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## Does Clausewitz Apply to Criminal-States and Gangs?

*Mark T. Clark*

Criminal-States and Criminal-Soldiers present unique problems for contemporary international political theory. This essay examines the applicability of the theory of war developed by Carl von Clausewitz to Criminal-States and Criminal-Soldiers. As modified by Aristotle's idea of justice as the basis for the political community, this essay proposes that Clausewitz's famous connection between politics and war holds where such states and soldiers evince political behavior. Some contrasting implications for states and state leaders are examined when such entities evince – and do not evince – political behavior.

*Keywords* military theory; Clausewitz; Aristotle; criminal-states; criminal-soldiers; gangs

Bunker and Bunker have worked to develop a taxonomy of agencies and entities that they label as Criminal-States. Although they point to the fact that states and state leaders use pejorative terms to label belligerent and near-belligerent states and groups, there may be something deeper in the meaning of the terms than mere antipathy. It may be a way for policy-makers to grapple with behavior that states must engage. Labeling an entity gives leaders a way to talk about complex issues with simple language; language that can help galvanize the state to political action or ignore it to the state's peril.

The question posed for this essay is whether the theory and ideas of a Prussian General, Karl von Clausewitz, apply to a non-state entity that Bunker and Bunker

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have identified as the Criminal-State. Though this may seem moot, there may be more at stake than simple disputation between members of the academy. What may be at stake is whether – and how – we may be compelled to fight such entities. Under a certain set of conditions, it will be argued here that some of the theories and ideas of Clausewitz do apply to Criminal-States, and, when they do, they will have large implications for how states – and state leaders – may be called upon to act. When the ideas of Clausewitz are inapplicable, different implications will follow for how we may need to treat such entities.

The argument will develop along the following lines. First, I will examine the key components of Clausewitz's argument in his famous work, *Vom Kriege* (On War). Such ideas will include how Clausewitz understood his theory of war and his relation between war and politics. Second, I will evaluate what may be understood as the political and how it would apply to war making entities. Last, I will examine what conditions would be required of Criminal-States (or even criminal-non-state actors) for his theory to work, with a brief analysis of the implications of this when it does.

### On War

Karl von Clausewitz wrote *On War* – the finest work ever produced on the subject of war and politics – in the early nineteenth century. One of the ablest translators of Clausewitz's work wrote that "Abraham Lincoln or Georges Clemenceau did not need to read [him] to discover the relationship between the military objectives and political purpose of wars they were fighting."<sup>1</sup> While that may be true, we tend to forget it. We seem to have largely forgotten the political purposes for which wars are fought. Military strategists for centuries have studied the subject of war apart from its broader political purposes, as if it were a problem reducible to a set of theorems. That continues today with the study of tactics and strategy as "military science" in Reserve Officers Training Corps (ROTC) programs at civilian universities and in the military service academies. At the same time, most western political leaders today have never participated in military service, and few if any have ever studied the subject of war as a means to political ends. It is as if without war, we tend to ignore or forget the linkage between the political goals and military means in war.

In part, this is the defining problem of modernity. Since the Enlightenment, modernity is understood to hold to the fact/value distinction. Facts are objective and worthy of research; values are subjective and are left to personal opinion. Most of our contemporary science as well as academic research are modern. Our theories in international relations on the workings of international politics hew to this line as well. Modern states wage war as if it was a technical problem of how

1. See Peter Paret's comment in von Clausewitz, C. (1976) *On War*, Princeton University Press, Princeton, [Michael Howard & Peter Paret (ed) and trans], published by Alfred A. Knopf (1993) (hereafter, cited as *On War*), p. 211.

many men and the type of equipment will be enough to defeat an enemy army. However, throughout history, and in most of the world still, the pre-modern view held or holds sway: that values are also facts. That is, the moral justification for doing things is as important as the technical means to do them. We shall have occasion to return to this shortly.

*On War* is one of the most widely quoted though least read books on war. Clausewitz, a Prussian military officer, wrote his classic after Napoleon Bonaparte waged aggressive wars in Europe and radically changed how – and to what extent – wars were fought. Clausewitz never actually completed his work despite spending some twelve years on it. At the end of his life, he considered only Chapter One of Book I completely finished.<sup>2</sup> He died at a fairly young age and it was left to his wife, Marie von Clausewitz, to publish his work posthumously.

*On War* consists of eight books with a total of 128 chapters and sections. The prose is stilted and difficult to read at times, in part because it was never finished. The material is nonetheless logically organized. Book I defines the general nature of war and Book II develops his methods of theorizing, a method that led Frederick Engels to comment that it was a “peculiar way to philosophize but in essence very good”.<sup>3</sup> Book III discusses strategy in general and the psychological dimensions while Book IV treats the essential of military activity, fighting. Books V through VII treat the more conventional aspects of war and Book VIII takes up the theme of the relationship of war to politics, first explored early in Book I.

Only recently has controversy developed over whether *On War* remains relevant to modern war or whether it has become dated, fatally so. In a way, there is nothing really new in this problem; his work has been selectively cited, quoted, and used or misused by generations of military officers and military historians – as well as occasionally being understood properly. Before World War I, the military establishments of Germany, France and Italy fatally misinterpreted *On War* to suit their doctrinal preferences at the time, usually for offensive military action.<sup>4</sup> After the war, two of the more famous British military historians (and officers), Major General J.F.C. Fuller and Captain B.H. Liddell Hart, blamed Clausewitz for the slaughter that occurred during the Great War and for failing to look beyond war to the peace that would ensue.<sup>5</sup> Since the end of the Cold War, a number of scholars and critics have assiduously worked to denigrate the continuing value of *On War*.<sup>6</sup> Of these, the two most widely quoted and read are military historians Martin van Creveld, an Israeli, and John Keegan, a Briton. Van

2. See Clausewitz' comment in Unfinished Note, 1830, in *On War*, p. 79.

3. Quoted in comments by A.S. Bubnov on V.I. Lenin's critique of *On War*, Davis, D. E. & Kohn, W. S. G. (1977) 'Lenin's "Notebook on Clausewitz"', in *Soviet Armed Forces Review Annual*, ed. David R. Jones, Academic International Press, Gulf Breeze, p. 192.

4. See the chapters in Section III: Clausewitz Misperceived, Handel, M. I. (1986) *Clausewitz and Modern Strategy*, Frank Cass, London, pp. 197-324.

5. See the perceptive analysis in Luvaas, J. (1999) 'Clausewitz, Fuller and Liddell Hart', Handel, *Clausewitz*, pp. 197-212.

6. For an analysis of the emerging criticisms, see Clark, M. T. (1998) 'The Continuing Relevance of Clausewitz', *Strategic Review*, vol. 26, no. 1, pp. 54-61.

