

What's in a War? (Politics as War, War as Politics)

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Abstract. This paper combines reflections on the current “state of war” in the Middle East with an epistemological discussion of the meaning and implications of the category “war” itself, in order to dissipate the confusions arising from the idea of a “War on Terror.” The first part illustrates the insufficiency of the *ideal type* involved in dichotomies which are implicit in the naming and classifications of wars. They point nevertheless to a deeper problem which concerns the antinomic character of a collective institution of violence. The second part discusses the extent to which, in spite of the historical transformations in the means and political objectives of wars, the contemporary confrontation still obeys the rules of warfare described by Clausewitz, particularly with respect to temporality (“friction”). The third part discusses “non-clausewitzian” aspects of the “new wars” defined by Martin Van Creveld and Mary Kaldor, while suggesting that they have left aside the most salient contradiction illustrated by the US interventions, which results from the combination of a claim to universal sovereignty and a reduction of war to generalized police operations.

Under this Shakespearian title, I want to address some crucial points of interference between discourses traditionally associated, on the one hand, with political philosophy, and on the other hand, with philosophical anthropology. But it seems to me that these questions are best discussed when general categories and the conceptual legacy of the past philosophies meet with the requirement of interpreting and understanding current situations. And the situation in which we are involved right now, where “extreme” violence is involved, which at the same time questions our capacities of understanding and our readiness and possibilities to act individually and above all collectively, that is, politically, is “war.” We are

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teaching and studying in the shadow of a "war" in which our countries are directly or indirectly involved, though perhaps I should say that we are living through the continuation of a war, perhaps also the beginning of another: this is part of the problem, and it is impossible to resolve it in advance, if it is to be resolved, in reality, particularly in the framework of a philosophical discourse or inquiry. It is a particular set of questions associated with reality, the characteristics of the war, that I want to discuss in order to give the philosophical issue of violence and civility its effectiveness, and also its complexity.

I am speaking at a determinate point of time: six and a half years after the attacks on the Pentagon and the World Trade Center claimed by the "terrorist" network called Al Qaeda, six years after the official end of the War in Afghanistan, five years after the fall of Saddam Hussein, which proved to be not the end but the beginning of operations in Iraq. And I am speaking in a determinate place: a place of exceptional intellectual freedom and multinational cooperation within the American Academia, i.e., in the United States of America. This means, clearly, that the war that I am going to discuss will be, sometimes explicitly, sometimes implicitly, *this war*, the war that we are witnessing. I want to combine with the discussion of this war another kind of reflection, which concerns *the concept of war* (and therefore also some related concepts: the concept of peace, the concept of violence, the concept of politics, and so on). Let me explain briefly why I choose this impure, imperfect procedure. Certainly I have my judgments about this war: its legitimacy, its causes and origins, its immediate or possible consequences in the future. This is inevitable: a war is, perhaps more than any other event, a situation which does not allow us the possibility of being neutral (or rather, with respect to which "neutrality" itself is a judgment and a position). Most theories of war—at least in philosophy—involve a position against the war, in general, or certain forms of war. Some, also in philosophy, involve a justification of war.

I am not going to embark on a simple debate on the *justice* or *justesse* (propriety) of the current war with the help of more or less developed, more or less disputable analyses of its specificities, for the following reason in which I put my philosophical *point d'honneur*, so to speak. It seems to me that many, if not all, of the current discussions are in fact obscured and affected by the obscurity of a preliminary question which remains undecided throughout, and in the "end," i.e., when it comes to either drawing lessons from the war, or deriving consequences, or proposing alternatives, is embarrassing for any speaker, namely, the simple question: *what is a "war"?* I shall try to show that this is not a verbal puzzle, a pure nominalistic requisite, that it has consequences for our reasoning concerning the current situation, and the kind of historical determinations that it reveals. And I shall try to begin clarifying this question (nothing more) by moving from the observation and the evaluation of the present "war," to

the discussion of whether it is a "war" and in which sense, switching continuously in the most non-rigorous manner from one level to the other. To be sure, such a question is nothing new, probably it was always involved in discourses about wars, even when Thucydides wrote the *Polemos tôn Peloponnèsiôn kai Athènaiôn* or when Tolstoy wrote *War and Peace*. But it seems particularly obscure now—particularly because of embarrassing difficulties which result from the antinomic relationships between the notions of "war" and "world," which became evident long after some wars had been labeled "World Wars," in the current era of "globalization" and "cosmopolitics." I will give examples of these difficulties. In devoting some considerations to them, I try to remain faithful to a certain "practice of philosophy," which I hope is critical, and which I might also say has, for better or worse, finally encountered its principal object.

I shall try and discuss successively three points, knowing in advance that each of them would deserve a much longer examination: 1) the question of the names, naming and classifications of "wars," which takes us to the issue of the *ideal type* of what we call "a war," and its insufficiency; 2) given that references to Clausewitz continue to play a decisive role in considerations on the character of contemporary wars, if only to explain in what sense they are "new," or have transgressed the limits of what used to be considered a war, I will discuss some of the questions that could be asked with respect to the current "war" if it were to be considered a "war" in the Clausewitzian sense; 3) this will lead me quite naturally to examine the opposite aspect: in what sense, as some authors have claimed, contemporary wars (which they keep calling "wars") are radically *non-Clausewitzian*, and call for a completely new theoretical approach, from a juridical, historical and anthropological point of view, and whether this applies to current events.

1. Names and Types

Wars are named: they have to be. Most of the time they are named after the event, by historians, which means in particular that they are named when they are considered to be finished, to have been brought to an end (let us note already that the concept of an "end" seems to be almost inseparable from the notion of a "war," which is a finite process *per se*). They are named individually or collectively, e.g., the Wars of the Roses, or the Punic Wars, the Napoleonic Wars. But often they are not named univocally, in particular because historians or more generally those who give wars their names themselves belong to one of the fighting nations, or more generally identify with one of the adversaries: so the Russians will call "Patriotic War" what the French call the *Campagne de Russie*, and the Vietnamese will call "War of Liberation" what the Americans call the "Vietnam War." Had the Confederation won what is now called the "Civil

War" by American historians, it would have retained the name "War of Secession" given by the Southerners (still used by French textbooks), or perhaps become a second "War of Independence."

