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# The Proper Role of Professional Military Advice in Contemporary Uses of Force

MARTIN L. COOK

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Since the end of the Cold War, the use of military force in international relations has entered new moral and political territory. Increasingly, the humanitarian and human rights components of international law have emerged as a reason for the use of force.<sup>1</sup> Although humanitarian and human rights law experienced a considerable expansion after World War II, the filter of the Cold War rivalry largely blocked intervention based on it. Since the end of the Cold War (most clearly in Kosovo) major powers have shown a willingness to use force in the name of human rights and humanitarian concerns which trumps or overshadows more traditional understandings of the sovereign right of states over their internal affairs.

To what degree are we witnessing a genuine shift in the moral and political understanding of states and their relationships to their own citizens? Are we indeed witnessing the birth of a “new world order”? Will a universal understanding of human rights form the basis of a successor to the Westphalian system, which purchased international stability at the price of the religious liberties of individuals and established state sovereignty as the cornerstone of international affairs? Is the post-World War II promise that “never again” would the world stand by while massive violations of human rights occur about to be fulfilled?

Alternatively, perhaps we are experiencing a passing moment of misguided international moralism. Perhaps it soon will become abundantly clear that the so-called “international community” lacks both the will and the means to make such modifications to the practice of international relations. Unless and until there is an effective international authority with the military means to act

consistently in the name of universalizing principle, erratic, inconsistent, and piecemeal interventions may prevail rather than any genuine movement of the world in the direction of greater enforcement of human rights. If that is the case, perhaps high moral talk of intervention will serve only to increase cynicism. It may soon become clear that the so-called universal principles underlying intervention in fact operate only in regions where ethnic affinity motivates action, where indifference of major powers, or demand for natural resources, attracts the effective attention of the international community.

On the conduct-of-war side of the moral ledger, a wide range of new military technologies (precision-guided munitions, air- and sea-launched cruise missiles, global positioning receiver guidance systems, unmanned aerial vehicles, over-the-horizon targeting systems, etc.) enable the military forces of the United States (and to a considerably lesser degree, NATO allies) to use military force with considerable accuracy and near-total impunity. Because of these technologies, political and military leaders can use military force in circumstances in which, in earlier times, they would not have. Had they only older technologies available to them, they may have perceived interventions as too likely to produce significant friendly casualties and therefore too politically risky to contemplate. Technology has reduced that threshold of concern considerably.

The existence of such technologies raises a number of novel moral problems in its own right. Many have expressed the moral concern that there is something inherently unfair in military conflict that is so completely asymmetric. Has the concern with force protection gone too far in the use of NATO and US forces—to the point of undermining the professional military ethic itself?<sup>2</sup> Has the ability to use force with impunity lowered the moral standard for the recourse to force considerably from the last-resort requirements of just war? Does the ability to strike with impunity from afar allow the US military in particular to be drawn into conflicts in which it may inflict considerable damage while remaining beyond the range of retaliation—but without a reasonable hope of success that military operations conducted in that manner will achieve the political and humanitarian goals of the intervention?

In the American democratic system, civilian leaders unquestionably make the final decisions regarding the use of military force. The President and the Congress are answerable by popular vote to the electorate; the senior civilian cabinet officers serve at the pleasure of such elected officials. They bear the con-

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stitutional responsibility for deciding whether a particular dispute warrants military action for its redress (the *jus ad bellum* aspect of just war determination). The technical aspects of the use of force (*jus in bello*) lie within the expertise of professional military officers. But because rational warfighting is, as Clausewitz insisted, an extension of politics, even the rules of engagement and operational concepts of a given campaign are often influenced, if not controlled, by the civilian leadership.<sup>3</sup>

In practice, military officers play crucial roles in both dimensions of decisions regarding the use of military force. This article will address general questions of the role of military force in humanitarian interventions. But it will do so from a particular perspective. Namely, it will treat the complex question of the role of the professional military officer and the place of professional military advice and expertise in assisting constitutionally established authorities to make such decisions wisely.

This discussion represents a subclass of the broader discussion about the nature and limits of professional military advice in a democratic political order. The challenge is always to acknowledge and respect two competing considerations: the genuine expertise of trained military professionals and the need to assure that their professional military advice is solicited and heard; and the vital concern to guard against the military's making claims to expertise that properly lies beyond the scope of military advice and encroaches on political expertise and authority.<sup>4</sup>

To capture the precise character of this issue in the contemporary scene, however, one must begin with an understanding of the rapidly changing and evolving state of the relationship between US civilian and military leaders at this particular historical juncture. This time period is, by any standard, a time of great transition and a high degree of uncertainty.

