

The Trade-off between Force and Casualties in Democracies at War

A Study of the American, British and Israeli Militaries

*By Yonatan Freeman & Yagil Levy**

The United States, United Kingdom and Israel in recent years have been involved in military campaigns in Kosovo, Afghanistan, Iraq and Gaza. At the same time, sensitivity to casualties has remained paramount to liberal worldviews. This outlook has led to the use of aggressive force to shift the mission risk from a nation's soldier to the enemy civilian, possibly leading to an increase in collateral damage. The result has been the development of a force/casualty trade-off (FCT)¹ – the use of operational methods to reduce risks to soldiers, under specific conditions of legitimacy for using force, at the expense of inflicting more damage on the enemy civilians. Thus, the aversion to exposing soldiers to greater risk has challenged the sensitivity to enemy civilian casualties. This article seeks to evaluate how FCT has been legitimized through the legitimization of aggressiveness. Certainly, as will be shown below, legitimacy was not just about the use of force, but about backing for the operation. At times, by using greater force, leaders chose to risk enemy civilians to satisfy public desires for the protection their soldiers.

The structure of this article is as follows. First, the study will be situated within the current literature, and the latter's gap identified. Next, the main line of argument and methodology will be presented. This will be followed by a section detailing the empirical analysis offered to back it. Lastly, conclusions will duly be provided.

Theoretical Framework and Gap

The quest to protect soldiers has been on the upswing in democratic societies and an important factor in influencing decisions over their deployment in battle. The end of the Cold War threat, the distancing of soldiers or war's costs from society,² as well as increased domestic (including elite) opposition to risking soldiers,³ have all increased sensitivity to casualties. Notably, unlike the way liberal States practiced force protection between World War II and 1989, today's desire to protect soldiers at the expense of enemy civilians has shifted from the strategic to the tactical level. Indeed, although the dynamics for protecting today's soldiers may not be strictly similar to what occurred in previous wars, the desire for limiting casualties has continued to grow. What's more, even the evidence examined to test the argument advanced by Gelpi, Feaver, and Reifler⁴ that "success matters" suggests that sensitivity results when it is ascertained that victory is beyond reach.

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¹ Levy, 2010.

² Burk, 1995 ; Hooks, 1999.

³ Smith (Thomas), 2005, pp.500-501 ; Vasquez, 2005.

⁴ Gelpi, Feaver & Reifler, 2005.

These measures and views have led to an increase in firepower, changes in rules of engagement, as well as a distancing between the weapon’s operator and the battle zone, thereby increasing the toll of non-combatant deaths.

The emergence of the trade-off between force and casualties at the strategic level was analyzed by Downes,⁵ who found that liberal regimes, anxious to limit the level of risk to their soldiers, were more likely to target enemy civilians in order to minimize it and attain a quick victory. Scholars such as Walzer and Benvenisti moreover note that the laws of war do not require the placing of combatants at risk so as to protect enemy civilians.⁶

Nevertheless, democracies have not only subscribed to liberal norms demanding immunity for enemy non-combatants, but have been susceptible to protests by non-governmental organizations,⁷ many of which are based in their own countries. These limitations are highly significant, as without them FCT becomes trivial, and allows democracies to target their enemies without consequences. Moreover, the fact these expected global norms portray domestic values within the democracies themselves has bolstered the societal expectation that non-combatants should be protected. Thus, democracies have faced the challenge of legitimizing the use of force for both protecting a soldier’s life, and countering domestic forces seeking minimal enemy civilian casualties.⁸

Internally, the FCT has led to the development of military tactics limiting the risk to soldiers or replacing them altogether. For instance, the Revolution in Military Affairs has spurred the use of technology limiting the need for risking combatants.⁹ Among other authors, Reisman¹⁰ noted two decades ago that such military tactics have resulted in civilians being targeted, and done away with the option of surgical operations to diminish the likelihood of collateral damage. Similarly, Shaw¹¹ recognized that in the US case the protection accorded to soldiers was higher than that granted to enemy civilians, with the modicum of safety granted to the latter mostly meant to deflect political or media criticism. It is thus that democracies have had a need to increase their domestic efforts to legitimize the use of force so as to minimize criticism once enemy civilians were killed.

Although current literature (in particular Shaw and Smith) recognizes the existence of FCT, and the way in which it influences strategic and tactical policy, it does not show how force and casualties are dynamically exchangeable, solely varied by time periods, battlefield arenas or the identity of protagonists. It is one thing to identify the variables

⁵ Downes, 2008.

⁶ Walzer, 2004, pp.153-154 ; Benvenisti, 2006.

⁷ Hills, 2004.

⁸ One UK defence manual points out : “*In an era of intense media interest and one in which legality (both domestically and in the international arena) will become ever more important, sound judgment and close control will need to be exercised over the degree of physical destruction which it is possible, necessary, or desirable to inflict*”. See : UK Ministry of Defence, “Part 10 : Counter Insurgency Operations (Strategic and Operational Guidelines), Revised and Updated Version”, March 2007. Web, B-2-5.

⁹ Erdmann, 2002, pp.49-54; Smith, 2002 ; Schornig & Lembcke. 2006.

¹⁰ Reisman, 1997.

¹¹ Shaw, 2002, p.355.

influencing the presence of FCT, but it is another thing to explain how its workings are legitimized in the first place.

In a 2010 article,¹² Yagil Levy sought to fill the above literature gap on FCT by evaluating Israel’s military activities in the Gaza strip, and in particular its policies towards the territory’s enemy civilians. Specifically, Levy evaluated IDF operations, and societal legitimacies for the use of force and the presence of casualties, during the First and Second Intifadas, post-Gaza withdrawal, and 2009 Gaza War. The analysis showed that resort to overwhelming force increased in parallel to a decrease in legitimacy for sacrifice, and was expressed through a rise in the ratio of military casualties to enemy civilian fatalities.¹³ Hence, societal legitimacy of enemy civilian casualties was bolstered as Israel decreased its commitment to the Gaza population. At the same time, continuing hostilities reinforced both internal and international legitimacy to act, thus allowing the use of heavier firepower. This interplay was heightened as both enemy civilian casualties and increased aggressiveness were now simultaneously seen as more legitimate.¹⁴ Levy suggested that Israel served as a ‘critical case’ and that its dilemma could find echoes in, or be generalized to, other democracies.¹⁵

Levy’s scholarship, nonetheless, has some limitations. Focusing on one military and one battlefield, his empirical evidence did not test cases involving other Western militaries. This research, by concentrating on the FCT as one aspect of his earlier work, a facet of the death hierarchy, expands the argument and provides it with stronger validity by comparing different militaries on similar battlefields, and over parallel periods of time. Specifically, Levy argues that a high level of legitimacy for the use of aggressive force combined with society’s high degree of casualty sensitivity yields a FCT. In the end, this study seeks to corroborate what Levy previously observed in the Israeli context using the cases of the American and British militaries.