Crevel'd's *The Transformation of War*<sup>7</sup> was published in 1991, soon after the demise of the Warsaw Pact, before the 1991 Gulf War, and shortly after the beginning of the Intifada (uprising) in Palestine. Keegan's *A History of Warfare*<sup>8</sup> was published a little later, in 1994. Both authors in part seek to demonstrate the irrelevance of Clausewitz's work to contemporary war. Van Crevel'd argues that modern, non-state warfare (i.e., terrorism, guerrilla warfare, and other types of warfare labeled by the Pentagon as "Low-Intensity Conflict") is similar to pre-modern forms and that Clausewitz wrote solely for the type of warfare waged by a state against another state. Keegan, on the other hand, argues that culture — not politics — drives warfare and that the modern, western way of war as defined by Clausewitz has outlived its usefulness.

Clausewitz opens his work with the only fully complete chapter in Book I with the title in the form of a question, "What is War?" He tells the reader that he will proceed from the simple to the complex and will look at the nature of the whole. In its simplest form, he starts by using the analogy of a duel between opposing forces and depicts war as a duel on a larger scale with many duels making a war. Because each actor tries to make his opponent incapable of further resistance, he argues "War is thus an act of force to compel our enemy to do our will".<sup>9</sup> In compelling an opponent, the aim will be to disarm him forcefully. He then goes on to argue a point that has since repeatedly gotten him into trouble with softer souls. Under the section titled "Maximum Use of Force," Clausewitz says that "Kind-hearted people might of course think there was some ingenious way to disarm or defeat an enemy without too much bloodshed, and might imagine this is the true goal of the art of war. Pleasant as it sounds, it is a fallacy that must be exposed".<sup>10</sup> "The thesis, then, must be repeated: war is an act of force, and there is no logical limit to the application of that force." Because of statements like this, Liddell Hart says his theory was "a Prussian Marseillaise — which inflamed the blood and intoxicated the mind".<sup>11</sup> Van Crevel'd believes "Clausewitz himself seems to have looked at war's barbarities with quiet resignation".<sup>12</sup> The historian, Keegan, adds:

And although this catastrophic outcome [WW I] must not be laid at the door of Clausewitz's study, we are nevertheless right to see Clausewitz as the ideological father of the First World War, just as we are right to perceive Marx as the ideological father of the Russian Revolution. The ideology of 'true war' [*absolute war*] was the ideology of the First World War's armies; and the appalling fate that those armies brought upon themselves by their dedication to it may be Clausewitz's enduring legacy.<sup>13</sup>

Clausewitz, however, is not finished.

7. van Crevel'd, M. (1991) *The Transformation of War*, The Free Press, New York.

8. Keegan, J. (1994) *A History of Warfare*, Alfred A. Knopf, New York.

9. Clausewitz, *On War*, p. 83.

10. Clausewitz, *On War*, pp. 83-84.

11. Liddell Hart, B. H. (1967) *Strategy*, 2<sup>nd</sup> edition, Frederick A. Praeger, New York, p. 355.

12. van Crevel'd, *Transformation*, p. 65.

13. Keegan, *History*, p. 22.

Clausewitz makes clear that he will establish what war is, in its essence or by its nature. He calls it theory, but it is a form of theory that appears strange to the modern eye. It is a form of theory that few of his critics like. Keegan apparently believes that war will not admit of any theory at all. He believes that war cannot “be understood in terms of abstractions about the ‘nature of war’ itself, since there is no such thing.” He also argues that “‘Without a theory the facts are silent,’ the economist F.A. Hayek has written. That may be true of the cold facts of economics, but the facts of war are not cold. They burn with the heat of the fires of hell”.<sup>14</sup> Van Creveld goes further and implies a conclusion or prescription that Clausewitz did not make, that war ought to be fought a certain way. Van Creveld blames Clausewitz for developing normative war-fighting theory:

*Vom Kriege* is mainly deductive in character: starting from first principles, the nature of war and the goal that it serves, the book seeks to progress step by step towards the most important question of all – namely, how armed conflict ought to be conducted. Given this axiomatic method, the role played by military history was limited. It was used as a source of examples (many of which have long become dated), and also as a kind of control designed to prevent theory from straying too far away from reality. However, no very great value was put on the past as such.<sup>15</sup>

It is no small irony that van Creveld, in an essay he wrote only five years before titled “The Eternal Clausewitz,” argued that because Clausewitz avoided prescribing how wars ought to be fought he remained relevant for future generations.<sup>16</sup>

Clausewitz developed a form of theory that draws on philosophy, though he was not steeped in philosophy himself.<sup>17</sup> He starts with the simple and moves to the complex. He establishes the simple as *absolute war*, or war without bounds or limits, as logic alone would imply. He soon contrasts *absolute war* with *real war*, or war in reality. It is the difference between how war may be planned and how it is actually fought. *Absolute war* is an intellectual exercise in understanding the nature of war without regard for the variety of forms war actually takes in practice. Like any noun except personal names, the noun “war” is an abstraction. As an abstraction, it communicates a generality. It is the essence or universality of “war-ness” that Clausewitz identifies. Like the noun chair, which is universal but which differs in particular chairs, war has a nature or essence in the abstract that allows us to identify all wars. Clausewitz gives us a universal abstract definition of war in order that we might be able to identify any war in particular. With this abstract noun, we add adjectives to modify the kind of war we talk about: inter-state war, revolutionary war, guerrilla war, unconventional war, and the like.

14. Keegan, *History*, p. 6.

15. van Creveld, *Transformation*, p. 35.

16. van Creveld, ‘The Eternal Clausewitz’, *Clausewitz and Modern Strategy*, pp. 35-50.

17. For a discussion of Clausewitz’s use and understanding of German philosophy, see Paret, P. (1976) *Clausewitz and the State*, Oxford University Press, Oxford, pp. 147-208.

In the abstract sense of war, Clausewitz identifies its character. Because opponents in *absolute war* will seek to disarm each other, there will be no logical limit to the exertion of force by the combatants. In a kind of dialectic, he then introduces his "reciprocals," actions that have equal and opposite force. As one opponent tries to disarm the other, the second will try equally to avoid being disarmed and simultaneously work to disarm his opponent. If the aim of war is to disarm the enemy, another reciprocal will occur. Clausewitz states: "So long as I have not overthrown my opponent I am bound to fear he may overthrow me." This reciprocal pushes the interaction to a further extreme. Finally, a third extreme is introduced. To overcome an enemy "you must match your effort against his power of resistance, which can be expressed as the product of two inseparable factors, viz. the total means at his disposal and the strength of his will".<sup>18</sup> Again, these are simply *logical* relations among the elements of war in general, not actual relations in practice. It is the character of the relations among its logical, though abstract, components that leads war into its most extreme form.