This can cover also divergencies concerning the limits of the war. It has to do generally with the problem of *naming the event*, war being in a sense the archetypical "event" in history, at least in national histories, and we know that to name the event is at the same time to decide that there is an event, an operation in which the subjects are themselves part of the object that they are considering. It involves a complex relationship between the performative act of *declaring war* and the retroactive qualification which *gives a war its proper name*, thus (partially at least) defining its meaning (not always forever). Ideally, wars are declared (which is far from being always the case) but indeed they are not declared with a proper name: the King of England may have sent a proclamation to the King of France, but he did not declare the "Hundred Years War," nor did France and the United Kingdom declare the "Second World War" on Hitler and Nazi Germany after the invasion of Poland. What is at stake, here, however, is the recognition of the historical character of war. The current war in Iraq can hardly be given a precise name, particularly not the name of "US-Iraqi War" number I or II, because it is unclear whether it should be considered an episode in the "War on Terror" which was declared after 9/11 by the President of the United States (an expression that some consider "metaphoric," I will return to this), later expanded into a confrontation potentially including several countries in the "Axis of Evil," or a specific, local war, in particular as it "finished the job" started by the father of the current President during Operation Desert Storm *alias* the Gulf War; and because after the official declaration of "mission accomplished," it is unclear now when and where it will finish. Forms of resistance on the part of the adversaries have not completely ceased, new resistance has developed, and the war presents features of both an external and a civil war. The spatial limits within which it is taking place (the "theater of war") cannot be set in advance: they might include Iraq and Afghanistan, other parts of the Middle East, Lebanon, Syria or Iran, or Pakistan, and other western or northern countries (who are leaving Iraq progressively, but not Afghanistan). They might especially include the Israeli-Palestinian conflict, in which case the temporal, spatial and political limits of the war would appear, at some point, very different from what they seem to be for most Western observers, but probably not among public opinion in the Arab world in general. This would depend, in particular, on a difficult, perhaps impossible decision about the issue of the "privileged" relationship between Israel and the United States: whether they are allied nations, with a real sovereignty, such as the US and Saudi Arabia, for example, or whether Israel is in fact a local representative of the American empire with only a limited and provisional autonomy.

But behind the question of naming the war in the sense of giving it a name, in the complex relationship between declaration and recording, there is an even more decisive question, which is the question of *naming the war a war*, i.e., granting it the character of a war. Not every war is acknowledged as a war, and this is clearly a question of decisive political importance, as is the fact that at some point, or after the event, for a combination of motives which concern either the magnitude of the engagements, or the legal status of the adversaries, or both, something that was not called a war becomes a war. And perhaps we may have to consider also the reverse case, of "wars" which are not exactly wars. This can be understood by means of examples: for instance the spectacular semantic case of what is now known (at least in France) as *La guerre d'Algérie*: during the war itself, and long after, it was never officially called a war (although the participant soldiers would certainly consider it such), because it was supposed that the Algerian people were part of the French nation, and the Algerian Resistance (the *Mujahidin*, in Arab) were gangs of rebels, terrorists and criminals. There is an interesting movie by Bertrand Tavernier which bears testimony to the consequences of this denial, with the title *La Guerre sans nom*, "The war without a name." But in fact there was a code name: "les événements," "the events." It is very rare that a war that is not named as such does not, indeed, receive one or several other names, which function as denials or play a role in avoiding drawing some of the usual or legal consequences from the fact that one is waging a war, either from the point of view of internal politics or from the point of view of international law, such as treating captives as "prisoners of war," concluding a peace treaty, and so on. But here I wish to emphasize in particular the consequences of the fact that twentieth-century International Law has made it especially difficult to call a war a war, or to recognize the existence of wars which nevertheless take place in many parts of the world and frequently.

This is a consequence of the fact that—since the Kellogg-Briand Pact in 1928—war has been declared "illegal" as a means of pursuing national interests and settling conflicts, and the United Nations, according to its Charter, has been granted the privilege (either directly, through its own "General Staff," or indirectly, by empowering certain states) of taking "actions" which involve the "use of military force" against aggressors who "break the peace," in order to "restore peace" forcefully, but without calling these actions war, at least officially. The only remaining exception is the case of "legitimate defense" against an aggression carrying a threat that is at the same time immediate and vital. This undoubtedly introduces a certain confusion, not to speak of hypocrisy, in practice. It also raises the question, to which I will return, of who the "subjects" of warfare are, and to what extent the political identity of the subjects determines the nature of the war.

To jump immediately to a present concern, we may see here that the expression "War on Terror," or even more surprisingly "War on Terror without a predictable end," especially if coupled with such notions as "the rogue states" supporting terrorism, poses a difficult, perhaps a crucial question. On the one hand, this expression tends to distort some of the issues involved in the legal notion of war, on the other hand it raises them to a superior level. There is little doubt that the (undeclared) war against Iraq or the Iraqi regime in April 2003, was illegal from the point of view of International Law, as it was waged against the will of the majority of the Security Council, even though it was legalized after the event when the US, the British and some allies were granted the status of "occupational forces" by the Security Council a year later. But the terminology of the "War on Terror" modifies this apparently simple situation. On the one hand, it adds to the confusion in the use of the notion of "war." This is why it has been criticized on different sides, though not always for the same reasons. Some (e.g., the German philosopher, Jürgen Habermas) have argued that it was a mistake to call a war actions, however violent and coercive, directed against criminal individuals and groups who threaten civilians in different countries, even if they commit mass murder, because it gives them the status of legitimate adversaries who can be recognized as such (Borradori 2003, 34–5). Others have argued, on the contrary, that the use of the term "terrorism," or rather the definition of the enemy as a "terrorist," involves both a disqualification of the enemy, the production of an "absolute enemy" (in Schmittian terms) against whom every means can be used without restraint, who can be fought against with forms of counter-terrorism or State terrorism (as suggested by Derrida in the same volume), and a virtual extension of the identification beyond any fixed criterion, blurring distinctions between civilians and fighters, nationals and foreigners, and so on. But these hyperbolic expressions can also be understood otherwise, and I take it to be very much the meaning that the US administration wanted to attach to them at the time: they suggest precisely that conventional definitions of "war," by which wars are traditionally named, or sometimes denied their names, are no longer valid or useful, because the reality of the threat of destruction, or simply attacks on the population and the interest of states and societies, or perhaps *certain* states and societies (self-defined as "democratic"), no longer come mainly from other states, but from a combination of state and non-state hostile forces, which nevertheless have to be fought against through the use of military forces. This does not solve the question of the legal character or otherwise of the "war on terrorism," much less the question of the means that it can make use of, from the strategic, legal, and moral point of view, but it does point to the problem of the historical and sociological reality of the war that cannot be reduced to its legal definition, and which surfaces in the difficulties of naming wars, not only of giving them a proper name, but of

