

SELLING A 'JUST' WAR

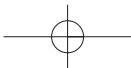
FRAMING, LEGITIMACY, AND
US MILITARY INTERVENTION



Michael J. Butler

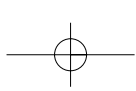
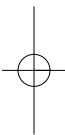


Selling a 'Just' War



Also by Michael Butler

INTERNATIONAL CONFLICT MANAGEMENT

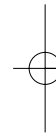
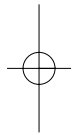


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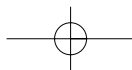
Framing, Legitimacy, and US Military Intervention

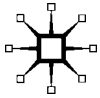
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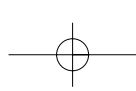
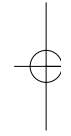
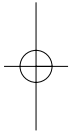
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To Ethan and Ben
That your world may know more justice,
and experience less war



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Contents

<i>List of Figures and Tables</i>	viii
<i>Preface and Acknowledgments</i>	x
<i>List of Acronyms</i>	xiii
1 Introduction	1
2 Entering the Just War Conversation	18
3 Framing, Foreign Policy, and Just Wars	46
4 Analyzing the Just War Frame	71
5 The Gulf War: Desert Shield, Desert Storm	99
6 Kosovo: Allied Force and the Noble Anvil	141
7 Afghanistan: Enduring Freedom and Infinite Justice	180
Conclusion: Selling a Just War	211
<i>Notes</i>	228
<i>Bibliography</i>	247
<i>Index</i>	271

List of Figures and Tables

Figures

1.1	Support for US troop use—2010	7
1.2	Support for US troop use—2006	8
3.1	The framing continuum	59
4.1	Research design and questions	97
5.1	Speech-acts referencing 'Iraq/Gulf War'—POTUS November 8, 1990–April 11, 1991	111
5.2	Speech-acts—primary audience (all JW criteria)	116
5.3	Speech-acts—primary audience (just cause criterion)	117
5.4	Speech-acts—primary audience (competent authority criterion)	121
5.5	Speech-acts—primary audience (right intention criterion)	122
5.6	Chronological effects, by month (all criteria)	125
5.7	Just war significations by precept—November 1990	127
5.8	Just war significations by precept—December 1990	127
5.9	Just war significations by precept—January 1991	128
5.10	Just war significations by precept—February 1991	128
5.11	Just war significations by precept—March 1991	129
5.12	Just war significations by precept—April 1991	129
6.1	Speech-acts referencing 'Kosovo'—POTUS March 24, 1999–June 10, 1999	156
6.2	Speech-acts—primary audience (all JW criteria)	160
6.3	Speech-acts—primary audience (just cause criterion)	162
6.4	Speech-acts—primary audience (competent authority criterion)	164
6.5	Speech-acts—primary audience (right intention criterion)	165
6.6	Chronological effects, by month (JW significations—all criteria)	167
6.7	Just war significations by precept—March 1999	168
6.8	Just war significations by precept—April 1999	169
6.9	Just war significations by precept—May 1999	169
6.10	Just war significations by precept—June 1999	170
7.1	Speech-acts referencing 'Afghanistan'—POTUS October 7, 2001–December 7, 2001	189
7.2	Speech-acts—primary audience (all JW criteria)	192

List of Figures and Tables ix

7.3	Speech-acts—primary audience (JW criterion)	194
7.4	Speech-acts—primary audience (competent authority criterion)	195
7.5	Speech-acts—primary audience (right intention criterion)	196
7.6	Chronological effects, by month (JW significations—all criteria)	198
7.7	Just war significations, by precept—October 2001	200
7.8	Just war significations, by precept—November 2001	200
7.9	Just war significations, by precept—December 2001	201
C.1	Evaluating frame application	213

Tables

4.1	Operationalizing the just war frame	80
4.2	Population of eligible cases	92
5.1	Crisis profile: Gulf War	99
5.2	Mono-applications and interactions	114
5.3	Presidential speech-acts, by primary audience	115
5.4	Distribution of just war significations by month and criteria	132
6.1	Crisis profile: Kosovo	145
6.2	Mono-applications and interactions	159
6.3	Presidential speech-acts, by primary audience	159
6.4	Distribution of just war significations by month and criteria	172
7.1	Crisis profile: Afghanistan–USA	181
7.2	Mono-applications and interactions	191
7.3	Presidential speech-acts, by primary audience	192
7.4	Distribution of just war significations by month and criteria	203