After setting up *absolute war*, but before comparing it to *real war*, he introduces things that modify the extreme or the abstract in practice. Clausewitz argues:

From a pure concept of war you might try to deduce absolute terms for the objective you should aim at and for the means of achieving it; but if you did so the continuous interaction would land you in extremes that represented nothing but a play of the imagination issuing from an almost invisible sequence of logical subtleties....

But move from the abstract to the real world, and the whole thing looks quite different.<sup>19</sup>

Clausewitz notes that for war to reach the extremes found in *absolute war* it would have to meet three conditions that he rules out. One, war would have to be a completely isolated act, occurring suddenly and without reference to the politics preceding it; two, war would have to consist of a single short blow, a single decisive act; and three, the outcome would have to be final. Because these three have never been found in the world of *real war*, though sometimes they can be approximated, he then shows how wars are far more a function of probabilities than the extremes found in *absolute war*.

Clausewitz introduces many variables that modify *absolute war*. Friction, uncertainty and chance play a great role in warfare and he shows how they can make the simple become complex. These things make real war different from the plans one makes for war. But more than any other variable, Clausewitz argues that politics modifies or shapes how any particular *real war* is conducted and modifies the degree to which it is fought. Earlier, Clausewitz had shown that the aim or object of war is to "impose our will on the enemy." But in considering *real war*,

18. Clausewitz, *On War*, p. 86.

19. Clausewitz, *On War*, pp. 86-87.



the political object or goal must be given primacy because politics, we shall see, drives war:

If it is all a calculation of probabilities based on given individuals and conditions, the *political object*, which was the *original motive*, must become an essential factor in the equation. The smaller the penalty you demand from your opponent, the less you can expect him to try and deny it to you; the smaller the effort he makes, the less you need make yourself. Moreover, the more modest your own political aim, the less importance you attach to it and the less reluctantly you will abandon it if you must....

The political object – the original motive for the war – will thus determine both the military objective to be reached and the amount of effort it requires....The same political object can elicit *differing* reactions from different peoples, and even from the same people at different times....

Thus it follows that without any inconsistency wars can have all degrees of importance and intensity, ranging from a war of extermination down to simple armed observation.<sup>20</sup>

Clausewitz argues that the intensity of any particular war is largely a function of the politics that produce it, both by nature of the aggressor's goals and the defender's will to resist. The universal definition of war can help us understand particular types of wars of every kind along the continuum from so-called "total war" to contemporary peacekeeping operations, from inter-state to civil wars, each of which varies in degree of intensity and strength of will to accomplish the desired political object.

In one of his more famous quotations, Clausewitz stakes his claim to fame. He says: "We see, therefore, that war is not merely an act of policy but a true political instrument, a continuation of political intercourse, carried on with other means".<sup>21</sup> He argues "When whole communities go to war – whole peoples, and especially *civilized* peoples – the reason always lies in some political situation, and the occasion is always due to some political object. War, therefore, is an act of policy." In a note of July 10, 1827 Clausewitz emphasized the importance he attached to the political element. "If this is firmly kept in mind throughout [the statement that war is a continuation of politics by other means] it will greatly facilitate the study of the subject and the whole will be easier to analyze".<sup>22</sup>

Clausewitz created another useful analytic tool for understanding the relationship of politics to war: the trinity or the trifold analysis of politics in relation to war. If war is an act of policy, a political instrument, politics and the influence it holds over war is also conditioned or affected by a remarkable, or wonderful, or paradoxical trinity. In his own words:

20. Clausewitz, *On War*, pp. 90-91.

21. Clausewitz, *On War*, p. 99.

22. See Note of 10 July 1827, in Clausewitz, *On War*, p. 77.



As a total phenomenon its dominant tendencies always make war a paradoxical trinity – composed of primordial violence, hatred, and enmity, which are to be regarded as a blind natural force; of the play of chance and probability within which the creative spirit is free to roam; and of its element of subordination, as an instrument of policy, which makes it subject to reason alone.

The first of these three aspects mainly concerns the people; the second the commander and his army; the third the government. The passions that are to be kindled in war must already be inherent in the people; the scope which the play of courage and talent will enjoy in the realm of probability and chance depends on the particular character of the commander and the army; but the political aims are the business of government alone.

These three tendencies are like three different codes of law, deeply rooted in their subject and yet variable in their relationship to one another.<sup>23</sup>

These tendencies of the “trinity,” a term from which modern critics belittle Clausewitzian warfare as “trinitarian,” are not iron laws but more like magnets, constantly pushing and pulling at one another with varying degrees of intensity. One scholar argues:

the image is *not* that of any kind of Euclidean triangle or triad, despite its understanding as such by many readers....Clausewitz’s message is not that there are three passive points, but three interactive points of attraction that are simultaneously pulling the object in different directions....The nature of war should not be conceived as a stationary point among the members of the trinity, but as a complex trajectory traced among them.<sup>24</sup>

That trajectory is made difficult to predict by virtue of the three components of the trinity of the people (passion, anger), the state (intentionality, politics) and the commander (the genius). These three things characterize war in all its forms. But, “If war is one part passion, one part chance, and one part reason, then two of the three elements in its nature are by definition wanton, even uncontrollable....the first thing one notices about Clausewitz’ trifold analysis of the nature of war is how the deck is stacked against war’s being a rational endeavor”.<sup>25</sup> War is preeminently an uncertain project, made more so by its unpredictable nature. Van Creveld noted this in his earlier essay: “Clausewitz more than anybody else emphasizes that war is the domain of anger and fear, boldness and passion, in short, of the most violent emotions known to man, and that any analysis of it which does not take these emotions into account will be completely without value”.<sup>26</sup> No war, then, in its almost infinite variety, can be understood apart from the politics that drives it and the influences these three things bring to bear on it.

23. Clausewitz, *On War*, p. 101.

24. Beyerchan, A. (1992) ‘Clausewitz, Nonlinearity, and the Unpredictability of War’, *International Security*, vol. 17, no. 3, pp. 70-71.

25. Herbig, K. L. (1999) ‘Chance and Uncertainty in *On War*’, *Clausewitz and Modern Strategy*, p. 98.

26. van Creveld, ‘The Eternal Clausewitz’, p. 38.

