

What Comes Next

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Abstract: Wars do not end when the last shot is fired. War planning has failed to demonstrate an understanding that victory requires consolidation and the emergence of a more healthy society. The most prominent recent example is the Second Iraq War, but the failure reaches back to the American Civil War. This essay is less concerned with the moral obligation to reconstruct after war than the practical necessity of jus post bellum. In order to learn how to achieve such a consolidation of military victory, a shift in mindset is required from both civil and military policy-makers and planners. A change in practice is required at the very beginning of planning for war. "Whole of government" has been an empty phrase, but experience dictates that an unprecedented degree of domestic and international cooperation is required.

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Assessing the probability of success of a military intervention is not just a matter of force calculations or relative firepower. Wars do not end after the victor fires the last shot or launches a final air strike. Nor do wars end with a cease-fire and rarely even with a peace agreement.¹ The notion of war termination as synonymous with conquest or territorial subjugation is no longer acceptable from either a strategic or moral perspective. As human rights and humanitarian law expert Gabriella Blum has stated:

As for the goals of war, the restorative tradition of Just War Theory viewed war as legitimate only if it promoted the peace, and peace was largely synonymous with stability. War was thus a mechanism to restore a disturbed *status quo*, leaving much of the pre-existing state order intact. The goals of contemporary wars, conversely, are often long-term change. Rather than restoring the pre-existing order, eliminating contemporary threats is often perceived as requiring a transformation in the political, social, civic, and economic structures of the territorial state from which the threat had materialized in the first place.²

How can victory be declared before the transformed state undergoes some measure of recovery and gains

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acceptance into the community of nations? It seems only common sense, particularly in the interdependent world of the twenty-first century, that planning for intervention would include the essential steps to be taken when hostilities end. Yet repeatedly, the United States and its allies have failed to plan for the reconstruction phase after conflict, or help the populace achieve the society they hope will emerge when the violence ends. This essay will describe how and why the failure to plan for and engage in restoring war-torn societies not only raises deep moral issues, but also represents a fundamental strategic mistake, often with lasting and tragic international consequences.

Michael Walzer articulates the moral obligations of war termination in his formulation of *jus post bellum*:

The argument about endings is similar to the argument about risk: once we have acted in ways that have significant negative consequences for other people (even if there are also positive consequences), we cannot just walk away. Imagine a humanitarian intervention that ends with the massacres stopped and the murderous regime overthrown; but the country is devastated, the economy in ruins, the people hungry and afraid; there is neither law nor order nor any effective authority. The forces that intervened did well, but they are not finished. How can this be?³

The ability to analyze and plan for a *post bellum* environment is not simple from either a moral or strategic perspective. Nor is it a linear progression from the end of hostilities. Startling changes have occurred in the development of norms about how the international community should think about and act in postwar environments, especially if the objective of intervention was to end violence and contain its spread. An interesting historical trajectory seems to have developed in both normative and strategic rationales guiding the outcome of wars: from a) to the victor goes the spoils

(as *The Iliad* chronicles the Trojan Wars); to b) the vanquished pays the victor; to c) the vanquished neither pays an indemnity nor sacrifices territory, thus maintaining the status quo ante; to d) the victor pays the vanquished. But there is neither consistency nor contextual clarity to this historical trajectory.

Moreover, logic should compel policymakers to analyze the consequences not only of intervention, but also of decisions to provide military assistance or, in certain cases, to do nothing. In the world of widespread terrorism, even withholding assistance requires consequential thinking. If a nation collapses into chaos, spewing refugees and migrants throughout the world, what strategic or ethical analysis might have prompted governments to plan for or hedge against such destabilizing consequences?

The responsibility to protect (R2P) doctrine catalyzed the beginnings of a normative transition, but there is little agreement on new approaches. In 2001, the International Commission on Intervention and State Sovereignty formulated far-reaching claims for protecting individuals' human security and human rights against state aggression, not only during conflict, but thereafter as well. The Commission's conclusions were accepted by the High Level Panel on Threats, Challenges and Change in 2004, but the World Summit Outcome of 2005, while endorsing the concept of R2P, did not mention an obligation to rebuild.

Walzer's elegant concept of *jus post bellum* has deep resonance, but how can it work in specific cases? It is not difficult to find ethical and policy reasons to restore damaged physical infrastructure or to provide basic humanitarian aid. But as the victors, or the broader international community, contemplate "nation building," other competing strategic and moral issues invariably intrude.

Applying Walzer's *post bellum* imperative, international affairs scholar Gary Bass

has argued that a moral obligation to reconstruct political institutions after intervention exists only in the case of previously genocidal governments.⁴ “Not all postwar reconstruction will be unselfish nation-building; it will just as often involve plunder or economic domination, or worse.”⁵ Drawing on historical examples, Bass continues: “If one’s goals are mere self-defense, the paradigmatic case of just war, then there is little justification for reshaping a defeated society. One does not have to completely change an enemy country’s domestic arrangements in order to make sure it will not attack again.”⁶ Although a serious attempt to flesh out the obligations of *jus post bellum*, his views represent the thinking of one scholar, not accepted doctrine. In a similar vein, just war theorist Brian Orend has set out a series of guidelines for required and permissible nation-building activities.⁷ He makes specific recommendations, including demilitarization, punishment of war criminals, and various forms of governance. Because his prescriptions are not related to particular contexts nor linked to specific priorities of a host nation, they risk lacking the kind of local legitimacy that others have emphasized as essential.⁸

These efforts do serve to highlight that moral and strategic issues intersect at all stages of deliberation about intervention. They indicate that neither the United States nor the international community working collectively have made the ongoing investments needed to anticipate and plan for the possible contingencies that arise after violent conflict ends or to adapt to changes on the ground. Nor have they developed policies that generate local participation in a process of rebuilding a stable postwar society.

