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ETHICS, FOUL PLAY AND ASYMMETRIC WARFARE

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Introduction

The current deliberations about possible military intervention in Syria provide me with a good example demonstrating the overall case that I wish to make. The case to be made is the following: in conventional warfare the focus has been on the means of warfare. Politicians and soldiers focus their attention on how to win wars. Attention was paid to developing better weapons, deploying them effectively and devising strategies and tactics for their use which would lead on to victory. At the heart of this kind of activity was the notion of "military necessity". For example, consider World War II. The problem to be solved was how to defeat the axis powers. At the heart of this were questions about military assets and how to deploy them in such a way as to ensure success. Key developments with regard to weapons in WW1 were the development of machine guns, aeroplanes, and new forms of warships. In WW11 we might think of the development of radar and nuclear weapons to mention but two. These inventions then had to be married to appropriate strategies for deploying the men and weapons to bring about the hoped for end which was in both cases the defeat of the enemy.

In these conventional wars, ethical concerns played a part in the decision to go to war in the first place and then to some extent in decisions about how the war was to be conducted. The relevant ethical considerations were contained in the well-known just war tradition with its two parts. The *ius ad bellum* and the *ius in bello*. The first concerning the justice of going to war the second focused on the means that ethically could be used in the conduct of war. In these conventional wars ethics played at best a marginal role. Once the war was underway the participants soldiers, politicians and citizens alike were not overly preoccupied with ethical matters.

In this lecture I shall make the case that the relationship between ethics and military affairs has changed in ways that are fundamental and are often not well understood. These changes are my topic for the evening. If we fail to understand these we are likely to end up making costly mistakes. I shall also be making the case that many actors in contemporary affairs are beginning to show themselves well aware of the general point. I aim to demonstrate all this with close reference to the drama that is currently unfolding in Syria.

In general, international relations is still understood as a sphere of activity which is best understood in terms of the power relations between states. Yet, the idea of international ethics, once understood as oxymoronic, has recently surfaced as being of significance. There is now widespread acceptance that actors in the international domain regularly confront questions of an ethical nature. These are questions about what it would be right to do given the circumstances. Often the questions are about justice, legitimacy, human rights, democracy, the human good, and so on. Where once an ethical component to a university degree programme in International Relations (IR) would have been thought fatuous, most such programmes these days include an ethical element of one kind or another. Textbooks in the field of IR now generally have chapters on International Ethics, International Human rights and/or Democratic Global Governance. However, in spite of the contemporary recognition of the salience of ethical questions in the international domain, there is still a pervasive sense in the discipline and amongst practitioners, that ethical injunctions provide, at best, a slight constraint on policies and actions that are pursued for different reasons; mostly for reasons of self-interest and the accumulation of national power. I challenge this view of ethics as being only marginally significant in world politics. I shall argue that ethical constraints are not merely of marginal significance in international affairs, but are of fundamental importance at every point for both the theory

and practice of international politics. Once I have established this, I shall explore the role that ethical wrongdoing (foul play) plays in international relations. In particular I shall highlight how, contrary to realist understandings of international relations, the avoidance of ethical foul play must be understood as a fundamental goal for actors in world politics. A failure to understand this would have severe negative consequences for the players in world affairs. Finally, I shall argue that understanding the role of foul play in international affairs is particularly important when seeking to understand contemporary warfare, including the so-called "war on terror" and the so called "new wars". The feature that all these wars have in common is that they are asymmetric wars by which I mean that they are typically fought between, on the one hand, an actor who is military strong in terms of men and women under arms, the machines of war and the economic muscle to support these, and, on the other, a small band of people bound together by an ideology of one kind or another, quite limited weaponry and very limited economic muscle to support its war aims. I have in mind groups such as Al Nusra and Al Qaeda to mention but two. The so called "global war on terror" is typical of such wars. This kind of war is puzzling for political scientists. What we study is, amongst other things power. Although there are arguments about what power is there are standard measures of power which include counting warheads, tanks, attack helicopters, numbers of troops, and so on. There are other dimensions of power which include population size, size of the national economy, levels of education, levels of research and development, etc. The puzzle for political scientists is that the "little guy" in these wars has almost none of the resources in terms of which we normally measure power. Yet, we have seen such small actors successfully getting a super power and great powers to do things that they would not otherwise have done. In other words, we have seen them exert power. In what does their power consist?