In order to operationalize the variables influencing the legitimacy of using force to protect one’s fighting soldiers, we take into account global restraints as well as relevant international laws¹⁶; the way in which domestic forces, not least the general public and informed opinion, respect these international restraints granting protection to enemy civilians¹⁷; the public’s belief that the war is attaining its original goals or that the external threat is so great that placing lives at risk is legitimate¹⁸; society’s determination to protect its own soldiers, leading to the use of excessive force, and the State’s level of interaction with the enemy population. Additionally, the State may depict this interaction or the commitment its soldiers have to the local population by, for example, delegating riskier

¹² Levy, 2010.

¹³ Levy, 2010, p.401.

¹⁴ Levy, 2010, p.401.

¹⁵ Levy, 2010, pp.386-387.

¹⁶ Smith (Thomas W.), 2002.

¹⁷ Feaver & Gelpi, 2003.

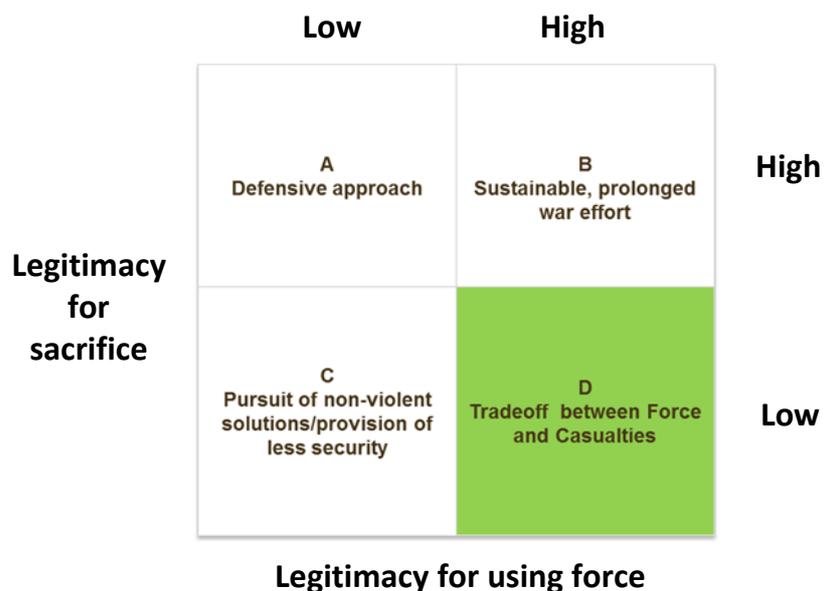
¹⁸ Jentleson, 1992.

missions to local allies¹⁹ or private defence contractors,²⁰ and placing the responsibility for collateral damage on enemy combatants themselves.²¹ Lastly, we note the way in which the media give more importance to technology than to other causes of civilian deaths,²² the level of threat as assessed against the State’s national interests, and how the civilian leadership markets the former to its population.

The legitimacy for sacrifice, which according to Weber²³ is based on both domestic and international normative and cultural values, can be broken down into further components. These attributes encompass political legitimacy from both the general public and elites. It is this legitimacy that influences the ability or inability of the State to deploy its armed forces, as well as the way in which it determines whether the cost is too high for its soldiers or the opposing enemy civilians. Above all, the legitimacy for sacrifice is not just affected by sensitivity to casualties, and may affect anti-war action and willingness to join military service. Nevertheless, in this article, we limit this legitimacy to casualty sensitivity.

Pertinent variables are to be brought in. FCT is only at work when a declining legitimacy for sacrifice of soldiers interacts with an increased legitimacy for using aggressive or excessive force. It is indicated by the ratio of fatalities between the Western soldier and enemy civilians. Thus, we argue that a State’s space of action in the military domain is demarcated by the interplay between two sets of legitimacies – use of force and casualties (see Figure 1) – with the legitimization of aggressiveness aimed at reducing friendly casualties as its frequent result.

Figure 1: State’s space for military action



¹⁹ Shaw, 2002.

²⁰ Avant, 2005.

²¹ Dunlap, 2000 ; Calhoun, 2004.

²² Benini & Moulton, 2004.

²³ Weber, 1947.

As Figure 1 presents, four different results exist through the interplay of the legitimacy for sacrifice and for using force. Cell A represents a high legitimacy for sacrifice and a low legitimacy for using force ; Cell B represents a high legitimacy for sacrifice and for using force; Cell C represents a low legitimacy for sacrifice coupled with a low legitimacy for using force ; Cell D provides for a low legitimacy for sacrifice and a high legitimacy for using force, and therefore marks where FCT is present. This Cell D lies at the centre of this study.

This research tests five cases in order to evaluate the interplay of legitimacies: the US-led operations in Kosovo (1999), Fallujah, Iraq (2004), and Marjah, Afghanistan (2010), Israel during Operation Cast Lead in Gaza (2008), and the British operation in Basra, Iraq (2006). The American cases of Kosovo and Iraq, as well as the Israeli case in Gaza, show the presence of FCT and that there was a need for both States to increase the legitimacy for using overwhelming force in the face of a declining legitimacy for sacrifice (Cell D). The British operation in Basra, on the other hand, does not show FCT and therefore validates its existence. It exhibits evidence that casualties were not traded through the use of aggressive force, and this resulted from a low legitimacy for using force and a high legitimacy for sacrifice (Cell A). The American experience in Afghanistan, likewise, is very close to the British case. There we have an indication of the acceptance of risk to the soldiers, and a limited trade-off between the use of force and the minimizing of casualties.

Methodologically, the above interplays are further analyzed by using the fatalities ratio to assess how many non-combatants were killed per soldier belonging to these Western democracies. Each operation is studied by drawing on polls, as well as primary and secondary sources, speeches and military narratives. The case studies compare militaries in the same arena, between similar arenas, and between similar periods so as to limit possible changes in legitimacy levels. The FCT thesis can only be validated if the avoidance of casualties is coupled with a use of force aiming to fulfil the former.