giving them the common name of war. I think that this problem ought to be taken seriously, even if we do not adopt the solution that is advocated by the discourse of the "war against terrorism," looking for alternatives.

Perhaps we should say that, *since war is an institution* (and I shall return to this), *there must always be a legal definition* with more or less binding effects, which is part of the political process of declaring wars, waging and controlling them, trying to stop or even eliminate them, or turn around their prohibition, but since any institution has a historical character, there must always be a *distance* between the ideal, legal or quasi-legal type of the war, and "warlike" realities that display either an *excess* or a *defect* vis-à-vis the ideal legal type. And there are probably historical conjunctures, situations in which the distance is so large, the difficulty of identifying and naming the war as such becomes so great that it indicates the need to *change the concept of war itself*, or to clarify as much as possible (we can never be sure that it is completely possible) the equivocal phenomenon that we discover under the name "war." This will probably mean that we need to change other concepts, closely associated with "war" itself, or which depend on it: such as state, nation, army, international law, and so on. It is this kind of suggestion that we can hear today from different parties, most frequently associated with considerations on the innovative character of politics and society in the present time, after the end of the Cold War, after the new developments of globalization, after the emergence of non-national or trans-national or post-national actors and collective agents, of which "terrorist networks" can be considered to be representative, as typical as NGOs or multinational corporations. It has been suggested that they share a common feature, which is the decline of *public agencies* and the rise of *private*, or "non-public," agencies in the field of politics and history—which in the case of "wars" seems almost a contradiction in terms, at least from the point of view of the ideal type of wars. I think that we can neither analyze the role of wars and quasi-wars in the historical situation in which we live, nor take positions and examine the consequences of the positions we take, without considering these admittedly highly speculative issues.

This leads me now to say a word about *types*, *typologies* and, therefore, classifications of wars. In fact the problem of naming and the problem of classifying are closely related: they are the two faces of the same problem. If you start thinking about the way "wars" are classified, or looking at developments on wars and the history of wars in Encyclopedias and Treatises of "polemology,"¹ you will notice two things. One, the typologies

¹ A word that was probably invented by the French sociologist Gaston Bouthoul, but which is typical of the kind of inquiry prompted by the attempt of International Institutions to submit warfare to a process of control and, if possible, extinction, after the First and Second World Wars, and whose first grand illustration is perhaps the book by Quincy Wright (1965).

of wars frequently (if not always) take the form of *dichotomies*, which involve value judgments, more precisely tending to distinguish between the normal and normative form of war and its excess, or its perversion, or its degenerate forms, but which can also become reversed. Second, new typologies, hence new dichotomies, are constantly invented, or suggested by history, and their list becomes almost infinite, with partial redundancies. Think of such oppositions as *Wars between States* (or more generally *sovereign* political entities, such as cities and empires) and *Civil Wars* (taking place within political entities); *War and Revolution* (in spite of the existence of "revolutionary wars"); *Declared and Undeclared Wars*; *Regular or Conventional Wars* and *Wars of Partisans* (or *Guerrilla Wars*, which at a certain point are indistinguishable from *Terrorism*, or what is deemed such); *War and Crime*, or *Vendetta*, generally speaking "private wars"; *primitive* or "barbaric" or tribal or *ethnic wars* and *civilized wars* which are also *political* or *legal*; *religious wars* (or "jihad," "crusades," and so on) and *secular wars*; *national wars* and *colonial wars*; wars of *conquest*, or *aggression*, and *defensive wars* or *wars of liberation*; *limited or restricted wars* (which essentially concern soldiers, be they professionals or citizens under arms, and military installations) and *total wars* (which typically target civilians and aim at the destruction of their conditions of life); *open wars* and *secret wars*; etc. I said that new oppositions are constantly added, some of which nevertheless have a family resemblance with previous distinctions. Here we can almost give names. *Global Wars* and *Local Wars*; "High Intensity" and "Low Intensity" conflicts; "Core state wars" and "fault line wars" (S. Huntington); "Old Wars" and "New Wars" (M. Kaldor, Herfried Münkler), and so on.

My hypothesis, in brief, is that all these dichotomies, which are unstable and uncertain, whether framed in terms of law, history or sociology, have to do with the central, and aporetic, question of the *collective institution of violence*, which is an anthropological problem, if not the anthropological problem *par excellence*. And it is the level of this problem that we must reach if we want to be able to address the current uncertainties in the use of the name "war," which contemporary events make plain. But this leads me to add the following remarks, which I hope will prove helpful for the coming discussion. First, although the dichotomies—as I said—are clearly value-based, and tend towards the identification of an ideal or regulative type of war, we perceive that their real use is to suggest that there is an element in war, lying precisely in its relationship with violence, that *remains uncontrollable*, or more precisely that associates the essence of warfare with an excess of the means over their hypothetic finality, making warfare exceed its own definitions and essence. *The deepest meaning of the dichotomies is not to set limits, but to approach the phenomenon of their transgression*, to indicate that the essential phenomenon, where we touch the *antinomy of this institution which cannot respect the rules of an institution*,

and this only emerges when the oppositions are inverted and displaced. The "true form" of *State Wars* would be the *Civil War*, which is the "pure" war, not codified and unlimited, perhaps in the form of "international civil wars," which some theorists claim characterized the twentieth century, and are probably not finished; the "true form" of limited war is the total war, and so on.