Ethics in International Relations: Thick not Thin

International relations is a realm of human action. In the contemporary world the most important actors in this domain are states. All of us, as citizens of states, participate in one way or another in inter-state activity. Our states participate in international organisations, make treaties, help fashion international law, make policies dealing with asylum seekers and refugees, issue passports, and relate to one another in 1001 different ways. Most dramatically, from time to time, states engage in war. Sometimes war is state on state, but, most recently, terrorist groups have engaged states in wars of a different kind.¹ All of these actions and interactions take place in the global practice which is well labelled as *the society of sovereign states*.

We not only participate in international affairs through the states within which we are citizens, we also participate directly in a different global practice. This is *global civil society*. In this we participate as individual rights holders. Most prominently, we participate in that portion of global civil society known as the global market. In this we are buyers and sellers of labour, capital, and goods. In this practice, we consider ourselves to have fundamental human rights that are independent of states. We do not consider that the sovereign states within which we find ourselves give us our

1. See Mary Kaldor, *New and Old Wars: Organized Violence in a Global Era* (Cambridge: Polity Press, 1998), *passim*.

human rights. States do not give us our rights, we have them independently of sovereign states. The states we find ourselves in either protect or fail to protect the rights we take ourselves to have. Even when we find ourselves in parts of the world where states are frail or failed, we still consider that we have our human rights and that others (including states) ought to respect them. Thus it is that we find that the people in failed states are still able to participate in global civil society in many different ways including participation as buyers and sellers of commodities.

In both the society of sovereign states and global civil society, we interact with one another through an on-going series of actions. These actions are only available to us as participants in the two global practices I have mentioned. The practices, seen as social wholes, consist of sets of social rules which determine: who are legitimate participants² (and who are not); what menu of appropriate actions is open to participants (and conversely, what sets of actions would be inappropriate for participants in these practices)³; what sanctions are called for in response to misconduct by participants; and, what would count as grounds for expulsion from these practices. Spelling out all the details of the internal rules of both of these practices would, of course, be an enormous task. This is not my aim here.

Participants in these practices, that is you and me, (and everyone else), not only know the rudiments of what is required of us as participants in these practices, but, we also consider that participation in them is ethically worthwhile. We consider that certain important ethical values are embedded in them. We do not think that the practices themselves or our participation in them are worthless and of no value. To put the matter crudely we value, from an ethical point of view, the sovereignty of our states and also our individual human rights. Let us examine the ethical component of these two practices in more detail. Consider first, the society of sovereign states.

To be a state, is to be a collective actor of a certain kind, within a very specific social practice which upholds and makes possible the protection of certain ethical values. Most fundamentally, participants in the system of sovereign states are required to uphold the laws and norms involved in the notion of sovereignty. This is a primary requirement for participation. A state that did not understand what this involved, would not know how to participate in this practice. It would be in a position analogous to a would-be "football player" who did not know what was involved in scoring a goal. The values upheld in the practice of sovereign states are many and complex, but, two key values are those associated with freedom and diversity. By recognising one another as sovereign, states grant to their co-participants, that is to other states, areas of freedom both with regard to domestic and foreign policy. The freedom that they grant one another, makes possible the preservation of diversity within the practice of states viewed as a whole. Some states pursue libertarian goals, some social democratic ones and yet others might pursue religious goals. In their everyday action, which might not involve any overt ethical awareness, states are intimately involved in upholding, at least, these core values. The key thing to note here is that states are not presented with a choice about whether to engage with these ethical

2. For example, in the contemporary world, we all know that Chechnya is not currently a sovereign state entitled to participate in the practice of states. It is not a state because it is not recognised as such in terms of the rules of recognition that currently apply within the practice of sovereign states.

3. For example, in the practice of global civil society we know that we are entitled to make legitimate contracts and we know that we are not entitled to make fraudulent ones.

values or not. For, to be a state at all, to know how to participate in the international practice, requires engagement with the international laws and implicit rules which uphold these values. Involvement with these core values is a prerequisite for participation.

