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# Public Order in the III-rd Millennium, between "Big Brother" and Chaos

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**Abstract:** *Objective:* The present paper aims at producing a brief account and analysis of some of the general vulnerabilities of the State of Law as an actor of the International System in the context of the Globalization phenomenon. *Prior Work:* The subject is being researched extensively, especially after the emergence of new phenomenon and threats to national security. *Approach:* The paper was put together using a synthesis and analytical approach, taking in account different sources, from theorists of International Relations and Security Studies to other relevant fields. *Results:* The result of this study is a complex view on the challenges and some of the vulnerabilities of the modern state, as a component of the International System in the context of Globalization. *Implications:* The present study does its part in the security studies research area, offering a better view on the dynamics of the challenges raised by the III-rd Millennium. *Value:* Taking in account all the relevant sources, the present paper offers another piece of the puzzle in trying to better understand the threats on the public order of the democratic state and the policies or optimal mix of policies needed to counteract those threats.

**Keywords:** national security; asymmetric threats; public order; globalization; state of exception

## 1. The Global Environment and the interactions between its elements

Public order, as a key concept in national security, is intimately inter-woven with the nature of the state it is destined to protect, as well as with the regional properties of its territory. Therefore, its properties are inextricably linked to the environment in which that particular state has emerged, the culture of its people, its expanded surroundings and other relevant parameters of its existence. As a conclusion to this argument, the first order of business in our opinion is to establish a general environment and thusly lay a sturdy foundation for the upcoming arguments of this paper. Using a systemic approach, the International System is the most suitable concept that can aggregate a better and more relevant picture of the general international environment in which state actors coexist.

In this regard, the neorealist theory of International Systems advocated by Kenneth Waltz seemed the best choice for establishing this base line. Therefore, as he acknowledged, the International System can be viewed in relation to two types of elements (hierarchic and anarchic). A structure, therefore, is made up from a mixture of these two types of elements and does not exist in a pure form. However, the structure is not by any means a static one because it is constantly animated by the vivid interactions between those opposing elements. According to Waltz (Waltz, 1979), the framework of a stable structure in which one of these elements is widely dominant will tend to overwhelm any effects generated by the opposing elements which are in minority. Another interesting approach to unraveling the dynamics of a social system is one that aims at balancing methodological individualism and holism,

adopted by Dr. Mohammed Sanduk in his study of the analogy between the fluid dynamics of ionized plasma and social dynamics (Sanduk, 2009).

In an analogy with Physics' problem to cope with the different ways that existence unfolds in the macroscopic universe and in the microscopic one, the International System shares somewhat the same dilemma, mimicking real life. If Waltz's theories offer us a broad picture of how the International System looks and behaves at a systemic level, according to Dr. M.Sanduk's analogy, nature offers a helping hand in trying to understand the more obscure microscopic or individual environment that makes up the building blocks of the tiniest systemic unit (in the interest of celerity we have chosen not to thoroughly integrate the ideas of other International Relations theorists like Singer, Wendt or Morgenthau and we have picked only what we thought to be the most relevant to the subject of this paper). If we were to sum up the conclusions of these two arguments, we would come up with the following characteristics of a structure that represents a common component of the International System:

First of all, we would have a structure which would never reach absolute stability, as that would require its building blocks to be made only from one type of component, hierarchic or anarchic, a fact which Waltz acknowledges to be utopian once his theory leaves the theoretical environment for the challenges of real life. Absolute stability escapes even other species that have a more developed social conscience like ants for example, which exhibit a sometimes constantly ongoing conflict between workers and queens, spawned by the male-female ratio where workers have control over hatched male broods and queens can manipulate the eggs in influencing the ratio (Rosset, 2006).

