



**Partecipazione e Conflitto**  
\* *The Open Journal of Sociopolitical Studies*  
<http://siba-ese.unisalento.it/index.php/paco>  
ISSN: 1972-7623 (print version)  
ISSN: 2035-6609 (electronic version)  
**PACO, Issue 8(1) 2015: 301-312**  
DOI: 10.1285/i20356609v8i1p301

Published in March 15, 2015

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## **SYMPOSIUM – REVIEW/2**

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### **TROUBLED STATES IN TROUBLING WARS** *Rights, Resources, and Territories*

**Francesca Artoli**

*Sciences Po Bordeaux and Sciences Po Paris*

#### **1. Introduction**

The book “War, States and Contention. A Comparative Historical Study” is a brilliant and path-breaking contribution to the understanding of how war and states intersect with contentious politics. Through a dual emphasis on the structural foundations of war and contention, on the one hand, and actors’ mobilisation and repertoires of contentious politics on the other, Sidney Tarrow addresses issues that lie at the heart of contemporary research on the restructuring of the state and on the blurring of boundaries between internal and external politics.

Starting from the famous argument advanced by Charles Tilly that while “states make war, war also makes states”, the book adds contention to the equation. This adjunction provides understandings of the relationship between states and war: contentious politics contribute to explain why and how states engage in wars and the effects of war on states. But the book also sheds light on a second, less known equation of Tilly’s, which establishes a relationship between war and citizens’ rights. Tarrow discusses how war leads to the employment of emergency measures that reduce rights and whether or not the latter are re-established in war’s wake. In other words, when a state makes war this entails changes in the nature of internal contention, in state’s re-

sponses to contention, and in state organisation. Finally, time is added to the equation through a comparative historical study revealing how current structural changes in states, warfare and forms of contention modify what we may observe in the period of Western state-building.

Drawing on these mechanisms linked to the formation and consolidation of Western European states, the book realises two crucial upturns. On the one hand, it puts contention between war and the state, considering both opposition from within national boundaries and from outside. Through this, it also studies the various forms through which domestic and international conflict stand in relation to each other. On the other hand, the book updates these issues to the present in the analysis of the American state and the war on terror. It reveals how structural changes linked to globalisation and internationalisation alter the relationships between states, warfare and forms of contention.

The author's argument is built around a triptych - war, state and contention – and bridges the gap between social movement studies, comparative historical sociology studies and international relations. The relevance of this approach relies not only on placing three usually separate strands of literature in dialogue with one another, but also on the major results that the book offers. Powerful hypotheses for further research are provided. The present discussion engages with the book's arguments on three intertwined topics, which constitute some of its major results: the relation between war and citizens' rights; the transformation of the territoriality of war, states and contention; the relation between war and the state.

## **2. From war to rights**

The inclusion of contention between war and rights reveals itself to be crucial for clarifying the relationship between the two. This was needed given that the issue seems not entirely solved by the historical sociology of the state and is almost left unaddressed by research on contemporary wars and social movements. In this respect, one of the most striking results of the book is to reveal at what point the modern state is characterised by periods of restriction of citizens' rights in wartime. In Tilly's argument about war, states and rights, the relation between the three elements has a positive effect on rights. Because it looks at contentious politics, Tarrow demonstrates that the shrinkage of rights in times of war is a recurrent – and understudied – feature of the state as a specific political system. The advent of this “emergency script” is unveiled through a detailed historical account. The chapter on the French state during the

revolutionary wars demonstrates how external conflicts combined with internal contentious politics, and how this finally transformed the revolutionary state through the diffusion of emergency rule. In the concurrent processes of war and state-building, this is seen as a reaction of the political system to simultaneous external and internal threats.