If we turn now to the practice of global civil society a similar picture emerges. This is the practice within which we recognise one another as individual rights holders.⁴ By doing this we create areas of individual freedom within which rights holders can pursue widely divergent ideas of the good. Some might choose ascetic life styles while others might pursue lives devoted to pleasure and consumption. In this practice individuals have what might be termed a "micro sovereignty" which is analogous to the sovereignty that states have. The values created and preserved in this practice are once again freedom and diversity, but in global civil society it is the freedom of individuals that is established and the diversity between them that is valued. Once again it is worth pointing out that the participants in this practice do not stand before a choice as to whether they wish to uphold these values or not, it is a requirement for participation in the practice understood as a social whole. To turn away from these would be to withdraw from participation in the practice.

It is easy to see how what I have set out above is a mere sketch of what, if done properly, would require a much longer account. Nevertheless, I hope I've said enough to show that our engagement as participants in these practices (as in other social practices) requires of us, not some "thin" engagement with ethics -- an engagement that is only salient at the margins -- but, an engagement that is fundamental in determining who is to count as a participant, what is to count as appropriate activity for a participant, what is to count as inappropriate activity, and what is to count as grounds for expulsion from these practices. For participants in these practices there has to be a "thick" engagement with ethics embedded in them.⁵

Ethics and Foul Play

In all social practices, including the society of sovereign states and global civil society, the counter-side of good conduct by participants is bad conduct, that is, the commission of a foul (or fouls). Let us consider first, the society of states. The participants in this practice understand that, amongst other actions, aggression against another state directed towards conquest and accumulation of territory, is a wrong. Understanding this is a pre-requisite for participation in the practice of states. To commit aggression against another state, is to commit a foul. In the same way that committing a foul in football has consequences for the player that commits it, so, too, the committing of the foul of aggression against another state will have severe consequences for the aggressor state. It will lay the state open to trenchant ethical criticism and to a whole range of policy decisions by other participants in the prac-

4. On recognition see Alex Honneth, *The Struggle for Recognition: The Moral Grammar of Social Conflicts* (Cambridge: Polity Press, 1995), passim.

5. Contrast this position with that of Michael Walzer, *Thick and Thin: Moral Argument at Home and Abroad* (Notre Dame: University of Notre Dame Press, 1994), passim.

tice, these might range from diplomacy to counter-force.⁶ It will affect the international standing of the aggressor state, both amongst fellow participants and within international organisations.

In like manner, participants in international civil society know what is required of them. They also know what actions would count as fouls. Thus, when participants are guilty of abusing the rights of civilians through, for example, theft or fraud, then the wrongdoers will find themselves on the receiving end of criticisms from the other participants which often lead on to punitive action of one kind or another. These criticisms, if valid, authorise action against the wrongdoers which might include boycotting them and refusing to participate with them in future ventures. It might also include the imposition of fines and other punishments. At the limit, the wrongdoers would be denied the right to participate in the market. Here once again, we can see how, although participants go about their daily business without any specific notion of ethics in mind, there are, nevertheless, basic ethical constraints operative on them at every point. In global civil society these ethical components determine who is to be considered a participant, what is involved in proper participation, what is to count as a misdemeanor, and what consequences will flow from foul play.⁷

What I have presented above is an example of practice theory. At the most general level, a key feature of the practice based form of analysis outlined in the preceding paragraphs is that it displays how all actions are fundamentally related to the ethical components of the practices within which the actors are constituted as participants in those practices. It is worth noting that the participants in given practices, in their everyday participation, need not be immediately conscious of the ethical underpinning of the practices in question. In many cases, they simply know what is required of them and by fulfilling the requirements, they implicitly uphold the ethical base. A good example of how this is done, is to be found in the everyday conduct of citizens. In their everyday activities, they are not normally specifically conscious about the relationship between citizenship and statehood, nor are they conscious of the values made possible and upheld through their participation in the practice of sovereign states, that is they are not conscious of the ways in which they are upholding the values of freedom and diversity. The ethical aspect of being a citizen may only come into prominence when the core value of sovereign freedom is threatened by the aggression of another state. The central point to be made right here is that the simple business of being a citizen involves rights and duties which are closely tied to what might be termed the "ethical background theory" which undergirds the practice of statehood.⁸

This now brings me to the heart of the matter. If we look closely at what I have set out we shall see how participants in social practices are always vulnerable to ethical

6. An example of this was provided by the reaction of the international community to the invasion of Kuwait by Iraqi forces on 2nd August 1990.

