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Kurt E. Müller

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Toward a Concept of Strategic Civil Affairs

KURT E. MÜLLER

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The history of conflict is littered with examples of military success that ultimately failed to achieve political aims. In exploiting victory, political and military leaders alike have sometimes failed to recognize justice and equity as necessary components of peaceful relations among states. If our intent is to avoid war, then at the end of a conflict we must create the conditions for peace, rather than for subsequent strife. If we are to overcome strategic myopia, we must address the civil sector.

During war, international law endeavors to protect the populace from excessive threats to life and property. Failure to ensure noncombatant immunity may prolong a conflict, repress a struggle until a later generation, or draw additional belligerents into a war. At a minimum, it encumbers post-conflict reconciliation. Strategic leaders, civilian and military alike, must therefore look beyond the array of opposing military forces to the relationship that should emerge among belligerents once the conflict ends. A comparison of military end-states is necessary but not sufficient to meeting political objectives. The key to any post-conflict vision of relations among states is the civil sector.

The means to develop and maintain a long-range perspective on conflict termination exist within the US military force structure, but have seldom been employed at the strategic level from the outset of deliberate or contingency planning. This article therefore considers the needs of a postwar environment and the strategic guidance required to shape that environment. An essential component of that guidance will be missing unless civil affairs personnel are assigned at national, theater, and operational levels to ensure the opposing populace is treated appropriately.

Conflict Termination

Under the rubric of conflict termination, strategists have recently begun to consider the relation between the conclusion of military campaigns and achievable political end-states. Despite its recent attention, this relationship is no major innovation. Clausewitz tells us that no one begins a war without considering what he wishes to achieve by it.[1] But his observation should not be limited to the strategic offensive. In countering the aggression of another, the defender has historically had an opportunity to influence the resulting political environment as well. Thus, peace treaties have often reshaped the political landscape in consequence of the defender's campaign. Unfortunately, the victors who dictate peace terms have often reacted more to opportunism or parochial dynastic or class interests than political wisdom. As Frederick the Great noted, conquests may be fatal to victors as well as the vanquished.[2]

Political leaders have seldom acted in accord with principles that facilitate a long-term solution to conflict between states. In a monograph on *How Wars End*, William Fox notes that the Peace of Vereeniging, which in 1902 ended the Boer War, brought no reconciliation between the British and the Boers.[3] This failure undoubtedly played a significant role two decades later, when Jan Smuts, who had been a Boer opponent of the British, was a British delegate to the peace conference ending World War I. Seeing the draconian measures imposed on the Central Powers, and remembering the harsh treatment of the Boers, Smuts agonized over whether to sign the Treaty of Versailles. Several of his contemporary senior military leaders recognized but failed to communicate successfully to their political superiors that the peace terms imposed helped create the conditions for a subsequent war.

History provides other examples of political leadership incapable of realizing its vision. As chancellor of Prussia, Otto von Bismarck was able to offer Austria generous terms to conclude the Six Weeks War (1866), ensuring Prussia's ascendancy among German states without antagonizing Austria into an alliance with France. (In 1870 the Austrian

chancellor supported the interests of Napoleon III, but Austrian opinion did not support another war with Prussia.) Prussia's campaign against Austria had been swift, but that against France was not so simple. When victory is dear, an impetus for compensation develops. Thus, in 1871 Bismarck was unable to limit France's territorial loss to Alsace, and this failure precluded the reconciliation of France and Germany. During World War I, German diplomacy made a comparable mistake by failing to proclaim that Germany had no territorial ambitions in Belgium.[4]

Similarly, the Wilsonian vision for Europe fell prey to the other Allies' desire to make Germany pay for all Europe's transgressions. Thus, the victors applied democratic principles only to some territories of the vanquished and then with varying degrees of democratic procedural guarantees.[5] In other cases, they simply took territories from the vanquished, despite creating ethnic enclaves, to meet their own imperialistic goals.

In concluding World War II as an ascendant democratic power, the United States addressed treatment of its defeated adversaries more successfully than the old Imperial Powers had done in previous wars, but the road to progressive policy was both laborious and incomplete. In a dissertation devoted to Roosevelt's development of occupation policy in Europe, USAF Colonel Dan Allen discusses the views of Cabinet members on the treatment of Germany after World War II. He notes long discussions among the Secretaries of State, War, and Treasury, and presidential advisor Harry Hopkins (former Secretary of Commerce) over postwar treatment of Germany. Allen comments on the alternative proposed by Treasury Secretary Morgenthau, which would have compounded the disaster of the Treaty of Versailles by following it with a solution akin to the Romans' destruction of Carthage after the Second Punic War:

The destruction rather than redirection of German industrial might was a tragedy to Stimson and bordered on criminal action. Such a program along with the subsistence diets being proposed surely laid the groundwork for yet another war. . . . Stimson commented that Morgenthau was bitter and a bit ignorant of both history and economics.[6]

and further:

Stimson continued to argue against the [Morgenthau] plan. He felt it was an "open confession of the bankruptcy of hope for a reasonable economic and political settlement of the causes of war." [7]

In the end, Germany was divided, occupied, and hardly treated with a view toward reconciliation. The Marshall Plan for the recovery of Europe has the mythic reputation of offering magnanimity to Germany. But Marshall's proposal was not offered until 1947, after a new global ideological threat had emerged. Although the Marshall Plan did provide a marked contrast to the treatment of the Central Powers at Versailles in 1919, it came as an afterthought, not as part of the peace plan.

