Worlds of Civil War:

Globalizing Civil War in the Late Twentieth Century†

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La Turquie exceptée, l'Europe n'est qu'une province du monde;
quand nous battons, nous ne faisons que de la guerre civile.
(Napoleon, 1802) [1]

"All European wars, said Voltaire, are civil wars. In the twentieth century his formula applies to the whole earth. In our world, which shrinks progressively as communications become swifter, all wars are civil wars: all battles are battles between fellow-citizens, nay more, between brothers."[2] The words are those of Jaime Torres Bodet (1902–74), the Mexican scholar, poet, and diplomat who served as the second Director General of the United Nations Educational, Scientific, and Cultural Organization (UNESCO) after the Second World War. He was speaking in 1949, soon after the foundation of the United Nations and its sibling organizations and in the wake of the momentous events of 1948—among them, the Partition of India, the foundation of the State of Israel, and the Universal Declaration of Human Rights—a pivotal moment one of his contemporaries, the emigré German political scientist Sigmund Neumann (1904–62) called, adding the Chinese civil war and

† Occasional Talk, the Max Weber Programme, European University Institute, May 21, 2015, drawn from David Armitage, *Civil War: A History in Ideas* (forthcoming, New York: Alfred A. Knopf, 2016). Please cite and circulate widely. armitage@fas.harvard.edu.

[1] Napoleon to Charles James Fox (1802): Louis Antoine Fauvelet de Bourrienne, *Mémoires de M. de Bourrienne, ministre d'état; sur Napoléon, le Directoire, le Consulat, l'Empire et la Restauration*, 10 vols. (Paris: L'Advocat, 1829–30), V, p. 207. The saying became popular in the inter-War period: see, for example, G. K. Chesterton in Paul Hymans, Paul Fort, and Arnoud Rastoul, eds. *Pax Mundi: Livre d'or de la Paix* (Geneva: Société Paxunis, 1932); Richard Nicolaus Coudenhove-Kalergi, *Europe Must Unite* (Glarus: Paneuropa Editions, 1939), title-page.

[2] Jaime Torres Bodet, "Why We Fight" (October 24, 1949), *UNESCO Courier* 11, 10 (November 1, 1949): 12.

burgeoning anti-colonial nationalism in the Middle East and Southeast Asia, both "the age of revolutions" and "the international civil war."[3]

The occasion for Torres Bodet's speech was the United Nations Day ceremony on October 24, 1949, in Paris, where he told his audience "Why We Fight": not in the sense of the global military conflict that had ended three years earlier, but in a different struggle—the fight for peace. On this occasion, Torres Bodet's sentiments about civil war were sounder than his scholarship. It was not the waspish French satirist, Voltaire, who had deemed all European wars to be civil wars; it was instead his more courtly predecessor, the French archbishop and political writer François de Salignac de la Mothe Fénélon (1651–1715). In his immensely popular work of advice for a young prince, the *Dialogues of the Dead* (1712), Fénélon has the character of Socrates offer an eloquent pacifist argument on the cosmopolitan principle of common humanity:

> All Wars are properly Civil Wars, 'tis still Mankind shedding each other's Blood, and tearing their own Entrails out; the farther a War is extended, the more fatal it is; and therefore the Combats of one People against another, are worse than the Combats of private Families against a Republick. We ought therefore never to engage in a War, unless reduced to a last Extremity, and then only to repel our Foes.[4]

All wars are not just civil wars: they are, as the Roman poet Lucan might have said, *worse* than civil wars, precisely because they ensnare ever larger circles of humanity. It was one of the many paradoxes of the intellectual history of civil war that as the world came closer to the cosmopolitan ideal of universal humanity, the more

[3] Sigmund Neumann, "The International Civil War," *World Politics* 1, 3 (April 1949): 333, 350; Michael Kunze, "Zweiter Dreißigjähriger Krieg—internationaler Bürgerkrieg/Weltbürgerkrieg. Sigmund Neumanns Beitrag zu einer begriffsgeschichtlichen Kontroverse," in Frank Schale, Ellen Thümler, and Michael Vollmer, eds., *Intellektuelle Emigration. Zur Aktualität eines historischen Phänomens* (Wiesbaden: Springer, 2012), pp. 127–53.

[4] François de Salignac de la Mothe Fénélon, *Fables and Dialogues of the Dead. Written in French by the Late Archbishop of Cambray*, Eng. trans. (London: W. Chetwood and S. Sampson, 1722), p. 183; David A. Bell, *The First Total War: Napoleon's Europe and the Birth of Warfare as We Know It* (Boston: Houghton Mifflin, 2007), p. 59.

intimate would international and even global wars become. "Civil war? What does this mean?," asks a character in Victor Hugo's *Les Misérables* (1862). "Is there any foreign war? Is not every war between men, war between brothers?"[5] More acute pain, not more assured peace, might be the unintended outcome of the world's progressive shrinkage.

The second half of the twentieth century witnessed the globalization of civil war, but not quite in the form Torres Bodet might have anticipated. The world of civil war emerged in three distinct, but sometimes overlapping, ways. First, civil war was brought under the jurisdiction of international institutions, especially international humanitarian law, in the wake of the Second World War, but with modifications during the age of decolonization and then during the internal conflicts of the 1990s. Second, and closely related to the first, civil wars became global phenomena, seemingly distributed across all parts of the world (including an apparently pacified Europe) and then gradually coming to supplant international or inter-state wars as the most characteristic form of large-scale organized violence around the globe. And third, the communities within which civil wars were imagined as taking place—the polities, commonwealths, or spheres of human commonality—became ever wider and more capacious, expanding from "European civil war" to various conceptions of "global civil war" early in our own century.

The twentieth century's civil wars would increasingly become internal wars with international dimensions, as outside forces—from superpowers to neighboring warlords—exploited divisions for their own advantage or at the invitation of warring parties. At the same time, the century's great transnational conflicts, from the First World War to the Cold War and then on to the "Global War on Terror" of the early twenty-first century, were often seen as civil wars cast onto broad continental, even global, screens. As these shifts were taking place in the realms of political and legal argument, social scientists and philosophers in the 1960s and

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[5] Victor Hugo, *Les misérables ... A Novel*, trans. Charles Edward Wilbour, 5 vols. (New York: Carleton, 1862), IV, p. 164; Franck Laurent, "'La guerre civile? qu'est-ce à dire? Est-ce qu'il y a une guerre étrangère?'," in Claude Millet, ed., *Hugo et la guerre* (Paris: Maisonneuve & Larose, 2002), pp. 133–56.