Among professional officers, one of the most commonly read books is H. R. McMaster's *Dereliction of Duty: Johnson, McNamara, the Joint Chiefs of Staff, and the Lies that Led to Vietnam*. The commonly received message of that book in the minds of military officers is the obligation of military leaders to insist that professional military advice is clearly articulated and, to the extent they can control events, heard and followed.

As the book's title would suggest, McMaster purports to demonstrate a very high degree of duplicity and unprofessionalism among the Joint Chiefs of Staff during the Vietnam War. In the minds of most officers, Vietnam was a clear case of civilians asking the impossible of the military, both in the ends sought by the use of military force and in the civilian micromanagement of the conduct of military operations. The moral of the story of McMaster's book, at least as officers perceive it, is "never allow civilians to manipulate military leadership and judgment in a similar way again."

The lessons the military thinks it learned about the relationship between military advice and civilian leadership from the Vietnam experience are largely

codified in the Weinberger-Powell doctrine's insistence on overwhelming force, decisive victory, and definite exit strategies. So enshrined has this doctrine become in much contemporary military thinking that many officers believe it simply captures "professional military advice" in its own right.

But it is not in fact merely professional military advice. Rather, it is largely a set of rules of prudence and political judgments, few of which genuinely rest on unique military expertise.<sup>5</sup> In recent uses of military force, whether in Kosovo, Bosnia, or Afghanistan, it is not obvious what relevance the constraints of Weinberger-Powell have, other than cautionary ones about thinking through the consequences of long-term deployments.

The decision that peacekeeping or nation-building operations may require continued presence of military forces for decades or generations (as in Korea and the Sinai) is not an issue of military expertise. Rather, it is a political and strategic issue as to whether the benefits to national interest and international security are worth the costs—literal and professional—of tying up military assets for such purposes.

For the post-Vietnam military, justifiably proud of its reforms in the aftermath of that conflict,<sup>6</sup> such uses of military assets fly in the face of the culture and professional self-definition of the military. What drove those reforms and made them successful, in the Army for example, was a laser-like focus on large-scale, combined-arms warfighting—precisely the kinds of rapid-maneuver armored warfare that Desert Storm showed the Army to have mastered.

To suggest that troops trained for and culturally prepared to value such high-end combat skills should instead be used routinely for operations other than war (OOTW) seems to violate fundamental cultural assumptions about the measure of military excellence.<sup>7</sup> That reaction would be even more strongly felt in the suggestion that the military needs to reconfigure itself away from the combat arms and create the much larger numbers of civil affairs, psychological operations, and water purification units necessary for really effective humanitarian interventions.

The key phrase in the minds of many officers, the foundation of their professional self-understanding, is that the Army exists to "fight and win America's wars." Indeed, the current Army Chief of Staff frequently refers to "fighting and winning America's wars" as "the Army's *non-negotiable* contract with the American people" (emphasis mine). Further, the disastrous deployment of ill-trained and ill-equipped US forces into the early stages of the Korean conflict generated another mantra: "No more Task Force Smiths." This slogan, in practice, means that forces must always be trained and equipped to win the first battles of any future conflict (not the pattern of most of American history, in which we generally lost the first battles and then eventually won when mobilization and industrial might were brought to bear).

From the longer view of American history, this particular way of conceiving the nature and purpose of military forces is not typical. For much of our history the Army was used for a wide variety of tasks, and only rarely for large-

scale combat operations. Indeed, if one looks for any real constant in the nature and purpose of the American Army, one reaches for a formula as general as this: “disciplined, trained manpower capable of deploying to a possibly dangerous environment to accomplish a mission.”<sup>8</sup>

When one approaches the question of the role of the professional military in rendering advice about the use of military force in humanitarian and human rights causes at the present moment, therefore, one must be aware that much of the US military is culturally and professionally still heavily invested in a post-Korea and Cold War self-image as warfighters. There is considerable discussion and increasing awareness of the need to transition to a different self-understanding and, indeed, a different mix of unit types and equipment than that created for the large combined-arms fight, to accommodate the changed strategic environment. But one would fail to understand the contemporary civil-military dynamic if one did not grasp the depth of the transition required and the cultural resistance to that change.<sup>9</sup>

