



Harry Kreisler: Welcome to a “Conversation With History.” I’m Harry Kreisler of the Institute of International Studies. Our guest today is Phillip Bobbitt who is the Wechsler Professor of International Law at Columbia and Director of the National Security Center there. He has served in six administrations, most recently in 1999, and he’s the author of a new book, Terror and Consent: The Wars for the Twenty-first Century. Professor Bobbitt, welcome to Berkeley.

Phillip Bobbitt: Thank you, nice to be here.

HK: Where were you born and raised?

PB: Austin, Texas.

HK: Looking back, how do you think your parents shaped your thinking about the world?

PB: Well, I think pretty thoroughly. I don’t know that they shaped my opinions about these problems because these are relatively novel problems, but my parents gave me an example of the kind of love and self-sacrifice that a couple can make for each other and for their child, and I think that’s the most important lesson a young person can learn.

HK: Did they instill in you an interest in politics and in literature? Because when one looks at your book it’s quite impressive.

PB: Well, I’ll tell you, I just came here to the west coast from Washington because on Monday night the Library of Congress rewarded the Rebekah Bobbitt National Prize for Poetry. This is the only prize given by the country for poetry and it’s named for my mother. And I explained at the ceremony, which we have every two years, how it came about. When she died I happened to be going through her desk, her little green writing desk, and I found a cache of index cards with a hole drilled in the bottom that had little bits of poetry typed on them, hundreds of these things. I went to my father and I said, “What’s this?” He said, “Well, you know, I met your mother at the Library of Congress,” and I said I knew that, they were both students and they were working their way through school. My dad had a scholarship to George Washington. And he said, “And you know, she was engaged to another man,” and I said, “Well, yeah, I sort of recall that.” “Well,” he said, “the office was the only time I saw her and we had a very strict supervisor. I had to find some way to dislodge her from this guy. So, we would exchange cards.” These were actually index cards for the card catalogue and the hole was really from the top. “We would

exchange cards as if we were exchanging cards for the catalogue and that's how I courted her." So, I think they did have a love of literature and politics. On Sunday mornings, when all other families were going to church, we always turned on the Sunday morning political programs.

HK: And we should mention that your mother's brother was President Lyndon B. Johnson.

PB: My mother's elder brother, yes.

HK: And what influence did that fact have on you, his presidency? Obviously he was a president who did wonderful things at home and then got dragged into a war. Did that experience influence your later interest in issues of war and peace?

PB: Probably. I lived in the White House the summer of 1964, after I finished high school and before I started college. And I adored him. I thought he was a really remarkable president, and I'm very proud of him.

HK: And is there any one particular way that he influenced you, that you could recall?

PB: I think he gave me a feeling of the centrality of Congress. It's one thing to propose plans and to sketch out great visions but if you don't write it into law it vanishes as if it were written in sand. Despite a conservative swing in this country the Great Society programs, Medicare, Medicaid, federal aid education, National Endowment For the Arts, NPR, PBS, the things that you do – these institutions stayed and they stayed because they were written into law.

HK: Tell us about your education. Where did you do your undergraduate work and your Ph.D. and law degrees?

PB: I went to Princeton for my undergraduate education. I was only at Princeton one year when I quit and I came to live out here.

HK: California?

PB: Uh-huh. I came to work in an all black area of Los Angeles. It was at the end of the '60s and I worked at a poverty program there for two years and then I went back to Princeton and I graduated in 1971 with a degree in philosophy. I did my thesis on **Fickenstad** [?]. Then I went to law school. I took my law degree at Yale in New Haven and clerked for a federal judge in New York, a great judge named Henry Friendly, one of the...

HK: Great liberals, yeah.

PB: Great judge – well, not necessarily liberal but he was a – I would call him a moderate Republican but a great intellectual, and **Ruth Hand** [?], one of the two great federal judges of the century. And then while I was there I had somehow gotten the idea, which I now think was really naïve, that you shouldn't accept a job with a law firm that had a practice before the circuit court, and all the Wall Street firms did, including the one that I had clerked at. So, the spring came along and I hadn't accepted a job anywhere. I got a call from a professor at the University

of Texas asking me if I would like to come teach there, and of course I was overjoyed. My parents were living in Austin, and so I went directly there after clerking.