Preface and Acknowledgments

In the words of Yeats, we make out of the quarrel with others rhetoric, but of the quarrel with ourselves, poetry. What follows is hardly poetic, but every bit the product of a prolonged (and sometimes seemingly intractable) self-quarrel. The gripping question of ‘why we fight’ has been a preoccupation of mine since a very young age—with the encroachment of moral considerations as well as justifications (which, as this book makes plain, are decidedly **not** the same thing) into that intellectual domain occurring in rough synchronicity with my own emergent and evolving understanding of morality and ethics. The chief by-product of the fusion of these two concerns has been a sustained research agenda defined by nearly a decade of rumination, dialogue, and investigation concerning the intersection of morality and war, and the utility, significance, and seeming ubiquity of just war theory in the American context in particular.

This research agenda has evolved a great deal since its inception. Indeed, this particular installment in that agenda has itself undergone significant alterations in pivotal details pertaining to research design, methodology, data collection, and the like. Yet what has remained constant throughout is my central concern with attempting to unpack the timeless and timely question of what, if anything, makes the resort to war ‘just’—particularly in the view of those responsible for such a decision, as well as the rest of us who are impacted in manifold ways by it. After all, the decision to go to war, and the rationales affixed to those decisions after they are made, cannot be divorced from the larger political, social, and cultural context that spawn them.

From that simple yet powerful realization, the question of how US foreign policy decision-makers ‘sell’ the decision to go to war to the domestic audience has come to occupy most of my waking hours for the past few years. This preoccupation only grew as I bore witness to the undertaking of three significant military operations by the US (in Afghanistan, Iraq, and now Libya) in ‘real time’ while conceiving, researching, and eventually sitting down to write this book. The material costs—financial, and more importantly, human—of these military operations are at once staggering and sobering. Such adjectives can also be applied to their potential consequences for America’s credibility and legitimacy, especially in light of the sometimes profound gap between the

objective realities of America's wars and the justifications associated with them. It is to the pursuit of a better understanding of the space between, and the efforts of political leaders to close it, that this book is dedicated.

I would like to specifically recognize the contributions of those without whom this book would never have come to be. The impetus for this project dates back several years, with the earliest stirrings occurring in a graduate seminar on conflict and cooperation at the University of Connecticut led by my dissertation chair, mentor, co-author, and above all friend, Mark Boyer. From the earliest kernel of a research question to the final stages of manuscript preparation, Mark has been a sounding board and source of sagacity on matters great and small. My debt of gratitude is boundless. So too must I extend great thanks to Garry Clifford and Betty Hanson, who each provided unique and crucial insights during the earliest stages of the project and timely words of encouragement as it took shape (and yes, Garry, you were right about the case studies). Two friends and collaborators, Natalie Florea Hudson and Anat Niv-Solomon, have also left their imprint on different components of the finished product—no doubt all to the good. I have also benefited greatly from outstanding research assistance from Larissa Forster and Avril Perez, each of whom contributed support with unfailing good humor at different and critical times in the development of the project.

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I would be remiss in not also acknowledging my terrific colleagues in the Political Science department at Clark. Their uniform commitment to excellence in scholarship is truly remarkable. This book would not have

xii *Preface and Acknowledgments*

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Most importantly, I thank my family. My parents, Robert and Eileen, get the credit/blame for nurturing a young boy with an abiding curiosity in war which undoubtedly must have given them pause at times. Dad remains ever wise on the subject; Mom remains deeply loved and missed. My in-laws, Dennis and Sandy, have provided tremendous support to my family in my frequent absences. My wife Melissa has not only been the greatest partner and friend one could ever ask for, but also a continual source of constructive criticism and astute insight on matters of both substance and design. Moreover, she is herself a moral force and a seeker of justice. This book bears her imprint in many, many ways.

In closing, I must pay heed to the burden borne so graciously by my sons, Ethan and Ben, while I have been whiling away at this project for too long. That burden has been tremendous, especially in the time lost that can never be reclaimed. I thank them for a patience and maturity beyond their years. So it is to them that I dedicate this book, with the hopes that they and their generation might know more of justice, and less of the sword.