For all of the twenty-first-century rhetoric about “whole of government” and the emphasis on collective action, the United States’ security strategy primarily empha-

sizes technological and military superiority to bring about decisive outcomes. Civilian-military planning capability is rudimentary. While American allies may not suffer from such “military myopia,” they have also failed to institutionalize planning for the aftermath of war. Over-reliance on military superiority is a distorting lens, while the diplomats’ tendency to deal only with the government in power further constrains policy options. The impetus to think through the risks and possibilities for the aftermath of conflict is lacking. These weaknesses present grave strategic and ethical problems.

Neither the United States nor the United Nations lack institutional systems for complex planning and analysis of outcomes, but available tools are underdeveloped and underutilized.⁹ Initiatives such as PDD-56 during the Clinton administration were formulated to train civil and military officials to plan jointly for unexpected security emergencies but, like many other such efforts, it ended up marginalized, under-resourced, and, in effect, abandoned.¹⁰

The dominant mindset leads to linear thinking and the narrowing of available options. Recently, in Iraq and Afghanistan, for example, once the decision to intervene was made, the main focus of policy debate was on the number and type of forces to deploy. Lacking was discursive civil-military dialogue about what sort of state was envisaged after conflict ended.¹¹ When nonintervention is the policy, the discussion may not go beyond whether to offer or withhold military assistance or to provide military training. The examples hereafter are mere snapshots of failure to analyze *post bellum* implications, but many others can be cited for failure to analyze what might be done to help prevent destabilization or escalating violence.

The failure to accurately predict the risks and consequences of U.S. military inter-

vention in Iraq in 2003 is the iconic case. The fractious and highly partisan disputes that persist today about the decision to invade Iraq helped create an impression that it was an anomaly, arising from the heightened sense of vulnerability after 9/11, presidential inexperience, faulty intelligence, and senior advisers with special agendas. The truth is more complex and reveals unaddressed systemic weaknesses.

The Iraq invasion was a war of choice. Its principal rationale was the fear that Saddam Hussein was rapidly developing weapons of mass destruction (WMD), posing an imminent threat to U.S. security. Although the United States obtained an initial Security Council Resolution warning Iraq to discontinue efforts to develop WMD, the decision to invade in March 2003 was made without the step of returning to the Security Council for further action, in turn limiting initial support from natural U.S. allies.¹² The international perception of lawlessness colored interpretations of the morality of U.S. and British actions thereafter. Among mistakes chronicled in retrospect were the misinterpretation or misuse of intelligence about Iraqi WMD and the discrediting of on-site reports by the International Atomic Energy Agency inspectors just prior to the planned invasion.¹³

The decision to invade Iraq was stimulated by the efforts of analysts who had been advocating for attack options against Iraq for many years.¹⁴ September 11 provided the pretext and motivation to help convince President Bush's sympathetic administration of the danger Iraq posed. In addition to war planning by the military, Secretary of Defense Donald Rumsfeld created an Office of Special Plans (OSP) that began to plan a government to replace Saddam Hussein's dictatorship. These deliberations did not include the State Department, whose experts were engaged in parallel preinvasion contingency efforts that would be ignored. The OSP planning

process included certain Iraqi exile groups also recruited to staff the Free Iraqi Force that the OSP conceived and the Department of Defense (DoD) trained. The exiles were in part responsible for the unrealistically optimistic assumptions about the postwar environment that infused DoD processes.¹⁵

The governing premise was that a swift and decisive victory could be achieved by using advanced military technologies while allowing for limited troop deployments and minimal casualties. Desert Storm in 1991 had offered a preview of the kinds of precision strikes and advanced, networked command and control systems that the new secretary of defense was actively promoting in his policy of "defense transformation." Little effort was expended on the need for diplomacy or cumbersome post-conflict multinational missions: George H. W. Bush's Chairman of the Joint Chiefs of Staff quipped that he "wished to lead the U.S. Army not the Salvation Army."¹⁶

Despite efforts by the State Department, the Agency for International Development, and other civilian agencies to caution about risks, the prevailing assumption in the Office of the Secretary of Defense – shared by the White House – was that the military operation would be both decisive and celebrated by the Iraqi people, with a seamless transition to democracy to follow. Iraq would then serve as a model of democracy for the region, spurring other states to emulate its example. But no inter-agency or intergovernmental process was developed to vet these assumptions, which were based more on hope than fact. Skeptics from other agencies were marginalized, excluded, or even dismissed.¹⁷ The decisions that followed the rapid defeat of Iraq's military were haphazard and plagued by inadequate resources.¹⁸

The DoD hastily established the Office of Reconstruction and Humanitarian Assistance (ORHA) to devise and implement

post-conflict plans, but it remained uninformed of military war plans.¹⁹ And even before ORHA got its footing, it was replaced by another ad hoc entity, the Coalition Provisional Authority (CPA). Although supported by the UN Security Council Resolution, the mission of the CPA was neither carefully planned nor adequately staffed, with many inexperienced appointees. With little knowledge of Iraq, the CPA implemented a series of sweeping decisions, including firing all Ba'athist personnel. This left the army and most government departments leaderless and unable to pick up the reins of government, and created a large population of former military and government personnel who could not find employment, contributing to their recruitment into insurgency groups like Al Qaeda in Iraq and later ISIS.²⁰ As Jeremy Greenstock, former British Ambassador to the United Nations, stated:

The administration of Iraq never recovered [from the failure to plan]. It was a vacuum in security that became irremediable, at least until the surge of 2007. And to that extent, four years were not only wasted, but allowed to take on the most terrible cost because of that lack of planning, lack of resources put in on the ground. And I see that lack of planning as residing in the responsibility of the Pentagon, which had taken charge, the office of the secretary of defense, with the authority of the vice president and the president, obviously, standing over that department of government."²¹

Although the military had assumed that the postwar situation was not its responsibility,²² the Army and Marine Corps were left in control.²³ The immediate collapse of legitimate authority in Iraq left the United States with an unforeseen political and security vacuum.

After the 2006 midterm elections, and in response to a steadily deteriorating security situation, the president replaced

Secretary Rumsfeld and some of the military leadership identified with the failed strategy in Iraq. The administration adopted a counterinsurgency strategy and deployed 28,000 soldiers in support of this mission.²⁴ The emphasis on maximum lethality was to be replaced by an effort to build relationships and develop support among the Iraqi people.

Both supporters and critics of the "surge" strategy agree that domestic violence decreased after the surge, but disagree fundamentally about the reasons or the sustainability of that apparent success. And while hard-working, courageous coalition soldiers demonstrated skill and resilience in engaging with Iraqi citizens, no amount of goodwill garnered in local areas could compensate for the continued sectarianism abetted by the widely perceived illegitimacy of the U.S.-backed Maliki regime.

In the absence of focus on a political settlement in the interests of all Iraqi people, the agreement reached under the Bush administration for a timeline for U.S. withdrawal at the end of 2011, subsequently implemented by President Obama, only paved the way for a return to sectarian conflict. This and other elements of political failure throughout the region came to a climax with the sweeping victory for ISIL in 2014 that routed Iraqi troops and captured millions of dollars of Western-provided weapons and materiel. The humiliating defeat of the Iraqi forces the United States had spent over a decade training prompted Secretary of Defense Ash Carter to declare that the Iraqis had "shown no will to fight."²⁵ Yet as Middle East expert Emma Sky observed from her years spent working with coalition forces on the ground, the most important missed opportunities in Iraq were profoundly political. Perhaps the pivotal failure came after the 2010 elections when the United States chose to continue backing Al Maliki. "If you were Sunni [after Al Maliki reassumed power]," she observed, "you

made the unfortunate decision that supporting ISIS was a better option.”²⁶

The United States and its allies failed to realize that when a government lacks the support of a large swath of its population, relapse into conflict not only can be expected, but is virtually inevitable. The assumptions underlying the intervention in Iraq were never tested for such basic realities, however. The necessity for a long-term commitment was never recognized; and if it were, that course likely would have proven unacceptable both to the Iraqis and to the American people and their allies. Even the success of the Marines in Anbar in 2007–2008 and the personal cooperation of General Petraeus and Ambassador Crocker that effected greater inclusiveness proved short-lived. Continued support for the Maliki government, even after his (marginal) political defeat, assured that sectarian strife would reemerge. Although the United States tried to make amends in brokering the election of Haider Abadi in 2014, it had lost much of its leverage once most forces were gone and ISIS had taken over large areas of the country. Charles Freeman, a former ambassador to Saudi Arabia, commented: “We invaded not Iraq but the Iraq of our dreams, a country that didn’t exist, that we didn’t understand. And it is therefore not surprising that we knocked the Kaleidoscope into a new pattern that we found surprising. The ignorant are always surprised.”²⁷

How and why the United States could so dramatically misread the nature of the threat from Iraq or the potential for Iraqi resistance to intervention after the fact illustrates an extreme but hardly unique episode of U.S. decision-making. It is not obvious why the most highly advanced industrial country, commanding unparalleled access to vast sources of global intelligence and information, seems so often to both a) miscalculate the realities of its international security actions and b) fail to fully consider and

plan for the consequences of those actions. The United States suffers from a tendency to misconstrue success on the battlefield with the achievement of strategic objectives. The premises guiding U.S. strategic planning all too frequently prove to be at odds with the actual nature of the challenges involved – the “facts on the ground.” The instances in which the United States has failed to accurately identify the issues it faced or clung to a flawed strategy despite mounting evidence of failure are far too numerous to ascribe to a single administration, political party, or group of influential advisers.

Moreover, one can reach back in history – to the U.S. Civil War – to find the lack of planning for what would occur after war ended.²⁸ Even Desert Storm, which is remembered in popular narrative as a swift and decisive technological victory over a powerful Iraqi army, in reality left a host of unresolved political and military challenges that required constant U.S. intervention thereafter. As one commentator put it: “the end game of Desert Storm looks less like the relatively tidy conclusion of World War II, and more like the other messy, post–Cold War peacekeeping, counterinsurgency, and counterterrorism missions that would come after 1991.”²⁹