1970s began to take a more focused interest in civil war as a topic of analysis, speculation, and definition. Traces of all these arguments endure in ideas of civil war today, and are likely to linger into the future. If we are to come to grips with our continuing confusions about the meaning of civil war, we must now uncover these more recent legacies, which were overlaid upon the deeper foundations going back to Rome.[6]

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Shortly before Torres Bodet delivered his speech, a humanitarian conference aimed precisely at ameliorating the ever expanding effects of war had concluded in Geneva in August 1949. The Diplomatic Conference, as it was known, brought together representatives from across the world to revise the 10th Hague Convention of 1907 and the 1929 Geneva Convention with particular regard to the status of civilians in time of war. The most pressing issue on the minds of many of the delegates assembled in Geneva was how to extend the protections guaranteed to recognized combatants in conventional international warfare to "the victims of conflicts not of an international character." Not all of them could agree that this was necessary or desirable: some, including the British delegation, thought the incursion of international law into domestic disputes was an infringement of national sovereignty. (It was on just these grounds that the original Geneva Convention of 1864 had not been extended to civil wars.) However, others argued successfully that "the rights of the State should not be placed above all humanitarian considerations" because "civil war was more cruel than international war." The result of their following deliberations was Common Article 3 of the Geneva Conventions (1949),

[6] *Pace* Giorgio Agamben, *Stasis. La guerra civile come paradigma politico* (Turin: Bollati Boringhieri, 2015), who traces the genealogy of "global civil war" back via Hannah Arendt to ancient Greece.

which finally applied to what was precisely termed “armed conflict not of an international character.”[7]

The 1949 discussions leading to Common Article 3 built on proposals set forth by the International Committee of the Red Cross in 1948 in Stockholm to make application of the existing Geneva Conventions “obligatory on each of the adversaries” in “cases of an armed conflict which are not of an international character, especially cases of civil war, colonial conflicts, or wars of religion.” After much discussion, the revised draft presented in Geneva in 1949 omitted the last qualifying clause, and specified only “armed conflict not of an international character.” That became the preferred form of words thereafter among international lawyers and international organizations, despite early objections that it could cover too wide a range of violent acts within the frontiers of a single state: not just “civil” wars, but any enemies of the state, whether legitimate freedom fighters, brigands, or even common criminals, in fact anyone engaged in riots or coups d’état rather than actions recognizable as wars. Did they all deserve the protection of the Geneva Conventions, even if their actions were illegal according to domestic law?[8] All civil wars were wars “not of an international character”; however only some wars “not of an international character” were civil wars. Quite where the boundaries lay between the two overlapping categories would be a continuing source of controversy and confusion up to the present.[9]

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[7] Diplomatic Conference for the Establishment of International Conventions for the Protection of Victims of War, *Final Record of the Diplomatic Conference of Geneva of 1949*, 3 vols. (Berne: Federal Political Department, [1949]), IIB, pp. 325, 11; Sandesh Sivakumaran, *The Law of Non-International Armed Conflict* (Oxford: Oxford University Press, 2012), pp. 30–31, 40.

[8] International Committee of the Red Cross, *Seventeenth International Red Cross Conference, Stockholm August 1948: Report* (Stockholm: International Committee of the Red Cross, 1948), p. 71; Jean S. Pictet, *Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field: Commentary* (Geneva: International Committee of the Red Cross, 1952), pp. 39–48.

[9] For guides to the legal background across the twentieth century, see Antoine Rougier, *Les Guerres Civiles et le droit des gens* (Paris: L. Larose, 1903); Jean Siotis, *Le droit de la guerre et les conflits armés d’un caractère non-international*. (Paris: Librairie générale de droit et de jurisprudence, 1958); Erik Castrén, *Civil War* (Helsinki: Suomalainen Tiedeakatemia, 1966); Eva La Haye, *War Crimes in Internal*

Common Article 3 of the Geneva Conventions as finally adopted was minimalist in its ambitions. It provided that civilians and members of armed forces who were no longer combatant (for instance, because they were wounded or ill) were "in all circumstances to be treated humanely"; that "the wounded and sick shall be collected and cared for"; that the Red Cross be permitted to minister to anyone involved in the conflict; and that the parties to the conflict should endeavor to apply as many remaining provisions of the Geneva Conventions as possible.[10] The article permitted great latitude of interpretation, not least because no attempt was made to specify the definition of an "armed conflict not of an international character". That lack of a definition avoided "the dangers of under- and over-inclusivity" by not being so expansive that a range of internal police actions might be covered (with the attendant threats to national sovereignty), for example, or so restrictive that too many conflicts would escape any form of regulation or amelioration. On the other hand, it gave states great discretion to decide whether or not conflicts crossed the threshold from rebellion to civil war and therefore whether or not their own actions against rebels would be subject to Common Article 3 and any of the rest of the Geneva Conventions. That latitude seemed especially precious to states with overseas colonies that might demand self-determination, such as Portugal, which in 1949 "reserve[d] the right not to apply the Provisions of Article 3, in so far as they may be contrary to the provisions of Portuguese law, in all territories subject to her sovereignty in any part of the world."[11]

When Common Article 3 was drafted and approved in 1949, much of its work was retrospective, responding to concerns raised by the inadequacy of the existing Geneva Conventions to conflicts such as the Spanish Civil War (1936–39). In the

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Armed Conflicts (Cambridge: Cambridge University Press, 2008); Gary D. Solis, *The Law of Armed Conflict: International Humanitarian Law in War* (Cambridge: Cambridge University Press, 2010); Yoram Dinstein, *Non-International Armed Conflicts in International Law* (Cambridge: Cambridge University Press, 2014).

[10] Geneva Convention, Common Article 3, in Pictet, *Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field*, pp. 37–38.

[11] Sivakumaran, *The Law of Non-International Armed Conflict*, p. 163; *Final Record of the Diplomatic Conference of Geneva of 1949*, I, p. 351, quoted ibid., p. 163.

decades after the Second World War, the incidence of "non-international" conflicts demanded greater precision in the application of the Conventions. Amid the proxy wars of the Cold War, and the wreckage of dissolving empires around the globe, intervention into internal conflicts became more common and tarnished the luster of the Long Peace then emerging in Europe. In this context, the Institute of International Law (*Institut de Droit International*)—the leading professional body of the global community of international lawyers—met in 1975 in the German city of Wiesbaden to draft a document on "The Principle of Non-Intervention in Civil Wars".

The resulting Wiesbaden Protocol noted that "the gravity of the phenomenon of civil wars and of the suffering they cause" and expressed concern that such conflicts could readily escalate into international conflicts if any side sought outside intervention for its cause, thereby triggering further intervention on the opposing side. External parties were urged not to intervene in a civil war, except to offer humanitarian, technical, or economic aid "not likely to have any substantial impact on the outcome of the civil war." In the course of setting conditions for non-interference in civil wars, the Institut sought briefly to define "civil war" as "any armed conflict, not of an international character, which breaks out in the territory of a State" and in which either an insurgency aiming to take over the government or to secede opposes the established government, or there are two or more groups trying to control the state when no government exists. Crucially, the Wiesbaden Protocol set limits to what was *not* a civil war: "local disorders or riots"; "armed conflicts between political entities separated by an international demarcation line"; and "conflicts arising from decolonization".[12]

The Wiesbaden Protocol appeared in the midst of a three-year process of updating and revising the Geneva Conventions that took place between 1974 and 1977. The outcome was a set of additional protocols, of which the second—Additional Protocol II (1977)—applied to conflicts of a non-international character. The boundaries set at Wiesbaden continued to apply, as Additional Protocol II excluded riots and also wars of decolonization, which were covered instead by

[12] Institut de Droit International, "The Principle of Non-Intervention in Civil Wars" (August 13, 1975), *Annuaire de l'Institut de droit international* 56 (1975): 544–49.

