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'Order' and 'Justice' in World Politics: A Retrospective Analysis of the Gulf Crisis (1990-1) and the War in Iraq (2003) from Hedley Bull's Perspective

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Abstract:

This article examines Hedley Bull's approach to international order and justice in the context of two major Iraq-related crises in the post-Cold-War era which raised questions about the key components of international order. The article tests Bull's hypothesis that order has priority over justice in world politics, and reveals the limits and strengths of that hypothesis in relation to problems international society encountered during the Gulf crisis and the war in Iraq. Many developments in the post-Cold-War era are shown to confirm Bull's 1977 analysis of the order-justice relationship which remains relevant to any analysis of the changing circumstances of world politics.

Keywords: Order, justice, Hedley Bull, Iraq, post-Cold-War period



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Introduction

The English School of International Relations was created in the 1950s thanks to the efforts of a special group of scholars working under the name of the British Committee on the Theory of International Politics; it is now accepted as having provided one of the key approaches needed to understand change in world politics. Despite its realist inheritance, due to the centrality of the state, the English School's difference from its forebears is evident in its new emphasis on the analysis of 'the nature and the distinguishing marks of the diplomatic community' (Butterfield *et al.* 1966, p. 12). Its proponents analyse 'international society' and understand change in world politics in terms of 'cultural change which produces a different perception of common interests in a context of coexistence and cooperation' (Hoffmann 1986, p. 185). Indeed, according to Hoffmann, Hedley Bull, who is one of the prominent figures of the school, can be differentiated from the mainstream realists such as Gilpin and Waltz precisely because his definition of change focuses on changes in the way that members of international society understand their common interests. Bull is also original in his analysis of international order and justice in world politics when he defends the priority of a state-based understanding of international order over justice in his 1977 book on *The Anarchical Society: A Study of Order in World Politics* (1995).

Order and justice are two important concepts which have been the focus of numerous academic debates within the international relations discipline. The relationships between order as a fact of world politics, and justice as a moral value, have long been debated by philosophers and scholars. This debate gained particular momentum after the end of the Cold War, and – as this article will demonstrate – the priority of international order over issues related to morality was particularly open to discussion during the 1990s and 2000s when many crises in world politics brought that priority into question. This article, which is deeply rooted in Hedley Bull's work, seeks to analyse the relationship between order and justice within the framework of two important crises related to Iraq in the post-Cold-War period, namely, the Gulf crisis and the war in Iraq. Through the analysis of Iraq, which seems to have become the paradigmatic case study for such discussions, the article will seek to define change in world politics in the context of 'order' and 'justice'.

The Gulf crisis in 1990-1 and its aftermath generated lots of questions about what constitutes an exception to the norm of non-intervention. 'The old questions of what kind of security and security for whom' remained central to 'the debate over the role of collective security', and 'priorities' around security and justice were frequently discussed (Hurrell 1992, p. 55). It is

important to note that this decade also witnessed a transformation in normative understandings of the concept of state sovereignty, a crucial component of international order, which was called into question when a safe haven was established in northern Iraq to protect its Kurdish population (Wheeler 2002, p. 169). The war in Iraq in 2003 also paved the way for the rise of new academic discussions about the United States (US) which now sought to be recognised as a 'normative innovator' by claiming an exceptional right to self-defence (Morris 2004, p. 279). The fact that the US appeared to lose its credibility and power in the aftermath of its invasion of Iraq demonstrated that the concept of power is not only the product of material sources, but also 'the product of legitimacy, of the perception, on the part of other social actors, that the exercise of power is rightful' (Reus-Smit 2011, p. 88). It seems that nowadays power is understood to depend on the conformity of an action to the general perception of what is right in international society, and this reliance on perception calls into question the concept of absolute justice as an important component of power in world politics. The war in Iraq posed particular difficulties for conventional ideas about order and justice, and so Iraq offers an indispensable case study for an analysis of these important ideas.

This article begins its analysis with a review of Hedley Bull's understanding of international order and justice, and of his main arguments about the relationship between these two concepts; it then goes on to discuss his arguments in the post-Cold-War period. The article's second section discusses important features of the Gulf crisis and investigates whether or not developments that occurred during and after the crisis denoted changes in the roles served by order and justice in world politics. The third section conducts the same analysis in relation to the war in Iraq, and addresses important questions about how order and justice are prioritised. The article concludes by pointing out the strengths and weakness of Bull's arguments, and explains change in world politics with reference to conclusions drawn from the application of his ideas to the Gulf crisis and the war in Iraq. This article argues that, despite the limits of Bull's approach to the order-justice relationship, his ideas are still useful in helping us to understand current crises, and have continued relevance in the post-Cold-War period.