Over time, emergency measures employed during war change in form. Chapters about U.S. politics after 9/11 shed light on a major transformation related to the use of legal instruments to modify the limits of the legally accepted boundaries of states' interventions on bodies and limitations of individual liberties. The "rule by law" argument provides key understandings of how liberal democracies combine their foundational creeds with increasingly illiberal policies. Instead of despotic emergency rule, what is observed is a creeper process: formally and procedurally, the American state did not roll back liberal constitutionalism; but in its content, the latter has been partially reshaped by the transformation of legally accepted boundaries on crucial issues such as the right to a fair trial or to individual integrity. In addition, both the increasing duration of wars and the undefined boundaries between war-time and peace-time have created a new hybrid status that seems to facilitate the perpetuation of these measures. By showing how the American state deals with composite and long wars, the book provides a strong hypothesis for further research. Indeed, without defining themselves in war, most European countries are engaged in "external" or "international" operations: the effects of this permanent status of military engagement on internal politics and citizens' rights are for the moment widely unexplored.

Since the book engages so brilliantly with a broad account of the relations between war and rights, the issue of the extraction of resources for war by the state (Finer, 1975; Porter, 1994; Rokkan, 1999; Tilly, 1993) – which is crucial in historical sociology and linked to both contention and citizens' rights – is in some aspects overlooked. In classic accounts of Western state-building, contentious politics and the consolidation of rights are linked to resistance to states' interventions for the mobilisation of money and men as two resources for war. Differences in the formats of armed forces (native or foreign fighters, paid or compulsory, permanent or non-permanent armies) contribute to define the ties between the state (monarchy, empire) and the population (Finer, 1975). Conflicts between the centre and the peripheries and conflicts between the centre and, for instance, pacifist religious groups were often about the criteria that define which groups and which territories are subject to central military requirements. The analysis of states' extraction for war is crucial to any understanding of both the centralization and territorial consolidation processes in state-building and of rights intended as the institutionalised results of conflicts. In the well-established 20th century Europe-

an states, the advent of new rights, such as the generalisation of the right to object to the draft, or of new forms of contention, such as the refusal to pay taxes in relation to military expenditure, is still linked to the extractive activities of the state for war.

If the emergence of citizens' rights is linked to resistance to states' interventions for the mobilisation of money and men, then current transformations of the means for war (mainly, the suspension of the mandatory military service in several countries, variations in state expenditures and contracting-out) have an effect on citizens' rights. How this argument, borrowed from historical sociology, functions today is not directly tackled in the book. This warrants some comment. The first question concerns how the transformation of the means and resources for war transforms contentious politics, and then rights. The escalation of the number of "body bags returning from the front" (p.24) played a role in diminished consensus over the Vietnam War. The burning of draft cards was one of the forms of collective action that rose in wartime. Today, when Western states engage in composite wars, soldiers are no longer drafted to be sent to the front. Soldiers that belong to regular, national and permanent armies are more and more often accompanied (and replaced) by private companies of mercenary militias. This is a major transformation that suspends the harshest form of constraint exerted on citizens by the state, the demand for a life in the name of a state's war. Little is known about its precise effects on domestic contentious politics. In many continental European countries, surveys reveals that citizens' confidence in national armed forces and their support for interventions have increased with the end of mandatory military service between the 1990s and the beginning of 2000s. If other variables also contribute to explain the development of such a consensus in recent decades (changes in values, the use of the military for "peacekeeping"), the end of the military service should not be overlooked.

A similar question can be raised for financial resources. The book shows that the recent expansion of military expenditure in the U.S. has been managed politically, making increased spending unclear to the point of being almost invisible to citizens (through outsourcing both military and intelligence activities). However, curiosity remains about the extent to which the issue of military expenditure has played a role in the politics of the Afghanistan and Iraq wars and, more precisely, in contentious politics including (limited) opposition by parties and in Barack Obama's presidential campaign, in which part of the former anti-war movement participated. In Europe, the "schools or guns" expenditure dilemma also seems to affect contentious politics. In the current context of austerity policies, the purchase of F-35 aircrafts by the Italian armed forces has become the focal point of mobilisations contesting the cost of the equipment before any opposition to their use for bombing and killing in "external" interventions. Inversely, in

France, it has been shown that expenditures on military equipment have been used by governments as adjustment variables in annual budgets (Irondelle, 2011). In the need for compliance with deficit thresholds fixed by the European Union's Maastricht Treaty, military cuts have been considered less politically costly than other cuts in terms of likely mobilisation and opposition from various constituencies. In both cases, variations in expenditure for war stand in relation with contention.