To state it at its extreme, the military has a significant resistance to embracing OOTW missions in general. This resistance is couched as disinterested “professional military advice.” In fact, however, it relies on expanding the scope of claimed military expertise to include estimates of public support for the military and the clarity of the exit strategy. All of this is perfectly explainable in historical terms, of course: the “broken Army” that came home from Vietnam was reformed by leaders who vowed that never again would America use her military in such an ill-advised way. That experience was so damaging to the institution of the military itself and to the bond between the American people and her men and women in uniform that senior officers understandably are deeply committed to avoiding such a breakdown in civil-military relations in the future.

To repeat, the particular constellation of training, force structure, equipment, and missions for which the US military has been structured in recent decades reflects a particular historical and strategic environment, within which they were highly functional. But if the emerging international order is to bear little resemblance to that environment in the foreseeable future, clearly the military will need to rethink (or be forced by civilian superiors to rethink) its self-understanding and its view of its purposes in order to render professional military advice effectively to political leaders contemplating such missions.

### ***The Role of Professional Military Advice in Use-of-Force Decisions***

The decision that a particular set of political circumstances warrants a militarily coercive response is, of course, primarily a political decision. In the American system, such authority rests finally with the President in consultation with the Congress. In the final analysis, therefore, the military is one tool available to political leadership for the achievement of national political goals.

While the military is a tool, it is not a mindless tool. The fundamental question before the political leadership in any such scenario is whether the ends being sought can be achieved with the means available, within the political and ethical constraints and expectations of the American public and the world community. Military professionals, more than any other group involved in those decisions, possess the professional training and expertise to assess the suitability of the military means under their control for the successful achievement of the politically defined ends.

Further, from an ethical perspective, the decision to use military force always bears a burden of proof. Even the most careful and judicious application of military force will cause the destruction of property and the death of human beings. Consequently, among the moral tests use-of-force decisions must meet is that there be a reasonable hope of success. In practice, this means that the use of force will be successful in bringing about the desired result with an acceptably proportionate amount of destruction.

Professional military officers possess expertise in judging the capabilities of the military instrument of power. Needless to say, the judgment that destruction of a given range of targets will bring about the desired political result from the opponent's leaders is not a distinctly military judgment, but necessarily a political one—and one fraught with great uncertainties.

In contemporary military discussion, the term “centers of gravity” has come into currency. The term is systematically ambiguous, however. On the one hand, it focuses military planners on determining which targets are true nodes for essential enemy activities. For example, centers of gravity include structures containing the essential communication equipment for the adversary's military or the key nodes of an integrated air defense system. In this sense of the term, “center of gravity” possesses a fairly clear and objective meaning having to do with the connections among various systems available to an adversary and locating the most essential nodes in that system.

On the other hand, the idea of a center of gravity also suggests that there is some mechanism of objective analysis by which military planners can determine which sets of targets are so vital to the enemy that destroying them will bring about the desired political ends. This differs from the first sense of the term in that it depends upon knowledge of the adversary's psyche and motivations—an inherently much more imprecise determination.

The first kind of judgment is clearly a valid military and intelligence function. In the case of the second, while such knowledge would be militarily highly desirable, gaining it is not really a matter of military expertise at all. At its core is a cultural and political knowledge regarding how a given set of targets rank in the enemy's culture and mind as compared with the importance of the political goals achieved by his continued resistance. In other words, it requires knowing how much pain, and how much pain on which targets, the enemy leadership is willing to absorb before capitulation.



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***“The judgment that destruction of a given range of targets will bring about the desired political result . . . is not a distinctly military judgment, but necessarily a political one.”***

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One need only review the history of efforts to demoralize civilian populations by strategic bombing to gain an appreciation of how difficult calculations of the latter sort can be in practice. Short of the complete destruction of an adversary's military forces, assessing how much pain an adversary is willing to endure in pursuit of a given political aim is inherently extremely uncertain. Obviously, an attempt at that determination must be made, both before entering a conflict (to meet the “reasonable hope of success” criterion of just war) and as the conflict continues (as one seeks to find the targets whose destruction will bring about capitulation or negotiation). But these attempts are not essentially informed by unique military expertise. While military expertise can advise that a given target can probably be destroyed with the forces available, the determination that its destruction is likely to produce the desired political result is more a matter of intelligence and diplomatic expertise than a military one.