'Order' and 'Justice': A Theoretical Framework

The relationship between concepts of 'order' and 'justice' formed an important subject for discussion in Hedley Bull's *The Anarchical Society: A Study of Order in World Politics* (1977). Bull was one of the early figures in, and key members of, the English School of International Relations. Like all members of the English School, he departed from the idea that an international society exists 'when a group of states, conscious of certain common interests and common values, form a society in the sense that they conceive themselves to be bound by a common set of rules in their relations with one another and share in the working of common institutions' (Bull 1995, p. 13). According to Bull, in his work on international order and the place of justice within that order under Cold War circumstances, the idea of international society has always existed in world politics but has been understood to have different characteristics at different times. Bull insisted that, although the characteristics of international society have changed throughout the centuries due to changes in beliefs and



norms, the idea that an international society exists survives in a precarious and imperfect way. The survival of that idea pushes the main actors in world events to behave in conformity with it, and to justify their actions vis-à-vis the dominant contemporary beliefs and norms of international society as they conceive of it (*Ibid.*, pp. 26-44). It is worth saying that Bull ascribed special importance to the beliefs and perceptions of members of international society because of their power to influence the historical evolution of the very concept of international society (Hoffmann 1990, p. 19).

Bull argued that in each social group there are three unchangeable goals: all societies seek to ensure that life is secured from violence; that promises, once made, are kept, or arrangements are carried out; and that the possession of things remains stable (Bull 1995, p. 4). Bull saw these goals as elementary, primary, and universal, and argued that – because they are in the interest of every member of every social group and it would be difficult to imagine stable social relations without them – these rules also hold for international society which can be understood as another level of social grouping. According to Bull, each state will feel safe if it is sure that no other state will use physical violence against it (protection from violence through the limitation of the use of force); violate its sovereignty (stability of possession with respect to state sovereignty); or break its promises (respect for liability through the principle of *pacta sunt servanda*). According to Bull, what we call ‘international order’ is in fact the pattern of activity that achieves these elementary, primary, and universal goals in a sustained way at the level of an international society (*Ibid.*, p. 8). From Bull’s perspective then, the principles of the limitation of the use of force, respect for state sovereignty, and liability towards agreements represent components of international order on which all members of an international society can reach consensus. International order can therefore be defined objectively as the provision of the minimum standard of coexistence for all members of an international society.

Bull argued that, while international order can be defined objectively, what we call ‘justice’ has a subjective definition, since ideas relating to justice are moral ideas that ‘treat human actions as right in themselves’ (*Ibid.*, p. 75), and justice may mean different things to different actors. From Bull’s perspective, justice exists at the human, international, and cosmopolitan levels, and, at each of these three levels, moral rules confer rights and duties upon different actors. Human justice concerns the rights and duties of individual human beings, and international justice consists of the rights and duties of states; meanwhile, cosmopolitan justice concerns the more general and universal rights and duties of humankind. Bull argued further that it is only international justice which is in conformity with international order, since both of these concepts focus on states. However, human justice and cosmopolitan justice, since they concern the rights and duties of other actors, tend to be in conflict with international order.

After his insightful account of the definitions of order and justice, Bull analysed the relationships between them and discussed which one has priority over the other under specific sets of circumstances. He argued that, at the time of writing his book, international order had priority over justice, and he used concrete examples to suggest that subjects relating to justice have always been of secondary importance in terms of the world’s political



agenda; he claimed that this was because international order is to some extent inhospitable to projects that seek to realise human justice, and wholly inhospitable to cosmopolitan justice. Bull claimed that human justice issues like human rights, and cosmopolitan justice issues like nuclear armament; inequality in the distribution of global resources; and ecological or environmental problems – all of which treat threats to human life and human civilization in general – were easily overshadowed in the Cold War period (*Ibid.*, pp. 79-82). Although the idea of justice was included in official United Nations (UN) documents throughout the Cold War, there has been, as Roberts (2003, p. 52) finds, ‘a striking disjunction between [...] UN rhetoric and aspiration on the one hand, and what actually happens’.

However, according to Bull, the priority of order over justice was not just a fact in the Cold War period but also a requirement for stability in world politics. Bull saw the priority of order over justice as key to his own work and essential in world politics because, in his view, justice was only achievable in the context of order (Vincent 1990, p. 60). However, Bull was increasingly attracted by the liberal ideas of the early 1980s and by the idea that ‘without justice, there could be no lasting order’ (Wheeler and Dunne 1996, p. 100). He also noted that a just world was not possible while states were ‘notoriously self-serving in their policies’ (Bull 1984, pp. 194-5). Despite his attraction to justice, Bull was concerned that no shared understanding of morality, and no common conception of justice between members of international society, existed, and that therefore there was ‘no consensus on what level of human suffering would justify humanitarian intervention’ (Wheeler and Dunne 1996, p. 104). Indeed, from Bull’s perspective, any states that acted unilaterally in the name of human or cosmopolitan justice would risk breaching the main principles of international order and posing a challenge to the harmony, the concord, and the coexistence of the society of sovereign states (Bull 2000, p. 221; 1984, p. 195). Hoffmann (1990, p. 21) suggests that ‘Bull was painfully aware not only of the gap between moral imperatives and political reality, but also of the multiplicity of moral perspectives’. Bull argued that the priority of order over justice was in effect in the common interest of international society because different understandings of justice among states could erode the stability of the very concept of an international society. He therefore argued that the defence of the components of international order, and particularly of the principle of state sovereignty, represented ‘the best contemporary way of protecting human beings against forcible external interference’ (*Ibid.*, p. 30).

