Summer/Autumn 2004 Full Issue

The U.S. Naval War College

NAVAL WAR COLLEGE REVIEW

Summer/Autumn 2004

Volume LVII, Number 3/4

Cover

*The Greek philosopher Aristotle
(c. 384–322 BC), who by virtue of his*
Nichomachean Ethics *is arguably the
founder of ethics as a secular study, in
contradistinction to the more religiously
oriented moral philosophy of his teacher
Plato, and of Plato's own mentor, Socrates.
Over 2,300 years later, ethics—as a
practical discipline as well as a scholarly
pursuit—remains a central concern of the
Naval War College. Our Summer/Autumn
issue collects, under the rubric "Legal and
Ethical Issues of IRAQI FREEDOM," arti-
cles emerging from, and addressing key
issues of, the College's fifteenth annual
Professional Ethics Conference, held in
November 2003.*

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The issue implicit in the debates that surround Iraq, Afghanistan, and all the other wars of our time is: How do you discover the wisdom when confronted with a range of difficult alternatives? How do you exercise good judgment?

Legal and Ethical Issues of IRAQI FREEDOM

The strains in the transatlantic relationship from disagreement about the authorization and justification for the Iraq war arise from failure of national governments to balance the moral, legal, and political elements of which motives in international politics are invariably a mixture. In the 1999 Kosovo intervention, all three imperatives were satisfied; how can such consensus be reached in the future?

Traditionally, the categories of *jus ad bellum* (a just decision to wage war) and *jus in bello* (just behavior in war) have defined "just war." This theory has been continually adapted and revised to reflect ever-changing geopolitical realities, and events in Afghanistan and Iraq suggest it is time for a fundamental expansion of scope. Has the time come to embrace a third category—*jus post bellum,* justice in the postconflict stage of war?

Saddam Hussein, in over a decade of deception and defiance ending in March 2003, repudiated sixteen United Nations Security Council resolutions designed to ensure that Iraq did not threaten international peace and circumvented ten others imposing economic sanctions. What is the international law related to intervention in the case of such violations? The values underlying the UN Charter must be reconciled with its procedures.

Following his graduation from the United States Naval Academy in 1971, Rear Admiral Route completed a series of command and leadership assignments both within the Navy and in the joint service arena. His primary areas of expertise include surface warfare, politico-military affairs, and resource management.

Rear Admiral Route has commanded the Navy Warfare Development Command; Cruiser Destroyer Group 2 and the George Washington *(CVN 73) Battle Group;* USS Lake Erie *(CG 70); and* USS Dewey *(DDG 45).* Ashore in Washington, D.C., Rear Admiral Route served as Director, Navy Programming Division (N80), Office of the Chief of Naval Operations; and in his first flag assignment as Director, Politico-Military Affairs Division (N52), Office of the Chief of Naval Operations.

Other Pentagon assignments have included Executive Assistant to the Assistant Secretary of the Navy (Manpower and Reserve Affairs) for three Assistant Secretaries in two administrations, Long Range Planner and Surface Ship Readiness analyst in CNO's Program Resource Appraisal Division (now N81), and Naval Warfare Analyst in the Joint Analysis Directorate (now part of J-8), Organization of the Joint Chiefs of Staff.

He holds a bachelor of science degree in Systems Engineering from the U.S. Naval Academy, and a master of science degree in Operations Research from the Naval Postgraduate School. Selected for a Navy Federal Executive Fellowship, he completed a year-long assignment as a Military Fellow at the Council on Foreign Relations in New York City and subsequently became a council member in June 1998. Rear Admiral Route is also a graduate of the Joint Flag Officer Warfighting Course and the Joint Force Air Component Commander Courses at the Air War College, Maxwell Air Force Base, Alabama.

Rear Admiral Route assumed duties as the fiftieth President of the Naval War College on 9 July 2003 while simultaneously maintaining his former position as Commander, Navy Warfare Development Command until 24 September 2003.

In ceremonies held in Spruance Hall on 12 August 2004, Rear Admiral Route was relieved by Rear Admiral Jacob L. Shuford as President of the Naval War College. The "President's Forum" of this issue is adapted from his remarks on that occasion. Rear Admiral Route was selected for promotion to vice admiral and now serves as the Naval Inspector General.

PRESIDENT'S FORUM

Nearly a dozen decades have passed since the Naval War College's first, informal, change of command, and the world has changed in ways that even the forward thinkers at the College could never have imagined.

THIS IS THE FIFTIETH TIME that command of the Naval War College has been passed from one officer to another. The first occurred in August 1886, when Captain Alfred Thayer Mahan assumed the presidency following Commodore Stephen B. Luce's highly successful tour as the College's founding President. It is fascinating to wonder what may have been on Mahan's mind as he arrived on horseback in front of Founder's Hall to begin his first day as President.

This is yet another incredibly humbling reminder to me of the footsteps we more recent Presidents have been walking in, in our service here at the College. Looking back over our shoulders, we see such historical figures as Luce, Mahan, Spruance, Stockdale, Turner, and all the others who have served as President of this great institution. Their vision, their contributions to the College's strategic tradition, and their strong leadership still serve as our anchors to windward.

Nearly a dozen decades have passed since that first informal change of command, and the world has changed in ways that even the forward thinkers at the Naval War College could never have imagined.

The nation's citizens, and the Navy that protects them, have been on a great journey during these many years. They have seen the horrors of war and the glories of peace. They have marked the closing of the nineteenth and twentieth centuries, and they have watched as Americans left footprints on the moon. Six generations of Naval War College graduates observed and assisted as the U.S. Navy moved from the last vestiges of sailing ships into steam propulsion and then nuclear-powered warships, and into an era of network-centric warfare, FORCEnet, and adaptive force planning. It has indeed been an honor and a

pleasure to be at the helm of this historic institution for a portion of this remarkable journey.

I'd like to touch briefly on some recent remarkable events and activities:

- Over 1,050 students graduated from our resident and nonresident programs. The class of 2004 was the largest in the College's history, and it reflected the renewed emphasis now being placed on obtaining professional military education.

- The Mahan Scholars and the first two Halsey Groups completed a set of research and analyses of significant strategic and operational challenges of concern to the Navy and the Fleet. This year's Halsey Groups, in particular, achieved project success in the areas of ballistic missile defense and theater antisubmarine warfare when the Chief of Naval Operations (CNO) commented at their outbrief, "This work puts the Naval War College at the center of thinking and working operational challenges of direct concern to me."

- Fifty-two of the world's chiefs of naval operations and 120 other delegates from around the world gathered in Newport for the Sixteenth International Seapower Symposium. Hosted by Admiral Vern Clark, our CNO, it represented a tremendous opportunity to encourage maritime security cooperation with the leaders of the major navies in the world.

- The quality and relevance of our College of Naval Command and Staff and our College of Distance Education programs were revalidated—and fully accredited—by the Chairman of the Joint Chiefs of Staff, through the Process for Accreditation of Joint Education visit.

- In order to improve access to our nonresident independent study program, the College of Distance Education developed and fielded a new CD/ROM-based version of the College's Web-enabled intermediate-service-college program.

- We presented the College's Distinguished Graduate Leadership Award to General Michael Hagee, USMC, the current Commandant of the Marine Corps, who graduated from the Naval War College and the Naval Command College in 1987.

- In conjunction with Brown University, we hosted a "Cold War at Sea" conference that brought active-duty Russian officers and retired Soviet Navy officers together with their American counterparts for frank—and occasionally revealing—discussions of naval activities during the Cold War.

- The International Law Department hosted a very successful and timely conference entitled "International Law Challenges: Homeland Security and Combating Terrorism."

- The College's annual ethics conference provided a great forum to discuss the ethical and moral challenges that face our graduates as they one day reenter the global war on terrorism, including the ongoing Operation IRAQI FREEDOM. This conference took place last fall, even before news of potential mistreatment of prisoners and other ethical issues began to break.

- For the fifth consecutive year, we commemorated the American victory at the battle of Midway with a multifaceted educational program that included a salute to six veterans of the battle who attended the celebration, followed by a dinner dance under the stars, nearby on Dewey Field.

I have touched upon only a few of the major accomplishments of the College in the past year. The greatest contribution, however, will come from the improved leadership abilities of our graduates—to lead change and to make key decisions in times of stress, and to be more effective in helping their superiors do the same.

As proud as I am of the War College team's recent accomplishments, I'm just as proud—and really excited—about ongoing efforts that will serve this institution, the Navy, and our military well into the future. These include:

- Ongoing research, war gaming, and workshops for the CNO and the Navy Staff, for Commander U.S. Fleet Forces Command and for Commander Fifth Fleet, for the Office of the Secretary of Defense, for the Department of Homeland Security, and for the Transportation Security Administration— and for the Navy Warfare Development Command.

- A world's ocean strategy—a maritime strategy writ large—for the Secretary of the Navy and CNO.

- A pilot course for Joint Professional Military Education Phase II for our senior students—a major step toward accelerating the number of fully credentialed officers serving in critical senior assignments and increasing their promotion opportunities.

- Our recently established collaboration efforts with the Carnegie Council on Ethics and International Affairs in New York City, with the Council on Foreign Relations in New York and Washington, D.C., and with the Kuznetsov Naval Academy in St. Petersburg, Russia—all expanding opportunities for research, enriching our curriculum, and furthering

mutual understanding between our military, our citizens, and the international community.

- Our efforts to understand better the business side of graduate education. We know that some in academia say "a university is not a business," but we understand we must compete for resources and deliver a return on our Navy's investment. Here at the College we are working to develop meaningful metrics we can use to track our progress. Simple to state but hard to do—we join other graduate institutions that seek to build a better business case for graduate education.

- Along with other Echelon II commands throughout the Navy, those that report directly to CNO, we have begun work in developing our Human Capital Strategy, working on how we can more effectively conduct our people business, trying to understand better what it means to consider people as a source of competitive advantage for an organization, and to determine better their value to us.

These are a few of the exciting things we have embarked on in the past few months that hold much promise for future progress.

Finally, I want to say publicly one last time how much we value the contributions of the Naval War College Foundation—to our academic program, to our physical plant and facilities, and to our student activities. The Foundation members truly provide us the margin of excellence in everything we do. I thank them for more than just their members' financial support; these members are true friends of the College, and many have become our personal friends during our time in Newport. Thank you!

My family and I leave the College in the very capable hands of Admiral and Mrs. Shuford. Admiral, I'm sure you will enjoy your return to Newport and the College. This has been a remarkable year for Kip and me, and we will always have a warm spot in our hearts for our many friends in Newport.

Rear Admiral, U.S. Navy
President, Naval War College
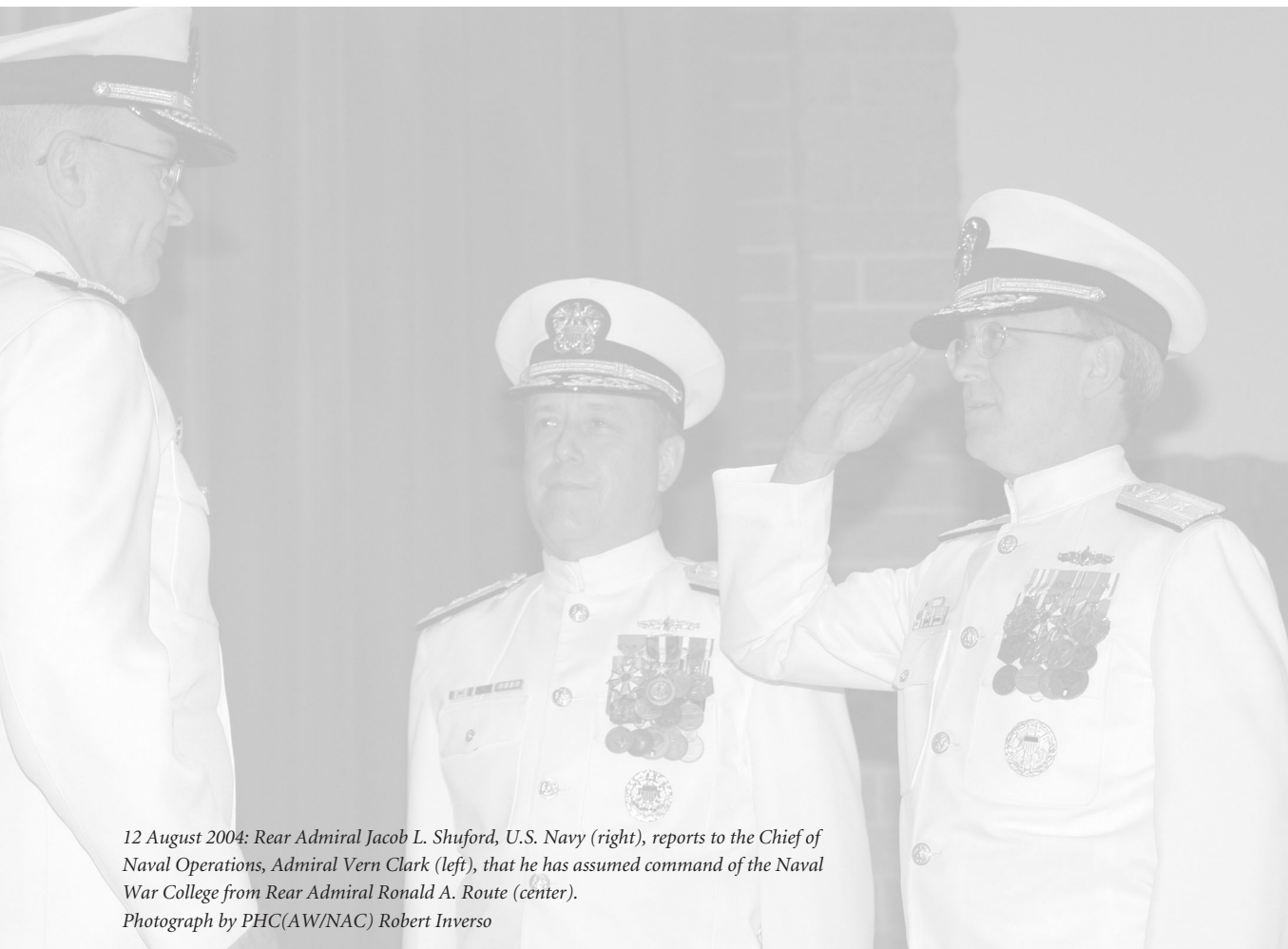
12 August 2004: Rear Admiral Jacob L. Shuford, U.S. Navy (right), reports to the Chief of Naval Operations, Admiral Vern Clark (left), that he has assumed command of the Naval War College from Rear Admiral Ronald A. Route (center).
Photograph by PHC(AW/NAC) Robert Inverso

Richard N. Haass is president of the Council on Foreign Relations. He was previously Director of Policy Planning for the Department of State, where he was a principal adviser (with the rank of ambassador) to Secretary of State Colin Powell. He received the State Department's Distinguished Honor Award for his work there. He has also been Director of Foreign Policy Studies at the Brookings Institution. The holder of a doctor of philosophy degree from Oxford University, he has been awarded the Presidential Citizens Medal (1991) and a Rhodes Scholarship (1973). His recent publications, as author or editor, include The Reluctant Sheriff: The United States after the Cold War *(1998);* Economic Sanctions and American Diplomacy *(1998);* Intervention: The Use of American Military Force in the Post–Cold War World *(1999); and* The Bureaucratic Entrepreneur: How to Be Effective in Any Unruly Organization *(1998).*

These remarks were delivered to the faculty and student body of the Naval War College, in Newport, Rhode Island, during graduation ceremonies on 18 June 2004.

A PREMIUM ON GOOD JUDGMENT

Richard N. Haass

This is an institution with a great tradition, and I am honored to have been asked to address you on this day—an honor made all the greater given the distinguished individuals who preceded me in years past.

I will be characteristically blunt: you are departing the War College at a time of considerable international turmoil. Ours is a time of war, or to be more precise, wars—a global war on terrorism, a war in Afghanistan, and a war in Iraq, not to mention a conflict in Colombia and conflicts in several countries in Africa. Those who predicted that the world after the end of the Cold War would be tranquil were wrong, or at least premature. One result is that military force, particularly American military force, remains relevant, and then some.

But the role of military force is hardly obvious. As we have seen, advantage on traditional battlefields does not equate to victory. To the contrary, one lesson many individuals seem to have learned of late is that the one place not to challenge the United States is on traditional battlefields, where modern conventional forces easily prevail. Instead, what we are seeing, what we can expect to see, is a resort to nontraditional battlefields ranging from train stations to shopping malls, and the use of nontraditional tactics and weapons—above all, terrorism and weapons of mass destruction.

Coping with such nontraditional challenges will be difficult. I refer here not simply to technical challenges but also to the intellectual. Take the U.S. decision to go to war against Iraq. The traditional phase of battle proved relatively one-sided, the subsequent phase anything but. Clearly, preemptive—or more accurately, preventive—strikes are one thing, preemptive or preventive wars quite another.

Several months ago I first noted publicly that Iraq was a war of choice, not a war of necessity. My purpose today is not to debate this assertion; much less is it to take sides as to the correctness of the choice. I also do not intend to debate whether the previous President Bush was right to go to war to liberate Kuwait— or whether he was right to stop the war when he did and not to march on to Baghdad.

Or consider for a moment some of the decisions confronting other governments. There is a heated debate in Israel over whether it should disengage unilaterally from Gaza and parts of the West Bank. Afghanistan's leaders have to decide whether, and if so, how, to challenge warlords; Colombia's government must tackle the difficult issue of what strategy to employ vis-à-vis the several insurgencies active in that country.

Again, my intention here is not to attempt to answer these or similarly complex questions, any one of which could provide the basis for a commencement address on its own. Rather, I want to raise the issue that is implicit in the debates that surround all these questions—an issue that is explicit, I would think, in the course of study you have just completed. How do you discover the wisdom when confronted with a range of difficult alternatives? How do you exercise good judgment?

This is important, for the decision to go to war against Iraq will surely not be the only such decision in the course of your lives and careers. I would predict that each and every person leaving the Naval War College today will be asked on several occasions to make difficult choices, to offer analysis and advice, to make decisions, on matters of war and peace. Some of the situations may resemble Iraq, in the sense that the question at hand will be whether to attack a country believed to be developing weapons of mass destruction. Other situations may more closely resemble Bosnia or Kosovo, in which case the question will be what to do in the face of ethnic cleansing or genocide. Still others of you will face questions more pertinent to the particular circumstances of your assignment or country, or both.

What is certain, though, is that each and every one of you will be confronted repeatedly by complex choices for which there is no obvious right decision. What this means is that there is a premium on demonstrating good judgment.

I know that many of you after graduating here will be returning to your own countries. Let me thus hasten to add that there is nothing uniquely American about what I am saying here today. It is not simply the obvious point, that Americans have no monopoly on good judgment, but also that Americans have no monopoly on the need for it.

First things first. What constitutes good judgment? I would define it as the ability to assess a situation as accurately and as objectively as possible, and to

prescribe a response that is feasible and advances one's interests at the lowest possible level of costs, be they human, financial, or political.

Sometimes you will be asked to provide good judgment; on other occasions, you will be on the receiving end of someone else's judgment, and your challenge will be to determine whether it is in fact good. Let me suggest that this may be more difficult than it sounds; unlike pornography, you do not always recognize good judgment—or bad judgment, for that matter—when you see it. Exercising good judgment is never easy, but it can be particularly difficult when the issue is foreign policy and national security. Invariably there is a matter of secrecy; you rarely know everything, and even knowing what it is that you don't know can prove elusive. Language, physical distance, culture—all contribute to the difficulties.

There is an additional factor that contributes to the challenge of exercising good judgment. Systems analysis may tell you how many submarines or battleships or aircraft carriers to buy, but it will not tell you whether and how to use them. Equations do not exist for such inherently subjective assessments, which are at the core of foreign policy and national security.

So, how does one exercise good judgment? Nothing is more fundamental than good, old-fashioned assessment of likely costs and benefits inherent in a possible course of action. One somehow doubts that those who predicted the benefits of interrogation at the Abu Ghraib prison did a careful evaluation of the likely costs. Any calculation of costs must also embrace opportunity costs, what you must give up doing because of what you are doing. Resources dedicated to one purpose can rarely be made immediately available to another.

But an absolute assessment of the costs and benefits of a proposed course of action is not enough. You must be equally rigorous about the likely consequences of alternatives. It is fairly easy to find fault with just about any option; it is not so easy to weigh the relative strengths and weaknesses of multiple options.

It is essential that one option always be inaction. "Don't just do something, stand there" can, on occasion, be sage advice. On other occasions, such as when the world sat on its collective hands as genocide overwhelmed Rwanda in 1994, doing nothing can be the worst advice. The problem is figuring out what sort of occasion you are presented with.

In considering costs and benefits, it is important to discriminate carefully between what is known and what is believed. We have had a powerful example of just this recently, when many people, including your commencement speaker today, concluded that Saddam Hussein's Iraq possessed chemical and biological weapons when, it appears, it did not.

Groupthink is a real risk in this regard. There is an inevitable tendency for people who work together and who must continue to work together to begin to

think alike. Assumptions have a way of sneaking into analysis. That is not necessarily bad, but it can be, if the assumptions go unchallenged or are confused with facts. The fact that there was not more response to indications prior to 9/11 of possible terrorist attacks against the United States in part reflects a widely held view at the time about the nature of the terrorist threat.

I also find it useful to ask what it would take to change your conclusion. Look at the building blocks of the argument and identify what is the most critical stone in the foundation. If something should happen to that item, it is a signal to make sure that your original determination is still valid.

It is always a good idea to consider lessons from history that could prove relevant. I expect that you are all familiar with George Santayana's dictum that those who ignore history are doomed to repeat it. But I recommend that you do not ignore my corollary: Make sure the history is relevant. Not every diplomatic compromise constitutes another Munich; not every military undertaking that encounters difficulty is another Vietnam.

Be careful about changing course. This is not an argument against changing your mind sometime after you first decide. Rather, I am only suggesting that you do so carefully. Midcourse corrections should be subject to scrutiny no less rigorous than that applied to original choices.

The importance of judging correctly goes up with the stakes. One problem is that stakes tend to be at their highest amidst crises, and crises tend to be precisely those times when you are most pressed by events and have less ability to think—not to mention sleep—than is normally the case. Here, as elsewhere in life, you need to struggle to make sure the urgent does not crowd out the important. You can guard against some of these risks by turning to other people. If you have the chance, work hard to create an environment in which those who challenge orthodoxy are rewarded, not penalized. Establish competing centers of thought; the more important it is that you get something right, the more you can afford to spend on making sure that you do.

One last point. On occasion, your judgment will clash with that of others. The "other" can be a superior, a subordinate, or a colleague, a civilian, or someone else in uniform. If experience is any guide, this can be difficult or worse when the disagreement is with someone who happens to be your superior. As military professionals, you are well versed in the most familiar dimension of loyalty, that of accepting civilian authority, of recognizing rank and saluting once a decision is made and an order given. But it is no less important to fulfill the second dimension of loyalty, speaking truth to power.

You may be thinking that all this is obvious, but as one who has spent the bulk of his career in Washington, I would suggest otherwise. Indeed, Washington is a town where too often people shy away from telling people what they need to

hear, falling back on what they want to hear. Or they just refuse to speak up. Acts of omission can be no less significant than acts of commission.

Let me just say that I have few regrets in my professional life, but what few I do possess stem mostly from the things I did not say—or didn't say loud enough and often enough—and from the things I did not do. Once you are confident of your judgment, share it. If you question an assumption, challenge it. If you are uncomfortable with a decision, voice it. I can think of no better ways for you to serve your conscience and your country.

Dr. Richard N. Haass, speaking at the Naval War College on 18 June 2004
Photograph by PHC(AW/NAC) Robert Inverso

A NOTE FROM THE EDITORS

The most disadvantageous peace is better than the most just war.
ERASMUS, *ADAGIA,* 1500

Few military professionals, or the states they serve, can in the present state of the world follow Erasmus to his logical conclusion—never to resort under any circumstances to war. Even the most peaceable and democratic governments too often face dilemmas in which, in light of information then at hand, the prospect of war seems not the worst possible outcome. Military people, at least in states where civilian control is firmly instituted, also do not have the decisive voice in the matter.

Military leaders, like their civilian counterparts, find themselves on such issues in the midst of numerous, pressing, and conflicting debates. Since the time of Erasmus, and especially since the onset of the technological revolutions of the nineteenth century, whole scholarly disciplines have grown up to determine the aspects of the right or just use of force—legal, moral, ethical, philosophical. The basic documents—treaties, charters, learned writings in numerous languages— are abstruse and rarefied, seemingly far from the usual daily agendas. And yet the underlying issues are also thrashed out, as a matter of the most direct and personal urgency, in destroyer wardrooms, under canvas in the field, on flight lines—just as in seminars, board rooms, and parliaments.

The Naval War College stands, and has always stood, at the intersection of these debates and considerations; it regularly calls upon students, alumni, and friends to examine these fundamental issues. To that end, the President of the College has established a chair of leadership and ethics (occupied by Dr. Thomas B. Grassey, former editor of the Naval War College Press, and of this journal). The provost, Dr. James F. Giblin, Jr., invites speakers of diverse backgrounds and convictions, some quite challenging to military ears—and also, as the dean of Academics, offers such electives as "The Foundations of Moral Obligation" (established in 1978 by Admiral James Stockdale). Finally, the Center for Naval Warfare Studies has taken a leading role in organizing annual formal symposia,

addressed by leading scholars and practitioners, and attended by the entire student body, on the moral and ethical aspects of the military profession.

The fifteenth such conference occurred on 12–13 November 2003, a time when those aspects were, as they remain, particularly cogent. By November, it was clear that the remarkable efficiency and effectiveness of the military campaign that toppled Saddam Hussein's regime in Iraq had not smoothly translated into the swift reconstitution of the Iraqi state, nor had it decisively set into irreversible motion the reshaping of the Middle East along the stable and democratic lines that had been hoped for. Issues of ethics, morality, and the law of war and armed combat presented themselves, then as now, with an urgency not known since the Vietnam War, which had led the American military to reshape itself as an all-volunteer, highly professional force.

It therefore seems wise to devote much of this present issue to this range of questions as now posed within the U.S. national security communities, military and civilian. We have not here simply reprinted addresses and panel remarks from November; we, and the original speakers, have revised and edited extensively to bring out the underlying arguments and issues. We have also drawn in a relevant paper by an author (James P. Terry) who was not present at the conference, and have invited an analysis from an expert Naval War College faculty scholar who was, Commander (and Dr.) Susan D. Fink.

It is in the nature of things that when issues of ethics, morality, and legality assume a high profile, it is because things are not going well or because there is deep community dissensus. A number of the essays presented here are quite challenging and critical of fundamental decisions and actions. But all the authors are highly qualified by training, position, and experience to advance their respective viewpoints; and all offer resources, tools, and information that we believe will be invaluable to our readers as they—as, by definition, they must—form their own views and choose their paths.

The Editors

THE TROUBLE WITH MIXED MOTIVES

Debating the Political, Legal, and Moral Dimensions of Intervention

Commander Susan D. Fink, U.S. Navy

I n the aftermath of the Iraq war and transfer to Iraqi authority, a bitter debate persists over the motives for the war and the reasons for the transatlantic antipathy it engendered. There are those who argue that moral talk coming out of the White House represents a fig leaf for realpolitik, a change in tactics after the failure to find evidence of Saddam Hussein's weapons of mass destruction. Why had President George W. Bush and Prime Minister Tony Blair, both known for their moral personal philosophies and foreign policies, relied primarily on legal and threat-based justifications?[1] Why did they leave until the eleventh hour the moral argument about Saddam's brutish behavior toward the Iraqi people? Does the timing of various justifications belie their validity?

The Iraq war, like the 1999 Kosovo campaign, was launched without a United Nations Security Council resolution explicitly authorizing it. Some say this unhinged the international legal order, that all moral talk must be expunged from intervention discourse to pave the way for a new legal order, based solely on power and law.[2] But the moral dimension of the Iraq debate is far more pervasive than these critics care to admit. In fact, it was integral to the political and legal cases each nation made, whether or not that nation supported the war. What is more, the prominence of the moral dimension in policy is on the rise, for better and for worse.

The transatlantic relationship is straining under the disagreement about the authorization and justification for the Iraq war, and those wishing to promote

Commander Fink is a member of the Naval War College's National Security Decision Making faculty. A 1986 graduate of the U.S. Naval Academy, she is a helicopter pilot and has served as detachment officer in charge in Helicopter Combat Support Squadron 11 (HC-11), as well as on the staff of Commander in Chief, Atlantic Fleet. Commander Fink has served as a White House Fellow and has earned a master's degree in national security affairs at the Naval Postgraduate School in Monterey, California, as well as a Ph.D. in international relations from the Fletcher School of Law and Diplomacy, Tufts University.

anti-American and anti-Western sentiment take advantage of the dispute. The national motivations, indeed, were fundamentally mixed, and skeptics and supporters alike see that as a problem. Yet motives in international politics are invariably mixed. Why then the rancor?

The reason is that there has been a shift in the normative landscape, a radicalization of moral, legal, and political arguments for and against war. What happened in the Iraq case cannot be fully explained by any one of these dimensions alone.[3] It is better to look at the way states authorize and justify the use of force, satisfying domestic and international political requirements—how in this instance Washington, London, Paris, and Bonn chose to justify their behavior leading up to the Iraq war—using all three dimensions, and then test the accusations against them. By examining three contending imperatives within each state's thinking about intervention—imperatives of power, cooperation, and human solidarity—it is possible to understand the decision each government made.

Again, the truth about motives is not to be found in any one of these ways of thinking—moral, legal, or political—but rather in the debate among them. This approach denies us the ability to make satisfying judgments against one side or the other in the Iraq debate. Yet a complete picture of what happened is not possible without it.

POWER, COOPERATION, AND MORAL SOLIDARITY

The "triptych" approach to understanding international behavior, and the same set of three categories, by whatever names, have proven advantageous in the past. Lecturing at the London School of Economics in the 1950s, Martin Wight identified three traditions of international thought evident since the Renaissance: the Realists, Rationalists, and Revolutionists.[4] Others have also found that tracing the debate among the three traditions is essential to understanding the most important questions of international politics. Hedley Bull called their respective advocates Hobbesians, Grotians, and Kantians, and more recently Stewart Patrick analyzed the way unilateral and multilateral means are used to achieve nationalist, internationalist and collective objectives.[5] Hereafter, we will call the three traditions the "power," "cooperative," and "solidarity" approaches.

The power tradition sees the world as a system of states organized only by the relative power they can wield. Force is the dominant mode of international interaction, since no authority higher than the state exists to enforce national will, laws, or norms. Its adherents take a positivist approach to international law, emphasizing what *is* rather than what *ought* to be. The power approach has both aggressive and defensive forms. On the aggressive side, it is willing to impose interests, or in some cases norms, through the use of force. Its more defensive

variant favors the promotion of interest by noncoercive means, such as multilateralism and international law.

The cooperative tradition, in contrast, sees an international society—more than a system but not quite a state—underpinned by law and institutions, its parts increasingly interdependent. From this perspective, international politics are shaped less by international anarchy than by custom arising from habitual interaction. Cooperation rather than conflict is the dominant mode of international relations in this tradition. This approach recognizes the existence of international anarchy, on the one hand, but appreciates the value of universal norms on the other. It seeks to reconcile the two by finding the "lesser evil" in policy debates; it concerns itself with matters of law and justice, employs the just war doctrine, looks for the "law behind the law," and seeks multilateral approaches to diplomacy. There are realist and idealist variants of the cooperative approach; the realist aspect tends to employ multilateral approaches for coercive purposes, while its idealist counterpart sees multilateralism as a way of fostering shared norms.

The third tradition sees the world as one of moral solidarity—an international community that should eventually become a state under a central authority. This view sees the world as made up not so much of states or institutions as of individuals and ideas in which domestic and international politics merge. The moral solidarity view is only superficially about relations among states; it focuses more on collective goals, such as human rights, the environment, labor relations, and other matters it considers of importance to humankind. Inherent in solidarism is mutual exclusivity of ideals, and adherents may promote their ideal using evolutionary or revolutionary means. The evolutionary form focuses on promoting universal ideals through noncoercive measures, while revolutionary adherents are willing to enforce their ideas, even by violent means.

Power-based thinking is attractive to states, which seek to protect and advance their own interests and security. Humanitarian intervention has challenged but has in turn been informed by this approach, producing such hybrids as the "right to intervene" and the Bush administration's doctrine of limited preemption.[6] Calculations of national interest remain central to the French and German demand for multilateralism, just as they do to the American and British war on terror. The persistence of the power approach is also partly explained by the longevity of the "unipolar moment," which brings about attempts to counterweight the power of the United States as the sole remaining superpower.

The cooperative approach, nonetheless, has become increasingly embedded in international politics since World War II. The number of international institutions has proliferated in recent years, growing by two-thirds from 1985 to 1999. Such regimes aspire to rein in national power and to harness the best of the moral solidarity imperative by codifying its norms in law. The extensive resort

to just war doctrine and the continued importance of seeking UN mandates, such as in the Kosovo and Iraq episodes, are evidence of the persuasiveness of the cooperative tradition.

An upswing of the solidarist thinking is evident in examining the Kosovo and Iraq crises; the national decisions made in those cases cannot be explained purely in terms of power calculations or the requirements of international law. In the months before the Iraq campaign, the human solidarity imperative remained even for states that did not focus on the humanitarian aspects of the problem. States sought international legitimacy by casting in moral terms the struggles between freedom and liberation and between multilateralism and unilateralism.

Thus the rise of solidarist thinking, the institutionalization of cooperative thought, and the persistence of power-based decision making will make the use of force even more hotly debated in the future. In the Kosovo instance, decision makers satisfied the demands of all three imperatives; where they do not, consensus will be unlikely.

WHAT HAPPENED IN KOSOVO

In March 1999, NATO launched an aerial campaign over Serbia. Extensive diplomacy, including three Security Council resolutions and negotiations convened under threat of coercion, had failed to resolve the crisis caused by "ethnic cleansing" perpetrated against ethnic Albanians in the Serbian province of Kosovo.[7] By consulting all three traditions, each nation found a combination of political, legal, and moral grounds that overcame resistance to the decision to intervene.

Germany and France initially demanded a UNSC mandate, insisting that without it the action would be illegal under international law. They later reversed their positions, for different reasons. Germany was reacting to a tension within the cooperativist tradition that pitted its post–World War II commitment to international law and multilateralism against its strong wish to be a responsible, reliable international partner.[8] The German position also revealed a tension within solidarism: its left-leaning coalition government was torn between a tradition of pacifism and a desire to uphold human rights and humanitarianism. In the end, the commitments to reliable international partnership and to humanitarian values overcame pacifism and insistence upon multilateralism. The result was a watershed event:[9] the German troops sent to Kosovo were the first ordered to participate in offensive military operations in fifty years—and the decision had been made without a UNSC mandate.[10] The German case, then, was essentially a tension between elements of the cooperative and solidarist traditions, in which the moral component tipped the scales toward intervention.

France's stance on authorization reflected a desire to bolster its position as a veto-bearing member of the Security Council; it rested authority solely on the authority of previous council resolutions.[11] Yet it had to claim this legitimacy without the resolution that it had previously insisted upon throughout the crisis.[12] This insistence reflected long-standing reservations about American dominance of NATO and European security affairs, and France's aspiration to a leadership role on the continent.[13] Throughout the crisis, French officials expressed concern about "a new American unilateralism."[14] To reverse his stance on the UN mandate, President Jacques Chirac declared that "the humanitarian situation constitutes a ground that can justify an exception to a rule, however strong and firm it is."[15]

France framed its arguments in just war terms—in particular, the fulfillment of the principle of last resort and NATO's just cause in the face of Milosevic's barbarous crimes and continued recalcitrance. The French justification was also a moral one, not just because of humanitarian aims but in its sense of spreading French values as universal norms, especially the "matter of human rights on our continent."[16] The French approach was thus essentially a hybrid of power and solidarist thinking, with multilateralism supporting both.

The British, for their part, claimed the existence of an "humanitarian exception" to the authority of the Security Council and cited previous resolutions as a legal basis.[17] The British justification represented a blend of strong cooperativist and solidarist traditions. Prime Minister Tony Blair explained, "This is a just war, based not on any territorial ambitions but on values. We cannot let the evil of ethnic cleansing stand. . . . We have learned twice before in this century that appeasement does not work. If we let an evil dictator range unchallenged, we will have to spill infinitely more blood and treasure to stop him later."[18] Blair further framed the crisis as a fight between the forces of order and "a disintegration into chaos and disorder" in which "many regimes . . . are undemocratic and engaged in barbarous acts."[19] Whereas the Germans saw tension between values and interests, Britons accepted what Blair called a "subtle blend of mutual self interest and moral purpose" in which "the spread of our values makes us safer."[20] The British approach was thus a harmony of cooperativist and solidarist thinking.

The United States based its legal justification on previous Security Council resolutions, the impending humanitarian emergency, and a threat to peace and security in the region. In the debates within the U.S. government, justification was framed in terms of the national interest. By the end of the 1990s, the administration believed it had exhausted congressional patience with requests for troops where vital national interests were not at stake. In any case, interest-based arguments resonated with the American people as well, as did emphasis on U.S.

rather than UN authorization to act. The American case was thus essentially power based, with moral claims and legal aspects adduced in support.

The three traditions, then, were clearly present in the decision making of each of the four countries in 1999. All three dimensions had to be accommodated to make consensus possible. The lesson of the Kosovo case is that diverging attitudes can be reconciled if decision makers satisfy the demands of all three imperatives. It also points to an upswing in the power of the solidarist arguments, which forcefully challenged both strictly power-based calculations of national interest and cooperativist attachment to international law.

WHAT HAPPENED IN IRAQ

The Iraq case shows that the ethical dimension was influenced by two contending agendas for the future of international order. Even though the Americans and British, on one side, and the French and Germans, on the other, differed on justification and authorization, both viewed Iraq, as they had Kosovo, in the context of a struggle between "civilization" and "barbarity." Their visions of civilization, however, were sharply at variance. The American and British leaders saw a struggle between human liberty and oppression, between democracy and dictatorship; the French and Germans saw a contest between multilateralism and unilateralism, between collective responsibility and superpower prerogative.[21]

Ethical determinations regarding authorization and justification were shaped by these contending viewpoints, just as these lenses continue today to color judgments on the decisions of early 2003. One such judgment is that important moral dimensions were not taken account of at the time; in particular, there was insufficient frank discussion of the humanitarian costs of the alternatives of war and of continued coercive diplomacy and containment.

The November 2002 vote on Security Council Resolution 1441 was viewed as a referendum on war with Iraq. France insisted that its vote in favor of the resolution was meant to "strengthen the role of the UN";[22] this insistence reflected France's interest in strengthening its own international position as a permanent member of the Security Council. The United States and Britain saw UNSCR 1441 as fulfilling the last-resort principle; France and Germany disagreed, countering that "the conditions for using force against Iraq are not fulfilled."[23] The Germans insisted that "the unity of the [UN Security] Council is of central importance" and, in light of that imperative, argued for a continuation of containment, sanctions, and no-fly zones.[24] Nonproliferation regimes had not, Berlin felt, been fully exploited; the Germans held that "peaceful means have therefore not been exhausted," that the Security Council was "crucial to world order" in the future, and that war should be avoided.[25] The German approach was thus cooperativist, but because it allowed no military option at all, it was also solidarist, taking the form of an idealized multilateralism.

President Chirac took a moral-exclusivist stance as well, on the necessary source of authority for war. He maintained that the UN was "the only legitimate framework for building peace, in Iraq and elsewhere" and that France would advance its principles through collective action.[26] Other French officials, meanwhile, were arguing that adherence to international law was a moral obligation, that only such law could legitimate the use of force, and that France must advance the idea of collective responsibility.[27] At home, Jacques Chirac's popularity soared in proportion to the anti-American nature of his stance.[28] Just as in the Kosovo case, France's position was thus a moralized power-based approach, with the cooperative tradition in a supporting role.

The British, as they had in Kosovo, insisted upon a sound legal basis for intervention in Iraq. The British attorney general declared that military action would not violate international law, though other lawyers insisted on the opposite.[29] The British people insisted on either proof of the existence of weapons of mass destruction or issuance of a UN mandate.[30] Politicians called for a separate Security Council mandate for the reconstruction of Iraq, in order to avoid a postwar occupation situation; the prime minister accordingly persuaded the Americans to seek a second Security Council resolution for intervention. Yet the British stance was as moral as it was legal. Echoing his approach in 1999, Blair couched the threat as "disorder and chaos" that jeopardized other foreign policy aims such as the alleviation of poverty, protection of the environment, and the promotion of international health. The threat, he held, was embodied in states and groups that "hate our way of life, our freedom, our democracy."[31] As in the Kosovo case, the struggle was not with the people of the Iraqi nation but with "barbarous rulers" who defied collective norms and laws.[32] Thus the British argument, like the German position, was a combination of strong cooperative and solidarity approaches.

The United States relied on previous Security Council resolutions to authorize intervention—a cooperativist approach. This tradition was also apparent in American just war arguments. Washington interpreted UNSCR 1441 and subsequent inspections as giving Saddam his last chance, beyond which lay force, the last resort. Secretary Powell later recalled, "We gave diplomacy every chance. . . . [W]e could wait no longer."[33] The power approach was also clearly evident in the American case: "The United States of America has the sovereign authority to use force in assuring its own national security."[34]

Thus cooperative and power-based imperatives informed the way the United States viewed authorization for war. However, the roles of both had their limits. While legal advisers suggested that the American presence in Iraq was technically an occupation, the moral imperative of "liberation" was more important. The president made Iraqi liberation the centerpiece of his 2003 Captive Nations

Week address.[35] Stating his case at the UN General Assembly before the war, the president emphasized solidarity with the Iraqi people, who had, he said, "suffered too long in silent captivity." He explained, "Liberty for the Iraqi people is a great moral cause, and a great strategic goal."[36] Finally, the whole approach was couched as a great struggle for human liberty. The idea of liberation is central to solidarist thinking.

In his well known June 2002 West Point graduation speech, the president spoke of the American "commanders who [had] saved a civilization."[37] In his speech at the war's end, he likened the American posture to Franklin D. Roosevelt's Four Freedoms, the Truman Doctrine, and Ronald Reagan's "evil empire" doctrine.[38] Clearly, Bush saw the state of the world as a struggle between the civilized forces of democracy and human liberty, on one side, and the barbaric forces of oppression on the other.[39] The American position, like that of the French, was thus a strongly solidarist version of the power-based approach. Like the German and British, they had similar approaches but reached opposite conclusions on intervention. Likewise the German and French reached the same conclusion from different motives.

Decision makers did not reach agreement, as they had four years earlier, and policy and diplomacy have suffered thereby. In particular, the Iraqi people and the men and women of the coalition forces have lost the benefits that could have accrued from increased international cooperation. But it is not too late.

A WAY AHEAD

The Kosovo crisis was a turning point for international politics, but was it a death knell for the international legal order? Can states take steps to heal the breach? The lesson of the collective Kosovo decision of the NATO nations was that if the demands of three contending imperatives—the fundamental, underlying "mixed motives"—are met, diplomacy benefits and consensus emerges. In 2003, in contrast, decision makers on both sides of the intervention debate showed disappointing unwillingness to recognize the lessons of the Kosovo campaign, and in this sense Iraq was an opportunity lost. If the structural deficiencies that exacerbate discord are addressed, however, cohesive policy is possible. Even before then, there are some practical steps that states can take.