Yet even the aftermath of World War II was far less than a “tidy conclusion,” although it turned out well. Considerable trial and error over time preceded the successful recovery. Before the end of the war, Secretary of the Treasury Henry Morgenthau, Jr., had formulated a plan to prevent Germany from ever reasserting power over Europe.³⁰ Germany would be partitioned and demilitarized, stripped of its industry, leaving behind an agrarian economy.³¹ Despite the history of World War I reparations – discussed below – coupled with strong disagreement from Secretary of State Hull³² and Secretary of War Stimson,³³ this plan captured Franklin Delano Roosevelt’s interest. Presented at the Quebec meeting of FDR and Winston Chur-

chill in 1943,³⁴ it was sharply disputed by Churchill there; and finally FDR did reject the plan.³⁵ The Western European countries came to understand that they could not rebuild a viable economic system for Europe without Germany.³⁶ Under the Truman administration, the economic realities of postwar Europe began to take shape, despite the earlier hesitation. In his famous Harvard commencement address in 1947, Secretary of State George Marshall outlined a plan to aid the recovery of Germany and Europe with investment by the United States and Europe itself.³⁷ The plan, which came to be the European Recovery Program, had a tremendous effect within the first fifteen months and made the German *Wirtschaftswunder* possible.³⁸

Often claimed as a major cause of the rise of Hitler and World War II, failure to think through how best to deal with postwar Germany was not just a U.S. failure, but the combined failure of a successful wartime coalition. In fact, Woodrow Wilson had argued against indemnity at the Paris Peace Conference,³⁹ but ultimately went along with the other victorious nations, who insisted on their “pound of flesh.” But the process of assessing costs proved to be a nearly impossible task.⁴⁰ France had suffered the most direct damage, yet Britain had spent the most to win. Concerns did surface about Germany’s ability to pay. If reparations were set too high, the German economy might collapse, damaging British exports; if set too low, Germany would recover more quickly, worrying the French, who feared German ability to transform economic power into military force. “Getting clear numbers was not easy...because it was in almost everyone’s interest to exaggerate and obfuscate.”⁴¹ The concern for postwar recoveries and maintaining a balance of power that hampered Germany had to be tempered against fears of creating a vacuum that Bolshevism would fill.⁴²

Perhaps most important was the fact that Germans did not accept the reality of defeat, leaving a strong sense of injustice about the war’s aftermath.⁴³ They believed they had fought to a draw: “The High Command had not informed the nation of the plight of the armies, and the German countryside was almost completely untouched by war.”⁴⁴ Both the reparation terms and “war guilt” clause were resented by the Germans. They perceived that the Paris Peace Conference provided a blank check drawn from their economy. In fact, the treaty was unworkable: both too mild and too severe.⁴⁵ Germany’s economic infrastructure was not dismembered, and the harshness in some of the territorial and financial provisions remained unenforced. “‘Severity’ included what Lloyd George called the ‘pinpricks’ that unnecessarily humiliated Germany – the clauses dealing with ‘war guilt’ and war crimes, hurt German pride.”⁴⁶ Even though later mitigated, the reparations helped lead to economic and political disorder in Germany, contributing to the burdened Weimar government’s failure and the rise of Hitler.

It can be argued that World War I failures did lead to better – though still imperfect – actions after World War II. Yet these lessons on the need for intensive postwar planning with deep contextual understanding of facts on the ground have not seemed to endure. The Vietnam War illustrates both a misconception of the nature of the people and the conflict throughout the war, and undue reliance on American superiority in military technology. Robert Komer’s devastating analysis, discussed below, underscores the inability of both U.S. civilian and military bureaucracies to adapt.⁴⁷ Iraq and Afghanistan serve to illustrate how these failures persist.

American and Western leaders, having toppled the Taliban government in 2001, sought to build a stable democracy in Af-

ghanistan. Until 2006, the efforts to reconstruct a government supported by its people seemed to be gradually progressing.⁴⁸ Democratic processes, including widespread participation in developing a constitution, were initiated, and the 2004 elections of both the president and legislature were initially viewed as fair. While there had been some advance planning to establish democratic processes, an ongoing civil-military dialogue that would enable the International Security Assistance Force (ISAF) – the NATO military coalition led by the United States – the United Nations, and allied embassies to adapt to changing circumstances on the ground was lacking.⁴⁹ Many civilians assisting in the institutional rebuilding process were sensitive to local needs and preferences, but these did not filter upward.⁵⁰ As international security scholar Dipali Mukhopadhyay points out: “Inquiry into those patches of territory beyond the *de facto* writ of a limited state is an essential pursuit, but so, too, is inquiry into the processes by which that state constructs, expands, and maintains its limited writ where it can.”⁵¹

The tendency of the U.S. State Department to deal with government officials rather than ordinary citizens was a shortcoming that was manipulated by those very officials. This tendency to insulate diplomats from the local population is not new.⁵² Institution-building remained an abstraction, separate from the actual governing process. Seemingly unaware, the United States and its allies were nurturing a kleptocratic central government that was losing popular support.⁵³ ISAF and diplomats were aware of poor governance, but they attributed problems to inexperience and weakness. Analyst Sarah Chayes concluded that after living and working in Afghanistan for ten years, the government was neither inept nor weak. Rather, it was well designed for a different purpose: an effective criminal syndicate whose

goals were to make sure the money flowed upward to the leaders, not downward for the benefit of the population. “Governing” she writes, “the exercise that attracted so much international attention – was really just a front activity.”⁵⁴ Members of the kleptocratic network syphoned off billions in donated funds and bribes exhort-ed from ordinary people for their personal gain. Inextricably associated with the corrupt leadership, including after the fraudulent election of 2009, Western nations were perceived as responsible for Afghan government behavior. Western representatives had become so remote from the people – with some local exceptions – that they failed to understand that the Taliban could once again insert itself into the population and undermine all of the efforts so painstakingly made after their defeat. Ordinary Afghans were left with a Hobson’s choice: a government that fails to serve their needs and oppresses and steals from them, and fundamentalist, militant Islamic groups who may seem more just, but from whose strictures and arbitrary punishments the people were glad to escape in 2001.