But this suggests a second remark: the dichotomies (and the ideal type of war behind them) are deeply associated with a teleology of progress, and for this reason also profoundly eurocentric (taking "eurocentrism" in a broad sense, which includes also America). It could be said, and it has been said equally, that the dichotomies delineate a direction of progress of the institution, by which wars become continuously more civilized, or more integrated into the legal and political fabric of society, and also that the wars, owing to the progress of the techniques of destruction, which mirrors the progress of the techniques of production, but also to the intensification, the massification and the growing capacities of manipulation of collective passions, such as nationalism and racism, have become more and more murderous and inhuman with the development of modernity. But, I repeat, this is probably a profoundly eurocentric view, which comes from the fact that the "phenomenon of war" is observed historically and legally from the point of view of the Euro-American center, leaving aside the periphery, where from the very beginning of the European expansion genocidal and terrorist techniques were systematically used in non-declared wars, or wars not declared as such, since there was no recognized "enemy," especially if we take into account the combination of direct warfare and indirect forms of extermination, such as the spread of imported diseases, the effects of the destruction of environment and traditional solidarities, and so on. This poses the problem of the interaction of "voluntary" and "involuntary" elements in a comprehensive anthropological discussion of institutional violence.

2. "Clausewitzian" Wars and Developments of the War

I now turn to some considerations on Clausewitz, and possible applications that we can draw from him concerning the current war, because it is almost a commonplace among recent authors to explain that conflicts and warfare in today's world (particularly today's globalized world) have invalidated his conceptions. Clausewitz is thus supposed to have produced a representation of war expressing its ideal type in a particularly pure way, which contemporary conflicts would typically contradict. This is argued explicitly by some authors on whom I will rely in a moment, such as Martin van Creveld or Mary Kaldor, and I admit that there is an important element of truth here, which comes from the fact that Clausewitz's concept of war (including his conception of the relationship between war and

politics, expressed in the famous formulation: "war is the continuation of politics by other means") remains entirely dependent on the idea that warfare in the strict sense, as distinct from "private" or "primitive" forms of collective struggle and violence, is a confrontation between states, more precisely nation-states, where the human and material resources of the states are mobilized in the perspective of mutual destruction in the form of a specialized military institution under the effective control of the political authority which – as Max Weber was later to say – has the "monopoly of legitimate physical violence" (Weber 1994, 310–1). Clausewitz belongs to another historical environment, the structure of which has now been profoundly, if not entirely, destroyed, especially the typical character of the European nation-state, and it is rather as a counter-example, a summary of what is no longer valid, that we should use him to explain the forms and meanings of contemporary warfare. This would still, however, confer upon him a remarkable privilege.

But is this completely satisfying? Is every aspect of Clausewitz's concept of war entirely useless to interpret current wars, and above all *to ask the questions* which command their interpretation? Or, rather, is it not the case that, before we discuss the aspects of contemporary wars that exceed or subvert any classical, "Clausewitzian" pattern, we test his capacity to teach us in what sense the current war is a war?

One of the reasons why I believe there is a possibility to extract a *dialectical* element from the reading of Clausewitz, which is not limited by the "institution of war" of his time, is the fact that Clausewitz's reflection "on the Nature of War" was itself premised on the transition from one period to another, where the political forms of collective violence had been transformed in a revolutionary manner. This was the transition from dynastic States and dynastic Wars (of the kind of eighteenth-century confrontation between rival powers within the "European equilibrium") to proper national wars, prompted by the French Revolution and expressed in a pure manner during the "Napoleonic Wars," with their dual lesson: the effective transformation of the revolutionary impetus, i.e., the historical emergence of the people as a political subject, into a military might that Bonaparte was able to use for his conquest, and the objective reasons for his final defeat after the failed attempt to subjugate the Russian empire. Clausewitz's idea, which has a clear relation with what I said a moment ago about the meaning of dichotomies concerning war in order to understand its development, is that for the first time with the emergence of popular armies or "peoples in arms" mobilized by modern states (which in this sense, however bureaucratic and authoritarian they might be, embody an essential "democratic" element) and confronting each other, the pattern of "absolute war" could be approached in reality. This means one would witness situations where antagonism "rises to the extremes", that is, where the risk of destruction is run in order to achieve the strategic goal,

which is to “render the enemy powerless” (Clausewitz 1976, 75) and “compel him to do [one’s] will” (ibid.). It does not remain a pure “ideal,” which does not mean that it can be realized completely under any circumstances. These circumstances and their effect on the main tendency must be incorporated into the theory itself, they are not external: what they do is not to replace an “ideal” model of war with a more “realistic” one, but to develop the dialectical contradictions of the process which, for the first time, has become a historical reality.² To be sure, when Clausewitz speaks of an “absolute war,” approached in reality by national wars, the tendency of which is to rise to the extremes of destruction, what he has in mind is not a “total war” such as the colonial wars, or subsequently the two World Wars, or the Vietnam War, a war where *the distinction between soldiers and civilians* still holds, however brutal the effects on the civilians may be. But since the “army,” whose destruction, dismemberment or reduction to powerlessness is the ultimate goal, is itself a citizen’s army, it cannot be said that the violence is “restrained” or “contained” within conventional limits.

There are three aspects of Clausewitz’s theory of war, expressed in well-known formulas, which, I think, are of special interest to us.

One, to which I allude again later, concerns the so-called “duality” of wars: in his presentation the distinction between wars that aim at conquering specific territories (or riches) of a given enemy, and wars that aim at subjugating the enemy, i.e., destroying his political autonomy. In modern terms, we might say conquest on one the one hand, empire on the other.

The second is contained in the famous but often misinterpreted formula: “War is merely the continuation of politics by other means,” which asserts the primacy of the political goal (*Zweck*) over the military objective (*Ziel*) in wars, but this does not suppress the specificity of the war, as a “political” practice, or a practice determined by its political goals and effects. On the contrary, it helps us to understand why the specific character of war, i.e., the use of destructive physical violence (or, as he writes sometimes, the “pulsation of violence”; ibid. 87), creates a permanent tension with its political goal, which oscillates between fusion and contradiction. The capacity to articulate the military objective and the political goal (or goals) and to effectively subject the first to the second, or reach the second through the first, is what Clausewitz calls the “intelligence of the personalized State,” or the political leadership in wars, one of his most disputed notions.