Additional Protocol I, which brought international humanitarian law to bear directly on anti-imperial struggles for the first time. The second Additional Protocol expanded the range of protections and prohibitions relevant to civil wars and remains in force today as the major component of humanitarian law relevant to such struggles.[13] The application of those protections depends on the judgment that a conflict "not of an international character" is in progress. If the conflict is held to be "international"—that is, between two independent sovereign communities—then the full force of the Geneva Conventions applies. If it is "non-international" then it will be covered by Common Article 3 and Additional Protocol II.[14] But if the violence has not been deemed a conflict of either kind—perhaps because it is a riot or an insurgency—it remains within the scope of the domestic jurisdiction of the state concerned. In these cases, a great deal hangs on the determination of whether or not a conflict is "not of an international character": or, in general speech, whether it is a civil war.

The legal boundaries of what is or is not deemed to be a civil war have continued to be flexible and dynamic.[15] The Institut's next major resolution concerning non-international conflicts in 1999 reflected the impact of the Balkan Wars of the time: "*Considering* that armed conflicts in which non-State entities are parties have become more and more numerous and increasingly motivated in particular by ethnic, religious or racial causes," with especially devastating consequences for civilian populations, the Institut recommended that international humanitarian law should apply to "internal armed conflicts between a government's armed forces and those of one or several non-State entities, or between several non-

[13] Lindsay Moir, *The Law of Internal Armed Conflict* (Cambridge: Cambridge University Press, 2002), pp. 89–132; Sivakumaran, *The Law of Non-International Armed Conflict*, pp. 49–92, 182–92.
[14] Anthony Cullen, *The Concept of Non-international Armed Conflict in International Humanitarian Law* (Cambridge, 2010); Eric David, "Internal (Non-International) Armed Conflict," in Andrew Clapham and Paola Gaeta, eds., *The Oxford Handbook of International Law in Armed Conflict* (Oxford: Oxford University Press, 2014), pp. 353–62.
[15] On the general question of classifying conflict, see Elizabeth Wilmshurst, ed., *International Law and the Classification of Conflicts* (Oxford: Oxford University Press, 2012).

State entities."[16] This shift in turn reflected the jurisprudence of the International Criminal Tribunal for the Former Yugoslavia (ICTY) which, over the course of the 1990s, had attempted to apply international humanitarian law to internal conflicts.

In 1996, the ICTY ruled that the Bosnian war had mutated from an international war to a civil war at the point in 1992 when the former Federal Republic of Yugoslavia had withdrawn its support from the ethnic Serbs. This point was of special significance because the defendant in the case before the Tribunal, the Bosnian war criminal Duško Tadić claimed it had no jurisdiction over his actions because the statute under which the Tribunal was set up applied only to international armed conflicts, not those of a non-international nature. The Tribunal's 1996 ruling was later reversed on appeal, but it revealed how much can hang on the definition of a war as civil—in this case, whether or not Tadić could be held liable for breaches of the Geneva Convention—and how much can hang on that determination.[17] The ICTY Appeals Chamber made the stakes very clear in its ruling on the *Tadić* case:

> Why protect civilians from belligerent violence, or ban rape, torture or the wanton destruction of hospitals, churches, museums or private property, as well as proscribe weapons causing unnecessary suffering when two sovereign States are engaged in war, and yet refrain from enacting the same bans or providing the same protection when armed violence erupted "only" within the territory of a sovereign State?

The international institutions created in the last decade or so have endeavored to provide convincing answers to such urgent questions, building on the efforts of even earlier institutions, such as the International Committee of the Red Cross, to apply the constraints that were becoming standard in conventional

[16] Institut de Droit International, "The Application of International Humanitarian Law and Fundamental Human Rights, in Armed Conflicts in which Non-State Entities are Parties" (August 25, 1999), *Annuaire de l'Institut de droit international* 68 (1999): 386–99.

[17] Robert Kolb, "Le droit international public et le concept de guerre civile depuis 1945," *Relations internationales* 105 (Spring 2001): 9–29; Michael J. Mattler, "The Distinction Between Civil Wars and International Wars and Its Legal Implications," *Journal of International Law and Politics* 26, 4 (Summer 1994): 655–700.

warfare to fighting in civil wars. However, these recent efforts to bring civil war within the pale of civility remain frustratingly and lethally incomplete: as the ICTY put it, there has been no "full and mechanical transplant" of the laws of war to civil warfare, and nor could there be until all parties to all such conflicts agree to be bound by international humanitarian law. The ICTY nonetheless laid down an vital principle for extending the protections afforded in international conflicts to those of a non-international character: "What is inhumane, and consequently proscribed, in international wars, cannot but be inhumane and inadmissible in civil strife."[18] If that principle could be put into legal operation, the world would be one step closer to the "civilization" of civil war.

But matters are not quite so simple. Take the example of Syria in 2011–12. Ordinary Syrians knew very well throughout 2011 and the first half of 2012 that what they were experiencing amid contention with the regime of Bashar al-Assad was civil war. Outside Syria, interested parties across the globe debating whether or not Syria has descended into civil war. In December 2011, White House deputy spokesperson Mark Toner demurred when asked if he agreed with a U.N. official that Syria was experiencing civil war: "We think violence needs to end in Syria. And that includes among the opposition elements," he said. "But there's no way to equate the two, which, in my view, is implied in using the term 'civil war.'"[19] The Syrian regime saw only rebellion. The opposition said they were engaged in resistance. And powers like Russia and the United States held the threat of civil war over each other's head as they jousted over intervention and non-intervention.[20]

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[18] International Criminal Tribunal for the Former Yugoslavia, *Prosecutor v. Tadić*, IT-94-1-AR72, Decision on Defence Motion for Interlocutory Appeal on Jurisdiction (Appeals Chamber), October 2, 1995, §§ 97, 126, 119.

[19] U. S. Department Of State, The Office of Electronic Information, Bureau of Public Affairs, "Daily Press Briefing—December 2, 2011": http://www.state.gov/r/pa/prs/dpb/2011/12/178090.htm; Jeremy Pressman, "Why Deny Syria Is in a Civil War?," *Mideast Matrix*, January 16, 2012: http://mideastmatrix.wordpress.com/2012/01/16/syria-civil-war.

[20] Erica Chenoweth, "The Syrian Conflict Is Already a Civil War." *The American Prospect*, January 15, 2012: http://prospect.org/article/syrian-conflict-already-civil-war; Dan Murphy, "Why It's Time to Call Syria a Civil War," *The Christian Science Monitor*, June 5, 2012:

It took the International Committee of the Red Cross until July 2012—more than a year into the conflict, and after as many as 17,000 people may have already perished—to confirm that what was taking place in Syria was, in fact, an "armed conflict not of an international character".[21] Only when it had made that determination would it be possible for the relevant parties to be covered by the relevant provisions of the Geneva Conventions.[22] The reluctance to call the conflict a civil war has become typical of international organizations in the twenty-first century because so much—politically, militarily, legally, and ethically—now hangs on the use or withholding of the term. A set of legal protocols designed to humanize the conduct of civil war—to bring to bear humanitarian constraints on its practice, and to minimize some of the terrible human cost of civil conflict—served only to constrain international actors in their attitudes towards Syria. To see how another definition of civil war led to similarly dismaying effects in Iraq in 2006–07, a brief genealogy of the treatment of civil war in the social sciences, beginning in the 1960s, is necessary.

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"When today's social science has become intellectual history, one question will almost certainly be asked about it: Why did social science, which has produced so many studies of so many subjects, produce so few on violent political disorder—internal war?"[23] This is one of those rare moments when, as a historian, you can

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http://www.csmonitor.com/World/Backchannels/2012/0605/Why-it-s-time-to-call-Syria-a-civil-war.

