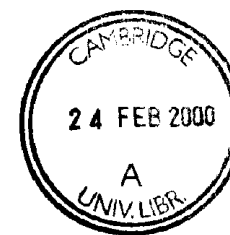


VIRTUAL
WAR

Kosovo and beyond

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The USS *Phillipine Sea* launches a Cruise missile at targets in
Kosovo, March 24, 1999.
(AP Photo/US Navy, Renso Amariz)

Virtual War

1. Moral Impunity

The Kosovo campaign achieved its objectives without a single NATO combat fatality. From a military standpoint, this is an unprecedented achievement. From an ethical standpoint, it transforms the expectations that govern the morality of war. The tacit contract of combat throughout the ages has always assumed a basic equality of moral risk: kill or be killed. Accordingly violence in war avails itself of the legitimacy of self-defense. But this contract is void when one side begins killing with impunity. Put another way, a war ceases to be just when it becomes a turkey shoot. While our opponent in Kosovo was not prostrated – Serb air defenses continued firing until the last day of the air-campaign – the contest was so unequal that NATO could only preserve its sense of moral advantage by observing especially strict rules of engagement.

NATO presented these rules – which tried to limit civilian casualties – as a sign of moral superiority. But one could argue that their real purpose was to assuage NATO's unease about its own impunity. Had its military personnel faced risks equal to those run by its opponent, it would have responded robustly, even savagely. If one of its ships had been sunk or had it lost substantial numbers of pilots, it might well have become more punitive and less discriminating in its use of air power. Military superiority, rather than conscience alone, dictated restraint. Where risk is not shared equally with an opponent, damage must be minimized.

The Yale legal philosopher, Paul Kahn, has argued that 'riskless warfare in pursuit of human rights' is a moral contradiction. The concept of human rights assumes that all human life is of equal value. Risk-free warfare presumes that our lives matter more than those we are intervening to save.¹ Does this mean then that we have to lay down our lives in order to prove our moral seriousness? Does war only become legitimate when the carnage is equal on both sides? Surely not. Interventions which minimize casualties to both sides must be the better strategy. Evidently, there is no virtue in risk for the sake of risk, and no commander worth his stars will do anything other than seek victory with minimum loss to his own troops. The real question is whether risk-free warfare can work.

Western interventions in the post-Cold War era have struggled to achieve their ends at the lowest possible military cost. Because the Kosovo campaign obtained its objectives without sacrificing a single Allied life, it appears to vindicate the strategy and tactics of virtual war. It also appears to vindicate the right of humanitarian intervention, and the exercise of this right has become the chief remaining *raison d'etre* for the armed

forces of Western states.² The 'right' of these forces to intervene is vigorously contested both by the Soviet Union and China as well as by many non-aligned states in the Third World, and it has no status in customary or statutory international law. It prevails simply because the West has the power to enforce its writ.

The fact that this new resort to military force is justified in humanitarian terms should give us pause, especially when the force can be exercised with lethal precision. For here we have an ancient specter in modern form: violence which moralizes itself as justice and which is unrestrained by consequences.

We need to consider the implications of this new form of military violence, especially in relation to the issue of democratic control. If violence ceases to be fully real to the citizens in whose name it is exercised will they continue to restrain the executive resort to precision lethality? This becomes an urgent issue in the context of overwhelming American military superiority. If one side of a future conflict is shielded from the reality of war and its consequences, why should it continue to be guided by restraint?

Fortunately – at least for those who advocate caution in the use of military force – modern democratic elites are increasingly reluctant to go to war. Precision violence is now at the disposal of a risk-adverse culture, unconvinced by the language of military sacrifice, skeptical about the costs of foreign adventures and determined to keep out of harm's way.

The Kosovo operation is the paradigm of this paradoxical form of warfare: where technological omnipotence is vested in the hands of risk-adverse political cultures. In order to explore where this kind of war is leading us, we need to understand the revolution in military affairs which made it possible and explain

why America currently enjoys the monopoly on the new technology. Finally, since no monopoly is ever stable or enduring, we need to ask how other nations will react, and whether the result will be a safer or more dangerous world.

