

Philip Bobbitt

THE INDIAN SUMMER

Last autumn's onslaughts herald further savagery and create an historic opportunity.



other than counterterrorism the U.S. has little in common. Such coalitions, whose precise composition will shift from time to time and threat to threat, can be created and managed to fight a new epochal war composed of interventions against a variety of challenges that include terrorism—both within the State, as in the example of Serbia, and against a State, as in the case of the September attacks on the United States, and even by one “rogue” or outlying state against its neighbor, as in the case of Iraq’s aggression toward Iran and Kuwait or Serbia’s aggression against Bosnia.

The United States, at the time of the assaults, had recently attempted in

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WAR IS A CONDITION of the State, not a pathology that, with proper hygiene and treatment, can be prevented. In that regard, it is like death, which, while it can be postponed, will come when it will come and cannot be finally avoided. It is also like death in

that its modality can often be chosen.

The September attacks on the United States provide this country and its allies with an historic opportunity, even while they have dealt America an historic wound. That opportunity is the context within which to organize a grand coalition of states, with many of whose policies

the aborted Marshall Report to confront what is sometimes called in the “ABC Problem.” Very roughly, this problem consists of three choices: whether to configure American forces to meet challenges from peer competitors (the “A” list) through the use of high technology, including missile defenses, and on through

the entire spectrum of new weapons and tactics made available by the revolution in military affairs; or whether to continue the force structure the United States has maintained since the rearmament following Pearl Harbor, which enables warfighting in two, major regional conflicts against hostile regional powers like Iraq or North Korea (the "B" list); or whether to change radically its defense posture to deal with new threats such as asymmetric attacks from apparently stateless challengers (like the Osama bin Laden network), humanitarian crises in stricken states (like Rwanda), and internecine violence in collapsing states (like Bosnia.) Advocates of the "A" list strategy had to overcome the continental inertia of the military bureaucracy by exaggerating the threat from China, the only peer competitor with whom political relations could possibly suggest imminent hostilities. "B" list advocates, mostly in the Pentagon and in Congress, had the successful precedents of World War II and the Gulf War to cite in fending off efforts to scrap what has been an enormously successful strategy even if it yielded a force structure vastly too expensive and unwieldy for the menaces it was now called upon to respond to. "C" list advocates sounded like boutique reformers whose radical ideas would leave the nation bereft of defenses in the only conflicts that could truly prove mortal for her while chasing after conflicts in which the national interest was only marginally implicated.

A partial answer to this problem lies in translating the separate lists into one another, much as the partial answer to the fundamental forces question in physics lay in seeing the weak nuclear force and electromagnetism as a single electroweak force. An "A/C" solution would use high technology—like *shared* missile defense, and *shared* intelligence and surveillance information—to forestall "A" list peers from becoming adversaries, and deploy reconfigured forces from

PROFESSOR'S CHOICE

MICHAEL HOWARD, *The Invention of Peace* (Yale, 2001)

JOHN KEEGAN, *The History of Warfare* (Knopf, 1993)

MARTIN VAN CREVELD, *The Rise and Decline of the Nation-State* (Cambridge, 1999)

CHARLES L. BLACK, JR., *A New Birth of Freedom* (Yale, 1997)

CZESLAW MILOSZ, *New and Collected Poems 1931-2001* (Penguin, 2001)

HOMER, *The Iliad* (trans. Robert Fagles) (Viking, 1990)

secure, defensible bases in coalition with American peers and local indigenous troops, to fight the 21st century wars of the "C" list. This would not necessarily enable the United States to maintain its two-major-regional-conflicts capability, but it would hardly entirely do away with the force structure the United States currently maintains, because conventional ground forces are indispensable in terminating war by occupying territory. It was the imminent threat of NATO ground troops in Kosovo, we should bear in mind, that enabled the high-tech bombing strategy to succeed and forced Milosevic to surrender.

The September attacks on New York and Washington should bring some clarity to this debate, as well as an historic opportunity to pursue international terrorism by means of coalitional warfare. This opportunity allows the United States and her allies to pursue a form of war that could forestall the cataclysmic conflicts among great powers that modern technology makes possible. Viewed with this opportunity in mind, these attacks can be understood as the first battle in a new war.

