

**THE POST COLD WAR ERA:  
Will The Old Rules Support A New Strategy?**

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**National War College Core Course  
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# Report Documentation Page

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## **I. Introduction**

War is that condition which exists when a state feels that its vital interests are at stake and seeks to impose its will on an adversary through the use of force. This use of war to achieve a particular end is nearly as old as mankind itself, and, over time, has evolved a body of philosophical law addressing the moral justification of this violent tool.

— This body of law, generally known as the Just War Criteria, has developed principally over the last 1500 years, and has served well to distinguish the "just" from the "unjust" wars, especially as applied to what we now refer to as conventional combat (i.e., non-nuclear). Through vigorous debate (coupled with the judicious stretching of underlying assumptions), the Just War Criteria has also served reasonably well over the last 30 years to underpin nuclear deterrence between the United States and the Soviet Union.

We now face a global situation rather unlike anything encountered in the past. With the fall of the Soviet Union there is only one remaining "superpower" -- the United States. But there are steadily increasing numbers of nations, adversary and ally, that have weapons of mass destruction -- some with responsible governments and some with very suspect leadership. Conventional weaponry, both high-tech and low-tech, is available to virtually every state with the desire and the cash. And compounding these multiple threats which now face the United States from around the globe, is the large military force draw-down which the U.S. is currently undergoing.

That a new (or at least significantly altered) national security strategy is required to allow the United States to accommodate to these profound changes, is obvious. That the new strategy will need to be both militarily and morally acceptable is also very clear. But

will a new strategy formulated and based on the traditional criteria of a just war be sufficient to respond to the world that we are now facing?

In order to address that question, this paper will review the historical basis for the Just War Criteria; briefly discuss the strategies of the United States during the 20th Century based on those criteria; and finish with a discussion of the dilemma facing us as we attempt to formulate a military strategy sufficient for the anticipated challenges.

## II. History of the Just War Criteria

The history of the search for moral underpinnings for war began about 2500 years ago in Greece. Aristotle and Plato, working with precepts first noted by Thucydides some years prior, formulated the concept of the government and the governed having responsibilities to each other. The Romans took this line of reasoning and, over the next several hundred years, established the fundamentals of a legal system – *ius naturale* (natural law), *ius civile* (civil law), and *ius gentium* (law of nations). Thus, the structure of a state or a nation/state was established. The next major influence on the evolution of the Just War Criteria was the church.

Prior to the 5th century AD, religion was largely pacifist with a strict avoidance of violence under any circumstances. All of that changed in the 4th century AD when Emperor Constantine converted to Christianity and adopted that faith as the religion of the Roman Empire. Given that the Roman Empire was not likely to stop its acquisition of territory through the coercive diplomacy of invasion and domination, a means to compatibly join the state strategy with the state religion was necessary. In the 4th century AD, St Augustine

devised the doctrine of the "Just War" using as his premise the concept that no use of force is ever justified except in extraordinary circumstances. In order for the circumstance to qualify as extraordinary, three conditions had to exist: 1) A just cause sufficient to warrant going to war; 2) A competent state with the authority to declare war; and 3) The purpose of the war limited to righting wrongs. These were the rudimentary beginnings of the Just War Criteria.

The fall of the Roman Empire led to feudal fragmentation of the existing governments with virtually no stable governments remaining. The church replaced the Roman state in all matters of morality, culture, and education and served as the arbiter in defining wars as just or unjust. In the 14th century, conditions conducive to the theory and practice of state sovereignty began to re-emerge. By the 16th century, the doctrine of internal sovereignty began to dominate and international relationships became more commonplace.

As political and economic organization increased, so did the ability to wage war. Technology had also increased the scope and lethality of war. "Total War" involving the entire community – combatant and non-combatant – was now possible. In the late 19th and early 20th century, this increased scope and lethality of war necessitated a further defining and codification of the rules of war. The Hague Conferences and the Geneva Conventions codified the laws of combat between warring nations and more clearly defined the responsibilities of the combatants and the treatment of prisoners-of-war and non-combatants. This completed the evolution of the concepts of war justification and the waging of a morally acceptable war, and served to flesh out the Just War Criteria as we now recognize them.

### III. Current Concept of the "Just War Criteria"

The Just War Criteria, as they are now defined, center around two broad themes -- *Jus Ad Bellum*, a just cause, and *Jus In Bello*, proportionality of means.

The *Jus Ad Bellum*, or just cause portion of the argument for moral justification, requires the presence of several sub-criteria which include: 1) The war must be for the protection or preservation of a commonly valued entity; 2) The war must not be for colonial expansion or domination; 3) War must be the last resort with all other avenues of settlement exhausted; 4) The positive benefits of the war must clearly outweigh the damage and harm caused by the war; and 5) There must be a reasonable chance for success before violent force is initiated.