Accept the Dilemma of Mixed Motives. Policy makers can resist temptations to exploit seeming inconsistencies in policy to their political advantage. They can instead ratchet down the rhetoric and accept, as Michael Walzer urges us, that "the lives of foreigners don't weigh that heavily in the scales of domestic decision making. So we shall have to consider the moral significance of mixed motives."[40] In both the Kosovo and Iraq cases, there existed neither strictly realpolitik nor

purely cooperative positions. Leaders can help publics recognize the dilemma of diverging moral imperatives, just as they acknowledge contending interests and varying, even conflicting, legal interpretations.

Make the Humanitarian and Human Rights Case. One of the casualties of the trend toward polarization between the war on terror and the multilateral imperative was the thorough discussion of humanitarian considerations. Justifications offered before the Iraq intervention, and criticism of those justifications, did not bear out the promise of what some human rights advocates had seen after the Kosovo intervention as "the beginning of the new age of human rights enforcement."[41]

The United States and Britain produced reports regarding Saddam Hussein's abuses but did not refer to them extensively. Human rights and humanitarian officials were surprisingly absent from the debates.[42] The French/German side argued for disarmament rather than regime change, whereas the American/British coalition called for the use of force. The human rights/humanitarian argument for the removal of Saddam Hussein but against the use of force was not fully heard, and this was a missed opportunity. First, the suffering of the Iraqi people, concealed for years by limited access, could have been more fully exposed. Second, such arguments would have resonated with publics and citizens, who deserved but did not see an open and careful weighing of the human costs and benefits of either containment or military intervention.[43] Finally, such an argument, forcefully made, would have increased pressure on regional regimes to censure Saddam Hussein.

Establish Criteria for Just War Decision Making. Just war criteria reemerged in the 1990s as a framework for moral arguments about the use of force. In 2003, it at least made the language of proper authority, just cause, and right intention central in public pronouncements. In part, the ethic was popular with governments because it gave them general and persuasive norms to which to appeal, rather than specific and possibly binding laws. That such words resonate with publics, however, is no doubt the main reason leaders use them. Decision makers should establish criteria applying just war principles to various situations such as rogue states possessing WMD, reducing the temptation to wield just war doctrine solely as a political tool and thus enhancing its usefulness in general.

UNIVERSAL VALUES: MORAL TALK IS STATE PRACTICE

The moral dimension played an important role in the political and legal debates about authorization and justification of intervention in Kosovo and Iraq. The moral element was not merely "tacked on" or secondary; rather, it informed legal and political considerations, overcoming objections to the use of force in Kosovo and causing a standoff among NATO allies with regard to Iraq.

The lesson is that of the three imperatives that influence international behavior, the solidarist approach will be increasingly important in the decades ahead but that laws and institutions have not caught up to the social reality. This is nothing new. In the nineteenth century, the dominance of the power tradition stimulated bilateral international relations and brought an institutionalized balance of power. In the twentieth century, the cooperative approach prevailed in the aftermath of two world wars, and multilateralism and international institutions proliferated. Entering the twenty-first century, the solidarist imperative is on the rise, fostered by transnational movements, the democratization of information technology, and other trends.[44] Current political and legal structures are inadequate to address this increasingly collective consciousness, on one hand, and increasing transborder threats, state failure, and poverty on the other. The legitimacy of unilateralism and multilateralism is no longer the issue; the need is for a three-tiered diplomacy that integrates—by addressing simultaneously—the persistence of power, the embedded nature of cooperation, and the reemergence of the solidarist imperative.[45]

A way to begin is to identify and bolster the elements of the old order that nations hold most dearly and in common. Norms of humanitarian intervention, protection, and prevention of WMD proliferation have all been proposed as ripe for codification, but states continue to resist engaging the matter.[46] A decade after the Rwanda genocide, decision makers have yet to develop criteria for responding to such crises. In his address to the UN on 23 September 2003, Kofi Annan lamented that the international community was "hesitant and tardy" in engaging in "serious discussions of the best way to respond to threats of genocide or other comparable massive violations of human rights."[47] With that task still undone, leaders must now agree upon criteria for countering imminent threats of rogue states and terrorists armed with weapons of mass destruction. Codification and criteria development will be a difficult process, but one well worth the diplomatic toil.[48]

That said, nations should give existing universal values a chance. Western intellectuals are often the quickest to question the universality of norms, such as those in the Universal Declaration of Human Rights. They can do so only by ignoring the fact that the declaration had international authorship and offers international benefits.[49] Likewise, critics may continue to argue that the trend away from United Nations mandates means that all talk of right and wrong should be expunged from the law and replaced by state practice. The Kosovo and Iraq decisions, however, show that moral talk *is* state practice. The reason is that, despite significant legal and political disagreements surrounding authorization and justification for forcible intervention, fundamental freedoms, to those who do not yet possess them, remain more than rhetorical.

NOTES

1. Daniel Casse, "The War of Ideas: A Look at the Men and Women Who Shape Bush's Bold Foreign Policy," *Wall Street Journal,* 10 March 2004, available at www.opinionjournal.com/forms/printThis.html?id=110004795.

2. Michael Glennon, "Why the Security Council Failed," *Foreign Affairs* (May/June 2003), p. 32.

3. For a power-based look explaining the French and British positions as a contest for leadership on the European continent see John O'Sullivan, "The British-French Duel," United Press International, 24 March 2003. For a strictly economic argument explaining the American position as a contest for control of Iraqi oil fields see Jeffrey Sachs, "Saudi Arabia Was Real Target in Iraq War," *Financial Times,* 12 August 2003, available at www.globalpolicy.org/security/issues/iraq/justify/2003/0812target.htm. For a human rights perspective, see Ken Roth, "War in Iraq: Not a Humanitarian Intervention," *Human Rights Watch,* available at hrw.org/wr2k4/3.htm. For a just war analysis supporting the war, see George Weigel, "Iraq and Just War, Revisited," available at www.catholicexchange.com/vm/PFarticle.asp?vm_id=2&art_id=23364&sec_id=44806.

4. Martin Wight, *International Theory: The Three Traditions* (New York: Holmes and Meier, 1992), pp. 7–24.

5. In reference to Thomas Hobbes (1588–1679, English philosopher), Hugo Grotius (1583–1645, Dutch jurist and statesman), and Immanuel Kant (1724–1804, German philosopher). Stewart Patrick, "Beyond Coalitions of the Willing: Assessing U.S. Multilateralism," in *Strategy and Force Planning*, 4th ed., ed. Security, Strategy, and Forces Faculty (Newport, R.I.: Naval War College, 2004), pp. 589–602.

6. Right to intervene or "right of interference": see, for example, Bernard Kouchner, "The Future of Humanitarianism," twenty-third annual Morgenthau Memorial Lecture on Ethics and Foreign Policy, Carnegie Council on Ethics and International Affairs, 2 March 2004, available at www.cceia.org/media/23%20MML.pdf. Doctrine of limited preemption: George W. Bush, *The National Security Strategy of the United States of America* (Washington, D.C.: September 2002), p. 15.

7. The UN Security Council resolutions were UNSCR 1160 of 31 March 1998, calling upon Belgrade and the Kosovo Albanian leaders to enter into meaningful dialogue with international involvement, for the return of refugees and a solution to the political problems in Kosovo, and an understanding that the territorial integrity of Yugoslavia should be maintained and the rights of the Kosovo Albanians respected; UNSCR 1199 of 23 September 1998, calling for a cessation of hostilities, endorsement of international monitoring, and the establishment of Kosovo Diplomatic Observer Mission (KDOM); and UNSCR 1203 of 24 October 1998, endorsing the agreements between Yugoslavia and the Organization for Security and Cooperation in Europe (OSCE) inserting an observer mission and between Yugoslavia and NATO, and calling for the use of force in Serbia in the form of unarmed aerial observer missions to verify compliance with the cease-fire and refugee returns. Additionally, the Security Council issued, in the form of presidential statements, condemnations of the Racak massacre (19 January 1999) and Belgrade's declaration of the head of the Kosovo Verification Mission (KVM) as persona non grata (29 January 1999). It further condemned the barring of the prosecutor of the International Criminal Tribunal for the Former Yugoslavia from Yugoslavia after the Racak massacre, and the shooting of KVM personnel.

8. Article 25 of the German Basic Law states: "The general rules of public international law form part of the Federal law. They take precedence over the laws and directly create rights and duties for the inhabitants of the Federal territory."

9. Defense Minister Rudolf Scharping declared the Kosovo operation "very clearly . . . a turning point in German foreign policy. . . . [I]n my view, this is a turning point in a certainly positive way." Echoing Gerhard Schroeder, he referred to German responsibility among nations, stating, "For the first time we accept responsibility in such a fundamental matter, and Germany is part of Europe, of the western democracies, and not opposed to them as

it was until the end of World War II." Rudolf Scharping, interview with Richard Meng, *Main Frankfurter Rundschau,* Internet version, 27 March 1999, Federal Broadcast Information Service (FBIS), FBIS-WEU-1999-0327.

10. Adrian Hyde-Price, "Berlin Republic Takes to Arms," *World Today* (June 1999), p. 13, quoted in Pierre Martin and Mark R. Brawley, eds., *Alliance Politics, Kosovo, and NATO's War: Allied Force or Forced Allies?* (New York: Palgrave, 2000), p. 131. German troops had participated in earlier crisis-management operations in the 1990s, including service in Somalia, Cambodia, and Bosnia. See David Yost, *NATO Transformed*: *The Alliance's New Roles in International Security* (Washington, D.C.: U.S. Institute of Peace, 1999), p. 189.

11. Ministère des Affaires Étrangeres Dossiers d'archive, "Legal Basis of the Action Undertaken by NATO" (Paris, 25 March 1999), available at www.france.diplomatie.fr/actual/dossiers/kossovo/kossovo.html.

12. Craig R. Whitney, "French Are Gearing Up to Join in Dousing the Flames in Kosovo," *New York Times,* 25 January 1999, p. A6.

13. Throughout the Kosovo crisis, France was engaged in promoting European Security and Defense Policy (ESDP), the purpose of the December 1998 meeting at Saint Malo with Prime Minister Tony Blair of the United Kingdom and Prime Minister Lionel Jospin and President Jacques Chirac of France. See Dimitris Keridis and Robert L. Pfaltzgraff, Jr., *NATO and Southeastern Europe: Security Issues for the Early 21st Century* (Dulles, Va.: Brassey's, 2000), and Fraser Cameron, *The Foreign and Security Policy of the European Union Past, Present and Future* (Sheffield, U.K.: Sheffield Academic, 1999).

14. John Vinocur, "Going It Alone, U.S. Upsets France; So Paris Begins a Campaign to Strengthen Multilateral Institutions," *International Herald Tribune,* 3 February 1999, p. 1. In January 1999, Prime Minister Jospin announced, "We're confronted with a new problem on the international scene. The United States often behaves in a unilateral manner and has difficulty in assuming the role it aspires to as organizer in the international community." In February 1999, Foreign Minister Hubert Vedrine described the

United States as a "hyperpower" that had to be counterbalanced. In an interview with *Libération,* Vedrine suggested five steps to countering American power: solid nerves; perseverance; methodical widening of the bases of agreement among Europeans; cooperation at each stage with the United States, combining friendship and the will to be respected, while defending in all circumstances organized multilateralism and the prerogatives of the Security Council; preparation—politically, institutionally, and mentally—for the moment when Europe has the courage to go farther.

15. Jacques Chirac, press conference at the Palazzo Vecchio in Florence, 6 October 1998, cited in Ivo H. Daalder and Michael E. O'Hanlon, *Winning Ugly: NATO's War to Save Kosovo* (Washington, D.C.: Brookings Institution, 2001), p. 44.

16. Jacques Chirac, Speech to the French People, 24 March 1999, available at www.diplomatie.fr/actual/dossiers/kossovo/kossovo6.gb.html.

17. United Nations Security Council S/PV.3988, 24 March 1999, available at ww.uu.nl/content/PV-3988.pdf.

18. Tony Blair, "Doctrine of the International Community," in *Strategy and Force Planning*, ed. Security, Strategy, and Forces Faculty, pp. 569–79.

19. Tony Blair, "Chaos and Disorder," House of Commons, 23 March 1999, available at www.parliament.the-stationery-office.co.uk/pa/cm199899/cmhansrd/vo990323/debtext/90323-03.htm. Blair, "Barbarous Acts," and "Doctrine of the International Community."

20. Ibid.

21. During the 1999 Kosovo debates, Chirac offered a plan to counter U.S. "unilateralism"—a proposal made to the French diplomatic corps that the UN General Assembly consider reshaping the international order based upon "collective sovereignty." He listed seven principles, the first (at the unnamed Americans) advocating "collective responsibility" in international action "excluding unilateral temptations and leading to shared management of the global risks and threats that weigh on our peoples." Vinocur, "Going It Alone."

22. *NewsHour with Jim Lehrer,* 8 November 2002.

23. "Battle of the Rival Texts," *Guardian Unlimited,* available at www.guardian.co.uk/Iraq/Story/0,2763,902543,00.html.

24. Joschka Fischer, "Statement by Minister for Foreign Affairs of the Federal Republic of Germany, Mr. Joschka Fischer: Public Meeting of the Security Council on the Situation between Iraq and Kuwait, New York, 5 February 2003," available at www.germany-info.org/relaunch/politics/speeches/020503.htm.

25. Joschka Fischer, "Statement by Minister for Foreign Affairs of the Federal Republic of Germany, Mr. Joschka Fischer: Public Meeting of the Security Council on the Situation between Iraq and Kuwait, New York, 19 March 2003," available at www.germany-info.org/relaunch/politics/speeches/031903.htm.

26. Jacques Chirac, 20 March 2003, available at special.diplomatie.fr/imprimer_gb.php3?id_article=191.

27. Dominique de Villepin, "Law, Force and Justice," speech delivered to the International Institute for Strategic Studies, 27 March 2003, available at special.diplomatie.fr/imprimer_gb.php3?id_article=240.

28. Philip Delves Broughton, "Chirac's Tough Stand Wins Friends at Home," *Daily Telegraph,* 17 March 2003, available at www.telegraph.co.uk/core/Content/displayPrintable.jhtml?xml=/news. Sixty percent of French citizens opposed the war with or without a UN mandate, a level of opposition second only to the Spanish in Europe. Support for the war rose significantly in Britain and Germany with the prospect of a separate Security Council resolution ("A Review of Worldwide Support (or Lack of It) for War on Iraq," *Eriposte,* www.eriposte.com/war_peace/iraq/iraq_war_worldwide_support.htm.

29. Clare Short, "Full Text: Clare Short's Statement," *Guardian*, 18 March 2003, available at www.guardian.co.uk/Iraq/Story/0,2763,916678,00.html.

30. Support for the war in Britain was 75 percent with both proof of WMD and a UN mandate, 46 percent with proof alone, 41 percent with a mandate only, and 24 percent with neither. "War with Iraq" (poll), *MORI Social Research Institute,* www.mori.com/polls/2003/iraq2.shtml.

31. Tony Blair, "Britain Has Never Been a Nation to Hide at the Back," *Guardian,* 21 March 2003, available at www.guardian.co.uk/Iraq/Story/0,2763,918661,00.html.

32. Ibid.

33. Colin Powell, "Speech to the American Israel Public Affairs Committee, 31 March 2003," available at www.guardian.co.uk/Iraq/Story/0,2763,296277,00.html.

34. George W. Bush, "War Ultimatum from the Cross Hall in the White House, 18 March 2003," available at www.guardian.co.uk/Iraq/Story/0,2763,916543,00.html.

35. "A Proclamation by the President of the United States: Captive Nations Week, 2003," available at www.whitehouse.gov/news/releases/2003/07. The Captive Nations Week Resolution, signed by President Eisenhower and passed as Public Law 86-90 on 9 July 1959, declared, "Those submerged nations look to the United States, as the citadel of human freedom, for leadership in bringing about their liberation and independence and in restoring to them the enjoyment of their Christian, Jewish, Moslem, Buddhist, or other religious freedoms, and of their individual liberties." Despite its bold wording, successive presidents ignored the law, and liberation theory was often credited more as a domestic political strategy to "roll back" political opposition rather than communism. See, for example, Perry L. Weed, *The White Ethnic Movement and Ethnic Politics* (New York: Praeger, 1973), and John W. Spanier, *American Foreign Policy since World War II,* 11th ed. (Washington, D.C.: CQ Press, 1988). Whereas previously most administrations minimized commemoration of captive nations and liberation theory altogether, the Bush administration, like the Reagan administration before it, seems willing to act on it.

36. George W. Bush, "President's Remarks at the United Nations General Assembly," 12 September 2002, available at www.whitehouse.gov/news/releases/2002/09/print/20020912-1.html.

37. George W. Bush, "President Bush Delivers Graduation Speech at West Point," 1 June 2002, available at www.whitehouse.gov/news/releases/2002/06/print/20020601-3.html.

38. George W. Bush, "President Bush Announces Major Combat Operations in Iraq Have Ended: Remarks by the President from the USS *Abraham Lincoln*," available at www .whitehouse.gov/news/releases/2003/05/iraq/ 20030501-15.html. The Four Freedoms were those of speech and worship, and from want and fear (declared 6 January 1941 and incorporated in the August 1941 Atlantic Charter); Harry S. Truman declared on 12 March 1947 his determination to extend military and economic aid to any nation threatened by communism; on 8 June 1982 President Ronald Reagan asserted the need to promote and extend freedom in the face of the "totalitarian evil" represented by the Soviet Union.

39. In a half-hour address in November 2003, he used the terms "freedom" and "liberty" fifty-four times, and "democracy" thirty times, mentioning national interests only once. George W. Bush, "Remarks by the President at the 20th Anniversary of the National Endowment for Democracy," 6 November 2003, available at www.whitehouse.gov/news/ releases/2003/11/print/20031106-3.html.

40. Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (New York: Basic Books), pp. 101–102.

41. David Chandler, *From Kosovo to Kabul: Human Rights and International Intervention* (London: Pluto, 2002), p. 12.

42. See, for example, Bernard Kouchner, "France Is at an Impasse," *Le Monde*, 3 March 2003, available at watch.windsofchange.net/ themes_45.htm.

43. See, for example, Walter Russell Mead, "Deadlier than War," *Washington Post*, 12 March 2003, p. A21.

44. The international campaign to ban land mines is an example of the way trans-state movements are already interacting with states and multilateral institutions to shape policy.

45. Martin Wight found that the tradition that focuses on moral solidarity, what he called "Revolutionism," has emerged not as a steady stream of thought but rather in waves. Examples of the preeminence of the tradition in international politics include the Wars of Religion, the French Revolutionists, and twentieth-century totalitarianism. Martin Wight, *International Theory: The Three Traditions* (New York: Holmes and Meier, 1992), p. 10. The current phenomenon of radicalized religious movements using international terrorism may be interpreted as a fourth wave of this tradition.

46. For example, *The Responsibility to Protect*, Report of the International Commission on Intervention and State Sovereignty (Ottawa: Department of Foreign Affairs and International Trade, December 2001), available at www.dfait-maeci.gc.ca/iciss-ciise/report-en .asp; and Lee Feinstein and Anne-Marie Slaughter, "The Duty to Prevent," *Foreign Affairs* 83, no. 1 (January/February 2004), pp. 136–50.

47. Kofi Annan, "Secretary General's Address to the General Assembly, New York, 23 September 2003," available at www.un.org/News/ ossg/sg/pages/23sept.htm.

48. See Martin Wight, "Western Values in International Relations," *Diplomatic Investigations: Essays in the Theory of International Politics* (Cambridge, Mass.: Harvard University Press, 1966), p. 111.

49. Mary Ann Glendon, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights* (New York: Random House, 2001).

JUS POST BELLUM

The Moral Responsibilities of Victors in War

Rear Admiral Louis V. Iasiello, Chaplain Corps, U.S. Navy

> *The dogmas of the past are inadequate to the stormy present. The occasion is piled high with difficulty, and we must rise to the occasion.*
>
> ABRAHAM LINCOLN

Coalition nations enjoyed swift and decisive military victories in Operations DESERT STORM, ENDURING FREEDOM, and most recently, IRAQI FREEDOM.[1] At first look, these decisive military victories should prove that in regard to America's application of military force, it is no longer a question of *if* its military will win its major battles but of when and how:

> The outcome of war used to be the overriding question. Nowadays, when it is West vs. non-West, the vast disparity in economics, technology, materiel, training and organization virtually assures a Western victory. This assumed, the attention focuses on very different matters, such as the duration of hostilities and the number of casualties.[2]

Unfortunately, the post-battle experiences of these same operations illustrate the difficulty of achieving *post bellum* objectives and, in particular, the ultimate goal of all just conflicts—the establishment of a just and lasting peace.

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Two years have passed since the collapse of the repressive Taliban regime in Afghanistan. Despite the swift and decisive battlefield victories of Operation ENDURING FREEDOM, some critics point to the fact that less than half the country is under the firm control of the newly established Kabul government.[3] In Iraq, despite the swift defeat of the army, the subsequent collapse of the tyrannical government, and the capture or death of many key military and political leaders, many Iraqis still live in fear and do not enjoy what coalition officials anticipated, the exhilaration of liberation. Why has the *post bellum* phase of these

conflicts proved such a challenge to the victors of battle? Perhaps the reason is, in part, a failure to update and revise the just war theory, a theory that has survived for millennia because it is "an historically conditioned theory," one in a state of perpetual transition.[4] It is a theory that has been continually adapted to reflect changes in civilizations, cultures, religions, politics, and even military strategy.

This article examines a relatively undeveloped aspect of just war theory, *jus post bellum,* or the post-battle considerations of war. In an era when military victories on the battlefield are virtually assured for the United States and its allies, we must recognize the critical nature of *post bellum* operations and devote more attention to the development of a theory that will drive operational concerns in the post-conflict stages of occupation, stabilization, restoration, and other aspects of nation building. Thorough planning for this sometimes neglected aspect of war may ultimately save thousands of combatant and noncombatant lives, and quite possibly billions of dollars. The lessons of recent U.S. operations and today's geopolitical realities demand nothing less. Let us proceed to a review of the traditional understanding of the theory of just war.

THE TRADITIONAL CATEGORIES OF JUST WAR THEORY

> *We want no war of conquest. War should never be entered upon until every agency of peace has failed.*
>
> WILLIAM MCKINLEY

Humanity has long pondered the morality of war and the ethical conduct of combatants in war. Moral persons who hold to the ethical and religious principle that killing is wrong view the unjustified taking of another human life as murder. While most cultures hold to the principle that the taking of human life is indeed wrong, the question must be asked whether any killing is ever justified. Are there situations or conditions in which killing is required as a moral obligation? If killing is ever justifiable, what moral limits must be placed on it to ensure that it remains justified throughout the conflict? Civilized persons, recognizing the tragic nature of war and the various dicta prohibiting killing, question not only whether war is just but also whether it is avoidable:

The standard poles of morality—good and evil—seem inadequate when we talk about war, or perhaps too adequate: they are words that leap to mind, but they obscure more than they illuminate about what actually happens in war. These words are too certain; they allow too little room for the moral compromise at the very heart of war—the brutal acts for the sake, one hopes, of a good outcome. And so, for the past two thousand years at least, the Western vocabulary for the moral nature of war has

revolved around the idea not of the "good" war but of the "just" war, a notion that suggests reluctant duty to do battle and hints at the tactical advantages of having God on one's side.[5]

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Since ancient times, philosophers, theologians, statesmen, lawyers, and warriors have debated the nature of warfare and have struggled to define the ethical boundaries of the justified use of force in conflict scenarios *(jus ad bellum)* as well as the appropriate, just, humane, or legal parameters of ethical behavior in war *(jus in bello).* This critical body of work is reflected in the sacred writings of the world's major religions, in the laws of ancient civilizations, in ecclesiastical pronouncements, international law, and the treaties, agreements, and charters

of organizations and conventions regulating the conduct of nations. It is also found in the body of ethical reflection called the "just war tradition."

Some of the morally defensible and historically accepted criteria or principles for declaring war (a matter of *jus ad bellum*) include: just cause, right intention, just authority, potentiality (potential for success), proportionality, last resort, and, for some just war theorists, a formal declaration of war. Just wars are not justified merely by utilitarian criteria; they are justified by their means and by principles and virtues as well. The criteria presented by theorists are not to be used as some sort of just war checkoff list or moral calculus, and they are not to be viewed as justifications to wage war.

The second category of just war, *jus in bello*, addresses itself specifically to the moral conduct of those who prosecute war. While the criteria applied to *jus in bello* are not as numerous as those of *jus ad bellum,* they are just as vital to the attainment of the ultimate goal of any just war *(bellum justum)*—the establishment of a just peace. The major criteria of *jus in bello* include proportionality, discrimination, and a continued focus on right intention. In the words of one military theorist, "The centerpiece of military ethics should be the moral application of military force."[6] Taken together, the categories of *jus ad bellum* and *jus in bello* define what is traditionally considered the theory of just war. It is a theory that transcends creed, culture, and politics, an ever-evolving philosophy historically adapted and revised to reflect the ever-changing geopolitical realities faced by those who apply its principles. Current events in Afghanistan and Iraq pose a new and challenging set of such realities. Therefore, we must ask the question: Has the time come to expand the theory of just war and to develop a third category—the *post bellum* dimension of war?

JUS POST BELLUM—AND THE EVOLUTION OF A THEORY

> *If one assumes for the moment—as [many] do—that the rubrics of the just war theory are morally tenable, . . . then post-war behavior must also come under moral scrutiny. If [we] are called upon to probe the moral propriety of entering and conducting war by using the seven* jus ad bellum *principles (which concern justification for using force) and the two* jus in bello *principles (which apply to conduct in war), should they not also be called upon to monitor the moral propriety of conducting a war through some set of* jus post bellum *principles?*
>
> MICHAEL J. SCHUCK

The global wars of the twentieth century illustrate the criticality of war-termination policy and of operational planning for the *post bellum* stage of war. Consider the apparent absence of a war-termination vision for the belligerents of the twentieth century's first global war:

The definition of war aims proved divisive among and within nations. The French demands were deceptively reasonable: they wanted the restoration of Alsace-Lorraine that only a defeated Germany would yield; the English vowed to destroy Prussian militarism and terminate the German threat to the European balance of power. Colonial gains would be incidental rewards. Germany harbored the most ambitious war aims—aims that would have, in fact, established her as the hegemonial power in Europe, hence, a world power in England's place.[7]

Almost eleven million people died in the first global war, and at least twice as many were wounded or injured. Although the war affected the hearts, minds, and politics of most survivors, little was done to foster personal, familial, societal, or national healing or the rebuilding of defeated societies.

The Treaty of Versailles, signed on 28 June 1919, ended World War I. It directed Germany to give up some of its most valuable territories, place the Rhineland under an allied protectorate for fifteen years, and bear both occupation costs and painful postwar reparations. These agreements were to be monitored under the presumably enlightened oversight of the newly created League of Nations. This absence of postwar vision negated, for all practical purposes, any hope of a just and lasting peace. Some would blame Europe's subsequent economic chaos and wounded nationalism, the birth of totalitarianism, and ultimately World War II itself on this lack of war-termination vision.

Both major categories of just war, *jus ad bellum* and *jus in bello,* include *right intention* among their criteria. Within the context of going to war, right intention refers to the justice of the war itself *(jus ad bellum).* For example, Augustine wrote that wars fought with the intention of achieving or restoring justice, or otherwise doing good, produced good for both neighbor and enemy alike. In this sense, right intention directs that war be waged with the intention of establishing good order (a just and lasting peace) or of correcting an unjust one. For Augustine, right intention also meant the love of both neighbor and enemy alike, and that war never be waged for reasons of hatred, anger, or revenge. Just wars, then, are not waged to promote tyranny, oppression, or domination, or conducted for a nation-state's economic or political gain: "True religion looks upon as peaceful those wars that are waged not for motives of aggrandizement, or cruelty, but with the object of securing peace, of punishing evil-doers, and of uplifting the good."[8]

Throughout the centuries, other conditions or intentions have been used to justify war. For example, wars have been waged to stop or punish aggressors or to reestablish civil order. Offensive operations have been justified as preemptions of anticipated unjust uses of force and as interventions to stop genocide or other grave injustices. It has been argued that these are just intentions and that just war theory should accommodate the concept of just intervention and, quite

possibly, just preemption. Professor J. Bryan Hehir has suggested that today's political climate demands we move from a presumption *against* the use of force to a presumption *for* justice, and he cites injustices in Rwanda, Somalia, and Bosnia as examples of why the presumptions must change.[9] Certainly these interventions appear to have been motivated by concern for the welfare of others and therefore have been in the spirit of right, or just, intention.

When applied to the second major category of just war, *jus in bello,* right intention relates to just behavior in war—the tactical, operational, and strategic decisions made for and by combatants. Commanders must continually weigh the principles of discrimination and proportionality against the demands of military necessity. In 1863 Francis Lieber defined military necessity as "those measures . . . indispensable to securing the ends or goals of war."[10] Military necessity, then, refers to actions that must be taken if military objectives are to be achieved; *jus in bello* demands these goals be achieved with minimal loss of life and resources. Decisions made by operational commanders directly impact the lives of their troops, the lives of the enemy and of noncombatants in the theater of war; these decisions and the behavior of belligerents will ultimately enhance or lessen the likelihood of a just peace. In the United States, combat personnel receive, at a minimum, limited training in the principles of just warfare, the just war tradition, and military standards of conduct and core values, and before combat they are familiarized with rules of engagement for that specific operation. This type of ethical orientation will ordinarily enable warriors to remain morally focused and righteous in their intentions, even in the fog of war and under the psychological pressures of combat.

From war's inception *(jus ad bellum)* and throughout its prosecution *(jus in bello),* the goal of all should be the establishment of a just and lasting peace. Therefore, the long-term consequences of even a justified use of force require that just intention extend into the *post bellum* stage, thus demanding our consideration of a third category of just war theory *(jus post bellum).*

As recent events in Afghanistan and Iraq attest, nations must fight wars with a war-termination vision and plan carefully for the post-conflict phase. Doing so, or failing to do so, may make or break efforts to restore order, heal hostilities, and rebuild societies. Nations must recognize the sensitive nature of postwar operations and train their troops to participate in these operations—including facilitating, when appropriate, an honorable surrender, rebuilding infrastructure, reestablishing societal institutions, restoring the environment, providing for *post bellum* justice and the rule of law, and building a spirit of reconciliation and cooperation with former enemies.

Post bellum activities should be guided by both legal and moral precepts. There are two primary sources that address the legal conduct and activities of a

victorious armed force in the postwar phase of occupation: the Fourth Geneva Convention of 1949 (concerning the protection of civilian persons in time of war, articles 47–79), and the Hague Convention IV of 1907 (respecting the laws and customs of war on land, articles 42–56). Are there also moral precepts to guide the *post bellum* activities of victors, and if there are, what principles or potential criteria should set the moral parameters of behavior in the post-combat phase of war? Seven come to mind: a healing mind-set, just restoration, safeguards for the innocent, respect for the environment, *post bellum* justice, the transition of warriors, and the study of the lessons of war. Let us use these potential criteria as departure points for our discussion of *jus post bellum*.

A HEALING MIND-SET

Defeat carries with it a trauma that is experienced on many levels: personal, familial, communal, societal, and national, even international. However justifiable a war might be, however many other avenues of statecraft were tried and failed, any use of deadly force will ultimately result in the death of both guilty and innocent alike, and the destruction of property. It would be constructive if both the victors and the defeated entered this post-conflict phase in a spirit of regret, conciliation, humility, and possibly contrition. Such a mind-set may further the healing of a nation's trauma and thus enhance efforts to seal a just peace.

The *post bellum* period usually begins with a cease-fire, armistice, or surrender; if the terms and circumstances are just, they may help a former enemy move beyond the devastation of the present to eventual healing and success *post bellum.* We have just such an example in American history, the surrender of General Robert E. Lee's Army of Northern Virginia in the waning weeks of the Civil War. General Ulysses S. Grant, commander of the Union armies, offered Lee an instrument of surrender reflecting a spirit of conciliation and regret. General Lee remarked that the terms of the surrender would go far toward healing both the defeated and the victors.[11] At the direction of General Grant, Union troops extended to the defeated Confederate soldiers every military courtesy and respect. Grant reminded the victorious troops, "Gentlemen, the war is over; the rebels are our countrymen again."[12] In the final proceedings at Appomattox Court House, officers on both sides of the conflict displayed a poise, insight, and grace that became legendary:

> On 12 April [1865] came the formal laying down of arms. Two Union brigades were drawn up on each side of the road near Appomattox Court House. At the right of the line, mounted, was Major General Joshua L. Chamberlain, former colonel of the 20th Maine, chosen by Grant for this honorable post since he had fought nobly in the last campaign. At the head of the tattered, mud-caked Confederate column rode General [John B.] Gordon, one of Jackson's old captains. . . . As the column approached the

Union lines, a bugle spoke; General Chamberlain had given the order "Carry Arms"—the marching salute. General Gordon raised his downcast eyes when he heard the familiar snap and rattle of the muskets, gave Chamberlain the cavalryman's sword salute, and passed the word to his own men, "Carry Arms!" In complete, awed silence the Confederate column passed at the salute; then, in perfect order, the men stacked arms and cartridge boxes and laid down their flags. At that final symbol of defeat, many broke ranks and, sobbing, pressed the beloved colors to their lips. General Gordon, with moist eyes, addressed the men from horseback, urging them to depart in peace, to obey the laws and work for the future of a reunited nation.[13]

Grant and his officers understood the significance of an honorable surrender and, therefore, the moral responsibilities of victors in the first phase of a *post bellum* environment. Grant's enlightened leadership inspired Federal soldiers to conduct themselves toward their defeated countrymen with respect and humility. Powerful gestures such as allowing Robert E. Lee to retain possession of his sword and horse translated into healing in the midst of a powerful defeat.

More than two thousand years ago, Plato urged Greeks not to construct monuments to honor the victors of war. In doing so he displayed extraordinary insight into the *post bellum* psyche. He apparently understood the dynamics of a constructive *post bellum* environment, fearing that such public observances might fuel hard feelings and thus impede the healing progress. Perhaps celebrations meant to convey the profound thanks of a grateful nation to its troops might translate into the unintended consequence of prolonging hostilities or fueling insurgencies. Plato further recommended that enemies "[fight] as those who intend someday to be reconciled." He offered specific examples of what not to do if a just and lasting peace is the final objective:

> They will not devastate Hellas, nor will they burn houses, [nor] suppose that the whole population of a city—men, women, and children—are equally their enemies, for they know that the guilt of war is always confined to a few persons and that the many are their friends. And for all these reasons they will be unwilling to waste their lands and raze their houses; their enmity to them will only last until the many innocent sufferers have compelled the guilty few to give satisfaction.[14]

The fact that this guidance was offered for Greeks fighting Greeks should in no way diminish the force of his argument.

Victorious soldiers sometimes return from combat with mixed emotions, and oftentimes with a spirit of regret and sadness, and rarely do they leave with a high level of job satisfaction. Few feel that they may now return to life as usual. Warriors can carry the weight of combat on their shoulders for months, years, or even for life. Mind-sets reflecting humility, regret, and perhaps contrition acknowledge this ambivalence and may actually ease a warrior's transition to peacetime existence.

American military personnel are well prepared to fight wars and fulfill their responsibilities as warriors, but perhaps less so for their potential involvement in the highly sensitive and specialized *post bellum* environment. Operations in Afghanistan and Iraq illustrate that it is not sufficient to train only specialized units (military police or civil affairs teams) for their critical role in the *post bellum*. All warriors should be trained for these *post bellum* operations.

JUST RESTORATION

> *Our goal is nothing less than the transformation of Iraq into a functioning, stable state that poses no threat to its own citizens or its neighbors and serves the interests of the Iraqi people.*
>
> DAVID MORRIS

War often leads to the dissolution of established governments and civil order, and the destruction of critical elements of a society's infrastructure, and this dissolution or destruction may result in the *post bellum* suffering or death of many in the defeated society. Victors have a moral obligation to ensure the security and stabilization of a defeated nation. Whenever practical and possible, they must provide the essentials of life (food, clothing, shelter, medicine, etc.) to those without them and repair or rebuild infrastructure essential to a vulnerable population's health and welfare. Let us describe these rebuilding initiatives as just restoration.

Although every *post bellum* scenario presents its own unique operational challenges and every defeated society its own indigenous needs, it may be helpful to consider a model for just restoration that reflects factors common to most *post bellum* scenarios. While each *post bellum* operation must be crafted to address the specific challenges generated by a particular conflict, most scenarios appear to progress through three general, yet interrelated, stages: protectorship, partnership, and ownership.

Phase One: Protectorship

The first phase of a just restoration is marked by a victor's efforts to provide immediate security for both the occupying forces and the defeated society. In this *post bellum* phase victors ordinarily establish a condition resembling a historical protectorship. Great care must be taken to provide both security and life support to all, and special attention must be afforded a society's most vulnerable groups: children, the elderly, women, displaced persons, and the infirm. Many of these at-risk groups will be totally dependent on others for food, water, medicine, shelter, and, of course, their security. Once an acceptable level of security is provided, distribution points should be established to dispense relief supplies and register

refugees. The occupying force should also guard against mob violence and acts of retribution, and protect even the most notorious of suspected criminals. Public utilities critical to the sustenance of life may need repair or reconstruction, and attention must be given to identifying, neutralizing, and removing unexploded ordnance, mines, chemicals, and other materiel that may threaten the lives of innocents.

While victors retain primary responsibility for the planning and execution of this protectorship stage, a conscientious effort must be made to include members of the defeated society in the process. This involvement might accelerate the healing process and instill a sense of trust and confidence at this critical stage of occupation.

Phase Two: Partnership

> *A just conflict should result in material and social prosperity for all the people in a region and, most importantly, it should lead to proper systems of government by consent. These should not be imposed from outside, but should take account of a people's tradition and culture.*
>
> NAZIR-ALI

In the second phase of restoration, all sides work together to rebuild the defeated society. By the time the transition to Phase Two takes place, occupying forces should have established meaningful relationships and, as a result, should enjoy some meaningful degree of trust and goodwill among the local peoples. Occupiers should take care to identify credible partners in this *post bellum* phase, partners with the expertise, experience, and credibility necessary to contribute to the process. Both sides should take great care not to compromise partners and all must avoid all semblance of collaboration.

Phase Two recognizes that the military and its civilian partners must build and share a common vision for the reconstruction of the nation and work together to prosecute an execution plan approved by all. All sides must cooperate to distribute quality-of-life essentials to those with the greatest needs and work together to repair or rebuild public utilities or other such facilities destroyed by war. They must work to provide critical services such as basic police and fire protection and other emergency services. As schools, civic centers, and places of worship are repaired, reconstructed, and reopened, the once-traumatized society gains a sense of normality. Farmers will need assistance as they plant and harvest crops or prepare livestock for market. The partners now move to begin the more daunting tasks of restoration: rebuilding the economy, establishing a credible judicial system, and reestablishing transportation and communications systems to reconnect and reunite the country.

All these efforts will ideally result in a sense of prewar normalcy; it will also reassure those occupied that the military presence is indeed temporary and will continue only as long as absolutely necessary. Everyone should anticipate some level of tension at this phase, and tensions should be identified and dealt with before they escalate into crises and subsequent violence. Throughout this period of *post bellum* activity, military commanders must walk a fine line as they continue to balance the demands of force protection against the necessity of creative engagement and humanitarian outreach to their former enemies.

Attention turns now to the daunting challenge of establishing an interim political authority, one with sufficient skill and credibility to enhance stability, provide national direction and vision, and give voice to members of the society. When these goals are achieved, the occupied society will perceive that it now plays a substantial role in its own reconstruction and destiny as it moves to the third and final phase of occupation.

Phase Three: Ownership

> *"Government for and by the people," it has been said, "is a central requirement to jus post bellum."*
>
> MICHAEL WALZER

The national security advisor, Dr. Condoleezza Rice, has recognized the ultimate goal of any *post bellum* occupation: "Let me state that the goal of everyone, the coalition and the international community, should be to return sovereignty to the Iraqi people as soon as possible."[15] Phase Three marks the final stage in the just restoration of a nation—the return of its sovereignty and reentry into the community of nations. In this period, all aspects of political, economic, and social life are returned to the control of the indigenous population. Interim political authorities are eventually replaced by elected officials, and these political figures assume full responsibility for security, critical infrastructure, and nation building. Just restoration is complete when full sovereignty is returned to a once-defeated people and former enemies become allies.

SAFEGUARDING THE INNOCENT

The percentage of noncombatants affected by warfare has risen since the eighteenth century, and the number of noncombatant casualties rose significantly throughout the last century's wars. Some analysts claim that by the end of that bloody century a frightening proportion (70–90 percent) of all the victims of war were noncombatants. Of particular note is war's impact on children: "Although they do not start the wars, children experience the negative consequences of conflict as their lives are disrupted, shattered, or lost."[16]

Children in war zones suffer the direct and indirect consequences of conflict; they lose family, friends, life-support mechanisms, and a sense of normality. Young lives are at least temporarily, if not permanently, disrupted as war takes its physical and emotional toll on these innocents. The victors in war should focus special attention on children in the *post bellum* phase of war. Of equal importance is the direction of *post bellum* care to other at-risk groups and those who cannot easily care for themselves, most notably the sick, the elderly, and some groups of women.

Armed conflict sometimes leads to the displacement of peoples and the creation of waves of human refugees. When persons are forced to flee homes, villages, or country, these individuals become especially vulnerable. Children and women become targets for rape, sexual exploitation, prostitution, slavery, and, quite possibly, forced conscription into guerrilla groups, terrorist organizations, insurgent militias, or regular armies. At times, children and elderly refugees are denied life-sustaining resources like food, water, clothing, medicine, and shelter; as a result, many die in disproportionate numbers. Basic resources become even scarcer if, in *post bellum* times, more influential or powerful segments of a society appropriate these items for themselves.

Children and other noncombatants are also vulnerable to the unintended effects of military technology, proving wars kill even after the fighting ends. For example, some munitions contain depleted uranium, and while these rounds prove extremely effective in piercing armored vehicles, critics claim they remain hazardous to humans long after the battle ends. According to some scientists, residue from these depleted uranium rounds ultimately releases uranium oxide into the air; this poisonous by-product may cause stillbirths, childhood diseases, cancers, birth defects, and other such conditions.

Armies have long used toxic chemical agents to provide for their security or to clear foliage in order to conduct operations. These defoliating agents, although effective in the short term, may degrade the health of all who come in contact with them and may ultimately render local ecosystems unusable for years. It is therefore imperative that those exposed to the dangers of these agents receive special care and attention in the *post bellum* stage of any war.

RESPECT FOR THE ENVIRONMENT

While some progress has been made in protecting the environment in war, the issue still begs our attention in *post bellum* planning. All sides in a conflict should assume responsibility for the protection of the environment in war, and they should be held accountable for both the treatment of the environment during hostilities and the subsequent restoration of the environment after the fighting has ended.

The *jus in bello* criterion of discrimination directs that warriors discriminate combatants from noncombatants, and that they make a conscious effort to minimize the impact of war on these innocents. For example, noncombatants may never be directly targeted in any combat operation. Most Western combatants understand that it is their military duty and moral responsibility to respect the rights of noncombatants and to shield them, whenever and wherever possible, from the effects of war. Many would willingly put their own lives in danger to uphold this principle. Unfortunately, the principle is rarely applied to the environment. Sonja Boelaert-Suominen has written that there is no commonly accepted definition of the concept of environment in international law.[17] The environment, therefore, is largely unprotected and highly vulnerable, quite often both a target and a victim of war. This undefined status may be indicative of the fact that the environment still needs to be sheltered, whenever and wherever possible, from the impact of war.