Especially in uses of force in pursuit of humanitarian goals, this raises special challenges. Generally speaking, the goals of the coercion do not extend to the complete and decisive military defeat of the adversary state, but only to a level of coercion necessary to bring about a change in specific behaviors within the state. What is the proper role of professional military advice in such matters?

First, military professionals can offer an assessment of the probability that the military instrument in their possession, used within the constraints their political masters impose, will be able to meet or neutralize the adversary's military forces. Kosovo provides an excellent example. While there was no question that the full force of NATO was vastly superior to the Yugoslav military, that was not the issue posed to military planners. Instead, the practical question was whether the use of only NATO's air assets in a highly casualty-averse way (above 15,000 feet, for example) was likely to stop ethnic cleansing by small, dispersed units of ground forces.

In this case, the overwhelming weight of professional military opinion was that it was extremely unlikely at best that such an “airpower only” campaign would be militarily effective, especially after Yugoslav forces had been given time to move into Kosovo, disperse, and gain covered positions. The air campaign planners were forced to employ their military instrument in a highly politi-



cally constrained manner and to work down target lists far from their ideal strategic air campaign. Ultimately, the requirement to continue bombing pushed planners beyond their firm grasp of the adversary's target set and resulted in the bombing of the Chinese Embassy in Belgrade.

General Wesley Clark usefully describes his own thinking about the scope and limits of his role in advising on such matters at one point in the evolution of the conflict:

A few missiles would make a political statement, but that was all. Then, too, a missiles-only approach couldn't hope to hit all the right targets. To me it didn't seem a wise way to proceed. On the other hand, such a strategy wasn't illegal or unethical. If nations wanted to fire a few cruise missiles to make a political statement, did I have the right to say they couldn't? I might argue against it, but there was no reasonable argument against just looking at a limited option.<sup>10</sup>

Clark's dilemma accurately captures the issue. The military officer has given a professional opinion, and considers the policy course being contemplated "unwise." Yet he is answerable to political leaders who, having heard that advice, are inclined to proceed. While the officer may have argued against the policy, as long as it is not "illegal or unethical," he is the instrument of that policy and is charged to carry it out.

In many respects, this view of the situation seems fundamental to the idea of civilian control over the military. For the officer to go further and refuse to execute the policy or covertly to undermine it in the name of his "superior professional knowledge" of military matters would, indeed, subvert the fundamental principle of civilian control of the military.

But by their very nature, humanitarian intervention operations depart markedly from the clarity of a "pure" military operation. They involve many agencies, including nongovernmental organizations and relief agencies, and have high visibility with the media with little opportunity for the military to control that coverage. These realities make it virtually certain that civilian leaders will want and need to be deeply engaged in operational questions. Inevitably, this will pose challenges to civilian and military leaders to create a workable and functional understanding of their respective roles.

On the other hand, the cautionary tale of Vietnam still looms, and looms legitimately, in the minds of most officers. While it is difficult to locate the precise point, they believe that there is "a point" beyond which civilian leaders' management of conduct-of-war issues goes too far. When civilian leaders reach deeply into the operational and even tactical levels of military planning, they so subvert their military officers' role as professionals that it becomes ethically incumbent on those officers to take great career risks to ensure that their advice is heard and heeded or, failing that, to resign or retire. As I indicated above, whatever McMaster's intent in *Dereliction of Duty*, this is clearly the way it is read and understood by most serving officers.

In short, the role of professional military advice in these decisions is necessarily complex and conflicted. Short of war, the issue is perhaps not *jus ad bellum* but “*jus ad interventionem*.”<sup>11</sup> But that term, and the situation it describes, simply lack the comparative clarity of well-thought-out theory that just war thinking can provide. Furthermore, inevitably (and largely desirably) military professionals are trained for and have a strong preference for rapid, decisive, and overwhelming use of force to unambiguous victory. This preference is so strong as to amount to a bias, and military professionals are tempted to equate the Weinberger-Powell doctrine’s embrace of it with the essence of professional judgment itself.