The hostilities engaged in by the US, Britain and Israel offer a suitable testing of the linkage between casualty sensitivity and aggressive force. All three are Western democracies who have launched battles deemed important for their respective national security and have engaged in counterinsurgency, in addition to continuing to develop more accurate weaponry. It is thus that other variables associated with these battles can be controlled. These cases demonstrate a FCT, except for one which validates this study's argument by showing the conditions under which the FCT does not occur. Another case reveals similar conditions which help to validate the comparative context of both the US and Israel vis-à-vis Britain.

The Case Studies

The Kosovo War (US)

The 1999 war in Kosovo broke out in response to ethnic cleansing committed by Serbs against Albanians in this territory. The NATO operation was called so as to stop these acts from continuing unhindered. Legitimacy for using force was medium, as there was a

debate within the US administration, and among NATO allies, over whether or not to intervene. When air strikes failed to stop the ethnic cleansing, and the flow of refugees grew, legitimacy for taking action became higher.²⁴

The legitimacy for the sacrifice of allied combatants was low. As a result, air strikes were planned to secure the lives of NATO personnel, and a ground campaign was ruled out.²⁵ Use of force initially centred upon restricted (pinpoint) bombings of targets in Serbia and Kosovo to minimize civilian collateral damage.²⁶ NATO warplanes were also restricted from flying beneath 15,000 feet so as to provide maximum protection for pilots from anti-air guns and to further strengthen casualty-aversion policies.²⁷ Indeed, former civilian and military leaders of the operation, such as US Defence Secretary William Cohen and General Wesley Clark, would further hold that the measures were influenced by risk-aversion logic, and minimized the providing of protection to theatre civilians.²⁸ Although alternative tactics could have risked the enemy civilian population to a higher extent, the original logic was guided by tactics limiting the risk to soldiers, and thus NATO forces professionally adhered to measures placing their own above enemy civilians' lives.²⁹ This worked to make the discrimination between enemy military forces and civilians more difficult, and as a result strikes were less accurate.

During one incident, NATO planes struck an ammunition storage depot and a military barracks near a sanatorium, killing some 11 civilians.³⁰ This came on top of the West choosing to target civilian infrastructure used by the military, including bridges and power stations, leading to a number of civilian deaths. NATO spokesmen described one bridge as a “*designated and legitimate target (...). [W]e attack exclusively military targets and take every precaution to avoid inflicting harm on civilians*”.³¹ In response to increasing enemy civilian deaths, the alliance stressed that “*there is always a cost to defeat an evil. It never comes free, unfortunately. But the cost of failure to defeat a great evil is far higher*”.³²

As cleansing continued, domestic public opinion reached approval rating levels of over 60%³³ and therefore became supportive of a more aggressive posture which included an expansion of air strikes and a relaxation of civilian monitoring. This measure was taken so that there would not be a need to admit failure or launch a ground operation.³⁴ As legitimacy to use force became higher, more collateral damage resulted. In ten incidents

²⁴ Coletta & Feaver, 2006.

²⁵ Feaver, 2003, pp.273-276 ; Dunlap, 2000.

²⁶ Feaver, 2003, pp.273-276.

²⁷ Dunlap, 2000 ; Murphy, 2002.

²⁸ Caniglia, 2001, pp.73-74.

²⁹ *Ibid.*

³⁰ *BBC*, “Nato ‘hit old people’s home’”, 31 May 1999.

³¹ *Ibid.*

³² *BBC*, “Civilian deaths ‘necessary evil’”, 31 May 1999.

³³ Approval of US participation in the NATO-led thrust would reach 62-65% in mid-April. See : Morin, 1999.

³⁴ Coletta, & Feaver, 2006.

alone during April 1999, between 273 and 317 enemy civilians were killed, out of some 500 non-combatants killed during the war.³⁵ NATO did not experience any casualties from hostile fire, and the soldier-civilian fatalities ratio stood at 0:500. The trade-off between force and casualties was bolstered.

The Fallujah Operation (US)

The US operation in Fallujah began following the killing and mutilation of four American civilian contractors by armed militants. The April 2004 thrust, the biggest since the defeat of the Iraqi army, aimed to reassume control of the city where the Shiite insurgency mounted. The operation expanded swiftly even as prudent commanders on the ground preferred a more gradual approach.³⁶ Legitimacy for using force increased as there was a need to retaliate for the killings and strengthen the city’s governance, with commanders promising an “overwhelming” response through a fight code-named “Operation Vigilant Resolve”.³⁷ On the domestic front, as a majority of Americans became outraged as a result of visuals of the gruesome ambush,³⁸ Secretary of State Colin Powell promised that America was “*not going to withdraw, we are not going to be run out. America has the ability to stay, fight an enemy and defeat an enemy. We also know sometimes to achieve a noble purpose, it does take the loss of life*”.³⁹ Senator John Kerry, President Bush’s presidential challenger, would make similar remarks.⁴⁰

The legitimacy was moderate, not high enough to cause forces to rely solely on standoff fire, which could have been used on a limited scale, but not low enough to increase soldier risks. Although Marines were allowed to shoot at anyone with a gun, and any male of military age after dark, they were not allowed to pursue militants through the city.⁴¹ A US military spokesperson would note that with regard to tactics, they were “*not going to do a pell-mell rush into the city. It will be precise and it will be overwhelming. We will not rush in to make things worse (...) There may be civilians being used as human shields and at this point while it was dreadful (...) a pre-emptive attack into the city could have taken a bad situation and made it even worse*”.⁴²

US commanders on the ground briefed soldiers and hinted that the operation represented the “*opposite of what the Marines had come to Iraq to do. Instead of nation-building, or what the Marines call SASO [Stability and Security Operations], they were about to lead a theatre-level attack on a large urban area*”.⁴³ The legitimacy for sacrifice

³⁵ “Final Report to the Prosecutor by the Committee Established to Review the NATO Bombing Campaign Against the Federal Republic of Yugoslavia,” *International Legal Materials*, vol.39, 2000, pp.1257-1283.

³⁶ Hills, 2006 ; McChrystal, 2013, pp.128-130.

³⁷ McCarthy, 2004.