The subsequent evolution of European states' economies demonstrates the interdependencies we have come to expect as the norm: a mutually advantageous environment among states. But since we see from these few examples of visions of war and peace that political leaders often fail to articulate successfully a strategic vision for harmonious relations among states, national security advisors must be prepared to offer views of a beneficial world order as a step beyond stating war aims in reaction to a provocation. Fox comments on Britain's senior leaders, "Lord Milner in 1902 and Lloyd George in 1918 do not seem to have been much interested in a peace of reconciliation, either before or after victory." [8] Particularly when the need for reconciliation goes unrecognized, the strategic planner needs to offer a vision that incorporates benefits for the vanquished populace.

The Dayton Peace Accords as an Example of Conflict Termination

Much Cold War-era discussion of conflict termination is applicable to small-scale wars between belligerents of limited means. While this article argues that reconciliation is necessary to conclude *any* conflict successfully, negotiations in circumstances of mutual exhaustion are unencumbered by opportunistic war aims of a jubilant, victorious power. No clear victorious or vanquished power emerged from the 1991-95 Balkans War, and the negotiated peace, which attempts to reconcile the factions, is instructive for the means it employs to achieve peace.

The annexes of the Dayton Peace Accords specify a variety of mechanisms for democratization, protection of human rights, and economic development. Specific European organizations have accepted roles in creating the postwar state

of Bosnia-Herzegovina. In arriving at these roles, the negotiators and the Contact Group have shown strategic vision. At the political level, the Contact Group recognized the post-hostilities requirements. At the theater level, the original campaign plan of the Supreme Allied Commander, Europe (SACEUR) for deploying the Implementation Force (IFOR) foresaw linkages between the military and civilian leadership. A key element in this example is the deployment of an extensive civil affairs structure to link the military peacekeeping force and civilian mechanisms that were to implement the vision. There are still gaps in implementation, and they are at the point where strategic policy and implementation meet.

At the operational level, civil affairs practitioners can bring the appropriate players together, but at the interagency level within the US government, a project such as peace-building requires policy direction that benefits from such aspects as these:

- overview of available resources
- constraints on their use
- alternatives for economic development
- resources for immediate and long-term needs
- interface among resource providers, indigenous government officials, the Contact Group, and the peacekeeping force

The constraints, in particular, require reflection. At the announcement that the United States would deploy 20,000 troops, the Clinton Administration was eager to note that the United States would not engage in nation-building. Ostensibly a sign that meant we would not be investing heavily in reconstructing Bosnia's infrastructure, this constraint is considerable and triggers varying reactions. Nation-building may mean different things to different readers, but what is the effect of such a constraint?

Some may ask why Europe or America should pay to rebuild a society destroyed in a civil war when the factions created the situation, are responsible for rebuilding their own economy, and will be the ones to benefit. While self-interest could lead to local bootstrap measures, this perspective would forego the immediate effect of external start-up capital. Self-initiated mortgaging of infrastructure is difficult since foreign debt inherited from Yugoslavia complicates the availability of foreign exchange, and services and construction materials must be paid for in a hard currency.

At the corps and division levels, civil-military operations make an effort to improve the living conditions of the populace. In countries with large bureaucracies, discussions will predictably take place as to whether defense, foreign-aid, development, or disaster-assistance budgets should pay for civic-action programs. Alternatively, the populace may be left solely to the goodwill of donors.

Just as in war, a military mission short of conflict requires the allocation of multiple elements of national power. If a nation's strategic aims require deploying troops, their mission requires the support of nonmilitary resources. At the operational level, one can facilitate connections among government agencies, but identifying and requesting sources of funding at that echelon is complicated by distance from national-level decisionmaking. At best, civil affairs personnel might broker programs among government agencies and nongovernmental actors, whereas a similar, coordinated attempt at the strategic level would improve the chances of success. Identifying a responsible agency for civic action may require participation by a theater strategic planner.

The allocation of resources to reestablish post-conflict economic stability is an interagency matter that requires an understanding of the strategic end-state desired. Although theoretically it matters little whether this strategic direction takes place in Defense or State or at the National Security Council, there must be a mechanism to ensure coordination between the staffs of combatant commanders and the various government and nongovernment agencies contributing to post-conflict development or crisis resolution. Presidential Decision Directive 56 (PDD-56) addresses interagency coordination of separate agencies' planning in the context of a "complex contingency operation," rather than extending such coordination to all operations with substantial troop deployments. As background to PDD-56, we have the recent operational examples of the Bosnia and Haiti task forces at the interagency level which undertook to broker policy and resources. But such interagency mechanisms require a direct link to the appropriate combatant command staff to provide an overview of available nonmilitary instruments of power, notably diplomatic policy and development aid, for

the staff element to assess their adequacy and suitability. A civil affairs element is appropriate for such a link.

French civil affairs doctrine acknowledges the importance of interagency coordination to a strategic assessment of civil-sector conditions. In a directive on the conduct of civil-military activities, it specifies a chain of command for civil-military action articulated at four levels: political, strategic, operational, and tactical.[9] At the strategic level, French doctrine recognizes three emphases--concept of operations, plans, and conduct of operations--each of which requires consideration of civil-sector concerns and coordination with appropriate ministries to deal with civil-sector issues.

US policy recognizes strategic implications of civil affairs activities, and the appropriate assistant secretary of defense is charged with translating "national security policy objectives into specific defense policy objectives achievable through civil affairs." [10] The assistant secretary is also charged to "monitor interagency use of DOD forces for civil affairs activities" and "approve the detail of civil affairs personnel to duty with interagency groups and non-DOD organizations." Such a policy, workable in a peacetime environment, requires considerable flexibility in crisis, peace support, or war. Particularly in a peace support or disaster-relief environment, operations undertaken by the State Department's Office of Foreign Disaster Assistance or by the Justice Department's Community Relations Service are likely to profit from a close working relationship with civil affairs elements at the operational level. But unlike DOD's use of reservists, such agencies typically contract for services, and those hired may have a greater appreciation for the immediate task at hand than for integration of government policy. A quick infusion of civil affairs staff support in such a situation would be useful, but its appropriateness and duration need to be continually assessed by an element in the chain of command attuned to interagency division of labor as well as to strategic objectives.