But clearly it lies within the legitimate purview of civilian leaders to choose to use military force in ways that are not overwhelming, decisive, or even wise. Military professionals have important roles in holding up flags of caution and prudence in the face of such decisions. As the direct custodians of the health of their services’ cultures and the lives of their soldiers, sailors, marines, and airmen, military professionals are legitimately reluctant to send them on what they deem to be ill-considered missions. Further, being more familiar with the real dangers and suffering of war, military leaders have a livelier sense of the real meaning of combat operations in human terms, both for their own forces and for the adversary. Perhaps contrary to expectation, it is often the military professionals who are most reluctant to use military force because they fully understand the stakes and identify emotionally more closely perhaps with those whose lives they will put at risk.

Yet it is unquestionably a legitimate function of the civilian leadership to choose to use the military instrument of national power in ways that, to the warfighting mentality of the professional officer, seem profoundly “unmilitary.” For example, the decision to deploy US forces as peacekeepers in the Sinai for decades is clearly not a warfighting function. It draws significant military resources over a period of decades for its execution. The rationale for so deploying forces is, obviously, not primarily that those units will need their combat capabilities, but rather that they provide a security guarantee in a region where US interests require stability between Egypt and Israel.

To many military minds, such a use of military force is an undesirable drain on the forces and on their preparation for their “proper task.” But because the military is a tool of the civilian leadership and its policies, such decisions are ultimately “above the pay grade” of any uniformed officer. The role of military advice in such matters is necessarily limited to explaining the costs of such deployments in money and availability of those forces for other important tasks and in sizing the force to be adequate to its assigned task. Whether those costs are, all things considered, worth paying is a judgment for senior political leaders.

The current security environment may, indeed, be demanding a change in the military’s self-understanding from the mindset that has been dominant in the past 50 years. The military may well need to rethink its capabilities and force structure so that it remains the disciplined force available to civilian leadership to accomplish the difficult missions more typical of the current international sys-

tem. If such a fundamental rethinking were to occur, it is quite possible that future military leaders will be better prepared than current ones typically are to advise on the full range of interventions and uses of military force likely to arise.

### ***The Role of Professional Military Advice in Application-of-Force Decisions***

Now let us turn to the other dimension of decisionmaking: that regarding the “how” of using military force. The decision that a given set of political circumstances warrants the application of military force goes hand in hand with a consideration of what degree of force will be used, in what manner, against what targets, and using which subset of the weapon systems available to the military.

The shadow of Vietnam casts its pall over this set of questions in the minds of many military officers as it did over the *jus ad bellum* issues. Visions of political leaders choosing target sets and prescribing restrictive rules of engagement from the safe distance of Washington haunt the modern American military. Often, this is captured in the wish that political leaders would wholly restrict themselves to making the decision to use force in the first place and then get out of the way and “let the professionals” (i.e., military officers) determine all aspects of the operational plan.

While such a wish is understandable, and while it certainly contains a degree of wisdom insofar as it cautions against unduly restricting operational and theater commanders from making decisions that make military sense, it is nevertheless not generally realistic. Only in large-scale warfare on the order of the Gulf War are political leaders likely to give the military a large measure of autonomy in conducting military operations. The lower one goes on the scale of contingencies in peace and humanitarian operations, the greater the complexity one can expect in the intermingling of political ends sought, concerns for domestic political support, issues of media coverage and public reaction to it (the so-called “CNN effect”), and the military means employed. What role can and should professional military advice play in the dialogue about how to manage such a complex range of issues?

First and primarily, military advice serves to set a baseline for the analysis of any proposed intervention. Because of their training and experience, among the many voices in the policy debate, military officers bring expertise regarding the limits and scope of the militarily possible. Often a situation has percolated to the consciousness of the nation and political leaders only to the degree of a sense that something should be done about it. The military’s unique expertise is in providing decisionmakers greater fidelity to that impulse by giving clear indications of what the practical options are and what the foreseeable costs of various alternatives are in terms of lost lives and equipment. Further, military expertise is also best suited to estimating the effects of any given deployment on institutional military issues such as the overall readiness of the force, recruitment and retention, morale, and public perception of the military. This is largely because only uniformed leaders have the health and continuity of the services and

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units as their constant concern and focus. Military leaders are the custodians of their services over longer periods of time, whereas political leaders generally focus only on the crisis before them.

To say the military possesses unique expertise in such matters is not, of course, to say it is infallible. History is replete with examples of “expert military advice” which proved to be far too sanguine about its capabilities—as it is with examples of the exact opposite. One is struck by the Civil War correspondence between President Lincoln and General McClellan as an example in which Lincoln clearly grasped the proper utilization of military forces in a way far superior to his military commander.<sup>12</sup> Still, in general, one should assume safely that military training and experience provides an expertise regarding the proper employment of military force to achieve a given set of ends which political leaders should fail to solicit or ignore only at their risk.