³⁸ Greene, 2004.

³⁹ Russell, 2004 ; Gettleman, 2004a.

⁴⁰ Russell, 2004.

⁴¹ Gettleman, 2004b.

⁴² CNN, “US Army : ‘We will respond’ to contractor killings”, 1 April 2004. Web.

⁴³ Kaplan, 2004.

was low, and this resulted in high force protection. Use of force included the exercise of disproportionate force and the use of air strikes to combat heavy resistance on the ground.⁴⁴ Enemy civilians were targeted as well. During one incident involving gunfire coming from a mosque, commanders quickly called for an air strike to target the structure.⁴⁵ Other events saw the killing of an Iraqi civilian suspiciously running away,⁴⁶ as well as residential areas being struck by supporting gunships.⁴⁷ In order to prevent the possibility of militants using civilian infrastructure, US forces prevented access to the city’s sole hospital, allegedly in violation of the Geneva Convention, for more than two weeks, even as an increasing number of civilians became casualties.⁴⁸

Apart from the need to swiftly act against militants, the targeting of enemy civilians reflected America’s weaker ethos of respecting an occupied population. The US elected to use conventional approaches of overwhelming force,⁴⁹ even causing British generals to remark that the UK was a “*kind of US conscience*”⁵⁰ and that just because they had to fight with Americans didn’t mean “*we must be able to fight as the Americans*”.⁵¹ Leaked documents described clashes between American commanders and their British counterparts, with the former preferring a “war-war” approach, and the latter a “jaw-jaw” angle.⁵² One Iraqi resident noted that the Americans were “*good at attacking militias but bad at dealing with civilians*”.⁵³ A US officer added that Americans had a lower “*appreciation of the culture in Iraq*”, and this was on top of reports that the US military was fixated with self-protection and less with connecting to the local populace.⁵⁴

As Iraqi non-combatant casualties increased, so did pressures from the Iraqi and British governments to halt the operation,⁵⁵ with UN Secretary General Kofi Annan warning that...

violent military action by an occupying power against inhabitants of an occupied country will only make matters worse. It’s definitely time, time now for those who prefer restraint and dialogue to make their voices heard.⁵⁶

The battle ended before goals were attained, and the Iraqi insurgents were able to gain legitimacy and sympathy for their cause.⁵⁷

⁴⁴ Hills, 2006 ; *CNN*, “Marines, Iraqis join forces to shut down Fallujah”, 6 April 2004. Web.

⁴⁵ Soriano, 2004.

⁴⁶ Kaplan, 2004.

⁴⁷ *Fox News*, “US Forces Launch Major Fallujah Operation”, 5 April 2004. Web.

⁴⁸ McCarthy, 2004.

⁴⁹ Dixon, 2009, p.373.

⁵⁰ Dixon, 2009, p.373.

⁵¹ Dixon, 2009, p.374.

⁵² Gilligan, 2009.

⁵³ Robertson, 2009.

⁵⁴ *The Economist*, 14 December 2005.

⁵⁵ Horan, 2004.

⁵⁶ Collins, 2004.

⁵⁷ De Lira, 2009.

High legitimacy to use force interacted with a low legitimacy for sacrifice, translating into force protection and the loss of local civilian lives. In the end, 39 US soldiers and approximately 600 Iraqi non-combatants were killed,⁵⁸ leading to a soldier-civilian fatalities ratio of 1:15.

The lessons of the above battle in Fallujah influenced the second battle in the city in November 2004, this time involving British ground forces as well. The operation's legitimacy was high but not as high as the previous one. In order to stifle public criticism, stricter rules of engagement were instituted, coupled with a slower thrust for the operation. Although there was an initial higher level of legitimacy for sacrifice, the battle was launched only after President George W. Bush's re-election, so that concerns about casualties could be minimized.⁵⁹ After sovereignty was handed back to the Iraqi government, tolerance for casualties went up, as the public got the impression that mission goals were attainable.⁶⁰

Before the operation began, US forces encircled the city and residents were warned to leave or stay indoors, under pain of being otherwise assumed to be insurgents and mistakenly hurt. As the fight with insurgents became more intense, rules of engagement became less strict. For example, white phosphorus was employed to drive insurgents out of their hiding.⁶¹ This desire for greater force protection was encouraged by grunts concerned about their safety,⁶² and by the command's lack of confidence in those political leaders who had held back their victory in Fallujah the first time around.⁶³ It is thus that troops enjoyed greater legitimacy for using greater force.

A high level of legitimacy to use force compensated for a declining legitimacy for sacrifice, which increased the targeting of enemy civilians. In the end, one hundred and seven coalition soldiers were killed, including 95 Americans,⁶⁴ and – according to conflicting estimates – either about 800⁶⁵ or between 3,000 and 6,000⁶⁶ civilians lost their lives. This translated into widely divergent soldier-civilian fatalities ratios: 1:8 (half the figure for the April battle) if the former number of civilian casualties held, and 1:28-56 (between twice and four times the figure resulting from the previous battle) if the latter number proved correct.

All in all, a low level of legitimacy for sacrificing soldiers led to an increase in force protection and collateral damage in both Fallujah cases. Legitimacy was moderate – not high enough for firepower to be exclusively employed, as minimally used during the

⁵⁸ *Iraq Body Count*. 2014 ; *iCasualties*, 2014.

⁵⁹ Lindsay, 2014.

⁶⁰ Gelpi, Feaver, and Riefler, 2009, pp. 141-143.

⁶¹ Crawford, 2011, pp. 15-23.

⁶² Head, 2013, p. 39.

⁶³ Feaver and Kohn, 2001, p. 467.

⁶⁴ Head, 2013, p. 47.

⁶⁵ *Iraq Body Count*, 2005, p.12.

⁶⁶ Caputi, 2013, p.11.

first operation in Fallujah, but not low enough to increase risks to soldiers or cause the mission to be avoided altogether, as evidenced in the second battle in Fallujah.

