REPORT DOCUMENTATION PAGE

Form Approved
OMB No. 0704-0188

Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget, Paperwork Reduction Project (0704-0188), Washington, DC 20503.

1. AGENCY USE ONLY (Leave blank)	2. REPORT DATE	3. REPORT TYPE AND DATES COVERED
	2 Jun 99	Master's Thesis 6 Aug 99 - 2 Jun 00

4. TITLE AND SUBTITLE

Just-War Theory and Future Warfare

5. FUNDING NUMBERS

6. AUTHOR(S)

Major Michael W. Johnson

7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES)

U.S. Army Command and General Staff College
ATTN: ATZL-SWD-GD
1 Reynolds Ave., Bldg. 111, Rm. 123
Ft. Leavenworth, KS 66027-1352

8. PERFORMING ORGANIZATION REPORT NUMBER

9. SPONSORING/ MONITORING AGENCY NAME(S) AND ADDRESS(ES)

10. SPONSORING/MONITORING

20001115 089

11. SUPPLEMENTARY NOTES

12a. DISTRIBUTION/AVAILABILITY STATEMENT

Approved for public release; distribution is unlimited.

12b. DISTRIBUTION CODE

A

13. ABSTRACT (Maximum 200 words)

The future global system of international relations, the clash of civilizations, the revolution in military affairs, and the expansion of war present significant challenges to just-war theory. The problem is that modern definitions of just-war principles address conventional war between states; therefore, they may not apply to information-age warfare or complex conflict between transnational, national, subnational groups. Thus, the central research question is: Should American strategists accept, modify, or reject modern just-war theory as evaluation criteria of military operations in future warfare? Three case studies tested just-war theory: netwar, Operation Allied Force in Kosovo, and the strategic air campaign during Operation Desert Storm. The first step applied modern just-war theory to the military course of action to determine whether it was just or unjust. The second step applied realistic tests of power and national interests to determine whether to use or refrain from unjust military force. The third step evaluated absolute principles and moral consequences to determine if there is cause to modify just-war theory. Netwar and Kosovo recommended that strategists should modify the modern definitions of *jus ad bellum* to return to the classic definitions. Desert Storm recommended that strategists should accept the modern definitions of *jus in bello*.

14. SUBJECT TERMS	15. NUMBER OF PAGES
Just-War Theory, Future Warfare, Strategy, Revolution in Military Affairs, Clausewitz, International Relations, Clash of Civilizations, Netwar, Kosovo, Desert Storm.	158
	16. PRICE CODE

17. SECURITY CLASSIFICATION OF REPORT	18. SECURITY CLASSIFICATION	19. SECURITY CLASSIFICATION OF ABSTRACT	20. LIMITATION OF ABSTRACT
UNCLASSIFIED	UNCLASSIFIED	UNCLASSIFIED	UL

NSN 7540-01-380-5500

DTIC QUALITY INSPECTED 4

Standard Form 298 (Rev. 2-89)
Prescribed by ANSI Std. 239-18
298-102

JUST-WAR THEORY AND FUTURE WARFARE

A thesis presented to the Faculty of the U.S. Army
Command and General Staff College in partial
fulfillment of the requirements for the
degree

MASTER OF MILITARY ART AND SCIENCE
Strategy

by

MICHAEL W. JOHNSON, MAJ, USA
B.S., United States Military Academy, West Point, 1988
M.A., Monterey Institute of International Studies, Monterey, 1998

Fort Leavenworth, Kansas
2000

Approved for public release; distribution is unlimited.

JUST-WAR THEORY AND FUTURE WARFARE

A thesis presented to the Faculty of the U.S. Army
Command and General Staff College in partial
fulfillment of the requirements for the
degree

MASTER OF MILITARY ART AND SCIENCE
Strategy

by

MICHAEL W. JOHNSON, MAJ, USA
B.S., United States Military Academy, West Point, 1988
M.A., Monterey Institute of International Studies, Monterey, 1998

Fort Leavenworth, Kansas
2000

Approved for public release; distribution is unlimited.

MASTER OF MILITARY ART AND SCIENCE

THESIS APPROVAL PAGE

Name of Candidate: Michael William Johnson

Thesis Title: Just-War Theory and Future Warfare

Approved by:

_____, Thesis Committee Chairman
Lieutenant Colonel Nathaniel Stevenson, Jr., M.S.

_____, Member
Chaplain (Major) Kenneth W. Bush, Th.M.

_____, Member
Thomas Huber, Ph.D.

Accepted this 2nd day of June 2000 by:

_____, Director, Graduate Degree Programs
Philip J. Brookes, Ph.D.

The opinions and conclusions expressed herein are those of the student author and do not necessarily represent the views of the U.S. Army Command and General Staff College or any other governmental agency. (Reference to this study should include the foregoing statement.)

ABSTRACT

JUST-WAR THEORY AND FUTURE WARFARE, by MAJ Michael W. Johnson, 147 pages.

The future global system of international relations, the clash of civilizations, the revolution in military affairs, and the expansion of war present significant challenges to just-war theory. The problem is that modern definitions of just-war principles address conventional war between states; therefore, they may not apply to information-age warfare or complex conflict between transnational, national, subnational groups. Thus, the central research question is: Should American strategists accept, modify, or reject modern just-war theory as evaluation criteria of military operations in future warfare? Three case studies tested just-war theory: netwar, Operation Allied Force in Kosovo, and the strategic air campaign during Operation Desert Storm. The first step applied modern just-war theory to the military course of action to determine whether it was just or unjust. The second step applied realistic tests of power and national interests to determine whether to use or refrain from unjust military force. The third step evaluated absolute principles and moral consequences to determine if there is cause to modify just-war theory. Netwar and Kosovo recommended that strategists should modify the modern definitions of *jus ad bellum* to return to the classic definitions. Desert Storm recommended that strategists should accept the modern definitions of *jus in bello*.

ACKNOWLEDGMENTS

I would like to thank Professor Stephen Garrett and Professor James Wirtz of the Monterey Institute of International Studies for leading superb research seminars entitled "Ethics and the Use of Force" and "Security in the Twenty-First Century," which were the genesis of this thesis. I am grateful to my research committee members, Lieutenant Colonel Nathaniel Stevenson, Chaplain (Major) Kenneth W. Bush, and Dr. Thomas M. Huber, for their expert counsel. I would especially like to thank my dear wife, Brigid, and my sons, Matthew and Patrick, for their patience and support.

But above all I would like to thank God for the many blessings in my life and pray for his guidance. O God, by whom the meek are guided in judgment and light riseth up in darkness: Grant us, in all our doubts and uncertainties, the grace to ask what thou wouldest have us to do, that the Spirit of wisdom may save us from all false choices, and that in thy light we may see light, and in thy straight path we may not stumble, through Jesus Christ our Lord. Amen.

TABLE OF CONTENTS

Page

APPROVAL PAGE ii

ABSTRACT iii

ACKNOWLEDGMENTS iv

ABBREVIATIONS vi

ILLUSTRATIONS viii

TABLES ix

CHAPTER

1. INTRODUCTION 1

2. REVIEW OF LITERATURE 10

3. RESEARCH METHODOLOGY 54

4. ANALYSIS 70

5. SUMMARY AND CONCLUSION 116

BIBLIOGRAPHY 129

INITIAL DISTRIBUTION LIST 147

ABBREVIATIONS

C2	Command and Control
C4I	Command, Control, Communications, Computers, & Intelligence
CGSC	Command and General Staff College
CNN	Cable News Network
COA	Course of Action
DEA	Drug Enforcement Agency
DNS	Domain Name Server
FM	Field Manual
FRY	Federal Republic of Yugoslavia
IAW	in accordance with
ICBM	Intercontinental Ballistic Missile
IP	Information Protocol
JCS	Joint Chiefs of Staff
JWT	Just-War Theory
KLA	Kosovo Liberation Army
NATO	North Atlantic Treaty Organization
NBC	Nuclear, Biological, Chemical
NGO	Nongovernmental Organization
NSS	National Security Strategy
NMS	National Military Strategy
RMA	Revolution in Military Affairs

SACEUR	Supreme Allied Commander, Europe
U.N.	United Nations
UNSCR	United Nations Security Council Resolution
U.S.	United States
WMD	Weapons of Mass Destruction

ILLUSTRATIONS

Figure Page

1. Future Warfare 2

2. The Hypothesis 7

3. Scale of Allowable Force 11

4. Assumptions 60

5. Outcome 1: Accept Just-War Theory 63

6. Outcome 2: Accept Just-War Theory and Modify the COA 64

7. Outcome 3: Modify Just-War Theory 66

8. Outcome 4: Reject Just-War Theory 66

9. Evolution of the Just-War Tradition 117

TABLES

Table Page

1. Outcomes of Economic Globalization 27
2. Future Challenges to Modern Just-War Definitions 58
3. The Test Cases 59
4. Modern Just-War Theory 62
5. Just-War Research Matrix 62
6. Realism Research Matrix 63
7. Moral Evaluation Research Matrix 65
8. Summary of Research Matrix 68
9. Netwar and Just-War Test 77
10. Netwar and Realism Test 79
11. Netwar and Moral Evaluation 82
12. Kosovo and Just-War Test 89
13. Kosovo and Realism Test 94
14. Kosovo and Moral Evaluation 97
15. The Gulf War and Just-War Test 106
16. The Gulf War and Realism Test 108
17. Hypothesis and Outcomes 119
18. Research Results Matrix 120
19. Recommended Definitions of *jus ad bellum* 121
20. Recommended Definitions of *jus in bello* 122

CHAPTER 1

INTRODUCTION

The just-war tradition has been the moral compass to guide statesmen towards the just use of force since St. Augustine first enunciated the doctrine of just cause around A.D. 400. The tradition has evolved from his classic moral argument to a modern theory consisting of these principles: just cause, right intention, competent authority, last resort, proportional ends of war, probability of success, discrimination to protect innocent persons, and proportional means in war. Although this medieval tradition has had tremendous staying power to survive roughly 1,600 years and nine revolutions in warfare, the future threatens to overwhelm it.[1] If modern just-war theory cannot give moral direction in the real world, then the compass becomes irrelevant to political leaders.

There are multiple forces working to change the nature of warfare and test just-war theory. The devolution of power from the state to transnational and subnational groups, the rise of a complex, multipolar hierarchy of states, and economic globalization are creating a new global system of international relations. The risk of a social "clash of civilizations" increases as technology empowers the West, scarce resources create Malthusian pressure on the rest of the developing world, and radical nationalists gain power by leading people to wage ethnic or culture wars. The emerging revolution in military affairs, characterized by advanced weapons technology, information warfare, and the proliferation of weapons of mass destruction, is changing the nature of military strategy and operations. These simultaneous and interacting forces of change are

combining to produce an expansion of war by changing the roles and capabilities of the government, people, and army as shown in figure 1.

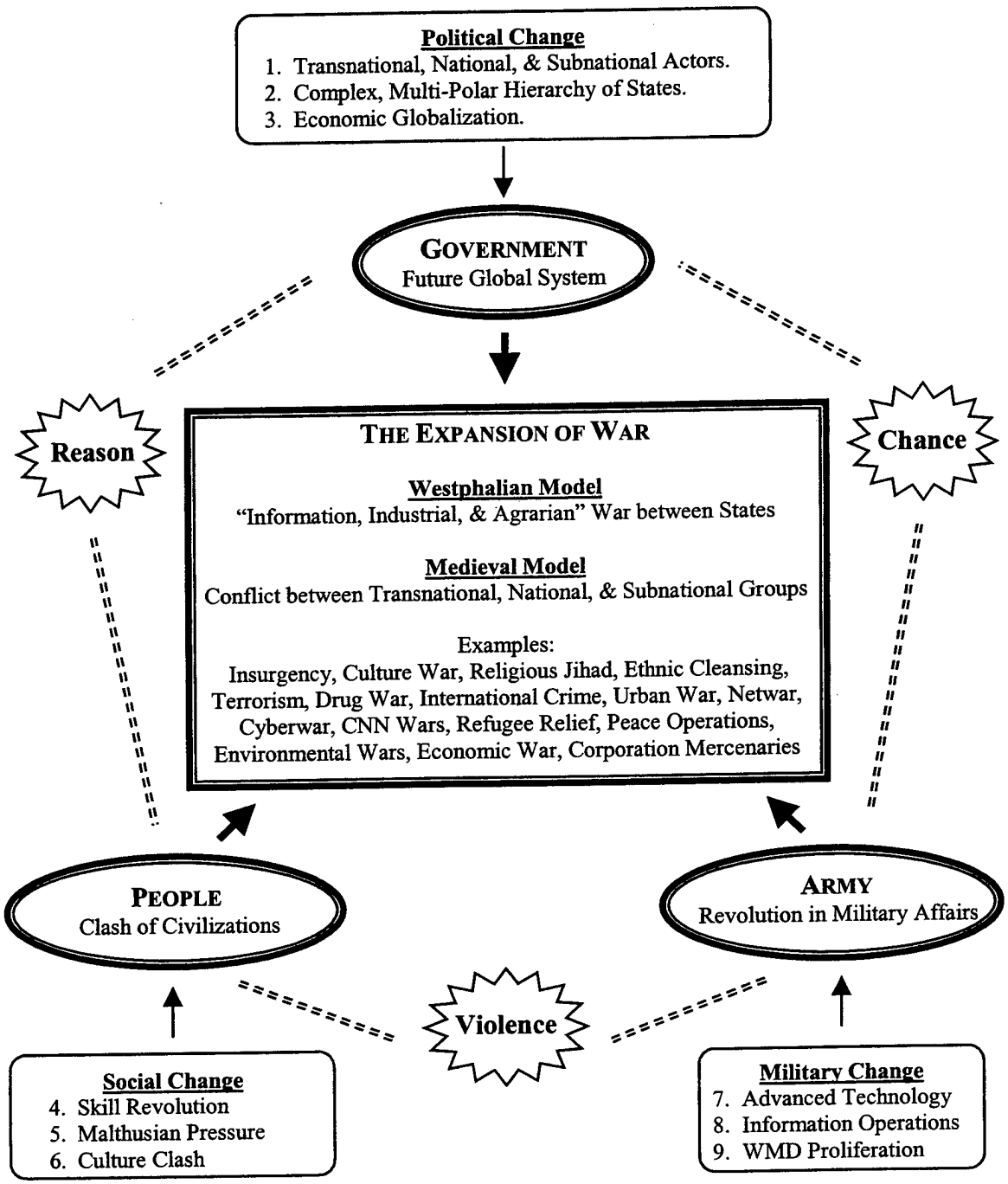


Fig. 1. Future Warfare.

States will continue to wage conventional war based on information, industrial, or manpower paradigms, but their monopoly of the political reason for violence has ended. Describing this deregulation of war, General Gordon Sullivan, former United States Army Chief of Staff, recalls conflict not seen since the Middle Ages:

> We will no longer be able to understand war simply as the armies of one nation-state fighting another. This definition is too narrow. Nation-states do not have a monopoly on warmaking; a variety of entities can wage war--corporations, religious groups, terrorists, tribes, guerrilla bands, drug cartels, crime syndicates, and clans. The net result is a blurring of the distinction between war and operations other than war.[2]

In effect, the people have reclaimed the right and the means to fight generally withheld by governments since 1648 and suppressed by the superpowers until 1989.

Confronted with this specter of future warfare, American strategists risk losing their moral compass. The lure of realism beckons when people demand human security against foes without regard for Western values. For example, Ralph Peters describes these values as "asinine" and calls for a "revolution in military ethics" because "the world doesn't give a damn about our laws, customs, or table manners. You cannot, cannot, cannot play by text-book rules when your opponent hasn't read the book or has thrown it away."[3] Yet Machiavellian methods remain incompatible with truth, justice, and the American way. The Joint Chiefs of Staff agree: "The American people expect their fighting forces to reflect American values: respect for the rule of law, human dignity, and individual rights. No matter how technology, organizations, and weapons might change, we will always require adherence to core values and the laws of warfare."[4] Future threats will push strategists towards realism; American values and mass communications will pull strategists back towards idealism.

The problem is that the modern definitions of just-war principles address conventional war between states; therefore, they may not apply to information-age warfare or complex conflict between transnational, national, and subnational groups. There is no systematic application of modern just-war theory to the challenges of future warfare that justifies either the realism of Ralph Peters or the idealism of the Joint Chiefs. This unresolved debate begs the central research question of this thesis: should American strategists accept, modify, or reject modern just-war theory as evaluation criteria of military operations in future warfare?

American strategists must resolve this debate and calibrate their moral compass for future warfare because the new national task is also more complex. The American mission has changed from containing the Soviet Union to engaging the world to enhance security, bolster prosperity, and promote democracy and human rights.[5] The National Security Strategy (NSS) that defines these objectives is of little practical value because it is a collection of strategies rather than one consistent approach. A list of every possible end, way, and mean, the NSS does not prioritize ends, resolve conflicts between ways, or specify means. The advantage of this approach, flexibility, is offset by the disadvantage, drift, when strategists lack a moral compass to decide whether and how to use force.

Without a moral compass, American interests may suffer due to the complexity of twenty-first century warfare, the CNN effect, and the merging of the strategic, operational, and tactical levels of war. The moral ends and means of war are crucial when a private soldier on a humanitarian operation can decide strategic outcomes with his M-16 rifle and CNN can broadcast war crimes in real-time, "the horrific shrieks and terrifying sights of death and mutilation as it happens."[6] Absent a moral theory of

substance, statesmen are left with the superficial question "how do we spin this on TV?" For example, the moral ambiguity surrounding combat operations in Somalia contributed to a vacuum that was filled with media images of American casualties, which in turn led to the premature conclusion of the mission. A trusted moral compass would have given leaders a start point to explain why continued operations were necessary and just. Moral ideas complement realistic interests to build staying power in the information age.

Realists, idealists, and pragmatists alike should agree that a relevant set of moral evaluation criteria is an asset to American strategists. For the realist, there is value gained by increasing America's soft power. Ideas like the just use of force are becoming the power to rally the friendly, persuade the neutral, and compel or demoralize the hostile. Ideas protect one's own will to fight while simultaneously attacking the enemy's. Although the realist may indeed use the words of *moralpolitik* to justify his deeds of *realpolitik*, the fact remains he needs relevant moral criteria to do so. For the idealist, there is value gained when strategists and statesmen consider relevant moral criteria before launching military operations. In this way, *moralpolitik* tempers the *realpolitik* that is inconsistent with American values, and thus avoids potential tragedies like the Vietnam War. For the pragmatist, who weighs the consequences of action and inaction, there is value gained by maximizing the benefits and minimizing the costs of a strategy by seeking a harmonious combination of realistic and moral elements.

The task, then, is to apply modern just-war theory to specific cases of future warfare and decide if it should remain the pragmatic compromise between realism and idealism. The purpose is to define a relevant set of moral principles that strategists may apply as evaluation criteria to determine whether and how to use military force. The

purpose is not to establish a moral Weinberger doctrine, a checklist of conditions that must be met before engaging in military operations. Instead, these moral criteria should serve as the start point for a disciplined, independent, case-by-case analysis. Likewise, the purpose is not to resolve the long-standing ethical debate between moral absolutism and moral relativism. Instead, the analysis of modern just-war theory will weigh the value of absolute principles assumed to exist against the value of the common good by evaluating the moral consequences of action and inaction.

There are two limitations that must be addressed. First, while any topic on future warfare involves speculation, one should avoid extreme speculation that would render the conclusion suspect. Therefore, the cases used to test modern just-war theory will be current scenarios that foretell future warfare or reasonable projections of current trends. Second, one must strike the appropriate balance between breadth and depth. On one hand, an exhaustive study of a single case may prove a point but leave the conclusion subject to hasty-generalization error and a false sense of security. On the other hand, a shallow analysis of an excessive number of cases may identify the issues but fail to demonstrate why one should accept the recommendation. Therefore, this analysis will test one challenge from each major category of future change (political, social, and military) to determine a relevant set of moral principles for further analysis.

With these limitations and delimitations in view, one may project the research method to answer the question. The general approach is to apply modern just-war theory to three difficult future case studies and conduct a critical analysis of its guidance. There are two key assumptions: (1) the optimum use of American military force is both realistically effective and morally just, and (2) the necessary use of American force may

be unjust only when there is no moral way to be realistically effective. These assumptions lead to a hypothesis that is best represented by the flowchart in figure 2.

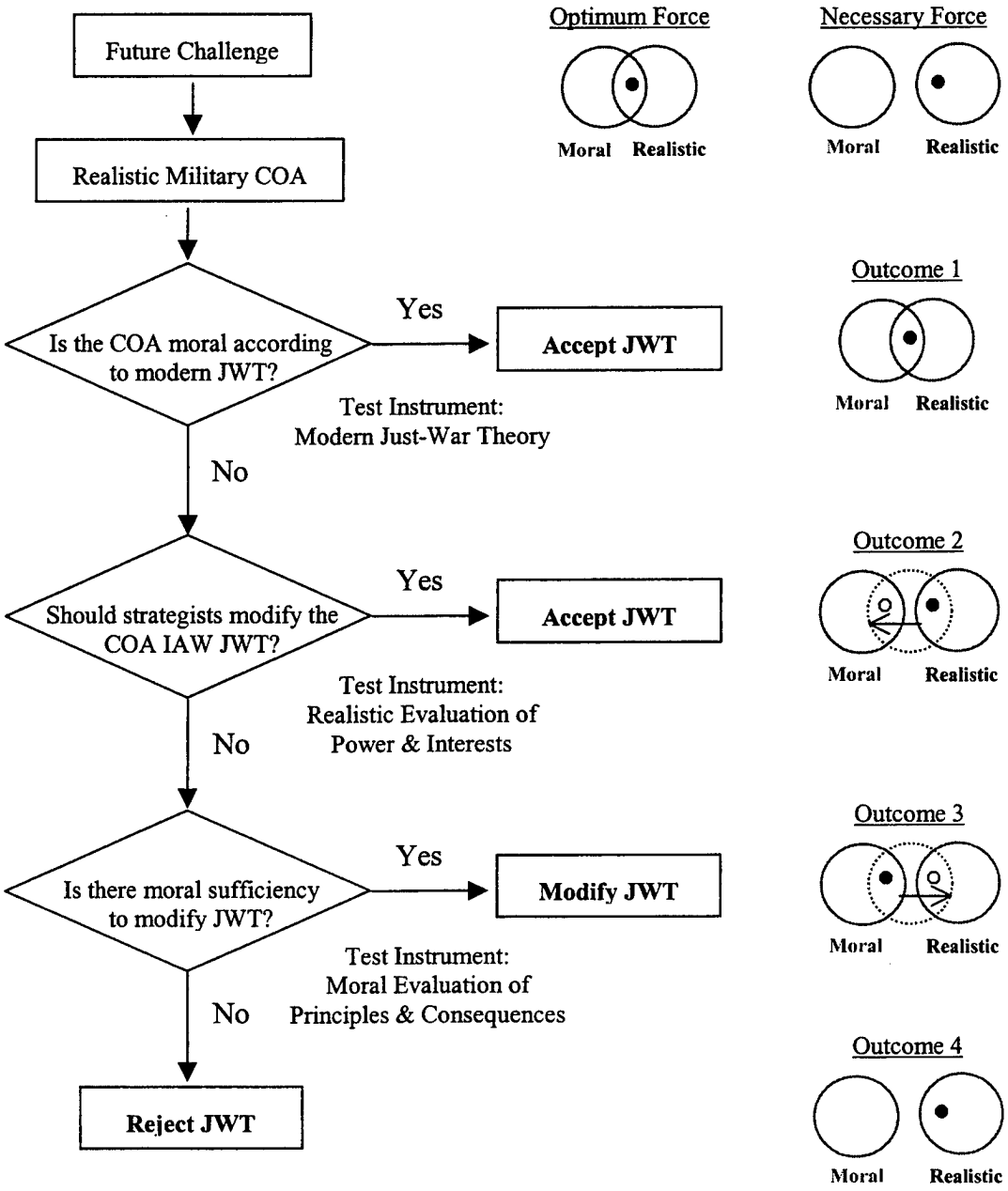


Fig. 2. The Hypothesis.

The primary test instrument is modern just-war theory, defined by Michael Walzer in *Just and Unjust Wars*.[7] To specify the outcomes, "accept" just-war theory means that strategists should continue to apply the modern just-war principles and definitions on the use of force as they stand. "Modify" just-war theory means that strategists should accept its moral principles, but adjust the specific definitions to account for changes in future warfare. "Reject" just-war theory means strategists should reject both its moral principles and specific definitions because they no longer reflect reality.

Finally, the reader deserves a roadmap to relate this methodology to the structure of this thesis. Chapter 2, "Literature Review," will consider the work of prominent just-war theorists and future thinkers. Chapter 3, "Methodology," will first analyze the challenges from chapter two to select the specific test cases. It will then develop the hypothesis, explain the method for organizing facts into results, and show how it will lead to the conclusion. Chapter 4, "Analysis," will apply just-war theory to the three cases in accordance with the methodology. Finally, chapter 5, "Conclusion," will present the results and answer the central research question. It will weigh the advantages and disadvantages of the different outcomes--accept, modify, and reject modern just-war theory--and make a recommendation. It will conclude by considering the implications of that recommendation on American grand strategy.

---

[1]Andrew Krepinevich, "Cavalry to Computer: Military Revolutions," *The National Interest* no. 37 (fall 1994): 30-42.

[2]Gordon Sullivan, "War in the Information Age," *Military Review* 74, no. 4 (April 1994): 54.

[3]Ralph Peters, "After the Revolution," *Parameters* 25, no. 2 (summer 1995): 13.

[4]U.S. Joint Chiefs of Staff, *Concept for Future Joint Operations* (Fort Monroe: Joint Warfighting Center, 1997), 19.

[5]The White House, *A National Security Strategy for a New Century* (Washington: The White House, 1997), 1.

[6]Charles Dunlap, "21st Century Warfare: Four Dangerous Myths," *Parameters* 26, no. 3 (fall 1997): 32.

[7]See Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, 2d ed. (New York: Basic Books, 1992).

CHAPTER 2

LITERATURE REVIEW

The task of this chapter is to review the critical analysis of the just-war tradition and future warfare. The purpose is to determine if the problem really exists. Reviewing the just-war tradition provides a firm understanding of the theory and its counsel. Reviewing specific scenarios of future warfare reveals which just-war principles or definitions will be challenged. If future warfare does not challenge just-war theory, then there is no problem and strategists may continue to accept its principles and definitions. If future warfare does challenge just-war theory, then there is a problem and strategists may derive the specific test cases from the primary areas of concern.

The first section, the just-war tradition, has four objectives. It first places modern just-war theory in context with other moral philosophies of war. It briefly traces the evolution of the just-war tradition from St. Augustine to the modern theorists. It defines modern just-war theory using Michael Walzer's work *Just and Unjust Wars*. Finally, it applies modern just-war theory to American wars in Korea, Vietnam, and the Persian Gulf to become fully familiar with its definitions and the process of moral analysis.

The second section, the future of warfare, has three objectives. It first identifies the specific challenges that the political, social, and military forces of change present to modern just-war theory. Next, it shows how these forces are creating an expansion in warfare by changing the roles and capabilities of the government, people, and army, to use the Clausewitzian terms for the three actors in war. Last, it considers the challenges that the expansion of war presents to modern just-war theory.

The Just-War Tradition

Considering future warfare, "leaders in these circumstances face two realities. First, they do not have many options. Second, none of the options are attractive."[1] If St. Augustine's compass no longer points true, then one should know the path these "unattractive options" would have us follow. This scale in figure 3 shows five moral theories of war and the relative force they allow in the name of military necessity:

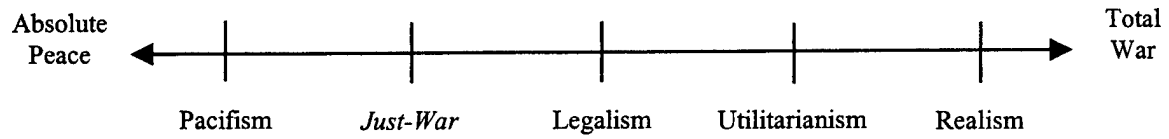


Fig. 3. Scale of Allowable Force.

Moral strategists are quick to identify the problems with the opposite extremes. Pacifism absolutely forbids one to "kill another person under any circumstances, no matter what good would be achieved or evil averted thereby."[2] Moral strategists, believing life and liberty are worth defending, reject pacifism because of evil consequences to innocent persons. Realism holds that "war is a license for violence, and anything that contributes to victory is legitimate."[3] Moral strategists and *The Law of Land Warfare* reject realism for principled and realistic reasons: "we desire to diminish the evils of war and facilitate the restoration of peace."[4] All is neither fair nor smart in war.

The moderate theories blend together so their differences and disadvantages are less apparent. Utilitarianism maximizes good and minimizes evil for the greatest number, the moral equivalent of a qualitative cost-benefit analysis. "It gives primacy to what will happen, while absolutism gives primacy to what one is doing."[5] Although a utilitarian

test is the basis for proportionality, moral strategists reject stand-alone utilitarianism for insufficiency. Lacking all absolute prohibitions, it is too tempting to destroy hundreds of cities and millions of men, women, and children for the convenience of 50 percent plus one. Legalism is the strict adherence to the specific tenets of the War Convention, a form of "contractual rule-utilitarianism."[6] Because legality is a necessary but not sufficient condition of morality, moral strategists reject stand-alone legalism as well.