Further, professional military advice plays an important role in helping political leaders decide on prudent and appropriate means for the use of force. It would appear there is genuine confusion and some uncertainty about these matters in the contemporary officer corps—so much so that some have suggested that military professionalism itself is in peril. Professor Don Snider at the US Military Academy has crusaded against what he perceives as a drift from military professionalism to merely obedient bureaucracy, and he cites casualty aversion as a major indicator of this drift.<sup>13</sup>

It is certainly the case that the trauma of Vietnam and the damage it did to the services’ internal culture, the development of new classes of precision and stand-off weapons, the concern with the CNN effect, and the professional officer’s traditional sense of obligation to spare to the greatest extent possible the lives of military personnel have all combined to create the appearance of the possibility of “riskless war.” There are numerous potential dangers hidden in this perception, however. For decisionmakers, the belief that they may use the military instrument of national power with impunity inevitably tempts them to employ it not as the “last resort” required both by the ethical constraint of just war and by political prudence. Instead, they may employ it almost as a first resort or without due regard to the fact that risks are always inherent in military opera-

tions. Further, the desire to use force risklessly may undermine entirely another important principle of just war and prudence: reasonable hope of success. We may find political leaders employing force in circumstances which generate no friendly casualties, but which do nothing to redress the ostensible political causes at the root of the conflict: truly a desultory and futile exercise of military power. This is a phenomenon explored powerfully in Michael Ignatieff's recent book, *Virtual War: Kosovo and Beyond*.<sup>14</sup>

All these considerations point strongly to the need and responsibility of military professionals to make civilian leaders clearly aware of the risks (to our forces, and to innocents) and the very real limits of the possible in any use of military force. For the military itself, if a culture is allowed to grow up that makes prevention of friendly casualties a central priority or even a *sine qua non* expectation, there will be quite serious ethical and political potential risks. Ethically, the drive to protect one's own forces at all costs can lead military commanders to disregard entirely the ethical requirement to show due regard to the lives of the adversary, both military and civilian.

Personal experience in teaching ethics in warfare to senior military officers indicates that it is extremely difficult in the contemporary environment to get them to grant even the importance of that issue. The military's cultural expectation that overwhelming force will be used in all circumstances to insure the maximum safety of one's own forces seriously threatens due regard to considerations of proportionality, military necessity, and discrimination in practice.<sup>15</sup> Such thinking risks overwhelming just war considerations of proportionality and noncombatant immunity in tactical situations of any threat to friendly forces whatsoever.

But even to raise this question is to recognize the difficulty of formulating correctly the nature of the professional military ethic and obligation. Obviously, it is inherent in military professionalism to "fight smart" rather than to "fight dumb." There is no glory or virtue in pointless and unnecessary loss of life and limb to the soldiers under one's command. It is testimony to the professional expertise of an officer that lives are not wasted and that advantages of terrain, equipment, technology, and timing are exploited to the detriment of the adversary. None of these concerns threatens professionalism short of the point where they overshadow the bedrock of military professionalism: mission accomplishment. The essence of professional military judgment is the skillful and prudent expenditure of soldiers, equipment, and supplies in pursuit of mission accomplishment. Military officers are, in Harold Lasswell's famous phrase, "managers of violence."

To be effective managers, however, they must fully understand the complexity of the environment in which they do that managing. This includes a full recognition of the ethical, political, and diplomatic constraints that bear upon their decisions. It requires the maturity of judgment to grasp that while their world would be neater if political leaders would just define the mission and then get out of the way, that will almost never be the world in which they live and meet their professional obligations.

