

WAR OF NECESSITY, WAR OF CHOICE: A MEMOIR OF TWO IRAQ WARS¹

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*“At first blush, the two wars appear similar. Both involved a president Bush and the United States in conflicts with Iraq and Saddam Hussein. There, however, the resemblance ends”*³

I. Introduction

Nearly six years after making the phrases “war of necessity” and “war of choice” a part of the American lexicon,⁴ Dr. Richard N. Haass delivers a well-written, eagle-eyed account of the White House decision-making process during the first and second Gulf Wars. In *War of Necessity, War of Choice: A Memoir of Two Iraq Wars*, Haass expounds on the terms he brought to the forefront in his 2003 *Washington Post* Opinion Editorial.⁵ He asserts that Operation Desert Storm (ODS) should “be viewed as essentially unavoidable, that is [an act] of necessity”⁶ and that Operation Iraqi Freedom (OIF) should be viewed as “just the opposite, reflecting conscious choice when other reasonable policies [were] available”⁷

Although some may disagree with Haass’s ultimate categorizations of the two Gulf Wars, Haass’s book, nevertheless, lays out a useful framework for analyzing the basis of U.S. engagement in international armed conflict. Additionally, Haass’s discussions of ODS and OIF and the decision-making processes that led to American involvement in both conflicts highlights important leadership principles. *War of Necessity, War of Choice* is a must-read for military professionals, policy-makers, and the American public at large.

II. Background

Dr. Richard N. Haass is a foreign policy expert⁸ whose access to the decision-making process during both ODS and OIF undoubtedly distinguishes this book from others that discuss both Gulf Wars.⁹ As Haass points out, he was one “of only a few individuals, along with . . . Colin Powell, Dick Cheney, and Paul Wolfowitz” to serve as a “relatively senior” member of the executive staff during both Bush administrations.¹⁰

¹ RICHARD N. HAASS, *WAR OF NECESSITY, WAR OF CHOICE: A MEMOIR OF TWO IRAQ WARS* (2009).

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³ HAASS, *supra* note 1, at 7.

⁴ *See id.* at 11 (noting his use of the terms in a 2003 *Washington Post* Editorial and *Meet the Press* moderator Tim Russert’s use of the terms in a 2004 interview with President George W. Bush). *But see* HAASS, *supra* note 1, at 9–11 (noting the concepts are not completely novel).

⁵ Richard N. Haass, Editorial, *Wars of Choice*, WASH. POST, Nov. 23, 2003, at B7.

⁶ HAASS, *supra* note 1, at 9.

⁷ *Id.*

⁸ Dr. Richard N. Haass is a Rhodes Scholar who received a Bachelor of Arts degree from Oberlin College and both a Master’s and a Doctorate degree from Oxford University. Since 2003, Dr. Haass has served as President of the Council on Foreign Relations, a self-described, neutral foreign policy think tank. Dr. Haass has also served as the Director of Foreign Policy Studies at the Brookings Institute and as an instructor at Harvard University’s John F. Kennedy School of Government. Dr. Haass served as a Senior Director on the National Security Council and Special Assistant to President George H.W. Bush from 1989 until 1993. He served as the State Department’s Director of Policy Planning and as the United States Policy Coordinator for Afghanistan from 2001 until 2003. Council on Foreign Relations, <http://www.cfr.org/bios/3350> (last visited Aug. 30, 2009).

⁹ *See* HAASS, *supra* note 1, at 14–16 (detailing his role in both administrations and describing others who also had a role in both administrations during the Gulf Wars). *See generally e.g.*, DAVID RYAN ET AL., *AMERICA AND IRAQ: POLICY-MAKING, INTERVENTION AND REGIONAL POLITICS* (David Ryan & Patrick Kiely eds., 2009) (collection of essays by various historians that documents and examines ideology and foreign policy during U.S. involvement in Iraq from 1958 to 2009); STEVEN METZ, *IRAQ & THE EVOLUTION OF AMERICAN STRATEGY* (2008) (discussing the administration strategies during the two Gulf Wars from the perspective of a civilian national security expert).

¹⁰ HAASS, *supra* note 1, at 16.