HK: And when you were at Yale I notice you wrote a very highly regarded book with one of your law professors. Tell us about that book because it's Tragic Choices, and you wrote it with Yale professor, later dean and then judge of the circuit court, Guido Calabresi, and that's an important book where you were focusing on choices and the state.

PB: Yes. It's a wonderful book and I can say that because it's mainly Guido's book. He had given the **Fells** [?] lectures at the University of Pennsylvania. I was never actually a student of his but I was in law school at the time and I was an article editor for the law journal, and we worked on this manuscript to put it into book form and because he is an extremely generous human being, when our work was over he asked me if I would go on the book as a co-author, which was extraordinarily thoughtful and kind of him. It's a book, Harry, that looks at how different societies solve very difficult allocation problems, who gets to have kidney machines, who gets to have children when a country's limiting births, who gets drafted, who gets expensive cardiac shunts, and I'm glad to say it's still in print and I still get modest royalties every quarter after – gosh, it's been thirty years now.

HK: This book has a beautiful weaving of history and of strategy and of international law and of theory, actually. Were all of these forces coming together over the life of your career?

PB: Yes, that's right. You know why? For many years I taught constitutional law in Texas and then beginning in the very early '80s, when I left the White House, in '81, I started doing strategy and a history of strategy in England. And the two were completely separate. All my history books were in London and Oxford, all my law books were in Austin, I didn't do any security work in America, I didn't do any law work in Britain, and I published a series of books, Democracy and Deterrence, U.S. Nuclear Strategy on the one hand, and then books, Constitutional Fate, Constitutional Interpretation on the other, and that was my life. And then beginning in the very early '90s these two strands began to sort of force themselves together and I fought it as long as I could, and finally I stopped resisting and I let them just connect.

HK: After 9/11 I was asked to teach a course on the campus on foreign policy, and it was very clear that if you just went to one discipline you could not address the questions that students needed to think about, and so on. Now I made note of the fact that you've served in six administrations. We won't be able to go into all of them but what did you learn from these various experiences about the way government works? Because that actually becomes critical when one looks at your book because you're proposing a rather large addenda for the Congress and for the Executive. So, what did you draw from that, those different kinds of experiences which all, I think, were in the national security field?

PB: Yes, that's right. I think one lesson is just how hard it is. An op-ed piece can be insightful or glib or facile but actually moving the government from A to B is extraordinarily difficult, very, very difficult. And most of the commentary that academics outside government provide is just to very little purpose, very little use in government. I think I learned to respect the people who worked there. We have a pretty belittling views about bureaucrats and politicians but these

are quite patriotic people, they made many personal sacrifices for the country, and I have a great deal of regard for them.

HK: And 9/11 was a pivotal experience, I mean, there was a kind of a shift of our recognition of a new set of problems.

PB: Yeah, you put that very well, Harry. I don't think the world changed on September the 11th. The world changed in 1990. That's when this great power conflict that had started in 1914 finally was resolved. What happened in 2001 was a consequence of that but it was one we had neglected and one that suddenly captured our attention. And really, it was that terrible day which I saw, by the way, I was in New York – I saw both the towers go up – that terrible day really made an audience for my last book because my last book was predicated on the idea of this change and it laid out the fact that this was going to happen and then a few weeks before it was published it did happen. And this made me look much cleverer than I, in fact, am.

HK: And the book was called Achilles' Heel...

PB: The Shield of Achilles: War, Peace, and the Course of History.

HK: And what you developed there was the idea that you carry forward to this book, which is a way of explaining the world we confront, that's very subtle and as my professor, Ken **Woltz** [?], would say sort of looks at the structure of the system. And to pursue that argument with you, I have to ask you, what is the shift from the nation state to the market state and what is the market state? You're saying that there has been a change from one to another and this helps us understand a lot.