Bull’s Cold War arguments, as well as his previous and subsequent claims relating to the order-justice relationship, paved the way for a theoretical division between positions which became known respectively as pluralism (supporting the priority of order over justice) and solidarism (supporting the priority of justice over order). Bull himself had already launched a discussion of these ideas via his Oppenheim-Grotius distinction (Bull 1966). The end of the Cold War, as Hurrell notes, ‘witnessed a dramatic rise in support of the idea that international society could and should seek to promote greater justice’ (Hurrell 2003, p. 31). The rise of non-state actors, the growing importance of human rights in world politics, the birth of new concepts such as ‘humanitarian intervention’, and the unavoidable issues generated by environmental and armament problems, together with the threats they pose to ‘human’ and ‘global’ security, led some scholars to revitalise Bull’s discussion.



In the post-Cold-War period, many scholars challenged Bull's pluralist arguments and suggested that the priority of order over justice is questionable in a world where the importance of human and global aspects of justice have gained force. Since state sovereignty has lost its pre-eminence in world politics, they argue, a critical understanding of world politics based on human and global dimensions rather than national ones should be developed (Wheeler 1997, 2002, Dunne and Wheeler 1999, 2004). Solidarism understands international society as a form of moral collectivity and takes into consideration ideas related to justice. Meanwhile, at the other end of the spectrum, other scholars have followed Bull in supporting the pluralist idea that, although justice should be an inseparable part of world politics,¹ international order still has to keep its priority over justice because the subjective nature of justice leaves it open to exploitation; they maintain the validity of Bull's belief that order is a prerequisite for the materialisation of justice. Pluralists have based their arguments on the inefficiency and counter-productivity of those political interventions into states' internal affairs which have been undertaken in the name of human rights and/or democracy. According to them, this kind of action violates state sovereignty, one of the components of international order, without being able to ensure that justice is done, and so damage to the very idea of international society itself is compounded (Mayall 2000, Jackson 2003).

The debate is divided between those who believe that states are the principal bearers of rights and duties, and that states are capable of agreeing only for certain minimum purposes, and those who argue that individuals are not only the objects but also the subjects of international society; according to this second view, exceptions to states' rights and duties are allowed and should be made in order to uphold a universal standard of morality (Wheeler 1992, pp. 467-8). While the discussion was launched by the scholars known as the new generation of the English School, its reach grew, and many other scholars started to adapt ideas from the English School of International Relations to the changing dynamics of the post-Cold-War era.

An important attempt to ensure the adaptation of the school's ideas to the changing dynamics of world politics has come from scholars in what is known as its 'structural wing' (Devlen 2010, p. 60) as opposed its 'normative wing' which remains focused on the order-justice relationship. The structural wing challenges 'the persistent over-reliance on the pluralism/solidarism dichotomy' (Adler, Buzan and Dunne 2005, p. 195), and a key figure here is Buzan who has criticised the normative questions hitherto posed by the school. From his perspective, it was by combining the structural elements of the school with the social constructivism of Wendt that the English School could become an efficient instrument for understanding globalisation. Buzan (2004, pp. 1-6) has also criticised the indifference of the traditional English School to significant contemporary factors such as regionalism and shifts in the international political economy.

The connection between the English School and social constructivism has also been the focus of work by other scholars such as Reus-Smit, Dunne, Linklater, and Suganami. While Reus-Smit (2011, p. 488) has suggested that 'constructivists and the English School scholars have frequently identified each other as fellow travellers, as having complementary projects at the "social vanguard" of the field', Dunne (1995, p. 368) has argued that Hedley Bull should be

thought of as an 'example of social constructivism', since both Bull and the social constructivists focus on the power of international society's non-material structures. Linklater and Suganami (2002, pp. 45-7) on the other hand, point out that it is Manning, to whom Bull acknowledged his academic indebtedness, who provides 'an early example of constructivism in International Relations'. From their perspective, the social bases of international society and the constitutive power of ideational structures constitute an important point of convergence for the English School and social constructivism; their important insight has convinced many scholars to work on the recalibration of the school.² This article, which aims to test Bull's relevance to the changing circumstances of world politics, will focus on Bull's main ideas, rather than applying new dimensions of the English School into the field.

'Order' and 'Justice' in the Post-Cold-War Era: International Society and the Gulf Crisis

Cold War circumstances provided convenient conditions for prioritising order over justice in world politics because the conflict was structured around two major poles – the United States and the USSR – with clear ideological divisions and a geopolitical competition in place. However, the dismantling of the Union of Soviet Socialist Republics (USSR), which coincided with the invasion of Kuwait by Iraq, raised questions about order's pre-eminence. With the end of the Cold War, it seemed that a new world order, mainly based on the protection of both order and justice, was in the process of evolving. Indeed, there was a growing sense that world politics in the 1990s would require new instruments of international society, different to the use of force and the protection of international order which had proved effective in the Cold War. A justice-based conception of international legitimacy had emerged at the beginning of the 1990s, and it had generated new expectations and speculation about whether moral ideas could and would become embedded within the institutions and practices of international society in this new era: could it be supposed that the priority of order over justice – a basic principle that international society had adhered to throughout the Cold War – would become subject to challenge in the 1990s? The first important development which brought this debate to the attention of international society was the Gulf crisis. Indeed, Iraq became a perfect arena for observation of the consequences of the Cold War's end: its crisis held a mirror up to changing perceptions about the order-justice relationship in international society from the 1990s onwards.