2. *The Revolution in Military Affairs*

The technologies put to use in Kosovo are the result of a revolution in military affairs – often referred to simply as the RMA – which began in the 1970s and whose purpose was to return war in the West to its position as the continuation of politics by other means. In the 1970s and 1980s, the two super-powers confronted each other with nuclear weapons they could not use and prepared for a war – across the north German plain – which they could not fight. Competition to add to nuclear arsenals was no longer delivering any discernible strategic or political advantage to either side. The only way to get ahead in a nuclear stalemate lay in developing *conventional* weapons that the other side did not possess. The beauty of such weapons was that, unlike the nuclear arsenal, they could be used.

But only in a certain way. To make the use of these weapons politically and morally acceptable, it was essential to increase the precision of their targeting; to minimize the collateral or unintended consequences of their use; and to reduce, if not eliminate, the risk to those who fired them, by keeping them as far away from the battle-line as was consistent with accuracy. From the beginning, therefore, technology was in search of impunity. War that could actually be fought had to be as bloodless, risk-free and precise as possible.

These cultural constraints are not in themselves new. In all previous revolutions in military technology, proponents of new weaponry have overcome moral resistance to their diffusion by

arguing that greater precision and lethality would make wars less bloody. In 1621, for instance, the poet John Donne surmised that the recent invention of long-range artillery would bring 'wars to a quicker end than heretofore.' 'A great expense of blood' would be avoided, he claimed, because artillery was both more lethal and more precise than the sword.³ And the utopia of victory with impunity is also not new. The most perennially popular military manual – Sun Tzu's *The Art of War* – proclaimed almost 2500 years ago that 'to subdue the enemy without fighting is the supreme excellence.'⁴

What was new – as Lawrence Freedman has argued – was the particular political and strategic context in which the new technology made its appearance in the 1970s. Two super-powers each possessed nuclear arsenals which canceled out the other, but which also made them invulnerable to attack. Hence war – at least for them – had become unusable as an instrument of policy. This stalemate could not endure, however. The capacity to wage war after all, is what gives power to nations. One or the other was bound to seek escape from the impasse. Only one of them, however, had the technological capacity to make the break-through.

The dawn of the new age of precision weaponry can be dated to the US Air Force's destruction of the Thanwa Bridge in Vietnam in 1972.⁵ The bridge was used to funnel Chinese and Soviet equipment from North to South Vietnam. Unable to take it out with manned aircraft, the Air Force improvised a missile which could be fired from an aircraft and then guided to its target by a technician viewing images of the target beamed back from a television camera attached to the nose of the missile. This attack succeeded, too late to alter the course of the Vietnam War, but it heralded the arrival of a new age of precision weaponry.

Within ten years, the Americans had developed a small arsenal of these precision weapons, using lasers, computers and gun cameras to guide them to their targets. The best known of these was the Cruise missile, an accurate, unmanned system which could be fired from ships or planes at ever-increasing distances from its target.

Of course, this revolution in military affairs was not the result of a single technological breakthrough, but of many in combination: lasers to improve guidance and targeting, computers linked to satellite positioning systems which made pinpoint accuracy possible; propulsion systems which increased the range of conventional rockets, refinements in explosives technology which reduced damage to civilians, as well as unmanned and robotized surveillance drones which eliminated risks to aviators. As a result, America emerged from the 1980s with a technological capability it could actually use.⁶ Rogue states like Iraq and Yugoslavia, and weak, failed states like Sudan and Somalia were custom-made as firing ranges for the new technology: they were too weak to resist effectively, and their own behavior was so offensive that they forfeited the support of powerful friends.

Andrew Marshall, the planner most responsible for convincing the Pentagon of the new technology's promise concedes, in his words, that 'the United States was making the revolution, but they (the Russians) were the first to see it in that light.'⁷ By the mid 1980s, Russian military thinkers realized what the Americans were doing: making it possible to fight wars again with technologies in which the Russians lagged woefully behind.⁸