Allied and Coalition Goals

If the effort to focus the various elements of national power on the civil end-state of a conflict or peace operation seems complex at the national level, it is considerably more so in an alliance or coalition environment. After an arduous conflict, a clear victor will be inclined to pressure the vanquished foe to replace political leaders and structures. Political issues such as empowering local administrators in an occupied or just-liberated country require a different approach from that used to restore infrastructure. Achieving political reforms requires negotiating strategic direction of civil affairs with our partners because each will have a sense of the desirability of keeping or replacing officials who were appointed by the government with which we were just at war, or accepting or appointing officials in a liberated country that may not have had time to replace its political leadership.

Dan Allen gives us an example of the difficulty of coordinating civil affairs or military government policy in a relatively simple two-nation alliance. Discussing the Allied control policy for the occupation of Italy, he observes:

It appeared to the Americans that they were making an active contribution to a bigger and better British Empire. . . . Myron Taylor, United States representative to the Vatican City, . . . felt the British dominated Allied policy in Italy. The British, in his opinion, were attempting to retard recovery at the moment, hoping Italy would be a source of markets for British goods in the post-war era.

In Venezia Giulia, which had been Italian territory only since the end of World War I, the situation was more complicated. Since Yugoslav partisans had helped overcome Fascist control in the region, there was reason to consider Yugoslavian demands for territory. The legitimacy of those demands notwithstanding, Allied assistance in substituting one totalitarian regime for another would hardly have constituted achievement of war aims.[11]

Reconstructing Infrastructure

Among the highly appreciated specialties in civil affairs are those that assess the repair and reconstruction needs of the civil infrastructure in a post-hostilities or post-disaster environment. Such assessments range across the spectrum of societal needs, from public health (especially water supply and sanitation) to transportation, power, and communications. The value of these teams is not in their manual skills but in the assessments they provide and the priorities they develop for reconstruction. An overview of financial resources to be applied to this reconstruction is difficult to derive because there are gaps in identified funding mechanisms. At the strategic level these gaps in assessing and projecting progress are predictable. Strategic planners should address such issues as these:

- how to begin the process
- the resources available
- timing and means of transition from external assistance to indigenous executive (ministerial) agencies
- the national and coalition or alliance constraints under which assessment and reconstruction must operate

None of these issues is simple, and in each case the resolution is likely to be highly situation-specific. The Gulf War, for example, was heavily financed by the Kuwaiti and Saudi governments. Kuwaiti finances were so secure that reconstruction financing was never in doubt. By contrast, bringing stability to Haiti or to Bosnia-Herzegovina creates entirely different challenges. Although the issues raised here are clearly civil matters, the military commander must determine when a transition to civilian control can occur. He must therefore assess the capacity of local institutions to assume these responsibilities.

Public Safety

After-action reviews have pointed to shortfalls in planning for police coverage of an area under transition from a previous power. When the United States undertook Operation Just Cause in 1989, it failed to appreciate the effect on civil order of incapacitating the Panamanian Defense Force. This organization performed both military and police functions; in its absence, rampant looting became a problem. The US Department of Justice helped resolve the policing issue with a training program for Panamanian police, later applied in Haiti as well.

The Dayton Peace Accords foresaw the need for an International Police Task Force (IPTF) in Bosnia, but only to train and monitor. Task force personnel lack police powers. Once the police task force deployed--an event delayed by the need to recruit and qualify candidates and second them from their everyday jobs to this assignment--it discovered that the proportion of police to populace in Bosnia far exceeded that in most Western nations. Without a mandate to assume police powers, neither the IPTF nor IFOR could prevent the destruction of homes and neighborhoods by Bosnian Serbs departing Sarajevo--clearly not a policy conducive to reconciliation.

French civil affairs doctrine sees the civil police component as a confidence-building measure in peace support operations: "Supervision of activities of public order favor the reestablishment of confidence at the core of the civil populace, in particular of minorities that could be threatened." [12] Such recognition is important, and it reflects directly on theater-level nonmilitary support of civil concerns over which a theater commander should have some cognizance.

Civil-Sector Economic Concerns and Military Operations

Treasury officials will be the primary actors in economic warfare, a topic beyond the scope of this article, but military planners at the theater level must consider a number of economic factors that constrain or facilitate military operations and must issue appropriate strategic guidance. In operations that do not require significant mobilization, military staff will need to address economic issues. Civil affairs financiers are the optimal asset for issuing and coordinating such guidance. At the operational level, for example, military forces confront many currency issues. When coalition forces liberated Kuwait, they faced issues of Kuwait's economic security because Iraq had had access to the Kuwaiti central bank. The reconstituted Kuwaiti government reissued its currency to invalidate banknotes in the hands of the Iraqis. The Kuwait Task Force, an advisory group to the Kuwaiti government in exile with a civil affairs core, played a role in this reissuance as well as in a subsequent measure regarding postage stamps, the negotiability of which has a similar effect on economic security.

A World War II example defines a situation American forces have not seen since that time. As part of planning the invasion of France, the combined staff considered the type of currency they would use in France. A new issue of currency was desirable to control inflation, penalize collaborators, and undermine war profiteers. The decision to issue Supplemental Francs did not sit well with the French Committee for National Liberation (the Free French), which wanted to issue its own currency. If the American and British governments allowed the Free French franc, it would imply recognition of De Gaulle's organization as the government of France, a recognition they were not prepared to extend. Faced with the alternative of distinctive American and British currencies, which could have been interpreted to mean that France was under Allied occupation, De Gaulle eventually relented.