ISAF focused on security issues, with sincere efforts to follow their interpretation of counterinsurgency doctrine. They assumed that once a stable security environment was achieved, good quality governance could follow. But the nature of the governance was precisely what fed insecurity.⁵⁵ Unsurprisingly, the growing insurgency led to tougher military tactics, often harming innocent civilians, destroying their livelihood, and alienating them further. When he took command of ISAF in 2010, General Petraeus, who managed to convince the president of the value of counterinsurgency in Iraq, pivoted away from that doctrine to focus on more kinetic action to counter a rising insurgency in Afghanistan.

The country continues to spiral out of control today, with increasing Taliban incursions, notwithstanding all the funds

and efforts spent to build a stable post-conflict democracy that could prosper in the international community. When it was necessary to change a failing approach and to understand conditions on the ground, the United States proved unable to make major strategic adjustments.

Explanations offered by scholars, analysts, and memoirists for the failures to take into account long-term impacts of a military intervention are not satisfactory, although they yield partial insights. Even when they offer explanations of the failures of strategic thinking, they generally do not address the moral or legal aspects of military planning that includes the post-conflict environment.

One cannot situate a post-conflict obligation in international legal requirements, although there are rules that govern occupation from the nineteenth century. Humanitarian concern is certainly found in many of the treaties that pertain to the laws of war. The Fourth Geneva Convention increased the duties of occupiers developed in the Hague Regulations of 1899 and 1907 by specifically placing limits on occupation forces to ensure that they treat occupied people in a humane manner, do not pillage resources, and do not assume sovereignty of the occupied nation. But the Convention does not create an obligation for the occupier to reconstruct.⁵⁶

Nor does Chapter VII of the UN charter provide guidance. Articles 41 and 42 provide broad leeway for Security Council action to “maintain and restore,” but they are permissive, imposing no obligation. Many Security Council resolutions prescribe post-conflict reconstruction, even in cases of unauthorized intervention.⁵⁷ Yet while developing elaborate administrative structures, they do not use the language of obligation. They may address prevention of recurrence, but not as a matter of legal obligation. And as we know, im-

plementation on the ground too often falls short of aspirations because of a lack of clear and binding commitment that turns these resolutions into effective and sustained actions.

The absence of a legal obligation to reconstruct a war-torn society may have made it easier to ignore any moral imperative, but the moral dimension remains. Legality helps to entrench developing norms, but a moral obligation often precedes its expression as a matter of law. Moreover, the lack of a legal obligation is no reason for the failure of strategic planning to assure societal reconstruction as an essential part of military victory to prevent conflict recurrence or state disintegration.

Political scientists have examined strategic military and post-conflict failures in an attempt to find common patterns across many cases. For example, Risa Brooks has examined the Iraq case and several others, arguing that the success or failure of a military operation and its aftermath depend on several repeated factors, which she has charted. These include the balance of power between civil and military leaders, civil-military dialogue in sharing information about alternative military strategies, and the effectiveness of structures in place for assessing and evaluating alternative strategies and the authorization process.⁵⁸ She argues that the effectiveness of each factor is determined by the balance of power between the military and political apparatus and the level of divergence in preferences between these two groups. She maintains that the most effective relationship for strategic assessment will be one in which the political body is dominant over the military, with little preferential divergence between them. In such cases, information sharing works well, as neither political nor military leaders have the incentive to hide or distort information.⁵⁹ In his study of civil-military relations, Peter Feaver, by contrast, has relied on an agen-

cy relationship between civilian and military, insisting that an effective relationship places military as the agent of political master, and deviations help explain successes and failures of strategic analysis.⁶⁰

“The tyranny of consensus” analyzes how the structure of American governance makes it difficult to achieve consensus about complex national security issues. The United States’ political system of checks and balances, originally designed to prevent tyranny, including tyranny of the majority, struggles to formulate coherent and adaptive policies. Coordination of a deliberately divided and restrained government depends on a degree of consensus that is difficult to achieve. Garnering support for sustained international commitments, to approve budgets at the level needed to fund those commitments or to mobilize sentiment in favor of committing American lives to support protracted foreign interventions, imposes high demands on leaders to frame issues in ways that the American public – and powerful elites – find compelling. More often than not, the need for a persuasive domestic narrative leans toward a simplified underestimation of the longer-term costs, caricaturing the challenges and appealing to the notion that the contemplated war will be swift and decisive, and require minimum American sacrifice. Otherwise there might be even greater friction between Congress and the executive branch.