Operation Moshtarak (US)

The US-led offensive, named Moshtarak or “Together” in the Dari language, in Marjah, Afghanistan, involved the use of more than 15,000 coalition troops, including Afghan soldiers, aiming to evict the Taliban from a stronghold responsible for roadside bombs and suicide attacks against Western forces, as well as producing opium to fund the militancy.⁶⁷ The February 2010 operation came on the heels of President Barack Obama’s revamped Afghanistan strategy, even as planners noted the difficulty involved in separating the “*enemy from the people (...) when they are the people*”⁶⁸ within this Helmand province town. What’s more, the military manoeuvre was the biggest in the Afghanistan War at that point, and was compared to the 2004 fight in Fallujah.⁶⁹ The operation was also importantly seen as a “*key test*”⁷⁰ of the US-led coalition efforts to show positive trends, safeguard the population,⁷¹ expand the authority of the Afghan Government, separate the insurgents from the population, and partner with the Afghan security forces.⁷² These “population-centric” operations would be used to “*protect the Afghan people and provide a secure environment for sustainable stability (...) [and] diminish insurgent influence over the people*”.⁷³ The US-led coalition’s General Stanley McChrystal attested that there was a “*government ready to move in*”⁷⁴ to provide relief for the local population once the fighting was over. The job would be up to Provincial Reconstruction Teams (PRTs) who would “*handle the ‘build’ phase of the counterinsurgency plan*”.⁷⁵

Certainly, although President Obama’s presidential campaign had reasserted that the intervention in Afghanistan was a necessary war, and authorized the increased fight against the Taliban, legitimacy for the battle in 2010 among the American public was less than overwhelming. As such, the American leader pointed out that although he had authorized the surge, troops would return within 18 months, the US would adhere to a timetable just as was done in Iraq, and that the public should not see the conflict as a new Vietnam War.⁷⁶ President Obama would also note the weak American economy as playing a role in his administration’s deliberations.⁷⁷ Indeed, as a result of lesser legitimacy for using force, local forces were given a greater role, both to minimize American casualties and increase trust with enemy civilians. Unlike other operations where there was one Afghan soldier for every ten American soldiers, this time it was one Afghan for every two

⁶⁷ Jackson & Kamminga, 2010, p.23.

⁶⁸ Thompson, 2010.

⁶⁹ Nordland, 2010.

⁷⁰ Michaels, 2010.

⁷¹ McChrystal, 2013, p.363.

⁷² Johnson, 2011, pp.386-387.

⁷³ Johnson, 2011, pp.386.

⁷⁴ Sanger, 2010.

⁷⁵ Carter, 2013, p.9.

⁷⁶ *BBC News*, “Barack Obama orders 30,000 more troops to Afghanistan, 2 Dec 2009.

⁷⁷ *Ibid.*

Americans. One Department of State official noted that “*this is a ratio that the Afghan people want to see, and the American people need to see*”.⁷⁸

Legitimacy for using force during the operation was not so high, with fire directed against limited enemy targets, whereas a higher legitimacy would have led to possibly greater damage and civilian casualties. Importantly, the operation aimed not only to defeat Taliban insurgents but to increase the trust between the US-led forces and the Afghan government, as well as with the local population. American military commanders, who were leading an operation which included significant British forces simultaneously supporting it,⁷⁹ stressed that civilian protection was on their mind. This allied policy came after promises made by General McChrystal to Afghan leaders when the former, for the first time, had asked the latter to give the operation a green light.⁸⁰ Afghan President Hamid Karzai, and other civilian leaders,⁸¹ approved the fight on the condition that it limited collateral damage and levels of violence against non-combatants.⁸²

This shift in thinking was significantly influenced by British rules of engagement, which had previously played out during their Afghanistan and Iraq campaigns, even causing clashes with American counterparts.⁸³ During one pre-campaign event, a British officer ruled out an air strike on 15 locals planting an IED: “*I chose not to strike them because that would have been 15 fathers of 15 sons who would almost certainly have been driven into the insurgents’ arms*”.⁸⁴ British rules of engagement in Afghanistan further lowered the use of high-explosive artillery shells by more than 60%.⁸⁵ Days before the campaign, in a meeting held between British and American leaders, the two sides elected to employ a new strategy called “*courageous restraint*”, and use “*brain-power and not fire-power*,” whereas civilian protection was at the heart of the military operation.⁸⁶ Tactical directives, also termed “*tactical patience*” by General David Petraeus,⁸⁷ subsequently intended to tighten the rules of engagement during the use of force.⁸⁸ This also led to the operation being publicized beforehand through the dropping of leaflets as intended to limit civilian casualties.^{89 90} American leaders even agreed to delay the operation until President Karzai accepted that negotiations with the insurgents did not provide a solution.⁹¹

⁷⁸ Chandrasekaran, Rajiv, 2010.

⁷⁹ Egnell, 2011, p.309.

⁸⁰ McChrystal, 2013, p.364.

⁸¹ Dressler, 2010, p.1.

⁸² McChrystal, 2013; p.362.

⁸³ Gilligan, 2009.

⁸⁴ Harding, 2010.

⁸⁵ Wyatt, 2010.

⁸⁶ Wyatt, 2010 ; Stavridis, 2010.

⁸⁷ Catignani, 2012, p.532.

⁸⁸ Catignani, 2012, p.532.

⁸⁹ Nordland 2010.

⁹⁰ *BBC News*, 13 February 2010.

⁹¹ *Xinhua*, 2010 ; Dressler, 2010, p.1.

As the operation began, extensive preliminary air strikes were not used so as to prevent widespread destruction, even if some risk increased for the marching grunts. At first, the city was surrounded, and the only main road out of Marjah locked,⁹² with the assault force taking over the main intersections and establishing posts across town.⁹³ Troops then assumed more risk “*by getting out of forward operating bases and armoured vehicles.*”⁹⁴ The US-led forces, predominately entering the territory by land and using transport helicopters,⁹⁵ faced mines, explosive devices, booby traps,⁹⁶ and sniper fire through ambushes,⁹⁷ which slowed the troops down.⁹⁸ This choice of entry was done to prevent the same type of widespread destruction done in places such as Fallujah. General McChrystal would explain that it was “*not the number of people you kill; it’s the number of people you convince. It’s the number of people that don’t get killed. It’s the number of houses that are not destroyed.*”⁹⁹ McChrystal stressed that the centre of gravity “*is the will and ability to provide for the needs of the population by, with and through the Afghan government*”,¹⁰⁰ in the spirit he had conveyed at his nomination hearing before the US Senate.¹⁰¹ Members of the military leadership added that protecting civilians was in a sense force protection: “*If you treat the locals with respect, then they will tell you where the IED’s are, they will tell you what the insurgents are doing: it is force protection.*”¹⁰² Similarly, military commanders believed that the “*McChrystal Effect*” made it “*our business (...) to work with the people. If we had to fight our way to work, we did it. But our business was not to fight.*”¹⁰³ Nonetheless, some were frustrated that rules of engagement did not allow them to aggressively pursue Taliban fighters hidden among civilians, all while increasing the risk to soldier lives.¹⁰⁴