The last point that can be advanced in building on the historical sociology argument is therefore that the transformation of the means and organisation of war alter contentious politics and then citizens' rights. As I write, a debate is being held in France about the reintroduction of compulsory military service. This is seen as a response to what is framed as a problem of a lack of identification with Republican values and a sense of belonging among the new generations of citizens. The debate reveals the importance of the military in the historical construction of French citizenship, as a tie between individuals and the state. The underlying and unspoken assumption – which would merit deeper public and scholarly debate – is that the transformation of war through the suspension of the draft has affected one of the foundations of citizenship in this country.

### **3. War, states and territories**

The analysis of the interplay between contention, war and states' activities provides a critical contribution for the study of the blurred boundaries between domestic and international politics. On the one hand, the study of how international movements engage with states and vice versa sheds light on a major restructuring of the spatial dimension of power. On the other hand, recurrent mechanisms of diffusion from policies for war to civilian policies are also pointed out.

By focusing on the war on terror, the author defends the convincing argument that the rise of new social movements who deploy internationally and engage against states has impacts on states' activities, both within and outside national borders. Against the optimistic perspective of many scholars of contention, social movements in the transnational space can also be illiberal in their claims; such movements are as much a part of internationalisation as the global justice movement. The war on terror is therefore explained by considering how the American state has reacted to what was constructed and perceived as a transnational threat. In his explanation, Tarrow combines considerations of transnational movements and supranational institutions with domestic politics and existing government structures. Through this dual approach, he unveils the

fact that one major tension in the American state responses to 9/11 lay in the contradiction between a state-centred, territorially-bounded conception of war, on the one hand, and the perception of a dispersed threat on the other. In other words, while the state is centralised and territorial (Mann, 1984), movements are transnational and border-crossing.

In domestic American politics, this territorial tension has facilitated the political production of the “homeland insecurity” discourse, relying heavily on the image of a sweeping danger to be faced with new means. In international politics, the rise of transnational movements is associated with new forms of internationalisation of states’ activities. Multilateral institutions and agreements have become platforms supporting the far-reaching methods of surveillance and control of the U.S.; these methods rely on a dotted geography of dark sites across the globe, and combine intergovernmental agreements with direct interventions in extraordinary renditions. Moreover, rule by law also plays a role in the international actions of states: thus “putting people outside the law” is no longer a story of exclusion from citizenship within a state’s borders, but the story of the legal manipulation of the ambiguities of both national and international law. For instance, the voluntarily undefined status of the people imprisoned in Guantanamo and other dark sites relies on the assumption that the American war on terror is not being fought between bounded states but between a state and transnational actors. This has contributed to the official justification for denying these individuals the legal protection accorded to civilians in wars, or indeed the rights accorded to prisoners of war or the rights conferred by presence on U.S. soil.

The book provides a stimulating perspective on the restructuring of state territoriality and its effects. In doing so, it echoes the questions raised by scholars who start from the idea that territoriality – bounded political authority – is a fundamental principle of modern political systems, and are interested in current processes of unbundling territoriality. These authors focus on how globalisation and internationalisation, on the one hand, and the rescaling of political authority through regional integration (such as Europeanisation) and decentralisation, on the other hand, affect the state and other related institutions (citizenship, representative democracy...) (Agnew, 1994; Ansell & Di Palma, 2004; Bartolini, 2005; Brenner, 2004; Le Galès, 2002; From different perspectives see: Wright & Cassese, 1996). It has been argued that new institutional arrangements, new forms of governance, but also new political cleavages (Kriesi et al., 2008) have emerged from these processes. Sidney Tarrow’s analysis provides useful insights into the idea of new territorialities in politics, and could engage more directly with these authors and with his own previous contributions on these issues. Indeed, the book has at least two main arguments to make in this respect. First, because it draws

on the state-building literature, it shows how the territorial restructuring of both war and contention affects the state, whose organisation is first and foremost territorial. It therefore puts war back into the analysis of state territorial restructuring: while most research focuses on economics as a driving force, contentious politics and composite wars also entail new forms of state intervention and institutional arrangements.