Once consensus is achieved for a particular strategy, altering its content or direction in response to new circumstances can prove even more daunting. Long-standing and systemic tensions in American democracy exist between the need for open discourse and the requirements of a disciplined decision-process, both of which are essential to govern effectively. “One result of these inherent tensions is that mindsets about the way the world is organized and about where and how the United States must defend its ‘vital interests’ have tend-

ed to linger well after the underlying rationales and guiding assumptions proved inaccurate and inappropriate for redressing contemporary challenges.”⁶¹

In *Bureaucracy Does Its Thing*, Robert Komer ascribes strategic mistakes in Vietnam more to bureaucratic politics – how both civilians and militaries cling to entrenched repertoires – much as political scientist Graham Allison also argues in his seminal book *The Cuban Missile Crisis*.⁶² Komer describes the frustration of trying to change the military approach of maximizing American force advantages against North Vietnam. The strategy was not only failing to win the war, but alienating the very people the United States was trying to protect. Along with Komer and others, Marine General Charles Krulak argued that “pacification” – enlisting the populace by being responsive to their needs (a predecessor to counterinsurgency) – would be a more effective U.S. strategy. General William Westmoreland insisted that such a strategy be secondary to the overwhelming force required to win and argued that pacification had to be led by the South Vietnamese. Although Komer denied there was ever a policy confrontation between counterinsurgency and traditional war-fighting approaches, he observed that “almost every element which might logically be regarded as part of a counterinsurgency-oriented strategy was called for repeatedly and tried (often several times) on at least a small scale. Compared to the conventional . . . military effort, however, [those efforts] were always ‘small potatoes.’”⁶³ Thus, a disastrous policy continued until the United States withdrew in defeat, with no opportunity to help shape the state that emerged.

International law scholar Michael Glennon, in *National Security and Double Government*, goes beyond bureaucratic inertia. He argues that U.S. national security policy formulation is dominated by two separate

sets of institutions: the “dignified” constitutional or Madisonian accountable institutions on the one hand, and “efficient” and unaccountable institutions on the other. Reaching back to the nineteenth-century English scholar Walter Bagehot and his theory of “double government,” Glennon states:

U.S. national security policy is defined by the network of executive officials who manage the departments and agencies responsible for protecting U.S. national security and . . . operate largely removed from public view and from constitutional constraints. The public believes that the constitutionally established institutions control national security policy, but that view is mistaken. Judicial review is negligible; Congressional oversight is dysfunctional; and presidential control is nominal.⁶⁴

He suggests that this “Trumanite network is as little inclined to stake out new policies as it is to abandon old ones. The Trumanites’ *grundnorm* is stability, the ultimate objective preservation of the status quo.”⁶⁵ His examples are persuasive, shedding light on the surprising consistency in national security policy from the George W. Bush to Obama administrations despite their deep ideological differences. His analysis offers another perspective into institutional biases that might account for the United States’ persistent unwillingness or inability to anticipate and understand the facts on the ground, or international consequences after the use of force. But, as we argue, none of these explanations fully account for so many historical mistakes, nor do they point a way forward.

Devising strategies for addressing twenty-first-century global security challenges requires that leaders contemplating intervention accept and understand that post-conflict reconstruction is a strategic necessity that warrants full attention, certainly no less so than coordinated targeting plans or

military training. The few examples cited demonstrate a much larger pattern of failure of civilian leadership to think through the consequences of the use of military force. Moreover, they indicate that when post-conflict action is taken, it is more for the benefit of interveners than for the host nation, lacking sensitivity to the context and the aspirations of the host nation. Serious flaws in planning assumptions and common practices tend to undermine the entire effort to rebuild.

Failure to understand what can be made of the *post bellum* environment suggests that there cannot be *jus ad bellum* without *jus post bellum*. Up to now, there has been too little recognition of the need to mesh military and political objectives in conflict and post-conflict planning. Nor have there been serious and sustained efforts to develop civil-military planning processes and systems to evaluate, implement, and adapt any post-conflict plans.

As local conflicts seem inexorably to develop into transnational and even global security threats, it should be clear that there must be an ongoing dialogue between the international participants and the host country at all levels. It is not beyond the capability of major powers to require a systematic civil-military planning process that examines the steps beyond military intervention and their relative costs. The international community needs to invest more in training and mentoring citizens and civil servants of host countries to help develop their skills to build political and economic systems that perform for their people and are widely perceived as legitimate. Such investments may seem daunting and the challenges intractable. But, in the end, engaging in serious post-conflict planning will prove less costly in resources and human sacrifice than maintaining an occupation force for years beyond local tolerance or sustainability.