[21] "Syria Crisis: Death Toll Tops 17,000, Says Opposition Group," *The Huffington Post*, July 9, 2012: http://www.huffingtonpost.com/2012/07/09/syria-crisis-death-toll-17000_n_1658708.html; "Syria in Civil War, Red Cross Says," *BBC News, Middle East*, July 15, 2012: http://www.bbc.com/news/world-middle-east-18849362.

[22] "Internal Conflicts or Other Situations of Violence—What is the Difference for Victims?," International Committee of the Red Cross, Resource Centre, December 12, 2012: http://www.icrc.org/eng/resources/documents/interview/2012/12-10-niac-non-international-armed-conflict.htm.

[23] Harry Eckstein, "Introduction. Toward the Theoretical Study of Internal War," in Harry Eckstein, ed., *Internal War* (New York: The Free Press of Glencoe, 1963), p. 1.

hear an actor from the past speaking directly to you from the sources. It is a little unsettling to imagine that a Princeton professor in 1963 was already waiting for an intellectual historian like me to map his field, but Harry Eckstein's question was—and remains—perceptive. As Eckstein was aware, the academic consensus had long been that civil war was good for absolutely nothing.

The study of civil war was a Cinderella subject, of apparently equal irrelevance across all the academic disciplines. Yet starting in the 1960s, and inspired first by Cold War conflicts and then by the wars of decolonization around the world, American social scientists, often with the backing of the RAND Corporation and similar institutions of the military-academic complex, became increasingly invested in the interpretation of what was called broadly "internal warfare," a category that encompassed everything from guerrilla warfare and insurgencies to civil wars, coups, and revolutions.[24] Eckstein's call was not heeded as quickly or wholeheartedly as he might have wishes, despite the efforts of a research group on Internal War that he ran at Princeton University, including political scientists, sociologists, and even the odd historian. Progress was slow. "The crucial conceptual issues about internal war are still in the pretheoretical stage," lamented one of the first systematic analysts of the problem in 1970. "Satisfactory theories of internal war have neither been compiled nor evaluated."[25]

The continuing confusion about the meaning of civil war could be seen publicly when, in the spring of 1968, the U. S. Senate Foreign Relations Committee held a remarkable series of hearings during the Vietnam War on "The Nature of Revolution". The hearings were chaired by Senator J. William Fulbright and featured

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On Eckstein, see Gabriel A. Almond, "Harry Eckstein as Political Theorist," *Comparative Political Studies* 31, 4 (August 1998): 498–504.

[24] Harry Eckstein, "On the Etiology of Internal Wars," *History and Theory* 4, 2 (1965): 133–63. For recent overviews of the Cold War and the social sciences, see David C. Engerman, "Social Science in the Cold War," *Isis* 101, 2 (June 2010): 393–400; Nils Gilman, "The Cold War as Intellectual Force Field," *Modern Intellectual History* (December 2014): http://dx.doi.org/10.1017/S1479244314000420.

[25] Jesse Orlansky, *The State of Research on Internal War*, Institute for Defense Analyses, Science and Technology Division, *Research Paper* P-565 (Arlington, VA: Institute for Defense Analyses, 1970), p. 3; compare Eckstein, ed., *Internal Wars*, p. 32: "the crucial issues … are pre-theoretical issues."

distinguished academic witnesses, including the eminent Harvard historian of revolution, Crane Brinton (1898–1968), and his younger colleague, the political scientist and student of liberalism, Louis Hartz (1919–86). On the last day of the hearings, a young Princeton political scientist, John T. McAlister, tried to explain the intractability of the conflict by noting that the United States was not "fighting a civil war that is a purely internal matter" but had instead become embroiled in "a revolutionary war involving all of the Vietnamese people." Senator Fulbright immediately wanted to know if there was a distinction between a revolutionary war and a civil war. McAlister argued there was: "in civil wars, including our own, there are secessionist goals on the part of those who are fighting. In a revolutionary war, by contrast … the primary goal is unification … [and] there are very distinct political goals about the whole reconstitution of the basis of political order involved." There then followed a bizarre exchange between the two Southerners, Fulbright from Arkansas, McAlister from South Carolina:

> THE CHAIRMAN. Well, with that definition is our own War Between the States a civil war or a revolutionary war?
> Dr. McALISTER. I would say that was a civil war.
> THE CHAIRMAN. They were seeking to secede?
> Dr. McALISTER. We were seeking to secede; yes.
> THE CHAIRMAN. We were seeking to secede. [Laughter.] But we failed.
> Dr. McALISTER. That is right.
> THE CHAIRMAN. And since then it has been a revolutionary war as to who controls it?
> Dr. McALISTER. That is right.
> THE CHAIRMAN. Is that right?
> Dr. McALISTER. That is right.
> THE CHAIRMAN. All right.[26]

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[26] U. S. Congress, Senate, Committee on Foreign Relations, *The Nature of Revolution. Hearings Before the Committee on Foreign Relations, United States Senate, Ninetieth Congress, Second Session (February 19, 21, 16, and March 7, 1968)* (Washington, D.C.: U. S. Government Printing Office, 1968), pp. 155–56; John T. McAlister, *Viet Nam: The Origins of Revolution* (Princeton, NJ: Princeton University Press, 1969).

Such Southern humor was uncomfortable in the era of the Civil Rights movement but it did reveal a persistent confusion, even among political scientists, about the definitions of civil war and revolution.

Even John Rawls was confused. In the spring of 1969, also during the Vietnam War, Rawls gave a Harvard undergraduate lecture-course on "Moral Problems: Nations and War".[27] Two years later, Rawls would publish *A Theory of Justice* (1971), the work usually credited with reviving Anglo-American political philosophy in the late twentieth century. That work was notoriously reticent in address matters of international justice, but in his Harvard lectures, Rawls faced squarely the questions raised in the debates swirling around American campuses, including Harvard's about the ethics of war, conscription, and civil disobedience. Discussions of just war—both the just causes of war (*jus ad bellum*) and the justice of actions in war (*jus in bello*)—bulked large in the lectures. To clarify the possible applications of just war theory, Rawls distinguished between different types of war in order to define the principles that would best apply in each case. The initial typology found in his lecture notes broke them down into nine kinds:

> 1. Wars between existing via states (WW I + II)
> 2. Civil wars (of social justice) within via states or society (French Rev);
> 3. Wars of secession of minorities within region: American Civil War.
> 4. Colonial Wars of secession (from Empire): Algerian War; American Rev War?
> 5. Wars of intervention (humane intervention)
> 6. Wars of national unification (War of Roses; Tudors)
> 7. Wars of conquest, of Empire (Wars of Rome).
> 8. Wars of Crusade, religious or secular
> 9. Wars of national liberation (in present sense); guerilla wars[28]

[27] For the broader intellectual and political context within which Rawls gave his lectures, see Katrina Forrester, "Citizenship, War, and the Origins of International Ethics in American Political Philosophy 1960–1975," *The Historical Journal* 57, 3 (September 2014): 773–801.
[28] John Rawls, "Moral Problems: Nations and War" (1969), Harvard University Archives, Acs. 14990, box 12, file 4.