PB: All right. I begin The Shield of Achilles with a very familiar problem to historians and one that had been debated since the '50s, and that was did the military revolution in the 17th century, the great era of what's called the "gunpowder revolution" cause the formation of the modern state, or was it the fortress revolutions of the preceding century, or was it the professionalization of the armed forces in the succeeding century. Now all three of these revolutions in military affairs were nominated as the principal causal driver behind the creation of the modern state, the first state since the classical states. And my answer was they're all right. Unlike the thesis that most people are taught – I'm afraid still taught today – the state has not retained the constitutional order that gelled in the middle of the 17th century, the nation state. In fact, there have been a half dozen different constitutional orders, princely states, kingly states, territorial states, imperial states, and only nation states in the late 19th century and through the present, that it was a terrible anachronism to think the state had been consistent, and that one of the unfortunate consequences of that was when we saw the 20th century industrial nation state being undermined by events we were inclined to think either A) well, that means the state itself is wasting away because the only state we know is this kind of state, which was quite false, or B) it's not really being undermined, these are all really trivial events and the nation state is going forward just as it always has. I believed that there was a two-way causal relationship which the social scientists who reviewed my books found very, I think, difficult to take on board and which historians are very comfortable with. It wasn't that military revolutions caused revolution in the constitutional order, or vice versa, it was both. They were linked so that nothing fundamental

happened in strategy that did not bring about a constitutional effect and nothing fundamental happened in the constitutional order that did not bring about a change in warfare. Now that's the back story. Your question asked how is a market state different from a nation state.

HK: And your argument essentially is that we are in transition and we're maybe into the second stage of this transformation.

PB: That's right. We're on the cusp, we all live in nation states, we don't live in market states. But you can look on the horizon and you can see two, I think – I think you can see quite clearly two kinds of developments. First, you can see a weakening of the nation states' compact with power, a global system of financial communications that undermines any state's ability to govern its own currency, a global system of electronic cultural communications that prevent a state from governing its culture, sealing it off from the rest of the world, a global system of international human rights that supercede the laws of any particular state, transnational threats like AIDS and SARS, or climate change, terrorism, and finally the development of weapons of mass destruction that mean that no state, no matter how large its army, can protect its civilians. Now those things are undermining the kind of state we've had throughout the 20th century and in which we still live. At the same time, we can see a state whose basic premise is changing. Instead of saying, as the nation state did, give us power and we will improve your material wellbeing. Something Roosevelt said but also Hitler said, and Stalin said, because they were all part of the same constitutional order, this form says, give us power and we will maximize your opportunity.

HK: As an individual.

PB: As an individual. That's right. And this is the European Union – it's to kind of say, we're becoming, China and Japan are becoming states like this – they've all moved from conscription to an all volunteer force. They have started outsourcing and privatizing activities from prisons to schools...

HK: To military contracting.

PB: To military contracting, even the warfare itself. They have deregulated not only industries but perhaps even more importantly, women's reproduction. In all these areas we are maximizing opportunities, as the state itself changes, and that's a shift to a market state. When you go, for example, to labor training and re-training, rather than unemployment compensation, you're moving from the nation state approach, an industrial top-down approach, to a market state, decentralized, incentivizing approach.

HK: Now together with the market state, and as a byproduct of the market state and of market states, what emerges is terrorism and what you call the terrorist state or phenomena. Talk a little about that. So, why does the much heralded opportunities of globalization and all of the things that you've just talked about lead to this negative version?

PB: You might say this is the dark side of globalization. What people say, that they know terrorism – Europeans say this all the time, that the Americans have over-reacted because we don't know terrorism. What they're thinking about is 20th century nation state terrorism.

They're thinking about the IRA, the FLN, the PKK, the PLO, ETA, they're thinking about these intensely nationalistic and militaristic hierarchical cells that attack a particular state. They are not thinking about the sectarian mercenaries who sacked Rome in 1527, or sacked Antwerp in 1576, Lutherans who kept the Pope prisoner, Catholics who attacked Jews and merchants. They're not thinking about that because they're not thinking of that form of the princely state, which was itself sectarian and relied on mercenaries. They're not thinking about the pirates of the Caribbean who raised Panama, who menaced the sea lanes to Europe during the 17th century. They're not thinking about the colonial wars that employed terrorists among Native American – the savages in the 18th century. They're not even thinking about the anarchists of the 19th century that killed an American president, they killed the president of Spain, they killed a czar, they killed an Italian king. They're just thinking of 20th century nation state terrorism and assuming that terrorism has always been like that and will always be like that. But you see the change in the nature of the state, you will ask yourself, well, what sort of terror will a market state produce, a state that is global, networked, outsources, decentralized. What kind of terrorism will it produce? And the answer is al-Qaeda. It will produce a terror that is global, networked, that outsources and privatizes activities, and is a decentralized structure.