Michael J. Butler
Worcester, MA USA

List of Acronyms

APEC	Asia Pacific Economic Cooperation
CCGA	Chicago Council on Global Affairs
CENTCOM	United States Central Command
CIDCM	Center for International Development and Conflict Management
CSCE/OSCE	Commission on Security and Cooperation in Europe/Organization on Security and Cooperation in Europe
EU	European Union
FRY	Federal Republic of Yugoslavia
GWO	Global War on Terrorism
ICTY	International Criminal Tribunal for the former Yugoslavia
IICK	Independent International Commission on Kosovo
JW	Just war
KLA	Kosovo Liberation Army
NAR	National Archives and Records Administration
NATO	North Atlantic Treaty Organization
NCCB	National Conference of Catholic Bishops
POTUS	President of the United States
SAD	Special Activities Division
SIPRI	Stockholm International Peace Research Institute
UNIKOM	United Nations Iraq–Kuwait Observation Mission
UNPREDEP	United Nations Preventative Development Force (Republic of Macedonia)
UNSC	United Nations Security Council
UPI	United Press International
USSOCOM	US Special Operations Command
VFW	Veterans of Foreign Wars

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1

Introduction

The persistent problem of war

Few if any concerns are more timeless or resonate more broadly in the study of foreign policy than the decision by states and their leaders to go to war. In no small part the timeless nature of this concern can be attributed to the fact that military force has long been and remains central to the practice of statecraft. The collective pursuit of organized armed violence to some defined end has proven a recurring feature of international society since the codification of the rules and practices of a state-based system in the Treaties of Westphalia. War has maintained its viability in the face of numerous supposed portents of its demise. Examples of such portents include (but are not limited to) the dawn of the Enlightenment and the birth of popular sovereignty in the latter half of the 18th century, the founding of the 'Concert of Europe' in the aftermath of Napoleon's defeat in 1815, and the convening of a series of peace conferences beginning in the late 19th century (such as the Hague Conferences of 1899 and 1907).

For its part, the 20th century featured the most extensive evidence of war's allegedly approaching obsolescence (Mueller, 1990). In this vein, one can point to the persistence of war in the face of the formation of not one but two international organizations (the League of Nations in 1919, the United Nations in 1945) as well as numerous non-governmental organizations dedicated to the pursuit of peace. Further evidence to this effect includes the establishment of the so-called 'North American security community' (epitomized by the founding of NATO in 1949, and the entire European integration process beginning in the early 1950s), as well as successive 'waves' of democratization expanding the liberal 'zone of peace' and supporting assertions of the 'iron law' of the

2 Selling a 'Just' War

democratic peace (Doyle, 1983a, 1983b; Levy, 1988). However, the persistence of warfare despite these developments has confined anticipations of a more stable and pacific world order largely to the realm of the ideal.¹ So too did the sudden and extensive proliferation of armed conflict unleashed with the welcome demise of the Cold War quickly expose the fallacy of triumphal proclamations of the 'end of history' (Fukuyama, 1989).

Despite the purported ascendance of pacific values and institutions, then, warfare endures. Since 1990, almost four million people have died in wars (90 per cent of them civilians), while over 18 million people world-wide have left their homes as a direct result of conflict (Sheehan, 2008). While empirical data suggests that both the aggregate number of armed conflicts and the incidence of traditional interstate wars are declining (Harbom and Wallensteen, 2010), since the end of the Cold War the use of force—in particular intra-state armed conflicts or military interventions—remains pervasive.² As this data indicates, the use (and threatened use) of military force is still the *ultima ratio* in the contemporary international system. It is a tool that is available to and employed by the leaders of nearly all states regardless of regime type, level of economic development, geographic location, population size, and any other indicator one might employ to distinguish states from one another (Hewitt *et al.*, 2010).