Tactical civil affairs doctrine calls for determining whether the economy is functioning normally or subject to black market activity. This analysis contributes to an assessment; it does not initiate an economic stabilization program. At the theater level, economic activity should be promoted as a primary means to ensure the residents have the means to feed and house themselves. How do such programs begin? In Haiti, nongovernmental organizations were instrumental in creating work programs and job-training efforts. But since guidance for developing economic stability in the civil sector is a strategic civil affairs task, an interagency task force should develop policy for creating economic stability in a specific country or region.

If an occupation is necessary, the occupying force will need to continue collecting taxes to finance the operation of local and provincial governments until a national government can resume this task. The occupier certainly will not want to shoulder this burden, but occupation forces will have to ensure both the functioning of government and its means of financing.

A military campaign may be preceded by an economic embargo employed as a flexible deterrent option, which then remains in place as an economic measure inhibiting the opponent's prosecution of a war. Monitoring the effect of economic measures may be primarily a Treasury Department interest, but at the conclusion of a military campaign, military strategic planners must coordinate with Treasury officials to ensure that appropriate efforts to lift economic constraints take place as needed. This task is not a simple matter to coordinate. During the Iraqi occupation of Kuwait, the latter's assets abroad were frozen for fear that Iraq would otherwise control them. Consequently, the Kuwaiti financing of their government in exile and all contracts undertaken during planning for the liberation and reconstitution of government ministries had to be financed with full faith and credit against eventual payment. Later, during the Kurdish rescue, nongovernmental organizations sought assurances from Combined Task Force Provide Comfort that their expenditures in northern Iraq did not violate the embargo. Civil affairs personnel provided the needed coordination to ensure the arrival of these relief organizations.

Reconstructing Government

Many of the tasks described in this article pose challenges beyond the functional expertise obviously required to meet them. The short history of peacekeeping has provided few opportunities for exploring the constraints on relations between peacekeepers and local inhabitants and the challenges these assessments bring to the establishment of a strategic end-state.[13] Far more common to our experience is the civil administration found in both ministerial advisory teams for emerging democracies and in their predecessor, military government.

Civil Affairs and Military Government

Although consideration for a populace residing in an area subject to conflict is nothing new, much of US civil affairs doctrine is primarily traceable to the experience of the Allied forces deployed to Europe during the Second World War. This valuable legacy also haunts the definitions and scope of civil affairs as practiced or avoided by NATO militaries. Several features of this bequest deserve mention.

The US Army engaged in military government extensively in the 19th century, especially during the occupation of areas of the South during the American Civil War. The Class of 1911 at the Army Staff Schools at Ft. Leavenworth even published a volume of case studies in military government that considered issues from the War of 1812 through the Spanish-American War. But the topic has long occasioned skepticism among the general public.

Thus, it was by no means certain that President Roosevelt would allow the War Department to create a military government apparatus for the European Theater of Operations. Initially, Roosevelt preferred civilian agencies to undertake governance. Civilian agencies had such a role during the American Civil War, the Spanish-American War, and World War I, but the War Department's position was that this experience should not be repeated. The War Department staff observed,

The outstanding lesson gained from American experiences in military government, including the Civil War and Philippine Insurrection, and from experiences of other countries, is that the prime direction and administration of military government belongs wholly to the military command.[14]

A theoretical approach to political-military affairs can lead to a similar conclusion. Despite Clausewitz's cautionary recommendation regarding occupying enemy territory, he recognizes the need for an occupation until a peace is final. Until the peace settlement, the enemy must be prevented from developing a resurgent capacity. Since the inherent tasks need close coordination with one's own military forces and entail considerable danger to individuals undertaking these tasks, these functions should be accomplished by military personnel. But there are additional reasons for a primary reliance on military organizations. Again drawing on World War II experience, we find that Secretary of War Stimson blamed many of the difficulties in conducting civil affairs on "multi-agency interference in civil affairs" as well as on "the administrative habits of the President," notably creating more than 130 executive agencies to deal with various aspects of the war.[15] As a result of the experiences in Africa, one senior Army officer noted that particularly in areas where fighting was in progress, civil affairs could not be separated from military operations.[16]

As we know, in 1942 the War Department won this competition with other federal agencies for the responsibility of civil administration in occupied territory, but the notion of military government remains unsettling to diplomatic and military elements and the public alike. Since the mid-1970s, civil affairs curricula have generally avoided consideration of military government, even after the recognition of this task in the 1994 DOD Directive on Civil Affairs.[17] Instructors in civil affairs courses generally treat civil administration of an occupied territory as a potential mission to be undertaken in extreme circumstances. Although the coalition avoided military government during the Gulf War, it is by no means certain that we can do so in the future.

The differentiation of activities under civil affairs or military government is a matter of degree rather than kind. During World War II, the practice of civil administration in territories that had been occupied by the Axis powers was called civil affairs, whereas in Germany, Italy, and later Japan it was called military government.[18] Although the functions are the same, distinctions were needed to differentiate between political purposes of reestablishing services in a formerly occupied country until its government in exile (if one existed) could resume its governing functions and doing the same until victorious powers replaced the local administration of a former enemy with one more to its liking. Nevertheless, the spillover of opposition to military government has reduced emphasis on the civil administration mission of civil affairs. The legacy of the Cold War era also contributed to an academic atrophy in studying this realm. It was unthinkable for our German allies to consider occupying territory beyond NATO's boundaries; the consequence for NATO has been that "civil affairs" is listed in NATO's dictionary of terms as a wartime function without further definition.