Finally, the third concept which proves crucial is expressed through a mechanical analogy: Clausewitz calls it “friction,” and he makes it the

² Without entering into detailed discussion concerning the evolution of Clausewitz’s thought and the resulting discrepancies between different parts of his unfinished work (published after his death in 1832), I follow the recent interpretation of Emmanuel Terray (1999) rather than that of Raymond Aron (1983) on this point.

general heading of all the elements which, in practice, result in a difference between a war as a "blueprint," a mere "strategic game," and a real war. Friction is basically the effect of duration, of the fact that a war always takes time, that there is no such thing in practice as a war which would "consist of a single short blow"; but it is also, dialectically, the unpredictable or unforeseen circumstances of the war, resistance, the displacement of the "theater of war," and the progressive manifestations of internal weaknesses of the national subjects which tend to extend the duration of the war, or set a timeframe that is determined by its own events. It is thus closely related to one of Clausewitz's most famous theses, namely, the strategic (if not tactical) superiority of defensive over offensive war, which comes from the fact that an offensive (e.g., an invasion of foreign territory) progressively exhausts its advantage, which is the violence of the first blow. This of course holds *ceteris paribus*, i.e., depending on a number of conditions, specific each time, and only in the long run, i.e., the total duration of the war.

What is probably most important, and most difficult to reduce to simple principles, is the articulation of these last two ideas, i.e., the influence of the tension between the political and the military aims on the "friction," the proper time of the war, and vice versa. One might say that, in discussing this matter, *Clausewitz remained half way* (but some of his later readers attempted to complete the argument in relation to their own objectives; I am thinking especially of such Marxists as Lenin and above all Mao Zedong), inasmuch as he seems to believe that the relationship between politics and war always works in the same direction. This seems to be the result of the fact that Clausewitz postulates the rationality of the State (its "intelligence," in both senses), and *believes that it is always in the capacity of a state to suspend a war* whose development proves unable to achieve its political goals, or threatens its political capacity in general, by reaching an acceptable compromise. He believes also that, in this sense, "in a War the result is never final," but can always be challenged. But we may suggest, without betraying the logic of his reasoning, that a "generalized Clausewitzian" notion of the relationship between politics and war involves the possibility for political factors to transform the conditions of military engagement, and conversely, for the "friction" of the war to influence its political character and conditions.

This also amounts to explaining that, over time, the relative separation of the means and the ends, or the process of realization of military objectives and the achievement of certain political goals, which marked the beginning of the war, becomes abstract and unsustainable. It is what I call the "dialectical" element contained in the Clausewitzian concept of war, as a *political* concept, in spite of its historical limitations.

We may pause here, and ask ourselves: how such ideas could become applied to a "war" such as the one the US has now been waging in the

Middle East for years, with an initial episode (perhaps not the first) that consisted of the devastating *risposte* to the Iraqi invasion of Kuwait, followed by the embargo, the continuous Anglo-American bombings, and the inspections of the UN which apparently succeeded in limiting the capacities of Iraq to rearm itself; a second episode that, after the terrorist attack on America, consisted of the destruction of the Taliban regime; a third episode that consisted of the invasion of Iraq and the toppling of the dictatorial regime of Saddam Hussein and the Baath Party, and a fourth episode which, starting with the occupation of the country, now seems to combine such contradictory elements as a protracted confrontation with the national resistance, but also a latent partition of the country along ethnic and religious lines and a regional "civil war." I have no intention to make predictions and claim to be able to anticipate events which will keep surprising us, in whatever sense. I think that we can simply assert that the American War in the Middle East, which also involves many others, is a "real" Clausewitzian war in important respects. It is a long war, the end of which is unforeseeable in the near future, and where the tension between the political and military goals increasingly produces "frictional" effects, some of them already evident. The main objectives asserted or practically manifested, namely, the elimination of bases for terrorist actions against American interests in the world, including its own territory, or against close allies of the US, and the establishment in Iraq of a democratic state in the Western style that could prompt the establishment of similar regimes in the region, while at the same time allowing the US to control the strategic resource of oil, seem difficult if not impossible to achieve, and they largely contradict each other (perhaps they correspond to different tendencies and power groups inside the US administration). On the other hand, a divided and demoralized Arab world is certainly not able to build a political and military force to resist the American imperial project, but it contributes to various forms of passive and active resistance. This has left time for other factors to become determinant, by means of organized violence in achieving political goals: such as American public opinion, or the economic and financial capacity to support a protracted military effort abroad involving major troop deployments. To sum up, a real "Clausewitzian" war is a war with unexpected developments, and this is not exactly what was announced, nor foreseen.

3. Non-Clausewitzian Aspects of the War

I wish now to depart from this model, and return to the question that, initially, was raised by alluding to a specific difficulty of naming the current war or more precisely of calling it a war in the legal and sociological sense of the term. I shall try and discuss not only what characterizes a new war, which has singular features as always, but also in what sense

it could be called a “new war,” or a new type of war, which in many respects—when compared with classical examples which set the “rules of the game”—must appear as a “non-war.” To give this new discussion a precise basis, I shall refer briefly to recent works by two widely recognized experts, who have in common the idea that, in recent times, warfare, that is more important than ever as a permanent dimension of the societies in which we live, has nevertheless undergone radical transformations which amount to a break with its traditional meaning, almost making it equivocal to speak of war in an indiscriminate, a-historical sense. Both describe this novelty as a phenomenon following the end of the “Cold War,” and associate it with globalization, or the new stage of globalization in which the traditional nation-state (with which a Clausewitzian concept of the nature of war would be typically associated) loses much of its autonomy, or the “hallmarks” of its sovereignty (the capacity to wage external wars being one of the most typical), thus giving rise to agencies and conflicts either at a broader, supra-national, level, or at a lower, infra-national level, which do not follow the same logic.