The continuing utility and appeal of military force as an implement of statecraft is brought into greater relief when one narrows the focus to recent and contemporary US foreign policy. Since the end of World War II, the US has stood apart from the rest of the international community in terms of both the frequency and magnitude of its military commitments (Butler, 2003). While military force retains great utility for most states, the United States undoubtedly stands alone in its capacity and seeming willingness to employ military force, characteristics that remain undiminished even with the end of the Cold War (von Hippel, 2000). As this book was completed in the summer of 2011, the US was involved in yet another military intervention in response to a crisis, as part of a NATO operation ('Operation Unified Protector') contributing to the end of Moammar Gaddafi's four decades of autocratic rule in Libya.

War and the liberal contradiction

Such persistent realities concerning the utility of military force as an instrument of statecraft and as a centerpiece of US foreign policy are

not in and of themselves noteworthy, unless one considers them in light of the emergence and intensification of liberal norms and values within the international system over the past several decades. Given their substantive content, one would be right to expect that the conditioning influence of liberal norms and values on state behavior would restrain and even inhibit the use of force in liberal societies such as the United States. This claim has a basis in centuries of liberal thought and decades of empirical research (Russett and Oneal, 2001; Doyle, 1986). Taken to their logical extent, theoretical articulations and empirical refinements in this research tradition suggest that the emphasis on the non-violent resolution of disputes and the cultivation of a cosmopolitan world order should make the continued practice of war increasingly unpalatable in liberal societies, to citizens and leaders alike (Russett, 1993; Dixon, 1994; Weart, 1998).

Viewed from the Kantian position underpinning much contemporary liberal thought on questions of war and peace, the use of force in pursuit of the national interest poses a particularly insidious problem. In the liberal view the use of military force is considered an anachronistic endeavor, the utility of which—in a world characterized by an expanding ‘zone of peace’—is in steep decline (Doyle, 1983a, 1983b). The essential basis for this assessment stems from an alleged incompatibility between the underlying norms and reinforcing institutions of liberal democracy on one hand, and the admissibility of violence as an instrument for resolving political and social grievances on the other (Russett and Oneal, 2001).³ Furthermore, the principle of non-intervention (steeped in the classical dictum *cuius regio eius religio*, or ‘to each prince, his own religion’) has remained a central tenet of international law in the Westphalian order, as codified in Article 2 (7) of the UN Charter and elsewhere (von Hippel, 2000). Yet in terms of actual practice, it is a well-chronicled fact that liberal states retain extensive and sophisticated military arsenals that they readily employ (Gleditsch, 2008).

This is especially true of the United States, the world’s singular military power as well as its most frequent practitioner of military force. It is this stark contradiction between the ‘normative logic’ of the liberal peace (Rosato, 2003) and the empirical record of contemporary American foreign policy that is the point of origin for this inquiry. Neither this contradiction nor its potential ramifications for the conduct of liberal statecraft is particularly new; indeed, they are long-standing by-products of the incompatibility between the Clausewitzian view of military force as an extension of policy and the Kantian faith that societies governed

4 *Selling a 'Just' War*

by liberal norms and republican institutions will evolve to adopt non-violent methods of dispute resolution even in the conduct of foreign policy (Clausewitz, 1984; Covell, 1998).

The central place of this fundamental contradiction within US foreign policy in particular has been well-chronicled by realists and critical theorists alike, such that it can be accepted on an *a priori* basis without much hazard. Morgenthau (1946: 51) considered such Wilsonian rhetoric the outward 'expression of an eschatological hope deeply imbedded in the very foundations of liberal foreign policy'; that 'hope' being the prospect of bending war to the pursuit of perpetual peace. In reassessing the tradition that produced thinkers such as Morgenthau and Reinhold Niebuhr, Tjalve (2008) lauds their efforts at 'cutting down the national ego' perpetuated by the 'Believers' and 'Technicians' of a liberal (and more recently, neo-conservative) bent, and the contradictory position on the legitimacy of war and imperial dominion in mainstream American liberalism that a fusion of the two ethos abstracts away through assumption and assertion of its own inherent virtue (Bishai, 2004; Smith, 2007).