The *Jus In Bello* portion deals with proportionality of the means employed. Morally acceptable means must not cause any more harm than is reasonably necessary to achieve the desired end point of the war. Further, there must be protection of non-combatants from harm caused as a direct result of the war effort.

### IV. APPLICATIONS OF THE JUST WAR CRITERIA DURING THE 20TH CENTURY

World War I, World War II, and the Korean War are all examples of wars where the "Just War" debate, using the aforementioned criteria, resulted in wars that were generally regarded as justified. These wars were fought as a result of clearly unwarranted aggression, and incorporated proportionality of means for the most part.

The war in Vietnam was another story. Solid reasons for going to war of either a political or military nature were never articulated by the National Command Authority.

Rationales such as "Support of the Government of South Vietnam against Communist aggression," or "Preventing the spread of Communism," seemed to be the most recurrent themes put forth by the government. Nebulous rationales such as these did not suffice to justify the war to a large number of Americans. The debate on this war raged on never resulting in a consensus one way or the other.

— Attempting to morally justify the concept of nuclear deterrence provided another very divisive debate. Nuclear war was not so much an issue itself -- it was (and is) simply too devastating to ever be considered as proportional in means. Nuclear deterrence -- the possession of a nuclear force and threatening to use it to prevent a nuclear war -- proved to be the real crux of the debate. Both sides articulated their concerns very well with the church weighing in heavily on the side of those opposed to the use of nuclear weapons in any context, citing lack of proportionality as their main objection. But the proponents of nuclear deterrence also proved to be formidable in their arguments because the practice appeared to have a significant history of being effective. Incorporating the concept of arms reduction into the nuclear deterrence debate brought the two sides nearer to closure in the 80's. But with the collapse of the Warsaw Pact and the Soviet Union by the early 90's, the issue of nuclear deterrence, at least in the context of the Cold War, was overcome by events.

Our most recent war, the Persian Gulf War, was rather easily justified using the Just War Criteria if one considered the Iraqi invasion of Kuwait as the basis for the debate. But, if addressing a dangerous rogue state with a rapidly increasing NBC capability was the reason for going to war, then using the Just War Criteria to justify the use of force would be exceedingly difficult. This "disconnect" begins to define the dilemma.

## **V. A New Strategy for a New World Order**

The end of the Cold War was a success that necessitated a wholesale revision of our strategy, but it has also complicated our quest for that new strategy. For example, there is now only one "superpower" -- the United States. But there are now multiple states with weapons of mass destruction, the ability to deliver these weapons of mass destruction to distant targets, significant conventional forces, or some combination of the three. While there are creditable efforts and some successes at arms control, many states with very significant capabilities are not participating. Add to these disturbing facts the significant drawdown/restructuring of U.S. forces, and one begins to sense the scope of the dilemma facing the United States in devising a strategy to deal with this changing and dangerous world.

As we transition into this vastly different global arena, what do we need from a national security strategy and what do we want that strategy to look like? When resorting to the military option, many aspects of the strategy will cover familiar ground, namely: 1) Maintaining the capability to react to aggression by enemy forces armed with conventional, nuclear, chemical, and biological weapons and, in some cases, the capability to deliver these weapons via ballistic missile; 2) Using rapid deployment of mobile forces to world "hot spots;" 3) Exploiting high technology wherever possible; 4) Planning to develop overwhelming force in any given situation in order to keep conflicts short and as casualty-free as possible for the United States; and 5) Maintaining the moral highground in how and where we utilize violent force.

On the other hand, some aspects of the strategy formulation will reflect change. For

example, we may require more time for force build-up in a given situation because of the need to divert or reposition an overall smaller force. Heavier reliance on intelligence and warning than in the past will certainly be a factor with a smaller force. A leaner logistics base may require more time to marshal the necessary forces and supplies. And a diminished military-industrial complex may not be as responsive as it has in the past in providing military goods, either short term or long term.

These requirements of a revised strategy, using both familiar and new concepts, would not cause any difficulty in the moral justification debate because they are not controversial with respect to the traditional interpretation of the Just War Criteria.