## The Political

Both John Keegan and Martin van Creveld take issue with Clausewitz over the political. In fact, both believe that Clausewitz erroneously conflates the modern state with politics. Keegan argues that "War is not the continuation of policy by other means..., Clausewitz's thought is incomplete. It implies the existence of states, of state interests and of rational calculation about how they may be achieved. Yet war antedates the state, diplomacy and strategy by many millennia".<sup>27</sup> Van Creveld, on the other hand, argues that:

Clausewitz's ideas on war were wholly rooted in the fact that, ever since 1648, war had been waged overwhelmingly by states. A brief period of revolutionary fervor and guerrilla uprisings apart, these ideas turned out to be even more applicable during the nineteenth century. It was a period when the legal separation between governments, armies, and peoples became, for various reasons, even stricter than before: 1848-9 marked the end of armed uprisings. Intrastate political violence was largely restricted to the anarchists, a term that speaks for itself.<sup>28</sup>

Keegan believes culture, not politics, makes war. He boldly opens his book with the first sentence: "War is not the continuation of policy by other means." He argues "The original German expresses a more subtle and complex idea than the English words in which it is so frequently quoted," but then fails to tell the reader what he thinks it means. He quotes Aristotle's famous expression that man is a political animal and argues that neither he, nor Clausewitz after him, "dared confront the thought that man is a thinking animal in whom the intellect directs the urge to hunt and the ability to kill." However, here Keegan flatly contradicts Aristotle, who complained that "without virtue, he [man] is the most savage [of the animals], and he is the worst with regard to sex and food [a reference to incest and cannibalism]" and that "just as man is the best of animals when completed, when separated from law and adjudication he is the worst of all".<sup>29</sup> It becomes ironic if the story is true that his most famous student was Alexander the Great, a notorious warrior himself. Van Creveld also believes Clausewitz fatally misunderstood politics and the formulation that war is a continuation of policy. He suggests that:

Whatever the exact meaning of the term 'politics,' it is not the same as 'any kind of relationship involving any kind of government in any kind of society.' A more correct interpretation would be that politics are intimately connected with the state; they are, indeed, the characteristic form that power-relationships assume within the kind of organization known as the state. Where there is no state, as was the case during most of human history, politics will be so mixed in with other factors as to leave room neither for the term nor for the reality behind it.

27. Keegan, *History*, p. 3.

28. van Creveld, *Transformation*, pp. 41-42.

29. Aristotle (1984) *The Politics*, University of Chicago Press, Chicago [trans, Carnes Lord], hereafter cited as *Politics*, 1253<sup>a</sup> 35-37, 31-33.

Even where the state does exist, only some of its actions are political by nature, whereas the rest are administrative or juridical. Thus, strictly speaking, the dictum that war is the continuation of politics means nothing more or less than that it represents an instrument in the hands of the state, *insofar as the state employs violence for political ends* [emphasis original]. It does not mean that war serves any kind of interest in any kind of community; or, if it does mean that, then it is little more than a meaningless cliché.<sup>30</sup>

Though Clausewitz was no political philosopher, he nonetheless leaves the reader with the impression he grasps its significance. Clausewitz said that “Policy, of course, is nothing in itself; it is simply the trustee for all these interests [all aspects of internal administration and spiritual values] against other states. That it can err, subserve the ambitions, private interests, and vanity of those in power, is neither here nor there. In no sense can the art of war ever be regarded as the preceptor of policy, and here we can only treat policy as representative of all interests of the community”.<sup>31</sup> While it is true that Clausewitz does not spend much time on politics, that is to say, what politics is and how its exercise in a political community can lead to wars against another political community, he does leave us with a general enough description of policy to grasp its connection to and direction over wars. As Peter Paret, one of the leading scholars on the works of Clausewitz, points out, Clausewitz theorizes about war and not politics. Even the “Morality of going to war, Clausewitz thought, was a question of political ethics, not one that concerned the theory of war. War is a social act, and the decision to resort to it lies beyond war itself”.<sup>32</sup>

To claim that the policy or politics of Clausewitz apply only to the state, and primarily to states of his time, misconstrues the notion of policy and politics. The root words for politics or policy come from the Greek words *politeia*, *politike*, *politikos*, *politeuma* and *polis*, words that were developed long before the thing we call a state existed. Clausewitz understood that policy and politics involved the public sphere of activities of a political community that included internal administration, material interests, even spiritual or religious values. Aristotle wrote that the notion of a political community (*polis*) must already exist before the formalization of it can occur. In other words, there has to be some kind of association beyond mere family, and in his time the tribe, for a political association of any form to develop. It is the ends (*telos*) of men to live politically; for their lives to be lived as fully human they find their greatest expression or fulfillment in political communities, even more in stable ones. When Aristotle lived, the form or concrete expression of the *polis* was the city, though he was familiar with empires. But political communities have evolved over time and varied across cultures and will continue to evolve so long as these belong

30. van Creveld, *Transformation*, p. 125.

31. Clausewitz, *On War*, p. 733.

32. Paret, P. (1986) ‘Clausewitz’, in *Makers of Modern Strategy: From Machiavelli to the Nuclear Age*, ed. P. Paret, Princeton University Press, Princeton, p. 209.

“among the things that exist by nature, and that man is by nature a political animal”.<sup>33</sup>

The heart of the problem is that many shoehorn politics and war into the narrow confines of the nation-state. However, Clausewitz envisions a broader conception of the political. We might even say that Clausewitz included non-state actors in his analysis. He assumed both that such non-state actors had their own version of politics and that they varied in their method of warfare. He acknowledges that “The semibarbarous Tartars, the republics of antiquity, the feudal lords and trading cities of the Middle Ages, eighteenth-century kings and the rulers and peoples of the nineteenth century – all conducted war in their own particular way, using different methods and pursuing *different aims* [emphasis mine]”.<sup>34</sup> He noted too how different from the nation-state were many of the previous political entities, especially during the Middle Ages:

Europe, essentially, had broken down into a mass of minor states. Some were turbulent republics, others precarious small monarchies with very limited central power. A state of that type could not be said to be genuinely united; it was rather an agglomeration of loosely associated forces. Therefore we should not think of such a state as a personified intelligence acting according to simple and logical rules.

This is the point of view from which *the policies* [emphasis mine] and wars of the Middle Ages should be considered.<sup>35</sup>

Clausewitz, despite his critics’ charge that his trifold analysis of politics was irrelevant to most events throughout history, even noted that one part of the trinity, the people, was almost completely irrelevant to the policies of the states in the eighteenth century. “War thus became solely the concern of the government to the extent that governments parted company with their peoples and behaved as if they were themselves the state”.<sup>36</sup>

Though Clausewitz leaves the reader with a broad understanding of politics, he avoids exploring politics proper. But to understand the essence of the political, the glue that holds the polis together as a political community, we must turn to Aristotle himself. As a pre-modern, though, Aristotle will examine values as if they are as important as facts. As we shall soon see, many of the non-state actors we may be called upon to fight will also hold to similar ideas, and so we should be prepared to understand them.

In his fifth book of *The Politics*, Aristotle examines the subject of revolutions, that is, what causes the disuniting and overturning of political entities. However, given our modern understanding of the term from the English, American, French and Russian revolutions, we should note for “Aristotle revolution means primarily

33. *Politics*, 1253<sup>a</sup> 37.

34. *On War*, pp. 708-709.

35. *On War*, pp. 710-711.