These two authors are Martin van Creveld, the Israeli Professor of Politics and military expert, and Mary Kaldor, the Hungarian-British Director of the Centre for the Study of Global Governance at the LSE. They share important insights, one of them, if not the central one, being the importance that they assign, not only subjectively but objectively, to the function and use of ethnicity, ethnic-religious identities and identity politics in the framing, development and consequences of “new wars.” This also means that both take explicitly into account the question of the differences between the “two worlds,” the North and the South, or the former colonizing and the former colonized world, but to explain that this apparently absolute distinction—reinforced by the Cold War after the end of World War Two—is progressively blurred and becomes secondary in terms of the emergence of the new type of war. There must be something crucial, perhaps a typical feature of post-modernity, that is revealed here. But there are also profound divergences which must be taken into account: although the wars and conflicts that they anticipate or describe in an important sense are “the same,” they are not viewed from the same angle, both because of the difference in time and in the disciplinary point of view. Van Creveld, writing immediately after the collapse of the Soviet regime in the former USSR, has a “strategic” point of view, trying to understand how a certain pattern of armed conflict, called “low intensity conflict” by the military experts, which emerged during the Cold War as a consequence of the impossibility of waging nuclear wars, paradoxically survived the end of the Cold War and now invades the historical stage. Kaldor, writing in the wake of the wars in former Yugoslavia and particularly the war in Bosnia, which she witnessed and studied continuously, and which she transformed from a case-study into an explanatory model, tries to describe

the sociological realities emerging from the placing of local conflicts in the framework of a global economy which can also be considered a "globalized war economy," i.e., where the "spread of violence" becomes also a "normal" form of the appropriation and circulation of riches. These two viewpoints are in many respects complementary, however, because they involve *an idea of the transformation of the relationship between politics and warfare, politics and violence*, in the post-Cold War era, or after the end of the confrontation between social systems, that we can try and use to measure the innovative character of the events that we are experiencing. I shall try to argue that these events are new even with respect to what van Creveld and Kaldor call "new," or that their innovative character exceeds what they rightly identified as new with respect to the immediate past, what they considered to be a historical turning point. It is as if current events were revealing still another aspect of the break, that had remained provisionally hidden or suspended.

Let me add first a few more indications about their respective models. In van Creveld, we start with the idea that the Cold War made military power, especially in its most advanced technological form, largely "irrelevant." Not only did the strategy of "mutually assured destruction" mean that the nuclear bomb could not be used by the Great Powers, but it left them largely impotent in the face of certain forms of guerrilla warfare, as in the case of Vietnam for the US, and Afghanistan for the USSR. The result of technological transformations, probably also the institutional distribution of power in the world in the form of possession of nuclear weapons, has not been, however, to abolish conventional wars, but to "push it into the nooks and crannies of the international system, or [...] into the faults between the main tectonic plates, each dominated by the superpowers," particularly the Middle East (Creveld 1991, 11–2) (though this was written before Huntington introduced his distinction of "core state wars" and "fault line wars"). But it is in the Middle East, "one of the world's stormiest regions rife with implacable hatreds and death-defying fanaticism" (ibid., 15), that nuclear weapons also tend to proliferate, starting with the acquisition of the Bomb by Israel, tentatively followed by some of its neighbors. The main form that bloody and protracted wars take, however, is what strategists call in a euphemistic manner "low intensity conflicts," which do not reach the extreme level of technological warfare. They blur the distinction between regular armies and guerrilla or terrorist forces, or even between militaries and civilians, external war and civil war; they tend to concentrate in the Third World or the South, beyond the poverty line dividing the world, although there are exceptions (Northern Ireland), and—even taking into account such murderous conflicts as the Iran-Iraq war in the 1980s, which cannot be considered an entirely conventional war—they account for the highest numbers of deaths, destructions and casualties since 1945. They also show that the achievement of mainly

negative political outcomes is not the automatic result of superior weaponry. They are non-Clausewitzian in the sense that, after the "absolute war" or the war of "the people in arms" had been transformed into "total war" by the fascist regimes, particularly the Nazi State, *total war with exterminist dimensions now escapes the control of the states themselves*, abolishing the institutional "regular" relationship between governments, armies and peoples (ibid., 58) and generally mobilizing what are called "minorities" (be they ethnic or religious or both) within the states themselves, which they tend to challenge, if not disintegrate.

Van Creveld concludes that "As the second millennium AD is coming to an end, the state's attempt to monopolize violence in its own hands is faltering," (ibid., 192) and he goes as far as to prophesize that: "The rise of low-intensity conflict may, unless it can be quickly contained, end up destroying the state. Over the long run, the place of the state will be taken by war-making organizations of a different type" (ibid.). The process which is developing can be symbolically described as a return to the Hobbesian "state of nature" (a reference much favored these days), but it can also be described as the rise of "terrorism" and "counter-terrorism" at the expense of traditional war, where the conventions ruling the distinction between soldiers and civilians (therefore also, *en passant*, the main criterion governing the application of the "law of war" and the definition of "just wars" according to their methods: the so-called *jus in bello*) no longer hold. This means also the disappearance of "strategy" in the traditional sense, replaced by "a mixture of propaganda and terror" (ibid., 207).

Judging by the experience of the last two decades, the visions of long range, computerized, high-tech warfare so dear to the military-industrial complex will never come to pass. Armed conflict will be waged by men on earth, not robots in space. It will have more in common with the struggles of primitive tribes than large-scale conventional war of the kind that the world may have seen for the last time in 1973 (the Arab-Israeli War), 1982 (the Falklands), and 1980–88 (the Iran-Iraq War). Insofar as the belligerents will be intermingled with each other and the civilian population, the normal concepts of Clausewitzian strategy will not apply [...] War will not take place in the open field, if only because in many places around the world there no longer is an open field. Its normal *mise en scène* will be complex environments, either those provided by nature or else the even more complex ones created by man. It will be a war of listening devices and of car-bombs, of men killing each other at close quarters, and of women using their purses to carry explosives and the drugs to pay for them. It will be protracted, bloody, and horrible. (ibid., 212)

Van Creveld admits that these are speculations, or better say extrapolations from certain current tendencies. But the conclusion that he draws from them concerns the political and moral necessity to address collectively the permanent danger of warfare, which he says is "well alive" while undergoing "a revolution," not by concentrating on the issue of arms, or the arms race, but on the social structures themselves (ibid., 223).

