

EROSION OF THE MONOPOLY ON THE USE OF FORCE – FRAGMENTS OF PARASTATEHOOD

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ABSTRACT

The causes of the disintegration of states are primarily based on the erosion of some of the central functions of that institution which, in the context of the spheres of political science research, can no longer guarantee genuine goods such as security, the exercise of the monopoly on the use of force, state services or the provision of infrastructure, education and health. In the sense of social constructivism, consequential phenomena occur, such as the fact that the prevailing economic order develops only marginal radiance to define the relations of economic subjects with each other and undermines a national economy based on transactions. The dysfunctionality of state institutions is also accompanied by the delegitimation of political elites, which manifests itself in the lack of loyalty of citizens to the state and the regime and a lack of social cohesion of society and the state. From this mix of loss of control over a geographically demarcated area and the break-up of the monopoly of necessary enforcement mechanisms of the legislature, perpetuating forms of decaying states can emerge. External factors would be the escalation of the global order conflict between liberal democracies and autocratic regimes, which is also being carried out in the various conflict regions and the refugee crisis as well. Anyway: the aftermath of conflict would be the same – state failure.

Keywords: Failed State, dysfunctionality, sustainability, social cohesion, war of the system.

INTRODUCTION

On the occasion of its decline, the return of the state to the political science discussion has taken place in two steps since the 1990s. National precedents with a broad international impact (Yugoslavia, Cambodia, Somalia, Afghanistan, etc.) initially created the impression that state failure was the only way to prevent it. "State failure" and „state collapse“ are regional phenomena (Jäger 2021, Memadov 2022; Lambach 2005; Rotberg 2004; Schneckener 2004). The cause lies in the changed political framework conditions after the end of the East-West conflict. The loss of external support from the Cold War continents undermines political stability.

The former Secretary General of the United Nations, Boutros Boutros Ghali, however, already saw a security challenge in the failed state in the mid-1990s and postulated more than just military and humanitarian intervention on the part of the UN:

"A feature of such conflicts is the collapse of State Institutions, especially the police and judiciary, with resulting paralysis of governance, a breakdown of law and order, and general banditry and chaos. Not only are the functions of government suspended, but its assets are destroyed or looted and experienced officials are killed or flee the country. This is rarely the case in inter-state wars. It means that international intervention must extend both military and humanitarian tasks and must include the promotion of international reconciliation and the re-establishment of effective government" (Ghali 1995: 9).

However, a reorientation of foreign and security policy is only carried out after the attacks of 11 September 2001, when a hitherto insignificant state (Afghanistan) proves to be a serious threat to the only remaining military superpower.

In response, the Bush administration formulated in September 2002 in its National Security Strategy: America is now threatened less by conquering states than we are by failing ones. A circumstance to transfer on many actual conflicts (Mamedov 2022; Öberg 2023; Büttner 2004; Tetzlaff 2000; Schubert 2004; Chojnacki 2004). Thus, the debate on "failing states" moves from the realm of low politics to the realm of high politics and thus into completely new dimensions. At the beginning of the 21st century, the phenomenon of "state failure" is being examined and discussed with great intensity, especially in Anglo-Saxon literature. Although the accentuation of scientific research focuses on the analysis and definition of the phenomenon, meanwhile no uniform definition of the term could be found (Ramani 2022; Silva 2023; Rotberg 2004; Lambach 2007). Rather, indicators and distinctive characteristics of the phenomenon of "state disintegration" are evoked. Accordingly, a decaying state is one that:

- The government is no longer able to provide genuine political goods such as security, the exercise of the monopoly on the use of force, state services, infrastructure, education, health, a functioning market economy or the loss of efficiency of political institutions (dysfunctionality of state institutions);
- sees political elites delegitimised (lack of loyalty of citizens to the state and the regime) and implies a lack of social cohesion of society and state;
- can no longer adequately fulfil the security function (exercise of the monopoly on the use of force), the welfare function (services) and the legitimacy and rule of law function (Hofbauer/Rink 2022; Collier 2000; Peissotchenko 2002; Wendt 1987; Dessler 1989; Wenning 2008).