Nothing so clearly demonstrated the economic bankruptcy of the whole Communist system as the American lead in the

revolution in military affairs. Asked when the doom of the Soviet system was sealed, Mikhail Gorbachev supposedly replied, 'Reykjavik', meaning the summit at which President Reagan presented him with evidence of American superiority in space-based missile defense systems.⁹ But Russian alarm about 'Star Wars' was only part of the story: they were also lagging behind in non-nuclear precision weaponry. They could see that a closed society like theirs was unable to compete with an open society, where innovations in computer software – quickly leading to military spin-offs – were coming out of the garages of Californian 20-somethings. America won the Cold War because it entered a new type of economy – based on knowledge and computers – and left its strategic competitor marooned inside the crumbling remains of the industrial era. Even the European countries that also entered the computer era discovered they had been overtaken in the military domain. France, Germany and Britain had rebuilt their economies after the war by allowing the Americans to put up most of the cost of European defense. The distinctive European capitalist model – more focused on social welfare than the Americans – presumed less defense expenditure. In this way, Europeans positioned themselves as economic rivals to the United States in return for accepting their subordination as military powers. Both sides benefited. America gained its unrivaled superiority, and Europe developed its unique system of market capitalism combined with high levels of social welfare spending. The adverse consequences only became apparent in the 1990s when NATO began to police the Balkans. With their miniature versions of World War II armies, the European states lacked the resources to sustain their Balkan contingents. Their boutique armies were incapable of providing more than trip-wire defense

of their national territories, and they were only able to combine with American operations in a subordinate role. They were dependent on the Americans for the large aircraft required to lift soldiers into expeditionary battle-zones overseas; and they lacked independent satellite and electronic intelligence capability.

Faced with the widening gulf between themselves and the Americans, the Europeans faced a hard choice: either to subordinate themselves ever further to American military power, or to pool their resources into a joint European capability which while still associated with the US in NATO could also serve as a counter-poise. In December 1999, the European powers committed themselves to the second option: developing a rapid reaction force, under separate command, of up to 60,000 men. Yet their dependence on American precision weaponry remains unaddressed, and the American monopoly on these weapons remains unchallenged.

As early as the Gulf War in 1991, American superiority in precision weapons was plain for all to see. While the number of these weapons used in the air campaign over Iraq was no more than 8 percent of the total ordinance dropped, these weapons – especially the Cruise missile – demonstrated an awesome potential for risk-free lethality.¹⁰ The bombing of Baghdad was the first war as light show and the aerial bombardment of Iraqi forces was the first battle turned into a video-arcade game. The experience transformed public expectation of war. Having been told to prepare for as many as 25,000 casualties, the electorate discovered the intoxicating reality of risk-free warfare.

The full effects of the revolution in precision guidance are only just becoming apparent. Precision guidance can be applied,

upward in the chain of destructiveness, to nuclear weapons themselves; and downwards to small arms. Nuclear weapons can be miniaturized: their payloads so reduced and their guidance systems made so precise that they can avoid the indiscriminate destruction which previously made them unusable. Likewise, at the other end of the scale, there is no reason in principle – other than cost – why there cannot be precision guided bullets, computer directed to their targets.

Accuracy at a distance changes the nature and objective of combat. Instead of closing with an opponent, the object is to destroy him at long range, accelerating a long-standing trend: the battlefield has been emptying for centuries.¹¹ Indeed, striking from a distance makes total force protection a meaningful, if paradoxical goal in modern warfare. Distance also confers political advantages. If you can fight a war from the continental United States, or from a submarine cruising thousands of miles from the target, you are freed from the constraint of securing alliance consent for use of their bases, and from the risk of exposing American assets to attack.

Precision guidance also changes the objective of war. Throughout the industrial era, combatants focused on attrition and destruction: hurling high explosives at the enemy's men and equipment in order to degrade their capacity to continue fighting. Instead of attrition, the aim of post-modern warfare is to strike at the nerve centers – command posts, computer networks – which direct the war-machine. A blinded enemy – without computers, telephones or power – may still have forces capable of attack, but he no longer has the capacity to order them into battle. Command and control can be attacked both by direct missile bombardment and also by information warfare: electronic jamming, release of computer viruses, disinformation

and propaganda. Destroying the credibility and reliability of the data on which the enemy bases his decisions becomes just as effective as killing his people or wrecking his cities. In fact it is conceivable to ignore an enemy's fielded forces altogether and concentrate instead on the computers, satellites, radar, telephone systems and power supplies which enable the enemy to make decisions.