Just-war theory arguably emerges as the least unattractive option. Once Christians escaped the lions and gained the power to govern, they had to resolve the moral dilemma between deontological commandments and evil consequences. In other words, should they "love those who persecute you" or should they "love thy neighbor" by saving his village from being sacked by the Huns? St. Augustine resolved this moral dilemma by placing the Christian's collective responsibility to his neighbor above the Christian's individual responsibility to love his enemies. In this manner, St. Augustine rejected pacifism and began the pragmatic compromise of merging absolute principles with utilitarian tests and legal conventions to limit unnecessary evil.

St. Augustine (A.D. 354-430) clearly founded the just-war tradition on "the authority and force of the rightly ordered political community to prevent, punish, and rectify injustice."[7] He defined a just war by broadly describing its acceptable purpose rather than by prescribing the specific situations when war is just. His classic argument is the foundation of the principle of just cause:

> A just war is wont to be described as one that avenges wrongs, when a state has to be punished for refusing to make amends for the wrongs inflicted by its subjects, or to restore what has been seized unjustly. . . . 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, punishing evil-doers, and uplifting good.[8]

St. Thomas Aquinas (A.D. 1225-1274) later expanded on the concept of just cause by adding the supporting principles of competent authority and right intention:

> In the first place, the *authority* of the prince, by whose order the war is undertaken; for it does not belong to a private individual to make war. . . . In the second place, there must be a *just cause*; that is to say, those attacked must, by a fault, deserve to be attacked. . . . In the third place, the *intention* of those who fight should be right; that is to say, that they propose to themselves a good to be effected or an evil to be avoided. . . . those who wage wars justly have peace as the object of their intention.[9]

These definitions of St. Augustine and St. Thomas constitute classic just-war theory. They justify, not only defensive wars to resist aggression in the modern sense, but also offensive wars to correct and punish evil acts.

With the growth of state power and the declining relative influence of the Church, Spanish theologians reexamined the classic definition of just cause during their conquest of the New World. Vitoria (A.D. 1480-1546) cautioned against abuse of the Indians and demanded that "the reasons of those who on grounds of equity oppose the war" be heard.[10] Suarez (A.D. 1548-1617) merged the purely religious principle just cause with the secular principle of natural law by extending the right of self-defense from individuals to nations, known as the "domestic analogy."[11] Grotius (A.D. 1583-1645) sought to eliminate religious differences as carte blanche to wage war after the bloody Thirty Years' War. He founded the "Law of Nations" because "an international society exists in which there is an overriding moral obligation to regulate behavior."[12]

The reform movement culminated in another expansion of the principles and definitions of just-war theory following the Treaty of Westphalia. The classic definition was no longer sufficient to uphold justice, given the changes in warfare and the new system of international relations. Completing a merger between religious, chivalric, and

legal philosophies, Grotius developed two separate and necessary requirements for justice: if a state may wage war (*jus ad bellum*) and how its armed forces must fight (*jus in bello*). These coequal requirements were the conception of modern just-war principles, which gradually assumed these definitions:

jus ad bellum

1. Just Cause: an actual or imminent wrong against the state, a violation of rights.
2. Legitimate Authority: only the state's legitimate rulers may undertake war.
3. Right Intention: aim only at peace and the just ends, not expansion or revenge.
4. Proportionality of War: the anticipated good is not outweighed by the bad.
5. Last Resort: no reasonable belief that a peaceful alternative exists.
6. Probability of Success: a reasonable prospect that the war will succeed.

jus in bello

7. Proportionality in War: the means in war are proportional to the military ends.
8. Discrimination: prohibits the killing of noncombatants and innocents.[13]

The problems of war's destruction and state's aggression only increased. First Napoleon (nationalism) and then the Great War (industrialism) shattered the notion of war as an honorable duel between sovereigns. Paul Fussel captured popular revulsion: "Modern war is senseless, out of control, massively destructive of human values and life values, leaving behind harmful consequences that linger long after the shooting is done."[14] Statesmen added restrictions to *jus ad bellum* with the 1928 Kellog-Briand Pact, which "condemned the recourse to war for the solution of international controversies."[15] Another world war, the threat of thermonuclear holocaust, and the Vietnam War provided further evidence that states are militaristic and morally irresponsible.

Michael Walzer captured this modern presumption against war and emphasis on just means in his classic book *Just and Unjust Wars*. This work, required reading at the service academies and in electives at the Command and General Staff Officer Course,

established even stricter definitions of the just-war principles to restrict unjust war and protect noncombatants. It is perhaps the most widely known definition of modern just-war theory.

Using the theory of aggression established by international law, Walzer begins to restrict the broad scope of just cause with the legalist paradigm:

1. There exists an international society of independent states.
2. This international society has a law that establishes the rights of its members--above all, the rights of territorial integrity and political sovereignty.
3. Any use of force or imminent threat of force by one state against the political sovereignty or territorial integrity of another constitutes aggression and is a criminal act.
4. Aggression justifies two kinds of violent response: a war of self-defense by the victim, and a war of law enforcement by other members of international society.
5. Nothing but aggression can justify war.
6. Once the aggressor state has been military repulsed, it can also be punished.[16]

The legalist paraidgm is the definitive statement of the rules that govern the Westphalian state system. Walzer admits the paradigm is not perfect, but feels "revisionism is a risky business, given the readiness of states to invade one another." Nevertheless, he begins to compromise Weshpalia by making these narrow exceptions to the legalist paradigm:

1. States may use military force in the face of imminent threats of war, whenever the failure to do so would seriously risk their territorial integrity or political independence. [i.e., pre-emptive, not preventive wars.]
2. States can be invaded and wars justly begun to aid secessionist movements once they have demonstrated their representative character,
3. to balance the prior intervention of other powers,
4. and when it is a response to rescue people threatened with massacre, enslavement, or other acts that shock the moral conscience of mankind.[17]

The legalist paradigm with revisions dominates the other principles of *jus ad bellum* because it restricts their scope and importance. It will serve as the modern definition of just cause.

Walzer derived modern definitions of the other principles as well. He expanded the definition of legitimate authority to include insurgents by recognizing the principle of self-determination.[18] He limited the only right intention to be the restoration of *status quo ante bellum* because just wars aim only to reverse aggression. Military conquest of the aggressor is unjust, except for a "Nazi-like state," presumably defined by the systematic murder of six million innocent people.[19] The paradigm largely diminishes the need to test the proportionality of war because it defines the only anticipated good that can outweigh the evil. The principle of last resort is also less important. Given that the only just cause is to counter aggression, force is always just when there are no "effective peaceful ways to confront the aggressor."[20]

Modern just-war theory emphasizes *jus in bello* more than the classic theory because, unlike in St. Augustine's day, the range and violence of weapons have extended battlespace to include areas where noncombatants and legitimate military objectives co-exist. Moralists rightly question the definitions of proportionality and discrimination when millions of innocent civilians are unintentionally burned alive in strategic firestorms. Leaders twisted these legal definitions and utilitarian tests from the *Law of Land Warfare* to kill more noncombatants than combatants during World War II:

> [Proportionality] Loss of life and damage to property incidental to attacks must not be excessive to the concrete and direct military advantage expected to be gained.
> [Military Necessity] That principle that justifies those measures not forbidden by international law that are indispensable for the submission of the enemy as soon as possible.
> [Military Objective] Combatants and those objects which by their nature, location, purpose, or use make an effective contribution to military action and whose destruction, capture, or neutralization offers a definite military advantage are permissible objects of attack.[21]

To protect noncombatants from unintentional death, Walzer sets rigorous conditions to strengthen the principles of discrimination and proportionality. Although not precisely defined by the war convention and subject to some debate, "We generally regard persons as innocent who have done nothing that entails the loss of their rights [to protection]."[22] Proportionality is more difficult. Classic just-war theorists resolved the conflict between the military necessity to attack legitimate objectives and the moral necessity to respect innocent persons with the principle of Double Effect:

1. The act is good in itself, which means that it is a legitimate act of war.
2. The direct effect is morally acceptable--destroy supplies or kill soldiers.
3. The actor's intention is good, that he aim only at the acceptable effect; the evil is *not* one of his ends, nor is it a means to his ends.
4. The good effect is sufficiently good for allowing the evil effect.[23]

Walzer regards the definition of Double Effect as insufficient because "rare is the soldier who decides that his mission is not important enough to satisfy proportionality, and to say that predictable civilian deaths are unintentional is to engage in self-deception."[24]

To protect innocents, Walzer redefines this principle as Double Intention:

3. The intention of the actor is good, that he aims *narrowly* at the acceptable effect; the evil effect is not one of his ends, nor is it a means to his ends, and, *aware of the evil involved, he seeks to minimize it, accepting costs to himself.*[25]

The terms "narrow, minimize evil, and accepting costs" are still subject to intense debate, but their intent provides much needed guidance for proportionality and discrimination. For example, *The Law of Land Warfare* reflects double intention with the mandatory Notice of Bombardment.[26] The following test based on the equivalent moral life value of friendly and enemy civilians applies the principles of proportionality and discrimination: "if you would not indiscriminately attack an enemy target in an American neighborhood, you should not indiscriminately attack an enemy target in an enemy neighborhood."[27]

Walzer deals with a worst-case scenario, when there is "imminent danger of an unusual or horrifying" kind, with the term Supreme Emergency:

> Can soldiers and statesmen override the rights of innocent people for the sake of their own political community? I am inclined to answer this question affirmatively, though not without hesitation and worry. What choice do they have? They might sacrifice themselves in order to uphold the moral law, but they cannot sacrifice their countrymen. Faced with some ultimate horror, their options exhausted, they will do what they must to save their own people.[28]

The "recognition of the threat is not coercive" and the danger must be "imminent" and not imaginary. Nevertheless, Walzer allows leaders to violate the law of war when it is the only way to defend their people. This supports the second assumption that, when absolutely necessary, realism must outweigh idealism in the decisions of statesmen.

To understand how to apply modern just-war theory and conclude whether the use of force was just or unjust according to its modern definitions, one may review the moral analysis by Michael Walzer of Korea, Vietnam, and the Persian Gulf. These case studies will clarify modern just-war theory and the process of moral analysis.

Walzer finds that the United Nations had just cause to defend South Korea because the North Korean attack was aggression, an "act of force by one state against the political sovereignty or territorial integrity of another."[29] He considers this to be interstate aggression and not civil war because there was no popular support for communism in South Korea, such as the case in South Vietnam. While the U.N. resolution added credibility, Walzer believes that individual leaders were competent authority to wage war to reverse aggression. In the same approach, the United Nations did not have to exhaust alternatives like sanctions to meet the test of last resort because there was no reason to believe they would halt the North Korean advance. He finds that

the desired outcome of the war, defending the rights of South Koreans and strengthening collective defense against aggression, justified the evil consequences to soldiers and civilians. Walzer also finds that the probability of success was sufficient given the resolve of the United Nations. The Korean War would appear to easily pass the test of modern *jus ad bellum.*

The complication surrounds the principle of right intention. The modern definition restricts the only just aim of war to be reversing aggression, the restoration of *status quo ante bellum*, except in the case of Nazi Germany. The initial war aim, restoring the political integrity of South Korea south of the 38th parallel was just. The subsequent war aim, reunifying the Korean people in a democratic state was unjust because Walzer does not consider North Korea to be a "Hitler-like" regime.[30] In contrast to the classic tradition, modern just-war theory holds that it is unjust to use military force beyond defeating their military capability to engage in political reconstruction.

Walzer finds the American rules of engagement in the Vietnam War violated the modern definitions of discrimination and proportionality. These rules declared free-fire zones after giving warning to the local people in villages from which small-arms fire attacked American troops. This tactic meets the legal standard in *The Law of Land Warfare* but fails to meet the moral standard of double intention. The rule resorted to "indiscriminate use of modern firepower to save soldiers from trouble and risk."[31] Double-intention requires that soldiers accept risk to themselves to minimize the damage to innocent persons. The rules of engagement, therefore, did not sufficiently discriminate to protect innocent persons; the value gained by declaring free-fire zones did not outweigh the loss of innocent life and the destruction of their homes.

In the introduction to the second edition of *Just and Unjust Wars*, Walzer finds that Operation Desert Storm generally met the standards of modern just-war theory. He does question two aspects of that conflict: the intention of attacking infrastructure targets and whether those attacks discriminate sufficiently to protect innocent persons.[32] This is the first instance where a modern just-war theorist applies its industrial-age definitions to information-age warfare.

Walzer questions the intention of targeting "communication and transportation systems, electric power grids, government buildings of every sort, water pumping stations, and purification plants."[33] He suggests that the real intention was to increase the pressure on the regime of Saddam Hussein to provoke a revolt and a change in governments. This intention would violate his narrow definition of "restoration plus," the liberation of Kuwait and the defeat of Iraqi military power. Walzer specifically argues that it is unjust to target water purification plants because of the civilian casualties that would follow. To meet the standard of double intention to protect innocent persons, the Coalition was obligated to accept the increased risk posed by electrical power.

Yet Walzer does not consider that the paradigm for warfare is changing. Not targeting information systems in the information age may be like not targeting tanks in the industrial age, since both information and tanks are the means to wage war. Therefore, the Coalition's stated purpose for attacking Iraqi electrical power grids and command, control, communication, computer, and intelligence systems (C4I) may be in accordance with "restoration plus," defeating Iraqi military power. This case alone substantiates the need for realistic and moral analysis to determine whether and how modern just-war theory applies to future warfare.

The Future of Warfare

The Future Global System of International Relations

Pierre Hassner gives a valuable appreciation of the political forces of change that have dampened both euphoric internationalism and righteous realism after Operation Desert Storm:

> More than a world community aimed at by revolutionists, we have a world of rival nation-states; but more than an old-fashioned realist game of power politics, we have a world of turbulence where mass communications, financial networks, popular explosions constantly interfere with the calculations of diplomats and soldiers, a world where ambiguity and unpredictability seem to reign supreme.[34]

Unlike the Westphalian international system of dominant sovereign states and economic nationalism, the future global system will be determined by the devolution of power from the state to transnational and subnational groups, the rise of a complex hierarchy of states, and economic globalization. These dramatic changes will offer many challenges to modern just-war theory.

The debates in professional journals reveal five systems of international relations competing for the title of the post-Cold War era: a traditional state balance of power system, a system of failed states, a trisected state system based on power and economic production, a global political system, and a system of economic globalization. The future will undoubtedly be a blend of these competing visions. Regardless of outcomes, the system will be stable or unstable based on one important principle of realism. If people and states accept the relative power hierarchy, then there will be peace; if people and states do not accept the relative power hierarchy and are optimistic they can improve their lot by force, then there will be war.[35]

State Balance of Power System

This status quo response challenges the assumption that the political change is revolutionary. The sovereign state will remain the dominant actor in international relations with a near-monopoly of the ends of war because there is no realistic alternative to provide peace and security. A state fights to defend its vital national interests, defined by George F. Kennan to be "military security, the integrity of its political life, and the well-being of its people."[36] States will continue to define "spheres of influence" and form alliances to contain dominant powers. They can adapt their methods to defeat nontraditional threats to their national interests. The world will become more multi-polar as the hierarchy of power changes and coalitions form to balance the United States.

This state balance of power system by itself presents no new challenges to modern just-war theory. Michael Walzer supports the modern definitions specifically to restrict war given this competitive and destructive system.

Failed State System

The medievalists, led by Martin van Creveld, predict a state funeral: "The State, which since the Treaty of Westphalia (1648) has been the most important of modern institutions, is dying."[37] Robert Kaplan describes the "coming anarchy" that accompanies the collapse of state power:

> Sierra Leone is a microcosm of what is occurring in the under-developed world: the withering away of central governments, the rise of tribal and regional domains, the unchecked spread of disease, and the growing pervasiveness of war. . . . There is no place on the planet where political maps are so deceptive--where, in fact, they tell such lies--as West Africa. According to the map, it is a nation-state of defined borders, with a government in control of its territory. In truth, the Sierra Leonian government, run by a 27-year-old army captain, controls Freetown by day. . . . A pre-modern formlessness governs the battlefield, evoking memories of the wars in medieval Europe. Borders have become largely meaningless.[38]

"Medievalists" such as Kaplan and van Creveld contend the state, restricted by sovereignty and morality, is out manned, out thought, and out fought by terrorists, criminals, druglords, and warlords. The primary threat is anarchy and internal disorder.

The failed state system presents the challenge of how to reconcile armed humanitarian intervention with the legalist paradigm. Somalis may legitimately ask why is it just to abandon them until they are massacred, enslaved, or suffer an act that "shocks the moral conscience of mankind." This has led many prominent ethicists to question the sacred nature of sovereignty imparted by the legalist paradigm and justify intervention.[39]

Trisected Economic System

Steven Metz developed this system with multiple centers of power classified by the three "waves" of civilization in the Tofflers' *War and Anti-War*.[40] The first tier "consists of advanced, stable regions and states with information-based economies. There would be significant political, economic, cultural, and military integration. . . . and concepts such as national interests, boundaries, and sovereignty will decline in significance."[41] The United States, the European Union, and Japan are examples of first tier states. They are status-quo powers that want to preserve world order and their armed forces are highly skilled with advanced technology. The second tier "consists of a range of diverse and autonomous nation-states, most with industrial-based economies."[42] Russia, China, and Southeast Asian countries are examples of second tier states. They are not status-quo powers and they resist world domination by the first tier. They retain mechanized armed forces, occasionally commit aggression to advance their national interests, and seek to acquire weapons of mass destruction. The third tier consists of

failed states with agrarian-based economies. "It is characterized by endemic violence, ungovernability, and a range of ecological problems."[43] West African countries are examples of third tier states. Their armed forces take the form of Kaplan's militias, warlord armies, and gangs. In this system, economic not ideological lines divide states.

Leaving the social consequences of a clash of civilizations and the military consequences of the Revolution in Military Affairs for the next sections, this trisected system challenges the modern definitions of just cause, right intention, and competent authority. Operation Allied Force in Kosovo is a good example. Is it just for the so-called international community of first-tier states to ignore the legalist paradigm and impose a new political settlement in a federal republic of a second-tier state?

Global System

There is a difference of opinion on whether subnational or transnational groups are the prime beneficiaries of the devolution of state power. Jessica T. Matthews, rejecting world government as unrealistic and world anarchy as unlikely, predicts an equal devolution of power and the rise of global civil society:

> The end of the Cold War has brought a redistribution of power among states, markets, and civil society. National governments are sharing powers--political, social, and security roles at the core of sovereignty--with businesses, international organizations, and citizens groups. . . . The absolutes of the Westphalian system are dissolving. . . . Local government addresses the citizen's growing desire for a role in decision-making while transnational, regional, and even global entities better fit the trends in economics, resources, and security.[44]

Electronic communications connect person to person, group to group, and business to business across national borders. Cities and transnational corporations form partnerships that bypass foreign ministries. Globalization connects one governmental organization to

its transnational counterpart to solve international problems. States voluntarily relinquish traditional sovereignty to domestic and transnational groups that provide human security and economic opportunity for their global citizens.

Anne-Marie Slaughter predicts a similar global system, but with stronger government by state functions. She argues, "the state is not disappearing; it is dis-aggregating into its separate, functionally distinct parts. These parts--courts, regulatory agencies, executives, and legislatures--are networking with their counterparts, creating a dense web of relations that constitute a new, transgovernmental order. Today's international problems--terrorism, crime, environmental degradation--create and sustain these relations. . . . The result is not world government, but global governance."[45]

To complicate this vision of global harmony, Matthews defines the challenges this power diffusion will present to states. "Nontraditional threats, however, are rising--terrorism, organized crime, drug trafficking, ethnic conflict, and the combination of rapid population growth, environmental decline, and poverty that brings political instability and state collapse. A competing notion of 'human security' is creeping around the edges of official thinking."[46] These threats present difficult challenges to the modern definitions of just cause, right intention, and competent authority. Why should states observe the legalist paradigm when transnational terrorist organizations have declared war against their people? How does the standard of "restoration plus" apply to counter-terrorism?

Economic Globalization

Many prominent scholars note the increasing economic globalization. Some are quick to proclaim the end of everything from war to the business cycle to history itself.

This leads one to ask, does economic globalization lead to peace or does peace lead to economic globalization? In *The Causes of War*, Geoffrey Blainey refutes the Manchester theory, "which argues that increasing contact between nations--through common languages, foreign travel, and the exchange of commodities and ideas--dispels prejudice and strongly promotes peace." He finds the "evidence for this theory is not convincing."[47] Instead, the degree of economic integration and conflict in the world is a function of the stability of the system and the power relationship of the states.

Thus, the outcomes of economic globalization depend on the stability or instability of the system that is either state or multicentric-based. If the system is stable, then people will get rich if states compromise to form free trade areas, and *very* rich if the global economy achieves total efficiency of resource allocation through cooperation. The three tiers would specialize in their comparative advantage of the factors of production--land, labor, capital, and entrepreneurship. If the system is unstable, then there will be conflict if states mix "the traditional, adversarial, and zero-sum logic" over resources and markets.[48] Steven Metz identifies a new form of economic competition in an unstable multi-centric system: "Transnational corporations have their own security force; missions are offensive information war against competitors." One intelligence official recently testified that 400 major corporations have been attacked electronically, averaging 300 attacks per month.[49] These outcomes of economic globalization are depicted in the matrix in table 1.

Table 1. Outcomes of Economic Globalization.

OUTCOME	STABLE SYSTEM	UNSTABLE SYSTEM
STATE-CENTRIC SYSTEM Balance of Power Failed State	**Compromise** World Trade Organization Regional Free-Trade Areas	**Conflict** Resource Wars Protectionism
MULTI-CENTRIC SYSTEM Trisected Multipolar Global Civil Society	**Cooperation** 1st Tier - Capital & Entrepeneurs 2nd Tier - Labor 3rd Tier - Land	**Competition** Economic Warfare Within and Across Tiers

This system of economic globalization also presents many new challenges to the modern definitions of *jus ad bellum*. Do economic attacks constitute aggression under the legalist paradigm? Is the intention to maintain market stability a just interpretation of right intention? If so, is it proportional to kill people in the second and third tiers to maintain stable markets for the first tier? Do transnational economic organizations have the legitimate authority to defend themselves against economic attacks if the state is unwilling or unable to provide such security?

It is no easy task to synthesize these different perspectives of the future global system. Strong states and weak states will remain concerned with the balance of power. As technology empowers subnational and transnational organizations, the relative power of the state will decline over time, although the state will remain an important actor. The information revolution will join the industrial and agricultural revolutions to create a trisected division of states based on economic production. The possibilities for economic cooperation, compromise, competition, or conflict are wide open. These forces of political change primarily challenge the modern just-war definitions of just cause, right intention, legitimate authority, and the proportional ends of war.

The Clash of Civilizations

It is not simply states that are changing; people are changing too. Global citizens in the West are in the midst of a skill revolution as their economies shift from industry to information; people in the rest of the world suffer from growing Malthusian pressure and environmental scarcity. At the same time, the so-called fault lines between the secular and the sacred worlds show signs of tension as ethnic conflict grows stronger.

Western Skill Revolution

James Rosenau also describes the expansion of war, but he gives hope that people are growing more sophisticated and capable of meeting its challenges. He notes the profound implications for people who value "autonomy over compliance and interdependence over independence":

> Individuals have undergone what can properly be termed a skill revolution. For reasons ranging from the advance of communications technology to the greater intricacies of life in an ever more interdependent world, people have become increasingly more competent in assessing their place in international affairs. Included among these newly refined skills, moreover, is an expanded capacity to focus emotion as well as to analyze the causal sequences that sustain the course of events. . . . the emergent *global order rests on individuals who cannot easily be deceived and who can readily be mobilized on behalf of goals they comprehend and means they approve.*[50]

This increased capability for democratic oversight of the state by the people helps to solve the most significant problem in 1,600 years of classic just-war theory: its abuse. Can the citizen of the information age, who has become more capable and sophisticated while simultaneously more cynical and materialistic, really restrain the state from unjust wars? The question is complex, but Rosenau believes there is reason to answer yes. "Here, then, is the paradox that provides a basis for optimism: a lack of enlightened

leadership on a global scale has fostered the ascendancy of subgroupism, but those who rally to subgroup banners have the capacity to back off if given the proper cues. It should be possible to reverse the downward spiral of authority crises in which every part of the world has become entangled."[51]

If Rosenau is correct, this challenges the need to sheath the sword of justice in the legalist paradigm. The perceptive, powerful, and transnational democratic public could distinguish between aggressions for selfish-gain from interventions to do justice. Leaders must first prove their just cause before the people grant approval. Leaders must then use technology to minimize collateral damage. The media spotlight will provide real-time global coverage to ensure they use just means. This skill revolution makes possible a more rational compromise between restraining militaristic states and defending human rights. Should the definition of just cause be returned to the classic definition of St. Augustine, "the object of securing peace, punishing evil-doers, and uplifting good?"

Malthusian Pressure

Thomas Homer-Dixon updated Thomas Malthus for the future by contending that environmental effects lead to social effects that lead to conflict. He refutes the "Cornucopian's" faith in market forces and human adaptation in the developing world:

> The syndrome of multiple, interacting, unpredictable, and rapidly changing environmental problems will increase the complexity of the policymaking setting. It will also generate increased social friction as groups struggle to protect their prerogatives. The ability to be good social engineers is likely to go *down*, not up.[52]

This leads Homer-Dixon to predict growing food and water shortages in some developing countries by 2000. Peter Gleick takes this concept of environmental scarcity to the

eventual conclusion of conflict. He predicts "water wars" because "states fight for access to water, use water as a weapon in battle, and target water facilities of enemies."[53]

Robert Kaplan also regards Thomas Malthus as the "prophet for the 21st Century." In his blunt and pessimistic but realistic style, Kaplan describes "how environmental scarcity, crime, overpopulation, tribalism, and disease are rapidly destroying the social fabric of our planet" outside the West:

> West Africa is becoming *the* symbol of worldwide demographic, environmental, and societal stress, in which criminal anarchy emerges as the real "strategic" danger. Disease, overpopulation, unprovoked crime, scarcity of resources, refugee migrations, the increasing erosion of nation-states and international borders, and the empowerment of private armies, security firms, and international drug cartels are now most tellingly demonstrated through a West African prism.[54]

Anarchy and starvation are symptoms of a disease, a failed state under Malthusian pressure. To cure the disease requires more than meals-ready-to-eat. It requires nation building or reform intervention, the "shaping the domestic arrangements and altering the conditions of life in a foreign country."[55]

Malthusian pressure challenges the legalist paradigm as the predominant definition of *jus ad bellum*. Does this degree of human misery, well short of Walzer's standard of "massacre and enslavement," justify armed humanitarian or reform intervention by the West? Does "shocking the conscience of mankind" equal shocking the Western viewers of CNN Headline News? If there is no probability of success without long-term occupation and political reconstruction by military forces, is it just to let people suffer?

Culture Clash

Samuel P. Huntington predicts a "clash of civilizations" between Western, Confucian, Japanese, Islamic, Hindu, Slavic-Orthodox, Latin American, and African cultures. The clash will occur along cultural "fault lines" between people, groups, or nation-states who struggle for control over political, military, and economic power, territory, and religious values.[56] Though many have argued he overstates the case, there is one clear element of truth. Huntington identifies how western actions that ignore cultural differences spark conflict:

> The West is using international institutions, military power, and economic resources to run the world in ways that will maintain Western predominance, protect Western interests, and promote Western political and economic values... but Western ideas of individualism, liberalism, constitutionalism, human rights, equality, liberty, the rule of law, democracy, free markets, and the separation of church and state often have little resonance in Islamic, Confucian, Japanese, Hindu, Buddhist or Orthodox cultures.[57]

The clash would suggest that Western nation-building is difficult to impossible and is likely to provoke conflict. This provides a needed check valve on the pressure building for universal intervention in the name of ill-defined human rights. Truly universal human rights may be a legitimate concern, but imposing Western rights, such as the American separation of church and state on the sacred world or even the legislative process of western democracy itself, could be inviting the clash. This supports the modern definitions of just cause, right intention, and competent authority by exposing the unintended negative consequences of intervention.

To summarize the forces of social change, people will continue to struggle for control over political, military, economic, and religious power. While those in the West are becoming more capable, many in the developing world are becoming more desperate.

The combination of resource scarcity and failed states makes a compelling call for revising the legalist paradigm. The clash of civilizations also calls for the need to test that definition which would replace the legalist paradigm and it reminds one to consider the law of unintended consequences. These forces of social change primarily affect the modern definitions of *jus ad bellum*.

The Revolution in Military Affairs

Although subject to intense debate by military historians, there is a loose consensus that a Revolution in Military Affairs (RMA) occurs "when the application of new technology combines with innovative operational concepts and organizational adaptation in a way that fundamentally alters the character and conduct of conflict by producing a dramatic increase in the combat potential and effectiveness of armed forces."[58] For example, an RMA occurred when Germany fielded the tank, plane, and radio; developed the *blitzkrieg* doctrine; and organized the panzer divisions to penetrate and exploit operational-level breakthroughs.

The Coalition's decisive victory in 1991 exceeded Germany's decisive victory in 1940. This gives rise to argument that "technology has struck again."[59] Michael Starry presents this evidence from Operation Desert Storm to support the claim for a RMA:

> Advancing through a sand storm using global positioning system and thermal sights on their M1A1 tanks, the Americans spotted enemy tanks 3,000 meters away. In minutes, a single U.S. tank company annihilated an entrenched enemy force ten times its size, destroying 144 combat vehicles without taking a single casualty. The engagement was characterized by the use, manipulation, and availability of information.[60]

Advanced weapons technology and information warfare offer the potential to revolutionize warfare again, if military forces develop the organizations and doctrine to

exploit their potential. Often overlooked in this analysis of the RMA is another factor, the proliferation of weapons of mass destruction. This section will examine the challenges to modern just-war theory from these three sources.