HK: Now there is a beautiful example in the book of this transition as you focus on the case of A. Q. Khan in Pakistan. So, let's talk a little about that because I think it gives you a sense of what the argument is here. Here is a gentleman who was a nuclear scientist who starts working for the state to enable it to develop a nuclear capacity, that is his home state of Pakistan. Then tell us how that evolves, basically.

PB: We have seen the footage on television, just this last week, of Ahmadinejad going through the nuclear facility at – I think it's in Natanz, in Iran. And if you did, you would've seen some tall tubes, about six feet high. These were identified in the New York Times and elsewhere as the P-1, they're centrifuges. Well, they're not really the P-1. And then you referred to A. Q. Khan – call them the P-1 after Pakistani 1. It's the first iteration of the centrifuges he produced to enrich uranium. In fact, he had stolen those designs from the Dutch at Urenco where he had worked, and having stolen them over there they were given a different name. He renamed them as if they were produced by a Pakistani scientist but they were not. Pakistan is interesting because it is a state that today can hardly produce durable bicycles but they can produce nuclear weapons. Why is that? It's because they didn't have to produce that technology. They could buy it, they could steal it, they created, the clandestine black market by means of which the Iranians, the North Koreans, and the Libyans, were all given access to weaponizable nuclear materials.

HK: And so, in a way, A. Q. Khan is an example of an individual who was a global citizen, so to speak, in the sense he went to Europe, learned a technology, saw its implications, came back to his country, got into the normal bureaucratic fights about which lab would produce the weapon, was an agent of the state, and then began developing a network of suppliers to supply the materials to make the bomb for his country. But then at a certain point he moved beyond his own state.

PB: That's right.

HK: So, he, in your sense, is an example of a market state, as primitive as Pakistan is – well, I don't know if you would call it a market state but he was an individual who could then use the state for his own interests.

PB: Pakistan had, in a way, outsourced this activity. They had a typical sort of reprocessing plant they were using with the Pakistani atomic energy commission, but as an alternative route they had this outsourced group that A. Q. Khan was running. His interests were, of course, very patriotic in some ways for the state but they were by no means confined to Pakistan. It's not obvious to me that it's in Pakistan's interest to have Iranian nuclear weapons on its border, but that's what A. Q. Khan was up to. He was the first person to commodify nuclear weapons. I'm sure he won't be the last.

HK: So, in a way, what you're suggesting here is that the dynamic – it's almost as a subtle – the instruments of warfare and the way we produce our weapons and the way they managed – it's like the heroin of weapons, basically. In the way that some criminal elements supply heroin to an international market, he was doing that for weapons that could destroy...

PB: You know, Harry, that's an excellent example because just as we have been so ineffective at stopping the proliferation of drugs, once it was possible to reap enormous profits from them, to move them around in a global market, we're going to have a very difficult challenge in stopping the proliferation of not just fissile materials or biological weapons but also ballistic missiles and missile technology.

HK: Now we've identified what a market state is, we've talked about what terrorism is, and I think there's an important point you're making because the argument has been made – well, how can you have a war on terrorism, because that's like having a war against airplanes, so you are arguing – and we have to understand what you think the goal of terrorists is – but you are arguing they have a set of goals and the instrument is not their end.

PB: I would say that most people I know, most thoughtful people, think the phrase “war on terror” is either nonsense or it is a kind of overblown metaphor, for just the reason you gave. How can you have war on an emotion? I think of a war on terror, not a war on terrorist – it's pretty clear you could have a war with al-Qaeda or a war with the IRA – but a war against terror as being a unique 21st century phenomenon, that for some groups terror is not simply a means, it is also an end state, and it's something we need to be concerned about, even in a country as stable as ours, because you could induce, as well as impose, terror. I think if you look at changes in warfare, and Iraq would be exhibit A – you know, when Tommy Franks said the end of a major combat operations had occurred, 146 Americans had been killed, and he wasn't lying, he believed that, because he was thinking about a particular kind of warfare. He was thinking about the conventional warfare of the 20th century. We had captured the capital, we had defenestrated the leader, we'd run the flag up, the enemy army had surrendered. It was over, right? But of course, it wasn't. The kind of warfare we will increasingly encounter in the 21st century is a very different affair. It is more like terror, and our war aim is not simply to conquer territory or impose an ideology. Our war aim is to protect civilians and that often means protecting them from terror.