The essential choice of the Kosovo war turned on this distinction, with some American air-commanders arguing that the focus of the campaign should be on Serbian command and control in the Belgrade area, while others, like Wesley Clark, believed that the focus should be upon fielded forces, since they were the ones responsible for the massacres and expulsion of the Kosovars. It could be argued that the campaign dragged on for 78 days precisely because NATO failed to make this choice decisively enough. The 'tank-plinking' of the tactical campaign merely drove the Serb military into revetments and dug-outs, while the strategic campaign was never pursued with the ferocity necessary to blind the enemy's command and control.

The Kosovo war demonstrated that strategic campaigns carry their own risks, however. While precision guidance weaponry is supposed to reverse the twentieth-century trend towards ever greater civilian casualties, warfare directed at a society's nervous system, rather than against its fielded forces, necessarily blurs the distinction between civilian and military objectives. The most important targets have a dual use. Television stations transmit military signals as well as information. Power stations run military computers as well as water pumping stations and hospitals. There is no guarantee that war directed at the nervous system of a society will be any less savage than war directed only at its troops.

Precision guidance was only the first element of the revolution in military affairs. The second was provided by computers. When linked up to surveillance satellites as well as spy planes, computers increase the information available to a commander and if – a big if – this information can be digested and compressed into timely knowledge of the enemy's dispositions, computers can improve a commander's capacity to react and anticipate in real time. Computers also improve coordination among military units and separate military services. In theory this ought to make it easier to mount joint operations from land, sea, air and space. If all the intelligence and command elements of the separate forces can be combined in a 'system of systems' the commander-in-chief could co-ordinate the actions of all his forces in near-perfect knowledge of the battle-space. Such at any rate is the theory.¹²

In practice, of course, technologies create possibilities, but whether they are exploited depends on the ability of essentially conservative institutions to embrace them. The revolution in military affairs has aroused intense resistance in the U.S. armed forces. The new technology seems to accuse generations' worth of procurement decisions. If you have Cruise missiles, why do you need all those airplanes? If you have precision guided weapons launched from submarines, why do you need all those aircraft carriers and destroyers? The new technology called into question the heavy industrial armies created to fight World War II. In effect, the RMA rang the curtain down on a century of total war – and on the military forces, which survived fifty years of peace by evoking its memory.

As the Cold War ended and the military irrelevance of World War II military forces became apparent, electorates began demanding a peace dividend. The new military

technology seemed to offer politicians a way to cut back defense budgets without reducing military preparedness, by increasing the lethality of the military machine while sharply reducing its size and cost.¹³ In the decade after 1989, the American armed services shed 36 percent of their personnel, and the percentage of gross domestic product devoted to defense fell from 6 to 3 percent.¹⁴

Faced with revolutionary change, military forces at first behaved according to the adage of the nineteenth-century Italian aristocracy, immortalized in Giuseppe Di Lampedusa's novel, *The Leopard*: 'If we want everything to remain as it is, it will be necessary for everything to change.' The military embraced the new technology, hoping thereby that the old World War II force structures could remain in place.

Each service wanted new technology provided it didn't have to sacrifice service traditions and jobs. The air force saw itself as an elite of pilots: plane-flying is the core of its mystique, and hence the force resisted unmanned aircraft and reconnaissance drones, even though these are substantially cheaper to fly and they save the lives of pilots. The navy held onto its carriers and destroyers and resisted the introduction of an arsenal ship, which is manned by a relatively small number of technicians who direct the firing of unmanned precision-guided munitions.¹⁵

The most entrenched resistance to the revolution in military affairs came from within the army. The navy could turn itself into a Cruise missile platform; the air force could turn itself into the high-altitude specialists of the age of precision weaponry. The U.S. Marines could re-equip themselves as the nation's emergency force: a sea-based expeditionary unit trained for embassy protection, relief assistance and seizing beachheads. But what would be the purpose of the army, of all those tanks,

artillery pieces and that massive divisional structure inherited from World War II? The best thinkers in the army – and it is full of embattled intellectuals – realized that new technologies signaled the end of the divisional structure of the army, and the huge logistical support system it was forced to drag behind it. The new thinkers agreed that the army was a dinosaur, but they could not decide what new beast – light, lethal and mobile – was best equipped to take its place.