Advanced Weapons Technology

The ability of a "system of systems" to locate and destroy targets with precision-guided munitions has extended non-nuclear battlespace from the front lines to intercontinental lines.[61] Furthermore, the "synergistic interaction" between highly trained professional soldiers and advanced technology provides overwhelming joint combat power that achieves decisive victory.[62] Precision engagement and this technological advantage make it easier to reconcile the military necessity to attack objectives with the moral necessity to respect noncombatants.

While advanced weapons technology generally supports the principles of discrimination and proportional means in war, it also challenges the moral need to restrict the proportional ends of war with the legalist paradigm. Given precision engagement, should moral strategists reconsider these restrictions on the proportional ends of war?

Information Warfare

If the pen were mightier than the sword, then the computer chip makes the sword look like a child's slingshot. The "ability to collect, process, act upon, and disseminate information" is essential to success in political, economic, and military affairs.[63] Military commanders from Sun Tzu to Schwartzkopf have fought an information war to gain situational awareness and deny the same to the enemy through deception. The struggle for situational awareness is not new.

New is the promise of a system of systems to penetrate the fog of war at the tactical level to gain accurate, real-time intelligence of friendly and enemy locations and the ability to attack the enemy's system to deny him that same information.[64] Some believe the battle for information is now decisive in conventional conflict. In effect, the one who gains information dominance wins because the other cannot fight when deaf, mute, and blind. Also new is the ability to conduct strategic information warfare attacks to disrupt the enemy's communication, transportation, economic, and information systems. This presents a strategic threat to countries like the United States.

This threat reveals another example of how the paradigm shift from industrial to information warfare challenges the modern definitions of just-war theory. The fear that an information first-strike could create strategic paralysis is growing amongst strategists. Unlike the 1967 Arab-Israeli War, there are no clear signs of an impending information attack. Does this lower the threshold for pre-emptive information and military attacks beyond that point allowed by the legalist paradigm? Is it just to respond to strategic information attacks with military force to deter future acts of information warfare?

Proliferation of Weapons of Mass Destruction

There has already been a nuclear, biological, and chemical warfare attack. The only relevant question is when there will be another. Because the supply and demand of weapons of mass destruction (WMD) exists, Tom Clancy may be right to warn, "It's Five Minutes Past Midnight--and Welcome to the Age of Proliferation."[65] Proliferation and catastrophic terrorism will be the dominant security issues of the twenty-first century.

Senator Sam Nunn observes that the potential for terrorists to acquire WMD is increasing because of the collapse of the Soviet Union:

> Never before in history has an empire disintegrated while in possession of some 30,000 nuclear weapons, at least 40,000 tons of chemical weapons, significant biological weaponry, and thousands of weapons scientists unsure of how long they will receive salaries with which to feed their families. Let loose was a vast potential supermarket for nuclear weapons, weapons-grade uranium and plutonium, and equally deadly chemical and biological weapons. I believe this threat is the number one security concern facing our nation today.[66]

Furthermore, John F. Sopko observes that terrorists want to acquire WMD: "Rogue nations and clientless states, terrorist groups, religious cults, ethnic minorities, disaffected political groups, and even individuals appear to have joined a new arms race towards mass destruction." He cites these cases as evidence:

> Nov 95: Chechen rebels threaten to detonate radiological devices.
> Nov 95: Jordanians seize ICBM guidance systems enroute to Iraq.
> Jul 95: Iraqi defectors reveal the extent of Iraq's WMD program.
> May 95: A member of Aryan Nation is arrested after ordering bubonic plague bacteria by mail.
> Mar 95: Japanese doomsday cult, Aum Shinrikyo, releases deadly sarin gas in the Tokyo subway.
> Dec 94: Prague police seize 2.72 kg of weapons-grade enriched uranium.
> Aug 94: German authorities seize 363 grams of weapons-grade enriched plutonium from the former Soviet Union.
> May 94: World Trade Center bombing defendants placed sodium cyanide in their explosive package.[67]

Finally, former Secretary of Defense William Perry observes that terrorists may well use WMD to achieve their political aims:

> The simple threat of retaliation that worked during the Cold War may not be enough to deter terrorists or aggressive regimes from using nuclear, biological, and chemical weapons. Terrorists operate in a shadowy world in which they can detonate a device and disappear. Rogue regimes may try to use these devastating weapons as blackmail, or as an inexpensive way to sidestep the U. S. military's overwhelming conventional superiority. Aggressors may actually use these weapons in an attempt to gain a decisive edge in a regional war. The bottom line is, unlike during the Cold War, those who possess nuclear, biological, and chemical weapons may actually come to use them.[68]

The threat of weapons of mass destruction automatically qualifies as one of Walzer's supreme emergencies to political leaders. The danger is certainly unusual and horrifying. The problem is that it is difficult to prove imminence until it is too late.

Countering the proliferation and potential terrorist use of WMD challenges the modern definitions of *jus ad bellum*. May states wage preventive war to counter the proliferation of WMD when precision engagement lowers the cost of collateral damage? The policy of retaliation in kind, intended to deter future acts of catastrophic terrorism or military use, also challenges the modern definitions of *jus in bello*. Is it just to retaliate with nuclear weapons against a host state of a transnational terrorist group or military unit that attacks American citizens with WMD?

To summarize the emerging revolution in military affairs, the world took notice when cruise missiles launched from hundreds of miles distant struck the front door of Saddam's presidential palace and the Coalition exploited information dominance to destroy the vaunted Iraqi Republican Guard in 100 hours with 148 casualties. Unfortunately, would-be tyrants and aggressors concluded that they had better not fight the Americans without nuclear, biological, or chemical weapons.[69] The RMA challenges the legalist paradigm as the dominant definition of *jus ad bellum* because precision engagement changes the proportionality equation by avoiding world-war style mass destruction. However, while advanced weapons technology makes it easier to respect discrimination and proportionality of *jus in bello*, the indiscriminate nature of information warfare and responding in kind to WMD attacks makes it more difficult.

The Expansion of War

Martin van Creveld heralds the expansion of war: "In the future, war will not be waged by armies but by groups whom we today call terrorists, guerrillas, bandits, and robbers."[70] Although governments will retain the ability to wage high-tech information war, industrialized mass destruction, or agrarian guerrilla war, their monopoly of the political purpose for violence has ended. Van Creveld's argument contends two opposite forces are at work: the state grows weaker because it cannot fight due to mutual assured destruction, sovereignty, and morality; the terrorist (in his many guises) grows stronger because he has sanctuary and appeal to the masses seeking meaning. Thomas Baines echoes the result: "Transnational and subnational groups, rogue states, breakaway republics, civil warmongers, tinhorn dictators, ethnic purists, and religious fundamentalists all see the environment of the post-cold-war world as an opportunity to seize or increase power. The result is spreading destabilization that can only be characterized as chaos."[71]

This section will first analyze *On War* to explain how the political, social, and military forces of change are creating this expansion of war by changing the roles and capabilities of the government, people, and army. It will then survey challenges to modern just-war theory presented by three new forms of warfare: conventional war between states in the information age, urban war, and crime war.

The Clausewitzian Trinity and Future Warfare

Prominent historians and strategists agree that, "among all the better-known writers on military theory within Western Civilization,"[72] Clausewitz best "succeeded in

transcending the limitations imposed on their insights by the political and technological circumstances of their times"[73] to write "not simply the greatest but the only truly great book on war."[74] Despite such high praise, modern theorists of non-Trinitarian, low-intensity conflict have challenged the continuing relevance of Clausewitz. They claim "the Clausewitzian Universe is rapidly becoming out of date and can no longer provide us with a proper framework for understanding war."[75] However, a clear understanding of the Clausewitzian trinity reveals the following: (1) non-Trinitarian theorists mistake the true nature of the trinity, (2) the trinity survived past transformations in warfare because it easily adapts to transformations in international politics and warfare, and (3) the trinity remains a proper framework to understand future warfare.

Clausewitz clearly defined the trinity as forces, not actors:

> War is more than a true chameleon that slightly adapts its characteristics to the given case. As a total phenomenon its dominant tendencies always make war a paradoxical trinity--composed of primordial violence, hatred, and enmity, which are to be regarded as a blind natural force; of the play of chance and probability within which the creative spirit is free to roam; and of its element of subordination, as an instrument of policy, which makes it subject to reason alone.[76]

The "paradoxical trinity" represents the complex interaction between violence ("irrational forces"), chance ("nonrational forces") and reason ("rational forces") that determines the specific nature of a war.[77] Non-Trinitarian theorists never demonstrate why these forces no longer apply to future warfare or what forces have replaced them.

Instead, modern critics of Clausewitz frequently mistake the trinity to be "government, people, army," which are really the actors who wage war.[78] Similarly, they often incorrectly portray the trinity as a dogmatic and inflexible 1:1 correlation between

violence-people, chance-army, and reason-government.[79] This confusion results from the paragraph immediately following the definition of the trinity:

> The first of these three aspects mainly concerns the people; the second the commander and his army; the third the government. The passions that are to be kindled in war must already be inherent in the people; the scope which the play of courage and talent will enjoy in the realm of probability and chance depends on the particular character of the commander and the army; but the political aims are the business of government alone.[80]

Clausewitz indeed establishes a 1:1 correlation between violence-people, chance-army, and reason-government in this passage, but he does not suggest that it is fixed or absolute. He specifically uses the word "mainly," which indicates he recognized there is overlap between actors and forces. For example, the degree of chance that concerns the government and the people would logically increase as the specific nature of warfare changes from limited war to absolute war. Clausewitz may have drawn the 1:1 correlation simply to describe Napoleonic warfare. The 1:1 correlation is also consistent with his appeal to make war a rational instrument of policy. Each of these alternative explanations is more plausible than to suggest that Clausewitz established an absolute correlation between the timeless elements and the actors in war.

Furthermore, the third paragraph of this section makes clear that Clausewitz was very cautious not to "fix an arbitrary relationship" between the "variable" forces:

> These three tendencies are like three different codes of law, deep-rooted in their subject and yet variable in their relationship to one another. A theory that ignores any one of them or seeks to fix an arbitrary relationship between them would conflict with reality to such an extent that for this reason alone it would be totally useless. Our task therefore is to develop a theory that maintains a balance between these three tendencies, like an object suspended between three magnets.[81]

Clausewitz had the flexibility of mind to observe that the power relationship between the three "magnetic" forces is variable. He specifically argued that reason outweighs passion

in limited war while passion clearly outweighs reason in total war. If the relationship between forces varies, then the 1:1 correlation of forces to actors may also vary. Clausewitz was not one to give simple, absolute, or arbitrary rules to govern war.

Therefore, strategists err when they argue the trinity is dead simply because the state no longer has a monopoly of violence. Clausewitz would counter that the force of passion may increase at the expense of reason, and that this hatred may drive the people to reclaim the right and the means to fight. Indeed, the current political, social, and military changes explain why the people have succeeded. Both the government and the people define the political reason for war now that the superpowers no longer suppress conflict between transnational, national, and subnational groups. Both the government and the army must estimate chance of success in war in the information age with precision weapons. Passion sustains both the people and the increasing variety of military organizations with access to weapons in the global arms market. The trinity adapts easily to transformations in politics and warfare because the forces and their correlation to actors are variable.

The true Clausewitzian Trinity remains the proper framework to understand the expansion of war because it describes the two co-existing models of future warfare. The Westphalian model describes conventional interstate war with a general 1:1 correlation between reason-government, chance-army, and violence-people. The Mediaeval model describes complex conflict between transnational, national, and subnational groups with a variable correlation between "reason, violence, chance" and "government, people, and army." (See figure 1.) If strategists do not appreciate the variable trinity, then they will automatically force future Mediaeval warfare to fit the classic Westphalian model.

Misunderstanding war, or "trying to turn it into something that is alien to its nature" inevitably leads to strategic errors.[82] If strategists appreciate the variable trinity, then they may apply the appropriate model and thereby understand the true nature of the kind of war they will fight. The trinity explains why men will fight and how they will fight in conventional and unconventional warfare.

The Clausewitzian trinity also leads one question whether the definitions of modern just-war theory, appropriate for the Westphalian model, will still be appropriate for the Mediaeval model. The next step is to identify the challenges that specific forms of future warfare will present to modern just-war theory.

Conventional War in the Information Age

Some future wars will continue to fit the Westphalian model: conventional interstate war based on information, industrial, or agrarian paradigms. A previous section already considered conflict between two information-paradigm forces. New challenges to modern just-war theory also come from the opportunity for mixed warfare between states of different paradigms. For example, Stephen Biddle describes how the impact of skill and technology resembled a "turkey shoot" as the information-force destroyed the industrial-force in Operation Desert Storm:

> In less than six weeks, Coalition troops destroyed a *defending* Iraqi army of hundreds of thousands, losing only 240 *attackers* (148 Americans). This loss rate, fewer than one casualty per 3,000 soldiers, was less than 1/10th of the Israeli's in the Six-Day War, less than 1/20th of the Germans' in the blitzkrieg campaigns in WW2, and less than 1/1,000th of the U. S. Marines in the invasion of Tarawa.[83]

This lop-sided victory resulted from many factors. One factor was the application of overwhelming joint combat power simultaneously throughout the entire depth of the theater to paralyze the enemy at the strategic, operational, and tactical levels of war.

One result of this decisive use of force was the televised destruction on the so-called "Highway of Death" in Kuwait. Military forces have always sought a stand-off advantage, the ability to kill the enemy from a safe distance. Retreating soldiers have always been legal and moral targets in warfare. Information-paradigm forces do have a distinct advantage to exploit stand-off advantage and attack retreating soldiers. However, Walzer questions these military concepts based on the lop-sided results in Desert Storm and the televised images of the Highway of Death. He argues "we may object to killing when killing becomes too *easy* [emphasis added]."[84]

Walzer's reaction questions the entire concept of decisive force and adds a new moral principle to protect *combatants*: fairness. Walzer assumes that easy killing must be unnecessary killing and is therefore unjust. However, this assumption is not valid in war between information and industrial paradigm forces. Killing may be relatively easy for the force exploiting advanced weapons technology and information warfare, but it may still be necessary to secure legitimate military and political objectives. The alternative to easy warfare is a fair fight, with both sides having an equal chance to kill or be killed. Are four years of fair warfare in World War I with equal casualty ratios somehow more just than 100 hours of "easy" warfare in Kuwait with unequal ratios?

Clearly not, but this does not alter the natural civilian reaction to the Highway of Death or the political reaction to popular opinion. The people, empowered by technology, recoil at televised images of death and destruction, prompting a change in

political course. Political leaders want to safeguard human rights in the post-Cold War era, but fear both the risk of friendly casualties and excessive collateral damage. Military leaders must reconcile these constraints and still accomplish the political objective by exploiting technological advantage. This supports proportionality and discrimination.

The moral challenge for the United States in future conventional warfare, therefore, is to refrain from unnecessary killing without compromising decisive force by imposing unrealistic political constraints. Operation Allied Force in Kosovo indicates that this precise control of force may be difficult or impossible to achieve. The irrational force of violence may confound the estimation of chance, which causes great frustration in military and political leaders as their carefully calibrated strategy of graduated response fails. Here again, the Clausewitzian trinity lives with a vengeance.

Another interesting challenge related to this issue of fairness is the ability to use precision engagement to target individual leaders of enemy states. For example, Ralph Peters asks, "why is it acceptable to slaughter masses of Iraqi conscripts but not to mortally punish the guiltiest individual, Saddam Hussein?"[85] Lieutenant Commander Bruce R. Ross makes the affirmative case for targeting enemy leadership in war:

> The principal issues here are the status of the individual (protected noncombatant versus permissibly targeted combatant) and the method of the killing (treacherous or acceptable). . . . The only real barrier to targeting heads of state is political, not legal. The proportionality doctrine of international law supports a conclusion that it is wrong to allow the slaughter of 100,000 relatively innocent soldiers and civilians if the aggression can be brought to an end by the elimination of one guilty individual.[86]

Walzer may not object to designating an enemy leader as a combatant and characterizing the means as discriminate and proportional, but his notion of fairness still questions the

end result. Is it just to target an enemy leader with precision engagement in operations less than full-scale conventional war?

Urban Warfare

Urban warfare fits the new Mediaeval model: complex conflict between transnational, national, and subnational groups that include crime cartels, gangs, and ethnic clans. This threat is increasing because global urbanization continues at a dramatic pace. 40 percent of the world's population will live in cities by the year 2000, up from 17 percent in 1950. There will also be more than 300 cities in developing countries with populations more than one million, and seven mega-cities will have more than 15 million.[87]

Increasing urbanization leads to increasing crime. One response in the United States is the construction of walled communities, "not unlike those of Renaissance Europe, where people can live safely under the protection of private security forces. There are at present more than 30,000 walled communities in the United States, with 60,000 projected by 2005."[88] Increasing urbanization also leads to increasing urban warfare. Ralph Peters describes the Army's nightmare scenario: "The future of warfare lies in the streets, sewers, high-rise buildings, industrial parks, and the sprawl of houses, shacks, and shelters that form the broken cities of our world. We will fight elsewhere, but not so often, rarely as reluctantly, and never so brutally."[89] Urban terrain offers the ultimate sanctuary to transnational and subnational criminal groups.

Urban warfare will challenge the modern definitions of discrimination and proportionality in *jus in bello*. The CNN effect will cut both ways on this issue.

Television will show the images of casualties drug through the streets of a far-away slum like Mogadishu; it will also show the images of rubble and civilian casualties as overwhelming joint combat power strikes back. The West is quick to condemn Russian brutality in Chechnya, but could the United States afford to retain its high moral standards of discrimination and proportionality when forced to fight in urban terrain?

Crime War

The fight against crime also fits the Mediaeval model. Graham Turbiville warns that organized criminal groups are "increasingly linked regionally and internationally where state institutions have been rendered ineffective by sweeping political and economic change, and war."[90] The problem is particularly acute in Russia, where "police estimate that about 3,000 organized crime groups, allied into about 150 confederations, now exist and that half of the country's banks and real estate are mafia owned."[91] These criminal groups demonstrate how the people can decide the reason to fight (profit), estimate the chance of fighting (terrorist attacks), and sustain the passion to fight (persistent violence) in future warfare.

The so-called "drug war," a subset of this new war form, proves this point. Some experts contend the limited war on drugs is a grand failure of strategy similar to Vietnam.[92] Ignoring every principle of war in FM 100-5, America continues to spend $146 billion annually. The source of the enemy's strength is our own domestic demand for drugs, which is untouchable by military force. Restrictive rules of engagement, set by the U. S. Constitution and international law, further limit the use of military force. The druglords have sanctuary and the support of some people by giving jobs and money to the

poor. Earning $500 billion annually, the cartels' ability to sustain "combat" is unaffected by seizures.[93] However, DEA officials steadfastly report these drug seizures as progress towards "winning the war" in a manner shockingly similar to the body counts in the Vietnam War. Despite our best efforts, drug use amongst teen-agers has doubled, the quality of drugs has improved, and supply continues unabated.

As the criminal and drug threats continue to grow, the challenge to the modern definitions of just-war theory will increase as people demand greater human security. Representative Benjamin Gilman, warns "The corrosive effect of global crime on civilized society and democratic institutions is massive and threatening--let there be no mistake about that."[94] The crime and drug wars will challenge the legalist paradigm as the dominant definition of *jus ad bellum*. Is it just to rely upon police power to arrest and try criminals when they are powerless to stop their evil acts? Is it just to attack criminals who are destroying your society? The threat also challenges the definitions of proportionality and discrimination. Is the collateral damage to innocent people worth the victories in an unwinnable war? Is the druglord a criminal or a combatant?

To summarize, the roles and capabilities of the government, people, and army are changing, producing an expansion of war. Around the world every 30 minutes, CNN airs another report of insurgency, terrorism, drug cartels, organized crime, urban gangs, netwar, cyberwar, humanitarian disasters, peacekeeping problems, refugee crises, and environmental conflict. This expansion of war will primarily test the modern definitions of just cause, right intention, and proportionality in *jus ad bellum*. It will test, to a lesser extent, the principles of discrimination and proportionality in *jus in bello*.

The task of this chapter was to review the professional literature on the just-war tradition and the future of warfare. From this review, it is possible to draw several important observations that support the hypothesis. First, with the exception of humanitarian intervention and sovereignty, no strategist or ethicist has considered the moral implications of future warfare. Second, the problem does indeed exist. The vast array of future threats presents many significant challenges to the modern definitions of just-war theory. Those definitions of just war between industrial-age states appear stretched by future information warfare and the complex conflict between transnational, national, and subnational groups. Strategists risk losing their moral compass as future threats push them towards low actions while instant communications and American values pull them back towards high principles. To defend the interests of the United States, strategists need a trusted moral compass to give direction and avoid drift.

---

[1]Lee DeRemer, "Leadership Between a Rock and a Hard Place," *Airpower Journal* 10, no. 3 (fall 1996): 87-94.

[2]Thomas Nagel, "War and Massacre," ed. Malham M. Wakin, *War, Morality, and the Military Profession* (Boulder: Westview Press, 1979), 375.

[3]Arthur C. Danto, "On Moral Codes and Modern War," ed. Malham M. Wakin, *War, Morality, and the Military Profession* (Boulder: Westview Press, 1979), 480.

[4]Department of the Army, Field Manual 27-10, *The Law of Land Warfare* (Washington: Department of the Army, 1956), 3.

[5]Thomas Nagel, "War and Massacre," 373.

[6]Richard Brandt, "Utilitarianism and the Rules of War," ed. Malham M. Wakin, *War, Morality, and the Military Profession* (Boulder: Westview Press, 1979), 394.

[7]James Turner Johnson, "The Broken Tradition," *The National Interest* no. 45 (fall 1996): 30.

[8]Ibid., 28-29.

[9]Telford Taylor, "Just and Unjust Wars," ed. Malham M. Wakin, *War, Morality, and the Military Profession* (Boulder: Westview Press, 1979), 247.

[10]James Turner Johnson, "The Broken Tradition," 29.

[11]Ibid.

[12]Antje Mays, "War and Peace: Of Law, Lawlessness, and Sovereignty" [database on-line] (paper presented to the Joint Services Conference on Professional Ethics, Washington, January 30-31, 1997); available from http://www.usafa.mil/jscope/Mays97.htm; accessed November 14, 1997.

[13]Robert Audi, ed. *The Cambridge Dictionary of Philosophy* (Cambridge: Cambridge University Press, 1995), 397.

[14]Paul Fussel, *The Great War and Modern Memory* (New York: Oxford University Press, 1975) quoted in James Turner Johnson, "The Broken Tradition," 30.

[15]Telford Taylor, "Just and Unjust Wars," 246.

[16]Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, 2d ed. (New York: Basic Books, 1992), 61-62.

[17]Ibid., 85-108.

[18]Ibid., 90.

[19]Ibid., 97.

[20]Ibid., xiv.

[21]Field Manual 27-10, 4-5.

[22]Michael Walzer, *Just and Unjust Wars*, 146.

[23]Ibid., 153.

[24]Ranier H. Spencer, "A Just War Primer," *Military Review* 73, no. 2 (February 1993): 24.

[25]Michael Walzer, *Just and Unjust Wars*, 155.

[26]Field Manual 27-10, 20. The Notice of Bombardment is: "The officer in command of an attacking force must, before commencing a bombardment, except in cases of assault, do all in his power to warn the authorities."

[27]Ranier H. Spencer, "A Just War Primer," 25.

[28]Michael Walzer, *Just and Unjust Wars*, 254.

[29]Ibid., 117-118.

[30]Ibid., 121.

[31]Ibid., 188.

[32]Ibid., xx-xxi.

[33]Ibid., xx.

[34] Pierre Hassner, "Beyond the Three Traditions: The Philosophy of War and Peace in Historical Perspective," *International Affairs* 70, no. 4 (1994): 737.

[35]Read Jeffrey Blainey, *The Causes of War* (New York: The Free Press, 1988).

[36]George F. Kennan, "Morality and Foreign Policy," *Foreign Affairs* 64, no. 2 (Winter 1985): 205-218.

[37]Martin Van Creveld, "The Fate of the State," *Parameters* 26, no. 2 (spring 1996): 4. Van Creveld gives a fitting eulogy at the state's funeral in this essay: "The state's most remarkable products to date have been Hiroshima and Auschwitz; the former could never have been built by any organization but a state, whereas the latter was above all an exercise in bureaucratic management. Whatever the future may bring, it cannot be much worse than the past."

[38]Robert D. Kaplan, "The Coming Anarchy," *The Atlantic Monthly* 273, no. 2 (February 1994): 46.

[39]Jarat Chopra and Thomas Weiss, "Sovereignty is no longer Sacrosanct: Codifying Humanitarian Intervention," *Ethics and International Affairs* 6 (1992): 95.

[40]Alvin Toffler and Heidi Toffler, *War and Anti-War: Making Sense of Global Chaos* (New York: Warner Books, Inc. 1993), 58.

[41]Steven Metz, *Strategic Horizons:The Military Implications of Alternative Futures* (Carlisle Barracks: U. S. Army War College, 1997), 32-33.

[42]Ibid.

[43]Ibid.

[44]Jessica T. Matthews, "Power Shift," *Foreign Affairs* 76, no. 1 (January-February 1997): 50-51.

[45]Anne-Marie Slaughter, "The Real New World Order: The State Strikes Back," *Foreign Affairs* 76, no. 5 (January-February 1997): 184.

[46]Jessica T. Matthews, "Power Shift," 50.

[47]Geoffrey Blainey, *The Causes of War*, 292.

[48]Steven Metz, *Strategic Horizons:The Military Implications of Alternative Futures*, 47.

[49]Congress, House, Committee on International Relations, *Global Organized Crime: Hearing before the Committee on International Relations*, 104th Cong., 2d sess., 31 January 1996, p 23. Testimony by Arnaud de Borchgrave, Senior Advisor at the Center for Strategic and International Studies.

[50]James N. Rosenau, "Normative Challenges in a Turbulent World," *Ethics and International Affairs* 6 (1992): 5-6.

[51]Ibid., 6.

[52]Thomas Homer-Dixon, "On the Threshold: Environmental Change as Acute Conflict," *International Security* 16, no. 2 (fall 1991): 102.

[53]Peter H. Gleick, "Water and Conflict: Fresh Water Resources and International Security," *International Security* 18, no. 1 (summer 1993): 79-101.

[54]Robert D. Kaplan, "The Coming Anarchy," 48.

[55]Michael Walzer, *Just and Unjust Wars*, 86.

[56]Samuel P. Huntington, "The Clash of Civilizations?" *Foreign Affairs* 72, no. 3 (summer 1993): 29.

[57]Ibid., 40.

[58]Colin S. Gray, "The Changing Nature of Warfare?" *Naval War College Review* 49, no. 2 (spring 1996): 7.

[59]Eliot A. Cohen, "A Revolution in Warfare," *Foreign Affairs* 75, no. 2 (March-April 1996): 37.

[60]Michael Starry and Charles Wreneson. "FM 100-6 Information Operations," *Military Review* 76, no. 6 (November-December 1996): 3.

[61]Andrew F. Krepinevich, "Cavalry to Computer: The Pattern of Military Revolutions," 34.

[62]Stephen Biddle, "Victory Misunderstood: What the Gulf War Tells Us about the Future of Conflict," *International Security* 21, no. 2 (fall 1996): 140.

[63]Joseph Nye and William Owens, "America's Information Edge," *Foreign Affairs* 75, no. 2 (March-April 1996): 20.

[64]Joint Chiefs of Staff, *Joint Vision 2010* (Fort Monroe: Joint Warfighting Center, 1996-97).

[65]Tom Clancy and Russell Seitz, "Five Minutes Past Midnight–and Welcome to the Age of Proliferation," *The National Interest* no. 26 (winter 1991): 3.

[66]Congress, Senate, Subcommittee on Euopean Affairs, *Loose Nukes, Nuclear Smuggling, and the Fissile-Material Problem in Russia: Hearing before the Senate Committee on Foreign Relations*, 104th Cong., 1st sess., 22 August 1995, p 6. Statement by Senator Sam Nunn.

[67]John F. Sopko, "The Changing Proliferation Threat," *Foreign Policy* no. 105 (winter 1996): 4.

[68]Department of Defense, *Proliferation: Threat and Response,* (Washington: Office of the Secretary of Defense, 1996), iii.

[69]*Proliferation: Threat and Response,* p iii.

[70]Martin van Creveld, *The Transformation of War* (New York: The Free Press, 1991), 196.

[71]Thomas B. Baines, "The Laws of War and the Rules of Peacekeeping," [database on-line] (a paper presented to the Joint Services Conference on Professional Ethics, January 31, 1997) p 6; available from http://www.usafa.af.mil/jscope/ Baines97.htm; accessed 15 November 1997.

[72]Martin van Creveld, "The Eternal Clausewitz," ed. Michael I. Handel, *Clausewitz and Modern Strategy* (London: Frank Cass and Company, 1986): 35.

[73]Michael Howard, *Clausewitz,* (Oxford: Oxford University Press, 1983): 1.

[74]Bernard Brodie, "The Continuing Relevance of On War," Carl von Clausewitz, *On War*, trnsl. Michael Howard and Peter Paret, (Princeton: Princeton University Press, 1984): 53. Note, all further citations to *On War* refer to this edition.

[75]Martin van Creveld, *The Transformation of War*, 58.

[76]Carl von Clausewitz, *On War*, 89.

[77]Edward J. Villacres and Christopher Bassford, "Reclaiming the Clausewitzian Trinity," p 6 [database on-line]; available from http://www.mnsinc.com/cbassfrd/CWZHOME/Trinity/TRINITY.htm; accessed 28 February 1999. The article first appeared in *Parameters* 25, no. 3 (fall 1995).