Iraq occupied Kuwait on 2 August 1990 for many financial reasons arising from its years of war with Iran; Saddam Hussein declared Iraq had invaded the country a couple of days later. The invasion represented a violation of the principles of state sovereignty and the breaking of limitations on the use of force by the Iraqi leader. In Bull's terms, Hussein had challenged the common code of coexistence in international society and had therefore violated international order. International society initially responded by condemning Iraq and demanding that Iraqi forces should withdraw unconditionally from Kuwaiti territories as soon as possible on the grounds that this violation was unacceptable (UN Security Resolution 660 1990). A series of resolutions adopted by the United Nations Security Council between 2 August 1990 and 16 January 1991 called on member states to apply economic embargoes; they were also to use 'all necessary means' to curb the immediate threat coming from Iraq, and to restore Kuwaiti sovereignty (UN Security Council Resolution 678 1990).



The overall aim was to re-establish the international order which had been violated by the Iraqi military, and one of the most important features of this period was that states which were active within international society displayed an unprecedented degree of cooperation within the framework of 'collective security'. Indeed, once international order had been violated by a specific regime, international society was able to react as a unified body, despite certain points of divergence.³ Operation Desert Storm involved twenty-six coalition forces and their collaboration was the unavoidable consequence of states accepting a concept of 'collective security'. The international society of the 1990s was different, then, from that of the Cold War which had been deeply divided due to the intensity of the confrontation between the United States and the USSR.

Notwithstanding this positive cooperation, the invasion of Kuwait by Saddam Hussein's forces demonstrated how costly politics aimed specifically at the protection of a specific side's definition of international order could be for the concept of international order itself. Indeed, just a couple of years before, when Iraq was at war with Iran, Western support for Iraq had been remarkable. The main objective of the Westerners during the Iran-Iraq war of 1980-8 was to prevent a probable change in the Middle East in favour of Iran which was challenging the West with its Islamic ideology. The West, and particularly the US, had favoured the success of Iraq rather than Iran. During this period, although Iraq had violated many principles of international law – by, for example, using chemical weapons against its Kurdish population – it had drawn a response from many Western governments without that reaction leading to a fundamental change in their behaviours towards Iraq. Indeed, as noted in the official documents issued by the US Department of State (1988), there were significant human rights violations in the country and the chemical warfare launched by the Iraqi regime against the Kurdish insurgency prompted the US to condemn Iraq directly; however, these condemnations did not involve any kinds of serious economic or political measures being taken against the country (US Department of State 1988). On the contrary, the continuation of US exports to Iraq had contributed to its biological weapons capacity, a fact pointed out by the American senator Donald Riegle (1994). Meanwhile, statistics show that around 300 firms – particularly from the US, Germany, Britain, France, Italy, Switzerland, and Austria – had played direct or indirect roles in the development of Iraqi military infrastructure during that time (Salinger and Laurent 1991 pp. 17-9, Klare 2003, pp. 3, 5, 15-20). As Klare (2003, p. 3) argues, it was 'hard to think of any other major conflict in which the principal belligerents were able to acquire such a wide array of weapons and technology from the outside world'.

It seems that all of these factors had played important roles in the decision of the Iraqi leader, Saddam Hussein, to invade Kuwait. In the 1980s, international society had engaged with Iraq on the premise that politics needed to exclude notions of human and cosmopolitan justice, and indeed that it must ignore their requirements, in order to avoid serious consequences for the whole concept of international order. Hussein, relying on the continuation of this worldview and expecting that no one could or would oppose him, launched a bombardment against Kuwait City which triggered the long-term Gulf crisis in the region. The Gulf crisis triggered awareness among international states that, for the protection of international order itself, ideas related to justice had to be incorporated into world politics. After the six-week-long Operation Desert Storm (16 January to 28 February 1991) had



ensured the withdrawal of Iraqi forces from Kuwait, there was a growing tendency for international society to protect international order from probable subsequent violations by taking action on all three levels. To this end, in the dispute with Iraq, three important steps were taken by the UN Security Council: an economic embargo was set up against the Iraqi regime, a safe haven was established in northern Iraq, and a United Nations Special Commission (UNSCOM) was put in place, under the aegis of the UN, to check Iraq's nuclear capacity.

From Bull's perspective, it seems appropriate to argue that the placing of economic sanctions on the Iraqi regime might be linked to the concept of 'international justice', a concept that includes the rights and duties of states. In effect, Saddam Hussein's attempt to invade Kuwait had violated Kuwait's right to exist. It was therefore the duty of international society to ensure justice by imposing a set of sanctions against the Iraqi regime for having committed an important violation of international order (Jackson 1995, p. 119). In other words, economic sanctions were launched against Iraq as a punishment for its unacceptable aggression. Other motives behind this step arose from the general assumption that economic sanctions would damage the regime's strength, thus preventing it from acquiring weapons of mass destruction (WMD). It was also conceivable that sanctions would naturally bring about a regime change in Iraq, which would, in turn, be likely to bring cosmopolitan and human justice to the region, to the benefit of its people.