Second, the unbundling of political authority and rights are mutually related. The history of the state and rights is a matter of territorial penetration, confinement within boundaries and the definition of the criteria that allow for the entitlements of political and social rights. Exclusion and inclusion from rights are associated to specific groups and spatially defined. As the book shows, emergency rule during the French revolutionary wars created new forms of exclusion from citizenship which affected particular territories and groups and were then generalised within the boundaries of the state. Similarly, repression in the U.S. during the Second World War affected citizens of Japanese origin and Japanese residents: it “puts some people outside the law” and creates camps outside the law within U.S. borders. New forms of exclusion and inclusion from rights target individuals and spaces both within and outside classic state borders; the distinction between the two is becoming an uneasy one. For current scholarly debates about the territorial restructuring of politics, therefore, the book raises the more general issue of the emergence of new processes of inclusion and exclusion based upon criteria that create new segmentations of rights within and across state territories. “Whose rights?” and “where do they apply?” have become two fundamental questions to be answered in relation to the restructuring of the state and citizenship.

To pursue the discussion of the contribution brought by the book to the understanding of the interplay between domestic politics and international conflict, the issue of diffusion mechanisms also needs to be pointed out. Tarrow convincingly makes the case that the instruments, goals, recipes and procedures that states elaborate for use in war diffuse to their domestic repression policies on a major scale. A prominent mechanism of diffusion is that related to decolonisation wars. Both military strategies and forms of restrictions of rights were developed and employed by Western colonial powers in decolonisation wars, then “imported” within metropolitan boundaries where they were applied to the repression of contention. Indeed, the techniques developed to fight liberation armies, which combined conventional and unconventional tools, came to be considered as a good fit for the repression of domestic social movements. Other processes of diffusion are pointed out in the chapter about the U.S.: in particular, the reemployment of military intelligence practices for the control of the Occupy movement and the downscaling of national security measures from the federal level to

lower levels of government, with all becoming committed to the implementation of surveillance and security policies.

Here, the book echoes the literature that studies the diffusion of war techniques to the control of civilian domestic activities after 9/11. Among others, urban scholars have focused on the relation between the transformation of military techniques and increased surveillance in cities. Because composite (or asymmetric) wars often imply forms of urban guerrilla warfare, armed forces (first and foremost the American) have developed new doctrines and techniques for urban warfare. The latter have then been applied to a range of contentious moments (such as the demonstrations against G8 meetings or the World Economic Forum), but have also percolated to mega-events taking place in cities. For example, the security management of sporting and other events has been read in the perspective of an increased militarisation of what usually falls under police jurisdiction (Graham, 2006; Light, 2002; Warren, 2002). In a similar vein, others have pointed out how 9/11 homeland security measures have not only reduced individuals' rights but also shrank available urban public spaces (Németh & Hollander, 2010), which are in both their material and their discursive forms one of the main features of democratic political systems.

The American case is inspiring because of the magnitude of the processes, but careful management is called for in applying these lessons to other contemporary Western states. Indeed, the institutionalised borders between police forces, intelligence, and military forces vary from one country to another, and the existence of a military-industrial complex is not so clearly identified everywhere (Joana & Mérand, 2014). These factors have effects on the ease and degree of penetration by the military into other policy sectors, ranging from policing to other more trivial domains such as planning. For instance, American urban historians have demonstrated the influence of military thought on urban planning during the cold war (Light, 2003; Lotchin, 1984). The military favoured urban sprawl against urban concentration, because dispersion was considered a solution for decreasing national vulnerability in case of nuclear attack, but also for dispersing "dangerous" and contentious urban groups (Light, 2003). Despite high levels of military spending, a similar influence of defence policy on the content and goals of town planning – as a powerful tool for the control and discipline of citizens – cannot be found in other cases, such as France (Caro, Dard, & Daumas, 2002). The extent to which the relations between the state and citizens rely on actors and techniques originally conceived for war is highly diversified from one country to another, which has effects on how wars affect relations between states and contention.