[78]Martin van Creveld, *The Transformation of War*, 35-42.

[79]See Ralph Peters, "The New Strategic Trinity," *Parameters* 27, no. 4 (Winter 1998): 73. John E. Shephard, Jr. "*On War*: Is Clausewitz Still Relevant?" *Parameters* 20, no. 9 (September 1990): 87. Steven Metz. "A Wake for Clausewitz: Toward a Philosophy of 21st Century Warfare," p 3 [database on-line]; available from http://www.msninc.com/cbassfrd/CWZHOME/metz.htm; accessed 28 February 1999. This article first appeared in *Parameters* 24, no. 4 (winter 1994).

[80]Carl von Clausewitz, *On War*, 89.

[81]Ibid., 89.

[82]Ibid., 88.

[83]Stephen Biddle, "Victory Misunderstood: What the Gulf War Tells Us about the Future of Conflict," 142

[84]Michael Walzer, *Just and Unjust Wars*, xxi.

[85]Ralph Peters, "A Revolution in Military Ethics?" 104.

[86]Bruce R. Ross, "The Case for Targeting Leadership in War," *Naval War College Review* 46, no. 2 (summer 1993): 80.

[87]Peter Utting, ed., *States of Disarray: The Social Effects of Globalization*, (New York: United Nations Research Institute for Social Development, 1995), 60.

[88]Robert J. Bunker, "Epochal Change: War Over Social and Political Organization," *Parameters* 27, no. 2 (summer 1997): 21.

[89]Ralph Peters, "Our Soldiers, Their Cities," *Parameters* 26, no. 1 (spring 1996): 43.

[90]Graham H. Turbiville, "Operations Other Than War: Organized Crime Division," *Military Review* 74, no. 1 (January 1994): 36.

[91]Robert J. Bunker. "Epochal Change: War Over Social and Political Organization," 18.

[92]Wayne G. Shear, "The Drug War: Applying the Lessons of Vietnam," *Naval War College Review* 47, no. 2 (summer 1994): 110-117.

[93]Peter Utting, ed. *States of Disarray: The Social Effects of Globalization*, 13.

[94]Congress, House, Committee on International Relations, *Global Organized Crime: Hearing before the Committee on International Relations*, 104th Cong., 2d sess., 31 January 1996, p 1.

CHAPTER 3

METHODOLOGY

The task of this chapter is to explain the method of qualitative analysis used to answer the research question: should American strategists accept, modify, or reject modern just-war theory as evaluation criteria of military operations in future warfare? The purpose is to show why one should accept the answer. It is not sufficient to plead, as Ralph Peters does, "you cannot, cannot, cannot play by text-book rules when your opponent hasn't read the book or has thrown it away."[1] Instead, one must logically explain why the text-book rules no longer apply, what are the alternative sets of rules to replace the text-book, and which set of rules is best supported by the facts. The first section will examine the challenges of developing a method of qualitative analysis to test modern just-war theory. The second section will outline the steps to do so.

Can Modern Just-War Theory Be Tested?

Realists are quick to argue that justice is not "objective," primarily because justice is not universal in an anarchic system.[2] This fact does not mean that justice cannot be objectively measured by a specific standard. There are two principal questions about developing a suitable method of qualitative analysis to test just-war theory that must first be addressed. Does modern just-war theory meet the definition of a theory? Second, can the general steps to test a theory be applied to modern just-war theory? If modern just-war theory meets the definition of a theory and suitable test instruments are available, then one can analyze it qualitatively.

There is a vigorous debate among just-war scholars about whether their principles constitute a tradition or a theory. The definitions of these key terms will clarify the issue. Webster's *New Collegiate Dictionary* defines a tradition as "the handing down of information, beliefs, and customs from one generation to another; cultural continuity in social attitudes and institutions."[3] Kenneth Waltz presents two accepted definitions of a theory: (1) "theories are collections or sets of laws pertaining to a particular behavior or phenomenon," and (2) "rather being mere collections of laws, theories are statements that explain them."[4] Where does modern just-war theory fall in this spectrum?

James Turner Johnson shows how the larger just-war tradition includes many theories from religious, secular, chivalric, military, and international sources.[5] Although considerable consensus does exist, some of these theories offer conflicting conclusions of the justice of the same act. It would be impossible to test the larger tradition because there is no consistent definition of what constitutes justice. It is necessary for the purpose of this analysis to narrow the scope by selecting one specific theory.

Modern just-war theory, as defined by Michael Walzer, is a subset of the larger just-war tradition. It meets both definitions of a theory. Its principles and definitions constitute a collection of laws that pertain to the behavior of just-war. Walzer's theory also explains why those laws constitute justice. The explanations are more valuable than the laws because they establish the parameters to derive definitions as conditions change.

Returning to the prominent theoretician of international relations, Kenneth Waltz provides a useful start-point to develop suitable methodology to test just-war theory. One "should state the theory being tested, infer hypotheses from it, subject the hypothesis to observation, and devise a number of distinct and demanding tests. If a test is not passed,

ask whether the theory flunks completely, needs repair and restatement, or requires a narrowing of the scope of its explanatory claims."[6] This guidance is not a complete list of the scientific method, but it contains the critical elements that must be applied to modern just-war theory.

It is certainly possible to test Walzer's specific theory of just-war using this general approach. *Just and Unjust Wars* states the theory with adequate precision. One may infer hypotheses of what constitutes just war from Walzer's definitions. The literature review provides a plethora of test cases to observe just-war theory. Furthermore, it is possible to subject these definitions to distinct and demanding tests from the realistic and moral perspectives to determine the value of the theory. Still, the significant challenge will be to decide whether the theory "flunks," "needs repair," or "requires narrowing" based on a limited number of cases.

Steps to Test Just-War Theory

To begin, one must further isolate and define the problem. Based on the literature review, the first step is to define the three test cases as the specific problems that will challenge modern just-war theory. After validating the assumptions, the next step is to develop the hypothesis. This explains how to derive the dependent variable (the outcomes: accept, modify, & reject) from the independent variables (the tests: just-war theory, realism, and moral analysis). It includes the definitions of modern just-war theory, the realistic evaluation of relative power and national interests, and the evaluation of absolute moral principles with the consequences of action and inaction. One must then consider and select the evidence. This identifies the kinds of sources available and the

rationale for selecting those appropriate for this test. To organize the facts into results, the next step describes the research tools used to discover the patterns and relationships from in the data. Finally, the last step describes the process used to interpret the evidence and reach conclusions. These procedures will now be developed in greater detail.

Step 1: Identify and Isolate the Problem

The general problem is that the modern definitions of just-war principles address conventional war between states; therefore, they may not apply to information-age warfare or "medieval" conflict between transnational, national, and subnational groups. The restrictive definitions were useful to restrain states from waging the bloody wars of the 20th century. However, the literature review shows the extent of the realistic and moral challenges future warfare presents to modern just-war. The matrix in table 2 summarizes the challenges to just-war theory based on the literature review. This matrix is not a comprehensive list of all challenges; it is simply a reflection of the challenges discussed in chapter 2.

Table 2. Future Challenges to Modern Just-War Definitions.

Just-War Principle / Future Change	Just Cause	Right Intention	Competent Authority	Last Resort	Proportional Ends	Probability of Success	Discrimination	Proportional Means
Future Global System								
State Balance of Power	O	O	O	O	O	O	O	O
Failed State System	X	X	X	X	X	X		
Tri-Sected Economic	X	X	X					
Global System	X	X	X					
Economic Globalization	X	X	X	X	X			
Clash of Civilizations								
Western Skill Revolution	X	X	X	X	X	X		
Malthusian Pressure	X	X	X	X	X	X		
Culture Clash	O	O	O	O	O	O		
Revolution in Mil. Affairs								
Advanced Weapons					X		O	O
Information Warfare	X	X	X	X	X	X	X	X
WMD Proliferation	X	X	X	X	X	X	X	X
Expansion of War								
"3rd Wave" War							X	X
Urban War							X	X
Crime War	X	X	X	X	X	X	X	X
Key: x = challenge								
o = support								

Analyzing this chart reveals several trends. Most of the future threats challenge *jus ad bellum*, especially the legalist paradigm. On balance, future capabilities tend to balance future threats to make the challenges to *jus in bello* less severe. The literature review also reveals that many future threats are logical extensions of recent military

operations in the 1990s. For example, Desert Storm introduced the challenge of strategic infrastructure attacks while Somalia introduced the problem of failed states. The pattern of challenges leads to the selection of the specific problems that will become the three test cases for just-war theory, shown below in table 3.

Table 3. The Test Cases.

Political Challenge: Netwar	• How should the United States respond to information warfare attacks against our economic infrastructure? • The test case is a future scenario developed in Chapter 4 based on the essay "The Advent of Netwar." • The test case addresses *jus ad bellum*.
Social Challenge: Kosovo	• How should the United States preserve stability and safeguard human rights in the absence of U.N. authorization to violate state sovereignty? • The test case is Operation Allied Force in Kosovo. • The test case addresses *jus ad bellum*.
Military Challenge: Desert Storm	• How should the United States reconcile the need to attack infrastructure targets like power grids with the need to protect innocent persons that depend on dual-use technologies? • The test case is the Air Campaign in Operation Desert Storm. • The test case addresses *jus in bello*.

There are several reasons to select these specific challenges. They are three difficult decisions that strategists will likely face in future warfare. None of them have been adequately addressed in the professional literature. Two cases will test *jus ad bellum* while one will test *jus in bello*, reflecting the pattern discovered by the literature review. Two are recent operations that indicate future warfare while one is a reasonable

projection of current trends. There is one challenge from each major category of future change--political, social, and military. This sampling should be sufficient to indicate a relevant set of moral criteria for further analysis.

Step 2: Develop the Hypothesis

Assumptions

One should first ensure the assumptions are valid and necessary. The two key assumptions are: (1) the optimum use of American military force is both realistically effective and morally just, and (2) the necessary use of American military force may be unjust only when there is no moral way that is realistically effective. These assumptions may be represented graphically as shown in figure 4.

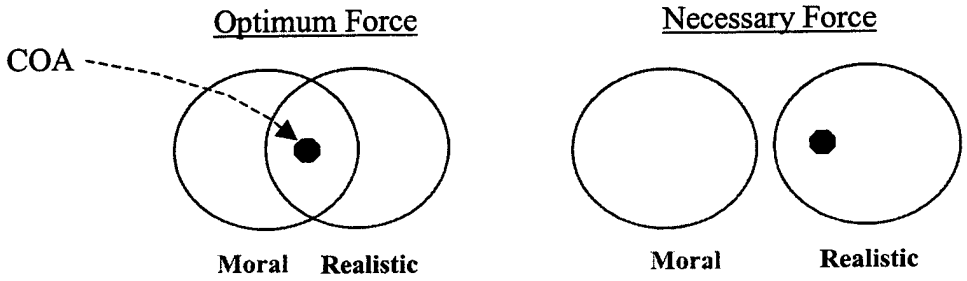


Fig. 4. Assumptions.

These assumptions are valid because they are generally consistent with American military operations and American values. Despite notable exceptions, American statesmen have attempted to fight just wars and American generals have attempted to fight them justly. If anything, the moral standard has increased over time as information empowers the American people with oversight capability. However, when statesmen or

generals believe an action is necessary, they will forsake just-war theory for the comfort provided by the letter of *The Law of Land Warfare* to protect their people. This relationship between optimum and necessary force introduces a logical procedure to determine whether one should accept, modify, or reject modern just-war theory.

The Test Case and the Realistic Military COA

The hypothesis is best represented by the flowchart in figure 2 on page 7. This flowchart depicts the subordinate research questions in sequential order from which it is possible to derive a logical answer to the research question. The process begins with a specific challenge to just-war theory. Next, the analysis will propose a realistic military course of action (COA) to respond to the challenge. The military COA will pass the "Feasible, Acceptable, Suitable" test designed by General Colin Powell to ensure military operations are both realistic and effective. To be feasible, the COA must be able to accomplish the military objective. To be acceptable, the cost of accomplishing the military objective must be worth the benefits to the American people. To be suitable, accomplishing the military objective must bring about the desired political effect.[7]

1st Subordinate Question

The first subordinate question asks: is the military COA moral according to the principles of modern just-war theory? The dependent variable is just or unjust. The independent variables are the modern definitions of just-war principles given by Michael Walzer in *Just and Unjust Wars* shown in table 4. Their values are "yes or no."

Table 4. Modern Just-War Theory.

Just-War Principle	Modern Definition
Just Cause	The legalist paradigm with Walzer's four revisions.
Right Intention	Restoration of *status quo ante bellum,* except for a Nazi-state.
Legitimate Authority	Head of government, given the legalist paradigm
Proportional Ends of War	Restoration of *status quo ante bellum*, except for a Nazi-state.
Last Resort	Reasonable belief that force is necessary, given the paradigm.
Probability of Success	Reasonable belief that force will be successful.
Proportional Means in War	Consider a cost-benefit analysis and military necessity.
Discrimination	Noncombatant immunity and Walzer's double intention.

To answer the first subordinate question, this analysis will use the research matrix in table 5 to record the data.

Table 5. Just-War Research Matrix.

1. Is the Military COA Just?	Just-War Principles								Outcome
	1	2	3	4	5	6	7	8	
Is it just to use force to respond to information warfare attacks against our economic infrastructure? (Netwar)	Yes or No	Yes or No	Yes or No	Yes or No	Yes or No	Yes or No	Yes or No	Yes or No	Just or Unjust
Is it just to use force to restore political stability and safeguard human rights in Kosovo?									
Is it just to attack electrical power grids that have dual use capabilities? (Desert Storm)									

For the use of force to be just, it must pass all eight principles of modern just-war theory. If the military COA is just, then strategists may accept just-war theory because it leads to the optimum use of force. This outcome is shown below in figure 5.

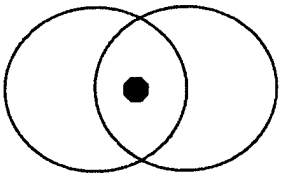


Fig. 5. Outcome 1: Accept Just-War Theory.

2d Subordinate Question

If the military COA is not moral according to just-war theory, then the second subordinate question asks: should strategists modify the military COA in accordance with just-war theory? The dependent variable is modify COA or do not modify COA. The independent variables are the concepts of national power and national interests, the two "main signposts" of political realism.[8] Analysis will determine if the restraint recommended by just-war theory increases or decreases the national power of the United States and if it protects or does not protect the national interests. To answer the second subordinate research question, this analysis will use the research matrix in table 6.

Table 6. Realism Research Matrix.

2. Should the US modify the COA in accordance with JWT?	Principles of Realism		Outcome
	National Power	National Interests	
Should the US restrain from force to respond to information warfare attacks against our economic infrastructure?	Increases or Decreases	Protects or Does Not Protect	Modify COA or Do Not Modify
Should the US restrain from force to restore political stability and safeguard human rights in Kosovo?			
Should the US restrain from attacking electrical power grids that have dual use capabilities? (Desert Storm)			

To modify the COA, the recommended restraint must increase the relative power and protect the national interests. More than the ability to "get people to do what one wants them to do," American national power is a relative term best defined by Kenneth Waltz as the ability to affect another state more than that state can affect the United States.[9] Hans Morgenthau admits "legitimate power" that can "invoke moral or legal justification" is more powerful than "illegitimate power" that cannot claim justification, but he warns, "there can be no political morality without prudence."[10] The American national interests are to enhance security, bolster prosperity, and promote democracy and human rights. The categories of interests are vital, important, and humanitarian.

If the restraint recommended by just-war theory increases the relative power of the United States and if it protects national interests, then strategists may accept just-war theory. This outcome is shown in figure 6:

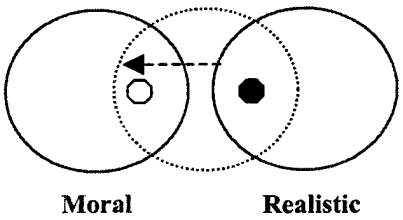


Fig. 6. Outcome 2: Accept Just-War Theory and Modify the COA.

3d Subordinate Question

If the military COA should not be changed, then the third subordinate question asks: is there moral sufficiency to modify just-war theory? The dependent variable is modify or do not modify. The independent variables are the recommendations of

absolute moral principles and the consequences of action and inaction. To answer the third subordinate research question, this analysis will use the research matrix in table 7:

Table 7. Moral Evaluation Research Matrix.

3. Should the US modify JWT?	Moral Evaluation		Outcome
	Absolute Principles	Moral Consequences	
Should the US modify JWT to allow force to respond to information warfare attacks against our economic infrastructure?	Modify or Do Not Modify	Modify or Do Not Modify	Modify or Do Not Modify
Should the US modify JWT to allow force to restore political stability and safeguard human rights in Kosovo?			
Should the US modify JWT to allow attacking electrical power grids that have dual use capabilities?			

The outcome "modify" means that modern just-war theory is not appropriate to reach a moral judgment in the case because it no longer upholds the absolute principles or limits the evil consequences involved. The outcome "do not modify" means that modern just-war theory is still appropriate to reach a moral judgment. The specific principles and consequences will be identified according to the nature of each case. If both absolute principles and moral consequences recommend to modify just-war theory, then the outcome is modify. If they both recommend do not modify just-war theory, then the outcome is do not modify. If their verdict is split, then the outcome will depend upon a subjective evaluation of the weight of moral evidence. If there is moral sufficiency to revise these definitions, then strategists should modify just-war theory. This outcome is shown below in figure 7.

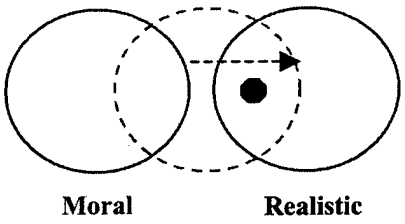


Fig. 7. Outcome 3: Modify Just-War Theory.

Conclusion

If there are not moral grounds to revise just-war theory, then strategists should reject it based on the assumption of necessary force. This case exists only when there is no possible union of the moral and realistic sets. This process eliminates the possible compromise outcomes of accepting or modifying just-war theory before finding cause to reject it. Realism demands military action while idealism prohibits the same, without possibility for compromise. This last outcome is shown below in figure 8.

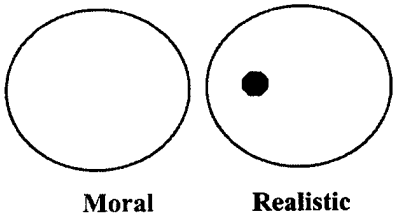


Fig. 8. Outcome 4: Reject Just-War Theory.

Step 3: Collection and Classification of the Evidence

As the literature review demonstrates, there is a vast array of sources that debate the morality of past wars and an equally vast array of opinions on the future of warfare.

There is little written evidence by which to judge the morality of future wars. This presents two significant obstacles to finding the evidence necessary to reach a conclusion.

The first is finding facts that do not yet exist. Using recent military operations that foretell future warfare helps to avoid this problem of excessive speculation by enabling one to consider primary sources and real events. Therefore, this test will strive to present government documents, political speeches, and letters from religious leaders on recent military operations that are consistent with future warfare. Using this approach, one may gather sufficient evidence to decide whether a future military course of action is moral and thereby answer the first subordinate question.

The second is a lack of expert opinions to answer the second and third subordinate questions. No expert strategist has considered whether just-war theory should cause statesmen to modify a military course of action in future warfare. Likewise, few expert just-war theorists have argued there is moral sufficiency to modify just-war theory based on future warfare. The exception is the case for armed humanitarian intervention to defend human rights, a movement that has gained strength. Therefore, this test must rely upon original strategic and ethical analysis. Ultimately, the "evidence" remains logical thought, reasonable costs and benefits, and compelling moral arguments.

Step 4: Organize the Facts into Results

The research matrices will clearly answer the subordinate research questions. One may simply follow the answers to the subordinate research questions on the hypothesis flowchart to reach conclusions in each separate case. The results from each case will then be presented in the summary research matrix in table 8.

Table 8. Summary of Research Matrix.

Test Case	Accept JWT		3. Modify JWT?	4. Reject JWT?
	1. COA Just?	2. Modify COA?		
Netwar	Yes or No	Yes or No	Yes or No	Yes or No
Kosovo				
Desert Storm				

Step 5: Form Conclusions

It is more difficult, however, to answer the primary research question. This is the same difficulty concerning Kenneth Waltz' conclusion to "flunk," "repair," or "narrow" a theory. One may legitimately question whether the results from three cases are sufficient to reach such a conclusion. This analysis will search for a consistent pattern in the results that would suggest a reasonable conclusion on a specific point. If the result is "modify," a natural step in the evolution of the just-war tradition is preferable to a radical adoption of new moral principles. If the results are mixed, this test will indicate that more study is required before reaching an ultimate conclusion. There should be a high burden of proof required to recommend modifying just-war theory, and an even higher burden to recommend its rejection.

Step 6: Synthesis

Chapter 5 will first summarize the key points from the previous chapters to review the significant reasons for this recommendation. It will then answer the primary question with a recommendation to accept, modify, or reject modern just-war theory. If the conclusion is "modify," then the recommendation will include the new definitions of its moral principles. Again, the limitation imposed by three test cases means the recommendation is, at best, the start point for continued analysis and evaluation. Finally, chapter 5 will preview the implications of this recommendation on American strategy and the unintended consequences it may bring about.

---

[1]Ralph Peters, "After the Revolution," 13.

[2]Hans Morgenthau, *Politics Among Nations: The Struggle for Power and Peace* (Boston: McGraw-Hill, 1993), 235-249. Kenneth Neal Waltz, *Theory of International Politics* (San Francisco: McGraw-Hill, 1979), 201.

[3]*Webster's New Collegiate Dictionary* (Springfield: C&C Merriam Company, 1979): 1229.

[4]Kenneth Neal Waltz, *Theory of International Politics*, 2-5.

[5]James Turner Johnson, *Just-War Tradition and the Restraint of War* (Princeton: Princeton University Press, 1981), xxi.

[6]Kenneth Neal Waltz, *Theory of International Politics*, 2-5.

[7]U.S. Army, *CGSOC Student Text C500 Operational Warfighting*, (Fort Leavenworth: U.S. Army Command and General Staff College, 1998), 25.

[8]Hans Morgenthau, *Politics Among Nations*, 5.

[9]Kenneth Neal Waltz, *Theory of International Politics*, 191.

[10]Hans Morgenthau, *Politics Among Nations*, 32.

CHAPTER 4

ANALYSIS

The task of this chapter is to analyze the three test cases in accordance with the methodology. The purpose is to reach specific conclusions in each case: to accept, modify, or reject modern just-war theory. The sections correspond to the test cases: netwar, humanitarian intervention in Kosovo, and strategic infrastructure war in Desert Storm. Within each section, the analysis will provide essential background information, develop the strategic scenario, define the realistic military course of action, apply modern just-war theory, and if necessary, apply the realism test and the moral evaluation to reach a conclusion.

Netwar and *jus ad bellum*

Background Information

It is important to understand the definitions of information warfare, cyberwar, and netwar before developing the scenario. John Alger, the Dean of the School of Information Warfare and Strategy at the National Defense University, defines information warfare to "consist of those actions intended to protect, exploit, corrupt, deny, or destroy information or information resources in order to achieve a significant advantage, objective, or victory over an adversary."[1] The scope of information warfare is deliberately broad to reflect the deepening interrelationship between information and conflict. Information warfare is one computer hacking into another to destroy information; it is also a 2,000 bomb dropped to destroy a telecommunications center.

John Arquilla and David Ronfeldt classified two sub-forms of information warfare based on the intensity and the actors involved. Cyberwar is high-intensity information warfare between national military forces that seek information dominance. It is "conducting and preparing to conduct military operations according to information principles."[2] Netwar is low-intensity conflict with at least one non-state actor. It is "societal-level conflict waged through internnetted modes of communication."[3]

Delving deeper into netwar, the non-state actors are organized as a network of distinct and diverse cells that operate mainly in cyberspace but are not limited to that domain. These cells may include "ethno-nationalists, separatists, criminal organizations, commercial predators, militant NGOs, revolutionary movements, militias, smugglers, and terrorists."[4] Thus, netwar is an example of the Medieval model of warfare where non-state actors fight to achieve information objectives to further their political or personal objectives. Arquilla and Ronfeldt make this clear: "Netwar is blurring the line between peace and war, offense and defense, and combatant and noncombatant. As a result, the United States will face a new generation of nettlesome challenges that, in our view, will require new doctrines and strategies to combat them."[5]

Is netwar plausible? Arquilla and Ronfeldt believe "netwar will no doubt prove most attractive, for the near-term future, to non-state actors. It is likely to become a policy tool of choice."[6] The Joint Security Commission agreed, "characterizing American vulnerability to infowar as 'the major security challenge of this decade and possibly the next century.'"[7] Thus, while netwar today appears as a relatively harmless prank by teenage hackers, the novelty will rapidly disappear when it becomes pervasive and significantly destructive to the national economy.

It is also important to have a framework or theory of information warfare to develop the scenario. Dorothy Denning provides a simple but appropriate model:

> Information warfare consists of offensive and defensive operations against information resources of a "win-lose" nature. It is conducted because information resources have value to people. Offensive operations aim to increase this value for the offense while decreasing it for the defense. Defensive operations seek to counter potential losses of value.[8]

Denning continues to define the purpose of the offense and defense. The offense may increase the availability of information resources to the attacker through "intelligence, espionage, piracy, penetration, fraud, identity theft, and physical theft." The offense may also decrease the integrity of information resources to the defender through "tampering, penetration, and fabrication." Finally, the offense may decrease the availability of information resources to the defender through "physical theft, sabotage, and censorship." The defense counters these "attacks" with methods that include "hiding, authentication, access controls, monitoring, plugging holes, and backing up information resources."[9]

While America has the lead in offensive cyberwar capability, it is generally on the defensive with respect to netwar.[10] Therefore, the most plausible netwar scenario involves an attack by a non-state actor against the information infrastructure of the United States.

The Strategic Scenario

The year is 2004. The American initiatives to equip and train the Columbian military have enabled government forces to score victories against the drug cartels. This support is characterized by cyberwar, the military use of information. The cartels recognize the American center of gravity is the will of the American people to support

the President's policy in an election year; however, the deaths and kidnappings of American advisors have not persuaded the Generation X voters to lose support for the administration responsible for continued record economic growth. Seeking to end American support for government forces, the cartels have chosen an asymmetric response to American military dominance.

The Columbian cartels decided to use offensive netwar to damage the information infrastructure of the United States. The strategy is deterrence by punishment: the cartels seek to raise the cost of intervention by damaging the American economy that relies increasingly upon the e-commerce. The cartels believe that sustained economic losses will lead business leaders and citizens alike to question whether the benefits of the counterdrug policy are worth the costs.

Their specific netwar attacks aim to damage the integrity and decrease the availability of information resources in the United States. Their hackers will tamper with e-business by changing orders and shipment information. They will penetrate websites to redirect visitors by changing the Domain Name Service (DNS) or Internet Protocol (IP) address. For example, when the CGSC student enters http://www.amazon.com to order *The Commanders* by Bob Woodward, then he will automatically be redirected to http://www.mickeymouse.net. They will conduct denial of service attacks to shut down e-business websites by flooding them with phony visitors. Based on 1998 data, each attack may result in losses from $500 to $500,000.[11] A sustained effort to inflict damage in the virtual world can quickly cost Americans billions of real dollars, far more damage than the cartels could ever do with guns or bombs in the physical world.

The path of the hacker's attack is difficult to trace because of practices like looping. Instead of penetrating a system directly, the hacker will "enter one system and use that as a springboard to enter another, use the second system to penetrate a third, and so forth, eventually reaching their target system."[12] Tracing the path requires the support from system administrators at each location. Because the cartels are part of a networked transnational criminal organization, they have enlisted support in many countries hostile to the United States. Thus, while criminal prosecution may be preferable from a moral and a political perspective, hostile states may obstruct justice and conceal the evidence necessary to arrest and convict those responsible for the attack.

The Military COA

How should the United States conduct defensive netwar? Arquilla and Ronfeldt show "at the strategic level of analysis, the three major concerns of defensive netwar are deterrence, preemption, and prevention."[13] Deterrence dissuades the attacker from launching netwar attacks. Preemption is a first-strike to prevent or weaken the attack. Prevention seeks to "cripple potential netwar adversaries before they develop their offensive capabilities."[14]

It is quickly obvious that the relative power ratio strongly favors the offense over the defense in netwar. Deterrence by punishment is complicated by the fact that hackers can remain anonymous to avoid prosecution. Deterrence by denial is possible but extremely difficult, especially in an open society like the United States. Given that active defense would impose unacceptable restrictions on people and business, the realistic aim would be to rapidly restore damage done by hackers to limit the economic losses.

Preemption is almost impossible since netwar does not necessitate lengthy or obvious mobilization. Preventive strategies are politically difficult since the means of netwar have legitimate dual-use capabilities. How could the United States prevent the rest of the world from participating in the information revolution and the information economy?[15]

If criminal arrest and prosecution is not possible, national intelligence means may be sufficient to indicate what organization is responsible for the netwar attacks. Arquilla and Ronfeldt find that "in these situations, retaliatory punitive action would seem appropriate to provide a dissuasive example for other would-be attackers."[16] This retaliation could be in kind, against the information resources of the enemy. It would indeed seem appropriate to hack into the offshore bank accounts of the drug cartels to recover punitive damages for their attacks.

However, if retaliation in kind is not feasible, then conventional military attack would support the strategy of deterrence by punishment. For example, the United States could use precision-guided weapons to destroy the villas of leading members of the drug cartels and their means of production. This course of action is feasible because the Tomahawk missile can accomplish the limited military objective. It is acceptable because the cost of the action is not prohibitive. It is suitable if the drug leaders realize they must cease their netwar attacks or live without their luxury homes and factories.