Similarly, the decision to establish a safe haven in northern Iraq might be linked to the concept of 'human justice'. The landmark decision taken in UN Security Council Resolution 688, dated 5 April 1991, represented the first time in UN history when the mass violation of human rights within a specific country was accepted as a threat, not only to the people of that country, but also to the entirety of international society: human justice and international order were perceived to be interdependent. The resolution condemned and demanded an end to Iraq's repression of its civilians, and it appealed to all UN member states and all humanitarian organisations to contribute to the humanitarian relief and protection of the Kurdish population; it also paved the way for the 'no-fly zone' initiative which was delivered through Operation Provide Comfort. Indeed, the Kurdish population of Iraq, which had suffered from the repressive measures of Saddam Hussein during the 1980s and throughout the Gulf crisis, had to be protected under post-war circumstances by the establishment of a special safe area exempt from Iraq's sovereignty. The zone, which would be protected by coalition forces and which gained UN Security Council backing for its suspension of Iraq's sovereignty, acted as evidence that ideas related to human justice could be given precedence over the basic principles of international order if necessary. In this respect, the establishment of a safe haven in the northern part of Iraq was critical because it constituted the first concrete action attributable to the concept of 'humanitarian intervention' in international law (Türkmen 2006, pp. 142-3). Robert Jackson (1995, p. 119) has argued that 'since Iraq was deemed to be an aggressor, it could be considered to have relinquished its right to control all its territory', which made the intervention in northern Iraq 'less exceptional'; James Mayall (1991, p. 428), another influential critic, has further argued that the intervention in northern Iraq to establish a safe haven for Kurds could not have occurred if it was not as a result of the Gulf War. Still, these observations cannot overshadow the significance of what constituted a



genuine transformation in the normative concept of 'sovereignty' in world politics (Wheeler 2002, p. 169).

The third step taken by international society in this period involved the establishment of a special commission to check the WMD capabilities of Iraq, and this move might be evaluated as another indicator of international society's commitment to cosmopolitan justice. As noted earlier, Bull regarded issues related to the rights and duties of all humankind as being vital to cosmopolitan justice, and the UN's attempt to control weapons that constituted a major threat to the entire world represented a bid to carry out a global duty that emerged from a shared understanding of that concept. In the light of these developments, it is important to note that, after the end of the coalition forces' operation in March 1991, there was an important consensus within international society about the three major steps which had been taken by the UN. This consensus is a critical indicator that there was significant awareness in international society about the necessity to incorporate ideas of 'justice' into world politics for the protection of international order itself.

International society had reached a new understanding that the common interests of that society could be ensured through the realisation of justice. The idea that order had priority over justice, a concept which had been dominant during the Cold War, seemed to have faced an important challenge here since human, and even global, concerns became important articles on international society's agenda. The solidarist tendency of international society was remarkable at the beginning of 1990s, a fact which could – in Bull's terms – be regarded as representing an important change in world politics; however, developments throughout the rest of the decade suggested that what had seemed like a major shift in perception had in fact been an illusion.

The consensus among international society's members started to fragment under pressure from different crises, most notably in the wake of disagreements about the efficacy of economic sanctions. It became clear that those applied against the Iraqi state were becoming dangerous weapons against the Iraqi people themselves who suffered from hunger and diseases while sanctions were in place. The humanitarian impact of the economic embargo against Iraq caused increasing controversy as the 1990s continued. According to a report issued by the US Department of State (1994), the standard of living of the Iraqi people had been reduced to at least half of its pre-war level; the World Health Organization (1997) announced that the health system in Iraq had totally collapsed in the first half of the 1990s due to the effects of the economic embargo. Research by UNICEF (1999) showed that the child mortality rate in Iraq had doubled, and that physical and psychological illnesses caused by poor nutrition had reached a critical level among Iraqi children. Mounting condemnation of the humanitarian impact of sanctions led to the development of alternative international programmes such as Oil for Food which was launched in 1995 and concretized in 1997 (Office of the Iraq Programme 2016).

Controversy also surrounded the existence of the safe haven founded in 1991 in northern Iraq to ensure the protection of Kurdish population from Saddam Hussein. The zone, exempt from Iraqi sovereignty, posed an important security threat for neighbouring countries such as



Turkey because it created a power vacuum in the region. The zone was widely perceived as a shelter for the Kurdish separatist terrorist organisation that Turkey had been dealing with for a long time, and this created significant suspicion in the minds of Turkish officials who had, in fact, been the initiators of this zone, along with France, at the UN. Turkish newspapers published many allegations that American helicopters were sending arms to the Kurdistan Workers' Party (PKK) located in northern Iraq, and these allegations became a primary source of concern, not only for Turkey, but also for neighbours in the region who feared that the zone would be transformed into an independent Kurdish state.⁴ Over time, the attempt to ensure human justice in the post-Gulf-crisis period by establishing a safe haven generated major problems for the main principles of international order: Iraq's state sovereignty, which had been violated to ensure the safety of the Kurdish population, had become an important source of threat for the territorial integrity of Iraq and of its neighbours. The issue of how to reconcile human justice with international order remained an important problem for international society throughout the rest of the 1990s.