There is another potential requirement, however, that may not be acceptable under traditional interpretation of the Just War Criteria. This requirement deals with sovereignty and the traditional right of a nation to non-interference in pursuing its own interests. The problem centers around dealing with those states that have weapons of mass destruction, the ability to project them, and an obvious intent to aggressively use them. In order to deal with this situation before a weapon of mass destruction has been used may well require action that is pre-emptive. That is to say, action would be taken on the potentially dangerous intentions of this rogue state as opposed to waiting and reacting to an overtly aggressive or irresponsible act. This kind of pre-emptive action would clearly intrude upon the aggressor state's sovereignty which heretofore has been considered inviolate if there has been no act of overt aggression on another state.

The Gulf War provides an excellent example of this potential dilemma. Iraq's invasion and brutal occupation of Kuwait was viewed by the vast majority of world powers as

an intolerable act. There was very little difficulty in reaching a consensus that such aggression would not be tolerated and would be met with force. Now consider for a moment that there was a more significant and compelling reason for the overwhelming military force which was put into position to repel Iraq and render them militarily impotent, and it was not in response to a border crossing, a brutal occupation, or a threat to vast oil reserves. Consider that this vastly more important reason was to deal pre-emptively with a dangerous and unpredictable head of state who was on the verge of adding a significant nuclear capability to an already considerable conventional force and was intent, at the very least, on regional domination with control of a large portion of the Arab oil reserves.

Could the use of violent force have been morally justified under the Just War Criteria if the motive was to deal pre-emptively with a budding (and highly irresponsible) nuclear power? The answer, I believe, is no. The cohesiveness of the coalition, the full support of the United Nations, and the solid support of the people of the United States all came as a result of unequivocal moral justification based on overt aggression -- not on the broader and far more destabilizing and dangerous intentions of a nuclear-capable Saddam Hussein.

This, then, is the dilemma that faces us in formulating a new strategy. The post Cold War world has the potential to be far more unstable and dangerous than the situation we faced for so long in containing the Soviet Union. The "reactive" strategy that worked then may not work now. This new strategy, because of our limited force structure and the many threats it will have to address, may well need to have the potential for pre-emption. That is to say that when the military option is required, it may need to occur before a weapon of mass destruction has been used in order to be effective.

The just war debate, as it has addressed wars in the past, does not support pre-emptive action and will not support violating the sovereignty of a nation until that nation has committed an intolerable act. Unfortunately, there is not a body of literature that addresses such a pre-emptive concept, either pro or con. There is an extensive body of literature on nuclear deterrence which discusses in protracted detail the issue of having nuclear weapons and intending to use them in retaliation to a nuclear attack. But at no time was pre-emptive use of nuclear weapons -- or conventional weapons to deal with nuclear weapons before launch for that matter -- ever considered acceptable. The debate to establish moral justification for pre-emption -- if justification can be found for such a strategy -- will no doubt be a contentious confrontation along lines similar to the nuclear deterrent debate.

What, then, are the alternatives if a strategy that includes pre-emption is not supportable on moral grounds? Possibilities include:

1. Continued use of a strategy that relies primarily on reaction to overt acts of aggression. Unfortunately this leaves the initiative in the hands of the states with weapons of mass destruction, many of whom are likely to be unpredictable, unstable, or both. Moreover, once a weapon of mass destruction is used, a great deal of permanent harm will likely occur and all the reaction in the world will not retrieve the damage done.

2. Increased emphasis on non-military forms of diplomacy. These could include (but are certainly not limited to) diplomatic efforts, economic incentives or sanctions, and the alteration of energy resource acquisition/utilization. An increased emphasis on these forms of diplomacy would occur whether or not a military strategy included the use of pre-emption. The problem is that these forms of diplomacy run the risk of being ineffective if there is not

a credible military option underpinning the strategy. Being credible in the new world order could depend on the option of pre-emption.

3. Global disengagement resulting in an "isolated" United States. This strategy, arguably the most unattractive, would put the United States at the mercy of events beyond our control and is clearly unacceptable.

None of these alternative strategies would appear to be sufficient to cope with the world as it is now evolving. If retaining the option for pre-emption is key to a successful strategy for the future -- and I believe it is -- the search for a morally justifiable basis for this option must begin now. Whether the forum for debate on this issue is the United Nations, the world press, diplomatic summits, or pulpits across the land, the United States must take the lead. Otherwise, the United States will likely be destined to operate with a flawed strategy in an unforgiving world.

## **VI. Summary**

The United States is now facing a world that is far more dangerous than the one it faced during the Cold War. A coherent U.S. strategy that addresses the political and military realities of the world balanced against our force capabilities will quite possibly require the option of being pre-emptive, especially in situations regarding weapons of mass destruction.

Limiting ourselves to strategies which are merely reactive or which are fatally undermined without an option for pre-emptive intervention, will drastically reduce the United States' ability to influence events in a fast moving and highly dangerous global arena.