More than two millennia ago, Rome fought a series of its longest and bloodiest wars against the Carthaginians in the Punic Wars (264–41, 218–202, and 149–46 BC). At the conclusion of the last Punic war, Romans conquered and then destroyed the city of Carthage itself. Its men were killed, women and children were sold as slaves, and salt was sown into its fertile farmlands. Historians believe that it took the land more than a century to recover from this wanton act of ecological destruction.

Historical incidents of environmental destruction are not restricted to the scorched-earth tactics of the wars of antiquity. In the last century, defoliating agents were used extensively in the Pacific campaigns of World War II, and Agent Orange was the defoliant of choice in Vietnam. While these agents may have served tactical needs and saved friendly lives in the short run, in the long run they have been blamed for catastrophic environmental damage, and for impairing the health and quality of life of both combatants and noncombatants for generations to come.

More recently, the oil-well fires of the Gulf wars, the targeting of biological/chemical weapons stockpiles, and the sicknesses reputedly associated with uranium-tipped munitions all highlight the vulnerable state of the environment in war. People rely upon the environment from a personal, agricultural, industrial, and even recreational perspective. Further, the environment has a direct relationship to personal well-being and, for some, it represents a critical component of their personal or corporate spirituality. The environment is therefore tied to the totality of the person's spiritual, mental, and physical health.

In early 2002 the government of Afghanistan and a special United Nations commission studied the impact of decades of continuous war on the Afghan people, their national resources, and their environment. The UN Environmental

Program reported that Afghanistan's ecological damage resulting from war was so extensive its restoration would likely not be completed for generations to come.

All sides in a war have a responsibility to protect the environment whenever and wherever possible. Naval doctrine addresses this issue prescriptively:

> The commander has . . . an obligation to avoid unnecessary damage to the environment to the extent that it is practicable to do so consistent with mission accomplishment. To that end, and so far as military requirements permit, methods or means of warfare should be employed with due regard to the protection and preservation of the natural environment. Destruction of the natural environment not necessitated by mission accomplishment and carried out wantonly is prohibited.[18]

Naval commanders appear to have significant latitude in regard to decisions impacting the environment. Therefore, careful consideration must be given to the morality of using the environment as a means of waging war. For example, is it moral to destroy dams to flood an area, to defoliate a jungle to target fighters, or to target nuclear power plants in order to achieve military objectives? These are all questions that warrant future discussion.

While all must applaud the Navy's initiative to include an environmental clause in the *Commander's Handbook,* the discretion given to commanders in regard to the destruction of the environment is still broad in scope, and the publication never addresses *post bellum* responsibilities.

Belligerents should be held accountable for the destruction or adverse treatment of the environment both during and after the conflict, and both the victors and the defeated should share the responsibility of restoring the battlefield to its pre-battle condition and then of making the environment safe for human habitation as soon as possible in the *post bellum* stage.

POST BELLUM JUSTICE

If reconciliation is an essential of *post bellum* healing and the establishment of a just peace, is it better to offer alleged criminals amnesty or immunity from prosecution or to try them in tribunals or courts of law?

The prosecution of suspected war criminals and political regimes should be treated as a critical dimension of any successful *post bellum* dynamic to further *post bellum* healing.[19] Why? If just war is prosecuted for the sake of justice—that is, it is waged to do justice and right the wrongs done by one group to another—it follows that justice must be done at every level.[20]

Individuals accused of alleged crimes must be held accountable for their actions in the post-conflict stage of war. One author has suggested that the

nonprosecution of crimes is tantamount to condoning evil and has likened it to ignoring a dangerous cancer or infection.[21] Holding people accountable for their behavior in war facilitates the reconciliation process:

> The establishment of lasting peace is better served by the doing of justice in the wake of war. . . . If the morally weak, the preferentially wicked, the cynically self-styled brute are responsible for the harm caused by their part in planning, directing, carrying out, advocating, or tolerating crimes against humanity, war crimes, and atrocities, then it follows by moral reasoning that they may be held criminally liable for punishment for the infliction of that harm.[22]

Should the prosecution of such justice be left to the victors, or handled by an international organization like the World Court? Some believe that the more international in nature the orchestration, administration, and prosecution of justice, the more the potential for real justice and not a victor's justice, and the more probable the acceptance of the tribunal's judgments by both the defeated nation and the world community at large. Keeping the mechanism of enforcement and regulation of *post bellum* justice in the hands of the victors may ultimately compromise the success of any efforts at *post bellum* justice.

Let me suggest two broad principles to guide *jus post bellum* justice. First, justice is rarely served by ignoring injustice; in fact, such neglect may compromise any potential to establish a just and lasting peace. Second, the prosecution of post-conflict justice is, in most cases, better left to an international group or organization, not the victors themselves. This latter principle may also apply to the detainment or imprisonment of suspected war criminals.

WARRIOR TRANSITION

> *People fight wars in the name of nations. The uniform appearance of uniformed soldiers metaphorically displays the truth. It is not qua human being, thinker, rational agent, or sentient creature that a soldier kills an enemy soldier. Rather, soldiers kill soldiers in the same way in which they deactivate enemy mines and destroy storage and weapons facilities. . . . Soldiers act as weapons against enemy soldiers, who are also acting as weapons. Soldiers qua soldiers are the tools of the leaders of nations.*
>
> LAURIE CALHOUN

Contrary to Calhoun's depiction, combatants are not amoral agents or machines, nor are they mere weapons to be placed in combat against the enemy's weapons of war.[23] Warriors are persons—they are body-mind-spirit. They are complex moral agents who must live and fight within the context of military protocol and duty; warriors are rarely the unthinking weapons or tools of

nation-states. Combatants must operate under orders, but an important dimension of their professional duty is to study and weigh the legality of those orders against the rules or laws of war and then formulate the proper responses, procedures, or tactics for fulfilling or challenging those orders.

Combatants are human beings who operate with reason and usually with moral direction, people who are rarely so focused or intent on completing the mission (military necessity) that they factor out human emotions like empathy and sympathy, even in sometimes brutal conditions of combat. While warriors submit to the authority of their superiors, they never submit so completely that they surrender or forfeit their moral personhood, legal responsibilities, or personal sense of honor. In fact, the character and motivation of the combatant often factor most significantly in the outcome of a military operation. It is to the point that warriors are soldiers, marines, sailors, and airmen who must kill when legally ordered to do so but must live with those decisions for the rest of their lives.

While Augustine is usually associated with the formulation of the just war theory as we know it, he was also a pastor, and as such he was just as concerned with war's impact on people as he was with defining the parameters of a just war. In his monumental work *The City of God,* Augustine addressed a believer's dual responsibilities to the city of God and the city of men; it was his opinion that as believers and as citizens persons must fulfill the obligations of both. One modern scholar has observed, "Politics, Christian or otherwise, is the art of compromise."[24] In *The City of God,* Augustine raised compromise to an art form and reminded readers that living in both cities creates obligations and tensions that may remain unresolved long after decisions are made. Like other citizens, warriors live in both the city of men and the city of God; their obligations as combatants and believers may create tensions, and these tensions are never more pronounced than in combat. Augustine viewed war as both a consequence and a remedy for sin. Therefore, whenever he referred to war, he did so with a sense of regret and sadness. He expressed concern about the impact of wars and especially their impact on those who fought in them. This case is eloquently stated in his letter to Faustus the Manichean:

> What is the evil in war? Is it the death of some who will soon die in any case, that others may live in peaceful subjection? This is mere cowardly dislike, not any religious feeling. The real evils in war are love of violence, revengeful cruelty, fierce and implacable enmity, wild resistance, . . . the lust of power, and such like; it is generally to punish these things, when force is required to inflict the punishment, that, in obedience to God or some lawful authority, good men undertake such wars, when they find themselves in such position as regards the conduct of human affairs, that right conduct requires them to act, or to make others act, in this way.[25]

Augustine reminds us that wars are devastating to both noncombatants and combatants alike, and deadly conflicts may leave emotional scars that last a lifetime. Modern society has ascribed many titles to this emotional scarring: combat stress or fatigue, battle trauma, and most recently, post-traumatic stress disorder (PTSD). The reality is that wars inflict wounds that are visible, and others, perhaps more numerous, that are invisible. This leads, then, to our final criterion. Nations that wage war have a responsibility to those who fight in wars, to their families, and to society at large. In the *post bellum* phase of war, belligerents have a moral responsibility to address and heal the wounds of war. Augustine was concerned that in the midst of the chaos of war people might lose their human focus. In expressing this concern, he displays the heart and sensitivity of a military chaplain; chaplains understand from firsthand experience that in the chaos and uncertainty of war, one of the unstated yet critically important missions of a chaplain is to help warriors retain their humanity and deal with their visible and invisible wounds *post bellum*.

Then the Lord will guide you always
    and give you plenty even on the parched land.
He will renew your strength and you shall be like a watered garden,
    like a spring whose water never fails.
The ancient ruins shall be rebuilt for your sake,
    and the foundations from ages past you shall raise up.
"Repairer of the breach" they shall call you,
    "returner of ruined homesteads."

                                         ISAIAH 58: 11–12

This criterion addresses a nation's moral obligation to heal the visible and invisible wounds of its warriors by adequately preparing them for their inevitable return and reentry into the society. When warriors return to their society they must be physically and emotionally equipped to handle life outside the war zone; it is, therefore, the military's obligation to ensure that every combatant transitions from a hostile-fire environment to the normalcy of life in garrison, at home, and in the society.

The Marine Corps takes this criterion seriously, affording its Marines and sailors returning from combat the benefit of a warrior transition program, specifically those programs offered through the Navy's "Chaplains Religious Enrichment Development Operation" (CREDO). Further, the Commandant directs that every Marine, every sailor serving with Marines, and when appropriate, family members receive such training *before* return and reentry into civilian society. While combat operations still raged in Operation IRAQI FREEDOM, General Michael Hagee, thirty-fourth Commandant of the Marine Corps, issued the following order in his White Letter 03-03:

With deployments in support of Operation Enduring Freedom (OEF) and Operation Iraqi Freedom (OIF), the return of our Marines and their reunion with loved ones is marked by significant combat experience. This experience complicates the challenges Marines must face in the return and reunion process. To ease the transition from battlefield to home, our returning Marines and their loved ones require adequate preparation and supportive services to ensure their welfare. It is imperative that all service members returning from OEF/OIF deployment receive comprehensive return and reunion services.[26]

With the issuance of this White Letter the Commandant officially initiated USMC warrior transition programs and recognized the Corps' responsibility to transition Marines from a combat environment to the relative normality of life in garrison. These proactive programs ensure that those returning from war are physically, emotionally, and spiritually equipped to handle the responsibilities of citizenship outside the combat environment.

THE LESSONS OF WAR

Nations that wage war have a moral responsibility to study their decision to use force, and the way force was used in the conduct of war. Military personnel have long understood the importance of lessons learned on and off the battlefield. Each service has its own mechanisms for collecting lessons learned after every war, every military operation other than war, and most major military exercises. Exploring the lessons learned may help nations avert future conflict and build a culture of peace. Warriors benefit from the experience of others who have been tried and tested in battle; their study of the action and decisions of others facing the fog and inhumanity of war may help them retain a moral and humane focus when they are called to serve in war.

Current geopolitical realities make it plain that the time has come to establish and develop a new major category of just war—*jus post bellum.* Just war theorists will eventually benefit greatly from an in-depth study of lessons learned in Afghanistan and Iraq, and specifically the *post bellum* dimension of these complex operations. Outlining the moral guidelines or criteria for this dimension of warfare may ultimately save lives and enhance chances to secure a just and lasting peace for all.

NOTES

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19. Davida E. Kellogg, "*Jus Post Bellum*: The Importance of War Crimes Trials," *Parameters* 32, no. 3 (Autumn 2002), p. 93.

20. As contended by Michael Walzer. See his *Just and Unjust War,* 2d ed. (New York: Basic Books, 1992), p. 62.

21. Kellogg, p. 90.

22. Ibid., pp. 90, 92.

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24. Scott R. Appleby, *The Ambivalence of the Sacred* (Lanham, Md.: Rowman and Littlefield, 2000), p. 41.

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A LEGAL APPRAISAL OF MILITARY ACTION IN IRAQ

James P. Terry

The determination by the George W. Bush administration to enter Iraq and remove the regime of Saddam Hussein from power in early 2003 followed twelve years of Iraqi violations of United Nations Security Council resolutions. Prior to the decision by the United States and its coalition partners to intervene in Iraq with military force, Saddam Hussein had done everything possible to avoid complying with the will of the international community. Of the twenty-six demands made by the Security Council since 1990, Iraq had complied with only three. Equally significant, the regime's repression of the Iraqi people continued.

The 2 October 2002 joint resolution of Congress authorizing the use of all means, including force, to bring Iraq into compliance was merely one of a series of actions by Congress to address Baghdad's noncompliance with its international obligations.[1] In 1998, for example, Congress passed a similar resolution declaring that Iraq's continuing weapons of mass destruction programs threatened vital U.S. interests as well as international peace and security; declaring Iraq to be "in material breach of its international obligations"; and urging President Clinton "to take all appropriate action, in accordance with the Constitution and relevant laws of the United States, to bring Iraq into compliance with its international obligations."[2]

These congressional and UN Security Council resolutions were not the only outcries for change. In the

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Iraq Liberation Act, passed in 1998, lawmakers expressed the sense of Congress that it should be the policy of the United States to support efforts to remove the Iraqi regime from power and to promote the emergence of a democratic government to replace that regime.[3] The reasons for this strong congressional reaction to the Hussein regime rested not solely on Iraqi defiance of United Nations resolutions but also on Saddam Hussein's repression of the Iraqi people, his support for international terrorism, and his refusal to account for Gulf War prisoners or to return stolen property to Kuwait following the 1990–91 conflict, as well as the Baathist regime's efforts to circumvent economic sanctions.

FRAMEWORK AND CONTEXT

This article examines these Iraqi violations in the context of contemporary international law standards justifying intervention. More significantly, it examines the right of states to enforce mandates issued by the Security Council and to redress violations of its edicts when the Council, as a body, refuses to do so. This is precisely what occurred when the Baathist regime refused to comply fully with the requirements of UN Security Council Resolution 1441.[4] Finally, the article examines the independent authority available to states, such as the right to intervene to address a threat to international peace and security under Article 51 of the Charter and to invoke the doctrine of humanitarian intervention, when the Security Council cannot or will not act although its edicts have been clearly violated.

The intervention by the United States and its coalition partners in Iraq in March 2003 must be viewed as a significant historical precedent in the relationship of a major power to the Security Council. Previously, in 1998 in Kosovo, the United States and a coalition largely made up of NATO partners had intervened to rescue and protect the threatened Albanian population from Serb aggression without specific Security Council approval. While the military action in Kosovo could arguably be justified as a humanitarian intervention, the coalition entry into Iraq in 2003 was justified on the basis of repeated violations of UN Security Council resolutions under Chapter VII (authorizing all necessary means) and of the threat to international peace and security in the region and the world community posed by the Saddam Hussein regime as a result thereof.[5] As President Bush stated to the UN General Assembly on 12 September 2002:

> Twelve years ago, Iraq invaded Kuwait without provocation. And the regime's forces were poised to continue their march to seize other countries and their resources. Had Saddam Hussein been appeased instead of stopped, he would have endangered the peace and stability of the world. Yet the aggression was stopped—by the might of coalition forces and the will of the United Nations.

To suspend hostilities, to spare himself, Iraq's dictator accepted a series of commitments. The terms were clear, to him and to all. And he agreed to prove he is complying with every one of those obligations.

He has proven instead only his contempt for the United Nations, and for all his pledges. By breaking every pledge—by his deceptions, and by his cruelties—Saddam Hussein has made the case against himself. . . .

The conduct of the Iraqi regime is a threat to the authority of the United Nations, and a threat to peace. Iraq has answered a decade of U.N. demands with a decade of defiance. All the world now faces a test, and the United Nations a difficult and defining moment. Are Security Council resolutions to be honored and enforced, or cast aside without consequence? Will the United Nations serve the purpose of its founding, or will it be irrelevant?[6]

Thus, the intervention in Iraq must be viewed through a different lens than either our intervention in Afghanistan, where we responded to a direct attack on America, or our intervention in Kosovo, where the coalition responded to a solely humanitarian crisis.[7] In Iraq, the coalition led by the United States and the United Kingdom was responding to an attack on the very effectiveness of the United Nations security system, by seeking redress for repeated violations of Security Council resolutions. If not addressed directly, these violations would have done irreparable harm to the minimum world order system represented by Article 2(4) and Chapter VII of the United Nations Charter, to the peace and security of the region, and to the well-being of the Iraqi people.[8]

ANALYSIS OF IRAQI VIOLATIONS OF SECURITY COUNCIL MANDATES

Prior to intervention on 19 March 2003 and the inception of Operation IRAQI FREEDOM, the regime of Saddam Hussein had repeatedly violated sixteen UN Security Council resolutions (UNSCRs) designed to place sharp controls on the regime's activities and to ensure that Iraq did not pose a threat to international peace and security.[9] These violations spanned a period of more than twelve years and were first addressed in Security Council resolutions arising from the Iraqi invasion of Kuwait in August 1990.

In UNSCR 678, passed in the fall of 1990, UN member states were authorized "to use all necessary means" to redress the Iraqi invasion of Kuwait.[10] Resolution 686 (1991) placed requirements on Iraq to return all prisoners, restore all property seized, and accept liability for all damages arising from its illegal invasion of Kuwait.[11] The most significant of the early resolutions addressing Iraqi violations, UNSCR 687 (the cease-fire resolution of 3 April 1991), required that Iraq "unconditionally accept" the destruction, removal, or neutralization "under

international supervision" of all "chemical and biological weapons and all stocks of agents and all related subsystems and components"; it further required that Iraq declare fully its weapons of mass destruction programs, not "use, develop, construct or acquire" any weapon of mass destruction, and reaffirm its obligations under the Nuclear Non-Proliferation Treaty.[12] This instrument was followed by UNSCR 688 (1991), which "condemn[ed]" Iraq's repression of its civilian population, "the consequences of which threaten international peace and security," and demanded that this repression cease.[13]

In UNSCR 707 (1991), the Security Council "condemn[ed]" Iraq's "serious violation" of UNSCR 687 and further "condemn[ed]" Iraq's noncompliance with the International Atomic Energy Agency (IAEA) and its obligations under the Nuclear Non-Proliferation Treaty. This resolution required that Iraq halt nuclear activities of all kinds, and it mandated that Baghdad make a full and complete disclosure of all aspects of its weapons of mass destruction and missile programs.[14] When Iraq did not comply, the Council passed UNSCR 715 (1991) mandating that Iraq cooperate fully with UN and IAEA inspectors.[15]

In 1994, Saddam Hussein's regime began military deployments designed to threaten Kuwait once again. The Security Council passed UNSCR 949 (1994) condemning these military deployments and directing Iraq not to utilize its military or other forces in a hostile manner so as to threaten its neighbors or UN operations in Iraq.[16]

Within two years, it was apparent that Saddam Hussein was again acquiring unauthorized weapons components. In response, the Security Council passed UNSCRs 1051 and 1060 (1996). In UNSCR 1051, the Council demanded that Iraq report to the UN and IAEA shipments of dual-use items related to weapons of mass destruction.[17] It also required Iraq to cooperate fully with UN and IAEA inspectors and to allow them immediate, unconditional, and unrestricted access. This was followed by UNSCR 1060, which "deplored" Iraq's refusal to allow access to UN inspectors and Iraq's "clear violations" of previous UN resolutions.[18]

In 1997, with access for inspectors still effectively denied, the Security Council passed UNSCR 1115, which "condemn[ed] repeated refusal of Iraqi officials to allow access" to UN officials. The Council charged that these actions constituted a "clear and flagrant violation" of UNSCRs 687, 707, 715, and 1060.[19] In UNSCR 1134 (1997) the Security Council repeated its demands contained in UNSCR 1115.[20] When Iraqi actions threatened the safety of UN personnel in late 1997, the Council "condemn[ed] the continued violations by Iraq" of previous UN resolutions, including its "implicit threat to the safety of aircraft operated by UN inspectors and its tampering with UN inspector monitoring equipment."[21]

The Iraqi lack of cooperation with the inspection regime continued in 1998, and in March the Security Council passed UNSCR 1154, which stated that any

violation would have the "severest consequences for Iraq."[22] On 5 August 1998, the Baathist regime suspended all cooperation with UN and IAEA inspectors. This led to Security Council condemnation in UNSCR 1194 (1998), and the claim that Iraqi actions constituted "a totally unacceptable contravention" of its obligations under UNSCRs 687, 707, 715, and 1060.[23] On 31 October 1998 the Iraqis made their August suspension permanent and ceased cooperation with UN inspectors. The Council, in UNSCR 1205, "condemn[ed]" this decision and described it as a "flagrant violation" of UNSCR 687 and other resolutions.[24]

In 1999, frustrated by the continued lack of Iraqi cooperation, the Security Council passed UNSCR 1284, which created the United Nations Monitoring, Verification, and Inspections Commission (UNMOVIC) to replace the previous weapons inspection team, the United Nations Special Commission (UNSCOM), which had been in existence since 1991. In creating this new entity, the Council stated (in Resolution 1284) that Iraq must allow UNMOVIC "immediate, unconditional and unrestricted access" to Iraqi officials and facilities.[25] This concern with Iraqi weapons was reemphasized in UNSCR 1382 (2001), where the Council reaffirmed the obligation of all states to prevent the sale or supply to Iraq of weapons or any other military equipment.[26]

Finally, in UNSCR 1441 (2002) under Chapter VII of the Charter, the Security Council stated that it was "determined to secure full compliance with its decisions."[27] The Council "decide[d] that Iraq ha[d] been and remain[ed] in material breach of its obligations under relevant resolutions . . ., [d]ecide[d] . . . to afford Iraq . . . a final opportunity to comply with its disarmament obligations," and "decide[d] that false statements or omissions in the declarations submitted . . . shall constitute a further material breach of Iraq's obligations and will be reported to the Council for assessment."[28]

Equally disturbing, during the period represented by the preceding resolutions Saddam Hussein had repeatedly circumvented UN economic sanctions. Further, he refused to allow weapons inspectors to oversee the demolition of his weapons of mass destruction; failed to destroy all of his ballistic missiles with a range greater than 150 kilometers; failed to stop support for terrorism or prevent terrorist organizations from operating within Iraq; failed to help account for missing Kuwaitis; refused to return stolen Kuwaiti property and bear financial responsibility for damage from the first Gulf War; and continued his repression of the Iraqi people.[29]

In addition to the legally binding UNSCRs, the Security Council also issued at least thirty statements from its president regarding Saddam Hussein's continued violations of these resolutions.[30] Following the thirty days allowed in Resolution 1441 for an Iraqi response to the unanimous adoption of UNSCR 1441, Secretary of State Colin Powell addressed the unresponsiveness of the Iraqi regime in

detailed remarks to the Security Council on 7 March 2003, in which he documented Baghdad's failure to meet the requirements of UNSCR 1441:

> Iraq's current behavior, like the behavior chronicled in Dr. Blix's document, reveals its strategic decision to continue to delay, to deceive, to try to throw us off the trail, to make it more difficult, to hope that the will of the international community will be fractured, that we will go off in different directions, that we will get bored with the task, that we will remove the pressure, we will remove the force. And we know what has happened when that has been done in the past. We know that the Iraqis are still not volunteering information and, when they do, what they are giving is often partial and misleading. We know that when confronted with facts, the Iraqis are still changing their story to explain those facts—but not enough to give us the truth. So has the strategic decision been made to disarm Iraq of its weapons of mass destruction by the leadership in Baghdad? My judgment, I think our judgment, has to be clearly not.[31]

CONFRONTING UN SECURITY COUNCIL INACTION

When President Bush secured broad bipartisan support for the Joint Resolution to Authorize the Use of United States Armed Forces Against Iraq on 2 October 2002, few imagined that the Security Council would not ultimately follow suit.[32] After all, American leaders had obtained unanimous support in the Council for UNSCR 1441, which all but delivered an ultimatum. Secretary Powell clearly defined the burden of Council membership in his 7 March 2003 address:

> Security Council membership carries heavy responsibilities. We must not walk away. We must not find ourselves here this coming November with the pressure removed and with Iraq once again marching down the merry path to weapons of mass destruction, threatening the region, threatening the world.
>
> If we fail to meet our responsibilities, the credibility of this Council and its ability to deal with all the critical challenges we face will suffer. As we sit here, let us not forget the horror still going on in Iraq, with a spare moment to remember the suffering Iraqi people whose treasure is being spent on these kinds of programs and not for their own benefit; people who are being beaten, brutalized and robbed by Saddam Hussein and his regime.
>
> Colleagues, now is the time for the Council to send a clear message to Saddam that we have not been taken in by his transparent tactics. Nobody wants war, but it is clear that the limited progress we have seen, the slight substantive changes we have seen, come from the presence of a large military force—nations who are willing to put their young men and women in harm's way in order to rid the world of these dangerous weapons.
>
> It doesn't come simply from resolutions. It doesn't come simply from inspectors. It comes from the will of this Council, the unified will of this Council and the willingness to use force, if it comes to that, to make sure that we achieve the disarmament of Iraq.

Now is the time for the Council to tell Saddam Hussein that the clock has not been stopped by his stratagems and his machinations. We believe that the resolution that has been put forward for action by this Council is appropriate and, in the very near future, we should bring it before this Council for a vote.[33]

The draft Security Council resolution Secretary Powell spoke of in his address to the Council was opposed by Russia and France and thus never was formally proposed for a vote within that body. The provisional draft of 7 March 2003, brought under Chapter VII of the Charter, stated that the Council was determined to secure full compliance with its decisions and to restore international peace and security in the area.[34] It further stated

that Iraq will have failed to take the final opportunity afforded by resolution 1441 (2002) unless, on or before 17 March 2003, the Council concludes that Iraq has demonstrated full, unconditional, immediate and active cooperation in accordance with its disarmament obligations under resolution 1441 (2002) and previous relevant resolutions, and is yielding possession to UNMOVIC and the AEIA [*sic*] of all weapons, weapon delivery and support systems and structures, prohibited by resolution 687 (1991) and all subsequent relevant resolutions, and all information regarding prior destruction of such items.[35]

When the Council did not agree to the proposed resolution, President Bush, with the support of the United Kingdom, Spain, and more than forty other nations, directed U.S. forces, in a coalition with the British, to enter Iraq on 19 March and remove the regime of Saddam Hussein.[36] This decision came only after President Bush had determined that reliance by the United States on further diplomatic or other peaceful means alone would not lead to enforcement of all relevant United Nations Security Council resolutions regarding Iraq, and his further determination that the Security Council, despite the Iraqi noncompliance with UNSCR 1441, would not act.

Not surprisingly, on 22 May 2003, after the United States and Great Britain had freed the region from the threat posed by the Baathist regime in Iraq and the Iraqi people from the repression of Saddam Hussein, the Security Council passed UNSCR 1483 by a vote of 14–0.[37] This resolution recognized the United States and the United Kingdom as the "authority" in Iraq pending establishment of an independent democratic Iraqi government, and it affirmed "the need for accountability for crimes and atrocities committed by the previous Iraqi regime." Acting under Chapter VII of the UN Charter (and expressly recognizing that the situation in Iraq "continues to constitute a threat to international peace and security"), the Security Council further:

4. Call[ed] upon the Authority, consistent with the Charter of the United Nations and other relevant international law, to promote the welfare of the Iraqi people

through the effective administration of the territory, including in particular working toward the restoration of conditions of security and stability and the creation of conditions in which the Iraqi people can freely determine their own political future.[38]

ANALYSIS OF THE LAWFULNESS OF THE USE OF FORCE IN IRAQ

In light of the failure of the Council to act to enforce UNSCR 1441 and all preceding relevant resolutions with respect to Iraq, it is important to consider whether this inaction in the face of prior commitment authorizes any individual state or coalition of member states to enforce demands upon a member state by the Security Council. In the case of the United States, not only had President Bush persuasively argued his case before the United Nations on 12 February 2003, but Congress had likewise endorsed the use of force by the president in its 2 October 2002 joint resolution.[39] In that resolution, Congress identified both the threat to the United States and to international peace and security, and the need for humanitarian intervention:

> Whereas Iraq both poses a continuing threat to the national security of the United States and international peace and security in the Persian Gulf region and remains in material and unacceptable breach of its international obligations by, among other things, continuing to possess and develop a significant chemical and biological weapons capability, actively seeking a nuclear weapons capability, and supporting and harboring terrorist organizations;

> Whereas Iraq persists in violating resolutions of the United Nations Security Council by continuing to engage in brutal repression of its civilian population thereby threatening international peace and security in the region, by refusing to release, repatriate, or account for non-Iraqi citizens wrongfully detained by Iraq, including an American serviceman, and by failing to return property wrongfully seized by Iraq from Kuwait.[40]

While the main responsibility for maintaining peace and security in the UN system is lodged with the fifteen-member Security Council, its effectiveness as an instrument of collective action has often been neutralized when the support of all permanent members, required by Article 27(3), for such a decision is not forthcoming.[41] This was in March 1999, when the Chinese and Russian delegates refused to support a draft Security Council resolution authorizing NATO-led forces to intervene in the Kosovo crisis, despite the support of twelve of the fifteen Council members. The situation arose again in March 2003, when the Russian and French delegates refused to support the coalition-led intervention in Iraq.

It was precisely this concern that led legal experts to debate, long prior to the Kosovo and Iraq crises, criteria that would respond to Council inaction in the face of obvious violations of Charter principles. In 1974, Professor Richard Lillich of the University of Virginia, distressed at the inability of the Security Council to function in matters requiring the unanimous approval of the

permanent members for Chapter VII ("all necessary means") operations, argued that the most important task confronting international lawyers was to clarify the various criteria by which the legitimacy of a state's use of force for ends supportive of Charter principles could be judged.[42]

In Iraq, as in Kosovo, the coalition's use of military force to prevent the continuation of the myriad abuses outlined in UNSCR 1441 was consistent with state practice that has established the lawfulness of intervention when carefully circumscribed by the parameters outlined in Article 2(4). Articles 39 to 51 of the Charter establish a framework for collective security based on the use of military force and provide the Security Council with authority for enforcement.[43] Despite these powers, the reluctance of certain Council members in the case of Kosovo in 1998 and Iraq in 2003 left the organization on the sidelines at a time when, according to the Charter, its possibilities should have been used to the maximum. Evidence of partisanship and division among Council members, and especially among the Permanent Five, may explain the sidetracking of the Security Council. Nevertheless, we should take such matters with the utmost seriousness and ask ourselves what can be done to restore the Council to the position of influence it was given in the Charter.

In fact, Chapter VII makes extensive provision for collective action by the organization "to maintain or restore international peace and security" when a threat to the peace or an act of aggression has occurred.[44] Under Chapter VII it is the Council that must decide whether in any particular instance a threat to the peace exists; whether aggression has been committed and, if so, by whom; and finally, what, if any, collective steps by the world organization would best remedy the situation. With the exception of UN-sanctioned action in the defense of Kuwait in 1990, however, it has never been possible to invoke these collective enforcement provisions. Even in Korea, the potential veto of the Soviet ambassador obliged the organization to turn to the General Assembly for the necessary authority under Articles 11, 14, 18, and 24 of the Charter.[45]

The scarcity of actions brought under the collective-action provisions of Chapter VII does not in any way suggest a more peaceful world than the Charter's framers envisioned. By 1970, some twenty-five years after the United Nations came into existence, Professor Thomas Franck had already recorded more than one hundred outbreaks of hostility between states.[46] The total is now easily double that number. In response, and as the Chapter VII collective-action provisions have been marked by their lack of visibility, increasing use has been made by states, including the United States, of Articles 51, 52, and 53, which set out the rights of states themselves, under certain exceptional circumstances, to resort to the use of force outside the UN's collective-action framework. In fact, it is fair to

say that today the exceptions have overwhelmed the rule and transformed the system.

This was certainly the case in Iraq in 2003. The Security Council had repeatedly condemned Iraqi actions that had resulted in violations of international peace and security.[47] It is important to note that after the United States and Great Britain successfully intervened in March 2003—both to eliminate the threat to international peace described in numerous Security Council resolutions and to eliminate the violations of international human rights law described in UNSCR 1441 (2002) and preceding Council statements—the Council quickly passed UNSCR 1483, unanimously recognizing the coalition as the appropriate "authority" in Iraq pending establishment of a lawful government. The incongruity of the refusal of the Security Council to support the coalition intervention when it directly supported the repeated demands the Council previously made of Iraq, and then to support unanimously a resolution recognizing the intervenors as the legitimate "authority" in Iraq, is obvious.

An equally significant credibility gap exists between the noninterventionist policy resulting from a divided Council and fulfillment of the humanitarian principles of the UN Charter with respect to Iraq. The two main purposes of the Charter as a whole are the maintenance of peace and security and the protection of human rights.[48] Article 2(4), the provision relevant to both these purposes, prohibits "the threat or use of force against the territorial integrity or political independence of any state, *or in any other manner inconsistent with the Purposes of the United Nations*" (emphasis supplied). The Iraq intervention clearly reflected the humanitarian purposes stated in myriad United Nations resolutions.

I would further argue that this intervention not only did not violate but actually supported the other requirements in Article 2(4), in that it did not significantly affect, other than in a positive way, the "territorial integrity" or "political independence" of the state against which it was directed. The territorial integrity of Iraq remains undisturbed. Under the Baathist regime of Saddam Hussein there was no political independence, at least not for the people of Iraq. Nor did political independence exist for the regime. Heavily sanctioned by the UN for repeated violations of international law, its economy was increasingly restricted, and the only international intercourse available to the Baathist leaders was with other rogue nations.

This argument is even more attractive legally when one studies the actual language of the UN Charter. While the instrument is admittedly best known for the articles that create a minimum world order system—as represented by Article 2(4) (prohibition on the use of force), Article 51 (exception for self-defense), and Articles 39–51 of Chapter VII (addressing Security Council responsibilities), there is certainly an equal emphasis on protection of human rights. The

preamble, in fact, focuses on the rights of individuals vice the rights of nations when it states that the purpose of the Charter is

> to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and to promote social progress and better standards of life in larger freedom.

Article 1(3) reinforces this language by stating that a principal purpose of the organization is "to achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion." Article 55 emphasizes the need to promote "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion." The Economic and Social Council established in Article 61 provides the means by which the humanitarian objectives set forth in Article 55 are to be addressed and then reported to the Security Council for action.

International law requires that the community of nations first consider all means short of force to address threats to international peace and security.

A NEW PARADIGM

The Iraqi intervention reflects an uneasy recognition that the Charter system is inadequate to address certain of the security and humanitarian crises that may come before the UN, if unanimity among the five permanent members of the Security Council continues to be a requirement. Only the United States and United Kingdom among the Permanent Five on the Security Council were willing to support an enforcement resolution in the case of Iraq. Nevertheless, some forty nations found that authorization of the Security Council was not necessary in Iraq since the action was supportive of, rather than contrary to, the values represented in Article 2(4).

The March 2003 intervention in Iraq thus obliges us to examine once again the law relating to intervention in the case of violations of international peace and security and of human rights. We must attempt to reconcile Charter values on the one hand and required procedures on the other. Iraq is especially appropriate for consideration, since the widespread violations of its international obligations were condemned in unanimity by the Council in numerous UN resolutions. Additionally, however, the human rights violations attributed to the Baathist regime in Baghdad met all the requirements under pre-Charter law for

humanitarian intervention. Specifically, the horrendous crimes against both Kurds in the north and Sunnis in the south were widely recognized and little disputed. The intervention had as its sole purpose to redress the threat to international peace and security and to end the human rights abuses. There was no intention other than that of restoring political independence to the Iraqi people and the Iraqi nation. The territorial integrity of the nation remains intact.

Professor Louis Henkin suggests the likely result of such interventions, unless the unanimity requirement can be separated from Security Council decisions, will be the establishment of precedent whereby states or collectives, confident that the Security Council will acquiesce in their decision to intervene, will shift the burden of the veto. Instead of seeking authorization in advance by resolution subject to veto, in this view, states or collectives will act and then challenge the Council to terminate the action. A permanent member favoring the intervention could frustrate the adoption of such a resolution.[49]

Henkin argues that this situation may already obtain. He suggests subsequent Security Council ratification as occurred in Kosovo with UNSCR 1244, and by extension in Iraq with UNSCR 1483, effectively ratified what earlier might have constituted unilateral action questionable as a matter of law.[50] The actions of the Security Council in adopting UNSC Resolution 1483 and endorsing the authority of the coalition during the transition to an independent Iraq clearly reflect steps toward a change in the law. While it is unlikely there will be a formal change in the Charter, the Council action supports an interpretation of law such that intervention consistent with Charter values (i.e., when neither the territorial integrity nor the political independence of the target state is impacted in a way that would other than support the values represented by Article 2[4]) will be endorsed, not condemned. The international community must not be allowed to excuse its failure to act with pre-Charter references to principles of nonintervention and sovereign immunity and to the Charter requirement for Security Council approval by the Permanent Five, when the lack of approval is contrary to the values for which the Charter stands.

NOTES

1. Public Law 107-243, Authorization for Use of Military Force Against Iraq Resolution, 2 October 2002.

2. Public Law 105-235.

3. Public Law 105-338, Iraq Liberation Act, 31 October 1998.

4. United Nations Security Council Resolution [hereafter UNSCR] 1441, 8 November 2002. Resolution 1441, in paragraph 3, placed the burden on Iraq to provide full disclosure, within thirty days, of all its WMD programs, ballistic missiles, and other delivery systems, including the precise locations of all such components.

5. For Kosovo, see James P. Terry, "Rethinking Humanitarian Intervention After Kosovo: Legal Reality and Political Pragmatism," *Military Law Review* (Fall 2003).

6. Statement of President Bush before the United Nations General Assembly, September 12, 2002, available at www.whitehouse.gov/news/releases/2002/09/20020912-1.html.

7. See statement of Christopher Greenwood on behalf of the United Kingdom: "There is a right to humanitarian intervention when a government—or the factions in a civil war—create a human tragedy of such magnitude that it creates a threat to international peace. In such a case, if the Security Council does not take military action, then other states have a right to do so. It is from this state practice that the right of humanitarian intervention on which NATO now relies has emerged." "Yes, But Is It Legal?" *Observer,* 28 March 1999, p. 2.

8. Article 2(4) prohibits the use of force by states, while Chapter VII, and specifically Article 51 within Chapter VII, provides the one exception for states and states acting collectively to respond to breaches of the peace when necessary in national self-defense.

9. See UNSCR 678, 29 November 1990; UNSCR 686, 22 March 1991; UNSCR 687, 3 April 1991; UNSCR 688, 5 April 1991; UNSCR 707, 15 August 1991; UNSCR 715, 11 October 1991; UNSCR 949, 15 October 1994; UNSCR 1051, 27 March 1996; UNSCR 1060, 12 June 1996; UNSCR 1115, 21 June 1997; UNSCR 1134, 23 October 1997; UNSCR 1137, 12 November 1997; UNSCR 1154, 2 March 1998; UNSCR 1194, 9 September 1998; UNSCR 1205, 5 November 1998; UNSCR 1284, 17 December 1999.

10. UNSCR 678, 29 November 1990, also required that Iraq comply fully with UNSCR 660 (regarding Iraq's illegal invasion of Kuwait "and all subsequent relevant resolutions").

11. UNSCR 686, 2 March 1991.

12. UNSCR 687 also required Iraq not to commit or support terrorism, or allow terrorist organizations to operate in Iraq, and it reiterated the requirements respecting the return of seized Kuwaiti property and persons addressed in UNSCR 686.

13. UNSCR 688, 5 April 1991, further obligated Iraq to allow immediate access to international humanitarian organizations to those in need of assistance.

14. UNSCR 707, 15 August 1991, additionally required that Iraq allow immediate, unconditional, and unrestricted access to UN and IAEA inspectors and that it cease attempts to conceal or move weapons of mass destruction and related materials and facilities.

15. UNSCR 715, 11 October 1991.

16. UNSCR 949, 15 October 1994, also reiterated that Iraq must cooperate fully with UN weapons inspectors, and that it must not enhance its military capability in southern Iraq.

17. UNSCR 1051, 27 March 1996.

18. UNSCR 1060, 12 June 1996. It reiterated UNSCR 1051's requirement to cooperate and provide unrestricted access.

19. UNSCR 1115, 21 June 1997, further required that Iraq give immediate, unconditional, and unrestricted access to Iraqi officials whom UN inspectors wanted to interview.

20. UNSCR 1134, 23 October 1997.

21. UNSCR 1137, 12 November 1997. This resolution reaffirmed Iraq's responsibility to ensure the safety of UN inspectors.

22. UNSCR 1154, 2 March 1998.

23. UNSCR 1194, 9 September 1998.

24. UNSCR 1205, 5 November 1998, also required, once again, that Iraq provide "immediate, complete and unconditional cooperation" with UN and IAEA inspectors.

25. UNSCR 1284, 17 December 1999, further provided that Iraq must fulfill its commitment to return Gulf War prisoners and called upon Iraq to distribute humanitarian goods and medical supplies to its people and to address the needs of vulnerable Iraqis without discrimination.

26. UNSCR 1382, 29 November 2001.

27. UNSCR 1441, 8 November 2002.

28. Ibid.

29. UNSCR 1441 addressed each of these continuing violations.

30. See UN Security Council Presidential Statements of 28 June 1991; 5 February, 19 February, 28 February, 6 March, 11 March, 12 March, 10 April, 17 June, 6 July, 2 September, 23 November, and 24 November 1992; 8 January, 11 January, 18 June, 28 June, and 23 November 1993; 8 October, 18 March, 14 June, 23 August, and 30 December 1996; 13 June, 29 October, 13 November, 3 December, and 22 December 1997; 14 January and 14 May 1998.

31. Remarks of Secretary of State Colin L. Powell before the UN Security Council, 7 March 2003, U.S. Department of State Document 2003/256.

32. Public Law 107-243.

33. Remarks of Colin L. Powell, 7 March 2003.

34. Draft resolution of 7 March 2003, S/2003/215. The United States was joined in sponsorship by Spain and the United Kingdom.

35. Ibid.

36. The nations indicating support for the U.S.-British intervention, in addition to Spain, were Italy, Australia, the Czech Republic, Denmark, Netherlands, Norway, Portugal, Romania, Poland, Ukraine, Hungary, Bulgaria, Slovakia, the Dominican Republic, El Salvador, Honduras, Latvia, Lithuania, Finland, Armenia, Azerbaijan, Kazakhstan, Uzbekistan, Moldova, the Philippines, Korea, Thailand, Singapore, Mongolia, Fiji, Tonga, Argentina, Nicaragua, and Nepal. The remaining nations are not listed by their request.

37. UNSCR 1483, 22 May 2003.

38. Ibid.

39. For the UN address, see Statement of President Bush, 12 September 2002. For the joint resolution, see Public Law 107-243.

40. Public Law 107-243.

41. Article 23 of the Charter provides that the Republic of China, Russia, France, Great Britain, and the United States are permanent members of the Security Council.

42. See Richard Lillich, "Humanitarian Intervention: A Reply to Dr. Brownlee and a Plan for Constructive Alternatives," in *National Security Law,* ed. John N. Moore (Durham, N.C.: Carolina Academic Press, 1990), pp. 152–53.

43. Articles 39–51 constitute Chapter VII of the UN Charter and provide the authority for the Council to direct intervention to restore international peace and security.

44. See Article 39, UN Charter.

45. For the defense of Kuwait, see UNSCR 678 (1990). For Korea, see UNGA [UN General Assembly] 377(V) (1950).

46. Thomas Franck, "Who Killed Article 2(4)? Or: Changing Norms Governing the Use of Force of States," *American Journal of International Law* 64 (1970), pp. 810–11.