Is the Military COA Just?

The American use of force in this case does not meet the standard of just cause defined by the legalist paradigm. Columbia is an independent state, which has done nothing to sacrifice the loss of territorial integrity and political sovereignty.

Consequently, America is bound by the principle of non-intervention. Even if one focuses solely on the cartels rather than their host state, the cartels did not use force according to the current definitions of international law. "Armed conflict" occurs "whenever armed forces engage the armed forces of a foreign state or enter the territory of a foreign state without permission."[17] Without armed conflict, there is no aggression, and the legalist paradigm is quite clear that "nothing but aggression" can justify war. Furthermore, this case does not meet the standard of Walzer's revisions to the legalist paradigm. The netwar attacks by the cartels do not seriously risk the territorial integrity or political independence of the United States. There is no intervention to balance or humanitarian disaster that "shocks the moral conscience of mankind." The netwar attacks are a simple case of economic losses without physical destruction or loss of life.

Because the action does not meet the standard of just cause defined by the legalist paradigm, it also fails to meet the standards of right intention, competent authority, proportional ends of war, and last resort. The only intentions justified by the paradigm are reversal of aggression, balancing intervention, or stopping genocide. Deterrence by punishment is not just. The President is not legitimate authority to violate the legalist paradigm. The ends of protecting corporate profits and shareholder portfolios are not proportional to the use of force. The use of force would be considered the first resort rather than the last, since the United States did not pursue legal methods to arrest and convict the criminals. The probability of success is questionable.

While the purpose of this case is to test *jus ad bellum*, it is worthwhile to consider briefly the challenge to *jus in bello* as well. The American use of force would probably fail Walzer's test of discrimination and proportionality. The men, women, and children

living in the drug-lord villas are noncombatants and protected persons according to the letter of international law. The act of destroying their home without warning is not legitimate. Instead, the evil act is the direct means to the end: destroying the home and killing the people inside is the punishment that is directly intended to cause the drug lords to stop their attacks.

Completing the research matrix in table 9, the application of modern just-war theory reveals the military course of action is unjust. The basic conflict is the industrial-age definitions of modern just-war theory do not accept that netwar is war or that net-warriors are combatants. Instead, netwar is crime and net-warriors are criminals. A state may not commit an act of war against another state to summarily execute criminals.

Table 9. Netwar and Just-War Test.

1. Is the Military COA Just?	Just-War Principles								Outcome
	1	2	3	4	5	6	7	8	
Is it just to use force to respond to information warfare attacks against our economic infrastructure? (*Netwar*)	No	No	No	No	No	No	No	No	Unjust

Modify the Military COA?

One may make realistic arguments about relative power and protecting national interests on both sides of this question. However, both classical and neo-realists would agree that the alternatives suggested by modern just-war theory are naïve and infeasible. If authorities could arrest and convict the drug lords for computer crime, then they would have already done so for murder, kidnapping, extortion, blackmail, and drug trafficking.

Both realists would also agree that the paradigm for warfare is changing: netwar is war and net-warriors are combatants. What is the difference between a bomb that destroys a factory and a virus that shuts down a website when both do millions of dollars of damage? Why must the political leaders of the United States fail to defend the rights of their people?

The disagreement between realists is about strategy. The neo-realist could argue that the relative power of the United States would decrease with this ineffective use of force. The more America acts unilaterally in violation of international law, the larger the concern raised in other nations. The fear of "America out of control" would lead countries like Russia, China, and France to ally to restore the balance of world power and counter American hegemony. The use of force against the cartels may provoke escalation of the netwar attacks. Thus, the use of force would be a "march of folly," or "the pursuit of policy contrary to national interests."[18] America should maintain its dominance through security guarantees against traditional aggression. Given that American defensive capability is not sufficient to limit the economic damages, the best method to protect our vital economic interests would be to accomodate the drug cartels before engaging in brinksmanship or unwise drug enforcement strategies. The cost of force exceeds the benefit when one considers effects in the international system.

The classical realist could argue that accommodation smacks of appeasement, which would only make the United States appear weak and vulnerable to netwar extortion from other non-state actors who disagree with American policy. Thus, while American power relative to other states might stay the same, American power relative to non-state actors would significantly decrease the more we appear vulnerable. The lesson

is the same as 1938: the West is weak and vulnerable to exploitation. To prevent this perception from becoming reality, the United States must use force to punish the drug cartels for their netwar attacks and thereby deter future attacks against our information resources and our national interests.

The issue may well rest on timing. The neo-realist is right to shun unwise conflict with drug cartels and avoid netwar in the first place, but the classical realist is right to deter future attacks once netwar has already begun. For the sake of further analysis, the classical realist shall prevail, with the results shown below in table 10.

Table 10. Netwar and Realism Test.

2. Should the US modify the COA IAW JWT?	Principles of Realism		Outcome
	National Power	National Interests	
Should the US restrain from force to respond to information warfare attacks against our economic infrastructure?	COA Increases Power	COA Protects Interests	Do Not Modify COA

Modify modern Just-War Theory?

The absolute principles at stake show that modern just-war theory is still appropriate to reach a moral judgment. Netwar does not equal terrorism when there is no loss of life; hackers have not forfeited their right to life by their crime. Furthermore, the principle of discrimination to protect innocent persons must take precedence over corporate profits. If one modifies the principle of non-intervention upheld by the legalist paradigm, then the last vestiges of the Westphalian stability would be swept away. In place of international law, international anarchy reigns supreme when one state may bomb another for an economic grievance. Absolute principles are without exception.

On balance, the moral consequences of the military course of action reveal that modern just-war theory is not appropriate to reach a moral judgment in this case. One could argue that more people would die if nations disregarded the modern restrictive definitions. Yet others could respond that netwar is an attack that does real damage. People, and by extension the state, have a right to defend their way of life and their means of making a living. Martin van Creveld predicts "over time a different war convention will emerge, possibly one that is based on distinctions between the guilty and the innocent."[19] Checking the power of the cartels would enable the people of Columbia and drug addicts in the United States to escape from the tyranny of drugs.

This case shows the inherent conflict between medieval-style warfare and modern moral definitions. The language of modern just-war theory does not allow or encourage a moral debate to weigh the values at stake. It either categorically forbids action or fails to address the moral consequences. In contrast, the basic definitions in dictionaries prove more useful than the fast becoming archaic language of international law. For example, *Black's Law Dictionary* defines a weapon as "an instrument of offensive or defensive combat, or anything used or designed to be used, in destroying, defeating, or injuring a person."[20] *Webster's Dictionary* says a weapon is "something to fight with," an attack is "to act on injuriously" or "a belligerent or antagonistic action," and a combatant is "one who engages in a fight or contest between individuals or groups."[21] Thus, the computer is a weapon, netwar is an attack, and the hacker along with those who give him orders are combatants in common language. The problem is defining moral principles in purely legal terms that no longer reflect the moral issues. The language of international law and modern just-war theory has not accounted for the paradigm shift in warfare.

Given the "medieval" threat, what would St. Augustine advise? His classic definition of just cause used moral, not legal, language: "defense against an attack, recovery of something wrongly taken, or punishment of evil."[22] One can debate the moral issues using St. Augustine's definitions. For example, the use of force is a just defense against netwar because it extends deterrence by punishment. It recovers information resources wrongly damaged by the drug cartels. It punishes the evil drug cartels that destroy millions of lives. Furthermore, the use of force meets the additional tests of St. Thomas Aquinas. The President is legitimate authority to order the attack and his right intention is peace, in America and Columbia.[23] Finally, the use of force meets the additional conditions of Vitoria and Suarez. The damage done by precision guided munitions and the loss of life is arguably proportional to the netwar damage done by the drug cartels and the loss of life they cause with their trade and struggle for power in Columbia. The President may argue that peaceful, legal means to bring the drug lords to justice have failed, or at least they are not likely to prove effective. The question of probability of success is the crux of the argument between realists, yet there is a credible analogy between accommodating the druglord and appeasing the dictator. Deterrence by punishment may not succeed but defense by appeasement will certainly fail.

This analysis shows how the principles of the just-war tradition are still relevant: they enable strategists to weigh the moral issues at stake. It is only the modern definitions of just-war theory that are no longer appropriate to debate the use of force. Given the significant evil done by the cartels to the economy and the people of Columbia, the moral consequences support modifying modern just-war theory by returning to the classic definitions of *jus ad bellum*. This outcome is shown in table 11.

Table 11. Netwar and Moral Evaluation.

3. Should the US modify JWT?	Moral Evaluation		Outcome
	Absolute Principles	Moral Consequences	
Should the US modify JWT to consider using force to respond to netwar attacks against our economic infrastructure?	Do Not Modify	Modify	Modify

Conclusion

There is moral sufficiency in this case to modify modern just-war theory by returning the definitions of *jus ad bellum* principles to their classic roots. The legalist paradigm is no longer sufficient to be the sole definition of just cause and the overriding principle of *jus ad bellum.* Its blanket prohibition does not adequately allow strategists to weigh the moral issues at stake in these new manifestations of human conflict.

What, exactly, are the classic definitions of just-war principles that will serve as appropriate moral criteria to evaluate military operations in future warfare? As noted, James Turner Johnson offers suitable classic definitions. Just Cause is "defense against an attack, recovery of something wrongly taken, or the punishment of evil." Legitimate Authority, or "the political leadership of a sovereign state duly authorized by legitimate political processes," should decide to use force. Right Intention "centers, positively, on such goals as protection or restoration of national, civil, and human rights, reestablishment of order and stability, and the promotion of peace." Johnson is clear that "peace" encompasses three values--order, justice, and peace--rather than a simplistic goal of pacifism. Johnson describes the calculation that governs the principle of Proportionality of Good over Evil: "One must first assess the evil that has already been done--damage to

lives and property, as well as harm to the more intangible human rights, self-government, and a peaceful and stable world order. Second, one must calculate the costs of allowing the situation of wrongdoing to continue. Finally, one must evaluate the various means of righting these wrongs in terms of their own costs, as well as the benefits they might produce." To define the Reasonable Hope of Success, Johnson differentiates between the "setting the conditions" and actual "achievement." "The use of force may establish the conditions for order, justice, and peace by eliminating the threats posed to them; that is the most realistic definition of 'success' in the use of military force. The actual achievement of these goals is the broader work of good statecraft, building on the base of the established conditions." War as a Last Resort requires "before engaging in military action, a government should determine whether the wrongs involved can be redressed by means other than force. It is important to note that the criterion of last resort does not mean that all possible non-military options must first be tried; rather, a prudential judgment must be made as to whether *only* a rightly authorized use of force can, in the given circumstances, achieve the goods defined by the just cause, with the right intention, at proportionate cost, with reasonable hope of success."[24]

If one accepts, as Johnson eloquently argues, that "the just war tradition in western culture is best understood as a broad river of ideas and practice moving through history, with specific streams now combining in various ways, now separating and moving along their own paths," then returning *jus ad bellum* to its classic roots is not a radical departure from its normal evolution.[25] For a while, the streams of modern Just War theory and the legalist paradigm merged; now they are separating as war changes. The just-war pendulum would swing in the same direction as the nature of warfare.

Kosovo and *jus ad bellum*

Background Information

David Fromkin observes, "Like a prism, the experience of Kosovo shows the range of possibilities among which the United States must choose as it and the world enter a new age. The Kosovo war raises the question of the extent to which America, in the world outside its borders, has the power to do good--or even whether it knows with any certainty what 'good' is."[26] This observation captures the debate between realists about power and interest and between moralists about the limitations of modern just-war theory. This analysis will focus on Fromkin's ideas on power (realism) and good (modern just-war theory).

While the historical causes are centuries old, the proximate cause of the conflict can be dated to March 18, 1999, when the Serb delegation suspended peace talks at Rambouillet. The next day, 40,000 soldiers and special police troops and 300 tanks launched an offensive in Kosovo to drive thousands of ethnic Albanians from their homes in a brutal ethnic cleansing. Serbian atrocities included detention, summary and massed executions, systematic rape, burning of homes and mosques, and looting property. The State Department estimated 10,000 ethnic Albanians were murdered and concluded, "as a result of Serbian efforts to expel the ethnic Albanian majority from Kosovo, almost one million Kosovar Albanians left the province and another 500,000 have been internally displaced."[27] This brutal campaign was conducted in spite of strong, public NATO opposition and threats of retaliatory force.

The Strategic Scenario

President Clinton said the NATO political objective in Kosovo "remains clear: to stop the killing and achieve a durable peace that restores Kosovars to self-governance."[28] It is important to remember that "self-governance" did not mean "independence"; to the contrary, the NATO objective was to restore the autonomous status of Kosovo within the Yugoslav Federal Republic. The specific political demands by the heads of state and government of the NATO alliance were that Yugoslavian President Milosevic must:

> (1) Ensure a verifiable stop to all military action and the immediate ending of violence and repression in Kosovo.
>
> (2) Withdraw from Kosovo his military, police, and para-military forces.
>
> (3) Agree to the stationing in Kosovo of an international military presence.
>
> (4) Agree to the unconditional and safe return of all refugees and displaced persons, and unhindered access to them by humanitarian aid organizations.
>
> (5) Provide credible assurance of his willingness to work for the establishment of a political framework agreement based on the Rambouillet accords.[29]

To achieve these political objectives, General Hugh Shelton, Chairman of the Joint Chiefs of Staff, reported that the military objectives of the NATO alliance were:

> (1) To demonstrate the seriousness of NATO's opposition to Belgrade's aggression in the Balkans.
>
> (2) To deter Milosevic from continuing and escalating his attacks on helpless civilians and create the conditions to reverse his ethnic cleansing.
>
> (3) To damage Serbia's capacity to wage war against Kosovo in the future or spread war to neighbors by diminishing or degrading its ability to wage military operations.[30]

The Military COA

General Wesley K. Clark, Supreme Allied Commander Europe (SACEUR), outlined the military strategy to achieve these objectives on April 1, 1999.[31] That strategy is perhaps best described as a graduated response because it systematically increased the pressure on Milosevic to agree to the NATO conditions rather than using overwhelming decisive force from the start. Phase 0 shifted NATO aircraft to operational airfields in the region as a political signal of NATO resolve. Phase 1 conducted limited air operations to degrade the integrated air defense systems, command and control systems, and even some deployed troops in the field. Aircraft were deliberately kept above 15,000 feet to avoid casualties. Phase 2 focused more intensively on the force structure and forces in the field. This included military infrastructure in Kosovo, reinforcements, headquarters, telecommunications, material depots, and systems for the production and storage of fuel. Eventually, "at the insistence of U.S. leaders, NATO widened the air campaign to produce strategic effects in Serbia proper."[32] To further increase the pressure on Milosevic, "Russian envoy Viktor Chernomyrdin apparently told Milosevic that NATO would use ground forces if the air campaign failed and that Russia would not stand in NATO's way. Milosevic's one way out, the Russian suggested, was to settle now before a ground war raised the stakes. On June 3, the day that Clinton was to meet with his Joint Chiefs to discuss various ground options, Milosevic did just that."[33]

When Yugoslavian President Milosevic agreed to the NATO demands on June 9, the cease-fire went into effect the next day. American leaders were quick to proclaim that "NATO accomplished its mission and achieved all of its strategic, operational, and tactical goals," giving credit for victory to "the solidarity of the NATO alliance, the

continuous efforts to engage Russia in diplomacy, the buildup of NATO ground combat power, and the persistent military efforts of the Kosovar Albanians."[34]

Is the Military COA Just?

At first glance, Operation Allied Force would appear to fail to meet the standards of the legalist paradigm. Kosovo was a province within the Federal Republic of Yugoslavia. Federal forces had as much right to suppress rebellion in Kosovo as federal forces did in the South during the American Civil War. No western leader claimed the Serbian act constituted classic aggression against a sovereign state because they did not support sovereignty for Kosovo. There were pre-war atrocities committed by Serbs and the Kosovo Liberation Army, although clearly Serbia was the more extreme. Nevertheless, their evil acts fell well short of "enslavement or massacre."

However, Walzer himself opens the door to argument with his second revision to the legalist paradigm: "Hence, the ban on boundary crossings is subject to unilateral suspension. . . . when a particular set of boundaries clearly contains two or more political communities, one of which is already engaged in a large-scale military struggle for independence; that is, when what is at issue is secession or 'national liberation.'"[35] Secession or national liberation is still the stated goal of the Kosovo Liberation Army, which "supplanted the ineffectual leadership of the moderate voice of Kosovo's ethnic Albanian majority, Ibrahim Rugova."[36] Rugova wanted to pursue a "peaceful revolution and an example of civility and tolerance that would earn the backing of the of the Western democracies."[37] However, the Albanian people felt "a deep, deep sense of betrayal" by the Dayton Accords, which preserved a multi-ethnic state in principle but

rewarded Serbian aggression by partition in practice. As one Kosovar said, that "taught us a painful truth, that those that want freedom must fight for it."[38] Thus, the KLA movement that once represented the fringe of ethnic Albanian support grew to meet Walzer's standard of a national liberation movement when Kosovo underwent "a generational shift much like that in the Israeli-occupied West Bank and Gaza Strip at the start of the *intifada*."[39]

However, NATO cannot claim justice under this principle because it did not fight to aid the secessionist or national liberation movement. To the contrary, the Western alliance worked "feverishly to blunt the momentum toward a war of independence" because it feared encouraging worldwide self-determination.[40] Thus, the NATO action is filled with modern moral inconsistencies. It would be unjust by the legalist paradigm to attack Serbia to wage a preventive war against future aggression, but that was the realistic interest at stake. It would be unjust by the legalist paradigm to attack Serbia on humanitarian grounds, especially when the military strategy did not risk Western casualties to save the Eastern people, but that was the humanitarian interest at stake. It would be just to aid the liberation of Kosovo, but that was never the goal.

The remaining definitions of modern just-war theory are stretched even further by the complexity of this unusual war. In a twist of moral logic, one of NATO's three stated intentions was right even though the cause was unjust. NATO rightly intended to achieve *status quo ante bellum*, or returning the situation to the stability of Tito's reign with the same political relationships. This intention conflicts with the only just cause, which was aiding the effort of the KLA to secede in a war of national liberation. NATO was not legitimate authority to ignore the revised legalist paradigm. The good effect was not

proportional to the violence of war because it failed the legalist paradigm. The action may reasonably be considered the last resort, given documented Serbian intransigence. Yet given the determination of the KLA to pursue independence, many believe there is no realistic probability of successfully restoring the pre-war multi-ethnic Kosovo province within Yugoslavia without long-term commitment and reform intervention.[41] These convoluted results are depicted in the research matrix in table 12.

Table 12. Kosovo and Just-War Test.

1. Is the Military COA Just?	Just-War Principles								Outcome
	1	2	3	4	5	6	7	8	
Is it just to use force to preserve political stability and safeguard human rights in Kosovo?	No	1/3 Yes	No	No	Yes	No	n/a	n/a	Unjust

Modify the Military COA?

The realist debate focuses on the change in the relative power relationships and protecting the national interests of NATO countries. Arguments of credibility and deterrence between classical and neo-realists again rule this debate.

This time, the neo-realist could take the affirmative stance. If NATO did not follow through with the use of force in Kosovo, then its credibility and by extension its relative power would decrease. Milosevic deliberately called NATO's bluff; he knew NATO held the winning hand, but he doubted it had the political courage to match the bet. If NATO folded, then it would indeed appear weak in the eyes of every would-be aggressor or suppressor of human rights. NATO had to play out the hand in order to protect its vital and important interests in the region and around the world.

The historical analogy to Rome is useful. As Edward Luttwak argues, "for the Romans as for ourselves, the elusive goal of strategic statecraft was to provide security for the civilization without prejudicing the vitality of its economic base and without compromising the stability of an evolving political order."[42] In other words, the Western democracies want to secure their prosperous way of life without spending too much on defense and without provoking or promoting rebellion around the world. How did the Romans succeed?

> Military force was clearly recognized for what it is, an essentially limited instrument of power, costly and brittle. Much better to conserve force and use military power indirectly, as the instrument of political warfare. . . . After fighting the Carthaginians, the Romans finally learned that the most desirable use of military power was not military at all, but political; and indeed they conquered the entire Hellenistic world with few battles and much coercive diplomacy.[43]

The political use of military power rested upon coercive diplomacy. "Above all, the Romans clearly realized that the dominant dimension of power was not physical but psychological--the product of others' perceptions of Roman strength rather than the use of this strength."[44] The goal is deterrence through psychological intimidation.

Luttwak goes on to identify the classic case that "reveals the exceedingly subtle workings of a long-range security policy based on deterrence." Following the Jewish War, a few hundred rebel Jews took refuge on the mountaintop fortress of Masada. Rome could have posted a few hundred cavalry to guard them and wait for their water supply to run out. Instead, an entire legion laid siege for three years and "reduced the fortress by great works of engineering, including a ramp reaching the full height of the mountain." Why this seemingly inefficient use of force to secure an insignificant imperial interest? It was a deliberate act to enhance the psychological power of Roman

deterrence: "The lesson of Masada was that the Romans would pursue rebellion, even to the mountain tops in remote deserts to destroy its last vestiges, regardless of cost."[45]

The neo-realist could argue that Kosovo was NATO's Masada. The lesson of Kosovo was that NATO would follow through, even to the mountaintops in remote Balkan regions to enforce political stability and safeguard human rights. By going to war to satisfy neither Serbia nor the KLA, by punishing Serbia without risk of Western casualties and without regard for Kosovar casualties, NATO acted to preserve the psychological power of its coercive diplomacy. In this way, NATO retains the power to protect its vital and important interests: "stability in NATO's southeastern region, ending a humanitarian crisis of staggering proportions, and preserving the credibility of the NATO alliance."[46] Milosevic publicly challenged NATO's credibility in Kosovo just as the rebel Jews challenged Caesar's credibility at Masada; therefore, NATO had to act to restore stability, defend human rights, and punish Milosevic.

Unfortunately, the classical realists would counter, NATO lacks the Roman ruthlessness to pull it off and the half-hearted use of force was worse than not using force at all. Luttwak points out the all-too apparent weaknesses in the Allied use of force:

> 1. For all the noise and imagery suggestive of a massive operation, very few strike sorties were actually flown during the first few weeks.
> 2. The air campaign targeted air defense systems first and foremost, at the price of very limited destruction and the loss of any shock effect.
> 3. NATO avoided most anti-aircraft weapons by releasing munitions not from optimal altitudes but from an ultra-safe 15,000 feet or more.
> 4. The alliance greatly restricted operations in less-than-perfect weather conditions. In truth, what the cloud ceiling prohibited was not all bombing—low altitude attacks could easily have taken place—but rather perfectly safe bombing.
> 5. The US Army Apache helicopters based in Germany required more than three weeks of pre-deployment preparations and six weeks into the war, the Apaches had yet to fly their first mission, although two had crashed during training.

6. Neither the A-10 Warthogs nor the British Harriers, ideal for low-altitude bombing, were employed because it could not be done in perfect safety.[47]

Far from the ostentatious display of overwhelming Roman strength that crushed rebellion decisively at Masada, NATO reluctantly and timidly tried to back out of the corner when its coercive diplomacy failed. It defeated neither the Serbs nor the KLA, but simply imposed a tenuous cease-fire at best. As Luttwak notes, "a cease-fire tends to arrest war-induced exhaustion and lets belligerents reconstitute and rearm their forces. It intensifies and prolongs the struggle once the cease-fire ends--and it usually does end."[48] This points to ultimate failure in Kosovo, a likely outcome according to Chris Hedges:

> In Kosovo, the stationing of international troops may prevent all-out fighting and provide the breathing space to negotiate a workable solution. But given the deep rifts between the sides, the latter is hardly likely. . . . In the end, it will come to this: led by the KLA, Kosovo will separate from Serbia, whether by negotiations or by violence.[49]

Neither Serbia nor the KLA was exhausted by four years of war, as were the belligerents Bosnia. Both the Serbs and the KLA remain optimistic they can achieve their goals by force, which increases the chance of war and suggests that the probability of ultimate success is nil.

What then, would classical realists recommend? Michael Mandelbaum is long on criticism but short on recommendations in his essay "A Perfect Failure: NATO's War Against Yugoslavia." His conclusion points to non-intervention from the start: "Focusing the vast strength of American foreign policy on a tiny former Ottoman possession of no strategic importance or economic value, with which the United States has no ties of history, geography, or sentiment, is something that not even the most powerful and visionary of her [Secretary of State Albright] predecessors. . . . could have imagined."[50]

Amongst realists, Edward Luttwak has been bold enough to write that the West should let civil wars burn out on their own. "Too many wars nowadays become endemic conflicts that never end because the transformative effects of decisive victory and exhaustion are blocked by outside intervention. Policy elites should actively resist the emotional impulse to intervene in other people's wars--not because they are indifferent to human suffering but precisely because they care about it and want to facilitate the advent of peace."[51] Classical realists would argue for non-intervention from the start because the use of NATO force without decisive results weakens its relative power and its ability to protect truly vital interests. The path to world stability is to send a signal to would-be separatists that they are on their own and must win by their own force of arms. The weak would no longer fight in hopes of provoking Western intervention and assistance.

Who is right? As in the first case, it is much more difficult to decide the realist debate than the moral debate. The classical realists are right, if NATO leaders could have resisted the media pressure and pursued that policy from the start. Once NATO was engaged, Kosovo became a near-vital interest. NATO had little choice but to follow through or fold, and the results were not without success. NATO held together politically, despite the pundits' predictions. Milosevic conceded to NATO's demands, and as a result, "life in the province is much better for Kosovar Albanians than it was prior to the use of force."[52] There is still time and opportunity to devise a political settlement that reflects the regional balance of power. Thus, while the air campaign did not match the Roman ramp at Masada for psychological effect, NATO certainly lost less power by acting than it would have by folding. These results are shown in table 13.

Table 13. Kosovo and Realism Test.

Should the US modify the COA IAW JWT?	Principles of Realism		Outcome
	National Power	National Interests	
Should the US restrain from force to preserve political stability and safeguard human rights in Kosovo?	COA Increases Power	COA Protects Interests	Do Not Modify COA

Modify modern Just-War Theory?

The moral debate will focus on modern just-war theory's ability to defend human rights in Kosovo by deterring or reversing the Serb campaign of ethnic cleansing. If there were no humanitarian concern, then NATO would not have been forced to act to preserve its credibility. Thus, the humanitarian concern is the true proximate cause of the conflict and one worthy of analysis in its own right. Indeed, "even adherents of the nonintervention norm have argued that Walzer's criteria are too restrictive in principle or cannot in any case be reached on the basis of his starting point, which recognizes the priority of individual rights."[53] Do Walzer's revisions need revising?

There is a moral dilemma between the absolute principle of non-intervention within the legalist paradigm and the absolute principle of human rights of Kosovars to live free from rape, murder, and terror. Given the decreased chance of superpower confrontation in the post-Cold War world, many prominent ethicists conclude, "sovereignty is no longer sacrosanct."[54] They turn non-intervention around by noting that "reservations about 'humanitarian intervention' can be addressed by reformulating the issue as 'humanitarian solidarity.'"[55] However, opening the loophole in international law can give *carte blanche* to states to intervene with mixed motives whenever they can point to some atrocity. Comparing Chechnya to Kosovo makes this clear.

Fearful of abuse, Chopra and Weiss explored ways of codifying the international law of humanitarian intervention. They advocate two criteria:

> (1) To circumscribe illegitimate justifications, the United Nations should have the sole responsibility for determining the existence of humanitarian crises, in the manner that it has a monopoly to "determine the existence of any threat to the peace, breach of peace, or act of aggression" under Article 39.
>
> (2) "Collective" must mean the subordination of command and control of sovereign armed forces to a centralized instrument, authorized to act by the larger community in the event of a crisis.[56]

Once ethicists set restrictive conditions on absolute principles, the simple issue suddenly becomes complex. United Nations Security Council Resolution 1199 demanded a cessation of hostilities in Kosovo and warned "should the measures demanded in this resolution not be taken, additional measures to maintain or restore peace and stability in the region will be considered."[57] This meets the first test. However, NATO did not return to the Security Council for authorization to use force because of the certain Russian and Chinese veto. Does "the larger community" in the second test include the Western Alliance or is it only the United Nations Security Council? How does bureaucratic approval from one specific organization alter the inherent good or evil of the intervention? Restrictive definitions cannot reconcile absolute principles that are mutually exclusive, such as non-intervention and human rights.

The problem is the legalist paradigm, the sole definition of just cause, does not allow one to weigh the consequences of action and inaction to reach a moral judgment. Walzer's descriptive language, "acts that shock the moral conscience of mankind," shows the path to follow. It is only reading his examples of "enslavement or massacre" as the minimum standard that leads one astray. Of course, since "one atrocity on television is

worth 10,000 casualties,"[58] one should be skeptical of an emotional response. To weigh the consequences of humanitarian intervention against those of non-intervention, the most appropriate scale is classic *jus ad bellum*.

By St. Augustine's standard, Operation Allied Force was a just use of force to defend the human rights of the Kosovar Albanians, to recover what Serbs wrongly took from them, and to punish Serbia for its campaign of ethnic cleansing that included systematic rape, torture, and murder. The duly elected political leadership of NATO was legitimate authority to decide to use force. Their intention was right, "acting out of altruism" to reestablish order, justice, and peace in Kosovo.[59] Judging proportionality, even realists admit the humanitarian achievements "outweighed the tragedies that befell the ethnic Albanians over the 78 days of air war."[60] The action was reasonably a last resort, since economic sanctions and diplomatic condemnations matter less to Milosevic than the importance of Kosovo to maintaining his grip on political power.