III. Analysis

Haass first defines the terms “war of necessity” and “war of choice” and uses ODS and OIF to illustrate the concepts. Haass asserts that ODS was a “war of necessity”—a war involving “the most important national interests . . . [and] the absence of promising alternatives to the use of force”¹¹ Haass argues that Saddam Hussein’s aggression against a sovereign nation—especially in the immediate post-Cold War era—and the strategic consequences of allowing Hussein to dominate Middle Eastern oil supplies implicated the United States’ national interests.¹² Haass also details the myriad unsuccessful sanctions, United Nations resolutions, and diplomatic attempts to evict Hussein from Kuwait to demonstrate the lack of promising alternatives prior to the use of force.¹³

Next, Haass argues that OIF was a “war of choice” because it was fought to bring about regime change¹⁴ and because non-military options were still available, including the prosecution of Hussein for war crimes, to achieve this less-than-vital interest.¹⁵ According to Haass, “wars of choice” occur when policy-makers decide that the “benefits” of waging war “outweigh the costs,”¹⁶ whereas “wars of necessity” take place when policy-makers believe inaction will be “unacceptably negative and large.”¹⁷

Prior to developing his thesis, Haass acknowledges that the phrases “war of necessity” and “war of choice” are “heavily subjective” and dependent on analysis and worldview.¹⁸ However, Haass fails to overcome his own subjectivity when classifying ODS. Bob Woodward’s book, *The Commanders*, provides evidence of Haass’s shortfall.¹⁹ On the eve of ODS, General Colin Powell articulated a containment policy that included the “U.N.-mandated blockade of Iraq and all the other allied measures that were putting the squeeze on Iraq.”²⁰ President George H. W. Bush, however, felt this response was not politically expedient.²¹ Furthermore, as the conflict began, politicians, historians, and foreign policy experts were just as likely to argue that no “vital” interests were at stake and that the United States had not exercised the full range of non-military options²² as they were to support the war as a necessity.²³ Although Haass claims “[t]he stakes were enormous, and [the administration] had tried and exhausted the alternatives to employing military force,”²⁴ he admits that “[a] different president and set of advisors might have tolerated Iraqi control of Kuwait and limited the U.S. response to sanctions so long as Saddam did not go on to attack Saudi Arabia.”²⁵ Haass’s observation suggests the first Gulf War does not fit as neatly into the “war of necessity” category as he asserts elsewhere in the book.

¹¹ *Id.* at 10.

¹² *Id.* at 62, 63, 69, 72, 76, 111–12.

¹³ *Id.* at 60, 71, 73, 83, 88, 103, 105, 108–09.

¹⁴ *E.g., id.* at 7, 216, 276, 278.

¹⁵ *E.g., id.* at 10, 15, 181, 211, 269.

¹⁶ *Id.* at 10.

¹⁷ *Id.*

¹⁸ *Id.* at 11.

¹⁹ BOB WOODWARD, *THE COMMANDERS* 41–42 (1991).

²⁰ *Id.* at 41.

²¹ *Id.* at 42.

²² *See, e.g.,* Arthur Schlesinger, Jr., Editorial, *White Slaves in the Persian Gulf*, WALL ST. J., Jan. 7, 1991, at A14 (“[T]he case that U.S. vital interests are at stake has simply not been made to the satisfaction of Congress and the American people . . . No one ever supposed that an economic embargo would bring Iraq to its knees in a short five months. Why not give sanctions time to work?”).

²³ *See, e.g.,* Stephen J. Solarz, *The Stakes in the Gulf*, NEW REPUBLIC, Jan. 7 and 14, 1991, reprinted in *THE GULF WAR READER* 269 (Micah L. Sifry & Christopher Cerf ed., 1991) (“The United States clearly has a vital interest in preventing Saddam Hussein from getting away with his invasion and annexation of Kuwait.”).

²⁴ HAASS, *supra* note 1, at 112.

²⁵ *Id.* at 63.

While many believe OIF was a “war of choice,”²⁶ some may argue that OIF does not belong in the category as Haass defines it. It is worth noting that the State Department and its officials “are by temperament and training inclined toward diplomacy”²⁷ and that Haass had less policy influence during the George W. Bush administration.²⁸ Clearly, Haass had a different perspective prior to OIF than he did prior to ODS.