For her part Mary Kaldor aims to investigate the "new type of organized violence" that derives from the explosion of former empires or multi-ethnic States in Eastern Europe, particularly the former USSR and the former Yugoslavia, but she indicates other examples in the Middle East, Africa, and Latin America. She is apparently less absolute than van Creveld in claiming that this represents the only type of war that is now imaginable, but she nevertheless concludes by examining alternative "visions" of the future "based on differing perceptions of the nature of contemporary violence" (Kaldor 1999, 141), which suggest that the political problem facing humankind is now to cope with the "new" wars and not the "old." She wants to keep the term "war" in order to "emphasize the political nature of the new type of violence" (*ibid.*, 2), while at the same time showing that the new wars involve a blurring of the traditional distinctions between war, organized crime, and large-scale violations of human rights (such as genocide). She aims to distance herself both from the concept of "low intensity conflict," which puts a unilateral emphasis on the local character of the wars, and from the concept of "virtual" wars, which rightly insists on the fact that the new wars are staged by the media, and replicated by means of communication processes, but underestimates the reality of the physical violence that they involve.

Finally she insists on the fact that the new wars, whose goals are about identity politics, in particular the forceful separation of mixed populations and cultures and the terrorization of the groups (mainly urban) who refuse to bow down to ethnic and religious fundamentalism, are a product and an aspect of globalization, in their use of communication techniques, in the financing of their armament and the recycling of their profits, and the consequences that they entail, for example the humanitarian interventions with their specific right and agencies which now cover the whole world, replicating the action of traditional UN agencies. They correspond to a dual "erosion" of the monopoly of legitimate organized violence of the state, both from above and from below (*ibid.*, 4), and from a process of "privatization" of war and violence. Their methods of warfare are derived from a combination of guerrilla operations as practiced by liberation movements in the twentieth century and counterinsurgency techniques of destabilization devised by neo-colonial armies and states, since their aim is to control populations not by "capturing hearts and minds," i.e., creating a popular community, but by sowing "fear and hatred," displacing populations, terrorizing both friend and foe, systematically undertaking genocides and ethnic cleansing. They replace ideological or political loyalties by allegiance to a symbol, targeting also the members of NGOs, whom Kaldor calls representatives of "cosmopolitanism from below." Not only do they avoid battles and essentially strike at civilians, but they also develop what Kaldor calls a "predatory social condition" (*ibid.*, 107ff.) in and around war zones, which includes trafficking in arms and drugs, and the diversion of food

and aid from impoverished populations. They make a powerful contribution, in this sense, to the contemporary development of an informal parallel economy.

All this poses the problem of the political response. Governments and international organizations have failed to address the magnitude of the problem, in spite or because of the declaration of a "humanitarian right of intervention," and the principles of International Law that are continuously violated by the parties themselves. Drawing on the lessons of peace-keeping and peace-enforcement missions, Kaldor seeks a solution in the direction of reversing the "top-down diplomacy" in favor of "cosmopolitan law-enforcement" which she describes as "somewhere between soldiering and policing" (*ibid.*, 125), subjecting the use of force to the observation of principles of consent of the victims, adopting impartiality rather than neutrality, applying the minimum use of force instead of overwhelming force (the "British" as against the "American" mode of intervention), while combining reconstruction, both political and material, with humanitarian medical and food aid. It is in this direction that, starting with practical objectives and associating new actors from the "civil society" with the traditional states, one could avoid the nihilism of a new age of barbarity following the massacres of twentieth-century global wars, explore the possibilities of containing politically the new wars, and delineate a normative alternative to the visions of the future of world security in terms, either of a "Clash of Civilizations" recreating hostile blocs on the basis of rival identities, or of a new "Hobbesian state of nature," or global anarchy, which would require the emergence of an equally global instance of authoritarian terror. "The development of cosmopolitan forms of governance" in the Kantian sense, drawing on the dynamism of the civil society and contributing to the democratization of international institutions, she argues, "is a real possibility," although one cannot rule out that war, which is as anachronistic as slavery, will be perpetually reinvented.

I have outlined at some length the analyses of van Creveld and Kaldor, not only because they are among the most serious attempts at taking seriously the idea of epoch-making changes in the nature of war, but also because they should allow us now to indicate, by comparison, what they had not anticipated and what is revealed by the American War on Terror (provisionally culminating in the ongoing intervention in the Middle East). Although it now seems that the possibility of this innovation was associated with the fact that the end of the Cold War left only one of the superpowers with a powerful, ever-increasing war machine, not accompanied by any move in the direction of arms control and negotiated reduction, it remained largely unanticipated. Why? First, because warfare not only appeared in the local areas or along the "fault lines" of religious and ethnic identities, particularly in the wretched territories of failed states, but

it was waged from the top, with all the sophisticated techniques of destruction and killing that avoid the direct implementation of so-called weapons of mass destruction (although they are clearly held in reserve). But the novelty also and above all comes from the fact that, politically, the US intervention involves a revolutionary transformation of the system of international relations and the role of international institutions, which aims at the restructuring of the law of nations. This has been rightly emphasized by Habermas—who indeed opposes it—in successive interventions (see Habermas 2006). I think that one should associate, in this respect, two characters of the intervention which could also, in both cases, serve as illustrations of what I would call the *claim of sovereignty* involved in the kind of wars, or post-wars, that the US is now undertaking. Sovereignty is not empire, or more precisely it is not imperialism, but this is not to deny that a powerful element of imperialism is clearly present in the American intervention, that appears to deal with the consequences of economic difficulties by controlling important *real, non virtual* resources that cannot be delocalized, and imposing conditions on the market of primary energies, deploying a system of military bases in the strategic region of the world, which is also the most conflictual and home of the most virulent anti-American popular feelings. So sovereignty and imperialism can partially converge, above all negatively, with regard to the elimination of certain enemies, but they can also collide. Sovereignty, or rather a *claim* to sovereignty, which as we see now has little chances of succeeding, in this case should be understood in the Schmittian sense of the institution of the state of exception, which Giorgio Agamben has also very simply and clearly explained as the paradoxical, perhaps untenable, position of a power which at the same time *works within the system and puts itself above the system, in a transcendent* position, therefore reproducing it and destroying it, or combining the two kinds of violence that Benjamin called “mythical” and “divine.”