The really difficult question is probability of success over the long term. Rebecca West argues, "history still lives in the Balkans. Ghosts haunt; feuds never die. No nation, no clan, will live in peace with another. Nationalism is the force that drives history in these fierce Slavic lands." Yet Fromkin follows her idea to observe, "the United States, however, is the country that does not believe in history."[61] This denial of history and the incentive to suppress worldwide separatist rebellion based on self-determination led the United States "to pursue a goal that is opposed by both parties to the conflict."[62] Thus, America rejected the strategy that offers the best probability of success: establishing an independent Kosovar state. Still, there is time for NATO to construct the trappings of a multi-ethnic state that hides the unpleasant reality of partition.

Therefore, strategists should modify modern just-war theory by returning the definitions of the principles of *jus ad bellum* to their classic roots. This result is shown in table 14.

Table 14. Kosovo and Moral Evaluation.

3. Should the US modify JWT?	Moral Evaluation		Outcome
	Absolute Principles	Moral Consequences	
Should the US modify JWT to preserve political stability and safeguard human rights in Kosovo?	Do Not Modify	Modify	Modify

Conclusion

This analysis again shows that the principles of just-war theory have merit and that the classic definitions succeed where the modern definitions fail to reach a moral judgment. The classic descriptions allow strategists to debate the moral issues involved. The modern restrictions are not sufficient to consider this complex new form of warfare between states and non-state actors.

Ultimately, the moral criteria must be able to resolve the tension between power and goodness. David Fromkin observes how, traveling through the Balkans in the 1930's, Rebecca West was "perplexed by the dilemma of politics: if you were ruthless enough to gain the power to change the world, you would probably lack the idealism to change it for the better. But if you were sensitive and gentle and good, you were unlikely to command enough force to translate your programs into reality."[63] Struggling to be "sensitive Romans" in the age of instant telecommunications, America should return to the classic just-war tradition to resolve this dilemma in the Balkans.

The Gulf War and *jus in bello*

Background Information

Since the Gulf War has been a matter of historical record for nine years, there is no need to review extensive background information to set up the scenario. The analysis will only consider the decision to attack Iraqi electrical power as part of the strategic air campaign. This requires balancing the moral principles of proportionality and discrimination with the realistic principle of military necessity. This narrow focus is sufficient to reach conclusions about modern just-war theory and strategic infrastructure war.

The Strategic Scenario

The *Gulf War Air Power Survey* provides a good summary of the strategic scenario. President George Bush declared the political objectives of the United States with respect to the Iraqi invasion of Kuwait were:

> 1. To effect the immediate, complete, and unconditional withdrawal of all Iraqi forces from Kuwait.
> 2. To restore Kuwait's legitimate government.
> 3. To protect the lives of American citizens abroad.
> 4. To promote the security and the stability of the Persian Gulf.[64]

From these political objectives, it is clear that the use of military force sought to obtain significant concessions from the Iraqi leadership. Dictators generally do not surrender their conquests without a fight, if only out of fear for their personal survival. Additionally, President Bush also imposed two primary political constraints on U.S. military action:

> 1. Minimize U.S. and Coalition casualties and reduce collateral damage incident to military attacks, taking special precautions to minimize civilian casualties.
> 2. The United States will discourage the government of Israel from participating in any military action.[65]

The first constraint is key for the purpose of this analysis, since its goal is to respect the just-war principles of proportionality and discrimination. Yet one implication of this constraint is to minimize both American and Iraqi casualties by avoiding a ground war if possible. Thus, there is considerable tension inherent in this constraint: increasing pressure on Saddam Hussein decreases the possibility of a ground war but increases the possibility of direct or indirect civilian casualties.

There was considerable time to plan the air campaign, with close coordination between civilian and military leaders in Washington and Riyadh. The Combined Operations Plan for Offensive Operations to Eject Iraqi Forces from Kuwait (Operation Desert Storm) declared the operational campaign objectives were to:

1. Destroy Iraq's military capability to wage war.
2. Gain and maintain air supremacy.
3. Cut Iraqi supply lines.
4. Destroy Iraq's chemical, biological, and nuclear capability.
5. Destroy Republican Guard forces.
6. Liberate Kuwait City with Arab forces.[66]

The offensive campaign plan to achieve these military objectives contained four phases:

1. Phase I – Strategic Air Campaign.
2. Phase II – Air Supremacy in the Kuwait Theater of Operations.
3. Phase III – Battlefield Preparation.
4. Phase IV – Ground Offensive Campaign.[67]

As the survey states, "although each phase has specific objectives, execution of the phases is not necessarily discrete; phases may overlap as resources become available and priorities shift." This means that the Strategic Air Campaign in Phase I continued simultaneously during Phases II and III.

The American way of war first identifies the enemy's center(s) of gravity and then systematically destroys them to render the enemy incapable of further resistance. *Joint Publication 3-0, Doctrine for Joint Operations*, gives the official definition of a center of gravity:

> Centers of gravity are the foundation of capability--what Clausewitz called "the hub of all power and movement, on which everything depends . . . the point at which all our energies should be directed." They are those characteristics, capabilities, or locations from which a military force derives its freedom of action, physical strength, or will to fight. At the strategic level, centers of gravity might include a military force, an alliance, national will or public support, a set of critical capabilities or functions, or national strategy itself.[68]

The Combined Operations Plan identified these three enemy centers of gravity: (1) leadership and command and control, (2) chemical, biological, and nuclear capability, and (3) forces of the Republican Guard.[69] The enemy values his centers of gravity, for they are his primary means to impose his will in war. Therefore, attacking enemy centers of gravity directly adds to the coercive effect of strategic attack using airpower.

The Military Course of Action

As the start point to analyze the strategic air campaign, the *Air Force Basic Doctrine* manual makes the following comments about the concept of *strategic attack*:

> Strategic attack is defined as those operations intended to directly achieve strategic effects by striking at the enemy's centers of gravity. These operations are designed to achieve their objectives without first having to necessarily engage the adversary's fielded military forces in extended operations at the operational and tactical levels of war.
>
> Strategic attack should produce effects well beyond the proportion of effort expended in their execution. If properly applied, it is the most efficient means of employing air and space power. It provides the theater commander with the option of creating decisive, far-reaching effects against an adversary while avoiding loss of life and expenditure of treasure.

> Strategic attack is a function of objectives or effects achieved, not forces employed. . . . Whether one uses aircraft, missiles, or information attack, the enemy's command and control should always be the target of particular focus in strategic attack.[70]

Air Force advocates of strategic attack on the staff of the Joint Force Air Component Commander (JFACC) believed that proper strategic attack would cause Saddam Hussein to agree to the Coalition's demands without the need to conduct a ground campaign.[71] They were less clear on the exact cause and effect relationship that would achieve this goal. Would strategic attack cause Hussein to concede by destroying what he values or by degrading the people's quality of life to the extent that they would revolt and successfully overthrow Hussein's regime? Air planners pursued both strategies simultaneously, even though one could argue they are mutually exclusive.

Faith in strategic attack led air campaign planners to go beyond the three centers of gravity listed in the Operations Plan. The eight categories of strategic attack targets included: (1) national telecommunications and command, control, communications; (2) national leadership facilities; (3) Iraq's nuclear, chemical, and biological warfare capabilities; (4) military support facilities; (5) Iraq's short-range ballistic missile systems (SCUDs); (6) electric power; (7) major oil storage depots and refineries; (8) key bridges and railway facilities.[72] Again, the reason for including these other target categories in addition to the enemy centers of gravity is to "directly affect the will and means of an enemy nation, or its leaders, through the application of airborne firepower."[73] This statement marks the transition point in campaign planning. Previously, the operational concept of the joint campaign was to attack the will and the means of the *military* to resist

the Coalition's forces. In contrast, the operational concept of the strategic air campaign was to attack the will and the means of both the *military and people* to resist.

Breaking the will of the military and the people is a consistent theme in airpower theory. Colonel John Warden, the intellectual force behind the air campaign in Operation Desert Storm, makes this clear in his justification to attack Iraqi electrical power:

> A strategic center of gravity for most states beyond the agrarian stage is the power generation system. Without electric power, production of civil and military goods, distribution of food and other essentials, civil and military communication, and life in general become difficult to impossible. Unless the stakes in the war are very high, most states will make the desired concessions when their power generation system is put under sufficient pressure or actually destroyed. . . . The concessions may come because (1) damage to essential production makes fighting difficult or impossible, or (2) damage to essential production has internal or economic repercussions which are too costly to bear.[74]

This justification reveals three independent reasons for Hussein to concede to Coalition demands due to the loss of electrical power. Air planners assumed that Hussein would make concessions if life for his people became "difficult or impossible." Therefore, they attacked electrical power to "put the lights out in Baghdad to have a psychological effect on the average Iraqi."[75] They assumed that Hussein would quit rather than fight degraded without electrical power. Therefore, they attacked electrical power to force Iraq to use back-up generators for command and control systems and they cut the supply of oil to power those generators. They assumed that Hussein would quit rather than lose his means of producing weapons and armaments. This belief stems, in part, from the U.S. Strategic Bombing Survey of World War II. However, that survey focused solely on industrial warfare: "electrical power was an excellent strategic bombing target--one which, if it had been significantly damaged, would have had a decisive effect on the ability of Germany's industrial economy to continue to supply the needs of the war."[76]

Although the motives for attacking Iraqi electrical power grids were mixed, "the focus of attacks on Iraqi electric power was on transformer or switching yards and control buildings rather than on generator halls, boilers, and turbines in order to minimize recuperation time after the conflict ended."[77] This is consistent with President Bush's guidance to minimize long-term or permanent damage to Iraq's infrastructure. In all, 280 strike sorties attacked electrical targets, with most of them hit from two to five times, which reduced Iraqi electrical power to only 3 percent of its prewar level.[78]

Is the Military COA Just?

The modern principles of *jus in bello* are proportionality and discrimination. Proportionality is estimated by weighing the civilian cost against the military benefit, with due consideration of military necessity. Discrimination is defined by Walzer's test of "Double Intention," which is based on non-combatant immunity.

The first military reaction to questioning whether the Gulf War was fought justly could easily be astonishment. After all, the Coalition used 9,300 laser-guided bombs, 5,400 guided surface to air missiles, and 300 cruise missiles to minimize collateral damage. The *Gulf War Air Power Survey* estimates only 2,300 civilians and up to 10,000 soldiers died before the ground war, a far cry from Dresden or Hiroshima.[79] The air campaign contributed to the success of the ground war that defeated the entrenched fourth largest army in the world in roughly 100 hours. Noncombatants have a right to life, but do they have a right to electricity when information dominance is the crucial principle of war in the information age?

Nevertheless, the practice of attacking Iraqi electrical power targets does not meet the moral standard of proportionality. Proportionality requires "the loss of life and damage to property incidental to attacks must not be excessive to the concrete and direct military advantage to be gained."[80] As an indirect result of the strategic air attacks,

> The water treatment and sewage facilities were shut down. Untreated sewage was backed up and began to flow into the streets. . . . Waste water contaminated with bacteria and fecal matter was dumped into Iraq's major river systems which provide drinking water for the population. . . . The production of chlorine used to purify water was shut down. . . . The number of typhoid cases has increased 500%. Outbreaks of other illnesses included malaria, cholera, gastroenteritis, intestinal parasites, diarrhea leading to dehydration, infectious hepatitis and respiratory tract infections.[81]

An international study team estimates that post-war civilian casualties ranged from 20,000 to 30,000 civilians. *Newsweek* claims 250,000 civilian casualties.[82]

Upon closer examination, there is no significant military advantage gained by attacking Iraqi electrical power grids to offset these civilian casualties. Strategic attack has never caused people living in a dictatorship to overthrow their government and end a war. This is truly a very long step from demoralizing the people. The average Iraqi was depressed that he had to drink contaminated water from the river, but he knew he would be killed if he tried to overthrow Saddam without the means to organize, fight, and win. This is the persistent flaw in the theory of airpower winning wars by simultaneously breaking the will of the people and causing them to overthrow a rutheless dictator.

As the *Gulf War Air Power Survey* stated, air planners knew that the Iraqis had back-up electric generators for their communications equipment. Thus, the Coalition conducted 260 air strikes against leadership targets and 580 air strikes against telecommunications targets.[83] It was these strikes, not those against electrical power targets, which cut the Iraqi lines of communication and degraded their command system.

The argument from the Strategic Bombing Survey that attacking electrical power crippled Iraqi industry is also invalid. How many newly produced T-72 tanks could make it to the front lines in forty-five days when the factories and transportation network were destroyed? Desert Storm was not World War Two, an industrial war of attrition, which air campaign planners knew full well. Crippling Iraqi electricity had no effect on the outcome of the war since the supply lines were effectively cut by 1,170 air strikes.[84]

Finally, attacking electrical power grids is hardly the last straw that would persuade Hussein to concede short of a ground campaign. Once he miscalculated that the West would use force to liberate Kuwait and that Arabs would join the Coalition, Hussein had little choice but to "ride out the storm." Hussein gains personal power by fighting the Great Satan; he loses personal power by appearing weak after conceding without a fight. Destroying the electrical power of the people made it harder for them to communicate, organize, and overthrow Hussein's regime. Thus, attacking electrical power grids provided no substantial military benefit.

Without significant advantage, there can be no military necessity to attack Iraqi electrical power. *The Law of Land Warfare* defines military necessity as "the principle that justifies those measures not forbidden by international law that are indispensable for the submission of the enemy as soon as possible."[85] Attacking Iraqi electrical power was not indispensable to cut Iraqi lines of communication. It was simply desirable based on the mistaken belief that it would save the Coalition the cost of a ground war. Because there was no military necessity or significant advantage gained to offset the indirect civilian casualties from attacking Iraqi electrical power, attacking electrical power grids did not meet the modern just-war test of proportionality.

The action also fails to meet even the classic definition "Double Effect," which defines the just-war principle of discrimination. This requires "the intention of the actor is good, that is, he aims only at the acceptable effect; the evil effect is not one of his ends, nor is it a means to his ends."[86] The intention of the Coalition was to make the Iraqi people suffer the burden of the war to provoke a successful revolt against Hussein. This intent is not good. The evil effect, disabling the Iraqi water supply system, was one of the goals. It was also the direct means to achieve this end because it sought to create civilian misery and unrest. Elliot Cohen's reference to Sherman's maxim that "war is cruelty and you cannot refine it" in the *Gulf War Air Power Survey* is intellectually honest but morally bankrupt.[87]

By Walzer's additional requirement of Double Intention the Coalition had to aim "*narrowly*" at the acceptable effect and "*aware of the evil involved, he seeks to minimize it, accepting costs to himself.*"[88] This qualification further exposes the moral fault with strategic air attack that seeks to break the will of the people. By attacking Iraqi electrical power, the Coalition intentionally and needlessly *maximized* the evil involved.

Modern just-war theory categorically condemns attacking Iraqi electrical power targets, as shown in table 15.

Table 15. The Gulf War and Just-War Test.

1. Is the Military COA Just?	Just-War Principles								Outcome
	1	2	3	4	5	6	7	8	
Is it just to attack electrical power grids that have dual use capabilities? (Desert Storm)	n/a	n/a	n/a	n/a	n/a	n/a	No	No	Unjust

Modify the Military COA?

This analysis will consider the effects of attacking Iraqi electrical power grids on American relative power and its ability to protect its national interests. As there is no real military benefit from the action, so there is no real strategic benefit. One can make the argument that "turning off the lights in Baghdad" was the ostentatious display of military power like the Romans used to crush their enemies on Masada. To the extent that potential future enemies value their electricity, the action does increase the psychological deterrent power of American smart bombs. This theoretically adds to the American ability to conduct coercive diplomacy to secure national interests without spending too much on defense or promoting rebellion.

But if Kosovo was a measure of the increased psychological power, then the gain is not significant. This highlights the fact that enemies consider many factors in their strategic estimate of America's coercive diplomacy. Electricity is relatively insignificant compared with factors like political leadership, the value of the interests at stake, and the positions of other world powers.

What are the realistic drawbacks of attacking electric power? Outside the military, many people were "shocked the brutality" of the Gulf War.[89] Thus, while Americans marveled at war by Nintendo, young Islamic fundamentalists recoiled at war by water contamination as smart bombs rained down on Iraq. Inflicting needless suffering on Arabs decreases American soft power to portray fundamentalists as the terrorists. Inflicting needless suffering on Arabs increases the difficulty of America's moderate Arab allies to remain in power. Inflicting needless suffering on Arabs fuels terrorist organizations like Hamas, Hezbollah, and Osama bin Laden.

The strategic air campaign would have stood a greater chance of avoiding a ground war by not targeting Iraqi electrical power. Given that Hussein would not concede prematurely, the only hope for success lay with the Iraqi people. Instead of making them weaker relative to Hussein's security forces, the air campaign should have strengthened the people by targeting only Hussein's personal, military, and security forces. This would have increased the popular faith in successful revolt, the crucial psychological perception in a dictatorship. A consistent air strategy would have directly supported the Iraqi people--before, during, and after the war.

As it stands, attacking Iraqi electrical targets decreased American relative power and increased the threat her national interests, as shown in table 16.

Table 16. Gulf War and Realism Test.

2. Should the US modify the COA IAW JWT?	Principles of Realism		Outcome
	National Power	National Interests	
Should the US restrain from force to attack electrical power that has dual use capabilities? (Desert Storm)	COA Decreases Power	COA Does not Protect Interests	Modify the COA

Conclusion

The United States should have modified its military course of action to refrain from attacking Iraqi electrical power targets. The action was unjust because it failed to meet the tests of proportionality and discrimination. The action was not realistically effective because it decreased America's relative power relationship and her ability to defend the national interests. Strategists should accept modern just-war theory (*jus in bello*) in this case because its moral guidance would have prevented a realistic mistake.

Note, this is not an indictment against airpower or strategic attack in general. This is a narrow argument about a single target category in a specific case. The calculation of military necessity to attack electrical power could easily change with two adversaries fighting primarily by cyberwarfare in a competitive struggle for information dominance. It is also important to state that strategic attack by airpower against legitimate targets is a just and even humane action. Bypassing enemy strength in the field to strike directly at his centers of gravity with precision-guided weapons saves lives. There is nothing evil in seeking to minimize casualties by avoiding a ground war. As the *Gulf War Air Power Survey* concludes, no army commander was better served by his air force than in Operation Desert Storm. Airpower was the "most valuable player" on the team that fought the least brutal and costly industrial war in history.

Summary

The case of netwar involved non-state attacks against the information and economic infrastructure of the United States. The use of force, deterrence by punishment using precision-guided munitions, was not just according to modern just-war theory. The realistic evaluation of power and national interests supported the use of force. The evaluation of absolute principles and moral consequences recommended modifying just-war theory by returning its definitions to their classic roots.

The case of Kosovo involved the use of force against a sovereign state to safeguard the human rights of an ethnic minority. Modern just-war theory found the use of force to be unjust. Realism demanded that NATO act to preserve its credibility. The moral evaluation also recommended returning to the classic definitions of *jus ad bellum*.

The case of infrastructure warfare involved the strategic air campaign during Operation Desert Storm. Modern just-war theory found the targeting of electrical power grids to violate the definitions of proportionality and discrimination. Targeting electrical power grids also decreased the relative power of the United States and increased the threat to her national interests. This result calls for accepting the modern definitions of *jus in bello* because idealism and realism coincide.

---

[1]Dorothy E. Denning, *Information Warfare and Security* (Reading, MA: Addison-Wesley, 1999), 10.

[2]John Arquilla and David Ronfeldt, *The Advent of Netwar* (Santa Monica: RAND Corporation, 1996), 3.

[3]Ibid.

[4]Ibid., 47-78.

[5]Ibid., 2.

[6]Ibid., vii.

[7]Richard W. Aldrich, *The International Legal Implications of Information Warfare* (United States Air Force Academy: Institute for National Security Studies, 1996), 2.

[8]Dorothy E. Denning, *Information Warfare and Security*, 21.

[9]Ibid., 7.

[10]John Arquilla and David Ronfeldt, *The Advent of Netwar*, viii.

[11]Dorothy E. Denning, *Information Warfare and Security*, 239.

[12]Ibid., 218.

[13]John Arquilla and David Ronfeldt, *The Advent of Netwar*, 97.

[14]Ibid.

[15]Ibid., 97-98.

[16]Ibid.

[17]Richard W. Aldrich, *The International Legal Implications of Information Warfare*, 6.

[18]Barbara W. Tuchman. *The March of Folly* (New York: Ballantine Books, 1984), p 4.

[19]Martin van Creveld, *The Transformation of War*, 205.

[20]*Black's Law Dictionary* 5th ed., (1949), 1429, quoted in Byard Clemmons and Gary Brown, "Cyberwarfare: Ways, Warriors, and Weapons of Mass Destruction," *Military Review* 79, no. 5 (September-October 1999): 36.

[21]*Websters New Collegiate Dictionary*, 71, 220, 1317.

[22]James Turner Johnson and George Weigel, *Just War and the Gulf War* (Lanham, MD: University Press of America, 1991), 21.

[23]Richard J. Regan, *Just War: Principles and Cases* (Washington: Catholic University Press, 1996), 17.

[24]James Turner Johnson and George Weigel, *Just War and the Gulf War*, 21-29.

[25]James Turner Johnson, "The Just-War Idea and the Ethics of Intervention," *Distinguished Lectures on War, Morality, and the Military Profession* (USAFA: 1993), 9.

[26]David Fromkin, *Kosovo Crossing* (New York: The Free Press, 1999), 8.

[27]Department of State, "Ethnic Cleansing in Kosovo: An Accounting," a press release (December 1999) [database on-line]; available from http://www.fas.org/ man/dod-101/ops/docs99/dos9912/over.htm; accessed on 2 April 2000.

[28] The White House, "White House Statement on Kosovo," a press release (March 22, 1999) [database on-line]; available from http://www.fas.org/man/dod-101/ops/docs99_99032212_tlt.htm; accessed 2 April 2000.

[29]North Atlantic Council, "Statement on Kosovo," a press release (April 23, 1999) [database on-line]; available from http://www.fas.org/man/dod-101/ops/docs99/ p99-062e.htm; accessed 2 April 2000.

[30]William S. Cohen and Henry H. Shelton, "Joint Statement on the Kosovo After-Action Review," a press release (14 October 1999) [database on-line]; available from http://www.fas.org/man/dod-101/docs99/b10141999_bt478-99.htm; accessed on 2 April 2000.

[31]Wesley K. Clark, official statement before a press conference at NATO Headquarters in Brussels, (1 April 1999) [database on-line]; available from http://www.fas.org/man/dod-101/ops/docs99/s990401c.htm; accessed on 2 April 2000.

[32]Federation of American Scientists, "Operation Allied Force," an analysis [database on-line]; available from http://www.fas.org/man/dod-101/ops/allied_force.htm; accessed 2 April 2000.

[33]Ivo H. Daalder and Michael E. O'Hanlon, "Unlearning the Lessons of Kosovo," *Foreign Policy* (fall 1999), 132.

[34]William S. Cohen and Henry H. Shelton, "Joint Statement on the Kosovo After-Action Review."

[35]Michael Walzer, *Just and Unjust Wars*, 90.

[36]Chris Hedges, "Kosovo's Next Masters?" *Foreign Affairs* 78, no. 3 (May-June 1999): 24.

[37]Ibid., 28-31.

[38]Ibid.

[39]Ibid.

[40]Ibid., 36.

[41]Ibid., 42.

[42]Edward Luttwak, *The Grand Strategy of the Roman Empire* (Baltimore: Johns Hopkins Press, 1976), 2.

[43]Ibid.

[44]Ibid., 3.

[45]Ibid., 4.

[46]William S. Cohen and Henry H. Shelton, "Joint Statement on the Kosovo After-Action Review."

[47]Edward Luttwak, "Give War a Chance," *Foreign Affairs* 78, no. 4 (July-August 1999): 40-41.

[48]Ibid., 36.

[49]Chris Hedges, "Kosovo's Next Masters," 42.

[50]Michael Mandelbaum, "A Perfect Failure: NATO's War Against Yugoslavia," *Foreign Affairs* 78, no. 5 (September-October 1999): 8.

[51]Edward Luttwak, "Give War a Chance," 44.

[52]Ivo H. Daalder and Michael O'Hanon, "Unlearning the Lessons of Kosovo," 130.

[53]David C. Hendrickson. "In Defense of Realism: A Commentary on *Just and Unjust Wars*," *Ethics and International Affairs* 11, no. 1 (spring 1997): 41.

[54]Jarat Chopra and Thomas G. Weiss. "Sovereignty is No Longer Sacrosanct: Codifying Humanitarian Intervention," 95.

[55]Ibid., 108.

[56]Ibid., 114.

[57]Department of State, "Kosovo Timeline," a press release (May 21, 1999) [database on-line]; available from http://www.fas.org/man/dod-101/ops/docs99/fs_kosovo_timeline.htm; accessed on 2 April 2000.

[58]David C. Hendrickson, "In Defense of Realism: Commentary on *Just and Unjust Wars*," 44.

[59]David Fromkin, *Kosovo Crossing*, 164.

[60]Ivo H. Daalder and Michael E. O'Hanon, "Unlearning the Lessons of Kosovo," 130.

[61]David Fromkin, *Kosovo Crossing*, 156.

[62]Ibid., 172.

[63] Ibid., 23.

[64]Eliot A. Cohen, director, *Gulf War Air Power Survey, Volume II Operations, Part II Effects and Effectiveness* (Washington: U.S. Government Printing Office, 1993): 74. Quoting George Bush, "Address to the Nation Announcing the Deployment of United States Armed Forces to Saudi Arabia" (8 August 1990). In *Public Papers of the Presidents of the United States: George Bush, 1990* (Washington: U.S. Government Printing Office, 1991), 1108. Note, all further citations refer to this volume and part of the *Gulf War Air Power Survey*.

[65]Eliot A. Cohen, *Gulf War Air Power Survey*, 75. Quoting *National Security Directive 54* (January 15, 1991).

[66]Eliot A. Cohen, *Gulf War Air Power Survey*, 79. Quoting the *Combined Operations Plan for Offensive Operations to Eject Iraqi Forces from Kuwait (Operation Desert Storm)*, 2-4.

[67]Ibid., 79.

[68]U.S. Joint Chiefs of Staff, *Joint Publication 3-0, Doctrine for Joint Operations* (Washington: Department of Defense, 1995), p 70 [database on-line]; available from http://www.dtic.mil/doctrine/jel/new_pubs/jp3_0.pdf; accessed 2 April 2000.

[69]Eliot A. Cohen, *Gulf War Air Power Survey*, 79. Quoting the *Combined Operations Plan for Offensive Operations to Eject Iraqi Forces from Kuwait (Operation Desert Storm)*, 2-4.

[70]Department of the Air Force, *Air Force Basic Doctrine* (Washingon: United States Air Force, 1997), 51-53.

[71]Eliot A. Cohen, *Gulf War Air Power Survey*, 80.

[72]Ibid., 265-266.

[73]Ibid., 265.

[74]John Warden, "Airpower in the 21st Century," *The Future of Airpower in the Aftermath of the Gulf War* (Maxwell Air Force Base: Air University Press, 1992): 57-82.

[75]Eliot A. Cohen, *Gulf War Air Power Survey,* 292-293.

[76]Ibid., 291. Quoting the *United States Strategic Bombing Survey, Overall Report (European War)* (Washington: USSBS, June 1947), 107.

[77]Ibid., 293.

[78]Ibid., 298.

[79]Elliot Cohen, "The Mystique of American Airpower," *Foreign Affairs* 73, no. 1 (January-February 1994): 109-124.

[80]Field Manual 27-10, 4.

[81]Saul Bloom, John Miller, James Warner, and Philippa Winkler, eds., *Hidden Casualties: Environmental, Health, and Political Consequences of the Persian Gulf War* (Berkeley: North Atlantic Books, 1993), 175-176.

[82]Ibid., 190.

[83]Eliot A. Cohen, *Gulf War Air Power Survey*, 148.

[84]Ibid., 148.

[85]Field Manual 27-10, 5.

[86]Michael Walzer, *Just and Unjust Wars*, 153.

[87]Elliot Cohen, "The Mystique of American Airpower," 120.

[88]Michael Walzer, *Just and Unjust Wars*, 155.

[89]Saul Bloom, John Miller, James Warner, and Philippa Winkler, eds., *Hidden Casualties: Environmental, Health, and Political Consequences of the Persian Gulf War*, 180.

CHAPTER 5

SUMMARY AND CONCLUSION

Michael Walzer provides a thoughtful start point to begin to summarize this analysis of just-war theory and future warfare:

> The world of war, because of its tyranny, its radical coerciveness, and its unrestrainable horror. . . . cannot be satisfactorily addressed by any moral theory--I mean addressed without remainder, without paradox, anomaly, tension, and tragedy. No doubt, morality is designed to govern situations of conflict, but war is only barely governable. The theory of the just war seems to me the best regime, or the best attempt to establish a justifiable regime, for the world of war. But unlike theories of domestic society like distributive justice or even crime and punishment, it operates under a cloud. And things go on in the darkness, and may even be permitted in the darkness, that we would prefer not to talk about.[1]

The just-war tradition cannot fully reconcile morality and realism in the world of war. Indeed, no moral theory can because war is, at best, a necessary evil. Even this brief foray into darkness leaves one with moral qualms about its recommendations.