HK: And this is what defines the clash, basically, because the system of market states as an ideal type, they are based on consent of...

PB: They could be based either on consent or on terror. They could go either way.

HK: Right. But let's look at these two categories of states. So, the market states themselves that are not terrorist states, they are based on consent. They are trying to realize the individual's potential and changing the way government deals with its citizens. On the other hand, the other category of market state, the terrorist state, which in a way is an ideal type but we're moving in that direction, their goal is to use terror to create a state of terror in which there cannot be consent by the citizenry.

PB: That's right. They're appalled by the idea because consent is too liberating. It risks views that they believe to be against God, that they think are unwholesome, unhealthy, that are sacrilegious. A state of consent, because it depends upon us and our voluntary consent itself, is host to a great many terrible things, including the jeopardy of our own salvation.

HK: Now this sets us up for you to define what you see as the central threats to states, market states of consent, and you name three. What are those threats that we have to confront?

PB: Well, I would put it a little differently in this conversation, Harry. I would say that we don't have to worry that terrorists are going to seize power in this country. You might have to worry about that in Somalia or even in Sri Lanka, but you won't have to worry about that in the European Union or in the United States. What we have to worry about is terror that suborns our own will, that by not preparing now in a period of tranquility, through public debate and discussion in the Congress, by not passing statutes now that we can stockpile like vaccines, we run the risk that when we are hit and hit repeatedly that we will not have in place a system of laws. A war for the state of consent is a war for the rule of law and if we don't prepare I'm afraid we may end up suspending law in order to fight that law. In that case we would have actually created our own state of terror, almost by inadvertence, or at least by resignation.

HK: And that's really the way that you fault the Bush administration because in what is a situation, namely 9/11, where the forces you've been describing have come into play, a new kind of adversary, and there're going to be more of them and they're not just going to be jihadists from the Middle East, that they failed to pay the political costs of having an open debate and debating the things that had to be changed so that we would, as you just said, stockpile the vaccine against this terrorism virus.

PB: Yes, that's right. I don't know if "fault" is the best word. I would say that they've faced a very novel challenge and that in their understandable anxiety to protect us from potentially much, much more severe attacks that they neglected to pay attention to law, that during that period, that period of great uncertainty, we did not rely on law but we kicked it away, we showed indifference or in some cases contempt for law, whereas for this kind of a war, which is a war for the rule of law, you really are crippling yourself if you do that. And the examples of lawless behavior, or what is perceived as lawless behavior abroad, are defeats for us.

HK: You say at one point that by not following this path that you see as ideal that you get authoritarianism, whereas had you sort of thought about this, publicly debated, not done things in secret necessarily, that you would have positioned us better for this transition that you feel is necessary.

PB: I'm afraid we'll sort of back into authoritarianism. This is not an authoritarian state, we have a very sort of independent and streperous people and they're not going to be easily herded.

HK: Right. We're dealing in ideal types when I say, yeah, that that's the...

PB: But let's take this one example. If a fourth plane on 9/11 had hit the Capitol, which was its target, not the White House, if it had hit it on schedule, it might have hit the House Chamber. If it had hit the House Chamber it would've occurred during the role call vote. If it had dumped all that jet fuel into that closed chamber, it's by no means out of the realm of the possible that more than half the people there would've been burned to death or severely injured. In a case like that you couldn't really assemble a quorum, so if you needed legal action you'd have to act by marshal law. And that's not because the people in the White House are authoritarians, it's because we have not planned for that contingency to preserve a system of consent, and under our current plans you can't replace congressmen except by elections that take six to nine months.