7. Here, once again, it might be illustrative to think of participation in academic life. Where a member of the academic fraternity is found guilty of flouting a major rule, by, for example, committing plagiarism, there is a well-known set of consequences that follow. The whole process from start to finish, can only be understood in terms of the ethical code enshrined in the practice of academic life.

8. For more on such background theories see my Mervyn Frost, *Ethics in International Relations: A Constitutive Theory*, Cambridge Studies in International Relations (Cambridge: Cambridge University Press, 1996), *passim*.

criticisms, which, if successful, can directly affect their power, prestige, and, at the limit, their very standing as participants in the practices concerned. Let me set this out in more detail. It is probably easiest to do this by considering an example not taken from the sphere of international relations. Consider the practice of academic life. Consider an academic accused of plagiarism. The very accusation will have a detrimental effect on his/her standing as a participant in this practice. If, indeed, it is found out that the accusation is a valid one, then, in effect, this will bring about the end of his/her academic career. Here we see how a charge of "foul play" would have direct consequences with regard to the academic's standing, power and influence. Within the sphere of academic life, *every action* is open to ethical scrutiny to determine whether or not it upholds the embedded values of academic life. To put this another way, there is an ethical component to every action which may be the object of evaluation by others; this is true of teaching, assessing, and publishing. It is worth noting that this opens the way for others to harm one maliciously, by making false accusations. For an academic accused of an ethical failing it is of the utmost importance to rebut the charge. We can see how ethical criticism, back and forth, links in very tightly with the flows of power and influence in this practice. This applies to all social practices.

Just as academics are vulnerable to criticism for ethical wrongdoing, so too, are the participants in the global practices that I have identified, vulnerable to ethical criticisms. This can have direct consequences for their power, influence and prestige. Consider, for example, Iraq under the rule of Saddam Hussein just after his invasion of Kuwait in 1991. He immediately became vulnerable to severe criticism from other states in the community of sovereign states. This criticism then served as a justification for counter actions against him. Similarly, consider the ethical criticisms that have been launched against the Syrian government over the last few years. In the long run, these criticisms have had very significant effects on the standing and influence and international standing of the Syrian government within the practice of states. The full consequences of these are only now being made manifest in a whole slew of ethical criticisms being levelled at the government of that state. These are easy cases to present.

Less easy, are the criticisms launched by various political groupings in the Middle East against the activities of the NATO forces in Afghanistan. Here the claim is made that these forces are best understood as foreign "occupiers". This claim is an ethical one which resonates within the practice of states. In sharp contrast, the so-called "occupiers" say of themselves that they are there to protect human rights and promote democracy. These claims also resonate within the practice of states. The question then is: Which of these competing interpretations is correct? The answer is important because it will determine who does what, to whom, next. Prominent in this sequence of ethical claim and counter claim are charges of ethical foul play.

Foul Play: Claim and Counter Claim

Let me now turn back to asymmetric warfare and to the puzzle concerning the power of small groups in the massively unequal relationships that pertain in such wars. As I mentioned in what has come to be known as "the global war on terror" small groups, the so-called "terrorists" (in particular, Al Qaeda and also various other groups generally referred to as the Taliban) exert extraordinary amounts of influence and power over the world's only superpower, the USA, and its allies, all of whom are

militarily and economically strong. How was it possible that these groups, numbering no more than a few thousand people, widely dispersed, not well armed, not well-trained, and of no particular economic significance to the great powers, were able to do this? This was especially puzzling given that the various attacks carried out against the superpower (including the attacks on the twin towers in New York) could not remotely be construed as having been significant military victories by any conventional measures. They were dramatic, but not militarily significant. They had done no damage to the vital interests of the USA or its allies. The number of lives lost, the economic losses incurred, and the infra-structural damage done, were minimal compared to the damage done in even a minor conventional war. From whence came their power?

Let me dismiss one possible answer right away. To say that the power derives from the sowing of terror amongst the target population, is blatantly wrong. Such attacks did not succeed in creating national wide terror that incapacitated the governments and peoples concerned. Quite the contrary.