The just-war tradition has been the best regime for the world of war, or it would not have survived 1,600 years and nine revolutions in warfare, but the dark cloud of war grows darker as revolutionary political, social, and military change creates an expansion of war. The black and white distinctions of the Westphalian model of interstate war become shades of gray in the Medieval model of conflict between transnational, national, and subnational groups. Realistic appeals for a revolution in military ethics and idealistic pleas for consistency in military ethics do not systematically address the root problem. Modern definitions of just-war principles govern conventional war between states; in some cases, they do not apply to information-age warfare or complex societal conflict between groups.

The answer to the primary research question will solve this problem. The recommendation to accept, modify, or reject modern just-war theory provides a moral compass to guide the use of American force in complex situations in the age of instant telecommunications. Realists, idealists, and pragmatists alike should find a relevant set of moral criteria to be essential, although for different reasons.

The literature review revealed several trends that are important to solving the problem. For example, it revealed how the just-war tradition has evolved from descriptive guidance to restrictive prohibitions as the nature of war evolved. This evolution is represented in figure 9.

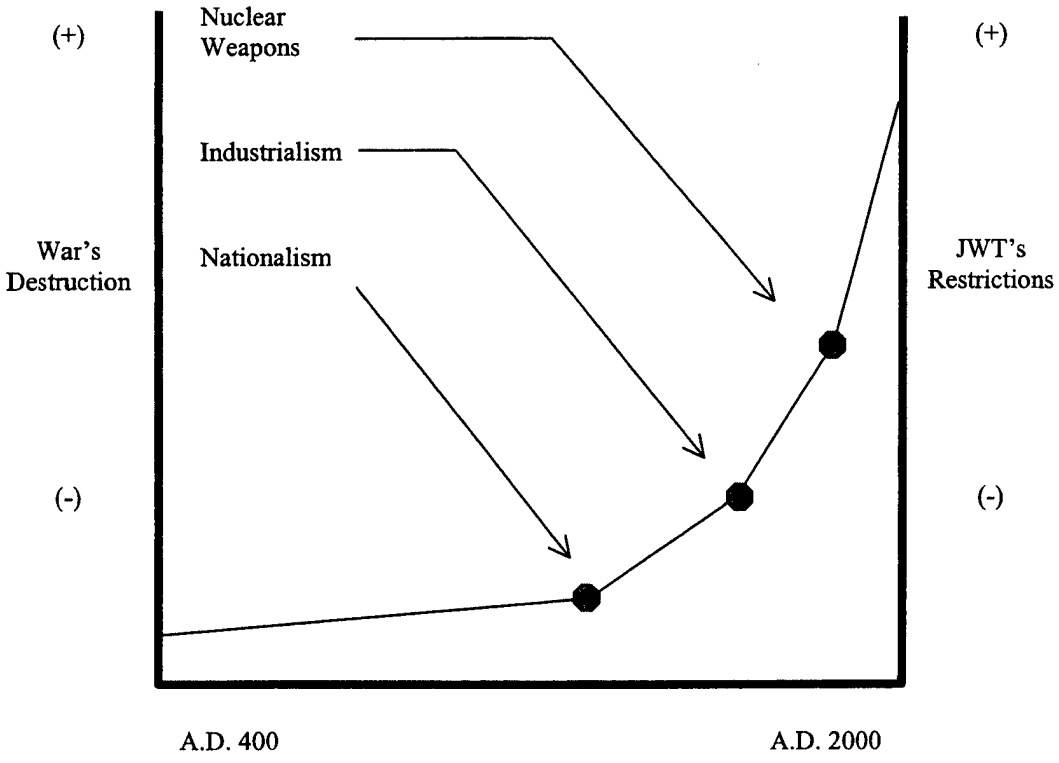


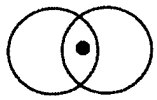
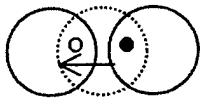
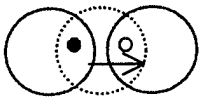
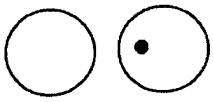
Fig. 9. Evolution of the Just-War Tradition.

Nationalism, industrialism, and nuclear weapons dramatically increased the destructive potential of total war. To limit the unnecessary suffering and facilitate the restoration of peace, idealists and realists agreed to restrictive definitions of the classic just-war principles. Yet there is still considerable debate about those definitions. Pacifists want stricter definitions to make any war impossible to justify. Extreme realists want looser definitions of *moralpolitik* to disguise their deeds of *realpolitik*. The task of this analysis was to draw the moral line in future warfare.

The literature review also demonstrated the extent and the pattern of future challenges to the modern definitions of just-war theory. Most of the future threats challenge *jus ad bellum*, especially the legalist paradigm. On balance, future capabilities tend to balance future threats to make the challenges to *jus in bello* less severe. Many future threats are logical extensions of recent military operations in the 1990s. For example, Desert Storm introduced the challenge of strategic infrastructure attacks while Somalia introduced the problem of failed states.

The methodology flowed directly from the patterns discovered in the literature review. The analysis selected a representative sample of the challenges to modern just-war theory: netwar, Operation Allied Force in Kosovo, and the strategic air campaign during Operation Desert Storm. The first assumption was that the optimum use of American force is realistically effective and morally just. However, if there is no union of these two sets, then American strategists may recommend the necessary use of force to protect American interests. The assumptions led to a systematic process to search for that pragmatic compromise between power and goodness. In turn, the systematic process led to the hypothesis represented in table 17.

Table 17. Hypothesis and Outcomes.

Hypothesis Statement	Outcome
1. If a realistic military course of action was morally just, then strategists should accept modern just-war theory.	
2. If modifying an unjust military course of action in accordance with modern just-war theory increases American relative power and protects American interests, then strategists should accept modern just-war theory.	
3. If there is moral sufficiency to modify modern just-war theory based on the evaluation of absolute principles and consequential effects, then strategists should modify modern just-war theory.	
4. If there is not moral sufficiency to modify modern just-war theory, then strategists should reject it based on the assumption of necessary force.	

The analysis of the test cases revealed a consistent pattern. Both the case of netwar and Operation Allied Force in Kosovo demonstrated that the modern definitions of *jus ad bellum* were no longer sufficient to weigh the moral principles and consequences involved. The modern definitions were too restrictive to govern the complex conflict between transnational, national, and subnational groups in the Medieval model of war. In the case of netwar, they did not address new forms of weapons, attacks, or combatants. In the case of Kosovo, they produced the mutually exclusive situation where the only just cause was to aid the war of national liberation but the only right

intention was to restore *status quo ante bellum.* This foray into the finer points of international law completely missed the humanitarian purpose: to stop the systematic rape, forced exodus, torture, and murder of innocent people. In both cases, strategists should modify modern just-war theory to adopt the classic definitions. They lead strategists to the optimum use of American force that was both just and effective.

The case of attacking Iraqi electrical power in Operation Desert Storm demonstrated that the modern definitions of proportionality and discrimination were still appropriate. They advised against the unjust use of force that would have been a realistic mistake. Because destroying Iraqi electrical power did not yield a military advantage proportional to the suffering it caused, there was no military necessity to attack those targets. This demonstrates the fallacy of simultaneously bombing to break the will of the people while encouraging them to rebel against a dictator. It is not consistent to claim "we have no quarrel with the Iraqi people" while destroying their water sanitation system. Revolt would have been better served by attacking purely military and security targets to weaken Hussein's grip on power, followed by credible air support to the people when they did revolt. The summary of the evidence is shown in table 18.

Table 18. Research Results Matrix.

Test Case	Accept JWT		3. Modify JWT?	4. Reject JWT?
	1. COA Just?	2. Modify COA?		
Netwar	NO	NO	**YES**	n/a
Kosovo	NO	NO	**YES**	n/a
Desert Storm	NO	**YES**	n/a	n/a

Research Findings

On the basis of these three test cases, American strategists should modify modern just-war theory by returning to the classic definitions of the principles of *jus ad bellum* but continue to accept the modern definitions of the principles of *jus in bello*. James Turner Johnson provides appropriate definitions of these principles in tables 19 and 20.

Table 19. Recommended Definitions of *jus ad bellum*.

Principle	Definition
1. Just Cause.	"A defense against an attack, recovery of something wrongly taken, or the punishment of evil."
2. Legitimate Authority.	"The political leadership of a sovereign state duly authorized by legitimate political processes."
3. Right Intention.	"Centers, positively, on the restoration of national, civil, and human rights, the reestablishment of order and stability, and the promotion of peace."
4. Proportional of Ends of War.	"Requires that one must first assess the evil that has already been done--damage to lives and property, as well as harm to the more intangible human rights, self-government, and a peaceful and stable world order. Second, one must calculate the costs of allowing the situation of wrongdoing to continue. Finally, one must evaluate the various means of righting these wrongs in terms of their own costs, as well as the benefits they might produce."
5. Reasonable Hope of Success.	"Requires the use of force may establish the conditions for order, justice, and peace by eliminating the threats posed to them; that is the most realistic definition of 'success' in the use of military force. The actual achievement of these goals is the broader work of good statecraft, building on the base of the established conditions."
6. Last Resort.	"Requires a government, before engaging in military action, to determine whether the wrongs involved can be redressed by means other than force. It is important to note that the criterion of last resort does not mean that all possible non-military options must first be tried; rather, a prudential judgment must be made as to whether *only* a rightly authorized use of force can, in the given circumstances, achieve the goods defined by the just cause, with the right intention, at proportionate cost, with reasonable hope of success."

Source: James Turner Johnson and George Weigel, *Just War and the Gulf War*, 21-29.

Table 20. Recommended Definitions of *jus in bello*.

Principle	Definition
7. Discrimination.	"Means that non-combatants must not be intentionally targeted, directly or indirectly, even in the course of using force that is otherwise proportionate."
8. Proportional Means in War.	"Requires the specific means of force must be at a level and of a type appropriate to the task at hand." This definition of discrimination is augmented by Double Intention: a. The act is good in itself and is a legitimate act of war. b. The direct effect is morally acceptable. c. The intention of the actor is good, that he aims *narrowly* at the acceptable effect; the evil effect is not one of his ends, nor is it a means to his ends, *and, aware of the evil involved, he seeks to minimize it, accepting costs to himself.* d. The good effect is sufficiently good for allowing the evil effect.

Source: James Turner Johnson and George Weigel, *Just War and the Gulf War*, 21-29.

The advantages of these descriptive definitions are clear. They can adapt to new challenges of future warfare because they describe what is just war instead of prescribing the exclusive cases of just war. They are flexible and can be applied equally to the traditional Westphalian model of war between states and to the complex Medieval model of war between groups. They allow American strategists to defend people against the terrorist, in his many guises, without becoming terrorists themselves.

The disadvantages of these descriptive definitions are also clear. They are subject to abuse by realistic statesmen seeking political cover to hide their unjust deeds. They weaken the moral checks against unjust intervention or traditional war between states. They rely upon the informed democratic public to evaluate the moral issues involved and check the government from acting unjustly. Ethicists already pessimistic about the state would not be optimistic about the ability of the powerful trans-democratic public.

I find that the advantages of the descriptive definitions outweigh the disadvantages. Any moral principle is subject to abuse, regardless of how broadly or narrowly it is defined. Is international anarchy unchecked by a force for good more destructive than American force unchecked by words on paper? Certainly. It is better that strategists should consider moral definitions relevant to the complex issues they face than to restrict just war in the unspoken name of pacifism. Ultimately, to avoid the stain of "dirty hands" and the loss of American public support for military operations in future warfare, strategists "must apply their intuitive values to uphold absolute good, their sense of proportionality and normative prudence to avoid evil consequences, and be willing to have their action established as universal law."[2]

At any rate, modifying modern just-war theory certainly appears preferable to the alternative answers to the primary research question. The evidence of these three cases does not support the realist argument that the "textbook rules" no longer apply. Moral principles like the just-war tradition are an inseparable component of the informational element of power in future war. Likewise, the evidence of these three cases does not support the idealist argument that the modern definitions of just-war theory are immune from changes in technology, organizations, and weapons. The expansion of war is real, and it requires strategists to calibrate their moral compass to reveal the just path.

One weakness of this analysis is the recommendation to return *jus ad bellum* to its classic roots on the basis of three test cases. An alternative recommendation to "modify" just-war theory is simply to leave the restrictive definitions in place and add two more revisions to the legalist paradigm for netwar and humanitarian intervention. Additional revisions can be made on a case-by-case basis as moral prudence demands.

As the list of revisions grows with each new future challenge, however, the forest (justice) will soon be lost for the trees (legal definitions). Today, judges with thirty years of experience in the criminal justice system cannot consistently interpret the legal test of a reasonable search. This contributes to the death of common sense as our common language becomes meaningless. Adding further restrictions to modern just-war theory follows this same path to the identical conclusion: the death of moral sense as our common language becomes meaningless. The future of warfare promises gut-wrenching decisions, which is no time for strategists to be without their moral sense.

Modern just-war theory was right to include legal definitions from international law to limit the suffering in total war between states in the twentieth century. But international law is not the highest law of the land that dictates what is moral, as the Constitution rules state law. Principles of justice must lead international law into the next century, not vice-versa. The best principles of justice to reconcile realism and idealism in future warfare remain the just-war principles. St. Augustine's compass still points true.

Implications for American Grand Strategy

So how would returning just-war theory to its classic roots support the various traditions of American foreign policy in the next century? Each tradition can claim to act in accordance with its principles, which in turn promotes a healthy and vigorous debate.

The nonintervention tradition symbolized by the founding fathers would emphasize the restraint inherent in *jus ad bellum* to restrict unwise intervention abroad. Going abroad to slay dragons does greater harm to American character, and one is not obligated to help others at the risk of serious harm. Instead, America should look inward

and help the world by her example of liberty instead of by her cruise missiles. President George Washington best characterizes this tradition that combines idealism with non-intervention in his farewell address:

> Observe good faith and justice towards all nations. Cultivate peace and harmony with all. Religion and morality enjoin this conduct; and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation to give to mankind the magnanimous and too novel example of a people always guided by justice and benevolence. . . . [but] 'Tis our true policy to steer clear of permanent alliances, with any portion of the foreign world.[3]

Yet the nonintervention tradition fails to address the harm done to American interests by disengagement and the harm done to innocent people by unchecked dictators.

The liberal tradition symbolized by President Woodrow Wilson would emphasize the justness of the cause to safeguard human rights and promote democracy. The liberal who once recoiled at the use of force for security during the Cold War now embraces the use of force for humanitarian and reform intervention. This belief stems from the profound faith in American exceptionalism and ability to achieve universal success. As Gouverneur Morris, another founding father, wrote:

> It is in the national spirit. It is in that high, haughty, generous, and noble spirit which prizes glory more than wealth and holds honor dearer than life. It is that spirit, the inspiring soul of heroes, which raises men above the level of humanity. . . . It is high--elevated above all low and vulgar considerations. It is haughty--despising whatever is little and mean, whether in character, council, or conduct. It is generous--granting freely to the weak and to the indigent protection and support. It is noble--dreading shame and dishonor as the greatest evil. . . . I anticipate the day when to command respect in the remotest regions it will be sufficient to say, "I am an American."[4]

Yet the liberal tradition to "pay any price and bear any burden" to promote democracy and human rights fails to weigh the realistic costs of perpetual intervention.

The realist tradition symbolized by President Theodore Roosevelt would emphasize the slim probability of success in reform intervention to conserve military power spent on less than vital national interests. Caesar Augustus was the first realist to expose the costs of excessive military intervention. According to Edward Gibbon:

> The first centuries were filled with a rapid succession of triumphs; but it was reserved for Augustus to relinquish the ambitious design of subduing the whole earth, and to introduce a spirit of moderation into public councils. Inclined to peace by his temper and situation, it was easy for him to discover that Rome, in her present exalted position, had much less to hope than to fear by the chance at arms; and that, in the prosecution of remote wars, the undertaking became every day more difficult, the event more doubtful, and the possession more precarious and less beneficial.[5]

Hans Morgenthau, writing against the decision to intervene in Vietnam, echoes this concern: "Intervene we must where our national interest requires it and where our power gives us a chance to succeed. . . . If the United States applies this standard, it will intervene less and succeed more."[6] Yet the realist tradition fails to consider the American people are not motivated to act by careful calculations of power and interest.

The fact that each tradition can cite classic just-war theory for itself is a good sign of its continued relevance. Just-war principles promote a rich debate between non-interventionists, liberals, and realists on questions of national security and human rights. The noninterventionist upholds the restraint inherrent in just-war principles by demanding that the liberal and realist meet their burden of proof. The liberal urges America to act a force for good in accordance with just cause and right intention, which sustains the American people's will to fight. Calculating the probability of success, the realist ensures that American power is sufficient to achieve the liberal's aim and that the use of force supports the national interests.

This healthy debate is the means to secure the best possible outcome: pragmatic solutions that apply the strengths of each tradition on a case-by-case basis. A realist, Henry Kissinger nevertheless reached the same conclusion. Seeking to find the "balance between values and necessity" and to avoid "the twin temptations inherent in its exceptionalism" (over-extension and disengagement), Kissinger recommends:

> Traditional American idealism must combine with a thoughtful assessment of contemporary realities to bring about a usable definition of American interests. In the past, American foreign policy efforts were inspired by utopian visions of some terminal point after which the underlying harmony of the world would simply reassert itself. Henceforth, few such final outcomes are in prospect; the fulfillment of America's ideals will have to be sought in the patient accumulation of partial successes.[7]

Just-war theory supports Kissinger's recommended grand strategy: selective engagement. The era of the great crusade to make the world safe for democracy is passing with the new global system of international relations, the clash of civilizations, and the expansion of war. Future threats to national interests and human rights require selectivity, patience, and perseverance. Just-war theory allows America to remain true to her values and her interests by grounding the use of force in a pragmatic compromise between realism and idealism. Strategists will need St. Augustine's compass in future warfare.

Ultimately, the President must decide to whether and how to use military power as a force for good in accordance with American ideals and interests. Both idealists and realists would agree that a force for good should strike fear in the hearts of would-be tyrants to deter their evil acts and promote justice. As St. Paul says in his letter to the Romans, "But if thou do that which is evil, be afraid; the sovereign beareth not the sword in vain: for he is God's minister, an avenger to execute wrath upon him that doth evil."[8]

Areas for Further Research

Each case study in this analysis deserves a much deeper analysis. The literature review identifies many difficult questions to modern just-war theory worthy of further research. For example, should the definition of a combatant in Medieval war be based on guilt and innocence, as Martin van Creveld suggests? Should the United States wage preventive war to destroy WMD in rogue states to prevent their acquisition by terrorist groups? Should the United States retaliate in kind to deter future acts of catastrophic terrorism? These questions would support a rich moral and realistic analysis.

---

[1]Michael Walzer, "A Response," *Ethics and International Affairs* 11 (1997): 99.

[2]Stephen Garrett, "Political Leadership and the Problem of 'Dirty Hands'," *Ethics and International Affairs* 8 (1994): 167.

[3]George Washington, "Farewell Address," William Safire, ed., *Lend Me Your Ears: Great Speeches in History* (New York: W. W. Norton & Company, 1992), 363.

[4]Gouvernor Morris, address to Congress, William Safire, ed., *Lend Me Your Ears: Great Speeches in History*, 40.

[5]Edward Gibbon, *The Decline and Fall of the Roman Empire* (New York: Random House, 1995), 1.

[6]Hans Morgenthau, "To Intervene or Not to Intervene," James F. Hoge, Jr.; and Fareed Zakaria, eds., *The American Encounter: The United States and the Making of the Modern World, Essays from 75 Years of Foreign Affairs* (New York: Council of Foreign Relations, 1997), 273. Original essay was published in *Foreign Affairs,* April 1967.

[7]Henry Kissinger, *Diplomacy* (New York: Simon & Schuster, 1994), 812-835.

[8]*American Standard Bible* (Nashville: Hollman Bible Publishers, 1975): 1080.

BIBLIOGRAPHY

Books

Adams, James. *The Next World War: Computers are the Weapons and the Front Line is Everywhere*. New York: Simon & Schuster, 1998.

Alexander, John B. *Future War: Non-Lethal Weapons in Twenty-First Century Warfare*. New York: St. Martin's Press, 1999.

Audi, Robert, ed. *The Cambridge Dictionary of Philosophy*. Cambridge, UK: Cambridge University Press, 1995.

Augustine, Saint. *The City of God*. New York: Random House, 1993.

Beres, Louis Rene. *Terrorism and Global Security: The Nuclear Threat*. Boulder: Westview Press, 1979.

Bloom, Saul, John M. Miller, James Warner, and Philippa Winkler, eds. *Hidden Casualties: Environmental, Health, and Political Consequences of the Persian Gulf War*. Berkeley: Arms Control Research Center, 1994.

Brodie, Bernard. *War and Politics*. New York: MacMillian Publishers, 1973.

Brown, Seyom. *International Relations in a Changing Global System*. Boulder: Westview Press, 1996.

Clausewitz, Carl von. *On War*. Translated by Michael Howard and Peter Paret. Princeton: Princeton University Press, 1984.

_____. *Vom Kriege*. Edited by Werner Hahlweg. Bonn: Ferd. Dummlers Verlag, 1989.

Cohen, Elliot, Director. *Gulf War Air Power Survey*. Washington: U.S. Government Printing Office, 1993.

Denning, Dorothy E. *Information Warfare and Security*. Reading, MA: Addison-Wesley Press, 1999.

Falkenrath, Richard A., Robert D. Newman, and Bradley A. Thayer. *America's Achilles Heel: Nuclear, Biological, and Chemical Terrorism and Covert Attack*. Cambridge: MIT Press, 1996.

Friedman, George, and Meredith Friedman. *The Future of War:Power, Technology, and American World Dominance in the Twenty-First Century.* New York: St. Martin's Griffin, 1996.

Forsberg, Randall, William Driscoll, Gregory Webb, and Jonathan Dean. *Nonproliferation Primer: Preventing the Spread of Nuclear, Chemical, and Biological Weapons.* Cambridge: The MIT Press, 1995.

Fromkin, David. *Kosovo Crossing: American Ideals Meet Reality on the Balkan Battlefields.* New York: The Free Press, 1999.

Fussel, Paul. *The Great War and Modern Memory* (New York: Oxford University Press, 1975).

Gibbon, Edward. *The Decline and Fall of the Roman Empire.* New York: Random House, 1995.

Haass, Richard N. *Intervention: The Use of American Military Force in the Post-Cold War World.* Washington: Carnegie Endowment for International Peace, 1995.

Handel, Michael I. *Clausewitz and Modern Strategy* (London: Frank Cass and Company, 1986).

Hoge, James F., Jr., and Fareed Zakaria. *The American Encounter: The United States and the Making of the Modern World, 75 Years of Essays from Foreign Affairs.* New York: Council on Foreign Relations, Inc., 1997.

Holbrooke, Richard A. *To End a War.* New York: Random House, 1998.

Ikenberry, G. John, ed. *American Foreign Policy: Theoretical Essays,* 2d ed. New York: Harper-Collins, 1995.

Johnson, James Turner. *Can Modern War be Just?* New Haven: Yale University Press, 1984.

_____. *Ideology, Reason, and the Limitation of War: Religious and Secular Concepts, 1200-1740.* Princeton: Princeton University Press, 1975.

_____. *Just War Tradition and the Restraint of War: A Moral and Historical Inquiry.* Princeton: Princeton University Press, 1981.

Johnson, James Turner, and George Weigel. *Just War and the Gulf War.* Washington: Ethics and Public Policy Center, 1991.

Jordan, Amos A., William J. Taylor, and Michael J. Mazarr. *American National Security,* 5th ed. Baltimore: The Johns Hopkins University Press, 1999.

Kaplan, Robert D. *Balkan Ghosts: A Journey Through History.* New York: Vintage Books, 1994.

Kissinger, Henry. *Diplomacy.* New York: Simon & Schuster, 1994.

Levanthal, Paul, and Yonah Alexander, eds. *Nuclear Terrorism: Defining the Threat.* Washington: Brassey's, 1985.

_____. *Preventing Nuclear Terrorism.* Lexington: Nuclear Control Institute, 1987.

Luttwak, Edward N. *The Grand Strategy of the Roman Empire.* Baltimore: Johns Hopkins University Press, 1976.

Meyer, Stephen M. *The Dynamics of Nuclear Proliferation.* Chicago: University of Chicago Press, 1978.

Morgenthau, Hans J. *Politics Among Nations: The Struggle for Power and Peace,* Brief Edition. Boston: McGraw-Hill, 1993.

New American Standard Bible. Nashville: Holman Bible Publishers, 1975.

Obrien, William. *The Conduct of Just and Limited War.* New York: Praeger Publishers, 1981.

_____. *U. S. Military Intervention: Law and Morality, The Washington Papers,* no. 68. Washington: Center for Strategic and International Studies, 1979.

Ramsey, Paul. *The Just War: Force and Political Responsibility.* New York: Charles Scribner's Sons, 1968.

_____. *War and the Christian Conscience: How Shall Modern War Be Conducted Justly?* Durham: Duke University Press, 1961.

Reisman, W. Michael, and Chris Antoniou. *The Laws of War: A Comprehensive Collection of Primary Documents on International Laws Governing Armed Conflict.* New York: Vintage Books, 1994.

Regan, Richard J. *Just War: Principles and Cases.* Washington: Catholic University of America, 1996.

Roberts, Brad, ed. *Weapons Proliferation in the 1990s.* Cambridge: The MIT Press, 1995.

Safire, William, ed. *Lend Me Your Ears: Great Speeches in History*. New York: W. W. Norton & Company, 1992.

Sagan, Scott, and Kenneth Waltz. *The Spread of Nuclear Weapons: A Debate*. New York: W. W. Norton & Company, 1995.

Silber, Laura, and Alan Little. *Yugoslavia: Death of a Nation*. London: Penguin Books, 1997.

Thompson, Kenneth W. *Ethics and International Relations*. New York: Council on Religion and International Affairs, 1985.

Toffler, Alvin, and Heidi Toffler. *War and Anti-War: Making Sense of Global Chaos*. New York: Warner Books, Inc. 1993.

Tuchman, Barbara W. *The March of Folly*. New York: Ballantine Books, 1984.

Tucker, Robert W. *Just War and Vatican Council II: A Critique*. New York: Council on Religion and International Affairs, 1966.

Tucker, Robert W. *The Purposes of American Power*. New York: Praeger Publishers, 1981.

Utting, Peter, ed. *States of Disarray: The Social Effects of Globalization*. New York: United Nations Research Institute for Social Development, 1995.

Van Creveld, Martin. *The Transformation of War*. New York: The Free Press, 1991.

Vaux, Kenneth. *Ethics and the Gulf War: Religion, Rhetoric, and Righteousness*. Boulder: Westview Press, 1992.

Wakin, Malham M., ed., *War, Morality, and the Military Profession*. Boulder, CO: Westview Press, 1979.

Waltz, Kenneth N. *Man, the State, and War: a Theroetical Analysis*. New York: Columbia University Press, 1959.

_____. *Theory of International Politics*. New York: McGraw-Hill, 1979.

Waltz, Kenneth N., and Robert J. Art, eds. *The Use of Force: Military Power and International Politics*. New York: University Press, 1993.

Walzer, Michael. *Just and Unjust Wars*, 2d ed. New York: Basic Books, 1992.

Warden, John A. *The Air Campaign: Planning for Combat.* Washington: Brassey's, 1999.

Websters New Collegiate Dictionary. Springfield: C&C Merriam Company, 1979.

West, Rebecca. *Black Lamb and Grey Falcon: A Journey through Yugoslavia.* London: Penguin Books, 1994.

West, Richard. *Tito and the Rise and Fall of Yugoslavia.* New York: Carol & Graf, 1994.

Winnefeld, James A., and Dana J. Johnson. *Joint Air Operations: Pursuit of Unity in Command and Control, 1942-1991.* Annapolis: Naval Institute Press, 1993.

Woodward, Susan L. *Balkan Tragedy: Chaos and Dissolution after the Cold-War.* Washington: The Brookings Institute, 1995.

Wright, Quincy. *A Study of War*, abridged version. Chicago: University of Chicago Press, 1983.

Periodicals and Articles

Abshire, David M. "U.S. Global Policy: Toward an Agile Strategy." *The Washington Quarterly* 19, no. 2 (spring 1996): 41-61.

Adams, Thomas K. "The New Mercenaries and the Privatization of Conflict." *Parameters* 29, no. 2 (summer 1999): 103-116.

_____. "Radical Destabilizing Effects of New Technologies." *Parameters*, 28, no. 3 (autumn 1998): 99-111.

Arnold, Edwin J. "The Use of Military Power in Pursuit of National Interests." *Parameters* 24, no. 1 (spring 1994): 4-12.

Bacevich, A. J. "Morality and High Technology." *The National Interest* no. 45 (fall 1996): 37-47.

Barnett, Roger W. "Information Operations, Deterrence, and the Use of Force." *Naval War College Review* 51, no. 2 (spring 1998): 7-19.

Baumann, Robert F. "Historical Perspectives on Future War." *Military Review* 77, no. 3 (March-April 1997): 40-48.

Betts, Richard K. "The New Threat of Mass Destruction." *Foreign Affairs* 77, no. 1 (January-February 1998): 26-41.

Beyerchen, Alan. "Clausewitz, Nonlinearity, and the Unpredictability of War." *International Security* 17, no. 3 (winter 1992): 59-90.

Biddle, Stephen. "Victory Misunderstood: What the Gulf War Tells Us about the Future of Conflict." *International Security* 21, no. 2 (fall 1996): 139-179.

Blechman, Barry M. "The Intervention Dilemma." *The Washington Quarterly* 18, no. 3 (summer 1995): 63-73.

Boyle, Joseph. "*Just and Unjust Wars:* Causistry and the Boundaries of the Modern World." *Ethics and International Affairs* 11 (1997): 83-98.