Rawls's distinctions are as revealing as his applications. Civil wars were to be distinguished *both* from wars between states *and* from wars of secession, and wars of secession were further divided between intrastate and anti-imperial secessions. By implication, a civil war could only be considered a just war if its aim was what Rawls called "social justice": that is, comprehensive internal reform directed toward the well-being of all the inhabitants of a viable state or society, such as France after 1789. Wars of secession might be thought just on the grounds that they aimed at the relief of an oppressed population: for example, that of a minority within an established state, or of a colonized people within an empire. In common with contemporary international lawyers and political scientists, he separated civil wars from "wars of national liberation" and guerrilla wars.[29]

Rawls's distinctions were lucid but his illustrative instances were rather less clear-cut. Initially, he was not sure what kind of war of secession the American Revolutionary War had been. In the body of the lectures, he included both the American Civil War and the American Revolution under "wars of secession of minorities". This was not a sign of any neo-Confederate sympathies in this son of Virginia, who pointedly did *not* include the Civil War under wars of social justice, but it was perhaps an indication that Rawls did not want to assimilate American Patriots and Algerian *colons*: in the American Revolution, it was the European settler population that sought to escape from empire, not the indigenous population or the enslaved, for example. And as an example of a civil war of social justice he cited not the French Revolution but rather the Spanish Civil War. (His omission of the Roman civil wars as a point of reference is also notable.)

Later in his lectures, as he treated the *jus ad bellum* in more detail, Rawls briefly examined the question of whether intervention in a civil war might be justifiable, taking John Stuart Mill's, "A Few Words on Non-Intervention" and the Vietnam War as his points of reference. Rawls was quite dismissive of what he found to be the "troublesome" faults in Mill's argument, and noted "it would not justify our intervention in Vietnam," because none of the justifications Mill rehearsed for

[29] Compare, for example, Hans Speier, *Revolutionary War* (Santa Monica, CA: The RAND Corporation, 1966).

British intervention in the nineteenth century could be applied to American policy in Vietnam: "[w]e have not intervened neutrally in a protracted civil war; nor have we intervened to help a people throw off a foreign despotism." Indeed, Rawls concluded, intervention in such a case could only be "under *international* auspices, where the intervention is *impartial* … and undertaken for *clear* reasons of humanity."[30]

For Rawls in these lectures, civil war was at least temporarily helpful for clarifying the limits of humanitarian intervention and for elucidating the differences between various instances of national liberation and revolution. For Michel Foucault, civil war was even better for helping him to define what he was just beginning to call the "physics" of power. Each year, Foucault had to deliver a course of public lectures on the research he had undertaken while holding a professorship at the prestigious Collège de France. In 1973, he lectured on "The Punitive Society" (*La Société punitive*), a topic that would become central to his conception of modern regimes of power. Like many commentators in the 1960s and 1970s on both sides of the Atlantic, Foucault found the idea of civil war "poorly elaborated philosophically, politically and historically," not least because to most analysts it was what he called "an accident, an anomaly … a theoretical-practical monstrosity."[31] With his characteristic theoretical dexterity and historical daring, Foucault proposed to bring civil war from the margins of analysis to its center by arguing that it was not marginal or irrelevant to the understanding of power: civil war was, he would argue in fact the matrix of all power struggles.[32]

Foucault's dazzling account of civil war in his 1973 lectures executed three particularly illuminating volte-faces in relation to standard historical accounts. First,

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[30] John Rawls, "Topic III: *Just War: Jus ad bellum*" (1969), Harvard University Archives, Acs. 14990, box 12, file 4.

[31] Michel Foucault, "La Société punitive" (January 3–March 28, 1973), Archives du Bibliothèque générale du Collège de France, Lecture 1 (January 3, 1973), pp. 16–17; Foucault, *La Société punitive. Cours au Collège de France 1972–1973*, eds. François Ewald, Alessandro Fontana, and Bernard Harcourt (Paris: EHESS, Gallimard, Seuil, 2013), pp. 14–15.

[32] Marcelo Hoffman, "Foucault's Politics and Bellicosity as a Matrix for Power Relations," *Philosophy and Social Criticism* 33, 6 (September 2007): 756–78.

he showed that civil war could not be identified with Thomas Hobbes's war of all against all in the *Leviathan*: indeed, Foucault argued that civil war was the very opposite of the Hobbesian state of nature. Second, he confronted the assumption that civil war was the antithesis of power because it represented its dissolution and breakdown, and argued instead that civil war was in effect the very apotheosis of power—politics was *civil* war by other means. And third, he contended that civil war had not gradually disappeared in Europe in the transition from the early modern period of wars of religion and struggles for monarchical succession to the more stable world of modernity. There was no progressive movement from an era of civil wars to an age of revolutions, but civil war had endured as the fundamental characteristic of what Foucault famously called the "disciplinary society" in which human beings were constantly shaped by the structures of power around them.

Foucault accused Hobbes and his later followers of conflating civil war with the war of all against all (*bellum omnium contra omnes*) and argued, to the contrary, that they could not be further apart, in their character (the one collective, the other individual), their motivation or, crucially, their relation to sovereignty: the war of all against all was the condition that preceded, and indeed necessitated, the constitution of a sovereign, in Hobbes's political theory, while civil war marked the collapse of sovereignty and the dissolution of the sovereign.[33] Civil war was directed at seizing or transforming power and it therefore "unfolded in the theatre of power" it haunts power, even to the point where the daily exercise of power can be considered as like a civil war. In this sense, Foucault concluded, with a twist on the famous dictum from Carl von Clausewitz that the master of the art of war himself would never have made: "politics is the continuation of civil war."[34]

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[33] Luc Foisneau, "A Farewell to Leviathan: Foucault and Hobbes on Power, Sovereignty and War," in G. A. J. Rogers, Tom Sorell, and Jill Kraye, eds., *Insiders and Outsiders in Seventeenth-Century Philosophy* (London: Routledge, 2010), pp. 207–22.
[34] Foucault, "La Société punitive," Lecture 2 (January 3, 1973), pp. 22–23, 28–29; Foucault, *La Société punitive*, eds. Ewald, Fontana, and Harcourt, pp. 26–31 ("… la guerre civile se déroule sur le théâtre du pouvoir"), 34 ("… la politique est la continuation de la guerre civile").

While Rawls and Foucault were worrying at the problem of civil social scientists, especially in the United States, began a decades-long effort to come up with an operational definition of civil war. The major crucible for innovation in this regard was the Correlates of War Project at the University of Michigan. This was the most systematic attempt by the empirical social sciences to measure the incidence of conflict across the globe by the accumulation and analysis of data on wars since 1816. Initially, the bulk of the team's work focused on interstate warfare, as had earlier research programs on conflict, such as the eccentric British meteorologist Lewis Fry Richardson's *Statistics of Deadly Quarrels* and the *Study of War* by the American political scientist Quincy Wright.[35] Bracketing internal war from international war could not continue indefinitely, especially when, as the leaders of the Project admitted, "civil wars, insurgencies, and foreign interventions have come to dominate the headlines in our generation and now play as important a role in the international community as traditional interstate war."[36]

Once the focus of the Correlates of War Project had expanded to include internal wars, the team needed to develop criteria for civil war—as against other forms of conflict—that could be used to corral the massive amounts of data they had collected on conflicts stretching back to the aftermath of the Vienna Settlement in 1815. They demanded a quantitative, rather than a qualitative definition, as they put it, "to minimize subjective bias" and, more pointedly, to "facilitate the construction of a data set," as a means of getting out of what they saw as the conceptual morass of competing and inconsistent definitions of civil war. The definition of civil war devised for the Correlates of War had a numerical cut-off point, a set of boundary conditions, some empirical criteria, and a great many problems:

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[35] Quincy Wright, *A Study of* War, 2 vols. (Chicago: University of Chicago Press, 1942); Lewis Fry Richardson, *Statistics of Deadly Quarrels*, eds. Quincy Wright and C. C. Lienau (Pittsburgh: Boxwood Press, 1960); J. David Singer and Melvin Small, *The Wages of War, 1816–1965: A Statistical Handbook* (New York: John Wiley & Sons, 1972).
[36] Melvin Small and J. David Singer, *Resort to Arms: International and Civil Wars, 1816–1980* (Beverly Hills: Sage Publications, 1982), pp. 203–04.