Lambach describes "state decay" as "[...] erosion of empirical statehood [...]" (2005: 4). *Tetzlaff*, in turn, distinguishes between three variants of state decay: firstly, the decay limited to the actual state territory, triggered by rebellion or secession; secondly, the variant of decay advanced by kleptocracy; and thirdly, the loss of state authority caused by creeping erosion (Tetzlaff 2000, Wenning 2008). The authors of the study "War, State, Collapse and Reconstruction" by the Crisis States Institute of the London School of Economics and Political Science characterise the characteristics of "fragile states" as follows: "[...]we defined fragile states as states where economic development has lagged behind the rich countries and where the institutions that manage conflict and govern the organisation of economic, political and social life are vulnerable to crisis. A crisis, we argued, is a situation where the political, economic or social system is confronted with challenges with which reigning institutions are potentially unable to cope" (Tetzlaff 2000: 23). Fragile states form the basis on which "state failure" can develop.

Thürer describes "failed states" as the product of the collapse of the power structures that provide political support for law and order. A process that is generally triggered and accompanied by anarchic forms of internal violence (Thürer 1995).

One of the semantic problems of the definition of "state failure" is that an intact state must exist as a preconditional property (there are also regions in which so-called "marginal statehood" prevails), which must be compatible with the criteria of statehood commonly used in the literature (be it by

definition¹⁰ or, for example, by the attributes of the Montevideo Convention¹¹) and can therefore only disintegrate when these criteria are met. This rather unilinear view is a point of criticism of the debate on "state disintegration" (Holm/Sorensen 1995; Clapham 1996; Holsti 1996).

States are seen as institutions that have to fulfil social and economic performance criteria in order to induce society to support certain policies. These in turn aim at higher efficiency. The preferred domestic structure is liberal and politically democratic. For these are seen as the most effective conditions for mobilising people and using the power of the state in such a way that maximum advantage can be derived from the given circumstances of the international community (Holsti 1996; Clapham 1996). Some authors, however, doubt this westernised image of the state as insufficient when it is a question of determining the causes of "state collapse" in the regions of the "Third World"¹, because there are partly quite different structures of statehood and social order (Reno 2000).

"When states in Africa are considered in this [political and] social context, the question arises whether the formal understanding of "state" in its almost ideal form has ever existed in many African political structures" (Reno 2001). Schneckener counters that in our age there are practically no more pre-modern societies, but only those with very different components. Against this background, it makes no sense to look for other concepts of the state (Schneckener 2004; Gerr 1999). Dr. Ted Gurr, member of the State Failure Task Force founded in 1994 on the advice of Al Gore, discovers in the term "failed state" itself a problem of location: "It's one of those umbrella terms that sometimes mean whatever people want it to mean" (1999: 21). Daniel Thürer underlines this statement with the view that "failed states" are not only those that have lost their political-social regulatory power under the pressure of social escalations of violence, but also the antagonistic case of the totalitarian or tyrannical power state, which must also be described as a "failed state" according to the normative standards of the international legal order (Thürer 1999). The term "Etats sans gouvernement" [states without government] used in French literature is also too imprecise for him, since in a failed state not only the government but all state functions have collapsed (ibid.). A distinction is made between the failing state and the failed state. The difference is that a failing state is in the process of disintegration, whereas a failed state has already completed this process and exists in an anarchic space ("bellum omnium contra omnes") which is characterised by the decentralised arrangement of (private) actor-centred power relations (Hobbes 1651). A failing state is one in which the state's monopoly on the use of force is impaired and the exercise of the security function is severely restricted, while the welfare, legitimacy and rule of law functions can still be fulfilled to a certain extent. In a "failed state", all the functions of the state listed above are no longer present, so that one can speak of a collapse of statehood (Thürer 1999; Schlichte 2006; Patzelt 2006).