Civil Affairs Forces and Levels of Operations

Experience at the Army's combat training centers has emphasized the need for an understanding of civil affairs activities at the tactical level. But after-action reviews by senior military leaders and the comments of ambassadors who have headed various country teams have reserved their highest praise for those civil affairs personnel working at the operational level. Civil affairs personnel demonstrate their worth most cogently in post-hostilities transition operations. That time period in which a government establishes (or reestablishes) itself requires a security presence (military forces) and a staff element that can coordinate services, activities, and development planning among government agencies and between government agencies and various international providers. These providers range from relief agencies to financial institutions to development organizations. Ministerial advisory teams in Panama and Haiti, the Kuwait Task Force, and the civil-military task force in support of IFOR and SFOR in Bosnia all provide abundant evidence of the value of civil affairs units in establishing stability in a post-conflict environment.

But what about the strategic level? Is there a taxonomy of civil-sector issues that demands at our most senior regional headquarters staff cognizance, issuance of policy or command guidance, and anticipation of third-order effects? Although developing such a catalog is beyond the scope of this article, an exploration of some strategic civil affairs issues demonstrates the interrelations between military and other elements of national power and their collaborative ability to resolve conflicts and establish stability. At the national interagency level, staff may address both military and civil concerns, and at senior military headquarters many staff elements review civil support to military operations. The following examples demonstrate a range of concerns from regional strategic goals to *jus in bello* considerations to successful conflict termination. This range also demonstrates why it is necessary to address the civil sector continuously, not only in post-hostilities consolidation.

Civil-Sector Issues in Operations

Arguments for restraint on the collateral damage a civil populace suffers take primarily two approaches: moral and instrumental. Moral considerations and their codification in international law and treaties dictate restraint in subjecting noncombatants to suffering. But advocates of restraint may tailor their arguments to specific audiences. B. H. Liddell Hart takes the instrumental approach in his *Remaking of Modern Armies*. In dealing with the "Napoleonic fallacy," he observes:

The economic limitation is that by destroying the enemy factories and communications we may so cripple his commerce and industry as seriously to reduce his post-war value as a potential customer. . . . [T]he destruction of the enemy country's economic wealth recoils on the head of the victor.[19]

Although his argument emphasizes the value to political economy of future trade relations, it is as valid to argue that in industrial-target selection, planners need to consider the postwar effects of their choices. A recurring theme throughout any consideration of the effects of military operations on a society must be the postwar reconciliation that will be needed between belligerents--a theme now recognized in US joint military doctrine.[20] Liddell Hart concluded that "the enemy of today is the customer of the morrow and the ally of the future." [21]

A transition between instrumental and moral arguments is found in the circumstance in which a violation of moral codes alters the composition of opposing coalitions. During the Thirty Years War, outrage at the civilian casualties of the battle of Magdeburg led neutral princes to side with Swedish King Gustavus Adolphus.[22] Even today, the risk of encouraging a neutral to join a conflict remains high if one belligerent engages in flagrant *jus in bello* violations. We have examples in the Persian Gulf and the Balkans. Although the free flow of oil is a US vital interest that dictated the need for intervention, the Iraqi regime's atrocious treatment of the Kuwaitis gave the United States a compelling moral argument for intervention that the Bush Administration used to support its public diplomacy in sectors where the economic arguments would have been less effective. Similarly, although no outside power entered as a belligerent in the 1991-95 Balkans conflict, the frequent and flagrant violation of noncombatant immunity compelled Western European nations to intervene.[23]

A Commander's Conscience

Observers at the Vienna Roundtable on Human Rights in Bosnia-Herzegovina[24] should have been struck by the simultaneous presence of organizations that wished to bring peace and justice to the area in missionary fashion and groups from the Balkans that demonstrated they were fully competent to present a human-rights agenda of their own. Outsiders can easily see the moral shortcomings of a given society, and these failings can lead interventionists to the facile conclusion that they must supply the resources to rectify problems in an adversary's society. Unfortunately, this attitude blinds us to sources of indigenous moral strength. With the benefit of historical distance, examples of righteous conduct by an opponent may be all the more instructive.

Thus, a World War II German general demonstrates a senior commander's strategic consideration of the need for post-hostilities reconciliation, regardless of whether he is victor or vanquished. Dietrich von Choltitz provides an excellent example of concern for the populace under his control. As commanding general of greater Paris, he might well have acted differently than he did.[25] But his memoirs depict both his choices and his rationale. For example:

Did I have the right to plunge a metropolis into misfortune by setting up a defense in its center that would not have been able to change a whit in the overall campaign? I thought about the future relationship of two great neighboring peoples.[26]

The Iraqi destruction of Kuwaiti oil wells could have had a precedent in Paris, as Hitler had ordered its destruction. Calling this order the "Trümmerfeldbefehl," an order to leave the city in ruins, Choltitz considered the workers, the city, and the perhaps far-off reconciliation between France and Germany.

If I demolish industry, I take away the livelihood of the worker, who all these years has worked in orderly and productive fashion and who still behaves completely quietly, and I throw him on the street, with his eyes wide open, and into the Resistance. I make a warrior out of him out of need and desperation. But it

had to be my goal to keep the city in peace and quiet. Therefore, I tried to tie him to his place of work by having the wages raised. . . . And what barbarity I was ordered to undertake! . . . [It was] my firm intent from the beginning as a decent soldier to protect the civil populace and its beautiful city however possible and under my control. . . . I had to do whatever possible to protect Paris from destruction.[27]

Choltitz saw it as his duty "to protect the wives and children even of the enemy and to maintain the values of his culture." [28] He seemed convinced that the destruction of Paris would have precluded future dialogue between French and Germans.