A better explanation for the political power that has been leveraged by these small actors is the following: The terrorist group (AQ, Al Nusra, Taliban) committed a number of significant ethical fouls within our contemporary global practices. Thus, for example, it flew the hijacked aeroplanes into the twin towers, it committed a series of bombings in London or Madrid, it set IEDs to harm the troops of the "occupiers" in Afghanistan and Iraq, it sent out suicide bombers into public places in these and other countries. In doing these things they committed significant human rights abuses, or in the language of this paper they committed ethical fouls. These deeds alone did not cause significant damage to the superpower and allies (a few score deaths at most), nor did they succeed in spreading widespread terror. Instead, by these acts, AQ (and its allied groups) "bounced" the super power and allies into a righteous response to the ethical abuse to which they had been subjected. *That reaction then turned into an over-reaction in which they undercut some of the ethical constraints normally operative on participants in the practice of states.* In other words, in other words these minnows provoked the Goliath into committing a series of ethical fouls which undermined their own ethical standing, prestige, legitimacy and thereby their influence and power in the international practices. For example, the initial bombing of the twin towers led to: the invasion of Afghanistan and then of Iraq (both of which could plausibly be construed as *occupations* which is an ethical wrongdoing in contemporary international affairs); the institution of a new class of interrogation perilously close to torture (which could plausibly be interpreted as flouting a widely held international ethical norm against torture which is embodied in an international convention)⁹; the introduction of a new category of prisoner "the unlawful combatant" who is neither a prisoner of war nor a criminal (which can plausibly be construed as departing from a well established set of ethical and legal constraints governing the treatment of prisoners captured during war)¹⁰; the introduction of the procedures of rendition (which can easily be interpreted as a means of circumventing widely accepted ethical and legal norms against torture); the introduction of previously outlawed methods of assassination, often extending into the sovereign territory of neighbouring states, (which may be interpreted as flouting ethical norms to do with due process at the very least); and so on. Within the wider

9. The Convention against Torture, 1984

10. The Geneva Convention 1929

international community many of these actions were interpreted as gross affronts to core ethical values embedded in both the society of sovereign states and global civil society. These ethical criticisms have had widespread effects globally. One effect, was to inspire many young people from a wide range of different countries to consider supporting AQ and its allies. Another, was to give many citizens within the USA and its allied states good reason to oppose the governments of the day in those states. A consequence arising from these ethical criticisms was to deal a substantial blow to the ethical standing of the superpower and its allies within the international domain. This in turn affected the political power of these actors on the international stage. This has resulted in a drastic change in policy such that the superpower and its allies are now committed to extracting themselves from Afghanistan and Iraq as quickly as possible.

Let me repeat the rudiments of the technique that has been used so successfully here. It involves a small terrorist group committing an ethical foul in order to provoke a series of ethical fouls by the superpower and its allies.¹¹ The allegations of ethical wrong is then used as a point around which international and national political mobilisation can take place.

The manoeuvre outlined above is analogous to those that often take place in certain kinds of games like soccer, rugby, water polo, ice hockey, and boxing. Here, considerable advantage can often be gained by flouting the rules in order to provoke a greater foul by the opponent. One typical method is to mutter racist, nationalist, or religious insults to the opponent while the game is in progress (for example, in a rugby scrum) in the hope of provoking a response that amounts to a foul which in turn results in a strategic advantage within the context of the game in question. In both international relations and in sport such uses of foul play can only be understood against the backdrop of the "the rules of the game" which themselves encapsulate the ethical values embedded in them.

It may be said that in the cases that I have described what we are witnessing are merely cynical power plays by the actors concerned and that these demonstrate just how unimportant ethics really is, when, as it were, "push comes to shove". This is but a shallow observation, because, these "cynical ploys" only work because in these practices most participants, for most of the time, play by the rules and uphold the values inherent in the practices. The practices could not persist were all the participants to behave cynically all the time. The "foul to provoke a foul" manoeuvre can only be carried out against a backdrop in which participants normally uphold the rules and ethical values that constitute a social practice.

What becomes apparent from the examples I have discussed is that in order to avoid the outcome which the superpower and its allies suffered in Afghanistan and Iraq, it is necessary that they do not fall into the ethical traps that have been set for them. *They have to maintain occupation of the ethical high ground within the key global practices.* By doing this, they can ensure that the small players, through their ethical foul deeds, remain in the low land and thus remain relatively powerless.

