For a discussion of the term, see for example Franciszek Przetacznik, “The Right to Life as a Basic Human Right,” *Revue des droits de l’homme/Human Rights Journal* 9 (1976): 589, 603.

⁴ These were the opening words of the former Director-General of UNESCO, Federico Mayor, in his declaration on the “The Human Right to Peace” made in January 1997. Since the Declaration was adopted by UNESCO in Paris in 1997, the notion of a “human right to peace” has garnered much support and many efforts have been undertaken, especially by non-governmental organizations, for it to be officially recognized as a human right. Thus far, the most formalized success has been in the UN General Assembly resolution on “Declaration and Programme of Action on a Culture of Peace” adopted in September 1999 (A/RES/53/243, 6 October 1999), however without the “right to peace” actually being explicitly mentioned. For more information, see for example Douglas Roche, *The Human Right to Peace* (Toronto: Novalis Press, 2003).

⁵ For more on rights defined by the relations between persons in a community, as well as the larger framework which serves to secure these relationships in case of default, see Jean-Marc Coicaud, *Legitimacy and Politics: A Contribution to the Study of Political Right and Political Responsibility*, trans. and ed. David Ames Curtis (Cambridge, MA: Cambridge University Press, 2002), especially chapter 1, “What is Political Legitimacy?”

⁶ United Nations, *Universal Declaration of Human Rights*, GA res. 217A (III), UN Doc. A/810 at 71 (1948).

⁷ The division between “soft” and “hard” rights is often drawn between economic, social, and cultural rights on the one hand, and civil and political liberties on the other. This division can also be mirrored in the

difference between raising the standard of living and guaranteeing the right to life.

⁸ This is an understanding that grows out of the mainstream realist perspective of the world and especially, the realist understanding of power. See for example Hans Morgenthau, *Politics Among Nations: The Struggle for Power and Peace*, 4th ed. (New York: Alfred A. Knopf, 1967) and Kenneth N. Waltz, *Man, the State and War: A Theoretical Analysis* (New York: Columbia University Press, 1959).

⁹ The shift in the international security climate expressed in the reconsideration of power, which led to a gradual redefinition of security, has come to expand across all schools of international relations. See for example Barry Buzan, *People, States, and Fear: An Agenda for International Security Studies in the Post-Cold War Era* (Boulder, CO: Lynne Rienner Publishers, 1991); Barry Buzan, Ole Waever, and Jaap de Wilde, *Security: A New Framework for Analysis* (Boulder, CO: Lynne Rienner Publishers, 1998); and Emanuel Adler and Michael Barnett, eds., *Security Communities* (New York: Cambridge University Press, 1998).

¹⁰ See the special issue of *Security Dialogue* 35, no. 4 (September 2004) and, for a comprehensive account of what human security entails, see Human Security Center, *Human Security Report 2005: War and Peace in the 21st Century* (New York: Oxford University Press, 2006).

¹¹ The 2005 World Summit Outcome document (A/RES/60/1, 24 October 2005), adopted by the UN General Assembly as the result of the UN World Summit held in New York on September 14–16, 2005, endorsed the acceptance of the collective responsibility to protect civilians from genocide and other crimes against humanity.

¹² This was paralleled with the development of the understanding of power, particularly with theories of “soft” power gaining attention. These alternative understandings, however, remained based in the assumption that “hard” power is the ultimate power that not only grants power to the “soft” power but also, is to be fallen back on in “real” crisis. See for example Robert O. Keohane and Joseph S. Nye, *Power and Interdependence: World Politics in Transition* (Boston: Little, Brown, 1977); David A. Baldwin, *Paradoxes of Power* (New York: Basil Blackwell, 1989), especially chapter 7, “Power Analysis and World Politics: New Trends versus Old Tendencies;” and for a post Cold–War account, Robert O. Keohane, Joseph S. Nye, and Stanley Hoffman, *After the Cold War: International Institutions and State Strategies in Europe 1989–1991* (Cambridge, MA: Harvard University Press, 1993).

¹³ This is something that had been previously pointed out by Carl von Clausewitz in his 19th century work *On War* and has remained a subject of international security discussions since. See Carl von Clausewitz, *On War*, rev. ed., trans. and ed. Michael Howard and Peter Paret (Princeton, NJ: Princeton University Press, 1984).

¹⁴ The notion of a “security dilemma” in international relations was first coined by John Herz in the 1950s and has since been extensively elaborated upon in many axes of international studies. See John H. Herz, “Idealist Internationalism and the Security Dilemma,” *World Politics* 2, no. 2 (January 1950): 157–80.

¹⁵ Jean-Jacques Rousseau, *The Social Contract*, trans. Maurice Cranston (London: Penguin Books, 1968), 53.