Strategic thinkers in the army also had to rebut the presumption that technology did away with the need for leadership and a warrior class.¹⁶ For the central claim of the new technological gospel was that computers, battlefield sensors and spy satellites could dispel the 'fog' of war – the chaotic uncertainty in which battles unfold; and eliminate the 'friction' – adverse terrain, climate, equipment failure, troop morale and other incalculable factors – standing in the way of military victory. Generals like Norman Schwarzkopf were skeptical: they had bitter combat experience of both fog and friction in Vietnam.¹⁷ They also knew that the 'systems analysts' of the Pentagon had promised then that new technologies married to new tactics – the Huey helicopter re-equipped as a gunship – would dispel the fog and grease the friction of warfare. And they hadn't.

Vietnam veterans like Schwarzkopf were also angered by the argument, made by some advocates of RMA, that putting troops on the ground was no longer necessary. Cruise missiles, these veterans maintained, could not hope to reverse invasions, like Saddam Hussein's occupation of Kuwait. Sooner or later, they argued, the army would need to put its soldiers on the ground to fight their way in and take and hold ground.

But even if this was true – and it most certainly was – the

problem was to identify the expeditionary force needed to fight the new enemies of the post-Cold War era. The Gulf War had vindicated the need to put combat troops on the ground but it was also clear that the Gulf War was a one-off. What other opponent was likely to allow America and its allies six unopposed months to build up and deploy its forces? The Gulf War exposed the potential vulnerability of the American logistical back-up and the Army's elephantine slowness in deploying troops into combat. Future opponents would not give anyone this kind of time, or leave the logistical build-up unopposed.

In theory, RMA could solve all of these problems. Borrowing lessons learned from FedEx and UPS, the military could speed up the delivery of logistics, while improvements in precision weapons could reduce the amount of ammunition which expeditionary units would have to carry with them. In any event, the Army would no longer have to go in alone. The new era would mean an end to single-service deployments. All future expeditionary task forces would combine attack elements from the Navy, Air Force and Army. Improvements in computerization would make it possible to co-ordinate these elements into a genuinely combined force.

The new joint expeditionary force would have a flat command structure, allowing substantial initiative at the squad or platoon level. In the 1990s the US Marines developed the concept of the 'strategic corporal', a squad leader with sufficient operational autonomy and sufficient communications power at his fingertips to call in air strikes at a keystroke.¹⁸ Improved command and control of forces in the field would also transform tactics.¹⁹ The essential function of ground troops would no longer be to roll over the enemy in a traditional battle of

attrition, but to maneuver, outflank and call in fire in order to overwhelm opposing forces. These sources of fire-power would no longer be on the battlefield, but at a distance: in submarines, helicopters, airplanes, long-range artillery, even satellites in space. With these assets on call, it would be possible to deploy soldiers without the array of battlefield artillery and tanks once required to protect them. Since this 'lightened up' the force, it would speed up their deployment. And speed is of the essence, to deter potential aggressors, and to gain the advantages of surprise and battlefield position.

The new tactics made possible by RMA were plain for all to see, but on the eve of the Kosovo war, however, the U.S. Army was still not ready to adopt them. It remained locked in an outdated divisional structure and force profile more adapted to D-Day than to the light expeditionary wars of the 1990s. It was still not able to put together a rapid reaction force capable of deploying to the borders of Kosovo quickly enough to dissuade Milosevic from attempting to expel the Albanian population and to repel him if he tried.

When recourse to force became inevitable, in January 1999, there was no longer time to deploy sufficient troops to deter. And even if the troops had been there, it is not clear that the Americans could have won an offensive ground war in mountainous conditions against the small decentralized units of the Serbian army and military police. Kosovo occurred, in other words, in mid-revolution. America dominates space; dominates the skies; but it does not dominate the ground. It has not yet re-organized its troops around the strategic doctrine which the revolution in military affairs makes possible: air-lifted maneuver-based warfare by lightly armed squads, working in and around enemy lines, to call in high precision fires from naval

and space based assets.²⁰ One reason why ground forces were not committed in Kosovo was that the U.S. lacked the type of joint, mobile, rapidly deployable expeditionary force necessary for the task. And even if such a force had been available, in the new political climate in which Western nations go to war, the military cost of a ground operation would always have seemed prohibitively high. To some extent, America and its NATO allies fought a virtual war because they were neither ready nor willing to fight a real one.