47. See note 9, above, and UNSCR 1441 (2002).

48. See discussion in Moore, ed., *National Security Law,* pp. 148–49.

49. Louis Henkin, "Editorial Comments: NATO's Kosovo Intervention: Kosovo and the Law of Humanitarian Intervention," *American Journal of International Law* 93 (1999), p. 827.

50. Ibid.

PRINCIPIA LEVIATHAN

The Moral Duties of American Hegemony

Neta C. Crawford

> *War is the realm of danger; therefore* courage *is the soldier's first requirement. Courage is of two kinds: courage in the face of personal danger, and courage to accept responsibility, either before the tribunal of some outside power or before the court of one's own conscience.*
>
> <div align="right">CARL VON CLAUSEWITZ, ON WAR</div>

The moral duties of the United States in Iraq cannot be separated from the larger question of the security requirements of the United States and its larger moral duties as the world's preeminent military and economic power. Moreover, even after the United States leaves Iraq these questions will not disappear, not least because it may find itself occupying more states in its war on terror and against rogue states. If the United States does not act responsibly in Iraq, its credibility and ability to mobilize international support and cooperation in the war on terror will be compromised. However, answers to neither of these questions—the security requirements of the United States and its larger moral duties—are obvious. President George W. Bush told West Point graduates in June 2002 that "America has no empire to extend or utopia to establish."[1] Yet the Bush administration and a substantial number of Americans believe that the United States is and should be a great imperial power, upholding the banner of moral virtue and righteous purpose through military force if necessary. In this view, America's "goals on the path to progress are clear: political and economic freedom, peaceful relations with other states, and respect for human dignity."[2] The Department of Defense's Quadrennial Defense Review of 2001 stated that the goal of U.S.

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strategy is to maintain or improve the "long term military preeminence" of the United States.[3] President Bush has said that "America has, and intends to keep, military strengths beyond challenge."[4] Consider also what William Kristol, the editor of the conservative *Weekly Standard,* said on Fox News in spring 2003: "We need to err on the side of being strong. And if people want to say we are an imperial power, fine."[5] The national security strategy declares that it is "based on a distinctly American internationalism that reflects the union of our values and our national interests. The aim of this strategy is to help make the world not just safer but better."[6] Thus, the moral purpose and awesome power of the United States are to coalesce in a *Pax Americana* envisioned by the Bush administration and its supporters.

Thomas Hobbes's mythic Leviathan was a metaphor for the role of the state in an anarchic context—the great power to overawe all others and create the peace necessary for the development of an ordered civil society. Without effective government, Hobbes suggests, we could not sleep at night. In a sense the Bush administration is supposing that without American hegemony, a Pax Americana imposed by the U.S. Leviathan, none of us will be able to sleep at night. Although it is far from omnipotent—the United States cannot overawe all other states—the new American empire does have the potential to realize some of its ambitions. What should the ambitions of an aspiring Leviathan be, and how should the United States attempt to realize them?

Most great empires have claimed a moral mission while simultaneously asserting the primacy of their security interests. What would happen if we made normative questions explicit and asked them first? Does a hegemon, in this case the world's sole superpower, have moral obligations that are on par with its security interests? If so, what are those moral obligations? How ought they be limited or shaped by practical concerns?

Those who talk of moral duties may be branded as impractical and imprudent idealists—or worse, as utopians. President Carter suffered such a fate in 1980 as a result of his emphasis on human rights. President George W. Bush's emphasis on morality and global transformation may put him at similar political risk. Another risk of talking about moral missions is that of being branded as cultural imperialists and compared pejoratively to the bearers of the nineteenth-century colonial civilizing mission.

So to ask what the moral responsibilities of the United States are in Iraq is to risk both charges—utopianism and paternalism. But before we can assess the specific moral responsibilities of the United States in Iraq, we must, of course, ask whether *any* state has moral duties. Those two questions lead us to a third set, putting U.S. moral responsibility to Iraq in the larger context of the nation's moral responsibilities in the world today: What principles should the world's

sole superpower live by and promote? Does morality clash with prudence and pragmatism? What is "the rightful place" of the great power?

DOES ANY STATE HAVE MORAL OBLIGATIONS?

The traditional realist view is that morality has no place in foreign policy, because morality is not a quality of the actors of world politics. Realists argue that even if we want states to be moral we can only expect them to act, like individuals, in their self-interest. Nor does the structure of world politics allow for moral action. The anarchic nature of world politics—a war of all against all—means that states have to provide for their own security against constant threats; no state can prudently afford to be moral. Thus, in this view, to speak of international morality is to be naive at best and a hypocrite at worst; as the Athenians say in the Melian dialogue, "The standard of justice depends on the quality of power to compel."[7]

The godfather of twentieth-century realism, Hans Morgenthau, goes even farther, arguing that no prudent state should or would allow morality to guide its foreign policy: "There can be no political morality without prudence; that is, without consideration of the political consequences of seemingly moral action."[8] He also argued that even if there is a tiny bit of room for morality in some area of a state's global interactions, international morality may interfere with its moral obligation to its own citizens; just as individuals may have only a duty to preserve themselves, states are obliged to preserve the lives of their own soldiers and people first.[9] Morgenthau thought it political folly for a state to claim that its view of morality was the world's sole moral perspective and then base its foreign policy on that vision.

In this respect, the list of moral duties for realist hegemons would likely have only one item—to maintain hegemony. Realists go so far as to suggest that those who proclaim moral purpose are either deluding themselves or attempting to use morality as a fig leaf for their interests. Those who look for morality in foreign policy or to act on it, Morgenthau suggests, are imprudent, even foolish. For example, Morgenthau said, "It is futile to search for an abstract principle which would allow us to distinguish in a concrete case between legitimate and illegitimate intervention."[10] Morality and ideology cannot be the guides to foreign policy: "All nations will continue to be guided in their decisions to intervene and their choice of means of intervention by what they regard as their respective national interests."[11]

Liberals have criticized realist views of morality in world politics on several grounds. First, they argue that morality is already woven throughout the foreign policy behavior of states and that this can be seen in, for example, the (admittedly imperfect) adherence of states to laws of war, as well as in the provision of

foreign aid. Second, liberals hold that the realist objections to ethics in international politics are unconvincing. Specifically, in this view, the structure of world politics is not so anarchic as realists suppose; actors, including powerful states, have moral interests as well as material ones; and morality is prudent. To do good brings its own reward—people trust you. You do not have to spend your resources coercing others; they will want to work with you.[12]

Because foreign policy is thoroughly imbued with morality in this view, the liberal list of the moral responsibilities of states would be large. Emphasizing the poverty, disease, and lack of educational opportunity in the poor areas of the world, liberals would put foreign assistance, the principles of just war, and the promotion of democratic values and human rights at the top of their foreign agenda. They argue that to help others is not only right but increases one's own security.

In some ways, then, the foreign policy rhetoric of the Bush administration is liberal, which is why many compare President Bush to Woodrow Wilson, and why Bush himself seems to have an affinity for that president.[13] As the president said in May 2003 at the U.S. Coast Guard Academy, in New London, Connecticut, "We . . . stand for the values that defeat violence, and the hope that overcomes hatred. . . . Because America loves peace, America will always work and sacrifice for the expansion of freedom." The president went on, "President Woodrow Wilson said, 'America has a spiritual energy in her which no other nation can contribute to the liberation of mankind.' In this new century, we must apply that energy to the good of people everywhere."[14] Beyond liberal and realist perspectives, other scholars—poststructuralists and feminists—have proposed a reconceptualization of international ethics.[15] Specifically, they question the national/international divide, arguing that moral boundaries that coincide with geopolitical ones are arbitrary, to say the least. Morality does not end at the border. Further, these theorists propose that there is a responsibility to others, in particular a duty to develop empathy with others and to treat them with care. But beyond this general injunction, poststructuralist and feminist scholars of international ethics argue, against the view of liberals, that moral duties do not naturally flow from Western values. Particularly mindful of the history of slavery, colonialism, and intervention—each of which was justified in its day in the name of supposedly universal Western values—these scholars suggest that any ethical relationship must be an equal one.[16] Most poststructuralists and feminists would agree with the moral duties that liberals want to promote, but they suggest that those duties can be accomplished less paternalistically. In other words, they stress the process of politics as much as the outcome.

In a sense, these debates illustrate the opposite but equally worrisome dangers of moral indifference and moralistic excess and evangelism. The United States cannot afford either.

I make two assumptions. First, whether we like it or not, morality is always part of a state's foreign policy; it is certainly on the agenda of the current administration. Even those who say morality is irrelevant and want to pursue only state interests are making a normative choice. The questions are the explicitness of the moral mission, whether it is good, and how these moral aspirations and duties are to be accomplished.

The second assumption is that the United States is hegemonic. It is the world's sole superpower, and its official military doctrine, as outlined in the Quadrennial Defense Review of September 2001, is the maintenance of preeminence.[17] As the national security strategy says, "Our forces will be strong enough to dissuade potential adversaries from pursuing a military build-up in hopes of surpassing, or equaling, the power of the United States."[18]

If one is willing to accept, for the moment at least, those assumptions—the centrality of morality and of American preeminence—there follow the further questions we have noted: What are the moral responsibilities of the United States with respect to Iraq? Second, what are the moral responsibilities of the United States as the world's sole superpower? Third, are U.S. goals undermined or enhanced by the pursuit of a moral foreign policy agenda?

I address these questions in turn.

U.S. RESPONSIBILITIES IN IRAQ

How could we begin to know what the moral responsibilities of the United States are with respect to Iraq?[19] There are many senses of the word "responsibility," and each has a moral element. We can be responsible in a causal or historical sense, if our past behavior was the cause of a present condition. (For example, the rapid and profuse emission of carbon dioxide by humans may be responsible for a global rise in temperature and the melting of portions of the polar ice caps.) In this causal sense the United States might be considered responsible for some of the conditions in contemporary Iraq. This is not to say that Iraqis generally, and the Baathist regime of Saddam Hussein in particular, bear no causal responsibility for the damage done—far from it. Hussein was a vicious despot, and we must hope that he is fairly tried, convicted, and punished for his crimes. Nor is focusing upon the role of the United States in Iraq prior to March 2003 to ignore the role of other states in Iraq's politics; the British occupation of Iraq in the early twentieth century left its mark, establishing the domination of both the Sunnis and the military in Iraqi politics.[20]

Still, in pursuit of its own interests, the United States acted in and on Iraq several times in the last twenty years—the 1980s, the sanctions period, and the recent war—and even the earlier interventions were not without effects that are relevant today. It is widely known, though sometimes forgotten, that the United States supported Saddam Hussein's Baathist regime during the 1980s. Some of the worst atrocities of Iraq were committed during this period, when Iraq was at war with Iran and fought at the same time both to suppress the Kurdish independence movement in the north and to maintain its totalitarian hold in the rest of Iraq. It was then, for example, that the regime used chemical weapons on its own people and on Iranians. Nonetheless, during the 1980s the United States helped Iraq acquire weapons and supplied it military intelligence for use in the war against Iran.

During the sanctions period following the 1991 Gulf War to remove Iraq from Kuwait, the Iraqi infrastructure, already stressed by more than a decade of neglect and war-related damage, was further damaged. Indeed, it was explicit U.S. policy to use sanctions to make sure that Iraq's infrastructure did not recover; resources supplied to Iraq might be used for military mobilization or to build weapons of mass destruction. Whatever we think of the effectiveness of the sanctions policy of constraining and containing the Iraqi regime, certainly the Iraqi people suffered an overall decline in their standard of living and in such basic indicators of health as infant and maternal mortality. Of course, Saddam's own policies in those years also hurt the average Iraqi, who will not soon forget how the regime's elites enriched themselves during the sanctions period.

The United States is also partly responsible for the effects of war on Iraq. The war in 1991 was described as a response to Iraqi aggression, and many aspects of it were justifiable according to the traditional sense of just war theory. Yet there were unfortunate lapses on the part of the U.S. military. For example, the distinction between noncombatants and combatants was blurred by the strategy of massive aerial bombardment. Further, some retreating Iraqi soldiers, no longer fighting, were killed on the so-called highway of death (the exact figures are disputed). The increasingly aggressive enforcement of the no-fly zones in the north and south of Iraq later in the decade was also a form of war against Iraq, one that not only targeted Iraq's military infrastructure but sometimes harmed noncombatants. Similarly, in early 2003—while major combat was mercifully brief, and the coalition took great pains, for which it should be applauded, to avoid harming civilians and basic infrastructure—the U.S.-led war on Iraq did do damage. Data on how many noncombatants, or even Iraqi combatants, were injured or killed is apparently not available through U.S. government sources. However, recent estimates suggest that despite extensive use of precision guided weapons (about 68 percent), about 30 percent of fatalities in the war were among

noncombatants.[21] Moreover, the security of Iraq was so badly handled immediately afterward that massive looting may have done more damage to Iraq's infrastructure than the war itself. In other words, despite the best intentions of the United States, American policies and behavior have hurt Iraq and individual Iraqis.

It would be inaccurate to argue that the United States bears sole causal responsibility for the condition of Iraq today; it does not. Iraq was the aggressor in its wars against Iran and Kuwait. It was the Baath regime's criminality and brutality that caused sanctions to hurt the average Iraqi far more than the leadership. Just before the most recent war Saddam Hussein released criminals from prison, who did great damage after the conflict ended. Even if it is true that during the 1980s the United States helped Iraq with intelligence and the acquisition of chemical and biological weapons, it was the Iraqis who used them. In other words, there is more than one historically culpable actor here. But the fact that the Iraqis in power did wrong does not allow us to forget the United States may have acted in ways that turned out badly or were simply wrong. The United States bears some measure of causal responsibility.

There are other senses of responsibility. One might be responsible in the sense of having the duty to provide for the care and well-being of others who cannot take care of themselves, especially if we are partly responsible for that incapacity. One can also take responsibility as part of a division of labor among equals—that is, taking on a duty where others also have duties. To be responsible is to be accountable for our behavior to another—perhaps to Iraqis, to American citizens, or to the international community as it is constituted in the United Nations General Assembly and Security Council. To be responsible is to be reliable and dependable, to be competent in completing the tasks and meeting the goals to which one has committed oneself. In all these senses—of accountability, reliability, the causal responsibility of action and consequence, the moral obligation of the strong to help the less well off, and the duty to follow through on burdens undertaken in equal partnership—the United States has obligations to Iraq.[22]

LEGAL OBLIGATIONS OF THE UNITED STATES TO IRAQ

What are the legal obligations of the United States with respect to Iraq? The most pressing of them are the obligations, under relevant international treaties and UN resolutions, of the United States as an occupying power in Iraq. These familiar legal obligations bear directly on the question of moral responsibility.

First, the United States, having entered Iraq through war, is an occupying power under the Hague Regulations of 1907 and the Fourth Geneva Convention of 1949. The declarations of the Bush administration (although it prefers to speak of "liberation"), as well as the language of the relevant UN resolutions,

recognize the United States as an occupier.[23] Occupying powers have certain duties under international law. Specifically, an occupier must not annex the occupied territory; the occupation must be temporary; an occupier must maintain law and order in the occupied territory;[24] and an occupier must secure the basic human needs of the population.[25] Further, both the Hague Regulations and the Geneva Convention require occupiers to respect the laws of the state they have occupied, changing them only insofar as is necessary to provide good order.[26] Occupiers are also required to manage the resources of the occupied state so as to prevent waste or misuse; any profits that accrue may be used to pay for the costs of local administration.[27]

The occupation of Iraq is unusual in comparison to other recent occupations, though not entirely unique. In Germany and Japan after World War II, for example, the entire governing apparatus of the occupied states did not disappear. Even though both states had been devastated by bombing and the Allies conducted limited purges and war crimes tribunals, both countries still had well developed and functional bureaucracies after the war. In Iraq, on the other hand, the state melted away, or was destroyed or (like the police and military) disbanded by the coalition military and the Coalition Provisional Authority (CPA). The Iraqi bureaucracy was effectively nonexistent when the CPA began the task of occupation and reconstruction. Moreover, state assets had been looted in the immediate aftermath of the fighting.

The Iraqi case, in fact, illustrates how the goals of occupation have changed. No longer do occupiers restore or establish monarchies or authoritarian states as they had in decades past. In the 1990s in Kosovo, East Timor, and Bosnia, the occupiers, to the extent that the international peacekeepers can be so described, worked to establish and protect democracy. In East Timor they even participated in writing a new constitution. In Iraq, the goals of occupation also include democratization. Specifically, UN Security Council Resolution 1511 states that the role of the CPA will "cease when an internationally recognized representative government established by the people of Iraq is sworn in and assumes the responsibilities of the Authority"—language that presumes the goal of representative government.

But there is a contradiction between previous international law and the UN resolutions giving the CPA certain powers in Iraq. UN Security Council Resolution 1483 of May 2003 and Resolution 1511 of October 2003 envision a sweeping change of Iraqi politics toward representative government—which Iraq has never had (except under the northern no-fly zone)—whereas the resolutions also require the CPA to abide by the Hague Regulations and the Geneva Conventions, which oblige an occupier to respect preexisting laws and forms of government.

How should these conflicting responsibilities be resolved? The determination to respect Iraqi sovereignty and self-determination is certainly laudable, but so is the desire to bring representative government to Iraq. Moreover, this is only the latest in a series of cases over the past decade showing how the principles of sovereignty and self-determination are clashing with the trend to promote democratic governments and free market capitalism. Of course, the exercise of the vote in free elections is not the only important sign of a democracy. Without the rule of law, a free press, an educated and engaged citizenry, and a thriving civil society, democracy does not work well, if it can work at all.

The United States and the Coalition Provisional Authority may well argue that they are justified in remaking Iraq, even if its ambitions seem to violate the letter and spirit of international law. Advocates of sweeping change would argue that the United States is both morally and practically required to reshape Iraq's government wholly, because of the present lack of a functioning state bureaucracy and government services, the danger that the Baathists may return or extremists may take power, and the shift that began early in the post–Cold War era toward promoting democracy in postconflict settings. Yet the norm of self-determination and minimal intervention after war is important, and it does conflict with the nation-building effort.

This ostensible conflict of international law should probably be interpreted to suggest that the coalition's license to remake Iraq, if it has a license at all, is a relatively narrow one. The United States should not engage in a wholesale restructuring of Iraq's political institutions. That should be the job of Iraqis. Instead, the United States should concentrate on its other obligations under international law—specifically, to provide order and basic needs for Iraqis while they are under occupation. We should also help Iraq rebuild its infrastructure—not just because we destroyed much of it or allowed it to be looted, but also because we supported Saddam in the past, because our sanctions were so devastating, and because our most recent war was certainly not authorized by the UN and may arguably have been illegal.

I cannot agree that the liberation of Iraq (the ends) justifies the means in this case. But, as many have said, the United States is now in Iraq and must shoulder its responsibilities, which must include a relatively quick exit so that Iraqis can take up their own governance. The United States has moved to do so, but it cannot be seen to be completely orchestrating the transfer of power. Iraqis must own and direct the process. Yet even with the U.S. handover of nominal authority to Iraqis in June 2004, its obligations did not end. Iraqis will need and indeed deserve some measure of assistance for some years to come. The shape of that assistance and its duration should be decided in full consultation with Iraqis—and not simply those Iraqi leaders the United States hand-picks for leadership.

INTERNATIONAL ACCOUNTABILITY INCREASES INTERNATIONAL LEGITIMACY

The legal obligations of an occupying power do not depend on whether the occupation is legal or illegal. Many members of the United Nations consider the U.S.-led war against Iraq illegitimate and question the legitimacy and motivation of the American effort to remake Iraq. Indeed, perceived illegitimacy of the war and the occupation has impeded the financial and military support the United States wants from its allies.

One way around this perception of illegitimacy, and also the clash already discussed between democratization and the limited rights of an occupier to remake a sovereign state, is to change the structure of legal accountability. At this writing, the Coalition Provisional Authority and its administrator, Paul Bremer, have supreme authority in Iraq. The United States and the CPA essentially answer to no one, except indirectly to the American taxpayers. Iraqis have only a token or nominal role and no one to appeal to when they disagree with U.S. or CPA policies. Under the currently operative UN Security Council resolutions, the CPA has provided only a patchwork of procedures, and minimal transparency and accountability.

Legitimacy and accountability to Iraqis might be greatly enhanced if the occupation were institutionalized under United Nations authority. The United States has wanted the mantle of UN legitimacy but has not been willing to cede any of its own authority to the United Nations. But there is a model of UN trusteeship that might work, if the United States would subject itself to oversight and accountability. There are provisions in the UN Charter, in Chapters XII and XIII, for states administering territories to place them under UN trusteeship. The coalition might declare its administration of Iraq a form of international trusteeship and place the CPA under the authority of the UN Trusteeship Council or an ad hoc council on transitional administration.[28] In that way the United States and the CPA would become accountable both to the council and indirectly to other nations, as well as to the Iraqi people.[29] The United States would remain responsible for the security of Iraq but under international oversight. The functional equivalent of the Trusteeship Council would hear reports required of the CPA as trustee; it would also receive petitions and testimony from Iraqis. In turn, the council would be required to report to the General Assembly on the progress of the CPA in the political, economic, social, and educational advancement of Iraq, respect for human rights, and equal treatment and justice for Iraqi citizens.

Placing Iraq under UN trusteeship would have been a novel solution but not without legal difficulties.[30] A modified form of UN trusteeship would have to be agreed to, of course, by all parties. Still, it would go some way toward bringing the United States, as an occupying power, back into the framework of

international law, and UN supervision of the CPA occupation would help to promote accountability in Iraq's occupation and decrease the sense—and to some extent the reality—of crony capitalism in Iraq's reconstruction. It would also lessen the perception that the structure of government essentially reflects a deal between the United States and a small group of unelected, American-selected Iraqis. The trusteeship relationship would have to be for a limited time (say, six to eight months), during which the political priority should be the development of local institutions of governance and security. The Iraq Governing Council must become a representative institution in the short term and then be replaced by an elected assembly. Increasing the openness of the process is vital to enhancing the quality of the final structure of Iraq's government and increasing the perceived legitimacy of the process among Iraqis and international observers. The interim constitution signed in March 2004 by members of the Iraq Governing Council must not be seen to be solely a creature of U.S. making. Because the transition to an Iraqi interim administration in June 2004 was seen as both undemocratic and orchestrated by the United States to suit its interests in controlling Iraq after the transition, the United States has again fallen short of its obligations to Iraq. The way to at least in part ameliorate this situation is by supporting those Iraqis who favor democratic institutions and practices, regardless of whether they pledge 100 percent fealty to the United States.

Other specific steps include building up security forces to promote the stability and good order that the United States is obliged to provide as an occupying power. General Eric Shinseki, Chief of Staff of the U.S. Army from 1999 until August 2003, argued prior to the conclusion of the war that the United States would need more troops to occupy Iraq. Securing Iraq may require at least a hundred thousand more troops, in addition to the 150,000 or so that were there in late 2003, to guard ammunition dumps, patrol the borders, and provide security at sensitive facilities, such as oil pipelines, and Iraq's other crucial infrastructure.[31] It is a clear obligation of the United States as an occupier to provide security, the sine qua non of all else in Iraq. The United States fails to meet its legal and moral responsibilities to Iraq as long as it fails to do so.

THE MORAL DUTIES OF THE HEGEMON

But the United States is not concerned only with Iraq; it has global aspirations and, some argue, global responsibilities. Does the United States have particular moral burdens as the world's sole superpower? The Bush administration, like the Clinton and first Bush administrations, argues that the United States does in fact have great moral responsibilities and duties. Indeed, these post–Cold War presidents are hardly unique; nearly every American president in the twentieth century claimed that the United States has a moral obligation to the world. In his

famous June 2002 West Point address, in which he unveiled his preemptive war doctrine, President Bush also laid out a strong moral position and agenda:

> Some worry that it is somehow undiplomatic or impolite to speak the language of right and wrong. I disagree. Different circumstances require different methods, but not different moralities. . . .
>
> Moral truth is the same in every culture, in every time and in every place. Targeting innocent civilians for murder is always and everywhere wrong. Brutality against women is always and everywhere wrong.
>
> There can be no neutrality between justice and cruelty, between the innocent and the guilty. We are in a conflict between good and evil, and America will call evil by its name.
>
> . . . As we defend the peace, we also have an historic opportunity to preserve the peace. We have our best chance since the rise of the nation state in the 17th century to build a world where the great powers compete in peace instead of prepare for war. . . . America stands for more than the absence of war. We have a great opportunity to extend a just peace, by replacing poverty, repression, and resentment around the world with hope for a better day. . . . America has a greater objective than controlling threats and containing resentment. We will work for a just and peaceful world beyond the war on terror.[32]

In his 2003 State of the Union address, President Bush said, "Americans are a free people, who know that freedom is the right of every person and the future of every nation. The liberty we prize is not America's gift to the world; it is God's gift to humanity."[33] Further, as the president told the American Enterprise Institute in February 2003 during the buildup to the war in Iraq, "We meet here during a crucial period in the history of our nation, and of the civilized world. Part of that history was written by others; the rest will be written by us."[34] Here utopianism slides into omnipotence—the United States will write a new global history.

Further, economics has become a matter of moral certitude and high moral stakes for the Bush administration. The national security strategy argues that "the concept of 'free trade' arose as a moral principle even before it became a pillar of economics."[35] Indeed, freedom is defined in economic terms. "If you can make something that others value, you should be able to sell it to them. If others make something that you value, you should be able to buy it. This is real freedom, the freedom for a person—or a nation to make a living."[36]

The strategy articulates economic development in terms of a moral mission. "A world where some live in comfort and plenty, while half of the human race lives on less than $2 a day, is neither just nor stable. Including all of the world's poor in an expanding circle of development—and opportunity—is a moral imperative and one of the top priorities of U.S. international policy" (page 21). The

irony, of course, is that the United States has one of the lowest rates of foreign aid among developed countries. Freedom in this case is the freedom to follow the American free market formula. Thus, the administration says, "We have a moral obligation to measure the success of our development assistance by whether it is delivering results" (page 22).

This sense of a great moral mission to remake the world—"the *rest* will be written by us"—is part of the strategy to combat terrorism. Bush's remarks May 2003 at the Coast Guard Academy show the causal links the administration draws between this moral vision and U.S. security:

> We find our greatest security in the advance of human freedom. Free societies look to the possibilities of the future, instead of feeding old resentments and bitterness. Free countries build wealth and prosperity for their people in an atmosphere of stability and order, instead of seeking weapons of mass murder and attacking their neighbors. Because America loves peace, America will always work and sacrifice for the expansion of freedom. . . . These goals—advancing against disease, hunger and poverty—will bring greater security to our country. They are also the moral purpose of American influence. They set an agenda for our government, and they give idealistic citizens a great cause to serve.[37]

The moral mission also goes hand in hand with the new preemptive war doctrine. The administration sees a seamless global web of U.S. interests and vulnerabilities. In the words of the new *National Security Strategy,* "Today, the distinction between domestic and foreign affairs is diminishing. In a globalized world, events beyond America's borders have a greater impact inside them."[38] Specifically, as the perception of American economic and political interests has enlarged—has become more global—so has the sense of U.S. vulnerability. The 2001 *Quadrennial Defense Review* emphasized that "the United States has interests, responsibilities, and commitments that span the world. As a global power with an open society, the United States is affected by trends, events and influences that originate from beyond its borders."[39] This is an understanding of the United States as a global power with global interests and vulnerabilities. In this view of a global American self, it is understood to be legitimate to intervene everywhere in "self" defense.

The post-9/11 context of terrorism creates a sense in which the state is always under threat. Terrorism, understood as war, expands the concepts and practice of war temporally and conceptually, in part because "the threat of terrorist attack is terrorism."[40] Counterterrorism, conceived of primarily as war, similarly explodes the limits on war, because, as Secretary Rumsfeld repeatedly emphasizes about terrorism, "There is no way to defend everywhere at every time against every technique. Therefore you simply have to go after them."[41] The global self is always under threat, because terrorists are potentially always ready

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to strike. The possible targets of terrorism must be in a constant state of mobilization and preparedness, and thus the conceptual and political lines between war and peace tend to become blurred. The contemporary counterterror context thus lacks distinct "battlefields" and "fronts," while the speed of events and technologies places great pressure on leaders for immediate decision making. "Our security will require . . . a military that must be ready to strike at a moment's notice in any dark corner of the world. And our security will require all Americans to be forward-looking and resolute, to be ready for preemptive action when necessary to defend our liberty and to defend our lives."[42]

The world appears so uncertain and dangerous to the Bush administration—the "international system . . . has become more fluid and unpredictable," a "geopolitical setting that is increasingly complex and unpredictable"—that it is convinced that the United States must prepare for every possible future military contingency with a military capability.[43] The administration seeks to "shape the strategic landscape" and "promote stability" because it is so troubled by unpredictability.

The Bush administration has also redefined its view of threats in line with its understanding of the globalization of technologies that might conceivably be used to produce weapons of mass destruction. In the past, it took years and tremendous resources to mount a threat to the United States or to regional stability. This meant that defenses could be mobilized. The administration believes that the diffusion of technological capacity has changed that truism. The 2002 *National Security Strategy* argues, "We must adapt the concept of imminent threat to the capabilities and objectives of today's adversaries."[44] The president says, "The gravest danger our Nation faces lies at the crossroads of radicalism and technology."[45] Further, as the president's national security adviser, Condoleezza Rice, has argued, "new technology requires new thinking about when a threat actually becomes 'imminent.' So as a matter of common sense, the United States must be prepared to take action, when necessary, before threats have fully materialized."[46]

As the counterproliferation and preemptive/preventive-war doctrines attest, the administration assumes that "possession" of weapons or efforts to acquire them is tantamount to intent to use these forces offensively against the United States. The goal of preeminence and the adoption of "capabilities-based" planning underscore this fear of any other state having anything approaching the level of U.S. military power. If this is the understanding of the threat and the strategic context, imminent threat is not the threshold any longer for action; mortal threats requiring response are always imminent. In other words, the difference in terms of time between a distant threat that one might be able to deter or defend against and an immediate or imminent threat to which the only prudent response is preemption has telescoped and even collapsed. The distinction

between a potential adversary and a likely one also collapses in this view of the world. If this is really the view of the administration, it has not been disingenuous in labeling the Bush doctrine as "preemptive"; it sees little if any difference between the present and the possible future.

In other words, the Bush administration appears to believe that because of globalization (understood as political and economic interdependence as well as the diffusion of high technology), the United States cannot afford to let the rest of the world run itself as it pleases. That freedom is simply too dangerous. Free market democracies are more peaceful and prosperous, it argues—and prosperity decreases the attractiveness of terrorist action and the ideologies of terrorists.

Thus, the moral mission proclaimed so loudly by the Bush administration is tightly linked to U.S. security objectives. I cannot but agree that many of the administration's objectives are laudable. If the goals are laudable and also promote American interests, why indeed should not the administration set about remaking the world in the image of the United States? Is not the "rightful place" of the United States, the world's most powerful nation, in front, calling the shots?

There are at least two reasons—both ethical and prudential—why the United States should nonetheless refrain from acting hegemonically. First, if the administration truly believes in democracy and self-determination, it must not ignore the agency of others as free and equal participants in the achievement of their own aspirations. There is ample evidence that the current administration does not in fact trust others to be the architects of their own destinies. An example of this paternalism can be found in the liberation and subsequent governance of Iraq under the Coalition Provisional Authority. American soldiers pulled down the statue of Saddam. The Iraqis did not, ultimately, do the deed; we rushed in to do it for them. The United States then handpicked the interim Iraqi government, severely constrained its powers, and has (at this writing) tried to sideline calls for an immediate direct election.

Second, the United States should not set about remaking the world because it does not have all the answers. Local solutions sometimes are not only seen to be more legitimate but are better than the ones the United States might try to impose unilaterally or through international institutions. Indeed, in its self-righteousness the administration ignores how its own behavior sometimes harms the life chances of individuals in the rest of the globe and works against the values it claims to want to promote. One cannot urge others to respect international law, abide by democratic norms, and behave peacefully in the world if one's own behavior sometimes undermines those very values.

There is a third reason why the United States should not attempt to remake the world. The surest way to create resistance is to tell others how they should run their affairs. The Declaration of Independence is a litany of the ways in

which imperialism breeds resentment. For this reason alone, many of the Bush policies are neither prudent nor effective; they are, in fact, counterproductive to U.S. interests.

PRINCIPIA LEVIATHAN

What would be a better way to promote the democratic values we all want to see develop in the world? A moral foreign and military policy would, first of all, entail a discussion within the United States and the international community of the U.S. role in the world. That means that American leaders should not do all the talking but instead a good deal more listening.

Second, the United States needs to develop a sustainable grand strategy to promote democracy and human rights in a nonpaternalistic and respectful way. A sustainable foreign policy must also, of course, deal with the global challenges of terrorism, energy, and global environmental change. These challenges are linked, in the sense that the United States needs a sustainable energy policy that will in the long run get the United States out of the Middle East and out of the business of supporting despots who promise access to oil. Simply proclaiming that despots should change their spots does not accomplish that goal. The human rights of those in civil society who are working to create democracy from below should be protected, and resources should be channeled to those with truly democratic visions and programs. Support for human rights obviously includes ensuring that prisoners of war and detainees receive due process and are not tortured. Further, as a global superpower, the United States should take up the maxim of "first do no harm," which means decreasing support to dictators and authoritarian regimes around the globe and increasing support for leaders who promote human rights.

Third, a more moral foreign policy would be more multilateral, a step toward developing the rule of law rather than the rule of force. The assumption in some quarters in Washington seems to be that the United States belongs on top, alone—there is hardly another way to take the meaning of "preeminence." Yet there are costs to going it alone, beyond the financial burdens of trying to reshape the world on the back of the U.S. treasury. The nascent institutionalization of the rule of law is jeopardized when one state takes it upon itself to be rule maker, rule breaker, judge, jury, and occasionally executioner. We are all better off in a stable world of rules that all expect others to abide by. This means adhering to negotiated and binding solutions to problems that range from arms control to the environment and trade.

Specifically, the American policy on the nonproliferation of weapons of mass destruction would be advanced if the United States were itself seriously bound by arms control. In other words, until the United States develops a more

nuanced nonproliferation policy that entails dealing with its own nuclear forces, it will find it hard to get others to forgo their own weapons of mass destruction. That means in particular that the United States should return to serious nuclear arms control. The Bush administration has abrogated the Anti-Ballistic Missile Treaty and refuses to submit the Comprehensive Test Ban treaty for ratification. The administration has signed one major arms control treaty, the May 2002 nuclear arms reduction treaty between the United States and Russia. The *New York Times* characterized that agreement as "the most dramatic nuclear arms cut in decades," yet there is less here than meets the eye.[47] The Strategic Offensive Reductions Treaty (SORT) actually *eliminates* few weapons—the total number of U.S. nuclear weapons would go from 10,600 to ten thousand. Rather, it takes four thousand nuclear weapons off alert—at some indeterminate point within the next decade—and puts them in storage. The majority of the American nuclear weapons covered by the treaty will not be dismantled. Instead, they will be available for redeployment when the treaty expires—the day after it becomes effective, ten years after it was signed. Further, the Nonproliferation Treaty will become essentially ineffective if the United States refuses to live up to its obligations (under article 6) to reduce and eliminate its nuclear forces.

In addition, the United States should reconsider its stance on treaties that the majority of the world's nations have found useful for security, the global environment, and the promotion of the rule of law. Specifically, the United States should accede to the antipersonnel land-mine treaty, join the International Criminal Court, and ratify the Kyoto Protocol even if none of these treaties is perfect from an American perspective. In some cases, perfect is the enemy of good enough. It is unreasonable for the United States to expect cooperation on the war on terror or on global trade if it impedes international cooperation in other spheres. The manifest unfairness of U.S. policy only creates resentment and gives cover to scofflaws. How is it fair, for example, that just 5 percent of the world's population produces over 25 percent of the world's greenhouse gases?

Fourth, the United States should adopt a security policy in line with international law and the just war tradition. Specifically, it should renounce the preemptive-war doctrine, which is illegal and imprudent. Preemptive war is seen by others as preventive war, because of the broad way in which the United States has defined its interests and its threats. In defending the preemptive doctrine, Condoleezza Rice once referred to Daniel Webster's "famous defense of anticipatory self-defense."[48] But Rice missed Webster's point. He sought precisely to limit the resort to preemption, even in the name of self-defense. Preemption, after all, initiates violent conflict, so it must meet demanding strictures. By drawing a sharp line between legitimate preemption and illegitimate aggression Webster sought to avoid what he called "bloody and exasperated war."

It is worth recalling Webster's argument in detail. In December 1837 British military forces based in Canada learned that a private American ship, the *Caroline,* was ferrying arms, recruits, and supplies from Buffalo, New York, to a group of anti-British rebels on Navy Island, in the Niagara River upstream of the falls on the Canadian side of the border. On the night of 29 December, a British and Canadian force set out to destroy the ship. They did not find the *Caroline* at the island but tracked it down in American waters. While most aboard slept, the troops boarded the ship, attacked the crew and passengers, and set the vessel on fire. They then towed the *Caroline* into the current and released it to drift toward Niagara Falls, where it broke up and sank. Most on board escaped, but one man was apparently executed, and several others remained unaccounted for and were presumed dead.

In a letter to Daniel Webster, then secretary of state, the British ambassador, Henry Fox, defended the incursion into U.S. territory and the raid on the *Caroline.* British forces had simply acted in self-defense, he said, protecting themselves against "unprovoked attack" with preemptive force.[49] In his eloquent reply Webster rejected that argument and articulated a set of demanding criteria for a "necessity of self-defense"—in particular, for legitimate preemptive force. Preemption, Webster said, is justified only in response to an imminent threat; moreover, the force must be necessary for self-defense and can be deployed only after nonlethal measures and attempts to dissuade the adversary have failed. Furthermore, a preemptive attack must be limited to the immediate threat and must discriminate between the armed and unarmed, the innocent and guilty. The British attack on the *Caroline,* Webster argued, failed miserably by these standards:

> It will be for that Government [the British] to show a necessity of self-defence, instant, overwhelming, leaving no choice of means, and no moment for deliberation. It will be for it to show, also, that the local authorities of Canada,—even supposing the necessity of the moment authorized them to enter the territories of the United States at all,—did nothing unreasonable or excessive; since the act, justified by the necessity of self-defense, must be limited by that necessity, and kept clearly within it. It must be shown that admonition or remonstrance to the persons on board the "Caroline" was impracticable, or would have been unavailing; it must be shown that daylight could not be waited for; that there could be no attempt at discrimination between the innocent and the guilty; that it would not have been enough to seize and detain the vessel; but that there was a necessity, present and inevitable, for attacking her in the darkness of night, while moored to the shore, and while unarmed men were asleep on board, killing some and wound[ing] others, and then drawing her into the current above the cataract, setting her on fire, and, careless to know whether there might not be in her the innocent with the guilty, or the living with the dead, committing her to a fate that fills the imagination with horror. A necessity for all this the government of the United States cannot believe to have existed.

Webster concluded that "if such things [as the attack on the *Caroline*] be allowed to occur, they must lead to bloody and exasperated war."[50]

The present administration argues, of course, that we do not live in Daniel Webster's world, in which "terrorists" seek "martyrdom" and leaders of "rogue states" are often risk prone and willing to sacrifice the lives of their people; in which preparations to attack the United States are often not visible (terrorists may use "weapons of mass destruction" that "can be easily concealed, delivered covertly, and used without warning"); and in which attacks may be devastating. For these reasons we need to revise our understanding of when a threat is "imminent"—"We must adapt the concept of imminent threat to the capabilities and objectives of today's adversaries."[51] The United States cannot wait, in this view, for a "smoking gun" if the smoke comes in the form of a mushroom cloud.

I do not dispute the administration's moral premise, that the right to self-defense sometimes permits preemption. The problem is that the preemption doctrine has collapsed the distinction between imminent (immediate) and potential future threats. It assumes that grave threats are now *always* imminent. Yet such a view is both inaccurate and ultimately dangerous. In postulating that we are always in grave danger of immediate assault, we lose precisely the time we need to distinguish between potential threats and likely ones; we also may tend to strike first, without much evidence. Further, in assuming that the world is one of imminent and grave peril (immanent threat), the United States deemphasizes diplomacy, arms control, and negotiation, turning instead to the use of force because it assumes there is little or no time for these measures. In fact, however, the presumption of imminent threat makes us less secure. Even in the new security environment, distinctions between short and long-term threats and between different sorts of potential adversaries remain fundamental. Denying the importance of these distinctions, as the administration sometimes does, is morally unacceptable and will lead to greater instability. As Bismarck said in 1875, "I would . . . never advise Your Majesty to declare war forthwith, simply because it appeared that our opponent would begin hostilities in the near future. One can never anticipate the ways of divine providence securely enough for that."[52]

Finally, the United States should modify its counterproliferation doctrine. Threatening the use of nuclear weapons or conventional war to counter the development or possession of nuclear, chemical, or biological weapons by others only spurs others to get those weapons in order to deter the United States itself from attack. Some potential proliferators may be cowed in the short run into relinquishing their weapons programs, but other states are likely to accelerate their attempts to acquire weapons of mass destruction.

AN ETHICAL APPROACH CAN YIELD A MORE SECURE UNITED STATES

The United States can pursue its security interests and an ethical foreign policy at the same time. In fact, the present administration has tried to do so, by infusing its foreign policy with a moral mission. The problem has been that its moralism has been a narrow one of promoting American interests and values regardless of how its behavior affects others, on the assumption that what is good for the United States is good for the rest of the world. Indeed, the Pax Americana pursued since the 9/11 attacks has been dangerous, although in many ways no great departure from the agendas of recent administrations. First, it has institutionalized fear in U.S. foreign policy, although American vulnerability is actually little different from what it used to be. Of course, the 11 September terrorist attacks were devastating, but U.S. vulnerability to attack is essentially the same or perhaps lower primarily because the United States has increased its vigilance in the wake of those attacks. Fear and an understandable sense of righteous injury and indignation have led to a frantic urgency to make the globe safe. Nearly blinded by fear, the administration apparently believes (at least, some of its members do) that the United States can do no wrong and that the ends of global peace on U.S. terms justify any means. The administration cannot see outside the logic of ever-expanding force and military preeminence. Its fear and moral certainty combined with its awesome power have created a deadly cocktail.

It may be no exaggeration to suggest that the U.S. war against Iraq in 2003—not the 9/11 attacks—will prove to have been the turning point in American foreign policy and in global history. Immediately after the campaign, a survey of international opinion in twenty countries by the Pew Research Center for the People and the Press found that the United States was seen unfavorably in thirteen of those countries. In the seven countries surveyed where support remained above 50 percent, it had declined. The center's director observed, "The war has widened the rift between Americans and Western Europeans, further inflamed the Muslim world, softened support for the war on terrorism, and significantly weakened global support for the pillars of the post–World War II era—the U.N. and the North Atlantic alliance."[53] The failure to honor promises to secure Iraq immediately, to feed and fight simultaneously, tarnished the luster of U.S. omnipotence. The subsequent failure to find weapons of mass destruction in Iraq, and ultimately the revelation that there had almost certainly been none to find—after the Pentagon had said it knew where those weapons were—is seen as a sign of falseness on the part of the United States and has deeply undermined American credibility.