¹⁶ Charles de Secondat, Baron de Montesquieu, *The Spirit of the Laws*, trans. and ed. Anne M. Cohler, Basia C. Miller, and Harold S. Stone (Cambridge, UK: Cambridge University Press, 1989), 157.

¹⁷ See for example Kenneth M. Pollack, *The Threatening Storm: the Case for Invading Iraq* (New York: Random House, 2002), 298.

¹⁸ This is a logic that can be traced back to contractual theory and many of its efforts to justify a rule, and its ruling, in the rational choice of man. One of the more recent examples can be found in John Rawls’ description of society as “a cooperative venture for mutual advantage;” see John Rawls, *A Theory of Justice* (Cambridge, MA: Belknap Press of Harvard University Press, 1971), 4. See also David Gauthier, “Political Contractarianism,” *The Journal of Political Philosophy* 5, no. 2 (June 1997): 135.

¹⁹ Indeed, one of the assumptions on which the theory of a democratic peace rests is that of a stable system based on a certain degree of transparency and predictability of others, whether interpreted as grounded in institutional constraints or in informational properties. For a brief debate of the two accounts, and their logic for the democratic peace, see Kenneth A. Schultz, “Do Democratic Institutions Constrain or Inform? Contrasting Two Institutional Perspectives on Democracy and War,” *International Organization*, 53, no. 2 (Spring 1999): 233–266.

²⁰ Revenge and resentment, although arguably connected at some level, are not identical.

²¹ Zygmunt Bauman, “The Duty to Remember—But What?,” in *Modernity and the Holocaust* (Ithaca, NY: Cornell University Press, 2000), 236–237. These are, of course, issues at the heart of what it is that the project of transitional justice is trying to come to terms with. For a thorough introduction to issues of transitional justice, see for example Neil J. Kritz, ed., *Transitional Justice: How Emerging Democracies Reckon with Former Regimes* (Washington, DC: United States Institute of Peace Press, 1995) and Ruti G. Teitel, *Transitional Justice* (New York: Oxford University Press, 2000).

²² In his theory of justice, John Rawls tries to solve part of this problem by calling upon the notion of the “veil of ignorance,” which is closely linked to his second principle of justice. See John Rawls, *Justice as Fairness: A Restatement*, ed. Erin Kelly (Cambridge, MA: Belknap Press of Harvard University Press, 2001),

15–16. Also, refer to pp. 42–43 and 97–100.

²³ Jean-Marc Coicaud, “Legitimacy, Socialization and International Change,” in *Power in Transition: The Peaceful Change of International Order*, Charles Kupchan et al. (Tokyo: United Nations University Press, 2001).

²⁴ Jean-Marc Coicaud, “International Politics and Dilemmas of International Solidarity,” in *Beyond the National Interest: Peacekeeping and Multilateralism in Times of US Primacy*.

²⁵ Pierre Hassner, “La revanche des passions,” *Commentaire* 110 (2005): 299–312.

²⁶ Kofi A. Annan, Farewell Speech, Truman Presidential Museum and Library, Independence, MO, December 11, 2006. Available at: <http://www.trumanlibrary.org/annan.htm> (accessed February 27, 2007); for additional thoughts on how terrorism works to provoke the underwriters of the international system to delegitimize their own system of legitimacy, see Friedrich Kratochwil, “Moles, Martyrs and Sleepers: The End of the Hobbesian Project?,” *Ethnologia Europaea* 33, no. 2 (2003): 57–68.

²⁷ In Jean-Jacques Rousseau’s writings, the search for an enhanced presence is conducted in relation with the autobiographical, and objectified, self in *The Confessions*, trans. J.M. Cohen (New York: Penguin Books, 1953); the teacher in *Emile; Or, on Education*, trans. Allan Bloom (New York: Basic Books, 1979); nature in *The Reveries of the Solitary Walker*, ed. Christopher Kelly, trans. Charles E. Butterworth, Alexandra Cook, and Terence E. Marshall (Hannover, NH: University Press of New England, 2000); the lover in *Julie, or, the New Heloise*, trans. Philip Stewart and Jean Vache (Hannover, NH: University Press of New England, 1997); and fellow citizens in *The Social Contract*.

²⁸ Jean Starobinski, *Jean-Jacques Rousseau: Transparency and Obstruction*, trans. Arthur Goldhammer (Chicago: University of Chicago Press, 1988).

²⁹ Jean-Marc Coicaud, “International Politics and Dilemmas of International Solidarity.”

³⁰ Robert Castel, *From Manual Workers to Wage Laborers: Transformation of the Social Question*, trans. Richard Boyd (Somerset, NJ: Transaction Publishers, 2002).