STATE FAILURE

"State failure". We speak of "state failure" when structural deficits in the state's performance and action are identified, but the state does not consider its monopoly on the use of force or its sovereignty over the territory and people of the state to be permanently restricted (Erdmann 2003; Bendel 2004). "State decline", on the other hand, goes beyond state failure. The decisive point is the loss of the state's monopoly on the use of force over territorial units of the state, but without

¹ The term "Third World" is highly controversial in academic literature due to its heterogeneous meaning and is therefore placed in inverted commas in the following.

the idea of the state itself being called into question, i.e. without any intention of secession. Trutz von Trotha formulates this state as "parastatal" or "parasovereign", meaning the informal decentralisation of core state services in favour of non-state actors (Trotha 2000).

The multiple explanatory approaches and allusions to the topic of "state-failure" often generate from the multi-causal algorithms of the scientific subject (Lambach 2005). „It is not uncommon for the triad of fragile statehood "state failure", "state decay" and "state collapse" to be used under the hyperonym "state collapse".² As a result of this inherent variance in determination, a negative definition is often used in the literature, according to which a state disintegrates when the ideal-typical idiosyncrasies of intact statehood can no longer be fulfilled. Accordingly, the term "state disintegration" implies that there must be both empirically and conceptually stable or consolidated forms of statehood that either implicitly or explicitly apply standards that include a normative basic orientation.³

CONCEPT OF STATEHOOD

The modern state originated in Europe in the 17th and 18th centuries (Schneckener 2007). Following *Max Weber's* theory of the state, a distinction can be made between a political association and a state. This means that political communities are not necessarily dependent on the characteristics of statehood, but can also exist in other forms. Weber defines the distinctive feature of the state through the unique means at its disposal and begins his considerations with power, i.e. the "monopoly of legitimate physical coercion" (Breuer 1998: 17f.) Weber defines power as "[...] the chance to assert one's own will within a social relationship, even in the face of opposition, regardless of what this chance is based on" (Weber 1972: 236).

If power is institutionalised within a definable territory and if offices exercising power are depersonalised, this leads to a progression of power. Rule takes place in associations of a social or political nature. These clearly delimit themselves territorially from other associations and thus exercise a geographically limited hegemony over the inhabitants of the corresponding area. "The conceptual minimum: violent assertion of orderly rule over an area and the people living in it" (Breuer 1998: 18) determines political action. *Georg Jellinek* summarises this state in the three-elements doctrine, according to which the modern state is constituted by the claim of a central authority (as a monopoly of legal power) and its apparatus to political-institutional control (state power) over a specific state territory and the population living there (Bendel/Krennerich 2003; Jellinek 1900; Schubert 2004).

² The distinction between the terms appears to be particularly sharp between "state failure" and "state decline" to be somewhat unclear. For an analytical delimitation cf. Erdmann, Gero (2003): op. cit. p. 5.

³ The inherent logic of critically questioning the concepts of statehood will not be discussed further here. The reason for this is that this question does not necessarily arise in the context of the topic of the paper. However, the relevance of the question should not be weakened because of this. Some good critical comments on the criteria of statehood and state disintegration processes commonly found in the literature can be found in Bilgin, Pinar/Morton, Adam David (2002): Historicising representations of "failed states": beyond the cold-war annexation of the social sciences?, in: *Third World Quarterly*, Vol. 23, No. 1, 55-80; Chapham, Christopher (2000): *Failed States and Non-States in Modern International Order*, paper presented at the conference: "Failed States III: Globalization and the Failed State" at: http://www.dcu.ie/~cis/2004_3.pdf.