The aspiring leviathan is not all-powerful; the United States cannot create a global Pax Americana through brute force or by ideological aversion to the rule of law and multilateral institutions. Contrary to the president's argument in February 2003 the rest of global history will not, in other words, be written solely by the United States. All empires face limits and ultimately fall. But even so, the U.S. effort to dominate world politics, to impose a Pax Americana, will do much to create the common historical consciousness of shared concerns of the kind that constitutes a new global historical epoch. Just as in the 1960s, when the U.S. space program culminated in the nationalist act of planting an American flag on the moon, the country's aspirations and actions today will, ironically, catalyze and cement a global perspective. The United States can in fact pursue a moral policy in Iraq and in the rest of the world. Indeed, the integration of ethical reasoning with prudence is the most promising route to success in both the war on terror and the promotion of democracy and stability in Iraq and elsewhere.

The U.S. government has assumed a high level of moralism, and many of its goals are laudable. But the administration's moralism should not be mistaken for an ethical foreign policy. Anyone can say, and even sincerely believe, that what he or she does is good for themselves and for others. The mark of an ethical foreign policy is that it conforms with the highest principles of international law, the bedrock principle of which is respect for the autonomy of others; that the majority of the world agrees that action taken pursuant to that policy is just; and that implementation of the policy does not contradict its purposes. Ultimately, if the United States will not be bound by principles or laws that it champions, it has not acted ethically. In this respect, the policies of the Bush administration in Iraq and elsewhere have much farther to go.

NOTES

1. "President Bush Delivers Graduation Speech at West Point," 1 June 2002, available at www.whitehouse.gov/news/releases/2002/06/20020601-3.html.

2. National Security Council, *The National Security Strategy of the United States of America* (Washington, D.C.: Office of the President, September 2002), p. 1.

3. U.S. Defense Dept., *Quadrennial Defense Review Report* (Washington, D.C.: Government Printing Office, 30 September 2001), pp. 30, 62.

4. "Graduation Speech at West Point."

5. Quoted in James Atlas, "The Nation: Leo-Cons: A Classicist's Legacy: New Empire Builders" *New York Times*, 4 May 2003, "The Week in Review," p. 1.

6. *National Security Strategy,* 2002, p. 1.

7. Thucydides, *History of the Peloponnesian War* (New York: Penguin, 1954), p. 402.

8. Hans J. Morgenthau, *Politics among Nations: The Struggle for Power and Peace,* 6th ed., rev. Kenneth W. Thompson (New York: Knopf, 1985), p. 12.

9. Thomas Hobbes, *Leviathan* (1651; New York: Penguin, 1968). Realists suggest that if there is any moral tone at all to international politics, it is set by the dominant powers. Or, as E. H. Carr, the man realists love to quote, said, "Theories of social morality are always the product of a dominant group which identifies itself with the community as a whole, and which possesses facilities denied to subordinate groups or individuals for imposing its view of life on the community. Theories of international morality are, for the same reason and in virtue of the same process, the product of dominant nations or groups of nations. . . . [M]orality is the product of power." Edward Hallett Carr, *The Twenty Years' Crisis, 1919–1939: An Introduction to the Study of International Relations* (New York: Harper and Row, 1964), pp. 79, 81.

10. Hans Morgenthau, "To Intervene or Not to Intervene," *Foreign Affairs* 45, no. 3 (April 1967), p. 430.

11. Ibid.

12. Charles R. Beitz, *Political Theory and International Relations* (Princeton, N.J.: Princeton Univ. Press, 1979), pp. 17, 56.

13. On the renaissance of ethics in foreign policy see Leslie H. Gelb and Justine A. Rosenthal, "The Rise of Ethics in Foreign Policy: Reaching a Values Consensus," *Foreign Affairs* 82, no. 3 (May/June 2003), pp. 2–7.

14. "President Delivers Commencement Address at Coast Guard [Academy]," 21 May 2003, available at www.whitehouse.gov/news/releases/2003/05/20030521-2.html.

15. While liberals claim that morality ought to be part of foreign policy, many are troubled by the history of Western behavior—namely, centuries of colonialism undertaken under the color of a humanitarian/civilizing mission—and so hesitate to prescribe specific duties. Rather than claiming specific authority in this context, some liberals suggest that moral intuitions ought to be the guide. Others—for example, Ken Booth—are more certain. He argues that "just because many Western ideas were spread by commerce and the Gatling gun, it does not follow that every idea originating in the West, or backed by Western opinion, should therefore simply be labeled 'imperialist' and rejected. There are some ethnocentric ideas—and individual

human rights is one of them—for which we should not apologize." Ken Booth, "Human Wrongs and International Relations," *International Affairs*, vol. 71, no. 1 (January 1995), p. 113.

16. See Andrew Linklater, *The Transformation of Political Community: Ethical Foundations of the Post-Westphalian Era* (Cambridge, U.K.: Polity, 1998); David Campbell, *Politics without Principle: Sovereignty, Ethics, and the Narrative of the Gulf War* (Boulder, Colo.: Lynn Rienner, 1993); David Campbell and Michael J. Shapiro, eds., *Moral Boundaries: Rethinking Ethics and World Politics* (Minneapolis: Univ. of Minnesota, 1999); Fiona Robinson, *Globalizing Care: Ethics, Feminist Theory, and International Relations* (Boulder, Colo.: Westview, 1999).

17. "Graduation Speech at West Point."

18. *National Security Strategy*, 2002, p. 30.

19. I was not in favor of this war against Iraq; I was a vocal opponent of it. But given that the war has occurred, I do not believe it is appropriate to pull out just yet. Rather, like many who thought the rationales for the war were weak, false, or disingenuous, I find myself believing that the United States must complete the task, whatever that is. Part of defining the task and knowing when it is done and when it is time to leave, of course, depends on defining the moral responsibility of the United States toward Iraq.

20. Specifically, when Iraq was a British mandate, the British established a monarchy that was heavily dependent on the military for its support. The British also tipped the balance of power to the Sunni Arabs, who were and are a minority.

21. The Project on Defense Alternatives estimates that more than forty thousand Iraqis were killed or injured. Of the eleven to fifteen thousand Iraqis killed, between 3,200 and 4,300 were noncombatants. See Carl Conetta, *The Wages of War: Iraqi Combatant and Non-Combatant Fatalities in the 2003 Conflict,* Project on Defense Alternatives Research Monograph 8 (Cambridge, Mass.: Commonwealth Institute, 20 October 2003), at www.comw.org/pda/fulltext/0310rm8.pdf.

22. The idea of the international moral responsibilities, of course, merits further parsing. The

topic assumes that "states" have responsibilities that include and extend beyond, or are perhaps different from, their legal obligations to other states. It also assumes that Iraq can properly be the object of those responsibilities—and it begs the question of whether the U.S. responsibility, whatever it might be, is to the people of Iraq, to a nascent sovereign entity, or to a new Iraqi government. The question of responsibility also raises an implicit comparison between Iraq and other places. Is Iraq more or less deserving of our moral consideration than other places in the globe, including the territory of the United States itself?

23. See United Nations Security Council Resolution 1483 of 22 May 2003, "recognizing the specific authorities, responsibilities, and obligations under applicable international law of these states as occupying powers under unified command (the 'Authority')," and Security Council Resolution 1511 of 16 October 2003, which "reaffirms the sovereignty and territorial integrity of Iraq, and underscores, in that context, the temporary nature of the exercise by the Coalition Provisional Authority (Authority) of the specific responsibilities, authorities, and obligations under applicable international law recognized and set forth in resolution 1483 (2003) which will cease when an internationally recognized representative government established by the people of Iraq is sworn in and assumes the responsibilities of the Authority."

24. Hague Regulations, article 43. See Adam Roberts and Richard Guelff, eds., *Documents on the Law of War,* 3d ed. (Oxford, U.K.: Oxford Univ. Press, 2000), pp. 80–81.

25. Geneva Convention IV, articles 55, 56. See Roberts and Guelff, eds., *Documents on the Law of War,* pp. 319–20.

26. Hague Regulations, article 43; Geneva Convention IV, article 64.

27. Some might argue that the war was illegal because it was not a case of self-defense covered by Chapter VII of the UN Charter. Nor was there was an authorization from the UN Security Council for a collective enforcement action. Further, although the administration might have said it was so, neither was this a case where preemption might be justified—Iraq posed no clear and present danger to the United States. But the legality of the war is beside the point now. If all agreed that the coalition had made an illegal war, the only consequence at this point might be to suggest that the United States and its partners owed reparations to Iraq. Such a finding might in fact bolster the president's argument that the U.S. aid to Iraq that Congress approved in late 2003 should be in the form of a grant, not a loan.

28. A council on transitional administration could also make the governance of the other areas currently under UN transitional authority and administration (such as East Timor and Kosovo) more transparent and accountable.

29. The best outcome would, of course, be to turn over the complete administration of Iraq immediately and directly to the Iraqi people. Unfortunately, the security situation in Iraq does not allow that at this writing, and the United States seems unwilling to give up its "control" on the ground. Further, the interim administration in Iraq suffers from being associated in the minds of many Iraqis with the American occupation and the perception that its members were handpicked by the U.S. government.

30. Article 78 of the UN Charter specifically states, "The trusteeship system shall not apply to territories which have become members of the United Nations, relationship among which shall be based on respect for the principles of sovereign equality."

31. See Neta C. Crawford, "The U.S. Needs More Boots on the Ground," *Providence Journal*, 31 October 2003.

32. "Graduation Speech at West Point."

33. "President Delivers 'State of the Union,'" 28 January 2003, available at www.whitehouse.gov/news/releases/2003/01/20030128-19.html, and www.nytimes.com/3003/01/29/politics/29BTEX.html.

34. "In the President's Words: 'Free People Will Keep the Peace of the World,'" *New York Times,* 27 February 2003, p. A10. Also, "President Discusses Future of Iraq," 26 February 2003, available at www.whitehouse.gov/news/releases/2003/02/20030226-11.html.

35. *National Security Strategy,* 2002, p. 18.

36. Ibid.

37. "President Delivers Commencement Address at Coast Guard [Academy]."

38. *National Security Strategy,* 2002, p. 31.

39. *Quadrennial Defense Review Report,* 2001, p. 2.

40. Paul R. Pillar, *Terrorism and U.S. Foreign Policy* (Washington, D.C.: Brookings Institution Press, 2001), p. 14.

41. Donald H. Rumsfeld, Interview, *USA Today,* 24 October 2001, available at www.defenselink .mil/news/Oct2001/t10252001_t1024usa .html.

42. "Graduation Speech at West Point."

43. *Quadrennial Defense Review Report,* 2001, pp. 3, 6.

44. *National Security Strategy,* 2002, p. 15.

45. Ibid., p. v.

46. Condoleezza Rice, "A Balance of Power That Favors Freedom," address to the Manhattan Institute, New York, 1 October 2002, available at www.manhattan-institute.org/html/wl2002 .htm.

47. David E. Sanger and Michael Wines, "Bush and Putin Sign Pact for Steep Nuclear Arms Cuts," *New York Times*, 25 May 2002, p. 1.

48. Quoted in David E. Sanger, "Beating Them to the Prewar," *New York Times,* 28 September 2002, p. B7.

49. Henry S. Fox, British ambassador to the United States, to Daniel Webster, Secretary of State, 12 March 1841, in *The Papers of Daniel Webster: Diplomatic Papers,* vol. 1, *1841–1843,* ed. Kenneth E. Shewmaker (Lebanon, N.H.: Univ. Press of New England, 1983), p. 42.

50. Webster to Fox, 24 April 1841, ibid., pp. 62, 67–68.

51. *National Security Strategy,* 2002, p. 15

52. Quoted in Gordon A. Craig, *The Politics of the Prussian Army, 1640–1945* (Oxford, U.K.: Oxford Univ. Press, 1955), p. 255.

53. Andrew Kohut, quoted in Christopher Marquis, "World's View of the U.S. Sours after Iraq War, Poll Finds," *New York Times*, 4 June 2003, p. A19.

NEW RULES FOR WAR?

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I n launching a campaign to disarm and liberate Iraq, the United States has crossed, some say hurdled across, two thresholds—one strategic, the other diplomatic. Strategically, the United States delivered on its promise to act in self-defense, absent an actual or even imminent armed attack, against threats from weapons of mass destruction. Diplomatically, the United States demonstrated its willingness to act decisively and unilaterally, if necessary, in the face of strong opposition from its allies. Some saw these crossings as courageous leadership, but others saw them as reckless. My purpose is not to rehearse the familiar pros and cons of preemption and unilateralism but rather to suggest that a fuller, moral accounting is needed of these concepts and some of the side issues they raise—thus the question mark in the title of this article.

My answer is that we do not need new rules, as some have suggested. The old rules are fine. They give us all the normative guidance we need. But that said, these old rules and the principles they instantiate do need to be considered in light of new circumstances—specifically the challenge presented by a nonstate actor with an avowed goal of violating just about any rule that we hold dear. With that in mind, it is imperative to review our record of the past year and to "think forward."

In pursuing this war on terrorism from Afghanistan to Iraq and in shadowy places less often mentioned, what have Americans gained? What have we lost as a country that likes to think of itself as a moral nation? Do we have sufficient normative or ethical guideposts to direct us as we move forward in this new war against terrorists? What areas might need more work, more reflection, even some rethinking? My perspective may differ from what members of the military and national security communities usually hear. My world is one of ethicists, philosophers, students, diplomats, journalists, business executives, and leaders of nongovernmental organizations—only occasionally military officers. But the questions raised in my world desperately need the perspective that military experiences and point of view can offer.

This is what my world tells me. That moral climate for the use of military force is defined by two factors. The first is radical asymmetry in political, economic, and military power between the United States and the rest of the world; the second is a robust resort to moralism, high moral rhetoric, and the moral motivation that accompanies ideological struggle. These overarching factors, asymmetry and moralism, dominate our political discourse and frame our understanding of the challenges we are facing. From them emerge six specific issues of real ethical concern. Just war principles and current law of armed conflict help to address them, but both sources leave a good deal of room for interpretation. Ultimately, these six issues require moral reasoning and reflection.

- "War" as the model for the struggle against terrorism

- The relevance of the concepts of prevention, preemption, and deterrence

- The combatant/noncombatant distinction in the Iraq conflict

- "Shock and awe"

- Hidden costs of the war in Iraq and the war on terrorism

- Postconflict responsibilities in Iraq.

ASYMMETRY AND MORALISM

There is a tendency to think that everything changed on 11 September 2001, that as of 8:48 AM Eastern Daylight Time, the old rules no longer applied. Let me offer a different interpretation. For all that indeed did change on that day, it may be more important that so much remained the same. From 1991 to 2001, American-led interventions from the Persian Gulf to the Balkans confirmed that in both geopolitical and strictly military terms, American power far outstripped that of any rival. This nation, while drawing down from Cold War levels, was still developing its capacity to deliver lethal force around the world.

Now there was some debate about how this power should be projected, and it even rose to the level of presidential politics in the year 2000. Candidate George W. Bush's foreign policy platform was dismissive of nation building and highly critical of the platform of his opponent, Al Gore, of "forward engagement," emphasizing as it did the need to create the conditions of a stable world order by committing resources to address a variety of emerging global issues.

Yet for all of this debate on the margins, the unshakable fact remains that the decade 1991 to 2001 was characterized by a United States that was feeling its way regarding how to use its military power and newfound technological capability in a world transformed by the end of the Cold War, a world without the Soviet Union. What is more, it became apparent during this decade that "soft" and "hard" power advantages enjoyed by the United States might actually lower the threshold for the use of military force. Long-range bombing with precision-guided munitions was making the use of force more accurate, more lethal, and much cheaper. By "cheaper" I do not mean cost per weapon but efficiency in terms of doing more with fewer personnel and less equipment. Perhaps most important of all, war was becoming less expensive in terms of casualties. The specter of low casualties, even *no* casualties, seemed to make war a palatable option in ways previously unknown. We do it because we can. The costs seem acceptable. Even collateral damage seems low as weapons get better and as "targeteers" and strategists find clever alternatives.

What does this mean for us today in the war against Iraq? How much of the decision to take the war to Iraq was influenced by this ten-year background of asymmetry? Did the United States decide to remove Saddam Hussein literally because it could? Major combat casualties for coalition forces were relatively low, as predicted and hoped for. The job was exceedingly well done. But as all know, intelligence about weapons of mass destruction and al-Qaʻida connections to Iraq was vague at best. The war was launched because, as President Bush put it, "in a world where terrorists can get their hands on weapons of mass destruction, the risk of inaction is greater than the risk of action."

The risk of action, however, is low in today's world of asymmetric American power and is likely to continue to be low. Could it be that Saddam Hussein's Iraq was in some manner a target of convenience, an identifiable target that could be defeated while the criminal network of Bin Laden continued to threaten?

The administration has hinted that the war in Iraq was meant to have a demonstration effect. In a speech about counterterrorism policy given on 30 October 2003, National Security Advisor Condoleezza Rice put it this way: "Until September 11 the terrorists faced no sustained systematic global response. They became emboldened, and the result was more terror and more victims. U.S. policy was not working with North Korea. No, it was not working with Iran.

No, having Iraq for twelve years defy United Nations on seventeen different resolutions—it wasn't working. We had to confront that."

With this in mind, we must ask ourselves: Have radical asymmetry and military capability made it too easy in a way to militarize certain intractable problems in a good-faith effort to solve them? As the cliché goes, if you have a hammer, every problem looks like a nail. The U.S. military is so good—let us give it the opportunity to do what it does so well. Let's define the problem in such a way that it can.

This is a tentative conclusion, not a firm one, raised not for purposes of political judgment or partisan politics but simply to understand the logic of the action. Has the slide down the slope of asymmetric war now led Americans to think of force as a way to send a message or demonstrate resolve? Do we now engage in wars of choice rather than wars of strict necessity? The threshold of willingness to use force seems to have dropped because the cost has remained low. But what happens when the costs rise? What happens when long-range bombing is not enough to do the job, when ground troops are necessary? What about the specter of guerilla warfare, as now faced by the army of occupation in Iraq? Here we see the other side of asymmetry. Here we see foes unrestrained, anxious to use the weight of U.S. power and the moral standards of Americans against them.

There is political as well as military asymmetry. American frustrations with the United Nations Security Council, understandable as they are, led them to a worrisome place. I have heard on more than one occasion the exhortation, "Lead, follow, or get out of the way." That sounds inspiring at first, but is it the way to proceed? Besides its obvious arrogance in belittling the legitimate interests of others, would it not seem more logical to persuade and gain consensus where possible? Does it not make sense to search for congruences of interest in good old-fashioned win-win propositions where possible? Does it not make sense to seek cooperation in a war against terrorism that by its very definition is global in scope? Now there is enough cynicism to go around, and it is right to reject the expedient, self-serving behavior of those who seek only to obstruct, with arrogance and in bold self-interest. But we are speaking here of the general rule that the United States, the world's greatest single power, should adopt.

The world stood united on 12 September 2001. A global consensus condemning terrorism emerged. There was much resolution expressed to fight it. NATO invoked Article V—an unprecedented act. We must face the fact that somehow, though global consensus condemning terrorism still holds, global resolve on fighting it has cracked.

The second big-picture factor relates to the very ways in which we think, speak, write, and communicate about the war of terrorism. Using language laced with terms like "good," "evil," and "evildoers," President Bush has framed the

war on terrorism in distinctly moral terms. To some degree, this has been quite re-freshing and positive. The president has erased lingering notions of moral equivalence, the corrupt idea that one man's terrorist is another man's freedom fighter. The president has made it clear that the random killing of innocent people is simply wrong. He has made it crystal clear that suicide bombers are not martyrs. They do not die persecuted for their faith; they die misguided killers of innocent bystanders. They die with hatred and death in their hearts, not love and life.

The president has also made it clear that it is justifiable and right to rid the world of those who would do such deeds, and he takes it as his responsibility as defender of the free world to do so. But for all of the good President Bush and the U.S. government have done in pursuing what might be called this politics of moral certainty, dangers come with it. We should be mindful that for all of our rightness in fighting the evil of terrorism, such a fight does not come without a cost. We should not become intoxicated with our own goodness.

In just war tradition, we are speaking of the problem of "dirty hands." Even in pursuit of just causes, hard trade-offs are sometimes called for. We must not be cavalier about them. World War II was a good war, and yet beyond the sacrifices of American soldiers, it cost us—I emphasize, *us*—the cataclysm of Hiroshima. The Cold War was a good war too, yet it cost very uneasy compromises with dictators and authoritarians who were less than virtuous in many ways. Similarly, today, in our good war on terrorism, we must remain aware that it will demand unpleasant compromises. These compromises include dealing again with many an unsavory character abroad, as well as compromises with civil liberties at home. Will we look the other way concerning specific human rights abuses if doing so will help us in this good war on terror? The answer is likely yes. Will we grant restrictions on civil liberties? The answer is already yes. We have taken other steps too, including preemptive military action. That by definition is a difficult trade-off.

So in our struggle against evil and evildoers, let us not be too easy on ourselves, or self-righteous. The great American theologian of the World War II and Cold War generations, Reinhold Niebuhr, wrote of this theme in his 1944 book, *The Children of Light and the Children of Darkness.* Niebuhr was just as fearful of the so-called children of light as of the children of darkness. His "children of light" are those who believe in universal reason. Truths are clear to them, and they believe their ideals can be harnessed and then realized. Their idealism and good intentions can lead, innocently, to misfortune. The "children of darkness" are motivated primarily by self-interest, and as such they have a better sense of the interests and claims of others. They understand human nature and politics as an inevitable clash of interests. The children of darkness seek to negotiate difference rather than transcend it. They understand the need to confront evil

without being able to eradicate it entirely. They understand the tragedy of human existence and the limits that humans face.

What we have seen since 2001 in the very person of President Bush is a radical transformation of a realist into an idealist, a child of darkness transformed into a child of light. With the war on terror, the president has put faces on evil—the faces of Bin Laden and Hussein—and he now seeks to remove them and their colleagues from the earth. While such a removal of these players may be necessary and proper and just, we must ask: Where will we go from here? Can evil really be eradicated? Can we purify the world? Can it be done by military force? *Should* it be done by military force?

ISSUES FOR MORAL REASONING AND REFLECTION

Now let us take up the six specific issues of real ethical concern that arise from this background, these overarching factors. The first is the concept of "war" itself.

War as a Model

Following the attack of 11 September, President Bush declared a new war, the war on terror. That statement was universally accepted, yet it was unclear at the time just what sort of war this would be. Would it be a traditional war, with military campaigns and the taking of territories? That might be the case in the early stages, especially in rooting out the Taliban in Afghanistan. It was universally understood that this new war would also be unconventional in many ways. The new war was being waged against an enemy that was not a state. The enemy would not provide any of the legitimacy, accountability, or reciprocity implicit in the competent authority of a state. The enemy would not abide by the law of armed conflict; if anything, the enemy would seek to use the moral sensibilities of the West as a weakness to be exploited. While there was much talk of assigning responsibility to states—"Stand with the civilized world, or stand with the terrorists"*—the fact remained that the enemy was essentially a nonstate criminal network. Strategists spoke of the need to use all tools in the tool kit, including financial and diplomatic pressure, and various carrots and sticks to break down and destroy terrorist networks. Yet for all of this mobilization of resources, after the Afghanistan campaign in 2002 (and before the invasion and liberation of Iraq) it was unclear whether this war on terrorism was in fact an ongoing "hot war," a military campaign. Alternatively, was it a cold war, in which society would mobilize for an all-out effort in which military engagement is mostly subterranean, sporadic, even peripheral, merely part of a larger struggle?

Was President Bush using, in the tradition of William James, a rhetorical device to rally support? Was he in fact asking for a moral equivalent of war, a

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*"Radio Address of the President to the Nation," 6 October 2001, available at www.whitehouse.gov/news/releases/2001/10/20011006.html.

complete commitment, such as we have seen in the so-called war on poverty, war on crime, war on drugs? The decision for war in Iraq suggests that he had something else in mind—deliberate, classic militarization.

The alternative and perhaps complementary model would be the criminal-justice approach. The criminal-justice approach is not necessarily limited to the serving of warrants and the arresting of criminals—it can also be a robust and deliberate use of force, targeted at specific perpetrators. Terrorists are murderers and outlaws. They work in criminal gangs and networks, much like international organized crime. In this way of thinking about combating terrorism the focus is not necessarily the taking down of states but the taking down of networks. States as part of these networks might become subject to preemption, lethal force, and deception, but the most important targets are tightly restricted to terrorists and their immediate networks. States continue to be held responsible for what happens within them; however, they may lose legitimacy and be subject to intervention in the pursuit of vital threats.

Here we return to the question of new rules for a new war. Are we at war? Are we at peace? Or are we somewhere in between? In Iraq we are still clearly at war. Roadside bombs and the other violence of every day's news clearly attest to that. In the broader struggle with terrorism, we are still at war against those whose avowed mission is the infliction of death and destruction upon us. But should we complement our traditional pursuit of this war with a criminal justice approach that recognizes the ongoing need for policing? Can we graft the criminal-justice approach to the realist model of international relations that we have been following so faithfully? After all, the liberations of Afghanistan and Iraq did not end terrorism. There will be no surrender or peace treaty with terrorists. The war against them will go on, just as the war against crime in America continues in perpetuity. The war analogy takes us only so far, absent the criminal-justice dimension. At some point, we come back to the persistent criminal threat and the need for cooperation in meeting it. We would do well to think about rules with this in mind.

Prevention, Preemption, and Deterrence

Deterrence has not been much discussed regarding this war on terror. Cold War assumptions about deterrence were born of nuclear strategy and the doctrine of mutual assured destruction. But Cold War deterrence was based on symmetry, on expected and credible threats. Nuclear deterrence had a logic and structure of its own, even if it also contained moral perversities and paradoxes. Credible and reliable threats, as immoral as they might be, maximized the possibilities for peace and thus, it was argued, could be seen as serving a greater good. Can any such idea of deterrence be helpful as we think strategically about combating

terrorism, the ultimate asymmetric war? There can be no balance of terror against suicide bombers. There is no structure of expected reciprocal behavior.

On first glance, it would seem that deterrence is a nonstarter in this situation. Prevention and preemption seem the likelier alternatives. But pause here a moment—is there *no* way to deter terrorists? Some terrorists, to be sure, cannot be deterred. The truly criminal cannot be satisfied or scared or deterred; they have no demand that can be met, they seek only destruction. Yet some terrorists do have political agendas. They do have goals and aspirations. Can and should we consider potential deterrent strategies? Can we threaten punishments—swift, sure, and credible—that will dissuade them? Here we focus on networks and infrastructures again, but where do we go with that? Should we think of the removal of Saddam as the first step in the creation of a new deterrent strategy, a willingness to take down states that might harbor terrorist threats? If so, will that logic hold up? Can we continue to deliver such swift, sure, and credible punishments, worldwide and in perpetuity? Can we then assume all the moral responsibilities for rebuilding that doing so would entail? In targeting terrorist networks, what becomes fair game? How far out do we draw that circle? Can we threaten nonlethal punishments against people near and dear to terrorists? Is that ethical? Will this type of deterrence work? If it might, what would its moral status be? This leads to my third point: Who is a combatant and who a noncombatant in this new war?

The Combatant/Noncombatant Distinction

It is easy to assign combatant status to avowed, "card carrying" members of al-Qa'ida. Few in the West regretted the killing in November 2002 of known al-Qa'ida operatives in the Yemeni desert by a Predator drone firing a Hellfire missile. This case may be indicative of the future of this new war, and as such it raises important questions about rules. Among those questions is who decides what and who are legitimate targets for such attacks, and based on what criteria and what information? Who else might be present; in the Yemen case, who else might have been in the car that was destroyed? Who decides what level of collateral damage is acceptable, and what is the review procedure for such decisions? Apparently the Predator in the 2002 attack fell under the jurisdiction of the Central Intelligence Agency, not the Defense Department; if so, does that affect thinking about rules of engagement and the law of armed conflict? Should it matter?

Much of the war on terrorism is likely to be on the model of this episode. Here we have legitimate targets operating in places that do not look like battlefields among people who may not be combatants. Not every terrorist is an al-Qa'ida member. Not everyone riding in a car with a terrorist is a guilty party. How will we sort out such things in the future, given the known limits of our intelligence?

As Americans, we are unlikely to adopt an attitude of shooting first and asking questions later. What, then, should be the standard? Similarly, the way in which we treat prisoners is vitally important. The legal status of captured al-Qaʿida and Taliban militants is now being sorted out in the courts. While the executive branch is not arguing for totally new rules since there are some wartime precedents, it is certainly seeking new powers for dealing with these prisoners. In this connection, the administration would like to see new rules for this new war.

The combatant/noncombatant distinction is not one-dimensional, of course. This distinction is becoming blurred on our side as well, as private contractors gain more prominent roles in military operations. There are private security guards, maintenance workers, and so on, who might find themselves in harm's way, but there is also an intriguing new category of combatants in Afghanistan—veterans of military special operations units working as contractors for the CIA. Such operatives have been killed in Afghanistan. Under what rules do such operatives work? What is their status? What kind of normative guidance should they be given for their fight on the margins and in the shadows? Many aspects of this new war are being put into their hands.

"Shock and Awe"

Is "shock and awe" consistent with the American way of war? Perhaps so, but if so, we need to be extremely careful. I have no doubt that great care was taken in target selection for the campaign against Baghdad and the other bombing during the invasion of Iraq. I have little doubt that the targets were lawful and that extraordinary care was taken at every level to use the advantages of precision guided munitions to deliver weapons in a manner consistent with just war principles and the law of armed conflict. I also understand the psychological intent of the campaign to encourage capitulation by conveying the impression of overwhelming force.

Yet we also must understand how others see a campaign like this. Our hope was surely to avoid bloodshed through a spectacular demonstration. But that may not be how others see such tactics. Many see it as crude intimidation—a brutal attempt to instill, and rule by, fear. Many see it as maximizing conflict, not minimizing it—as inflaming it, not containing it. Many see "shock and awe" as excessive, especially when combined with biblical images and rhetoric. Again, can and should we clarify our own thinking on this? Are such demonstration effects justifiable? Do they give credence to the charge that we seek to rule through fear? What clarifications are needed so that such actions are not misrepresented or misunderstood?

HIDDEN COSTS

How should we calculate the costs of the war in Iraq and the war on terrorism? Here I am not talking about easily identifiable and quantitative costs—to date, the eighty-seven billion dollars for reconstruction on top of the Pentagon budget and new initiatives for homeland defense. Neither am I talking about mounting casualties. Instead, I'm talking about more subtle costs: damage to the goodwill and cooperation of many former allies; the opportunity costs in terms of resources (military, economic, and political) of liberating and reconstructing Iraq, while other terrorist threats elsewhere remain; costs to Iraqi society itself, even though it has gained so much from the liberation (there has been surprisingly little discussion of Iraqi casualties, civilian or military, during the war and in the struggle for self-rule).

Then there is the hidden cost to the American military itself. We know the numbers killed and wounded, but we do not know how many will not return home the same, who will pay a cost psychologically and physically. Is the present high suicide rate a warning sign? If nothing else, I am sure that it is a reminder of a true hidden cost of war. The decision to use military force will always involve a cost-benefit analysis. In this era of asymmetry and high moral conviction, it might be prudent to think hard, to dig deeply into these not so visible and not so easily quantifiable costs of war.

Postconflict Responsibilities

Liberators have a deep and profound commitment for what comes next. As Thomas L. Friedman put it in his *New York Times* column, "If you break it, you own it."* We removed the government in Iraq. We have responsibility for addressing the current situation, which is of our own making. We cannot walk away. This is a moral commitment precisely because of our direct involvement. But as we turn over control to the Iraqis themselves, will we build partnerships that are true partnerships? Or will we put in place proxies to support our own design? Will we build genuine democracy in Iraq? Or will we place a premium in getting out fast? I have no doubt that our aspirations for an Iraqi democracy are genuine and sincere. And we have raised the stakes on ourselves by placing this war in the context of democracy promotion.

But let us remember, the purpose of the war was to remove a threat—Saddam Hussein and his regime. Removal and building are two separate items. The rebuilding of Iraq should be an opportunity to think about this relationship between taking down and building up. Can we do this over the long haul and in different circumstances? If so, do we have the means, not only the force structure but also the know-how and the strategy? Should it be an integral part of our

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*Thomas L. Friedman, "Present at . . . What?" Editorial Desk, *New York Times,* 12 February 2003, p. A37.

strategy? Should we not think of just war doctrine in three parts, the justice *of* war, justice *in* war, and now a new category, justice *after* war? If so, what should be our criteria? Basic security and human rights are obvious places to start. But where do we go from there? What other minimums need to be met, and how would progress be measured?

Thus a broad overview of a layman ethicist's questions, comments, and concerns. Military people represent a core constituency in the debate over how these concerns will be resolved. Military people serve a civilian command authority, by which many of these issues are decided, but the fact remains that they offer advice, and in command positions they interpret the policies and orders they are given. They stand at the intersection of just war thinking and the implementation of the laws of war.

That intersection is the space where we reflect together on who we are and, perhaps more importantly, who we want to be. It is the space where we think through what is right, what is desirable, what is good. It is where we subject strong moral sentiments and intuitions to analytical thought and rigor, where we reflect on our own experiences in the light of the experiences and thoughts of others—and sometimes change our minds.

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SELF-INFLICTED VULNERABILITIES

Stephen D. Wolthusen

One of the most prominent, if sometimes controversial, figures in software engineering resigned in 1985 from the Panel on Computing in Support of Battle Management of the Strategic Defense Initiative Office, publishing a series of essays declaring it unlikely that the program would meet the goals implicitly set forth by President Ronald Reagan for the SDI program.[1] Two decades later, this assessment has gained in pertinence as transformation technologies become reality and reliance increases on network-centric operations and C4ISR* assets to achieve critical operational objectives. Concern has spread even to the level of individual tactical units, while the potential persists for damage or at least costly friction and lost options at the strategic level.[2]

While information technology has become a highly efficient force multiplier in a large number of roles—from producing transparency in logistics flows to providing target data for strike packages in near real time to guiding munitions themselves—there are differences between information systems and other engineering artifacts that are dangerous to ignore. As information system components suffuse what had previously been the domain of mechanical engineering, as well as similar disciplines, these engineering artifacts frequently come to rely on information technology for their core functionality and hence take on the properties previously associated only with pure information systems.

Software engineering has made only limited progress in producing large, reliable, and trustworthy information systems. Developing such systems (or even their software components) that can be mathematically proven, or at least argued convincingly, to be correct and complete is feasible on a relatively small scale, but it remains, given the consequences of faults, a daunting task at the

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* Command, control, communications, computers, intelligence, surveillance, and reconnaissance.

scale contemplated and necessary for network-centric operations. Unlike in mechanical artifacts, uncertainty in such design criteria generally cannot be adequately compensated for by safety margins.[3] Any effort to develop trustworthy, high-assurance systems faces limitations as to what can be subjected to independent verification and validation, let alone mathematical proof with the precision and completeness of requirements and specifications.[4] Success is extremely rare.

BUILDING FORTRESSES ON SAND

Two examples suggest the gulf in scope between the systems for which capabilities and correctness have been proven with mathematical rigor and those actually used in mission-critical tasks. The Ship's Helicopter Operating Limits System, initially deployed with the Royal Navy's Merlin helicopter on Type 23 frigates, was developed to the standard of mathematically provable correctness. A highly specialized and experienced team of scientists and engineers required five years to generate 27 KLoC (thousands of lines of code) of proven and verified software.[5] Moreover, there existed a physical system for the software to control, one that could be modeled precisely, complete with kinematic parameters, and that could therefore be described exactly in a formal specification, from which code could be derived without ambiguity.

A contrasting example would be a COTS (commercial off-the-shelf) general-purpose operating system. One of them, Microsoft Windows 2000, contains more than 10,000 KLoC critical to system security and operational capability; depending on metrics used, Microsoft Windows 2003 contains approximately 50,000 KLoC. None of that code is modeled, specified, or implemented in such a way as to permit even evaluation of the trustworthiness of a component running this operating system, regardless of the characteristics of the layered applications. Interactions between the layered application and the underlying operating system escape, by definition, modeling and specification. Despite advances in computer science and software engineering, it is not at all clear that such large demands are within reach of the methods used for smaller systems even if the resources and time for such an effort are not bounded.

This is in large part due to the fact that the complexity of interactions among software components typically increases significantly faster than the size of the code base, and it does so in a superlinear fashion (i.e., typically as a polynomial in the LoC). While strict hierarchical design methodologies and implementations have long been the subject of research, success in the field has been somewhat limited.[6] Even under optimistic assumptions regarding defect rates, therefore, statistical models predict the presence of several thousand defects for such a COTS product—even with the additional caveat noted above, that

unspecified behavior can result in ambiguity as to what constitutes a defect. Though the Microsoft Windows 2000 operating system has been certified as meeting the Common Criteria Evaluation Assurance Level 4 for trustworthiness, critical vulnerabilities are still discovered with some regularity, which is extremely likely to continue for the lifetime of the system.[7]

Even worse, it is not sufficient even to have individual components with proven certain security and assurance characteristics; their combination, such as between systems on a network, can still be insecure.[8] Such problems also arise—at levels of rigor far below formal modeling and proof—from configuration variations and the introduction of new subsystems (attached devices, new programs, or program revisions) within a single computer system. The ultimate result is a staggering combinatorial problem that simply cannot be addressed by mere testing, particularly since by definition the types of defects and cascading failure modes must be assumed to be triggered deliberately by an adversary with precise knowledge of the information system, rather than obeying standard probability distributions.

Despite these well known limitations in trustworthiness, assurance, and manageability, off-the-shelf information technology products—for which safety and reliability requirements are generally relevant only as far as the civilian market will bear the inevitable increases in cost and decreases in otherwise desirable features—are increasingly used at all levels in the U.S. Navy, from planning to engineering systems onboard warships. This introduces a significant number of failure modes that must be considered but are nevertheless frequently ignored with predictable results. A case in point is an engineering network casualty aboard USS *Yorktown* (CG 48) in September 1997 that left the cruiser dead in the water for about two hours and forty-five minutes.[9] Land combat systems do not typically have the same levels of complexity—at least, not yet—but the gap is closing rapidly as new electronics subsystems are added and internetworked, as in the M1A2 main battle tank.

NO WAY BACK

Even if it were not already established acquisitions policy, fiscal considerations would dictate that COTS products, or marginal variations on them, will continue to dominate procurement of large parts of C4ISR assets. That is true as well for critical elements of civilian infrastructure that are increasingly relied upon for mission-critical requirements. Even if procurement of custom solutions were considered, such alternatives would lag considerably behind commercially available systems in terms of functionality.[10]

This reliance on commercially available products has already shown its drawbacks in such areas as electronics for weapons systems, where the cost and

feasibility of reengineering are even less attractive than for purchasing systems reliable for the "life of type."[11] For software-based COTS systems, the outlook is even bleaker, for a number of reasons. First, hardware components are traditionally designed to a significantly higher level of quality, not least because errors introduced at the design stage are considerably more expensive to correct than with software-based systems. Hardware already manufactured with defects may need to be destroyed, recalled, and, if the defect is found, replaced.

For their part, most commercially available microprocessors have a sizable number of "errata," documents detailing known problems and, where possible, work-arounds. Such errors have occasionally garnered much public attention, with customers demanding replacement of defective parts. Nonetheless, the incentives for software vendors are somewhat different. For them it is cost-effective to ship a product with possible, suspected, or even known defects and, by and large, correct them only when reported from the field. This practice appears to be accepted by virtually all users of COTS products.[12]

Thus, it is frequently possible simply to replace a microprocessor or other electronic component with a newer, functionally equivalent component as it reaches the end of its service life. In software-based systems, however, not only functionality of obsolete and ill-defined software must be reproduced but, frequently, its defects as well. The behavior of the actual system may well depend on fixes and work-arounds installed in the old equipment.

This situation has led, particularly in the financial services industry, to cases of decades-old financial software running on multiple layers of simulated operating systems and "middleware" components—not unlike Russian *matryushka* nesting dolls. Each of these layers introduces its own defects and uncertainties, limiting overall efficiency and ultimately assurance. As a result, presumably, the reliability of complex software-based systems drops. Options to redress this quandary are quite limited, since frequently when defects and vulnerabilities are discovered the remedies require configuration changes (for both hardware and software, the former often necessitating the latter) beyond the immediate corrective measure.

Any effort to develop trustworthy, high-assurance systems faces limitations. Success is extremely rare.

A second, related problem is the tendency of software systems to make use of the rich functionality available in COTS systems or systems assembled from existing components. The dependencies introduced in commercial systems are less well known than for government in-house, or GOTS, components. This introduces a further web of unknowns. Situations can result where repairing a defect in one component generates cascading side effects, possibly rendering the

entire system unusable—even when the components are all from a single vendor. These dependencies produce systems for which the traditional last resort of "life-of-type buys" is simply not feasible, particularly once vulnerabilities become publicly known; for which reengineering—just as with civilian systems—is frequently a euphemism for complete redevelopment; and for which assurance in mission-capability declines precipitously over time as new elements and components are introduced into already underdefined designs.

The alternative of developing and maintaining similarly feature-rich systems with provably high assurance, however, is likely not to be palatable to decision makers except under the most dire requirements, and even then it may not be feasible. An example of such an attempt was the onboard flight control software of the Space Shuttle program. This software, though far less complex than that associated with most COTS-based environments and so, one might have expected, less expensive, has cost in excess of a hundred million dollars to maintain.[13] Indeed, the very concept of mechanized proofs of correctness has been the subject of intense scrutiny.[14]

SAME TOOLS, DIFFERENT OBJECTIVE

Despite dire predictions implied by these considerations, and although a number of highly critical situations have been documented, in remarkably few incidents have malfunctioning information systems led directly to loss of life or similarly grave consequences.[15] The reason may be, however, that systems are being built with adequate safeguards, and the complexity of critical systems is being limited not because of laws, regulations, formal mathematical methods, or similar engineering mandates but because engineers are aware of such warnings as those discussed here about software safety and reliability.[16]

However, there exists a marked difference between adequate provision for failure in the majority of civilian application areas and in defense systems, whether they are to be relied on in harm's way or used in supporting roles. Most civilian systems (with some obvious exceptions such as avionics) can ensure safety by shutting down an information subsystem or components.[17] Such a "fail-stop" mechanism, however, is not likely to be an option in defense-related applications, let alone in those used in combat, unless features for recovery and falling back on manual emergency procedures can be employed.

Traditionally, critical applications without fail-stop options, such as flight-control systems, have relied on multiple redundancy and component-based survivability, as well as fallback. This approach, however, implies significant expense, delay, and a need to codify and validate elaborate operating procedures, clearly beyond what is feasible. For most defense-related information systems, one cannot unambiguously demonstrate the effectiveness of redundancy or

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fallback, and in any case the required decision loops are likely to be faster than even partial manual fallback mechanisms can achieve.

All this implies, especially given the usual circumstances under which defense systems must operate, that even a system known to be in some degree defective can be acceptable (for instance, a sensor that occasionally reports false measurements) if the alternative would be downing it and jeopardizing a mission. What is critical here is to recognize that such failures can and will occur and must be anticipated at the level of overall mission planning and execution.

Even in combat support missions, such as logistics, where time scales are less compressed than in combat itself, flaws or failures in information systems can be extremely detrimental to overall objectives if inadequate consideration has been given to their possibility. While clerical errors can be made, and have always been, without the aid of electronic information systems, the results can be considerably less amusing than the delivery of snow plows and road salt to Danish troops in Basra at

While information technology has become a highly efficient force multiplier, there are differences between information systems and other engineered components that are dangerous to ignore.

the height of the summer of 2003. Such errors could render entire missions impossible if the rapid and unchecked propagation of their effects causes large volumes of data to become invalid or even merely unreliable. The lack of fallback solutions in case of a severe failure of a logistical system, whether caused by an intrinsic defect or a deliberate attack, can severely affect combat readiness or endanger missions. In the worst case, it might be necessary to open each and every container and crate to locate vital items, then to ascertain the location and needs of each unit requiring them.