> … sustained military combat, primarily internal, resulting in at least 1000 battle-field deaths per year, pitting central government forces against an insurgent force capable of … inflict[ing] upon the government forces at least 5 percent of the fatalities the insurgents sustain.[37]

This “deceptively straightforward” definition was designed to allow political scientists and others to create the large sets of data needed to analyse the incidence of civil war across time and around the world.[38] It had to create a large enough sample to be meaningful but also exclude many conflicts that would have blurred the analysis.

The core of the definition was empirical not experiential: combatants and victims may have believed they were trapped in a civil war, but until the death toll reached 1000 or anti-government forces killed at least 50 people, they social scientists could tell them they were wrong, at least for the purposes of comparative discussion. Conflicts had to be militarized, to distinguish it from other forms of internal violence like riots and coups d’état; it was only “primarily internal” because it also had to encompass internationalized civil wars, into which outside powers or forces had intervened; 1000 battlefield deaths annually defined it as a “major” civil war; it had to have two sides (but possibly only two sides), one of which was the existing government; and it had be militarized on both of those sides, to distinguish it from, say, massacres or genocide.

There were many problems that could be discerned in this definition.[39] The greatest, surely, is the number of conflicts it does *not* encompass. The first was that

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[37] Small and Singer, *Resort to Arms: International and Civil Wars, 1816–1980*, pp. 210–20; Errol A. Henderson and J. David Singer, “Civil War in the Post-Colonial World, 1946–92,” *Journal of Peace Research* 37, 3 (May 2000): 284–85.

[38] Nicholas Sambanis, “What Is Civil War? Conceptual and Empirical Complexities of an Operational Definition,” *Journal of Conflict Resolution* 48 (2004): 816.

[39] For other discussions see, for example, Raymond Duvall, “An Appraisal of the Methodological and Statistical Procedures of the Correlates of War Project,” in Francis W. Hoole and Dina A. Zinnes, eds., *Quantitative International Politics: An Appraisal* (New York: Praeger, 1976), pp. 67–98; Christopher Cramer, *Civil War is Not a Stupid Thing: Accounting for Violence in Developing Countries* (London: Hurst &

condition of being "primarily internal"—that is, internal to a sovereign state, recognized as such by the international community—was specified as being "internal" to the *metropole*, in order, quite deliberately, to exclude post-colonial wars of national liberation, just as international legal protocols did at the time; like them, it would omit a conflict like the Algerian War or, going further back in time, it would fail to encompass the American Revolution as a civil war.[40] The second problem was that the emphasis on metropoles also implied the existence not just of states but of those states generally thought of as "Westphalian": that is, that there could not really be civil wars before roughly the early nineteenth century—let alone in ancient Rome or classical Greece—because there was few states recognizable in the sense International Relations scholars might identify such creatures in all their territorial boundedness. This difficulty haunts even the more pragmatic definition of civil war offered by Yale political scientist Stathis Kalyvas: "armed combat within the boundaries of a recognized sovereign entity between parties subject to a common authority at the outset of the hostilities."[41] Without unitary sovereignty and its external recognition, it seems, there can be no *civitas*, and hence no "civil" war.

Finally, the definition would exclude many conflicts thought of, by at least some of their participants and observers, as civil wars: for example, the Swiss Sonderbund War of 1847. This was one of the shortest civil wars on record—it lasted only 25 days—and with one of the lowest death-tolls (93 people by the best count), but it was nonetheless thought of, at the time, as it is now, as a civil war.[42] Likewise, it would exclude the Irish Civil War of 1922–24 (in which an estimated

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Co., 2006), pp. 57–86; John A. Vasquez, *The War Puzzle Revisited* (Cambridge: Cambridge University Press, 2009), pp. 27–29.

[40] The metropole/periphery distinction was later dropped by the Correlates of War Project: Meredith Reid Sarkees and Frank Whelon Wayman, *Resort to War: A Data Guide to Inter-state, Extra-state, Intra-state, and Non-state Wars, 1816–2007* (Washington, D.C.: CQ Press, 2010), pp. 43, 47.

[41] Stathis N. Kalyvas, *The Logic of Violence in Civil War* (Cambridge: Cambridge University Press, 2006), p. 17.

[42] Joachim Remak, *A Very Civil War: The Swiss Sonderbund War of 1847* (Boulder: Westview Press, 1993), p. 157.

540 pro-Treaty troops died, along with perhaps 800 members of the army and an unknown number of Republican fatalities).[43] It would not encompass the Troubles in Northern Ireland, for which the death-toll was around 3500 fatalities between 1969 and 2001, with a peak of 479 in 1972: indeed, the total of 1000 deaths was not reached until April 1974, five years into the conflict.[44] And, most damningly of all, it could be used during the Second Gulf War to prove that there was *not* a civil war taking place within the boundaries of Iraq, as if to discredit—or, at least to discourage—any further attempts by social scientists to describe or define civil war.

Competing needs generate differing definitions of civil war. Take, for example, the version found in the U. S. Army's 1990 field-manual for low-intensity conflict:

> **civil war**: A war between factions of the same country; there are five criteria for international recognition of this status: the contestants must control territory, have a functioning government, enjoy some foreign recognition, have identifiable regular armed forces, and engage in major military operations.[45]

This definition was designed to distinguish civil war from other kinds of conflict on the grounds that it was more both formally organized and on a larger scale than other forms of irregular warfare. Yet in few recent civil wars have both sides controlled territory and possessed a "functioning government," let alone governments that have been recognized internationally. It also describes a peculiar and rather rare instance of civil war, which involves armed forces of a kind usually seen in the interstate wars of the industrial era: the major example of that kind of conflict was the U. S. Civil War which was hardly a model for most of the civil wars

[43] Michael Hopkinson, *Green against Green: The Irish Civil War* (Dublin: Gill and Macmillan, 1988), pp. 272–73.
[44] Malcolm Sutton, *An Index of Deaths from the Conflict in Ireland, 1969–1993* (Belfast: Beyond the Pale Publications, 1994); Conflict Archive on the Internet, "Violence: Deaths During the Conflict" (2001–): http://cain.ulst.ac.uk/issues/violence/deaths.htm.
[45] *U. S. Army Field Manual* 100–20, *Military Operations in Low Intensity Conflict* (December 5, 1990): www.globalsecurity.org/military/library/policy/army/fm/100-20/10020gl.htm.

that were to follow in the twentieth and twenty-first centuries. The utility of this definition for observers other than the U. S. Army is therefore rather limited, and it is not clear it would any longer be helpful even for them under the conditions of twenty-first century asymmetrical warfare.