11. The IRA used this technique in Northern Ireland with spectacular success.

The Hidden Hand in Global Ethics

It may well be that AQ and similar movements did not originally, with deliberate intent, set out to deploy the technique outlined above. Their immediate motivation for their conduct was, no doubt, inspired by fundamental religious beliefs. However, it is not these beliefs that account for the significant power and influence they have come to wield. Their success is more plausibly attributable to the way in which they have ethically wrong-footed their opponents as outlined above. The subsequent conduct of AQ testifies to its having understood the technique I have described. It very soon becomes apparent to AQ (and other groups), that they can accumulate power and influence by highlighting how the actions of their opponents fall foul of the ethical requirements of the major two global practices. They have become adept at highlighting the human rights abuses, the democratic shortcomings, and the invasions of sovereignty perpetuated by the superpower and its allies. Doing this has been made easy by the modern means of communication available to them, through social media such as, Facebook, e-mail, Twitter, YouTube, and so on.

The use of this technique, the highlighting of ethical shortcomings of the great powers, has an ironic consequence which is nevertheless of the utmost significance. Because the "terrorist groups" come to rely on exposing the ethical failures of the states ranged against them, it soon becomes apparent to them that they, themselves, stand to lose power and influence, if they flout the ethical norms embedded in the global practices that they are using in the "foul to provoke a foul" manoeuvre. They, too, then need to do what they can to maintain their position on the ethical high ground. Whereas, at the outset of their campaign they may well have sought to bring about the transformation of the structures of global politics with, for example, the introduction of sharia law and the institution of a global caliphate, the realities of the power they find themselves accumulating push them towards behaving in accordance with the dictates of our contemporary practices underpinned by the values of freedom and diversity.

Similarly, where the initial reaction of the superpower and allies to atrocities performed against them by terrorist groups, was one in which they declared the circumstances so *exceptional* that they were entitled to override the normal ethical constraints operative in our global practices, in the long run, having once fallen into the ethical trap which transferred power to "terrorist groups", they will once again find themselves moved quite quickly towards upholding the basic rules, rules which are based on the deepest commitments embedded in these practices. Here too, the ethical structure of our global practices will automatically steer them back to "playing the game." In the long run the basic ethical structure of these practices directs participants towards obedience to the embedded norms.

Ethical Education

A standard way of understanding ethical education is to see it as exhortation directed towards actors to behave well and to constrain their natural impulses. Typically we might say that children need to be taught right from wrong and persuaded to do the former. In international relations we find countless NGOs, churches, and other forms of association that directing themselves towards persuading individuals, organisations, governments, and international organisations to live up to a given set of ethical commitments. The underlying assumption of this view of ethical education

is that at best we might seek to curtail, at the margins, the behaviour of actors in the international realm who are not usually bothered by such constraints.

In sharp contrast to this picture is the one that emerges from the analysis offered in this paper. Here, I have not been calling for a change of heart by the actors in world affairs such that they might be more inclined to be ethical in future. Instead, this analysis has made clear how the participants in world affairs are constituted as the actors they are in specific global practices under-girded by specific ethical values. This requires of them that they take ethics seriously or risk being seriously disadvantaged in the day-to-day practice of world politics. There is an ethical architecture in our global practices which they have to take seriously if they wish to be participants in them. If they do not do so they will be penalised or excluded.

This understanding of international relations suggests a different model of ethical education. What the participants in world politics require is a thorough understanding of the practices in which they are constituted as who they are. This understanding requires of them that they understand the values embedded in these practices and that they do what they can to uphold them. Ethical education requires, in other words, understanding our global constitution. The price of misunderstanding is high as the superpower and its allies have discovered in both Afghanistan and Iraq.

A Lesson Learned

It is encouraging to see that the great powers have learned from their experiences in Afghanistan and Iraq and that they put the lessons learned into practice in Libya and over the past few days in Syria, too. There are a number of ethical traps into which they did not fall in these cases.