HK: Your book has a fascinating contribution, which is to show all the areas of the law where we're just not ready. To use your metaphor, we don't have the vaccine stockpiled. And here it runs the gamut from – and in fact, you draw several scenarios in the latter part of the book where you describe situations that are truly frightening and you really show how we will be immobilized if we haven't made the changes to the law that are necessary, everything from what is the procedure if one has a bio-terrorist attack in Boston, and how does the President act, and how do we know what, in fact is happening on the ground, and so on.

PB: That's right. We really need to prepare ourselves for the most difficult situation, which is an attack whose source we cannot with any certainty determine. We still don't know the true authors of the anthrax attacks, and that's been what, six years?

HK: Now it's interesting – and I do want to – because before I was asking you a question which I think is very important here, and that is that you are saying that three threats that we have to worry about are network terrorism, the proliferation of nuclear weapons and other weapons of mass destruction, in the way we just described with A. Q. Khan, but also the terror that can emerge from natural disasters, everything from a Katrina-type incident to a failed state where people are starving, and so on. And all of these are linked in your analysis as threats that we have to be thinking about.

PB: Yes, I think readers can see pretty easily the connection between the first two. They can see that a 21st century networked global terrorist with his non-national, non-territorial agenda, whether it's anti-globalization or eco-terrorism or jihadist – I think they can see how that's connected to the danger posed by weapons of mass destruction. If these groups ever lay their hands on biological weapons or nuclear weapons they suddenly become quite threatening. What's harder to see is that there's a third arena, a third kind of threat which you referred to,

which includes natural catastrophes like hurricanes and epidemics and tidal waves, but also includes genocide, ethnic cleansing, includes cyber attacks, and it includes these attacks whose authorship we can't determine. An epidemic might be caused by a biological agent, engineered by a terrorist adversary, or it might be naturally occurring, and we have to be able to act pretty quickly and decisively without necessarily knowing the author of that epidemic. Now the problem with these three arenas is that while as you correctly point out, Harry, each one is capable of producing terror and destabilizing the state because the state is unable to protect its civilians – but the problem is they don't reinforce each other but they act in ways that makes treating any one of them quite difficult. For example, if you go into Iraq to try to prevent the proliferation of weapons of mass destruction, one of the three, you're going to make terrorism worse, another one of the three. If you go into Afghanistan to stop terrorism, you end up making proliferation more threatening in Pakistan, or you make human rights abuses even worse in Somalia or other areas of intervention. If you intervene to protect human rights in Bosnia or in Kosovo, you end up making proliferation more attractive to states like Iran and North Korea because they fear intervention for their human rights abuses. So, you end up with a very difficult policy problem, a kind of triage where you have to act with the most acute problem knowing that devoting your resources to this will actually make these other problems worse.

HK: You show us in your book – and we're not going to be able to cover all this, but really, in this environment the importance of terrorism – I'm sorry, of course the importance of terrorism but the importance of intelligence, to actually be in a position to preclude things from happening. And you're suggesting that many of our institutions and our laws have to be changed to prepare for that world so we can anticipate and preclude before things happen, and that in some ways one, I guess, could make the argument that the Bush administration thought it was doing that in Iraq but they had bad intelligence and created more of a problem than...

PB: Yes, it's perfectly clear that the worst intelligence failure in my lifetime wasn't the failure to anticipate the Soviet collapse or the Iranian revolution or even the failure to anticipate 9/11. The worst failure by far was the Iraqi MD fiasco because that, more than any of the others, sapped trust in the government. You cannot have a preclusive strategy, telling the public you're stopping things that otherwise would've occurred, if they think you're lying. Now I'll give you just one example. President Clinton has often said that he regards the worst failure of his administration to have been the failure in Rwanda. Well, what would've happened if we had actually intervened? In the first place, he would've been impeached because the Congress would not have supported any sort of authorization for that. There would've been American casualties, maybe not very many but some. There would've been large numbers of civilian casualties in Rwanda, not tens of thousands but maybe in the thousands, certainly enough to stimulate worldwide protest. And if the President had then said, "I did this to preclude a much worse state of affairs, I have saved 800,000 lives," who would've believed him, Harry? Nobody.