This is illustrated by the two developments that I have in mind. One has to do with the fact that the US points to the failure of the international authority, the United Nations, to control conflicts and impose rules equally on the aggressive states in the world, even in similar cases (for instance, the respect of resolutions of the Security Council by Iraq and by Israel in the Middle East, but there are many other examples). Not only has the US pointed to this fact, but it has actively contributed to making it irreversible, paving the way for the reconstitution of a sovereign capacity to decide where and when law and order should be re-established, in the name of the interests of the world. It has to be admitted that this claim and this action fill a void, even if the void is partially the consequence of a self-fulfilling prophecy. It would seem that Kofi Annan did his best to block this process, but he failed, and was probably the last Secretary-General in the full sense of the term.

The other development is the military posture which associates the so-called doctrine of preemptive intervention against potential enemies with the attempt to grant immunity to the forces of the sovereign, before, during and after their engagement on a local theater. One is reminded of the extraordinary definition of “Warre” in Hobbes:

For Warre, consisteth not in Battell only, or in the act of fighting; but in a tract of time, wherein the will to contend is sufficiently known: and therefore the notion of *Time*, is to be considered in the nature of Warre; as it is in the nature of Weather. For as the nature of Foule weather, lyeth not in a showre or two of rain; but in an inclination thereto of many dayes together; so the nature of war, consisteth not in actual fighting; but in the known disposition thereto, during all the time there is no assurance to the contrary. (Hobbes 1985, 185–6)

The immunity consists in many systems of protection, including the legal protection negotiated with the international community which prevents American soldiers from being held responsible for possible war crimes before an International Tribunal, but above all the building of a technical superiority to implement the so-called “zero-death” doctrine, i.e., the possibility to wage a war where one side can kill, either civilians or military personnel, without being killed themselves. Note that, with limited exceptions, this has again roughly been the case during the conquest of Iraq. The disproportion between the number of fatalities and casualties on the Iraqi and the American side remained huge, and it is also one of the elements that prevent us from naming the war an Iraqi-American war. It is also what makes the shooting of American occupation forces in guerrilla or terrorist operations, which is now steadily increasing, especially perilous for the would-be sovereign.³

These characteristics which I attach to a concept of sovereignty that should be discussed, i.e., which I present as realizations of a *sovereignty claim*, are anything but purely ideological. Or if you like they clearly embody a materiality of ideology which is bound to produce very real effects. They produce a paradoxical effect of asymmetry within symmetry, that could also

³ During the discussion after this lecture, I was asked to express an opinion about the meaning of “suicide bombings” by Islamist or nationalist activists and terrorists who seem to replace military tactics with sacrifice of their life as a means to destroy the enemy. I replied provisionally on two accounts: 1) it seems to me necessary to carefully investigate—if possible—the genesis and circumstances of these tactics, in order in particular not to simply attribute to “despair” or, conversely, to “religious fanaticism,” what has become in fact an *organized* method of guerrilla warfare; 2) there is a troubling symmetry, to say the least, between the two methods of “combat without combat” which, on the one side (US, but also—with all due differences—Israeli occupation in Palestine), tend (or try) to *eliminate the risk of death in the destruction of the enemy*, and on the other side (Al Qaeda even before 9/11 but also—with all due differences—forces of resistance and of sectarian violence in Iraq, and perhaps Palestinian suicide bombings, which nevertheless seems not reducible to this model) *tend to make death the condition of reaching the enemy*. Apart from the necessary considerations on the imbalance of forces, I tend to see it as a mimetic circulation in the space that I call “claim of sovereignty.”

be interpreted in the following manner, by resuming at the same time the notion of "terrorism," however imprecise and manipulatory it can be, as used by the US administration in a generalized way to explain the unprecedented character of its initiatives, and the notion of *police operations*, which already featured in the vocabulary of International Law, or rather the lawyers who wanted to push to the extreme the idea of a system of International Law preventing and repressing wars, or "criminalizing" war as such. To resort to arms, generally speaking to organized and intentional violence, in order to implement national interests, is to wage a war, and this should be not only prohibited but prevented. To make "use of force" or undertake "actions" in order precisely to prevent or repress those who wage wars or simply prepare them, is not another form of war, it is or should be an analogon on a grand scale of police operation, against criminals, except that the criminals are collectives, states, transnational organizations, and so on. The only problem, as one knows, is that a "police operation," in the traditional concept, has to be commanded and executed by a State which has legal authority over a given territory and population, which is neither, or no longer, the case of the United Nations, nor, or not yet, the case of the "sovereign" power. As a result, the operations that are undertaken against "terrorism," or its supporters and helpers, have a tendency to oscillate around the notion of war, in the direction of *police* but also in the direction of *counter-terrorism*, or *state terror*. They can be perceived as the singular manifestation of a new regulatory authority, or as the quintessential form of international criminality. There is a paradox here that could also be described as the emergence of an unnamable "space" neither fully exterior, international, nor fully interior, domestic. Paradoxically, this state does not fit so badly the post-Kantian idea of "global interior politics" (*Weltinnenpolitik*), that Habermas has developed in his essays on "The post-national constellation," (2001) and which other legal theorists (Ferrajoli) have tried to implement at the practical level, notably by insisting on the importance of international tribunals and calling for their universal recognition (see Ferrajoli 1995). But the irony is that global internal politics is centered not on the post-national legal order, but on the invention of a revolutionary use of sovereign violence that perpetuates the primacy of warfare over law, albeit in a totally new form. And the difficulty is that this use remains close enough to its traditional models to be likely to generate "frictions," as Clausewitz would say, that severely limit its prospects of life.

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