All such attempts at precision are as doomed as they are illusory for the simple reason that civil war is an essentially contested concept. The references of both 'civil' and 'war' can be contested and, in most social-scientific analyses, can change according to specific metrics such as location, intensity and duration. There is also no agreement about just which features of civil war take priority in its various definitions and the way they might be assigned normatively to particular conflicts. Being precise, in the sense of using clear definitions, turns out to be inescapably political. The elements of those definitions as much as their application are always matters for principled dispute. This seems to be especially true of civil war—an essentially contested concept about the essential elements of contestation.

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Definition is about setting limits. Civil war resists such efforts to confine the proliferation of meaning within tight boundaries.[46] Apart from the ideological stakes always associated with the use or denial of the label of civil war, the idea itself has an expansive capacity as a metaphor. Since the 1st century BCE, civil war has had the capacity to force its users to discern the extent of their own communities and to decide who are the familiars, even the family members, with whom they have fallen into conflict. As the Roman Empire expanded, so the ambit of civil war increased to include allies as well as citizens. After the fall of Rome, civil war no longer needed to retain its strict association with formal citizenship. Various strains of cosmopolitan thinking, which imagined peaceable communities in arenas broader than legally or territorially defined polities, encouraged a further extension of the application of civil war across still broader horizons. In the sixteenth century, Christendom—the

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[46] On the pitfalls of political definitions, especially with regard to war, see Vasquez, *The War Puzzle Revisited*, pp. 14–30.

whole of Christian Europe—could be conceived as a battleground of religious civil war between Catholics and Protestants. In the eighteenth century, pacific thinkers like Fénélon and Rousseau lamented that wars between European powers were like civil wars within a single civilization, and Edmund Burke could see the threat of French Revolutionary universalism as akin to the ideological challenge the Reformation had posed to Catholicism, and hence as a schism for all of Europe.

By the twentieth century, a host of similar conceptions of supranational community had generated dark fears and clear-eyed analyses of civil war as taking place on regional, continental, and ultimately planetary scales. As the imaginative limits of civil war grew, they coincided with the knowledge that civil wars were themselves becoming more transnational in their form and global in their impact. The rueful cosmopolitanism of Fénélon found belated echoes in the words of the Italian anti-fascist writer Gaetano Salvemini and of the British economist John Maynard Keynes at either end of the First World War. In September 1914, Salvemini warned his readers that they were now witnessing not a war among nations but a "global civil war" of peoples, classes, and parties in which no-one could remain neutral.[47] Five years later, in 1919, Keynes regretfully recalled the common civilization in which France, Germany, Italy, Austria, Holland, Russia, Romania, and Poland "flourished together, … rocked together in a war, and … may fall together" in the course of "the European Civil War".[48] That term appealed to liberals and Marxists alike across the century as a means of describing the continuities between the two "world" wars, in Europe at least.[49]

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[47] "Piú che ad una guerra fra nazioni, noi assistiamo ad una mondiale guerra civile": Gaetano Salvemini, "Non abbiamo niente da dire" (September 4, 1914), in Gaetano Salvemini, *Come siamo andati in Libia e altri scritti dal 1900 al 1915*, ed. Augusto Torre (Milan: Feltrinelli Editore, 1963), p. 366; Domenico Losurdo, *War and Revolution: Rethinking the Twentieth Century*, trans. Gregory Elliott (London: Verso, 2015), p. 82.

[48] John Maynard Keynes, *The Economic Consequences of the Peace* (1919) (Harmondsworth: Penguin Books, 1988), p. 5.

[49] Gian Enrico Rusconi, *Se cessiamo di essere una nazione. Tra etnodemocrazie regionali e cittadinanza europea* (Bologna: Il Mulino, 1993), pp. 101–21; Enzo Traverso, *A ferro e fuoco: la guerra civile europea, 1914–1945* (Bologna: Il Mulino, 2007); Traverso, "The New Anti-Communism: Reading the Twentieth Century," in

Intimations of enmity on the eve of the Second World War had raised the fear of an "international civil war" between "reds and blacks" that cut across Europe's countries.[50] After the conflict came, this "gigantic civil war on the international scale" presented an opportunity for national liberation, according to the Indian Marxist, M. N. Roy, writing in 1941–*42*.[51] A similar idea also had a darker legacy later in the century in the hands of the right-wing revisionist German historian, Ernst Nolte, for whom the entire period from 1917 to 1945 was European Civil War in the sense of a struggle within a single community between the opposed forces of Bolshevism and Fascism.[52] The characterization of the entire span of the World Wars as a single internal conflict also found purchase in unexpected places, as when former U. S. Secretary of State Dean Acheson wrote in a similar way of 1914–45 as a "European Civil War"—in effect, a civilizational war—that had intersected with an "Asian Civil War" in East Asia.[53]

Such an expansion of the boundaries of the idea of civil war was fostered by the Cold War, a conflict which itself would be called "a global civil war [that] has divided and tormented mankind," as President John F. Kennedy put it in his second State of the Union address in January 1962.[54] Two months later, in March 1962, Carl

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Mike Haynes and Jim Wolfreys, eds., *History and Revolution: Refuting Revisionism* (London: Verso, 2007), pp. 138–55.

[50] Carl Joachim Friedrich, *Foreign Policy in the Making: The Search for a New Balance of Power* (New York: W. W. Norton, 1938), pp. 223–53 ("International Civil War").

[51] M. N. Roy, *War and Revolution: International Civil War* (Madras: The Radical Democratic Party, 1942), pp. 46–54, 83–91, 96, 108–09; Kris Manjapra, *M. N. Roy: Marxism and Colonial Cosmopolitanism* (New Delhi: Routledge, 2010), pp. 128–29.

[52] Ernst Nolte, *Der europäische Bürgerkrieg, 1917–1945. Nationalsozialismus und Bolschewismus* (Berlin: Propyläen, 1987); Thomas Nipperdey, Anselm Doering-Manteuffel, and Hans-Ulrich Thamer, eds., *Weltbürgerkrieg der Ideologien. Antworten an Ernst Nolte: Festschrift zum 70. Geburstag* (Berlin: Propyläen, 1993). For a different approach, see Stanley G. Payne, *Civil War in Europe, 1904–1949* (Cambridge: Cambridge University Press, 2011).

[53] Dean Acheson, *Present at the Creation: My Years in the State Department* (New York: Norton, 1969), pp. 4–5.

[54] John F. Kennedy, "State of the Union Address" (January 11, 1962), in U. S. President. (1961–1963: Kennedy), *Public Papers of the Presidents of the United States: John F. Kennedy. Containing the Public Messages, Speeches, and Statements of the President, 1961–1963*, 3 vols. (Washington, D.C.: U. S. Government Printing Office,

Schmitt had spoken in a lecture in Spain about "the global civil war of revolutionary class enmity" unleashed by Leninist socialism.[55] In Schmitt's case, the expansive idea of civil war was not originally a Cold War concept: it had been something of a term of art for him and his followers since 1939 as a critique of the pretensions of all revolutionary universalisms, whether applied to the French Revolution, the Revolutions of 1848, or the "present global world civil war" (as he called in it 1950), for example.[56] More sympathetic to those legacies were the American Students for a Democratic Society, whose Port Huron Statement in June 1962 predicted that "the war which seems so close will not be fought between the United States and Russia, not externally between two national entities, but as an international civil war throughout the unrespected and unprotected *civitas* which spans the world."[57] Also sympathetic was the political theorist Hannah Arendt, who argued in *On Revolution* (1963) the following year that the twentieth century had seen a new phenomenon arising from the interrelatedness of wars and revolutions: "a world war appears like the consequences of a revolution, a kind of civil war raging all over the earth, as

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1962–63), II, p. 9; Andrew John Miller, *Modernism and the Crisis of Sovereignty* (New York: Routledge, 2008), pp. 15–16.

