

Introduction: The Ethical, Legal, and Strategic Implications of Limited Strikes

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On January 3, 2020, U.S. president Donald Trump ordered a drone strike that killed Iranian major general Qasem Soleimani near the Baghdad International Airport in Iraq. This limited strike—an act of force short of war—is not as unprecedented as one might think. Almost every U.S. president since Ronald Reagan, who conducted a limited strike against Libya in response to a terrorist bombing that targeted U.S. servicemen in a Berlin disco in 1986, has turned to this type of force. Bill Clinton launched cruise missiles against al-Qaeda targets in Sudan and Afghanistan in response to the bombings of U.S. embassies in Kenya and Tanzania in 1998. George W. Bush, although he largely rejected such limited strikes to combat terrorism, nevertheless contemplated limited strikes to prevent the proliferation of nuclear weapons by drawing up plans to target alleged nuclear reactors in Iran and Syria; ultimately he decided doing so would be too risky. Barack Obama drew the infamous “red line” and threatened limited strikes against the Assad regime for its use of chemical weapons during the Syrian Civil War in 2013, but ultimately did not strike. And the United States is not alone: France, Great Britain, India, Iran, Israel, and Pakistan—to name those cases that will be touched upon across this roundtable—have all turned to limited strikes in the past decade.

Limited strikes arguably fall below the threshold of war. Whether an isolated drone strike, a flurry of cruise missile launches, or an attack carried out by a fighter jet sortie, limited strikes are of very short duration and circumscribed in scope, generally with a minimal target list. They are thus quite different from prolonged air campaigns or ground invasions.

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Limited strikes can have multiple objectives. These include deterrence (a demonstration of force that dissuades an actor from doing something in the future) and “compellence” (an act that coerces an actor to stop doing what it is already doing). Degrading an enemy’s capacities, especially the pursuit of nuclear weapons technology, enforcing norms such as the ban on chemical weapons, showing resolve to bring parties to the negotiating table, punishment, and retaliation are other reasons states undertake limited strikes.

Limited strikes pose a host of ethical, legal, and strategic questions. If not the just war principles, what ethical criteria should instead guide their use? What moral dilemmas do they pose? Given that such strikes are illegal according to strict interpretations of international law, does their use mark an unraveling of the restraints that international law imposes, thus making the world more dangerous? Or do they provide states the means to address international crises without resorting to war? Strategically, what can limited strikes actually accomplish? Are they effective in achieving any of the above-mentioned goals? Or are they ultimately counterproductive because they fail to achieve these goals and erode a leader’s reputation for commitment and resolve? The contributions to this roundtable explore these questions, offering sometimes overlapping, sometimes contradicting answers.

Ethically, the scholarship of just war is rich and well developed, but limited strikes arguably fall into a different category. My own work on the ethics of limited force, sometimes referred to as “force short of war” or *jus ad vim*, suggests that the moral principles and dilemmas associated with limited strikes are different than those associated with war.¹ Building off this work, my contribution to the roundtable explores why limited strikes provide states the means to pursue foreign policy goals, while stopping short of crossing the proverbial “Rubicon” and thus committing to the costs and responsibilities associated with war. I propose ethical guidelines tethered to a general presumption against letting limited strikes escalate to war, in consideration of what I call moral truncated victory—the extent to which order and justice figure into the narrow military and political achievements that might be obtained as a result of limited strikes.

Legally, limited strikes are considered by most to be illegal under international law. Whether used as a response to terrorist attacks, an attempt to forestall the dangers of an enemy acquiring nuclear weapons capacity, a response to ongoing threats, or to uphold the chemical weapons ban, limited strikes do not override the general prohibition of the use of force according to the UN Charter. Nevertheless,

in their essay, Eric Heinze and Rhiannon Neilsen reveal that there is a precedent of tolerance that seems to provide loopholes of permissibility. The authors find this precedent problematic, especially in the context of cyberattacks, whereby victim states might claim the right to retaliate with limited strikes. Permitting limited strikes, they warn, may make the world an even more dangerous place than it already is by eroding the restraints that international law, ever tenuously, has imposed on the use of force.

And yet, legality and ethics sometimes clash. Wendy Pearlman's contribution, derived from testimonies of Syrian refugees from before and after Obama's red line strike-that-never-was, offers a stark contrast to the cautionary legal stance. For Pearlman, the perspective of Syrians who had the most to gain from the potential strike (and who arguably lost the most when it did not occur) points to an ethical duty that cuts against legalistic arguments precluding limited strikes. If limited strikes could have sparked a collapse of the regime from within, thus changing the course of the war, this should have overridden legal doubts.

Strategically, we are faced with the question of whether limited strikes actually work. Pearlman notes that by the time the United States did strike the Assad regime in 2017, the action was too little and too late to turn the tide of the war. In contrast, Jean-Baptiste Jeangène Vilmer's contribution points to a small compellence effect. Taking France as a case study, Vilmer examines the French argument for limited strikes, asserting that their effectiveness is based on a willingness to escalate if they initially fail to compel the target state. In contrast, Danielle Lupton contends that limited strikes rarely accomplish their presumed goals. Rather, they tend to have the perverse impact of showing that the leaders undertaking them have weak resolve. Both of these contributions highlight ethical implications linked to escalation, as leaders try to compel their adversary by showing they are committed to enforcing red lines, or act simply to save face.

The recent resurgence of limited strikes as a foreign policy tool points to the need to carefully consider the associated ethical, legal, and strategic concerns. The goal of this roundtable is to identify many of these concerns and, in the process, provide insights into the perils and potential benefits of this type of force.

NOTE

- ¹ Daniel R. Brunstetter and Megan Braun, "From *Jus ad Bellum* to *Jus ad Vim*: Recalibrating Our Understanding of the Moral Use of Force," in "Just War and Its Critics: The Ethics of War and Peace," special section, *Ethics & International Affairs* 27, no. 1 (March, 2013), pp. 87–106.