Secondly, the structure would be itself a dynamic platform for the interactions of the two types of components (hierarchic and anarchic). One way of looking at a structure within a system is one in which the structure remains sterile, without any interaction with its external environment, in which case, as Waltz points out, the vast majority of elements (i.e. Hierarchic) within the stable structure will neutralize the effects of the minority of opposed elements (i.e. Anarchic). Sterile structures, however, have been reduced to a somewhat state of extinction as the effects of Globalization continue to smash barriers between different cultures, bringing them together along with the clashes of the civilizations that Samuel Huntington predicted (Huntington, 1996). Therefore, interactions take place not only between existing elements within the system but envelop a larger dimension which adds factors like the importing or exporting of elements to and from other structures which, in their turn have an internal dynamics of their own and even factors like overlapping structures which influence each other, generating a wide range of beneficial and negative effects for themselves and/or their host/guest structure. In this regard, a good example would be the constant movements of workforce and technology from one structure to another and as overlapping is concerned, we have a whole range of examples in the multinational corporations like Google that are becoming more and more powerful, managing tremendous financial resources that would surpass the joint gross income of many countries.

Thirdly, due to the fact that a given structure of the International System is a dynamic entity, accepting Sanduks' analogy of social and fluid dynamics, one can assume as Sanduk points out, that social systems share some of the properties of fluid dynamics like viscosity, diffusion, compression, confinement or others. In a commonly accepted definition, viscosity for example is the measure of resistance of a fluid which is being deformed or in other words its "thickness". Viscosity can be adapted to social dynamics, as M. Sanduk points out, in terms of social cohesiveness.

A good example which comes to support these arguments is the social movement that is shaking Egypt. The Arabic world is structured around the Arabic family and tightly packed social groups in general, a

fact that is reflected by both the Arabic culture, history and by Islam. This confers an extra viscosity to the populations of Arabic culture, such as those that inhabit the North of Africa and the Arabic Peninsula. The individuals, being more "solidary" and tightly packed together under the authority of a social group being linked by blood, religious or other ties, this kind of structure (like in fluid dynamics, viscose fluids suffer changes at a considerably slower pace than less viscose ones) tends to change very slowly. As some authors have suggested, this might be one of the reasons for some military dictatorships' success in some parts of the world. In Egypt's' case, though, along with the introduction of the Internet and all of its "revolutions" in communication (like Twitter, Facebook, etc), anarchic elements were imported from much more stable hierarchic structures (the Internet, as almost all of its innovations are Western-spawned). As a result, an unprecedented access to information has helped put in motion some of those social structures and in a very short period of time has spawned a social movement that has eventually landslided out of the virtual world into the real one (Stutter, 2011), enveloping people that did not have access to the internet and other ways of communication. This all happened at a very fast pace, and when the internet access was cut-off, it was by far too late to change anything. The problem of the threat the Internet can pose to public order has been also raised in the United States by Senate bill no. 773 that would aim to track and restrict internet access as needed (D'Angelo, 2009).

To sum it up as an argument meant to enforce our view of the previously mentioned Global Environment, our interpretation in the case-study of the Egyptian revolution is that it was practically the result of a mixture of elements, several of which present an interest to the present paper. The introduction of an anarchic element to a structure with a fragile hierarchical majority and fragile equilibrium in terms of public order, determined at one point the rapid spread of critical information within a viscose population, which normally would experience change at a much slower pace. Despite the eventual restrictions on internet, this imported element facilitated the spread of the anarchic component within the Egypt structure, reaching a point-of-no-return that culminated with the demonstrations in Tahrir Square and the overthrowing of the Egyptian Government.

On the other hand, the Asian culture shares similar characteristics with the Arabic one as social cohesiveness is concerned but despite this and its much bigger population, protests fell flat on an unshakable public order (FlorCruz, 2011). This may be, in part, to Chinas' policies in restricting Internet access, thus somewhat limiting the dynamic and unrestricted import of foreign elements and thusly the chance of adopting anarchical elements from other structures.