It is therefore imperative to consider, for each use of information systems, the faults that could be induced and the effects, both primary and secondary, they could have on overall mission objectives. This has to be done however mundane an application seems to be, even for commercial desktop and productivity software. It is precisely the improbable and unanticipated side effect that can cause the most significant disruption, as no contingency plans are likely to exist. Technical countermeasures can be identified and taken, but information assurance rests equally on the organizational factors, along with technical prevention, hardening, and countermeasures. Whether information is delivered electronically or on a scrap of paper is largely irrelevant—if it is accurate, complete, and received in time.

A corollary to this observation is to partition information systems in such a way that individual elements to be employed in network-centric warfare (NCW)

are developed to desirable levels of assurance (presumably through testing and other verification and validation measures), and independently, to establish baseline capabilities. The additional capabilities provided by the linking and internetworked operation of such information systems must, given the limitations in providing assurance sketched above, be treated as fundamentally ephemeral.

ASSURANCE AND INFORMATION WARFARE

Information warfare thus far has clearly not lived up to the expectations raised during the 1990s.[18] While it would be clearly imprudent to dismiss IW as another ploy to focus resources and funding through overstated threat analyses—the threats identified are very real indeed, if somewhat exaggerated—the concept can be carried farther. Information warfare may or may not be useful in the foreseeable future as an instrument of warfare in the narrow sense of subjugating the will of an adversary to one's own, because of the potential impact on civilian populations (an impact that clearly makes it a potential instrument for terrorists or other entities not bound by the Geneva Conventions Relative to the Protection of Civilian Persons in Time of War). Nonetheless, the role of information in warfare can hardly be overstated and has in fact been understood since antiquity.[19] It is precisely in that respect, however, in which forces relying on network and information-centric systems could expose themselves unknowingly (or worse, having ignored known threats) to new modes of attack.

A design criterion for cryptographic protocols has been proposed in which the authors assume "the presence of a hostile opponent, who can alter messages at will. In effect, our task is to program a computer which gives answers which are subtly and maliciously wrong at the most inconvenient possible moment."[20] In designing information systems to take account of their effects on mission accomplishment, or indeed their effect on the planning and execution of missions themselves, the same assumptions need to be made.

Defects in information systems obviously can cause severe damage and disruption even without intervention of an adversary. It is the hallmark of skilled attackers, however, to identify weaknesses and vulnerabilities in information systems that, taken by themselves, might seem insignificant. Beginning with such small openings, attackers will attempt to escalate the damage potential until their objectives have been reached. Sophistication is not always necessary; frequently vulnerabilities exist that make attacks a rather rote, straightforward, and even automatable matter.

Improving information assurance can therefore be considered a two-pronged undertaking. One part consists of identifying the mission assurance category for each system and component, as laid down by the assurance requirements.[21] The possible system failure modes, both internal and external, can

then be identified (using, for instance, fault-tree analysis) and remedies or contingency plans devised.[22]

The other part of ensuring overall information assurance is far more challenging. It requires considering effects on other systems that operate (at least nominally) independently or at higher levels and devising similar mitigation and remediation strategies. One might justifiably argue that the onus is on systems "upstream" of the system under review. This argument is valid, however, only under highly idealized circumstances, since it assumes that a system once examined is permanently frozen with regard to its potential harmful effects on upstream systems. To the contrary, and as noted above, even apparently minor changes can invalidate critical assumptions and introduce new failure modes.

The insidiousness of the problem lies primarily in internetworking effects, which can also have transitive detrimental effects across multiple intermediate systems and components. Consider a network with critical systems built upon a vulnerable COTS base into which a piece of malicious code is inserted—rapid spread throughout a possibly monocultural information system network can cripple vital operational capabilities.[23] In aviation safety, one frequently hears of "long, thin chains" leading to the few documented cases of mechanical failure. Such chains exist in information-assurance failures also, but human and organizational elements must be taken into consideration as well. When information assurance is considered this way, defenses against information warfare attacks become a welcome but implicit side effect of overall information assurance, since there is no need to specify deliberate actions an adversary might take, since any such action must already have been considered pursuant to the most cherished law of engineering—Murphy's.[24]

IMPACTS ON NETWORK-CENTRIC WARFARE

Even in highly asymmetric conflicts, the temptation must be resisted to extract maximum economies of force on the basis of an assumption that technological superiority, particularly in information systems, ensures success. There exists a profound danger that the wrong lessons will be learned, particularly from the successes of ENDURING FREEDOM and IRAQI FREEDOM. If they are, future plans and operations will be built on highly brittle foundations.[25]

Operations, whether at the strategic or tactical level, should not be predicated upon the full nominal capabilities of network-centric organization. Account must be taken at the outset of the considerable spectrum of possible degradation or complete failure of information systems and other elements, regardless of cause, but certainly including enemy information operations. Otherwise, missions could commence under overoptimistic assumptions of forces required or objectives possible; success would then require that the vast majority of

information system components operate at peak performance for the entire duration of the mission. Plainly, that cannot be safely assumed.

Planning, then, should allow for contingencies that require humans in the loop at critical junctures to transmit and process mission-critical information when automated systems fail, and missions should be structured accordingly. This is, ultimately, the price one has to pay for using highly complex, internetworked systems of low assurance. It also means, however, that the ability to short-circuit the enemy's decision cycle may be degraded considerably at any given time by system failure. To restore overall decision speed and responsiveness, it may be necessary to shift at certain points, if only temporarily, to a hierarchical, pre-network-centric structure, or vice versa.[26] Planning should identify such junctures in advance and explicitly include capabilities that permit information system components to be used effectively even when operating in isolation or only on a small component of the overall network. Ultimately, however, it is information systems, both civilian and defense, that must change to improve survivability and assurance, as more and more military systems are designed that cannot function at all without information components.

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TO THE EDGE OF NOWHERE?

U.S.-Icelandic Defense Relations during and after the Cold War

Gudni Th. Jóhannesson

I n May 1951, the United States and Iceland signed an agreement on the permanent presence of American forces on the island. The arrangement was in many ways momentous. For the first time in its history, the United States had made a bilateral defense pact with another state.[1] Also, troops were stationed in Iceland in peacetime for the first time since the settlement of the island over 1,100 years ago. When the first contingent arrived, a Bank of England official who dealt with Icelandic matters in London summed up the significance of its appearance by saying that from now on the Icelanders, having survived for so long without permanent military forces, would live in "the shadow of the Superfortress."[2]

Mutual interests seemed to lie behind the making of this new defense relationship. Spurred on by the tension between East and West, the authorities in Reykjavík felt that the Icelanders, without a military of their own, needed effective protection from the Soviet Union. At the same time, the United States wanted to establish a base in Iceland, both to aid offensive operations in a possible war and to watch Soviet movements in the North Atlantic. Nonetheless, the bond was often strained. The relationship was obviously a marriage of convenience. The Icelanders were a "reluctant ally," resentful over the need to have foreign troops on their soil but apparently determined to make the most of it, materially and politically.[3] For their part, the Americans sometimes disliked the hostility and opportunism that they claimed to encounter in Iceland.

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Unsurprisingly, the end of the Cold War upset the balance of interests in the U.S.-Icelandic union. Throughout the 1990s, forces in Iceland were reduced, most notably by the withdrawal of a number of F-15 fighter jets; in May 2003, the American ambassador in Reykjavík notified the Icelandic government that within a month all the remaining aircraft would be removed. The Icelanders adamantly protested and argued that the defense of the island would not be credible without the planes. The American authorities agreed to postpone and reconsider the proposed departure of the F-15s, but the Icelandic bargaining position had clearly deteriorated since the Cold War era. Thus, it had to be asked why the United States should maintain its forces there. The whole basis for that presence seemed to have disappeared.

THE ARRIVAL, DEPARTURE, AND RETURN OF U.S. TROOPS, 1941–1951

In May 1940, British forces occupied Iceland, then a sovereign state within the Kingdom of Denmark. The following summer (a good six months before Pearl Harbor), the United States, anxious to assist Britain in the Battle of the Atlantic, took over the protection of Iceland.[4] In a matter of a few years, Icelandic society was transformed. Before the war, Iceland had been among the poorest countries of Europe, isolated and struggling with the effects of the Great Depression. But suddenly unemployment vanished and the Icelanders prospered, more or less protected from the horrors of war. Icelandic seamen suffered most, as they sailed in the submarine-infested North Atlantic, carrying fish to Britain for Lend-Lease dollars and bringing goods from

ARMY AIR CORPS P-40s IN ICELAND, 1941

Iceland Defense Photograph

the United States on favorable terms. Runaway inflation was an unfortunate side effect; furthermore, the Icelanders found it hard to accept the new arrivals on the island. More than fifty thousand troops were stationed among its 130,000 inhabitants, and although relations with the locals were on the whole

satisfactory, the foreigners realized that they were not welcome. Charles S. Minter, a U.S. Navy pilot in Iceland during the war who was to end a distinguished career as a vice admiral, later recalled that Icelanders "were very standoffish. As a matter of fact, more than standoffish. I think they really resented our presence there, and that's not too difficult to understand. We were a sizeable military presence."[5]

As the war progressed, the strategic importance of Iceland was confirmed, and American statesmen came to the conclusion that after the end of hostilities and the departure of U.S. forces, the United States would still need facilities on the island. In 1945–46, Washington rather clumsily insisted on a long-term lease of bases, which the authorities in Reykjavík rejected. Iceland had declared full independence from Denmark in 1944, and the general public would almost certainly have condemned a pact of that kind. Instead, the two sides made the compromise that U.S. civilian contractors would run Keflavík Airfield, the main base during the war and a vital stepping-stone for airplanes flying across the Atlantic. This agreement, it has been said, "amounted only to a minimal concession, but under the circumstances the United States could be grateful for having maintained any foothold in Iceland, albeit a tenuous one, which could hopefully serve as a 'point of departure' for a later solution."[6]

The deficiencies in this arrangement were quickly visible. To begin with, security at Keflavík was utterly inadequate. Pilfering and black marketeering upset the Americans.[7] More ominously, however, a hostile power could obviously capture the airport. In early 1948, when the communist coup in Prague caused great anxiety in Western capitals, the foreign ministers of the Scandinavian countries told their Icelandic colleague Bjarni Benediktsson "how fortunate Iceland was to be situated out in the Atlantic." But the open sea was no longer a sure protection, as indeed the recent war had demonstrated. "I would be much happier if Colonel Snyder [that is, U.S. forces] were still here," the American chargé d'affaires in Reykjavík remarked when Benediktsson told him of the conversation.[8]

At the same time, the United States strove to strengthen Iceland's ties with the Western camp by giving the country a generous share of Marshall Plan aid.[9] Most Icelanders were aware as well of the irrevocable split between East and West and the strategic significance of Iceland. In 1949 the country became a founding member of NATO, the North Atlantic alliance. Still, Icelanders considered alignment in the struggle between the superpowers a necessary evil, not a welcome change. The pro-Moscow Socialists, who regularly polled up to a fifth in elections, worked against any military cooperation with the West.[10] Thus, the reappearance of American forces, which the authorities in Washington considered highly desirable, if not vital, would hardly be accepted in Iceland.[11] However, the outbreak of the Korean War in 1950 proved to be a catalyst, as had the

Czech coup. All political parties in Iceland, with the obvious exception of the So-
cialists, grudgingly concluded that the island could no longer remain
defenseless.

"FISH HEADS" AND *HERRENVOLK,* 1951–1956

When the U.S. forces returned in 1951, they were admitted only under a set of
stringent conditions. The Icelanders, remembering the negative aspects of the
wartime presence, insisted on restricting freedom of movement for military per-
sonnel, especially the lowest-ranking soldiers. A sad sign of the times and of Ice-
land's insular apprehensions about everything foreign was the insistence that
"no colored troops" be sent to the island.[12] In general, apart from a staunchly
pro-Western minority, American diplomats and officers in Iceland got the im-
pression that the population was not sympathetic to the U.S. presence.[13] The
Americans were even referred to behind their backs as "*Herrenvolk,*" wrote a
British official after a visit to Reykjavík in 1952.[14]

As in the war, however, the military base became an important part of the Ice-
landic economy, quickly accounting for almost 10 percent of the national in-
come and 20 percent of foreign currency receipts. The inflationary
consequences of construction and well paid jobs at the base were easily offset by
these economic benefits.[15] Moreover, the strategic importance of the island
aided the Icelanders in their dispute with Britain over their extension in 1952 of
fishing limits from three to four nautical miles. British fishermen, driven from
their favorite fishing grounds, retaliated by imposing a ban on the landings of
fresh fish from Iceland. The ban was bound to hurt, because fish accounted for
more than 90 percent of the country's exports. At this juncture, the Kremlin
sensed a way to play on fissures in NATO and offered Iceland a lucrative
oil-for-fish agreement. Suddenly, the Soviet Union became one of the country's
largest trading partners.[16]

American officials were unhappy that the Icelanders had decided to trade to
such a degree with the enemy. Nevertheless, they understood the situation and
managed to increase Icelandic exports of fish to the United States—by, for in-
stance, refusing to impose countervailing duties for which the New England
fishing industry was calling. In 1955, President Eisenhower even asked why the
United States did not "buy up the entire export of Icelandic fish."[17] While this
breathtaking idea was never seriously considered, American officials put in-
creasing pressure on Britain to have the embargo lifted. By 1956, the British au-
thorities were at last prepared to accept defeat in the fishing limits dispute. As
the cabinet in London concluded, its prolongation would "increase the eco-
nomic dependence of Iceland on the Soviet bloc; it would also strengthen the
hands of the communists in Iceland, whose aim is to deny the United States the

use of the vital air base at Keflavík and to bring about the withdrawal of Iceland from the North Atlantic Treaty Organisation."[18]

The end of the fishing conflict was, of course, welcomed in Washington. An important friend had been kept in the allied camp. On the other hand, displeasure with Icelandic attitudes remained intact. American soldiers at Keflavík referred to the locals as "fish heads," and a fair number saw their hosts as only "a bunch of Commies and hostile nationalists who never show the slightest cordiality toward an American."[19] The British minister in Reykjavík complained of the "arrogant and discourteous way in which [the Icelanders] treat the Americans here."[20] The hostility may have been exaggerated, and in any case it was probably based to a certain degree on a minority complex, deep-rooted isolationism, and resentment over the need to be reliant on foreign forces. Nevertheless, it begged the question, as the commander of the Iceland Defense Force pointed out in early 1956, of whether the United States could "afford to continue to face and to endure passively an unfavorable public opinion toward its Defense Force in Iceland."[21] Around the same time, the Operations Coordinating Board, an agency that reported to the National Security Council, wondered whether it might be better to leave before being asked to go. The board asked the Joint Chiefs of Staff "to reexamine the military necessity of the base versus the political considerations of its continued operation."[22]

THE CRISIS OF 1956

In early 1956, the Social Democrats and the Progressive Party, both situated near the center of the political spectrum in Iceland, decided that the world situation had improved to such a degree that U.S. forces could safely leave Iceland. The country would remain a member of NATO, but the Icelanders would run Keflavík airport. In Parliament, the Socialists were only too pleased to support a resolution of this kind. The ruling coalition of the Progressives and the right-wing, pro-Western Independence Party came to an end, and elections were scheduled for the summer.[23]

Predictably, this turn of events caused a fair degree of anxiety in Western circles. American officials concluded that having Icelandic civilians in charge of the base was wholly unrealistic. Within NATO, the Icelanders were told that Soviet capabilities for a surprise attack were much greater than they had been a few years before, when no troops were in the country.[24] In Washington, the Joint Chiefs of Staff insisted that a departure from Iceland would be "unacceptable."[25] Clearly, the island's military importance had, if anything, increased over the years.

The Americans were deeply disappointed, therefore, when the elections in Iceland led to the formation of a left-wing coalition of the Progressive, Social Democrat, and Socialist parties. Before the elections, the Operations

Coordinating Board had tentatively recommended that if the results were unfavorable, the U.S. administration turn from the friend of Iceland to foe and work for a "prompt cutoff of earnings from base . . . and possible expulsion from NATO."[26] When the outcome was clear, the United States urged other Western allies to offer the new government no support, "whether moral or economic."[27] The coercion would, it was apparently hoped, "force through a change of government in Iceland."[28]

The Icelanders seemed to be facing the full fury of the United States. However, U.S. officials soon realized that in spite of the preelection pledges, the Progressives and the Social Democrats might be willing to reconsider their stand, provided that Iceland would receive much-needed economic assistance. U.S.-Icelandic negotiations began and were proceeding satisfactorily when the Soviet invasion of Hungary secured the continued operation of the Keflavík base. Simultaneously, the Icelanders received a generous loan from the United States. Although historians disagree as to the extent to which financial inducement affected the turn of events, all accept that it played some role.[29] In Washington the impression was certainly created that (as expressed in 1971) "we preserved the military agreement status quo by agreeing to provide Iceland with $9 million in loans."[30]

In 1957, only a year after the crisis over the Keflavík base, the Icelandic government again secured Western loans, this time at least partly by pointing out that assistance would otherwise have to be sought in the East.[31] The need for goodwill was clear, but resentment certainly arose over the Icelandic negotiating tactics. "Is Iceland blackmailing us?" asked an exasperated National Security Council official in August 1957.[32] Canadian and British diplomats asked the same question, and the British ambassador in Reykjavík heartily asserted that "blackmail" was the right word for Iceland's relations with the West.[33] He also summed up the country's relations with the United States like this:

- We want your money

- You can have our base

- We do not want the American way of life.[34]

In fact, however, "blackmail" is too strong a word to describe Icelandic attitudes toward the base. When it came to the crunch, a majority of Icelanders sincerely felt that they needed the American presence. Nonetheless, they consciously (ab)used the relatively strong popularity of the political left in Iceland, as well as the island's strategic importance, to secure economic assistance and political goodwill in the fight for widened fishing limits, a vital Icelandic interest.

COD WAR AND FIGHTER JETS, 1958–1962

In the following years, British statesmen and officials felt that it was their turn to be the objects of Icelandic intimidation. In the spring of 1958, Iceland announced that it was going to extend its fishing limits to twelve miles, thereby further excluding British trawlers from rich fishing grounds. Britain condemned the move. At a meeting of NATO foreign ministers, both the British and Icelandic representatives stressed that they could not budge an inch (not to mention a mile) from their respective positions. During the Icelandic minister's speech, Selwyn Lloyd, the British foreign secretary, passed a slip of paper to John Foster Dulles, the American secretary of state, saying that in the past Britain would simply have broken off diplomatic relations and sent a battleship. "Now they dare not break relations and have no battleship," Dulles thought to himself. Apparently, Britain did not dare in any case; the Icelandic foreign minister claimed in private that unless his government took some such action as it was taking, "the Communists will take over."[35] The pro-Western parties in Iceland were unhesitatingly using—and exaggerating—communist power to insist that their hands were tied on the issue of fishing limits.

In Washington, President Dwight D. Eisenhower, after a brief look at reports from the NATO summit, was reminded of Bismarck's expression, "the tyranny of weakness."[36] The Icelanders were so feeble that they could not be fought, for that would be bullying, and their allegiance was strategically vital. Nonetheless, when the extension took effect Britain decided to contest this "encroachment" on the high seas, by sending the Royal Navy to the disputed waters to protect British trawlers from harassment by Icelandic gunboats. Thus began the so-called Cod War. Immediately, Icelandic statesmen and diplomats declared that both Iceland's membership in NATO and the American presence on the island had come under threat. In private, Paul-Henri Spaak, NATO's secretary general, was so angry at such announcements that he insisted that "whatever Iceland's strategic value to the Alliance, it would be a grave mistake to give way before such blatant blackmail on the part of small countries."[37]

Still, Iceland's gamesmanship was successful. In 1961, London had to accept the twelve-mile limit. In the words of Sir Patrick Reilly, one of the British diplomats who negotiated the settlement, "We were dealing with skillful and at times unscrupulous negotiators, who made good use of what was in fact political blackmail. . . . If we resumed naval protection, this [Icelandic] government would call for American support, which would be refused. They would then turn to the Russians, would leave NATO, denounce their Defence Agreement with the U.S. and demand the removal of the American Base, all of which would be a very severe setback for the West, which Khrushchev would exploit gleefully."[38]

Thus, as before, Reykjavík turned Iceland's strategic importance into a political asset. Also as before, American officials argued that the United States must always be prepared to face the possibility of "having the roles and missions now carried out at the base performed elsewhere."[39] The image of a hostile and arrogant population also remained fairly strong in Washington.[40] Ultimately, however, all examinations of the value of facilities in Iceland led to the same outcome—that the island remained absolutely vital for U.S. and Western defenses.

Even so, by the late 1950s and early 1960s American military thinkers felt that the threat to Iceland itself had diminished. From 1951, U.S. Army, Navy, and Air Force units had been stationed at Keflavík, but in 1957 the Pentagon recommended that the ground troops (around 1,200) be withdrawn, due to decreased danger and increased budget limitations.[41] The authorities in Reykjavík might have been expected to welcome the willingness in Washington to reduce the military presence at Keflavík, but some politicians warned that the defense of Iceland had to be credible.[42] In other words, the soldiers should not be allowed to leave the base very often, but they had to be there in adequate numbers to protect the Icelandic people. Such considerations delayed the departure of the Army units until 1959.

In these years, the strategic need for facilities in Iceland was also changing. The need increased in connection with the establishment of submarine surveillance along the GIUK line (from Greenland, via Iceland, to the United Kingdom); in addition, Iceland became a key link in the North American Early Warning System.[43] Simultaneously, however, technological advances made a "stepping-stone" in the mid-Atlantic no longer as vital for the U.S. Air Force as it had been. In 1961, the Air Force relinquished the Keflavík base to the Navy. Further, however, because not only had technology advanced but the threat of a Soviet attack on Iceland had apparently lessened, the Air Force leadership called for the withdrawal of the 57th Fighter Interceptor Squadron from the island. The episode that resulted is especially interesting in light of the most recent developments.

The Icelanders were to be told that the safety of Iceland would not be jeopardized by the move, since the United States had substantial forces elsewhere that could be deployed "in a matter of hours." Furthermore, U.S. officials argued that the removal of the fighter jets would "re-emphasise to the Soviets our intention not to use Iceland as an air offensive base, thereby reducing the probability of Soviet attack upon Iceland in case of open hostilities."[44] At the height of the Cold War, that argument was not especially convincing. The U.S. Navy, for one, was not won over. A Soviet surprise attack could never be totally discounted, the Commander in Chief, Atlantic insisted when the idea was first suggested. The

proposal having come so soon after the Army's departure, he argued, "it will appear that we are using the island purely as a forward outpost for ASW [antisubmarine warfare] and for early warning for defense of the North American continent."[45] Indeed, Icelandic statesmen used that argument to protest the suggested change: "A single plane could without hindrance penetrate into Icelandic territory and drop saboteurs or even bomb Reykjavík."[46]

In 1962 the decision makers in Washington resolved to put in abeyance all plans for the removal of the fighter jets. Political reasons outweighed either economic considerations or a realistic assessment of the direct threat to Iceland. The jets remained at Keflavík primarily to "insure continuation of U.S. base rights in Iceland," as Curtis LeMay, chief of staff of the U.S. Air Force, put it.[47]

"A COUNTRY SO DEPENDENT ON FOREIGNERS"

U.S.-Icelandic relations entered a more stable phase after the end of the Cod War and the decision to continue the presence of the fighter squadron. The comparatively strict restrictions on movements outside the base still caused some resentment in American circles, however, and the Icelandic segregation policy proved embarrassing at times. The authorities in Reykjavík maintained their objections to nonwhite personnel, only reluctantly agreeing to the arrival of "three or four" Americans of color, provided they were "carefully selected" family men. Yet when this policy of discrimination became public knowledge in the United States, the Icelanders refused to admit that they were responsible for it.[48]

A shortage of housing on the base, which meant that a considerable number of military personnel had to be accommodated in nearby towns, continued to cause bitterness on the Icelandic side. The resentment toward American influence also manifested itself in quite fierce objections to the television station at the base. Until 1966, Iceland did not have its own TV station, and thousands of Icelanders received broadcasts from the base. Prominent intellectuals condemned this "Americanization," however, and found support for that view in government circles. The problem was solved only in 1974, when the U.S. forces began to operate a cable broadcasting system.[49]

At that stage, a crisis in U.S.-Icelandic relations, similar to the events of 1956, had just come to an end. In 1971, a new left-wing coalition came to power in Reykjavík, supposedly determined to get rid of the American forces in Iceland. Although American officials had the impression that a satisfactory compromise could be reached, they realized that it would come with a price. For instance, Icelandic Airlines was given concessions that enabled the company to offer cheap transatlantic flights via Iceland. Other airlines regularly voiced displeasure over this preferential treatment, but as the State Department concluded in late 1972, "at this point, the last thing the U.S. should consider doing is altering Icelandic Airline's

current, favored status. This would be an incredibly severe blow to Iceland, a step guaranteed to damage bilateral relations and to terminate U.S. base rights."[50]

Once again, the issue of fishing limits now became entangled with military matters. The new government extended Iceland's fisheries jurisdiction to fifty miles, triggering another Cod War with Britain. The rulers in Reykjavík declared that an agreement on the future of the Keflavík base was inconceivable as long as British warships were in the disputed waters.[51] By May 1973 tension had become quite high, and the Icelanders were threatening to fight Britain to the end. Henry Kissinger, national security adviser in the Richard Nixon administration, visited Reykjavík, where he found that he could not but admire the "turbulent tiny country threatening to make war against a nation 250 times its size and to leave NATO (without which it would be defenseless)." The audacity, wrote Kissinger later, "said volumes about the contemporary world and of the tyranny that the weak can impose on it."[52] Others agreed. Charles Minter (who had flown in Iceland during the Second World War), now an admiral and deputy of the Military Committee in NATO, later said of the Icelanders, "They didn't really blackmail NATO, but it came awful close to it."[53]

In late 1973, this fishing conflict ended in a compromise, heavily favorable to Iceland. Although the British side was always fighting a losing battle, the general feeling in Britain was that the authorities in London had given way "in exchange for a NATO base," as one member of Parliament would later remark.[54] Once more the Icelanders had reaped benefits from their island's importance in the struggle between East and West. As before, U.S. officials complained about the tendency in Reykjavík to exploit this state of affairs. In late 1973, when the Cod War was over but the future of the Keflavík base was still to be decided, Frederick Irving, the energetic and capable U.S. ambassador in Iceland, sought to impress on the country's leaders that their behavior represented "an arrogance which does not fit a country so dependent on foreigners for its livelihood."[55] Irving also argued that while "both countries need each other, . . . in the long run Iceland needs the U.S. more."[56] In other words, he felt that the Icelanders, at least those who claimed to be pro-Western, should start acting like a true ally and friend.

In Iceland, conversely, the United States had come under considerable criticism for not having done more to aid the country in the Cod War. In their view it was the United States that should be showing solidarity. Ólafur Jóhannesson, the Progressive Party prime minister, had insisted that "as [a] great power, one crook of USG's [the U.S. government's] little finger could bring [the] U.K. around."[57] Staunch supporters of NATO and the United States therefore had a difficult time in Iceland during the Cod War. Increasingly, the Americans were denounced as poor friends in time of need; unless they intervened on Iceland's behalf in the Cod War, they should just pack up and leave.[58]

In private, however, Icelandic statesmen and officials would usually acknowledge the economic benefits of the American presence in Iceland: it represented a safe source of foreign income and employment on the base, as well as a free international airport. The nonsocialist members in the Icelandic coalition also accepted that the country could not be without Western defenses of some kind. For instance, Prime Minister Jóhannesson told Irving that he felt it "unrealistic to have an unarmed airport because of terrorism and because of the ease with which unfriendly elements could seize the airport."[59] Thus, while Jóhannesson certainly wanted to see a reduction in the American presence at Keflavík (if only to keep his coalition together), he did not like one of the ways that Washington suggested meeting that demand— that is, the old idea of

FRIGATE HMS *YARMOUTH* AFTER A COLLISION WITH AN ICELANDIC COAST GUARD VESSEL, 1976

withdrawing the 57th Fighter Interceptor Squadron.[60] Similarly, the leader of the right-wing Independence Party reminded Ambassador Irving in no uncertain terms that the party supported the stationing of U.S. forces only insofar as they provided a "direct defense of Iceland."[61]

In 1974, a center-right coalition assumed power in Reykjavík, and in the fall of that year the United States and Iceland reached an agreement on the continuation of the Defense Agreement of 1951. Military personnel at Keflavík would be reduced, and replaced in certain areas by Icelandic citizens. More members of the U.S. forces were also to be housed on the base itself, and the United States pledged to finance an expensive upgrade of the airfield at Keflavík.[62] The fighter squadron, of course, remained intact.

THE FINAL COD WAR, 1975–1976

The U.S.-Icelandic defense relationship seemed set for the foreseeable future. Once more, however, fish upset everything. In 1975, the new government in Reykjavík declared an exclusive economic zone of two hundred miles, and

Britain responded yet again by sending in the Royal Navy. Cod War III was a nasty affair, with a number of serious collisions between British warships and Icelandic coast guard vessels. By early 1976 the Icelanders had become so infuriated that they broke off diplomatic relations with London (the only such instance between two NATO states to date). Iceland's membership in the alliance appeared to be in jeopardy, and so was the American presence on the island. Icelandic citizens blocked roads to U.S. radar stations and even looked ready to blow up radar masts unless the "aggression" by Britain, a "supposed" ally in NATO, immediately ceased.[63] Likewise, Ólafur Jóhannesson, by now minister of justice, told Ambassador Irving that the United States must take on "an active and visible defense of Iceland against the British." He realized perfectly well that the U.S. forces at Keflavík would never fight British frigates; he was primarily conveying the message that unless the United States put pressure on Britain to withdraw its warships, Icelandic support for NATO and the base would disappear.[64]

Irving spoke with equal firmness: "I told Jóhannesson . . . that it appeared Iceland was trying to flex muscles it really does not have, and reminded him that USG [the U.S. government] does not succumb to 'blackmail.' I also suggested that he not delude himself that the IDF [the U.S. Iceland Defense Force] is not vital to the security of Iceland, and I cautioned him not to jeopardize that security." Furthermore, while stressing that his words were not to be taken as "threats or predictions," Irving, as he later reported, underlined to Jóhannesson in a long monologue the economic benefits that the Icelanders would lose if they expelled the U.S. forces:

a. All construction at IDF would naturally stop, hitting Iceland the hardest at a time when Iceland expects unemployment to develop. . . .

b. Iceland earns approximately $26 million a year in foreign exchange from IDF operations which just happens to be the amount of its reserves in good times and which this year has been of indescribable advantage. It is a cushion Iceland denies it needs but is always glad to have.

c. If IDF is forced to withdraw, Iceland's security would be so endangered that its financial credibility with foreign lenders could be shakier than it is now.

d. Icelandic Airlines currently enjoys an attractive concession from USG. There would be serious question whether this concession should be continued. . . .

e. If Iceland . . . left NATO, and forced out the IDF, there was no reason to believe Iceland would be better off on the fishing grounds than now. In my opinion, most likely worse.

f. Iceland's largest customer of fish is U.S. If Americans became angry enough over Iceland's action, we could conceivably look elsewhere for suppliers. If USSR offered to fill the gap and take Iceland's fish [as in the 1950s], it will not be without disadvantages to Iceland.[65]

According to Irving, the United States would—if necessary—be prepared to call Iceland's bluff on the Keflavík base. American officials had grown tired of the constant threat that unless they acceded to Icelandic demands, whether on fishing limits or economic assistance, the Iceland Defense Force might have to leave the island. In May 1976, State Department officials warned that the day might come when "the price tag gets beyond our means."[66] Consequently, President Gerald R. Ford decided that a study should be undertaken of "the political, military, and intelligence importance of Iceland to the U.S. and NATO." The study would, for instance, consider the military significance of the Keflavík facilities, the options and costs of relocation, the trade-offs in political and economic cost, legal obligations that might have been incurred in past agreements with Iceland requiring the provision of assistance, and the need for, types, and costs of possible assistance to Iceland, including appropriate legislative authority and sources of U.S. or allied funding of any such assistance.[67]

In June 1976, the Cod War ended, with an Icelandic victory. Britain had been struggling against the tide. The law of the sea was undergoing rapid changes, and later in the year the European Community (including Britain itself) adopted a two-hundred-mile exclusive economic zone. Furthermore, a victory in the disputed waters could only be achieved by capturing or sinking Icelandic coast guard vessels, and that option was always ruled out for political and strategic reasons.

The tension in Iceland's relations with its Western allies eased, and considerations in Washington about having to leave the island no longer seemed as pressing. In any case, it was widely accepted that the "price tag" for doing so would be high. In public, NATO's secretary general, Joseph Luns, calculated that it would be hugely expensive to establish the necessary observation facilities elsewhere, "and still this new system would not be as secure and perfect."[68] Throughout the decade the perceived need for solid surveillance and reconnaissance in the North Atlantic had increased as the Soviet naval buildup continued and the USSR made regular flights over and submarine passages through the waters off Iceland.[69] Hence, as long as Icelandic demands for political or economic support did not become absolutely intolerable, the need for a base on the island outweighed the difficulties of dealing with the "reluctant ally."

TABLES TURNED? THE POST–COLD WAR ERA, 1989–2003

From the late 1970s to the end of the Cold War, U.S.-Icelandic relations were more stable and amicable than ever before, or since. The American presence in Keflavík ceased to be of primary importance in Iceland's domestic politics. The fear of foreign influence and "Americanization" greatly subsided, and no further fishing disputes occurred. While the United States called for increased "burden

sharing" by European allies, it remained willing to carry the cost of various improvements at Keflavík airport. After all, as the Icelanders were still apt to point out, the location that Iceland offered was extremely valuable to the United States.

Then the Cold War came to an end. The communist threat disappeared, and the need for military facilities in Iceland dropped dramatically. As Colin Powell, then chairman of the Joint Chiefs of Staffs, later recounted:

> On one occasion, I suggested to the Admiral in charge of the Atlantic Command that we remove our AWACS [Airborne Warning and Control System] planes from Iceland and send them to look for drug-running aircraft in the Caribbean. He fought me tooth and nail. I pointed out that the only Soviet bombers now approaching the United States from the direction of Iceland were those on their way to an open house at their new "sister" unit at Barksdale Air Force Base in Louisiana. He was unpersuaded, so I just took the planes away without further argument and reassigned them to the drug beat.[70]

E-3A AWACS AIRCRAFT AND F-15 ESCORT OVER ICELAND

Iceland Defense Photograph

Bigger changes lay ahead. In early 1993, the State Department notified the authorities in Reykjavík that the United States wished to reduce the forces in Iceland by a third, to around two thousand military personnel. The 57th Fighter Interceptor Squadron—now equipped with F-15s—was also to be withdrawn from Iceland, along with a helicopter rescue squadron and a group of tanker aircraft.[71] By this stage the number of fighters at Keflavík had already been reduced to twelve and the U.S. Air Force concurred with the planned removal of the whole squadron. Just as in the early 1960s, however, the Navy felt that the defense of Iceland would not be credible without some fighter presence.

The State Department also came round to that view, especially after the Icelanders had commented on the proposed measures.[72] The original message from

Washington about the removal of the fighter jets had caused Icelandic decision makers to "shiver and shake," as one journalist put it.[73] Since 1991, the Independence Party has been in coalition governments in Iceland, with the Social Democrats to 1995 and from then on with the Progressive Party. In the minds of the government's leaders in 1993, the end of the Cold War had not changed the fundamental fact that the defense of Iceland was not credible without some aerial element. If the United States was to fulfill its obligations under the Defense Agreement of 1951, the fighters would have to stay. The definition of Iceland's needs could not be solely an American matter, influenced to a large degree by financial pressures in Washington.[74] Moreover, the rescue helicopters had often proved vital during nonmilitary search and rescue missions; also, severe cutbacks at the base would result in a significant number of job losses in the neighboring towns. Icelandic officials did not use such arguments directly in talks with the U.S. side, but the facts almost inevitably influenced their position.

In 1994, a compromise was reached. The number of jets on station in Iceland dropped to between four and six, and other cost-cutting measures were implemented as well. The following year, the 57th Fighter Interceptor Squadron was relieved of its mission in Iceland and replaced on a rotational basis by aircraft from units in the United States.[75] In 1996, the understanding from 1994 was reaffirmed in an Agreed Minute, which was to last for five years.[76] On the one hand, the Icelandic authorities had achieved what they wanted—the continued presence of the fighter jets. On the other hand, the United States had carried through its intention to reduce costs at Keflavík.

The year 2001, when the 1996 understanding was due to expire, was the fiftieth anniversary of the U.S.-Icelandic Defense Agreement. Colin Powell, now secretary of state, used the occasion to affirm that the administration still felt that the Keflavík base and other facilities in Iceland were needed for the defense of the United States, as well as of Iceland.[77] Icelandic statesmen spoke in similar terms. They also warned, however, against the increasing desire in Washington to cut back the air defenses of Iceland. Prime Minister Davíd Oddsson declared, "There should be no military base here if it only serves as an observation and advance warning post for the United States and it does not serve what we define as the defense of Iceland. If the Americans reach the conclusion that they are unwilling to run a base which serves the interests of both parties, then it will simply be shut down. The situation is as simple as that and there is no threat involved in these words."[78]

Discussions on an extension of the 1996 Agreed Minute and on other aspects of the U.S.-Icelandic defense relationship had not reached a conclusion when the events of 11 September 2001 occurred. According to a news report in Iceland, the U.S. administration requested a few months later that the fighter jets at

Keflavík be relieved temporarily so that they could take part in the protection of American cities. The request was promptly turned down, the same report stated.[79] Both the request and the rejection pointed to a clear divide in U.S.-Icelandic defense relations. In Washington, basing the fighters in isolated Iceland seemed an expensive waste of scarce sources; in Reykjavík the jets were deemed a vital deterrence in the new, unpredictable world.

THE CRISIS OF 2003

In 2003, matters were brought to a head. In early May, James I. Gadsden, the U.S. ambassador in Reykjavík, notified Prime Minister Oddsson that the remaining fighter jets at Keflavík would be withdrawn within a month. The timing was clumsy, to say the least—parliamentary elections were to be held in Iceland the following week. Oddsson, who remained in power, kept the request secret through the elections, but once they were over he made clear his displeasure with the U.S. decision. Apart from the timing, Oddsson resented having to respond to an ultimatum from Washington. Throughout the 1990s the Icelandic government had followed a pro-American policy within NATO and the United Nations. In March 2003, furthermore, Iceland had become a member of the "coalition of the willing" in the war against Iraq. To one American observer of U.S.-Icelandic relations it seemed that while the wars in Afghanistan and Iraq demonstrated that it does not pay to be an enemy of the United States, "our behavior in Iceland shows that maybe it does not pay either to be a friend of the United States."[80]

In Iceland, concerns about the loss of employment were again raised. "It was bad to have the Russians around, but worse to lose them," said a trade union leader in the town of Keflavík.[81] As one member of the U.S. forces commented, there was some irony in the fact that "Iceland's been complaining for years about Big Brother America invading their soil, but now this has happened they suddenly don't want us to go."[82] Economic considerations would not be paramount, however. "Iceland, which enjoys one of the highest living standards in the world, can easily cope with the economic consequences," wrote Valur Ingimundarson, an Icelandic expert on U.S.-Icelandic relations.[83] The intended withdrawal of the jets forced the Icelanders to consider taking on themselves the defense of their country. But Iceland's smallness made such ideas almost laughable. A nation of less than three hundred thousand people could not be expected, it was widely asserted, to maintain an active and credible air force in the North Atlantic.

Could not, then, the Icelanders simply accept the American assessment that the fighters could safely be withdrawn from Iceland because the Soviet threat was gone? "Here's an analogy," a senior official in Reykjavík replied to that question. "Just because you have an excellent record in fire prevention, you don't

suddenly abolish the fire force."[84] If Icelandic ministers could worry about "a single plane" attacking Reykjavík in the 1960s, it was understandable that they would do so after 9/11. As a European analyst pointed out, terrorists might consider a NATO country like Iceland a "soft target" if it were completely without permanent aerial defenses.[85] Thus, the Icelandic position was unchanged—the visible defense of Iceland was an integral part of the Defense Agreement with the United States. "In my opinion," Premier Oddsson reiterated, "if the Americans remove unilaterally the main substance of the Defense Agreement, then the Agreement itself goes as well."[86] The United States could not then have radar stations or antisubmarine aircraft in Iceland. In this sense, the Icelanders were once more trying to get the United States to act against its will in return for the use of facilities.

American strategists, indeed, still valued the surveillance and advance warning role that the country offered. There was never any mention of a total withdrawal from Iceland. Thus, the sharp Icelandic response led to some reevaluation in Washington. In June 2003, the deadline for removing the jets was dropped and high-level negotiations began, including an exchange of letters between Oddsson and President George W. Bush. Icelandic ministers had complained that officials in Washington tended to look at U.S.-Icelandic defense relations from a "narrow, technical point of view."[87] They now hoped that increased attention at the highest levels would lead to a satisfactory solution.

But could Iceland possibly have its way against the United States? The country was "strategically on the edge of nowhere," as one NATO official rather dourly asserted.[88] Undeniably, Iceland had lost much of its leverage. In any case, as a highly placed Icelandic official asked in June 2003, "Does any state have a leverage in relations with the United States these days?"[89] American officials had already argued that four, six, or twelve jets could not avert a terrorist air attack on Iceland, and Icelandic journalists could easily find people in the Pentagon "who just cannot understand the threat assessment of Icelandic statesmen."[90] Moreover, the United States was committed to a general reduction in its overseas forces. The Icelandic government's only hope of keeping even four interceptors on the island seemed to be that the United States might still deem its facilities in Iceland—as well as the country's general support on the international scene—important enough to warrant their permanent "political" presence.

In August 2003, a provisional compromise was reached. The Bush administration declared that the F-15s at Keflavík would stay for the time being and that a final decision on their future would be made in connection with the general revision of U.S. forces in Europe.[91] Thus ended, at least for the time being, the greatest crisis in U.S.-Icelandic relations since the turbulent days of Cod War and Cold War.

RESPECT FOR THE OPINION OF OTHERS

During the Cold War era, the U.S.-Icelandic defense relationship illustrated how a minor party can sometimes have its way against its much more powerful ally. Such a state of affairs seems to contradict the general emphasis on force and power in the realist theory of international relations. Then again, Hans J. Morgenthau, one of the best known realists, once cited the relationship between the United States and Iceland in support of the assertion that "it is possible that a weak nation possesses an asset that is of such great value for its strong ally as to be irreplaceable. Here the unique benefit the former is able to grant or withhold may give it within the alliance a status completely out of keeping with the actual distribution of material power."[92]

Understandably, American officials and statesmen sometimes resented this skewed correlation of forces. The word "blackmail" could even be heard. But ultimately the United States always accepted that it was in its own interest to accommodate, not alienate, its prickly ally. As a distinguished historian of U.S.-European relations in general during the Cold War has said, "America's strategic and economic 'generosity,' if one can call it that, was, of course, closely related to American interests."[93] Furthermore, Icelandic policy makers undoubtedly made sacrifices in the name of Western cooperation during the Cold War. The U.S. presence in Iceland split the population and fueled charges about "Americanization" and warmongering. On the whole, however, a majority of Icelanders usually supported the Defense Agreement of 1951. The agreement would neither have been made nor have lasted for so long had both sides not been convinced of its advantages. Shared perceptions of the Soviet threat weighed more than unhappiness about certain aspects of the relationship.