Brodie, Bernard. "Strategy as an Art and Science." *Naval War College Review* 51, no. 1 (winter 1998): 26-38.

Bunker, Robert J. "Epochal Change: War Over Social and Political Organization." *Parameters* 27, no. 2 (summer 1997): 15-23.

Carr, Caleb. "Terrorism as Warfare: The Lessons of Military History." *World Policy Journal* (winter 1997): 1-12.

Carter, Ashton, John Deutch, and Philip Zelikow. "Catastrophic Terrorism: Tackling The New Danger." *Foreign Affairs* 78, no. 6 (November-December 1998): 80-94.

Chettle, John. "The American Way: Or how the Chaos, Unpredictability, Contradictions, Complexity, and Example of Our System Undid Communism and Apartheid." *The National Interest* no. 41 (fall 1995): 3-18.

Chopra, Jarat, and Thomas Weiss. "Sovereignty is no longer Sacrosanct: Codifying Humanitarian Intervention." *Ethics and International Affairs* 6 (1992): 95-117.

Clancy, Tom, and Russell Seitz. "Five Minutes Past Midnight – and Welcome to the Age of Proliferation." *The National Interest* no. 26 (winter 1991/92): 3-12.

Clark, Wesley K. "Meeting Future Military Challenges to NATO." *Joint Force Quarterly* no. 21 (spring 1999): 41-46.

Clemmons, Byard, and Gary Brown. "Cyberwarfare: Ways, Warriors, and Weapons of Mass Destruction." *Military Review* 79, no. 5 (September-October 1999): 35-45.

Cohen, Eliot A. "A Revolution in Warfare." *Foreign Affairs* 75, no. 2 (March-April 1996): 37-54.

_____. "The Mystique of U.S. Air Power." *Foreign Affairs* (January-February 1994).

Conversino, Mark. "The Changed Nature of Strategic Air Attack." *Parameters* 27, no. 4 (winter 1998): 28-41.

Daalder, Ivo H., and Michael E. O'Hanlon. "Unlearning the Lessons of Kosovo." *Foreign Policy*, no. 116 (fall 1999): 128-139.

DeRemer, Lee. "Leadership Between a Rock and a Hard Place." *Airpower Journal* 10, no. 3 (fall 1996): 87-94.

Dorff, Robert H. "Democratization and Failed States: The Challenge of Ungovernability." *Parameters* 26, no. 2 (summer 1996): 17-29.

Dowty, Alan and Gil Loescher. "Refugee Flows as Grounds for International Action." *International Security* 21, no. 1 (summer 1996): 43-71.

Drucker, Peter F. "The Global Economy and the Nation-State." *Foreign Affairs* 76, no. 5 (September-October 1997): 160-171.

Dunlap, Charles J., Jr., "21st Century Land Warfare: Four Dangerous Myths." *Parameters* 27, no. 3 (fall 1997): 27-37.

_____. "Technology: Recomplicating Moral Life for the Nation's Defenders." *Parameters* 29, no. 3 (autumn 1999): 24-53.

Eikenberry, Karl. "Take No Casualties." *Parameters* 26, no. 2 (summer 1996): 109-117.

Falk, Kevin L. "The Maginot Mentality in International Relations Models." *Parameters* 28, no. 2 (summer 1998): 80-92.

Fetter, Steve. "Ballistic Missiles and Weapons of Mass Destruction." *International Security* 16, no. 1 (summer 1991): 5-42.

Fitzsimonds, James. R. "The Coming Military Revolution: Opportunities and Risks." *Parameters* 25, no. 2 (summer 1995): 30-36.

Fukuyama, Francis. "The End of History?" *The National Interest* no. 16 (summer 1989): 3-18.

Fuller, Graham. "Redrawing the World's Borders." *World Policy Journal* (spring 1997): 11-21.

Gaddis, John Lewis. "International Relations Theory and the End of the Cold-War." *International Security* 17, no. 3 (winter 1992): 5-58.

Garrett, Stephen A. "Political Leadership and the Problem of 'Dirty Hands,'" *Ethics and International Affairs* 8 (1994): 159-175.

Gleick, Peter H. "Water and Conflict: Fresh Water Resources and International Security." *International Security* 18, no. 1 (summer 1993): 79-112.

Goure, Dan. "Is there a Military-Technical Revolution in America's Future?" *The Washington Quarterly* 16, no. 4 (autumn 1993): 175-192.

Grau, Lester W. "Bashing the Laser Range Finder with a Rock." *Military Review* 77, no. 3 (May-June 1997): 42-48.

Gray, Colin S. "Combatting Terrorism." *Parameters* 23, no. 3 (autumn 1993): 17-24.

_____. "The Changing Nature of Warfare?" *Naval War College Review* 49, no. 1 (spring 1996): 7-21.

Gray, Victor. "People Wars: Ruminations on Population and Security." *Parameters* 27, no. 2 (summer 1997): 52-60.

Hall, Robert F., and Bonnie Jezior. "Urban Warfare and the Urban Warfighter of 2025." *Parameters* 29, no. 2 (summer 1999): 74-86.

Harknett, Richard J. "Information Warfare and Deterrence." *Parameters* 26, no. 3 (autumn 1996): 93-107.

Harley, Jeffrey A. "Information, Technology, and the Center of Gravity." *Naval War College Review* 50, no. 4 (winter 1997): 66-87.

Hassner, Pierre. "Beyond the Three Traditions: The Philosophy of War and Peace in Historical Perspective." *International Affairs* 70, no. 4 (1994): 737-756.

Hedges, Chris. "Kosovo's Next Masters?" *Foreign Affairs* 78, no. 3 (May-June 1999): 24-42.

Hendrickson, David C. "In Defense of Realism." *Ethics and International Affairs* 11 (spring 1997): 19-53.

Henry, Ryan, and C. Edward Peartree. "Military Theory and Information Warfare." *Parameters* 28, no. 3 (autumn 1998): 121-135.

Hoffman, Bruce. "Terrorism: Who is Fighting Whom?" *World Policy Journal* (spring 1997): 97-104.

Hoffman, Michael H. "War, Peace, and Interventional Armed Conflict: Solving the Peace Enforcer's Paradox." *Parameters* 25, no. 4 (winter 1995): 41-52.

Holbrooke, Richard. "America, A European Power." *Foreign Affairs* 74, no. 2 (March-April 1995): 38-51.

Homer-Dixon, Thomas. "On the Threshold: Environmental Change as Acute Conflict." *International Security* 16, no. 2 (fall 1991): 76-116.

Hunter, Robert. "NATO in the 21st Century: A Strategic Vision." *Parameters* 28, no. 2 (summer 1998): 15-29.

Huntington, Samuel P. "The Clash of Civilizations?" *Foreign Affairs* 72, no. 3 (summer 1993): 22-49.

Jablonsky, David. "U.S. Military Doctrine and the Revolution in Military Affairs." *Parameters* 24, no. 3 (autumn 1994): 18-36.

Jervis, Robert. "The Future of World Politics: Will it Resemble the Past?" *International Security* 16, no. 3 (winter 1992): 39-73.

Joffe, Josef. "How America Does It." *Foreign Affairs* 76, no. 5 (September-October 1997): 13-27.

Johnson, James Turner. "The Broken Tradition." *The National Interest* no. 45 (fall 1996): 27-36.

Kagan, Frederick W. "Army Doctrine and Modern War: Notes Toward a New Edition of FM 100-5." *Parameters* 27, no. 1 (spring 1997): 134-151.

Kaplan, Robert D. "The Coming Anarchy." *The Atlantic Monthly* 273, no. 2 (February 1994): 44-76.

Karl, David J. "Proliferation Pessimism and Emerging Nuclear Powers." *International Security* 21, no. 3 (winter 1997): 87-119.

Kegley, Charles W. "The New Global Order: The Power of Principle in a Pluralistic World." *Ethics and International Affairs* 6 (1992): 21-40.

Kennan, George F. "Morality and Foreign Policy." *Foreign Affairs* 64, no. 2 (winter 1985): 205-218.

_____. "On American Principles." *Foreign Affairs* 74, no. 2 (March-April 1995): 116-126.

Koontz, Theodore J. "Noncombatant Immunity in Michael Walzer's *Just and Unjust Wars*." *Ethics and International Affairs* 11 (1997): 55-81.

Krasner, Stephen D. "Compromising Westphalia." *International Security* 20, no. 3 (winter 1995): 115-151.

Krepinevich, Andrew. "Cavalry to Computer: The Pattern of Military Revolutions." *The National Interest* no. 37 (fall 1994): 30-42.

Kurth, James. "America's Grand Strategy: A Pattern of History." *The National Interest* no. 43 (spring 1996): 3-19.

Laberge, Pierre. "Humanitarian Intervention: Three Ethical Positions." *Ethics and International Affairs* 9 (1995): 15-35.

Laquer, Walter. "Postmodern Terrorism." *Foreign Affairs* 75, no. 5 (September-October 1996): 24-36.

Levy, Marc. "Is the Environment a National Security Issue?" *International Security* 20, no. 2 (fall 1995): 35-62.

Lowi, Miriam R. "Bridging the Divide: Transboundary Resource Disputes," *International Security* 18, no. 1 (summer 1993): 113-138.

Luttwak, Edward N. "A Post-Heroic Military Policy." *Foreign Affairs* 75, no. 4 (July-August 1996): 33-44.

_____. "Give War a Chance." *Foreign Affairs* 78, no. 4 (July-August 1999): 36-44.

Mandelbaum, Michael. "A Perfect Failure: NATO's War Against Yugoslavia." *Foreign Affairs* 78, no. 5 (September-October 1999): 2-8.

_____. "Lessons of the Next Nuclear War." *Foreign Affairs* 74, no. 2 (March-April 1995): 22-37.

Mansfield, Edward D., and Jack Snyder. "Democratization and the Danger of War." *International Security* 20, no. 1 (summer 1995): 5-38.

Matthews, Jessica T. "Power Shift." *Foreign Affairs* 76, no. 1 (January-February 1997): 50-66.

Maxon, Richard G. "Nature' Eldest Law: A Survey of a Nation's Right To Act in Self-Defense." *Parameters* 25, no. 3 (autumn 1995): 55-67.

Mazarr, Michael J. "Going Just a Little Nuclear: Nonproliferation Lessons from North Korea." *International Security* 20, no. 2 (fall 1995): 92-122.

McKenzie, Kenneth. "Elegant Irrelevance: Fourth Generation Warfare." *Parameters* 23, no. 3 (autumn 1993): 51-59.

Mendel, William W., and Murl D. Munger. "The Drug Threat: Getting Priorities Straight." *Parameters* 27, no. 2 (summer 1997): 110-123.

Meron, Theodor. "Answering for War Crimes: Lessons from the Balkans." *Foreign Affairs* 76, no. 1 (January-February 1997): 2-8.

Metz, Steven. "A Strategic Context for Third Tier Conflict." *Military Review* 74, no. 6 (December 1994 – January-February 1995): 4-14.

Mearsheimer, John J. "Back to the Future: Instability in Europe after the Cold-War." *International Security* 15, no. 1 (summer 1990): 5-56.

_____. "The False Promise of International Institutions." *International Security* 19, no. 3 (winter 1995): 5-49.

Molander, Roger C., Andrew S. Riddile, and Peter A. Wilson. "Strategic Information Warfare: A New Face of War." *Parameters* 26, no. 3 (autumn 1996): 81-93.

Morgenthau, Hans. "Realism in International Politics." *Naval War College Review* 51, no. 1 (winter 1998): 16-25.

Myers, Robert J. "Notes on Just-War Theory: Whose Justice, Which Wars?" *Ethics and International Affairs* 10 (1996): 115-130.

Nye, Joseph, and William Owens. "America's Information Edge." *Foreign Affairs* 75, no. 2 (March-April 1996): 20-36.

Pasic, Amir, and Thomas G. Weiss. "The Politics of Rescue: Yugoslavia's Wars and the Humanitarian Impulse." *Ethics and International Affairs* 11 (1997): 105-131.

Peters, Ralph. "After the Revolution." *Parameters* 25, no. 2 (summer 1995): 7-14.

_____. "A Revolution in Military Ethics?" *Parameters* 26, no. 2 (summer 1996): 102-108.

_____. "Our Soldiers, Their Cities." *Parameters* 26, no. 1 (spring 1996): 43-50.

_____. "The American Mission." *Parameters* 29, no. 3 (autumn 1999): 2-8.

_____. "The Culture of Future Conflict. *Parameters* 25, no. 4 (winter 1995): 18-27.

_____. "The New Strategic Trinity." *Parameters* 28, no. 4 (winter 1998): 73-79.

Posen, Barry R., and Andrew L. Ross. "Competing Visions for U. S. Grand Strategy." *International Security* 21, no. 3 (winter 1997): 5-53.

_____. "Military Responses to Refugee Disasters." *International Security* 21, no. 1 (summer 1996): 72-111.

Reimer, Dennis J. "Challenge and Change: A Legacy for the Future." *Parameters* 27, no. 4 (July-August 1997): 108-116.

Robb, Charles S. "Challenging the Assumptions of U. S. Military Strategy." *The Washington Quarterly* 20, no. 2 (spring 1997): 115-131.

Rodman, Peter W. "The Fallout from Kosovo." *Foreign Affairs* 78, no. 4 (July-August 1999): 45-51.

Rose, Gideon. "The Exit Strategy Delusion." *Foreign Affairs* 77, no. 1 (January-February 1998): 56-67.

Rosenau, James N. "Normative Challenges in a Turbulent World." *Ethics and International Affairs* 6 (1992): 25-61.

Roskin, Michael. "The National Interest: From Abstraction to Strategy." *Parameters* 25, no. 4 (winter 1995): 4-18.

Ross, Bruce R. "The Case for Targeting Leadership in War." *Naval War College Review* 46, no. 3 (summer 1993): 73-93.

Sagan, Scott. "The Perils of Proliferation." *International Security* 18, no. 4 (spring 1994): 66-107.

_____. "Why do States Build Nuclear Weapons?" *International Security* 21, no. 3 (winter 1997): 54-86.

Sapolsky, Harvey M., and Jeremy Shapiro. "Casualties, Technology, and America's Future Wars." *Parameters* 24, no. 3 (autumn 1994): 119-127.

Shear, Wayne G. "The Drug War: Applying the Lessons of Vietnam." *Naval War College Review* 47, no. 1 (summer 1994): 110-124.

Shearer, David. "Outsourcing War." *Foreign Policy* no. 112 (fall 1998): 68-81.

Shephard, John E. "*On War:* Is Clausewitz Still Relevant?" *Parameters* 20, no. 9 (September 1990): 85-99.

Slaughter, Anne-Marie. "The Real New World Order: The State Strikes Back." *Foreign Affairs* 76, no. 5 (January-February 1997): 183-197.

Smith, Michael Joseph. "Ethics and Intervention." *Ethics and International Affairs* 3 (1989): 1-26.

_____. "Growing up with *Just and Unjust Wars*." *Ethics and International Affairs* 11 (1997): 3-17.

Solana, Javier. "NATO's Success in Kosovo." *Foreign Affairs* 78, no. 6 (November-December 1999): 114-120.

Sopko, John F. "The Changing Proliferation Threat." *Foreign Policy* no. 105 (winter 1996): 3-20.

Spencer, Ranier H. "A Just War Primer." *Military Review* 73, no. 2 (February 1993): 20-25.

Starry, Michael, and Charles Wreneson. "FM 100-6 Information Operations." *Military Review* 76, no. 6 (Novmber-December 1996): 3-15.

Stech, Frank. "Sociopolitical Stresses and the RMA." *Parameters* 25, no. 2 (summer 1995): 47-54.

_____. "Winning CNN Wars." *Parameters* 24, no. 3 (autumn 1994): 37-56.

Steinbruner, John D. "Biological Weapons: A Plague Upon All Houses." *Foreign Policy* no. 113 (winter 1998): 85-125.

Stofft, William A., and Gary L. Guertner. "Ethnic Conflict: The Perils of Military Intervention." *Parameters* 25, no. 1 (spring 1995): 30-42.

Sullivan, Gordon. "War in the Information Age." *Military Review* 74, no. 4 (April 1994): 46-62.

Thomas, Timothy. "The Age of the New Persuaders." *Military Review* 77, no. 3 (May-June 1997): 72-80.

Tilford, Earl H., Jr. "Operation Allied Force and the Role of Airpower." *Parameters* 29, no. 4 (winter 1999): 24-38.

Travers, Russel E. "A New Millennium and a Strategic Breathing Space." *The Washington Quarterly* 20, no. 2 (spring 1997): 97-114.

Tucker, David. "Fighting Barbarians." *Parameters* 28, no. 2 (summer 1998): 69-79.

Tucker, Robert W. "The Future of a Contradiction." *The National Interest* no. 102 (spring 1996): 20-27.

Turbiville, Graham H. "Operations Other Than War: Organized Crime Division." *Military Review* 74, no. 1 (January 1994): 35-46.

Van Creveld, Martin. "Fate of the State." *Parameters* 26, no. 1 (spring 1996): 4-18.

Van de Velde, James R. "The Growth of Criminal Organizations and Insurgent Groups Abroad due to International Drug Trafficking." *Low Intensity Conflict and Law Enforcement* 5, no. 3 (winter 1996): 466-483.

Van Evera, Stephen. "Hypotheses on Nationalism and War." *International Security* 18, no. 4 (spring 1994): 5-39.

Van Riper, Paul, and Robert H. Scales. "Preparing for War in the 21st Century." *Parameters* 27, no. 4 (autumn 1997): 4-14.

Vlahos, Michael. "The War after Byte City." *The Washington Quarterly* 20, no. 2 (spring 1997): 41-72.

Waltz, Kenneth N. "The Emerging Structure of International Politics." *International Security* 18, no. 2 (fall 1993): 44-79.

Walzer, Michael. "A Response." *Ethics and International Affairs* 11 (1997): 99-103.

Weiner, Myron. "Bad Neighbors, Bad Neighborhoods: the Causes of Refugee Flows," *International Security* 21, no. 1 (summer 1996): 5-42.

Woodward, Susan L. "Failed States: Warlordism and 'Tribal' Warfare." *Naval War College Review* 52, no 2 (spring 1999): 55-68.

Zimmerman, Warren. "The Last Ambassador: A Memoir of the Collapse of Yugoslavia." *Foreign Affairs* 74, no. 2 (March-April 1995): 2-20.

Government Documents

Department of the Air Force. *Air Force Basic Doctrine.* Washington: United States Air Force, 1992.

Department of the Army. "Apply Just War Tradition to Your Service as a Leader and the Profession of Arms." MQS Task 158-100-1131. Fort Leavenworth: U. S. Army Command and General Staff College, 1998.

_____. *CGSC Student Text C500 Operational Warfighting*. Fort Leavenworth: U.S. Army Command and General Staff College, 1998.

_____. Field Manual 27-10, *The Law of Land Warfare*. Washington: Department of the Army, 1956.

Department of Defense. *National Military Strategy of the United States*. Washington: Department of Defense, 1997.

_____. *Proliferation: Threat and Response*. Washington: Office of the Secretary of Defense, 1996.

_____. *Report of the Quadrennial Defense Review*. Washington: Department of Defense, May 1997.

Joint Chiefs of Staff. *Concept for Future Joint Operations*. Fort Monroe: Joint Warfighting Center, 1997.

_____. *Joint Publication 3-0, Doctrine for Joint Operations*. Fort Monroe: Joint Warfighting Center,1995.

_____. *Joint Vision 2010*. Fort Monroe: Joint Warfighting Center, 1996.

U.S. Congress. House. Committee on International Relations. *Global Organized Crime: Hearing before the House Committee on International Relations*. 104th Cong., 2nd sess. 31January 1996.

U.S. Congress. Senate. Subcommittee on European Affairs. *Loose Nukes, Nuclear Smuggling, and the Fissile-Material Problem in Russia: Hearing before the Senate Committee on Foreign Relations*. 104th Cong., 2nd sess. 22 August 1995.

White House. *National Security Strategy for a New Century*. Washington: The White House, 1997.

Unpublished Materials

Ahrens, David A. "Christianity's Contribution to the Just War Tradition." Research Project, U.S. Army War College, 1999.

Aldrich, Richard W. "The International Legal Implications of Information Warfare," Research Project, Institute for National Security Studies, 1996.

Beecher, Robert J. "Just War Theory and the Ethics of Intervention." Research Project U.S. Army War College, 1996.

Chilcoat, Richard A. "Strategic Art: The New Discipline for 21st Century Leaders." Research Project, U.S. Army War College, 1995.

Gibbs, Johnathan. "Noncombatant Immunity and Military Necessity: Ethical Conflict in the Just War Ethics of William O'brien and Paul Ramsey." M.A. thesis, Gordon-Conwell Theological Seminary, 1997.

Hehir, J. Bryan. "The Use of Force: Changing Moral and Political Assessments." M.A. thesis, Texas A & M University, 1997.

Heim, Robert L. "Leadership, Decision-Making, and the Judeo-Christian Ethic." M.M.A.S. thesis, U.S. Army Command and General Staff College, 1993.

Johnsen, William T., Douglas V. Johnson,. James O. Kievit, Douglas C. Lovelace, and Steven Metz. "The Principles of War in the 21st Century: Strategic Considerations." Research Project, U. S. Army War College, 1995.

Jones, Laurence W. "The Persian Gulf War: A Case Study in Just War Theory," M.A. thesis, Duke University Divinity School, 1998.

Mattox, John Mark. "The Ethics of Military Deception." M.M.A.S. thesis, U.S. Army Command and General Staff College, 1998.

Metz, Steven. "Counterinsurgency: Strategy and the Phoenix of American Capability." Research Project, U.S. Army War College, 1995.

_____. "Strategic Horizons: The Military Implications of Alternative Futures." Research Project, U.S. Army War College, 1997.

Metz, Steven, and James Kievit. "Strategy and the Revolution in Military Affairs: From Theory to Policy." Research Project, U.S. Army War College, 1995.

Smith, Mason E. "Responsible Soldiering in the Nuclear Age: Inferences from the Catholic Bishop's Pastoral on Nuclear War." M.M.A.S. thesis, U.S. Army Command and General Staff College, 1986.

Tesdahl, Robert M. "Just War or Just Another War? The Relevance of Just War Theory in the 21st Century," Research Project, Industrial College of the Armed Forces, National Defense University, 1991.

Warden, John A. "Employing Airpower in the 21st Century." *The Future of Airpower in the Aftermath of the Gulf War*. Research project, Air University, 1992.

Internet and Other Sources

Baines, Thomas B. "The Laws of War and the Rules of Peacekeeping." Lecture presented to the Joint Services Conference on Professional Ethics. Washington, 30-31 January 1997. Database on-Line. Available from http://www.usafa.af.mil/jscope/Baines97.htm. Internet. Accessed 2 April 2000.

Clark, Wesley K. Official statement. Press release, Brussels, 1 April 1999. Database on-line. Available from http://www.fas.org/man/dod-101/ops/docs99/s990401c.htm. Internet. Accessed 2 April 2000.

Cohen, William S. and Henry H. Shelton. "Joint Statement on the Kosovo After-Action Review." Press release, Washington, 14 October 1999. Database on-line. Available from http://www.fas.org/man/dod-101/docs99/b10141999_bt478-99.htm. Internet. Accessed 2 April 2000.

Department of State. "Ethnic Cleansing in Kosovo: An Accounting." Press release, Washington, December 1999. Database on-line. Available from http://www.fas.org/man/dod101/ops/docs99/dos9912/over.htm. Internet. Accessed 2 April 2000.

_____. "Kosovo Timeline." Press release, Washington, 21 May 1999. Database on-line. Available from http://www.fas.org/man/dod-101/ops/docs99/fs_kosovo_timeline.htm. Internet. Accessed 2 April 2000.

Federation of American Scientists. Available from http://www.fas.org/. Internet. Accessed 2 April 2000.

Federation of American Scientists. "Operation Allied Force." Database on-line. Available from http://www.fas.org/man/dod101/ops/allied_force.htm. Internet. Accessed 2 April 2000.

Johnson, James Turner. "The Just War Idea and the Ethics of Intervention." Distinguished Lecture on War, Morality, and the Military Profession, United States Air Force Academy, 1993.

Mays, Antje. "War and Peace: Of Law, Lawlessness, and Sovereignty." Lecture presented to the Joint Services Conference on Professional Ethics. Washington, 30-31 January 1997. Database on-line. Available from http://www.usafa.mil/jscope/Mays97.htm. Internet. Accessed 2 April 2000.

Metz, Steven. "A Wake for Clausewitz: Toward a Philosophy of 21st Century Warfare." Database on-line. Available from http://www.msninc.com/cbassfrd/CWZHOME/metz.htm. Internet. Accessed 2 April 2000.

North Atlantic Council. "Statement on Kosovo." Press release, Brussels, 23 April 1999. Database on-line. Available from http://www.fas.org/man/dod-101/ops/docs99/p99-062e.htm. Internet. Accessed 2 April 2000.

The Clausewitz Homepage. Database on-line. Available from http://www.clausewitz.com/CWZHOME/CWZBASE.htm. Internet. Accessed 2 April 2000.

Villacres, Edward J., and Christopher Bassford. "Reclaiming the Clausewitzian Trinity." Database on-line. Available from http://www.mnsinc.com/cbassfrd/CWZHOME/Trinity/TRINITY.htm. Internet. Accessed 2 April 2000.

White House. "White House Statement on Kosovo." Press release, Washington, 22 March 1999. Database on-line. Available from http://www.fas.org/man/dod101/ops/ docs99_99032212_tlt.htm. Internet. Accessed 2 April 2000.

INITIAL DISTRIBUTION LIST

Combined Arms Research Library
U.S. Army Command and General Staff College
250 Gibbon Avenue
Fort Leavenworth, KS 66027-2314

Defense Techical Information Center/OCA
8725 John J. Kingman Rd., Suite 944
Fort Belvoir, VA 22060-6218

Lieutenant Colonel Nathaniel Stevenson, Jr.
Department of Joint and Multi-National Operations
USACGSC
1 Reynolds Avenue
Fort Leavenworth, KS 66027-1352

Chaplain (Major) Kenneth W. Bush
Leadership Instruction Division, Center for Army Leadership
USACGSC
1 Reynolds Avenue
Fort Leavenworth, KS 66027-1352

Dr. Thomas M. Huber
Combat Studies Institute
USACGSC
1 Reynolds Avenue
Fort Leavenworth, KS 66027-1352

CERTIFICATION FOR MMAS DISTRIBUTION STATEMENT

1. Certification Date: 2 June 2000

2. Thesis Author: Major Michael W. Johnson

3. Thesis Title: Just-War Theory and Future Warfare

4. Thesis Committee Members Signatures:

5. Distribution Statement: See distribution statements A-X on reverse, then circle appropriate distribution statement letter code below:

(A) B C D E F X SEE EXPLANATION OF CODES ON REVERSE

If your thesis does not fit into any of the above categories or is classified, you must coordinate with the classified section at CARL.

6. Justification: Justification is required for any distribution other than described in Distribution Statement A. All or part of a thesis may justify distribution limitation. See limitation justification statements 1-10 on reverse, then list, below, the statement(s) that applies (apply) to your thesis and corresponding chapters/sections and pages. Follow sample format shown below:

EXAMPLE

Limitation Justification Statement	/	Chapter/Section	/	Page(s)
	/		/	
	/		/	
	/		/	

Fill in limitation justification for your thesis below:

Limitation Justification Statement	/	Chapter/Section	/	Page(s)
	/		/	
	/		/	
	/		/	
	/		/	
	/		/	

7. MMAS Thesis Author's Signature: Michael W. Johnson

STATEMENT A: Approved for public release; distribution is unlimited. (Documents with this statement may be made available or sold to the general public and foreign nationals).

STATEMENT B: Distribution authorized to U.S. Government agencies only (insert reason and date ON REVERSE OF THIS FORM). Currently used reasons for imposing this statement include the following:

1. Foreign Government Information. Protection of foreign information.

2. Proprietary Information. Protection of proprietary information not owned by the U.S. Government.

3. Critical Technology. Protection and control of critical technology including technical data with potential military application.

4. Test and Evaluation. Protection of test and evaluation of commercial production or military hardware.

5. Contractor Performance Evaluation. Protection of information involving contractor performance evaluation.

6. Premature Dissemination. Protection of information involving systems or hardware from premature dissemination.

7. Administrative/Operational Use. Protection of information restricted to official use or for administrative or operational purposes.

8. Software Documentation. Protection of software documentation - release only in accordance with the provisions of DoD Instruction 7930.2.

9. Specific Authority. Protection of information required by a specific authority.

10. Direct Military Support. To protect export-controlled technical data of such military significance that release for purposes other than direct support of DoD-approved activities may jeopardize a U.S. military advantage.

STATEMENT C: Distribution authorized to U.S. Government agencies and their contractors: (REASON AND DATE). Currently most used reasons are 1, 3, 7, 8, and 9 above.

STATEMENT D: Distribution authorized to DoD and U.S. DoD contractors only; (REASON AND DATE). Currently most reasons are 1, 3, 7, 8, and 9 above.

STATEMENT E: Distribution authorized to DoD only; (REASON AND DATE). Currently most used reasons are 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10.

STATEMENT F: Further dissemination only as directed by (controlling DoD office and date), or higher DoD authority. Used when the DoD originator determines that information is subject to special dissemination limitation specified by paragraph 4-505, DoD 5200.1-R.

STATEMENT X: Distribution authorized to U.S. Government agencies and private individuals of enterprises eligible to obtain export-controlled technical data in accordance with DoD Directive 5230.25; (date). Controlling DoD office is (insert).