## 2. Public Order and the Free Information Flow

All of the interactions within the human psychological universe can be described as "information exchanges", from a gentle touch that sends tactile information to be interpreted by the Central Nervous System to a mass-media news report that criticizes a national policy. In this regard, information psychologically shapes us from well before we are born to the moment in which the last human sense is lost (hearing), 3 to 5 minutes after death. With this in mind, acknowledging the crucial importance of information is a very good premise for attributing the same importance to the sources of the information induced and its purpose. The online "Longman Dictionary of Contemporary English" defines the term "indoctrination" as *training someone to accept a particular set of beliefs, especially political or religious ones, and not consider any others.* Noam Chomsky argues that indoctrination plays a pivotal part in the education and life of an individual through a very discrete and complex process that is strongly interwoven with the social environment we live in (Barsky, 2007). We tend to perceive

normality according to our cultural background, personal experience and values and virtues of our social environment among other factors, so "normality" like beauty one would argue, is in the eyes of the beholder. Taking in account the fact that from an early age we are encouraged to socialize and adapt to social environments accepting their figures of authority and the inflow of information they provide, being judged and evaluated on the grounds of mastering the knowledge and use of the information relayed to us through those channels of authority, Noam Chomsky's arguments on the subject begin to look more in tune with reality than one might hope, at least from our point of view.

In the "Propaganda and Mass Persuasion Encyclopedia" (Nicholas J. Cull, 2003), the authors point out two different types of propaganda: black and white. White propaganda is described as a kind of overt government-run persuasion effort that is characterized by legitimacy, accuracy of the information and the identification of the source, among other traits. This kind of propaganda was usually run by an identifiable government agency like the "Voice of America" or "Radio Moscow" during the Cold War. While this term usually describes an effort that targets an area outside of the territory or area of influence of a given state, taking in account its primary function and objectives, it can be applied to the internal national environment of a state. One of the most eloquent examples of how propaganda can influence public order and even the policies of a country is the United States of Americas' problem with the depicting of the Vietnam War by the mass-media of the time (Nicholas J. Cull, 2003). Because of the images, news reports and information flow that reached the population, most of these sources of information being under state sovereignty (like the Cam Ne massacre, covered by CBS), the U.S faced ample protests that would later transform in a critical electoral factor, directly affecting US policies. As the technologies evolve and the world transforms, the megaphones, projectors and flyers are replaced by blogs, internet sites, RSS feeds and other more accessible sources of information that are literally available at ones' fingertips, at a single press of a button.

The other type of persuasion efforts would be "black propaganda" which by contrast to the white one is not (openly) government-run and does not reveal its source so it does not have to take in account the veracity of the information it employs, seeking to deceive and using any means to do so (Nicholas J. Cull, 2003), although relaying some true information would not be out of the question. In the modern world that we are living in, where the technological advancements have thwarted the states' monopoly to the broadcasting of information and where the average Joe can put together an information channel at a ridiculously cheap price, be it pirate radio or dissident blog, the subject of black propaganda seems to have developed into a day-to-day experience. Unfortunately, black propaganda is extremely hard to identify, so it is usually discovered after it has already met its goals, if it is ever discovered. Taking into account the huge amount of information available on the internet for unlimited use, one can safely assume that at least some of that information shares the same characteristics with the aforementioned types of propaganda, evermore so since the "Wikileaks" phenomenon (Roy, 2010).

The psychological factor that propaganda aims to draw on is a very important part of the equation but it is more of a "force multiplier" than an actual force in its own right. Even the most complex propaganda effort cannot, on its own, destabilize a government but when faced with a barely stable equilibrium between the anarchical and hierarchical components within a system, it can definitely make a difference and either lead the structure in chaos, only to complete the circle by the emergence of a new hierarchical order or help maintain and enforce the "status quo". In whatever case, the control of the information and use of information channels to influence and educate the population will play a major role in maintaining public order, presenting the governments of the III-rd Millennium with yet another challenge that reflects mankind's evolution.