## NOTES

1. Geoffrey Best, *War and Law Since 1945* (Oxford: Clarendon Press, 1994), p. 79, wrote:

From 24 October 1945, the day the [United Nations] Charter entered into effect, it has had competition. Alongside it, and prefigured in the Charter itself, there ran a parallel legislative stream of humanitarian and human rights rules and standards which States undertook at least to take note of and which, if words mean anything, they should in some last resort be required to observe . . . . Members of the UN insist that they retain full sovereign rights, and nominally indeed they do so, yet they stand committed at the same time to a variety of human rights observances which in principle entitle their neighbours to complain in case of neglect.
2. Don M. Snider, John A. Nagl, and Tony Pfaff, *Army Professionalism, the Military Ethic, and Officership in the 21st Century* (Carlisle, Pa.: US Army War College, Strategic Studies Institute, December, 1999). These authors argue that the posture of “radical force protection” adopted by the US Army in Balkan peacekeeping deployments is evidence of a diminished sense of professional responsibility in the officer corps.
3. For a full and painstaking articulation of those realities in the Balkan conflicts, see Wesley K. Clark, *Waging Modern War* (New York: Public Affairs, 2001).
4. The general question of the state of military professionalism and the scope and limits of professional military advice is receiving considerable discussion in the contemporary literature. Many of the essays in Don M. Snider and Gayle L. Watkins, eds., *The Future of the Army Profession* (New York: McGraw-Hill Primus Custom Publishing, 2002) address these questions explicitly. See in particular the essays by James Burk and Suzanne Nielsen, in addition to my own. Thomas Ricks, Pentagon reporter for *The Washington Post*, has turned to fiction in his recent novel, *A Soldier's Duty* (New York: Random House, 2001), to dramatize the tensions he feels are emerging in those relationships and the temptation of military officers to subvert constitutional authority to prevent what, in the novel, the military views as misguided uses of military force by the civilian leadership.
5. See Suzanne Nielsen's excellent discussion of this point in her essay, “Rules of the Game? The Weinberger Doctrine and the American Use of Force,” in Snider and Watkins, pp. 199-224.
6. See James Kitfield, *Prodigal Soldiers*, for a detailed account of these reform efforts and how their success has both permeated contemporary military culture and enabled fighting effectiveness in Desert Storm.
7. Ricks' novel, *A Soldier's Duty*, graphically illustrates the depths of frustration and disillusionment experienced in the ranks by such taskings. It is, in my judgment, an only slightly exaggerated portrayal of the cultural reality.
8. See Leonard Wong and Douglas V. Johnson II, “Serving the American People: A Historical View of the Army Profession,” in Snider and Watkins, pp. 59-76.
9. See Martin L. Cook, “Army Professionalism: Service to What Ends?” in Snider and Watkins, pp. 337-54.
10. Clark, p. 125.
11. The phrase was coined by Professor George Lucas of the US Naval Academy. See George R. Lucas, *Perspectives on Humanitarian Military Intervention* (Berkeley: Public Policy Press, Institute of Government Studies, Univ. of California Press, 2001).
12. Rather typical is this short note: “Majr. Genl. McClellan, I have just read your despatch [sic] about sore tongued and fatigued [sic] horses. Will you pardon me for asking what the horses of your army have done since the battle of Antietam that fatigue anything?” *Lincoln: Speeches, Letters, Miscellaneous Writings and Presidential Messages and Proclamations, 1859-1865* (New York: Literary Classics of the United States, 1989), pp. 379-80.
13. Snider, Nagl, and Pfaff.
14. Michael Ignatieff, *Virtual War: Kosovo and Beyond* (New York: Metropolitan Books, 2000).
15. An example of this occurs annually in my elective course at the US Army War College. As we work through Michael Walzer's *Just and Unjust Wars*, we get to the section where he discusses the traditional moral principle of double effect as it applies to combat operations. The reader may recall that he modifies the conventional formulation somewhat to include the notion that soldiers must accept risk to themselves to err in favor of protection of innocent life. The example I offered to my class was this: Suppose you're advancing in an armored column toward a small village and receive small arms fire from one or two weapons. What should you do? In my most recent offering of this course, one student, an armor lieutenant colonel and former battalion commander, offered the opinion that there was only one tactically correct “solution” to this situation: turn the turrets of all the tanks in the column on the village and open fire. When I suggested that it might be the case that only a couple of individuals in the village were offering resistance and that their small-arms fire was ineffective anyway against armor, he dismissed those concerns and indicated that his instructions were to always open fire with everything until the opposition ceased. Was there a good chance innocents would be killed by this approach? Yes, but in his view, that would be acceptable collateral damage. I would add that this officer is well-known to me personally, and is generally an outstanding and thoughtful military professional. I cite the example not in any way as a criticism of him personally. Rather, I take it as an indication of the pervasiveness of this kind of thinking that even an officer of his caliber would be culturally averse to any other approach.