The multinational mercenary terror network that Osama bin Laden

and others have assembled is a new and mutated organ of the market State, rather like a malignant non-governmental organization (NGO) or multinational corporation. Like states, it has a standing army; it has a treasury and a consistent source of revenue; it has a permanent civil service; it has an intelligence collection and analysis cadre; it even runs a rudimentary welfare program for its fighters, and their relatives and associates. It has a recognizable hierarchy of officials; it makes alliances with other states; it promulgates laws that it enforces ruthlessly; it declares wars. What it lacks is a contiguous territory. This network, of which al Qaeda is only a part, is not a geographical state. It is, however, a juridical entity nevertheless—a new kind of virtual state made possible by advances in international telecommunications and transit, rapid computation, and weapons of mass destruction. The virtual market state means that our classical strategies of deterrence based on retaliation will have to be rethought. That is another way of saying that even when Afghanistan is conquered and pacified, the war against terrorism will go on.

Deterrence, assured retaliation, and overwhelming conventional force enabled victory for the coalition of parliamentary nation-states in the war that began in 1914 and only finally ended with the Charter of Paris in 1990. These capabilities cannot provide a similar victory at present because what threatens the states of the world now is too easy to disguise and too hard to locate in any one place. We cannot deter an attacker whose identity or location is unknown to us, and the very massiveness of our conventional forces makes it unlikely we will be challenged openly. As a consequence, we are just beginning to appreciate the need for a shift from the sole reliance on target, threat-based strategies to defensive, vulnerability-based strategies.

Realizing that we are fighting a virtual state and not just a stateless

gang helps clarify our strategy. For one thing, it suggests that controlling and diminishing the revenue stream to bin Laden's network is far more important than capturing or killing any individual.

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satellite, and futuristic nanosensors under American leadership, and information-sharing, often at American expense.

The phrase "Indian summer" usually evokes a pleasant sensation of warm autumn weather that gives us a second chance to do what winter will make impossible. The origin of this phrase, however, is more menacing. The early American settlers were

virtual state because a virtual state is the neighbor of all. States whose relations with the United States have been fraught in the past could now become valuable partners; states whose relations with the United States have been warm and trusted can be even more relied upon for their counsel now that our fates are more closely tied. Even the vexing problem of identifying terrorism—a

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the United States aroused fear that her global presence would threaten the ambitions of a messianic state bent on regional subjugation and domination. Then, as now, the Alliance led by the United States faces a long and bitter struggle.

The world community faces its own historic challenge in creating a constitution for the international order that will emerge from this war. Will that community—the society of states—use the discredited multilateral institutions of the nation-state as a way of frustrating action in order to control the acts of its strongest member, the United States? Or will that society simply permit every state to defend itself as best it can, spiraling into a chaos of self-help, ad hoc interventions and sabotage? Or will that community consist of islands of authoritarianism, whose institutions focus only inward in an attempt to prevent violence by harsh police methods? And here again, the partial solution lies in recombining these options to facilitate the entrepreneurial production of collective goods—like missile defense, intelligence sharing, surveillance by

often forced to take shelter in stockades to protect themselves from attacks by tribes of Native Americans. These tribes, however, went into winter quarters once autumn came, and this allowed the settlers to return to their farms. If there was a break in the approaching winter—a few days or weeks of warm, summer-like climate—then the tribal attacks would be resumed, and the defenseless settlers became their prey. Once again the settlers were forced to band together or to become victims, attacked one by one.

The onslaughts in the autumn of 2001 on a warm, summer-like day on the East Coast of the United States are both the herald of further savagery and the call for defenses that, if they are sustained, offer the world's best hope of avoiding a world-rending cataclysm. States that otherwise might find themselves in a violent competition can take this opportunity to cooperate in a new security structure. States that otherwise have little in common in their foreign policies have this in common: all are subject to attacks by a

problem captured in the cliché "One man's terrorist is another man's freedom fighter"—can be ameliorated by coalitions whose membership shifts, depending on the threat to be parried.

The Shield of Achilles: War, Peace and the Course of History (Knopf, 2002) was completed well before September 11th, but the terrible events of that day were not unexpected nor even unprecedented, as the text of that book discloses. Rather one hoped that we might be spared a little longer. If those horrors inspire us now to deal realistically and creatively with the threats we face, then the sacrifice of innocents on that day may yet yield a stronger and more resilient society of the survivors. ✍

Philip Chase Bobbitt, the A.W. Walker Centennial Chair in Law, celebrated his twenty-fifth year on the UT Law faculty this spring. This material is largely taken from The Shield of Achilles: War, Peace and the Course of History (forthcoming this spring from A.A. Knopf, Publisher, New York).