Strategic Guidance for Treatment of Civilians

Military discipline enforced by field commanders includes guidance on the treatment of civilians in the area of operations. Although it can come from any level, a number of precedents support a preference for issuing such guidance at the national level. James Turner Johnson provides examples of the Swedes under Gustavus Adolphus, the English under Cromwell, and the Union armies under Lincoln.[29]

In 1632, Gustavus Adolphus issued *The Swedish Discipline*, which set standards of behavior toward civilians. The *Discipline* treated pillaging and destruction of churches, hospitals, and public property. It prohibited destroying friendly towns and permitted destruction of enemy towns only if the commander determined a military necessity to do so, thus holding the commander accountable for such actions. There is a parallel between the Swedes' situation in 1632 and the Allies' in 1942. The Swedes entered the Thirty Years War after the Imperial troops had committed serious atrocities in Magdeburg, yet Gustavus saw the need for prohibiting unnecessary destruction by his own forces. Despite German forces' treatment of civilians on the Eastern front and the occupation's conduct of the Holocaust across Europe during World War II, this behavior apparently was not, and should not have been, used as justification for the British strategic air campaign of terror bombing of civilian targets, about which more below.

Johnson mentions considerable work in 19th-century America on military ethics in battle. Key among these works is Francis Lieber's *Instructions for the Government of Armies of the United States in the Field*. The "Lieber Code" deals with distinctions between public and private property; protection of persons, especially of women; protection of property related to religion, arts, and sciences; and punishment of crimes committed against civilians in hostile territory.

Double Effect or Atrocity?

When civilians are killed as a result of an artillery or air attack against factories, command and control complexes, or even military barracks, the loss is lamentable as collateral damage but has been accepted under international codes of conduct during warfare as a condition of "double effect." When a civilian populace is the target, as in the massacre by Bosnian Serb troops of Muslim inhabitants of Srebrenica during the 1991-95 Balkan War, world opinion should condemn the act outright. The commander of the offending troops must be held accountable, but, more to the point, strategic guidance must emphasize avoiding civilian casualties. American military history has held several leaders accountable for civilian casualties. In addition to the courts martial of Lieutenant William Calley and Captain Ernest Medina for their actions at My Lai during the Vietnam War, an earlier set of proceedings was brought against officers in the Philippine Insurrection. Brigadier General Jacob Smith, commander of the 6th Separate Brigade, Major Edwin Glenn, and Lieutenant Preston Brown were all prosecuted for torturing or killing civilians. Strategic guidance was apparently lacking.

No such accounting befell Great Britain's Archibald Sinclair, Secretary of State for Air, and Arthur Harris, commander of British Bomber Command, during World War II, who executed an area bombing campaign that "could break the spirit of the enemy provided that it was aimed at the working-class areas of the fifty-eight German towns with a population of more than 100,000 inhabitants each." [30] Such civilian deaths are not attributable to "double effect"; here as with victims of terrorism, they are deliberate targets.

For the bombing of Dresden, British air crews were told their aiming point was the central railway station, but the lead marker aircraft pointed "at the Dresden-Friedrichstadt *Krankenhaus*, the biggest hospital-complex in Central Germany." [31]

The adoption of this terror-bombing policy had repercussions both on postwar international relations and on the nation that conducted it. During its conduct, parliamentarians recognized an unpalatable form of class warfare, and even British victims of terror bombing did not support the campaign by the RAF.[32] Senior leaders in both air and naval components also opposed the policy, but did so with restraint sufficient to preclude its abandonment. As with Hiroshima, the bombing of Dresden spawned the establishment of philanthropic foundations that continue to condemn the deliberate targeting of civilians as an instrument of war. Postwar repercussions of both the Asian and European bombing campaigns were not limited to bilateral relations, but also figured in the East-West confrontation. In the informational dimension of postwar international relations, the Soviets could argue that the Western Allies' bombing policy demonstrated we were not the champions of human rights we purported ourselves to be. In Dresden itself, at the ruins of a church, a bronze plaque erected under Soviet occupation is a staunch reminder of the conflagration visited on refugees and inhabitants by an "Anglo-American" air campaign of terrorism.[33]

Strategic Implications

Civil affairs organizations have had their major influence at the operational level. US ambassadors to Bosnia-Herzegovina, Haiti, Kuwait, Saudi Arabia, and Turkey, among others, have been highly pleased with the linkages civil affairs operators have provided between national strategic goals and the implementation of initiatives through the presence of military forces. At the theater level, civil affairs organizations have facilitated the work of various government agencies and nongovernmental organizations in reaching a desired end-state. But despite success in coordinating the various resources available to address civil-sector needs, at this level civil affairs personnel cannot manage the constraints on resources; one simply discovers them and attempts to work around them. If the US Agency for International Development, for example, has devised a program to support infrastructure reconstruction that targets a particular niche, a civil affairs planner at a strategic headquarters should be able to tell the theater-level civil affairs task force commander what niche the program fills and what other resources are available for other sectors. In the absence of such guidance, the theater civil affairs commander must discover which sectors are addressed and which are omitted and then search for solutions. Such a situation shows no evidence of strategic guidance.