The end of the Cold War reduced the strategic importance of Iceland; consequently, the United States decreased its presence in the country. The government in Iceland has been fairly content with that development, apart from the removal of the fighters from Keflavík. Icelandic governments have resisted this move ever since it was first mooted in the early 1960s, on the grounds that it would leave the island defenseless. Inside Washington, officials and statesmen have differing views on the question of the fighters. The Pentagon—particularly the Air Force—sees no strategic reason to have them in Iceland. The State Department, however—and probably the political leadership as well—are more aware of the political need for a visible defense of Iceland, notwithstanding cost-cutting measures abroad.

It is impossible at this stage to predict the final outcome of the decision to tie the future of the jets to the overall revision of U.S. forces in Europe. In early 2004, Prime Minister Oddsson stated that discussions between American and Icelandic officials were still "difficult" and gave him no cause for optimism.[94] It

may be suggested, however, that a mutually acceptable resolution would be based on two premises. The first would be that the Icelanders take on a greater cost and even responsibility for their own defense. It would perhaps be about time, for as Bjarni Benediktsson, the statesman primarily responsible for Iceland's accession to NATO in 1949 and the 1951 Defense Agreement, argued in the early 1960s, "Iceland can never truly claim independence until it has at least a token defense force."[95] Iceland may be small, but it is one of the richest countries in the world.

Secondly, American policy makers will need to consider more than U.S. strategic and economic needs and wishes in the defense relationship with Iceland. They may be tempted to think that the Icelanders are bluffing in their warnings that there can be no U.S. presence at all in Iceland without the aircraft. But Icelandic statesmen seem totally sincere in their conviction that visible defenses on the island itself are an integral part of the U.S.-Icelandic Defense Agreement. Moreover, Iceland has been a political ally, albeit a small one, on the international scene. Respect for the feelings of such an ally could be worth four fighter jets. In short, in its relations with Iceland, the United States might have to heed the warning of an American scholar that "failure to pay proper respect to the opinion of others . . . will eventually come to hurt us. As our allies frequently remind us, even well-intentioned American champions of benign hegemony do not have all the answers."[96]

NOTES

1. For this observation, see Michael T. Corgan, "Bandaríkjamenn og varnarsamningurinn" [The United States and the defense agreement], *Morgunbladid* (an Icelandic daily), June 2003, pp. 32–33.

2. Bank of England Archives, London [hereafter BEA], OV35/6, Sharman Wright report, 8 May 1951.

3. Donald E. Nuechterlein coined the quoted phrase. See Donald E. Nuechterlein, *Iceland: Reluctant Ally* (Ithaca, N.Y.: Cornell Univ. Press, 1961).

4. See Michael T. Corgan, "Franklin D. Roosevelt and the American Occupation of Iceland," *Naval War College Review* 45, no. 4 (Autumn 1992), pp. 34–54.

5. Naval Historical Center, Washington, D.C. [hereafter NHC], *Reminiscences of Vice Admiral Charles S. Minter, Jr., USN (Ret.)*

(Annapolis, Md.: Naval Institute Press, 1981), vol. 1, p. 74.

6. Thór Whitehead, *The Ally Who Came In from the Cold: A Survey of Icelandic Foreign Policy 1946–1956* (Reykjavík: Univ. of Iceland Press, 1998), p. 27.

7. Reykjavík to Secretary of State, 22 December 1946, National Archives and Records Administration, College Park, Maryland [hereafter NARA], General Records of the Department of State, Central Decimal File, Record Group [hereafter RG] 59, 859A.20/12-2246.

8. Trimble to Secretary of State, 4 March 1948, NARA, RG 59, 859A.20/12-2246.

9. Valur Ingimundarson, "Buttressing the West in the North: The Atlantic Alliance, Economic Warfare, and the Soviet Challenge in Iceland, 1956–1959," *International History Review* 21, no. 1 (1999), p. 102.

10. See Valur Ingimundarson, *The Struggle for Western Integration: Iceland, the United States, and NATO during the First Cold War* (Oslo: Norwegian Institute for Defence Studies, 1999), pp. 25–31.

11. For example, Baxter to Bowker, 1 August 1950, The National Archives of the UK [hereafter TNA]: PRO FO371/86499.

12. Lawson to Secretary of State, 2 May 1951, NHC, Politico-Military Division, box 209, series XXVIII, Iceland.

13. Rayner memorandum for Merchant, 25 November 1953, Bureau of European Affairs, Office of European Regional Affairs, Political-Military Numeric Files, 1953–62, NARA, RG 59, box 1; and OCB memorandum, 12 February 1954, White House Office, National Security Council [hereafter NSC] Staff, Papers, 1948–61, Operations Coordinating Board [hereafter OCB] Central File series, Dwight D. Eisenhower Presidential Library, Abilene Kansas [hereafter DDE], box 34, OCB 091, Iceland (File 1) (3).

14. Wright report, 19 June 1952, BEA, OV35/6.

15. See Ingimundarson, *The Struggle for Western Integration*, pp. 44–47.

16. Hannes Jónsson, *Friends in Conflict: The Anglo-Icelandic Cod Wars and the Law of the Sea* (Hamden, Conn.: Archon Books, 1982), pp. 62–63.

17. 207th meeting, 22 July 1954, DDE, Ann Whitman File, NSC series, box 5.

18. Lloyd, Amory, and Stuart memorandum, 21 February 1956, TNA: PRO, CAB129/79, C(56)45.

19. For the former expression, see Junkermann memorandum for Enyart, 20 September 1954, DDE, White House Office, NSC Staff, Papers, 1948–61, OCB Central File series, box 34, OCB 091, Iceland (File 1)(5). For the latter, see Toner report, 25 February 1955, White House Office, National Security Council Staff, Papers, 1948–61, OCB Central File series, box 35, OCB 091, Iceland (File 1)(9).

20. Henderson to Hohler, 11 May 1955, TNA: PRO, FO371/116443.

21. Cdr. White to Commander in Chief, Atlantic [hereafter CincLant], 7 February 1956, DDE, White House Office, NSC Staff, Papers, 1948–61, OCB Central File series, box 35, OCB 091, Iceland (File 3)(4).

22. Memorandum of meeting, 6 December 1955, DDE, White House Office, NSC Staff, Papers, 1948–61, OCB Central File series, box 35, OCB 091, Iceland (File 2)(7).

23. For an overview of the crisis in U.S.-Icelandic relations in 1956, see Ingimundarson, "Buttressing the West in the North," pp. 80–103, and Whitehead, *The Ally Who Came In from the Cold*, pp. 67–83.

24. North Atlantic Council meeting, 25 June 1956, NATO Archives, Brussels: C-R(56)34, IS-0006; and U.K. delegation to NATO to London, 20 July 1956, TNA: PRO, FO371/122491.

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RESEARCH & DEBATE

BUILDING THE FUTURE FLEET SHOW US THE ANALYSIS!

Eric J. Labs

Since 11 September 2001, the U.S. defense budget has risen by about 25 percent, after factoring out inflation. The reasons for such an increase are numerous: simultaneously fighting wars in both Afghanistan and Iraq, increases in military pay and benefits, and more money for some major weapons programs. In this same time period, money devoted to building the Navy's ships has only bounced around. In fiscal year 2001, the Navy spent $12 billion on ships. The President's request for ships in 2005 is $11 billion. Why might this be the case?

- First, while Navy officials may be doing an excellent job explaining why the United States needs a navy, they are not doing a good job explaining why it needs the navy they say it needs.

- Second, both numbers of ships and their capabilities matter when measuring or justifying the need for naval power.

- Third, the Navy's transformation vision, Sea Power 21, does not resolve those issues.

- Fourth, as a result, the Navy may find itself constrained to execute its long-term ship-building program with budgets no greater than today's levels.

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THE NAVY MUST PROVIDE A BETTER EXPLANATION FOR ITS SHIP PROGRAMS

The U.S. Navy is doing a great job explaining why the United States must have a Navy, but not such a good job explaining why it needs either a 375-ship fleet, or even to maintain its current 295-ship fleet. For example, in many presentations on military transformation or the future security environment, Navy officials illustrate the paths and avenues of the world's oceangoing commerce, or the distribution of the world's population. Their point is to demonstrate how more and more of the world's economic activity crosses the oceans—hence the need for the United States to maintain an active military presence around the world to ensure the freedom of the seas. They also observe that 80 percent of the world's population lives in the littorals; therefore the Navy must focus on and be able to operate in the world's coastal regions because with the demise of the Soviet threat, that is where the action will be. The fact that most of the world's population lives in coastal regions was true twenty years ago and 200 years ago.

In 1992, the U.S. Navy in its first post–Cold War vision statement, . . . *From the Sea,* emphasized the importance of refocusing its attention from blue-water sea control to littoral operations. Twelve years later, redefining the spread of economic globalization or the sea-oriented distribution of the world's population provided little help to anyone trying to determine "how much Navy do we really need?" Over the past decade, the Navy has proposed at various times a fleet composed of 300, 310, 346, or 360 ships. The latest number is now "around 375."

The Navy's justification for the 375-ship fleet rests on a sequence of key concepts articulated in the Defense Planning Guidance (DPG) and the Navy's response to meet it. The DPG states that U.S. military strategy must defend the homeland, deter aggression in four theaters, swiftly defeat aggression in two, and win decisively in one. This has been dubbed the 1-4-2-1, or simply 4-2-1, strategy. In response, the Navy developed its Global Concept of Operations (Global Conops), which redistributes the fleet to create expeditionary strike groups out of amphibious ready groups, surface combatants, and submarines. Today's nineteen strike groups include twelve carrier battle groups and seven surface action groups. The thirty-seven strike groups of the Global Conops include those formations as well as the twelve expeditionary strike groups, two additional surface action groups, and the four SSGNs, each of which constitutes its own "group." To carry out this concept of operations, the Navy has stated, it would require about 375 ships. This is the official justification so stated in the report submitted to Congress last year. It is also found in the Navy's vision statement, "Sea Power 21," the cornerstone article written by the Chief of Naval Operations, Admiral Vern Clark.[1]

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Yet the Navy does not explicitly answer the question of how or why those capabilities in those quantities will achieve the strategy articulated in the DPG. Why are thirty-seven strike groups the right number? Why not forty-five or thirty? The Navy prefers to talk about capabilities and those capabilities are quite impressive, but why are 375 ships needed? Is the Navy arguing that 375 ships are necessary for deterrence in four theaters but that three hundred ships would not be able to do the same in the future? Are 375 ships necessary to swiftly defeat in two theaters, or win decisively in one? As I will demonstrate, the Navy's wartime requirement for ships appears to be less than 375. Recent history and any comparison with the naval forces of the world suggest that one decisive victory is more than covered by today's 294-ship Navy. So, if 375 ships are necessary to swiftly defeat in two theaters, then that has not been made explicit. Of course, one could criticize my argument by saying that the Navy can already do all the jobs asked of it by the Defense Planning Guidance with its existing fleet, but the nation assumes some "risk" in doing so. However, one can then immediately ask how that risk is being measured. Are U.S. national security or vital interests at stake? Or only some minor interest? How is the reduction of risk being related to by the capabilities of different fleet sizes?

Both Numbers and Capabilities

Let me now turn directly to the numbers versus capabilities question. While some contend that the service needs more ships, others argue that the emphasis should be on fleet capabilities. For example, during his first tour as Secretary of the Navy, Gordon England stated that "it is capabilities, not numbers that matter . . . our 300 ships are far more potent than [was] our 600-ship Navy."[2] At the same time, Admiral Clark maintains that the Navy needs about 375 ships to do all things asked of it, adding, "You can only be in one place at one time with one ship and so numbers do matter. Numbers do have a quality all their own."[3] Those public statements indicate a tension among Navy officials over whether the service should emphasize the issue of numbers or capabilities. Capabilities measure the actual ability of the Navy to do certain missions or tasks. However, as Admiral Clark indicated, quantity also plays a role in this. One could build the most expensive, most capable warship the world has ever seen, and still it will be in one place at one time. Thus the proper question is a combination of both concepts: What capabilities does the U.S. Navy need and in what quantity?

Consider the ongoing debate over how many expeditionary strike groups are required. A year ago the Navy's answer was twelve, but according to officials, the answer may now be eight because of Sea Swap (the Navy's experiment with rotating crews every six months to a forward deployed ship); the number of groups

will make about the same contribution to forward presence as twelve.[4] That is an interesting point on several levels.

On one hand, just two or three years ago, the Navy argued that rotating crews to forward deployed ships would be too difficult—the challenges in both maintenance and training were considered by many as too great. Despite earlier pessimism, however, the Navy did not in the end stop considering, experimenting with, and pushing new methods of operations. Sea Swap is still an experiment only on surface combatants, although Navy officials have declared it "successful." Thus the Navy may be embracing Sea Swap with more zeal than is warranted at this stage. It has already indicated that it is planning—or at least justifying—reductions in major portions of the force structure based on the Sea Swap experiment.

Yet in the absence of a clear understanding of the Navy's peacetime and wartime requirements for amphibious ships and expeditionary strike groups, proposing to cut the force structure based on the Sea Swap experiments is raising issues and concerns in Congress, particularly among members who represent shipbuilding states.[5] Sea Swap only helps by providing more overseas presence with the existing number of ships or the same amount of presence with fewer numbers of ships. Sea Swap does not create more wartime capability but actually reduces it by a little or a lot depending on how it is used. If the size of the force structure in question remains the same, Sea Swap reduces wartime capability a little because no ships are preparing to go on deployment (to relieve the forward deployed ship) or have returned from deployment (after relieving the forward deployed ship). Wartime capability is greatly reduced if cuts in the force structure follow its implementation. Wartime capability is still determined by the number of ships—actual, physical hulls—in the fleet. Thus one could argue that if Sea Swap permits the Navy to reduce its number of ships, it may also help provide deterrence in four theaters since it enables presence, yet it weakens the Navy's ability to swiftly defeat adversaries in two theaters because it reduces wartime capability.

Reducing the number of ships via Sea Swap, in categories that have an excess relative to wartime requirements would be prudent. However, the Navy should clearly explain what its wartime requirements are and why. Until this recent debate over the number of expeditionary strike groups, both the Marines and the Navy had wartime requirements for amphibious lift ships that were greater than the existing amphibious lift force. The long-standing Marine Corps requirement for amphibious lift is to have enough ships to carry 3.0 Marine expeditionary brigades. Long viewed as unaffordable, the Navy and the Marine Corps in the 1990s accepted that the Navy's "fiscally constrained" requirement for amphibious lift would be 2.5 Marine expeditionary brigades. Currently, the Navy

has enough amphibious ships to lift 1.9 Marine expeditionary brigades. Cutting to eight expeditionary strike groups on the basis of Sea Swap would be, in short, a major change to long-standing wartime force planning.

Consider another example, the DD(X). Navy and industry briefings on the DD(X), of which there have been many over the past few years, make the case for why we need the DD(X). The ship will have an integrated power system, growth potential for new and innovative weapons, dramatic signature reduction in order to make the ship very stealthy, and long-range guns. Such capabilities, should they prove successful, would be very impressive and a valuable addition to the fleet. What is lacking in those briefings, however, is a case for how many of these ships the Navy should buy, and why. Do we need six DD(X)s or twenty-four? In 2003, the Navy's Global Conops brief stated it needed sixteen: one for each of the twelve expeditionary strike groups and then an additional four for wartime surge. Three months later, the Navy submitted to Congress a report on shipbuilding requirements over the next thirty years.[6] It proposed a force of twenty-four DD(X)s. Does that imply two DD(X)s for each ESG? If so, why two? (It requested one just three months earlier.) Perhaps sixteen are now needed because there might be only eight expeditionary strike groups. What is the justification for all these numbers? Is there analysis behind them? Should analysis matter? In June 2004, John Young, the Assistant Secretary of the Navy for Acquisition, acknowledged that the Navy would probably end up with between thirteen and nineteen ships.[7] He went on to add that the Navy is studying various "scenarios" to determine the right number. Yet the DD(X) program has been under way, in one form or another, since the mid-1990s, and the Navy is asking for the first ship authorization in fiscal year 2005. Why has the Navy not yet finished the analysis needed to determine how many of those ships are needed? The DD(X) appears largely oriented to providing long-range fire support from the sea, a capability the Navy currently lacks. The scenarios for it, however, seem fairly predictable and, therefore, so should the size of the DD(X) force.

Let us consider another well known example of this problem—requirements for the littoral combat ship. In 2000, the Navy sent a thirty-year shipbuilding report to the Congress. Nowhere in that report did it make mention of a need for small, fast surface combatants to maintain sea control in the world's coastal regions, nor was there mention in the 2001 Quadrennial Defense Review Report. By 2002, however, the Navy was discussing widely the need for such a craft, and by 2003, the Chief of Naval Operations, Admiral Clark, was describing the LCS as his "most transformational program and number one budget priority."[8] He stated a need for thirty to sixty of these vessels. In May 2003, the Navy sent a new long-range shipbuilding program to Congress that called for fifty-six LCSs. No

analysis had been prepared ahead of time to determine whether the LCS was the right ship for the missions the Navy wanted, and the characteristics and capabilities of the ship had not been established. Later Admiral John Nathman, who was then Deputy Chief of Naval Operations for Warfare Requirements and Programs (N6/N7), stated in testimony that most of the analysis done to support the LCS program was done after the Navy made the decision to go forward with the program.[9] What, then, was the basis for requiring fifty-six LCSs?

In addition, senior officials have stated that Sea Swap could also affect the LCS program. In June 2004, Admiral Nathman, now the Vice Chief of Naval Operations–designate, stated that perhaps they needed only forty to fifty LCSs. He argued that crew swapping could yield a "smaller procurement objective for LCS."[10] According to the Navy, the primary missions of the LCSs are defeating anti-access threats, such as hunting for diesel electric submarines, countering swarms of small boats, and clearing mine fields. Those wartime missions are unlikely to be undertaken except in an imminent crisis or wartime environment. For a ship designed and built for wartime missions, why should the procurement objective change if crew swapping is used? The wartime requirement for ships is based on the number of hulls—something Sea Swap, as stated earlier, does not address. What, then, is the wartime requirement for LCSs? It does not appear to be fifty-six, or applying Sea Swap would not matter. Finally, the Navy also states that the LCS may take on additional missions, such as safeguarding the sea lanes, as a second-order task after the anti-access missions. Because that is more of a presence mission, Sea Swap would improve the ability of the LCS force to do that job.

Finally, even as the numbers of DD(X)s (and other types of ships) changed over the course of the past two years, the 375-ship number remained essentially the same, potentially adding to the confusion regarding what the Navy needs. Such confusion may be affecting the funding and implementation of the Navy's shipbuilding program. In the 2004 Department of Defense authorization bill, the House Armed Services Committee acted to cut construction money from the DD(X) and LCS programs in order to delay them for one year. The House Appropriations Committee cut both DD(X) and LHA(R) funding, and criticized the Navy for its lack of analysis and detailed explanations for what it was doing. The Committee stated that it

> . . . remains deeply troubled by the lack of stability in the Navy's shipbuilding program. . . . Programs justified to Congress in terms of mission requirements in one year's budget are removed from the next. . . . The Committee further notes that documentation submitted with budgetary proposals is often lacking in specifics regarding total program requirement (number of ships to be constructed), total program cost, and detailed expenditure plans. This lack of information makes it difficult for Congress to weigh options for funding programs throughout the Department of

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Defense. Furthermore, it obscures the impact of current decisions on future budgetary requirements. [11]

SEA POWER 21 IS NOT HELPING

The Navy's vision statement, Sea Power 21, makes a good case for having in the tool kit all the capabilities it mentions, such as Sea Shield, Sea Strike, and Sea Basing. Sea Shield describes all of the capabilities that will be brought to bear to defend the fleet—or elements of it—from attack. They include missile and air defense provided by surface ships and the planes of an aircraft carrier, as well as anti-access threats posed by quiet conventional submarines, small boats, and mines. Sea Strike focuses on the offensive power of the fleet, to include the striking power of surface combatants (either with missiles or gunfire support), submarines, aircraft carriers, or the Marines disembarking from amphibious ships. Sea Basing refers to the Navy's and Marine Corps's plans to conduct military operations with battalion and brigade-sized forces ashore, supported logistically almost entirely from the sea.[12]

Nevertheless, Sea Power 21 provides no guidance that would help anyone understand how much is needed. It lays out in detail the changes and capabilities the Navy requires, including all of the major programs the Navy is now pursuing: CVN-21, DD(X), CG(X), LCS, *Virginia*-class attack submarines, SSGNs, LPD-17, LHA(R), MPF(F), etc. No discussion of the quantities required for those programs, however, is included. This is somewhat understandable. It is often easier to explain and thus justify the capabilities a particular weapons program brings to the fight than to sort out how many of them are necessary. Without additional justification for the quantities of major platforms the Navy desires, other factors may play a more important role in determining the size of the future fleet.

Resource Constraints

Budgets will play a key role in determining the U.S. military's force structure, including that of the Navy. No matter how much money is available, there are always demands for more spending on an increasing range of goods and services. Thus Navy shipbuilding programs are competing with other demands within the Department of the Navy, the demands of other services, and those of domestic programs, be they social security, the environment, industry subsidies, or tax cuts. National strategy and force structure are always developed within that budgetary context. After all, if strategy (and thus force structure) could be developed unconstrained by budgets, a strategy would be unnecessary—the trade-offs and balances between competing priorities inherent in a strategy would not need to be made.

Future budgets may thus force hard choices on the Navy. From 1990 to the present, the Navy's shipbuilding program was underfunded by about $50 billion simply to maintain today's 295-ship fleet. If the force goal was 375 ships, shipbuilding would be underfunded by more than $100 billion. Hence if those hard choices must be made, either by the Navy, the Department of Defense, or Congress, a clear explanation of the wartime and peacetime requirements of the fleet would be valuable. In some ways, the Navy is a victim of its own success. It no longer has the Soviet navy to plan or size its fleet against. Today, the U.S. Navy could defeat any naval power on the planet within a short period of time. While that may be a blessing at sea, it can be a burden in Washington, D.C. Answering the question of what capabilities the Navy needs, in what quantities, *and why* may make the difference in determining whether it ends up with a fleet that is substantially larger, or smaller, than the one it has now. Right now, the service's strategy, vision, and analysis do not appear to have succeeded in producing a convincing answer. This is not to say that good answers will guarantee a larger fleet. But the long-term fiscal future suggests that with the baby boomers beginning to retire and the demand for resources by Social Security and Medicare costs rising dramatically, the lack of a strong justification will increasingly look like taking a knife to a gunfight.

NOTES

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REVIEW ESSAY

WHAT DID THE COLD WAR TEACH US?

James M. Goldgeier

Nichols, Thomas M. *Winning the World: Lessons for America's Future from the Cold War.* Westport, Conn.: Praeger, 2002. 254pp. $49.95

In the late 1940s scholars and practitioners reached for the lessons learned from World Wars I and II to combat the growing threat posed by the Soviet Union. The United States established a free trade order to ensure Western prosperity, built peacetime alliances around the world to help contain Soviet power, and went to war to save South Korea and to demonstrate that aggression would not pay.

For four decades Americans experienced a Cold War with the Soviet Union. The two superpowers engaged in a massive arms race and almost went to war over Berlin, Cuba, and the Middle East. The United States got bogged down in Vietnam, the Soviets in Afghanistan, and each expended resources in places of dubious strategic value in the Third World. As America faces its new enemy responsible for 9/11, does the Cold War contest offer any lessons for American strategists? Thomas Nichols says that it does.

Nichols stresses that the key feature of the U.S.-Soviet struggle was the difference in ideology and that in a new war with new ideological foes, the United States can learn from the recent past. Just recognizing that the enemy has an ideology is for Nichols no small matter; he spends a good deal of the book deriding liberal academics who in his view failed to understand

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the true goals of Soviet communists. One cannot bargain with those who are ideologically opposed to your way of life. Détente was a mistake. What is needed now to combat this new enemy is the kind of pressure used by President Ronald Reagan against the Soviets.

Nichols's viewpoint on ideology is important. The more we learn about Soviet decision making from notes of Politburo sessions, the more we know that those at the top were not just spouting out propaganda but actually believed in what they were saying. Even Stalin, the cynical and brutal master of realpolitik, whom many viewed as merely using ideology instrumentally in his struggle for control, was steeped in Marxism-Leninism and was known to engage in lengthy philosophical discussions. So also was Mikhail Gorbachev, a true believer in a nonviolent form of Marxist-Leninism, whose failure was in not recognizing how bankrupt his ideology was when he tried to destroy the old system with nothing credible to take its place.

The main U.S. foreign policy experiment in engaging this ideological opponent was President Richard Nixon and Secretary of State Henry Kissinger's détente. Nichols argues that avoidance of nuclear war was the chief source of the policy. However, if the United States really wants to draw lessons from this, it should consider Kissinger and Nixon's concern about maintaining America's preeminent position in global affairs. It was not just the avoidance of nuclear war they were seeking, it was the preservation of the U.S. position as the leading world power at a time when America was at war in Vietnam and the Soviets had achieved nuclear parity. Their strategic goal then was to prevent the balance of power from shifting to the Soviet Union—in the parlance of the 2002 White House national security strategy, how to keep the balance of power in favor of freedom. The problem today is that though the United States can maintain its lead over any combination of states in traditional measures of power, how does it maintain its preeminent position in the face of nonstate threats seeking to attack it at its most vulnerable points?

It turns out that even Nichols believes that engagement is not always a bad thing. He does a nice job illustrating how there was not such a huge divide between the end of Jimmy Carter's presidency and the beginning of Reagan's. Carter had already rejected détente—Reagan was just more emphatic about it. Yet Nichols argues that although Reagan put the pressure on, by the end of 1983 even he believed that he had gone too far and was looking to engage.

Perhaps more striking is the author's statement that although Reagan's strategy was appropriate for its time, it was better that President George H. W. Bush was the one to handle the collapse of the Soviet Union and help ease Moscow's decline. The Bush team was clearly successful in managing the end of the Cold War and, in particular, German unification. But would we be praising Bush's

prudence if the Soviet August 1991 coup had succeeded and hard-liners reasserted their control in Moscow?

Surprisingly, given the current world situation, Nichols almost completely ignores the most radical element of Reagan's global vision—the creation of a nuclear-free world. This vision underpinned Reagan's desire for the Strategic Defense Initiative, his willingness to share the technology with the Soviet Union, and his hope to be rid of offensive nuclear weapons. (His advisers thought him naïve.) Such deep cuts in nuclear forces were possible only after the Cold War. No administration since has declared such a commitment that could help in the overall effort to combat the proliferation of weapons of mass destruction.

Finally, what about superpower interests in the periphery? Nichols argues that much of the Third World conflict was unnecessary given the interests of both superpowers. The United States should have felt secure enough to avoid many far-flung conflicts, and the Soviets expended resources that could have been used more productively for their own people. Based on the author's argument on ideology, however, was it really so preposterous for the USSR to seek allies among underdeveloped countries? In the 1970s, both the Soviets and the Americans bought into the notion that the correlation of forces was shifting in favor of the Soviets. However, Europe and Japan were already in the U.S. camp, and after 1972 the United States was engaging China. All major power centers were arrayed against the Soviet Union. What else could Moscow do but court an Ethiopia or an Angola?

Although Nichols argues that many lives and resources were wasted in places of little strategic value, he stresses the importance of the war in Vietnam. "If it was really only one theater of many in a world war, then the question becomes one of whether fighting is better than surrender, what price should be paid to slow the enemy's advance, and perhaps even to avoid having to fight another day in another place." Why would that be true in Vietnam and not in Africa?

Nichols argues that the "Cold War of 1945–1991 was only the first of its kind," because "the war with terrorism, like the war against communism, is a war of ideas against people who will one day seek again to hold us hostage with nuclear weapons." Will America again really face that kind of war with that kind of adversary? Are we in a war of ideas or a war against a network of disaffected people willing to blow themselves up to kill us? Is there truly an alternative vision in how to organize the world, followed by our adversaries in the way Lenin provided? Should we not be more concerned that nonstate actors, who feel no compunction about using weapons of mass destruction against the United States, gain access to the technology they need than fear they will seek to "hold us hostage"?

The study of the Cold War has become increasingly exciting in recent years. Nichols makes some use of new material from places like the Cold War International History Project and the National Security Archive, but he spends so much time expressing his rage at those who did not understand Soviet evil that he misses how much the new materials enable us to explore these themes in even greater detail. We now have access to open archives in places like Central and Eastern Europe, including the former East Berlin. Scholars are exploring in depth from multinational sources the very issues that Nichols raises. Scholars around the world are trying to understand what happened in their own countries. Cold War studies programs and journals have sprouted up on campuses like George Washington University, University of California at Santa Barbara, London School of Economics, Harvard University, and New York University. Young scholars, who do not have the baggage of those who debated each other during the Cold War, are studying and enriching our understanding.

As the United States struggles with adversaries opposed to its way of life, Nichols is right to remind us of what is at stake. Just recall the joy with which Central and Eastern Europeans threw off Soviet rule and took the steps necessary to rejoin the West. We have seen individuals cherish the right to vote in Namibia and Mongolia, and a population in Iran increasingly frustrated with theocratic rule. As did World War II, the Cold War also taught that we should never sell short democratic values.

BOOK REVIEWS

HOW TO AVOID SUDDEN SHOCK

Schwartz, Peter. *Inevitable Surprises: Thinking Ahead in a Time of Turbulence.* New York: Gotham, 2003. 245pp. $27

The intelligence community is getting a bad rap these days as it attempts to help policy makers weather the myriad national security challenges in the Age of Disruption. The controversy over weapons of mass destruction and protracted post-conflict insurgency in Iraq are only two incidents in a series of surprises. Whether it is the demise of the Soviet Union, economic collapses in Southeast Asia, the development of nuclear weapons in India and Pakistan, North Korea's nuclear and missile programs, terrorist attacks on the United States, or the subsequent anthrax attacks, being taken by surprise is becoming the norm.

Peter Schwartz, however, was not knocked for a loop by many of these events—in some cases he predicted them. Schwartz is an expert at avoiding surprises. Starting with his work with Royal Shell in the 1970s, his efforts with the Pentagon's eighty-year-old futurist and director of the Office of Net Assessment, Andrew Marshall, and the U.S. National Security Commission in the last decade, up to his present consulting work with the Global Business Network,

Schwartz has made a career out of helping clients avoid strategic surprises. He does not necessarily make forecasts, but he does predict that denial, defensiveness, and ignorance are the principal preceptors for sudden shock.

Schwartz's specialty is researching the innumerable drivers and wild cards in our environment from which he can craft scenarios that will help strategic planners and decision makers anticipate crises well before they happen. He is no stranger to naval readers, who will be familiar with his *The Art of the Long View: Planning for the Future in an Uncertain World* (Currency, 1991), once required reading at the Naval War College. In *Inevitable Surprises*, Schwartz points out that we will face numerous sharp jolts or major discontinuities in political, military, and economic areas. "If anything," he notes, "there will be more, not fewer, surprises in the future, and they will all be interconnected."

These interconnected surprises, which Schwartz calls discontinuities, will bring about a different world, one in which the rules of the game are fundamentally altered. The critical value of

this work is the author's belief that many of these discontinuities have their roots in ongoing trends and that we can anticipate them. By realizing what today's driving forces are, we can alter our perception about today's emerging realities, anticipate the consequences, and avoid surprise.

Schwartz offers a simple process for thinking anew and avoiding major shocks. The first step is to pay attention and identify and monitor the driving forces that influence tomorrow's world, get ahead of the so-called inevitable surprises, and prepare for them. The second step is to remove ourselves from the rigid mental paradigms about what is fixed and what can be changed in the landscape. The final step is to envision new strategies for dealing with new circumstances.

Most of this book discusses macro-level factors in terms of social, economic, and technological change. Some of the discontinuities Schwartz deals with in chapter-length detail include: dramatic extension in human longevity based on improvements in medical science, with substantial influences on retirement, social institutions, and the political power of influential centenarians; a "great flood" of immigration with resultant social tensions in China, Europe, and the United States; continued economic growth in the developing world and a return to what Schwartz called the "long boom," predicated upon the enhanced productivity of the Information Age and the updated critical infrastructure that undergirds it; a series of interrelated breakthroughs in science and technology, especially nanotechnology, biomaterials, and regenerative medicine, quantum computers, and fuel cells; and a few environmental crises, including the

impact of global climate warming and the coming of a great plague.

Military professionals and policy analysts will be particularly interested in Schwartz's range of geopolitical scenarios. In one scenario, the European Union consolidates into an effective bloc and begins to challenge what it perceives as America the rogue superpower. China also grows in political and military muscle, and it too seeks to check the global dominance and influence of the United States. On the other extreme, Schwartz paints a scenario of American preeminence, including complete dominance of space with instant global strike. In this scenario, because the benefits of a benign superpower are shared, a quiet and sustained Pax Americana emerges.

Before anyone gets complacent about American preeminence, read chapter 5, in which the author details the dismal prospects of the near future. His "catalog of disorder" includes an updated version of the Four Horsemen of the Apocalypse, beginning with terrorism, religious wars—including evangelical Christianity in Africa—criminal statehood in Mexico, ethnic conflict, and HIV/AIDS. Schwartz's grasp of the interrelated nature of many of these depressing transnational problems is masterful. His grim projections of such disorders are largely predetermined, thus inevitable and therefore troubling. These future flashpoints are all too rarely identified as issues in the national security community until U.S. military forces are dispatched to provide some form of stability.

Inevitable Surprises is well worth anyone's time, as long as the reader understands that predicting is like planning—it is not the prediction or the plan itself

that is important but the diligent process of identifying drivers and developing scenarios that is invaluable. To paraphrase Helmuth von Moltke, no forecast survives contact with reality; good forecasters, like good planners, excel because they have gone through the rigorous intellectual process of examining the mental geography of a problem and anticipating the various contours and conditions that could arise.

Read this book only if you would like to avoid being surprised by tomorrow's predictable discontinuities.

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Gray, Colin S. *The Sheriff: America's Defense of the New World Order.* Lexington: Univ. Press of Kentucky, 2004. 232pp. $29.95

What role should the United States play in contemporary international politics? This question, or rather debate, began at the end of the Cold War and has never really concluded. It is a unique debate because while everyone disagrees on the question, all agree on its substance—the United States is the preeminent power in the world. People refer to the United States by various names: the lone superpower, the unipolar moment, Pax Americana, and from some of its erstwhile allies and former enemies, the unilateral hegemon or hyperpower. All such names try to capture the signal fact that America carries tremendous weight in world affairs, though for obvious reasons everyone interprets the implications differently.

In the United States, two different groups dominate the contemporary

study of strategy: defense analysts and scholars of international security. In both fields most writers seem content to work on very specific problems. Defense analysts tend to emphasize what many have called the Revolution in Military Affairs or military transformation, while many in international security still contend for a theory-driven approach to international conflict. However, despite the fact that strategy bridges politics and war, defense analysts narrowly focus on the details of defense policies to the exclusion of the larger political issues. On the other hand, security theorists miss even the most basic issues pursuing theoretical elegance and, consequently, tend to write only for one another. Colin Gray avoids the pitfalls of each approach in *The Sheriff.*

Colin Gray is professor of international politics and strategic studies at the University of Reading, England, and senior fellow of the National Institute for Public Policy in Virginia. He has written extensively on strategy, geostrategy, and defense policy, and has long been connected to the defense establishments of the United States and NATO. Many of his former students are working in both places and in the academy today.

Gray begins this work by trying to understand some of the major issues facing the United States in the post-post–Cold War era and finishes by noting it is the little things that imperiled everyone's ability to see the larger picture. "I found that so much about the U.S. role in the world is coming into contention, that were I to devote most of my pages to military issues, as long intended, I would be analyzing secondary issues while leaving matters of first-order significance insufficiently addressed." It is

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to the issues of first-order significance that the book is addressed.

Given the fact of America's preeminence in the world, what should it do? Gray sees the United States performing the role of "sheriff" of international politics, where others suggest running an empire. Gray explains that "sheriff is of course a metaphor. By its use I mean to argue that the United States will act on behalf of others, as well as itself, undertaking some of the tough jobs of international security that no other agent or agency is competent to perform." That is precisely what the United States has been doing, albeit sporadically, since the end of the Cold War. However, during the interregnum of the Cold War and the attacks of 9/11, the United States was strategically adrift, particularly during the years of the Clinton administration, which had no real focus except in the hope of reviving multilateral institutions.

Three things gave rise to a renewed strategic focus for the United States. The first was the election of the generally experienced, conservative leadership of the Bush team; the second was the commitment to military transformation by Bush's Pentagon team under Donald Rumsfeld; and third, the catalyzing attacks of 9/11, which provided focus for their efforts. Though the administration is focused on the war on terror now, Gray believes that U.S. strategy should also prepare for the eventual return of state-centric conflict.

Gray is a classical realist. A classical realist differs from the neorealist of the academy, who emphasizes theoretical modeling from the *realpolitik* practiced by cynical German politicians of the Bismarck era. Classical realists take their lead from the writings of

Thucydides, Sun Tzu, and Clausewitz and calculate strategy in terms of power and geography, or geostrategy. Through five chapters, Gray shows why he believes the proper role for the United States is to sheriff the international system—that is, to regulate the international political order. He believes history shows that world order is not self-enforcing and unless the United States commits to regulating it, it may not be regulated at all; or, worse, U.S. neglect may encourage others to try their hand at regulating international politics, to the detriment of the current world order.

Gray makes a strong case for the U.S. role in regulating international politics. The role of sheriff will help provide the conceptual focus for military planners and advocates of transformation. He also suggests ways the United States can maintain its preponderance of power, prudent ways to serve U.S. interests as well as keep both domestic and international politics on its side, or at least not overtly hostile. What he does not address, however, is *why* the United States should act as sheriff. What is it about America that makes it the best candidate for the job? It cannot be simply because it is the most powerful country in the world.

Clausewitz famously links war—and the instruments of war, the military—to politics. The central question for strategy, then, should be to what end and for what purpose should strategy be made? To answer that question, one must first ask what are the conditions of internal politics that lead the United States to want, or need, to regulate international politics. What is it about the United States that makes it the *right* power to act as sheriff? Unfortunately,

Clausewitz himself never addressed politics much, and neither do his successors. However, if one assumes that the United States is the right country for sheriff, which Gray clearly does, then it behooves us to pay attention to what he says.

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Korb, Lawrence J. *A New National Security Strategy in an Age of Terrorists, Tyrants, and Weapons of Mass Destruction: Three Options Presented as Presidential Speeches.* New York: Council on Foreign Relations, 2003.

Since the end of the Cold War and the subsequent demise of the Soviet Union, the United States has been in search of a new grand strategy. Over time, the question "What should be the post–Cold War U.S. grand strategy?" evolved into "What should the United States do with its preeminence?" The answers provided by the various erstwhile successors to George Kennan, who gave us the Cold War's "containment," have ranged from neo-isolationism—dubbed "strategic independence" by some of its advocates—to primacy, the consolidation and indefinite preservation of U.S. hegemony, of what had initially been thought to be a "unipolar moment." Some, most notably neoconservatives, have even made the case for a U.S. empire—primacy on steroids.

The declaration by the United States of a global war on terror following the attacks of 9/11 has done little to bring closure to the grand strategy debate. Indeed, the brutally manifest new threat and the response to it, particularly as formulated in the Bush administration's

September 2002 *The National Security Strategy of the United States of America,* and implemented in Operation IRAQI FREEDOM, served to further fuel the debate. For many, the boldness, even arrogance, exhibited in the administration's security strategy, especially the explicit embrace of "preemption" and the aftermath of the Iraq campaign, have raised more questions than have been answered.

It is here that Korb, with this admirably concise and sharply focused volume, steps up to the plate. In the tradition of such previous Council on Foreign Relations Policy Initiatives as *Reshaping America's Military* by Korb (2002) and *Future Visions for U.S. Defense Policy* by Hillen and Korb (2000), Korb here lays out, in the form of presidential speeches, three alternative national security strategies.

As a senior fellow at the Center for American Progress, former director of the National Security Studies Program at the Council of Foreign Relations, and former assistant secretary of defense, Korb possesses the intellect and experience this project requires.

The author takes as his point of departure the concerns—in some corners, furor—generated by the Bush administration's 2002 security strategy. Controversies surrounding four issues are highlighted: the embrace of preemption (and apparent abandonment of containment and deterrence); the willingness to sacrifice the principles of political and economic liberalism in the global war on terrorism by recruiting the likes of Pakistan's President Pervez Musharraf to the cause, for example; the inclination to go it alone; and the evident internal tensions and contradictions, particularly the call for maintaining and enhancing

U.S. primacy in the face of chronic economic challenges.

These issues are featured in assessments of three alternative national security strategies. The first alternative, "U.S. Dominance and Preventive Action," is embraced by neoconservatives and those within the administration and elsewhere who have been referred to as "assertive nationalists." It begins with the premise that "the most serious threats to American security come from the combination of terrorism, rogue states, and weapons of mass destruction." The capability and will to act preemptively and unilaterally are essential; American military dominance must be maintained; and U.S. security requires widespread democracy and capitalism.

The second option, "A More Stable World with U.S. Power for Deterrence and Containment," is said to be favored by moderate Republicans and Democrats. They share the characterization of the threat provided by advocates of option one, yet counsel against elevating "preemption" to the status of a doctrine, emphasize the need for international support in the ongoing war on terror, and warn against the strategic overextension that may well result from proactively spreading free-market democracies.

The distinctly liberal third option, "A Cooperative World Order," is reminiscent of the Clinton administration's national security strategy—"Engagement and Enlargement," in Anthony Lake's formulation. To the nexus of terrorists, rogue states, and weapons of mass destruction, its proponents add the longer-term threats posed by "global poverty, growing lawlessness, and the increasing isolation of the United States from like-minded states." This

multitude of dangers requires international diplomatic, economic, and military cooperation; military responses are not to be given pride of place. The United States must strengthen, not tear asunder, international norms and institutions. Even the world's dominant military power cannot unilaterally ensure its security.

Korb masterfully translates the three alternatives into full-blown presidential addresses to Congress and the nation. He also systematically and evenhandedly assesses the strengths, weaknesses, and political impact of each. Significantly, "liberal," for Korb, is not a four-letter word. Unlike many Republicans, he knows how to count. This volume should be required reading for President George W. Bush, his advisers, and the broader U.S. national security community.

ANDREW L. ROSS
Naval War College

Scarborough, Rowan. *Rumsfeld's War.* Washington, D.C.: Regnery, 2004. 253pp. $27.95

Rumsfeld's War is a close-up look at one of the most influential figures in the Bush administration, and a key leader in the current war against militant Islamism. The book examines Rumsfeld the man, reviewing his long and varied career at the top levels of government and industry, and analyzes his role in the two principal themes of his tenure, transformation of the Cold War military and defeat of Middle Eastern terrorism.

Rowan Scarborough is a well known *Washington Times* reporter, specializing in defense issues. While not a panegyric,

his book provides a sympathetic look at Rumsfeld. This is not surprising, in that the *Washington Times* has been notably supportive of the Bush administration. As in his reporting, when writing his book, Scarborough doubtless benefited from close and frequent contact with the senior people around the secretary of defense.

One characteristic of Donald Rumsfeld that leaps from the pages is his utter self-assurance, bordering on arrogance, which manifests itself as remarkable decisiveness and precision in thought and speech. The book opens with Rumsfeld's conversation with President Bush soon after American Airlines flight 77 crashed into the Pentagon. He is noted as saying, "This is not a criminal action, this is war." His phrase crystalized a radical shift in strategic thinking that decisively took America from the listless strategic drift of the 1990s to one of activism and intervention. As noted by Under Secretary of Defense for Policy Douglas Feith, "That was really a breakthrough strategically and intellectually. Viewing the 9/11 attacks as a war that required a war strategy was a very big thought and a lot flowed from that."