At one time, this contradiction troubled even liberals. For his part, Kant (1905) eschewed the idea of realizing a 'league of nations' through anything other than evolutionary and non-coercive means. Mill's classic essay 'A Few Words on Non-Intervention' (1859) underscored the incompatibility of the liberal goal of fostering national self-determination through coercive means (if for no other reason than the reality that a nation requiring outside assistance is not yet ready for self-determination). While more recent appraisals by prominent liberal theorists have proven relatively more generous in seeking to define the conditions where the use of force can be considered consonant with liberal values, they have generally accepted the inadmissibility of military coercion outside of strictly defined exceptions to the 'legalist paradigm' (Walzer, 1977; Rawls, 1993). Yet it is the magnification and intensification of this contradiction in the practice of contemporary (post-Cold War) American foreign policy, borne out in the highly idealistic nature of the policy discourse and the frequency and magnitude of US military engagements, which makes it of pre-eminent concern.⁴

Problematizing the war-decision

The starting point for this research is this profound gap between stated norms and actual behavior with respect to the use of force in contemporary US foreign policy—a juxtaposition between liberal values and illiberal policies at the very heart of contemporary US foreign policy

(Desch, 2008). The decision to go to war, and the factors underlying that decision, have been subjects of paramount interest amongst scholars of international relations, so much so that the study of war and of international relations have been deemed 'coterminous' (Vasquez, 2004). The war-decision has received extensive attention from scholars of international conflict and foreign policy interested in advancing our collective understanding of empirical patterns and processes of conflict behavior, not to mention foreign policy decision-making (Diehl and Goertz, 2000; Huth, 1996; Leng, 1993; Vasquez, 1993; Levy, 1983; Bueno de Mesquita, 1981). As the empirical record indicates, the utility of military force as well as the desire of decision-makers to retain as much sovereign authority as possible over the war-decision are central to the practice of foreign policy in all states with any discernable military capabilities, irrespective of regime type (Rosato, 2003).

The 'crisis of legitimacy'

The claim that foreign policy decision-makers in the United States wish to possess and retain extensive decision-making authority over the war-decision is hardly debatable. Yet as liberal states such as the United States employ military force on a routine basis while continuing to publicly champion the benefits of cooperation, the implications of the aforementioned 'liberal contradiction' for the continued ability of US foreign policy decision-makers to use military force have grown apace (Ikenberry, 2006). To the extent that the use of force in the pursuit of national interests seems at odds with the foundational precepts of political liberalism, the continued reliance on the use of coercive military force in the pursuit or defense of foreign policy interests and strategic objectives by the US and other liberal democracies inevitably raises the specter of hypocrisy. This is especially the case if that decision cannot be grounded in conditions approximating a plausibly legitimate *casus belli*.

At the heart of the matter lies a practical problem confronting decision-makers in the US, and indeed any liberal democracy: the difficulty of implementing a policy decision when the decision and/or its objectives are perceived as lacking in legitimacy due to their seeming contrast with the liberal faith in 'progress'—in this case, a more pacific world (Bukovansky, 2002). In light of the proliferation of liberal norms and institutions in both the domestic and international arena, the continued reliance on military force by liberal states constitutes a violation of the liberal creed, evoking a 'crisis of legitimacy' for liberal states with respect to their foreign policy behavior (Rosato, 2003; Bukovansky, 2007;

6 *Selling a 'Just' War*

Hurd, 2007). That such a problem might be described in crisis terms conveys the extent to which legitimacy has become a paramount concern in assessing US foreign policy, where the seeds of the liberal contradiction on the use of force have in recent years come to bear bitter fruit through 'revisionist' norm-breaking (Hurd, 2007).

Defined by Hurd (1999: 381) as 'the normative belief by an actor that a rule or institution ought to be obeyed', the subjective and perceptual aspect of legitimacy comes to matter in behavioral terms when social convictions about what constitutes legitimate (and, for that matter, illegitimate) interests or actions become individually and collectively internalized by decision-makers and citizens. This social inculcation of what constitutes a legitimate interest, decision, or behavior is clearly influential for foreign policy decisions and international power relations, helping define the realm of the possible (Lake, 2009). The importance of legitimacy in the policy domain, as well as its inherently contested nature, itself reveals how and why the framing of decisions is crucial for effective policy implementation in liberal societies.