In the realm of current operations, the need for strategic guidance may run in two directions. In meeting the demands for accountability, strategic commanders must set the tone of their forces' conduct. They may also remind political leadership of both moral constraints on destruction and the need for post-conflict reconciliation. The example of Choltitz indicates a sense among military leaders of propriety in military conduct that sometimes exceeds that sense on the part of political leadership. This circumstance might appear odd if one's orientation is that political leaders need to appeal to the basic values of an electorate. But visceral issues often evoke eloquence, which in turn can provide excellent camouflage for a moral void. Thus, national leadership must articulate principles that exploit enemy vulnerabilities in a way that does not undermine our core values.[34]

Conclusion

Clausewitz has taught generations of senior officers the connection between military and civil activities undertaken between states. In considering military ethics, the national command authorities and their senior commanders must contemplate civil components of their conduct of war. As the Convention respecting the Laws and Customs of War on Land (the 1907 Hague Convention) describes it, the parties to the convention desired to establish "a general rule of conduct for the belligerents in their mutual relations and in their relations with the inhabitants." [35] The treatment of inhabitants, including respect for their property, religion, and culture, falls under *jus in bello* considerations of the conduct of war. The following particular considerations are standard features of strategic civil affairs guidance:

- protection of cultural institutions and private property
- provisions for rightful use of an occupied belligerent's state possessions
- requirement for continuation of payment of tax revenue to support municipal services
- distinction between public and private property, including the treatment of religious, charitable, educational, art, and scientific institutions as private property even when state-supported
- prohibition of pillage, murder, rape, and wanton destruction
- prohibition of impressment into service in the conquering forces

prohibition of private gain

Such documents may be international conventions, such as the 1907 Hague Convention cited above, the (unratified) Brussels Convention of 1874 (Project of an International Declaration concerning the Laws and Customs of War), and the UNESCO Convention and Protocol for the Protection of Cultural Property in the Event of Armed Conflict (Hague Convention and Protocol of 1954). They may be declarations of policy issued by alliances and coalitions, thus representing the policy of one side to a conflict, such as the 1943 Declaration of London. Or they may be instructions given the commanders and troops of one belligerent, such as the *Swedish Discipline* or the Lieber Code.

Some may object that this essay proposes placing military personnel above the limits of responsibility of the Department of Defense, charging them with interagency coordination in the prosecution of an armed conflict. A further objection may be that this proposal constrains political prerogatives. Then-Major General Richard Chilcoat points us toward an answer to such objections in commenting,

There is no clear threshold between peace and war marking the point where political and military leaders hand off responsibility. *Both must be masters of strategic art, and the subordination of military to civilian leadership does not lessen the importance of military counsel and advice to political authorities or the responsibilities of both to communicate and coordinate at every level of strategy and during all phases of conflict. This is the essence of strategy.*[36]

It is the responsibility of senior military advisors to inform the national command authorities of appropriate constraints on the conduct of military operations and of conditions that contribute to peace or conflict. In meeting national strategic aims, senior military leaders have a perspective that is not limited to the professional prosecution of war but also applies to the environment of peace or conflict in which relations among states take place.

There is a definite role for strategic civil affairs planning at various levels of government, including the Executive Office of the President, the National Security Council, several elements in the Office of the Secretary of Defense, and, in uniformed organizations, at the Joint Staff as well as on the staffs of theater commanders. Various strategic offices must be capable of developing and promulgating guidance for the conduct of military operations ranging from peacetime international relations to peacekeeping to armed conflict. Across this spectrum, such guidance must address the relations between military forces and the populace in the area of deployment and between military activities and political-economic relations among states. It must also identify the military's contribution to achieving global and regional strategic aims.

NOTES

1. Carl von Clausewitz, *Vom Kriege* (Bonn: Ferdinand Dümmler, 1980), 19th ed., Jubiläumsausgabe, with historical-critical evaluation by Werner Hahlweg, p. 952. For other editions, see Book 8, chapter 2.
2. J. F. C. Fuller, *A Military History of the Western World* (New York: Da Capo, n.d. [unabridged reprint of 1955 ed.]) II, 192. Fuller is citing Frederick II, *Military Instructions from the late King of Prussia, etc.*, 5th English ed. (1818), p. 6.
3. T. V. Fox, "The Causes of Peace and Conditions of War," in *How Wars End*, ed. T. V. Fox, special issue of the *Annals of the American Academy of Political and Social Science* (November 1970), p. 5.
4. A rather impolitic mistake, particularly so since Bismarck had taken considerable advantage from France's designs on Belgium under Napoleon III. Prussia benefitted from favorable British public opinion in the crisis preceding the Franco-Prussian War. See Michael Howard, *The Franco-Prussian War* (London: Routledge, 1991), p. 57. Governmental advisor Hans Delbrück had recommended against annexation. See Gordon A. Craig, "Delbrück: The Military Historian," in *Makers of Modern Strategy from Machiavelli to the Nuclear Age*, ed. Peter Paret (Princeton, N.J.: Princeton Univ. Press, 1986), pp. 326-53.
5. *Meyers Konversationslexikon*, the standard German encyclopedia, for example, notes that in the plebiscite that

removed Eupen and Malmédy from Prussia and annexed them to Belgium, the voting was supervised by Belgian troops and the ballot was not secret.

6. Dan C. Allen, *Franklin D. Roosevelt and the Development of an American Occupation Policy in Europe* (Ann Arbor, Mich.: UMI, 1976), dissertation, Ohio State University, pp. 282-83.

7. *Ibid.*, p. 285, citing Stimson Diaries, 27 September 1944.

8. Fox, p. 13.

9. *Directive pour la conduite des actions civilo-militaires* (Paris: Etat-major des armées, 1997) Directive No. 796/DEF/EMA/EMP.1/DR. Its predecessor omitted the tactical level. See "Conduite des actions civilo-militaires: Directive provisoire, no. 328/DEF/EMA/EG/ DR," 5 September 1995, Sous-Dossier 752 du Cours Supérieur d'État-Major, 1996 edition.