The third sign of decline in international society's fragile consensus on Iraqi politics became evident in relation to controversies about the work of UNSCOM. Scott Ritter, the UNSCOM inspector between 1992 and 1998, was among those who claimed that the commission was working as an intelligence institution on behalf of the CIA with the aim of overthrowing Saddam's regime, and these claims raised important doubts about whether or not the commission's reports reflected the realities of the situation in Iraq (Ritter 2005). When the US decided to bombard Baghdad's arms production sites in December 1998 in Operation Desert Fox (Clinton 2010), the US only had support from Britain; the rest of international society refrained from involvement in an action that lacked both UN Security Council authorisation and the support of global public opinion.

The priority of international order over justice seemed to have been challenged at the end of the Cold War, as a growing interest in human and global concerns led international society to acknowledge that justice needed to be incorporated into world politics to ensure the continuity of international order. A new awareness of the necessity of 'justice' emerged in world politics. In some senses, the society of sovereign states inherited from the Westphalian period seems to have adapted to the changes associated with globalization, but it is worth noting that this adaptation was likely to have been immature: new dilemmas emerged for the first time when the political responsibilities and moral obligations of international society were considered together.

In effect, the consensus which emerged among members of the UN Security Council, as well as in world public opinion, around the policy applied towards Iraq at the beginning of the 1990s revealed the general tendency of international society towards a certain level of solidarism. In the early part of the 1990s, there was a consensus in international society that any new aggression from the Iraqi regime should be contained through different channels that would incorporate the requirements of human, international, and cosmopolitan justice, as well as those of world politics; however, the very same consensus declined during the remainder of that decade due to a growing interrogation of these channels and their efficacy. It appears, then, that while ideas related to justice were needed and were given more



consideration during this period, there was a significant divergence of opinion on how to ensure justice within a given international order. The decline in a consensus which had appeared to be consolidating confirms Hedley Bull's suspicion about what would happen if justice was prioritised in world politics. It is possible to argue that although the arguments Bull made in *The Anarchical Society* were challenged at the beginning of the 1990s, their validity was endorsed by events that unfolded in the rest of that decade.

'Order', 'Justice', International Society and the 2003 Iraq War

The first decade of the twenty-first century generally continued the pattern of the 1990s in its reflection of the inherent tension between the concepts of order and justice. Nevertheless, the events of 9/11 brought about changes and represented a landmark, not only for the US, but also for international society in general, and particularly for the Middle East where the consequences of a transformation in US foreign policy were directly felt. The grand strategy formally unveiled in the US' National Security Strategy 2002 (NSS) – composed in the aftermath of 9/11 and commonly known as 'the Bush Doctrine' – offered some insights into the new direction: it mentioned rogue states and their terrorist clients as the new threats that the US had to deal with, and it also indicated that unilateralism and pre-emptive strikes would be the main instruments that the US would use against these forces. Iraq, which was mentioned by Bush as one of the members of the 'axis of evil', became a focus for attention again, this time as the perfect arena in which to observe the consequences of 9/11 (Bush 2010c).

The US' decision to launch war against Iraq to overthrow Saddam Hussein was indeed a violation of international order in the sense that it directly ignored the principles of state sovereignty and limitations on the use of force. According to the official American position, traditional norms of non-intervention had to be diluted to allow such an intervention because the sources of insecurity lay within the boundaries of the state of Iraq (Bush 2010b, pp. 84-91). What was striking was the US' preference for basing its arguments about this decision on ideas related to justice: according to the most powerful figures within the US administration, there was 'no doubt' that Saddam Hussein had weapons of mass destruction (WMD) which could pose a threat to the Middle East; further, the connection of Hussein with Al-Qaida had the potential to make these weapons a global threat for the whole world; Hussein might also be able to take control of a great portion of the world's energy supplies (Cheney 2010). Saddam Hussein posed a threat, not only to the Middle East and to the world at large, but to Iraq's own citizens too. According to the American administration, the act of overthrowing Saddam Hussein who used 'murder as a tool of terror and control' against Kurds, Assyrians, Turkomans, Shia, Sunni, and others could serve to emancipate the Iraqi people who had been suffering under a 'murderous' tyrant for decades (Bush 2010b, pp. 84-91).

It is possible, in Bull's framework, to argue that the American administration pictured Saddam Hussein as a global and human threat, and that therefore the main justifications for the US invasion were linked to human and cosmopolitan justice. In effect, what the US endeavoured to do was to create a solidarist atmosphere in world politics by seeking to convince international society to support a pre-emptive war in the name of peace. It appears that the

concept of 'justice' as defined by Bull was implicit on the many occasions when the US sought to justify and legitimise a war that would 'disarm Iraq, free its people and defend the world from grave danger' (Bush 2010a, pp. 114-5). The use of the concept of 'justice' by a global power to justify its actions to its fellow members of international society might seem to suggest that ideas relating to justice in world politics were not as overshadowed as they had been in the past. Even the US, a global power, felt the need to appeal to justice to justify its decision of war against Iraqi regime.