3. *Virtual Consent*

While the American army's inability to fight mobile expeditionary wars forced the war into the skies, politics limited the kind of war that could be waged.

The power to give or withhold consent to war is an essential element of the freedom of citizens. War and defense remain the ultimate rationale of nation states. One of the dubious clichés of our time is that globalization is undermining this rationale.²¹ A new interdependence might be emerging in the economic realm, but there is no discernible alternative to the nation state as the chief provider of foreign and domestic security for human populations. Commerce may be borderless, but human beings cannot be. They need secure territories to live in, and these can only be provided by states with monopolies over the legitimate use of force. It is difficult to imagine any global, regional or continental body replacing the state in these functions, because these bodies lack the democratic legitimacy required if citizens are to be sent to kill and to die.

Our constitutions provide that when our countries go to war, our leaders should make a declaration of war and seek approval for that declaration from our elected representatives in

the Congress or Houses of Parliament. For the better part of fifty years – since the Korean War – these constitutional procedures have been bypassed. Western soldiers have been sent into armed conflict many times in the past decades – Panama, Haiti, Iraq, Somalia, Bosnia, and now Kosovo – and never once have their legislatures actually declared war. The War Powers Act of the United States remains a dead letter, as do the constitutional provisions for war-making in most nations.²²

This bypassing of the constitution is assisted by linguistic subterfuge. Since constitutions state that war requires a declaration to be legitimate, the word 'war' never passes a leader's lips. As military expert Anthony Cordesman has wryly noted, 'one of the lessons of modern war is that war can no longer be called war.'²³ Instead in Kosovo, our leaders spoke of strikes and coercive diplomacy. In practice, of course, we were at war: our forces were taking and returning fire. In this fashion, linguistic subterfuge helped turn the real into the virtual.

In place of Congress and Parliament as the effective control on the war-making powers of our executives, we have polls and focus groups. Using these tools, a leader's political advisers craft an appeal for military action in words calculated to attract support. The word 'humanitarian' figures prominently. Leaders then address their electorates and afterwards pollsters consult samples of citizens to see just how far they support what the leader has in mind. The process has an element of circularity: citizens will endorse those military risks a leader is prepared to take, and a leader will propose only those risks which he believes his electorate will approve. In principle, citizens are usually more cautious than leaders, since they are the ones who have to do the fighting. When leaders call for more risk than an electorate will support, the polls pull them back into line.

Left to themselves most political leaders in the post-Cold War era would have avoided the political risks of military intervention if they could. They were driven to it by small yet vocal constituencies who succeeded in raising the political costs of standing by and doing nothing. In the Balkan wars of the 1990s, the American President was under constant pressure from a determined and influential band of opinion-formers – writers, editors, reporters, Balkans experts, members of the Washington bureaucracy, Congressmen and Senators – who articulated both moral and strategic reasons for military intervention. What a British Foreign Secretary dismissed as the ‘something must be done brigade’ ended up having a decisive impact in forcing the NATO political and military elites into action. This call for intervention was bipartisan: it mobilized conservatives and liberals, Republicans and Democrats in a politics of outrage. They played, above all, on a widely shared sense of disquiet, within the Administration, at its failure to stop the shelling of Sarajevo, to curb the Serb-led attempt to destroy the internationally recognized state of Bosnia-Herzegovina and to halt the ethnic cleansing of Bosnia which resulted in the death of 200,000 people and the deportation of several million inhabitants.²⁴ This was shame, it should be said, not guilt; embarrassment at the palpable failure of leadership rather than any sense of culpability for the lives destroyed through presidential inaction. Bosnia made it perfectly plain that there were substantial costs to a presidential reputation if a commander-in-chief stood by while massacre occurred. But again, if shame had a political cost, it did so because it found articulation by a vocal minority of influential activists – with access to the media.