36. *On War*, pp. 712-713.

the process whereby one regime is replaced by another, as one or another group gains power within the same regime, or as the regime is altered so as no longer to be the same".<sup>37</sup> Regime change is probably a better term to use here, though certainly revolution in the modern sense would also apply.

By Book V of *The Politics*, Aristotle has evaluated the various kinds of regimes that can come into existence. For him, there were three good and three aberrant regimes, regimes that deviate from the good. The good regimes allow for some element of the ruled to participate in some way of ruling. The best regime, the regime in which the ruled participate rightly, is polity. "Book III addresses the reason, the main reason, for the variety of regimes: that they are based on different principles by which men justify their claims to supremacy".<sup>38</sup> Each regime differs greatly from others by the different conception of justice men have in the regime. The key distinction between correctly and incorrectly constituted regimes lies in the fact that in deviant regimes, the rulers do not act for the common interest but for themselves, much like modern mafias and criminal gangs.

Aristotle demonstrates how regimes can change. The core issue for regime change or revolution is the same thing that makes for differences among the various types of regimes: different conceptions of justice. The key difference in conceptions of justice is based upon the understanding of equality and inequality. Aristotle argues "Now while there is agreement that justice in an unqualified sense is according to merit, there are differences, as was said before: some consider themselves to be equal generally if they are equal in some respect, while others claim to merit all things unequally if they are unequal in some respect".<sup>39</sup> That is to say, those who believe themselves unequal in say birthright thereby believe they are unequal in other areas as well, in their minds thereby establishing their right to rule over lesser mortals. The aberrant variations are usually based on this misconception of inequality, and similar misconceptions of its polar opposite: equality. Aristotle notes that apart from the good regimes and the best in particular, "All have a certain sort of justice, but all tend to err in some respects. When certain groups do not share in the regime on the basis of the conceptions they have, they engage in factional conflict".<sup>40</sup>

Aristotle shows that there are many reasons to engage in factional conflict leading to regime change. "Some engage in factional conflict because they aim at equality, if they consider that they have less in spite of being equal to those who are aggrandizing themselves; others, because they aim at inequality and preeminence, if they conceive themselves to be unequal but not to have a greater share, but an equal or lesser one".<sup>41</sup> Others may fight because they are reacting to the arrogance and self-aggrandizement of the rulers; others when certain factions

37. Jaffa, H. V. (2000) 'What is Politics? An Interpretation of Aristotle's *Politics*', in *The Conditions of Freedom: Essays in Political Philosophy*, ed. H. V. Jaffa, the Claremont Institute, Claremont, p. 65.

38. Jaffa, 'What is Politics?', p. 61.

39. *Politics*, 1301<sup>bl</sup> 35-38.

40. *Politics*, 1301<sup>al</sup> 26-29.

41. *Politics*, 1302<sup>al</sup> 25-29.

or people are dishonored or see others honored unjustifiably; others through fear, either because they acted unjustly and are about to be punished or are about to suffer an injustice themselves; still others when leading factions in the regime hold others in contempt; and sometimes through disproportionate growth of a part of the body politic. "Factional conflicts arise, then, not over small things but from small things – it is over great things that [men] engage in factional conflict".<sup>42</sup>

A commonly held conception of justice preserves the regime, just as differently held conceptions can undo it. More importantly, "Aristotle makes clear...that justice in the fullest sense exists only in a community of relatively free and equal men whose relations are regulated by law." He also "registers his disagreement with the sophistic view that, because all just things are subject to variation or change, justice exists only by convention; in his view, while it is true that the just things like all human things are subject to change, there are things nevertheless just by nature".<sup>43</sup> In other words, every political regime has some kind of conception of justice, but that only some of these conceptions are by their very nature just. In the homage vice pays to virtue, even tyrannies must find some way to justify their regime, such as the Marxist ideological claim to leadership over the proletariat or the medieval claim to rule by divine right or the modern claim by Usama Bin Laden (UBL) to rule over a renewed Islamic regime.

Justice lies at the heart of politics and different conceptions of justice lie at the heart of factional conflict. But if it lies at the heart of politics and factional conflict, then according to Clausewitz it must also lie at the heart of international conflict and war where two or more political systems interact. And in fact, Aristotle believed that justice was at the heart of the war between Sparta and Athens. In an aside, he comments in *The Politics* that "All regimes are overturned sometimes from within themselves and sometimes from outside, when an opposite sort of regime is either nearby or far away but powerful. This is what happened in the case of the Athenians and the Lacedaemonians: the Athenians overthrew oligarchies everywhere, and the Spartans democracies".<sup>44</sup> In Aristotle's interpretation of the conflict between the major competing powers in the Peloponnesian War, Sparta and Athens each had their own interpretation of the just regime and sought to impose them on those nearby or, at the very least, to get rid of those regimes that were hostile to their own conception of justice. For the Spartans, it was their concept of oligarchy and for the Athenians, their concept of democracy. The core concept of any political regime, or community, is its concept of the just.

And the core issue in wars is over the question of justice, or what is just. Earlier in *On War*, Clausewitz argued that the degree of intensity in war corresponds to the degree of intensity found in the political object. Because politics drives wars,

42. *Politics*, 1303<sup>bl</sup> 16-17.

43. Lord, C. (1987) 'Aristotle', in *History of Political Philosophy*, eds. L. Strauss & J. Cropsey, 3<sup>rd</sup> edn, The University of Chicago Press, Chicago, p. 128.

44. *Politics*, 1307<sup>bl</sup> 20-23.

the intensity or earnestness of the political goal dictates the intensity of the means to accomplish it; thus particular wars may be as variously intense as one in which at least one side seeks to exterminate the other, while in another war may simply consist of armed observation. One reason for the intensity of political objects may be because of the outrage to the justice of the political community as well. This helps explain why the United States could demand no less than unconditional surrender from Hitler's Germany at the end of World War II but required only an armistice from Kaiser's Germany at the end of an earlier one. There could be no reconciliation with the racist Nazi regime short of its total annihilation as a functioning political entity; and, despite the destructiveness of the Great War, the US could live with a successor regime and leave Germany's army intact after the armistice.<sup>45</sup> An extreme outrage to a nation's sense of justice demands intolerance.