The implementation problem

US military engagements are hardly infrequent occurrences. Furthermore, as Mueller (2002) contends, Presidents do not necessarily need extensive public support in order to initiate a military venture. Within the contemporary American context the commitment of military force by foreign policy decision-makers typically confronts extensive domestic opposition from the public, the minority party, or in the media only when efforts on the battlefield begin to bog down, result in mounting casualties, or are waged for under-specified causes (Holsti, 2004; Mueller, 2002; Jentleson and Britton, 1998; Jentleson, 1992). In light of all this, does the 'crisis of legitimacy' suggested above pose an obstacle to foreign policy decision-makers seeking to go to war?

Aside from defeat (actual, potential, or perceived) on the battlefield, a chief source of domestic opposition to the use of force in the contemporary American context is a latent societal ambivalence toward war, borne of the aforementioned 'liberal contradiction'. Perhaps paradoxically, it is the very persistence and frequency of war-making by the US that sows the seeds for this ambivalence. Indeed, in the view of one of the great living historians of war, the prominence of military force in the policy toolkit of liberal states has elicited a 'pang of conscience' producing a distinctively negative representation of warfare in the public domain of modern liberal societies (Howard, 1978). In the process, the continuing primacy of war has produced (and continues to produce)

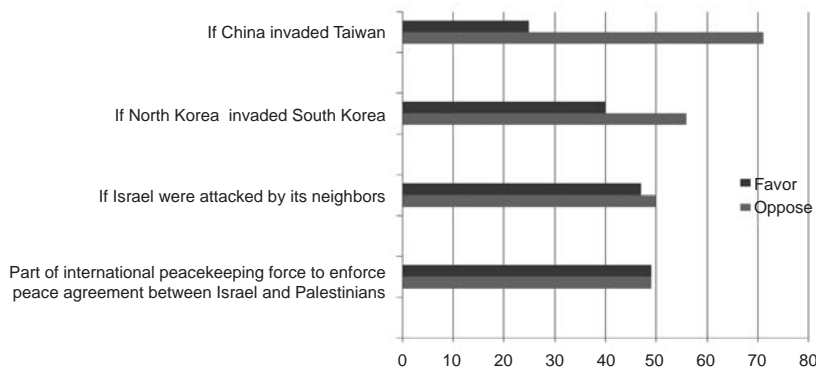
the conditions for a latent and generalized diminution in societal support for that endeavor (*ibid.*).

Evidence of this growing ambivalence toward war abounds even in the US, where the resort to war is most frequent and popular support for war seemingly greatest. For example, the latest installment of the 'Global Views' survey administered by the Chicago Council on Global Affairs offers clear evidence of a generalized diminution in societal support for war across a number of indicators (CCGA, 2010). The most direct evidence are prevailing attitudes toward the appropriate use of US military force (see Figure 1.1). Presented with a number of scenarios for the use of force, a majority of respondents oppose committing US troops even to the highly conventional and seemingly justifiable cause of defending important allies such as Israel, South Korea, and Taiwan (*ibid.*). This seemingly surprising result was confirmed in a broad range of findings relative to other similar questions. A majority (56 per cent) oppose US intervention in the event of a war between Israel and Iran; over two-thirds (67 per cent) favor completely withdrawing US forces from Afghanistan immediately or within two years. Likewise, anywhere from 40 per cent to 76 per cent consider any hypothesized positive outcomes from a US military strike on Iran either 'not very likely' or 'not at all likely', and nearly half the respondents oppose long-term military bases in Iraq, Afghanistan, Pakistan, and even Japan (*ibid.*).

While such findings might be partly attributable to war fatigue relative to campaigns in Afghanistan and Iraq or the current economic downturn (which often corresponds with decreased support for international

Figure 1.1 Support for US troop use—2010 (adapted from CCGA, 2010)

Percentage supporting/opposing the use of US troops in each of the following scenarios.