Although ideas related to justice were often discussed in the pre-war period, however, international society seemed to shy away from the solidarism that the US sought to create. The planned invasion was rejected by the majority as a direct violation both of international law and of the international order that could bring chaos to the region. The pre-war period was largely characterised by many statements and declarations issued by opponents of the war,⁵ and American attempts to create solidarism within international society were, in fact, limited by international society's pluralist tendency. International order and its basic principles, including state sovereignty, still had priority over ideas related to justice; meanwhile, the persistence of pluralism reflected the deep confusion that prevailed in international society about the definition of 'justice' itself. Indeed, no one could be sure at that time about whether or not the US' arguments on human and cosmopolitan justice were sincerely made, or were simply being used as an instrument to hide American strategic interests in the Middle East. Particularly in the Islamic world, there was a strong belief that the US had no business in overthrowing a regime by force without the support of a collective decision made by international society. Critics who argued against American foreign policy during that time were echoing Bull's concerns about the problems that could be caused by the subjectivity of any definitions of justice, and by the multiplicity of moral perspectives that existed within international society; they also echoed his arguments about why order had to take priority over justice in world politics.

Operation Iraqi Freedom was launched in March 2003 and lasted almost until the end of May that year. Apart from those states which were directly involved in this war, there were also many Western and Middle Eastern states that participated indirectly. In effect, the Gulf States on one hand, and France and Germany on the other, which had intensively opposed the war in the pre-war period, engaged in a partial involvement in this invasion by allowing coalition forces to use their territories, and by opening their air spaces to the coalition of the willing throughout the operation process. Although their partial involvement was criticised by many civil society activists and scholars for facilitating the invasion and implicitly endorsing the use of American and British aircraft (Carchedi 2010), this involvement denoted neither their full support of the 'human' and 'cosmopolitan' justifications of the US, nor their solidarist motivation. Instead, their involvement seems to have arisen simply because these governments wanted to refrain from damaging their relations with the US; they were also implicated in the operation in partial and indirect ways due to their obligations within the framework of the 'NATO alliance or bilateral agreements' (Hummel 2007, Fahmy 2005).

The partial and indirect involvement of many of international society's members became a direct and comprehensive one when the end of Operation Iraqi Freedom ensured the



collapse of the regime. After this point, the ultimate purpose of international society became to restore Iraq and to transfer sovereignty back to it. As many UN Security Council resolutions in the aftermath of the war show, international society seemed eager to ensure international order in the Middle East; the UN called on all member states to contribute to Iraq's stability and security by providing personnel, equipment, and other resources under the aegis of the Coalition Provisional Authority (CPA), the temporary administration formed by the US and Britain which were officially acknowledged as the occupying powers (UN Security Council Resolution 1483 2003). What was remarkable in this period was that, despite this mobilisation, international society seemed to lose control of its plan to ensure security and stability in Iraq. Iraq witnessed a high level of violence in the post-war period, and not only were there armed attacks against the UN headquarters in Baghdad, but there were armed conflicts too, particularly between the Sunnis and Shia. The level of violence increased dramatically in subsequent years to the extent that Iraq was in conformity with the scholarly definition of 'civil war' in 2005 and 2006 (Dodge 2012).

Two factors played crucial roles in the increasing violence in Iraq: firstly, the affiliated groups confirmed that there were no weapons of mass destruction on Iraqi soil, and that Saddam Hussein had no connection with Al-Qaida. The Iraq Survey Group, which was established to investigate the Iraqi nuclear stockpile, concluded in 2004 that Saddam Hussein did not have any functional programme for the production of WMD, and that his ability to produce nuclear weapons had 'progressively decayed since 1991' (Duelfer 2005). Further to this, the 9/11 commission, working on the sources of the 9/11 terrorist attacks, came to the striking conclusion that there was no evidence of a 'collaborative operational relationship' between Saddam Hussein and Al-Qaida, and that there was no evidence 'indicating that Iraq cooperated with Al-Qaeda in developing or carrying out any attacks against the United States' (National Commission on Terror Attacks 2004, p. 65). These conclusions were critical in provoking a surge of resistance because they cultivated the local population's deep mistrust and hatred of the occupiers.

Increasing violence in Iraq was also triggered by the political strategy of 'De-Baathification' which was pursued by the CPA. The systematic expulsion of ex-Baathists from the reconstruction process in Iraq created a remarkable alienation of a hundred thousand unemployed people from the new Iraq and its governors (Dodge 2012, p. 38). These problems were exacerbated when the violation of human rights by CIA officers in Abu Ghraib Prison became public in 2004. Other repressive strategies applied by American soldiers such as those in Fallujah further embittered the violence within Iraq, and even those who had defended the idea that the US had been compelled to intervene in the country had to acknowledge that there was now a deep crisis of confidence about the strategy the US had chosen (Brooks 2004).

It is worth saying that all of the developments that led Iraq into chaos demonstrated the costly risk of any politics based on solidarist arguments, not only for those who initiate these politics, like the US, but also for the whole of international society. The credibility of the US was deeply interrogated by world public opinion and by local populations in the Middle East in particular, especially after it was officially recognised that the regime in Iraq did not



possess WMD and that the regime had no connection with Al-Qaida, since two major justifications for the US invasion of Iraq were invalidated through these related reports. The unfolding story of the invasion and its aftermath provides an important demonstration of the fact that 'power' is not only a product of material resources, but is also the product of legitimacy, or the perceptions of others of the 'rightness' of a given action. Furthermore, the rising violence in Iraq in the post-war period seems to confirm that, once international order is violated, it becomes much more difficult to ensure that justice is done. Civil war conditions effectively deprived Iraqi people of political, social, and economic rights, or, in other words, the human justice that they had been promised the invasion would secure. The post-war period in Iraq seems to justify Bull's concerns about the exploitable nature of 'justice', and to confirm the validity of his belief that 'order' is the prerequisite for 'justice' in world politics.