### War, Politics and Some Non-state Actors

The understanding of the political goes beyond merely Clausewitz's theory and time. Beyond the work of Thucydides, the ancient Chinese philosopher of war Sun Tzu also understood that war and politics went hand in glove. Sun Tzu's classic, *The Art of War*, opens with the statement: "War is a matter of vital importance to the State; the province of life or death; the road to survival or ruin".<sup>46</sup> Sun Tzu anticipated Clausewitz's statement that war is a continuation of policy by at least two millennia, though the modern state did not yet exist; in fact, he wrote for an Emperor. He argues further that because war is serious, it must be carefully planned and appraised by several things. The first and most important thing he enjoins the reader to understand is moral influence or, to put it in terms we have been using, the justice of the regime. Sun Tzu says "By moral influence I mean that which causes the people to be in harmony with their leaders, so that they will accompany them in life and unto death without fear of mortal peril." According to the translator, Samuel Griffith, the term Tao is translated "moral influence," but is usually translated as "The Way" or "The Right Way." Griffith says that "Here it refers to the morality of government; specifically to that of the sovereign. If the sovereign rules justly, benevolently, and righteously, he follows the Right Path or the Right Way, and thus exerts a superior degree of moral influence".<sup>47</sup> In other words, for the ruler to have any effective influence on the course of the campaign, the people he commands, and the subjects he rules, his subjects and soldiers must see him and his regime as just. Sun Tzu even urges just treatment of captives, a form of justice in war.

Sun Tzu's greatest disciple more than 2,000 years later, Mao Tse-tung, also understood war and politics in the same way, though with a communist political

45. Brodie, B. (1973) *War and Politics*, The Macmillan Co., Chicago, pp. 38-39.

46. Tzu, S. (1963) *The Art of War*, Oxford University Press, London, p. 63 [trans S. B. Griffith].

47. *The Art of War*, p. 63, fn. 4.



twist. Mao picks up the proletariat – that is city and worker – base of V. I. Lenin’s revolutionary communism and transforms it to a peasant-based revolution. And though Lenin was not the first Marxist to read and understand Clausewitz’s dictum of the relationship of war to politics (both Marx and Engels had read him), he was perhaps its greatest exponent. Lenin’s use of Clausewitz is famous. His notes and commentary on *On War* demonstrate a keen understanding of the Prussian’s work. Lenin’s understanding of Clausewitz also becomes the basis for Soviet military doctrine.<sup>48</sup> As a student of the Bolshevik revolution, Mao clearly read Lenin’s understanding of Clausewitz, as well as Clausewitz’s dictum into his modified form of revolutionary war.

Mao’s work on guerrilla warfare proves that war and politics are not just a function of a nation-state in the modern sense or of ancient political entities like the city-states of Greece or imperial powers of China. Unconventional war in the form of guerrilla war is another form of war that expresses the linkage between politics and war. Guerrilla warfare is really a set of tactics such as hit and run, sabotage and deception that pits a small, revolutionary group against the strengths of a conventionally armed “legitimate” political entity. It is a form of “asymmetrical warfare,” a type of warfare in which at least one opponent refuses to fight against an enemy on equal terms because he would lose in a conventional conflict. It turns his weaknesses – his lack of manpower and resources – into strength – mobility and stealth; and turns the strength of conventional power – technical prowess – into a weakness – fighting defensively from fixed positions.

Mao approached the subject from a Clausewitzian perspective. He understood the relation of war to politics very well and indeed quotes Clausewitz’s famous maxim frequently. And, like a good communist, he supercharges the political element. As Griffith, who was a Captain in the US Marine Corps when he translated Mao’s *On Guerrilla Warfare* in 1940, said:

In the United States, we go to considerable trouble to keep soldiers out of politics, and even more to keep politics out of soldiers. Guerrillas do exactly the opposite. They go to great lengths to make sure that their men are politically educated and thoroughly aware of the issues at stake.

Guerrilla leaders spend a great deal more time in organization, instruction, agitation, and propaganda work than they do fighting, for their most important job is to win over the people.<sup>49</sup>

Revolutionary armies understand the importance of the political in a way that modern states forget.

The political object is central to effective guerrilla warfare. To Mao, war was “politics with blood.” Mao writes “‘War is the continuation of politics.’ In this

48. See Davis & Kohn, ‘Lenin’s “Notebook on Clausewitz”’, *Soviet Armed Forces Review Annual*, pp. 189-229.

49. Tse-tung, M. (1961) *On Guerrilla Warfare*, Frederick A. Praeger, New York, p. 8, cf. Translator’s Note, pp. 37-38 [trans. S. B. Griffith].

sense war is politics and war itself is a political action; since ancient times there has never been a war that did not have a political character....In a word, war cannot for a single moment be separated from politics. Any tendency among the anti-Japanese armed forces [the communists and the nationalists] to belittle politics by isolating war from it is wrong and should be corrected".<sup>50</sup> Mao also complained that "There are some militarists who say: 'We are not interested in politics but only in the profession of arms.' It is vital that these simple-minded militarists be made to realize the relationship that exists between politics and military affairs. Military action is a method used to attain a political goal. While military affairs and political affairs are not identical, it is impossible to isolate one from the other".<sup>51</sup> Indeed, without political direction, the rational element of the Clausewitzian trinity, guerrilla warfare cannot contribute to victory.<sup>52</sup>

As did Sun Tzu, Mao also argues for just war, though it is a Marxist interpretation of justice. The goal or object of the war must be for a just regime, one of course based on Mao's interpretation of the communist political regime. He writes that "History knows only two kinds of war, just and unjust. We support just wars and oppose unjust war. All counter-revolutionary wars are unjust, all revolutionary wars are just".<sup>53</sup> Like Marxists generally, Mao's political communism was a stated goal of universal equality, something that would appeal to a peasant population brutally treated for centuries under warlords, bandits, and petty local bosses. He could thus write with some degree of credulity among the peasants that "China's war is progressive, hence its just character. Because it is a just war, it is capable of arousing the nation to unity, of evoking the sympathy of the people in Japan and of winning the support of most countries in the world".<sup>54</sup> Note here too, as in Aristotle, that the idea of justice has to do with equality, however aberrant that equality is in fact. As well, Mao enjoins the guerrillas to treat prisoners justly. But that just treatment is also prudent, for by treating such people justly the guerrillas hope to win them over to their side. He thus instructs that guerrilla bands in the northern, colder and wetter, part of China must have their own overcoats because they "cannot depend on captures made from the enemy, for it is forbidden for captors to take clothing from their prisoners".<sup>55</sup> A student of Mao's writings, North Vietnamese General Vo Nguyen Giap, argued for a similar understanding of war and politics in his *People's War, People's Army*<sup>56</sup> as did the hapless Che Guevarra.<sup>57</sup>

50. Tse-tung, M. (1972) 'On Protracted War (1938)', in *Six Essays on Military Affairs*, ed. M. Tse-tung, Foreign Language Press, Peking, p. 266.

51. Mao, *On Guerrilla Warfare*, p. 89.

52. Mao, *On Guerrilla Warfare*, p. 45.

53. Tse-tung, M. (1972) 'Problems of Strategy in China's Revolutionary War (December 1936)', in *Six Essays on Military Affairs*, ed. M. Tse-tung, Foreign Language Press, Peking, p. 7.