To his credit, Haass acknowledges the legitimacy of alternative viewpoints, claiming “[s]till others would say that the . . . second Iraq war . . . was a necessary and even desirable undertaking but that it was carried out so poorly that its costs were increased and benefits decreased.”²⁹ Nevertheless, Haass’s conclusion that OIF was a “war of choice” is appropriate. While improved implementation policies may have led to a better post-war outcome, this fact only underscores Haass’s initial contention that “wars of choice” require the “government of the day to demonstrate that the overall or net results of employing force will be positive”³⁰

Although Haass’s categorization of the Gulf Wars is susceptible to criticism, the terms “war of necessity” and “war of choice” are still extraordinarily useful in evaluating the exercise of military power. American participation in international armed conflict requires some level of approval, both domestically and internationally.³¹ The U.N. Charter provides the legal context in which states may present the case for war to the international community.³² However, Haass’s terms provide a helpful framework to facilitate domestic discussion on the use of force. Haass’s criteria are framed in layman’s terms,³³ which increases the possibility for constructive dialogue among policy experts, government representatives, and ordinary citizens.³⁴

Interestingly, Haass’s “war of necessity” criteria compare favorably with Just War principles.³⁵ Indeed, as the book concludes, Haass analyzes the wars under Just War theory.³⁶ Haass also does an excellent job of using ODS and OIF to illustrate the three underlying themes of the book. First, Haass discusses the intersection of politics and the media and the influence the media can have on policy decisions.³⁷ Haass notes, “[t]he so-called CNN effect is real; it does create pressures

²⁶ See, e.g., Brent Scowcroft, Editorial, *Don’t Attack Saddam: It Would Undermine Our Anti-Terror Efforts*, WALL ST. J., Aug. 15, 2002, at A3; see also SCOTT MCCLELLAN, *WHAT HAPPENED: INSIDE THE BUSH WHITE HOUSE AND WASHINGTON’S CULTURE OF DECEPTION* (2008). But see LAWRENCE F. KAPLAN & WILLIAM KRISTOL, *THE WAR OVER IRAQ: SADDAM’S TYRANNY AND AMERICA’S MISSION* (2003).

²⁷ HAASS, *supra* note 1, at 182.

²⁸ *Id.* at 15, 171–72, 223.

²⁹ *Id.* at 271.

³⁰ *Id.* at 10.

³¹ INT’L & OPERATIONAL LAW DEP’T, THE JUDGE ADVOCATE GEN.’S LEGAL CTR. & SCH., U.S. ARMY, 58TH GRADUATE COURSE DESKBOOK D-1 (2009) [hereinafter DESKBOOK] (“Any decision to employ force must rest upon a viable legal basis in international law as well as domestic law.”).

³² See *id.* (“There are a variety of internationally-recognized legal bases for the use of force in relations between states Generally speaking, however, modern *ius ad bellum* . . . is reflected in the United Nations Charter.”).

³³ See HAASS, *supra* note 1, at 10 (noting that “wars of necessity” are usually associated with self-defense, involve vital national interests, lack viable alternatives to military force, and require the Government to show the substantial consequence of inaction; and that “wars of choice” are fought despite the presence of reasonable non-military options, involve interests that are less-obviously critical, and require the Government to show that the benefits outweigh the costs of going to war).

³⁴ See, e.g., Christi Parsons & Andrew Zajac, *Senate Committee Scraps Healthcare Provision That Gave Rise to ‘Death Panel’ Claims*, Aug. 14, 2009, <http://www.latimes.com/news/nationworld/nation/la-na-health-end-of-life14-2009aug14,0,4670272.story>. This article illustrates what happens to discourse when terms are not user-friendly. The article reports that the “Senate Finance Committee is taking the idea of advance care planning consultations with doctors off the table” in the proposed health care legislation because the language is confusing and has “given rise to fears of government ‘death panels.’” *Id.*

³⁵ See DESKBOOK *supra* note 31, at A–6 (2009) (noting fundamental principles of Just War theory, including that (1) the decision to engage in war must be reached by legitimate authority; (2) resorting to non-peaceful means must be a last resort; (3) there must be a reasonable likelihood of success, except in cases of self-defense; and (4) the decision to engage in war must be based on self-defense, to regain wrongfully held land or assets, or to right a definite wrong).