## 3. The Impact of Economy on Public Order

Although many authors still debate the definition of "Globalization", they all agree that Economy is the engine that spawned it and which continues to drive it forward, despite the economic crisis or the controversy of the fossil fuel problem. The main engine of the "Information Revolution" and the link supporting the inter-dependence of so many systems world-wide is among many other things, a major factor in assuring public order and an ever-present social regulator, a nexus on all aspects of human life.

Given the fact that there have been numerous studies on this subject we will not treat it extensively and only offer some examples in this regard. Public order is influenced through changes in crime levels influenced themselves by a wide range of economical phenomenon, from consumption rate increases (Police Federation of England and Wales, 2009) to labor market trends (Eric D. Gould, 2002). In addition to this, economy can be greatly affected by disasters, both natural (i.e. Hurricane Katrina) or manufactured (The September 11th terrorist attacks on the WTC) and in return it exercises its own influences on the public order of a state.

In this dynamic environment, the state has to choose between interventionism and non-interventionism and even if these two policies have the tendency to coexist rather than rule each other out (Lam, 2000), when a response to a crisis deems it necessary, state protectionism has proved time and again to be the best tool for the job and the recent financial and economic crisis was no exception to this (Zimmermann, 2010). This trend comes, of course, as a natural reaction and assuming we are relating to a capitalist economy, like the "state of exception" it is well justified by the necessities of the moment but the real question is related to its "expiration" date.

All in all, in the supranational environment of tomorrow, if such a term will still exist, the macro-economy will have to be vigilantly supervised in order to avoid the side effects (concerning public order) of the economical phenomenon, as well as balancing the fine act of competition and ensuring a fast response to an impending future crisis, be it one directly affecting the economy or just one with strong reverberations in the economic environment.

## 4. The Impact of Cultural Differences on Public Order

As the Globalization phenomenon is transforming our societies, cultural diversity becomes an increasingly more important part of social life. People are generally influenced by their cultural background in perceiving reality and making decisions based on the information input they receive and interpret and although we are living in an extremely rich information environment that brings cultures together, it seems that there will always be some incompatibilities between cultures in one way or another. There are a lot of examples in this regard, for instance one of the incompatibilities of the "Western" civilization and the "Islamic" one has spawned the heated debate of the recognizing of the "Universal Declaration of Human Rights" by Muslim countries and the emergence of the "Cairo Declaration of Human Rights in Islam". Although this is a very sensitive up to date and important subject, the incompatibilities between western democratic values and Islam are not the only ones that today and tomorrow's society will have to tackle. Even if the European countries are culturally very similar partly because of Greco-roman philosophy and Christianity, there are still problems like Belgium's Flemish Flanders and French Wallonia inter-cultural clashes that can be somewhat interpreted as an omen of the eventual failure of multi-culturalism.

Although one might say that the modern society is well prepared for homogenizing a complex mix of cultures, cultural inadvertencies appear quite often, from miss-interpretation of language or religious

aspects to more serious incompatibilities that can give birth to incidents that can set the scene for later social uproar. An even more important aspect is the way individuals from other cultures are naturalized in their host country and the way the host countries' culture, laymen and government can harmonize inter-cultural relations (Janicki, 2006).

Another view on the inter-cultural problems a multicultural society would face could be revealed using a criminological approach. In some cases, some social groups place cultural values above civic ones sometimes even ignoring or refusing to accept the justice system or any other form of authority besides their traditional cultural channels. One example of this would be the "honor crimes" that take place within various social groups or another one would be under-aged marriages. Some traditions may even facilitate or directly influence organized crime, like money laundering using *hawala*-type of informal and untraceable money transfer mechanisms that exist in many cultures.