The twin themes of transformation and fighting wars are inextricably intertwined. Serving as secretary of defense for President Gerald Ford from 1975 to 1977, Rumsfeld returned to the White House a second time with a specific mandate from President Bush to "transform" the military—bring strategy and military capabilities into better balance with the post–Cold War geopolitical context. The Bush administration came into office believing that the Pentagon was too wedded to expensive, obsolescing systems from the Cold War and to the accompanying policies,

processes, and mind-set that demanded more of the same. When Rumsfeld aggressively set out to overturn the tables in the Pentagon, he was met with determined resistance, for both substantive and stylistic reasons. By early September 2001, there were widespread rumors that Rumsfeld would be the first cabinet secretary to resign, over his inability to foster change in the Pentagon.

Flight 77 changed all that. The United States was no longer chasing criminals, it was at war. The operations in Afghanistan were dominated by remarkable synergies between special operations forces and precision weapons, themes that had long been pushed by "transformation" advocates. In both Afghanistan and Iraq, Rumsfeld insisted on far smaller numbers of ground combat units than the military leadership was comfortable with, arguing that the synergies possible in a heavily netted joint battle space, coupled with precision weapons and targeting, greatly increased the lethality and effectiveness of U.S. forces. The combat results amply repaid his confidence.

The lessons from the fighting merely redoubled Rumsfeld's determination to keep transforming the Department of Defense. Battlefield results notwithstanding, change in the military bureaucratic processes remained difficult. Rumsfeld noted that he "was struck by . . . how resistant people are to looking at strategy in a different way and pursuing advantages, rather than focusing on reacting to threats." On the other hand, his often abrasive manner needlessly antagonized people otherwise willing to help bring about overdue change in the Pentagon.

There is no doubt, however, that Rumsfeld has made an enormous effort

to overcome the stultifying stasis of the huge Department of Defense bureaucracies—military and civilian—and the mental inertia of fifty years of Cold War thinking. As Scarborough notes, "Rumsfeld's task of reconfiguring the military and fighting the war on terror is so immense that it will take the light of history to determine exactly what he finally accomplished and at what he failed." If nothing else, Rumsfeld created, if not institutionalized, the state of intellectual ferment that antecedes major change in any large organization.

Rumsfeld's War is a quick, instructive read from a pro-Rumsfeld perspective. In that sense, it perhaps could be considered a counter to Bob Woodward's two recent "insider" books on the current war, for which Woodward received very little support from Rumsfeld, and in which Rumsfeld is not sympathetically depicted. On the downside, the book stylistically feels somewhat as if the author threw together some of his day-to-day reporting text and called it a book. Also, fully one-third of the book consists of appendices, with copies of various memos and papers, many classified "secret"; no military reader can applaud the open use of such documents. However, the book is an interesting depiction of a remarkable man. As Scarborough notes on the final page, "It is hard to imagine any other man to whom Bush could have turned to fight this war with more tenacity, panache, and, at the appropriate time, good humor."

JAN VAN TOL
Captain, U.S. Navy

Machiavelli, Niccolò. *The Art of War.* Edited and translated by Christopher Lynch. Chicago: Univ. of Chicago Press, 2003. 262pp. $25

Machiavelli's classic, if now rarely read, *The Art of War* was probably the single most popular military treatise in Europe prior to Jomini—Clausewitz was a professed admirer.

At first sight, this book, with its apparent attempt to revive the infantry-centered military organization of the imperial Roman legions, seems hopelessly irrelevant to present concerns. Even within its historical setting (it was originally published in 1521), Machiavelli's work is often dismissed today for its alleged failure to appreciate the social and technological trends—particularly the growing importance of gunpowder—underpinning the "revolution in military affairs" of the sixteenth century. Christopher Lynch makes an excellent case that such interpretations neglect the literary or rhetorical dimension of *The Art of War* and its relationship to Machiavelli's larger intellectual project. In an extensive introduction, as well as an interpretive essay, Lynch rebuts the criticisms of contemporary scholars, defends Machiavelli's grasp of the military realities of his own day, and reinterprets the intention of the work in relation to Machiavelli's more famous political treatises, *The Prince* and *Discourses on Livy*.

Lynch's key point is that Machiavelli was not simply the backward-looking admirer of Rome he is often taken to be but a revolutionary thinker who combined elements of past military and political systems in a novel synthesis. His apparent reliance on Roman models is to be understood fundamentally as a

rhetorical device designed to appeal to the prejudices of the humanist-oriented Italian elite of his day. At the military level, Lynch argues that Machiavelli's appreciation of the role of artillery and cavalry has long been underestimated. Machiavelli goes out of his way to call attention to the limitations of the Roman way of warfare, which was evident in their campaigns against the Parthians, who relied exclusively on light mobile cavalry armed with the bow and guerilla-style raiding tactics.

Lynch suggests that what Machiavelli ultimately envisions is a synthesis of Rome or "Europe" and "Asia," a combination of Clausewitzian commitment to the decisive battle and extensive employment of maneuver, deception, and surprise in a manner reminiscent of Sun Tzu.

Whatever view one takes of Lynch's bold and provocative reading of Machiavelli's text, his handling of the translation is exemplary and unlikely to be challenged in the foreseeable future. He makes use of the definitive critical edition of the Italian text published in Rome in 2001, which removes many errors present in older versions. The translation itself is relatively literal, with occasional awkwardness but much enhanced access to the terminology of Machiavelli himself; there is also a very extensive glossary of terms.

CARNES LORD
Naval War College

Singer, Peter W. *Corporate Warriors.* Ithaca, N.Y.: Cornell Univ. Press, 2003. 330pp. $35

Corporate Warriors is a must read for military professionals and national security experts. It opens a dialogue to a valuable aspect of national security that demands greater attention—the armed forces' use of contractors. The framework Singer develops is especially worthwhile, and although many of his suggestions are often provocative, in some areas his analysis is flawed and the implications are loose and unsupported. Overall, however, this work is a superb effort to advance discussion on a critical topic.

The Bush administration has made it clear that even with the demands related to the global war on terror, it would prefer not to dramatically increase the size of its forces. To make up for the difference—particularly with respect to Afghanistan and Iraq—contractors have been hired to pick up the slack. Hence, the current war is one where corporate warriors of private military firms have become part of the environment.

Throughout the world other states and international organizations have also turned to private military firms for assistance. Singer argues persuasively that there are policy and operational concerns about the use of these firms that need to be examined more thoroughly.

The book is divided into three parts, of which the first two are the most useful and of durable value. "The Rise" contains an interesting thumbnail of mercenaries through the ages and sets the context for understanding contemporary motivations for the use of private military firms. "Organization and Operations" provides an exceptionally useful framework for understanding the roles of various private firms that perform duties often identified with the military. Chapter 6, "The Private Military Industry Classified," lays out the taxonomy for firms involved in

military-like activities and distinguishes between providers, consultants, and support firms. The next three chapters are devoted to contemporary examples for three types of firms: Executive Outcomes, the notorious but now officially disbanded South African–based mercenary group, illustrates a military provider firm. MPRI, an American-based firm founded, run, and largely staffed by retired flag officers, illustrates a military consulting firm; and Brown and Root, logistics providers, is a U.S.-based Halliburton subsidiary and illustrates a military support firm. In addition to clarifying the types of firms, these chapters are engaging case studies of prominent and influential corporations.

The book contains some significant flaws, but they generally stem from the groundbreaking effort to comprehend the significance of these firms. There are also many loose assertions, insinuations, and innuendos that are unlikely to withstand closer scrutiny, but for now, as an opening argument, they should be taken seriously.

The effort to differentiate the firms in an analytical and useful fashion breaks down in part 3, entitled "Implications." The words "possible," "might," and "can" show up with inordinate frequency and are indicative of a looser, more speculative analysis. Here, Singer has a hard time maintaining the distinction between the firms he had carefully created earlier. The effect is often to tar all provider firms that bear the most resemblance to mercenaries or traditional military combat organizations. Singer darkly intones about the pitfalls and potential problems that can arise from the use of private military corporations. In this section, he tends to lump together all flavors of private

military corporations, suggesting guilt by association with a small number of admittedly distasteful companies. This tendency to associate loosely all firms with the sins of the most egregious ones (almost always provider firms) seems even less fair given the fact that elsewhere Singer notes that such firms constitute a small fraction of the overall private military firm population. Many of his accusations do not apply well to support firms. A more useful approach would have been to assess the implications for each type of firm with respect to contracting dilemmas, market dynamics, accountability, civil-military relations, morality, and effectiveness.

Corporate Warriors is a valuable point of departure for understanding private military firms. It has cut a path through the dense thicket of concerns about their appropriate role but has by no means cleared the way. The book opens a debate that should engage military professionals, civilian national security leaders, and civil society. In the pursuit of national objectives there are many potentially useful instruments, and this book is clearly one of them. Better understanding private military firms and addressing their appropriate role are essential challenges.

RICHARD LACQUEMENT
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Schneider, Barry R., and Jerrold Post, eds. *Know Thy Enemy: Profiles of Adversary Leaders and Their Strategic Cultures.* Maxwell Air Force Base, Ala.: U.S. Air Force Counterproliferation Center, 2002. 325pp.

The devastating attack of 9/11 starkly revealed how the United States failed to

understand its adversary and, by extension, itself. The difficult, age-old challenge for the United States to accurately assess foreign leaders has not changed, nor has its spotty track record of getting it right.

It is a tough business getting at human identity and predicting the behavior of reclusive, complex characters to whom we have no access and who possess weapons of mass destruction. However, with America's extraordinary resources one must ask why the United States has not brought to bear its best know-how to fill this serious vacuum of understanding.

The U.S. Air Force's Counterproliferation Center's "America's Adversary Project" has tackled this problem and produced *Know Thy Enemy*, which is a fine collection of studies on the personalities and cultural context of such dangerous international rivals as Iran, North Korea, Libya, Syria, and terrorist groups like al-Qaʻida.

Co-editors Jerrold Post, psychiatrist and former CIA profiling guru, who now heads the Political Psychology Program at George Washington University, and Barry Schneider, director of the Counterproliferation Center at Maxwell Air Force Base, assembled a formidable group of leadership assessors with regional knowledge and functional expertise ranging from history, international relations and security, and war fighting to Japanese art.

Schneider's introduction, "Deterring International Rivals from Escalation," critiques the inadequacies of classical political science deterrence theory relative to twenty-first-century enemies armed with lethal weapons. The United States must know these enemies' "hot

buttons" and what contingencies could affect their decision to use weapons of mass destruction.

Both authors argue that although necessary, traditional profiling is not sufficient to understand the enemy. A deeper appreciation of individual personalities and their strategic cultures is necessary to supplement deterrence theory's shortcomings. What is now required in each case are specific U.S. deterrence policies tailored to each leader's unique profile, which directly informs our policy and public diplomacy.

Three essays bookend seven leadership profiles, offering a loose theoretical alternative and some recommendations. The seven assessments are timely, in-depth, and informative. "Kim Chong-Il's Erratic Decision Making and North Korea's Strategic Culture" by Merrily Baird is well done, synthesizing excellent research analysis into a working model for assessment.

Two other thought pieces are Alexander George's "The Need for Influence Theory and Actor-Specific Behavioral Models of Adversaries" and the concluding chapter by Post and Schneider, "Precise Assessments of Rivals: Vital Asymmetric War Threat Environment." George argues that it is necessary when dealing with irrational adversaries to distinguish between abstract concepts and real-time strategy. He states that "actor specific" calls for a more differentiated behavioral model of adversaries, but he qualifies the recommendations in light of the high degree of uncertainty and context specificity within strategic cultures. Post and Schneider reiterate that to avert an adversary's use of weapons of mass destruction, models of actor-specific psychology and decision making are required.

For those seeking more than a basic education, this work provides a serious guide to today's "hottest" adversaries and their weapons of mass destruction. Through well researched history, biography, and analysis of the cultural and strategic setting, this book acquaints readers with today's enemies and invites them to ponder critically the propensity of these enemies to use their weapons.

A curious omission of this research is its lack of any systematic methodological discussion. The book's primary assumption is that deterring adversaries requires an understanding of their strategic culture. Yet nowhere do the editors formally define strategic culture or its link to the adversary. The reader comes to appreciate, however, that each study uniquely attempts to make the connection.

Between the lines, this study calls for a new paradigm, yet the book itself mostly relies on an outdated theoretical approach that ultimately handicaps what it set out to do—assess adversaries. That kind of work requires a deeper analytic template for profile analysis than presently conceived, one that cannot be wedged into political science paradigms.

Ultimately, knowing the enemy requires a better appreciation of the advanced capabilities that studies of such behavioral areas as emotion, cognition, and performance can offer. Alongside traditional political science and psychology, this brings a deeper understanding to the urgent and complex problem of knowing our adversaries in relation to deterrence, information warfare, and psychological operations.

An adversary's behavioral structure reflects his identity and a consistency of pattern and style that no amount of image management can disguise. Direct microanalysis at the level of structure of a leader's videotaped expression offers insights into psychological states and cognitive patterns, cues into how these contextually unfold over time, and topic-yielding insights into stress, credibility, level of certitude, and conflict that can still remain undetected after years of traditional analysis.

Challenging the way policy makers and analysts think about this vacuum in understanding weapons of mass destruction and foreign adversaries is the problem that this book illuminates, and it is perhaps ultimately its most significant contribution.

BRENDA L. CONNORS
Naval War College

Keegan, John. *Intelligence in War: Knowledge of the Enemy from Napoleon to Al-Qaeda.* New York: Knopf, 2003. 387pp. $30

Among many military historians, the release of a book by John Keegan is cause for celebration, and the sentiment is not altogether out of place. Keegan's prolific output of insightful studies, reaching back to his seminal *Face of Battle* (1992), has won for himself devotees from both the academic and public sectors. In his latest book, *Intelligence in War*, Keegan returns to the distinctive format he used in *The Face of Battle*, dividing his study into several vignettes from a broad range of military history—what he labels here as "a collection of case studies"—organized, in this case, to highlight the effect that good intelligence has on military operations, and the general role intelligence plays

in underpinning the effectiveness of armed forces in the field.

Beginning with Admiral Horatio Nelson's chase of the French Mediterranean fleet in 1798, Keegan goes on to discuss the role of intelligence in Stonewall Jackson's Shenandoah Valley campaign of 1862, the British navy's search for Rear Admiral Maximilian von Spee and his ships in World War I, and the battle of Midway, the German assault on Crete, and the Battle of the Atlantic in World War II. In each of these, we see how the gathering and the use of intelligence—two very different acts—affected the action. As usual, Keegan's narrative skill sets the stage succinctly for his discussion. We feel how heavily the unknown weighs on the commanders, Nelson especially, and how at times they were bogged down sorting through an overabundance of intelligence, especially after the advent of wireless communication, to divine the plans of the enemy. Commanders had to deal with many possible answers to difficult questions, usually with only one being the right answer. Intelligence, we realize, works to weed out possibilities and narrow the options.

A book-length study of how crucial intelligence is will almost inevitably run the risk of elevating this one element above all other elements in a successful military operation. "If only this commander had known about the enemy's troops," we might find ourselves saying, or, "If only his spies would have alerted the admiral to his opponent's plans the outcome here would surely have been different." To his credit, however, Keegan avoids this determinism that would cause us to think that with good intelligence, battlefield victories can be made all but certain. On the contrary,

he acknowledges that "however good the intelligence available before an encounter may appear to be . . . the outcome will still be decided by the fight." Brutal fighting, we are reminded, along with a good bit of luck, are the key determinants of battlefield success. What Keegan instead shows is that good intelligence can reduce the scope of the unknown, and most importantly remove guesswork from the equation as much as possible. "Thought," Keegan explains, "offers a means of reducing the price" of the cold, bloody attrition that lurks in the background of all battlefield victories.

Unlike some other Keegan volumes, this work builds its effectiveness only cumulatively through its stories. If one picks up this book and reads but one or two of the vignettes, a clear and timeless axiom of intelligence is likely to elude him. It is through the cumulative effect of all these stories, one after the other, that we begin to grasp Keegan's broader point and see just how varied in form and content, but fundamentally useful, sound intelligence of every sort can be. One clear contribution that this book makes is to remind us that intelligence has much to do with mundane issues of how dense that forest on the map really is, how muddy that road becomes in April, or how to interpret what we inadvertently overhear on the radio.

Professional military readers will understand intuitively the importance of intelligence in the new kind of war the United States finds itself fighting today, and that brings us to the book's subtitle. Given the recent debates over the quality of American intelligence, many readers will eagerly anticipate that Keegan's analysis of the war against

al-Qaʻida and that the war on terror will be as fully developed as his examination of Jackson's Valley campaign or the battle of Midway. Those readers will be disappointed. The discussion of al-Qaʻida is only a small part of his penultimate chapter, "Military Intelligence since 1945," which discusses the Falklands War in greater length than what the United States faces today. Nevertheless, Keegan speculates that old-fashioned human intelligence will be the best means of carrying the war to the new enemies of the United States, and through his historical exposition of intelligence, we are well reminded just how crucial this apparently mundane work really is.

DAVID A. SMITH
Baylor University

Reeve, John, and David Stevens, eds. *The Face of Naval Battle: The Human Experience of Modern War at Sea.* Crows Nest, Australia: Allen and Unwin, 2003. 363pp. $24.95

An author who uses the words "the face of battle" in the title of any book pertaining to military matters is throwing down a pretty hefty literary gauntlet. For "face of battle" guarantees that the work in question will be compared to Keegan's 1976 landmark volume of the same name. Keegan asked the basic question, "What is it like to be in a battle?" He sought the answer in a comparative study of the battles of Agincourt, Waterloo, and the Somme.

John Reeve and David Stevens were well aware their book would be compared to *The Face of Battle*. In fact, they encourage the comparison and offer their book as a sort of maritime bookend to

Keegan's earlier work. There is a patent need for such a work and while some, including Keegan himself, have tried to fill it, none have yet succeeded. Despite a most encouraging beginning, however, Reeve and Stevens also miss the mark, although this book is still worth reading.

Rather than a coherent examination of the human experience of naval combat, this work is a collection of essays by seventeen separate authors, the majority of whom happen to be Australian. This is not surprising when the reader learns that most of the essays were originally presented at the 2001 King-Hall Naval History Conference in Canberra.

The book starts off strongly with a masterful essay by John Reeve, who discusses naval history in general, identifying certain challenges in "piercing the veil" of individuals' experiences in naval battle and suggesting an organizational approach, analogous to that used by Keegan, that could be used to grow a general understanding of naval combat. Unfortunately, the use of preexisting essays may have precluded such an approach, and the promise of the first chapter is not met in the book's subsequent pages.

The essays are arranged more or less in chronological order and cover such diverse topics as a look at the battle of the Yellow Sea, the treatment of German sailors taken prisoner in World War I, and the personal experiences of an officer in command of an Australian guided missile destroyer in Operation DESERT STORM.

Despite its failure to live up to the promise of its title, this work is worth reading for several reasons. First, much of it, especially the portion written by Russell Parkin, deals with the

development of Australian naval power and doctrine. Though it was one of the staunchest allies of United States, Australia's development and contributions in this area are often overlooked or misunderstood. In addition, the naval challenges Australia has faced and continues to face are by and large shared by other maritime nations that do not have the industrial or economic capacity of a superpower. Thus the Australian experience may contain lessons for other mid-sized naval powers. Furthermore, as all U.S. sailors lucky enough to have worked with their counterparts "down under" know, Australian warships are superbly handled, well maintained, and boldly employed. Australian sailors' maritime skills and contributions to both world wars, Korea, Vietnam, and DESERT STORM deserve wider recognition.

A second reason to read this book is that several of the writings illuminate obscure yet fascinating historical episodes. Bruce Elleman's discussion of the 1894 battle in the Yellow Sea between modern Japanese and Chinese warships is excellent, although his attempt to draw parallels between the Chinese navy of 1894 and that of today is on less firm ground. Likewise, Michael Dowsett's examination of the treatment of casualties resulting from the 9 November 1914 battle between the German SMS *Emden* and the Australian cruiser HMAS *Sydney* makes for compelling reading.

A significant portion of this work is devoted to personal recollections. The best of these are written by Rear Admiral Guy Griffiths, AO, DSO, DSC, RAN, Ret., and Commodore Lee Cordner, AM, RANR. Griffiths is a veteran of World War II, Korea, and Vietnam, where he commanded HMAS *Hobart*.

Commodore Cordner commanded HMAS *Sydney* during Operation DESERT STORM and is an alumnus of the Naval War College. A third essay, written by Michael Whitby, which discusses the wartime diaries of Commander A. F. C. Layard, DSO, DSC, RN, is also well done. Yet as good as these individual accounts of service and command are, so much more could have been done if the editors had mined these narratives for points of commonality. For if the face of naval battle is not so unique as to preclude any similarities between one battle and the next, it should be possible, as Keegan did with land combat, to identify the shared perspectives and experiences that affect sailors who make war upon the sea.

At least the editors did not fall into the trap of concentrating solely upon the memoirs of officers. Some room is also provided to the enlisted view of naval combat. These include a discussion by David Jones on the wartime experiences of U.S. submariner Thomas R. Parks, and Peter Stanley's quick look at the naval life of J. S. Macdonnell, who rose to the rank of gunner in the Royal Australian Navy and then went on to a life of writing "potboiler" novels. While entertaining, and at times poignant, these recollections, like those of the senior officers, lack the analysis and study that could elevate them to more than just brief biographical sketches.

The book concludes, somewhat predictably, with a look at "The Face of the Future Naval Battle." There is a discussion of such emerging technologies and concepts as network-centric warfare, and transformation and concept-led long-range planning. These complex issues

are barely touched upon, so readers who are familiar with them will not learn anything new, and readers who had not heard of them will know little more.

No doubt the day will come when someone will write the book that truly reveals the face of naval battle in all its dimensions, but this is not the day. Taken as a whole, Reeves and Stevens have created a work of interest and merit that is able to stand on its own. It is a significant contribution to an increased understanding of history and the contribution of the Royal Australian Navy. Readers who do not expect more will not be disappointed.

RICHARD J. NORTON
Naval War College

Phillips, Donald T., and James M. Loy. *Character in Action: The U.S. Coast Guard on Leadership.* Annapolis, Md.: Naval Institute Press, 2003. 178pp. $22.50

According to the opening chapter, the Coast Guard manages to achieve a complex mission on an annual budget that is smaller than 2 percent of all the other services' combined budgets. Phillips and Loy identify a twelve-part mission that includes responsibilities ranging from boating safety to homeland defense. Thus they argue that the Coast Guard provides a valuable case study for leading a complex organization because it achieves so much with limited funds.

Using a variety of approaches, including historical examples, anecdotes, and organizational philosophy, Phillips and Loy illustrate sixteen principles that they believe are foundations for a well run organization. For example, the first

principle they posit is "define the culture and live the values." By discussing exactly how the Coast Guard achieves this goal, they then set forth how this principle can also be successfully implemented by other organizations.

The authors are uniquely positioned to examine Coast Guard leadership. Donald Phillips has written ten books on leadership, including the best-selling *Lincoln on Leadership* (Simon and Schuster, 1992), and spent twenty-five years as a manager in major corporations. After graduating from the Coast Guard Academy in 1964, coauthor Admiral James Loy served in the Coast Guard for over thirty years, culminating in four years as commandant. Upon his retirement in 2003, he assumed the post of administrator of the Transportation Security Administration.

Overall, this book has many points to recommend it. Unlike many management books, this one is written in an easy-to-read fashion. The aforementioned sixteen principles are grouped into four parts: Set the Foundation, Focus on People, Instill a Bias for Action, and Ensure the Future. Readers can thus focus on groups of principles that are of specific importance or interest in their own organization. In addition, while leaders may be reluctant to read a management book that discusses "sea stories" over the latest theories, the authors do an excellent job of linking the Coast Guard experience to leadership and management principles. Every chapter closes with a summary of the important leadership points behind each principle.

The leadership principles presented here will resonate with federal civilian and military managers alike as many relate to issues they currently face. The

chapters that cover "Promoting Team over Self" and "Instilling a Commitment for Action" in part 1 will assist those federal leaders who work in a team environment. In part 2, "Focus on People," there are discussions of such principles as "Eliminating the Frozen Middle," "Cultivating Caring Relationships," and "Creating an Effective Communication System." The Coast Guard experience in this area may be a source of ideas to federal leaders who are currently struggling with workforce planning issues such as recruitment, retention, and motivating a large population that is or soon will be retirement eligible. Part 3, "Instill a Bias for Action," also proves helpful in thinking about current issues. For instance, chapter 12's "Give the Field Priority" will provide ideas to both military leaders working to implement network-centric warfare and a State Department leader working to improve communication between Washington and the field. Other chapters in this section, "Make Change the Norm" or "Encouraging Decisiveness," may seem self-evident, but they are actually cultural changes needed to bring the federal workforce into the twenty-first century. Lastly, part 4's discussion of "Ensure the Future" may also seem obvious, but a recent management survey noted that most workers want to hear "thank you" above all other rewards. Chapters on topics of "Spotlighting Excellence" are also important reads.

Character in Action does have some limitations. Due to a publication date that preceded the Coast Guard's merger into the Department of Homeland Security, readers may find themselves wondering if the book's lessons still hold true. For an answer to this question, see the Spring 2004 *Review* article "Change and Continuity: The U.S. Coast Guard Today," by Admiral Thomas H. Collins.

LAURA MILLER
Naval War College

Funabashi, Yoichi, ed. *Reconciliation in the Asia-Pacific.* Washington, D.C.: U.S. Institute of Peace, 2003. 240pp. $19.95

Asia's brutal colonial and wartime history has left wounds that continue to shape the region's politics and international relations. Traditional approaches to international relations say little about how to overcome lingering animosity and to replace it with trust and harmonious relations. Time alone is never a solution. Nor, as Japan has discovered repeatedly, are apologies enough. Even need, as that between developing China and economically and technologically advanced Japan, is insufficient. The contributors to this volume demonstrate that the path to reconciliation is different for each country, requiring unique blends of a wide range of political and social ingredients, many of which are in short supply.

This volume is the result of a conference sponsored by the U.S. Institute of Peace, which includes chapters on intrastate (Taiwan, Cambodia, East Timor, Australia) as well as interstate relations (Japan-China, Japan-Korea, North Korea–South Korea, and an appendix on Germany-Poland). Its timing is propitious as reconciliation itself is a growing phenomenon. South Africa's Truth and Reconciliation Commission and the UN-led war crimes tribunals for Bosnia and Rwanda have elevated world

consciousness. Democratization has allowed for the spread of appropriate legal structures, even as it has promoted self-awareness and sometimes ethnic nationalism. Media attention and the Internet strengthen such dynamics.

Yet the kind of success seen in South Africa and between Germany and its European neighbors has not been achieved in the Asia-Pacific. Daqing Yang shows how, following normalization of relations and apologies by Tokyo, the "history problem" resurfaced in the 1980s and has not gone away since. Diet members and millions of Japanese citizens have expressed their opposition to offer further apologies and to any prolonged self-flagellation. For its part, Beijing occasionally "plays the history card" in order to wrest concessions out of Japan, although the "card" is often played because of belligerent actions in Tokyo and "held" by the millions of Chinese who retain legitimate grievances for the ills of the 1930s and 1940s. Yang argues that historians on both sides need to acknowledge the complexity of the relationship and to disseminate their knowledge among large segments of the population. A more fundamental problem is that reconciliation presupposes an autonomous society capable of critical self-examination—in other words, democracy. In this case the People's Republic of China has a long way to go.

Victor Cha explains how despite the establishment of formal relations between Seoul and Tokyo in 1965, and a great deal of mutual interest and admiration between the two societies, historical animosities prevent the sort of cooperation that one might expect from a rational or realpolitik perspective. The two main South Korean national

holidays celebrate independence from Japanese colonial rule. Substantive problems include the content of Japanese history textbooks, the political and social discrimination to which some 650,000 Korean-Japanese are subjected, the memory of Korean forced laborers killed by the atomic bombs, and the use of Korean "comfort women" by Japanese troops during the war. The security threat of the Democratic People's Republic of Korea (DPRK), as well as concern in Seoul and Tokyo over Washington's commitment to provide a security umbrella, have both contributed to the steps toward reconciliation that have been made, including apologies, high-level meetings on the subject, and the establishment of consultations on security cooperation. Cha argues that democracy and development have contributed to this process. "As generations of Koreans, in the South or in a unified entity, come to live in a democratic and developed society, they will cultivate norms of compromise, nonviolence, and respect for opposing viewpoints that will become externalized in their attitudes toward Japan."

The argument about democracy and norms is critical. Interestingly, Seoul's perception of a lessened threat from the DPRK has actually increased its invectives toward Japan. Cha claims that without a process of identity change, material incentives such as the need for security or economic cooperation alone cannot ensure a continued march toward reconciliation.

This notion also captures the promise and peril of intra-Korean relations, where the nature and timing of reconciliation will have serious implications for the region's security. Scott Snyder argues that Pyongyang's economic

needs have driven the process, while public opinion in the South has determined its course. South Korean nongovernment organizations have also contributed large sums of money. The whole process presents a major challenge to the North's system "as it will be more and more difficult to build fences around South Korean economic investments and business practices." Once again, democratization and normative development will be as important as economic and security imperatives to successful reconciliation. Considering the implications, it is sobering to consider that there is no obvious way that such identity change can occur peacefully in North Korea.

Internal reconciliation processes are no easier than external ones. Nayan Chanda explains how Cambodia has achieved only superficial reconciliation following the genocidal acts of the Khmer Rouge regime. The Buddhist tradition can justify much as resulting from actions of a prior life. The lack of political stability makes many Cambodians fearful of reopening old wounds, particularly when racist aspects of Cambodia's political philosophy may bear some culpability. Phnom Penh earlier granted amnesties that would make it difficult to prosecute former leaders, and more recently argued that a full-blown tribunal would make reconciliation less likely. The legitimacy bestowed on the regime by other states makes prosecution somewhat awkward, and China opposes revealing fully the record of the former regime. The prospects are not good for major trials capable of healing this nation.

Other chapters present a mixed record on the prospects and benefits of reconciliation for Aborigines in Australia and East Timor, and for the loved ones who died in a popular uprising on Taiwan in 1947. In addition to the political and cultural repression involved, the dead in each case number in the tens of thousands. The Taiwan case makes what is probably the most convincing argument that democratization and political stability, combined with firm political leadership, are critical to successful reconciliation.

All who study Asian security or the role of justice in international relations should read this book. Reconciliation can bring restorative justice to war-torn peoples. However, this requires a rejection of purely retributive justice. In addition, the case studies in this volume reinforce that there is no universal formula and that a great deal of political creativity and political courage is required. As the editor also concludes, victims and victimizers must work together and maintain a forward-looking approach, preferably in a democratic environment. Most of all, there must be a commitment to the process. It is perhaps this factor that promotes the kind of identity change that is required for true reconciliation.

JOHN GAROFANO
Naval War College

Langston, Thomas S. *Uneasy Balance: Civil-Military Relations in Peacetime America since 1783.* Baltimore: Johns Hopkins Univ. Press, 2003. $39.95

Thomas S. Langston believes "it has never been easy for Americans to decide what to do with the military" at the end of a war. During peacetime, should the military solely focus on preparing for future wars, or should it usefully serve

the nation in other ways? Langston cites some examples of the military providing a service to the nation during peacetime. For instance, after the War of 1812, the military "took the lead in opening the West for settlement" by building roads, surveying canals, and farming. After World War I, the military "operated the main barge line on the Mississippi River . . . operated and extended cable and telegraph lines in Alaska, operated steamship and canal services in Panama, and responded to natural disasters."

According to Langston, the "transition to peace and the postwar era" is important to civil-military relations. Langston, a professor of political science at Tulane, has written several books with political themes, including: *With Reverence and Contempt: How Americans Think about Their President* (1995), and *Ideologues and Presidents: From the New Deal to the Reagan Revolution* (1992).

Langston relies on historical analysis and judgment to determine how the military balanced war preparation and internal reform with service to the nation after the following conflicts: the Revolutionary War, the War of 1812, the Mexican War, the Civil War, the Spanish-American War, World War I, World War II, the Vietnam War, and the Cold War. He wrote this book halfway through George W. Bush's term and before Operation IRAQI FREEDOM. Langston predicted that the war on terror would essentially be like a police operation, similar to the war on drugs. It turns out, however, that the post–Cold War peace was short-lived; America currently finds itself fully engaged in the war on terror.

Independent of whether the United States is currently fighting a war or enjoying peace, Langston's thesis still applies, believing that the ideal postwar transition balances military reform with service to the nation. This balanced "happy state of affairs" occurs when there is cooperation between civilian and military leaders and when "political consensus [is] in support of the military and its varied uses." For example, is there agreement for the use of military force? Should it be used to protect only vital interests or should it also support humanitarian objectives? Does the nation expect a "peace dividend"? According to the author, during the post–Cold War period of the late 1990s, there was an uneasy balance between the military's desire to hold onto a Cold War force structure and the president's use of military force that "stretched a shrinking force around the globe."

In my opinion, it is understandable that the military would want to prepare for the next war during peacetime. Likewise, it makes sense for the nation to expect the military to provide different services to the nation when not at war. My only wish is that the author had specifically recommended a list of military service projects for the post–Cold War period.

Langston's work is useful because of its depth of research on previous peacetime periods. Although all the details can be cumbersome, his idea that military and civilian leaders must cooperate and reach consensus on the purpose of a peacetime military force is clear and succinct.

CYNTHIA PERROTTI
Naval War College

Dick, Steven J. *Sky and Ocean Joined: The U.S. Naval Observatory, 1830–2000.* Cambridge, U.K.: Cambridge Univ. Press, 2003. 609pp. $130

In this beautifully produced, albeit very expensive volume, Steven Dick of the U.S. Naval Observatory in Washington, D.C., has written the fascinating story of the origins and development of the Navy's and the nation's oldest scientific organization. It is a fascinating and well written story that ranges from the establishment of the observatory in 1830, as part of the Navy's Depot of Charts and Instruments under Lieutenant Louis Goldsborough, to the sixteen-and-a-half-year tenure of the longest-serving superintendent, Matthew Fontaine Maury, who led when it was first designated the National Observatory. The institution was originally established to serve the very practical application of astronomy to the measurement of time in day-to-day navigation at sea. Under Charles Wilkes and Maury, it quickly moved beyond this restricted use to extend its work to geomagnetic, astronomical, and meteorological observations that soon brought it into the forefront of scientific research, bringing global credit to the U.S. Navy and the United States.

Dick, who has a degree in astrophysics, as well as a doctorate in the history and philosophy of science, tells the wide-ranging story of the observatory's work over 170 years, from the rise in the use of the chronometer in the U.S. Navy in the early nineteenth century, to its new work in the opening of the twenty-first century with the application of the satellite Global Positioning System. His highly competent and very readable explanation of the observatory's scientific accomplishments ranges across the administrative and bureaucratic elements in its history and provides strikingly humanistic portraits of some of the key and colorful scientific figures that were involved, such as Maury, Simon Newcomb, and Asaph Hall.

The story that unfolds encompasses a range of fascinating and quite different events and details, which many readers, whether they are general readers, naval historians, or historians of science, will not readily associate with the achievements of the U.S. Navy. Chief among them are the discovery of Phobos and Deimos, the moons of the planet Mars, and Charon, the moon of Pluto; the sixteen nineteenth-century expeditions to measure the transit of Venus across the face of the Sun; and the establishment of the master clock of the United States.

In terms of practical contributions to fleet operations, the observatory played a key role in providing the most up-to-date navigational technology to ships at sea, even mass-producing chronometers during both world wars, and providing early applications of punch-card calculating technology for the production of an improved and more accurate *American Air Almanac* from 1941. Because the *Nautical Almanac* had one of the few scientific computation laboratories in the United States, its equipment was adapted in late 1943 to do rapid calculations in spherical trigonometry to calculate the positions of German U-boats, using incoming intelligence and radio bearings from a hundred listening stations around the world. For this purpose, the observatory staff used the equipment at night, when it was not being used for *Almanac* computations, and calculated solutions to a quarter of a million

spherical triangles to locate the real-time positions of enemy U-boats within five miles.

For those interested in the history of Washington, D.C., the book contains a fascinating account of the different sites of the Naval Observatory, as it moved from its first location on G Street near the White House, to Capitol Hill from 1834 to 1842, to temporary quarters on Pennsylvania Avenue near New Hampshire Avenue from 1842 to 1844, on to Foggy Bottom until 1893. It was then that famed architect Richard Morris Hunt designed the buildings on Observatory Hill on Massachusetts Avenue, including the Superintendent's Residence, which served from 1928 as the residence of the Chief of Naval Operations, and which in 1974 was designated as the official residence of the vice president of the United States.

Readers of this journal will be particularly interested in the recurring civilian-military controversy through the observatory's history and in the question as to whether the Navy should hand over administration of all or part of its functions to the Smithsonian Institution, the National Bureau of Standards,

or some other civilian agency. The natural administrative tensions that result from competing national security interests and scientific interests were ameliorated as early as 1908 by the creation of the Astronomical Council that allowed leading astronomers to have an influence on decisions relating to the staff's scientific work. From 1958, with the employment of increasingly complicated astronomical technology, the appointment of a civilian scientific director has provided a more effective means to work under the active-duty naval officer who is the superintendent. On this point, Dick concludes that maintaining the observatory as a scientific institution under Department of Defense control, within the Department of the Navy, is particularly important in regard to the observatory's continuing role in providing accurate atomic-clock time to the Global Positioning System satellites and its contributions to accurate detail on star positions and earth orientation, critical elements to current defense projects in space.

JOHN B. HATTENDORF
Naval War College

RECENT BOOKS

Friedman, Norman, ed. *U.S. Destroyers: An Illustrated Design History*. Annapolis, Md.: Naval Institute Press, 2004. 552pp. $76.50

U.S. Destroyers is a robust technical and historical reference documenting the birth and development of the U.S. Navy destroyer and its influences from abroad and within design bureaus and boards. Evolution of engineering, weaponry, and hull form are covered with a continuity that lends to an understanding of progressive improvements between successive classes of destroyers. Illustration is ample and detailed; in many cases equipment is circled in photographs and specifically identified. Appendices document the specifications of each class of destroyer as well as the date upon which each keel was laid and when each ship was launched, commissioned, decommissioned, and what the ship's final disposition was, from DD 1 to DD 997. From the spar torpedo that sank Confederate ironclad CSS *Albemarle* in October 1864, the founding of the Navy Torpedo Station, Newport, Rhode Island, in 1869, to the DD(X) and "Arsenal Ship" concepts of the twenty-first century, this book serves as a detailed and evenly balanced technical reference.

Tenney, W. J. *The Military and Naval History of the Rebellion in the United States: With Biographical Sketches of Deceased Officers.* New York: D. Appleton, 1866; repr. Mechanicsburg, Penna.: Stackpole Books, 2003. 880pp. $39.95

Nonspecialists in U.S. Civil War history may be surprised to learn of the existence of the 1866 *Military and Naval History of the Rebellion* (not to be confused with the foundational *Official Records*), reissued in facsimile format by Scarecrow. The work has the defects of histories rushed to print so quickly, but it also has their merits— the memories of surviving commanders were fresh, and Tenney submitted proofs for approval to many of them. His book also offers a broad range of political, logistic, medical, and social issues, as well as a wealth of primary sources (reports and correspondence), engravings, photographs, tables, and biographies.

Dr. Catherine McArdle Kelleher, editor of the Naval War College Press and Review
through the present issue, receives commendation from Rear Admiral Ronald A. Route,
President of the Naval War College at that time, for her receipt of the German Ministry of
Defense's Manfred Wörner Medal for outstanding services rendered to peace and freedom
in Europe. The recognition came during the College's 18 June 2004 graduation exercises.
Photograph by PHC(AW/NAC) Robert Inverso

FROM THE EDITORS

HUGH G. NOTT PRIZES

The President of the Naval War College has awarded this year's Hugh G. Nott Prizes, to the authors of the best nonhistorical articles appearing in this journal in the 2003 publishing year. These prizes are given by the generosity of the Naval War College Foundation.

First Prize ($1,000): Michael Evans, for "From Kadesh to Kandahar: Military Theory and the Future of War," Winter 2003

Second Prize ($650): Lt. Col. Antulio J. Echevarria II, U.S. Army, for "Clausewitz's Center of Gravity: It's *Not* What We Thought," Winter 2003

Third Prize ($350): Scott Pegg, "Globalization and Natural-Resource Conflicts," Autumn 2003.

EDWARD S. MILLER HISTORY PRIZE

The President of the Naval War College has also awarded this year's Edward S. Miller History Prize, to the author of the best historical or history-oriented article appearing in this journal in the 2003 publishing year. This prize ($500) is given by the generosity of the historian Edward S. Miller, through the Naval War College Foundation. The winner this year is John B. Hattendorf, for "The Uses of Maritime History in and for the Navy," Spring 2003.

STAFF CHANGES

Readers may have noticed two conspicuous changes on our online "masthead." First, Dr. Peter Dombrowski, professor in the Strategic Research Department of the Naval War College's Center for Naval Warfare Studies, has assumed additional responsibilities as editor of the Naval War College Press, as of our next (Winter 2005) issue, taking over from Dr. Catherine McArdle Kelleher, also of the Strategic Research Department. Second, our associate editor, Patricia A. Goodrich, retired late last winter after over twenty-six years of government service, leaving the position (temporarily, we hope) vacant.

We wish Dr. Kelleher the best as she focuses once again on her research and writing. To our colleague Patricia Goodrich we wish a relaxing and rewarding retirement. For his part, Dr. Dombrowski is looking forward to working with the

entire Naval War College Press community to continue its tradition of publishing excellence in the service of the U.S. Navy and the wider national security community.

NEWPORT PAPER 19

The Evolution of the U.S. Navy's Maritime Strategy, 1977–1986 reproduces a pathbreaking analysis by the Naval War College's Dr. John B. Hattendorf. It was originally published for a limited audience in 1989. New elements—a now-declassified national intelligence estimate, a comprehensively updated bibliography by Peter Swartz, and a selective time line created by Yuri Zhukov under Dr. Hattendorf's direction—have been added. Dr. Hattendorf's essay, with its supporting materials, recounts a fascinating story and reflects the significant role that the Naval War College, the Strategic Studies Group, and individual leaders, past and present, played in this critical period of strategy making. The *Evolution of the U.S. Navy's Maritime Strategy, 1977–1986* is available online; print copies can be obtained from the Naval War College Press editorial office.

NEWPORT PAPER 20

Captain Robert H. Gile (U.S. Navy, Ret.) has in *Global War Game: Second Series 1984–1988* provided a service for the Naval War College, the U.S. Navy, and indeed, practitioners and historians of gaming around the world. This is the second in a proposed series of monographs synthesizing the primary sources to provide a concise, chronological summary of the prestigious Global War Games, hosted in Newport from 1984 until after the fall of the Soviet Union. The first monograph (coauthored with Bud Hay) was *Global War Game: The First Five Years,* published as Newport Paper 4 in 1993; it is available electronically in Adobe Acrobat and in limited paper copies. Planning and research is under way to complete the history of the Global series. Captain Gile's invaluable effort captures the methods, techniques, assumptions, analysis, results, and the all-important "take-aways" of this widely known game series, important today for the history of war gaming but even more so at the time, as a vital contribution to the thinking and strategy of the U.S. Navy, the other U.S. services, and its alliance counterparts in the later stages of the Cold War. *Global War Game: Second Series 1984–1988* is available online; print copies can be obtained from the Press editorial office.