³⁶ Haass states that Operation Desert Storm, a “war of necessity,” satisfies the principles of Just War theory because “it was fought for a worthy cause, it was likely to succeed, it was undertaken with legitimate authority, and it was waged only as a last resort.” HAASS, *supra* note 1, at 268. Conversely, he finds Operation Iraqi Freedom was not a just war because of the “worthiness of the cause, the likelihood of success, the legitimacy of the authority to undertake it . . .” and the fact that it was not a war of last resort. *Id.* at 269.

³⁷ See, e.g., *id.* at 69–70, 102–03, 105–07, 211.

on policy makers,”³⁸ and his discussion of the plight of Iraqi refugees following ODS illustrates his point.³⁹ Following the media coverage of failed humanitarian airdrops, there was a public outcry for “the world to do more to help Iraqi refugees.”⁴⁰ Days later, the United States conducted Operation Provide Comfort, which created safe camps for Kurds in northern Iraq, an option the administration had previously opposed.⁴¹

Second, Haass uses the Gulf Wars to highlight two competing approaches to American foreign policy: one which attempts to affect inter-state relations and one which strives to influence the domestic behavior of states. Haass states, “The difference between a foreign policy designed to manage relations between states and one that seeks to alter the nature of states is critical”⁴² He explains that the two Gulf Wars represent “the two dominant and competing schools of American foreign policy.”⁴³ According to Haass, the first Gulf War characterized a foreign policy paradigm that sought to use national power to influence the external actions of states.⁴⁴ In contrast, the second Gulf War embodied the second foreign policy approach, which involves the use of national power to influence the internal nature of states for idealistic or ethical reasons.⁴⁵ Ultimately, Haass presents a sound argument in support of the first school of thought.⁴⁶

Finally, Haass uses the Gulf Wars to demonstrate the importance of a full-bodied policy-making process. Haass portrays a stark contrast between the formal National Security Council meetings that preceded ODS⁴⁷ and the informal and closed decision-making discussions that led to the start of OIF.⁴⁸ He argues that the lack of “systematic consideration” of the assumptions that predicated the second Gulf War resulted in costly post-“mission-accomplishment” consequences.⁴⁹

This topic of decision-making, especially as a prelude to military action, is particularly useful to judge advocates. The military decision-making process (MDMP) is designed to present choices to commanders based on assumptions. However, as Haass notes, “[i]t is essential that . . . assumptions are challenged and tested and alternative explanations are put forward and subjected to scrutiny.”⁵⁰ Haass’s point can be easily applied to the military; a commander’s decision is only as good as the process that led to it. Judge advocates play an important role in formal MDMP and in advising both commanders and staff members during informal decision-making processes.

The issue of decision-making informs Haass’s discussion of September 11th and the effect the attacks had on President George W. Bush.⁵¹ Haass notes that “September 11 changed the debate on Iraq,”⁵² and, in his opinion, there would not have

³⁸ *Id.*

³⁹ *Id.* at 142–44.

⁴⁰ *Id.* at 142–43.

⁴¹ *Id.* at 143–44.

⁴² *Id.* at 12.

⁴³ *Id.*

⁴⁴ *E.g., id.* at 7, 11–12, 200–01, 275–76.

⁴⁵ *E.g., id.* at 7, 11–12, 180–81, 216, 266, 275–76.

⁴⁶ *E.g., id.* at 275–76 Haass asserts that the external behavior of states is less expensive, less difficult, and more important to U.S. interests. *Id.* Haass uses the examples of the critical U.S. interest in China and Russia helping to constrain North Korea and Iran’s nuclear programs, respectively. *Id.* at 276. He contrasts that with the “markedly less than vital” U.S. belief that China and Russia should be “full democracies.” *Id.* Haass concludes that “this should reinforce the notion that the principal business of American foreign policy ought to be the foreign policy and not the domestic nature of other countries . . . [and] using military force to oust regimes and build democracies is simply too costly and too uncertain in results to constitute a sustainable approach to U.S. foreign policy.” *Id.*

⁴⁷ *Id.* at 61–71, 81–83, 92–93, 272–73.

⁴⁸ *Id.* at 182–86, 216, 272–73.

⁴⁹ *Id.* at 256–60, 272–73.

⁵⁰ *Id.* at 273.