54. Mao, 'On Protracted War', p. 213.

55. Mao, *On Guerrilla Warfare*, p. 84.

56. General Giap, V. N. (1961) *People's War, People's Army: The Viet Cong Insurrection Manual for Underdeveloped Countries*, Foreign Languages Publishing House, Hanoi; published in the US by Frederick A. Praeger, New York, 1962.

57. Guevara, C. (1961) *Guerrilla Warfare*, Monthly Review Press, New York.

Not everyone, of course, supported the communist insurgencies in either China or Vietnam (or Bolivia). But as the scholar Roger Hilsman noted, not everyone has to. Many outright opponents were killed, both by Vietnamese and Chinese communists. Certainly every defector or traitor to the cause that was caught was killed. Even so, in a country populated by villages, only a few had to actively support the movement. Hilsman illustrates his point with the following analogy:

Any comparison with our own world must be somewhat farfetched, but one may ask whether the citizens of Chicago 'supported' the gangs that flourished in the 1920's. The shopkeeper who was 'hit' by the 'protection' racket did not support the gangs, but he often went along with them. He thought he had a weak government, and it seemed far away, and the threats of the hoodlums were close by.<sup>58</sup>

But unlike the gangland wars of Chicago in the 1920s, Hilsman notes that guerrilla warfare has a political nature: "Guerrillas may be tragically misinformed and misled, but they fight with conviction, and as far as the war goes on, bringing the deaths of relatives and friends, they frequently acquire deep personal motives and sometimes a bitter desire for vengeance. Many regard it, not without some justification, as a very democratic kind of struggle — with bullets for ballots".<sup>59</sup>

Clausewitz's conception of the political, with modifications by Aristotle, remains useful for many, if not all, non-state warmaking entities. Do the ideas and theories of Clausewitz apply to Criminal-States? To the extent that such Criminal-States practice the political, they will. It is most easily seen in the two categories Bunker and Bunker label the *Oligarchic Regimes* and the *Jihadi Insurgency*. For *Oligarchic Regimes*, Clausewitz applies, as all but a few of them are recognizable political entities. Aristotle noted that tyrannies can remain political, and many of these regimes evince the kind of political behavior (service to the members of the regime) that is typical of tyranny. North Korea, Iraq under Saddam Hussein, and the many others wage war for political purposes, though of course their concept of the political differs from the United States. One could even argue that the Soviet Union, Communist China, and earlier, Nazi Germany, were all variants on the theme of *Oligarchic Regimes*. All had or have a political leadership, a population (with varying degrees of enthusiasm or tolerance of the regime) and an army, as well as territorial control. Clausewitz and his conceptions still apply, though unlike fighting *Jihadi Insurgencies* where the methods of warfare will be asymmetrical, the methods here have been more conventional and will probably remain so for the foreseeable future.

The prototype of the modern terrorist organization was the Palestinian Liberation Organization, which has now mutated into the Palestinian Authority. As a revolutionary political group, it did not have statehood in any modern sense of the term. However, it did have the three components of Clausewitz's trinity. The PLO trinity consisted of Palestinians (the people who supplied the passion and the

58. See comments of Roger Hilsman in Giap, *People's War, People's Army*, p. xxii.

59. Giap, *People's War, People's Army*, pp. xxiv-xxv.

resources for the war); an army (of terrorists, who waged unconventional war); and political leadership (Al Fatah as the principal, though not the only, "government"). The political leadership provided the "reason" or political direction and goals for the war, which were, ironically, statehood. The chosen methods of warfare have been unconventional, beginning with the public murder of Israeli athletes at the 1972 Olympic games in Munich to the campaign of "suicide" bombers that deliberately slaughter Israeli and non-Palestinian civilians in order to weaken Israeli rule. Of course, it usually helps bolster the apparent justness of the cause that the enemy is foreign.

There are many examples of *Jihadi Insurgency*, but Usama Bin Laden's al Qaeda is the model. Al Qaeda has all the elements of the Clausewitzian trinity (political leadership with UBL and al-Zawahiri), the people (disaffected Muslims his organization is trying to reach) and an army (terrorists), though al-Qaeda is also without a state. Usama bin Laden and his minions provide the political direction for the campaign, while radicalized Muslims provide the base of support, and the terrorists and insurgents act as the army. The tactics differ dramatically from conventional war. And bin Laden claims a lunatic interpretation of Islam to promote his conception of justice that became the spark for the war, even before the homicidal attacks of 9/11.

On November 24, 2002, the English newspaper *The Observer* published Usama bin Laden's "Letter to America".<sup>60</sup> His letter responded to 60 American scholars who earlier published "Why We Fight," a moral argument based on the "just war" tradition and on the basis of natural rights shared with all human beings.<sup>61</sup> Bin Laden articulates his concept of the just regime and just political claims against the United States. He argues that al-Qaeda has the right to fight against "disbelievers" because "believers" have been wronged and anyone who fights for anything else is fighting on behalf of Satan. Bin Laden poses two questions he proposes to answer: first, "Why are we fighting and opposing you?"; and second, "What are we calling you to, and what do we want from you?" Both are intoned for broader political support among disaffected Muslims throughout the world. He is habituating generations of young men into this cult of death<sup>62</sup> and his followers revel in the "freedom" such unrestrained violence grants them: freedom, that is, from traditional Islamic "just war" constraints.<sup>63</sup>

He also espouses a concept of just war, albeit one that is radically deficient morally. In his different communications over the years, he has at times acknowledged, and at times denied, engaging in terrorism, the deliberate

60. The letter first appeared on the internet in Arabic, and translated and circulated by Islamists in Britain. See 'bin Laden's 'letter to America'', *The Observer*, 24 November 2002. Available at: [www.observer.co.uk](http://www.observer.co.uk) (accessed 30 April 2003).

61. See 'What We're Fighting For: A Letter from America', 12 February 2002. Available at: [www.americanvalues.org](http://www.americanvalues.org) (accessed 1 November 2002).

62. For a good study of the training found in the religious schools – the madrassas – see Goldberg, J. (2000) 'Inside Jihad U.; The Education of a Holy Warrior', *New York Times Magazine*, 25 June, p. 32f.

63. See the quote of one young man from Yemen, who said 'When you have a gun, you're free. You feel as if you can do anything', Orbach, 'Usama bin Laden and Al-Qa'ida'.

attacking of noncombatants. It usually depends upon the audience and his purposes at the time.<sup>64</sup> As to the charge that he killed civilians in the 9/11 attacks, he argues that such citizens were equally complicit in the policies of the US government because Americans may choose their form of government and pay taxes that support it. In his 1998 declaration, he called for the killing of Americans anywhere and everywhere, but in his 1996 *fatwa* he emphasized killing American soldiers in Muslim lands. He says whatever it takes to broaden his appeal to the Islamic world at large.<sup>65</sup> His goal is to unite Muslims and to establish a government that follows the rule of the Caliphs, not a modern state. Apparently, bin Laden would like to rule the Caliphate himself, for his willingness to issue *fatwas* – religious rulings – despite his lack of religious training, suggests he views himself as the political and religious leader of this new, or renewed, Islamist order.