HK: So, as I read your book and I hear the account of your own career, and we've talked a little bit about your uncle, the interesting question becomes how will our domestic politics deal with the complexity that your theory explains. So, your book has great explanatory power, it empowers us to think about the things we have to change, but as you said, when you were in Washington you became impressed with how complex the system was and how hard it was to move it.

PB: Well, I'm so glad you put it that way. You use what I think is the most important verb about this work, and I hope about my work generally. I want to empower the reader. I'm not an ambassador from a market state, I'm not advocating market states. I simply think they're coming and we need to start recognizing that so we can deal with them. I think that empowering readers to take decisions in the way that they want to go, in the direction their morals, their convictions, their political views would take them is what I hope my books are doing. And so, my faith is in a public that gives more thought and more than thought to public policy, that is perhaps a little less entertained and a little more reflective – I don't think that's completely crazy because I think we will be attacked, and I think we will see these years as – these are our salad days and I hope we will spend them preparing and maturing.

HK: Do you think it's going to take another attack, another Katrina, another incident, god forbid, to shake the system? Because I mean, look, we're going through a campaign now in which the focus seems to be on personality, on side issues, nothing like the great debates, say, of Nixon versus Kennedy where, good gosh, we were talking about issues, whereas we seem to be in a world of public discourse where we're not interested in the quality of debate.

PB: Well, I'll give you an example I think – well, I fear you may think this is incredibly jejune and absurd, but for many years I used to have an impacted wisdom tooth and I would go to the doctor because my jaw was hurting and he's say, "Yes, well, that's got to come out," and I'd say, "All right." "Well, I can't take it out now," he'd say, "because it's impacted, there's an infection. Here're some antibiotics, take this course, and then come back." So, I'd go home, I'd take the pills, the infection would stop, the pain would cease, and I'd think, "Why do I want to have my tooth out?" I went on for decades that way. The only time it got my attention was when it was painful and when the pain had stopped I didn't want to take measures to deal with it comprehensively. So, yes, I do think there's something to that, that we may have further suffering ahead of us. Sakini, the narrator in that winsome play, "The Teahouse of the August Moon," says, "Pain makes men think, thought makes men wise, and wisdom makes life enduring."

HK: You make the argument that when it comes to addressing these problems the U.S. has to be a leader because we are the only one with global strategic interests and that we need to create a coalition of the states of consent, so to speak, to take the lead. But again, legitimacy becomes very important. Our government not only has to prove itself to its citizens but it has to prove the merits of what it's doing to the world community.

PB: That's right. That's exactly right. And the first step in legitimacy is success. I think we need to do it, to a great deal, with several institutions. The example you gave is sort of the future of NATO. NATO has been a regional organization focused on central Europe. Its mission has to change, and it has changed. NATO is in Afghanistan now. That's the principal structure being used. We should expand NATO to democracies everywhere to include states like India, South Africa, other great democracies, but an alliance of democracies is not itself sufficient. It might be a good security instrument but it can't be the only one because it excludes Russia and China. And here the G8, I think, is a promising institution, it includes both those countries, it has been taking on some security responsibilities, and within the G8 I think an informal G2 between

the Americans and the European Union – not a building, it doesn't have ambassadors – but it tries to give some leadership and direction to the G8. These are all matters of institutional design, they require enormous diplomatic energy, they require leadership from the President and other heads of governments, and I just wonder if we're putting much into that right now.

HK: As this book – and I recommend it highly because it's rich in history, and it's rich in theory, and it really has great explanatory power. What is the driver here? Is it what you said earlier, that there's an interface between the changing of the state and the way we fight and the new instruments of warfare, and that dynamic is driving these great transformations?

PB: Yes, I believe that's right. Now remember that those changes are themselves driven by economic developments, demographic development, cultural flows, a great many things change the nature of the societies that create states and change the nature of the warfare by which states challenge each other and protect themselves. But at that particular level it is this mutually affecting, this closed circuit between these two great drivers that for a century or more at a time keep this system quite stable and then suddenly go into periods of rapid turbulence. While I was teaching the history of nuclear strategy in England, in the '80s, I would say to my students, "No new ideas, please." It was a well understood problem, it came at the end of a period in the development of doctrine that was working, was satisfying. Now in this new period I tell my students, "I'll listen to anything," because it is a period of rapid and unpredictable change.