⁵¹ *Id.* at 234–37.

⁵² *Id.* at 234.

been a second Gulf War “[a]bsent 9/11.”⁵³ Haass concludes that the aftermath of 9/11 highlighted two negative leadership qualities of President Bush: his tendency to reach conclusions too rapidly and his abhorrence of changing course.⁵⁴ Military leaders often have to make swift decisions in the face of challenging circumstances. However, it is important that leaders still give full consideration to alternate viewpoints, various courses of action, and the quality of the information they receive. They must be “pentathletes” who remain adaptive and flexible.⁵⁵

IV. Additional Observations

One strength of *War of Necessity, War of Choice* is that it is simultaneously a memoir, a history book, and a foreign policy argument.⁵⁶ Haass’s frequent use of personal anecdotes to explain the Gulf Wars⁵⁷ make this book a compelling read even for those who are not foreign policy or military experts. The introduction offers one example of how his personal insights add color to the book. In the first few pages, Haass grabs the reader’s attention by recounting two separate meetings—one between himself and President George H. W. Bush, and one between himself and National Security Advisor Condoleezza Rice—at pivotal moments in American history when he knew the nation was about to go to war with Iraq.⁵⁸

Haass’s book is also well-organized, and his narrative is supported by helpful background information. He presents the Gulf Wars in chronological order and provides enough contextual information on U.S. foreign policy during the preceding or intervening periods to keep the narrative manageable but complete.⁵⁹ Haass is careful to explain relevant historical policies and the organization of various Government agencies for lay readers with no specialized military or foreign policy knowledge.⁶⁰ For example, when describing his appointment to the National Security Council (NSC) staff by President George H. W. Bush, he fully details the structure of the NSC and the functional responsibility of the organization and its staff members.⁶¹

Although this is a memoir, largely based on the author’s personal observations, he amply supplements his first-hand knowledge with speeches, interviews, memoranda, and other primary sources.⁶² Notably, Haass provides an appendix containing a previously classified information memorandum detailing the post-war challenges in Iraq.⁶³ Haass also includes a twenty-six page notes section citing his primary and secondary sources.⁶⁴

V. Conclusion

In *War of Necessity, War of Choice*, Haass provides a close-up and compelling account of the decision-making processes that led to American participation in the two Gulf Wars. More importantly, he provides a useful framework for discussing U.S. engagement in armed conflict. Indeed, the phrases “war of necessity” and “war of choice” were recently invoked by our current commander-in-chief as he remarked on the war in Afghanistan.⁶⁵ Judge advocates should employ these frameworks

⁵³ *Id.* at 237.

⁵⁴ *Id.* at 236.

⁵⁵ U.S. DEP’T OF ARMY, REG. 600-100, ARMY LEADERSHIP para. 1-4(c) (8 Mar. 2007).

⁵⁶ HAASS, *supra* note 1, at 16.

⁵⁷ *See, e.g., id.* at 71, 81, 101, 213, 220, 252–53.

⁵⁸ *Id.* at 1–6.

⁵⁹ *Id.* at 17–31, 154–67.

⁶⁰ *See, e.g., id.* at 19, 46, 115, 183.

⁶¹ *Id.* at 33.

⁶² *E.g., id.* at 9, 19, 26, 46, 61–62, 89, 104, 116, 146–47, 172, 208.

⁶³ *Id.* at 279–93.

⁶⁴ *Id.* at 297–323.

⁶⁵ *See* Barack Obama, President of the United States, Speech on Afghanistan and Pakistan at the Veterans Foreign Wars Convention (Aug. 17, 2009) (transcript available at http://www.whitehouse.gov/the_press_office/Remarks-by-the-President-at-the-Veterans-of-Foreign-Wars-convention/) (“But we must

to supplement their responses to commanders' questions on the basis for their missions. Finally, military leaders should strive to remain open-minded and adaptive in the face of demanding circumstances and apply Haass's advice regarding the policy-making process. Military professionals will help their commanders to choose better courses of action by challenging assumptions during military decision-making processes. Leaders, policy-makers, and everyday citizens alike will benefit by reading this book.

never forget: this is not a war of choice. This is a war of necessity So this is not only war worth fighting [T]his is fundamental to the defense of our people.”).