Even if, one way or another, cultural incompatibilities have been and will most likely continue to be (Huntington, The Clash of Civilizations, 1996) a major source of conflict and social uproar, contributing a great deal to the birth of some terrorist organizations ranging from politically motivated ones like ETA or IRA to religious ones like Al Shabaab or Hizballah or to genocides like the one at Srebrenica in 1995 or the Armenian Genocide in 1915, cultural isolation is not and will not be an option in a globalized and dynamically modernizing international society so this is one problem that is here to stay. As national environments become increasingly multicultural, along with its benefits there are serious challenges that have to be overcome in harmonizing the relations between people of different cultures, optimizing communication and facilitating integration in the national society and most importantly, harmonizing cultural values with the necessities and exigencies of the national justice system in promoting indiscriminate justice, equality and peaceful and harmonic cohabitation.

## 5. Public Order and the Modern "State of Exception"

In the democratic State of Law, the Constitution usually provides the fundamental laws of a state that are meant to ensure a good management, through principles like the separation of power or on the other hand ensure the respecting of the fundamental human rights and liberties. However, in some situations both the separation of powers and the legal safeguards protecting the fundamental human rights as well as other constitutional principles can he serious hindrances in upholding public order and maintaining control over an area. In these kind of situations, chaos threatens to take the place of order and normality and the "usual suspects" are states like civil uprising, revolutions, war or natural disasters. However, the "state of exception", being a juridical fact deriving from a system of authority that benefits from the legitimacy of a state's sovereignty, can be also used as a method of government out of the initial context, becoming a genuine "paradigm of government" (Agamben, 2005). In this regard, the Middle East is a very good example of "Martial Law" becoming the main governing method in states like Syria (since 1963), Israel (West Bank – since 1967) or Egypt (almost continuous state of exception since 1967) to name a few. In theses cases, the conflict zone and the history of violence and instability in the area can somewhat advocate the maintaining of a "state of exception" for several decades, taking in account its initial role as an instrument for times of war and out of the ordinary violence. However "state of exception"-like mechanisms have been extensively used all around the world, for instance economically-related problems compelled post-World War 2 Britain to make use of this attribute of sovereignty, the Government requesting the Parliament to extend its emergency power in relation to the socio-economic field and even extend its purposes of use. This was all happening of course, in the context in which extraordinary powers were already part of the ordinary legislation as a means of

regulating the economy, where "the executive was empowered to legislate on important matters closely affecting the life of the individual" as one student of British governmental emergency power student noted in the early years of the post-World War 2 period (Gross, 2004 ). However, all of this is not new as diverse authors of specialized literature pointed out to a division of the "state of exception" (Agamben, 2005) into the real state of exception (etat de siege effectif) on one hand and the "fictitious state of exception" (etat de siege fictif) on the other. As the world evolves into an ever-more complicated environment, the "Global civil war" that would justify such an extended version of the initial concept of "state of exception" evolves into new manifestations that demand a swift response in identifying and neutralizing the sources of conflict.

An interesting development in this regard is the United States of America's Military Commission Act of 2006. The act practically allows US Military institutions to become Courts of Justice, to execute the sentences given by the aforementioned courts and to indefinitely maintain the imprisonment of "aliens", defined as "persons that have engaged in hostilities or who has purposefully and materially supported hostilities against the United States or its co-belligerents who is not a lawful enemy combatant"(Military Commission Act, Section 3, 948a). The act was signed into law by president George Bush on October 2006 and its formal purpose was "To authorize trial by military commission for violations of the law of war, and for other purposes"(Military Commission Act of 2006). This abstract formulation leaves alot of space for interpretation, thusly disregarding the problem of using military institutions in order to try, convict and carry out the sentences of civilians. Furthermore, the act expressly states that „No alien unlawful enemy combatant subject to trial by military commission under this chapter may invoke the Geneva Conventions as a source of rights"(Military Commission Act, Section 3, 948b).