Because the bin Laden's political concept of the just regime differs so radically from the United States, this war may approach the extreme in a Clausewitzian way. That is, just as the United States had to fight Nazi Germany to the end because its concept of the just regime was so completely alien and contrary to the American concept of "All men are created equal," so too will the United States have to defeat al-Qaeda wherein only some are created equal (certain, radicalized Muslims following Bin Laden's script). The two regimes are so alien to one another that both policies will push each polis into more extreme forms of war.

Where it gets tricky is with Bunker and Bunker's concept of *State Failure-Lawless Zones* and with *Criminal Takeover*. To the extent that these regimes evince political behavior, such as seeking some kind of justification for the regime beyond simple violence and providing political reasons to gain popular support, Clausewitz's theory should apply even if the regime seeks logistical support through illegal criminal activity. The Taliban and al-Qaeda used narco-trafficking to support their regimes. Should such regimes threaten our security, it seems self-evident that Clausewitz would still apply. However, to the extent that these regimes do not evince political behavior – at least yet – they may be more

64. His most important communications include his first "fatwa" or religious ruling (of which he is not educated enough religiously to make such a rule) of 23 August 1996, titled 'Declaration of War Against the Americans Who Occupy the Land of the Two Holy Mosques'. Available at: [www.Islamic-news.co.uk](http://www.Islamic-news.co.uk) (accessed 11 February 2003); an interview quoted in *Nida'ul Islam* sometime in October or November 1996, available at: [www.fas.org](http://www.fas.org) (accessed 13 November 2002); his second "fatwa" with the creation of the 'International Islamic Front for Jihad Against the Jews and Crusaders' on 22 February 1998, available at: [www.pbs.org](http://www.pbs.org) (accessed 14 January 2003); the transcript of his video tape of mid-November 2001, indicating his complicity in the 9/11 attacks, available at: [www.fas.org](http://www.fas.org) (accessed 13 November 2002); his 'Will' published in *Al-Majallah* (London), 2 November 2002, available at: [www.fas.org](http://www.fas.org) (accessed 13 November 2002); his response to the American scholars cited above; and his sermon for the 'Feast of the Sacrifice', 5 March 2002, *Middle East Media Research Institute*, no. 476, available at: [www.memri.org](http://www.memri.org) (accessed 2 May 2003).

65. See Gunaratna, R. (2002) *Inside Al-Qaeda*, Columbia University Press, New York; especially Chapter 2: 'Al Qaeda's Organisation, Ideology and Strategy'; see also the excellent study by Orbach, B. (2001) 'Usama bin Laden and al-Qa'ida: Origins and Doctrines', *Middle East Review of International Affairs*, vol. 5, no. 4, available at: <http://meria.idc.ac.il> (accessed 30 April 2003).

susceptible to legal methods of control. However, even here, when such regimes threaten the existence of states (such as Dudayev's Chechnya), treating the regime as an enemy entity and fighting it as if it were a real war may be the only long-term solution.

Fighting such regimes, however, will not always have to be militarily. In fact, these essays all point to the problem that we tend to think about war in traditional terms, if we think about them at all. However, the center of gravity of many of these regimes is not their military, but their political rule. As Manwaring points out in an essay on street gangs, Clausewitz looks at two centers of gravity: "the personalities of the [enemy] leaders and public opinion".<sup>66</sup> The keys to how we will need to fight them will be found in how the leaders rule, whether justly or no, and the degree of public support for the regime. During the 1991 Gulf War, though we used overwhelming conventional superiority to re-claim Kuwait, many conscripts surrendered to our soldiers, our media, and even our unmanned aerial vehicles (UAVs) without a fight, because they did not believe in the justness of the war and the rule of Saddam Hussein.

Criminal gangs present even more complications. However, as many of the authors note, the newer, Third Generation, gangs are engaging more and more in political behavior. Such gangs mix politics and commerce in a lethal brew. More than half of the countries in the world face political challenges from such non-state actors that include these criminal gangs.<sup>67</sup> But whereas traditional revolutionary movements, like Mao's guerrilla war, Lenin's revolution, or even bin Laden's al-Qaeda, seek some political community, these groups seem more parasitic. Their political goals, such as they are, seem more intended to co-opt the state to gain freedom for their criminal activities.<sup>68</sup> However, as they take political control, their goals may mutate into more traditional political objectives. If and when this occurs, the Clausewitzian/Aristotelian view of the importance of justice as the bond of the political leaders, the community and the army will come into view. When it does, the fight will have to move from the domain of the legal to that of warfare. Our neat categories separating civil-military and military-police relations may have to change; I expect as well that should such entities threaten the core interests of strong states, like the United States, such distinctions will inevitably go by the wayside. After all, as one scholar has noted, though the state makes war, war made the state.<sup>69</sup>

66. Manwaring, M. (2005) *Street Gangs: The New Urban Insurgency*, U.S. Army War College, Strategic Studies Institute, Carlisle Barracks, PA, p. 40.

67. Manwaring, p. 1.

68. John P. Sullivan explores the political efforts of some gangs in Sullivan, J. P. (1997) 'Third Generation Street Gangs: Turf, Cartels, and Net Warriors', *Transnational Organized Crime*, vol. 3, no. 3, Autumn 1997, pp. 95-108. See also Manwaring, p. 7.

69. Bruce D. Porter provides a compelling case in Porter, B. D. (1994) *War and the Rise of the State: The Military Foundations of Modern Politics*, The Free Press, New York.



### Conclusion

There remains much to be done in analyzing the behavior of new forms of the Criminal-State. This essay, and the companion essays in this edition, tries to get to the heart of the problem. However, the literature on these new forms is new and the theories to grapple with them are in their infancy. Even our theories of traditional international relations primarily deal with the state and its influence on international politics. When such theories treat non-state actors, they tend to emphasize the beneficial sub-state and transnational actors like the Red Cross or Doctors Across Borders and other humanitarian organizations. Some are beginning to evaluate lethal non-state actors, the dark cousins to the beneficent actors, but such evaluations remain in their infancy.<sup>70</sup> Nonetheless, the challenges these criminal forms pose to modern polities are enormous. Nothing less than a “Copernican revolution” in how we understand them will help us grapple with these challenges.

70. Only recently have some begun attempting to correct this. See, for example, Pollard, N. A. (2002) 'Globalization's Bastards: Illegitimate Non-State Actors in International Law', *Low Intensity Conflict & Law Enforcement*, vol. 11, no. 2/3.