This minority was vocal but its support was shallow. Isolationist exceptionalism – the sense of the United States

being a city on a hill, safe from the fratricide of Europe – runs deep in the American electorate.²⁵ The shame of Bosnia – like that of Kosovo – was not widely or deeply felt in domestic opinion. From the beginning, the political dynamics in favor of intervention were much weaker than the op-ed columns and discussions on television shows implied. A risk-averse President, consummate in his ability to follow rather than lead, was reluctant to go as far as the interventionist constituency wanted him to.

Of course, intervention posed huge risks. Any political leader worth his salt knows that military operations rarely turn out as predicted, and citizens – who often have military experience of their own – know that wars are a fearful lottery. Both sides – leader and led – must take a gamble. The electorate’s trust is conditional and liable to rupture if the military action runs into those unintended consequences – death, disaster and failure – which both leaders and led know are possible. The uncertainty inherent in all decisions about going to war drives both leaders and citizens to err on the side of caution. So, in the case of Kosovo the American President ruled out ground troops, committing America to intervention only if impunity could be guaranteed.

But if war in the future is sold to voters with the promise of impunity they may be tempted to throw caution to the winds. If military action is cost-free, what democratic restraints will remain on the resort to force? New weaponry may force us to re-assess an essential assumption about democracies: that they go to war less frequently than authoritarian regimes, and that they rarely, if ever, go to war against fellow democracies. Democracies may well remain peace loving only so long as the risks of war remain real to their citizens. If war becomes virtual

– and without risk – democratic electorates may be more willing to fight especially if the cause is justified in the language of human rights and even democracy itself.

In this emerging regime of virtual consent, the public is consulted but the formal institutions of democracy are bypassed. These new human rights wars are occurring just when the influence of representative institutions on the conduct of war and peace is declining. These institutions survive, but they are increasingly perfunctory. Our representatives debate in empty chambers, and in the supposedly ultimate questions of war and peace, leaders go over the heads of representatives to mold and manipulate public opinion directly. As a result, the checks and balances of constitutional government – one of whose central purposes is to restrain an intemperate or ill-considered use of military force by the executive power – fall into abeyance. Those who favor military intervention are apt to dismiss this problem, indeed to praise prime ministers and presidents for mobilizing popular support for military action over the heads of habitually isolationist or doubting legislatures. But interventions which do not obtain the consent of legislatures are apt to lose sustaining political support at the first sign of military trouble.

Moreover, formal debates in representative bodies subject military aims to the kind of detailed scrutiny they cannot expect to receive through opinion polling. The institutional checks and balances of a democratic system help, in other words, to clarify the goals and purposes of war. When military operations are unsanctioned and undeclared, as they were in Kosovo, their objectives changed from week to week, depending on what our leaders decided they should be. At first, citizens were asked only to support a limited air campaign designed to force a re-

calitrant regime back to the negotiating table. Within days, the military objective had expanded into an all-out crusade to stop and reverse ethnic cleansing. Even when the ambit of operations widened out, the public was never told what kind of result was being sought. If war aims had been subject to formal debate in the legislatures of the NATO countries, it is possible, for example, that a more rigorous attempt to protect the Serbian and Roma minorities would have been made once entry to Kosovo had been achieved.

The decay of institutional checks and balances on the war-making power of the executive has received almost no attention in the debate over the Kosovo conflict. This suggests that citizens no longer even care whether their elected politicians exercise their constitutional responsibilities. Populist cynicism toward the political process has gone so far that we no longer even notice that the institutions which exist to protect our liberties are not doing their job. We have allowed ourselves to accept virtual consent in the most important political matter of all: war and peace.

The only issue of political legitimacy to arouse discussion has been the failure of the NATO allies to seek Security Council approval for the use of military force under Chapter VII of the UN Charter. It is a further sign of the weakness of our democracy that the one question we should ask of the legality of war is why it did not receive approval from an international institution which, important as it is, does not actually commit the troops which fight the battles.

Intervention in Kosovo was justified at the UN on the grounds that urgent necessity over-rode the requirement of formal consent, which in any case could not have been achieved in the face of the Chinese and Soviet veto. When a house is on