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- ¹ See Christine Bell, *Peace Agreements and Human Rights* (New York: Oxford, 2000).
- ² Gabriella Blum, "The Fog of Victory," *The European Journal of International Law* 24 (1) (2013): 392.
- ³ Michael Walzer, *Arguing about War* (New Haven, Conn.: Yale University Press, 2004), 20–21.
- ⁴ Gary J. Bass, "Jus Post Bellum," *Philosophy & Public Affairs* 32 (4) (2004): 396–403. See also Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (New York: Basic Books, 2006), 86.
- ⁵ Bass, "Jus Post Bellum," 391.
- ⁶ *Ibid.*, 393–394.
- ⁷ Brian Orend, "Jus Post Bellum: The Perspective of a Just-War Theorist," *Leiden Journal of International Law* 20 (3) (2007): 579–581.
- ⁸ See Susan L. Woodward, "National versus International Legitimacy in State Building Operations," *Critique Internationale* 3 (28) (2005): 1; and Astri Suhrke, *When More is Less: The International Project in Afghanistan* (New York: Columbia University Press, 2011).
- ⁹ The UN has had the underutilized Integrated Mission Planning Task Force Structure since 2001. See United Nations General Assembly Security Council, *Comprehensive Review of the Whole Question of Peacekeeping Operations in All Their Aspects* (A/55/305–S/2000/809), August 21, 2000, <http://www.un.org/documents/ga/docs/55/a55305.pdf>.
- ¹⁰ Antonia Chayes, *Borderless Wars: Civil Military Disorder and Legal Uncertainty* (New York: Cambridge University Press, 2015), 59–61.
- ¹¹ Thomas Ricks, *Fiasco: The American Military Adventure in Iraq* (New York: Penguin Press, 2006); and Emma Sky, *The Unraveling: High Hopes and Missed Opportunities in Iraq* (New York: Public Affairs, 2015).
- ¹² United Nations Security Council, *Resolution 1441* (S/RES/1441), November 8, 2002, <http://www.un.org/Depts/unmovic/documents/1441.pdf>.
- ¹³ Chaim Kaufmann, "Threat Inflation and the Failure of the Marketplace of Ideas: The Selling of the Iraq War," in *American Foreign Policy and the Politics of Fear: Threat Inflation since 9/11*, ed. Trevor A. Thrall and Jane K. Cramer (New York: Routledge, 2009), 103–104.
- ¹⁴ Joyce Battle, "The Iraq War – Part I: The U.S. Prepares for Conflict, 2001," *National Security Archive Electronic Briefing Book No. 326*, ed. John Prados and Christopher Ames (Washington, D.C.: George Washington University, September 22, 2010), <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB326/index.htm>.
- ¹⁵ Stephen Fidler and Gerard Baker, "The Best-Laid Plans?" *The Financial Times*, August 3, 2003.
- ¹⁶ Cindy Williams, *Holding the Line: U.S. Defense Alternatives for the Early 21st Century* (Cambridge, Mass.: The MIT Press, 2001), 39.
- ¹⁷ Ewen MacAskill, "U.S. Sacks Its Woman in Baghdad," *The Guardian*, May 11, 2003. See also George Packer, *Assassins' Gate: America in Iraq* (New York: Farrar, Straus and Giroux, 2005).
- ¹⁸ Ricks, *Fiasco*, 158–165.
- ¹⁹ Nora Bensahel, Olga Oliker, Keith Crane, et al., *After Saddam: Prewar Planning and the Occupation of Iraq* (Washington, D.C.: RAND Corporation, 2008), xxii.
- ²⁰ Ricks, *Fiasco*, 158–165.
- ²¹ Quoted in Cullen Murphy and Todd S. Purdum, "Farewell to All That: An Oral History of the Bush White House," *Vanity Fair*, February 2009, <http://www.vanityfair.com/news/2009/02/bush-oral-history200902>.
- ²² Bensahel et al., *After Saddam*, xviii–xix.
- ²³ Nora Bensahel, "Mission Not Accomplished: What Went Wrong with Iraqi Reconstruction," *Journal of Strategic Studies* 29 (3) (2006): 465.

- ²⁴ United States Marine Corps, *Counterinsurgency*, FM 3-24 (MCWP 3-33.5) (Washington, D.C.: Headquarters, Department of the Army, December 2006), <http://usacac.army.mil/cac2/Repository/Materials/COIN-FM3-24.pdf>.
- ²⁵ Quoted in Barbara Starr, “Carter: Iraqis Showed ‘No Will to Fight’ in Ramadi,” CNN, May 24, 2015, <http://www.cnn.com/2015/05/24/politics/ashton-carter-isis-ramadi/>.
- ²⁶ Kevin Sylvester, “Emma Sky: Why Iraq Is the ‘Worst Strategic Failure Since the Foundation of the United States,’” CBC News, August 23, 2015. See also Emma Sky, *The Unraveling: High Hopes and Missed Opportunities in Iraq* (New York: Public Affairs, 2015).
- ²⁷ Charles Freeman as quoted in Peter Galbraith, *The End of Iraq: How American Incompetence Created a War without End* (New York: Simon and Shuster, 2006), 101.
- ²⁸ Janne E. Nolan, *Tyranny of Consensus: Discourse and Dissent in American National Security Policy* (Washington, D.C.: Brookings Institution, 2013).
- ²⁹ Vance Serchuk, “The Legacies of the Iraq War,” Center for a New American Security, August 16, 2015, <http://www.cnas.org/opinion/the-legacies-of-the-iraq-war#.V3PitmgrJ9M>.
- ³⁰ John L. Chase, “The Development of the Morgenthau Plan through the Quebec Conference,” *The Journal of Politics* 16 (2) (May 1954): 326–328.
- ³¹ *Ibid.*, 355.
- ³² Cordell Hull, *The Memoirs of Cordell Hull*, vol. 2 (New York: The Macmillan Company, 1948), 1606.
- ³³ Henry L. Stimson and McGeorge Bundy, *On Active Service in Peace and War* (New York: Harper and Brothers, 1947), 571–573.
- ³⁴ See Henry Morgenthau, Jr., *Germany is Our Problem* (New York: Harper & Brothers Publishers, 1945), v–viii.
- ³⁵ Frederick H. Gareau, “Morgenthau’s Plan for Industrial Disarmament in Germany,” *The Western Political Quarterly* 14 (2) (June 1961): 519–520.
- ³⁶ Herbert Carleton Mayer, *German Recovery and the Marshall Plan* (New York: Edition Atlantic Forum, 1969), 3.
- ³⁷ “The Marshall Plan Speech,” The George C. Marshall Foundation, <http://marshallfoundation.org/marshall/the-marshall-plan/marshall-plan-speech/>.
- ³⁸ Mayer, *German Recovery and the Marshall Plan*, 27–37.
- ³⁹ Woodrow Wilson, “Address of the President of the United States Delivered at a Joint Session of the Two Houses of Congress, February 11, 1918,” in *Papers Relating to the Foreign Relations of the United States, 1918, Supplement 1, The World War, Vol. 1* (Washington, D.C.: U.S. Government Printing Office, 1918), 110, <http://digital.library.wisc.edu/1711.dl/FRUS.FRUS1918Suppo1v01>.
- ⁴⁰ Margaret MacMillan, *Paris 1919: Six Months that Changed the World* (New York: Random House, 2001), 181.
- ⁴¹ Mark Brawley, “Neoclassical Realism and Strategic Calculations: Explaining Divergent British, French, and Soviet Strategies toward Germany between the World Wars (1919–1939),” in *Neoclassical Realism, the State, and Foreign Policy*, ed. Steven E. Lobell, Norrin M. Ripsman, and Jeffrey W. Taliaferro (Cambridge, Mass.: Cambridge University Press, 2009), 83.
- ⁴² Walter Lippmann, “The Political Scene,” *The New Republic* 18 (229) (March 22, 1919): 12.
- ⁴³ MacMillan, *Paris 1919*, 158–159.
- ⁴⁴ Keith Eubank, *The Origins of World War II*, 3rd ed. (Wheeling, Ill.: Harlan Davidson, Inc., 2004), 2.
- ⁴⁵ *Une paix trop douce pour ce qu’elle a de dur*. [A peace too soft for being so hard.] See Jacques Bainville, *Les conséquences politiques de la paix* (Paris: Nationale, 1920), 24, http://classiques.uqac.ca/classiques/bainville_jacques/consequences_pol_paix/consequences_pol_paix.pdf.