Due to the fact civilian well-being was on the minds of US troops, legitimacy for sacrifice took precedence over force protection. President Obama’s plan to bring the soldiers home, coupled with a Petraeus Doctrine stressing that defending civilians was vital for counterinsurgency success, added to a rising legitimacy for soldier sacrifice. Indeed, intelligence officers warned that there was a “*high threat warning. It will increase by each day that we are here. The Taliban will be creeping around looking for a way to attack us.*”¹⁰⁵ Still, although house-to-house searches were done, US forces determined at times to use force so as to protect their own. In one instance, a two-hour gun battle at Marjah’s

⁹² Dressler, 2010, p.1.

⁹³ Dressler, 2010, p.4.

⁹⁴ Farrell & Chaudhuri, 2011, p.273.

⁹⁵ Rayment, Sawyer & Farmer, 2010 ; Dressler, 2010, p.3.

⁹⁶ *BBC News*, 14 February 2010.

⁹⁷ Dressler, 2010, p.5.

⁹⁸ Wingrove, 2010 ; Seck, 2014.

⁹⁹ Georgy, 2010.

¹⁰⁰ Farrell & Chaudhuri, 2011, p.273.

¹⁰¹ Farrell & Chaudhuri, 2011, pp.273-274.

¹⁰² Catignani, 2012, pp.532-533.

¹⁰³ Farrell, 2010.

¹⁰⁴ Dressler, 2010, p.5 ; *CNN*, 20 February 2010.

¹⁰⁵ Harding, 2010.

northern edge came to an end when a 500-pound bomb was dropped on the Taliban’s position.¹⁰⁶ In another, 12 civilians were killed by two rockets fired by American forces.¹⁰⁷ Although General McChrystal called the result a regrettably tragic loss of life, further investigation found that there was likely engagement of a Taliban-controlled compound occupied by civilians.¹⁰⁸ Three other Afghans were also killed when they ignored warnings to stop approaching NATO positions,¹⁰⁹ with other civilian homes, commandeered by Taliban fighters, being targeted by Western forces,¹¹⁰ further increasing civilian casualties. One senior coalition official remarked:

We had intelligence reports going into this that not only were there immense amounts of bombs, IED s, and booby traps out there, we understood people were held against their will...We believe the objective there is to create those as human shields or – in the worst-case scenarios – maybe even as false civilian casualties. If we don’t create them [civilian casualties], they might create them.¹¹¹

As the operation continued, General McChrystal conveyed the message that time was running out for continuing US and international support for this fight. Calling the operation a “*bleeding ulcer*”, McChrystal was also well aware of President Obama’s plan to begin pulling out American troops from Afghanistan by July 2011.¹¹² In one speech, Obama claimed that surging troops would build the capacity “*that can allow for a responsible transition of our forces out of Afghanistan*”.¹¹³ By December 2010, the top US Marine commander in southern Afghanistan called the operation “*essentially over*”, with Taliban fighters having been pushed into the desert areas surrounding the town.¹¹⁴ Nevertheless, despite “*disappointing performance of the government in a box*” as well as Taliban intimidation,¹¹⁵ long-term objectives were fully attained.¹¹⁶

A not so high legitimacy to use force, interacting with a growing legitimacy for sacrifice, resulted at times with lesser force protection and lower loss of enemy non-combatant lives. Fifty US soldiers,¹¹⁷ as well as about 256 Afghani non-combatants were killed¹¹⁸ during the time of the operation, which led to a soldier-civilian fatalities ratio of 1:5. Unlike the US-led Fallujah operation, nevertheless, this ratio was very similar to the

¹⁰⁶ Filkins, 2010.

¹⁰⁷ Chivers & Nordland, 2010.

¹⁰⁸ McChrystal, 2013, pp.368-369.

¹⁰⁹ Motevalli, 2010 ; *CNN*, 20 Feb 2010.

¹¹⁰ UN Assistance Mission in Afghanistan, 2010, p.49.

¹¹¹ Shah, 2010.

¹¹² Nissenbaum, 2010.

¹¹³ Johnson, 2011, p.388.

¹¹⁴ Martinez, 2010.

¹¹⁵ Beadle, 2012, p.3.

¹¹⁶ Johnson, 2011, p.387.

¹¹⁷ Seck, 2015.

¹¹⁸ UN Assistance Mission in Afghanistan, 2010 ; Crowe, 2010 ; O’Hanlon, 2010 ; International Council on Security & Development, 2010, p.22.

British experience in Basra. As such, we have an indication of greater risk exposure for the forces, and a limited trade-off between the use of force and the lowering of casualties.

Operation Cast Lead (Israel)

The decision of Israel to employ its defence forces in the 2008-09 Gaza operation was aiming at stopping rocket fire and weapons smuggling into Palestinian territory. The military decision included week-long air strikes against the Hamas regime, followed by a ground invasion that lasted another two weeks. The legitimacy for using force increased as a result of two factors. First, Hamas tactics shifted from attacks by armed squads to rocketing Israeli towns and cities. Second, the 2005 Israeli withdrawal from Gaza lessened the former's responsibility towards the local population and as a result it was less committed to the latter's protection than it was earlier as an occupying power.¹¹⁹

Legitimacy for sacrifice in the eyes of the Israeli polity was low. In particular, following the withdrawal from Lebanon in 2000, Israel's society became more sensitive to soldier casualties. This major shift occurred as the disengagement from Gaza was criticized by some, such as the IDF Chief of Staff, as potentially sacrificing long-term security interests and increasing terror attacks.¹²⁰

On the eve of the operation, decision-makers debated whether an offensive should be launched to stop the rocketing of Israeli civilians. Nonetheless, this was hindered due to a low legitimacy for military casualties. Defence Minister Ehud Barak stated that the incursion would place troops in danger, adding that “*it won't be easy and it won't be brief. We're continuing to expand the operation while being well aware that this move will include challenges, difficulties, and also victims. We are doing it because of the faith that at this time this is our duty to citizens of the country*”.¹²¹ The offensive against Gaza could only be launched when it became legitimate to liberally use the arsenal available so that soldiers could be better protected, whether this involved aerial or artillery attacks. When Hamas intensified its violations of the ceasefire, and expanded the range of its rockets, legitimacy for the operation was strengthened in the eyes of both the international community and the country's own citizens. Jewish citizens of Israel were wholeheartedly supportive of the operation, with 80% calling for a continuation of the fight to stop Hamas' rocketing of civilians, and 92% justifying air force attacks on Palestinian dual-use (civilian and military) infrastructure from which rockets were launched.¹²²

The use of force employed overwhelming power, including air strikes against Hamas installations and militants, and subsequently a massive ground operation.¹²³ Soldiers' exposure to risk was reduced at the cost of high non-combatant casualties, and this was pointedly done through massive artillery barrages and the use of armoured bulldozers to

¹¹⁹ Levy, 2012, pp.127-145.