#### 4. From war to states

A third set of remarks deals with war and the transformation of the state in terms of power and bureaucracy. In addition to the genetic relation between war and the state, historical sociology has argued that the organisation of resources for war has effects on the structures of state power. Repressive and administrative powers and the capacity to influence and organise society are modified by armed conflict (Porter, 1994). However, what these effects are exactly, and whether or not recurrent causal mechanisms can be identified, remains unsolved. The preparation for war and the state of war opened up new opportunities for state authority in terms of the repression of opponents, as well as for the strengthening of both tax and repressive apparatus. However, if the only mechanism at work was amplificatory in nature, European history would have led to the consolidation of a set of militarised states. If this is not the case, it is because other mechanisms related to warfare disrupt state power. They range from fiscal collapse to the dismantling of administrative capacities, to the transformation of power relations between social groups that alter the state apparatus and elites in power (Porter, 1994).

The book's main result for the American state in relation to these issues is fascinating. Indeed, there is an expansion of the structure of government (in the FBI, the Pentagon, and the multiplication of new agencies and joint-government organisations). Both the scope and the size of the American state have expanded. However, the U.S. also has a strong anti-state tradition: in the war on terror, the contradiction between the expansion of the national security state and the anti-state movement has been solved through increased outsourcing to private firms for the delivery of military and intelligence services. This form of "government through contracts" allows for the preservation of existing budgets in the security sector, while increasing side-expenditure which is more difficult to track and control. The quick and poorly-coordinated multiplication of contracts has left a much more intrusive American state, but also a state more vulnerable to penetration from civil society and to regulatory capturing from firms.

The author conceptualises these transformation of state power through Michael Mann's distinction: there is therefore a double expansion of both the hierarchical and the infrastructural power of the American state in relation to the war on terror. This point, which is crucial to the argument, is extremely stimulating but puzzling. In the course of the book, the concept of Mann's infrastructural power – intended as the power of the state to penetrate and centrally coordinate the activities of civil society through its own infrastructure – covers a variety of state activities as well as aspects of

state power. This leaves the reader a little confused about the operationalisation of infrastructural power adopted by the author (Soifer, 2008; for a synthesis about most used operationalization of the concept see: Soifer & vom Hau, 2008). In general, the book focuses on the relational character, between the state and civil society, of infrastructural power. However, on some occasions infrastructural power is understood as both the expansion of state administration and the means for obtaining support for war (the case of the U.S. during the Civil War). Sometimes, the accent is on democratisation and the structuring of stable interest representation toward the state (the case of Italy in the pre-fascist period), while at others it is a matter of both the expansion of governmental structures and increased state dependence on civil society for the implementation of public policies. If infrastructural power is about links between the state and civil society, there is a need to clarify whether what is relevant for the analysis are states' resources or their capacity to effectively implement public policies. In addition, the author's argument about the double growth of both hierarchical and infrastructural power in the American state calls for further analysis about the relation between these two types. Indeed, increased hierarchical power can have effects on infrastructural power and vice versa. Because states' infrastructural power provides social actors with resources – and therefore also opens up the possibility to engage against the state itself – this is crucial for future relations between the state and contention, and also for democracy.

Drawing on the American state argument, how are states' hierarchical and infrastructural powers changing? In Europe, the observation of policy sectors has frequently shown both that state capacity to govern societies and territories is contested by other forms of regulation and that state resources are reduced (King & Le Galès, 2011). The study of the state in action leads to claims about reduced state powers. Two alternative hypotheses can therefore be sketched about states' patterns of change. If claims about reduced state infrastructural power are combined with the author's argument about increased hierarchical power, a first scenario is one where states increasingly operate by force (and become increasingly illiberal), while becoming simultaneously and steadily more incapable of operating through society by providing actors with resources and acting as the framework for political mediation and contention. The second scenario – the American state one – is that enduring war increases both the infrastructural and the hierarchical power of the state. This brings us back to the issue of resources for war. The current solution of outsourcing combined with the maintenance of high levels of "normal" defence expenditure raises doubts about its viability and contestation from both partisans of the minimal state and of alternative priorities in state expenditure. In both scenarios, the issue of the form and success of contention is

crucial, which confirms once again the relevance of adding contention to the war/state/rights equation.

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