10. DOD Directive 2000.13, "Civil Affairs" (Washington: Office of the Secretary of Defense, 1994).

11. See Bogdan C. Novak, *Trieste, 1941-1954: The Ethnic, Political, and Ideological Struggle* (Chicago: Univ. of Chicago Press, 1970), pp. 161-233.

12. "Affaires civiles de l'ONU et de l'OTAN," ch. 1, my translation.

13. Such relations have been explored at the tactical level at both the Joint Readiness Training Center and the Combat Maneuver Training Center, but I am concerned here with strategic and operational implications of our activity.

14. Memo, Colonel E. S. Greenbaum, executive assistant to Under Secretary of War Robert P. Patterson, as cited by Allen, p. 17.

15. Allen, pp. 140, 320.

16. Memo, General Brehon Somervell to Assistant Secretary of War John J. McCloy, 3 April 1943, CAD 100 (3-12-43) Sec 1, NARS. Cited by Allen, p. 140.

17. DOD Directive 2000.13, 1994. From a historic perspective, this development is curious: In the early 20th century, the Army Service Schools at Ft. Leavenworth devoted considerable attention to the topic. See, for example, Army Service Schools, Department of Law, comp. *Cases on Military Government* (Ft. Leavenworth, Kans.: Army Service Schools Press, 1911).

18. US Army, General Board, United States Forces, European Theater, *Civil Affairs and Military Government Organizations and Operations* (European Theater of Operations, United States Army, n.d. [1946?]).

19. B. H. Liddell Hart, *The Remaking of Modern Armies* (Boston: Little, Brown, 1928), pp. 255-56.

20. See paragraph 5f, Joint Publication 3-0, *Doctrine for Joint Operations* (Washington: Joint Staff, 1995).

21. Liddell Hart, p. 256.

22. On the reaction to the fall of Magdeburg and the public diplomacy of Gustavus Adolphus, see Anton Gindely, *History of the Thirty Years' War*, trans. Andrew Ten Brook (New York: G. P. Putnam's Sons), 1884, pp. 66-69; Michael Roberts, *Gustavus Adolphus: A History of Sweden, 1611-1632* (London: Longmans, Green, 1958), II, 483-538; and C[icely] V. Wedgwood, *The Thirty Years War* (Garden City, N.Y.: Anchor/Doubleday, 1961), pp. 281-82.

23. Protests by various governments to others over the treatment of noncombatants, either ethnic minorities in their own countries or citizens of states with which they were at war, are not unusual. See Leon Friedman, *The Law of War: A Documentary History* (New York: Random House, 1972), pp. 1210-11.

24. The Vienna Roundtable on Human Rights in Bosnia-Herzegovina was convened by Austria's Foreign Ministry, 4-5 March 1996.
25. Since he knew the Germans were going to lose anyway and he had lost all confidence in the high command, his choices were clearer than they otherwise might have been. He had seen Hitler in his command bunker and concluded that he was absolutely mad. Although Choltitz was not part of the Stauffenberg conspiracy that tried to assassinate Hitler on 20 July 1944, his memoir notations depict the difficult situation in which he decided to choose to interpret his orders and his responsibility differently from the way in which he had previously responded. Under other circumstances, he might well have used the city in an active defense, though there is no indication that he would have failed to protect its treasures as much as possible. See Dietrich von Choltitz, *Soldat unter Soldaten* (Konstanz: Europa, 1951).
26. *Ibid.*, p. 230. This and subsequent translations are mine.
27. *Ibid.*, pp. 234ff.
28. *Ibid.*, p. 307.
29. James Turner Johnson, *Just War Tradition and the Restraint of War: A Moral and Historical Inquiry* (Princeton, N.J.: Princeton Univ. Press, 1981).
30. David Irving, *The Destruction of Dresden* (New York: Holt, Rinehart, & Winston, 1963), p. 35. Professor Frederick Lindemann, science advisor to the British government, recommended the campaign. In *Deterrence before Hiroshima* (New York: Wiley, 1966), George H. Quester identifies Lindemann as the real name of Lord Cherwell, with whom readers may find the British terror bombing campaign associated.
31. Irving, p. 128.
32. Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (New York: Basic Books, 1977), pp. 256-57.
33. Although the USAAF also bombed Dresden, it did so by day and did not participate in deliberate "firestorm" bombing. Irving relates USAAF incidents that should have led to courts martial if substantiated, but these incidents do not comprise a deliberate campaign of terrorizing civilians. Nevertheless, by limiting its opposition to the British campaign to half-hearted attempts to distance itself from the terror-bombing, the United States became the target of Soviet and East European propaganda.
34. See Myres McDougal and Florentino Feliciano, *Law and World Public Order* (New Haven, Conn.: Yale Univ. Press, 1961).
35. As cited in Elizabeth Simpson, ed., *The Spoils of War: World War II and its Aftermath: The Loss, Reappearance, and Recovery of Cultural Property* (New York: Harry N. Abrams, 1997), p. 278.
36. Richard A. Chilcoat, *Strategic Art: The New Discipline for 21st Century Leaders* (Carlisle Barracks, Pa.: Strategic Studies Institute, 1995), p. 1-4.

Colonel Kurt E. Müller is J9 (Civil-Military Cooperation) at Supreme Headquarters, Allied Powers, Europe. His civil affairs staff experience includes Operation Provide Comfort and Joint Task Force 160 (Guantanamo Bay). He commanded a civil affairs battalion supporting operations in Haiti and was civil affairs advisor to the Supreme Allied Commander, Europe, for the first rotation of forces implementing the Dayton Peace Accords. A graduate of the US Army War College, he has also been a visiting research fellow at the Institute for National Strategic Studies, National Defense University. A consultant on publications and program development in languages and international education, he holds a Ph.D. in German language and literature.

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