¹²⁰ Burston, 2004.

¹²¹ Greenberg, 2009 ; Keyser & Barzak, 2009.

¹²² “Poll : 76% opposed to ceasefire without Shalit”, *Ynet* (Hebrew), 9 January 2009. Web.

¹²³ Bart, 2009.

provide protection for marching grunts.¹²⁴ Heavy fire from tanks and aircraft was used to eliminate any explosive devices and mines Hamas placed along the border.¹²⁵ Although the joint air-land phase allowed a deeper penetration into enemy territory, IDF commanders viewed such an option negligible as they feared an increase in soldier casualties.¹²⁶

Rules of engagement further allowed soldiers to return fire even if non-combatants were close by, and moreover troops could initiate firefights to avoid risk,¹²⁷ though the military went to great lengths to warn enemy civilians to evacuate targeted areas.¹²⁸ In one instance, a UN school was inadvertently hit due to its being in the vicinity of a militant squad launching mortars.¹²⁹ Risk-aversion tactics were internalized by soldiers taking part in the military operation,¹³⁰ and as a result a large share of enemy civilian deaths occurred during the ground offensive due to aerial gunship cover fire.¹³¹ Ten Israeli soldiers and about 840 enemy civilians were killed, resulting in a soldier-civilian fatalities ratio of 1:84.¹³²

All in all, a low legitimacy to sacrifice soldiers, coupled with a high legitimacy to use force, provided for the shifting of risk from the former to enemy civilians during Israel’s Cast Lead Operation.

The British Operation in Basra

In October 2006 Britain decided to launch “Operation Sinbad”, a significant eight-month military thrust involving 2,300 Iraqi soldiers as well as 1,000 British troops, which provided combatants with many opportunities to inflict and incur casualties. The Basra mission aimed at rooting out corrupt police infiltrated by Shiite militias and to assist local residents in rebuilding their Iraqi city.¹³³ Legitimacy for using force was relatively high, as London sought a major victory that would demonstrate its declared success in Iraq, and ultimately allowing it to scale back its forces and hand over responsibility to Iraq’s security forces.¹³⁴ Even as the public criticized the increased deployment of troops to Iraq, the former did not result in effective protest, thus affording the British government some freedom of action.¹³⁵

¹²⁴ Klein, 2009.

¹²⁵ Harel, 2009. The same was true when it came to evacuating casualties. See : Greenberg, 2009.

¹²⁶ Cordesman, 2009, p.60.

¹²⁷ Harel, 2009 ; Cordesman, 2009, p.40.

¹²⁸ Al-Mughrabi, Nidal, “Israel kills scores in Gaza air strikes”, *Reuters*, 27 December 2008. Web.

¹²⁹ *Xinhua*, 6 January 2009.

¹³⁰ *Breaking the Silence*, 2009.

¹³¹ B’Tselem, 2009, p.4.

¹³² Levy, 2012, pp.153-155. The book’s findings also show that there was an increase in non-combatant casualties compared to the previous hostilities of the Al-Aqsa Intifada and the period after Israel’s withdrawal from Gaza.

¹³³ *BBC*, “British launch Iraq police purge.” 27 Sept 2006. Web.

¹³⁴ Maciejewski, 2013, p. 162-163.

¹³⁵ Gribble, et al., 2015, p. 135-137.

Historically, the UK’s casualty sensitivity has been low, and its use of force has mostly been marked by tight rules of engagement and significant interaction with locals, in stark contrast to American policy which prioritizes force protection over enemy civilian safety. The British imperial tradition, including the experience of violent civil strife and terrorism in Northern Ireland, trained soldiers to deal with civilian populations, to function in small units with limited technology, and to practice persuasion and to use force only when no other choice existed.¹³⁶ Indeed, the presence of soldier casualties led to public questions about the need for decent protective equipment,¹³⁷ rather than reservations about the mission itself,¹³⁸ or protests by bereaved families. On the ground, British soldiers were better tolerated by the local population because they refrained as best they could from interfering in the internal conflicts of the areas they occupied,¹³⁹ which further bolstered the measures taken by the British to minimize collateral damage. The UK experience was based on a history of “*creating, as well as living, fighting and dying with indigenous forces*”.¹⁴⁰

The UK, moreover, considered the insurgency with a critical assumption that it was “*not principally a military problem*”¹⁴¹ and that security could only be improved through attempts to accommodate and negotiate with militias.¹⁴² A UK tactical manual prescribed that the “*number of insurgents killed should be no more than is absolutely necessary to achieve the success (...)*”, adding that “*the killing of a teenage gunman could be justifiable in military terms but its possible impact on his community could jeopardize...[an] operation*”¹⁴³ and that attrition, “*when properly focused and directed, can remove hard core activists and reduce the ability of insurgents to act coherently*”.¹⁴⁴ The UK soldier expected civilians on their battlefield, was taught about the strategic damage civilian casualties caused, and aimed to win over the population’s trust. It was not rare to see a British sergeant on foot patrol assess the local mood and call “*right lads, hard hats off*”.¹⁴⁵

Nevertheless, in spite of a significant higher legitimacy for sacrifice, future plans by London called for the return of soldiers home,¹⁴⁶ a measure taken in the face of public disapproval of the war hovering around 70%.¹⁴⁷ The then Chief of General Staff, General Richard Dannatt, remarked that they should get out of Iraq “*sometime soon because our presence exacerbates the security problems*”.¹⁴⁸

¹³⁶ Caniglia, 2001, p.80 ; Cassidy, 2008, p.93 ; UK Army, 2008, p.7 ; Jackson, 2007, p.75.