[55] Carl Schmitt, *Theory of the Partisan* (1962), trans. G. L. Ulmen (New York: Telos Press, 2007), p. 95.

[56] Carl Schmitt, *Donoso Cortés in gesamteuropäischer Interpretation. Vier Aufsätze* (Cologne: Greven, 1950), pp. 7 ("der europäische Bürgerkrieg von 1848 … und der globale Weltbürgerkrieg der Gegenwart"), 18–19, 21, 85–86, 113–14; Schmitt, *La Guerre civile mondiale. Essais (1943–1978)*, trans. Céline Jouin (Maisons-Alfort: Éditions Ère, 2007); Hanno Kesting, *Geschichtsphilosophie und Weltbürgerkrieg. Deutungen der Geschichte von der französischen Revolution bis zum ost-west-konflikt* (Heidelberg: Winter, 1959); Roman Schnur, *Revolution und Weltbürgerkrieg. Studien zur Ouverture nach 1789* (Berlin: Duncker & Humblot, 1983); Pier Paolo Portinaro, "L'epoca della guerra civile mondiale?," *Teoria politica* 8, 1–2 (1992): 65–77; Jan-Werner Müller, *A Dangerous Mind: Carl Schmitt in Post-War European Thought* (New Haven: Yale University Press, 2003), pp. 104–15; Céline Jouin, *Le retour de la guerre juste. Droit international, épistémologie et idéologie chez Carl Schmitt* (Paris: J. Vrin, 2013), pp. 269–90.

[57] Students for a Democratic Society, *The Port Huron Statement* (1962) (New York: Students for a Democratic Society, 1964), p. 27.

even the Second World War was considered by a sizeable portion of public opinion and with considerable justification."[58]

"Global civil war" has more recently been used to denote the struggle between transnational terrorists like the partisans of Al Qaeda against established state-actors like the United States and Great Britain. In the hands of some of its proponents, this post-9/11 usage of "global civil war" means the globalization of an internal struggle, especially that within a divided Islam, split between Sunnis and Shiites, that has been projected onto a world scale. As a broader metaphor for terrorism, "global civil war" has also been used to imply an unbridled struggle between opposed parties without any of the constraints placed on conventional forms of warfare, a return to a state of nature in which there are no rules for a war of all against all, and a peculiar species of conflict in which the boundaries between "internal" and "external," intra-state and inter-state, conflict are utterly blurred.[59] In this vein, the critical theorists Michael Hardt and Antonio Negri wrote in 2004 that, "our contemporary world is characterized by a generalized, permanent global civil war, by the constant threat of violence that effectively suspends democracy."[60] This was civil war as what Schmitt had called the "state of exception": the state of emergency determined by an all-powerful sovereign in which the rule of law can be replaced by discretionary rule or martial law. "Faced with the unstoppable progression of what has been called a 'global civil war'," observed in 2005, "the state

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[58] Hannah Arendt, *On Revolution* (1963) (Harmondsworth: Penguin, 1990), p. 17; David Bates, "On Revolutions in the Nuclear Age: The Eighteenth Century and the Postwar Global Imagination," *Qui Parle* 15, 2 (2005): 171–95.

[59] Carlo Galli, *Political Spaces and Global War*, (2001–02) trans. Elizabeth Fay (Minneapolis: University of Minnesota Press, 2010), pp. 171–72; Heike Härting, *Global Civil War and Post-colonial Studies*, Institute on Globalization and the Human Condition, McMaster University, *Globalization Working Papers*, 06/3 (May 2006); Louiza Odysseos, "Violence *after* the State? A Preliminary Examination of the Concept of 'Global Civil War'," paper presented at *Violence Beyond the State*, Turin, September 12–15, 2007; Odysseos, "Liberalism's War, Liberalism's Order: Rethinking the Global Liberal Order as a 'Global Civil War'," paper presented at *Liberal Internationalism*, San Francisco, CA, March 25, 2008.

[60] Michael Hardt and Antonio Negri, *Multitude: War and Democracy in the Age of Empire* (New York: Penguin Press, 2004), p. 341.

of exception tends increasingly to appear as the dominant paradigm of government in contemporary politics."[61]

Such metaphorical expansions of the ambit of civil war carry with them recognizable features from past ideas of civil war: for example, the idea of a defined community, a struggle for dominance within it, and an aberration from any normal course of politics or "civilization". A "global" civil war may not be susceptible to analytical measurement, in the way that social scientists trust other actually existing forms of conflict might be. Nor is it subject to legal regulation or humanitarian amelioration, as international lawyers hope that other wars not of an international character might be. Yet the internal complexities the term encompasses, the ideological freight it carries from earlier in the twentieth century, and the anti-Islamic connotations implied by some of its users, mark it, like civil war itself, as an essentially contested concept. In this regard, the recent language of "global civil war" can be seen as an intensification or a qualification of the competing conceptions of civil war that preceded and gave rise to it.

The idea of global civil war has gained added force from the rise of transnational terrorism.[62] This terrifying phenomenon brings the violence of war into the domestic realm, most wrenchingly into the streets of the world's cities: New York in 2001, Madrid in 2004, London in 2007, Mumbai in 2008, and Paris in 2015, for example. The attackers are often demonized as alien to the societies they assault—even when they are citizens of the country concerned—and hence they are not identified with fellow citizens in the same manner as those who classically populated the contending parties in "civil" wars. Added to this, the proliferation of various forms of irregular warfare along with the more elastic conceptions of war that were elaborated to understand and combat them helped to loosen and extend the metaphorical reach of civil war. And, finally, the long-term decline of wars

[61] Giorgio Agamben, *State of Exception*, trans. Kevin Attell (Chicago: University of Chicago Press, 2005), pp. 2–3; Agamben, *Stasis*.

[62] On the congruences, empirical and definitional, between "civil war" and "terrorism," see Michael G. Findley and Joseph K. Young, "Terrorism and Civil War: A Spatial and Temporal Approach to a Conceptual Problem," *Perspectives on Politics* 10, 2 (June 2012): 285–305.

between states accompanied by the increased incidence of wars within them—at least, proportionately to overall levels of organized violence—encouraged the belief that there might be no wars but civil wars in future.[63] Torres Bodet would hardly be reassured that his words seem just as true now as when he spoke them in 1949. In the twenty-first century, all wars may indeed be civil wars, but for very different reasons and with uncertainly shifting meanings.

[63] Dietrich Jung, "Introduction: Towards Global Civil War?," in Dietrich Jung, ed., *Shadow Globalization, Ethnic Conflicts and New Wars: A Political Economy of Intra-state War* (London: Routledge, 2003), pp. 1–6.