First, let us consider the Libyan case. In response to the ethical foul that Col Gadhafi was about to commit in Benghazi, they did not respond by occupying Libya. This immediately deprived him of an ethical excuse to continue fighting, namely, the excuse that he was fighting a foreign occupation. Second, extreme caution was taken in implementing the no-fly zone to make sure that civilians were not targeted, thus depriving him of the ethical excuse that he was reacting to gross violations of civilian rights. Third, it was highlighted at every point that the imposition of the no-fly zone and the provision of aid to the opposition in Libya, was done at the behest of the Libyan people themselves. This was their war of national liberation. This recognition upheld the well known principle of *self determination*. The actions of the intervening powers could not be interpreted as an exercise in neo-colonialism. Fourth, the military aid that was forthcoming to help the struggle on the ground in Libya came from a small state, Qatar and also from private military companies. Thus, the campaign for regime change could not be construed as great power involvement in the domestic affairs of the Third World state. Fifth, it was only when the war was over and Colonel Gadhafi had been defeated that the great Powers got directly involved within Libya. Their involvement in the reconstruction effort was at the request of the transitional government. Here again this may be seen as supporting the ethical value of self determination implicit in the practice of states. Sixth, it is plausible to interpret international involvement in this case as an exercise of the application of the newly emerging norm on the responsibility to protect.

Second, if we now turn to Syria. Here again the international community of states did not put boots on the ground to help turf out a tyrant. Nothing was been done

that could be interpreted as creeping neo-colonialism. A whole range of sanctions have been applied to the Syrian regime both by individual governments and also by the EU. But the Russian veto at the UN has prevented sanctions being imposed. What seems to me the most significant aspect of the Syrian case is the most recent use of chemical weapons. This seems to me to be the most clear cut attempt by someone in Syria (either the government or a rogue military commander or an extremist group), to deploy the "bounce routine" I described above, to deploy the "foul to provoke a foul" manoeuvre. Had the USA and its allies fallen into this trap through direct military engagement then a wide range of groups in the region generally would have had a field day condemning the action of "foreign occupiers." The debate in the British parliament, the debate in the USA congress, and wide spread opposition to military engagement in the general public seem to indicate to me a successful learning process from past mistakes in operation here.

A few brief conclusions: I hope to have shown that in considering appropriate policy options to the kinds of problems encountered in Afghanistan, Iraq, Libya, Syria and many others that will emerge in the future, it is of the utmost importance to get the ethical analysis of the initial situation right. In particular it is important to evaluate policy options in terms of how they will be interpreted in the wider practice. Identifying the ethical traps I outlined above is crucial. These are the major source of power for small actors in asymmetrical warfare.

I need briefly to mention one response to the existence of ethical traps that has both an upside and a downside. What has happened and is still happening in response to the traps I have mentioned, is that governments (USA, UK in particular) are making increasing use of private military and security companies in the places I have been discussing. What is more the deployment of these companies is being done in secret. Thus action in the theatre becomes possible without opening the sponsoring state to the charge that they are occupiers, etc. It can simply be said that the indigenous democratic forces are being supplied with resources with which to conduct their struggles against oppression. The problem here, though, is that of holding such actors to account. If they are employed and deployed in secret, how are we, the citizens of the states that are paying for the services of such companies to be reassured about what they are doing?

Ethical Structuralism

What I find somewhat extra-ordinary about the analysis I have presented, is that it seems to endorse a kind of ethical structuralism. This follows from the holist point of departure. The analysis insists that action has to be understood in the context of social practices and the practices have built into them ethical components. A consequence of this, then, is that participants in the practices have to take seriously the ethical features of the practices within which they are participating. Here there can be no agonising about what the appropriate conception of the good is, or where to find well founded ethical points of departure. Instead, the mere fact of participation is taken to indicate a commitment to the values fundamental to that practice. There can, of course, be argument about the details of what ethical values are underpinning our global practices.

Does this kind of analysis involve a fundamental conservatism? Many of my critics argue that it does. I do not understand it in this way. We are, each of us, simultaneously participants in any number of social practices. We participate in these in an ever-changing world. We face the problem of developing our practices to cope with

the changes presented to us. These may be natural or man-made. In doing this ethical contradictions emerge both within our social practices and between them. Working these out, is the very stuff of life. To mention but one example, the global debt crisis that currently besets us has presented us with a number of ethical problems. These arise both in the society of sovereign states and in global civil society. We are in the midst of adjusting our practices to cope with these. In doing this we are having to deal with a number of difficult puzzles. For example, to what extent should we agree to give up sovereignty in order to protect the global markets and make these fully functional once again? There are many other examples I can think of, but these will have to wait for another occasion.

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