- ⁴⁶ Leonard Gomes, *German Reparations, 1919 – 1932: A Historical Survey* (New York: Palgrave Macmillan, 2010), 36.
- ⁴⁷ Robert Komer, *Bureaucracy Does Its Thing: Institutional Constraints on U.S.-GVN Performance in Vietnam* (Santa Monica, Calif.: RAND Corporation, 1972), 64 – 74, <http://www.rand.org/pubs/reports/R967.html>; and David Johnson “Failure to Learn: Reflections on a Career in the Post-Vietnam Army,” *War on the Rocks*, January 24, 2014.
- ⁴⁸ Barnett R. Rubin, *Afghanistan’s Uncertain Transition from Turmoil to Normalcy* (New York: Council on Foreign Relations, 2006), <http://www.cfr.org/afghanistan/afghanistans-uncertain-transition-turmoil-normalcy/p10273>.
- ⁴⁹ Andrea Strimling Yodsampa, “No One in Charge: A New Theory of Coordination and an Analysis of U.S. Civil-Military Coordination in Afghanistan 2001 – 2009” (Ph.D. diss., Tufts University, 2011), accessed through ProQuest (UMI 3465447), <http://pqdtopen.proquest.com/pubnum/3465447.html>.
- ⁵⁰ See Robert M. Perito, “The U.S. Experience with Provincial Reconstruction Teams in Afghanistan: Lessons Identified,” United States Institute of Peace Special Report 152 (Washington, D.C.: United States Institute of Peace, 2005), <http://www.usip.org/sites/default/files/sr152.pdf>; and Sarah Chayes, *Thieves of State: Why Corruption Threatens Global Security* (New York: W. W. Norton & Company, 2015).
- ⁵¹ Dipali Mukhopadhyay, *Warlords, Strongman Governors and the State in Afghanistan* (Cambridge: Cambridge University Press, 2014), 318.
- ⁵² Komer, *Bureaucracy Does Its Thing*, 60, 61.
- ⁵³ Chayes, *Thieves of State*, 31.
- ⁵⁴ *Ibid.*, 59, 63.
- ⁵⁵ *Ibid.*, 43.
- ⁵⁶ See The Hague Regulations (Articles 42 – 56 on occupation) and the Fourth Geneva Convention (Articles 3, 27 – 34, and 47 – 78 on occupation). See also Kristen Boon, “Legislative Reform in Post-Conflict Zones: *Jus Post Bellum* and the Contemporary Occupant’s Law-Making Powers,” *McGill Law Journal* 50 (2) (2005): 295.
- ⁵⁷ Regarding Iraq, see United Nations Security Council, *United Nations Security Council Resolution 1483* (S/RES/1483), May 22, 2003, <https://www.treasury.gov/resource-center/sanctions/Documents/1483.pdf>; and regarding Kosovo, see United Nations Security Council, *United Nations Security Council Resolution 1244* (S/RES/1244), June 10, 1999, [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1244\(1999\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1244(1999)).
- ⁵⁸ Risa Brooks, *Shaping Strategy: The Civil-Military Politics of Strategic Assessment* (Princeton, N.J.: Princeton University Press, 2008), 35 – 39.
- ⁵⁹ *Ibid.*, 42 – 45.
- ⁶⁰ Peter D. Feaver, *Armed Servants: Agency, Oversight, and Civil-Military Relations* (Cambridge, Mass.: Harvard University Press, 2003).
- ⁶¹ Nolan, *Tyranny of Consensus*, 10.
- ⁶² Graham T. Allison and Philip Zelikow, *Essence of Decision: Explaining the Cuban Missile Crisis* (New York: Longman, 1999).
- ⁶³ Komer, *Bureaucracy Does Its Thing*, 128 – 129.
- ⁶⁴ Michael J. Glennon, “National Security and Double Government,” *Harvard National Security Journal* (5) (1) (2014): 114, <http://harvardnsj.org/wp-content/uploads/2014/01/Glennon-Final.pdf>. See also Michael J. Glennon, *National Security and Double Government* (New York: Oxford University Press, 2015).
- ⁶⁵ *Ibid.*, 25.