The national territory is divided into legally uniform parts that are separated from other states by identifiable and nonlinear borders. The people of the state (consisting of subjects) participate in the state and are judicially equal. Each subject is directly subordinate to the state, i.e. no other institution stands between the state and the individual. Ideally, the subjects form a nation. State power is divided into various organs or institutions. These receive legitimacy through a democratic decision-making process, which is based on a consensus-based participation process of the subjects (Schneckener 2007).

The exercise of state power internally is regulated by laws and exercised by bureaucratic institutions.³⁴ The central power additionally embodies sovereignty externally. From the perspective of international law, however, a state must be recognised by others in order to have internal and external sovereignty (Büttner 2004). Thus, the *de facto* statehood continued by the three elements it is joined by the *de jure* statehood recognised from the practice of international relations (Schnecker 2007; Krasner 1999). Max Weber differentiates between three purely legitimate types of rule, which are distinguished by the respective validity of their legitimacy. Rational, traditional and charismatic rule. The first type of rule is based "on faith in the legality of established orders and the right to issue instructions to those appointed by the exercise of rule", traditional rule "on everyday faith [...] in the legitimacy of those appointed by it to authority" and the type of charismatic character on the "extra-ordinary devotion to the sanctity or heroic power or the exemplary nature of a person and order revealed or created by him" (Weber 1972: 124). According to *Weber*, formal state-building can be legitimised and carried out on the basis of these forms of rule. As soon as the aspects of legitimate rule have been implemented, all three forms of rule are able to fulfil the demands placed on them (by the population). However, if a crisis occurs in the state due to an endogenous or exogenous shock, the focus is no longer on formal legitimacy, but on the way or the efficiency of the form of rule to cope with the crisis situation (*ibid.*).

The *punctum saliens* of Weber's theoretical approach is that a crisis that originates within a state can cause far more damage than one that is brought about exogenously, since ultimately only internal rule is able to delegitimise. The reason for this lies in the factor that an externally caused crisis can harm the state less as long as the legitimacy of its government is considered legitimate by the population (*ibid.*).

Causes for the delegitimation of the three forms of rule can be of a heterogeneous nature. In the rational form of rule, illegitimate structures are created through open corruption, such as the corruption of the civil service at all levels. In the traditional form of rule, disputes within the ruling elite (*clique*) and in the charismatic type of rule, personal or obvious misconduct on the part of the ruling head of state (Büttner 2004). However, there are other forms of delegitimation that can be combined with the erosion of statehood.

CONCLUSIONS

Since there are no monocausal explanations for "state disintegration", the analysis of scientific studies of the phenomenon focuses on quantitative and qualitative factors. In international research, the focus is primarily on quantitative approaches in which econometric methods are used at the macro level in an attempt to explain the conditions for "failing states". On the basis of extensive data sets, attempts are made to isolate explanatory variables using statistical methods and regression analyses (e.g. State Failure Task Force of the University of Maryland: especially

the embedded Political Instability Task Force):

"[...] the task Force found that the most efficient discrimination between "failure" cases and stable states was obtained from a global model with only three factors: the level of material living standards (as measured by infant mortality), the level of trade openness [Integration in the world market] and the level of democracy (State Failure Task Force Report 1998)

The more inadequately these criteria are fulfilled, the higher the risk of "state collapse" (Schneckern 2007). In the qualitative analysis, on the other hand, patterns of understanding are developed at the micro and meso levels, which examine the phenomenon of "state decay" with a long-term, classifying perspective. To this end, Schneckener formulates three criteria to categorise the many different factors and distinguishes between structural, process and trigger factors at the international/regional, national and sub-state levels (ibid.).

As a result we can identify three levels of fragments preconditioning „state failure“:

1.) Structural factors

- Conditions resulting from a country's natural resource base and long-term political or socio-economic structures.

2.) Process factors

- Conditions that drive the erosion of statehood within a medium-term period, with a focus on the behaviour of the actors (esp. the elites).

3.) Trigger factors

- Events that can produce a sudden change within a very short time (days or weeks).

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