¹³⁷ Edmunds, 2012, p. 279; Forster, 2012, p. 277.

¹³⁸ Scotto *et al.*, 2011.

¹³⁹ Aylwin-Foster, 2005, p.4 ; Herring & Rangwala, 2006, p.163 ; Smith (Thomas W.), 2008, p.154.

¹⁴⁰ Marston, 2010, p.73.

¹⁴¹ Dixon, 2009, p.374.

¹⁴² Dixon, 2009, p.374.

¹⁴³ UK Ministry of Defence, 2007, pp. B-2-5.

¹⁴⁴ UK Ministry of Defence, 2007, pp. B-2-10.

¹⁴⁵ *The Economist*. 14 Dec 2005.

¹⁴⁶ Wagner, 2007.

¹⁴⁷ YouGov, 24-26 Oct 2006 ; YouGov, 5-7 June 2007.

¹⁴⁸ Dixon, 2009, p.374.

In a December 2006 episode, UK forces chose to raid a corrupt police headquarters and rescue 127 prisoners.¹⁴⁹ The operation was moved up to save local lives, as police were preparing to execute them. UK troops were supported by helicopters and heavy armour, but they did not return fire even as small arms and RPG targeted the forces. A Royal Engineers’ tractor then helped breach the wall for entering troops.¹⁵⁰ Only after the armed combatants were eliminated, and prisoners rescued, did the British military demolish the building.

Public legitimacy for the operation, nevertheless, gradually dropped, with British forces opting for an informal deal with the local militia and an exit strategy, rather than continuing a fight which would have caused both sides to experience further casualties. In this campaign, 46 British soldiers were killed, along with 47 civilians,¹⁵¹ resulting in a soldier-civilian fatalities ratio of 1:1. Certainly, as described above, Britain worked to lower civilian casualties by risking more soldier casualties and adhering to stricter rules of engagement. The FCT did not exist here, as there was low legitimacy for using force and a high legitimacy for sacrifice. Thus, this case allows for a validation of the previous cases.

Conclusions

The examination of the battles in Kosovo, Afghanistan, Iraq and Gaza, found a clear difference between the three militaries vis-à-vis the FCT. When it came to the US operations in Kosovo and Fallujah as well as the Israeli fight in Gaza, this research found that there was use of operational methods to reduce risks to soldiers, under specific conditions of legitimacy, which then inflicted more collateral damage. On the other hand, Britain’s Basra campaign provided a situation leading to an opposite reality. Lastly, the American battle in Marjah, which provided a ratio similar to the UK’s operation in Basra, indicated a more limited use of measures to lower risks to soldiers at the expense of enemy civilians. Above all, it did not simply identify and describe the conditions for which the FCT existed, but rather identified the legitimacies themselves which accounted for its presence.

In the case of the United States, a choice to target non-combatants liberally in Kosovo and Iraq to protect troops was the result of a lower legitimacy to sacrifice its forces, mainly due to a weaker ethos of respecting the occupied population. In Afghanistan, conversely, more was done to protect the population even if soldiers were to be risked. This resulted from counterinsurgency tactics stressing a need to protect the populace as well as British influence on the mission’s accepted rules of engagement. When it came to Israel, a choice to regard the protection of its forces as paramount resulted from high casualty sensitivity coinciding with a choice not to build trust or reduce enmity with the local population. The FCT did not exist when it came to the UK, in so far as it chose to view the local population’s enmity as a security issue, which yielded readiness to sacrifice soldiers to protect non-combatants. Such a similar circumstance existed with the US

¹⁴⁹ *BBC News*, 27 Sept 2006.

¹⁵⁰ *BBC News*, 25 Dec 2006.

¹⁵¹ Maciejewski, p.171 ; *Iraq Body Count*, 2014.

operation in Afghanistan as well, a mission that, probably because it included British elements, saw less reliance on heavy firepower. The present analysis evidenced that a stronger legitimization of the use of force worked in tandem with a weaker legitimization for sacrifice to generate growing ratios of military to enemy civilian casualties. More significantly, rather than just point out its existence through a decision, for instance, to use firepower and put enemy civilians at greater risk, this article evaluated how the legitimization process operated. As noted, stand-off firepower was not always the sole method militaries employed to safeguard soldiers.

A declining legitimization for sacrifice in the end required a greater need to increase the legitimacy for using overwhelming force. The US in Iraq and Israel in Gaza showed, for example, how a need for retribution in Fallujah, or to provide security for communities under rocket attacks near Gaza, increased public support for the mission and lowered their concern for protecting the enemy civilians, thereby bolstering the legitimacy of resorting to overwhelming force. A higher legitimacy for sacrifice, conversely, led to a limited need for the use of aggressive force. The British case provided evidence that due to a high legitimacy for sacrifice, minimum force was used in Basra and led to a lower soldier/civilian fatalities ratio. This was similarly experienced during the American operation in Marjah, Afghanistan.

In sum, the trading of force for casualties was chosen by Western democracies only when risking soldiers' lives was not a politically advisable option, a dilemma between risking civilians or compromising security interests was likely, and risking enemy civilians was relatively legitimate. The declining legitimacy to sacrifice required a greater effort to achieve an increase in legitimacy for using force, which in the end helped reduce costs in soldier lives.

Although scholars such as Shaw and Smith recognized the existence of FCT and the way in which it influences military policy, they did not show how force and casualties were dynamically exchangeable. In particular, FCT meant that risk was shifted under specific conditions of legitimacy for using force, because of restraints imposed on harming enemy civilians. This study both identified the variables influencing the presence of FCT and explained the origin of these changes. It moreover focused on different militaries fighting on similar turfs during parallel periods, and provided stronger validity for a thesis originally derived from scholarship which centred solely on Israel's fight in one territory.¹⁵²

This research contributes to the literature by providing an interpretation of changes in soldier/civilian fatalities ratios over time, as well as how specific military cultures influenced these results. It restrictively centred upon situations in which it was possible to ascertain that soldier casualties had been avoided through the use of aggressive force. The study of battlefields where the US, UK and Israel were involved provides a context against which other situations may be analyzed in terms of those legitimacies making up the interplay within the FCT.

¹⁵² Levy, 2010.

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