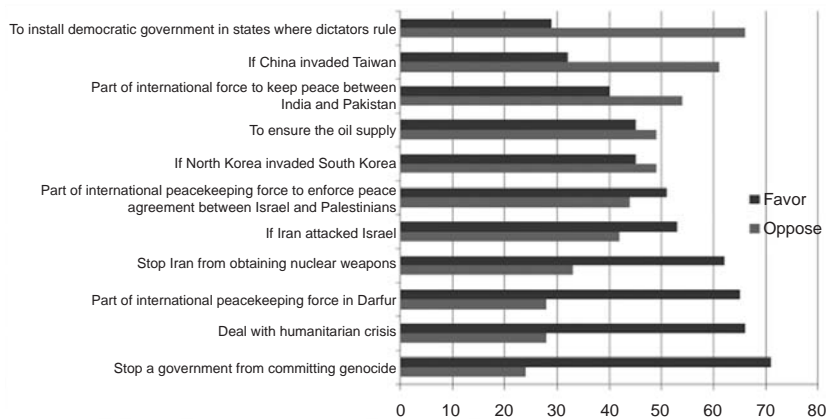
8 Selling a 'Just' War

engagements), data from preceding variations on the same theme suggest a more robust and enduring trend. For example, in the 2008 survey, 67 per cent favored the complete withdrawal of all US forces from Iraq in the immediate or near term (two years), while the 2006 version reported sizeable minorities and in some cases majorities opposed to a range of potential scenarios for the use of military force, with opposition in almost all these scenarios increasing since the early part of the decade (see Figure 1.2). And, as at least one leading scholar finds in his analysis of this phenomenon in a broader historical scope, support for the major US military campaigns during the Cold War (Korea and Vietnam) dropped off quickly and precipitously in each case, especially when casualties ensued (Mueller, 2002).

Related questions probing this apparent ambivalence toward the utility of military force reported consistency in attitudes across party identification and ideology (CCGA, 2006, 2010). The impact of major long-term commitments of US military force in the last decade (in Afghanistan and Iraq) cannot be overlooked here. The high levels of support for military withdrawal from each theater of operations (as well as spillover effects on support for military bases and future military engagements) underscore the prevailing ambivalence toward the use of force in American society. This is an ambivalence which is not likely to diminish, given the extent to which US military engagements in Iraq and Afghanistan have highlighted the inconsistencies and contradictions inherent in military operations waged by a liberal society

Figure 1.2 Support for US troop use—2006 (adapted from CCGA, 2006)

Percentage who support/oppose the use of US troops in each of the following scenarios.



for unclear or debatable causes or undertaken with questionable authority or objectives.

Effective implementation of the decision to go to war is inextricably linked to the perceived legitimacy of that decision within American society. Military campaigns that are accepted as legitimate and necessary by society at-large are more likely to prove successful. This is far from an idle or specious claim; none other than the 19th century Prussian strategist Carl von Clausewitz himself stressed the importance of attracting and maintaining broad societal support in order to increase the odds of victorious military campaigns. Consequently, emergent ambivalence towards the use of force in American society poses a significant obstacle to US foreign policy decision-makers, both in advancing the decision to use military force in discrete applications as well as in securing its continued pre-eminence in the foreign policy toolkit.

War as social practice

The twinned problems of legitimacy and implementation relative to the war-decision underscore the extent to which war should be understood as a fundamentally social practice (Vasquez, 2004; Mann, 1993; Buzan, 1983). Indeed, in studying the (affirmative) war-decision we can discern a great deal not only about the choices and preferences of authoritative decision-units (Hermann *et al.*, 2001), but also the social bases of those choices and preferences. Prevailing conceptions of the 'national interest', the decisions these conceptions precipitate, and *especially* the rationales affixed to those decisions after they are made are all concerns which cannot be divorced from the larger political, social, and cultural context that spawn them (Hess, 2009; Finnemore, 2003; Hoffmann, 2003; Campbell, 1998).

As Clausewitz (1984) reminded us well over a century ago, the success of any prominent and sustained application of military force demands that political leaders not only draw upon the forces of creativity associated with military strategists but also tap into and bridle the forces of passion embodied in the nation. This dictum is no less true of contemporary warfare (Posen, 2003). Wars which are thought to be in some sense legitimate in the eyes of the society waging them are, from a strategic sense, wars which are typically easier to prosecute, more widely supported at home, and accordingly more likely to succeed in fulfilling their objectives. Whether in seeking to amass a sufficient reserve of tangible (troops, money) or intangible (morale) resources, the ability to effectively utilize military force as an instrument of statecraft remains contingent on the ability of decision-makers to cultivate and sustain a broad-based, enduring, and resilient reserve of societal support—a reserve of support undoubtedly contingent on prevailing perceptions of the legitimacy of the initial decision to go to war.

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