Even if this legal provision doesn't apply to US citizens, there are anywhere between 12 and 20 million non-US citizens living and working in the United States, some awaiting citizenship status and making sacrifices in that regard. As a result, this huge civilian population does not benefit from the „habeas corpus" rights (procedural remedy for unlawful imprisonment) nor from the Geneva Conventions' rights if ever faced with trial by military commission. Even if this act is spawned from the necessities of an asymmetric conflict and satisfies the tough requirements of countering this threat in the field, this cannot be achieved "for free", implying a high cost as far as human rights are concerned. Unfortunately, combating the asymmetric threat of terrorism would employ the usage to a certain degree of "exceptional powers" in capitalizing on the material advantages of the state, like for instance the physical possession over known terrorists, the capability of gaining access to intelligence assets and the ability to pursue trial and punishment for a terrorist attack (Mears, 2011). Of course, the policies adopted in preventing a terrorist attack usually employ the usage to a certain degree of "powers of exception" that are meant, in their turn, to capitalize on other advantages of the state, for example its influence over communication networks within its national territory.

Being an example of action-reaction, this counter-terrorist doctrine that makes use of the state of exception is on one hand a response to the problems posed by fighting an enemy well blended with the civilian population but on the other hand raises important issues in the extent of those additional powers and their impact on democratic societies (Duna, 2005) both on traditional democracies like the United States and on eastern states whose' democracies seem to be more fragile as the civilian-military relations have not yet fully matured (Cohen, 2005).

While other asymmetric threats like organized crime, white collar crime, human trafficking or drug related criminal activities still fall well within the boundaries of "common law" even though they are as much of a threat on national security as terrorism is, the exceptional character of the counter-terrorist legislation requires an extension of power that is comparable with the state of exception. As criminal

phenomenon seem to develop more and more links between themselves whilst eluding the authorities and corroding the power of the state, the fight against terrorism explores and pioneers this doctrine in countering this phenomenon and even if it's a controversial approach that has been much debated even before it came into effect, it seems to be an effective one that satisfies the requirements of a conflict waged on an invisible enemy which doesn't stand out from the main civilian population. Whilst other criminal phenomenon like drug trafficking have the same effect on public order or an even greater one in the long run, creating more and more victims every year and some even seriously subverting the licit economy (like white-collar crime) whilst at the same time, taking advantage of the same technologies and relative anonymity they provide, dynamic environment and expansion opportunities as terrorism, one might wonder at which point will the modern state authority recognize these asymmetric threats and put the lessons learned from the counter-terrorist doctrine to use in countering those criminal phenomenon too.

## 6. Conclusions

Since Globalization has given birth to the "Internet" phenomenon, vast civilian populations have acquired access to vast amounts of information available through information channels that are no longer under the control of the Government. It is not the internet alone that is facilitating access to information and interaction but also the continuing economical and technological advances. The problem is that once an environment for channeling information like the internet or mobile phones has been released on the global market for people to use, principles like "freedom of speech", "the right to a private life", "freedom of thought", "right to public assembly" and subsequently "right to a just trial", "right to fair detainment" and the "right of the presumption of innocence" can be used as a cover for certain obscure interests belonging to either organized crime, terrorist or other types of illicit organizations aimed at undermining the security of a state. On one hand, taking away these technological means of communication altogether would equal to a breach of some (if not all) of the aforementioned principles that hold themselves at the very core of a democratic state of law and limiting or intercepting communication would yield the same results, remaining passive on the other hand would undoubtfully yield terrible results of unprecedented violence. Somehow, the state has to find the balance between making use of the "powers of exception" and upholding the very rights and liberties it is invested to protect in the first place. Technology is one factor that greatly helps in this fine act of balancing but unfortunately it is a double-edged blade that also empowers the "enemies" of a state.

In light of the eerie trends that seem to unravel in the fight against terrorism and the harsh policies that seem to promise a temporary suspension of human rights in the interest of state security, one can only hope that human creativity and imagination, alongside technology, determination and a vast resource of empathy can lead us to finding the answers we seek in a highly adaptative, creative and efficient set of policies that would equally uphold the democratic principles and transparency as they do public order and the State of Law, achieving a long sought after equilibrium.

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