HK: It's difficult to deal with situations like this, as the recent history of American foreign policy and the American response to 9/11 shows. I'm struck in your book by your referring again and again to literature, actually, to poetry. And one example that comes to mind, and as I prepared myself to learn what the market state was, at the page in the book, you had a long quote from "Catch 22" and how Yossarian discovered the market state when he bombed his own...

PB: Milo Minderbender bombs his own unit, his own squadron.

HK: Right. And he discovers there's profit to be made.

PB: [laughs]

HK: So, how does literature help us in the way that your theory helps us in sort of understanding the human dimension of dealing with this? We've talked about political institutions, we've talked about what the theory tells us we have to do, but again, it's human beings that are going to have to respond, and so on. Are you sanguine that we will be able to master that?

PB: I don't know if I'm sanguine. I'm certainly optimistic. You know, **Leo Zayard** [?] said, "An optimist is someone who thinks the future is uncertain."

HK: [laughs]

PB: That's good enough for me. I think that literature integrated into non-fiction, if it's well done – and I'm not claiming that I do it well – is a tremendous, we would say, force multiplier for the non-fiction essay. It can give a portrait of the problem in the round, whereas typically an

essay just sort of is more an advocate's rhetoric, it's more uni-dimensional. I can sneak past the reader's defenses, and when I say that all the ideas my readers hold about the war on terror are wrong, that's bound to put them off and sort of get their backs up. Even someone of the market state, as you say, if I tell them about market states, they immediately say, "Well, that's ridiculous, I've always lived in a nation state, there's plenty of nationalism lying around," which of course, will also be the case in market states, but if I give them that passage from "Catch 22" they reflect that this is something about our society. I'll read you this excerpt from how the book starts. This is from a poem by Czeslaw Milosz. And it sets up in three stanzas everything that will follow in 700 pages, and it's called perfectly, "Poem for the End of the Century." As I'm claiming that these very new problems are a direct consequence of the long war of the 20th century, the war that began in 1914 and ended in 1990, Milosz says: "When everything was fine and the notion of sin had vanished and the earth was ready in universal peace to consume and rejoice without creeds and utopias, I, for unknown reasons, surrounded by the books of prophets and theologians, of philosophers, poets, searched for an answer, scowling, grimacing, waking up at night, muttering at dawn. What oppressed me so much was a bit shameful. Talking of it aloud would show neither tact nor prudence. It might even seem an outrage against the health of mankind. " Now instead of those three stanzas, if I'd said the first stanza, "When everything was fine and the notion of sin had vanished" – if I'd said, Fukuyama, end of history, if instead of the second stanza I'd said, Friedman, the virtuous circuit of globalization, I didn't say – the third stanza I'd said, Huntington, clash of civilizations – I could've strung together three paragraphs or three pages, setting up the book that way. What would I have sacrificed in terms of narrative power and scope? I would have sacrificed almost everything.

HK: And in a way, the poem sort of reveals the humanity – his humanness in responding to what he sees as a situation sort of brings it home for the person in a way – you know, we have to face the fact that unlike your host maybe everybody won't read the 700 pages, actually. So, one final question, short answer. How should students prepare for this world that you're describing?

PB: You know, there is a – I wish I could quote it. There is a passage in the "Once and Future King," the story of King Arthur by T. E. White, in which Merlin is talking to this boy who is going to grow up and be the king – and I'm just going to butcher it but it's something like, "When you are troubled and confused and isolated, think, read, reflect, study, because it's thought that will pull you through." In this country we have enormous reserves of adaptability, ingenuity, creativity – we're good at some things and we're awfully good at bending the law within this magnificent Constitution of ours, at bending law to human purposes. I teach law students at Columbia and they give me enormous confidence.

HK: And hope for the future.

PB: Absolutely.

HK: Well, on that note, Professor Bobbitt, I want to thank you for coming on our program and thank you for writing this book. I want to show it to our audience, Terror and Consent, and recommend that everybody go out and buy it and then take the summer to read it.

PB: [laughs]

HK: [laughs] But thank you very much for being with us.

PB: Thanks a lot.

HK: And thank you very much for joining us for this “Conversation With History.”

[End of Interview]