Conclusion: What Kind of Solidarism can Exist in the Twenty-First Century?

There are two conclusions that might be drawn from the case studies presented in this article. The first one follows Hurrell's argument that the first years of the twenty-first century posed an important challenge to 'the hopes of those who a decade earlier had seen the real possibility of moving towards a more ambitious, effective and sustainable form of liberal solidarism' (Hurrell 2007, p. 288). As we have seen, there was an undeniable awareness in international society at the beginning of the 1990s of the necessity for incorporating moral ideas and justice into world politics. This awareness had provoked a general sense that solidarism would be an inseparable part of the new world, but the international community's experiences in relation to Iraq during the 2000s appear to show that the world is still far from being able to offer solidarism in practice.

The second conclusion that might be drawn is that many of the problems that international society faces today are deadlocked on the point of how to deal with the threats that sources of instability – the origins of which lie within the borders of states – pose for international order. While international order and many ideas related to human and cosmopolitan justice are so linked to each other, how is international society to reconcile their respective uncompromisable requirements?

The ultimate impact of this long-standing problematic still manifests itself in today's Iraq which is dealing with another threat, that posed by the Islamic State of Iraq and the Levant (ISIL), a terrorist organisation stemming from the long-lasting power vacuum created in 2003. That vacuum is being extended by the recent turmoil that has developed in Syria due to the conflicts between Assad's regime and its opponents. International society seems to face another challenge while it seeks a solution to this crisis because the inherent tension between order and justice manifests itself once again. Although it is increasingly accepted that a legitimate state must combine the principles of state sovereignty and human rights, and that those principles are not contradictory (Reus-Smit 2001, p. 520), it remains difficult to reconcile human needs with states' rights and duties in practice. If there is a clear normative shift in international society towards a greater solidarism, how is international society to deal with a terrorist organisation without the support of states? For example, the struggle against ISIS requires support from the Syrian regime. In addition to this, how is international society



to decide 'what is right' for a specific society, for a nation, or for human beings living within a given geography? These questions remain problematic.

The two cases related to Iraq set out in this article have shown that politics which are supposed to be based on 'justice' face significant difficulties within an international society which needs to create a strong consensus. There is a general tendency to see policies that are apparently justice-based as instruments being used by big powers to bolster the rules of co-existence in their own favour. If states continue to fail in their roles as agents of human and cosmopolitan justice, it will fall to non-state organisations to promote solidarism in world politics and to secure explicit recognition for human and cosmopolitan justice by state leaders. Although there seems to be growing awareness in international society about the need to include 'justice' in definitions of world politics for the protection of the international order itself, this seems to pose an important challenge to Bull's reading of world politics because there is no consensus on how to ensure that order and justice are combined in international society.

While the international order that was violated by the US-led war of Iraq in 2003 was re-established in the post-war period, the outbreak of civil war in Iraq has shown that ideas related to justice face significant resistance generated from local dynamics if international order is bolstered by an outside force; it has therefore justified Bull's argument on the necessity for order to retain priority over justice. It seems possible to surmise that order constitutes the minimum standard of coexistence: once it is violated, there is very little opportunity to realise other important justice-based values. Although Bull's pluralism has faced an important challenge in the post-Cold-War period, at the present time it seems to maintain its validity, and Bull remains one of the most influential, forward-thinking, and relevant international relations theorists.



Notes

1. As Suganami (2010, p. 26) states, 'Most English School thinkers are solidarist at heart – although they may disagree about the degree of solidarity which they claim to witness in the world they study'.
2. I am indebted to the referee of the Journal of Conflict Transformation and Security for drawing attention to this point.
3. The points of divergence, particularly between permanent members of the UN Security Council, emerged over both the timing of the operation of Coalition Forces against Iraq and its destructiveness. Indeed, it was known that the USSR made great efforts to prevent the Operation Desert Storm air operations, which began on 16 January 1991, being extended into a ground operation. However, as no consensus was reached between the US and Saddam Hussein, the ground operation became inevitable. It was launched on 24 February 1991 and lasted for just four days. For a comprehensive overview, see Baker III (1995, pp. 391-5).
4. For a comprehensive analysis of Turkish concerns about northern Iraq during the 1990s, see Aykan (1996).
5. The European Parliament of the EU, the Non-Aligned Movement, the Arab League, the Organization of the Islamic Conference, and the Gulf Cooperation Council adopted a strict attitude towards the war in Iraq and emphasised the need for a peaceful settlement of the conflict. In addition to this, France, Germany, and Russia declared their anti-war positions on many occasions. In the special session of the UN Security Council organised to facilitate the debate about the invasion of Iraq, the opponents of war declared their opposition to it by enumerating the sources of their concerns. See European Parliament (2003), XIII Conference of Heads of State or Government of the Non Aligned Movement (2003), CNN (2003), Arab News (2003), Lichfield and Penketh (2003), UN Security Council Press Release (2003).



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